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MEMORANDUM

TO: Fort Myers Beach Town Council
FROM: Bill Spikowski
DATE: January 30, 2003
SUBJECT: Ordinance Adopting LDC Chapter 34 (First Public Hearing, February 3, 2003)

On January 27 I provided you with a memo containing backup material for the February 3 public hearing on the new Fort Myers Beach Land Development Code.

Attachment B to that memo contained a reprint of the proposed VILLAGE zoning district. Its text was correct, however there were some sections underlined that in fact contained existing text from other parts of the LDC. I am now attaching a corrected draft of Attachment B that eliminates that problem. Please substitute it for the January 27 draft.

The internet has experienced sporadic interruptions since last weekend. Anyone who has had difficulty obtaining documents from my web site should try again as things seem to be operating normally today. If you have contacted me by e-mail since last weekend and I have not responded, plus resend your message.

Copy to: Local Planning Agency, Town Attorney, Town Staff

Attachments: (Corrected Draft) "B" – Revised §§ 34-691–34-694, VILLAGE zoning district

CORRECTED ATTACHMENT B

VILLAGE

Subdivision IV. VILLAGE Zoning District

Sec. 34-691. Purpose.

The purpose of the VILLAGE district is to provide alternative futures for the Red Coconut and/or Gulf View Colony, either a continuation of the current land uses or their transformation into a traditional neighborhood pattern.

- (1) The existing residences and businesses in the VILLAGE district may continue in full operation and may be renovated in accordance with §§ 34-692 and 34-694.
- (2) As an alternative, the VILLAGE district provides a second set of regulations that would allow the transformation of either of the existing mobile home and recreational vehicle parks into more permanent and durable housing types in a traditional neighborhood pattern, in accordance with the design concepts in the Fort Myers Beach Comprehensive Plan.

Sec. 34-692. District map and applicability.

The area indicated on Figure 34-11 is the outer boundary of the VILLAGE district.

- (1) Properties that have been zoned into a planned development (PD) district are governed by the terms of the PD zoning resolution rather than the requirements of the VILLAGE district, even if the property is shown on Figure 34-11.
- (2) For properties zoned into the VILLAGE district rather than in a PD district, existing residences and businesses may continue in full operation and may be modified in accordance with the following regulations:
 - a. **Continued use of existing mobile homes and recreational vehicles.** The continued use of existing mobile homes and recreational vehicles is permitted in accordance with § 34-694 below.
 - b. **Continued use of and renovations, enlargements, or replacement of existing permanent buildings.**
 1. Existing permanent buildings may be renovated, enlarged, or replaced as follows:
 - a- Renovations and/or physical enlargement are permitted provided

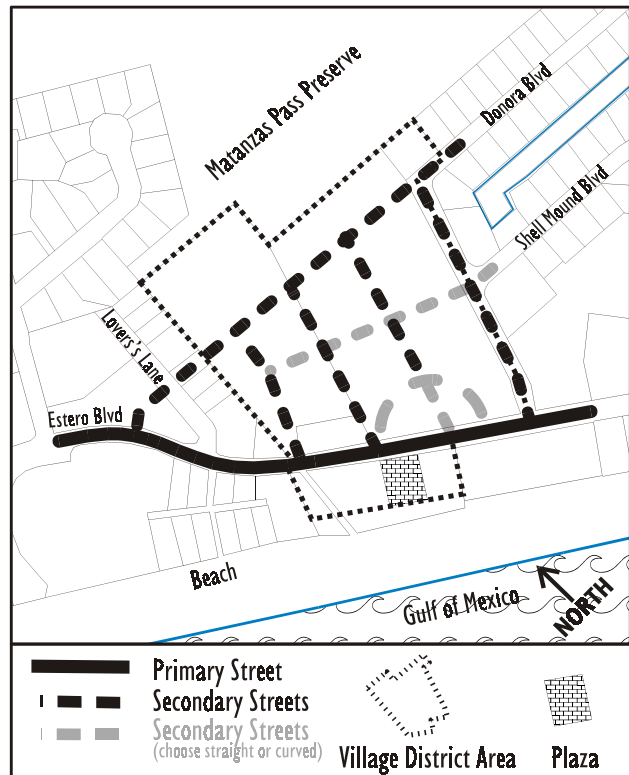


Figure 34-11

the improvements do not constitute a “substantial improvement” as that term is defined in § 6-405 of this code; or

- b- Replacement buildings are permitted provided that they do not increase the existing floor area ratio, as that term is defined in § 34-633; or
- c- Other renovations, enlargements, and/or replacements are permitted provided they comply with those regulations for the CB zoning district that are found in §§ 34-704–34-706.
2. Allowable uses in these buildings are the same as provided in § 34-703(a) for the CB zoning district.
3. The commercial design standards (§§ 34-991–1010) shall apply to all commercial and mixed-use buildings that are visible from Estero Boulevard, or portions thereof, that are being newly built, and to “substantial improvements” to such buildings as defined in § 6-405.

