



## Fort Myers Beach Town Council

Town Hall Council Chambers  
6231 Estero Boulevard  
Fort Myers Beach, FL 33931  
Tuesday, January 20, 2026

Agenda

9:00 AM

### ORDER OF BUSINESS

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF FINAL AGENDA
- V. PUBLIC COMMENT
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
- VIII. APPROVAL OF MINUTES
- IX. CONSENT AGENDA
- X. ITEMS REMOVED FROM CONSENT AGENDA
- XI. PUBLIC HEARINGS

- A. Ordinance 25-20, DCI20250203, 175 Sterling Ave. (FMB Women's Club)  
**This quasi-judicial agenda item is a 1st Reading and Public Hearing on proposed Ordinance 25-20. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for February 17, 2026 at 9:00 AM or at another time identified by Town Council.**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000 TOWN OF FORT MYERS BEACH FROM INSTITUTIONAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR THE FORT MYERS BEACH WOMEN'S CLUB; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

B. Ordinance 26 - 01, Town Council Compensation Salary Waiver Clarification Ordinance

**This legislative agenda item is a First Reading and Public Hearing on proposed Ordinance 26-01. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for February 17, 2026 at 9:00 AM or at another time identified by Town Council.**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-19 "COMPENSATION," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA TO: 1) ALLOW TOWN COUNCIL MEMBERS AND THE MAYOR TO BE PAID AS PROVIDED IN THE TOWN CHARTER AND TO VOLUNTARILY WAIVE RECEIPT OF A SALARY AS AUTHORIZED BY THE CHARTER OR BENEFITS ASSOCIATED WITH THEIR SERVICE ON THE TOWN COUNCIL; AND 2) REAFFIRM THAT TOWN COUNCIL MEMBERS AND THE MAYOR MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL TOWN DUTIES, SUBJECT TO APPLICABLE LAW, THE TOWN CHARTER, AND ADOPTED TOWN AND TOWN COUNCIL POLICIES AND PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.**

- XII. ADMINISTRATIVE AGENDA**
- XIII. FINAL PUBLIC COMMENT**
- XIV. TOWN MANAGER'S ITEMS**
- XV. TOWN ATTORNEY'S ITEMS**
- XVI. COUNCILMEMBERS ITEMS AND REPORTS**
- XVII. ADJOURNMENT**

**NOTE: THIS MEETING IS STREAMED LIVE ON [YOUTUBE](#).**

**IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.**



**For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202**

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



## Fort Myers Beach Town Council

Town Hall Council Chambers  
6231 Estero Boulevard  
Fort Myers Beach, FL 33931

Minutes

Monday, January 5, 2026

9:00 AM

### ORDER OF BUSINESS

#### DRAFT

#### I. CALL TO ORDER

Members present: Mayor Dan Allers, Vice Mayor Scott Safford, Council Members John King (virtually) and Rebecca Link.  
Council Member Jim Atterholt has retired.

Vice Mayor Safford moved to allow Council Member King to participate virtually, seconded by Council Member Link.  
The motion carried unanimously.

#### II. INVOCATION

Town Clerk Baker.

#### III. PLEDGE OF ALLEGIANCE

#### IV. APPROVAL OF FINAL AGENDA

Vice Mayor Safford moved to approve the final agenda, seconded by Mayor Allers.  
The motion carried unanimously.

#### V. PUBLIC COMMENT

Tom Brady, resident, reviewed his background and experience to be considered for the vacant Town Council seat.

Bill Veach, resident, supported Mr. Brady as a candidate. He offered to drop his appeal against Council Member King if Mr. Brady was appointed.

Jim Dunlap, resident, read a portion of his commencement speech at the College of Business Ceremony at Bowling Green State University and shared part of his personal notes from that day. He was proud of what he had accomplished and how he did it. He was hopeful to give all of that to Fort Myers Beach as a candidate for the vacant seat on Town Council.

**VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**

Council Member King recognized the town employees for their hard work and dedication in 2025. He recognized Beach Talk Radio for another successful New Year's Eve 5K and one mile walk at DiamondHead. The events raised \$12,000.00 for the Woman's Club. He recognized Jim Atterholt for his passion and dedication to Fort Myers Beach. He wished him and his wife nothing but the best. Council Member Link thanked the town staff for an awesome year while being short-handed and for what they did every day. She sent best wishes to Jim Atterholt.

Vice Mayor Safford echoed both comments and wished Jim the best of luck. Mayor Allers could not add more and wished Brenda and Jim the best in their retirement.

**VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**

No items.

**VIII. APPROVAL OF MINUTES**

A. Town Council - December 15, 2025

Vice Mayor Safford moved to approve the minutes, seconded by Council Member Link.

The motion carried unanimously.

**IX. CONSENT AGENDA**

Council Member King moved to approve the final agenda, seconded by Council Member Link.

The motion carried unanimously.

A. Resolutions 26-001 through 26-004 Extension of Local Emergency - Tropical Storm Debby

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM DEBBY PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.**

Council Member King moved to approve the resolution, seconded by Council Member Link.

The motion carried unanimously.

- B. Resolutions 26-005 through 26-008, Extension of Local Emergency - Hurricane Helene

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE) PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.**

Council Member King moved to approve the resolution, seconded by Council Member Link.

The motion carried unanimously.

- C. Resolutions 26-009 through 26-012; Extension of Local Emergency - Hurricane Milton

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE MILTON, PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.**

Council Member King moved to approve the resolution, seconded by Council Member Link.

The motion carried unanimously.

**X. ITEMS REMOVED FROM CONSENT AGENDA**

No items.

**XI. PUBLIC HEARINGS**

No hearings.

**XII. ADMINISTRATIVE AGENDA**

- A. Resolution 26-014; Authorizing Amendment #5 to SRF Stormwater Loan SW360860

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING AMENDMENT #5 TO THE LOAN AGREEMENT; REAFFIRMING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Allers read the title of the resolution. Finance Director Joe Onzick reviewed the background of the request as stated on the blue sheet. He clarified that repayments did not begin until 2029 and that the stormwater fund was already receiving sufficient revenue, along with accumulated excess revenue, to repay the loan in full. He added that the attorney's opinion letter was distributed and included in the information packet. Director Onzick indicated that the loan was interest-free.

Community Services Director Jeff Hauge explained that the tier one projects were integrated and helped minimize flooding, allowing other streets to drain more quickly. He will talk to Tetra Tech to determine the timeline. Town Manager Will McKannay stated that the projects would be updated on the website.

Council Member Link noted that the Flamingo neighborhood flooded and residents asked whether they could park their cars on town property at night because some lots were on higher ground. Director Hauge brought up liability issues. Town Attorney Nancy Stuparich added that they would work with residents on a case-by-case basis if they signed a waiver.

Council Member King moved to approve the resolution, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

B. 25-355 Authorizing Incorporation of Contract Addendum into Contract Amendment with Tyler Technologies

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH APPROVING A CHANGE TO THE SECOND ADDENDUM TO THE TYLER TECHNOLOGIES CONTRACT TO INCORPORATE AN ATTACHMENT TO THE SECOND ADDENDUM INTO THE SECOND ADDENDUM TO FACILITATE RECORDING KEEPING OF THE CONTRACTUAL TERMS AND CONDITIONS BETWEEN THE PARTIES RETROACTIVE TO JANUARY 1, 2026; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE REVISED SECOND ADDENDUM AS STATED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Allers read the title of the resolution. Director Onzick reviewed the background of the request as stated on the blue sheet. He noted that the request was to combine the original contract with the additions made to it in accordance with state law. The result would be one contract with one addendum and it was a matter of formatting the contracts and combining language. The go-live date was planned for October 1, 2026, the start of the new fiscal year.

Council Member King moved to approve the resolution, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

C. Special Event: 14th Annual Putt & Pub Crawl

**Approval of a reoccurring special event application for the 14th Annual Putt & Pub Crawl hosted by the Fort Myers Beach Woman's Club to take place on Saturday, January 17, 2026, from 9:00 am - 7:00 pm at the 11 locations included within the application, the rental of Bayside Veteran's Park, and with the following 2 conditions:**

- 1. The Open Container ordinance is in effect and participating locations and should post signage appropriately. Alcoholic beverages should be contained in areas designated by individual business ABT licensing.***
- 2. Participants should stay to the sidewalks and not interfere with vehicular traffic.***

Mayor Allers read the request. No one from the Woman's Club was present.

Council Member Link moved to approve the special event request, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

D. Vacancy on Town Council

**Acknowledge receipt of Council Member Atterholt's resignation on December 26, 2025; declare a vacancy on Town Council for Seat #4 and provide direction to the Town Manager regarding next steps to fill the vacancy.**

Town Manager McKannay thanked former Council Member Atterholt for his service to the Town and it was a pleasure working with him. He wished him the best.

He recommended a three-week application window ending on January 25<sup>th</sup> to allow applicants to submit and give the Town Clerk and her staff time to organize all the materials and place them on an agenda. This would also allow Council Members to review the applications before the first meeting in February. He wanted to avoid a prolonged vacancy for good governance and management.

Town Attorney Stuparich clarified that the next election was in November 2026 and the term would be four years. To qualify, one has to be a registered voter.

The Council could amend the ordinance to allow the option of not taking a salary. She would add a question to the application certifying that the applicant was qualified to fill the position.

Mayor Allers preferred to allow a month to submit applications. Vice Mayor Safford agreed. The timeline to file applications was changed to February 2, 2026.

The requirements to be an applicant are to be a resident, a registered voter and to have resided in the corporate limits for a minimum of one year.

Council Member Link suggested that applicants be required to fill out Form-1. Vice Mayor Safford will bring the issue up with the Charter Commission.

Human Resources Director Talissa Oliveira noted that the applicant could participate in the February 17, 2026, meeting or wait to be seated at the following meeting. Consensus was reached to seat the appointee on February 17, 2026. Town Attorney Stuparich noted that she would draft an ordinance allowing a salary waiver.

### **XIII. FINAL PUBLIC COMMENT**

Bill Veach, resident, noted that the homesteading law certified the primary residence.

### **XIV. TOWN MANAGER'S ITEMS**

Town Manager McKannay congratulated staff on the recent FEMA verification and re-entry into the National Flood Insurance Program as a class five. He appreciated the community support as well. Premiums will take effect on April 1, 2026. He indicated Council needed to appoint a council member to the Selection Advisory Committee for the Financial Auditing Services RFP. He recommended that the current liaison, Vice Mayor Safford, be appointed.

Town Manager McKannay indicated that the Superintendent of Lee County Schools received the proposal regarding the future of the Beach Elementary School and indicated he will contact him after the holidays.

The Strategic Plan will be discussed at the M&P Session on February 5, 2026.

Town Manager McKannay indicated they had contracts for virtual assistance to answer questions and improve processes. Council members and the community will be educated on what it will look like and what they can expect over the coming weeks.

Council Member Link suggested adding a feedback loop so residents can provide input on what problems they have with the processes.

Vice Mayor Safford noted the light on the right-hand side of Fifth and San Carlos was still an issue. He asked whether they could find a solution to help with the congestion. Town Manager McKannay was discussing the light with Lee County. Emergency Services Director Thomas Yozzo explained that the Town Rangers would stop the pedestrian traffic as needed. They will start initiating their plan in two to three weeks. A discussion was held regarding laws surrounding pedestrians in the crosswalks.

