



Fort Myers Beach Management & Planning Session

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Agenda

Thursday, August 4, 2022

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Property Rights

Comprehensive Plan Amendment Property Rights Element

B. Amendments to LDC Chapter 6- Floodplain Articles

Amendments to LDC Chapter 6- Floodplain Articles

C. LDC Ch. 30 Signs Text Amendment

Discussion to provide feedback on proposed amendments to the sign regulations within LDC Ch. 30 Signs.

D. Update on multi-story condo registration legislation.

Update on multi-story condo registration legislation.

E. Beach Renourishment Project Update

Beach Renourishment Project Update

F. Local Option Gas Tax

Discussion on proposed changes to the Town's Local Option Gas Tax percentage distribution.

G. FY2023 Budget Update

Council comments on Proposed Draft FY2023 General Fund Budget and Add-on List

IV. AGENDA MANAGEMENT

A. August 2022

V. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

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



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.

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.

1. **Requested Motion:**

Meeting Date: August 4, 2022

Comprehensive Plan Amendment Property Rights Element

Why the action is necessary:

State Law requires local governments to adopt a property rights element into its comprehensive plan.

What the action accomplishes:

Complies with state law.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Ordinance

5. **Background:**

Section 163.3177(6)(i)2, Florida Statutes, requires local government to adopt and include the property rights element in its comprehensive plan. The proposed element reflects the language required in the property rights element law.

Attachments:

1. 20211225Property-rights-element

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

Provide comment/discussion

8. **Recommended Approval:**

_____	Date: July 28, 2022
Daphnie Bercher, Community Services Administrator	
_____	Date: July 28, 2022
Jason Green, Community Development Services	
_____	Date: July 29, 2022
John R Herin Jr, Town Attorney	
_____	Date: July 29, 2022
Amy Baker, Town Clerk	
_____	Date: July 29, 2022
Roger Hernstadt, Town Manager	

PROPERTY RIGHTS ELEMENT

Introduction

The Town of Fort Myers Beach's Property Rights Element is to provide for guidance on decision making subject to state law and local ordinances to respect judicially acknowledged and constitutionally protected private property rights and ensure that private property rights are considered in local decision-making.

Goal:

The Town of Fort Myers Beach shall consider all relevant information including property owner rights and the public's health safety and welfare.

Objective 1.1: The Town will ensure private property rights are considered in local decisions making.

Policy 1.1.1 The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights;

Policy 1.1.2 The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances;

Policy 1.1.3 The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property; and

Policy 1.1.4 The right of a property owner to dispose of his or her property through sale or gift.

1. **Requested Motion:**

Meeting Date: August 4, 2022

Amendments to LDC Chapter 6- Floodplain Articles

Why the action is necessary:

Adopting these changes helps/maintain compliance with State and Federal flood regulations.
Some amendments are mandatory in order to maintain a CRS rating.

What the action accomplishes:

Keeping a good CRS rating which keeps residents' flood insurance at a discount.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

This will be an Ordinance.

5. **Background:**

Floodplain Articles will be amended to update regulations and adopt the new flood maps that will be effective November 17, 2022. Major highlights in the amendments will be the elevation requirements of mobile homes and regulating newly added Coastal A Zones as V Zones.

Note: On July 6, 2022 you were emailed a link to review the flood insurance study by the US government (DHS/FEMA) and associated materials including the Flood Insurance Rate Map.

Attachments:

1. Fort Myers Beach_LDC Chapter_6_Arts II-III-IV_RCQ_RCQ_RCQ

Financial Impact:

Insurance rate discounts are dependent on the CRS rating

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Date: July 28, 2022

Daphnie Bercher, Community Services Administrator

Date: July 28, 2022

Jason Green, Community Development Services

Date: July 28, 2022

John R Herin Jr, Town Attorney

Date: July 29, 2022

Amy Baker, Town Clerk

Date: July 29, 2022

Roger Hernstadt, Town Manager

FORT MYERS BEACH

ORDINANCE NO. 22-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE II AND ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH TO XX SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, 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 exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the 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 Town of Fort Myers Beach participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and,

WHEREAS, the Town of Fort Myers Beach achieved a CRS rating of Class 5, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020, the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the Town of Fort Myers Beach to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Federal Emergency Management Agency delineated a limit of moderate wave action on the Flood Insurance Rate Maps and the Town Council has determined it appropriate to apply coastal high hazard area (Zone V) requirements in areas designated Coastal A Zones to increase resiliency; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments

Commented [RCQ1]: When we work on amendments we take a look at building regulations and the rest of the flood provisions. This file has notes on sections that are not included in the Town's first draft that is only for manufactured homes.

Some amendments in Article II and Article III are necessary, and some are recommended

Article IV is flood – see notes there for additional amendments

Commented [RCQ2R2]: 6/8/22 decided to regulate CAZ like V

The changes we showed in the draft that would have done only MH are now shown in this file (highlighted yellow)

Also moved the draft title/whereas clauses to this file and edited

Discussion about Article III Coastal Construction Code and whether to modify at this time?

Commented [RCQ3R2]: 6/23 reviewed with KS.

Commented [RCQ4]: See other file. We'll combine them to include each amended section after we settle on the words. And at that time we'll revise the title and whereas clauses

Commented [RCQ5R5]: 6/8/22 decided to regulate CAZ like V

Commented [RCQ6]: 6/8/22 see note at 6-514

Commented [RCQ7R7]: 6/23: I accepted the deletion

Commented [RCQ8]: 6/8/22 this clause and next two are for amending FBC

Commented [RCQ9R9]: 6/23: see our General Instructions for FBC amendments

to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Town Council is adopting a requirement to apply coastal high hazard area requirements to buildings and structures in Coastal A Zones, for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Town Council has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code*, and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on October 20, 2021, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 6-0, to recommend approval of the requested ordinance amending Article IV of Chapter 6 of the Land Development Code; and

Commented [RCQ10]: Please explain the dates in the past. Is this boiler plate language and you'll fill in the actual dates for THIS ordinance?

Commented [RCQ11R11]: 6/23; copied from template, dates will change

WHEREAS, on May 3, 2021, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the proposed ordinance to amend Article IV of Chapter 6 of the Land Development Code, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, on March 16, 2021, the Town Council held a second reading of the proposed Ordinance; and

WHEREAS, the Town Council determined in a 5-0 vote that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:¹

Section 1. 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.

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as strikethrough.

Section 2. Article II of Chapter 6 of the Land Development Code of the Town of Fort Myers Beach entitled “Building Codes” is hereby amended by the following amendments:

Commented [RCQ12]: 6/23: up to your standard whether to show all the sections not touched

ARTICLE II. - BUILDING CODES

DIVISION 1. - GENERALLY

Sec. 6-41. - Applicability of article.

This article applies to the incorporated area of the Town of Fort Myers Beach.

Sec. 6-42. - Penalty for violation of article; additional remedies.

Any person, or any agent or representative thereof, who violates any provision of this article shall, upon conviction, be subject to the following penalties:

- (1) *Criminal penalties.* Such person shall be subject to punishment as provided in § 1-5 of this LDC.
- (2) *Civil penalties.* The town council may institute in any court, or before any administrative board of competent jurisdiction, action to prevent, restrain, correct or abate any violation of this article or of any order or regulations made in connection with its administration or enforcement, and the court or administrative board shall adjudge such relief by way of injunction, or any other remedy allowed by law, or otherwise, to include mandatory injunction as may be proper under all the facts and circumstances of the case in order to fully effectuate the regulations adopted under this article, or any amendment thereto, and any orders and rulings made pursuant thereto.

Sec. 6-43. - Conflicting provisions.

Whenever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, code or regulation, the provisions providing the greater degree of life safety will apply. Any conflict between the building code and applicable fire safety codes will be resolved by agreement between the building official and the fire official in favor of the requirement of the code which offers the greatest degree of life safety or alternative which would provide an equivalent degree of life safety and an equivalent method of construction.

Sec. 6-44. - Enforcing officers.

Designated officials such as the building official referenced by the codes adopted in this chapter shall be appointed by the town manager. The designated officials shall carry out the duties enumerated in these codes and shall be deemed the responsible officials with respect to enforcement of the provisions of these codes.

Sec. 6-45. - Permit fees.

The town council has the power to determine and set reasonable permit fees. Unless a different fee schedule is set, permits fees shall be as referenced in Lee County Administrative Code 3-10, Appendix C (External Fees and Charges Manual).

Secs. 6-46—6-70. - Reserved.

DIVISION 2. - LEE COUNTY'S BOARDS OF ADJUSTMENT AND APPEALS

Sec. 6-71. - Applicability of division.

This division shall include, but not be limited to, any contractor, owner, agent, manufacturer or supplier providing construction services or materials regulated by standard codes enforced by the Town of Fort Myers Beach.

Sec. 6-72. - Intent of division.

The town has adopted various standard codes relating to building, plumbing, mechanical, gas, electrical, unsafe buildings, housing and fire. This division is intended to be construed in conjunction with these codes.

Sec. 6-73. - Boards established; jurisdiction.

Lee County has established a construction board of adjustment and appeals known as the Lee County Board of Adjustment and Appeals through chapter 6, article 2, division 2 of the Lee County Land Development Code. The purpose of that board is to hear and decide appeals from the decision of the county's building official and fire official or their designees on any of the various standard codes regulated and enforced by the county except the plumbing code and mechanical code. Lee County has also established separate boards of adjustment and appeals to arbitrate matters involving the plumbing code and mechanical code.

Sec. 6-74. - Delegation of authority to Lee County's Boards of Adjustment and Appeals.

- (a) The Town of Fort Myers Beach hereby delegates to each of the three Lee County Boards of Adjustment and Appeals the authority to make decisions on appeals that may be filed in accordance with § 6-80 of this division.
- (b) The town attorney will provide legal advice to each of the three Lee County Boards of Adjustment and Appeals when warranted.

Secs. 6-75—6-79. - Reserved.

Sec. 6-80. - Right of appeal; notice of appeal.

- (a) Whenever the building official or fire official or their designees shall reject or refuse to approve the mode or manner of construction to be followed or materials to be used, or when it is claimed that the provisions of a code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of a code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official or fire official or their designees to Lee County's appropriate Board of Adjustment and Appeals. Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the building official or fire official or their designees. All requests for appeal shall be on forms provided by the building official with payment of the appropriate fee.
- (b) In the case of a building or structure which in the opinion of the building official is unsafe or dangerous, the building official may, in his order, limit the time for such appeal to a shorter period.

Sec. 6-81. - Variations and modifications.

- (a) Lee County's Boards of Adjustment and Appeals, pursuant to an appeal from a decision of the building official or fire official or their designees, may vary the application of a code to any

particular case when, in its opinion and based upon sufficient evidence, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of a code or public interest, or when, in its opinion and based upon sufficient evidence to the contrary, the interpretation of the building official or fire official or their designees should be modified or reversed.

- (b) Any decision of Lee County Boards of Adjustment and Appeals to vary the application of any provision of a code or to modify an order of the building official or fire official or their designees shall specify the variation or modification made, the conditions upon which it is made, and the reasons therefor.
- (c) Variances to the floodplain regulations must meet the additional criteria in article IV of this chapter.

Sec. 6-82. - Decisions.

- (a) Every decision of Lee County's Boards of Adjustment and Appeals shall be final; subject, however, to any remedy an aggrieved party might have at law or in equity. Every decision shall be in writing and shall indicate the vote upon the decision. Every decision of Lee County's Boards of Adjustment and Appeals shall be signed and attested to by the chairman of the board.
- (b) Lee County's Boards of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.
- (c) If a decision of any of Lee County's Boards of Adjustment and Appeals reverses or modifies a refusal, order or disallowance of the building official or fire official or their designees, or varies the application of any provision of a code, the appropriate official shall immediately take action in accordance with such decision.
- (d) Any aggrieved person may obtain judicial review of the decision of Lee County's Boards of Adjustment and Appeals by filing a petition for writ of certiorari in the circuit court. Such petition must be filed within 30 calendar days after the board of adjustment and appeals' decision, but not thereafter, pursuant to the Florida Rules of Civil Procedure. The original petition for writ of certiorari must be filed with the clerk of the circuit court. Copies of the petition shall be filed with the building official for forwarding to the town attorney.

Secs. 6-83—6-110. - Reserved.

DIVISION 3. - BUILDING CODE

Sec. 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

Chapter 1, Administration.

Sections 103.1 through 103.6 relating to powers and duties of the building official are added as follows:

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official has the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures must be in compliance with the

intent and purpose of this code, and may not have the effect of waiving requirements specifically provided for in this code.

103.2 Right of entry.

103.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he must first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he must first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official has recourse to every remedy provided by law to secure entry.

103.2.2 When the building official has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building, structure, or premises may fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

103.3 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of this code, or in a dangerous or unsafe manner, must immediately cease. Such notice must be in writing and posted on the permit board, stating the reasons for the order. Work may only resume after lifting of the stop work order by the building official.

103.4 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any provision of this code.

103.4.1 Misrepresentation of application. The building official may revoke a permit or approval issued under the provisions of this code if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

103.4.2 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

103.5 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby

declared illegal and must be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Unsafe Building Abatement Code (see article I of this chapter).

103.6 Requirements not covered by code. Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this or the other technical codes, will be determined by the building official.

Section 104.1.4 is amended to read as follows:

104.1.4. Minor repairs.

Ordinary minor repairs, routine maintenance, or incidental work of a nonstructural nature may be made without a permit, provided that such repair shall not violate any of the provisions of the technical codes. For purposes of this section, "ordinary minor repairs" include the replacement of damaged or worn materials by similar new materials and any other repairs defined as such by the building official. Ordinary minor repairs under this section may not involve the cutting of any structural beam or supporting member or include any alterations that would increase habitable floor area, change the use of any portion of the building, remove or change any required means of egress or exit access, or affect the structural integrity or fire rating of the building.

Section 104.1.6, relating to time limitations, is amended to add the following:

104.1.6.1 A permit issued shall be construed to be a license to proceed with the work but shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code. Although a permit issued to an owner is transferable to another owner, actual notice of the transfer of permit shall be given to the building official prior to the transfer. Building permits shall be issued following the approval of site and construction plans. Building permits on multifamily projects shall be issued on each individual building or structure. Multitenant occupancies, including but not limited to shopping malls, may be permitted on an individual building or structure (shell); however, individual permits shall be used separately for tenant spaces.

104.1.6.2 The first inspection required by the permit must be successfully completed within a six-month period of issuance or the permit shall be deemed invalid. All subsequent inspections shall be made within a six-month period of the most recent inspection until completion of work or the permit shall become invalid. For purposes of this section, the foundation inspection will be considered the first inspection.

104.1.6.3 The entire foundation must be completed within the first six months from the issuance of the permit. Partial inspections due to complexity of the foundation may be made with building inspector's approval, and job site plans shall be initialed by the inspector only on that portion of the plans that is inspected, and these inspections are for compliance to plans and specifications and are in no way to be construed as the first inspection. Subsequent inspections may be made until the entire foundation is completed. At that time, the foundation will be signed off as the first inspection. One or more extensions of the building permit for good cause may be granted by the building official on a project for a period not exceeding 90 days each. The request shall be made by written notice to the

building official at least 30 days prior to expiration of the building permit. The building official may require compliance with any revised building code, mechanical code, plumbing code, electrical code, gas code, swimming pool code or fire code requirements in effect at the time of granting any extension to the building permit. Any extension request denied may be appealed to the town council by the applicant on a form provided by the building official. The council shall grant or deny the extension upon a finding of good cause or lack thereof. If granted, the extension or extensions shall not exceed a period of 90 days each.

Section 106.1.4 relating to new or changed land uses is added as follows:

106.1.4 New or changed land use. A certificate of occupancy will only be granted for a new or changed use of land if that use is allowable under ch. 34 of this code.

~~107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

Commented [RCQ13]: FEMA required this when the town first adopted the FBC coordinated regulations, but it is now in FBCB Chapter 1 and can be removed here

117 VARIANCES IN FLOOD HAZARD AREAS

~~117.1 Flood hazard areas. Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

Commented [RCQ14]: same

Florida Building Code, Building, Section **202 1612.2**

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. ~~The~~ term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the costs of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Commented [RCQ15]: this sentence is the Town's amendments. Are you enforcing this repetitive flood loss provision?

Commented [RCQ16R16]: 6/23: not sure yet, KS been there one year. Maybe Irma – Check with building department

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

Commented [RCQ17]: the town repealed cumulative in 2017, which means this definition now matches the FBCB definitions. And can be removed

Commented [RCQ18R18]: 6/8/22: it must be removed, otherwise you're bound by law to enforce it because you modified the FBC

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Commented [RCQ19R18]:

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Florida Building Code, Building, Section **1612**

Commented [RCQ20]: 6/8/22: NEW – added for CAZ to not permit dry floodproofing or stemwalls

1612.4.1 Modification of ASCE 24. **Reserved.** Table 6-1 and Section 6.2.1 in ASCE 24 shall be modified as follows:

1. The title of Table 6.1 shall be "Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE), in Coastal A Zones and in Other Flood Hazard Areas that are not High Risk Flood Hazard Areas."

2. Section 6.2.1 shall be modified to permit dry floodproofing in Coastal A Zones, as follows: "Dry floodproofing of nonresidential structures and nonresidential areas of mixed-use structures shall not be allowed unless such structures are located outside of High Risk Flood Hazard areas and Coastal High Hazard Areas. Dry floodproofing shall be permitted in Coastal A Zones provided wave loads and the potential for erosion and local scour are accounted for in the design. Dry floodproofing of residential structures or residential areas of mixed-use structures shall not be permitted."

1612.4.3 Modification of ASCE 24 (Coastal A Zone). Stem walls shall not be permitted in Coastal A Zones.

Florida Building Code, Existing Building, Chapter 2.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Florida Building Code, Residential, Section R322.

R322.1.12 R322.1.11 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be permitted to enclose up to 100 percent of the area below an elevated building and shall not extend beyond the perimeter of the building.
2. Have the interior portion of any enclosed area:
 - a. Partitioned only to separate parking areas from building access or storage areas;
 - b. The minimum number of interior doors necessary for access to the stairway or elevator to the elevated buildings from areas used for parking or storage;
 - c. Not temperature-controlled.
3. Have access to enclosed areas intended for building access or storage by no more than one standard 36-inch exterior door, or one windowless 72-inch double exterior door, in any exterior wall.
4. Have access to enclosed areas intended for parking of vehicles by no more than one standard two-car garage door.

Commented [RCQ21]: 6/8/22: the "point 3" (.3) is correct – there is already a .2

Commented [RCQ22]: The 2013 ordinance didn't include modifying the EB definition for Sub Dam be modified for rep flood loss. If you're enforcing it, then it should be added and modified.

Commented [RCQ23]: the town repeal cumulative in 2017, which means this definition now matches the FBCEB definition. And can be removed

Commented [RCQ24]: this is an odd place to put this... but we were definitely on a steep learning curve in 2013

it is all new text and by putting it in R322.1, it applies in all SFHAs, all zones –

Commented [RCQ25R25]: 6/8/22: is that the intent

Commented [RCQ26R25]: 6/23: yes all – AND only for one- and two-family. Leave it here – I modified the blue to renumber now that the FBCB has a different R322.1.11

5. Have construction documents include an agreement, signed by the owner, acknowledging the limitations on allowable uses of the enclosed areas and the conditions of the building permit, using a form provided by the Floodplain Administrator. This agreement shall be recorded in the official record books in the office of the clerk of the circuit court to provide additional notice of these limitations to future purchasers.

~~R322.1.12 Accessory structures. Accessory structures used for parking and storage shall be permitted below the base flood if designed and constructed in compliance with Section R322 and the total cost of an accessory structure does not exceed 10% of the market value of the building or \$17,500 per dwelling unit, whichever is greater. The dollar amount specified may be increased each year beginning in 2014 by the percentage increase of the Consumer Price Index – All Urban Consumers (CUP-U), All Items, U.S. City Average maintained by the federal Bureau of Labor Statistics.~~

~~R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.~~

~~Exception: Reserved. In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.~~

Chapter 33, Site Work, Demolition and Construction.

Section 3311.5 is added, to read as follows:

3311.5 Trash containers.

It shall be unlawful to bury construction debris on the construction site or on any other public or private property not specifically approved for such use. A suitable trash container and adequate collection service shall be provided for each construction site. For purposes of this requirement, a suitable container is any structure, device, receptacle, designated location or combination thereof which holds construction debris on the construction site in a central location long enough for it to be removed from the site by means of whatever collection service the contractor chooses to use or may be required to use pursuant to other applicable laws before such debris is: (1) washed or blown off-site, (2) contaminates

Commented [RCQ27]: See SFMO guidance based on FEMA policy issued in 2020 and Bulletin published 2021

The 8th Ed FBCR is expected to have language that satisfies, but that's not effective until end of 2023. Over the last year, communities have put the following in their flood ordinances. It can be modified (but size limits cannot be increased).

This is what communities are putting in flood ordinances:

Commented [RCQ28R28]: 6/8/22: did we talk about this? I recommend put it in LDC

Commented [RCQ29R28]: 6/23: put it in Article IV Flood I did not retain the dollars; FEMA considers it's size limits a proxy for "low cost"

Commented [RCQ30]: 6/8/22: NEW – added to 'reserve' the exception so that backfilled stemwalls not allowed in CAZ – that means foundations in CAZ must be pilings or columns only

subsurface elements, (3) becomes volatile or malodorous, (4) makes an attractive nuisance, or (5) otherwise becomes a threat to the public health, safety and welfare.

Chapter 34, Existing Buildings.

Section 3401.1, relating to scope, is modified to read as follows:

3401.1 Scope. Provisions of this chapter and of division 4 of this article shall govern the application of this code to existing buildings. In interpreting this code, the building official may be guided by the Nationally Applicable Recommended Rehabilitation Provisions, published in 1997 by the U.S. Department of Housing and Urban Development.

Exception: Buildings and structures located within the High Velocity Hurricane Zone shall comply with the provisions of sections 3401.5, 3401.8, and 3401.2.2.1.

Section 3401.2.2.1, relating to change of occupancy, is deleted, and replaced with a new section 3401.2.2.1, to read as follows:

3401.2.2.1 If the occupancy classification or any occupancy subclassifications of any existing building or structure is changed to a more hazardous occupancy, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the technical codes as required by the building official.

Section 3401.5, relating to special historic buildings, is deleted, and replaced with a new section 3401.5, to read as follows:

3401.5 Special historic buildings.

3401.5.1 The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for an existing building or structure identified and classified by the federal, state, county, or town government as a historic structure, or as a contributing structure in a historic district, when such building or structure is judged by the building official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving.

3401.5.2 If it is proposed that a historic building that is undergoing repair, renovation, alternation, reconstruction, or change of occupancy not comply literally with certain technical standards of this code, the building official may require the building to be investigated and evaluated by a registered design professional. Such evaluation shall identify each required feature of the building not in technical compliance and shall demonstrate how the intent of these provisions is to be complied with in providing an equivalent level of safety.

(Ord. No. 13-06, § 3, 9-3-2013; Ord. No. 17-09, § 2, 6-19-2017)

Sec. 6-112. - Wind-borne debris region and basic wind speed map.

The entire incorporated area of the Town of Fort Myers Beach lies within the wind-borne debris region and the 130 mph basic wind speed zone as established by section 1606.1.6 and figure 1606 of the Florida Building Code.

Sec. 6-113. - Compliance with outdoor lighting standards.

Commented [RCQ31]: the FBC hasn't had a Chapter 34 for a couple of cycles. I don't know if what you have here conflicts with the current 7th Ed FBC Existing Building. I recommend you compare to FBCEB to determine what, if anything, here should be formatted as local amendment to the FBCEB and do that, then strike all of these chapter 34 texts

Commented [RCQ32R32]: 6/23:

Commented [RCQ33]: this conflicts, in part, with the NFIP. The town does not have a certified local historic preservation program, which means locally identified structures don't qualify for being excluded from the SI/SD definitions. See Article IV for historic structures.

Look at FBCEB, Chapter 12.

Commented [RCQ34R34]: 6/23: not necessary for flood

Commented [RCQ35]: I recall hearing the wind speed maps may have changed a few years ago – verify this is still valid

All building permits must comply with the outdoor lighting standards in §§ 34-1831—34-1860 of this code.

Sec. 6-114. - Compliance with NPDES erosion control standards.

Stormwater runoff from construction sites must be managed in compliance with §§ 10-606—10-607 of this land development code.

Secs. 6-115—6-120. - Reserved.

DIVISION 4. - EXISTING BUILDINGS CODE

Sec. 6-121. - Purpose.

The purpose of this code is to encourage the continued use or reuse of existing buildings. This code is designed to supplement the other codes adopted in this article. In interpreting this code, the building official may be guided by the Nationally Applicable Recommended Rehabilitation Provisions, published in 1997 by the U.S. Department of Housing and Urban Development.

Sec. 6-122. - Adoption; amendments.

The following chapters and sections of the 1997 Standard Existing Buildings Code, as published by the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama, 35213-1206, are hereby adopted by reference and made a part of this article, with the exceptions set forth as follows:

Chapter 1, Administration.

Section 101.7.1, relating to a change of occupancy, is deleted, and replaced with a new section 101.7.1 to read as follows:

If the occupancy classification or any occupancy subclassifications of any existing building is changed to a more hazardous occupancy, the building shall be made to conform to the intent of the Florida Building Code for new construction as required by the building official.

Section 105, relating to the board of adjustment and appeals, is deleted, and replaced by the procedures set forth for the delegation of authority to Lee County's construction board of adjustment and appeals found in division 2 of this chapter and article.

Chapter 2, Definitions and Abbreviations.

Chapter 3, Historic Structures, is hereby amended to read as follows:

The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for an existing building or structure identified and classified by the federal, state, county, or town government as a historic structure, or as a contributing structure in a historic district, when such building or structure is judged by the building official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving.

If it is proposed that a historic building that is undergoing repair, renovation, alternation, reconstruction, or change of occupancy not comply literally with certain technical standards, the building official may require the building to be investigated and evaluated by a registered design professional. Such evaluation shall identify each required feature of the building not in technical

Commented [RCQ36]: Some of this is also quite old – 1997 HUD? SBCCI?

And the chapter designations don't match the FBCEB

compliance and shall demonstrate how the intent of these provisions is to be complied with in providing an equivalent level of safety.

Chapter 4, Means of Egress.

Chapter 5, Fire Protection.

Chapter 6, Light, Ventilation and Sanitation.

Chapter 7, Building Services.

Chapter 8, Maintenance.

Appendix A, Rehabilitation Guidelines.

Secs. 6-123—6-230. - Reserved.

DIVISION 5. - CONTRACTOR LICENSING

Sec. 6-231. - Contractor licenses required.

Lee County authorizes the issuance of contractor licenses, as authorized by F.S. ch. 489 and Lee County Ordinance No. 96-20, granting the privilege of engaging in the contracting business within the jurisdiction of Lee County. The Town of Fort Myers Beach desires to restrict those engaging in the contracting business to those holding the same categories of licensure as required by Lee County:

- (1) State-certified contractors holding an active state certificate of competency;
- (2) State-registered contractors holding an active state registration and Lee County certificate of competency. A Lee County certificate of competency alone is not sufficient if state statute requires that the contractor also hold a state certificate or registration;
- (3) Locally licensed contractors holding an active Lee County certificate of competency; or
- (4) Restricted specialty contractors holding an active Lee County restricted certificate of competency.

Sec. 6-232. - Contractors required to be state-certified.

In accordance with F.S. ch. 489, the following types of contractors must hold a valid state certification in order to contract in the Town of Fort Myers Beach:

- (1) General contractor;
- (2) Building contractor;
- (3) Residential contractor;
- (4) Class A air conditioning contractor;
- (5) Class B air conditioning contractor;
- (6) Commercial pool/spa contractor;
- (7) Residential pool/spa contractor;
- (8) Swimming pool servicing contractor;
- (9) Sheet metal contractor;

- (10) Mechanical contractor;
- (11) Plumbing contractor;
- (12) Residential solar water heating contractor;
- (13) Underground utilities and excavation contractor;
- (14) Asbestos abatement contractor;
- (15) Roofing contractor;
- (16) Pollutant storage system contractor.

Sec. 6-233. - Contractor categories licensed by Lee County.

- (a) The Town of Fort Myers Beach accepts Lee County certificates of competency in the following specialty categories:
 - (1) Alarm system contractor I;
 - (2) Alarm system contractor II;
 - (3) Aluminum specialty structures contractor;
 - (4) Aluminum (without concrete) contractor;
 - (5) Aluminum (nonstructural) contractor;
 - (6) Asphalt sealing and coating contractor;
 - (7) Awning contractor;
 - (8) Cabinet and millwork contractor;
 - (9) Carpentry contractor;
 - (10) Concrete coatings contractor;
 - (11) Concrete forming and placing contractor;
 - (12) Concrete placing and finishing (flatwork) contractor;
 - (13) Court (outdoor) contractor;
 - (14) Demolition contractor;
 - (15) Dredging contractor;
 - (16) Drywall contractor;
 - (17) Excavation contractor;
 - (18) Fence erection contractor;
 - (19) Finish carpentry contractor;
 - (20) Garage door contractor;
 - (21) Glass and glazing contractor;
 - (22) Gunite contractor;
 - (23) Gutter and downspout contractor;
 - (24) Insulation (building) contractor;
 - (25) Insulation (all types) contractor;

- (26) Irrigation sprinkler contractor;
 - (27) Journeyman air conditioning;
 - (28) Journeyman electrician;
 - (29) Journeyman mechanical;
 - (30) Journeyman plumber;
 - (31) Marciting contractor;
 - (32) Marine contractor;
 - (33) Masonry contractor;
 - (34) Master electrical contractor;
 - (35) Painting contractor;
 - (36) Paver block contractor;
 - (37) Paving contractor;
 - (38) Pile driving contractor;
 - (39) Plastering/stucco contractor;
 - (40) Reinforcing steel contractor;
 - (41) River rock contractor;
 - (42) Sandblasting contractor;
 - (43) Sign contractor - limited;
 - (44) Sign contractor - restricted;
 - (45) Structural steel erection contractor;
 - (46) Terrazo contractor;
 - (47) Tile and marble contractor.
- (b) The Town of Fort Myers Beach also accepts certain older Lee County certificates of competency that the county has determined to be vested with respect to the scope of work allowed under the certificate category. These certificates may be in the following categories:
- (1) Air conditioning contractor - Class A;
 - (2) Air conditioning contractor - Class B;
 - (3) Air conditioning contractor - Class C;
 - (4) Alteration and repair (nonstructural) contractor;
 - (5) Building contractor;
 - (6) Cement, concrete and masonry contractor;
 - (7) Cement finishing contractor;
 - (8) Demolition contractor;
 - (9) Dredging and landfilling contractor;
 - (10) Exposed aggregate contractor;

- (11) Flooring contractor;
- (12) General contractor;
- (13) Glazing and window installation contractor;
- (14) Mechanical contractor;
- (15) Mobile home alteration and repair (including aluminum work) contractor;
- (16) Paint and roof painting contractor;
- (17) Paving and sealing contractor;
- (18) Plastering, lathing, stucco, and drywall contractor;
- (19) Plumbing contractor;
- (20) Pool contractor - Class A;
- (21) Pool contractor - Class C;
- (22) Remodeling contractor;
- (23) Residential contractor;
- (24) Roofing contractor;
- (25) Roof painting contractor;
- (26) Roof spraying contractor;
- (27) Seawall and dock contractor;
- (28) Sign contractor - electrical;
- (29) Sign contractor - non-electrical;
- (30) Solar water heating contractor;
- (31) Tile contractor;
- (32) Tile, terrazo, river rock, and marble contractor;
- (33) Waterproofing contractor;
- (34) Underground utility contractor.

Sec. 6-234. - Delegation of authority to the Lee County Construction Licensing Board.

- (a) The Town of Fort Myers Beach hereby delegates to Lee County and the Lee County Construction Licensing Board the authority to make decisions regarding:
 - (1) The categories of certificates of competency that Lee County may require or issue;
 - (2) The requirements for obtaining and retaining Lee County certificates of competency;
 - (3) The issuance, revocation, and cancellation of Lee County certificates of competency;
 - (4) Disciplinary actions concerning activities within the town by holders of a Lee County certificate of competency or by state-certified or registered contractors; and
 - (5) Any other matter within the authority of the Lee County Construction Licensing Board.
- (b) The policies, procedures and safeguards applicable to the Lee County Construction Licensing Board according to Lee County Ordinance No. 96-20, are hereby adopted by the

Town of Fort Myers Beach for all actions of the board regarding violations alleged to have occurred within the town.

- (c) The town attorney will provide legal advice to the Lee County Construction Licensing Board when warranted.

Sec. 6-235. - Owner-builder exemption.

- (a) Owners of property may act as their own contractor and provide direct on-site supervision themselves of all work not performed by licensed contractors when building or improving:
 - (1) One-family or two-family residences on the owner's property for the occupancy or use of the owners and not offered for sale or lease; and
 - (2) Commercial buildings on the owner's property at a cost not to exceed \$25,000.00 for the occupancy or use of the owners and not offered for sale or lease.
- (b) If, within one year of completion, an owner-builder sells, leases, or offers for sale or lease any building constructed or improved under an owner-builder exemption, the town can presume the construction or improvement was undertaken for the purposes of sale or lease.
- (c) This section does not exempt any person the owner-builder employs, or has a contract with, to act in the capacity of a contractor. The owner cannot delegate the owner's responsibility to directly supervise all work to any other person unless that person is duly licensed in accordance with this ordinance and the work performed is within the scope of that contractor's license.
- (d) To qualify for exemption under this section, an owner must personally appear and sign the building permit application. The owner must also execute a disclosure statement prepared by the building official acknowledging compliance with all applicable regulations.

Sec. 6-236. - Other exemptions.

The licensing provisions of this article do not apply to:

- (1) Any employee of a duly licensed contractor who is acting within the scope of the employer's license or with the employer's knowledge and permission. However, if the employer is not licensed to perform the type of services the employee is contracting to perform, then the employee is not exempt if the employee:
 - a. Holds himself or his employer out to be licensed or qualified by a licensee to perform services outside the scope of the employer's license;
 - b. Leads the consumer to believe that the employee has an ownership or management interest in the company; or
 - c. Performs any of the acts which constitute contracting for services outside the scope of the employer's license.

The intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions.

- (2) An authorized employee of the United States, the state, the county, the town, or any political subdivision of the state, if the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

- (3) Contractors and employees working on bridges, roads, streets, highways, or railroads, including services incidental thereto, that are under the responsible charge of a professional engineer, duly licensed general contractor, the county, or the state.
- (4) A registered professional engineer or architect acting within the scope of his practice or any person exempted by the law regulating engineers and architects, including a person doing design work as specified in F.S. § 481.229(1)(b). However, an engineer or architect cannot act as a contractor unless properly licensed in accordance with this article.
- (5) An architect or landscape architect licensed under F.S. ch. 481 or a professional engineer licensed under F.S. ch. 471 who offers or renders design-build services. However, a state-certified general contractor must perform the construction services under the design-build contract.

Sec. 6-237. - Penalties.

Penalties for violations of this article shall be as authorized by Lee County through its Ordinance No. 96-20, as may be amended from time to time.

Secs. 6-238—6-330. - Reserved.

ARTICLE III. COASTAL CONSTRUCTION CODE

DIVISION 1. - GENERALLY

Sec. 6-331. - Origin.

The Florida legislature adopted a Coastal Zone Protection Act in 1985 (F.S. § 161.52 et seq.), as later amended by Laws of Florida 2000-141, with requirements for enforcement by local governments. This article contains relevant requirements of that Act plus other local regulations, which will reduce the harmful consequences of natural disasters on sensitive coastal areas including the entire Town of Fort Myers Beach.

Sec. 6-332. - Intent of article; applicability of article.

The purpose of this article is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other natural disasters throughout the town. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes, and topography of adjacent properties. In the event of a conflict between this article and other portions of this code, the requirements resulting in the more restrictive design will apply. No provisions in this article will be construed to permit any construction in any area where prohibited by state or federal regulation.

- (1) *Applicability generally.* The requirements of this article will apply to the following types of construction:
 - a. New construction as defined herein;
 - b. Substantial improvements to existing structures as defined in § 6-405 of this code; and
 - c. Any construction which would change or alter the character of the shoreline, e.g., excavation, grading, or paving. This article does not apply to minor work in the nature of normal beach cleaning or debris removal, which is regulated by article I of ch. 14 of this LDC.

Commented [RCQ37]: 6-331 through 6-367 - much of it reads like the FBCB Section 3109 for CCCL. We recommend you compare and thin this out to minimize duplication and conflict.

I assume you won't do that now – and haven't set up the ordinance to retain it – but easy to modify if you want to do it now. This would become Section 2.

Commented [RCQ38R38]: 6/23: not necessary to do this to satisfy flood

- (2) *Construction seaward of mean high-water.* Structures or construction extending seaward of the mean high-water line which are regulated by F.S. § 161.041, e.g., groins, jetties, moles, breakwaters, beach nourishment, inlet dredging, etc., are specifically exempt from the provisions of this article. In addition, this article does not apply to those portions of piers, pipelines, or outfalls which are located seaward of the mean high-water line and are regulated pursuant to the provisions of F.S. § 161.053.
- (3) *Certification of compliance.* All plans for buildings must be signed and sealed by an architect or engineer registered in the state. Upon completion of the building and prior to the issuance of a certificate of occupancy, a statement must be filed with the director signed and sealed by an architect or engineer registered in the state in substantially the following form: "To the best of my knowledge and belief the above-described construction of all structural loadbearing components complies with the permitted documents and plans submitted to the Town of Fort Myers Beach."

Sec. 6-333. - Definitions.

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words or phrases not defined will be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Beach or shore has the same meaning given the word "beach" in § 14-1 of this LDC.

Coastal construction control lines have been established by the state department of environmental protection in accordance with F.S. § 161.053. The most recent lines at Fort Myers Beach were established in 1991, and a copy of the aerials depicting these coastal construction lines are recorded in the public records at Plat Book 48, Pages 15-34. These and the previous (1978) coastal construction control lines may also be reviewed at Town Hall.

Construction means the carrying out of any building, clearing, filling, excavation. When appropriate to the context, the term "construction" refers to the act of construction or the result of construction. Construction also includes substantial improvements to existing structures as defined in § 6-405 of this code.

Director means the person to whom the town council has delegated authority for enforcing this article.

Dune has the same meaning given it in § 14-1 of this LDC.

Major structure includes, but is not limited to, residential, commercial, institutional, or other public buildings and other construction having the potential for substantial impact on coastal zones (also see definitions of *minor structure* and *minor habitable structure* below).

Mean high-water line means the intersection of the tidal plane of mean high water with the shore. Mean high-water is the average height of high waters over a 19-year period. (See F.S. § 177.27(15).)

Minor structure includes, but is not limited to, pile-supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be characteristic of minor structures that they are considered expendable under design wind, wave, and storm forces.

Nonhabitable major structure includes, but is not limited to, swimming pools and public piers.

100-year storm means a shore-incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

Cross reference— Definitions and rules of construction generally, § 1-2 of this LDC.

Sec. 6-334. - Variances.

Requests for variances from the provisions of this article shall be processed and decided in the same manner as for variances under ch. 34 of this code.

Secs. 6-335—6-360. - Reserved.

DIVISION 2. - COASTAL CONSTRUCTION STANDARDS

Sec. 6-361. - Generally.

The following minimum standards will apply to all construction in the Town of Fort Myers Beach.

Secs. 6-362, 6-363. - Reserved.

Sec. 6-364. - Special requirements near beaches.

- (a) *Major structures.* Nonhabitable major structures must be designed to produce the minimum adverse impact on the beach and dune system.
 - (1) Locational criteria for major structures are found in § 6-366(b) of this LDC.
 - (2) Structural and permitting criteria for major structures are found in ch. 31 of the Florida Building Code and in ch. 62B of the Florida Administrative Code.
 - (3) All sewage treatment and public water supply systems must be floodproofed to prevent infiltration of surface water anticipated from a 100-year storm event.
 - (4) Underground utilities, excluding pad transformers and vaults, must be floodproofed to prevent infiltration of surface water expected from a 100-year storm event, or must otherwise be designed to function when submerged under such storm conditions.
- (b) *Minor structures.* Minor structures must be designed to produce the minimum adverse impact on the beach and dune system and adjacent properties and to reduce the potential for water and wind-blown material.
 - (1) Locational criteria for minor structures are found in § 6-366(b) of this LDC.
 - (2) Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure is not permitted; see article II of ch. 26 of this LDC for detailed regulations.

Sec. 6-365. - Reserved.

Sec. 6-366. - Location of construction near beaches.

- (a) All construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 Coastal Construction Control Line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 Coastal Construction Control Line is depicted on the future land use map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district. A copy of the 1978 Coastal Construction Control Line is recorded at Plat Book 48, Page 15, and available at the Ft. Myers Beach Town Hall.
- (b) When existing major structures that were built partially or fully seaward of the 1978 Coastal Construction Control Line are reconstructed, they shall be rebuilt landward of this line. Exceptions to this rule may be permitted through the planned development zoning process only where it can be scientifically demonstrated that the 1978 Coastal Construction Control Line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. Exceptions must also comply all state laws and regulations regarding coastal construction.
 - (1) Repairs to existing primary structures, in the EC zoning district, are permitted without a special exception only if the repairs do not exceed 25 percent of the value of the structure. Expansion of existing primary structures, in the EC zoning district, are not permitted without a special exception.
 - (2) Repairs to accessory structures in the EC zoning district are not permitted.
- (c) For newly created lots and parcels, a 50-foot separation between structures and dunes is required by § 10-415(b) of this LDC.

([Ord. No. 20-02](#) , § 2, 2-18-2020)

Sec. 6-367. - Public access.

Development or construction activity may not interfere with accessways established by the public through private lands to lands seaward of mean high tide line or mean high-water line by prescription, prescriptive easement or any other legal means, unless the developer provides a comparable alternative accessway. The developer has the right to improve, consolidate or relocate such public accessways if the accessways provided are:

- (1) Of substantially similar quality and convenience to the public;
- (2) Approved by the town council;
- (3) Consistent with the Fort Myers Beach Comprehensive Plan; and
- (4) Approved by the Florida Department of Environmental Protection whenever changes are proposed seaward of the 1991 Coastal Construction Control Line.

Secs. 6-368—6-400. - Reserved.

Section 3. Article IV of Chapter 6 of the Land Development Code of the Town of Fort Myers Beach entitled “Floodplain Regulations” is hereby amended by the following amendments.

ARTICLE IV. - FLOODPLAIN REGULATIONS

DIVISION 1. - GENERAL

Sec. 6-401. - Title.

These regulations shall be known as the Floodplain Management Ordinance of Fort Myers Beach, hereinafter referred to as "this article."

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-402. - Scope.

The provisions of this article apply to all development that is wholly within or partially within any flood hazard area, including but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-403. - Intent.

The purposes of this article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development that may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Commented [RCQ39]: Do the revised FIRMs show a Limit of Moderate Wave Action? If yes, look at our guidance for CAZ if you want to consider regulating the CAZ exactly like Zone V. Do that request changes to Article IV and to the FBC.

Commented [RCQ40R40]: 6/8/22 decided to treat CAZ like V

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-404. - Coordination with the Florida Building Code.

This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-405. - Warning.

The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the town to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-406. - Disclaimer of liability.

This article will not create liability on the part of Town Council of the Town of Fort Myers Beach or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-407—6-410. - Reserved.

DIVISION 2. - APPLICABILITY

Sec. 6-411. - General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement will be applicable.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-412. - Areas to which this article applies.

This article shall apply to all flood hazard areas within the Town of Fort Myers Beach, as established in section 6-413.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-413. - Basis for establishing flood hazard areas.

The Flood Insurance Study for Lee County Florida and Incorporated Areas, dated **November 17, 2022 August 28, 2008**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Fort Myers Beach Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-414. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to division 5 of this article, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the town indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area will be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area will be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-415. - Other laws.

The provisions of this article will not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-416. - Abrogation and greater restrictions.

This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive will govern. This article will not impair any deed restriction, covenant or easement, but any land that is subject to such interests will also be governed by this article.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Commented [RCQ41]: If adoption occurs after FEMA issues the LFD, then this date MUST be changed to the new effective date established in the LFD.

If adopted after the LFD comes out, you can rely on the "and all subsequent amendments and revisions" (we call it auto-adopt) or you can change the date at that time. We'll be in touch to help you with that.

Commented [RCQ42R42]: 6/8/22: made change shown

Sec. 6-417. - Interpretation.

In the interpretation and application of this article, all provisions will be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-418—6-420. - Reserved.

DIVISION 3. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 6-421. - Designation.

The town manager is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-422. - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator will have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures will not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to division 7 of this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-423. - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the town, will:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination will have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data will be obtained from other sources or will be developed by an applicant;

- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-424. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, will:

- (1) Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure will be the market value before the damage occurred and before any repairs are made; any appraisal used for the purposes of substantial improvement/substantial damage determinations must be current within one year of work commencing;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage;" and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.

(Ord. No. 16-02, § 2, 8-8-2016; Ord. No. 17-09, § 2, 6-19-2017)

Sec. 6-425. - Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator will review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to division 7 of this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-426. - Notices and orders.

The floodplain administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-427. - Inspections.

The floodplain administrator will make the required inspections as specified in division 6 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-428. - Other duties of the floodplain administrator.

The floodplain administrator will have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 6-424 of this article;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Fort Myers Beach are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-429. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator will maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and, records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records are available for public inspection at the Town of Fort Myers Beach Town Hall.

(Ord. No. 16-02, § 2, 8-8-2016)

Secs 6-430—6-440. - Reserved.

DIVISION 4. - PERMITS

Sec. 6-441. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area must first make application to the floodplain administrator, and the building official, if applicable, and must obtain the required permits and approvals. No such permit or approval will be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-442. - Floodplain development permits or approvals.

Floodplain development permits or approvals will be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-443. - Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals will be required for the following buildings, structures and facilities that are exempt

from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area that are prefabricated and assembled on-site or preassembled and delivered on-site and have walls, roofs, and a floor constructed of granite, marble or reinforced concrete.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-444. - Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant must first file an application in writing on a form furnished by the town. The information provided must:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in division 5 of this article.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-445. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article must not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of the town. The issuance of permits based on submitted applications, construction documents, and information will not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-446. - Expiration.

A floodplain development permit or approval will become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each must be requested in writing and justifiable cause must be demonstrated.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-447. - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the town.

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-448. - Other permits required.

Floodplain development permits and building permits must include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-449, 6-450. - Reserved.

DIVISION 5. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 6-451. - Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this article must be drawn to scale and must include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, base flood elevations, and ground elevations, if necessary for review of the proposed development.
- (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings must be located landward of the reach of mean high tide or the 1978 Coastal Construction Control Line, whichever is further inland.
- (3) Location, extent, amount, and proposed final grades of any filling, grading or excavation.
- (4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-452. - Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant must have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) An operation and maintenance plan when dry floodproofing is proposed, to include:
 - a. Identification of party responsible for maintenance and installation of the flood barriers that will protect wall and door openings and where the flood barriers will be stored when not in use.
 - b. Realistic estimate of the manpower, time and equipment required for installation.

Commented [RCQ43]: 6/8/22: the first of several places this is added

- c. Binding requirement for present and future owners to conduct a test installation before May 31 of each year of all flood barriers, with ten days' advance written notice provided to the floodplain administrator to witness this test.
 - d. Binding requirement that upon completion of each annual test, a written report will be submitted by the owners to the floodplain administrator within 30 days to document the results of the test and set forth any corrective measures that may be necessary, including proposed revisions to the operation and maintenance plan as to responsibility for maintenance, installation, and storage of flood barriers.
- (2) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates the proposed alteration will not increase the potential for flood damage.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-453. - Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses must be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees will be the responsibility of the applicant.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-454—6-460. - Reserved.

DIVISION 6. - INSPECTIONS

Sec. 6-461. - General.

Development for which a floodplain development permit or approval is required will be subject to inspection.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-462. - Development other than buildings and structures.

The floodplain administrator will inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-463. - Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator will inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this division and the conditions of issued floodplain development permits or approvals.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-464. - Buildings, structures and facilities exempt from the Florida Building Code, Lowest Floor Inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, must submit to the floodplain administrator the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-465. - Buildings, structures and facilities exempt from the Florida Building Code, Final Inspection.

As part of the final inspection, the owner or owner's authorized agent must submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations must be prepared as specified in section 6-464.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-466. - Manufactured homes.

The floodplain administrator will inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor must be submitted to the floodplain administrator.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-467—6-470. - Reserved.

DIVISION 7. - VARIANCES AND APPEALS

Sec. 6-471. - General.

The town council will hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the town council will hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-472. - Appeals.

The town council will hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-473. - Limitations on authority to grant variances.

The town council will base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 6-476, the conditions of issuance set forth in section 6-477, and the comments and recommendations of the floodplain administrator and the building official. The town council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-474. - Historic buildings.

A variance is authorized to be issued for the repair, improvement or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance will not be granted and the building and any repair, improvement and rehabilitation will be subject to the requirements of the Florida Building Code.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-475. - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in division 9 of this article, provided the variance meets the requirements of section 6-473, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-476. - Considerations for issuance of variances.

In reviewing requests for variances, the town council will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;

- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the town;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-477. - Conditions for issuance of variances.

Variances may be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- (2) Determination by the town council that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Receipt of a signed statement by the applicant that the variance, if granted, must be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to

amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-478—6-480. - Reserved.

DIVISION 8. - VIOLATIONS

Sec. 6-481. - Violations.

Any development that is not within the scope of the Florida Building Code but regulated by this article, which is: (a) performed without an issued permit, (b) in conflict with an issued permit, or (c) does not fully comply with this article, will be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-482. - Authority.

For development that is not within the scope of the Florida Building Code, but regulated by this article and determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-483. - Unlawful continuance.

Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-484—6-490. - Reserved.

DIVISION 9. - DEFINITIONS

Sec. 6-491. - Scope.

Unless otherwise expressly stated, the following words and terms will, for the purposes of this article, have the meanings shown in this division.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-492. - Terms defined in the Florida Building Code.