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(3) *Transformation of existing mobile home and recreational vehicle parks.* Policies 3-A-5, 3-A-6, and 4-F-2-iii of the Fort Myers Beach Comprehensive Plan have authorized a pre-approved redevelopment option for land in the VILLAGE district.

- a. The following concepts are expected in this redevelopment process:
1. traditional neighborhood design emphasizing streets that are interconnected and dwellings with porches or balconies on the front, primary entrances visible from the street, and cars to the rear (except for on-street parking);
 2. detached houses or cottages (with optional accessory apartments) abutting existing single-family homes;
 3. low-rise townhouses or apartments allowed elsewhere on the site;
 4. walkable narrow streets with shade trees that double as view corridors to the Preserve and Gulf;
 5. open space that allows views to be maintained from Estero Boulevard to the Gulf;
 6. mixed commercial and residential uses along the Bay side of Estero Boulevard;
 7. quiet internal street connections to the north and south;
 8. significantly reduced density from the existing level of 27 RV/mobile homes per acre at the Red Coconut to a maximum level of 15 dwelling units per acre; and
 9. a site design that accommodates a publicly acquired access point to the Matanzas Pass Preserve.
- b. At the option of landowners in the VILLAGE district, a development order may be obtained to redevelop all or part of this property in accordance with the option described in more detail in § 34-693 and generally in accordance with either of the conceptual site plans found in the Community Design Element of the Fort Myers Beach Comprehensive Plan. Until such time as this development order is obtained, the regulations in § 34-693 shall have no effect.

Sec. 34-693. Regulations to obtain development order for pre-approved redevelopment option.

(a) *Purpose.* This section provides detailed regulations for the pre-approved redevelopment option if that option is chosen by landowners, as described in § 34-692(3).

(b) *Allowable uses.* Allowable uses in the VILLAGE district are defined in Tables 34-1 and 34-2. If a development order is issued pursuant to § 34-692(3), the additional uses in the “Open” subgroup of Table 34-1 for the residential, lodging, office, and retail groups will be permitted on property that is subject to the development order.

(c) *Streets.* Secondary streets shall be laid out and dedicated to the public generally in accordance with Figure 34-11 to improve circulation for vehicles and pedestrians.

- (1) Figure 34-11 provides two acceptable options for the new network of secondary streets.
- (2) Under either option, the street design must incorporate the extension of a through street from Donora Boulevard to Lovers Lane that will be permanently accessible by the public.

OPTION ONE: (original proposal, with new closing sentence)

(d) *Plazas.* A plaza at least 100 feet wide shall be provided between Estero Boulevard and the Gulf as a focal point for abutting buildings and as part of a prominent visual corridor to the water. This plaza need not be available for public use.

OPTION TWO: (landowner request & LPA recommendation)

(d) *View corridor.* A view corridor at least 50 feet wide shall be provided between Estero Boulevard and the Gulf as a focal point for abutting buildings and as part of a prominent visual corridor to the water.

(e) *Build-to lines established.* Build-to lines (see § 34-662) for all streets shall be 0 feet to 10 feet.

(f) *Setback lines established.* Setback lines (see § 34-662) are established as follows:

- (1) For principal buildings, minimum setbacks are as follows:

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- a. Rear setbacks: 20 feet
- b. Water body setbacks: see § 34-637(d)(3).
- (2) For accessory structures, minimum setbacks are set forth in § 34-1171–1176.
- (g) ***Building frontage.*** Building frontage limits (see § 34-663) vary according to the street types designated on Figure 34-11:
- (1) For primary streets, building frontages shall be at least 50% of the lot frontage. This percentage may be reduced to 35% for properties between Estero Boulevard and the Gulf of Mexico provided that the open space thus created allows open views to the Gulf.
- (2) For multiple adjoining lots under single control, or for a single lot with multiple buildings, the percentages above apply to the combination of lot(s) and building(s).
- (h) ***Building height.*** Building heights (see § 34-631) shall be limited to:
- (1) For properties that front on the bay side of Estero Boulevard and all streets other than Estero Boulevard, a maximum of 30 feet above base flood elevation and no taller than two stories. However, for mixed-use buildings and for elevated buildings without enclosed space on the first story, the maximum height is three stories (but still limited to 30 feet above base flood elevation).
- (2) For properties that front on the beach side of Estero Boulevard, a maximum of 40 feet above base flood elevation and no taller than three stories.
- (i) ***Floor area ratio (FAR).*** Floor area ratios shall not exceed 1.2.
- (j) ***Residential density.*** Policy 4-F-2-iii of the Fort Myers Beach Comprehensive Plan allows up to 15 dwelling units per acre for redevelopment in accordance with this section. Any land used for roadway or access purposes may be included in this density computation.
- (k) ***Guest units.*** Guest units may be substituted for dwelling units in accordance with the equivalency factors found in § 34-1802.