Vice Mayor Safford brought up the upcoming spring break on the Beach, and Director Yozzo said he was in contact with the LCSO Commander.

Vice Mayor Safford suggested installing signage before the bridge, noting that the lane is right-turn-only. Town Manager McKannay will bring it up at his next FDOT (Florida Department of Transportation) meeting. Mayor Allers said the town had a sign there before Hurricane Ian and asked whether the infrastructure was still there. Town Manager McKannay will check.

Town Manager McKannay added that Mr. Atterholt's resignation also created vacancies in CELCAB and the AAC.

**XV. TOWN ATTORNEY'S ITEMS**

Town Attorney Stuparich wished Jim Atterholt well on behalf of the Vose Law Firm. She will personally miss their conversations. She also noted that the staff did a great job over the holidays. She singled out Town Clerk Baker and Deputy Clerk Jason Freeman for holding staff training on agenda preparation and resolution writing.

**XVI. COUNCILMEMBERS ITEMS AND REPORTS**

Council Member King addressed Bill Veach's comments. He felt he was disingenuous because he could drop the appeal at any time.

Mayor Allers brought up putting garbage cans on Estero Blvd. Director Hauge will reach out to LeeTran about placing them at the bus stops and will look into adding more. No items from other members.

**XVII. ADJOURNMENT**

Council Member King moved to adjourn. The meeting adjourned at 10:31 a.m.

1. **Request:**

**Meeting Date: January 20, 2026**

This quasi-judicial agenda item is a 1st Reading and Public Hearing on proposed Ordinance 25-20. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for February 17, 2026 at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000 TOWN OF FORT MYERS BEACH FROM INSTITUTIONAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR THE FORT MYERS BEACH WOMEN'S CLUB; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

**Why the action is necessary:**

The Town Council will take into account the recommendations made by the LPA for DCI20250203

**What the action accomplishes:**

The Town Council will take into account the recommendations made by the LPA DCI20250203 regarding a request to rezone the subject property from Institutional Zoning to Commercial Planned Development for the redevelopment of FMB Women's Club.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

Jason Green, Community  
Development Services

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5. **Background:**

James Ink of Ink Engineering, Inc., applicant for 175 Sterling Avenue, is requesting a rezoning of the property from Institutional to Commercial Planned Development (CPD) to facilitate the redevelopment of the membership organization, FMB Women's Club.

The property at 175 Sterling Avenue has housed the Fort Myers Beach Women's Club since 1950, in a building originally constructed in 1947. Currently, the site is zoned Institutional, with a future land use designation of Boulevard. Its location at the rear end of the Boulevard, adjacent and parallel to Estero, makes it suitable for rezoning to CPD without requiring a comprehensive plan amendment.

On December 16, 2025, LPA voted unanimously (6-0) to recommend approval with conditions for CPD Amendment request 20250203, a request to rezone the subject property from Institutional Zoning to Commercial Planned Development for the redevelopment of FMB Women's Club.

**Attachments:**

1. Draft Ordinance 25-20 CPD FMB Women's Club\_1st reading
2. Exhibit A: Master Concept Plan v1.2-1
3. Exhibit B: Schedule of Uses
4. Exhibit C\_Arch Rendering

5. Exhibit C1: Boundary Survey
6. Exhibit D\_conditions for approval
7. LPA staff report-Draft-Dec16CPD FMB Women's Club
8. Exhibit E: Application Packet
9. 25-20, business-impact-estimate CPD WomensClub
10. HANDOUT LPA Presentation 20251213 HANDOUT

**Financial Impact:**

Unknown

**6. Alternative Action**

Deny

**7. Management Recommendations:**

Staff recommends approval with conditions of DCI20250203

**8. Recommended Approval:**

Uma Sarmistha, Senior Planner  
 Frankie Kropacek, Community Development Director  
 Joe Onzick, Finance Director  
 nancy stuparich, Town Attorney  
 Amy Baker, Town Clerk  
 William McKannay, Town Manager

Created/Initiated - 12/23/2025  
 Approved - 12/29/2025  
 Approved - 1/13/2026  
 Approved - 1/14/2026  
 Approved - 1/14/2026  
 Final Approval - 1/14/2026

**DRAFT**

**ORDINANCE 25-20  
(FMB Women’s Club)**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000 TOWN OF FORT MYERS BEACH FROM INSTITUTIONAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR THE FORT MYERS BEACH WOMEN’S CLUB; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, the Fort Myers Beach Women’s Club and Ink Engineering Inc. are the applicants and agents for the property owner, Fort Myers Beach Woman’s Club I, and are requesting to rezone the property located at 175 Sterling Avenue and identified as STRAP number 33-46-24-W2-00004.0000 (Subject Property) in the Town of Fort Myers Beach, from Institutional to Commercial Planned Development (CPD); and

**WHEREAS**, the Subject Property is located in the Boulevard Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

**WHEREAS**, the rezoning request was reviewed by the Fort Myers Beach Local Planning Agency (LPA) at a public hearing on December 16, 2025; and

**WHEREAS**, at the public hearing, the LPA gave full and complete consideration to the requested rezoning, the recommendations by staff, the documents in the record, and the testimony of the property owner and all interested persons, as required by Section 34-85 of the Town’s Land Development Code (LDC) and found the request to be consistent with the Town’s Comprehensive Plan and the requirements of the Land Development Code and voted 6 to 0 recommending **approval with conditions**; and

**WHEREAS**, the LPA directed staff to include the architectural rendering of the proposed building as shown in Exhibit C as part of the agenda materials in support of its decision; and

**WHEREAS**, on January 20, 2026, the Town Council held a first reading of the title to proposed Ordinance 25-20 and gave full and complete consideration to the request of the applicants, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

**WHEREAS**, the Town Council voted to approve/ approve with conditions/ deny Ordinance 25-20 and schedule a second reading of the title to Ordinance 25-20 and adoption hearing on \_\_\_\_\_; and

**WHEREAS**, notice of the second reading of the title to Ordinance 25-20 and the adoption hearing was properly noticed and published in the Fort Myers News-Press on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, which is more than 10 days prior to the Town Council's final public hearing on the \_\_ day of \_\_\_\_\_, 2026; and

**WHEREAS**, there are no outstanding fees associated with notice, advertisement, and consulting services required by the Town related to this rezoning request; and

**WHEREAS**, a Business Impact Estimate was prepared and posted on the Town's website on the \_\_\_ day of \_\_\_\_\_, 2025, as required by Section 166.041(4), Florida Statutes; and

**WHEREAS**, with additional terms, conditions, and requirements, the application is consistent with and in compliance with the Town's Comprehensive Plan and the Land Development Code; and

**WHEREAS**, Exhibit A is the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

**WHEREAS**, Exhibit B provides the approved development regulations and the schedule of uses during the development process; and

**WHEREAS**, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (see LDC 34-85 and 34-216):

- a. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- b. The testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public was competent and substantial evidence.
- c. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- d. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- e. Urban services are available and adequate to serve the proposed use.
- f. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- g. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

- h. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- i. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

**WHEREAS** the Town Council finds that this application to **approve/ approve with conditions/ deny** Ordinance 25-20 which is, **consistent/inconsistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve/approve with conditions/deny** the Application.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant met its burden of proof that the request to approve the Town of Fort Myers Beach’s Ordinance No. 25-20 **does/does not** meet the requirements of the Town’s Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the requested application.

Section 3. Town Ordinance 25-20 is adopted by this vote and the Master Concept Plan and Schedule of Uses set forth in Exhibit A and the property development regulations set forth in Exhibit B and conditions in Exhibit D are attached hereto and incorporated herein by this reference, and are approved

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision

will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance will take effect immediately upon adoption by the Town Council.

**THE FOREGOING ORDINANCE** was adopted by the Town Council upon a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a roll call vote, the result was as follows:

**DULY PASSED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_ 2026.

|                               |       |
|-------------------------------|-------|
| Dan Allers, Mayor             | _____ |
| Scott Safford, Vice Mayor     | _____ |
| Jim Atterholt, Council Member | _____ |
| John R. King, Council Member  | _____ |
| Rebecca Link, Council Member  | _____ |

**TOWN OF FORT MYERS BEACH**

\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF TOWN OF FORT MYERS BEACH ONLY:**

\_\_\_\_\_  
Vose Law Firm, LLP, Town Attorney

This ordinance was filed in the Office of the Town Clerk on \_\_\_\_\_.

## EXHIBITS

Exhibit A: Master Concept Plan (MCP)

Exhibit B: Schedule of Uses

Exhibit C: Architectural Rendering

Exhibit D: Conditions for Approval

**PROPERTY REGULATIONS**

STRAP: 33-46-24-W2-00004.0000  
 FLU: BOULEVARD  
 ZONING: INSTITUTIONAL  
 MAX DENSITY: 6 UNITS PER ACRE  
 PARCEL SIZE: 1.4 ACRES  
 ALLOWABLE FAR: 0.8 (48,787 SF)  
 FEMA FLOOD: AE: COASTAL EL 11.0' - FRONT BLDG  
 AE: EL 11.0' - REAR BLDG  
 FEMA MAP: 12071C0566G 11/17/2022

LANDSCAPING BUFFER REQUIREMENTS PER USE:  
 COM TO SFR - 15' WITH WALL OR 30' WITHOUT WALL  
 PRKG TO SFR - 15' WITH WALL OR 30' WITHOUT WALL  
 DEV TO ROW - 15' WITHOUT WALL

PROPERTY REGULATIONS IN INSTITUTIONAL DISTRICT  
 FRONT SETBACK: 20 FT (STERLING) 25' (LA)  
 MINIMUM REAR SETBACK: 20 FT  
 MINIMUM SIDE SETBACK: 7 FT  
 MAXIMUM FAR: 0.8 (48,787 SF)  
 MAXIMUM BUILDING HEIGHT: 30 FT ABOVE BASE FLOOD  
 MAXIMUM NUMBER OF STORIES: 3