Where terms are not defined in this division and are defined in the Florida Building Code, such terms have the meanings ascribed to them in that code.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-493. - Terms not defined.

Where terms are not defined in this division or the Florida Building Code, such terms have ordinarily accepted meanings such as the context implies.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-494. - Definitions.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification that may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24. A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal A Zone. Flood hazard areas that have been delineated as subject to wave heights between 1 ½ feet (457 mm) and 3 feet (914 mm). Such areas are seaward of the Limit of Moderate Wave Action shown on the Flood Insurance Rate Map.

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Commented [RCQ44]: Per FEMA policy; see SFMO guidance

Commented [RCQ45R45]: Don't keep this if fix it in FBCR

Commented [RCQ46R45]: 6/8/22 discussed?

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before August 31, 1984. [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 31, 1984.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of Fort Myers Beach on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the town, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and determined to be compliant with this article.

Florida Building Code (FBC). The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

- (1) Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard

areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less that has a vehicular curb weight of 6,000 pounds or less and a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Limit of Moderate Wave Action. Line shown on FIRMs to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage, provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Mangrove stand. An assemblage of mangrove trees, which are mostly low trees noted for copious development of interlacing adventitious roots above the ground, which contains one or more of the following species: black mangrove (*Avicennia germinans*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularis racemosa*), and buttonwood (*Conocarpus erecta*).

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted upward by 20 percent.

Any proposed value submitted via a private appraisal that exceeds the property appraiser's valuation by more than 35 percent may be subject to peer review by a qualified local appraiser or submittal of a new independent appraisal, with the full cost of the review or new appraisal paid by the applicant.

New construction. For the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of

Commented [RCQ47]: Almost all of the communities we've worked with in the past year (about 100) have made this change to remove the traditional market appraisal – FDEM approved this to rely on ACV as primary method. It's recommended because there's less judgement and less opportunity for bias. The starting "like-kind replacement cost" is what it would cost to build exactly as shown (not to current code).

See SFMO Guidance

Commented [RCQ48]: 6/8/22: Recommend close this up so it doesn't look like it might be two terms

construction" commenced on or after August 31, 1984 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 31, 1984.

Park trailer. A transportable unit that has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See F.S. § 320.01.]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one- percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the

Commented [RCQ49]: 6/8/22: Recommend close up so it doesn't look like separate dfns

structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this article, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016; Ord. No. 17-09, § 2, 6-19-2017)

Secs. 6-495—6-500. - Reserved.

DIVISION 10. - FLOOD-RESISTANT DEVELOPMENT

Subdivision I. - Buildings and Structures

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 6-443, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, must be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of division 10, subdivision VII.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. ~~6-502~~. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures must be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building, Section 3109 and Section 1612 or Florida Building Code, Residential, Section R322.
- (2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, must be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

(Ord. No. 16-02, § 2, 8-8-2016)

Commented [RCQ50]: 6/23: Per KS, I put accessory structures under "Other Development".

I explained that some communities like to put it in their equivalent of Subdivision I. Buildings and Structures. And if there isn't an available section, they use 6-502A (for this existing) and then put accessory as 6-502B.

Subdivision II. - Subdivisions

Sec. 6-503. - Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, will be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-504. - Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following will be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, must be shown on preliminary plats; and
- (2) Compliance with the site improvement and utilities requirements of division 10, subdivision III.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision III. - Site Improvements, Utilities and Limitations

Sec. 6-505. - Minimum requirements.

All proposed new development will be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-506. - Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems must be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24, Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-507. - Water supply facilities.

All new and replacement water supply facilities must be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24, Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-508. - Limitations on placement of fill.

Subject to the limitations of this article, fill must be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill must comply with the requirements of the Florida Building Code.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-509. - Limitations on sites in coastal high hazard areas (Zone V) **and Coastal A Zones.**

In coastal high hazard areas **and Coastal A Zones**, alteration of sand dunes and mangrove stands will be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 6-452(1) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures must comply with subsection 6-529(3).

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision IV. - Manufactured Homes

Sec. 6-510. - General.

All manufactured homes installed in flood hazard areas must be installed by an installer that is licensed pursuant to F.S. § 320.8249, and must comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes must comply with the more restrictive of the applicable requirements.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-511. - Limitations on installations in coastal high hazard areas (Zone V) **and Coastal A Zones.**

New installations of manufactured homes shall not be permitted in coastal high hazard areas (Zone V) **and Coastal A Zones.**

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-512. - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas must be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas **and Coastal A Zones**, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.2 and this article. **Foundations for manufactured homes subject to section 6-516 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.**
- (2) In coastal high hazard areas (Zone V) **and Coastal A Zones**, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.3 and this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-513. - Anchoring.

All new manufactured homes and replacement manufactured homes must be installed using methods and practices that minimize flood damage and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-514. - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot. Manufactured homes that are placed, replaced or substantially improved must comply with sections 6-515 or 6-516, as applicable.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-515. - General elevation requirement.

Unless subject to the requirements of section 6-516, all manufactured homes that are placed, replaced or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; or (b) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A) or Section R322.3 (Zone V).

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-516. - Elevation requirement for certain existing manufactured home parks and subdivisions.

Commented [RCQ51]: 6/8/22: some communities ask the preserve the higher of, as shown tracked

This uses only bottom of the frame, which is why I changed the whereas clause

Commented [RCQ52R52]: 6/23: removed that because most depths are already greater

Manufactured homes that are not subject to section 6-515, including manufactured homes that are placed, replaced or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, must be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-515. Sec. 6-517. - Enclosures.

Enclosed areas below elevated manufactured homes must comply with the requirements of the Florida Building Code, Residential, Sections R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-516. Sec. 6-518. - Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing and air conditioning equipment and other service facilities, must comply with the requirements of the Florida Building Code, Residential, Section R322, as applicable to the flood hazard area.

(Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-517—6-518. - Reserved.

Subdivision V. - Recreational Vehicles and Park Trailers

Sec. 6-519. - Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas must:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-520. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 6-519 for temporary placement must meet the requirements of division 10, subdivision IV for manufactured homes.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision VI. - Tanks

Sec. 6-521. - Underground tanks.

Underground tanks in flood hazard areas must be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-522. - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 6-523 must:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas **and Coastal A Zones**, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V) **and Coastal A Zones**.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-523. - Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas must be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures must meet the foundation requirements of the applicable flood hazard area.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-524. - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents must be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision VII. - Other Development

Sec. 6-525. - General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, must:

- (1) Be located and constructed to minimize flood damage;
- (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (3) Be constructed of flood damage-resistant materials; and
- (4) Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-526. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) **and Coastal A Zones**.

In coastal high hazard areas **and Coastal A Zones**, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four inches without turned-down edges, have isolation joints at pilings and columns, and have control or construction joints in both directions spaced no more than four feet apart.

(Ord. No. 16-02, § 2, 8-8-2016; Ord. No. 17-09, § 2, 6-19-2017)

Sec. 6-527. - Decks and patios in coastal high hazard areas (Zone V) **and Coastal A Zones**.

In addition to the requirements of the Florida Building Code, in coastal high hazard areas **and Coastal A Zones** decks and patios must be located, designed and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure must have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation must comply with the foundation requirements that apply to the building or structure, which must be designed to accommodate any increased loads resulting from the attached deck.

- (2) A deck or patio that is located below the design flood elevation must be structurally independent from buildings or structures and their foundation systems, and must be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage must not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-528. - Other development in coastal high hazard areas (Zone V) **and Coastal A Zones**.

In coastal high hazard areas **and Coastal A Zones**, development activities other than buildings and structures may be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and, if analyses prepared by qualified registered design professionals demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-529. - Nonstructural fill in coastal high hazard areas (Zone V) **and Coastal A Zones**.

In coastal high hazard areas **and Coastal A Zones**:

- (1) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection, if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Sec. 6-530. - Non-elevated accessory structures.

Commented [RCQ53]: 6/23/ added

Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

(1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

(2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

(3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

(Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-530—6-600. - Reserved.

Section 4. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Commented [RCQ54]: 6/8/22: ADDED Fiscal impact, related to FBC amendments. See our general instructions for FBC amendments

Section 5. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Land Development Code, 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 6. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 7. 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 8. This Ordinance shall become effective upon adoption by the Town Council.

The forgoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put on a roll call vote, the results was as follows:

Raymond P. Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Council Member	_____
Jim Atterholt, Council Member	_____
Bill Veach, Council Member	_____

ADOPTED this ____ day of _____, 2021 by the Town Council of the Town of Fort Myers Beach, Florida

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of _____, 2021

1. **Requested Motion:**

Meeting Date: August 4, 2022

Discussion to provide feedback on proposed amendments to the sign regulations within LDC Ch. 30 Signs.

Why the action is necessary:

This discussion will assist staff in improving the language to meet the needs of the Town.

What the action accomplishes:

This discussion will assist staff in improving the language to meet the needs of the Town.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

This will be an ordinance.

5. **Background:**

The existing sign ordinance no longer meets the legal requirement for content neutrality. The proposed language maintains the same size and requirements for all signage specifically called out in the existing regulations, with a few modifications. The new ordinance divides the requirement into zoning classifications with no reference to the purpose of the signs. There is a pared down list of exempt signs which do not require a permit, as long as they meet the exempt requirements. Any signs that appear to not meet the exempt requirements will be asked to apply for a permit. Commercial and Civic zoning districts are permitted temporary signs or banners up to a certain size which are approved through a temporary sign permit.

Attachments:

1. FMB New Sign Ordinance
2. FMB Existing Whole Code
3. Memo

Financial Impact:

unknown

6. **Alternative Action**

Provide feedback on the proposed language.

7. **Staff Recommendations:**

Provide feedback on the proposed language.

8. **Recommended Approval:**

Date: July 28, 2022

Daphnie Bercher, Community Services Administrator

Date: July 28, 2022

Jason Green, Community Development Services

Date: July 29, 2022

John R Herin Jr, Town Attorney

Amy Baker, Town Clerk

Date: July 29, 2022

Roger Hernstadt, Town Manager

Date: July 29, 2022

Proposed New Language

Chapter 30 - Signs

Sec. 30.1. Purpose and application.

These regulations shall apply to the erection and maintenance of signs visible, from the exterior of a building, while preserving the right of free speech and expression. The regulations within this chapter shall apply to all construction, relocation, enlargement, alteration and modification of signs within the Town of Fort Myers Beach. Generally, signs are approved by issuance of a sign permit. However, there are some signs that do not require a permit, these signs are listed in Section 30-4. Exempt Signs.

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance, and any sign permitted by this ordinance may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type and other conditions and specifications as apply to the sign for which they are being substituted.

Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions or covenants not enforced by the Town.

Sec. 30.1. – Generally.

- (1) The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this chapter:
 - (a) *Required application and inspection of signs.* No sign, other than signs not requiring a permit, found in Section 30-4. Exempt Signs, shall be erected, constructed, structurally altered or relocated until a permit has been issued by the Town.
 1. Sign work not requiring a permit or inspection includes:
 - a. Change of copy. Changing the face or copy on existing signs.
 - b. Maintenance. Painting, cleaning, or other normal maintenance and repair for a sign not involving structural or electrical changes.
 - c. Window displays. Changes in the content of window displays or window signage, provided all such displays are within the building and any signage does not exceed 25 percent of the window.
 - d. This chapter shall not apply to any sign erected by the federal, state, county, or Town of Fort Myers Beach government or to the placement of temporary signs not exceeding eight square feet in area within a right-of-way for purposes of business identification or access location, when necessitated by road construction and when authorized by the county or town.

- (b) *Electrical permit.* All signs which require electricity or are electrically illuminated shall require a separate electrical permit and an inspection.
- (c) *Construction standards.* In addition to complying with the requirements of this chapter, all signs must meet the structural and other standards regarding sign construction, erection, electrical wiring, etc., set forth in the Florida Building Code. Plans for any or monument sign exceeding 32 square feet in area or eight feet in height shall be accompanied by foundation drawings signed and sealed by a licensed engineer.
- (d) *Visibility triangle and location standards.* All signs must meet the visibility requirements found in Section. 34-3131 of this land development code. Signs may not be placed within the Town's right of way, any sign which encroaches the right of way must provide liability insurance per Section 30-13 Liability Insurance.

Sec. 30-3. Definitions. and rules of construction.

- (1) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter shall control.
- (2) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a copy change on a sign specifically designed for the use of replaceable copy, e.g., a reader board with changeable letters, is not an alteration.

Animated sign. Any sign, including electronic, laser, video or digital displays, that uses movement or change of lighting to depict action or create a special effect or scene. Electronic message boards, electronic changing message centers, and any signs with flashing lights are considered to be animated signs.

Awning sign. Any sign consisting of letters which are painted or installed on a lawful awning, but not including a back-lit awning.

Back-lit awning. An awning with a translucent covering material and a source of illumination contained within its framework.

Balloon sign. One or more balloons, with or without messages or illustrations, that are used as a temporary or permanent sign or as a means of directing attention to a business or organization or to a commodity, service or entertainment.

Banner. A temporary sign of flexible plastic, cloth, or other fabric, either enclosed or not enclosed in a rigid frame that is secured or mounted to allow movement caused by the atmosphere, including "streamer" and "pennants" but not including flags.

Bench sign. A sign that is painted on or attached to any part of a bench, seat, or chair placed on or adjacent to a public street, public plaza or beach access.

Building identification or address. The building number assigned by Lee County as the official premises address, painted or affixed to a building, mailbox or similar structure.

Building official. Means the authorized agent or employee of the city whose duty it is to enforce and interpret the construction codes of the city.

Canopy. A permanent roof-like shelter open on four sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign. Any permanent sign attached to or constructed in, on, or below a canopy.

Civic District. For the purposes of this chapter, civic districts shall mean a property in Community Facilities or Institutional zoning districts.

Commercial District. For the purposes of this chapter, commercial districts shall mean a property in Downtown, Santini, Commercial Office, Commercial Marina, Commercial Resort, Santos or Commercial Boulevard zoning districts.

Development identification sign. A permanent sign, which is either a freestanding sign or a sign located on a subdivision entry feature or perimeter wall, at a main entrance to a subdivision or development, identifying the name of the development or subdivision.

Directional sign. Any sign which serves solely to designate the location of or direction to any place, activity, facility, or area.

Double-faced sign. A single plane with items of information identical on both sides and mounted as a single structure.

Emitting sign. A sign designed to emit visible smoke, vapor, particles, or odor, or a sign which produces noise or sounds capable of being heard, even though the sounds produced may not be understandable.

Flag. Any fabric or bunting used as a symbol (as of a nation, government, political subdivision or other entity) or as a signaling device.

Frontage. The distance measured along a public street right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way of the easement line.

Government sign. Any sign erected by or on the order of a public official or court in the performance of a public duty or to give notice of permit or pending action or to maintain order and safety.

Illuminated sign. Any electrically operated sign or sign for which an artificial light source is used to make the sign's message visible, including internally and externally illuminated signs and reflectorized, glowing, or radiating signs.

Incidental sign. A sign, generally informational, that has a purpose that is secondary to the use of the site on which it is located, such as "No Parking," "Entrance," "Exit," "Telephone," "Open," "Beware of Dog," "No Trespassing" "Welcome," and other similar directives.

Inflatable object. An object of any shape that is expanded or capable of expansion by means of air or gas, such as a balloon, windsock, or air tube, and which is used as a means of attracting attention to a site, product or event.

Licensed contractor. A person holding a valid contractor's license issued by the Lee County Construction Board.

Maintain. To preserve from decline, keep in an existing state or retain in possession or control.

Menu display box. A plaque or display case, located on an exterior building wall, that displays a restaurant's menu near its entrance for the convenience of potential patrons who arrive on foot.

Monument sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles

Nameplate sign. A non-illuminated identification sign indicating only the name, address, and/or occupation of an occupant or group of occupants of a building.

Parasite sign. Any sign not exempted by this chapter, for which no permit has been issued, and which is hung from, attached to or added onto an existing sign.

Permit board. A sign erected on a construction site for the sole purpose of providing a conspicuous display of and shelter for the permits required for construction activities being performed on such construction site.

Pole sign. A freestanding sign supported by an exposed structure of poles or other supports where the height of the exposed sign supports extends more than 18 inches from the ground to the bottom of the sign. A freestanding sign that meets this chapter's requirement for a monument sign is not considered to be a pole sign.

Portable sign. Any non-illuminated sign that is carried or worn.

Projecting sign. A sign which is attached to a building and projects more than 18 inches above, below, or outward from, and is supported by, a wall, parapet, or ceiling of a building.

Public body. Any government or governmental agency of the United States, the state, the county, or the Town of Fort Myers Beach.

Residential Districts. For the purposes of this section, residential districts shall mean a property in Residential Single-Family, Residential Conservation, Residential Multifamily, Bay Beach or Village zoning districts.

Residential sign. Any non-illuminated sign, not otherwise defined or regulated in this chapter, that is located in a residential district.

Roof sign. Any sign erected upon a roof or roof-mounted equipment. Signs placed flat against the steep slope of a mansard roof will not be considered roof signs.

Sandwich-board sign. An easily moveable sign not attached to the ground that is supported by its own frame which generally forms the cross-sectional shape of an A.

Sign. Any name, figure, character, outline, display, announcement, ~~or~~ device, or structure supporting the same, or any other device of similar nature designed to attract attention or convey a message outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

Sign face. An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Snipe sign. A sign of any material, including paper, cardboard, wood, and metal, when tacked, nailed, or attached in any way to trees, telephone poles, or other objects located or situated on a public road right-of-way, or any sign which is installed on property without the permission of the property owner.

Temporary sign. A sign or banner displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served.

Wall sign. Any sign attached to or painted on the wall of a building or structure and extending no more than 18 inches outward from the wall in a plane approximately parallel to the plane of said wall.

Window sign. Any sign viewable through, affixed to or painted on a window or exterior glass door such that it is viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building.

Sec. 30-4. Exempt Signs

- (1) Signs not requiring a permit. The following signs do not require a sign permit but may require a building permit or electrical permit (if subject to building or electrical codes). Signs listed in this section do not require a sign permit but shall still comply with the standards found in section Sec. 30-7. Construction and Maintenance Standards. All signs not requiring a sign permit shall comply with the associated size, timing and location standards listed in this section (30-4. – Exempt Signs) or shall require a permit, see 30-4(2).
 - (a) *Building identification or address*, shall be located at all primary building entrances and on the mailbox. Numbers and letters shall be of a size visible from the street, between three and eight inches in height unless required to be larger for visibility by emergency services (buildings more than 50 feet from the road must

be between eight and 18 inches in height). Building identification or addresses may be located on awnings.

- (b) *Directional or instructional signs or symbols*, such as entrance, exit, caution, slow, direction arrows, etc. located on and pertaining to a parcel or development and not to exceed four square feet in area or containing any advertising.
- (c) *Flags*, that are affixed to a flagpole or building mounted flagpole. Flagpoles may require building permits.
- (d) *Government or public information signs*, any sign erected by or on the order of a public official or court in the performance of a public duty or to give notice of permit or pending action.
- (e) *Incidental Signs or Signs of minimal area*,
 - 1. Signs, on a building or structure, which do not exceed two square foot in area and are not illuminated. Limited to two per parcel or lot.
 - 2. Signs on machines, equipment, fences, gates, walls, gasoline pumps, public telephones or utility cabinets which do not exceed a total of one square foot in area. Limited to two per parcel or lot.
- (f) *Menu boards*, display of a restaurant's fare not to exceed four square feet and containing only a menu of a font size that is legible to a pedestrian.
- (g) *Parking signs*, including those in compliance with the Americans with Disabilities Act and other parking signs including, but not limited to, handicapped parking, reserved parking, compact car spaces, expectant mother parking and parking for pickup orders. Not to exceed three square feet per parking space or meeting ADA requirements.
- (h) *Permit board*. A freestanding device erected on a construction site for the sole purpose of providing a conspicuous display of and shelter for the permits required for construction activities being performed on such construction site. A permit board may display a contractor name or logo so long as such display does not exceed one square foot.
- (i) *Portable signs*. Any portable sign, not to exceed six square feet.
- (j) *Posted property signs*. Posted property signs, not to exceed 1½ square feet in area per sign and not exceeding two in number per lot. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (k) *Sandwich boards*,
 - 1. As permitted by subsections 27-51(e)(4) and (5) for PWVL and PAL businesses.
 - 2. Located within commercial zoning districts only. One sandwich board sign, not exceeding 36 inches in height and 24 inches in width, may be located in front of each tenant space. Sandwich boards may not be

placed within the right of way and must maintain at least 36 inches of walking space within pedestrian paths.

- (l) *Residential signs*, residentially zoned properties are allowed one non-illuminated ground or wall sign, not to exceed four (4) square feet in area or three (3) feet in height, if freestanding. This is in addition to any other signs which are allowed or exempted by this sign ordinance.
 - (m) *Symbols or insignia* of religious orders, historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed 16 square feet in area.
 - (n) *Tow away zone signs*, erected pursuant to and in compliance with F.S. § 715.07.
 - (o) *Warning or prohibitory signs*, (e.g., no parking, no trespassing, no dumping, caution or danger), on a building, fence, equipment, or ground mounted may not exceed three square feet in size and no more than three feet in height unless mounted to a building or fence. One of each type of sign is permitted for 250 feet of frontage or portion thereof on a public right-of-way.
 - (p) *Waterway signs*, directional signs along inland waterways.
 - (q) *Window signs or information displayed on a window*, may not exceed 30 percent of the area of a window.
- (2) The owner or tenant of any property containing a sign which appears to be out of compliance with these above regulations may be required to submit an application for the sign in question. If the sign is in compliance with the above regulations for signs not requiring a permit, Section 30-4. Exempt Signs, the sign will be allowed to remain and no permit fee charged. If the sign is found to be out of compliance with Section 3-4. Exempt Signs, it will be reviewed per the appropriate regulations.

Sec. 30-5. Permitted Signs.

- (1) Commercial Districts. For the purposes of this section, commercial districts shall mean a property in Downtown, Santini, Commercial Office, Commercial Marina, Commercial Resort, Santos, or Commercial Boulevard zoning districts. The following signs shall be permitted:
- (a) *Permanent signs* shall comply with the following regulations and limitations:
 - 1. Size.
 - a. For a parcel of land containing one or two business establishments, each separate business establishment shall be allowed a maximum of 32 square feet of sign area.
 - b. For a parcel of land containing three or more business establishments, each establishment shall be allowed a maximum of 16 square feet of sign area. An additional 32 square feet of sign area may be utilized to identify the commercial development.

- c. The maximum sign area provided herein may be allocated among a combination of allowable sign types.
- 2. Location and Design.
 - b. Internal lighting. Buildings that are required to meet the commercial design standards in § 34-991-1010, shall not install internally lit box signs (see Figure 30-1). When internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols. An opaque background panel must be used so that the internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy.
 - a. Wall Signs
 - i. A wall sign shall not extend above the lowest edge of the building's eaves or above the highest horizontal members of the fence or wall to which it is attached.
 - ii. Wall signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of eight feet and do not extend closer than two feet to an existing or planned curb and provide appropriate liability insurance in compliance with Sec. 30-13.
 - d. Monument signs
 - i. The sign must be on private property.
 - ii. The sign may be no closer than three feet to any side property line.
 - iii. Height. The total height may not exceed five feet above finished grade, not measured from berms or raised landscaping beds.
 - iv. Must be set back at least three feet from any public right-of-way or roadway easement; provided, however, that monument signs may be located in a lawfully developed landscaped median strip that is within a public or private right-of-way or easement where the holder(s) of the right-of-way or easement have consented to the location of the monument sign in such right-of-way or easement. Monument signs located in such median strips must be set back a minimum of two feet from the edge of the pavement and must not violate the visibility requirements of § 34-3131.
 - e. Projecting Signs

- i. A projecting sign shall not extend more than three feet above the lowest edge of the building's eaves.
 - ii. A projecting sign may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of eight feet and do not extend closer than two feet to an existing or planned curb.
 - (b) *Temporary signs*, a sign or banner, not exceeding 30 square feet, may be permitted on any property with an approved special event or as allowed by temporary sign permit not exceeding 60 days annually.
 - (c) *Exempt signs*, as described in Section 30-4 in this sign ordinance.
- (2) Residential Districts. For the purposes of this section, residential districts shall mean a property in Residential Single-Family, Residential Conservation, Residential Multifamily, Bay Beach or Village zoning districts. The following signs shall be permitted:
- (a) *Permanent signs*. Each entrance to a development or subdivision may be permitted a single monument sign or up to two single-faced signs, one on each side of the entrance. The sign(s) shall be in compliance with the size and location requirements as well as all limitation.
 - 1. *Size and Location*.
 - a. The face of each permitted main entrance sign shall not exceed 25 square feet and shall not exceed five feet above finished grade, not measured from berms or raised landscaping beds.
 - b. A monument sign.
 - i. If located in the median strip of the entrance. The sign must be set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes.
 - c. One or two single-faced signs, equal in size, and located on one or both sides of the entranceway.
 - i. Must be set back a minimum of 5 feet from any property lines and the edge of pavement.
 - 2. *Limitations and Design*.
 - a. The condominium, subdivision or development shall have a property owners' association or similar entity which will be responsible for the maintenance of the sign.
 - d. The sign should be incorporated into entrance features such as a wall or landscaping.
 - (b) *Exempt signs*, as described in Section 30-4 in this sign ordinance.

- (3) Civic Districts. For the purposes of this section, civic districts shall mean a property in Institutional or Community Facility zoning districts. The following signs shall be permitted:

(a) *Permanent signs* shall comply with the following regulations and limitations:

1. *Size and Limitations.*

- a. For a parcel of land containing a single civic use the maximum allowable sign area shall be 25 square feet.
- b. Each additional civic use: baseball field, recreation center, swimming pool, annex, etc. may be allowed up to 16 additional square feet of signage.
- c. Maximum height of any monument sign shall not exceed five feet above finished grade, not measured from berms or raised landscaping beds.

2. *Location.*

- a. Any sign shall be set back 5 feet from any property line.
- (b) *Temporary signs*, a sign or banner, not exceeding 30 square feet, may be permitted on any property with an approved special event or as allowed by a temporary sign permit, not exceeding 60 days annually.
- (c) *Exempt signs*, as described in Section 30-4 in this sign ordinance.

Sec. 30-6. Measuring Signs.

(1) Measuring sign area. Sign area shall be calculated in the following way:

- (a) Sign within a framework or background shall be calculated as the area within that framework or background of the sign. The support for the sign, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area.
- (b) For wall signs, canopy signs or any other type of sign without a frame, the sign area shall be the area within a regular geometric shape that includes all letters, figures, graphics or other elements of the sign.
- (c) For double-face or sandwich board signs, the area of the sign shall be calculated based on one sign face.

(2) Measuring sign height. The height of a freestanding sign shall be calculated in the following way:

- (a) The vertical height of a freestanding sign shall be the vertical distance measured from the highest adjacent grade, not including berms or raised landscaping beds, or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements.

Sec. 30-7. Construction and Maintenance Standards.

- (1) *Generally.* All signs shall comply with the appropriate detailed provisions of the Florida Building Code relating to design, structural members, illumination and connections. All electrical work shall be Underwriters' Laboratories approved or be certified by an electrician licensed in accordance with article II of ch. 6 of this code. Signs shall also comply with the additional standards set forth in this section.
- (2) *Structural design.*
 - (a) The town manager or designee may require wind load calculations for signs prior to issuance of a permit.
 - (b) A wall must be designed for and have sufficient strength to support any sign that is attached thereto.
- (3) *Materials for monument signs.*
 - (a) All monument signs shall be self-supporting structures erected on and permanently attached to the ground.
 - (b) All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite-resistant through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Florida Building Code.
- (4) *Lighting.* Signs may be illuminated in compliance with the following:
 - (a) All electric signs shall be certified by a licensed electrical contractor that the sign meets the standards established by the Florida Building Code. All electric signs shall be erected and installed by a licensed sign contractor. The electrical connection to a power source shall be performed by a licensed electrical contractor.
 - (b) Externally illuminated signs may not cause glare to passing motorists, pedestrians or adjacent properties. Bulbs, lenses, or globes shall not be visible from outside of the property where the sign is located or from any right-of-way. See ch. 14 of this code for sea turtle lighting restrictions.
 - (c) Sign lighting shall be in compliance with the lighting regulations found in section 34-1833(3)e.
- (5) *Supports and braces.* Metal supports or braces shall be adequate for wind loading. All metal wire cable supports and braces and all bolts used to attach signs to brackets or brackets and signs to the supporting building or structure shall be made of galvanized steel or of an equivalent corrosive-resistant material. All such sign supports shall be an integral part of the sign.
- (6) *Anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

- (7) *Maximum angle for double-faced signs.* Double-faced signs with opposing faces having an interior angle greater than 30 degrees shall not be permitted.
- (8) *Maintenance.* All visible portions of a sign and its supporting structure shall be maintained in a safe condition and neat appearance. If the sign is a lighted sign, all lights shall be maintained in working order and functioning in a safe manner. If the sign is a painted sign, the paint shall be kept in good condition. All signs will be kept in such manner as to constitute a complete sign at all times. The area immediately surrounding ground signs shall be kept clear of all unsightly vegetation or debris.

Sec. 30-8. - Prohibited signs.

The following signs are prohibited:

- (1) Any signs which are not designed, located, constructed or maintained in accordance with the provisions of this chapter, or which do not meet the requirements of all applicable Town of Fort Myers Beach, state and federal codes.
- (2) Signs that resemble any traffic control device, official traffic control signs or emergency vehicle markings.
- (3) Signs located at the intersection of any street right-of-way in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- (4) Animated signs except those displaying only cycling time or temperature.
- (5) Back-lit awnings. However, any business with an existing back-lit awning as of December 31, 2004, may continue to use that awning and may place or replace signage on that awning provided it otherwise conforms to this code. This right shall end if the business is discontinued or moved to a different location, or if the building is rebuilt or substantially improved.
- (6) Balloons or balloon signs.
- (7) Banners, pennants, or other flying paraphernalia, except as permitted in section 30-141 (Temporary signs).
- (8) Canopy signs.
- (9) Bench signs.
- (10) Emitting signs.
- (11) Inflatable objects.
- (13) Motion picture signs.
- (14) Obscene signs.
- (15) Parasite signs.

- (16) Pole signs.
- (17) Roof signs.
- (18) Signs with any lighting or control mechanism which causes radio, television or other communication interference.
- (19) Signs erected, constructed or maintained so as to obstruct or be attached to any firefighting equipment or any window, door or opening used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
- (20) Signs which are placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.
- (21) Snipe signs.
- (22) Window signs which cover more than 30 percent of the window glass surface area.

Sec. 30-9. - Violation of chapter; penalty.

The town manager or designee is authorized to pursue any one or combination of the enforcement mechanisms provided in this code or by law for any violation of this chapter. Penalties may be assessed against any owner, agent, lessee, tenant, contractor, or any other person using the land, building or premises where such violation has been committed or shall exist; any person who knowingly commits, takes part in or assists in such violation; and any person who maintains any sign or sign structure in violation of this chapter or in a dangerous or defective condition.

Sec. 30-10. - Permits and Approvals.

- (1) *Permits.*
 - (a) It shall be the duty of the town manager or designee, upon receipt of a completed sign permit application and appropriate fee, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this chapter, to issue a permit for the requested structure. Issuance of the permit shall in no way prevent the town manager or designee from later declaring the sign to be illegal if, upon further review of the information submitted with the application or of newly acquired information, the sign is found not to comply with the requirements of this chapter.
 - (b) No sign permit or certificate of compliance shall be issued except in compliance with this chapter and any other applicable ordinances and laws or court decisions.
- (2) *Lapse.* A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 30 days and is not renewed within 30 days from the date written notice is sent from the town to the last permittee

that the sign permit will lapse if such activity is not resumed. A sign permit shall also lapse if the sign for which it is issued either is not erected and/or placed within 180 days following the issuance of the sign permit or is removed for a period of 60 days. Once a sign permit has lapsed, it shall be considered void and a new application and review process shall be necessary in order to have the sign permit re-issued.

- (3) *Variances.* Requests for variances or deviations from the terms of this chapter shall be administered and decided in conformance with the requirements for variances and deviations which are set forth in ch. 34 of this LDC.
- (4) *Expiration of sign permit.* A sign permit shall expire and become null and void six months from the date of issuance, except that it may be extended for good cause by the town manager or designee.
- (5) *Inspections.* All signs for which a permit is required by this chapter must be inspected by the town to ensure compliance with this chapter and all other applicable regulations. Failure to obtain a final satisfactory inspection within the permit period or any renewal shall render the permit invalid, and the applicant shall be required to reapply for a permit or remove the sign or structure.

Sec. 30-11. - Nonconforming signs.

- (1) *Nonconforming sign compliance.* All signs that do not conform to the requirements of this chapter shall be considered nonconforming signs. All nonconforming signs shall be either removed or brought into conformity with this chapter no later than December 31, 2023. The owner of the real property on which such nonconforming signs exist shall be responsible for ensuring that such signs are removed or brought into conformity.
- (2) *Nonconforming sign permits.* Sign permits will not be issued for the alteration, replacement or repair of a nonconforming sign unless the requested modification brings the nonconforming sign into compliance.
- (3) *Exception.* Signs that have been designated as historically significant pursuant to section 30-12 - Designation of historically significant signs, shall not be considered to be nonconforming signs. Such signs shall be governed by the provisions of section 30-12.

Sec. 30-12. - Designation of historically significant signs.

Any existing sign may be nominated for designation as historically significant as provided herein.

- (1) Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.
- (2) The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town's comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:

-
- (a) Whether the sign is associated with historic person(s), event(s), or location(s);
 - (b) Whether the sign provides significant evidence of the history of the product, business or service represented;
 - (c) Whether the sign is characteristic of a specific historic period;
 - (d) Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and
 - (e) Whether the sign is a local landmark that is popularly recognized as a focal point in the community.
- (3) The historic preservation board will, after hearing public comment, vote to recommend that the town council either approve or deny historically significant status to the nominated sign.
 - (4) Following the historic preservation board public hearing, the town council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the town council must find that the sign meets one or more of the criteria in § 30-12(2) and is consistent with the town comprehensive plan historic preservation element.
 - (5) A sign that has been designated historically significant may remain as a legal nonconforming sign notwithstanding the provisions of Sec. 30-11 Nonconforming signs. If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.

Sec. 30-13. Liability Insurance.

- (1) Liability insurance required. No permitted sign located on or projecting over a public right-of-way shall be erected unless an insurance policy shall have been filed for public liability with a limit determined by the Town of Fort Myers Beach.
 - (a) Such policy shall be issued by an insurance company authorized to do business in the State of Florida and acceptable to the Town Manager.
 - (b) The policy shall name the Town of Fort Myers Beach as a co-insured and shall require 30 days' written notice to the Town before modification or cancellation.
 - (c) Such policy shall protect and hold the Town harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, property owner or occupants or their respective agents; or by reason of defects in the construction, or damages resulting from the collapse, failure or combustion of the sign or parts thereof.
 - (d) The policy shall be maintained so long as the sign in question remains erected.

Chapter 30 - SIGNS

Sec. 30-1. - Purpose and intent of chapter.

The town council finds and declares:

- (1) An excess of signs causes a visual blight on the appearance of the town by detracting from views of structures and open space. This visual blight adversely affects the aesthetic quality of life and traffic safety on Fort Myers Beach for residents, businesses, pedestrians, and persons in vehicles. In order to promote the appearance of the town, while protecting the rights of sign owners to expression and identification, the regulation of existing and proposed signs is necessary to protect the public health, safety and general welfare.
- (2) The purpose of this chapter is to encourage signs which are integrated with and harmonious to the building and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the town as a place in which to live and work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.
- (3) This chapter provides minimum standards to safeguard life, safety, property, and public welfare by regulating size, construction location, electrification, operation and maintenance of all signs and sign structures exposed to public view within the town. These standards are content-neutral and regulate based on the form, and not the content, of signs. The visual appearance and traffic safety of the town cannot be achieved by measures less restrictive than the procedures and standards of this chapter.
- (4) It is the intent of the town council that protection of First Amendment rights shall be afforded by these sign regulations. Accordingly, any sign, display or device permitted under these regulations may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this code. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this code.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-2. - Definitions and rules of construction.

- (a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter shall control.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a copy change on a sign specifically designed for the use of replaceable copy, e.g., a reader board with changeable letters, is not an alteration.

Animated sign. Any sign, including electronic, laser, video or digital displays, that uses movement or change of lighting to depict action or create a special effect or scene. Electronic message boards, electronic changing message centers, and any signs with flashing lights are considered to be animated signs.

Awning sign. Any sign consisting of letters which are painted or installed on a lawful awning, but not including a back-lit awning.

Back-lit awning. An awning with a translucent covering material and a source of illumination contained within its framework.

Balloon sign. One or more balloons, with or without messages or illustrations, that are used as a temporary or permanent sign or as a means of directing attention to a business or organization or to a commodity, service or entertainment.

Banner. A temporary sign of flexible plastic, cloth, or any other fabric, either enclosed or not enclosed in a rigid frame that is secured or mounted to allow movement caused by the atmosphere, including "streamer" and "pennants" but not including flags.

Bench sign. A sign that is painted on or attached to any part of a bench, seat, or chair placed on or adjacent to a public street, public plaza or beach access.

Building numbers. The building number assigned by Lee County as the official premises address, painted or affixed to a building, mailbox or similar structure.

Commented [L1]: Changed to Building identification or address

Building official. The same officer as appointed by the town manager through § 6-44.

Commented [L2]: Modified to be more helpful.

Business information sign. Any sign containing the name or address of a building and may include hours of operation, information to customers such as business hours and telephone number, "open" and "closed," "shirts and shoes required," "no soliciting," "no loitering," emergency information, professional and trade association information and credit card information.

Commented [L3]: Included in Incidental, too specific in nature

Canopy. A permanent roof-like shelter open on four sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign. Any permanent sign attached to or constructed in, on, or below a canopy.

Commercial message. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. For purposes of this chapter, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. The identification by name of an apartment or condominium development on a residential sign at the apartment or condominium development site shall not be considered to be a commercial message.

Commented [L4]: Too specific

Construction sign. A temporary sign identifying a construction project and the persons, firms, or businesses participating in the construction project.

Commented [L5]: Temporary, very specific

Development identification sign. A permanent sign, which is either a freestanding sign or a sign located on a subdivision entry feature or perimeter wall, at a main entrance to a subdivision or development, identifying the name of the development or subdivision.

Directional sign. Any sign which serves solely to designate the location of or direction to any place, activity, facility, or area and contains no commercial message.

Commented [L6]: removed

Double-faced sign. A single plane with items of information identical on both sides and mounted as a single structure.

Election sign. A sign temporarily installed in the ground or attached to a building relating to the election of a person to a public office or relating to a matter to be voted upon at a federal, state or local election.

Commented [L7]: Too specific

Emitting sign. A sign designed to emit visible smoke, vapor, particles, or odor, or a sign which produces noise or sounds capable of being heard, even though the sounds produced may not be understandable.

Face of sign. The entire area of a sign on which copy could be placed.

Commented [L8]: duplicative

Flag. Any fabric or bunting used as a symbol (as of a nation, government, political subdivision or other entity) or as a signaling device.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building, wall, fence, vehicle, or object other than the sign structure for support.

Commented [L9]: Unnecessary, covered by pole and monument signs

Frontage. The distance measured along a public street right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way of the easement line.

Government sign. Any sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

Illuminated sign. Any electrically operated sign or any sign for which an artificial source is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Commented [L10]: modified

Incidental sign. A sign, generally informational, that has a purpose that is secondary to the use of the site on which it is located, such as "No Parking," "Entrance," "Exit," "Telephone," "Open," "Beware of Dog," "No Trespassing" "Welcome," and other similar directives. The term incidental sign shall not include a sign designed to be transported by means of wheels, a sandwich-board sign, or a skid-mounted sign, regardless of the nature of the information that such sign may contain.

Commented [L11]: removed

Inflatable object. An object of any shape that is expanded or capable of expansion by means of air or gas, such as a balloon, wind sock, or air tube, and which is used as a means of attracting attention to a site, product or event.

Licensed contractor. A person holding a valid contractor's license issued by the Lee County Construction Board.

Maintain. To preserve from decline, keep in an existing state or retain in possession or control.

Menu display box. A small plaque or display case, not exceeding four square feet in area and four inches in depth, located on an exterior building wall that displays a restaurant's menu near its entrance for the convenience of potential patrons who arrive on foot.

Commented [L12]: Modified, removed requirements

Monument sign. A freestanding sign with internal structural supports, where the height from the ground to the highest point on the sign is less than the sign's greatest horizontal dimension.

Commented [L13]: Changed, dimensions not important

Motion picture sign. A sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign, or advertising statuary visible from any public street or sidewalk.

Commented [L14]: Animated sign

Nameplate sign. A non-illuminated identification sign indicating only the name, address, and/or occupation of an occupant or group of occupants of a building.

Noncommercial sign. A sign which contains no commercial message.

Commented [L15]: Not necessary

Open house sign. A sign identifying property for sale, rent or lease and temporarily open for inspection.

Commented [L16]: These signs included in exempt residential signs or temporary.

Off-premises sign. Any sign normally used for promoting a business, individual, products, or service available somewhere other than the premises where the sign is located. A sign containing a noncommercial message shall not be considered to be an off-premises sign.

Commented [L17]: Off site signage may be challenged in Supreme Court this year

Parasite sign. Any sign not exempted by this chapter, for which no permit has been issued, and which is hung from, attached to or added onto an existing sign.

Permit board. A freestanding device erected on a construction site for the sole purpose of providing a conspicuous display of and shelter for the permits required for construction activities being performed on such construction site. A permit board may display a contractor name or logo so long as such display does not exceed one square foot.

Pole sign. A freestanding sign supported by an exposed structure of poles or other supports where the height of the exposed sign supports extends more than 18 inches from the ground to the bottom of the sign. A freestanding sign that meets this chapter's requirement for a monument sign is not considered to be a pole sign.

Portable sign. Any movable sign not permanently attached to the ground or a building.

Projecting sign. A sign which is attached to a building and projects more than 18 inches above, below, or outward from, and is supported by, a wall, parapet, or ceiling of a building.

Public body. Any government or governmental agency of the United States, the state, the county, or the Town of Fort Myers Beach.

Real estate sign. A temporary sign which advertises the sale, exchange, lease, rental, or availability of the parcel, improved or unimproved, upon which it is located.

Commented [L18]: Removed, now exempt residential sign or temporary.

Residential sign. Any sign, not otherwise defined or regulated in this chapter as an allowed sign in a residential zoning district, that is located in a district zoned for residential uses and does not contain any commercial message.

Roof sign. Any sign erected upon a roof or roof-mounted equipment. Signs placed flat against the steep slope of a mansard roof will not be considered roof signs.

Sandwich-board sign. An easily moveable sign not attached to the ground that is supported by its own frame which generally forms the cross-sectional shape of an A. For purposes of this code, sandwich signs are not considered portable signs.

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention or convey a message outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

Sign face. An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Snipe sign. A sign of any material, including paper, cardboard, wood, and metal, when tacked, nailed, or attached in any way to trees, telephone poles, or other objects located or situated on a public road right-of-way, or any sign which is installed on property without the permission of the property owner.

Special event sign. A temporary sign announcing a social function, promotional, or fundraising event, sponsored by a private, not-for-profit, or governmental entity which is open to the public, and which is distinct from the usual and customary business day functions of the organization.

Commented [L19]: Not necessary

Temporary sign. A sign displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease or rent signs, political signs, service signs, special event signs, construction signs, directional signs to special or temporary events and signs of a similar nature.

Vehicle sign. Any sign permanently or temporarily attached to or placed on a vehicle, including a motor vehicle, boat, trailer, or bicycle or human-powered vehicle, where the vehicle is parked so as to be visible from the public right-of-way or parked on public property so as to clearly provide a commercial message close to the public right-of-way, unless said vehicle is used by a proprietor or

employee of the business for the purpose of commuting between the business location and home or is used in the usual course or operation of a business. Factors to be considered in determining whether a vehicle is used in the usual course or operation of a business shall include, but not be limited to, whether the vehicle is inoperable, whether the vehicle has a current registration in the State of Florida, the role the vehicle plays in the business, the frequency with which the vehicle is used in the operation of the business, and whether the size of the sign makes it impractical or dangerous to operate the vehicle. Any sign bearing a commercial message that is attached to or painted on a vehicle that is routinely parked or otherwise located on a site or sites other than the site where the business is located, or a sign whose size makes it impractical or dangerous to operate the vehicle shall be presumed to be a prohibited vehicle sign.

Commented [L20]: Removed, not enforceable

Wall sign. Any sign attached to or painted on the wall of a building or structure and extending no more than 18 inches outward from the wall in a plane approximately parallel to the plane of said wall.

Window sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Cross reference— Definitions and rules of construction generally, app. A, § 1-2.

Sec. 30-3. - Reserved.

Sec. 30-4. - Applicability of chapter.

- (a) **Generally.** Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town of Fort Myers Beach, or cause such work to be done, without first obtaining a sign permit for each such sign as required by this chapter.
- (b) **Exceptions.**
 - (1) This chapter shall not apply to any sign erected by the federal, state, county, or Town of Fort Myers Beach government or to the placement of temporary signs not exceeding eight square feet in area within a right-of-way for purposes of business identification or access location, when necessitated by road construction and when authorized by the county or town.
 - (2) The following activities shall not be considered the creation of a sign:
 - a. **Change of copy.** Changing the copy on existing signs.
 - b. **Maintenance.** Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving change of copy, structural or electrical changes.
 - c. **Window displays.** Changes in the content of show window displays, provided all such displays are within the building.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-5. - Prohibited signs.

The following signs are prohibited:

- (1) Any signs which are not designed, located, constructed or maintained in accordance with the provisions of this chapter, or which do not meet the requirements of all applicable Town of Fort Myers Beach, state and federal codes.

- (2) Signs that resemble any traffic control device, official traffic control signs or emergency vehicle markings.
- (3) Signs located at the intersection of any street right-of-way in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- (4) Animated signs except those displaying only cycling time or temperature.
- (5) Back-lit awnings. However, any business with an existing back-lit awning as of December 31, 2004, may continue to use that awning and may place or replace signage on that awning provided it otherwise conforms to this code. This right shall end if the business is discontinued or moved to a different location, or if the building is rebuilt or substantially improved.
- (6) Balloons or balloon signs.
- (7) Banners, pennants, or other flying paraphernalia, except as permitted in section 30-141 (Temporary signs).
- (8) Canopy signs.
- (9) Bench signs.
- (10) Emitting signs.
- (11) Inflatable objects.
- (13) Motion picture signs.
- (14) Obscene signs.
- (15) Off-premises signs.
- (16) Parasite signs.
- (17) Pole signs.
- (18) Portable signs.
- (19) Roof signs.
- (20) Sandwich-board signs. Except as permitted by subsections 27-51(c)(4) and (5) for PWVL and PAL businesses.
- (21) Signs with any lighting or control mechanism which causes radio, television or other communication interference.
- (22) Signs erected, constructed or maintained so as to obstruct or be attached to any firefighting equipment or any window, door or opening used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
- (23) Signs which are placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.
- (24) Snipe signs.
- (23) Vehicle signs.
- (24) Window signs which cover more than 30 percent of the window glass surface area.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-6. - Exempt signs.

The following signs are exempt from the permitting requirements of this chapter:

- (1) ~~Awning signs.~~ Awning signs consisting of one line of letters or building or address numbers on the hanging border, or an identification emblem, insignia, initial, or other feature not exceeding an area of eight square feet painted or installed elsewhere on an awning.
- (2) *Building numbers.* Posted building numbers must be between three and eight inches high for detached dwellings and for individual businesses, institutional, and multifamily buildings. Numbers on buildings that are set back more than 50 feet from the street must be between eight and 18 inches high. If the building number is prominently displayed on an identification sign for a multiple occupancy complex, the number need not be repeated for individual businesses within that complex.
- (3) *Business information signs.* Business information signs, provided that such signs are posted on the entrance doors or within a window.
- (4) Flags that contain no commercial message.
- (5) *Garage sale signs.* Garage sale signs, provided they are erected not more than 24 hours prior to the sale and are removed within 72 hours of the time they were erected.
- (6) *Government and public safety signs.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, signs of public service companies indicating danger, "no parking" signs, and aids to service or safety which are erected by or on the order of a public official in the performance of his public duty.
- (7) Incidental signs not exceeding two square feet in area per sign and limited to two signs per parcel or lot. Additional incidental signs shall require a permit for each such additional sign.
- (8) Instructional signs or symbols located on and pertaining to a parcel of private property, not to exceed four square feet in area per sign.
- (9) ~~Interior signs.~~ Signs located within the interior of any building, or within the inner or outer lobby, court, or entrance of any theater. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this code and the Florida Building Code.
- (10) *Legal notices.* Legal notices and official instruments.
- (11) *Memorial signs or tablets.* Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (12) *Nameplates.* Any sign not exceeding 1½ square feet in area per sign and not exceeding two in number per lot. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (13) *Posted property signs.* Posted property signs, not to exceed 1½ square feet in area per sign and not exceeding two in number per lot. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (14) *Public information signs.* Any sign used for public information or direction erected either by or at the direction of a public body.
- (15) *Real estate, open house, and model signs.*
- (16) *Sandwich-board signs,* but only as permitted by subsections 27-51(c)(4) and (5) for PWVL and PAL businesses.
- (17) *Signs incorporated on machinery or equipment.* Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- (18) *Special event signs.*

Commented [L21]: So specific, rolled into other types of exempt signs

Commented [L22]: Simplified

Commented [L23]: It's inside!

