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# ***FUTURE LAND USE ELEMENT***

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## ***FUTURE LAND USE ELEMENT***

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### ***INTRODUCTION***

The Town of Fort Myers Beach was born of dissatisfaction with land-use policies of Lee County. This element of the town's first comprehensive plan provides major revisions to those policies, setting the stage for a new land development code to implement them. This element also meets the basic requirements of state law that apply to all future land use elements.

Although blessed with many natural advantages and a thriving economy, the Town of Fort Myers Beach is beset by serious problems such as heavy seasonal tourist impacts; a risky location on a coastal barrier island; and haphazard enforcement of zoning and building codes since their initial adoption in 1962.

Since the town has already reached 85% of its "build-out" population using 92% of its land mass, it may seem that land-use policies would have little effect on growth patterns. But the inevitable cycles of decay and redevelopment will continue, and if guided properly can result in continual improvement rather than further degradation.

In addition to the general problems facing Fort Myers Beach, several critical land-use issues were examined in depth during this planning process. Some have been discussed in other elements of this plan; others are addressed here, including:

- ✘ **ILLEGAL APARTMENTS:** The prevalence of illegal apartments is evidence of a pervasive lack of code enforcement by Lee County through the years. A full range of options has been considered, from removal to enforcement to amnesty to outright legalization. Also, under what conditions might existing or even future multiple units be acceptable, or even desirable?
  
- ✘ **NEGATIVE EFFECTS OF FLOOD REGULATIONS:** The town is required to impose rigid floodplain management regulations before federal flood insurance is available to property owners, even though these regulations can block the rejuvenation of older neighborhoods. Without some resolution, existing buildings may continue to deteriorate, or will be rebuilt incrementally outside the current regulations, endangering the town's participation in the federal flood insurance program.



**Figure 1**, Potential redevelopment form of dense neighborhoods

**X POST-DISASTER REDEVELOPMENT POLICIES:**

The Lee Plan’s current “buildback policy” protects owners of existing buildings, but doesn’t take advantage of an opportunity to *improve* the built environment after a natural disaster. What alternatives might be developed that would still protect existing landowners, while laying the groundwork for redevelopment that would result in a *better* community?

**X HIGH HOTEL/MOTEL DENSITIES AND BUILDING HEIGHTS:**

Although the town’s land development code (inherited from Lee County) would no longer allow another hotel of the magnitude of the Diamondhead convention center, until late 1997 it still allowed as many as three motel rooms in place of a single dwelling unit. This multiplier was never consciously established in Lee County’s plan, yet it exerts a major influence over land use in a popular resort community like Fort Myers Beach, encouraging property owners seeking maximum gain to build motels rather than more permanent dwellings.

**X COMMERCIAL EXPANSION:**

This is a common problem in mature resort communities, sometimes threatening existing residential areas. How much more commercial is too much? Or is it the *type* of commercial, or its physical form, that is the problem? In areas that are suitable for commercial development, regulations can be changed so that building walls will “frame” an attractive pedestrian environment, instead of creating isolated buildings in barren parking lots. The most difficult conflicts in potential commercial development lie along Estero Boulevard from the Key Estero Shops to Donora Boulevard. Commercial uses catering to tourists that might extend into this area from Times Square have the potential to conflict with residential areas, and with the

civic uses that are making this the center of the island for residents.

The organization of this element is as follows:

- The next section discusses these critical land issues in the order just presented.
- Then a precise map of all existing land uses is presented, along with forecasts of the remaining potential for development on vacant land.
- This plan’s general view for various neighborhoods on the island is summarized, followed by a new “future land use map” which reflects the town’s approach to land-use issues.
- This element concludes with specific goals, objectives, and policies being adopted by the Town of Fort Myers Beach as its new comprehensive plan.



**Figure 2,** South end development (photo courtesy Mohsen Salehi)

## **ILLEGAL APARTMENTS**

Many communities debate the proper role of “accessory apartments.” At Fort Myers Beach these apartments are known somewhat euphemistically as “mother-in-law apartments” despite their common use for out-of-town guests and frequent use as rentals for an additional source of income.

This debate has become particularly complex at Fort Myers Beach because of several factors: the attraction of the beaches to out-of-town guests; Lee County’s historically lax and loosely enforced codes, and a strong resort economy. Scattered rental apartments in many different kinds of buildings are just one more variation on an already broad variety of housing types, including hotels; interval-ownership resorts operated like hotels; and condominium buildings operated like interval-ownership resorts. In older subdivisions, two- and three-unit buildings had been legal for many years even on fairly small lots. At Fort Myers Beach, the term “mother-in-law apartments” is sometimes applied to small apartments that cannot be seen from the street; apartments on the ground floor of elevated homes; conventional duplexes; and many other variations.