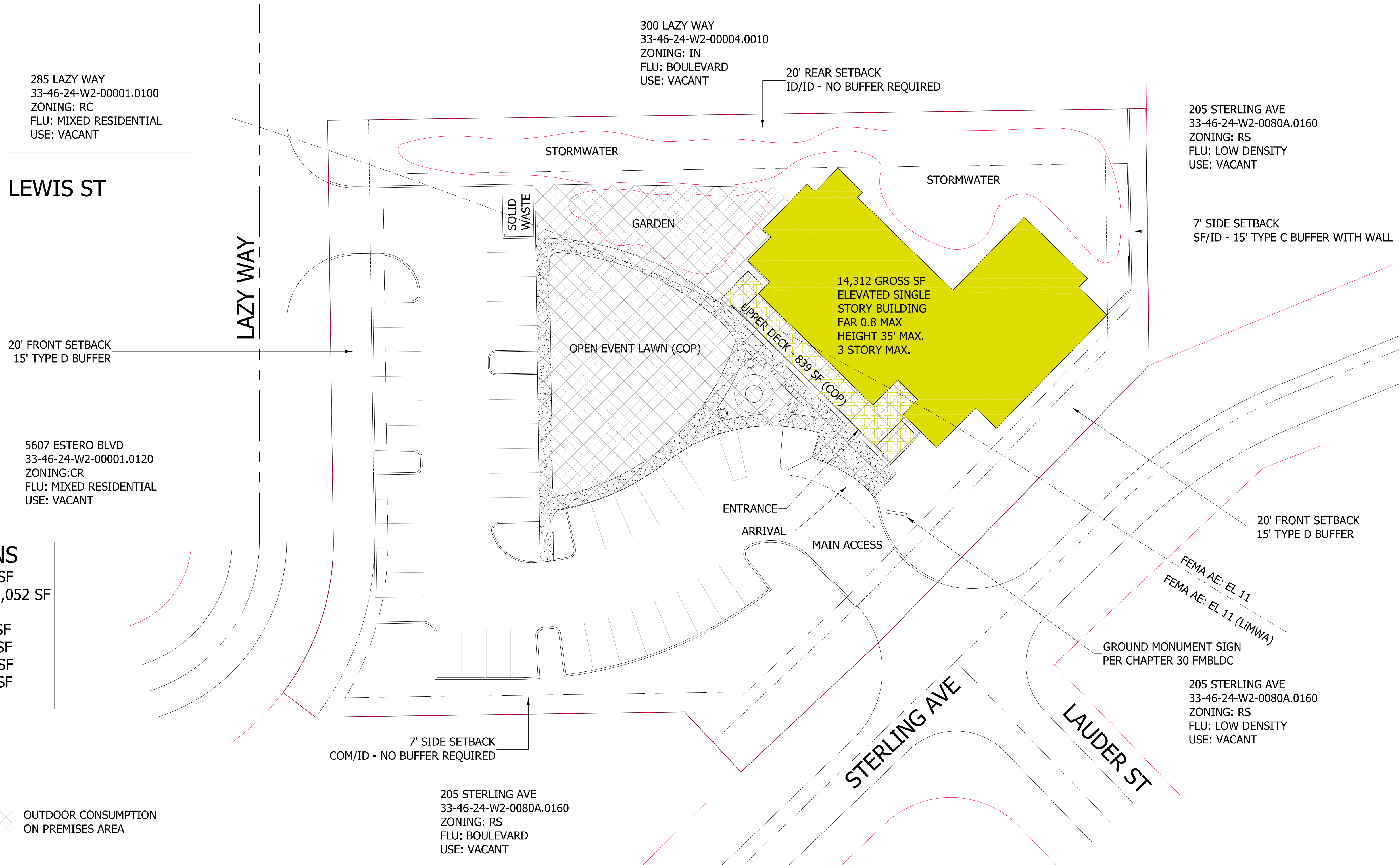
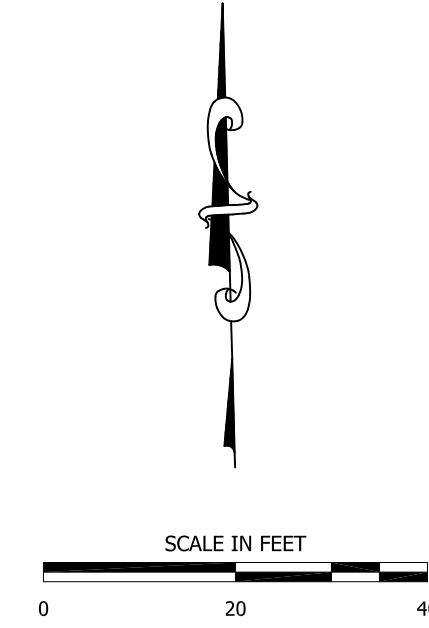
**ALLOWABLE USES**

ADMINISTRATIVE OFFICE (ACCESSORY USE ONLY)  
 OFFICES: GENERAL  
 ATM  
 MEMBERSHIP ORGANIZATION  
 RECREATIONAL FACILITY  
 TEMPORARY USES  
 OUTDOOR CONSUMPTION OF ALCOHOL (RESTRICTED AREA)  
 RECREATION FACILITY (PRIVATE AND PUBLIC)  
 FAMILY DAY CARE  
 CULTURAL FACILITY  
 PLACE OF WORSHIP

| PARKING SUMMARY   |       |                       |                 |                 |
|---|-------|-----------------------|-----------------|-----------------|
| USE   | UNITS | REQUIRED RATIO        | SPACES REQUIRED | SPACES PROVIDED |
| ASSEMBLY  | 132   | 1 SPACE PER 4 SEATS   | 33              | 33              |
| BACK OF HOUSE   | 1.4   | 2 SPACES PER 1,000 SF | 3               | 3               |
| OFFICE  | 0.66  | 3 SPACES PER 1,000 SF | 2               | 2               |
| EMPLOYEES   | 3     | 1 SPACE PER EMPLOYEE  | 3               | 3               |
| <b>NOTES:</b>   |       |                       | 41              | 41              |
| 1. TOTAL PROVIDED PARKING INCLUSIVE OF 2 ADA ACCESSIBLE SPACES. |       |                       |                 |                 |

| LAND DATA        |                     |                     |         |
|------------------|---------------------|---------------------|---------|
|                  | PROJECT TOTAL (SF.) | PROJECT TOTAL (AC.) | % TOTAL |
| IMPERVIOUS       |                     |                     |         |
| BUILDING         | 4,000               | 0.092               | 6.6%    |
| ASPHALT          | 17,200              | 0.395               | 28.2%   |
| DECK             | 1,800               | 0.037               | 2.7%    |
| CONCRETE         | 0,964               | 0.022               | 1.6%    |
| IMPERVIOUS TOTAL | 2,775               | 0.589               | 42.1%   |
| IMPERVIOUS       |                     | 0.812               | 57.9%   |
|                  |                     | 1.4                 | 100%    |

MASTER CONCEPT PLAN  
 COMMERCIAL PLANNED DEVELOPMENT  
**FMB WOMENS CLUB FACILITY**  
 175 STERLING AVE  
 FORT MYERS BEACH, FL 33931



**FAR CALCULATIONS**

|                             |           |
|-----------------------------|-----------|
| LOT SIZE                    | 58,815 SF |
| FAR ALLOWED (0.8)           | 47,052 SF |
| PROPOSED BUILDING UNDER AIR | 6,737 SF  |
| UPPER DECK                  | 839 SF    |
| GROUND FLOOR                | 7,575 SF  |
| TOTAL BUILDING              | 15,151 SF |
| PROPOSED FAR                | 0.25      |

OUTDOOR CONSUMPTION ON PREMISES AREA

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| 1   |      |             |

MASTER CONCEPT PLAN  
**FMB WOMENS CLUB FACILITY**  
 FORT MYERS BEACH WOMENS CLUB  
 175 STERLING AVE, FORT MYERS BEACH FL 33931

James Irk, P.E.  
 Florida Reg. No. 9496  
 DATE

**INK ENGINEERING INC.**  
 CONSULTING ENGINEERS • PLANNING  
 2025 WEST FIRST STREET  
 FORT MYERS, FL 33901  
 JINK@INKENGINEERINGINC.NET

|                 |                |
|-----------------|----------------|
| PROJECT NO.     | 23027          |
| PROJECT MANAGER | James Irk P.E. |
| DRAWN BY        | BWM            |
| DATE            | 07.2025        |
| SCALE           | 1" = 20'       |
| SHEET NO.       | 1              |
| OF              | 1              |

FMB WOMENS CLUB - MASTER CONCEPT PLAN



## **FMB Women's Club CPD Schedule of Uses**

The Fort Myers Beach Women's Club schedule of uses are:

- Membership Organization – Principal Use
- Administrative Offices
- On-premises consumption of alcoholic beverages – per MCP
- ATM
- Temporary Uses
- Commercial accessory uses

Exhibit C: FMB Women's Club Architectural Rendering





## Exhibit D: CONDITIONS OF APPROVAL

1. A local development order is required prior to any development of the site, in accordance with this planned development approval.
2. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to site development.
3. All landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131.



***Town of Fort Myers Beach***  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**STAFF REPORT**

**TYPE OF CASE:** Commercial Planned Development

**CASE NUMBER:** DCI Rezoning, 20250203

**CASE NAME:** 175 Sterling Avenue, rezone the property from Institutional to Commercial Planned Development for the redevelopment of the Women’s Club.

**LPA**

**HEARING DATE:** December 16, 2025, at 9 AM

**STAFF**

**RECOMMENDATION:** Approve with conditions

**PREPARED/  
SUBMITTED BY:** Uma Sarmistha, Ph.D.

**I. APPLICATION SUMMARY**

Applicant/Owner: FMB Women’s Club C/o Ink Engineering, Inc.

Request: The applicant is requesting to rezone the property from Institutional Zoning to Commercial Planned Development for the redevelopment of a Women Club

Physical Address: 175 Sterling Avenue

STRAP #: 33-46-24-W2-00004.0000

FLU: Boulevard

Zoning: Institutional District

Proposed Zoning: CPD

**Adjacent zoning and land uses:**

North: Residential Conservation (RC) and Institutional / Mixed Use and Boulevard

South: Residential Conservation (RC) / Mixed Use

East: Residential Single-family (RS) / Low Density

West: Residential Conservation (RC) / Mixed Use

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

James Ink, Ink Engineering, Inc, applicant for 175 Sterling Avenue, is requesting a James Ink of Ink Engineering, Inc., representing the applicant, requests rezoning of 175 Sterling Avenue from Institutional to Commercial Planned Development (CPD) for redevelopment of the Fort Myers Beach Women's Club.

The subject property at 175 Sterling Avenue housed the Fort Myers Beach Women's Club in 1950 in a building built in 1947. The present zoning of the property is Institutional, and the future land use category is Boulevard. The location of the property is at the rear end of the Boulevard and parallel to Estero which makes this property sufficient for rezoning to CPD without a comprehensive plan amendment.

On December 16, 2025, LPA voted unanimously (6-0) to recommend approval with conditions for CPD Amendment request 20250203, a request to rezone the subject property from Institutional Zoning to Commercial Planned Development for the redevelopment of FMB Women's Club.

### **Analysis:**

The Fort Myers Beach Women's Club has operated at this location for over 50 years. The club used to operate out of the historic building (first schoolhouse) built in 1938 which was destroyed by Hurricane Ian in 2022. The previous structure on the property was approximately 2792 square feet in size. The newly proposed redevelopment consists of 15,151square foot of building with parking and improvements.

The property has the Future Land Use designation of Boulevard which allows a maximum of 0.8 FAR (with a lot size of 58,815, the approximate building size of 47,052 SF). The proposed building consists of a total of 15,151Square foot of building with 6,737 SF under air, 838 SF of deck and 7,575 SF of ground floor (that will make a FAR of 0.25). The maximum building height allowed by code is 30 feet above base flood and three stories.

The allowable use proposed in the CPD includes Membership organization as the principle use Additionally, an administrative office, ATM, commercial accessory uses will be allowed under accessory use. An on-premises consumption of alcoholic beverages use has been marked in the Master Concept Plan.

The master concept plan includes parking with 2 ADA parking spots, stormwater garden and landscaping around the premises. The proposed building will meet all building regulations and will be designed to be FEMA compliant with dry floodproofing. The master plan also displays the monument sign.

No deviations from the Land Development Code are requested with this CPD application.

Neighborhood Compatibility:

The property housed the Fort Myers Beach Women's Club since it was created. and was destroyed by Hurricane Ian in 2022. The application is to rebuild the facility, which will be larger, modern, resilient, elevated and sustainable. The use of the building was non-conforming the current code. The rezoning will make the use conforming and consistent with the Comprehensive plan and Florida Building Code.

The rebuilt of the Women's Club is not likely to have an adverse impact on the neighborhood.