(l) ***Circulation and parking.*** Off-street parking may be provided *under* commercial or mixed-use buildings provided that:

- (1) All under-building parking spaces must be separated from primary streets and the plaza by usable commercial space at least 20 feet deep that meets all commercial building design guidelines; and
- (2) Driveways leading to under-building parking spaces must connect to a secondary street or an alley and may not be accessed from a primary street or pedestrian plaza.

(m) ***Commercial design standards.*** The commercial design standards (§§ 34-991–1010) shall apply to all commercial and mixed-use buildings that are visible from Estero Boulevard, or portions thereof, that are being newly built, and to “substantial improvements” to such buildings as defined in § 6-405.

Sec. 34-694. Regulations for existing mobile homes and recreational vehicles.

(a) ***Definitions.*** These phrases, when used in this subdivision, shall have the following meanings:

Park trailer means a transportable recreational vehicle which 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. “Park trailers” have a statutory definition in F.S. § 320.01(b) which may change; the use of the term “park trailer” in this subdivision is intended to change with any such statutory changes so as to be consistent with state law.

Transient RV park means a recreational vehicle development designed, intended for, or used by relatively short-stay visitors (transient guests) who bring their *transient* recreational vehicle with them and remove it at the end of their visit. The individual recreational vehicle site is then ready for another visitor. [definition moved from § 34-2]

Transient recreational vehicle unit means a camping trailer, truck camper, motor home, or travel trailer, motor home, or van conversion (as those terms are defined by F.S. § 320.01(b)) which is

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brought to the transient recreational vehicle park by the user and is removed from the park at the end of the user's visit. Park trailers are not considered to be transient recreational vehicles. *[definition moved from § 34-2]*

(b) 1987 site plan approvals. Lee County approved site plans for Gulf View Colony and Red Coconut in 1987 to formally acknowledge the right to replace mobile homes and non-transient recreational vehicles in portions of each park in accordance with previous regulations. These site plans were approved in accordance with Lee County Ordinance 86-36. The Town of Fort Myers Beach will continue to recognize those rights, which are incorporated into the regulations set forth in this section.

- (1) Sites in Gulf View Colony and Red Coconut or lots located within a park shall not be reconfigured or reduced in dimension so as to increase the density for which the park was originally created. *[relocated from § 34-3272(3)c.3]*
- (2) No division of any parcel may be permitted which creates a lot with width, depth or area below the minimum requirements stated in this chapter, provided that Contiguous sites lots of record may be combined and redivided to create larger dimension sites lots as long as such recombination includes all parts of all sites lots, and existing allowable density is not increased, and all setback requirements are met. *[previous sentence moved from § 34-3272(3)b]*
- (3) Sec. 34-2351. Use as permanent residence. The use of a recreational vehicle or park trailer type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is has been expressly prohibited as of since September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the Lee County prior to October 31, 1985. *[subsection moved from § 34-2351]*
- (4) Permits shall also be issued for reroofing and roof repairs for any existing mobile home, park model, or recreational vehicle located

~~within a mobile home or recreational vehicle park, regardless of lot size.~~ *[moved from § 34-3204]*

(c) **Gulf View Colony:** A site plan for Gulf View Colony was approved by Lee County on February 11, 1987, which showed 59 mobile homes sites plus common recreational features. This plan was drawn by G. H. Taylor and was dated January 10, 1987.

- (1) Lee County approved the replacement of a mobile home or park trailer on all 59 sites. These sites were determined to have been in compliance with regulations that were in effect at the time of their creation.
- (2) Replacement of mobile homes or park trailers on these sites must meet the following regulations:
 - a. All units mobile homes or recreational vehicles shall have a minimum separation of ten feet between units (body to body) and appurtenances thereto. Each unit shall be permitted to have eaves which encroach not more than one foot into the ten-foot separation. *[subsection moved from § 34-3272(3)c.2]*

OPTION ONE: (original proposal)

- b. Replacement mobile homes, park trailers, and additions must meet the floodplain elevation requirements of § 6-472(2), including the limitations on replacements where past flooding has caused "substantial damage" on specific sites.

OPTION TWO: (landowner request)

- b. Replacement mobile homes, park trailers, and additions must meet the floodplain elevation requirements of § 6-472(2), except that the limitations on replacements where past flooding has caused substantial damage on specific sites shall only apply under the first definition of "substantial damage" in § 6-405; the second definition shall not apply in the VILLAGE zoning district.