Commented [L24]: Incidental signs

Commented [L25]: Government or public information signs

Commented [L26]: Rolled into residential signs

Commented [L27]: Revised to allow in commercial districts also

- (19) Symbols or insignia of religious orders, historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed 16 square feet in area.
- (20) *Temporary signs.* Temporary election signs, special event signs, and real estate signs as provided in § 30-141.
- (21) Tow away zone signs erected pursuant to and in compliance with F.S. § 715.07.
- (22) *Warning signs.* Signs warning the public or the existence of danger, to be removed upon subsidence of danger.
- (23) *Waterway signs.* Directional signs along inland waterways.
- (24) *Window signs.* Interior window signs which identify or advertise activities, services, goods, or products available within the building.
- (25) In single-family residential zoning districts, no more than one residential sign, in addition to any directional signs, flags, incidental signs and temporary signs that may be otherwise allowed, shall be erected or located on the site and shall not exceed four square feet in sign area and, if freestanding, five feet in height.
- (26) In multifamily zoning districts, one residential sign per street frontage of the site, in addition to any directional signs, flags, incidental signs and temporary signs that are otherwise allowed, shall be located on the site; provided, however, that in no event shall the total number of such signs exceed two per site. The maximum sign area for each residential sign shall be 16 square feet and, if freestanding, the maximum height shall not exceed eight feet.

Commented [L28]: Temporary signs redefined and not exempt

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-7. - Reserved.

Editor's note— Ord. No. 11-01, § 2(Exh. A), adopted Apr. 18, 2011, deleted § 30-7 entitled "Parking of advertising vehicles."

Secs. 30-8—30-50. - Reserved.

Sec. 30-51. - Violation of chapter; penalty.

The town manager or designee is authorized to pursue any one or combination of the enforcement mechanisms provided in this code or by law for any violation of this chapter. Penalties may be assessed against any owner, agent, lessee, tenant, contractor, or any other person using the land, building or premises where such violation has been committed or shall exist; any person who knowingly commits, takes part in or assists in such violation; and any person who maintains any sign or sign structure in violation of this chapter or in a dangerous or defective condition.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-52. - Reserved.

Sec. 30-53. - Powers and duties of town manager.

- (a) *Generally.* The town manager is hereby authorized and directed to administer and enforce the regulations and procedures and to delegate the duties and powers granted to and imposed upon him under this chapter.

(b) *Specific powers and duties.*

(1) *Issuance or denial of permits and certificates.*

- a. It shall be the duty of the town manager or designee, upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this chapter, to issue to the applicant a written permit evidencing the applicant's compliance therewith. Permits shall be issued within 15 days of receipt of a complete application. Issuance of the permit shall in no way prevent the town manager or designee from later declaring the sign to be illegal if, upon further review of the information submitted with the application or of newly acquired information, the sign is found not to comply with the requirements of this chapter.
- b. No sign permit or certificate of compliance shall be issued except in compliance with this chapter and any other applicable ordinances and laws or court decisions.

(2) *Lapse.* A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 30 days and is not renewed within 30 days from the date written notice is sent from the town to the last permittee that the sign permit will lapse if such activity is not resumed. A sign permit shall also lapse if the sign for which it is issued either is not erected and/or placed within 180 days following the issuance of the sign permit or is removed for a period of 60 days. Once a sign permit has lapsed, it shall be considered void and a new application and review process shall be necessary in order to have the sign permit re-issued.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-54. - Variances.

Requests for variances or deviations from the terms of this chapter shall be administered and decided in conformance with the requirements for variances and deviations which are set forth in ch. 34 of this LDC.

Sec. 30-55. - Permits; inspections.

(a) *Sign permit required; modifications.*

- (1) Except as otherwise provided for in this chapter, no sign shall be located, placed, erected, constructed, altered, replaced, enlarged, moved or converted in the Town of Fort Myers Beach, without first obtaining a sign permit.
- (2) In the event a sign is located, installed or maintained upon real property in the Town of Fort Myers Beach without any required permits, after the expiration or lapse of a sign permit, or otherwise in violation of the requirements of this chapter, the owner of the real property where the sign is located shall be responsible for the prompt removal of such sign and shall be responsible for and subject to all fines or penalties resulting from such violation.

(b) *Application for sign permit.* In order to obtain a permit to erect, alter or relocate any sign under the provisions of this chapter, an applicant therefore shall submit to the town a sign permit application, which shall include:

(1) *A completed application form that includes the following:*

- a. The name, address and telephone number of the applicant.
- b. The name, address and telephone number of the person constructing the sign, as well as the name, address and telephone number of the owner of the sign.
- c. Information as to the type of sign to be erected, e.g., monument, projecting or wall sign; illuminated or non-illuminated; temporary or permanent.

- d. The approximate value of the sign to be installed, including the installation cost, and information concerning the design of the sign and the copy that will appear on the sign.
- (2) *A site location plan that includes the following:*
- a. Location by street address and legal description (tract, block and lot) of the building, structure, or lot where the sign is to be erected or installed.
 - b. A fully dimensioned plot plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks, and other buildings or structures on the premises, as well as the location, size and type of any other existing signs whose construction requires a sign permit.
 - c. A sea turtle lighting plan for all lighted signs that are visible from the beach, including signs that are within buildings.
 - d. A landscape plan for sign installations that will include landscaping.
- (3) *Application fee.* Applications for a permit to erect, construct, alter or extend a sign or sign structure shall be accompanied by a fee in the amount established by the town council.
- (4) A drawing to scale showing the design of the sign, including dimensions, sign size, method of attachment, and source of illumination, and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed.
- (5) Plans indicating the scope and structural detail of the work to be done, including details of all connections, supports, footings and materials to be used.
- (6) Where determined to be necessary, a copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction.
- (7) Where determined to be necessary, a listing of all materials to be utilized in the construction of the sign, or, in the alternative, a statement that all materials are in compliance with the Florida Building Code.
- (8) If applicable, an application, and required information for such application, for an electric permit for all signs that include electrical components. Electrical components must be UL-approved and installed in conformance with the listing.
- (9) All signs, except exempt signs and certain temporary signs, are required to be installed or erected only by a licensed sign contractor or licensed electrical sign contractor. All persons engaged in the business of installing or maintaining signs involving, in whole or part, the erection, alteration, relocation or maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign installer shall agree to hold harmless and indemnify the Town of Fort Myers Beach and its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of a sign or other sign work.
- (10) *Expiration of sign permit.* A sign permit shall expire and become null and void six months from the date of issuance, except that it may be extended for good cause by the town manager or designee.
- (11) *Inspections.* All signs for which a permit is required by this chapter must be inspected by the town to ensure compliance with this chapter and all other applicable regulations. Failure to obtain a final satisfactory inspection within the permit period or any renewal shall render the permit invalid, and the applicant shall be required to reapply for a permit or remove the sign or sign or structure.
- (12) *Identification number.* All signs that were issued a permit after September 13, 1999 must have the sign permit number affixed to the upper right corner of the sign. The town will maintain digital photographs of all signs in the town in Town Hall.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-56. - Nonconforming signs.

- (a) *Nonconforming sign compliance.* All signs that do not conform to the requirements of this chapter shall be considered to be nonconforming signs. All nonconforming signs shall be either removed or brought into conformity with this chapter no later than December 31, 2011. The owner of the real property on which such nonconforming signs exist shall be responsible for ensuring that such signs are removed or brought into conformity.
- (b) *Nonconforming sign permits.* Sign permits will not be issued for the alteration, replacement or repair of any nonconforming signs.
- (c) *Exception.* Signs that have been designated as historically significant pursuant to section 30-57 below, shall not be considered to be nonconforming signs. Such signs shall be governed by the provisions of section 30-57.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-57. - Designation of historically significant signs.

Any existing sign may be nominated for designation as historically significant as provided herein.

- (1) Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.
- (2) The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town's comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:
 - a. Whether the sign is associated with historic person(s), event(s), or location(s);
 - b. Whether the sign provides significant evidence of the history of the product, business or service represented;
 - c. Whether the sign is characteristic of a specific historic period;
 - d. Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and
 - e. Whether the sign is a local landmark that is popularly recognized as a focal point in the community.
- (3) The historic preservation board will, after hearing public comment, vote to recommend that the town council either approve or deny historically significant status to the nominated sign.
- (4) Following the historic preservation board public hearing, the town council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the town council must find that the sign meets one or more of the criteria in § 30-57(2) and is consistent with the town comprehensive plan historic preservation element.
- (5) A sign that has been designated historically significant may remain as a legal nonconforming sign notwithstanding the provisions of § 30-56 (Nonconforming signs). If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Secs. 30-58—30-90. - Reserved.

Sec. 30-91. - Computation of sign area.

- (a) The area of a sign shall include all lettering, wording and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display. The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of any supporting structures that are not part of the display.
- (b) When a single sign structure is used to support two or more signs, or unconnected elements of a single sign other than individual letters or symbols, sign area shall be computed on each sign face in the same manner as the sign area of a single sign. If the faces of a multi-faced sign are separated at any point by more than 18 inches, then each sign face shall constitute a separate sign.
- (c) The area of a double-faced sign shall be computed on only one side; provided, however, that where both sides are unequal in size, the area for the larger side shall be used.
- (d) Where a sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall consist of the single smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols, including the sign background.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-92. - Measurement of sign height.

The vertical height of a freestanding sign shall be the vertical distance measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-93. - Location.

- (a) *Visibility triangle.* No sign shall be erected that would impair visibility at a street intersection or driveway entrance as described in § 34-3131 of this code.
- (b) *Street setbacks.* No sign or portion of a sign shall be erected closer than three feet to any sidewalk or bike path or to any street right-of-way unless at least eight feet of vertical clearance is maintained.
- (c) *Signs near the beach.* Other portions of this code may affect the location or lighting of signs. For example:
 - (1) Signs are permitted in the EC zoning district only if approved through the special exception process or as a deviation in the planned development zoning process (see § 6-366(b)), or where explicitly permitted by §§ 14-5 or 27-51. Where signs are permitted by § 27-51, equivalent signs containing noncommercial messages may be substituted.
 - (2) A sea turtle lighting plan is required for new signs with artificial light sources that are visible from the beach, including signs that are within buildings. Guidelines for ensuring that sea turtle nesting habitat will not be directly or indirectly illuminated are found in § 14-79.
- (d) *Clearance from power lines.* Signs shall be located no closer than ten feet from all overhead electrical lines and conductors and no closer than three feet from all secondary voltage service drops.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-94. - Construction standards.

- (a) *Generally.* All signs shall comply with the appropriate detailed provisions of the Florida Building Code relating to design, structural members, illumination and connections. All electrical work shall be

Underwriters' Laboratories approved or be certified by an electrician licensed in accordance with article II of ch. 6 of this code. Signs shall also comply with the additional standards set forth in this section.

(b) *Structural design.*

- (1) The town manager or designee may require wind load calculations for signs prior to issuance of a permit.
- (2) A wall must be designed for and have sufficient strength to support any sign that is attached thereto.

(c) *Materials for monument signs.*

- (1) All monument signs shall be self-supporting structures erected on and permanently attached to the ground.
- (2) All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite-resistant through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Florida Building Code.

(d) *Electric signs.*

- (1) All electric signs shall be certified by a licensed electrical contractor that the sign meets the standards established by the Florida Building Code. All electric signs shall be erected and installed by a licensed sign contractor. The electrical connection to a power source shall be performed by a licensed electrical contractor.
- (2) Artificial light used to illuminate any sign from outside the boundaries of the sign shall be screened in a manner which prevents the light source from being visible from any abutting right-of-way or adjacent property. See ch. 14 of this code for sea turtle lighting restrictions.
- (3) All externally illuminated signs must also comply with the technical standards for lighting found in § 34-1833.

(e) *Supports and braces.* Metal supports or braces shall be adequate for wind loading. All metal wire cable supports and braces and all bolts used to attach signs to brackets or brackets and signs to the supporting building or structure shall be made of galvanized steel or of an equivalent corrosive-resistant material. All such sign supports shall be an integral part of the sign.

(f) *Anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(g) *Maximum angle for double-faced signs.* Double-faced signs with opposing faces having an interior angle greater than 30 degrees shall not be permitted.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-95. - Sign identification and marking.

Unless specifically exempted from permit requirements of this chapter, all signs shall be photographed and filed with permit numbers in Town Hall.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-96. - Maintenance.

- (a) All signs, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.
- (b) Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of monument signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

Secs. 30-97—30-150. - Reserved.

Sec. 30-151. - Temporary signs.

The following temporary signs are permitted in all zoning districts subject to the following regulations. It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained any temporary sign which fails to comply with the following regulations:

- (1) *Temporary business announcement signs* not exceeding 16 square feet in area and eight feet in height are permitted for a new business, or an existing business that has moved to a new location where there are no permanent signs for such business. Such signs are permitted for a period of not more than 60 days or until installation of permanent sign(s), whichever occurs first. No temporary announcement sign shall be permitted that exceeds either the number or size of permanent signs otherwise permitted by this chapter for the occupancy or location.

Sign permits are required for temporary business announcement signs.

- (2) *Construction signs.*

- a. One construction sign shall be permitted per construction project on each street frontage. The sign shall be erected no earlier than five days prior to the commencement of construction, shall be confined to the construction site, and shall be removed prior to issuance of a certificate of occupancy.
- b. Construction signs may only denote the name of the architect, engineer, contractor, subcontractor, owner, future tenant, financing agency, or other persons performing services or labor or supplying materials for the project.
- c. Maximum size limitations for construction signs shall be as follows:
 - 1. For all residential and nonresidential developments, one non-illuminated sign not exceeding 16 square feet in area and eight feet in height, may be erected on each street frontage.
 - 2. All construction signs must be located within the construction site.
 - 3. Sign permits are required for construction signs.

- (3) *Development signs.*

- a. A development sign may be permitted in any residential development wherein more than 20 percent of the total number of lots, homes, or living units remain unsold, subject to the following regulations:
 - 1. One non-illuminated development sign not exceeding 16 square feet in area and eight feet in height may be permitted at each street entrance into the subdivision or development.
 - 2. The sign shall be located within the subdivision or development site.
 - 3. Permits for development signs shall be valid for no more than one year and may be renewed annually provided more than 20 percent of lots, homes or dwelling units remain unsold.

- b. One non-illuminated development sign per street frontage may be permitted in any commercial zoning district to promote the sale or rental or lease of lots or units within the development. The maximum sign area shall be 16 square feet and the maximum height shall be ten feet.
 - c. Sign permits are required for all development signs.
- (4) *Election signs.* Election signs are permitted as follows:
- a. *Sign area and height.* Election signs shall have a maximum area of four square feet and, if freestanding, a maximum height of three feet.
 - b. *Number.* In residential zoning districts, the number of election signs shall be limited to one per ten linear feet of street frontage. In commercial zoning districts, the number of election signs shall be limited to one per 20 feet of street frontage.
 - c. *Timing and removal.* Election signs may be erected no earlier than 30 days prior to the primary or general election to which they relate and shall be removed no later than ten days after the election; provided, however, that an election sign erected prior to a primary election may remain posted continuously until ten days after the general election when the candidate referenced in the sign advances from the primary to the general election. In the event an election sign is displayed on a site outside of the time period allowed herein, or in the event the number of election signs located on a property exceed the number permitted herein, such sign(s) remaining outside the allowed period or the excess number of such signs shall no longer be deemed election signs, but instead, based on the zoning district, shall be treated as and subject to all conditions and regulations applicable to residential signs or noncommercial signs for the site at which the sign is located. If the one "residential sign" or "noncommercial sign" allowed as exempt under § 30-6 is already located on the site where the election sign is located, then any such election sign displayed on a site either beyond the permitted time period for election signs or in excess of the number of allowed signs per site, such sign(s) shall no longer be deemed to be an exempt sign, but instead shall be treated as and subject to all conditions and regulations applicable to a non-exempt sign located on the site.
- (5) *Permit boards.*
- (6) *Special event signs.* For special events where a special event permit is required, no signs relating to the event shall be erected until a special events permit has been obtained from the town. The following regulations shall also apply:
- a. Special event signs may be erected no earlier than 14 days prior to a proposed event and must be removed within two days after the event.
 - b. Special event signs shall not exceed 16 square feet in area and eight feet in height.
 - c. Banners may be strung for special events if approved as part of a special events permit and shall be subject to the same duration limitations as other special event signs.
 - d. The persons(s) or organization(s) sponsoring the special event shall post with the town a cash bond of \$200.00. The cash bond shall be refunded upon removal of the sign(s) by the sponsoring person(s) or organization(s) and verification of their removal by the town. The cash bond shall be forfeited to the town in the event one or more of the special event signs are not removed within two days after the conclusion of the special event.
- (7) *Real estate signs.* Real estate signs shall be permitted on properties where the owner is actively attempting to sell, rent or lease such property, either personally or through an agent, as follows:
- a. All properties listed for sale may have one non-illuminated sign, perpendicular to the roadway, that is not more than four square feet in area and five feet in height. Not more than one sign for each street frontage shall be permitted. Waterfront (canal, bay, lagoon or beach) properties may also have one monument sign which is no more than 12 inches in height and

24 inches in width and is located on the water frontage side of the property so that such sign is visible from the water.

- b. The sign face may have the name of the licensed real estate professional, the real estate company or other licensed entity, any required professional indicia, and a phone number and/or address. The sign face may additionally state, "For Rent" or "For Lease" or both, but such statement must be included within the sign face.
 - c. No riders (such as name of agent, "sold," "sale pending," "pool," "price reduced," etc.) shall be attached to the sign.
 - d. If a property is both for sale and for rent, only one sign is allowed.
 - e. No signs may be fastened to trees.
 - f. No "goal post" supports are allowed.
 - g. "Open house" signs. "Open house" signs are allowed as follows:
 - 1. One "open house" sign per property per street and waterbody frontage.
 - 2. The area of any "open house" sign must not exceed four square feet in area and three feet in height, and the sign(s) may be placed only upon the property to be sold or leased.
 - 3. The sign(s) shall be displayed only when the premises are actually available for an inspection by a prospective buyer or tenant.
- (8) *Temporary directional signs.* For temporary events with a duration of one day or less, temporary directional signs may be placed in the right-of-way along Estero Boulevard and at each intersection on the most direct route between Estero Boulevard and the property where the temporary event is taking place. Such signs may be placed on the day of the event only and must be removed within 24 hours after the termination of the event. Such signs shall be no more than four square feet in area and may only contain a brief description of the event, the address for the event and a directional arrow.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-152. - Development identification signs.

Development identification signs shall be subject to the following:

- (1) *Residential development identifications signs.*
 - a. *Entrance signs.* Permanent wall or monument signs, for identification purposes only, giving only the name of the condominium, subdivision or development, may be permitted at each main entrance into such subdivision or development. Subdivision or development entrances which contain a median strip separating the entrance and exit lanes, may be permitted:
 - 1. A single monument sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes; or
 - 2. Two single-faced signs equal in size and located on each side of the entranceway.
 - b. *Limitations.*
 - 1. The condominium, subdivision or development shall have a property owners' association or similar entity which will be responsible for the maintenance of the sign.
 - 2. The face of each permitted main entrance identification sign shall not exceed 25 square feet and five feet in height.
 - 3. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular traffic. See ch. 14 of this code for sea turtle lighting restrictions.

4. The sign should be incorporated into accessory entrance structural features such as a wall or landscaping.
- (2) *Schools, churches, day care centers, parks, recreational facilities and libraries.* A school, church, day care center, park, recreational facility or library shall be permitted one monument or wall-mounted identification sign and one directory sign within the property line, with maximum sign area of 24 square feet and a maximum height of five feet.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-153. - Maximum sign area.

- (a) *Single- and multifamily residential uses in residential zoning districts.* Except for those signs identified as exempt signs in § 30-6 and temporary signs in § 30-141, no signs are allowed on sites containing residential uses in residential zoning districts. Any such exempt or temporary sign(s) located on a residential site in a residential zoning district shall comply with the regulations for exempt sign(s) contained in § 30-6 and the regulations for temporary signs contained in § 30-141.
- (b) *Commercial uses in commercial zoning districts.* All signs located in commercial zoning districts, except for those signs identified as exempt signs in § 30-6 and temporary signs in § 30-141, shall comply with the following sign area limitations:
 - (1) For a parcel of land containing one or two business establishments, each separate business establishment shall be allowed a maximum of 32 square feet of sign area.
 - (2) For a parcel of land containing three or more business establishments, each establishment shall be allowed a maximum of 16 square feet of sign area. An additional 32 square feet of sign area may be utilized to identify the commercial development.
 - (3) The maximum sign area provided herein may be allocated among a combination of one or more monument signs, projecting signs, and/or wall signs.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-154. - Standards for monument signs, projecting signs and wall signs in commercial zoning districts.

Except as may be otherwise provided herein, all monument signs, projecting signs and wall signs located in commercial zoning districts shall comply with the following regulations:

- (1) Buildings that are required to meet the commercial design standards in § 34-991-1010, cannot install internally lit box signs (see Figure 30-1). When internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols. An opaque background panel must be used so that the internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy. See Figure 30-2 for an example of illuminated letters on an internally lit sign face.

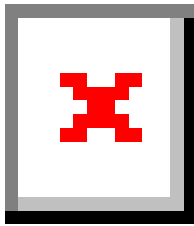


Figure 30-1 Figure 30-1

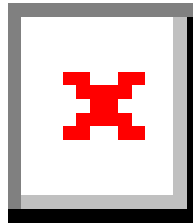
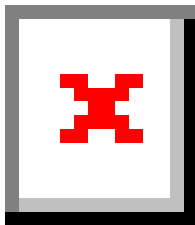


Figure 30-2 Figure 30-2



Desirable

- Signs are coordinated in size and placement with the building and storefront



Undesirable

- Building sign conceals the cornice
- Over-varied sign shapes create visual confusion
- Awning sign covers the masonry piers
- Sale sign too large for storefront and poorly placed in display window

Figure 30-3

- (2) *Location.* Monument signs must be set back at least three feet from any public right-of-way or roadway easement; provided, however, that monument signs may be located in a lawfully developed landscaped median strip that is within a public or private right-of-way or easement where the holder(s) of the right-of-way or easement have consented to the location of the monument sign in such right-of-way or easement. Monument signs located in such median strips must be set back a minimum of two feet from the edge of the pavement and must not violate the visibility requirements of § 34-3131. Wall signs and projecting signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of eight feet and do not extend closer than two feet to an existing or planned curb.

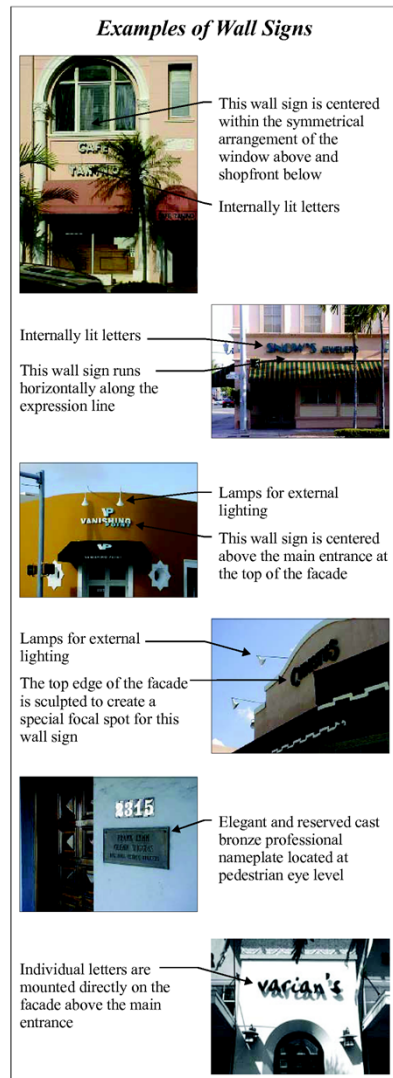
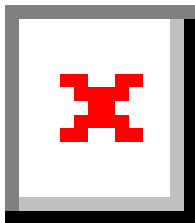


Figure 30-4

- (3) A wall sign must not extend above the lowest edge of the building's eaves or above the highest horizontal members of the fence or wall to which it is attached.

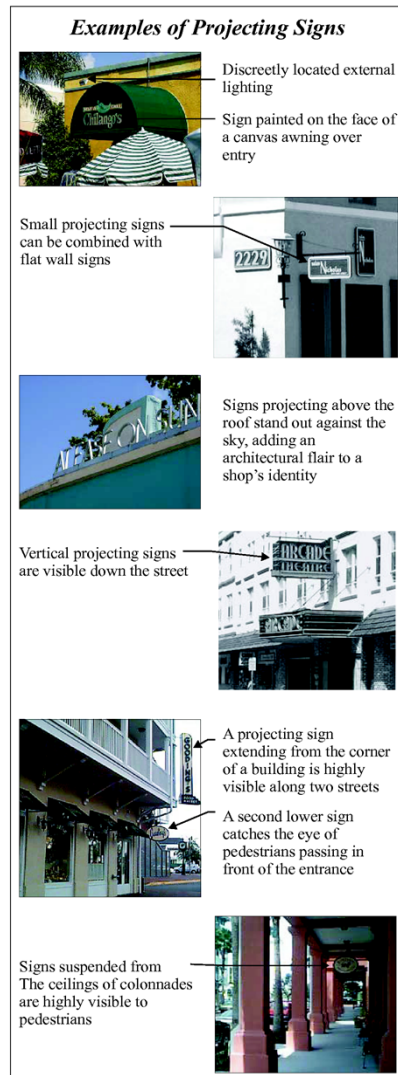
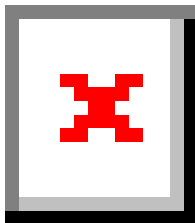


Figure 30-5

- (4) A projecting sign must not extend more than three feet above the lowest edge of the building's eaves.

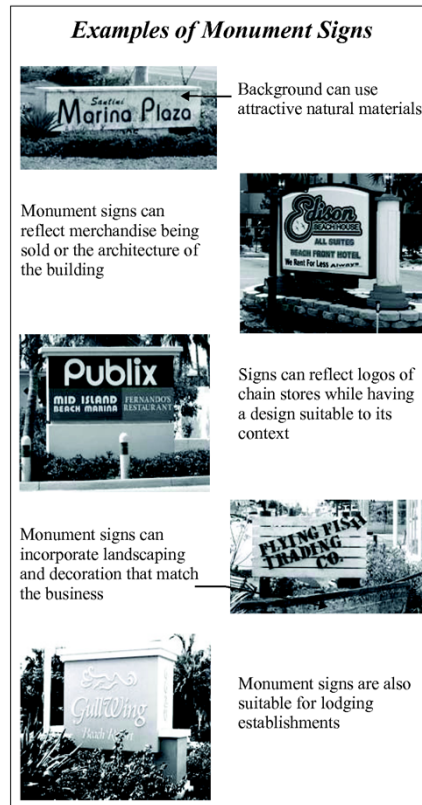
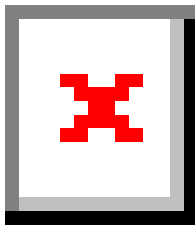


Figure 30-6

- (5) Monument signs may be elevated provided that the bottom of the sign is no more than 18 inches above the highest adjacent grade. The maximum height of a monument sign is five feet.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)

Sec. 30-155. - Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter is declared unconstitutional by a final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter.
- (b) *Severability where less speech results.* This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. The town council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the town, whether by subjecting currently exempt signs to permitting or by some other means.

- (c) *Severability provisions pertaining to prohibited signs.* This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. The town council specifically intends that severability shall be applied to section 30-5, "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (d) *Severability of prohibition on off-premises signs and commercial advertising signs.* This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. If any or all of chapter 30 "Signs," or any other provision of the Town's Code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the town council specifically intends that that declaration shall not affect the prohibition on off-premises signs contained in section 30-5.

(Ord. No. 11-01, § 2(Exh. A), 4-18-2011)



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

To: Town Council Management and Planning Meeting
From: Sarah Propst, Community Development
Date: August 4, 2022
Re: Sign Ordinance

Background

Staff was directed to update the Town’s Sign Ordinance in order to ensure that it meets all current legal requirements. In the past several years signs have been the topic of several court decisions and it appears more court decisions may be on the horizon. The most notable issue is that of ensuring content neutral code language, meaning that the information on the sign must not be tied to the approval of the sign. In addition to resolving some potential legal issues with the code, this new ordinance is reorganized to make it more user friendly, it clarifies some unclear language and it also correct code references which are outdated.

Proposed Solution

Due to the many changes that were undertaken in this code the old language will be completely struck through and new language will completely replace it. Some of the previous language will be included and many of the size limitations and setbacks are in the new language.

The new ordinance divides the requirements into zoning classifications with no reference to the purpose of the signs. The new classifications are:

Commercial: this classification includes land that is within the Downtown, Santini, Commercial Office, Commercial Marina, Commercial Resort, Santos or Commercial Boulevard zoning districts.

Residential: this classification includes land that is within the Residential Single-Family, Residential Conservation, Residential Multifamily, Bay Beach or Village zoning districts.

Civic: this classification includes land that is within the Community Facilities or Institutional zoning districts.

These classifications are all allowed a certain number, size and type of signs, in addition to any



exempt signs that are allowed without a permit.

Exempt signs are retained but have been reduced to eliminate some content specific language and overlap. Some signs that were previously considered exempt, such as temporary signs, generally and specific types of temporary signs are now allowed by approval of a temporary permit. Sandwich boards and portable signs are considered exempt and are allowed up to a certain size. Sandwich boards must be in compliance with location requirements also. The new exempt section also includes direction on what should occur if a sign appears to be out of compliance with the regulations that allow the exemption.

The biggest change is to allow exempt signs in residential districts. These exempt signs take the place of specific temporary signs, such as election signs and for sale signs, that were listed in the previous ordinance. The exempt signs may be up to four square feet in area and not more than 3 feet in height. There is no time limitation on these signs, as previous time limits could be associated with content of the sign.

A new section included in this ordinance is a requirement for liability insurance for any signs that encroach over a public right of way. This will protect the Town in an instance where a sign fails and causes any impacts to the right of way.

1. **Requested Motion:**

Meeting Date: August 4, 2022

Update on multi-story condo registration legislation.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Condominiums older than 30 years, or 25 years if the building is within 3 miles of the coast, must be visually inspected by a licensed engineer or architect, and every 10 years thereafter. Evidence of substantial structural deterioration will require a more thorough, secondary inspection.

The new law also requires condominium associations to study their reserve funds every 10 years to ensure they can pay for any major repairs.

State lawmakers expect to provide more detailed information about inspection criteria before the new law is scheduled to take effect in January 2025.

The Florida Building Commission, in consultation with the State Fire Marshal, is required to review the new inspection requirements and make any recommendations to the governor and legislature by the end of this year.

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Daphnie Bercher, Community Services Administrator

Date: July 28, 2022

Jason Green, Community Development Services

Date: July 28, 2022

John R Herin Jr, Town Attorney

Date: July 29, 2022

Amy Baker, Town Clerk

Date: July 29, 2022

Roger Hernstadt, Town Manager

Date: July 29, 2022

1. **Requested Motion:**

Beach Renourishment Project Update

Meeting Date: August 4, 2022

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

The Town is ready to submit responses to FDEP's 2nd RAI.

The State's 2nd request for additional information was primarily concerned with the Town's Dune Management Plan (DMP). Please see attached revised DMP and responses to RAI#2.

In addition, due to concerns from multiple property owners in the 6000 block of the island (attached), the Project Design Drawings have been updated to exclude the Pond Segment R-198 to R-203. The budget has also been adjusted accordingly. However, due to significant inflation since the previous estimate, the Preliminary Opinion of Probable Construction Costs has not changed significantly.

Attachments:

1. DRAFT BEACH RENOUISHMENT PROJECT UPDATES
2. ISLAND WINDS LAWYER EMAIL AND ENGINEER LETTER

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Daphnie Bercher, Community Services Administrator

Date: July 28, 2022

John R Herin Jr, Town Attorney

Date: July 29, 2022

Amy Baker, Town Clerk

Date: July 29, 2022

Roger Hernstadt, Town Manager

Date: July 29, 2022

July 26, 2022 **DRAFT**

(Electronic Submittal)

Rachel Grundl, Environmental Specialist III
Beach, Inlets and Ports Program
Office of Resilience and Coastal Protection
Department of Environmental Protection
2600 Blair Stone Road, Mail Station 3590
Tallahassee, FL 32399

Stephen J. Fleming
Project Manager
Ft. Myers Field Office
U.S. Army Corps of Engineers
1520 Royal Palm Square Boulevard, Suite 310
Fort Myers, Florida 33919

**RE: JCP Application RAI #2 Response: Estero Island Shore Protection Project
CEC File No. 21.504**

Dear Rachel and Stephen,

On behalf of the Town of Fort Myers Beach, Coastal Engineering Consultants, Inc. (CEC) is submitting the following information in response to the Department's Request for Additional Information (RAI) #2 dated June 2, 2022.

1. Critical Erosion Designation & Dune Management

A. Town desires the Dune Management Plan be incorporated into their JCP as it is the right "vehicle" to authorize the long term management of the dunes for Estero Island versus the CCCL program. The Town's goal is to increase frontal dunes and add new dunes on properties that do not have vegetation. The Town will also mitigate for any dunes that are reduced or adjusted.

B. Yes the North Segment previously constructed will be included. See Response to A.

C. The Town does not envision extending the MBZ into the CWA where existing healthy vegetation / dunes exist. An exhibit has been added to the proposed Dune Management Plan (Attachment 1) outlining all areas included in the MBZ that are proposed to be managed under the Dune Management Plan.

Please refer to the revised Permit Drawings (Attachment 2) for the proposed construction access and staging areas for the renourishment project.

D. The Dune Management Plan (Attachment 1) states *"If a property owner wishes to be able to control the nature and height of vegetation and/or the height of dunes, the property owner will be required to enter into a Memorandum of Agreement (MOA) with the Town for their MBZ and adhere to the Dune Management Plan parameters. Each MOA will be kept on file at the Town to*

JCP Application RAI #2 Response: Estero Island Shore Protection Project

effect compliance with the time lines, terms, and conditions of the program for current and future property owners. Each MOA will contain at a minimum:

- *Property owner name, address, STRAP, number, and signature,*
- *Aerial photograph (available from www.leepa.org at no charge), plat, or survey of the property,*
- *Scaled diagram of the area to be planted and including pedestrian walkthroughs or dune walkovers (Town staff can assist by utilizing GPS mapping),*
- *Plant selection including species, sizes, and quantities,*
- *Layout and design of any proposed rope and bollard systems,*
- *Location of any proposed temporary irrigation.*

If, at any time Town inspections reveal that the MBZ is found to be non-compliant with the MOA, then the property owner may be required to bring the MBZ into compliance or reimburse the Town for the cost of the materials and/or installation.”

The Dune Management Plan (Attachment 1) has been revised to state “*Temporary irrigation lines may be installed along the landward side of the dune only and must be removed once the plants have become established. Any watering necessary along the seaward side of the dune may be done by hand on an “as needed” basis.*”

E. The language proposes follows the original dune management plan and allows property owners to maintain their dunes as agreed upon. If a 10-ft offset is imposed then property owners will object and less dunes will be added in the program. The Town respectfully requests DEP approve the language as proposed. The Town does not propose to plant dunes nor have raking occur within the CWA where healthy vegetation / dunes exist. The Dune Management Plan (Attachment XX) has been revised to state “*During the sea turtle nesting season, all marked marine turtle nests shall be avoided; and all raking within 10 feet of dune vegetation may be completed by hand labor/tools only.*”

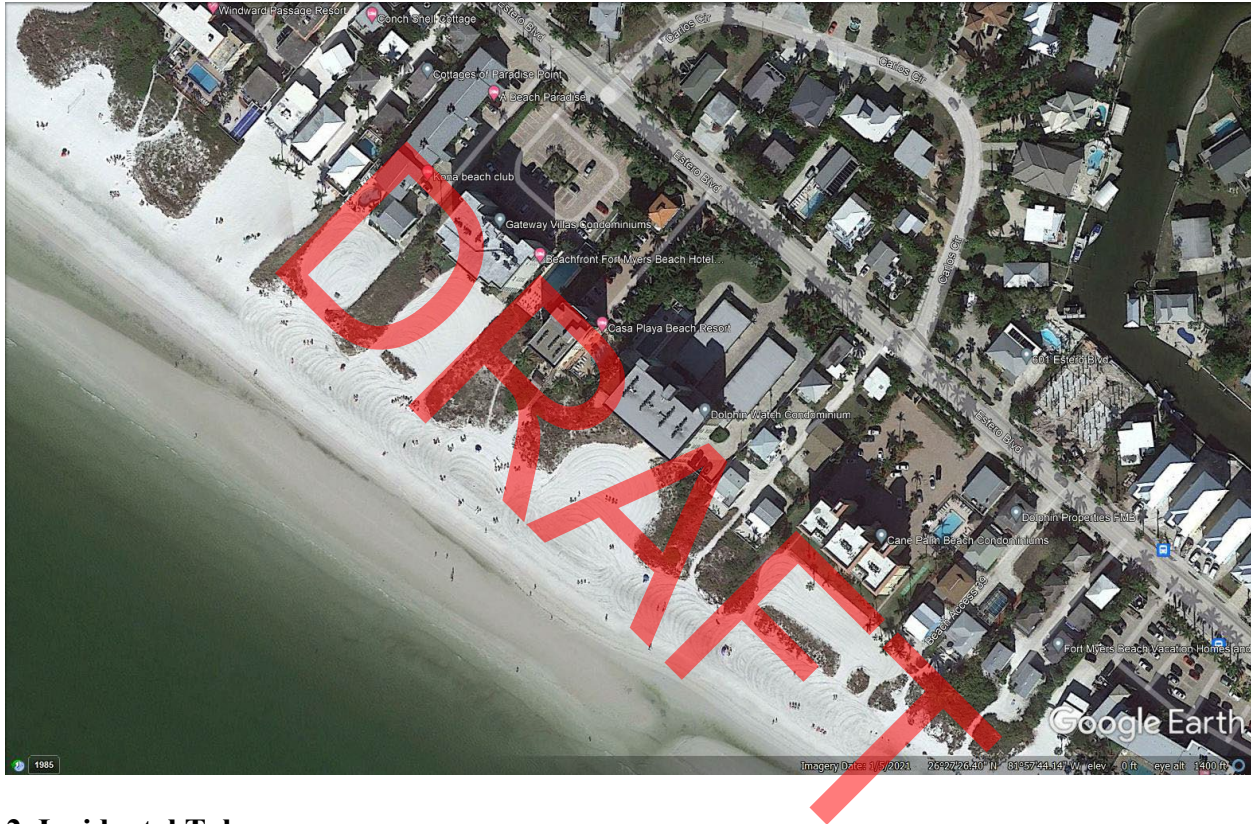
F. The Dune Management Plan (Attachment 1) has been revised to state “*All rope and post fencing may be a single strand of rope at a minimum of three (3) feet in height off the ground, with posts spaced at least seven (7) feet apart.*”

G. The Town has adopted the State’s Sea Turtle Lighting Model Ordinance to mitigate light pollution onto sea turtle nesting habitat (attach Ord. 21-03). In addition, dune height has a minimal effect on light pollution due to the height of single family and multifamily structures on Fort Myers Beach. Adjusting dunes will not affect how Town enforces in future. The Dune Management Plan (Attachment 1) has been revised to state “*The Town shall conduct additional monitoring including two visits within 30 days prior to and two visits within 30 days after any existing dune height modifications to assess lighting impacts from dune height reductions.*”

H. Dune height modifications are envisioned for several of the dunes that have grown to 6 to 8 feet in height and are not serving as turtle or bird habitats; so there should be no impacts from adjusting the dune heights (lowering). The Dune Management Plan (Attachment 1) has been revised to state “*Dune height modifications shall occur outside of sea turtle nesting season and shorebird nesting season (cumulatively March 1 to October 31).*”

JCP Application RAI #2 Response: Estero Island Shore Protection Project

In response to the Florida Fish and Wildlife Conservation Commission's request to clarify how dune height modifications will be managed to reduce destabilization or discontinuity of dunes between properties, the Town points out that the existing dune system along the previously restored beach (North Segment) is a series of individual dunes by property; that is, the dune system is already discontinuous. Reducing dune heights on properties in the North Segment will not destabilize the dune system. The Town offers to conduct a meeting on site with FWC representatives if desired to observe existing conditions. A snap shot from Google Earth is inserted below to depict the discontinuous dunes.



2. Incidental Take

Town will agree to the request to construct the South Segment, R203 to R207, between November 1 and March 1 provided state and federal permits are issued allowing for this window; and it does not adversely affect the Town's funding / cost sharing noting this may mean pushing the start date of construction to November 2023.

3. Construction Schedule

Town proposes this revised schedule to address DEP and FWC concerns provided state and federal permits are issued allowing for this window; and it does not adversely affect the Town's funding / cost sharing. Note all schedules are dependent on contractor availability and weather; and are subject to change accordingly.

July 16 through August 31 2023: Mobilize Equipment

September 1 through November 22 2023: Construct North Segment first; then proceed to construct north half of Central Segment

JCP Application RAI #2 Response: Estero Island Shore Protection Project

November 23 2023 through February 14 2024: Construct South Segment first; then proceed to construct south half of Central Segment

February 15 2024 through April 1 2024: Demobilize Equipment

Lee County has shared that due to the stable shoreline along Bowditch Point Park (north end) they would prefer the beach fill taper end at the south end of the Park. Based on the above schedule, turtle nest relocations would be limited to the North Segment and north half of Central Segment. Bowditch Point Park is proposed for the relocation area. Please see attached email (Attachment 3) from Lee County specific to use of Bowditch Point as the relocation area.

4. Fees

The permit fees have been paid.

Please note we received the concurrence letter from the State Historic Preservation Office (Attachment 4). They recommended a slightly larger buffer around the two anomalies /target areas. The Permit Drawings (Attachment 2) were revised to reflect the slightly larger buffer.

Please contact me to review the submittal after you have had a chance to review at 239-643-2324, ext 126 or at or mpoff@cecifl.com. Thank you for your assistance.

Sincerely,
COASTAL ENGINEERING CONSULTANTS, INC.



Michael T. Poff, P.E.
President

Cc: Chadd Chustz, TFMB

FORT MYERS BEACH DUNE MANAGEMENT PLAN

July 26, 2022

INTRODUCTION

The Town of Fort Myers Beach proposes the Dune Management Plan (Plan) to incorporate beach and dune vegetation management activities within the Estero Island Shore Protection Project (Project). The Town and Florida Department of Environmental Protection (FDEP) successfully implemented such a Plan with the 2012 original shore protection project. That plan was permitted separate from the beach project under the Coastal Construction Control Line permit process, LE 1361 AW (Appendix 1).

The Plan shall include new dune plantings, existing dune height reduction/replanting, vegetation trimming and maintenance, and installation of rope and bollards. The Plan is an incentive for private property owners to sign easements for the Project. The activities outlined in this document are normally strictly prohibited by the Town Land Development Code. However, the Plan allows property owners who sign an easement to have greater control over their beach and dune vegetation than property owners who do not sign an easement. Increasing the number of properties that sign easements will also increase the likelihood of long-term stability and success of the Project by reducing gaps in the beach fill area. The Plan is consistent with the Comprehensive Plan's of Lee County and Fort Myers Beach which both require dune plantings in association with beach nourishment. It is noted that historically the beachfront property owners have expressed a strong reluctance to sign easements that included new vegetation without a mechanism to maintain it.

All reductions in dune height and vegetation area that take place will be more than offset by the additional plantings of beach and dune vegetation in association with the renourishment project. All dunes that are reduced in height will be replanted so there will be no net loss in vegetated area. The net impact will be an increase in the number and area of native salt tolerant vegetation and dunes.

Areas of existing beach vegetation and vegetation planted for the nourishment project will be hereafter referred to as Managed Beach Zones (MBZ). Ultimately, the Plan will serve as assurance to property owners that they will be able to manage their plantings under certain prescribed criteria outlined in this Plan. The Plan will provide an incentive to encourage property owners to enter into a temporary construction easement with the Town for the Project.

COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE

The following sections from the adopted Town of Fort Myers Beach Comprehensive Plan and Land Development Code (LDC) provide support and guidance for the Plan.

- **OBJECTIVE 5-D BEACHES AND DUNES** — Conserve and enhance the shoreline of Estero Island by increasing the amount of dunes, renourishing beaches

to counter natural erosion, and reducing negative man-made impacts on beaches and dunes.

- POLICY 5-D-1 ii. Sand dunes should be protected and recreated wherever they have been removed. Native dune plants should be protected and non-native exotics removed. Dune walkovers should be constructed where they do not exist and existing structures should be maintained.
- OBJECTIVE 6-E DUNES AND BEACHES – Protect and improve dunes and beaches as recreation areas, valuable habitat, protection from storms, and areas of high scenic and aesthetic value. The effect of the town's efforts may be a noticeable transition from today's manicured and compacted beach towards a naturally appearing and functioning beach. This transition will be accomplished through education, regulation, and assistance in physical restoration activities.
 - POLICY 6-E-3 The Town will implement the following measures to promote the restoration of beach and dune systems:
 - Initiate a program to recreate a dune line and plant appropriate vegetation such as sea oats wherever sand dunes have been destroyed.
 - Require the use of indigenous plant species for public and private dune restoration or renourishment projects.
- LDC Section 14-8
 - In areas where the beach has experienced erosion, on public land or with the consent of the owner, the town will establish a dune system consisting of sea oat plantings, a minimum of 10 feet wide, to be planted adjacent to the existing upland vegetation line, and to be planted at existing elevations.
 - In areas that have not experienced erosion, the town will encourage the establishment of a dune system but will not require same.

MBZ PLANTING GUIDANCE AND CRITERIA

Property Owner Participation

The long-term success of this program is dependent on continuity of each MBZ and the collective efforts of the program. In order for staff and partnering agencies to monitor the long-term progress of the program and for the Town to have a reasonable assurance of success after commitment of funds; it is essential to have a pledge from each property owner to maintain the planting in at least a minimum condition. If a property owner wishes to be able to control the nature and height of vegetation and/or the height of dunes, as described in the plan, the property owner will be required to enter into a Memorandum of Agreement (MOA) with the Town for their MBZ and adhere to the program parameters. Each MOA will be kept on file at the Town to effect compliance with the time lines, terms,

and conditions of the program for current and future property owners. Each MOA will contain at a minimum:

- Property owner name, address, STRAP, number, and signature,
- Aerial photograph (available from www.leepa.org at no charge), plat, or survey of the property,
- Scaled diagram of the area to be planted and including pedestrian walkthroughs or dune walkovers (Town staff can assist by utilizing GPS mapping),
- Plant selection including species, sizes, and quantities,
- Layout and design of any proposed rope and bollard systems,
- Location of any proposed temporary irrigation,

If, at any time Town inspections reveal that the MBZ is found to be non-compliant with the MOA, then the property owner may be required to bring the MBZ into compliance or reimburse the Town for the cost of the materials and/or installation.

Temporary irrigation lines may be installed along the landward side of the dune only and must be removed once the plants have become established. Any watering necessary along the seaward side of the dune may be done by hand on an “as needed” basis.

Without Existing Vegetation

A MBZ that does not have existing vegetation shall be planted as follows.

Managed Beach Zone Alternative #1 “Sea Oat Dune”

Common name	Scientific name	Percentage
Sea oats	(<i>Uniola paniculata</i>)	70%
Dune sunflower	(<i>Helianthus debilis</i> var. <i>vestitus</i>)	15%
Dune panic grass	(<i>Panicum amarum</i>)	10%
Railroad vine	(<i>Ipomoea pes-caprae</i>)	5%

Managed Beach Zone Alternative #2 “Mixed Dune”

Common name	Scientific name	Percentage
Sea oats	(<i>Uniola paniculata</i>)	50%
Dune sunflower	(<i>Helianthus debilis</i> var. <i>vestitus</i>)	20%
Dune panic grass	(<i>Panicum amarum</i>)	10%
Railroad vine	(<i>Ipomoea pes-caprae</i>)	10%

Managed Beach Zone Alternative #3 “Low Dune”

Common name	Scientific name	Percentage
Dune panic grass	(<i>Panicum amarum</i>)	40%
Dune sunflower	(<i>Helianthus debilis</i> var. <i>vestitus</i>)	35%
Sea oats	(<i>Uniola paniculata</i>)	15%
Railroad vine	(<i>Ipomoea pes-caprae</i>)	10%

With Existing Vegetation

Town staff will survey properties where dune vegetation already exists in order to determine if improvements can be made to the dune system through additional plantings. “Vegetation” will be considered to be greater than 20% coverage (e.g. Braun-Blanquet) of native salt tolerant dune vegetation such as sea oats, railroad vine, dune sunflower, and bitter panicum. Coconut palms, Floratam, and any non native vegetation will not be counted towards the 20% coverage. The survey will also record areas of no vegetation and the total length of those areas on each property and record those as “No Vegetation”. Areas that have between 1% and 19% coverage of native salt tolerant dune vegetation will be recorded as “Additional Vegetation Needed”. The Town will only survey the actual outer vegetation line in areas where the vegetation is 10 foot deep or greater. If the vegetation area is less than 10 foot deep (measured perpendicular to the shoreline) it will be recorded as “additional vegetation needed”. On properties that are determined to have less than 75% of the beach-front property width vegetated with beach vegetation, the Town will determine approximately how many feet of vegetation would need to be planted to reach the 75% criteria. The Town will determine which properties have greater than 75% linear beach front footage of property that have vegetation and record those as “no vegetation needed”. The ArcMap 9.0 compatible files with metadata (geo-database or shapefiles) will list “No Vegetation”, “Additional Vegetation Needed” or “Vegetation” and the approximate linear footage of each segment surveyed.

Since entering into an MOA for their MBZ will give property owners ability to control dune vegetation and limit their spread, this privilege will also be extended to property owners who only require additional plantings to bring the MBZ up to design specifications. The planted MBZ should also be planted to connect to adjacent MBZ plantings or existing dune vegetation on neighboring properties. The MBZ boundaries will be mapped using sub-meter GPS systems and this information will be entered into the Town’s GIS system. This information will be utilized for monitoring purposes.

Planting Techniques

Depth of planting will vary between plant species. A water absorbing polymer gel product that has been hydrated according to label directions will be placed in the hole prior to planting. All plants will be fertilized with a controlled slow release granular type fertilizer consistent with the Town’s fertilizer ordinance and watered-in at the time of installation. Plant spacing will average 12” to 18” on plant center. This will allow more sand to blow toward the back where plants are densest. Plants will be staggered in adjacent rows to prevent aisles (lined up spaces between plants), which may erode.