Findings and Conclusions:

LDC Sec. 34-85(b) and (c) and 34-216(2) sets forth the required considerations and findings for the approval of a rezoning.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

(1) Whether there exists an error or ambiguity which must be corrected.

*Staff response: No errors or ambiguities exist.*

(2) Whether there exists change or changing conditions which make approval of the request appropriate.

*Staff response: The site housed Fort Myers Beach Women's Club operating since the 1950's. The historic structure was destroyed by Hurricane Ian and redevelopment of the site will bring back the Women's Club on the Island and consistent with the Land Development Code of the Town of Fort Myers Beach.*

(3) The impact of a proposed change on the intent of this chapter.

*Staff response: No impact on the intent of this chapter will occur.*

(4) The testimony of any applicant.

(5) The recommendation of staff and of the local planning agency.

(6) The testimony of the public.

*Staff response: Satisfactory*

(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.

*Staff response: The proposed development is in compliance with the intensity of the district. The use is permitted use by right in CPD. The proposed site development will be more compliant with the site development requirements than the previous development. Additionally, the new structure will be designed to current building and flood requirements which is supported by the comprehensive plan.*

(8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

*Staff response: The proposed development will meet performance standards set*

forth in 34-2031.

(9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.

*Staff response: The urban services exist in this location.*

(10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

*Staff response: The request will have no impact on environmentally critical areas and natural resources.*

(11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

*Staff response: The proposed use has been in existence in this location for many years. It is not anticipated to have any detrimental impact on existing or planned uses.*

(12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

*Staff response: This use in this location will not place an additional burden on the transportation network or other facilities and services.*

(13) For planned development rezonings, see [§ 34-216](#) for additional considerations.

(c) Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

*Staff response: The proposed use for the CPD complies with the Comprehensive Plan.*

(2) This chapter.

*Staff response: The proposed use complies with this chapter.*

(3) Any other applicable town ordinances or codes.

*Staff response: The proposed request complies with the town ordinances and codes.*

(4) For planned development rezonings, see [§ 34-216](#) of this chapter for additional findings.

a. The proposed use or mix of uses is appropriate at the subject location.

*Staff Response: Satisfactory. The proposed use provided in the schedule of uses is consistent with Land Development Code.*

b. Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.

*Staff response: Sufficient safeguards are provided for the public interest.*

c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

*Staff response: All conditions are related to the impact on the public interest.*

d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

*Staff response: Not applicable.*

2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category.

*Staff response: Not applicable.*

3. Policy 4-C-4 on building heights taller than the standard height limit.

*Staff response: The proposed structure will be a single-story building.*

4. Policy 4-C-8 on density transfers.

*Staff response: Not applicable.*

5. Policy 4-E-1 on pre-disaster build back.

*Staff response:*

6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.

*Staff response: The proposed development has a similar use to the previous development and as reflected in the traffic study, no adverse impact on traffic is anticipated.*

#### Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification, or rejected based upon a finding that:

No deviations requested.

### **III. RECOMMENDATION**

Staff find that the CPD meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends **approval with conditions** of DCI20250203 with the attached conditions.

### **IV. CONDITIONS OF APPROVAL**

1. A local development order is required prior to any development of the site, in accordance with this planned development approval.
2. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to site development.
3. All landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131.





COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 175 Sterling Ave
STRAP Number: 33-46-24-W2-00004.0000
Applicant: FMB Women's Club c/o Ink Engineering, Inc Phone: (239) 940-2504
Contact Name: James Ink Phone: (239) 940-2504
Email: jink@inkengineeringinc.net Fax:
Current Zoning District: Civic
Future Land Use Map (FLUM) Category: Boulevard
FLUM Density Range: 6 units/acre Platted Overlay: [ ] YES [X] NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- [ ] Special Exception PH-A
[ ] Variance PH-B
[ ] Conventional Rezoning PH-C
[X] Planned Development [X] Commercial [ ] Residential PH-D
[ ] Master Concept Plan Extension PH-E
[ ] Appeal of Administrative Action PH-F
[ ] Vacation of Platted Right-of-way and Easement PH-G
[ ] Other - cite LDC Section: attach on separate sheet

PART I - General Information

A. Applicant\*: James Ink, Ink Engineering Inc Phone: (239) 940-2504
\*Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.
Applicant Mailing Address: 2055 West First Street, Fort Myers, FL 33901
Email: jink@inkengineeringinc.net Fax:
Contact Name: James Ink Phone: (239) 940-2504



# COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Owner*                                | <input type="checkbox"/> Land Trust*                    | <input type="checkbox"/> Partnership*        |
| <input type="checkbox"/> Corporation*                          | <input type="checkbox"/> Association*                   | <input type="checkbox"/> Condominium*        |
| <input type="checkbox"/> Subdivision*                          | <input type="checkbox"/> Timeshare Condo*               | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ |  |

*\*Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: James Ink c/o Ink Engineering Inc Phone: (239) 940-2504  
 Address: 2055 West First Street, Fort Myers, FL 33901  
 Email: jink@inkengineeringinc.net Fax: \_\_\_\_\_

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Fax: \_\_\_\_\_

### PART II - Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
- Variance from LDC Section \_\_\_\_\_ - \_\_\_\_\_
- Conventional Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Planned Development
- Rezoning from Civic to  Commercial PD  Residential PD
- Amendment. List the project number: \_\_\_\_\_
- Extension/reinstatement of Master Concept Plan. List project number: \_\_\_\_\_



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

- Appeal of Administrative Action
Vacation Right-of-Way Easement
Other. Please Explain:

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: Description:
Code Section: Description:
Code Section: Description:

PART IV - Property Ownership (Single Owner)

Single Owner (individual or husband and wife)
Name: Phone:
Mailing Address:
Email: Fax:

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Dawn Thomas swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code; All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature [Handwritten Signature]

Dawn Thomas, Past President
Printed Name

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of X physical presence OR online notarization, this 11 day of JULY, 2025, by

DAWN THOMAS, who is personally known to me OR who has produced

as identification.



MEGAN ZELENAK ALLERS
Notary Public
State of Florida
Comm# HH436895
Expires 8/23/2027

[Handwritten Signature]
Notary Public Signature

PART V

Property Ownership (Multiple Owners)

Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- Complete Disclosure of Interest Form (see below)
Attach list of property owners as Exhibit 5-1
Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Table with 2 columns: Name and Address, Percentage Ownership



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address and Office | Percentage of Stock |
|--------------------------|---------------------|
| _____                    | _____               |
| _____                    | _____               |
| _____                    | _____               |
| _____                    | _____               |

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|------------------|------------------------|
| _____            | _____                  |
| _____            | _____                  |
| _____            | _____                  |
| _____            | _____                  |

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|------------------|-------------------------|
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name, Address and Office | Percentage of Stock |
|--------------------------|---------------------|
| _____                    | _____               |
| _____                    | _____               |
| _____                    | _____               |
| _____                    | _____               |



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Table with 2 columns: Name, Address. Multiple rows for listing parties.

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature line with handwritten signature of Dawn Thomas

Dawn Thomas - Past President
Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Dawn Thomas (name), as Past President/Current Board Member (title) of Fort Myers Beach Womens Club, Inc (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

- 1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Fort Myers Beach Woman's Club

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature: Dawn C Thomas

Past President

Title

7/2/2025

Typed or Printed Name

Date

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of X physical presence OR online notarization, this 11 day of JULY, 2025, by

DAWN THOMAS who is personally known to me OR who has produced as identification.



MEGAN ZELENAK ALLERS
Notary Public
State of Florida
Comm# HH436895
Expires 8/23/2027

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 33-46-24-W2-00004.0000

Property Address: 175 Sterling Ave

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? [X] No. Attach a legible copy of the legal description as Exhibit 6-1.

[ ] Yes. Property identified in subdivision:

Book: Page: Unit: Block: Lot(s):

B. Boundary Survey:

[X] Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 300 feet
Depth (please provide an average width if irregular in shape) 170 feet
Frontage on street: 406 feet. Frontage on waterbody: 0 feet
Total land area: 1.35 acres square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

south on Estero from the Sky Bridge 3.1 miles, left on Sterling site on left at
intersection of Sterline and Lauder Street.

Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- There are no deed restrictions and/or covenants on the subject property.
A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
Attach a map showing the surrounding property owners as Exhibit 6-7.
Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- Low Density
Mixed Residential
Boulevard
Pedestrian Commercial
Marina
Recreation
Wetlands
Platted Overlay



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

### EXPLANATORY NOTES

**Please do not print, copy and submit these instructions**

Please submit required applications, supplemental information, exhibits and documents to [zoningpermits@fmbgov.com](mailto:zoningpermits@fmbgov.com).

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

#### Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

#### Explanatory Notes – Part II

Indicate the requested action.

#### Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

#### Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

### Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

### Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- line. Exhibit 6-2
- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
  - D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
  - E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
  - F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
  - G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
  - H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
  - I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

### Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.



# FORT MYERS BEACH WOMEN'S CLUB

Public Hearing Application for a  
Commercial Planned Development

Prepared by:

 **INK ENGINEERING INC.**  
CONSULTING ENGINEERS • PLANNING  
2055 WEST FIRST STREET  
FORT MYERS, FL 33901  
JINK@INKENGINEERINGINC.NET



# FMB Women’s Club CPD Zoning Application

## Request Statement

Request to rezone 1.4+/- acres with existing zoning district of Institution (ID), for a membership organization as the primary zoning district at 175 Sterling Ave, Fort Myers Beach, FL 33931.

## Introduction and Project Information

Fort Myers Beach women’s club was established over 50 years ago. The published mission is: “*The mission of the Woman’s Club is to support educational and recreational activities for non-profit, charitable and community organizations operating with the greater Fort Myers Beach Community.*” The club operated out of the island’s first schoolhouse built in 1938 until Hurricane Ian on September 28, 2022, destroyed this historical building. The club survives and underway with fund raising to reconstruct the original site with a new modern facility to provide a place for many nonprofits to meet and promote these critical uses for the community.

**Applicant (Property Owner):** Fort Myers Beach Woman’s Club, Inc  
P.O. Box 2786  
Fort Myers Beach, FL 33931  
[Dawn@2sunsmkt.com](mailto:Dawn@2sunsmkt.com)  
(615) 337-7671

**Agent (Contact):** Ink Engineering, Inc  
James Ink PE  
2055 West First Street  
Fort Myers, FL 33901  
[jink@inkengineeringinc.net](mailto:jink@inkengineeringinc.net)  
(239) 940-2504

**Design Consultant:** Studio AD  
Albert Dambrose  
6202 Presidential Court, Suite D  
Fort Myers, FL 33919  
[apd@studioad.net](mailto:apd@studioad.net)  
(239) 292-4098

**Property:**

| Strap #                | Address          | Zoning        |
|------------------------|------------------|---------------|
| 33-46-24-W2-00004.0000 | 175 Sterling Ave | Institutional |



**Project Location Map**  
(Exhibit XCP-1)

**Property Information:**

|                         |               |
|-------------------------|---------------|
| <u>Total Acreage:</u>   | 1.4 acres     |
| <u>Total Uplands:</u>   | 1.4 acres     |
| <u>Total Wetlands:</u>  | 0.00 acres    |
| <u>Future Land Use:</u> | Boulevard     |
| <u>Current Zoning:</u>  | Institutional |
| <u>Proposed Zoning:</u> | CPD           |



## **Part I - Narrative Statements**

### **A: Comprehensive Plan Amendments:**

The future land use of Boulevard is sufficient for rezoning from ID to CPD. No Comprehensive Plan amendment is required.