- c. A move-on permit must be obtained in accordance with § 34-1923 and the mobile home or park trailer must comply with the

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- tie-down and skirting requirements of that section.
- d. One freestanding storage shed or utility room, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any type B (nontransient) park provided that:
1. No storage shed or utility room shall be located closer than five feet to any side or rear lot line or closer than ten feet to any mobile home or park trailer recreational vehicle under separate ownership; and
 2. The shed or room is properly tied down and complies with all building code requirements. *[moved from § 34-786(b)]*
- e. Additions to mobile homes or park trailers recreational vehicles may be permitted in nontransient parks on permanent recreational vehicles provided that:
1. The addition shall not be located closer than five feet to any side or rear lot line or closer than ten feet to any mobile home, park trailer, or addition thereto under separate ownership. The individual recreational vehicle site meets or exceeds the minimum required lot size set forth in this division;
 2. The total floor area of any additions, excluding open decks and stair landings, shall not exceed the total floor area of the mobile home or park trailer recreational vehicle; and
 3. The maximum height of additions shall not exceed one story or the height of the mobile home or park trailer recreational vehicle, whichever is less.
 4. Open decks, up to 120 square feet in area, may be permitted provided all setback requirements are met. Stair landings that are incorporated into a deck shall be calculated in the square footage of the deck.
 5. Stairs or stair landings, which are attached to an addition, and which are not incorporated into an open deck, may be permitted to encroach three feet into the side and rear setbacks. No stair landing shall exceed 12 square feet in area. *[moved from § 34-788]*
- (d) **Red Coconut:** Parts of a site plan for the Red Coconut were approved by Lee County on June 2, 1987. This plan was drawn by David Depew and was dated May 20, 1987.
- (1) **Sites approved in 1987.** Lee County approved the replacement and potential enlargement of a mobile home or park trailer on each of the following sites: A7-A9, A12-A15, B12, B14-B16, C1, C7, D1, D2, D6, D8-D17, E1-E16, E18-E20, F1-F9, and G2-G12.
- a. These sites were determined to have been in compliance with regulations that were in effect at the time of their creation.
 - b. Replacement mobile homes or park trailers on these sites must follow the same regulations as provided in § 34-694(c)(2).
- (2) **Sites not approved in 1987.** Some smaller sites that also contained a mobile home or non-transient recreational vehicle were not approved for larger units in 1987: AA, A1-A6, A10-A11, A16-A17, B1-B11, B13, C2-C6a, C8-C10, CE1-CE7, CWOO-CW6, CRD, D3-D5, D7-D7A, E17, K2, P2-P3, Z2-Z3, and 1-6 on the bay side of Estero Boulevard. Units on these sites may be replaced only by a unit of equal or smaller size, in accordance with the following regulations:
- a. Any mobile home or non-transient recreational vehicle unit which has been lawfully placed on these sites on any rental lot within any rental park, regardless whether the park has been converted to either cooperative or condominium ownership prior to June 25, 1986, may be replaced by a unit mobile home or park trailer of equal or smaller size upon proof that the placement of the unit was lawful. Such proof may consist of copies of official tax records, tag registrations or county or town permits, or may be by affidavit or any other competent evidence. No additions which would cause the total size to exceed the size of the previous lawful unit will be permitted. *[moved from § 34-3204]*
 - b. Replacement mobile homes and park trailers must meet the floodplain elevation requirements of § 34-694(c)(2)b.

- c. A move-on permit must be obtained in accordance with § 34-1923 and the mobile home or park trailer must comply with the tie-down and skirting requirements of that section.
- d. One storage shed or utility room may be permitted if in compliance with § 34-694(c)(2)d.
- e. Additions may not be constructed.
- (3) ***Transient RV park.*** The remainder of the sites shown on this plan may continue in operation as a transient RV park. These sites can be identified on the 1987 site plan as follows: on the Gulf of Mexico, sites 1-53; on the bay side of Estero Boulevard, sites H1-H10, J1-J10, K1, K3-K18, L1-L4, M1-M4, N1-N14, P1, R1-R3, Y-Y-Y-Y, and Z1. The following regulations apply to these 130 sites:
 - a. Transient recreational vehicles must comply with the floodplain regulations found in § 6-472(3).
 - b. Additions may not be constructed onto transient recreational vehicles.
 - c. Storage sheds and other accessory structures may not be placed on individual sites.
 - d. All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term “unattended” shall be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in the following subsection (2)b of this section. [moved from § 34-762(2)i.2.a]
 - e. All travel trailers, motor homes or camping trailers shall be tied down within 48 hours of the issuance of a hurricane watch for the county by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down shall be removed from the county within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area. [moved from § 34-762(2)i.2.b]

Secs. 34-695--34-700. Reserved.