Dune Banking

In order to offset the impacts of minor dune management activities including vegetation trimming and dune lowering, the Town will track the overall gain in beach vegetation that will result from the plantings associated with the beach nourishment project. The new planting areas will offset any minor impacts to beach vegetation or dunes as described in this plan. New planting areas will fill in areas where no vegetation exists and create credits to be used against any debits for significant impacts to the dune system.

MBZ Planting Maintenance

MBZ Survival and Health

The Town will be require the dune contractor to maintain at least an 80% survival rate to be evaluated 90 days after planting. If the planting survival rate falls below 80% due to improper installation or inadequate maintenance, the dune contractor will replace the plantings to reach the 80% criteria at *no cost to the property owner*.

Nuisance Vegetation Control

The Town recognizes that some plants have characteristics such as spines and thorns which make them unappealing. Other plants may tend to dominate planted vegetation rapidly and may out compete the planted MBZ. Property owners may remove the plants listed below. Town staff will assist property owners with recognition and suggested control methods for these species. It is not anticipated that FDEP field permits will be necessary for control or removal of these plants since the entirety of each planting area is assumed to mitigate for the loss of any plants. Property owners will be authorized to control all Category 1 and 2 exotic invasive plants.

Species designated for homeowner control on the sandy beach and in newly planted MBZs:

<u>Common name</u>	<u>Scientific name</u>
Nicker bean	(<i>Caesalpinia bonduc</i>)
Sand spur	(<i>Cenchrus spp.</i>)
Coin vine	(<i>Dalbergia ecastaphyllum</i>)
Beach naupaka	(<i>Scaevola sericea</i>)

Species designated for homeowner control on the sandy beach, in newly planted MBZs, and in existing dune vegetation:

<u>Common name</u>	<u>Scientific name</u>
Nicker bean	(<i>Caesalpinia bonduc</i>)
Sand spur	(<i>Cenchrus spp.</i>)
Beach naupaka	(<i>Scaevola sericea</i>)

Raking

Raking will be allowed either within two feet of the MBZ or along a boundary mapped by the Town. The Town strongly encourages hand raking only within 10 feet of the MBZ. For MBZ participating properties only, the 10' buffer described in LDC Sec. 14-6 will be reduced to two feet or along the mapped boundary. The boundary for raking can either be mapped by sub-meter GPS systems or by rope and bollard systems. All raking methodologies must be in accordance with Town and State regulations, particularly with regard to sea turtle conservation. Beach raking which results in damage or destruction to sea turtle nests or nesting habitat will result in enforcement action. During the sea turtle nesting season, all marked marine turtle nests shall be avoided; and all raking within 10 feet of dune vegetation may be completed by hand labor/tools only.

Rope and Bollard Systems

Rope and bollard systems (RBS) are used by property owners to designate their ownership lines, protect vegetation, and to prevent public trespass onto their property. RBS systems may not be placed more than one foot seaward of the toe of the most frontal dune line and may not be installed during the nesting season. *However, RBS may not be used to impede public lateral beach access on public beach under Chapter 161 F.S.* RBS would provide assurance to property owners that they would be able to retain control of their beach for the purpose of raking, which is a very common practice on Fort Myers Beach. However, RBS pose a legitimate threat to the health and nesting success of sea turtles and their hatchlings by posing a vertical obstruction. All rope and post fencing may be a single strand of rope at a minimum of three (3) feet in height off the ground, with posts spaced at least seven (7) feet apart. All posts must be installed outside of sea turtle nesting season. Posts may not be seated in the sand with concrete.

Property owners who have signed temporary construction easements to participate in the beach nourishment project will be able to install RBS by right. Property owners who do not sign an easement and who decline to participate in the project may only install RBS by Special Exception with approval contingent upon approval by Town Council in a public hearing. A Special Exception is the only method of approval elsewhere on Fort Myers Beach seaward of the 1978 Coastal Construction Control Line.

Vegetation Trimming

The Town recognizes that property owners may have a concern with the height of dunes plants or their MBZ and this concern has led to many areas on the beaches that are barren of all vegetation. A balanced approach that takes into account riparian views and nurture of the MBZ is critical to encouraging property owner participation and giving them a sense of control of their MBZ.

A vegetation removal permit must be applied for prior to the first MBZ trimming event. This special permit will be good for three years at no cost to the property owner. The vegetation removal permit may be issued at the time of MBZ planting to reduce processing time and effort for Town staff and the property owner. For the purposes of the Plan, sea grapes (*Coccoloba uvifera*) shall be subject to all existing state statutes and will be managed separately from MBZs and are not considered a part of the Plan. Sea grape trees are also listed as protected plants in the Town Land Development Code and permits may be required for trimming or removal. MBZ trimming must meet the following criteria:

- Trimming will not be permitted on Town, County or State property.
- Trimming in the MBZ shall not reduce the overall height of the individual plant to less than four feet above the substrate.
- Dead stems and panicles from the previous year may be removed.
- Post-trimmed appearance of the vegetation should not be hedged or flattened but will emulate a natural growth pattern. This may be accomplished by alternately trimming portions of the vegetation combined with trimming some branches of individual plants while leaving other branches longer.

Dune Height Modification

MBZs, by their nature, can be expected to accumulate sand and build a dune. In fact, a healthy, functioning dune would be at least 18"-24" elevated over surrounding natural grade. This height is important for vigorous root establishment and nutrient cycling. However, there are potentially local conditions which may cause dunes to build significantly higher. The shoreline of Estero Island is an undulating shore with a double crescent shape which can cause some areas to receive more wind and sand transport than others. Some existing dunes may often directly face seasonal prevailing winds which generate the highest Aeolian transport, such as dunes that face northwest and are subject to stronger winter winds. Due to natural recruitment of dune vegetation and historical beach raking practices, some of these existing dunes may align at an angle to the shoreline. Placement of newly planted MBZs may also result in additional areas which face seasonal prevailing winds which, combined with site specific planting strategies may also allow for differential dune growth; some dunes may grow larger than others on neighboring properties. The potential for these situations to impair riparian views may cause enough reticence with property owners that they may not choose to participate in the program. Therefore it is important to allow property owners to control their dune height to some extent. The intent of allowing dune lowering is to give property owners a mechanism to control the height of the dune without creating significant impacts to the dune and beach by conserving sand within the system. However, property owners will be required to place the sand landward of the existing dune and create parallel dune ridges where feasible or it may be spread within 50' of the surrounding beach where it is not feasible to place the sand landward of the existing dune.

MBZ dune heights may be lowered according to the following criteria:

- An initial dune lowering event may utilize small mechanized equipment such as tractors with buckets and Bobcat style tracked vehicle provided that the tire or ground pressure of the vehicle does not exceed 10psi with special approval by Town staff.
- Follow up dune lowering events may only utilize hand tools (e.g. shovels).
- When dunes are lowered, the slope from surrounding natural grade to the MBZ grade may not be exceeded by creation of an escarpment.
- Sand may not be removed from the beach area. Site specific conditions will determine where sand may be located to within the immediate area. Sand may be placed landward of the dune to create parallel dune systems where feasible to keep sand within the dune system. Alternatively, sand removed from the MBZ may be spread within 50' of the surrounding beach where it is not feasible to place the sand landward of the existing dune.
- Sand which is placed landward to create parallel dunes will be spread into a layer no more than 4" deep to allow salt tolerant vegetation an opportunity to reemerge.
- Where dunes are temporarily disturbed, the area will be allowed to naturally recruit and monitored to ensure 20% coverage (e.g. Braun-Blanquet) of native salt tolerant dune vegetation such as sea oats, railroad vine, dune sunflower, and bitter panicum. Any area where dune lowering take places that does not meet the 20% coverage within 6 months will be replanted with native salt tolerant vegetation such as

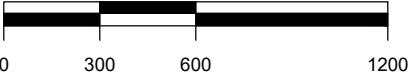
described above. Other species of native salt tolerant vegetation such as seashore dropseed may be substituted with approval of Town and FDEP.

- Dunes may not be lowered to 18” or less to ensure a healthy, functioning MBZ/dune system.
- A free permit will be required for each dune lowering event from the Town to ensure that techniques are used that minimizes impacts to the beach. Upon consent of the property owner, the Town may act as an agent to acquire any necessary CCCL permits from the FDEP. Typically, these permits are limited to no more than 18” of lowering per event for planted MBZ’s.
- Dune height modifications shall occur outside of sea turtle nesting season and shorebird nesting season (cumulatively March 1 to October 31).
- When possible, any native salt tolerant vegetation that may be disturbed by dune lowering shall be transplanted.

DRAFT



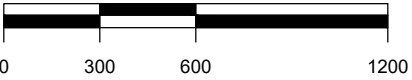
- NOTES**
- 1. AERIAL PHOTOGRAPHY OBTAINED FROM THE LEE COUNTY GIS DEPARTMENT, DATED 2022.
 - 2. EROSION CONTROL LINE (ECL) OBTAINED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON 1/28/2020, FILE NAME: ECL2505.SHP



COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY AND MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464		TOWN OF FORT MYERS BEACH CLIENT:		DATE: 07/18/2021	SCALE:	AS NOTED
	PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@cecill.com		MANAGED BEACH ZONE TITLE:		DRAWN: KMG/FB	KG/FB	
					CHECKED: MTP/PG	MTP/PG	
					SEC: TWP: R/WG	TWP: R/WG	
FILE NO.: 21504-MBZ-1				ACAD NO: 21504 MBZ 20220718.dwg	NO. 21.504	DATE	BY
				REF. NO.			REVISION DESCRIPTION



- NOTES**
- 1. AERIAL PHOTOGRAPHY OBTAINED FROM THE LEE COUNTY GIS DEPARTMENT, DATED 2022.
 - 2. EROSION CONTROL LINE (ECL) OBTAINED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON 1/28/2020, FILE NAME: ECL2505.SHP



MATCHLINE - SEE SHEET 1

MATCHLINE - SEE SHEET 3

MEAN HIGH WATER
(MAY 2021)

MANAGED BEACH ZONE

EROSION CONTROL LINE

1978 CCCL

 COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135		COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY AND MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464				CLIENT: TOWN OF FORT MYERS BEACH		DATE: 07/18/2021		SCALE: AS NOTED	
		PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@cecill.com				TITLE: MANAGED BEACH ZONE		DRAWN: KMG		F.B.	
								CHECKED: MTP		PG.	
								SEC.		TWP. RMG.	
								ACAD NO.		21504 MBZ 20220718.dwg	
FILE NO.: 21504-MBZ-2				SHEET 2		REF. NO.		NO. 21.504		REVISION DESCRIPTION	

MATCHLINE - SEE SHEET 2

R195

MANAGED BEACH ZONE

MEAN HIGH WATER
(MAY 2021)

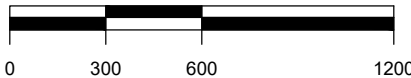
EROSION CONTROL LINE

END MBZ

MATCHLINE - SEE SHEET 4

NOTES

1. AERIAL PHOTOGRAPHY OBTAINED FROM THE LEE COUNTY GIS DEPARTMENT, DATED 2022.
2. EROSION CONTROL LINE (ECL) OBTAINED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON 1/28/2020, FILE NAME: ECL2505.SHP



COASTAL
ENGINEERING
CONSULTANTS
INC.

Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecill.com

TOWN OF FORT MYERS BEACH

MANAGED BEACH ZONE

DATE: 07/18/2021 SCALE: AS NOTED
DRAWN: KMG/FB
CHECKED: MTP/PG
SEC: TWP: RWG
ACAD NO: 21504 MBZ 20220718.dwg
REF. NO.

NO. 21,504 BY DATE

REVISION DESCRIPTION

SHEET 3
FILE NO.: 21504-MBZ-3

ESTERO ISLAND EROSION CONTROL PROJECT

PERMIT DRAWINGS

PREPARED FOR:

TOWN OF FORT MYERS BEACH

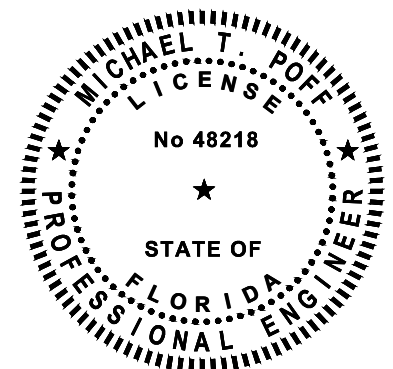
NOTES

1. BEACH PROFILE SURVEY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC., MAY 2021.
2. OFFSHORE BORROW AREA SURVEY CONDUCTED BY OCEAN SURVEYS, INC., NOVEMBER 3, 2021.
3. PIPELINE CORRIDOR 1 BATHYMETRIC SURVEY CONDUCTED BY OCEAN SURVEYS, INC., JULY 12, 2021.
4. PIPELINE CORRIDOR 2 BATHYMETRIC SURVEY CONDUCTED BY OCEAN SURVEYS, INC., NOVEMBER 1, 2021.
5. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
6. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. MEAN HIGH WATER ELEVATION OF +0.3 FEET NAVD88 IS BASED ON INFORMATION FROM THE FDEP AND TIDE STATION ID NUMBER 8727366.
8. EROSION CONTROL LINE (ECL) OBTAINED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON 1/28/2020, FILE NAME: ECL2505.SHP
9. TIDAL REDUCTIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD88.
10. SURVEY ACCURACY STANDARDS, QUALITY CONTROL, AND QUALITY ASSURANCE REQUIREMENTS WERE FOLLOWED DURING THIS SURVEY IN ACCORDANCE WITH USACE EM 1110-2-1003, HYDROGRAPHIC SURVEYING MANUAL, 11/30/2013.
11. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
12. LANDWARD LIMIT OF BEACH FILLS SHALL TIE INTO EXISTING CONTINUOUS DUNE VEGETATION/ARMORING LINE.
13. CONTRACTORS WORK AREA ON BEACHES SHALL EXTEND FROM CONTINUOUS DUNE VEGETATION/ARMORING LINE TO 500 FEET SEAWARD OF CONSTRUCTION TOE OF FILL.
14. PIPELINE ACCESS CORRIDORS SHALL RUN FROM BORROW AREA VIA SUBMERGED LINE TO SPECIFIED LOCATIONS ON BEACH. CORRIDOR ENDPOINTS ARE LISTED ON PLAN VIEWS.
15. OFFSHORE BORROW AREA AVAILABLE VOLUME IS 1 MILLION CUBIC YARDS.
16. AERIAL PHOTOGRAPHY OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, DATED 2021.

INDEX

1. COVER SHEET
2. PROJECT LOCATION MAP
3. SURVEY CONTROL MAP
4. BEACH FILL PLAN VIEW (C174A-R187)
5. BEACH FILL PLAN VIEW (R187-R198)
- 6-9. NORTH FILL SECTIONS
- 10-17. CENTRAL FILL SECTIONS
18. BEACH FILL PLAN VIEW (R203-R207)
- 19-21. SOUTH FILL TYPICAL SECTIONS
22. BORROW AREA PLAN VIEW
- 23-30. BORROW AREA TYPICAL SECTIONS
31. PIPELINE CORRIDOR 1 DETAILS PLAN VIEW
32. PIPELINE CORRIDOR 2 DETAILS PLAN VIEW 1
33. PIPELINE CORRIDOR 2 DETAILS PLAN VIEW 2

FOR PERMITTING
PURPOSES ONLY.
NOT TO BE USED FOR
CONSTRUCTION.



SHEET 1
FILE NO.: 21904-1

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

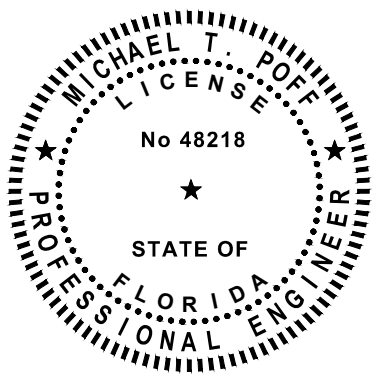
TOWN OF FORT MYERS BEACH

TITLE:

COVER SHEET

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21.504-Permit-2021.dwg		
REF. NO.	21.504		

2	7/14/2022	MTP		ADDRESSED DEP RAI #2
1	4/5/2022	KMG		ADDRESSED DEP RAI #1
NO.	DATE	BY		REVISION DESCRIPTION



SHEET 2
FILE NO. 21904-2

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSLINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

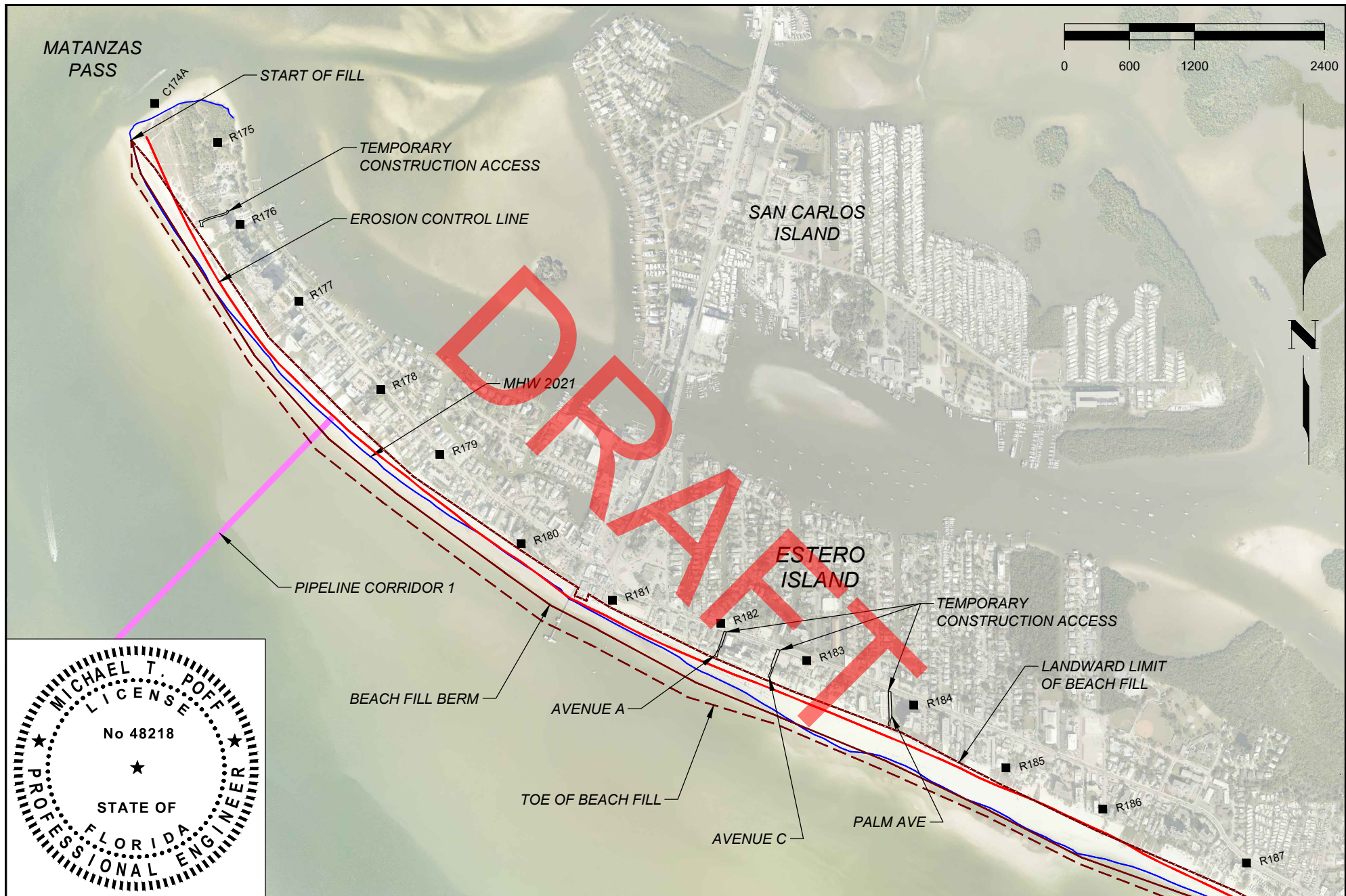
TOWN OF FORT MYERS BEACH

TITLE:

PROJECT LOCATION MAP

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 4
FILE NO. 21504



COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

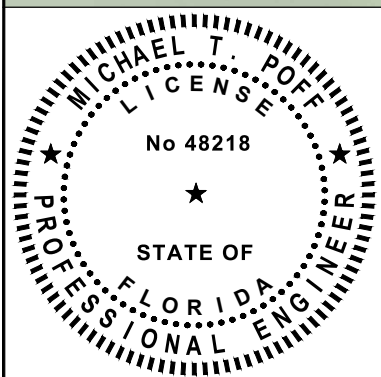
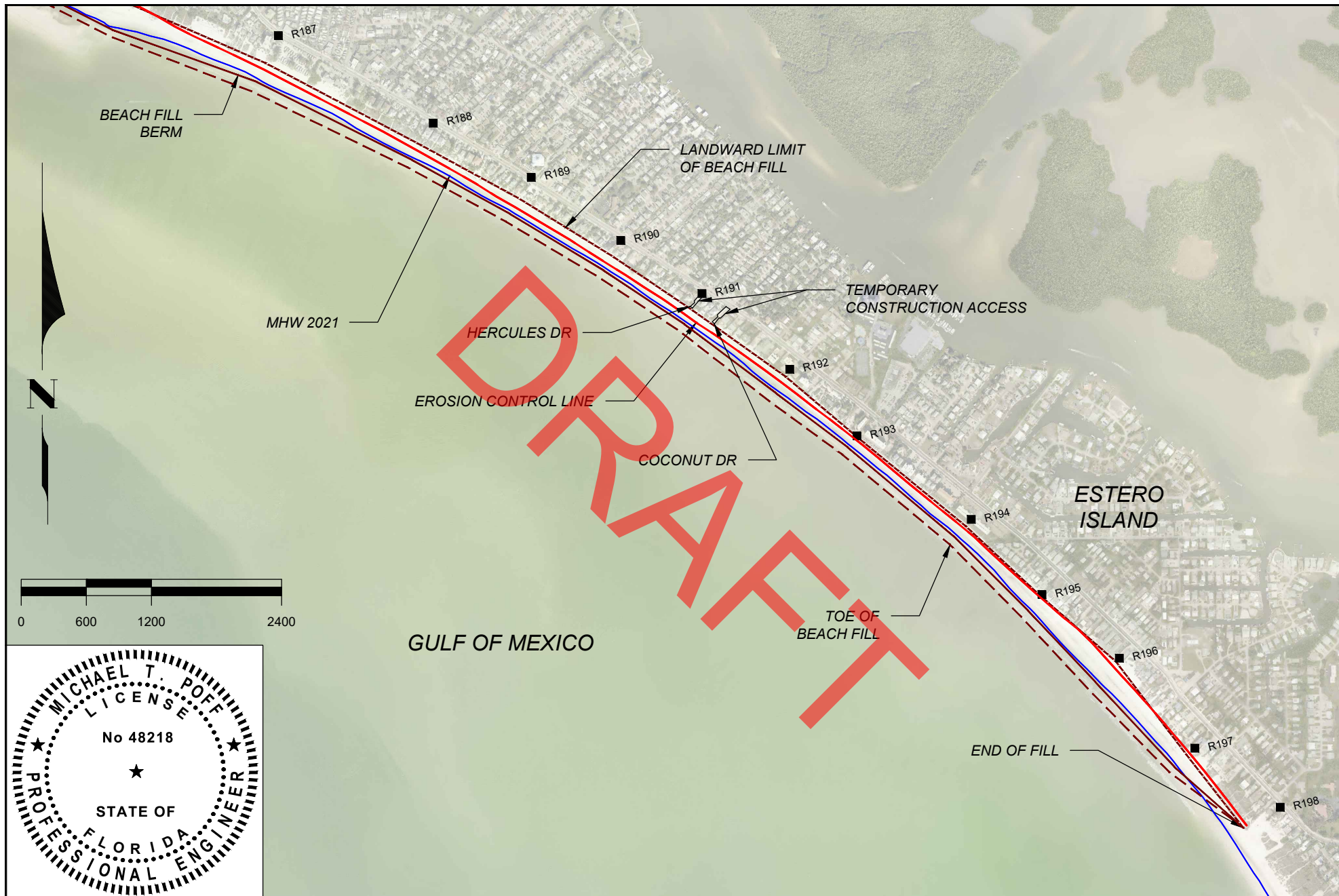
COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifi.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **BEACH FILL
PLAN VIEW
(C174-R187)**

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



COASTAL ENGINEERING CONSULTANTS INC.

Serving Florida Since 1977

28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

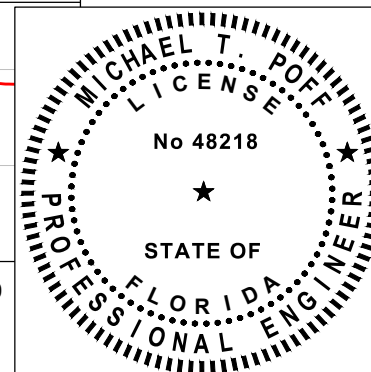
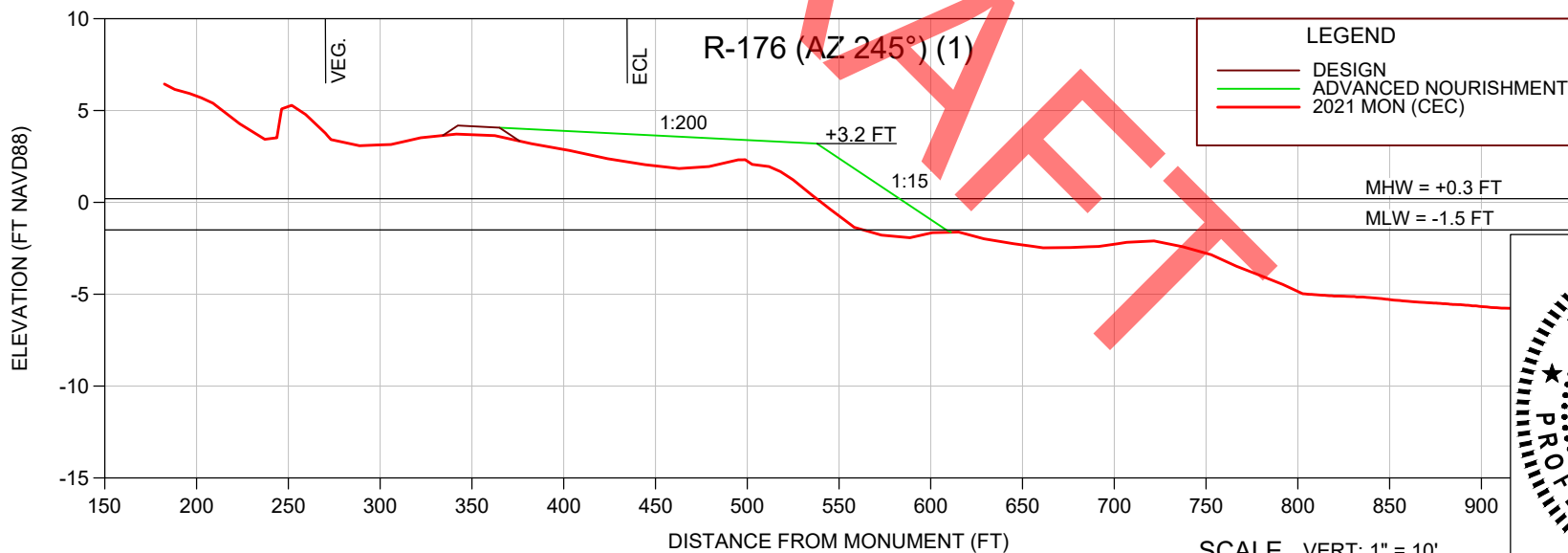
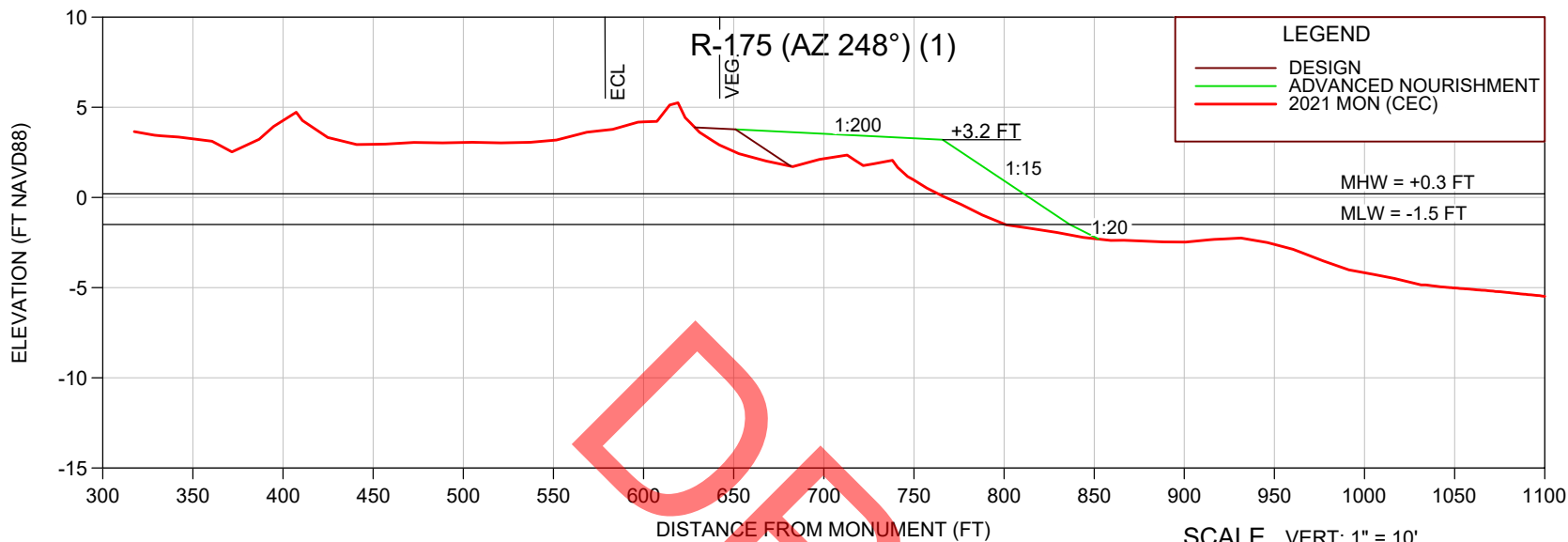
COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **BEACH FILL
PLAN VIEW
(R187-R198)**

CLIENT: TOWN OF FORT MYERS BEACH		DATE: 12/7/2021		SCALE: AS NOTED					
TITLE: BEACH FILL PLAN VIEW (R187-R198)		DRAWN: KMG		F.B.					
		CHECKED: MTP		PG.					
		SEC.	TWP.	RNG.	2	7/14/2022	MTP	ADDRESSED DEP RAI #2	
		ACAD NO. 21504-Permit-2021.dwg				1	4/5/2022	KMG	ADDRESSED DEP RAI #1
		REF. NO. 21.504		NO.		DATE	BY	REVISION DESCRIPTION	



SHEET 6
FILE NO. 21504-6

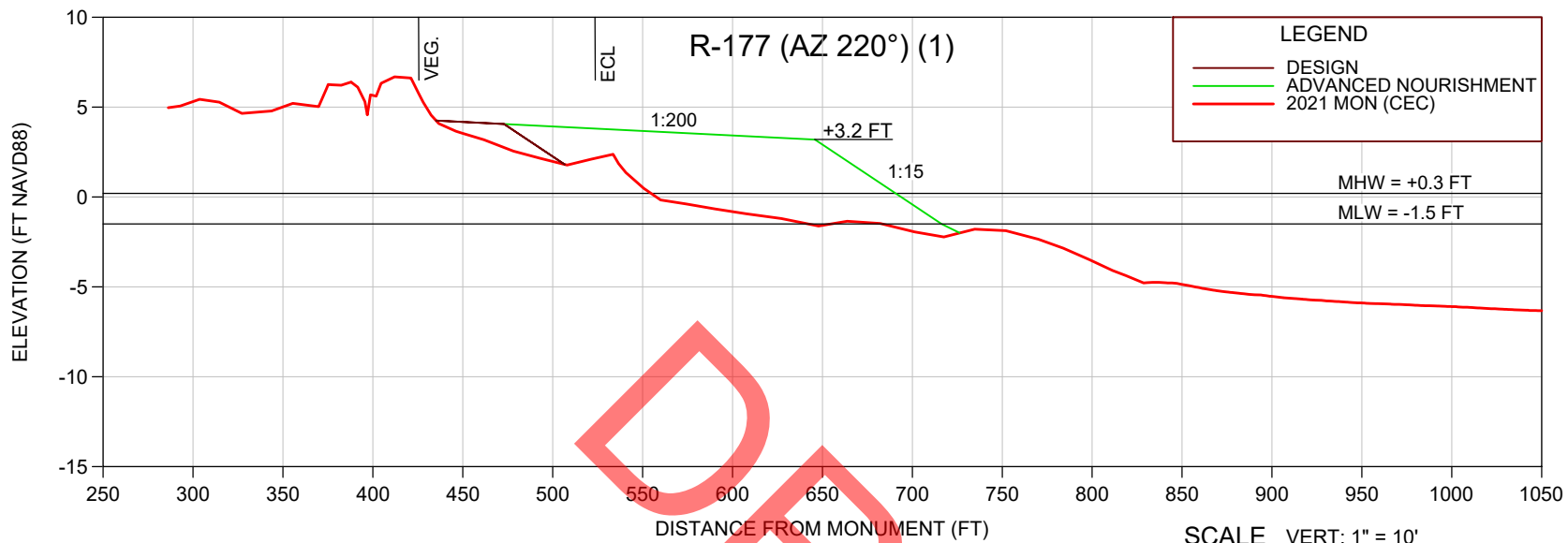
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **NORTH FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

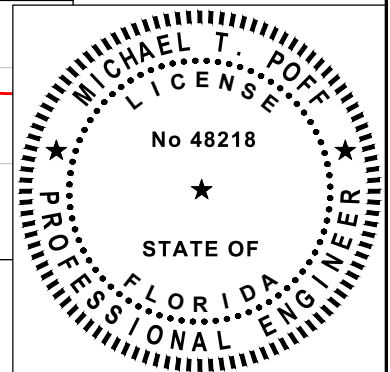
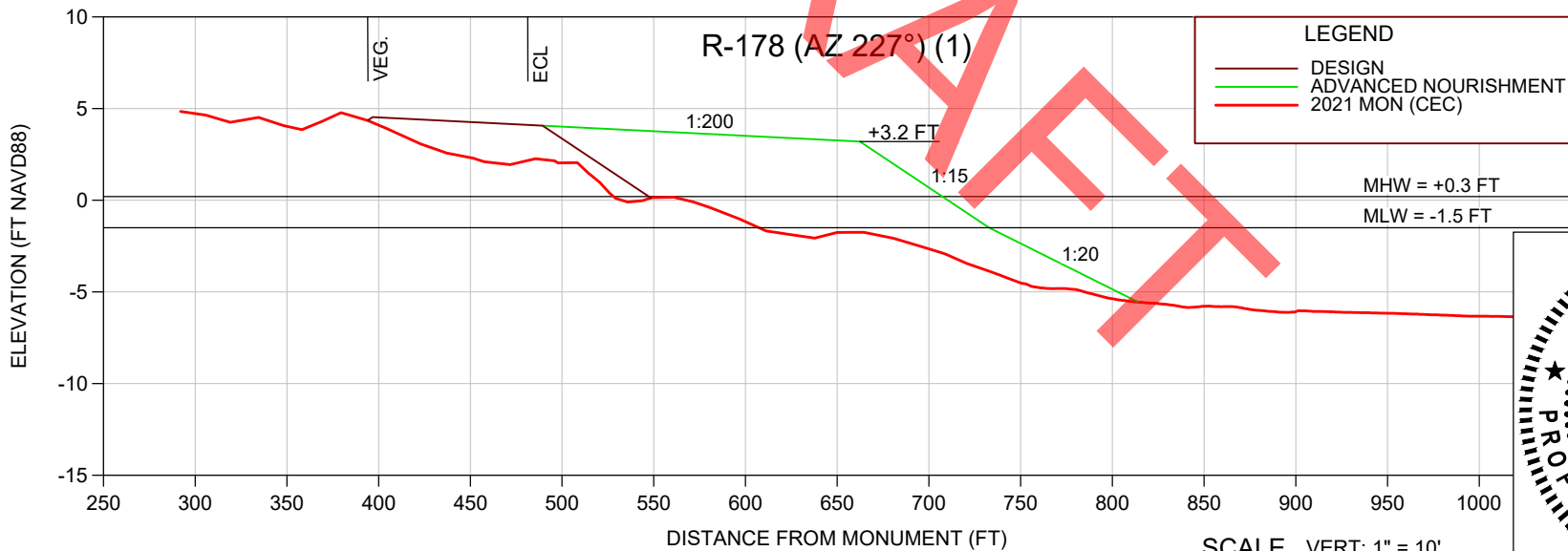
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



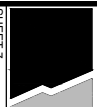
NOTE:

VEG. = EXISTING
DUNE
VEGETATION

ECL = EROSION
CONTROL
LINE



SHEET 7
FILE NO. 21504.7



**COASTAL
ENGINEERING
CONSULTANTS
INC.**

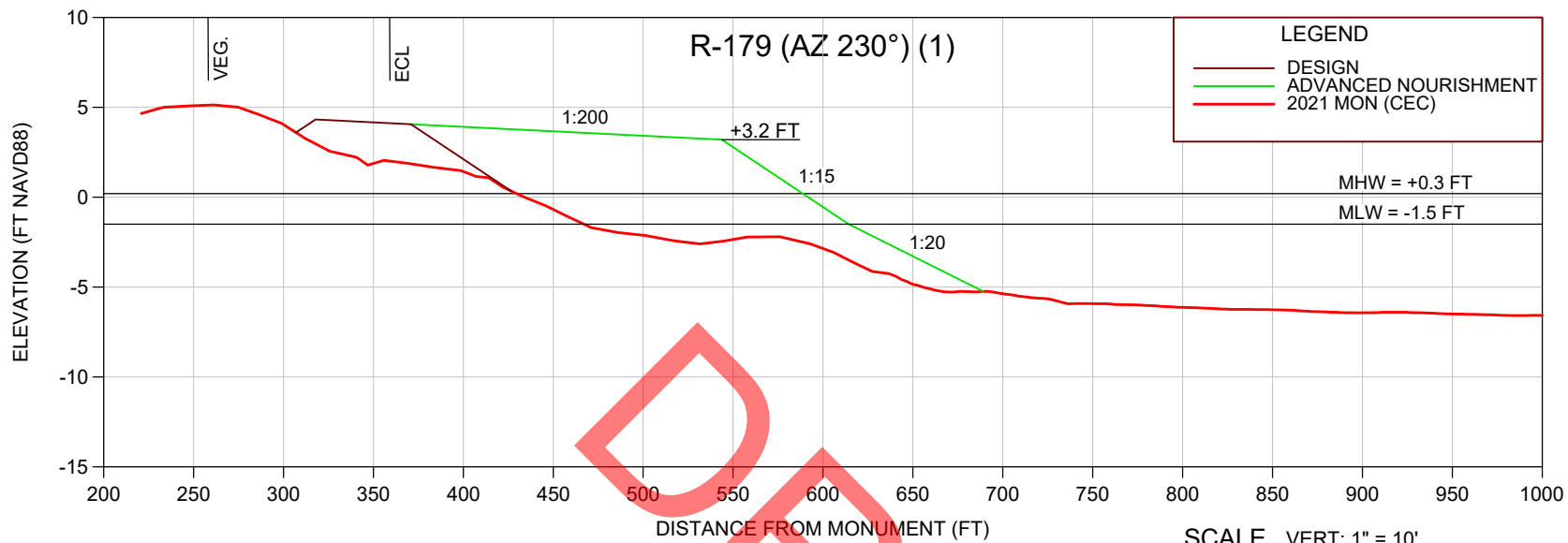
Serving Florida Since 1977

28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

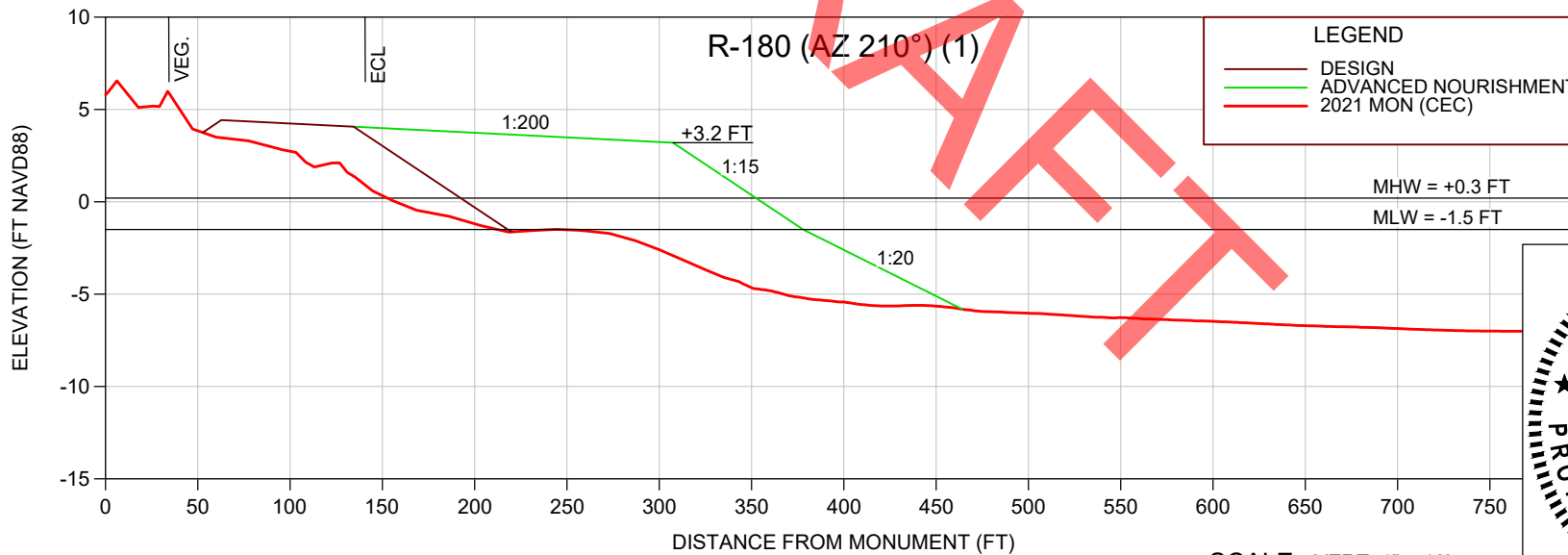
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: TOWN OF FORT MYERS BEACH		DATE: 12/7/2021	SCALE: AS NOTED				
TITLE: NORTH FILL SECTIONS		DRAWN: KMG	F.B.				
		CHECKED: MTP	PG.				
SEC.	TWP.	RNG.					
ACAD NO. 21504-Permit-2021.dwg				2	7/14/2022	MTP	ADDRESSED DEP RAI #2
REF. NO. 21.504				1	4/5/2022	KMG	ADDRESSED DEP RAI #1
				NO.	DATE	BY	REVISION DESCRIPTION

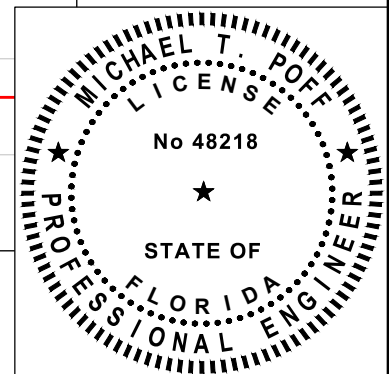


NOTE:
 VEG. = EXISTING DUNE VEGETATION
 ECL = EROSION CONTROL LINE

SCALE VERT: 1" = 10'
 HORIZ: 1" = 100'



SCALE VERT: 1" = 10'
 HORIZ: 1" = 100'



SHEET 8
 FILE NO. 21504-8

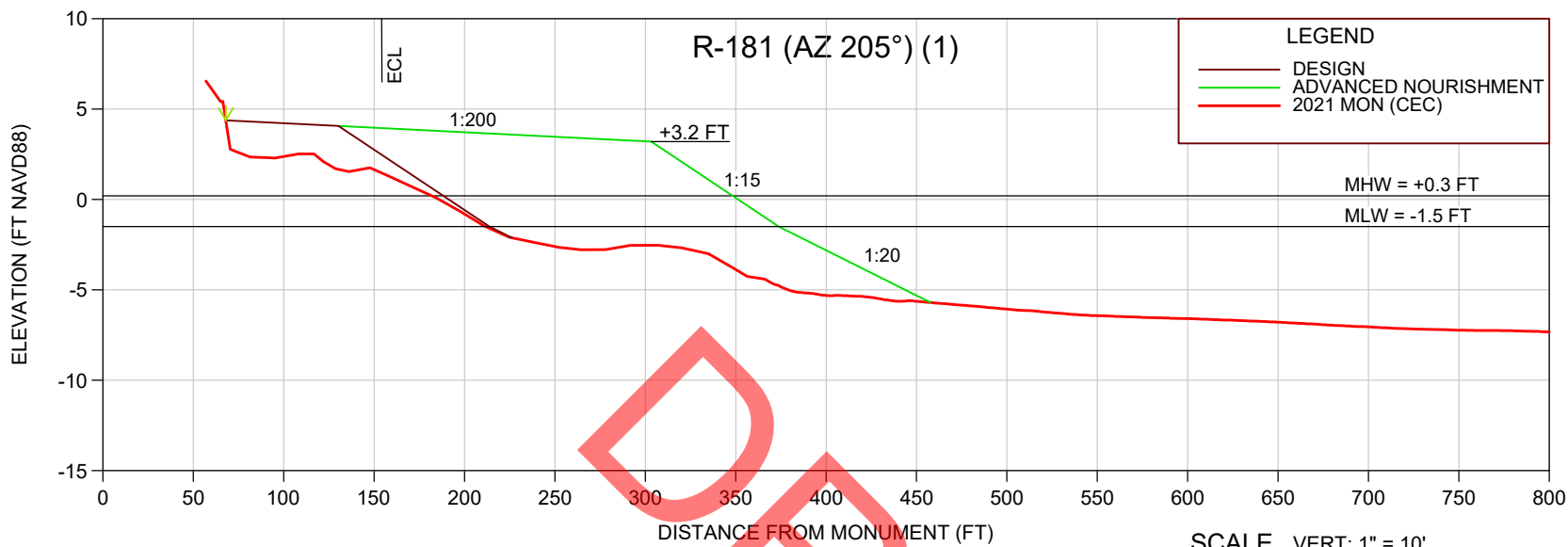
COASTAL ENGINEERING CONSULTANTS INC.
 Serving Florida Since 1977
 28421 BONITA CROSSINGS BLVD
 BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
 ENVIRONMENTAL & GEOLOGICAL SERVICES
 SURVEY AND MAPPING
 ENGINEERING: CA 2464
 SURVEYING: LB 2464
 PHONE: (239)643-2324
 FAX: (239)643-1143
 www.coastalengineering.com
 E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
 TITLE: **NORTH FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
 DRAWN: KMG F.B.
 CHECKED: MTP PG.
 SEC. TWP. RNG.
 ACAD NO. 21504-Permit-2021.dwg
 REF. NO. 21.504

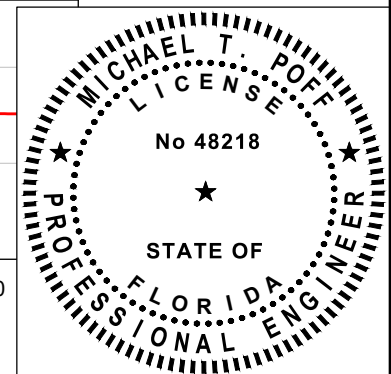
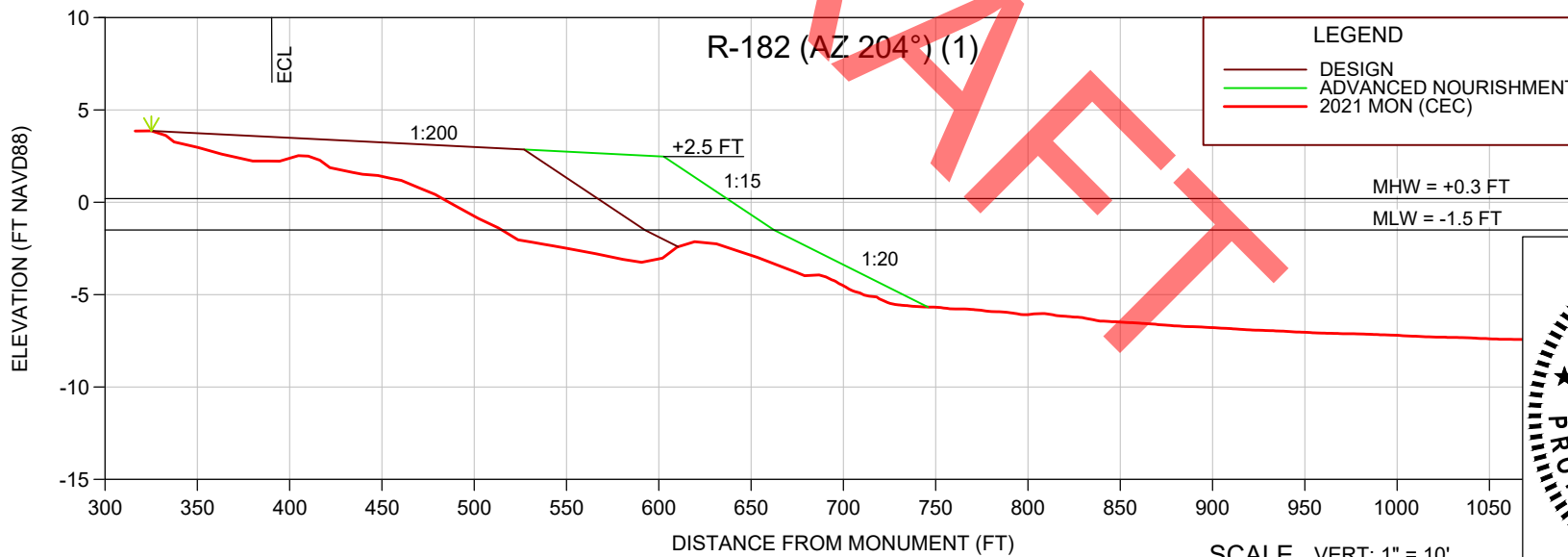
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



NOTE:

▽ = 10' WIDE
DUNE PLANTINGS
AT GRADE

ECL = EROSION
CONTROL
LINE



SHEET 9
FILE NO. 21504-9

**COASTAL
ENGINEERING
CONSULTANTS
INC.**

Serving Florida Since 1977

28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **NORTH FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED

DRAWN: KMG F.B.