### **B: Phasing Plan:**

The proposed project is to be constructed in a single phase.

### **C: Comprehensive Plan Compliance:**

The following narrative is an analysis of the Fort Myers Beach Comprehensive Plan and Goals, Objectives that show consistency and support of the requested rezoning application.

*OBJECTIVE 2-B SIDE STREETS — Encourage residents to achieve a higher ambition for their residential streets, improving their walkability, comfort, beauty, interconnectedness, and safety.*

The development of the site has green space and walkways that interact with the surrounding area to create an unrestricted access green space for residents.


*Goal 4: To keep Fort Myers Beach a healthy and vibrant "small town", while capitalizing on the vitality and amenities available in the beach-resort environment and minimizing the damage that a hurricane could inflict.*

*OBJECTIVE 4-A SMALL-TOWN CHARACTER – Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented "public realm" that allows people to move around without their cars even in the midst of peak-season congestion.*

Unfortunately, on September 28, 2022, Hurricane Ian swept ashore with a large storm surge that caused catastrophic damage to the island. In one day, the old schoolhouse from the 1800's and home of the Fort Myers Beach Women's Club since 1950 was gone. This application is to rebuild with a larger facility to continue the mission of the Women's Club in a modern, resilient, elevated, and sustainable structure to continue the non-profit community involvement that has been on the site for 75 years.

*POLICY 4-A-3 The town shall protect residential neighborhoods from intrusive commercial activities.*

The subject property is at the rear of the Boulevard FLU commercial uses that parallel Estero Blvd. The historical use is a limited and less intense commercial use that remains perfect as the transition from the more intense commercial directly on Estero Blvd and residential uses on Sterling and Lazy Way. Proper buffering as required in the Land Development Code is sufficient and appropriate to provide the transition from commercial to residential uses.



*POLICY 4-A-7 Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal Management Elements of this plan outline the town's efforts on these matters.*


The original Women's Club did not have a stormwater management system. This redevelopment will provide a stormwater management system to enhance the pre-Ian condition on the island to treat stormwater before discharge into the nearby canal system and into Estero Bay a FDEP Aquatic Preserve.

*POLICY 4-B-5 "BOULEVARD": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.*

This application is to add the zoning use of membership organization that has been only allowed in Retail districts on the island. Membership Organization by LDC definition is an organization operating with formal membership requirements with the intent to pursue common goals and activities. The women's club qualifies for this purpose as it is a non-profit organization to support the community through events and support of other non-profit organizations that support the island. This mission has been in place on this site since 1950.

*POLICY 4-C-2 COMMERCIAL INTENSITY The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the "Pedestrian Commercial" category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses.) The Land Development Code may allow floor-area-ratios in the "Pedestrian Commercial" category as high as 2.5, and in other categories as high as 1.5.*

This CPD application does not propose the change to any existing institutional use commercial intensity regulated criteria. The FAR will remain at 0.8 and the building height will remain at 35 feet and 3 stories. The presented master concept plan FAR is



0.25 which is 30% of what is allowable. The proposed building is a one-story elevated structure which is less than the allowable 3 stories.

*POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:*


*iv. In the "Boulevard" category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.*

This application is consistent with this Policy by the application is a request for a planned Development rezoning just to add the membership organization zoning use.

Note: other subcategories in the Plan under Policy 4-C-3 Commercial Locations are not relevant to this application.

*POLICY 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the build back situations (See Policy 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza.) In those case where individual parcels of land are so surrounded by tall buildings on lots that contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notifications of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to the Gulf or Bay waters that could be provided in exchange for allowing buildings to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.*

The proposed project is within the allowable heights of the Land Development Code for the existing zoning district and remains a single-story use but is elevated as required by FEMA FIRM requirements.



*OBJECTIVE 7-B CONVENTIONAL SOLUTIONS – The usual response to traffic congestion is widening roads or building alternate routes. Estero Island’s long narrow shape, frequent navigable canals, sensitive environmental, and highly urbanized character preclude these solutions. Congestion management at Fort Myers Beach must aim to reduce delays and improve safety, not just for motorists but for pedestrians and bicyclists as well.*

Transportation is a main concern of any new or redevelopment in the town. One of the requirements of the zoning application is to provide an acceptable Traffic Impact Statement (TIS) addressing the impacts of the proposed development and how it integrates into the existing transportation network. The TIS must be consistent with the Comprehensive Plan, Land Development Code and Levels of Service that are stated as a minimum for any new trip generation. Methodology and typical Traffic Engineering principles will demonstrate redevelopment of the site will not cause any detrimental impact to Estero Blvd.

*OBJECTIVE 8-9 LEVELS OF SERVICE – Maintain minimum acceptable levels of service for potable water, sanitary sewer, and solid waste disposal.*

The service providers have been requested to provide service ability letters as included in the application that there is sufficient Potable Water (Town of Fort Myers Beach), Sanitary Sewer (Lee County Utilities), and Solid Waste (Lee County Solid Waste) capacity to service the proposed project. First responders for Fire, EMS and Sheriff have also provided letters of availability to serve.

*GOAL 9: to provide optimal flood protection and improved stormwater quality within the constraints imposed by location and existing land-use patterns.*


During the Development Order and Building Permit process the project will demonstrate that it has been designed compliant with FEMA FIRM, SFWMD stormwater, and Land Development Code regulations.

**D: Design Standards Compliance:**

The design standards listed in Division 7, Commercial Design Standards shall comply. The CPD documents have elevations as the Architectural Exhibits and shall be primary per 34-992(b).

**E: Decision-making Compliance:**

The application shall consist of sufficient documentation, plans, and reports such that Town staff can find the application sufficient and prepare a recommendation to the boards having jurisdiction. The application will be heard before the Local Planning Agency to review and determine a recommendation to the Town Council considering substantial competent evidence presented by applicants, staff and public. Town Council will hold two public hearings to hear and consider submitted substantial competent evidence presented by applicants, staff and public. A determination will be issued at the close of the second hearing. Section 34-85 FMBLDC addresses the following requirements. Commentary of compliance is provided.



*(1) Whether there exists an error or ambiguity which must be correct.*

Any errors or ambiguities will be resolved during staff review, LPA hearing and recommendations, and during Town Council public hearings.

*(2) Whether there exist changed or changing conditions which make approval of the request appropriate.*

Hurricane Ian drastically changed the conditions on the island. Prior to the storm the Women's Club operated as legal non-conforming use within the town. The use was a carryover from the club operating since the 1950's and the town's incorporation and creation of the Land Development Code in the 1990's. This application is to provide membership organization zoning use to have the project consistent with the Land Development Code moving forward.

*(3) The impact of a proposed change on the intent of this chapter*

The Women's Club is consistent with the Purpose of the zoning chapter by providing present and future needs of the Town and providing safe, healthy, convenient, prosperity and welfare of the citizens of the Town of Fort Myers Beach.

*(4) The testimony of the applicant*

Women's Club has retained the best consultants in the field to design a development. Studio AD for Architecture and Ink Engineering for Planning and Civil Engineering services has demonstrated the experience to design projects that are consistent with the vision of the Town of Fort Myers Beach to remain a small-town character. There will be substantial competent evidence and testimony that will be introduced into the record during the review and public hearing process that will be without question.

*(5) The recommendation of staff and of the local planning agency*


The application and public hearing testimony of applicant, staff and public will be considered in the recommendations provided by staff and LPA.

*(6) The testimony of the public*

The public will be afforded an opportunity to comment at the public hearings to voice their opinions. This testimony will be considered, as appropriate, to the request in the decisions and recommendations of the Council and LPA.

*(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*

As presented in Section C of this narrative, commentary has been provided of how the proposed application is consistent with the Comprehensive Plan.



*(8) Whether the request meets or exceeds all performance and location standards set forth for the proposed use.*

The Women's Club has operated on this property since the 1950's. The Location of this low intensive use is still compatible with the existing surrounding Institutional, Commercial and Residential uses.

*(9) Whether urban services are or will be available and adequate to serve a proposed land use change.*

Public providers of Potable Water, Sanitary Sewer, Solid Waste, Public Transportation, Fire, EMS, and Sheriff have all provided documentation that service can be provided for the intent use.

*(10) Where the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The subject property does not have any critical areas or natural resources on the site. Compliance with the Land Development Code and SFWMD Handbook will ensure during the Development Order Design and Permitting phase that all environmental compliance is met.

*(11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The proposed project is to codify a use that has been in place since the 1950's and is only required due to Hurricane Ian impacts.

*(12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*


Service for providers for Potable water, Sanitary sewer, Solid Waste, Fire, EMS, Lee Tran has provided documentation that service is available. These letters are in the application. A Traffic Impact Statement is provided in the application to demonstrate compliance with Town of Fort Myers Beach Land Development Code and Comprehensive Plan requirements.

*(13) For Planned Development rezonings See 34-216 for additional considerations.*

The analysis for this section is included in 34-216(2) as follows:

*a. The proposed use or mix of uses is appropriate at the subject location.*

The Schedule of Uses are listed in a separate exhibit. These uses are to provide a historical legal non-conforming use (membership organization) that has existed since 1950 and pre-dates the Land Development Code.

- 
- b. Sufficient safeguards for the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*

The existing historical use will have added compliance with the Land Development Code with Buffers and Setback that are appropriate for safeguarding the adjacent properties and neighborhood area.

- c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

There are no Special Conditions requested that deviates from the Land Development Code.

- d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

The attached Zoning Narrative with Comprehensive Plan compliance demonstrates the proposed project meets all specific requirements of the Comprehensive Plan.

**F: Deviations and written justification:**

There are no requested deviations.

**G: Administrative amendments to approved Master Concept Plan:**

There are no administrative amendments.

**Schedule of Uses:**

The schedule of uses is provided on separate exhibit that are part of the application.

**Property Development Regulations:**

The property development regulations are provided on separate exhibit that are part of the application.

**Summary:**

The Commercial Planned Development singular request to allow a membership organization use on the subject property and the reconstruction of the clubhouse which was over 100 years old. The Women's Club will continue to function as they have since the 1950's but in a new resilient, sustainable, and consistent with current Florida Building Code, FEMA FIRM guidelines, and Fort Myers Beach Land Development Code.



