

TOWN OF FORT MYERS BEACH — 2008 PROPOSED COMPREHENSIVE PLAN AMENDMENTS

Application #: 2008-06-TEXT

Description: Amend the Future Land Use Element to establish as town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town's economy and walkability, and to specifically allow condominium ownership of lodging establishments provided they will be operated as hotels or motels

Pages to be changed: Comprehensive Plan Pages 4–23 and 4–44 (proposed changes are attached)

Discussion in E/A Report (adopted on Jan 16 '07): “In recent years property values have been escalating at previously unforeseen rates. The health of the lodging industry is very cyclical and thus it is often difficult to obtain construction financing. In addition, the future of the lodging industry at Fort Myers Beach is now being eclipsed by real estate investors and condominium buyers whose optimism for continuing increases in underlying property values are driving the real estate market continually upward. While the town hesitates to encourage new hotels and motels given the past overbuilding at Fort Myers Beach, the loss of the town’s active and healthy lodging industry would change the character of Fort Myers Beach forever.

“The town’s options to respond to this situation are fairly limited. The most effective options are simply to ensure that town policies and regulations do not inadvertently contribute to the displacement of existing hotels and motels. To this end, the pre-disaster buildback policy should be clarified to ensure that large condominium buildings cannot be substituted for existing hotels and motels in the guise of buildback. (New condominiums or other residential buildings could still replace older hotels or motels, but the new structures would have to meet today’s more restrictive density cap.)

“The comprehensive plan should also be amended to establish as town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town’s economy and walkability, and to specifically allow condominium ownership of lodging establishments (provided they will be operated as hotels or motels)... [from page 18 of E/A Report]

Action by LPA: During a public hearing on November 18, 2008, the LPA unanimously recommended that the Town Council approve the changes as outlined in this report.

Action by Town Council: During a public hearing on December 15, 2008, the Town Council voted unanimously to transmit this amendment for state review.

DCA Objection: None

DCA Recommendation: None

Response to DCA: N/A

Proposed Final Action: The Town Council should adopt the transmitted amendment, as described above, as part of Ordinance 09-03.

Final Action: The Town Council adopted this amendment on August 17, 2009, as part of Ordinance 09-03.
(Text shown in red is new or has changed since the initial transmittal of this amendment in January 2009.)

The selected solution for the Town of Fort Myers Beach is to adopt different density multipliers based on land-use categories on the new Future Land Use Map. These multipliers will only apply where motels are permitted in a specific zoning category. The exact multipliers will be contained in the Land Development Code; an example might be:

- In the “Mixed Residential” category, the multiplier might be 1.5
- In the “Boulevard” category, the multiplier might be 2.0
- In the “Pedestrian Commercial” category, the multiplier might be 2.5, provided that some or all parking is provided in off-site shared lots.

Policy 4-C-6 describes this concept, which will be implemented through forthcoming revisions to the Land Development Code.

Throughout the 1990s, one of the biggest concerns of town residents was the continuing expansion of commercial uses. Only five years after this plan was adopted in late 1998, property values were escalating at previously unforeseen rates, and suddenly the opposite trend was being seen: the frequent conversion of longstanding commercial uses, primarily hotels and motels, into upscale condominiums.

The health of the lodging industry has always been cyclical, but the new wave of escalating property values threatened to change the town’s entire economy. These increases were driven by real estate investors and condominium buyers whose optimism for continuing increases in underlying property values drove the real estate market continually upward. In the absence of vacant land to construct new condominiums, the land under viable hotels and motels was suddenly worth far more than the businesses themselves.

While the town has long hesitated to encourage new hotels and motels given the past overbuilding at Fort Myers Beach, the loss of the town’s active and healthy lodging industry would mean a

permanent change to the character of Fort Myers Beach. Although tourism is sometimes overwhelming to permanent residents, tourism also provides benefits to residents, including investment and recreational opportunities, employment, and choices for dining and entertainment that are far beyond what would be available if they were serving the resident population alone. Many residents have chosen to make Fort Myers Beach their home for these very reasons.

The pressure for these hotel/motel conversions had abated somewhat by 2008, but the situation is likely to reoccur whenever the real estate market recovers. The town’s options to respond to such situations are fairly limited. The most effective options are simply to ensure that town policies and regulations do not inadvertently contribute to the displacement of existing hotels and motels. To this end, the pre-disaster buildback policy was clarified in early 2009 to ensure that large condominium buildings cannot be substituted for existing hotels and motels in the guise of buildback (see Policy 4-E-1). New condominiums or other residential buildings can still replace older hotels or motels, but the new structures would have to meet the current more restrictive density cap.

The comprehensive plan was also amended in early 2009 to establish as general town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town’s economy and walkability (see Policy 4-A-9).

Policy 4-A-10 was also added to specifically allow condominium ownership of lodging establishments (provided they will be operated as hotels or motels). Detailed requirements will be contained in the Land Development Code, for instance requiring licensing by the state as a hotel or motel and regular payment of tourist and sales taxes on all rentals, limiting stays to a fixed period, disallowing all permanent residency, and requiring a staffed front desk to arrange transient rentals.

GOALS - OBJECTIVES - POLICIES

Based on the analysis of land use issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

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

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

POLICY 4 -A-1 Maintaining the town’s current “human scale” is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.

POLICY 4 -A-2 The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm.

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

activities (see Policies 4-C-2 and 4-C-3 below).

POLICY 4 -A-4 Easy walking access to the beach is a key element of the town’s human scale. Development trends that inhibit this access are undesirable (including traffic improvements to Estero Boulevard that would make it a barrier to the beach for pedestrians).

POLICY 4 -A-5 The town contains many important natural resources despite its urbanized character. Preservation of those resources is of the highest importance and is a frequent theme throughout this plan.

POLICY 4 -A-6 The beaches provide incomparable recreational and environmental benefits to the town; careful management of the beach, including renourishment when necessary, can increase both. Frequent beach accesses are essential to the town’s character and shall be maintained and expanded where possible.

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

POLICY 4 -A-8 The town shall establish clear and consistent rules and processes that govern private and public development. They shall be incorporated into an illustrated Land Development Code that:

- i. defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan;
- ii. illustrates the types and dimensions of allowable signs that will identify

- businesses and other destinations without damaging the aesthetic qualities of the town;
- iii. resolves inconsistencies between current zoning and land development regulations and this comprehensive plan using the guidelines found in Chapter 15;
- iv. encourages the conservation and re-use of historic buildings as described in the Historic Preservation Element;
- v. in existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and
- vi. ensures the availability of public facilities at the levels of service specified in this plan concurrently with the impacts of development (see Capital Improvements Element for a summary of these levels of service plus guidelines for the town's Concurrency Management System).

POLICY 4 -A-9 Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.

POLICY 4 -A-10 Hotels and motels may be constructed or converted to condominium ownership provided they are operated as hotels or motels. The Land Development Code provides detailed regulations that distinguish hotels and motels from residential uses and other types of lodging.

OBJECTIVE 4-B FUTURE LAND USE MAP CATEGORIES — Reduce the potential for further overbuilding through a new Future Land Use Map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.

POLICY 4 -B-1 OVERBUILDING: Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match road capacity and the physical environment. Since such planning came too late, the town must deal with today's congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights.

POLICY 4 -B-2 MAP ADOPTION: The Town of Fort Myers Beach hereby adopts a Future Land Use Map (Figure 16) to govern further subdivision and development within its municipal boundary. This map advances the principles of this comprehensive plan by assigning one of eight categories to all land and water, based on its location, condition, and existing uses:

POLICY 4 -B-3 "LOW DENSITY": designed for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, and