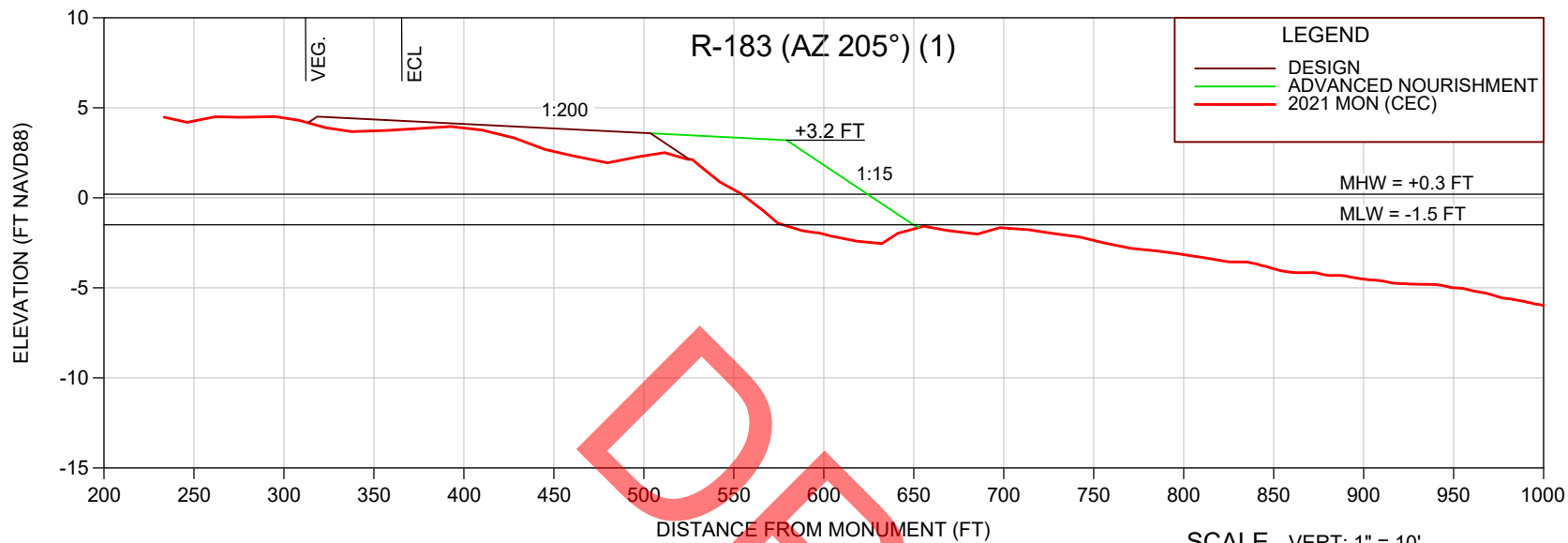
CHECKED: MTP PG.

SEC. TWP. RNG.

ACAD NO. 21504-Permit-2021.dwg

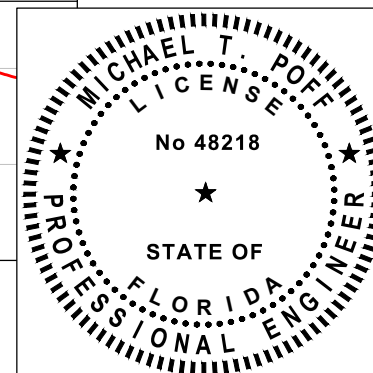
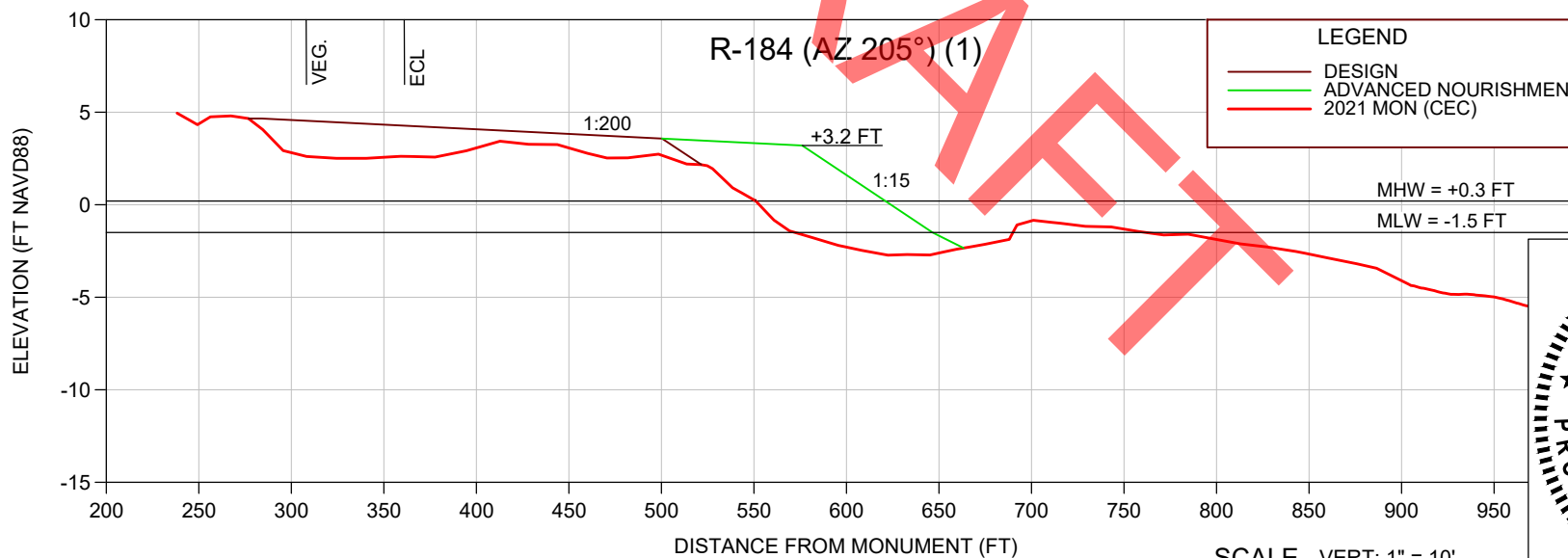
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



NOTE:

VEG. = EXISTING
 DUNE
 VEGETATION
 ECL = EROSION
 CONTROL
 LINE



SHEET 10
 FILE NO. 21504-10

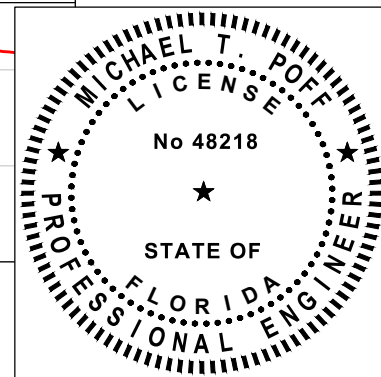
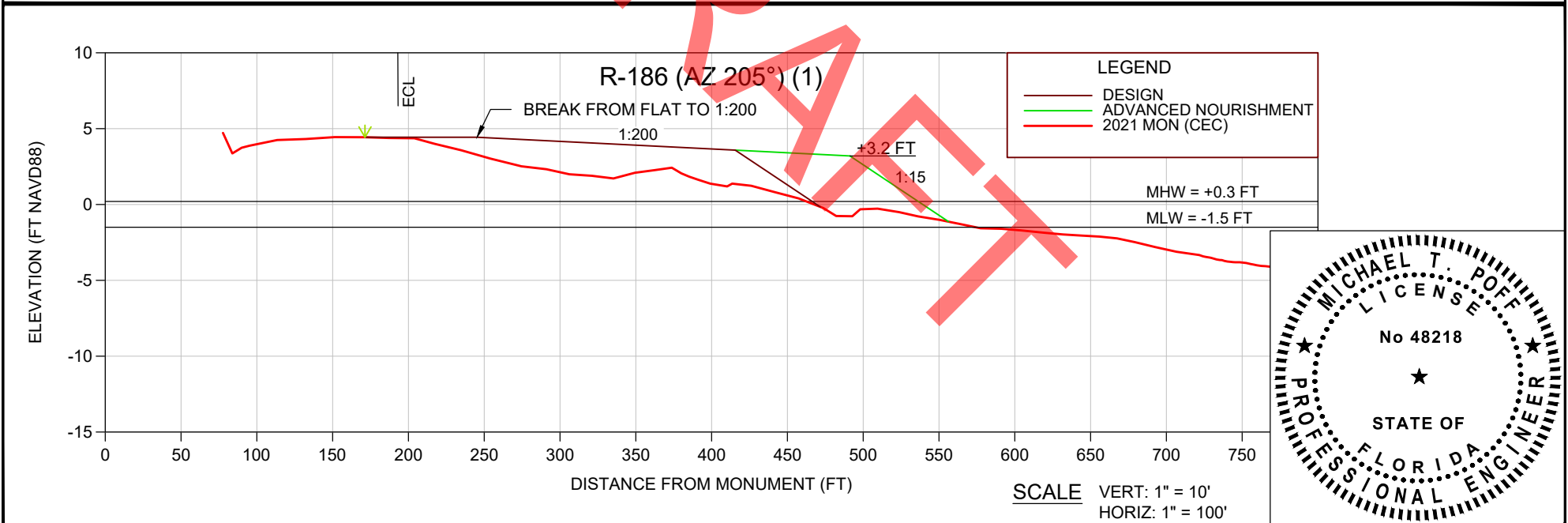
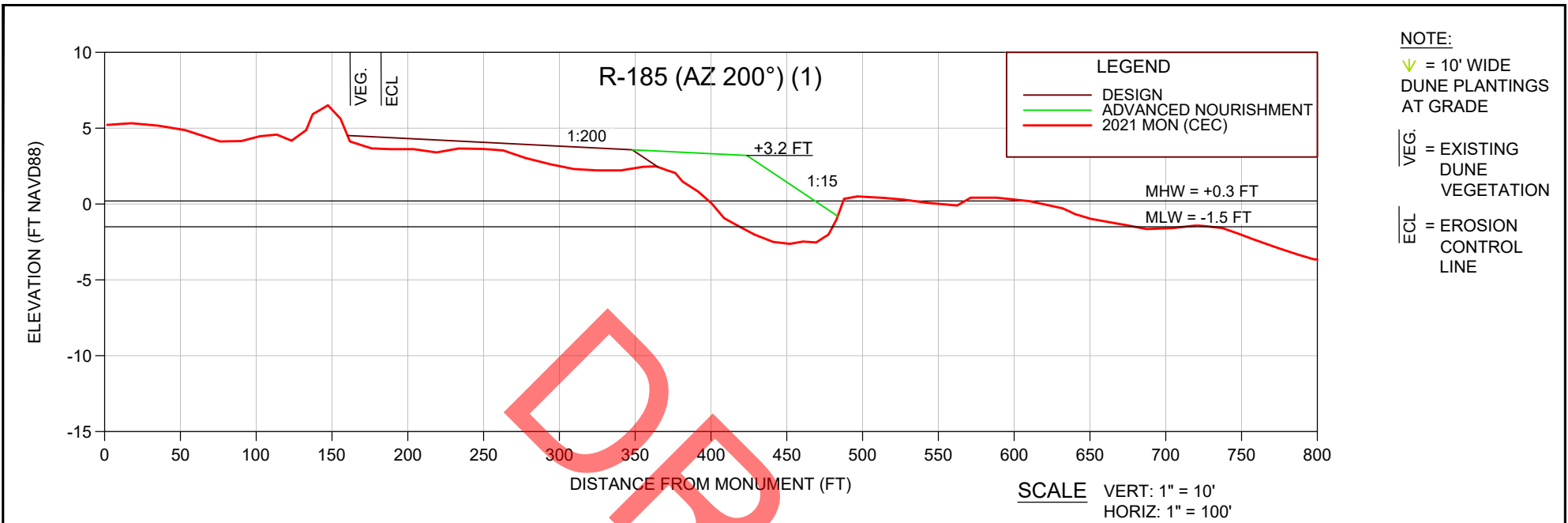
**COASTAL
 ENGINEERING
 CONSULTANTS
 INC.**
 Serving Florida Since 1977
 28421 BONITA CROSSINGS BLVD
 BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
 ENVIRONMENTAL & GEOLOGICAL SERVICES
 SURVEY AND MAPPING
 ENGINEERING: CA 2464
 SURVEYING: LB 2464
 PHONE: (239)643-2324
 FAX: (239)643-1143
 www.coastalengineering.com
 E-Mail: info@cecifl.com

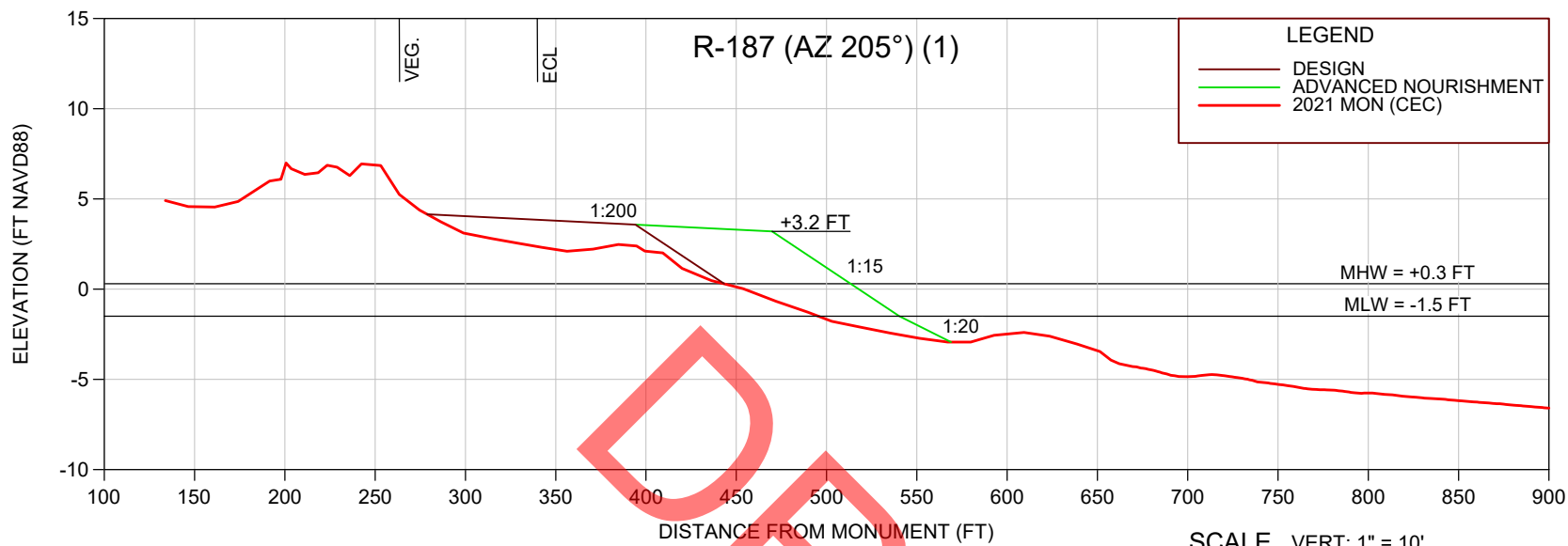
CLIENT: **TOWN OF FORT MYERS BEACH**
 TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
 DRAWN: KMG F.B.
 CHECKED: MTP PG.
 SEC. TWP. RNG.
 ACAD NO. 21504-Permit-2021.dwg
 REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 11 FILE NO. 21504-11  COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY AND MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@cecifl.com	CLIENT: TOWN OF FORT MYERS BEACH TITLE: CENTRAL FILL SECTIONS	DATE: 12/7/2021 DRAWN: KMG CHECKED: MTP SEC. TWP. RNG. ACAD NO. 21504-Permit-2021.dwg REF. NO. 21.504 SCALE: AS NOTED F.B. PG. RNG.	<table><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td>2</td><td>7/14/2022</td><td>MTP</td><td>ADDRESSED DEP RAI #2</td></tr><tr><td>1</td><td>4/5/2022</td><td>KMG</td><td>ADDRESSED DEP RAI #1</td></tr><tr><td>NO.</td><td>DATE</td><td>BY</td><td>REVISION DESCRIPTION</td></tr></table>									2	7/14/2022	MTP	ADDRESSED DEP RAI #2	1	4/5/2022	KMG	ADDRESSED DEP RAI #1	NO.	DATE	BY	REVISION DESCRIPTION
	2	7/14/2022	MTP	ADDRESSED DEP RAI #2																				
	1	4/5/2022	KMG	ADDRESSED DEP RAI #1																				
	NO.	DATE	BY	REVISION DESCRIPTION																				



LEGEND

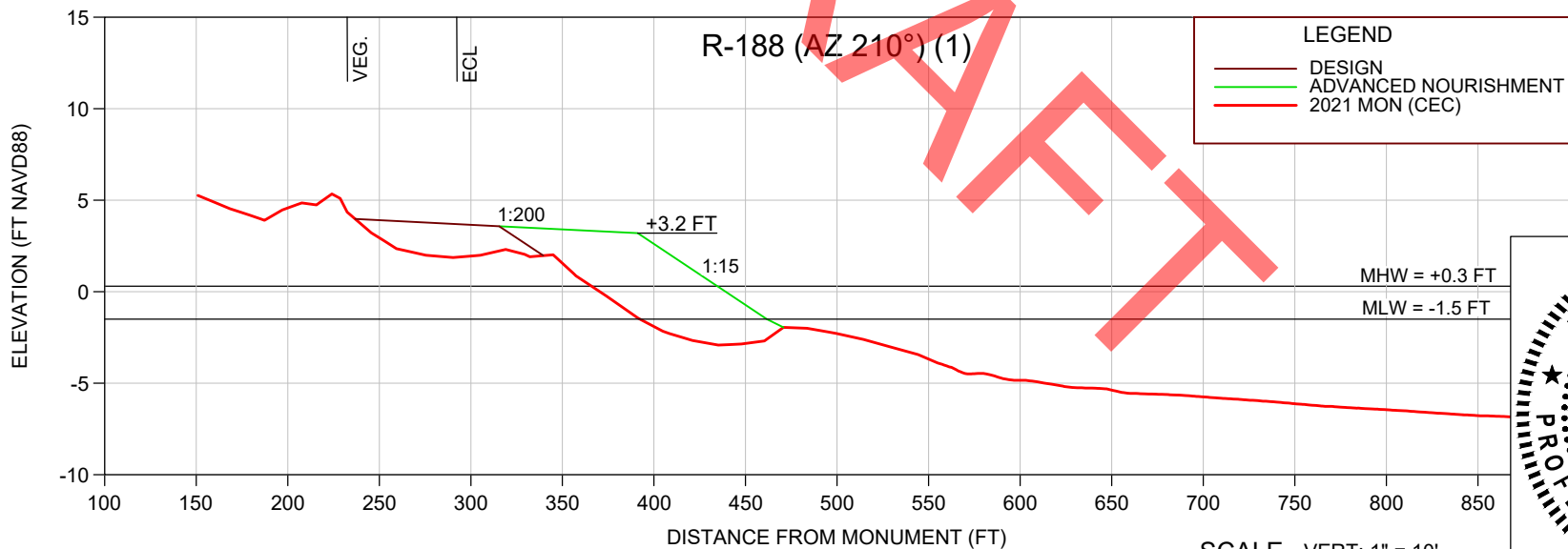
— DESIGN
— ADVANCED NOURISHMENT
— 2021 MON (CEC)

NOTE:

VEG. = EXISTING
DUNE
VEGETATION

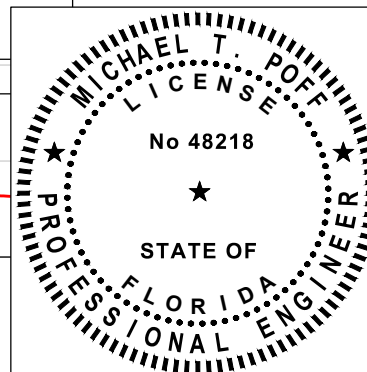
ECL = EROSION
CONTROL
LINE

SCALE VERT: 1" = 10'
HORIZ: 1" = 100'



LEGEND

— DESIGN
— ADVANCED NOURISHMENT
— 2021 MON (CEC)



SCALE VERT: 1" = 10'
HORIZ: 1" = 100'

SHEET 12

**COASTAL
ENGINEERING
CONSULTANTS
INC.**

Serving Florida Since 1977

28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED

DRAWN: KMG F.B.

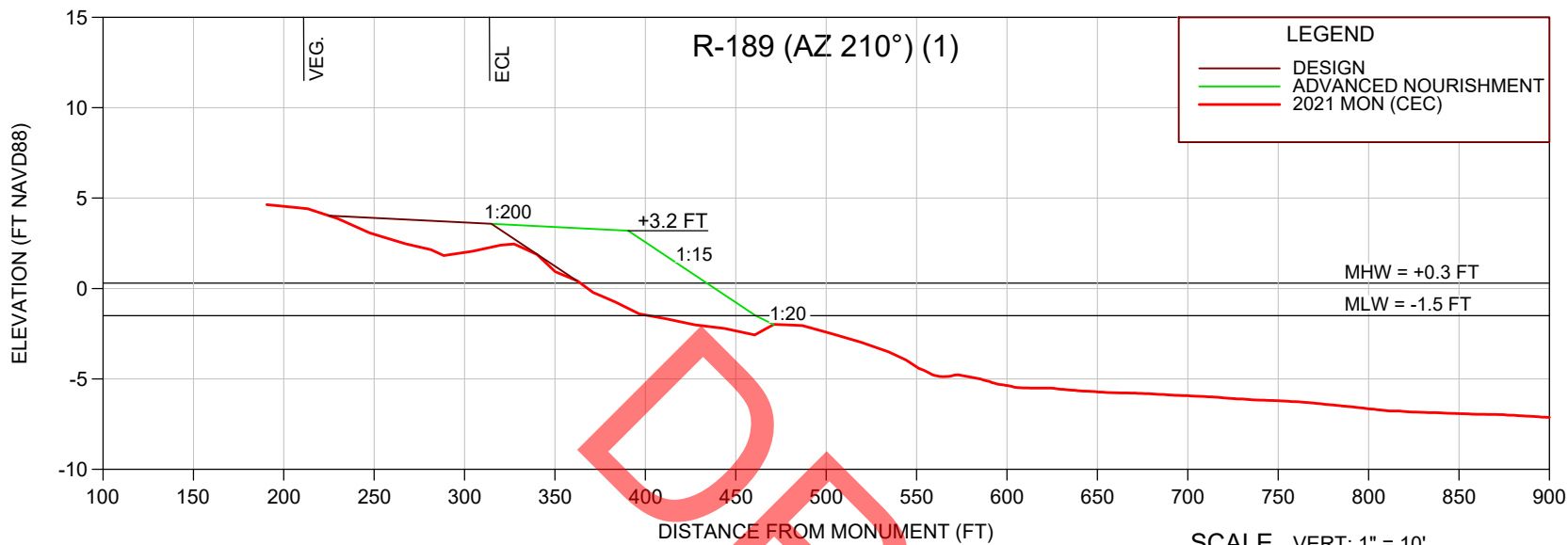
CHECKED: MTP PG.

SEC. TWP. RNG.

ACAD NO. 21504-Permit-2021.dwg

REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1

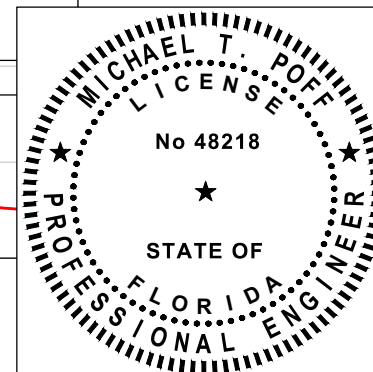
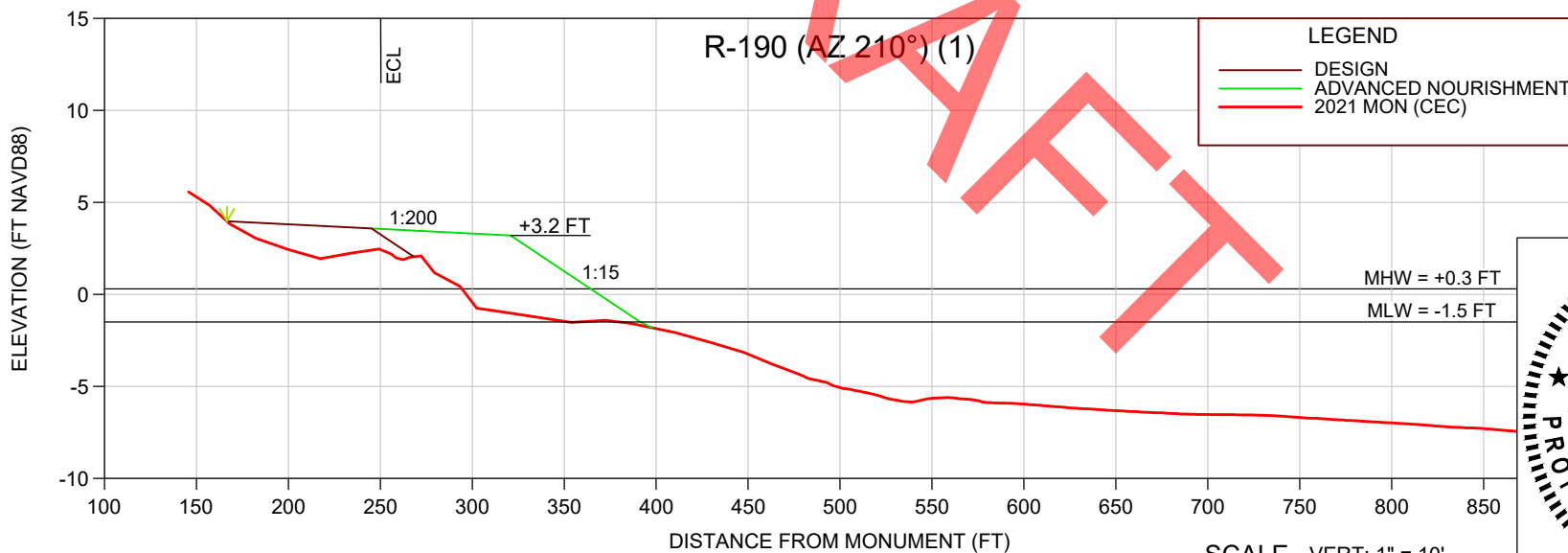


NOTE:

▽ = 10' WIDE
DUNE PLANTINGS
AT GRADE

VEG. = EXISTING
DUNE
VEGETATION

ECL = EROSION
CONTROL
LINE



SHEET 13
FILE NO. 21504-13

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

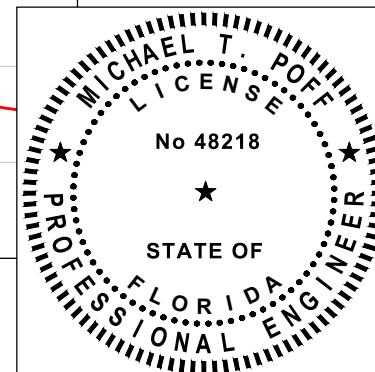
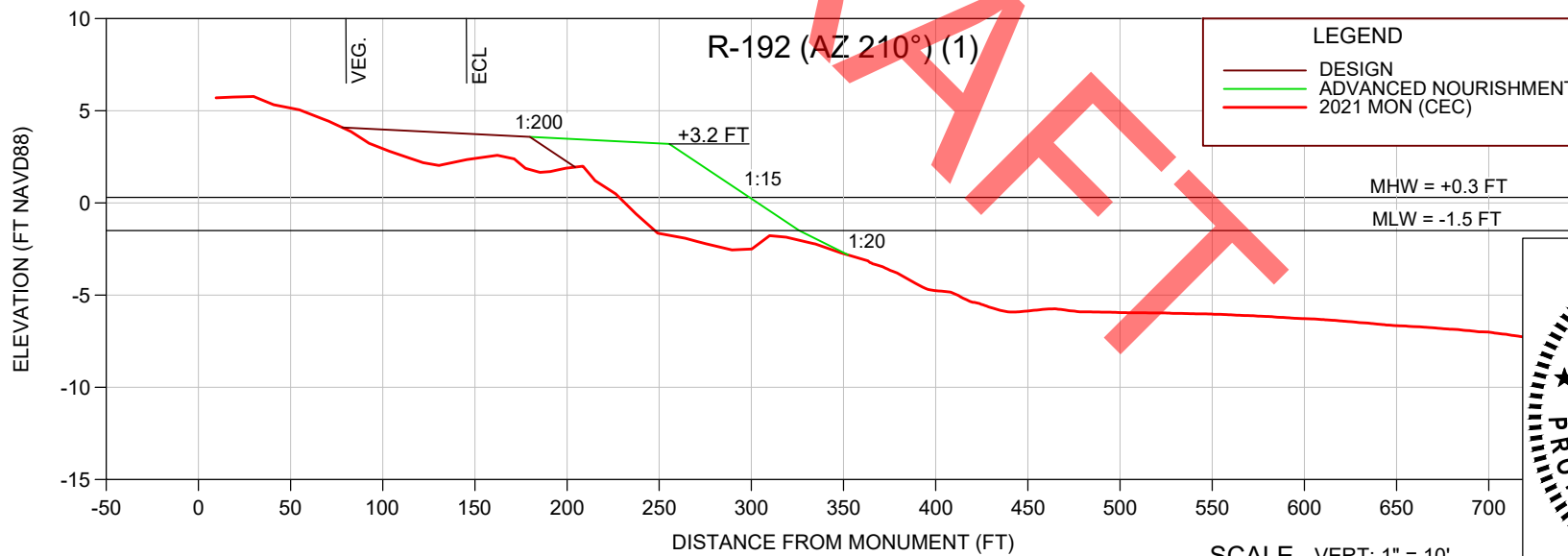
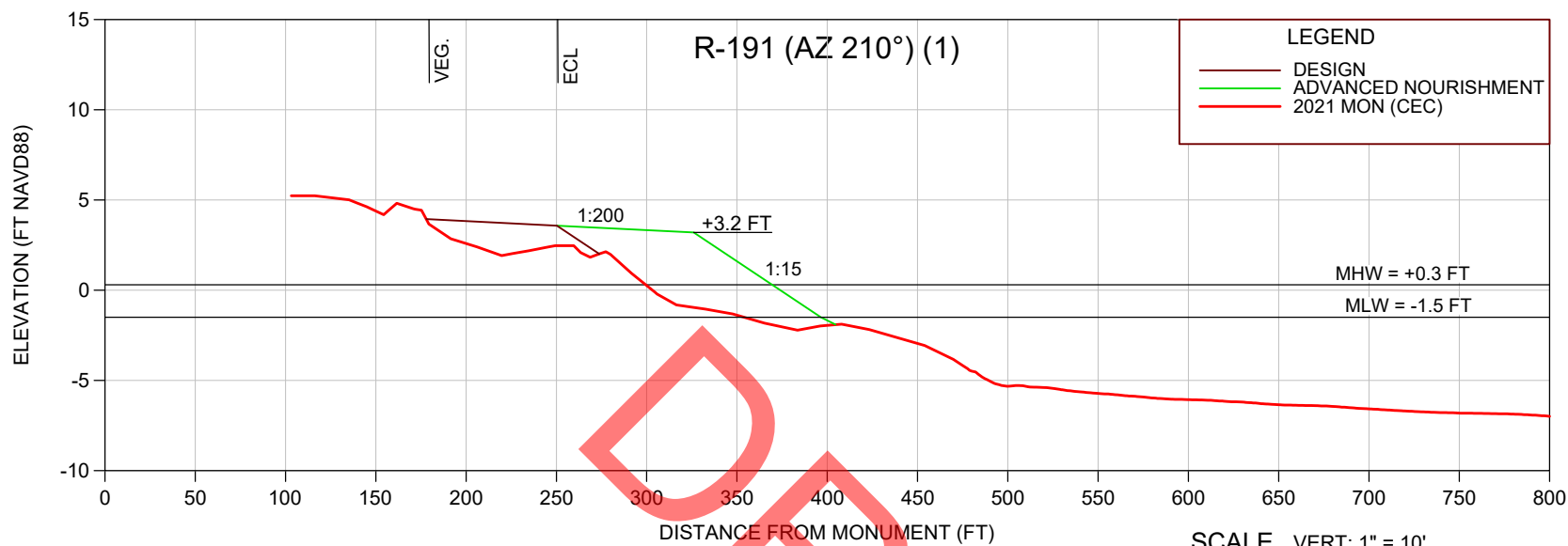
COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
 DRAWN: KMG F.B.
 CHECKED: MTP PG.
 SEC. TWP. RNG.
 ACAD NO. 21504-Permit-2021.dwg
 REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 14
FILE NO. 21504-14

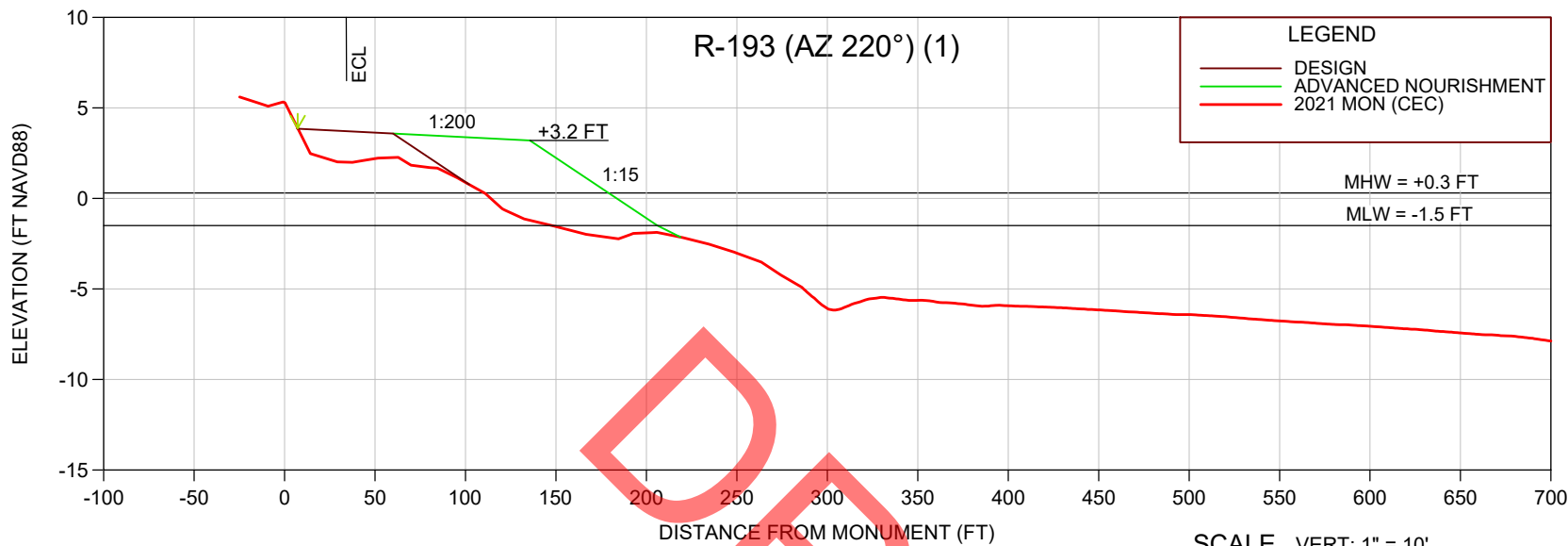
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

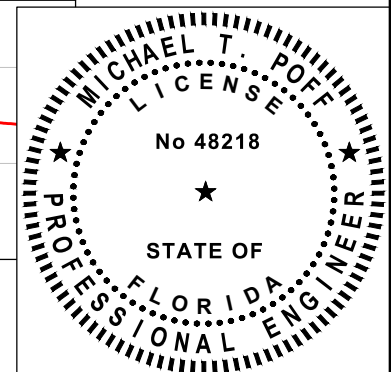
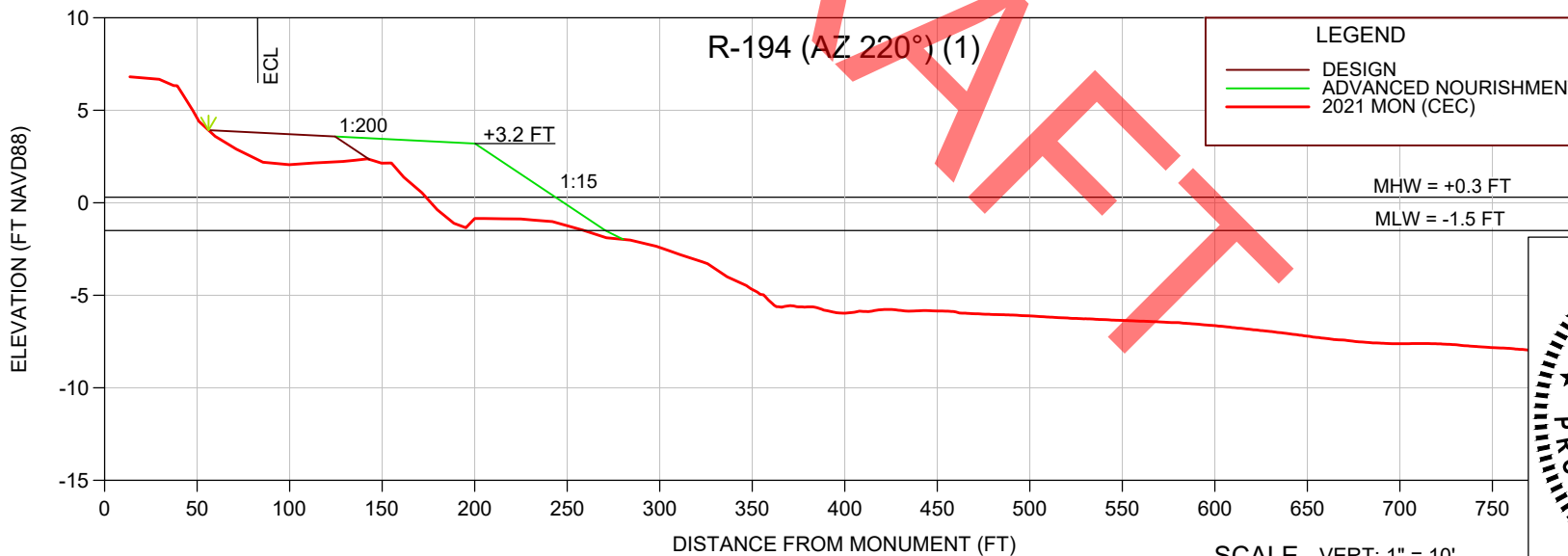
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



NOTE:

▽ = 10' WIDE
DUNE PLANTINGS
AT GRADE

ECL = EROSION
CONTROL
LINE



SHEET 15
FILE NO. 21504-15

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

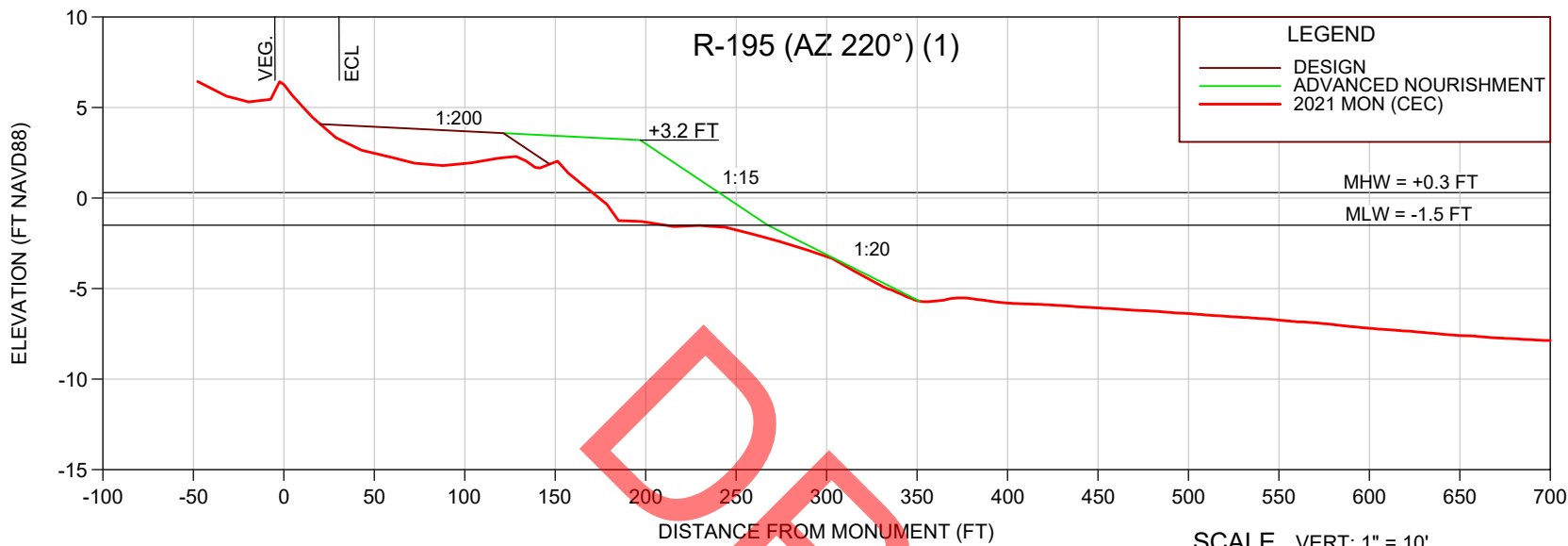
COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1

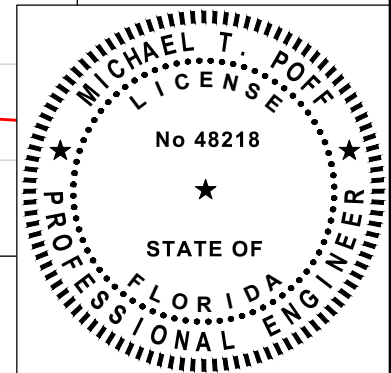
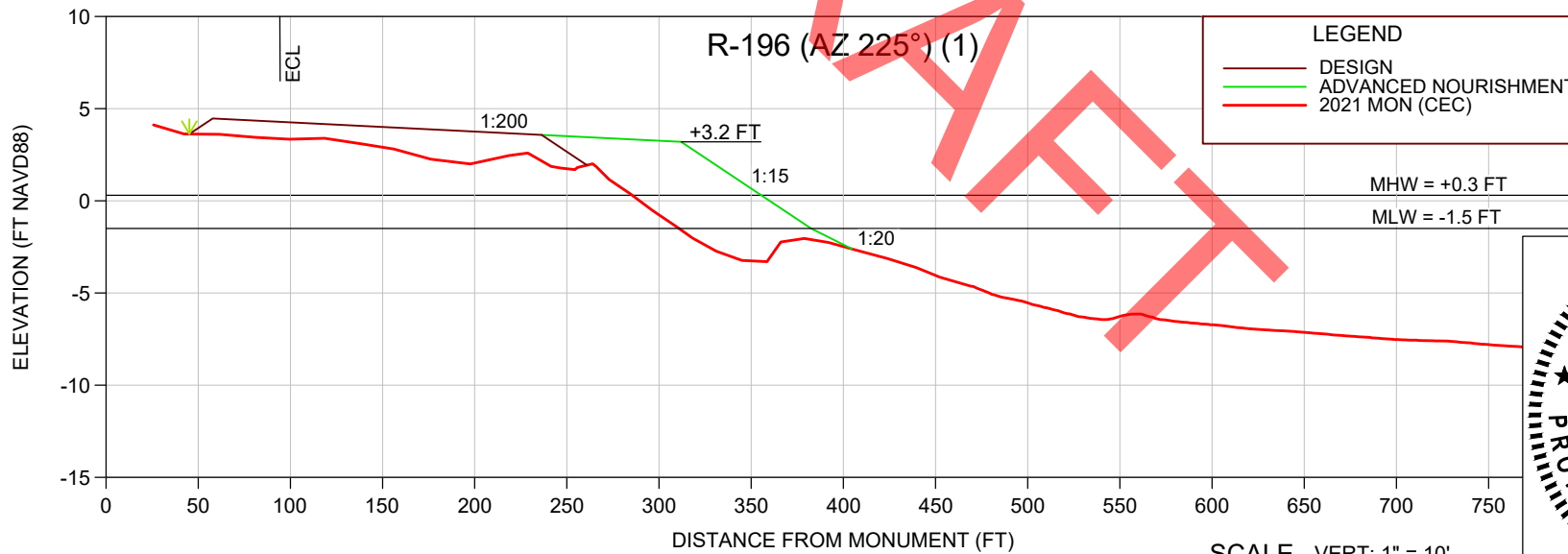


NOTE:

▽ = 10' WIDE
DUNE PLANTINGS
AT GRADE

VEG. = EXISTING
DUNE
VEGETATION

ECL = EROSION
CONTROL
LINE



SHEET 16
FILE NO. 21504-16

**COASTAL
ENGINEERING
CONSULTANTS
INC.**

Serving Florida Since 1977

28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**

TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED

DRAWN: KMG F.B.

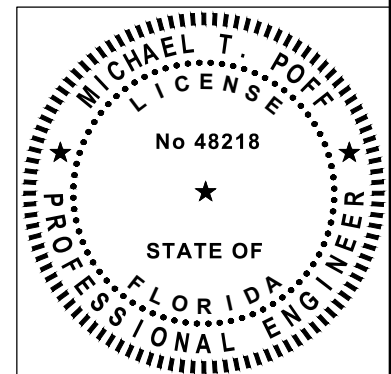
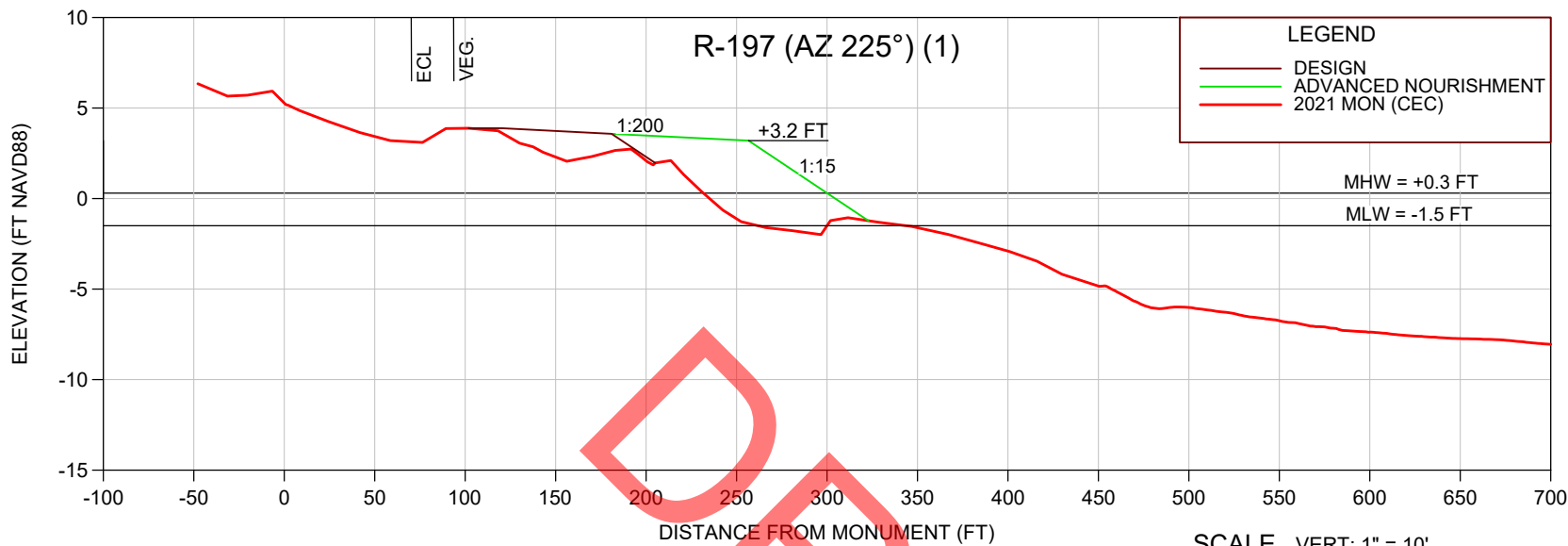
CHECKED: MTP PG.

SEC. TWP. RNG.