## **FMB Women’s Club CPD CPD Development Regulations**

**SETBACKS:**

|                          |                |
|--------------------------|----------------|
| Front Setback (Sterling) | 20 feet        |
| Front Setback (Lazy Way) | 20 feet        |
| Side setback             | 7 feet         |
| Rear setback             | 20 feet        |
| Waterbody                | Not Applicable |

**FAR (max)** 0.8

**BUILDING COVERAGE:** Not Applicable

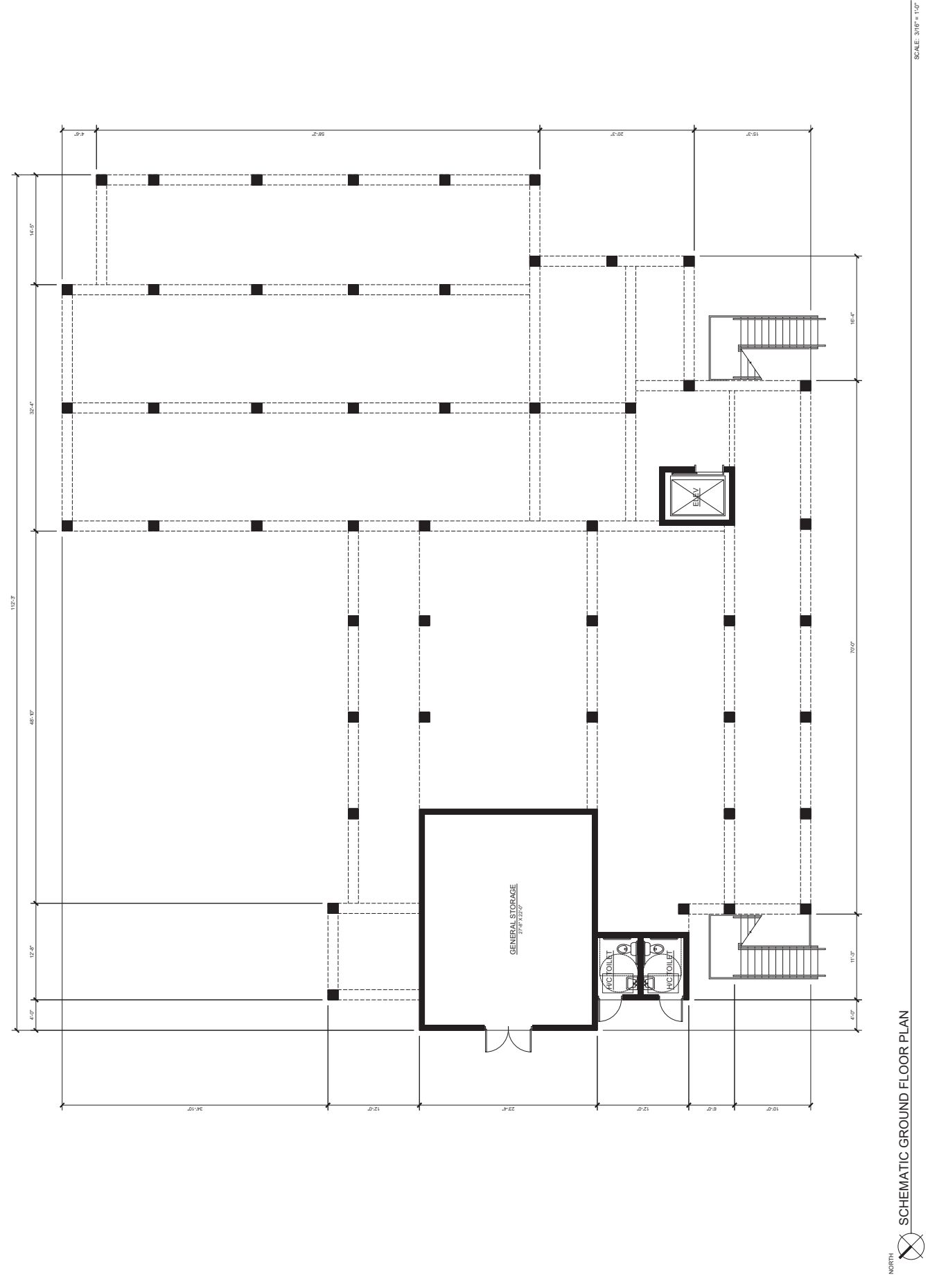
**HEIGHT:**

30 feet above design flood elevation (DFE) and no taller than three stories

**BUFFERS:**

|                    |                             |
|--------------------|-----------------------------|
| Right of Way       | 15’ Type D buffer           |
| Site Setback (Com) | No buffer required          |
| Side Setback (Res) | 15’ Type C buffer with wall |
| Rear Setback (ID)  | No Buffer Required          |





NORTH  
SCHEMATIC GROUND FLOOR PLAN  
SCALE: 3/16" = 1'-0"







# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: (25-20)

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED  
DEVELOPMENT (CPD) REZONING FOR THE PROPERTY LOCATED AT 175 STERLING  
AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000  
TOWN OF FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY;  
PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND  
PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

**1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

The proposed ordinance is to rezone and rebuilt the Fort Myers Beach Women’s Club at 175 Sterling Avenue. The Rezoning to Commercial Planned Development (CPD) will make the use of the property compliant to current comprehensive plan, Land Development Code and Florida building standard.

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with the ordinance.

The ordinance does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

**3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:**

One property owner will be impacted by this proposed ordinance.

**4. Additional information the governing body deems useful (if any):**

LPA, December 16, 2025, A Public Hearing for rezoning  
DCI20250203 Agenda Item VII.B  
a CPD rezoning request



2021



# Fort Myers Beach Women's Club



# Team Members

Owner/Developer

Fort Myers Beach Women's Club

Planning and Engineering

Ink Engineering, Inc

Architecture

Studio AD





## What this request would do:

- Allow the rebuild of the Fort Myers Beach Women's Club facility with a vision of the 21<sup>st</sup> century civic clubhouse to meet the philanthropic and social needs of the island during reconstruction after the devastation of Hurricane Ian. Request is only to add membership organization to the schedule of uses and allow for consumption on premises outside in the event space.

## Why grant the request

- Granting the request will allow the Fort Myers Beach Women's Club to provide a modern facility for non-profit organizations space for meetings, fund raising, and events to promote the civic needs of the island.



## Request Statement

### **Local Planning Agency consideration for the recommendation of approval to town council consideration to rezone 175 Sterling Ave from Institutional conventional zoning district to Commercial Planned Development with conditions.**

The Women's Club has operated at this location for over 60 years and when the town was incorporated in 1995 from Lee County. The town adopted a Comprehensive Plan in 1999 and the town Land Development Code followed being adopted in 2003. Adoption of the LDC set zoning districts and uses for parcels on the island. This adoption assigned the Institutional zoning district for the subject parcel but the zoning district did not include "membership organization" as a permitted land use. This created a legal non-conforming use which presently due the necessity needs rebuilding after Hurricane Ian. Staff determination is requiring rezoning. The Commercial Planned Development process is the most appropriate to allow the land use restrictions and remain compatible with the surrounding community by restricting other uses that are in appropriate in conventional districts.



# Presentation Outline

1. Introduction of the Property
2. Design
3. Request Analysis
4. Findings and Conclusions
5. Questions and Discussion



# Pre-Ian Site

- Location: 175 Sterling Ave
- Future Land Use: Boulevard
- Zoning District: Institutional District
- Property size: 1.35 acres
- Aerial Date: 2021
- Land Use: Membership Organization
- Property Appraiser Building Data
  - Year Built - 1947
  - Building Size – 2,792 SF



# Post Ian Site

- Location: 175 Sterling Ave
- Future Land Use: Boulevard
- Zoning District: Institutional District
- Property size: 1.35 acres
- Aerial Date: 2025
- Land Use: Vacant





# Proposed Property Regulations and Land Use.

## FMB Women’s Club CPD CPD Development Regulations

## FMB Women’s Club CPD Schedule of Uses

**SETBACKS:**

|                          |                        |
|--------------------------|------------------------|
| Front Setback (Sterling) | 20 feet (IN – 20 feet) |
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| Side setback             | 7 feet (IN – 7 feet)   |
| Rear setback             | 20 feet (IN – 20 feet) |
| Waterbody                | Not Applicable         |

**FAR** (allowable) 0.8 (IN – 0.8 (47,045 SF))

**BUILDING COVERAGE:** Not Applicable

**HEIGHT:**

30 feet above design flood elevation (DFE) and no taller than three stories (same as IN)

**BUFFERS:** (same as IN zoning district)

|                    |                             |
|--------------------|-----------------------------|
| Right of Way       | 15’ Type D buffer           |
| Site Setback (Com) | No buffer required          |
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The Fort Myers Beach Women’s Club schedule of uses are:

- Membership Organization – Principal Use
- Administrative Offices
- On-premises consumption of alcoholic beverages – per MCP
- ATM
- Temporary Uses
- Commercial accessory uses

## Design Criteria

- Reimagine the Women's Club sense of place in the community to expand and enhance the ability to support non-profit and philanthropic endeavors to support the community
- Retain the sensitivity and compatibility to the surrounding residential uses.
- Design a resilient, survivable, and sustainable building.
- Create interior and exterior uses to support the Women's Club mission.



# Elevations



WEST ELEVATION (VIEW FROM LAZY WAY)

STUDIO  
**AD**  
ARCHITECT

# Elevations



EAST ELEVATION (VIEW FROM STERLING AVE)

## **B: Phasing Plan:**

The proposed project is to be constructed in a single phase.

## **C: Comprehensive Plan Compliance:**

The following narrative is an analysis of the Fort Myers Beach Comprehensive Plan and Goals, Objectives that show consistency and support of the requested rezoning application.

*OBJECTIVE 2-B SIDE STREETS — Encourage residents to achieve a higher ambition for their residential streets, improving their walkability, comfort, beauty, interconnectedness, and safety.*

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# Request Analysis

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The subject property is at the rear of the Boulevard FLU commercial uses that parallel Estero Blvd. The historical use is a limited and less intense commercial use that remains perfect as the transition from the more intense commercial directly on Estero Blvd and residential uses on Sterling and Lazy Way. Proper buffering as required in the Land Development Code is sufficient and appropriate to provide the transition from commercial to residential uses.

*POLICY 4-A-7 Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal Management Elements of this plan outline the town's efforts on these matters.*

The original Women's Club did not have a stormwater management system. This redevelopment will provide a stormwater management system to enhance the pre-Ian condition on the island to treat stormwater before discharge into the nearby canal system and into Estero Bay a FDEP Aquatic Preserve.



# Request Analysis

*POLICY 4-B-5 "BOULEVARD": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.*

This application is to add the zoning use of membership organization that has been only allowed in Retail districts on the island. Membership Organization by LDC definition is an organization operating with formal membership requirements with the intent to pursue common goals and activities. The women's club qualifies for this purpose as it is a non-profit organization to support the community through events and support of other non-profit organizations that support the island. This mission has been in place on this site since 1950.



# Request Analysis

*POLICY 4-C-2 COMMERCIAL INTENSITY* The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the "Pedestrian Commercial" category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses.) The Land Development Code may allow floor-area-ratios in the "Pedestrian Commercial" category as high as 2.5, and in other categories as high as 1.5.

This CPD application does not propose the change to any existing institutional use commercial intensity regulated criteria. The FAR will remain at 0.8 and the building height will remain at 35 feet and 3 stories. The presented master concept plan FAR is 0.25 which is 30% of what is allowable. The proposed building is a one-story elevated structure which is less than the allowable 3 stories.

*POLICY 4-C-3 COMMERCIAL LOCATIONS:* When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

*iv. In the "Boulevard" category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.*

This application is consistent with this Policy by the application is a request for a planned Development rezoning just to add the membership organization zoning use.

Note: other subcategories in the Plan under Policy 4-C-3 Commercial Locations are not relevant to this application.



# Request Analysis

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This application is consistent with this Policy by the application is a request for a planned Development rezoning just to add the membership organization zoning use.

Note: other subcategories in the Plan under Policy 4-C-3 Commercial Locations are not relevant to this application.