ACAD NO. 21504-Permit-2021.dwg

REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 17
FILE NO.: 21504-17

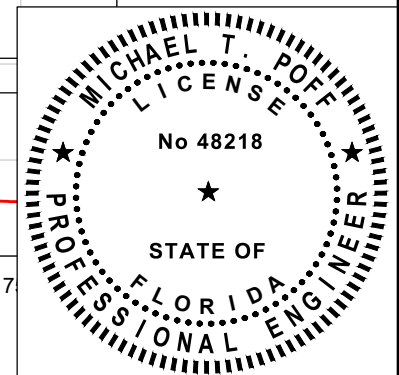
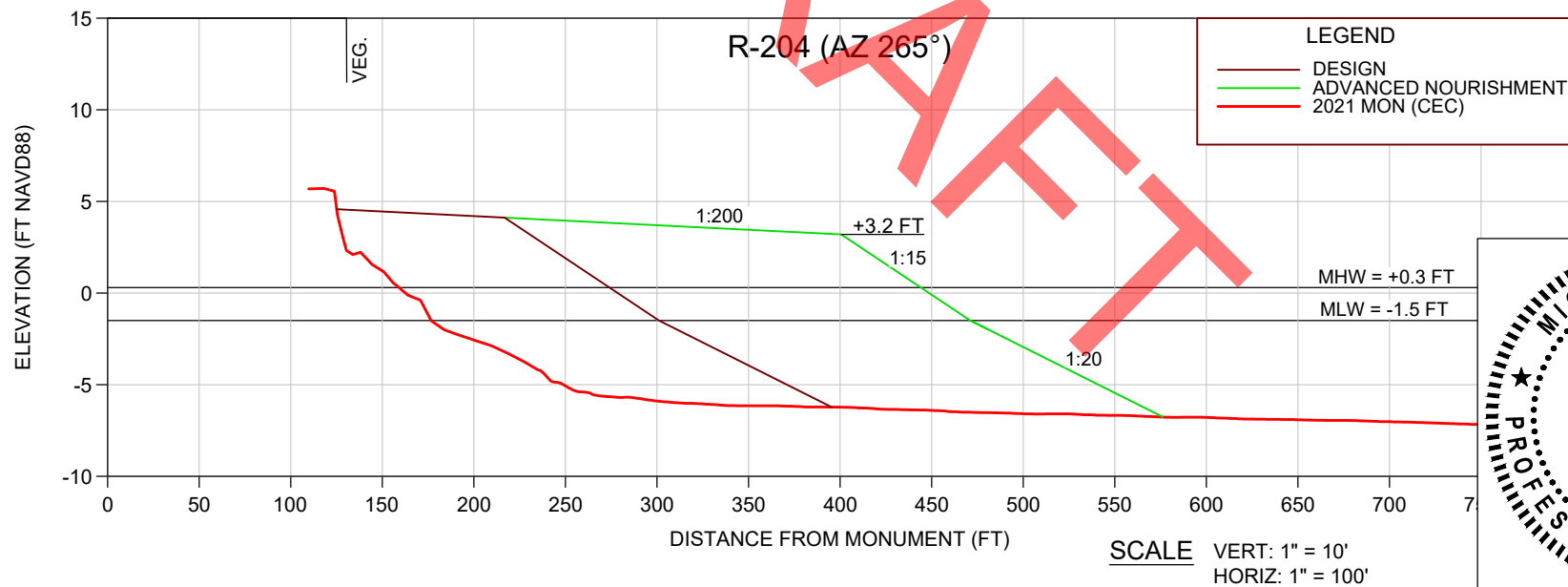
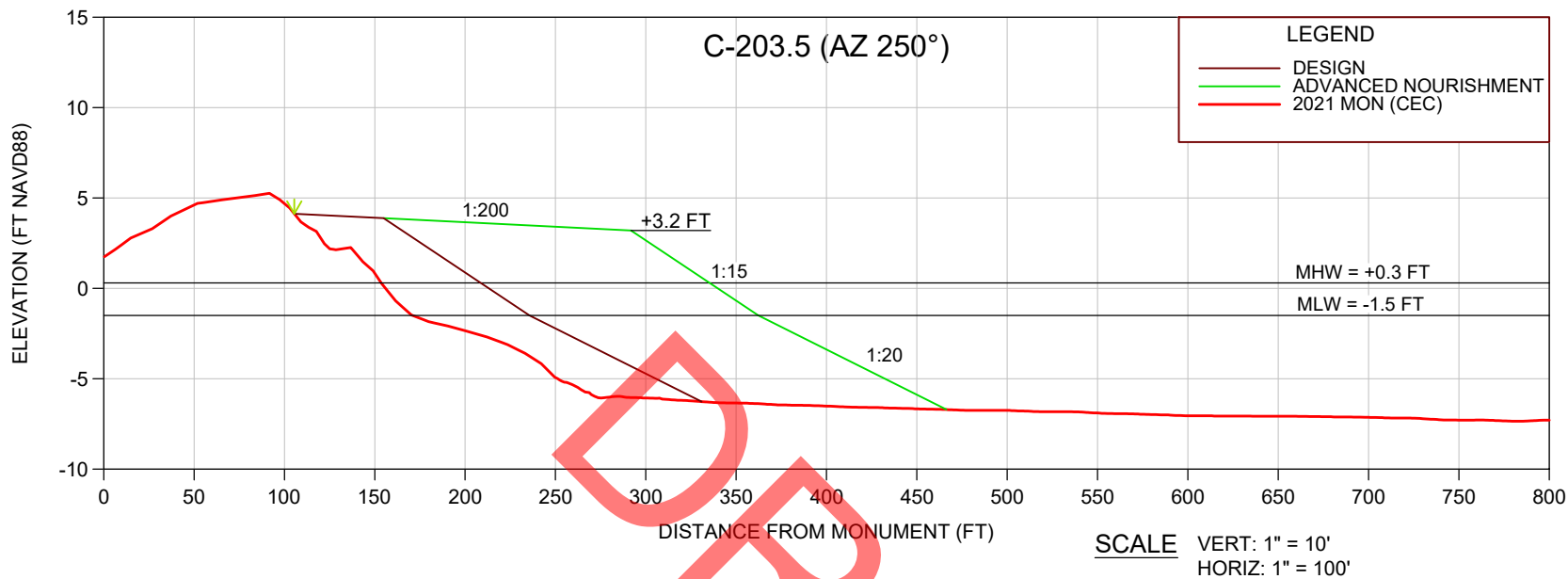
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **CENTRAL FILL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 19
FILE NO.: 21504-19

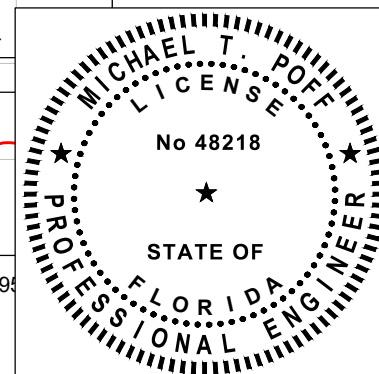
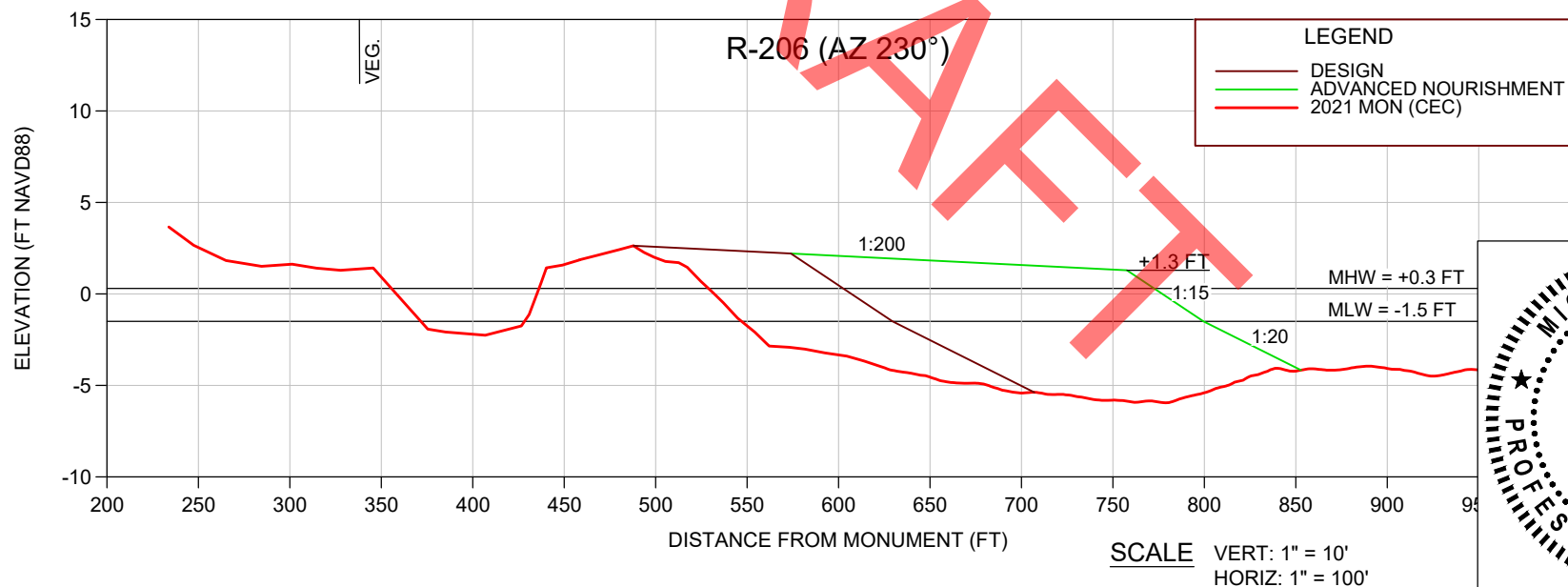
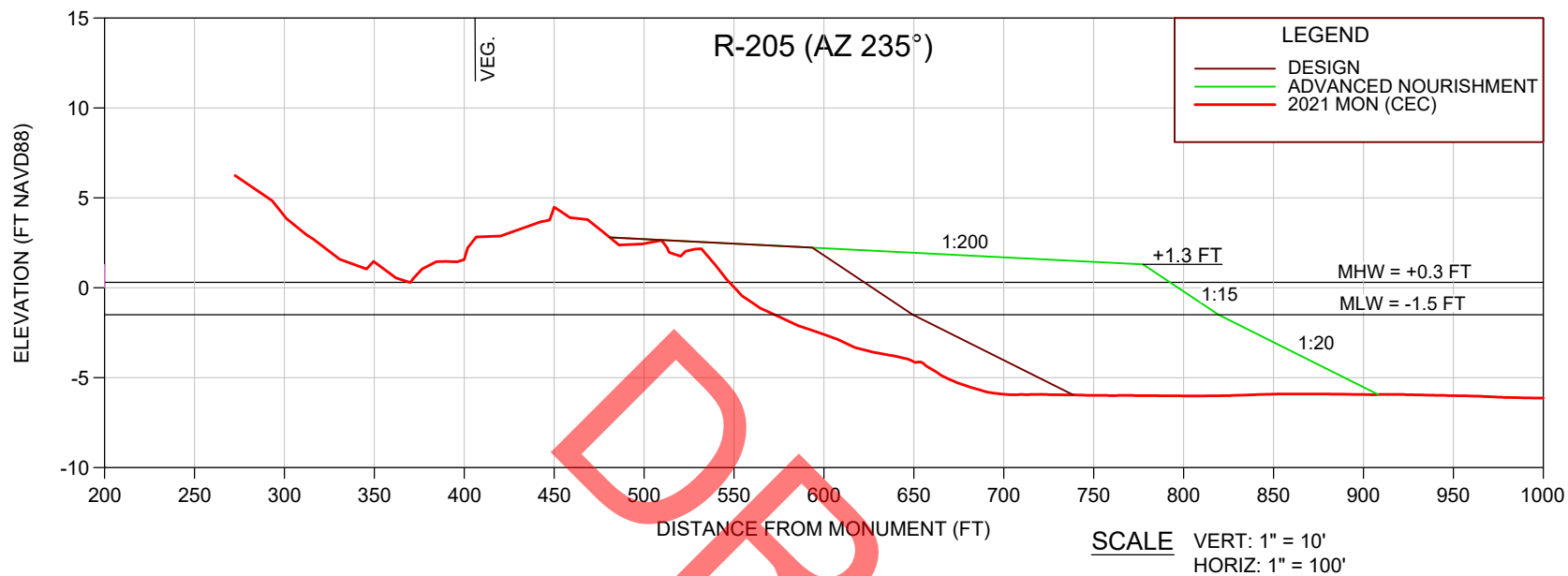
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecif.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **SOUTH FILL
TYPICAL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 20

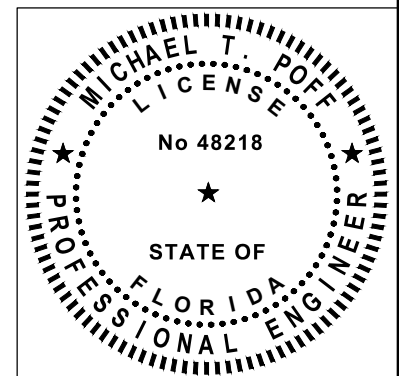
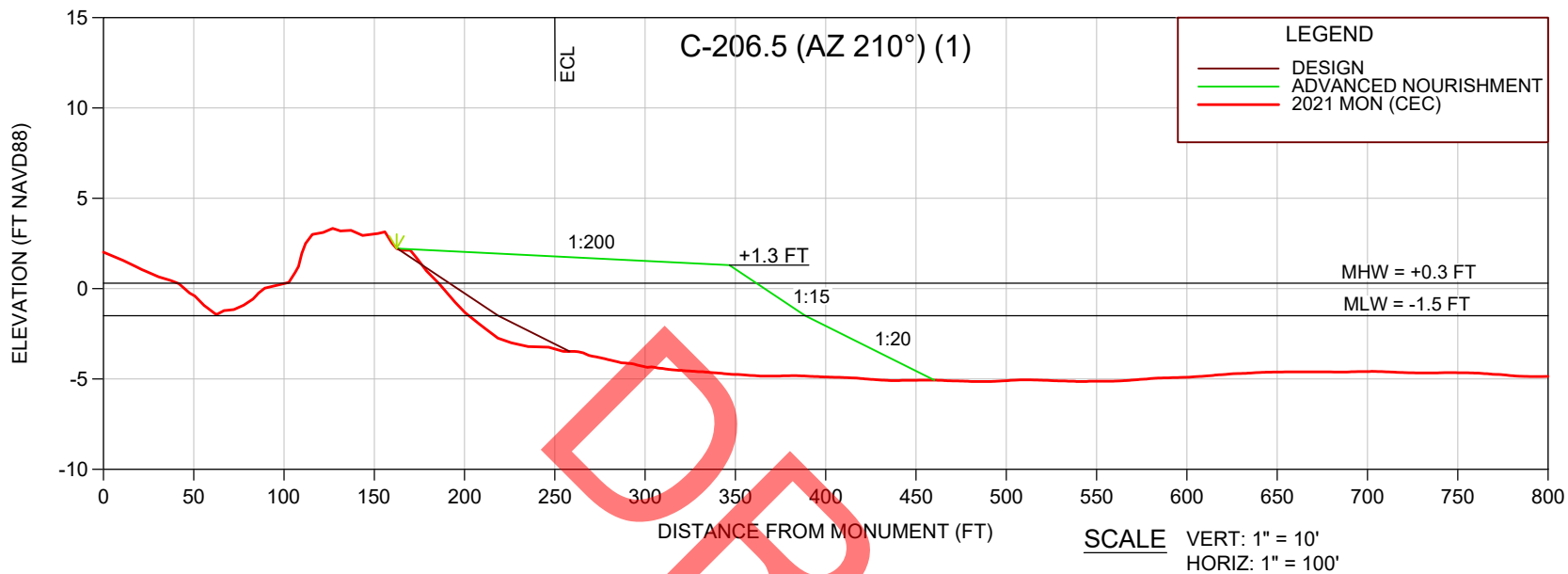
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **SOUTH FILL
TYPICAL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



SHEET 21
FILE NO.: 21504-21

COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

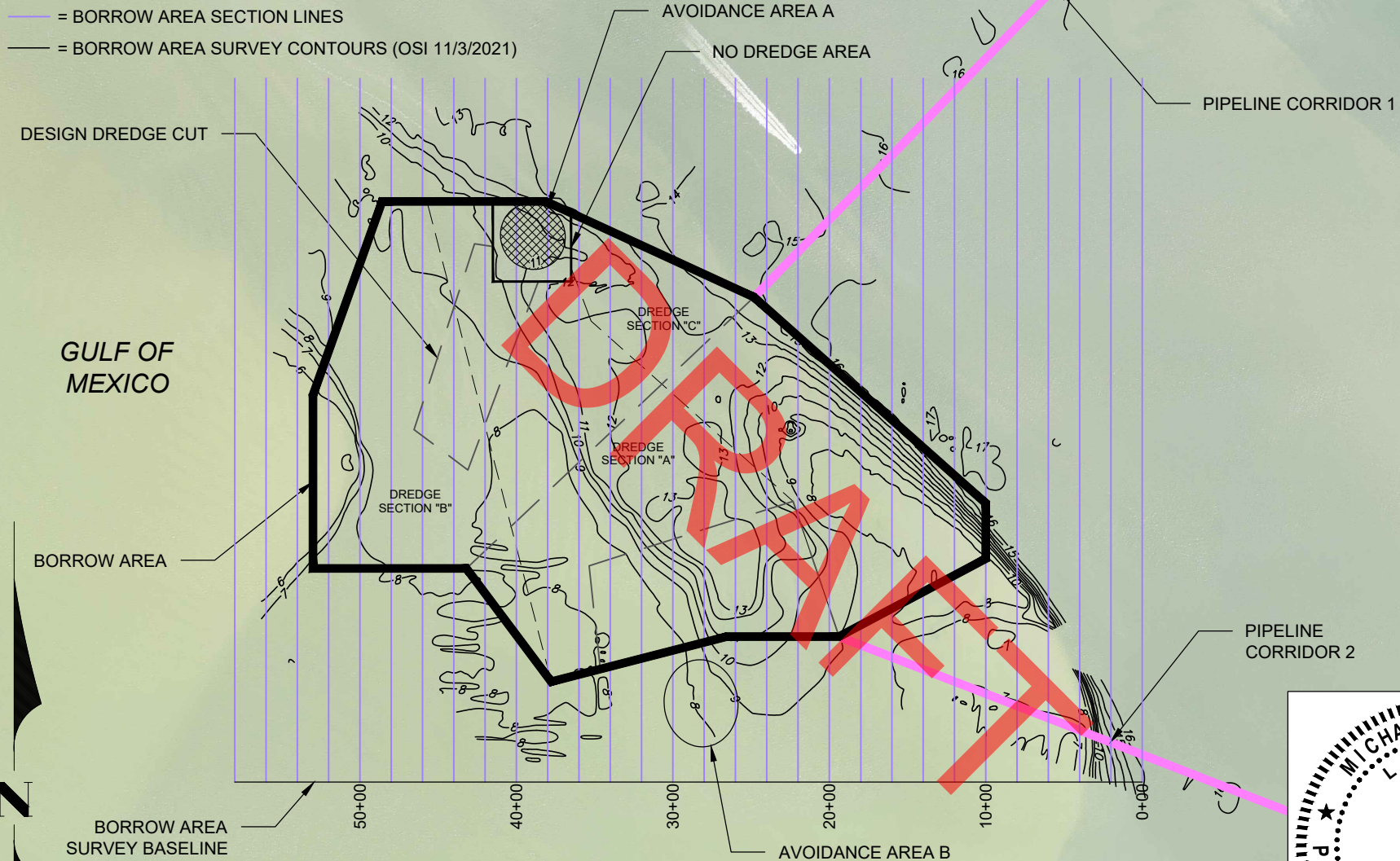
CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **SOUTH FILL
TYPICAL SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1

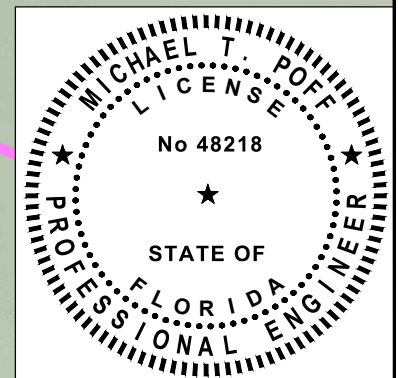
LEGEND

- = PIPELINE CORRIDOR
- = BORROW AREA SECTION LINES
- = BORROW AREA SURVEY CONTOURS (OSI 11/3/2021)



BORROW AREA BASELINE ENDPOINTS

EAST ENDPOINT	WEST ENDPOINT
EASTING: 665671'	EASTING: 659871'
NORTHING: 763634'	NORTHING: 763634'



SHEET 22

COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

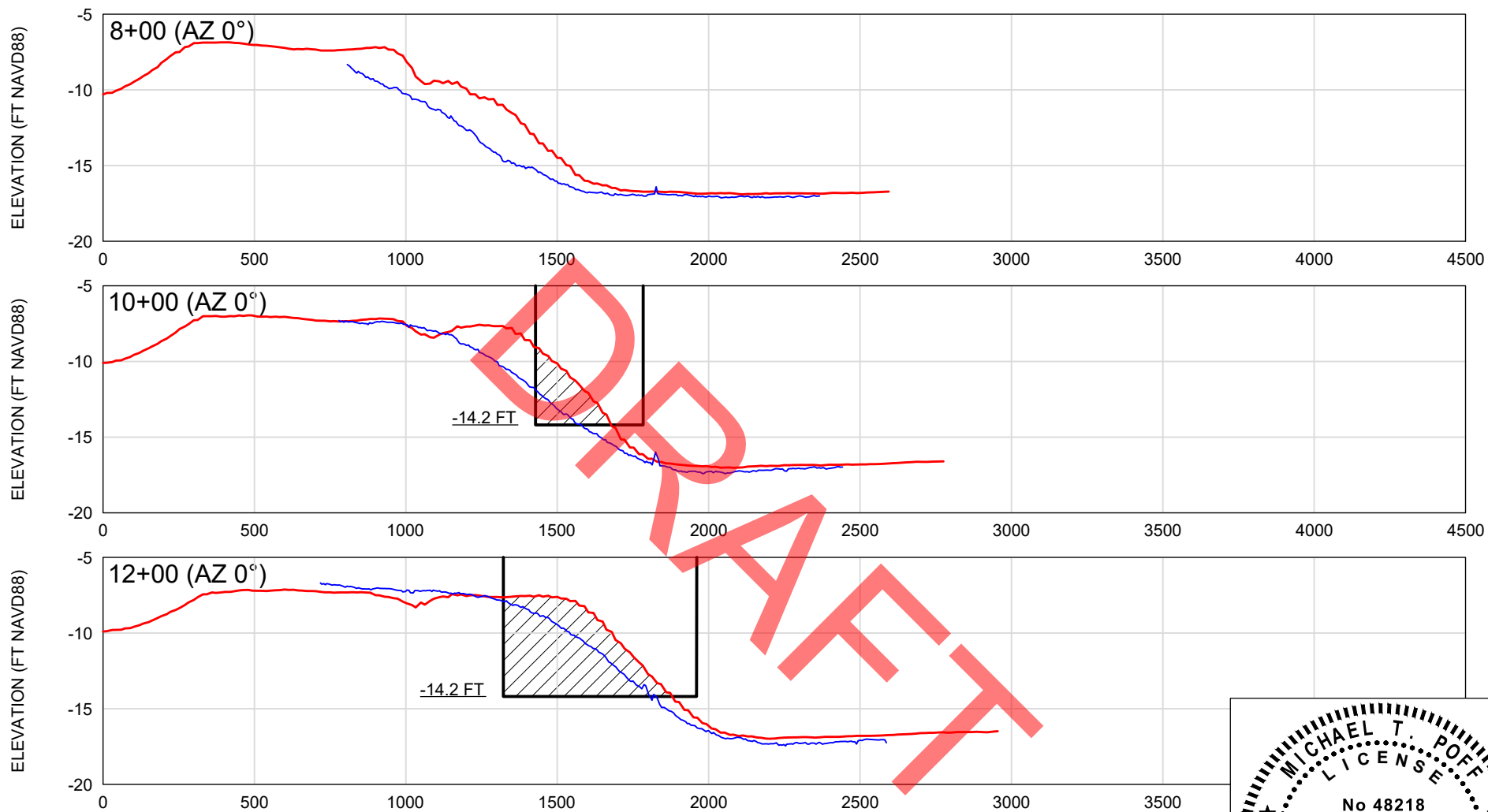
TOWN OF FORT MYERS BEACH

TITLE:

**BORROW AREA
PLAN VIEW**

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		

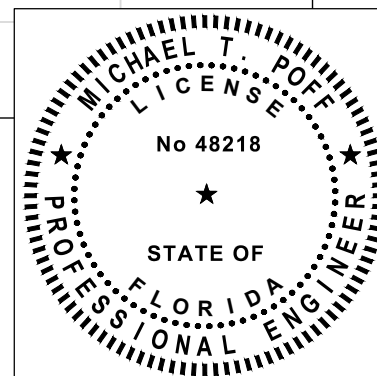
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 23
FILE NO.: 21504-23

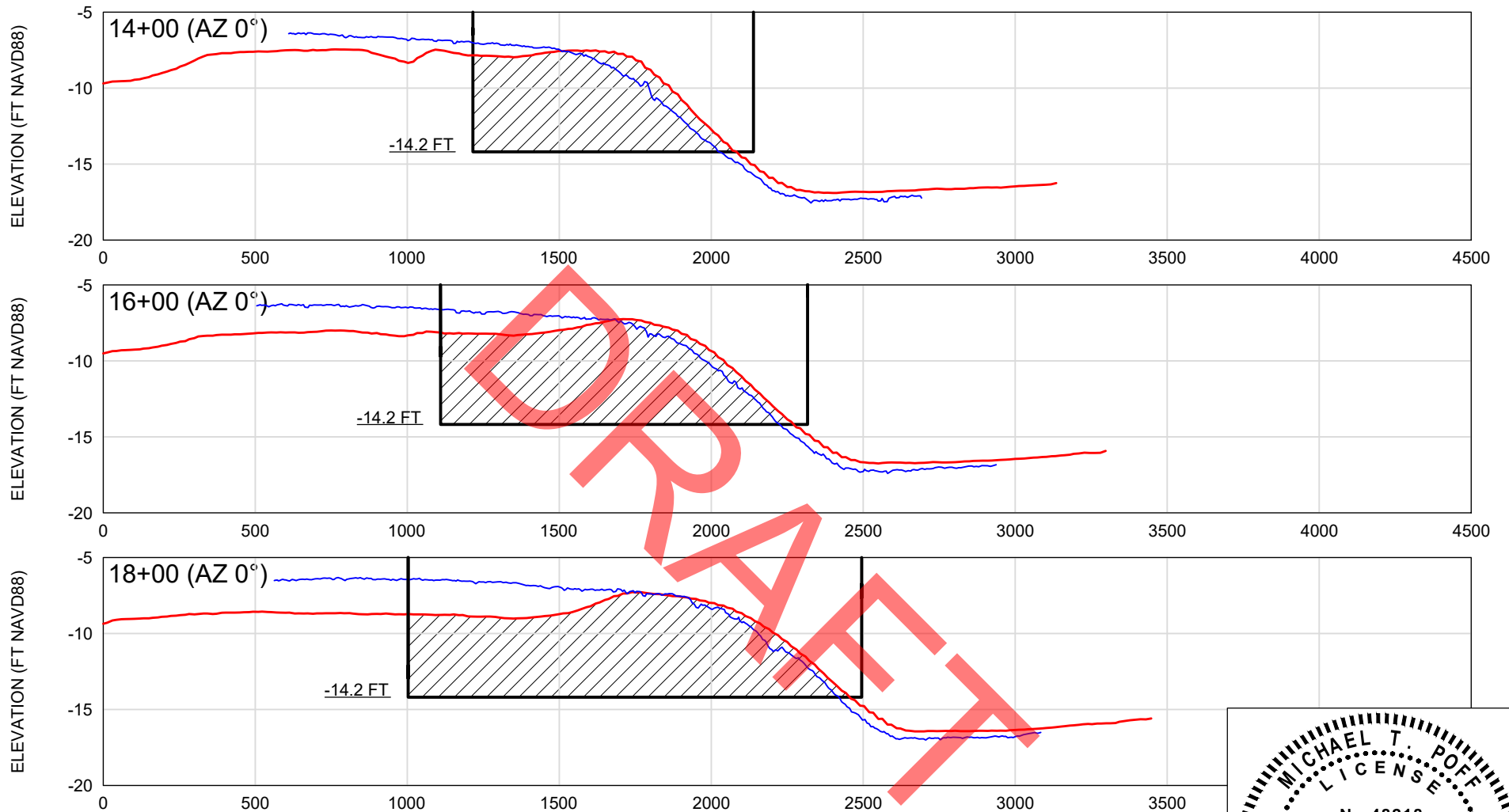
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: TOWN OF FORT MYERS BEACH
TITLE: BORROW AREA SECTIONS

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

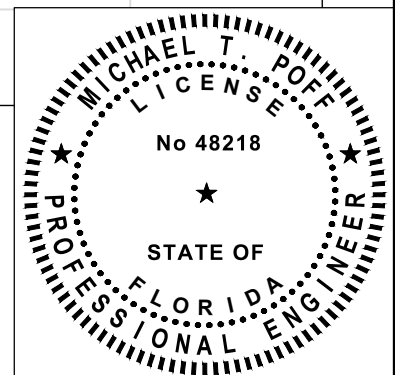
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 24

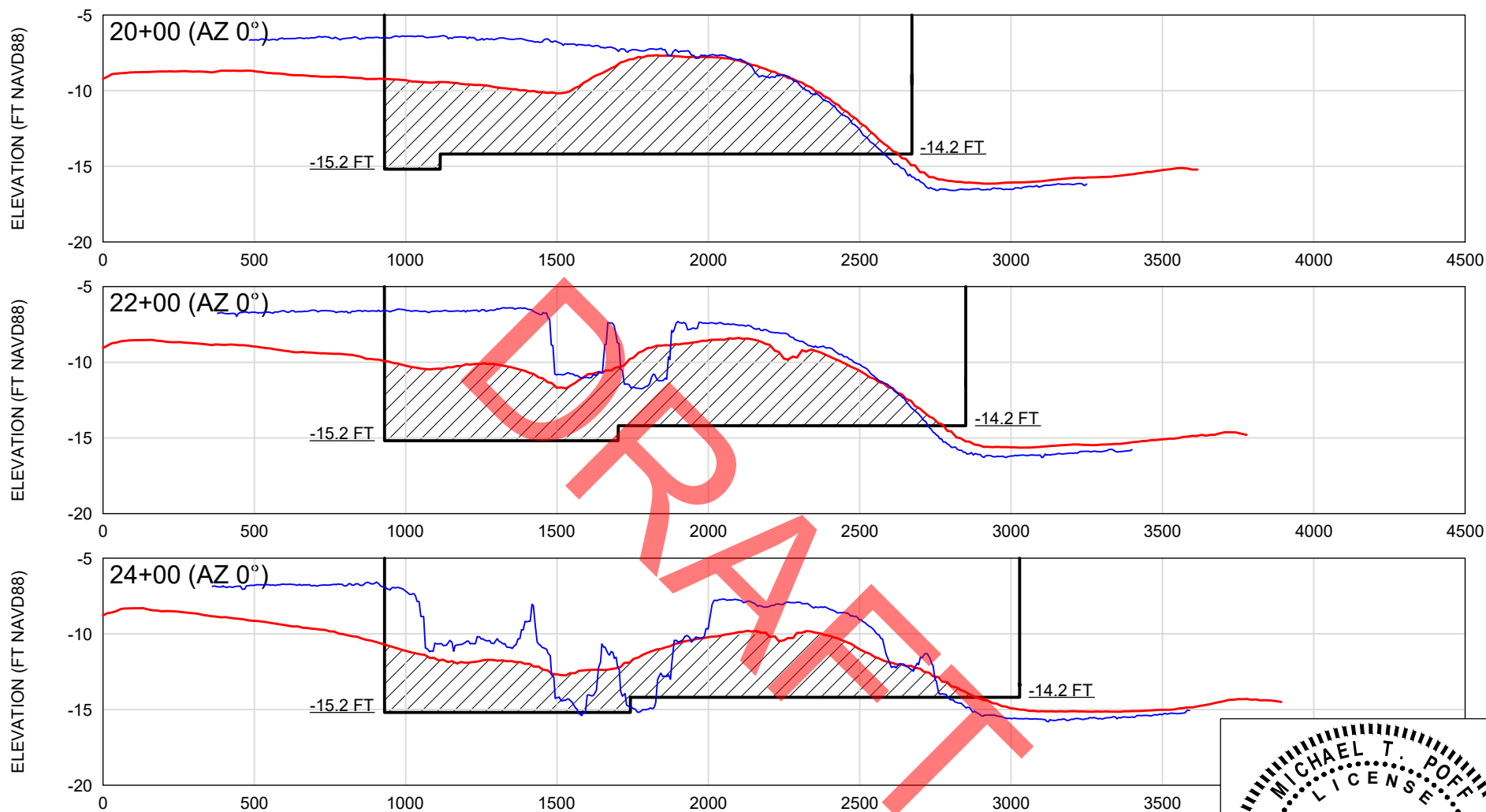
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **BORROW AREA SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

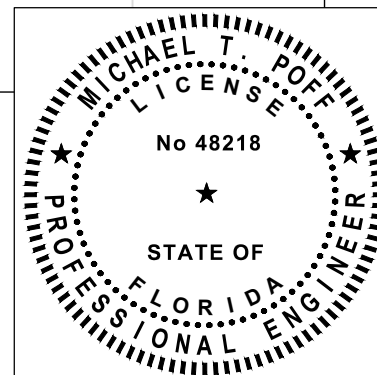
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 25
FILE NO.: 21504-25

COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

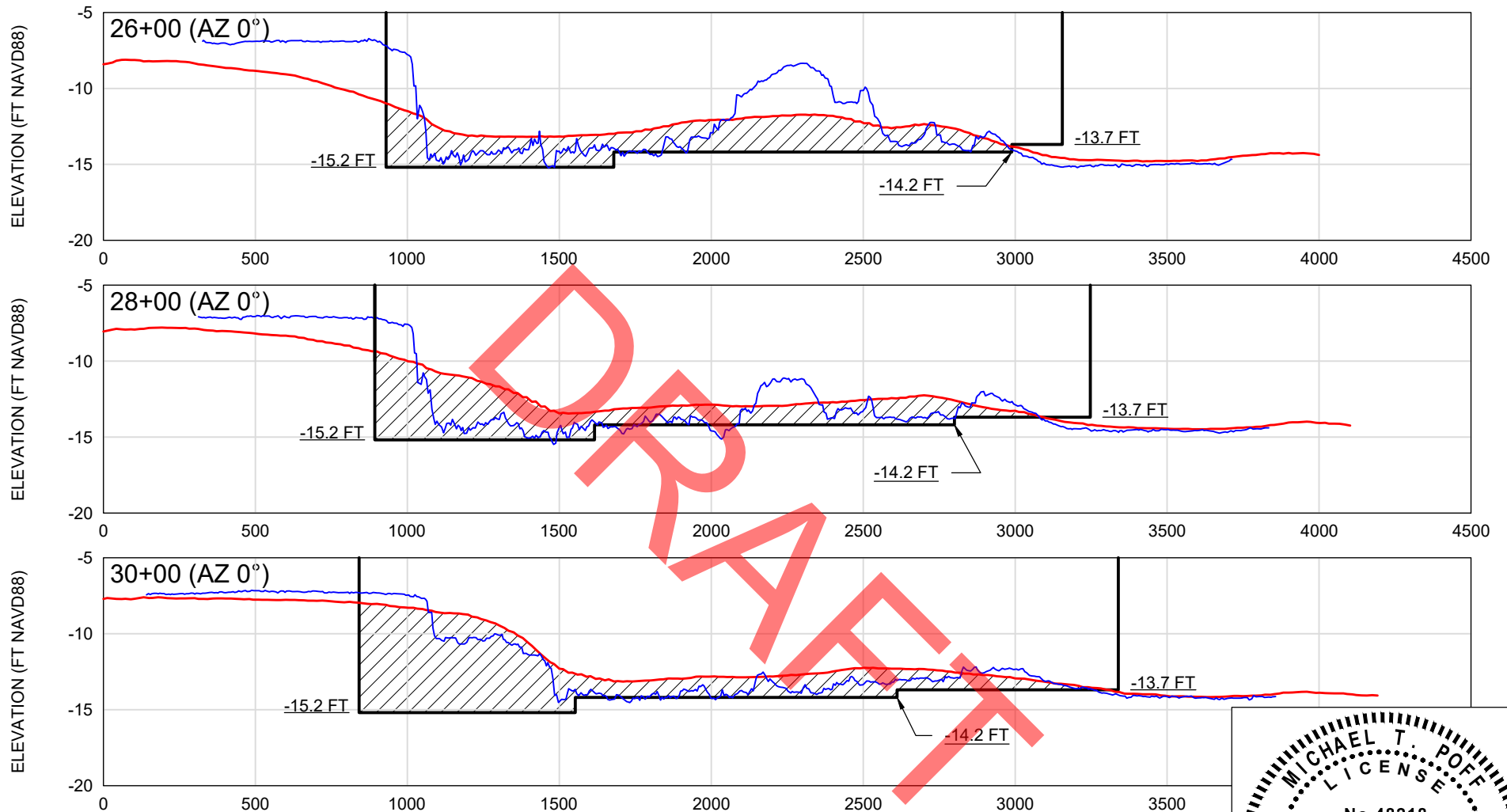
TOWN OF FORT MYERS BEACH

TITLE:

BORROW AREA SECTIONS

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		

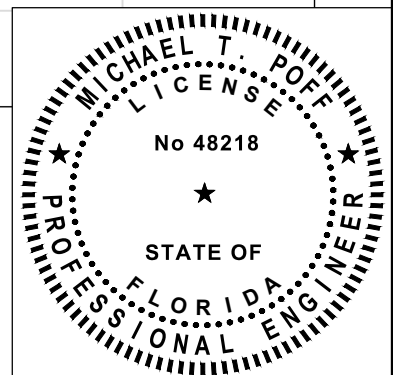
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 26
FILE NO.: 21504-26

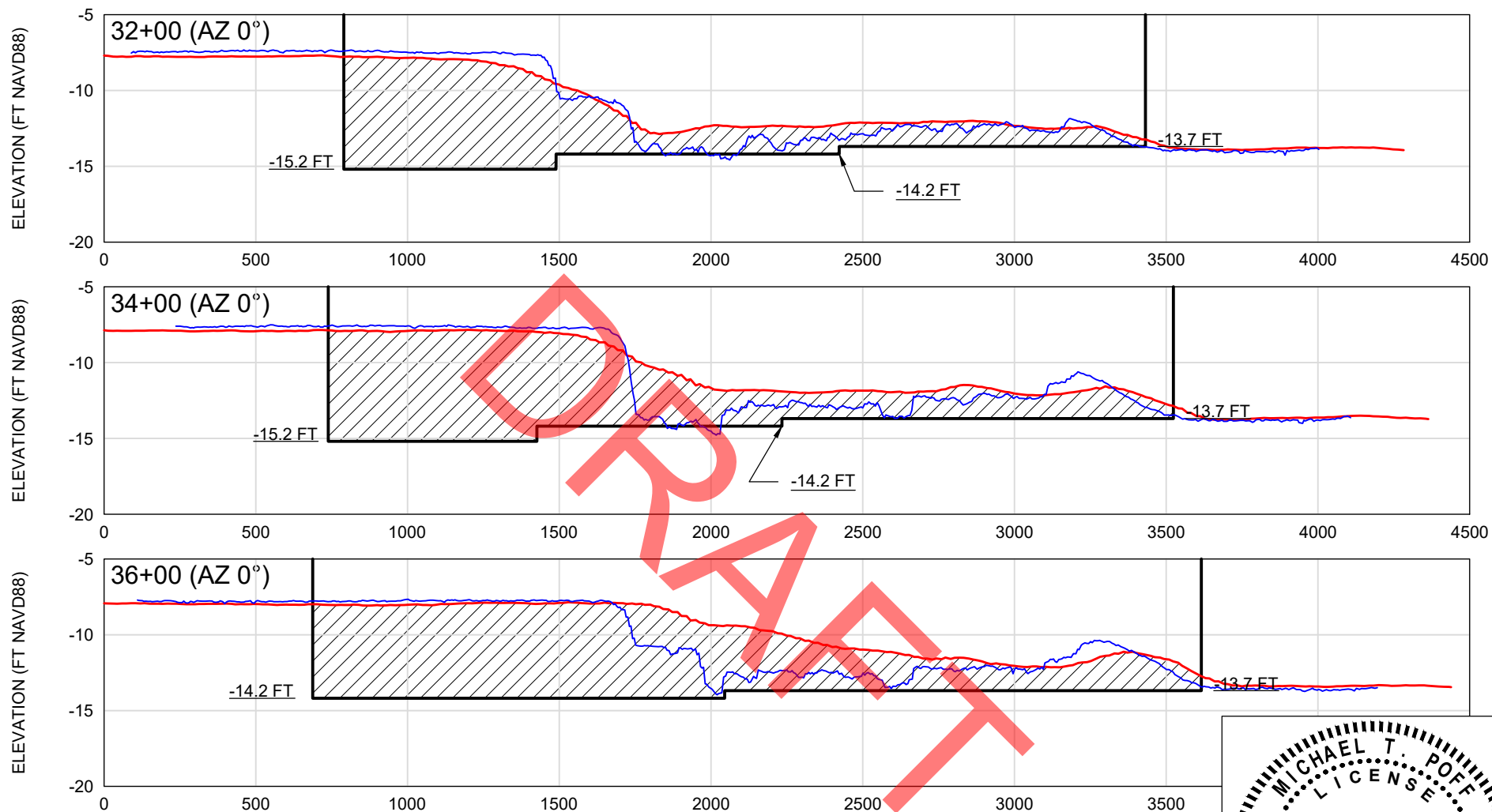
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: TOWN OF FORT MYERS BEACH
TITLE: BORROW AREA SECTIONS

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

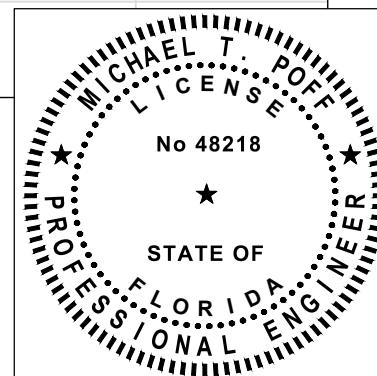
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 27

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

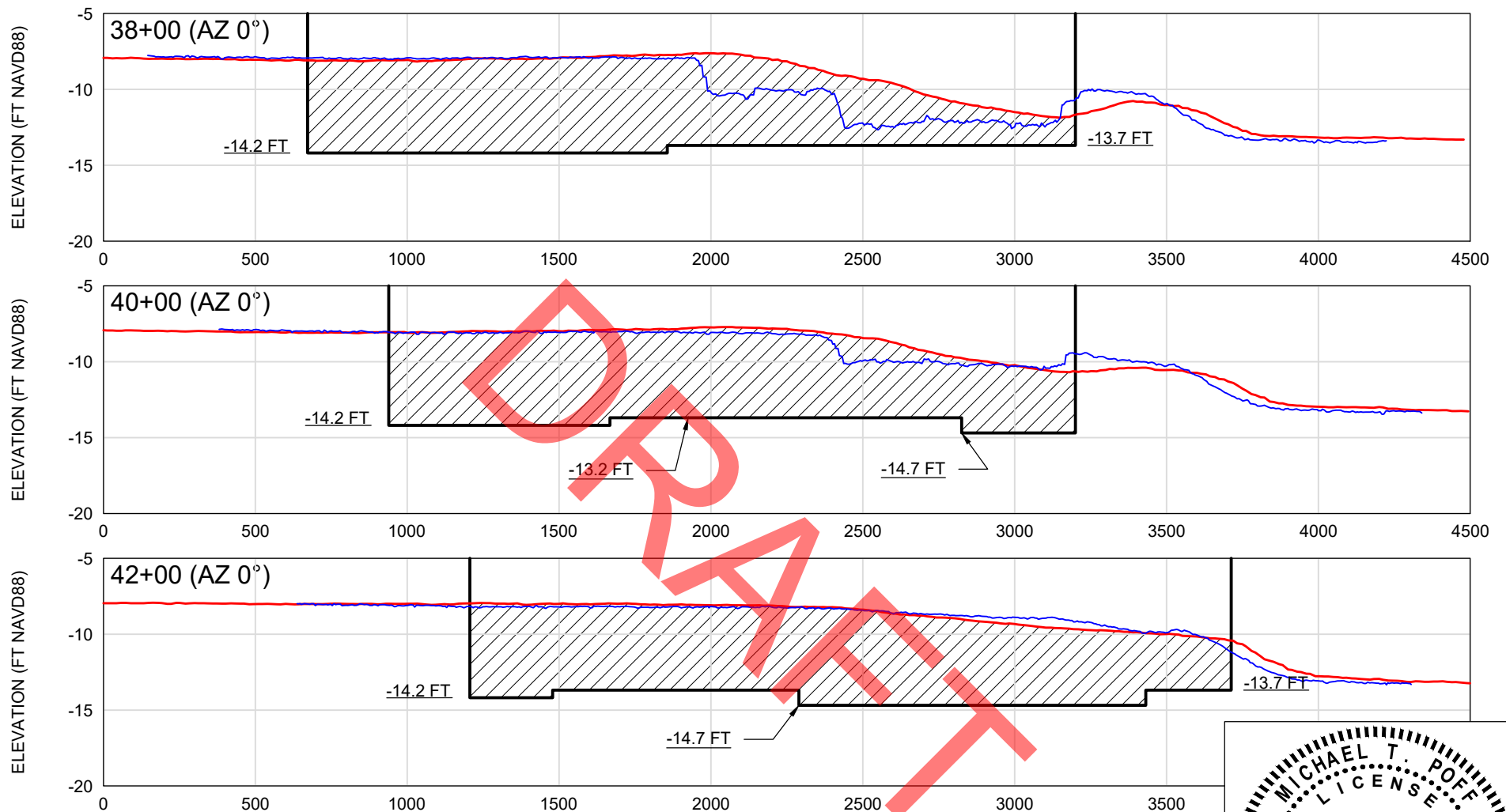
TOWN OF FORT MYERS BEACH

TITLE:

BORROW AREA SECTIONS

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		

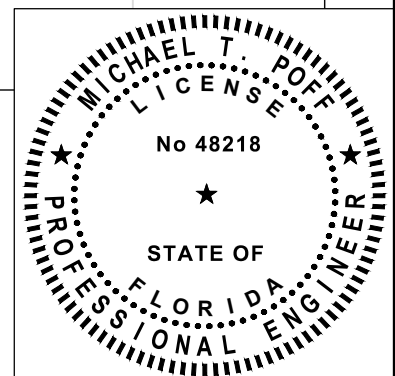
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 28
FILE NO.: 21504-28

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

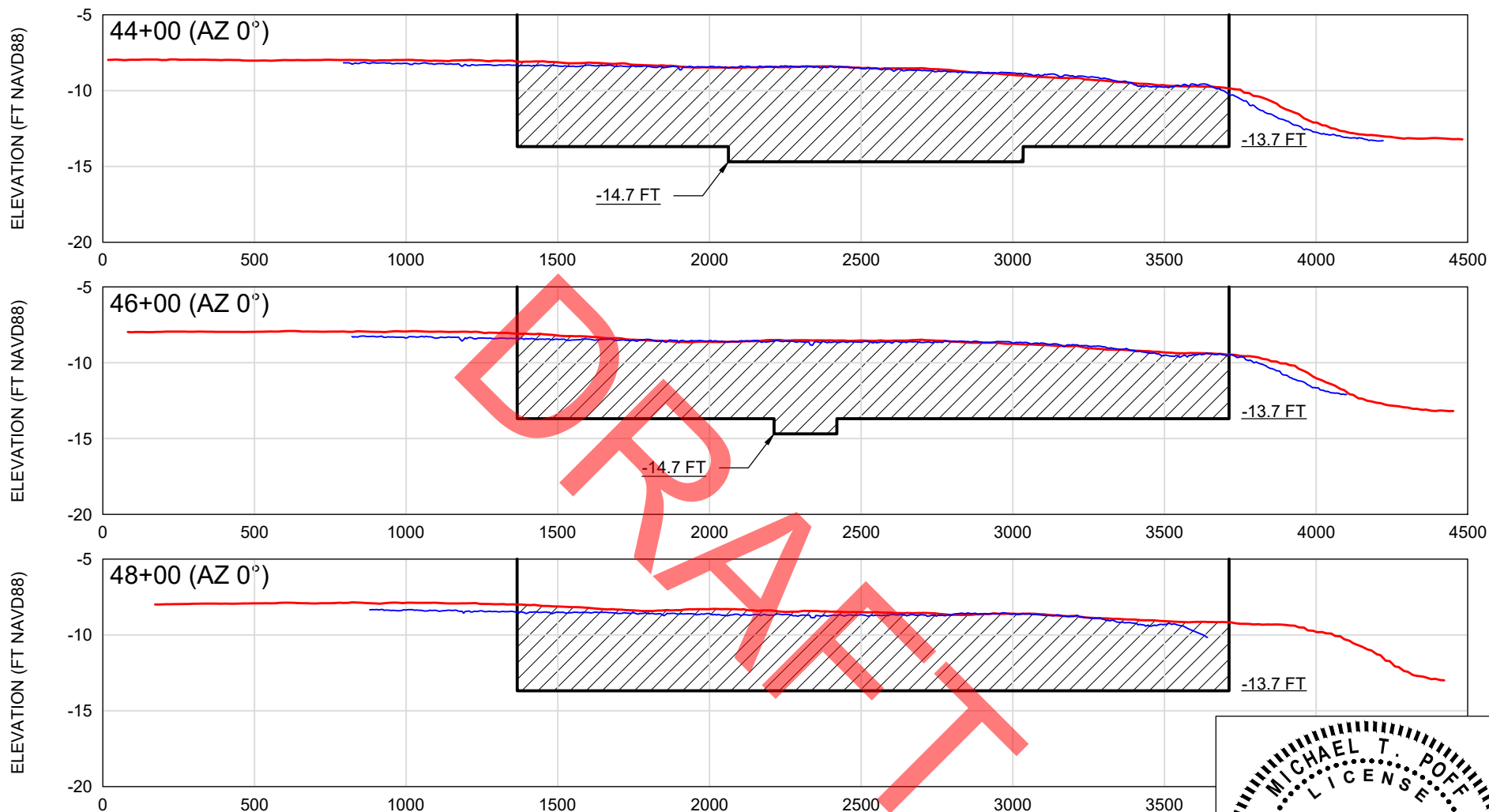
TOWN OF FORT MYERS BEACH

TITLE:

BORROW AREA SECTIONS

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		

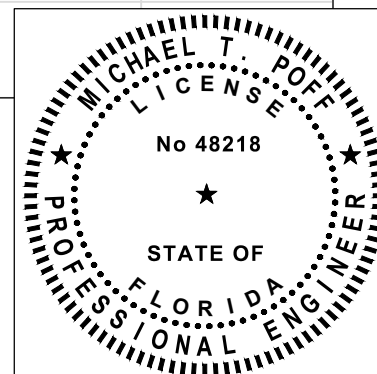
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 29

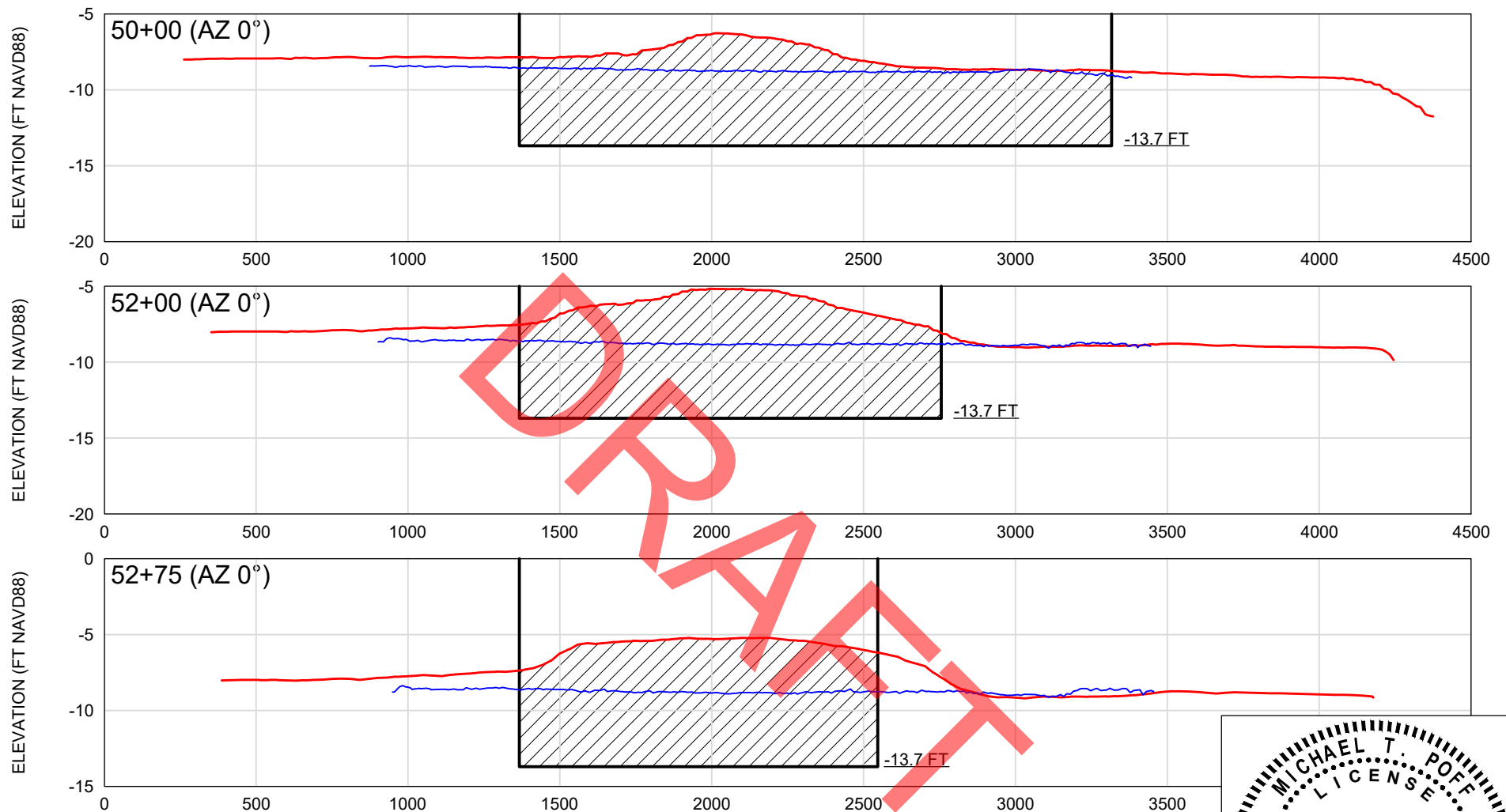
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: **TOWN OF FORT MYERS BEACH**
TITLE: **BORROW AREA SECTIONS**

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

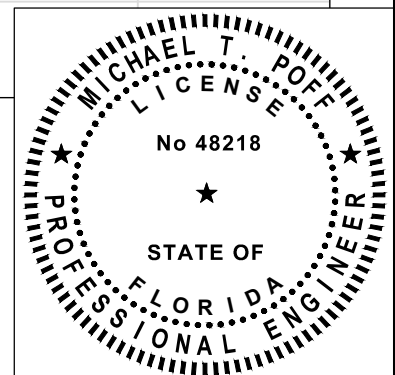
NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



LEGEND

- JANUARY 6, 2012 POST-CON SURVEY (CPE)
- NOVEMBER 3, 2021 SURVEY (OSI)
- BORROW AREA DREDGE TEMPLATE

SCALE VERT: 1" = 10'
HORIZ: 1" = 500'



SHEET 30
FILE NO.: 21504-30

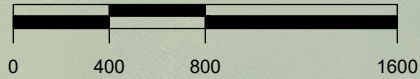
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: TOWN OF FORT MYERS BEACH
TITLE: BORROW AREA SECTIONS

DATE: 12/7/2021 SCALE: AS NOTED
DRAWN: KMG F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 21504-Permit-2021.dwg
REF. NO. 21.504

NO.	DATE	BY	REVISION DESCRIPTION
2	7/14/2022	MTP	ADDRESSED DEP RAI #2
1	4/5/2022	KMG	ADDRESSED DEP RAI #1



PIPELINE CORRIDOR 1 ENDPOINTS

EAST ENDPOINT (STA 100+00) WEST ENDPOINT (STA 171+75)
EASTING: 668186.2' EASTING: 663189.9'
NORTHING: 771883.5' NORTHING: 766734.6'

BEACH FILL
LANDWARD LIMIT

BEACH FILL BERM

BEACH FILL TOE

BATHYMETRIC CONTOURS
OSI 7/12/2021

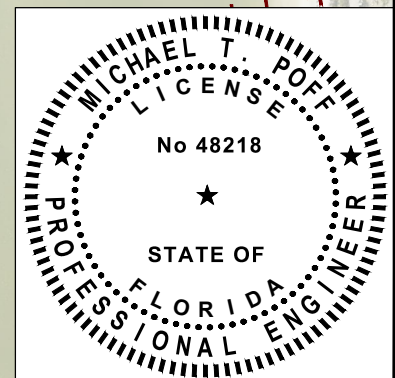
170+00 160+00 150+00 140+00 130+00 120+00 110+00 100+00

PIPELINE CORRIDOR
STATIONING

PIPELINE CORRIDOR 1 LIMITS

GULF OF MEXICO

BORROW AREA



SHEET 31
FILE NO. 21504-31

**COASTAL
ENGINEERING
CONSULTANTS
INC.**
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT:

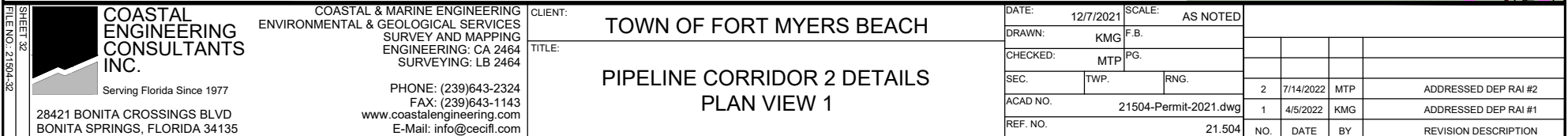
TOWN OF FORT MYERS BEACH

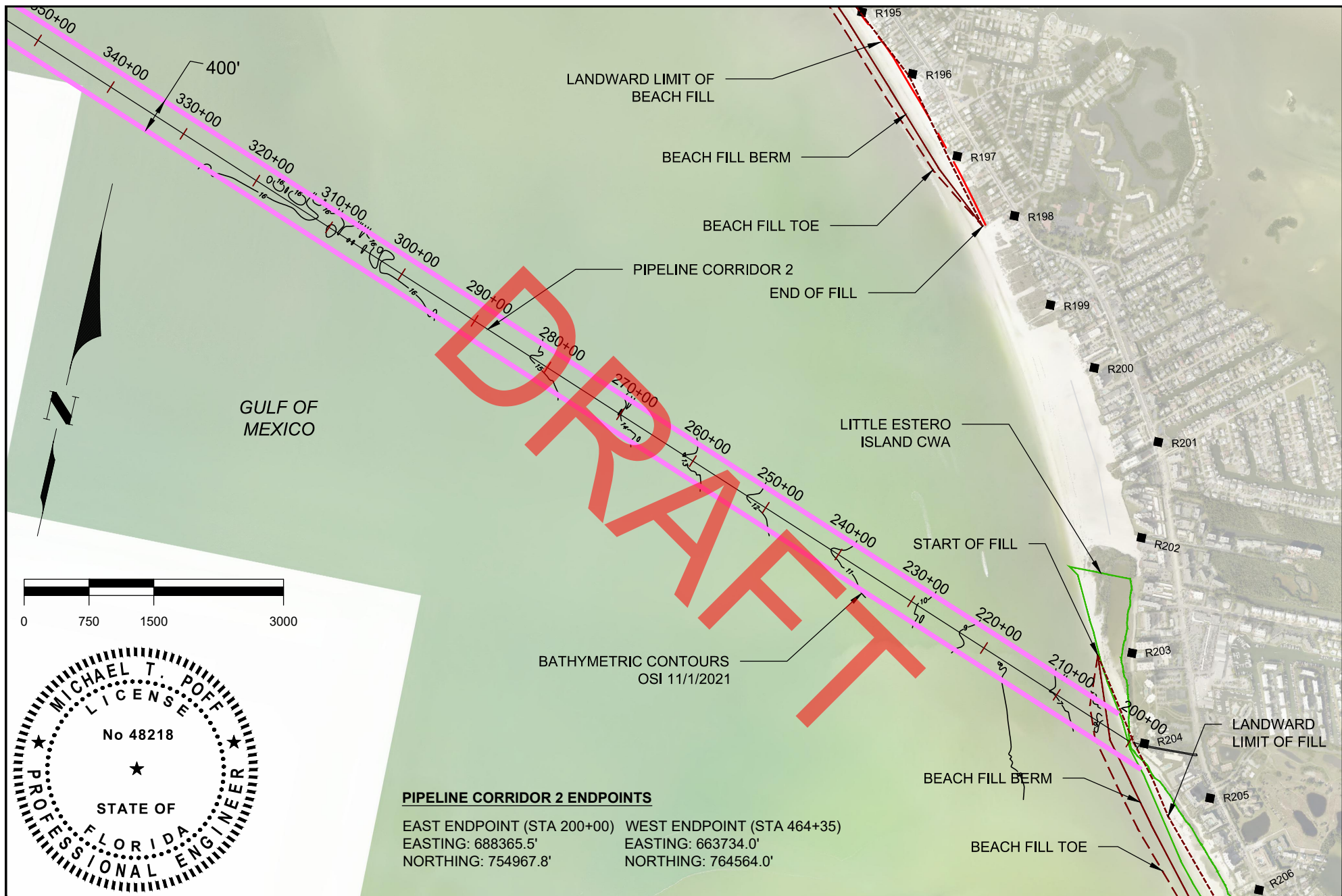
TITLE:

PIPELINE CORRIDOR 1 DETAILS
PLAN VIEW

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		

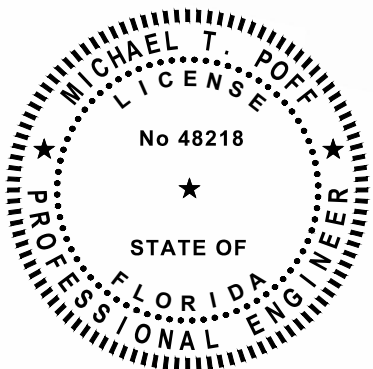
2	7/14/2022	MTP	ADDRESSED DEP RAI #2	
1	4/5/2022	KMG	ADDRESSED DEP RAI #1	
NO.	DATE	BY	REVISION DESCRIPTION	





PIPELINE CORRIDOR 2 ENDPOINTS

EAST ENDPOINT (STA 200+00) WEST ENDPOINT (STA 464+35)
 EASTING: 688365.5' EASTING: 663734.0'
 NORTHING: 754967.8' NORTHING: 764564.0'



COASTAL ENGINEERING CONSULTANTS INC.

Serving Florida Since 1977

28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: TOWN OF FORT MYERS BEACH

TITLE: PIPELINE CORRIDOR 2 DETAILS
PLAN VIEW 2

DATE:	12/7/2021	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	21504-Permit-2021.dwg		
REF. NO.	21.504		
NO.	2	DATE	7/14/2022
BY	MTP	DATE	4/5/2022
REVISION DESCRIPTION	ADDRESSED DEP RAI #2		
	ADDRESSED DEP RAI #1		

Chadd Chustz

From: Bogdanoff, Ellyn <ebogdanoff@beckerlawyers.com>
Sent: Monday, July 18, 2022 4:19 PM
To: gregory.Garis@FloridaDEP.gov
Cc: Sean.O.Green@FloridaDEP.gov; Roger Hernstadt; Chadd Chustz; mpoff@cecifl.com; John Herin; Rexann Hosafros; Dan Allers; Jim Atterholt; Bill Veach; Michael Antinelli; sunsetcondo00@gmail.com; Michael waltman; joeckelpaul52@gmail.com; chip.fosth@hgv.com; ariccobono927@gmail.com; terryneal777@msn.com; patkotylo@gmail.com; gm@outriggerfmb.com; sunset405@sbcglobal.net; Dave Nusbaum; LaPlant, Colleen; Bogdanoff, Ellyn; Sahn, Jeremy; Berkey, Kathleen "Katie"; Adams, Joseph <JAdams@beckerlawyers.com>
Subject: DEP Application NO.: 0413684-001-JC Estero Island Shore Protection Project
Attachments: 20220519-222017.00-LTR-IslandWinds-FINAL.pdf

Dear Mr. Garis:

This correspondence is in response to your letter dated June 2, requesting additional information from the Town of Fort Myers Beach regarding their permit application. I represent Island Winds Condominium Association, located at 6610 Estero Blvd., and their leadership is working with the neighboring associations to oppose the Town's efforts to place dunes on their private property. My client strongly opposes any effort by the Town to include them in their beach management program and hired an independent coastal engineer to assess the situation. His opinion letter is attached. As you will note, the segment of the beach between FDEP monuments R-200 and R-203 is not stable or slightly erosional but in fact, accretional. There is no justification under the law to impose the Town's beach management plan on my client's property. We are requesting that this segment of the beach be removed from the permit. We thought it was important for you to be aware of the residents' position and will make ourselves available if you have any additional questions. Below is also a list of Associations impacted by the Town's efforts and join my client in opposition. Thank you.

- ***Colorado Southern Inc. dba Outrigger Beach Resort, 6200 Estero Blvd., Paul Joeckel, President.***
- ***Seawatch on the Beach – Hilton Grand Vacations, 6650 Estero Blvd., Chip Fosth, Resort Director***
- ***Sandarac I, 6660 Estero Blvd., Angelo J. Riccobono, President***
- ***Sandarac II, 6672 Estero Blvd., Terry Neal, President***
- ***Gullwing Beach Resort, 6620 Estero Blvd, Pat Stump, President***
- ***Sunset, Inc. 6400 Estero Blvd., Mark Hilton, President***

Ellyn Setnor Bogdanoff

Shareholder



Becker & Poliakoff
1 East Broward Blvd., Suite 1800
Ft. Lauderdale, FL 33301

☎ 954.364.6005

📠 954.232.5678

📠 954.985.4176

✉ ebogdanoff@beckerlawyers.com

Follow Becker on...



Confidentiality Note: This message, together with any attachments, may contain privileged and confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any examination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by reply e-mail and permanently delete the original message, along with any attachments. Thank you.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.



May 19, 2022

Dave Nusbaum

President

Island Winds Condominium Association

6610 Estero Blvd

Fort Myers Beach, FL 33931

P (262) 442-8907

E acheesehd@gmail.com

**RE: Estero Island Beach Nourishment Project
Island Winds Condominium Association Expert Witness Services**

Dear Mr. Nusbaum,

Please find this letter to summarize Brizaga's findings as they pertain to the request by the Town of Fort Meyers Beach to designate the shoreline segment immediately adjacent to the Island Winds Condominium between FDEP monuments R-200 and R-203 as a critically eroding shoreline.

In a Beach Management & Planning Session conducted on April 7, 2022, a motion was requested by Staff to provide an update on the beach renourishment project. The agenda item summary included a recommendation by Staff to continue to request the State to designate the stretch of beach from R-200 to R-203 as critically eroded. This recommendation and request was made on the basis of five (5) reasons, which include:

1. solves the ponding issue
2. expands sea turtle nesting habitat
3. enables the Town to maintain a positive slope to drain the beach for the life of the permit
4. categorizes the beach as an "engineered" beach which then qualifies the shoreline for FEMA funding should a hurricane wash the beach away
5. satisfies one of the State and TDC's requirement for cost share funding.

Rule 62B-36.005(5) F.A.C. provides the definition of a critically eroded shoreline as the following:

"a segment of shoreline where natural processes or human activities have caused, or contributed to, erosion and recession of the beach and dune system to such a degree that upland development, recreational interests, wildlife habitat or important cultural resources are threatened or lost. Critically eroded shoreline may also include adjacent segments or gaps between identified critical erosion areas which, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects."

While the segment of beach from R-200 to R-203 is located between identified critical erosion areas, this segment of beach has been documented to be neither stable or slightly erosional, but accretional. Of the five (5) reasons stated by Town Staff for the designation of this segment of beach as a critically eroded shoreline, none indicate or allude to continuity of management.

This demonstrates that the inclusion of this peripheral gap is not viewed by Staff as necessary for continuity of management of the coastal system.

This is further demonstrated through the proposed plan of construction, which employs the use of two (2) pipeline corridors leading to the northern and southern reaches of the project area. It was stated by the lead Project Engineer, Michael Poff, during the public meeting on May 12, 2022, that the dredging contractor will utilize one of the pipeline corridors until the operation becomes more efficient by switching to the other pipeline corridor, at which time the contractor will do so. This is not a function of continuity of beach management, but a function of pipeline length and dredge efficiency.

Based on this evidence, the segment of beach from R-200 to R-203 does not fit the definition of a critically eroded shoreline as defined in the Florida Administrative Code.

Should you have any questions or require additional information, please do not hesitate to contact me via email at michael@brizaga.com or at 954-520-2384.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Antinelli", with a stylized, cursive script.

Michael Antinelli, PE
FL Reg #78513
CA #32365



1. **Requested Motion:**

Meeting Date: August 4, 2022

Discussion on proposed changes to the Town's Local Option Gas Tax percentage distribution.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

The current interlocal agreement that allocates the local option gas tax ends at the end of this year. In 2019 Lee County was able to get the county and all the cities on the same timeframe and formula for the first time in 30 years (with some transitional subsidies from Lee County and Cape Coral).

Attached are newly proposed percentages based on 50% population and 50% lane miles maintained. Assistant Lee County Manager Pete Winton is requesting municipalities review the attached data and formula for any questions or concerns.

Lee County is hoping to get a new 3 or 5 year agreement in place soon in order to notify the State with the new allocations that would begin Jan. 1, 2023.

Lee County is proposing to reduce the Town of Fort Myers Beach allocation from 1% to .62, a difference of \$140,000 annually.

Attachments:

1. Lee County Local Option Gas Tax Distribution 2019-20
2. Master Interlocal Agreement - Gas Tax
3. FortMyersBeach
4. CountyMaintained
5. Attachment A

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Cheri Russ, Accounting Manager

Date: July 28, 2022

John R Herin Jr, Town Attorney

Date: July 29, 2022

Amy Baker, Town Clerk

Date: July 29, 2022

Roger Hernstadt, Town Manager

Date: July 29, 2022



BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

September 26, 2019

Mr. Fernando Foyo
Revenue Accounting Sub Process
Florida Department of Revenue
P.O. Box 6609
Tallahassee FL 32314

RE: LEE COUNTY, FLORIDA
Local Option Gas Tax Distributions – F.S. Sec. 336.025 (5) (a)

Dear Mr. Foyo:

In conjunction with F.S. 336.025 (5) (a), Lee County provides the state with the percentage distribution for the next fiscal year in allocating Local Option Gas Taxes.

Lee County distribution for October 1, 2019 through December 31, 2019 remains the same as fiscal year 18-19. The allocation for this period is:

Cape Coral	24.95%
Fort Myers	14.00%
Sanibel	5.00%
Fort Myers Beach	1.17%
Bonita Springs	4.54%
Village of Estero	2.54%
Unincorporated Lee County	<u>47.80%</u>
	100.00%

Lee County Ordinances 89-21 and 93-28 imposing the local option gas taxes expired August 31, 2019 and were replaced by Ordinances 19-06 and 19-07 (respectively) adopted May 2019. The new distribution of taxes effective January 1, 2020 per the attached Master Interlocal Agreement between Lee County and its cities is:

Cape Coral	27.29%
Fort Myers	10.67%
Sanibel	3.50%
Fort Myers Beach	1.00%
Bonita Springs	4.53%
Village of Estero	2.52%
Unincorporated Lee County	<u>50.49%</u>
	100.00%

Thank you for your attention to this matter. If any additional information is required, please contact me at (239) 533-2221.

Sincerely,

Peter Winton

cc: Board of County Commissioners
Richard Wesch, County Attorney
Randy Cerchie, Department of Transportation Director

**MASTER INTERLOCAL AGREEMENT REGARDING
DISTRIBUTION FORMULA FOR ALLOCATION OF
REVENUE FROM LOCAL OPTION FUEL TAX LEVIED
PURSUANT TO SECTION 336.025(1)(a) AND 336.025(1)(b), FLORIDA
STATUTES, AMONG LEE COUNTY, CITY OF BONITA SPRINGS,
CITY OF CAPE CORAL, CITY OF FORT MYERS, CITY OF SANIBEL,
TOWN OF FORT MYERS BEACH AND VILLAGE OF ESTERO**

This Interlocal Agreement is entered into by and among: LEE COUNTY, a political subdivision of the State of Florida ("County"), CITY OF BONITA SPRINGS, CITY OF CAPE CORAL, CITY OF FORT MYERS, CITY OF SANIBEL, TOWN OF FORT MYERS BEACH, and VILLAGE OF ESTERO, all municipal corporations organized and existing under the laws of the State of Florida (collectively referred to as the "Municipalities") (County and Municipalities are collectively referred to as the "Parties").

RECITALS

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the County to levy and re-impose, in addition to other taxes allowed by law, a six-cent local option fuel tax, upon every gallon of motor fuel and special fuels sold in the county and taxed under Chapter 206, Florida Statutes; and

WHEREAS, Lee County adopted Ordinance 19-06 re-imposing the six-cent (6 cent) fuel tax becoming effective from September 1, 2019 to August 31, 2049; and

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the County to levy and re-impose an additional five-cent (5 cent) local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provision of Chapter 206, Florida Statute; and

WHEREAS, the County adopted Ordinance 19-07 re-imposing the additional five-cent (5 cent) fuel tax becoming effective from September 1, 2019 to August 31, 2049; and

WHEREAS, Section 336.025(1)(b)(2), Florida Statutes, authorizes the County to enter into interlocal agreements with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, setting forth a distribution formula for dividing the entire proceeds of the taxes among county government and all eligible municipalities within the county; and

WHEREAS, the County and Municipalities entered into Interlocal Agreements Relating to Local Option Fuel Tax that expire August 31, 2019, setting forth a formula for distribution of the six-cent and five-cent local option fuel tax; and

WHEREAS, the Municipalities desire to reestablish the Interlocal Agreement with each other and with the County in order to distribute the proceeds of the five-cent and six-cent local option fuel tax; and

NOW, THEREFORE, IN CONSIDERATION, of the mutual terms, understandings, conditions, premises and covenants hereinafter set forth, and pursuant to Section 336.025, Florida Statutes, the County and Municipalities hereby agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and incorporated herein.

2. **Authority.** The County and Municipalities enter into this Interlocal Agreement pursuant to the authority provided by Section 336.025, Florida Statutes.
3. **Scope of Agreement.** This Agreement shall apply to the six-cent gas tax authorized in Section 336.025(1)(a), Florida Statutes, as well as the additional five-cent gas tax authorized by Section 336.025(1)(b), Florida Statutes.
4. **Effective Date.** This Agreement shall be effective and continue from and including September 1, 2019, through and including December 31, 2022.
5. **Existing Agreements.** The previous Agreements between the Parties relating to local option fuel tax or gas tax shall be terminated and be of no further force or effect and replaced by this Agreement upon its Effective Date .
6. **Distribution of Proceeds.** The County and Municipalities agree that from September 1, 2019 to December 31, 2019, the proceeds of the local option gas taxes will be distributed at the percentages in effect August 31, 2019. The County and Municipalities further agree that from January 1, 2020 to December 31, 2022, the proceeds of the local option gas taxes levied upon every gallon of motor fuel and diesel fuel sold in Lee County shall be distributed between the County and Municipalities using a blended percentage allocation of each entity's maintained centerline miles of roadways as a percent of total maintained roadways and each entity's population as a percentage of the county's total population. Centerline miles and population will be weighted 50%/50% for the blended percentage allocation (see Attachment A).
 - 6.1 The population figures for the Municipalities will be based upon the latest University of Florida Bureau of Economics and Business Research ("BEBR") population figures, pursuant to Section 336.025, Florida Statutes, as may be amended.
 - 6.2 The County shall forward the finalized allocation percentages to the State of Florida Department of Revenue for distributing the proceeds of the local option gas tax in accordance with the distribution formula established pursuant to this Agreement.
 - 6.3 Starting January 1, 2020, the City of Cape Coral and the County will contribute 2.39 percent and 2.40 percent, respectively, of their local gas tax allocation for a total of 4.79 percent to the City of Sanibel, City of Fort Myers, and Town of Fort Myers Beach – 2.08% to Sanibel, 2.42% to Fort Myers, and 0.29% to Fort Myers Beach – until December 31, 2022, to help mitigate the reduction in gas tax percentage to those cities based on the agreed upon formula. This means for the three years beginning January 1, 2020, Sanibel will receive a total of 3.5% gas tax, Fort Myers will receive a total 10.67% gas tax, and Fort Myers Beach will receive a total of 1.0% gas tax (see Attachment A).
 - 6.4 Any new municipality incorporated in the County during the term of this Agreement, which is eligible for participation in the distribution of the local option gas tax shall result in recalculation of the fifty percent (50%) of the proceeds based on the total population distribution among each Municipality and unincorporated Lee County, and fifty percent (50%) of the proceeds based upon centerline miles of roadway maintained by Lee County and each Municipality. Such redistribution shall become effective upon entering into an agreement with the new municipality.

6.5 The Parties agree and confirm that all Local Option Gas Tax proceeds, as distributed by the State pursuant to this Agreement, will be utilized for only those purposes and uses as provided for by law.

7. **Ongoing Obligations.** This Interlocal Agreement is expressly contingent upon the County's continued levy by County Ordinances of the Local Option Gas Taxes as authorized by law, for the term of this Agreement. If the County's Local Option Gas Tax, for any lawful reason(s), is repealed, sunset, or otherwise terminated by the County as to their effectiveness, this Interlocal Agreement will automatically terminate and shall be of no further force or effect.
8. **Amendment To Agreement.** This Interlocal Agreement may be modified or terminated only by agreement in writing and approved by the Parties.
9. **Integration of Document.** This Interlocal Agreement, including any incorporated exhibits or amendments, constitutes the entire Agreement between the Parties and shall supersede and control over any or all prior Agreements or understandings, written or oral, relating to the matters herein.
10. **Notices.** Whenever any Party desires to give notice to any other Party or Parties, such notice must be in writing, mailed, and sent by email to the designated representative(s) of the respective Parties. Any Party may change its designated representative(s) for notice purposes by providing notice thereof to all other Parties in accordance with this paragraph.
11. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which, when executed and delivered, shall constitute an original, but such counterparts shall together constitute one and the same instrument.
12. **Ineligibility.** If, during the term of the imposition of this local option gas tax, any of the Municipalities become ineligible to receive a share of the proceeds of the local option gas tax for any reason, any funds otherwise undistributed because of such ineligibility shall be distributed by the Florida Department of Revenue to the remaining Municipalities in proportion to the distribution formula then in effect.
13. **Miscellaneous.**
 - A. The Parties represent that they have full authority to enter into and execute this Interlocal Agreement.
 - B. The terms and conditions of this Interlocal Agreement shall extend to and bind the successors and assigns of the County and the Municipalities.
 - C. The drafting of this Interlocal Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other.
 - D. The invalidity of any provision hereof as may be found by a court of competent jurisdiction shall in no way affect or invalidate the remaining provisions of the Agreement.

- E.** In no case shall the Parties be liable for either consequential or special damages of any kind whatsoever, including, but not limited to, lost revenues, or any other damages of any kind relating to this Agreement.
- F.** Disputes arising under this Interlocal Agreement shall be resolved pursuant to Florida law. Venue shall be the Twentieth Judicial Circuit Court, in Lee County, Florida.

ATTACHMENT A

LOCAL OPTION GAS TAX DISTRIBUTION									
	POPULATION 2019 BEER		CENTERLINE MILES		BASED ON 50/50 SPLIT BETWEEN CENTERLINE MILES AND POPULATION	LEE COUNTY AND CAPE CORAL SUBSIDY TO FT MYERS AND SANIBEL	PROPOSED	CURRENT	CONTRACT END
	Population	Percent Allocation	Centerline Miles	Percent Allocation	Percent Allocation	Percent Adjustment	Percent Allocation	Percent Allocation	
Cape Coral	180,204	25.24	1,559.0	34.11	29.68	(2.39)	27.29	24.95	12/31/22
Fort Myers	81,868	11.47	230.0	5.03	8.25	2.42	10.67	14.00	12/31/22
Sanibel	6,701	0.94	86.9	1.90	1.42	2.08	3.50	5.00	12/31/22
Fort Myers Beach	6,406	0.90	23.9	0.52	0.71	0.29	1.00	1.17	12/31/22
Bonita Springs	51,181	7.17	86.7	1.90	4.53		4.53	4.54	12/31/22
Estero	31,806	4.46	26.9	0.59	2.52		2.52	2.54	12/31/22
Lee County	355,737	49.83	2,556.7	55.94	52.89	(2.40)	50.49	47.80	
	713,903	100.00	4,570	100.00	100.00	0.00	100.00	100.00	

IN WITNESS WHEREOF, the Parties hereto have cause this Interlocal Agreement to be executed on the respective dates under each signature.

ATTEST: LINDA DOGGETT
CLERK OF THE COURTS

By: Melina Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Brian Hamman
Brian Hamman, Acting Chair

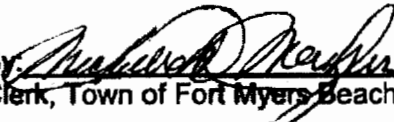


APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

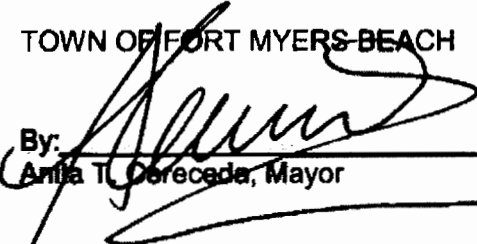
By: Arden R. Fraser
Office of the County Attorney

Date: Sept. 19, 2019

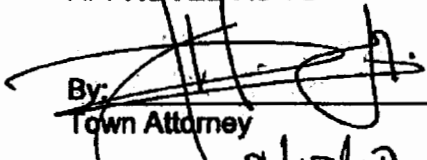
ATTEST:

By: 
Clerk, Town of Fort Myers Beach

TOWN OF FORT MYERS BEACH

By: 
Anita T. Corecoda, Mayor

APPROVED AS TO FORM:

By: 
Town Attorney
Date: 9/13/19

ATTEST:

By: *Gwen Carlucci*
Clerk, City of Fort Myers



CITY OF FORT MYERS

By: *Randall Henderson, Jr.*
Randall Henderson, Jr., Mayor

APPROVED AS TO FORM:

By: *Grant Williams Alley*
City Attorney
Date: *9/4/2019*

ATTEST:

By: Kimberly Bruns
Clerk, City of Cape Coral

CITY OF CAPE CORAL

By: [Signature]
Joe Coviello, Mayor

APPROVED AS TO FORM:

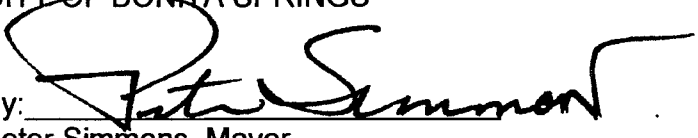
By: [Signature]
City Attorney

Date: 9/4/2019

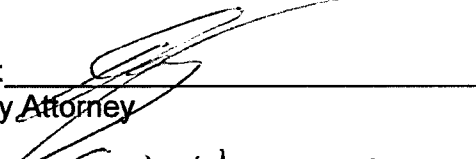
ATTEST:

By: 
Clerk, City of Bonita Springs

CITY OF BONITA SPRINGS

By: 
Peter Simmons, Mayor

APPROVED AS TO FORM:

By: 
City Attorney

Date: Sept 4, 2019

ATTEST:

By: Kathy Hall
Clerk, Village of Estero

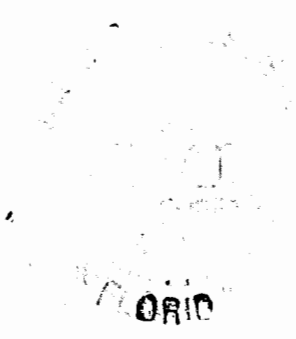
VILLAGE OF ESTERO

By: Steven Sarkozy
Steven Sarkozy, Village Manager

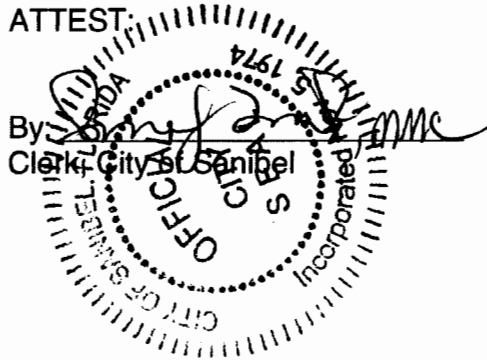
APPROVED AS TO FORM:

By: W. H. Seal
Village Attorney

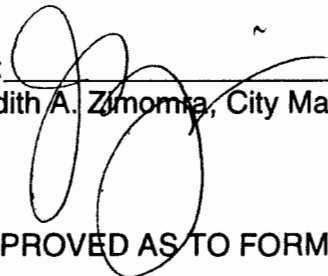
Date: September 18, 2019



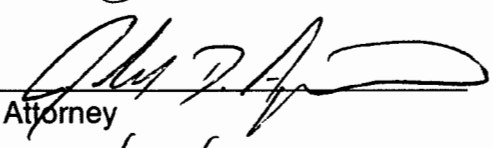
ATTEST:



CITY OF SANIBEL

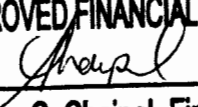
By: 
Judith A. Zimonia, City Manager

APPROVED AS TO FORM:

By: 
City Attorney

Date: 8/29/19

APPROVED FINANCIAL SUFFICIENCY

 8/29/19
Steven C. Chaipel, Finance Director

**MASTER INTERLOCAL AGREEMENT REGARDING
DISTRIBUTION FORMULA FOR ALLOCATION OF
REVENUE FROM LOCAL OPTION FUEL TAX LEVIED
PURSUANT TO SECTION 336.025(1)(a) AND 336.025(1)(b), FLORIDA
STATUTES, AMONG LEE COUNTY, CITY OF BONITA SPRINGS,
CITY OF CAPE CORAL, CITY OF FORT MYERS, CITY OF SANIBEL,
TOWN OF FORT MYERS BEACH AND VILLAGE OF ESTERO**

This Interlocal Agreement is entered into by and among: LEE COUNTY, a political subdivision of the State of Florida ("County"), CITY OF BONITA SPRINGS, CITY OF CAPE CORAL, CITY OF FORT MYERS, CITY OF SANIBEL, TOWN OF FORT MYERS BEACH, and VILLAGE OF ESTERO, all municipal corporations organized and existing under the laws of the State of Florida (collectively referred to as the "Municipalities") (County and Municipalities are collectively referred to as the "Parties").

RECITALS

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the County to levy and re-impose, in addition to other taxes allowed by law, a six-cent local option fuel tax, upon every gallon of motor fuel and special fuels sold in the county and taxed under Chapter 206, Florida Statutes; and

WHEREAS, Lee County adopted Ordinance 19-06 re-imposing the six-cent (6 cent) fuel tax becoming effective from September 1, 2019 to August 31, 2049; and

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the County to levy and re-impose an additional five-cent (5 cent) local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provision of Chapter 206, Florida Statute; and

WHEREAS, the County adopted Ordinance 19-07 re-imposing the additional five-cent (5 cent) fuel tax becoming effective from September 1, 2019 to August 31, 2049; and

WHEREAS, Section 336.025(1)(b)(2), Florida Statutes, authorizes the County to enter into interlocal agreements with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, setting forth a distribution formula for dividing the entire proceeds of the taxes among county government and all eligible municipalities within the county; and

WHEREAS, the County and Municipalities entered into Interlocal Agreements Relating to Local Option Fuel Tax that expire August 31, 2019, setting forth a formula for distribution of the six-cent and five-cent local option fuel tax; and

WHEREAS, the Municipalities desire to reestablish the Interlocal Agreement with each other and with the County in order to distribute the proceeds of the five-cent and six-cent local option fuel tax; and

NOW, THEREFORE, IN CONSIDERATION, of the mutual terms, understandings, conditions, premises and covenants hereinafter set forth, and pursuant to Section 336.025, Florida Statutes, the County and Municipalities hereby agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and incorporated herein.

2. **Authority.** The County and Municipalities enter into this Interlocal Agreement pursuant to the authority provided by Section 336.025, Florida Statutes.
3. **Scope of Agreement.** This Agreement shall apply to the six-cent gas tax authorized in Section 336.025(1)(a), Florida Statutes, as well as the additional five-cent gas tax authorized by Section 336.025(1)(b), Florida Statutes.
4. **Effective Date.** This Agreement shall be effective and continue from and including September 1, 2019, through and including December 31, 2022.
5. **Existing Agreements.** The previous Agreements between the Parties relating to local option fuel tax or gas tax shall be terminated and be of no further force or effect and replaced by this Agreement upon its Effective Date .
6. **Distribution of Proceeds.** The County and Municipalities agree that from September 1, 2019 to December 31, 2019, the proceeds of the local option gas taxes will be distributed at the percentages in effect August 31, 2019. The County and Municipalities further agree that from January 1, 2020 to December 31, 2022, the proceeds of the local option gas taxes levied upon every gallon of motor fuel and diesel fuel sold in Lee County shall be distributed between the County and Municipalities using a blended percentage allocation of each entity's maintained centerline miles of roadways as a percent of total maintained roadways and each entity's population as a percentage of the county's total population. Centerline miles and population will be weighted 50%/50% for the blended percentage allocation (see Attachment A).
 - 6.1 The population figures for the Municipalities will be based upon the latest University of Florida Bureau of Economics and Business Research ("BEBR") population figures, pursuant to Section 336.025, Florida Statutes, as may be amended.
 - 6.2 The County shall forward the finalized allocation percentages to the State of Florida Department of Revenue for distributing the proceeds of the local option gas tax in accordance with the distribution formula established pursuant to this Agreement.
 - 6.3 Starting January 1, 2020, the City of Cape Coral and the County will contribute 2.39 percent and 2.40 percent, respectively, of their local gas tax allocation for a total of 4.79 percent to the City of Sanibel, City of Fort Myers, and Town of Fort Myers Beach – 2.08% to Sanibel, 2.42% to Fort Myers, and 0.29% to Fort Myers Beach – until December 31, 2022, to help mitigate the reduction in gas tax percentage to those cities based on the agreed upon formula. This means for the three years beginning January 1, 2020, Sanibel will receive a total of 3.5% gas tax, Fort Myers will receive a total 10.67% gas tax, and Fort Myers Beach will receive a total of 1.0% gas tax (see Attachment A).
 - 6.4 Any new municipality incorporated in the County during the term of this Agreement, which is eligible for participation in the distribution of the local option gas tax shall result in recalculation of the fifty percent (50%) of the proceeds based on the total population distribution among each Municipality and unincorporated Lee County, and fifty percent (50%) of the proceeds based upon centerline miles of roadway maintained by Lee County and each Municipality. Such redistribution shall become effective upon entering into an agreement with the new municipality.

6.5 The Parties agree and confirm that all Local Option Gas Tax proceeds, as distributed by the State pursuant to this Agreement, will be utilized for only those purposes and uses as provided for by law.

7. **Ongoing Obligations.** This Interlocal Agreement is expressly contingent upon the County's continued levy by County Ordinances of the Local Option Gas Taxes as authorized by law, for the term of this Agreement. If the County's Local Option Gas Tax, for any lawful reason(s), is repealed, sunset, or otherwise terminated by the County as to their effectiveness, this Interlocal Agreement will automatically terminate and shall be of no further force or effect.
8. **Amendment To Agreement.** This Interlocal Agreement may be modified or terminated only by agreement in writing and approved by the Parties.
9. **Integration of Document.** This Interlocal Agreement, including any incorporated exhibits or amendments, constitutes the entire Agreement between the Parties and shall supersede and control over any or all prior Agreements or understandings, written or oral, relating to the matters herein.
10. **Notices.** Whenever any Party desires to give notice to any other Party or Parties, such notice must be in writing, mailed, and sent by email to the designated representative(s) of the respective Parties. Any Party may change its designated representative(s) for notice purposes by providing notice thereof to all other Parties in accordance with this paragraph.
11. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which, when executed and delivered, shall constitute an original, but such counterparts shall together constitute one and the same instrument.
12. **Ineligibility.** If, during the term of the imposition of this local option gas tax, any of the Municipalities become ineligible to receive a share of the proceeds of the local option gas tax for any reason, any funds otherwise undistributed because of such ineligibility shall be distributed by the Florida Department of Revenue to the remaining Municipalities in proportion to the distribution formula then in effect.
13. **Miscellaneous.**
 - A. The Parties represent that they have full authority to enter into and execute this Interlocal Agreement.
 - B. The terms and conditions of this Interlocal Agreement shall extend to and bind the successors and assigns of the County and the Municipalities.
 - C. The drafting of this Interlocal Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other.
 - D. The invalidity of any provision hereof as may be found by a court of competent jurisdiction shall in no way affect or invalidate the remaining provisions of the Agreement.

- E.** In no case shall the Parties be liable for either consequential or special damages of any kind whatsoever, including, but not limited to, lost revenues, or any other damages of any kind relating to this Agreement.
- F.** Disputes arising under this Interlocal Agreement shall be resolved pursuant to Florida law. Venue shall be the Twentieth Judicial Circuit Court, in Lee County, Florida.

ATTACHMENT A

LOCAL OPTION GAS TAX DISTRIBUTION									
	POPULATION 2019 BEER		CENTERLINE MILES		BASED ON 50/50 SPLIT BETWEEN CENTERLINE MILES AND POPULATION	LEE COUNTY AND CAPE CORAL SUBSIDY TO FT MYERS AND SANIBEL	PROPOSED	CURRENT	CONTRACT END
	Population	Percent Allocation	Centerline Miles	Percent Allocation	Percent Allocation	Percent Adjustment	Percent Allocation	Percent Allocation	
Cape Coral	180,204	25.24	1,559.0	34.11	29.68	(2.39)	27.29	24.95	12/31/22
Fort Myers	81,868	11.47	230.0	5.03	8.25	2.42	10.67	14.00	12/31/22
Sanibel	6,701	0.94	86.9	1.90	1.42	2.08	3.50	5.00	12/31/22
Fort Myers Beach	6,406	0.90	23.9	0.52	0.71	0.29	1.00	1.17	12/31/22
Bonita Springs	51,181	7.17	86.7	1.90	4.53		4.53	4.54	12/31/22
Estero	31,806	4.46	26.9	0.59	2.52		2.52	2.54	12/31/22
Lee County	355,737	49.83	2,556.7	55.94	52.89	(2.40)	50.49	47.80	
	713,903	100.00	4,570	100.00	100.00	0.00	100.00	100.00	

IN WITNESS WHEREOF, the Parties hereto have cause this Interlocal Agreement to be executed on the respective dates under each signature.