# Request Analysis

*OBJECTIVE 7-B CONVENTIONAL SOLUTIONS – The usual response to traffic congestion is widening roads or building alternate routes. Estero Island’s long narrow shape, frequent navigable canals, sensitive environmental, and highly urbanized character preclude these solutions. Congestion management at Fort Myers Beach must aim to reduce delays and improve safety, not just for motorists but for pedestrians and bicyclists as well.*

Transportation is a main concern of any new or redevelopment in the town. One of the requirements of the zoning application is to provide an acceptable Traffic Impact Statement (TIS) addressing the impacts of the proposed development and how it integrates into the existing transportation network. The TIS must be consistent with the Comprehensive Plan, Land Development Code and Levels of Service that are stated as a minimum for any new trip generation. Methodology and typical Traffic Engineering principles will demonstrate redevelopment of the site will not cause any detrimental impact to Estero Blvd.

*OBJECTIVE 8-9 LEVELS OF SERVICE – Maintain minimum acceptable levels of service for potable water, sanitary sewer, and solid waste disposal.*

The service providers have been requested to provide service ability letters as included in the application that there is sufficient Potable Water (Town of Fort Myers Beach), Sanitary Sewer (Lee County Utilities), and Solid Waste (Lee County Solid Waste) capacity to service the proposed project. First responders for Fire, EMS and Sheriff have also provided letters of availability to serve.

*GOAL 9: to provide optimal flood protection and improved stormwater quality within the constraints imposed by location and existing land-use patterns.*

During the Development Order and Building Permit process the project will demonstrate that it has been designed compliant with FEMA FIRM, SFWMD stormwater, and Land Development Code regulations.

## **D: Design Standards Compliance:**

The design standards listed in Division 7, Commercial Design Standards shall comply. The CPD documents have elevations as the Architectural Exhibits and shall be primary per 34-992(b).



## Request Statement

**Local Planning Agency consideration for the recommendation of approval to town council consideration to rezone 175 Sterling Ave from Institutional conventional zoning district to Commercial Planned Development with conditions.**

Substantial competent evidence has been submitted in the application documents and presentation that support the request statement provided Findings and Conclusion statements of 34-85 and 34-216(a) are met.



# Findings and Conclusions per 34-85 FMBLDC

- 1) *Whether there exists an error or ambiguity which must be corrected.*  
**No errors or ambiguity exist.**
- 2) *Whether there exist changed or changing conditions which make approval of the request appropriate.*  
**The rezoning request is to rectify a legal non-conforming use since before LDC adoption to allow redevelopment.**
- 3) *The impact of a proposed change on the intent of this chapter.*  
**The proposed change improves the town and meets the intent of this chapter.**
- 4) *The testimony of any applicant.*  
**Substantial competent evidence has been presented by expert witness during application, support and this hearing to demonstrate consistency with the Comprehensive Plan and Land Development Code.**
- 5) *The recommendation of staff and of the local planning agency.*  
**Staff report indicates support of this application. Presentation of staff will provide their recommendation. This hearing will determine the recommendation of the local planning agency.**
- 6) *The testimony of the public.*  
**To be determined and applicant requests the right of rebuttal to address this requirement.**
- 7) *Whether the request is consistent with the goals, objective, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*  
**Substantial competent evidence has been presented by expert witness during application, support and this hearing to demonstrate consistency with the Comprehensive Plan and Land Development Code.**



# Findings and Conclusions per 34-85 FMBLDC

- 8) *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*  
**As discussed in Comprehensive Plan analysis Policy 4-C-3 this request is consistent with performance and location standards.**
- 9) *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*  
**All urban services are in place and existing to serve the design.**
- 10) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*  
**There are no environmental or natural resources on the site.**
- 11) *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.*  
**The proposal as presented will codify and continue the historical use on the property for over 60 years.**
- 12) *Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with capacity to carry traffic generated by the development.*  
**During Development Order process a Traffic Impact Statement will be provided to show there is no undue burden on transportation or other existing services.**
- 13) *For planned development rezonings, see 34-216 for additional considerations.*  
**See additional slide for comment on consistency of this requirement.**



# CPD Findings and Conclusions per 34-216(a) FMBLDC

a) *The proposed use or mix of uses is appropriate at the subject location.*

**Substantial competent evidence has been submitted in application and presentation for a finding of consistent with this requirement.**

b) *Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*

**Substantial competent evidence has been submitted in application and presentation for a finding of consistent with this requirement.**

c) *All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

**Substantial competent evidence has been submitted in application and presentation for a finding of consistent with this requirement**

d) *The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

**Substantial competent evidence has been submitted in application and presentation including Policy 4-B-5 (Boulevard FLU) and 4-C-3 (Location Standards) for a finding of consistent with this requirement.**

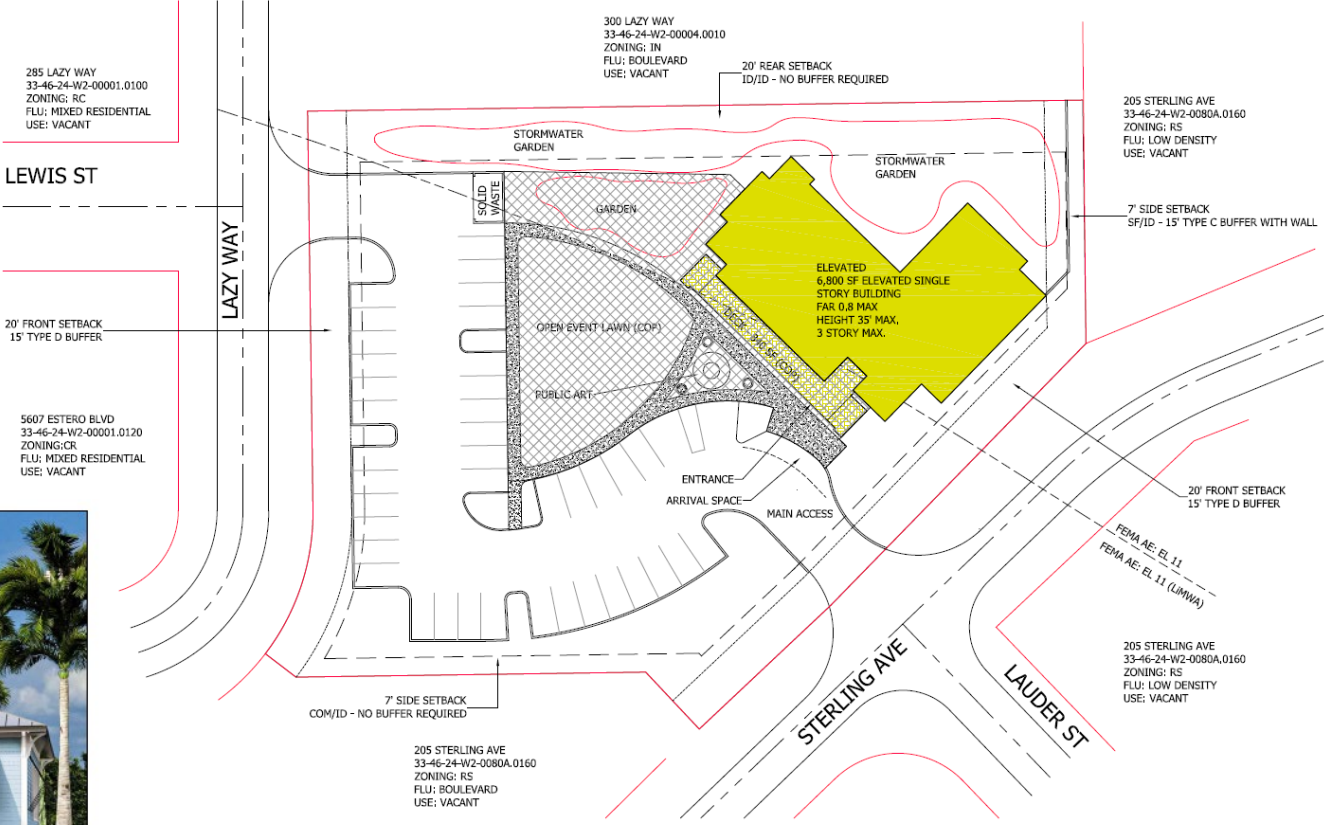


## Suggested Motion

Recommend APPROVAL to town council that DCI20250203 based on a finding of consistency with the Comprehensive Plan and Land Development Code, with the following conditions:

1. Development of the property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. Development Order shall be substantially consistent with the Master Concept Plan exhibit and building elevation renderings in DCI20250203.
3. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to commencement of site development.
4. All landscaping must meet the Vehicle Visibility at Intersection requirements found in 34-3131.

# Questions?



WEST ELEVATION (VIEW FROM LAZY WAY)

**1. Request:**

**Meeting Date: January 20, 2026**

This legislative agenda item is a First Reading and Public Hearing on proposed Ordinance 26-01. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for February 17, 2026 at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-19 "COMPENSATION," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA TO: 1) ALLOW TOWN COUNCIL MEMBERS AND THE MAYOR TO BE PAID AS PROVIDED IN THE TOWN CHARTER AND TO VOLUNTARILY WAIVE RECEIPT OF A SALARY AS AUTHORIZED BY THE CHARTER OR BENEFITS ASSOCIATED WITH THEIR SERVICE ON THE TOWN COUNCIL; AND 2) REAFFIRM THAT TOWN COUNCIL MEMBERS AND THE MAYOR MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL TOWN DUTIES, SUBJECT TO APPLICABLE LAW, THE TOWN CHARTER, AND ADOPTED TOWN AND TOWN COUNCIL POLICIES AND PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

**Why the action is necessary:**

This action clarifies that Town Council Members and the Mayor may voluntarily waive the salary and benefits associated with service on the Town Council

**What the action accomplishes:**

This action amends the Code of Ordinances to clearly reflect the voluntary waiver of salary and benefits for Town Council service.

**2. Agenda:**

PUBLIC HEARINGS

**3. Requirement/Purpose:**

To amend Section 2-19 of the Code of Ordinances to clarify the voluntary waiver of salary and benefits associated with service on the Town Council.

**4. Submitter of Information:**

Talissa Oliveira, Human Resources Director

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**5. Background:**

At the January 5, 2026, Town Council meeting, the Town Council requested a proposed amendment to Section 2-19 of the Code of Ordinances (Compensation) to clarify language regarding the voluntary waiver of compensation and benefits associated with service on the Town Council. Section 4.05 of the Town Charter governs Council compensation and remains controlling.

Currently, reimbursement for expenses incurred by Town Council members is addressed in the Town Council's Procedural Rules and authorized by Section 4.05(b) of the Town Charter. Ordinance No. 98-5 further clarifies that reimbursable expenses must be reasonable and necessary, and the proposed amendment includes this existing guidance within the Code of Ordinances and reference to the more detailed procedural rules for clarity and consistency.

**Attachments:**

1. Draft 26-01 Ordinance Amending 2.19 Waiver of Compensation

2. 26-01, Business Impact Estimate Council Salary and Benefits Waiver
3. Ordinance 98-05
4. Section 8 From Exhibit A of Resolutions 23-182 and 24-178

**Financial Impact:**

There is no adverse fiscal impact to the Town. Any voluntary waiver of salary or benefits by a Council Member or the Mayor would result in a reduction of expenditures in the Town's budget.

**6. Alternative Action**

**7. Management Recommendations:**

Approve the ordinance amending Section 2-19 of the Code of Ordinances to clarify the voluntary waiver of salary and benefits associated with service on the Town Council.