ATTEST: LINDA DOGGETT
CLERK OF THE COURTS

By: Melinda Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Brian Hamman
Brian Hamman, Acting Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

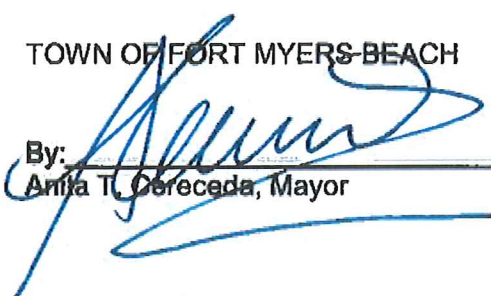
By: Gregory R. Fraser
Office of the County Attorney

Date: Sept. 19, 2019

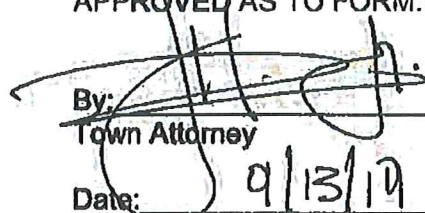
ATTEST:

By: 
Clerk, Town of Fort Myers Beach

TOWN OF FORT MYERS BEACH

By: 
Anita T. Cereceda, Mayor

APPROVED AS TO FORM:

By: 
Town Attorney

Date:

9/13/19

ATTEST:

By: *Gwen Carlucci*
Clerk, City of Fort Myers



CITY OF FORT MYERS

By: *Randall Henderson, Jr.*
Randall Henderson, Jr., Mayor

APPROVED AS TO FORM:

By: *Grant Williams Alley*
City Attorney

Date: *9/4/2019*

ATTEST:

By: Kimberly Bruns
Clerk, City of Cape Coral

CITY OF CAPE CORAL

By: [Signature]
Joe Coviello, Mayor

APPROVED AS TO FORM:

By: [Signature]
City Attorney

Date: 9/4/2019

ATTEST:

By: 
Clerk, City of Bonita Springs

CITY OF BONITA SPRINGS

By: 
Peter Simmons, Mayor

APPROVED AS TO FORM:

By: 
City Attorney

Date: Sept 4, 2019

ATTEST:

By: Kathy Hall
Clerk, Village of Estero

VILLAGE OF ESTERO

By: Steven Sarkozy
Steven Sarkozy, Village Manager

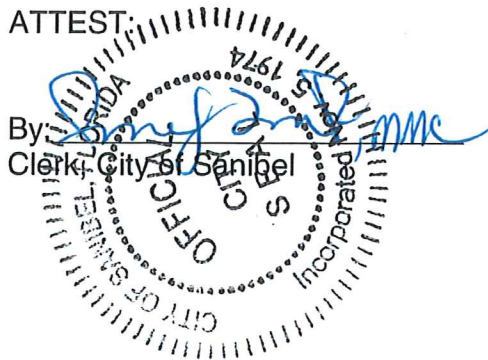


APPROVED AS TO FORM:

By: Paul H. Sevel
Village Attorney

Date: September 18, 2019

ATTEST:



CITY OF SANIBEL

By: [Signature]
Judith A. Zimomra, City Manager

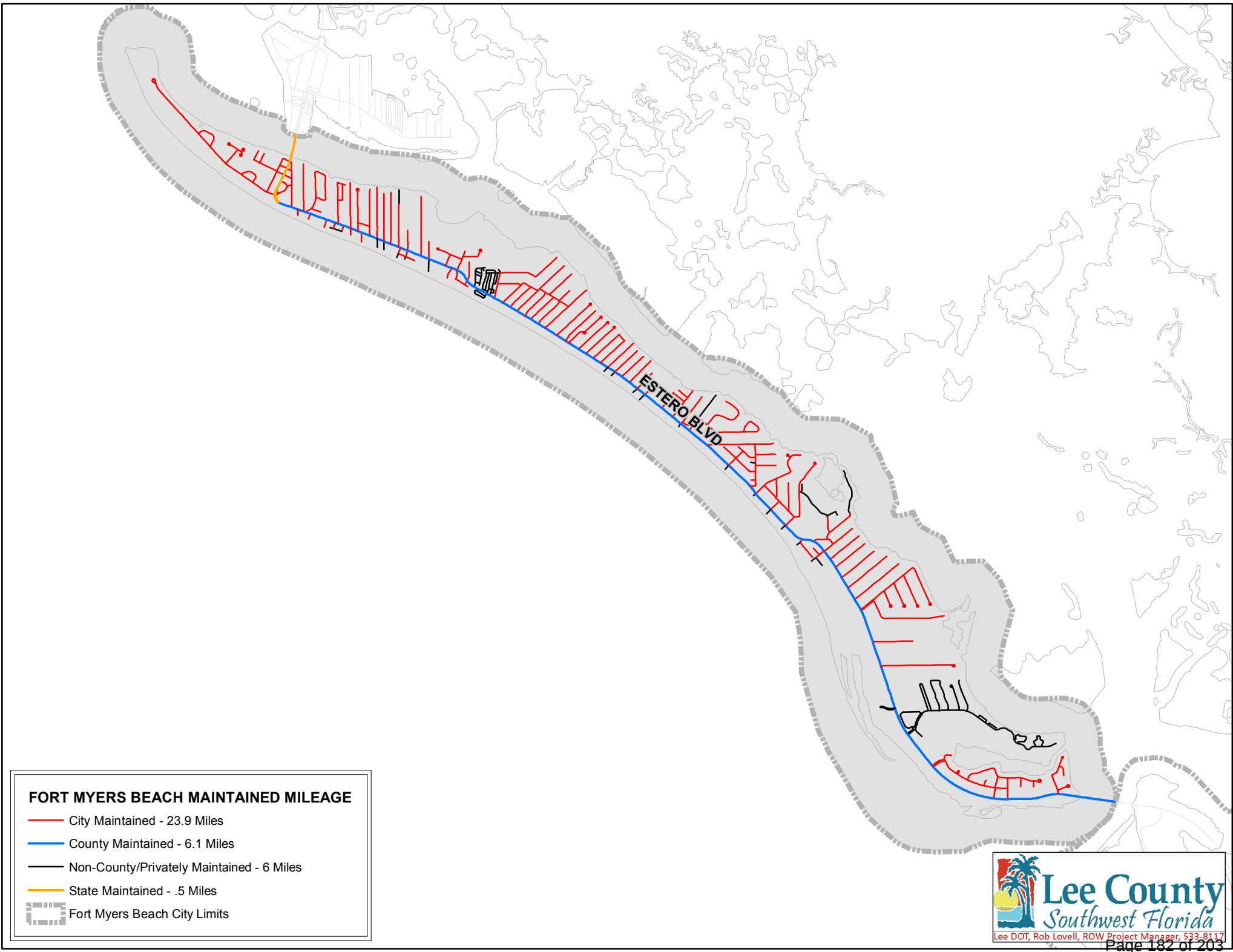
APPROVED AS TO FORM:

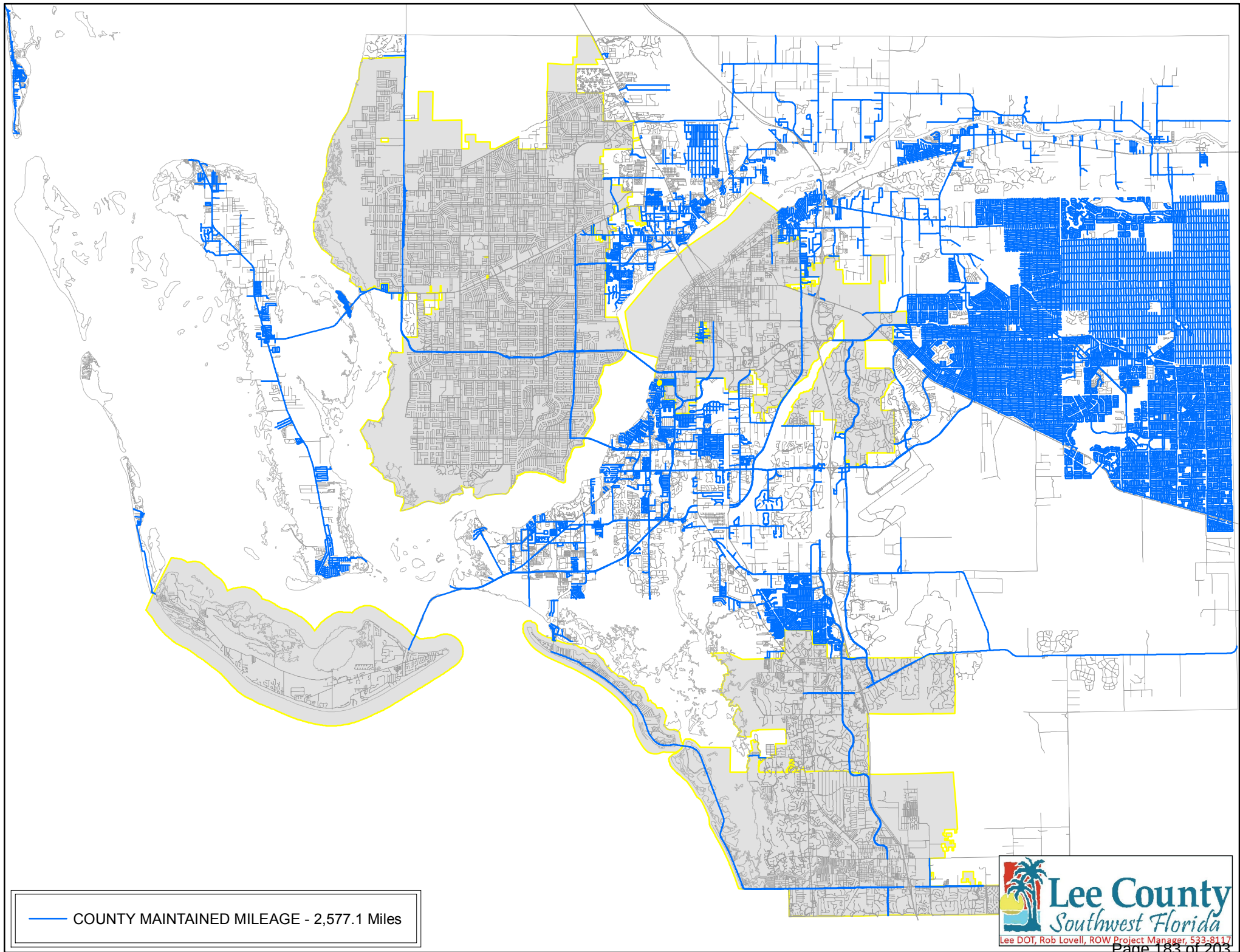
By: [Signature]
City Attorney

Date: 8/29/19

APPROVED FINANCIAL SUFFICIENCY

[Signature] 8/29/19
Steven C. Chaipel, Finance Director





ATTACHMENT A

LOCAL OPTION GAS TAX DISTRIBUTION							
	POPULATION 2021 BEBR		CENTERLINE MILES		PROPOSED	CURRENT	CONTRACT END
					BASED ON 50/50 SPLIT BETWEEN CENTERLINE MILES AND POPULATION		
	Population	Percent Allocation	Centerline Miles	Percent Allocation	Percent Allocation	Percent Allocation	
Cape Coral	201,554	25.76	1,562.6	33.88	29.82	27.29	12/31/20xx
Fort Myers	91,544	11.70	244.1	5.29	8.49	10.67	12/31/20xx
Sanibel	6,443	0.82	86.9	1.88	1.35	3.50	12/31/20xx
Fort Myers Beach	5,584	0.71	23.9	0.52	0.62	1.00	12/31/20xx
Bonita Springs	54,746	7.00	91.8	1.99	4.49	4.53	12/31/20xx
Estero	37,213	4.76	26.3	0.57	2.66	2.52	12/31/20xx
Lee County	385,495	49.26	2,577.1	55.87	52.56	50.49	
	782,579	100.00	4,613	100.00	100.00	100.00	

1. **Requested Motion:**

Meeting Date: August 4, 2022

Council comments on Proposed Draft FY2023 General Fund Budget and Add-on List

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

As required, Town staff has submitted and distributed a preliminary draft FY2023 general fund budget (distributed to Town Council on July 19, 2022). It provides the continuation of the current levels of public service for the Town of Fort Myers Beach. To supplement the FY2023 distributed budget is a page identified as the Add-on List for initiative items for Town Council consideration. This list provides a cost for new initiatives, inflationary expenses, enhanced service efforts or new capital projects for FY2023 and beyond, not already included in the Town's renewal and replacement plan. The items on this list and the associated budget are items that can be implemented, and some due to their recurring nature require the proposed millage rate of .9900.

Several fee increases are also attached for Town Council's consideration and could place additional demands on the add-on list on list, if not approved.

After discussion, any additional direction and input from the Town Council, will result in changes to the proposed budget document that will be submitted at 2 required public hearings to be held on September 8, 2022 at 5:01 p.m., and September 22, 2025 at 5:01 p.m.

Attachments:

1. Fee Schedule
2. Add-on List

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Cheri Russ, Accounting Manager

Date: July 28, 2022

John R Herin Jr, Town Attorney

Date: July 29, 2022

Date: July 29, 2022

Amy Baker, Town Clerk

Date: July 29, 2022

Roger Hernstadt, Town Manager



TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
ADMINISTRATIVE ACTIONS			
Administrative COP	1000		
Administrative Setback Variance	750		
Wireless Communication Facility	1500		
Single-Family Minimum Use Determinations (MUD)	350		
Appeal	100		
Accessory Apartment Determination (AAD)	350		
Base Flood Elevation Determination Letter (FED) BFE	250		
DEP Setback Letter (DEP) (setbacks only - all other inquiries are ZVL or AI)	50		
Zoning Verification Letter (ZVL)	250		
Residential Zoning Requests	\$25 for first 15 minutes of staff time; \$10 for each additional 15 minute increments of staff time		
Administrative Interpretation (ADI)	\$250 + \$100 for each additional issue/question		
Joint-use parking lot approvals	300		
Certificate of Use - Commercial	100		
Temporary Use Permit	100		
Home Occupation Certificate	25		
Sign Permit - Up to 2 signs & additional review after 2 charged at applicable review fees	\$100 + building permit fees as applicable + \$25.00 each additional		
Temporary Sign Permit (i.e. business opening signs)	50		
Garage Sale Permit	10		
Administrative Relief	500		
Pre-Application meetings (1st one No Charge)	\$250 + hourly costs for time over 1hr		
All Grant processing fees	500		
PD Administrative Amendment	1500		
Development Agreement - Original Agreement	5000		
Advertising Costs - Additional	at cost + 10%		
Development Agreement - Amendment	2500		
Advertising Costs - Additional	at cost + 10%		
CODE ENFORCEMENT			
Initial Inspection, Re-Inspection, Pre-Magistrate and Compliance per ½ hour	50		
Mail fees	Actual Postage Cost		
Recording Fees	24		
Code Enforcement Citation Fee	Not to exceed \$500		
Code Enforcement Irreparable/Irreversible Citation Fee	Not to exceed \$5000		
Administrative Support 1 Hour	30		
Fire Department Enforcement Fee	TBD		
Lien Search Fee	35		
Simplifile Fee	Actual Cost to file electronically		
DEVELOPMENT ORDERS			
LIMITED DEVELOPMENT ORDERS			
Type 1a: Cumulative addition or enlargement of an existing impervious area.	Type 1a. \$500/Type 1b. \$350		
Reseal or Restripe	200		
Type 2: Any out-of-door recreational facilities, provided the total cumulative additional impervious area does not exceed 8,000 sq. ft.	350		
Type 3: Any one-time subdivision of land into 4 or less lots where zoning district regulations permit such subdivision. / Condo creation	\$350 residential splits/\$500 commercial splits		
Type 4: Any single building accessory improvements thereto on a single non conforming lot as defined in LDC Section 34-3271(b).	500		
Type 5: Any improvements for public water access purposes in town-owned or town-maintained rights-of-way.	350		

TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
DEVELOPMENT ORDERS (Continued)			
Type 6: Any development for fenced or screened outdoor storage as defined in Ch. 34.	350		
Type 7: The installation of new utility lines in existing right-of-ways.	1100		
Type 8: Any other improvement to land determined by the director to have insignificant impacts on public facilities.	1100		
LDO Amendment	50		
Resubmittal	100		
MOORING FIELD (plus all applicable taxes)			
Daily Rate	18	24	
Weekly Rate	103	Removing	
Monthly Rate	312	412	
Mooring Field Pump Out Paid Rented Mooring	1 pump free/24 hr		
Mooring Field Pump Out Non Mooring Field Rental per Pump Out	5		
DOCKWA Credit Card Processing Fee 3.5%	3.50%		
Lost FOB	\$5	\$25	
Late Fee	\$5/day		
Merchandise	Price as Marked		
Mooring Field Parking Permit plus any applicable fees	\$25/length of contract	\$30/ length of contract	
PARKING FEES			
Annual Rate - Resident i.e. Estero Island Property Owner	25		
Business Owner - Annual	50		
Parking bags per bag	6		
Parking Spot Per Hour (incl. Special Event)	5		
Parking Decal Lost/Stolen/Replacement	5		
Right of Way (ROW) per Resolution 18-20	>100/spot 1st Calendar Yr; \$50/spot per Calendar Yr if paid by Nov. 30th		
PARKS AND RECREATION ORDINANCE 97-5			
Parks and Recreation Ordinance 97-5 Violations	Up to \$500		
PUBLIC HEARING			
Rezoning (conventional)	\$5800 + \$250/Ac over 1 Acre		
Special Exception	\$3800/\$3300 for amendment		
Variance (residential)	1800		
Additional Variance	500		
Variance (non-residential)	2800		
Additional Variance	700		
Application for land development code text amendment*	2800		
Per Added section	if actual charge		
Comprehensive Plan FLUM amendment*	5800		
Per Added acre	if actual charge		
Per Additional acre	1000		
Comprehensive Plan text amendment*	5800		
Per Added policy	if actual charge		
COMPREHENSIVE PLAN SMALL SCALE AMENDMENT			
Placement of Fill	1000		
With drainage plan	700		
Adjacent property owner notifications >\$0	Cost + 10%		
Administrative / Advertising Fee	Cost + 10%		
Vacations (ROW and/or Plat)	1000		
PD Amendment Minor (<1 acre total property area, Public Hearing)	2000		
MCP Extension / Application (w/o rezoning)	3000		
PD Reinstatement	4000		
<i>*Outside consultant fees associated with any application will be passed through to the applicant at 103% of rate billed to the Town by consultant</i>			
Hearings and Appeals going to Council	1000		
PD Base Fee (up to one acre)	\$8000 + \$1000/additional acre		
PD Amendment	6500		
Deviations (residential)	1-5: \$1800/6+: additional \$150/ea		

TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
PUBLIC HEARING (Continued)			
Deviations (non-residential)	Outside consultant fees associated <u>and required for any application</u> will be passed through to the applicant at a rate determined by the Town Manager and billed to the Town by consultant		
Continuance (case scheduled and advertised)	500		
Deferrals	\$250 after advert./NC before		
Withdrawal	\$250 after advert./NC before		
Appeal to LPA	150		
PUBLIC WORKS			
Labor/Maintenance Cost (Grass cutting, lawn maintenance, special event tasks, etc.)	Actual Cost + \$35/ea		
Inspections/Review/Re-Inspection(s)	\$50		
Memorial Benches	\$565 (includes intallation) / must pay inscription cost @ \$4/letter	\$575 (includes intallation) / must pay inscription cost @ \$4/letter	
REGISTRATIONS AND YEARLY RENEWALS			
Displays, Rentals and Permits	150		
Contractor Registration / yearly renewal	25		
Driveway re-inspection	25		
REVIEW FEES			
Zoning Review	100		
Floodplain Review	\$100; \$50 ea submittal after 2nd or \$25 trades, valuation & scope review		
LOMR/LOMA Review	500		
Environmental Review	100		
Re-inspection Fee	50		
FMB Review Fee	25		
Public Works Review Fee	\$70 + cost of subconsultant services		
FMB Review -Resubmittal	\$50 ea submittal after the 2nd resubmittal		
Parking Lot Permit	Per Code		
Parking Lot Yearly Inspection Fee	50		
RIGHT OF WAY PERMIT			
Right of Way Permit	50		
Business Extension/Sidewalk Café Policy per Resolution 18-46	12.50/Sq Ft		
Daily Rental of Bay Side Park (non business extension)	150		
Times Square Event Rentals	To Be Approved By Council Per Event		
SPECIAL EVENTS			
Regular Special Event Permit	50		
Late Fees < 30 days Regular / <45 days Council for a COMPLETED app	50		
Special Event Permits going before Town Council	100		
Recurring	\$100 1st Day + \$1/ea additional day	\$100/day	
Events With More Than 10 Days	Additional 10% per day		
Beach Access Wedding Permit		\$350/hr	
STORMWATER REVIEW FEES			
Stormwater Ordinance 15-08	Per Ordinance		
Administrative Fee	Per Ordinance		
Stormwater Review, Inspection and Re-Inspection	50		
NPDES Annual Inspection	100		

TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
STREET PERFORMERS			
Street Performers Permit Application	75		
Street Performers Background Check	75		
Street Performers Received after September 30th-Permit Application	150		
Street Performers Received after September 30th-Background Check	150		
TOWN CLERK			
Miscellaneous Duplications (8.5x11, 8.4x14, 11x17) -single side	0.15/pg		
Miscellaneous Duplications (8.5x11, 8.4x14, 11x17) -dbl side	0.20/pg		
Certification of document & duplication audio	1.00/DVD		No advisory committee meetings
Extensive services beyond 30 minutes	Hourly Rate		
Code of Ordinances/Land Development Code	Online		May be purchased from Municode directly
Comprehensive Plan	Cost + 5% as limited by statute		
TOWN HALL RENTAL			
Town Hall Meeting Room Rental - No Audio/Visual	\$30/hr per staff/security		
Town Hall Meeting Room Rental - Audio/Visual per hour	150		
Town Hall Meeting Room Rental - Public Works Set Up/Clean Up Fee per day	150		
WATER			
Per Rate Study	Resolution 17-33 Adopted 10-16-17		
Meters Purchase & Meters Testing	Actual Cost + 10% Administrative Fee		
Credit Card Processing Fee		3.50%	
Utility Review Fee	\$115 + Cost of Subconsultant Services		
OTHER			
Personal Watercraft Vendor License (PWVL) - Administration, License, Enforcement	170	1200	
Parasailing Vendor License (PLV) - Administration, License, Enforcement	170	1200	
PWVL/PAL License Late Fee (After October 1)	25		
Violation of PWVL/PAL License: 1st Violation	150		
Violation of PWVL/PAL License: 2nd and 3rd Violation	300		
Beach Raking Permit	\$25/Property		
Vehicle on the Beach Permit	\$100/Vehicle		
Beach Furniture Vendor License 1st Year	250	1200	
Beach Furniture Vendor License Renewal	100	1200	
Beach Furniture Vendor License Late Fee (After October 1)	25		
Short Term Rental Application Fee	300		



TOWN WIDE FEE SCHEDULE

	WITHIN 3 DAYS	4-10 DAYS	AFTER 10 DAYS	NOTES
PARKING FINES				
Meter Violation	35	50	70	
Prohibited Violations	50	60	75	
Handicap	200	225	250	
Immobilization Fee (officer \$20.00, Kubota \$15.00, boot \$10.00)	45			
Littering	50	250	500	
Towing Right to Provide Services permit	30			
Passport Fees	Actual cost paid by Customer			



**PARKS & RECREATION DEPARTMENT FEE SCHEDULES
BAY OAKS RECREATION CENTER**

	CURRENT FEE		PROPOSED FEE		NOTES
BAY OAKS RECREATION CAMPUS MEMBERSHIPS	Resident	Non-Resident	Resident	Non-Resident	
Annual Membership - Individual	0	45	0	100	Bay Oaks Membership includes discounted program fees, free parking and discounted rates for Mound House admission and programs.
Seasonal Membership - Individual	0	30	0	75	
Weekly Membership - Individual	0	15	Removing	Removing	
Weekly Membership - Family	0	30	Removing	Removing	
Monthly Membership - Individual	0	20	Removing	Removing	
Monthly Membership - Family	0	40	Removing	Removing	
Adult Day Pass - Non-Resident (13+ Years)	0	5	Removing	Removing	
Individual - Annual - Gym Use Only	0	100	0	100	
Individual - 6 months - Gym Use Only			0	75	
Individual - Annual - Weight/Cardio Room Only			500	900	
Individual - 6 months - Gym Use Only			300	600	
Day Pass (Includes Gym/Weight/Cardio Room)			5/day	7.50/day	
Child Day Pass - Non-Resident (12 & under)	0	3	Removing	Removing	
Annual Membership - Family	0	85	Removing	Removing	
Seasonal Membership - Family	0	55	Removing	Removing	
Town of Fort Myers Beach Employee Membership	0	50% Posted Cost	Removing	Removing	
Corporate Membership - Non-Refundable Annual Administrative Fee	0				
Corporate Annual Membership Plan 1 (1-10 Participants)	0	\$50/Plan	Removing	Removing	
Corporate Annual Membership Plan 2 (11-50 Participants)	0	\$32/Participant	Removing	Removing	
Corporate Annual Membership Plan 3 (50+ Participants)	0	\$28/Participant	Removing	Removing	
Corporate Annual Membership Plan 3 (50+ Participants)	0	\$21/Participant	Removing	Removing	
BAY OAKS RECREATION CAMPUS FACILITY RENTAL					
			Non-Profit/Members	For-Profit/Non-Members	
Grounds (Dawn-2pm or 2pm-Dusk) (Grounds defined as passive areas not identified elsewhere within the Fee Schedule)	0	500	350/hr or 500/day	450/hr or 600/day	Building and Grounds 750/hr or 950/day
**Building rental may not conflict with After School or Camp Programs					
EXCLUSIVE USE OF THE RECREATION CENTER - CLOSED TO THE PUBLIC WITHIN NORMAL OPERATING HOURS	0				
Building - Per Hour Cost - 2 Hour Minimum - Free Parking	0	200	250/hr	350/hr	
Building - Per 8 Hour Increment During Normal Business Operations	0	750	Removing - included in rental of building above	Removing - included in rental of building above	
Gym - 1/2 floor - Per Hour during Normal Business Hours	0	120	Removing - included in rental of building above	Removing - included in rental of building above	
Gym - full floor - (Within normally operating hours) - Per Hour Cost 2 hour Minimum	0	150	Removing - included in rental of building above	Removing - included in rental of building above	
Reserved Picnic Table 2 per Hour	0	10	Removing	Removing	
Kitchen (Contingent with additional rental)	0	\$100 - Any food permit required is renter's responsibility	Removing - included in rental of building above	Removing - included in rental of building above	
Weight Room - Per Hour Cost - Exclusive Use (must pay for Equipment Inspection \$140.00)	0	\$100/Hr	Removing - included in rental of building above	Removing - included in rental of building above	
Banner fee (Annually - Banner can not be larger than 8' x 3')	0	160			
Tennis Court - 2 hour Minimum per court	0	30	Removing	Removing	
Outdoor Basketball Court - 2 hour Minimum per court	0	30	Removing	Removing	
Rod Vayo Field or Wade Jenkins Field - 2 hour minimum	0	50	75/hr	125/hr	
Rod Vayo Field - per day	0	250	Removing - adding per hour as above	Removing - adding per hour as above	
Rod Vayo Field or Wade Jenkins Field - lined/screen	0	25	Cost included in field rental above	Cost included in field rental above	
Wade Jenkins Field - per day	0	150	Cost included in field rental above	Cost included in field rental above	
Batting Cage Per 2 Hour Rental	0		Removing - first come/first serve - cost is included in field rental	Removing - first come/first serve - cost is included in field rental	
Ballfield Lights Cost Per Hour	0	35	50/hr	75/hr	
Concession Stand Per Hour/Per Room (Contingent With Additional Rental)	0	100	100/hr	100/hr	
Concession Stand Office	0	Not for Rent			
Bay Oaks Facility Storage Areas Per Month, Per Room (Contingent with Additional Rental)	0	100	Removing - No storage areas available	Removing - No storage areas available	
Disc Golf - per day	0	100	Removing	Removing	
Stage - Bay Oaks Per Room, Contingent with Additional Rental Cannot be Rented Independently	0	150	Removing	Removing	
Chairs - Inside use only - all chairs (100) - per day Plus \$25.00 Non refundable Deposit	0	50	Removing - cost included with building rental	Removing - cost included with building rental	
Tables - Inside use only - per day plus \$25.00 Non Refundable Deposit	0	2	Removing - cost included with building rental	Removing - cost included with building rental	
Meeting Room - 2 hour rental min - Free Parking	0	10	50/hr	100/hr	
Bay Oaks equipment, i.e. popcorn machine, screens, tents etc./Teen Room	0				
Bay Oaks & Pool Store Items and Beverages & Snacks	0	Not for Rent Priced as Marked	Removing	Removing	



**PARKS & RECREATION DEPARTMENT FEE SCHEDULES
BAY OAKS RECREATION CENTER**

	CURRENT FEE		PROPOSED FEE		NOTES
BAY OAKS RECREATION CAMPUS PROGRAMS	Members/Residents	Non-Members	Members/Residents	Non-Members	
Sport Camps (3- 10 days) Football, Basketball, Baseball & Contractual Member	0	10	No Charge	10	
Youth Sports - Soccer/Little League	0	No Charge	No Charge		
Youth - Club Rec - during school year - per semester - Members (10% Discount for 3+ purchases)	0	135	150	200	
Youth - Summer Camp - Per Week - Members (10% discount for 3+ weeks purchases) \$20 discount if paid in full)	0	100	200	300	
Youth - Fun Days - per day	0	20	40	50	
		\$5 initialed and per 15 minute increments (accumulative per household	20/15 min past 6pm (accumulative) per household	20/15 min past 6pm (accumulative) per household	
Late Pickup from Programs (after 6:01 pm)	0				
Teens/Tweens - Trips & Outings	0	100% of recovery + \$4	100% of cost recovery	100% of cost recovery + \$4	
Adult Sports Teams, Leagues and Tournaments	0		100% of cost recovery	100% of cost recovery + \$4	
Pickle ball or Volleyball	0	\$3/session or \$5/day pass	5/person per session Removing - Included In below	5/person per session Removing - Included in below	
Seniors - Potluck Dinner	0	No Charge			
Seniors - Trips, Outings, Events , Theater, Biking, Lunches, Kayaking	0	100% of recovery + \$4	100% of cost recovery	100% of cost recovery + \$8	
Seniors - Kayaking	0	35	Included In Above	Included In Above	
Seniors - Biking	0	20	Included In Above	Included In Above	
Seniors Out To Lunch Bunch	0	5	Included In Above	Included In Above	
Athletic Contractual Programs - Fees vary set by instructor and staff	0	70/30 split			
BORC Special Events and Fundraisers	0	100% cost of recovery	50% of cost recovery		



**PARKS & RECREATION DEPARTMENT FEE SCHEDULES
BAY OAKS POOL**

POOL DAILY FEES	CURRENT RATE		PROPOSED FEE		NOTES
	Resident	Non-Resident	Resident	Non-Resident	
No child under 13 years of age admitted without an adult					Combo membership - save 20% of cost combined Pool and Rec Center
Day Pass (children 2 and under are free)	4	7	5	7.5	
Child (13 months - 12 years old)	2	5	Removing	Removing	
Infant (<12 months)	Free	Free	Removing	Removing	
Senior	No Senior Rate	No Senior Rate	Removing	Removing	
POOL MEMBERSHIPS					
Annual - Individual	60	75	500	800	
6 Month - Individual	125	150	300	400	
Monthly - Individual	40	55	Removing	Removing	
Monthly - Family	75	85	Removing	Removing	
Weekly - Individual	15	20	Removing	Removing	
Weekly - Family	25	40	Removing	Removing	
Open lap swimming Monday, Wednesdays, Fridays 9am-10am and Sundays 10am-12pm	\$3/day	\$4/day	Removing	Removing	
Corporate Membership Non-Refundable Annual Administrative Fee	\$50/Corporate Plan		Removing	Removing	
Corporate Annual Membership Plan 1 (1-10 participants)	\$32/Participant		Removing	Removing	
Corporate Annual Membership Plan 2 (11-50 participants)	\$28/Participant		Removing	Removing	
Corporate Annual Membership Plan 3 (50+ participants)	\$21/Participant		Removing	Removing	
POOL CLASSES					
Aqua Aerobics & Aqua Yoga Class			Free	5/class	
Pool Contractual Programs - Fees vary-set by instructor and staff	70/30 Split			100% of cost recovery	
Pool Swimming Lessons	100% cost of recovery		Free		
Community CPR/AED/First Aid; CPR/Lifeguarding/AED for Professional Rescuer/Water & Land Spinal; Professional Rescuer CPR/AED & First Aid	\$65-\$120		75/175	75/175	
Late Pickup from Programs	Initial \$5 and per 15 minute increment (accumulative) per household		20/ 15 min increment (accumulative) per household past 6pm	20/15 min increment (accumulative) per household past 6pm	
POOL RENTAL					
	Member/Non-Profit	Non-Member	Member/Non-Profit	Non-Resident	
Party Packages			TBD	TBD	
Funbrella Rental - 2 hours - with table and 8 chairs	20	40	Removing - Included in party packages above	Removing - Included in party packages above	
Pool Facility - 2 hours - up to 200 people no obstacle course Non-Profit	250		Removing - Included in party packages above	Removing - Included in party packages above	
Pool Facility - 2 hours - up to 200 people includes obstacle course For-Profit	350	700	Removing - Included in party packages above	Removing - Included in party packages above	
Ultimate Birthday Bash Includes obstacle course	\$100 + \$5 per adult & \$3 per child		Removing - Included in party packages above	Removing - Included in party packages above	
Birthday Bash	\$45 + \$5 per adult & \$3 per child		Removing - Included in party packages above	Removing - Included in party packages above	
Pool Party Fun	\$20 + general admission - 4 hour rental		Removing - Included in party packages above	Removing - Included in party packages above	

GROUND HOUSE

	STUDENT - 13+ & ADULTS W/COLLEGE ID					CHILDREN 6-12		CHILDREN 5 & UNDER		NOTES
	MH MEMBER	ADULT NON-MEMBER	ID							
MUSEUM ADMISSION										
General Admission	Free	10	8	5	Free					
Proposed: General Admission	Free	15	8	5	Free					
General Admission FMB Resident	Free	5	4	2.50	Free					
Proposed: General Admission FMB Resident	Free	7.5	4	2.50	Free					
Free admission for retired or active military and their families on Veteran's Day	Free	Free	Free	Free	Free					
Free admission for Teachers, Mound House Members	Free	Free	Free	Free	Free					
Guided Museum Tours, Group Tours	Free	\$5 + Museum Admission	\$5 + Museum Admission	\$5 + Museum Admission	Free					
Proposed: Guided Museum Tours, Group Tours	Free	20	13	10	Free					
Proposed: Educational Programs	Free	20	13	10	Free					
Summertime Family Rates (June - August)	TBD	TBD	TBD	TBD	Free					
GROUP RATES										
Proposed: Student Tours (FGCU)	N/A	8	N/A	N/A	N/A					
Group Tours Non Refundable Deposit if cancelled within 3 business days of the tour	Removing	Removing	Removing	Removing	Removing					
STUDENT TOURS										
Students for each activity	\$2/Child + material fee if applicable	\$2/Child + material fee if applicable	\$2/Child + material fee if applicable	\$2/Child + material fee if applicable	Free					
For every 10 children 1 free adult admission	N/A	N/A	5/child + material fee if applicable	5/child + material fee if applicable	Free					
Proposed: Students for each activity	N/A	N/A	N/A	N/A	Free					
For every 10 children 1 free adult admission	Free	4	N/A	N/A	N/A					
Extra Adults with Student groups	Free	5	N/A	N/A	N/A					
Proposed: Extra Adults with Student groups	2	2	2	2	Free					
Program Fee for additional activities	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost					
Material Fees	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost					
KAYAK TOURS										
Kayak Tours Non Refundable Deposit if cancelled within 2 business days of the event Per Person	10	20	20	20	N/A					
Proposed: Kayak Tours Non Refundable Deposit if cancelled within 2 business days of the event Per Person	10	15	15	15	N/A					
Proposed: Mangroves by Kayak Tour includes museum admission and free parking	20	50	50	50	N/A					
Family Fun Kayak Tours	10	25	15	15	N/A					
Proposed: Family Fun Kayak Tours includes free admission and free parking	15	30	30	30	30					
Sunset Kayak Tour	25	50	50	50	N/A					
SPECIALTY TOURS/EVENTS										
Specialty Tours - As Determined	Free	\$5 + Museum Admission	\$5 + Museum Admission	\$5 + Museum Admission	N/A					
Boat Tours Mound Key	20	25	25	25	Removing					
Proposed: Boat Tours Mound Key	15	20	20	20	Removing					
Boat Tours - Pure Florida Boat Tours	150-200	150-200	150-200	150-200	150-200					
Multi Day Program (Joyful Living Retreat)										



MOUND HOUSE

MOUND HOUSE FACILITY RENTAL		MH MEMBER/FMB RESIDENTS	NON-MEMBERS	NON-PROFIT/EDUC ORGANIZATIONS	NOTES
Wedding Ceremony Only (after hours not to exceed 200 people)		\$200 Base Rate	\$250 Base Rate	N/A	
Proposed: Wedding Ceremony Only (grounds not to exceed 150 people; free parking)		\$350/hr	\$400/hr	N/A	
Ceremony with Reception (after normal business hours) not to exceed 200 people Event up to 4 hours		\$800 Base Rate	\$1000 Base Rate	N/A	
Proposed: Ceremony with Reception (after normal business hours) not to exceed 200 people Event up to 4 hours		Removing additional Hr \$45 for 1st Hr/\$20 additional Hr \$65 for 1st Hr/\$45 additional Hr	Removing additional Hr \$55 for 1st Hr/\$30 additional Hr \$75 for 1st Hr/\$50 additional Hr	N/A \$50 for 1st Hr/\$20 additional Hr \$70 for 1st Hr/\$45 additional Hr	
Orientation Room-Main Museum					
Proposed: Orientation Room-Main Museum					
After Hours Rental (after 5:30 pm or anytime Sunday per hour)		100	100	100	
Proposed: After Hours Rental (after 5:30 pm or anytime Sunday per hour)		100	150	125	
Grounds (Observation Pier, Special Event Area, Back Patio/ Porch area)		\$150 Base Rate	\$200 Base Rate	\$150 Base Rate	
Proposed: Grounds (Observation Pier, Special Event Area, Back Patio/ Porch area) - Not to exceed 150 people; free parking		350 Base Rate/hour	400 Base Rate/hour	375 Base Rate/hour	
Individual		35			
Dual		50			
Proposed: Dual plus NARM		100			
Family		50			
Extended Family		100			
Contributor		200			
Patron		500			
Benefactor		1000			
Corporate		2500			
Museum Store Items		Priced as Marked			
Gift Certificates		Priced as Marked			
Mound House Staff Speakers Fee		100			
Friends of the Mound House Membership		\$10 extra per MH Membership			

NEWTON BEACH PARK RENTALS (parking not included unless otherwise noted)		TOWN OF FMB RESIDENT	FOR PROFIT or INDIVIDUAL	NON-PROFIT or EDUC ORGANIZATION
Seven Seas Historic Cottage (parking not included)		\$40 for 1st Hr/\$20 additional Hr	\$55 for 1st Hr/\$35 additional Hr	\$45 for 1st Hr/\$20 additional Hr
Proposed: Seven Seas Historic Cottage (parking not included) Extra staff site visits/ planning sessions Per Visit		\$200/Hr 20	\$250/hr for 1st 2 Hrs then \$75 additional Hr	\$200/hr for 1st 2 Hrs then \$65 additional Hr
Proposed: Extra staff site visits/ planning sessions Per Visit		40	20	20
Proposed: Outside patio/Lania only Per Hour		20	60	50
Proposed: Lania only - Additional per hour		Removing 10	Removing 20	Removing 15
Large 5 table - Chickee Hut only - up to 2 hours Parking Not Included		20	25	25
Proposed: Large 5 table - Chickee Hut only - up to 2 hours Parking Not Included		15/hr	25/hr	20/hr
2 table - Chickee Hut - up to 2 hours Parking Not Included		10	20	15
Proposed: 2 table - Chickee Hut - up to 2 hours Parking Not Included		10/hr	15/hr	10/hr
3 Small round shade structures gulf side - up to 2 hours Parking Not Included		10	20	15
Proposed: 3 Small round shade structures gulf side - up to 2 hours Parking Not Included		Removing	Removing	Removing
Newton Park - exclusive use of entire facility, including 10 parking spaces - up to 8 hours/restrooms are open to public		1000	1200	100
Proposed: Newton Park - Cottage and Outside Tiki Huts; restrooms are open to the public		800	1200	900
Newton Park - exclusive use of entire facility, including 10 parking spaces - half day option: no to exceed 4 hours/restrooms are open to public		650	700	650
Proposed: Newton Park - exclusive use of entire facility, including 10 parking spaces - half day option: no to exceed 4 hours/restrooms are open to public		Removing	Removing	Removing
After Sunset Fee (applies if rental extends past 8 PM not to exceed past 10pm) - no exterior rentals or lighting allowed during turtle nesting season. May through October		\$150/Hr	\$150/Hr	\$150/Hr
Short Term Instructors		\$40/Hr; \$30/additional Hr or as stated in contract		
Proposed: Short Term Instructors		TBD	N/A	N/A
EDUCATIONAL PROGRAMS				
Beachwalks		Free		
Proposed: Concessionaire		70/30		
General Educational Programming		\$5-\$15 TBD		



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
	FIRE REVIEW OR FIRE INSPECTION FEE NOT INCLUDED AND WILL BE CHARGED SEPERATELY BY THE FIRE DEPARTMENT *** IMPACT FEES NOT INCLUDED *** *** SOLID WASTE AND DCA/DBPR FEES NOT INCLUDED*** 1/3 OF THE BUILDING PERMIT FEE WILL BE REFUNDED IF THE PERMIT IS NOT ISSUED WITHIN 3 WEEKS OF RECEIPT OF COMPLETED APPLICATION AND ALL ADDITIONAL INFORMATION REQUESTED BY REVIEWERS.			
1	COM – Commercial New Construction, Additions, Alterations, Modular, Foundation Includes: - Application Processing Fee - Commercial Building Plan Review & Inspection - Commercial Environmental Review - Commercial Flood Review - Commercial Stormwater Review - Commercial Zoning Review - Plumbing Review, Sub-Contractor Permit, & Plumbing Inspection - Electrical Review, Sub-Contractor Permit, & Electrical Inspection(s) - Mechanical Review, Sub-Contractor Permit, & Mechanical Inspection	65 per sq. ft. + 35% of building permit for application and all review fees. EX. 5,000 sq. ft. project = \$4,387.50	.70 per sq. ft. + 35% of building permit for application and all review fees. EX. 5,000 sq. ft. project = \$4,725.00	
2	COM – Concrete Restoration Includes: - Application Processing Fee - Commercial Plan Review - Threshold Engineer Report Review - Inspection	450	525	
3	COM - Roof/ReRoof/Roofover Includes: - Application Processing Fee - Building Review - Flood Review - Inspection	425	500	
4	CONDO - Condo Residential Unit Remodel/Interior Flat Fee Includes: - Application Processing Fee - Building Review and Inspection - Flood Review - Electrical Review and Electrical Inspection - Mechanical Review and Mechanical Inspection - Plumbing Review and Plumbing Inspection	Flat Fee of \$775 for All Condo Remodel Projects	\$930 for All Condo Remodel Projects	
5	CONDO - Carport/Garage Flat Fee Includes: - Application Processing Fee - Building Review and Inspection - Stormwater Review - Zoning Review - Electrical Review and Inspection	600	700	
6	DEMO - Commercial and Residential Includes: - Application Processing Fee - Building Plan Review - Environmental Review - Inspection	400	475	



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
7	DRV - All Driveways Includes: Application Processing Fee Environmental Review Flood Review Stormwater Review Zoning Review Inspection	525	625	
8	DSH - Dock, Walkway, Pier Platform, Boat Lift, Hoist, Davit Repair, Rip Rap, Seawall, Dredging, Piling, Boat Ramp Includes: Application Processing Fee Environmental Review Zoning Review Inspection	325	400	
9	DSH - Boathouse and Dock Permit (New Dock/New Boathouse) Includes: Building Review and Inspection Electrical Review and Inspection	600	Flat Fee \$720 (\$330 for boathouse with \$390 dock fee)	
10	DSH - Boathouse, New or Repair (New Boathouse, Existing Dock) Includes: Application Processing Fee Building Review and Inspection Environmental Review Zoning Review Electrical Review and Inspection	400	475	
11	FEN - Fence (All Fences, Pool Barriers, Retaining/Garden Wall) Includes: Application Processing Fee Building Plan Review and Inspection Environmental Review Flood Review	400	475	
12	POL - Pools (Above Ground, Below Ground, Spas) Includes: Application Processing Fee Building Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review	700	850	
13	RES - Interior Remodel (up to 50% of Structure Value) Includes: Application Processing Fee Building Review and Inspection Flood Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection	675	800	
14	RES - New One & Two Family Dwelling Construction, Remodel, Addition, Carport, Stand Alone Garage *** IMPACT FEES NOT INCLUDED *** Includes: Application Processing Fee Building Plan Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review Electrical Review and Electrical Inspection Mechanical Review and Mechanical Inspection Plumbing Review and Plumbing Inspection Roof Sewer Connection	Up to 1500 sqft = \$1550 1501-2500 sqft = \$2150 2501-3500 sqft = \$2750 3501-4500 sqft = \$3350 4501-5500 sqft = \$3950 5501-6500 sqft = \$4550 6501+ sqft = Commercial Calculation	Up to 1500 sqft = \$1860 1501-2500 sqft = \$2580 2501-3500 sqft = \$3300 3501-4500 sqft = \$4020 4501-5500 sqft = \$4740 5501-6500 sqft = \$5460 6501+ sqft = Commercial Calculation	



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
15	RES - Roof, Reroof, Roofover, Insulated Pan Roof Application Processing Fee Flood Review Inspection	250	300	
16	STRUC - Commercial or Residential Sheds, Decks, Screen Enclosure/Pool Enclosure, Dumpster Enclosure, Radio/TV Antenna, Freestanding Signs, Mobile Home/RV Setup Includes: Application Processing Fee Building Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review	525	625	
17	STRUC - Structure Move Includes: Application Processing Fee Building Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection	750	900	
18	TRADES - Over the Counter Electrical, Mechanical, Plumbing, Solar, Other Misc. (Flatwork, Interior Piping, Dumpster, Gas, Pavers, Fence Repair) Building Permits Not Stated. Includes: Application Processing Fee Any Necessary Reviews	175	200	
19	WIN - Windows (Commercial, Condos, Residential) up to 5 Windows, Including Sliding Glass Doors Includes: Application Processing Fee Building Review and Inspection Flood Review	325	400	
20	WIN - Windows (Commercial, Condos, Residential) over 5 Windows, including Sliding Glass Doors Includes: Application Processing Fee Building Review and Inspection Flood Review	# Windows x \$25/ea Ex 10 Windows = \$200	# Windows * \$30 + \$50 Ex 10 Windows = \$350	
MISCELLANEOUS FEES				
21	MISC - 1st Work Without Permit	3x Building Permit Fee		
22	MISC - 2nd Work Without Permit	5x Buildin Permit Fee		
23	MISC - Change of Contractor	50	60	
24	MISC - Building Code Administrators and Inspectors Surcharge (Pursuant to Florida Statute)	1.5% of Building Permit Fee or \$2 Minimum	Determined by Statute	
25	MISC - Department of Business and Professional Regulation Surcharge (Pursuant to Florida Statute)	1% of Permit Fee or \$2 Minimum	Determined by Statute	
26	MISC - Inspection/Partial Pass (additional inspection requested by contractor)	50	60	
27	MISC - Inspection/Re-inspection After Failed Inspection	50	60	
28	MISC - Inspection/Lock-Out (Inspector did not have access to construction site and has to reschedule inspection)	50	60	
29	MISC - Permit Extension 1st 3 Months	100	120	
30	MISC - Permit Extension 2nd 3 Months	150	180	
31	MISC - Plan Revision (after issuance of permit)	50	60	
32	MISC - Recording Services	Actual Cost		
33	MISC - Reissuance of Expired Permit: Commercial (not including Code Enforcement fees)	14 500	600	



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
MISCELLANEOUS FEES (Continued)				
	MISC - Reissuance of Expired Permit: Residential (not including Code Enforcement Fees)	250	300	
34	MISC - Reissuance of Expired Permit: Trade (not including Code Enforcement Fee)	100	120	
35	MISC - Resubmittal Fee after 1st resubmittal (if our reviewers request more information and the information provided by the permit holder does not fulfill request)	\$50/Resubmittal	\$60/Resubmittal	
36	MISC - Generator Installation Permit	450	540	
37	MISC - Temporary CO	175	210	
38				



TOWN OF FORT MYERS BEACH
FY 2022-2023 ADD-ON LIST
BUDGET UTILIZING .95 MILLAGE RATE

Tax Information:

Current Year Millage & Revenue - @ 96% - Information Only	0.9500	\$ 4,075,154	
Proposed Millage & Revenue - @ 96% - Information Only	0.9900	\$ 4,246,739	\$ 171,585

Revenues - Informational

Ad Valorem Taxes	\$ 4,000,000
Parking	\$ 1,400,000
Public Service Tax	\$ 900,000
Half Cent Sales Tax	\$ 650,000
Building Permits	\$ 720,000
Communication Svc Tax	\$ 550,000
Administrative Charges From Utilities	\$ 240,000
State Revenue Sharing	\$ 200,000
*Local Option Gas Tax	\$ 215,000
*New Local Option Gas Tax	\$ 150,000
All Others	\$ 9,626,872
Total Operating Revenues	\$ 18,651,872

*New Gas Tax agreement 01/2023

Funds available for Initiatives

	\$ 2,112,340.00
+ Millage Increase to .9900	\$ 172,000.00
- Parking App	\$ (125,000.00)
- Charging Stations	\$ (115,000.00)
	\$ 2,044,340.00

Revenues Available

Revenues	\$ 18,651,872
Carry Forward	\$ 746,560
Total	\$ 19,398,432

Expenses

Proposed Budgeted Expenses	\$ 17,921,872
R&R - Capital	\$ 730,000
Newton Park Swings	\$ 30,000
Total	\$ 18,681,872

Informational Only

Reserves - Funded in Budget

GFOA	\$ 500,000
Emergency	\$ 215,000
Legal	\$ 110,000
Compensated Absences	\$ 200,000
Beach	\$ 100,000
Grant Matches	\$ 2,343,255
Total	\$ 3,468,255

Other - Funded in Budget

Insurance Premium Increase	\$ 100,000
\$1/Hr FT Longevity Pay Plan Adj	\$ 90,000
Annual Employee Bonus	\$ 140,000
Utility Expense Increase	\$ 50,000
Bayside R&R	\$ 15,000
Resiliency Grants Specialist	\$ 15,000
Public Safety Committee	\$ 5,000
Anchorage Advisory Comm	\$ 5,000
CELCAB	\$ 5,000
MERTF	\$ 5,000
BORCAB	\$ 5,000
Additional Funds for Committees	\$ 4,440
Annual Debt Service (\$10M Loan)	\$ 581,400

Funds Available for Add On List

\$ 2,760,900.02

Add On Items

Beach Renourishment*	\$ 1,000,000
\$3.5M total cost	
Assumes add'l allocation in 2024	
Amber Street Lights per Year*	\$ 500,000
Workforce Housing	\$ 380,900
Add'l Rev from Short Term Rentals	
Bay Oaks FF&E	\$ 500,000
Community Policing	\$ 210,000
(\$172,000 from Millage Increase)	
add'l \$40,000 from General Fund	
Back of Building Remodel	\$ 250,000
Strategic Plan Update (\$3000/mtg)	
Required Resiliency Study	\$ 50,000
Fishing Pier	\$ 75,000
Bay Oaks Add'l Personnel (\$196,000/yr)	\$ 45,000
Quarter of the year	
Azure Migration	\$ 50,000
Moving server to cloud	
Pool Upgrades	\$ 84,000
Accounting System R&R	\$ 25,000
\$200,000 total estimate	
Total Add On Requests	\$ 2,760,900

Unencumbered Balance

\$ 0

*These projects will likely require 100% of the FY 2024 Add-on list available funding

AGENDA MANAGEMENT

	Subject	Dept		Mtg Date
359	Town Canvassing Board appointment	Clerk	added 04.13.2022	08.15.2022
379	Renewal of yearly agreements	Admin.	added 07.25.2022	08.15.2022
385	Special Magistrate agreement	Comm. Services	added 07.26.2022	08.15.2022
380	Stabilization Project of Archaeological Resources at Mound House	C,P&R	added 07.26.2022	08.15.2022
374	Proposed FY23 Millage Rate	Finance	added 07.05.2022	09.08.2022
375	Proposed FY23 Budget	Town Manager	added 07.05.2022	09.08.2022
386	Bid acceptance: Financial Auditing Services	Finance	added 07.27.2022	09.08.2022
372	1st reading: Newton Park CPD amendment	PL&Z	added 05.26.2022	09.08.2022
381	1st reading: Widgeon Terrace FLUM amendment	P&Z	added 07.26.2022	09.08.2022
382	1st reading: Personal Property Rights Comp Plan amendment	P&Z	added 07.26.2022	09.08.2022
383	1st reading: Sign Ordinance LDC amendment	P&Z	added 07.26.2022	09.08.2022
384	5155 Williams Variance	P&Z	added 07.26.2022	09.08.2022
374	Final FY23 Millage Rate	Finance	added 07.05.2022	09.22.2022
375	Final FY23 Budget	Town Manager	added 07.05.2022	09.22.2022
378	Bid acceptance: Fireworks	P&R	added 07.05.2022	09.22.2022
372	2nd reading: Newton Park CPD amendment	PL&Z	added 05.26.2022	09.22.2022
381	2nd reading: Widgeon Terrace FLUM amendment	P&Z	added 07.26.2022	09.22.2022
382	2nd reading: Personal Property Rights Comp Plan amendment	P&Z	added 07.26.2022	09.22.2022
383	2nd reading: Sign Ordinance LDC amendment	P&Z	added 07.26.2022	09.22.2022
376	Appointments to all Advisory Committees	Clerk	added 07.05.2022	10.03.2022
	TBD			10.06.2022 M&P
	TBD			11.07.2022
	TBD			11.17.2022 M&P
377	Inauguration - Seats 1 & 2	Clerk	added 07.05.2022	11.21.2022
363	Ordinance: 1st reading, Trees/Vegetation	Environ.	added 05.05.2022	To Aug/Sept LPA
385	PWVL/PAL's	Legal	added 04.18.2022	TBD TC mtg
292	Ordinance 22-02: 1st Reading, Repeal Sec. 2-50 (Personnel Manual)	Attorney	added 12.01.2021	TBD TC mtg
294	Greenwire Agreement	Admin.	added 12.08.2021	TBD TC mtg
368	Update on combining committees	Clerk	added 05.15.2022	TBD TC mtg
325	FMB Waterways Group discussion-Island-wide dredging program (DA)	Council	added 02.07.2022	TBD M&P

Monthly: Aging Report 90 days / 6 months: Magistrate Imposed Fines

** Town Attorney evaluation (September)