**8. Recommended Approval:**

Jason Freeman, Deputy Town Clerk / Legislative Liaison  
nancy stuparich, Town Attorney  
Joe Onzick, Finance Director  
nancy stuparich, Town Attorney  
Amy Baker, Town Clerk  
William McKannay, Town Manager

Created/Initiated - 1/5/2026  
Approved - 1/11/2026  
Approved - 1/13/2026  
Approved - 1/14/2026  
Approved - 1/14/2026  
Final Approval - 1/14/2026

**ORDINANCE NO. 26-01**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-19 “COMPENSATION,” OF CHAPTER 2, “ADMINISTRATION,” OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA TO: 1) ALLOW TOWN COUNCIL MEMBERS AND THE MAYOR TO BE PAID AS PROVIDED IN THE TOWN CHARTER AND TO VOLUNTARILY WAIVE RECEIPT OF A SALARY AS AUTHORIZED BY THE CHARTER OR BENEFITS ASSOCIATED WITH THEIR SERVICE ON THE TOWN COUNCIL; AND 2) REAFFIRM THAT TOWN COUNCIL MEMBERS AND THE MAYOR MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL TOWN DUTIES, SUBJECT TO APPLICABLE LAW, THE TOWN CHARTER, AND ADOPTED TOWN AND TOWN COUNCIL POLICIES AND PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Section 4.05 of the Town of Fort Myers Beach Charter provides for compensation and reimbursement of actual expenses incurred by Town Council Members while performing their official duties; and

**WHEREAS**, in Ordinance No. 98-5, the Town Council clarified that any reimbursable expenses must be reasonable and necessary to be eligible for reimbursement; and

**WHEREAS**, Section 2-19, “Compensation,” of Chapter 2, “Administration,” of the Code of Ordinances of the Town of Fort Myers Beach was adopted to implement and administer Section 4.05 of the Town’s Charter; and

**WHEREAS**, the Town Council included additional details regarding reimbursement procedures in its Policies and Procedures Manual most recently approved by Resolution 23-182; and

**WHEREAS**, the Town Council desires to additionally now clarify by Ordinance and provide Council Members with an opportunity to voluntarily waive receipt of a salary or Town benefits otherwise authorized or available to a Council Member; and

**WHEREAS**, a first reading of the title of this Ordinance occurred at the Town Council public meeting on January 20, 2026 and voted to approve a second reading of this Ordinance and a public hearing on February 2, 2026; and

**WHEREAS**, the Ordinance was advertised in the News Press and a Business Impact Estimate was published on the Town’s website on the \_\_\_ day of \_\_\_\_\_, which is 10

days prior to the Town Council's second reading of the title to the Ordinance and public hearing; and

**WHEREAS**, a second reading of the title to the Ordinance was heard on February 2, 2026 and followed by a public hearing regarding the adoption of this Ordinance; and

**WHEREAS**, adoption of this Ordinance is in the best interest of the health, safety, and welfare of the residents of the Town of Fort Myers Beach.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:**

**Section 1.** That the above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the town council.

**Section 2.** That Section 2-19, "Compensation," of Chapter 2, "Administration," of the Code of Ordinances of the Town of Fort Myers Beach, Florida, is hereby amended to read as follows:

**Sec. 2-19. – Compensation and Expense Reimbursement.**

**(a) Salary.** ~~All council members, except the mayor, shall be paid \$1,200.00 per month. The mayor shall be paid \$1,400.00 per month.~~ Town Council Members and the Mayor shall be paid as provided in the Town Charter. Town Council Members and the Mayor may elect to voluntarily waive receipt of the salary authorized by the Charter or any benefits associated with their service on the Town Council.

**(b) Reimbursement of Expenses.** Town Council Members and the Mayor may be reimbursed for reasonable and necessary expenses incurred in the performance of official Town duties, subject to applicable law, the Town Charter, and adopted Town and Town Council policies and procedures.

**Section 3.** That the Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach, Florida, Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the town manager without further process.

**Section 4.** Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most recent shall apply.

**Section 5.** If any section, subsection, sentence, clause, word, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

**Section 6.** This Ordinance shall become effective upon adoption by the town council.

The forgoing Ordinance was adopted by the town council upon a motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ and upon being put on a roll call vote, the results were as follows:

|                              |       |
|------------------------------|-------|
| Dan Allers, Mayor            | _____ |
| Scott Safford, Vice Mayor    | _____ |
| John R. King, Council Member | _____ |
| Rebecca Link, Council Member | _____ |
| _____, Council Member        | _____ |

**ADOPTED** this \_\_\_\_ day of February 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

\_\_\_\_\_  
Vose Law Firm, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this \_\_\_\_ day of February, 2026.



# Business Impact Estimate

Proposed ordinance's title/reference:

**Ordinance 26-01**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-19 "COMPENSATION," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA TO: 1) ALLOW TOWN COUNCIL MEMBERS AND THE MAYOR TO BE PAID AS PROVIDED IN THE TOWN CHARTER AND TO VOLUNTARILY WAIVE RECEIPT OF A SALARY AS AUTHORIZED BY THE CHARTER OR BENEFITS ASSOCIATED WITH THEIR SERVICE ON THE TOWN COUNCIL; AND 2) REAFFIRM THAT TOWN COUNCIL MEMBERS AND THE MAYOR MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL TOWN DUTIES, SUBJECT TO APPLICABLE LAW, THE TOWN CHARTER, AND ADOPTED TOWN AND TOWN COUNCIL POLICIES AND PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE. ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

**1. Summary of the proposed ordinance, (e.g. statement of the public purpose serving the public health, safety, morals and welfare):**

The proposed ordinance would amend the Code of Ordinances to clearly reflect the voluntary waiver of salary and benefits for Town Council service and clarifies that Town Council Members and the Mayor may voluntarily waive the salary and benefits associated with service on the Town Council.

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

- a. Ordinance 26-01 does not impose any new charge or fee on a businesses and no expected compliance costs.
- b. There are no new charges or fees that will be imposed on businesses by the ordinance.
- c. The Town does not estimate additional regulatory costs.

**3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:**

The proposed ordinance is not anticipated to impact businesses.

**4. Additional information the governing body deems useful (if any):**

N/A

ORDINANCE No. 98- 5

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH CLARIFYING PROVISIONS OF THE CHARTER OF THE TOWN OF FORT MYERS BEACH, PROVIDING AUTHORITY; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 4.02 MAYOR AND SECTION 4.03 VICE MAYOR; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 4.05 COMPENSATION; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 4.07 FORFEITURE OF OFFICE; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 6.03 POWERS AND DUTIES; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. For clarification and as a matter of policy Section 4.02 Mayor and Section 4.03 Vice mayor shall be interpreted to include:

*Section 4.02 Mayor.--At the first regularly scheduled meeting following the town's regular election, the council, by majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the town.*

*Section 4.03 Vice mayor.--At the first regularly scheduled meeting following the town's regular election, the council, by a majority vote, shall elect from among its membership a vice mayor who shall serve as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.08 of this charter.*

- A. In non-election years the election of mayor and vice-mayor shall be at the first regularly scheduled meeting in November.
- B. Should the vice mayor become interim mayor, then, the council, by a majority vote, shall elect from among its membership an interim vice mayor who shall serve as mayor during the absence or disability of the interim mayor.

SECTION 3. For clarification and as a matter of policy Section 4.05 Compensation shall be interpreted to include:

*Section 4.05 Compensation.--*

*(b) The council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.*

Expenses must be reasonable and necessary to be eligible for reimbursement.

SECTION 4. For clarification and as a matter of policy Section 4.07 Forfeiture of office shall be interpreted to include:

*Section 4.07 Forfeiture of office.--A member of the council may forfeit the office, if the member:*

*(a) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;*

*(b) Violates any express prohibition of this charter;*

*(c) Is convicted of a felony or criminal misdemeanor which misdemeanor involves the office of town council; or*

*(d) Misses three consecutive regularly scheduled council meetings.*

*If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting, and the member may be declared to have forfeited office by majority vote of the council.*

A. A council member who has been excused from attending a meeting by a vote of three other council members shall not be considered as missing that meeting.

B. If the next regularly scheduled council meeting is less than one week from the event of forfeiture, then the hearing will be continued to allow at least one week notice.

SECTION 5. For clarification and as a matter of policy Section 6.03 Powers and duties shall be interpreted to include:

*Section 6.03 Powers and duties.--The town manager shall be the chief administrative officer of the town and shall implement and administer all ordinances, resolutions, and policies adopted by the council and shall perform such other duties as may be required by the council or law. The town manager shall be responsible to the council and shall have the following powers and duties:*

*(i) To perform such other duties as are specified in this charter or as may from time to time be assigned by the council.*

A. The town manager during absence or unavailability shall maintain and submit to the council a succession plan.

B. The town manager shall submit the next years budget at a regularly scheduled meeting on or before the 15<sup>th</sup> day of July.

SECTION 7. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 8. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect except as expressly provided.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Murphy and seconded by Council Member Hughes and, upon being put to a vote, the result was as follows:

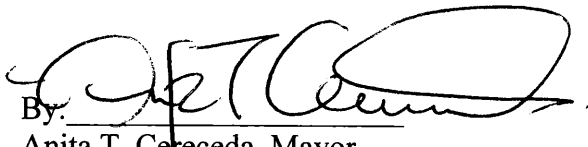
|                   |            |
|-------------------|------------|
| Anita T. Cereceda | <u>aye</u> |
| Daniel Hughes     | <u>aye</u> |
| John Mulholland   | <u>aye</u> |
| Garr Reynolds     | <u>no</u>  |
| Ray Murphy        | <u>aye</u> |

DULY PASSED AND ENACTED this 15th day of June, 1998.

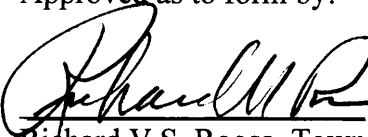
ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
Anita T. Cereceda, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

# EXHIBIT “A”

NOTE: The above is intended as a guide and the Council may conduct the quasi-judicial hearing utilizing another procedure, so long as due process requirements are met.

If new evidence is submitted prior to or at a Town Council hearing for a quasi-judicial matter after the final LPA hearing, Town Council can choose to:

1. Send the matter back to the LPA for review and recommendation.
2. To continue the hearing to provide sufficient time for the staff and Town Attorney to make recommendations; or
3. To complete the hearing if agreeable to the staff and Town Attorney.

## **8. Reimbursement Procedures**

### **Travel Expenses:**

It is the desire of the Town of Fort Myers Beach that Town Council members be reimbursed for certain expenses incurred while traveling on Town business. Appropriate allowances, forms and procedures are documented in the Town Personnel Manual.

### **Business Expenses:**

From time to time, it may be necessary for members of Town Council to entertain various Federal, State and County officials while transacting official Town business. Such business expenses would normally include lunches and/or dinners. A Direct Expense Voucher may be submitted for reimbursement and must be signed by the person requesting reimbursement, and the Town Manager. Invoices must be attached as supporting documentary evidence.

### **Educational Reimbursement:**

The Educational Reimbursement Program is used to encourage Town Council members to improve their knowledge and skills needed for the Town’s effectiveness. Reimbursement conditions, forms and procedures are documented in the Town Personnel Manual.

## **9. Council Communications Policy and Processing Procedures**

### **Council Communications Policy:**

Any communication by individual Council members to the media, other governmental agencies, or in public forums should, as clearly as possible, distinguish between personal opinions and actions or direction taken by Town Council. This policy in no way means to censor viewpoints or restrict individual rights but is solely suggested to preserve the integrity of the Council, staff, and the Town.