Accessory apartments cause little concern when they are in commercial zones, and only modest concern when they are managed well and a long-established presence in a neighborhood. If they are small enough and not routinely rented out, neighbors may not even be aware of their existence. In older urban areas, housing types were mixed more widely than the homogeneous single-family neighborhoods that have become dominant in recent decades. There is a counter-trend today toward reintroducing a wider variety of housing types to accommodate the variety of types and sizes of households in our communities, including elderly people living alone, starter apartments for the young, and small apartments for single working people. The task here is to differentiate between a “desirable mix of housing types” and “undesirable intrusions into settled

neighborhoods,” and to avoid further crowding in an already-congested community.

Lee County’s rules on apartments changed drastically with the advent of zoning in 1962, and then again in 1984 when the floodplain regulations and the Lee County Comprehensive Plan both took effect. These various rules have been only loosely enforced at Fort Myers Beach, almost always on a complaint-driven basis (which often occurs as retaliation for unrelated neighborhood disputes). The result has been the worst type of regulation: too complex to understand and unevenly enforced.

The conflicting political challenges that affect policy on this issue include:

- Many town residents hope that most mother-in-law apartments will be banned because they’ve had bad experiences with them in their neighborhood.
- Many other town residents hope that their own apartments will be made legal, if in fact they’re not legal now.
- The state government generally opposes more housing units being built on overcrowded barrier islands.
- The federal government is becoming increasingly vigilant about illegal space being enclosed below elevated houses in a floodplain. They generally don’t care how many units are in each building, but they care greatly if they’re not properly elevated.

In recent years, some of the rules on accessory apartments have probably been too strict, but often those same rules have been leniently applied and enforced. Any new policy must recognize several realities:

- Many older apartments are completely legal and shouldn’t be the targets of repeated investigations based on neighbors’ misunderstanding of their legal status;

- It would be best not to “reward” those who have broken the law but not allow the same privilege to others similarly situated, which could happen by legalizing all *existing* apartments on a block while forbidding all new ones;
- The town must avoid potential side-effects such as legalizing unsafe building techniques that could endanger future unknowing residents, or threatening the availability of flood insurance to the entire community, or damaging what adjoining lot owners have reasonably expected to be strictly single-family neighborhoods, or overcrowding existing neighborhoods and aggravating the already high evacuation times along Lee County’s coastline.

A broad array of regulatory responses to accessory apartments were considered during this planning process, ranging from very lenient to very strict:

- rezoning of neighborhoods to legalize extra units (including future units);
- amnesty for everything that exists today;
- amnesty for all units that are registered with the town within a fixed period;
- inspections of extra units to determine whether they comply with existing codes (or those in force at the time of construction);
- removal of all units that do not or cannot be made to comply with current codes;
- removal of all units that were built without all proper permits.

Under previous regulations, if a kitchen was included with a suite of rooms, it was always considered to be a separate apartment that was equivalent to a full dwelling unit, equal in intensity to a free-standing house or a fully equipped condominium. For a second apartment in a building to be legal, it would have to meet the following criteria:

- Be located in a zoning district that allows duplexes (or apartments or condos), or have been legally built before zoning regulations were adopted in 1962 and used continuously since that time; and
- Have been built with whatever building permits were required; and
- If built after 1984, it must have complied with the rules that limit any new dwelling units to 6 units per acre (either for that lot or for the entire subdivision). Under typical subdivision characteristics at Fort Myers Beach, this means that second units on lots smaller than 60 by 100 feet are not permitted even when the lot has duplex zoning.

An accessory apartment may be subject to additional taxation or fees. If rented for a period of less than 6 months, the owner must collect and pay the 6% sales tax and 3% tourist tax on all rentals; the Property Appraiser may value the property differently, resulting in a different ad-valorem tax bill; and some public service fees are based on the number of dwelling units, such as garbage pickup and utility connection fees.

Three major alternatives were evaluated regarding the most difficult part of this question, how to deal with existing apartments whose lawfulness may be difficult to determine but which are located in neighborhoods where they may be suitable regardless of existing regulations. Each alternative is summarized below.

**Concept 1: Adjust densities to lessen restrictions.**

This approach would retain most of the current regulatory framework but would raise density levels slightly from the current island-wide cap of 6 dwelling units per acre. This change would affect areas as small as individual subdivisions, but preferably would group similar subdivisions (such as older subdivisions, or subdivisions near the more commercial areas). Neighborhoods to be included would typically be older subdivisions where duplexes or accessory apartments are fairly common, or which have long-standing duplex zoning.

The result would be to legalize existing accessory apartments or duplexes that violate the post-1984 density standards, provided they meet other requirements. Other lot owners in these neighborhoods would receive the same privilege. This approach would be most useful for adjusting the rules for apartments built *after* 1984 and into the future, as it would have little or no effect on older apartments.

To counter the effects of such a change, it would be appropriate to lower density levels in other locations in the town, for instance in some of the newer subdivisions where lots are larger and only single-family dwellings are desired.

Various safeguard could be used with this approach. For instance, the zoning map could be used to maintain the single-family-only characteristics of neighborhoods so zoned, with only duplex-zoned subdivisions being allowed a second apartment. Or maximum building sizes could be imposed to avoid large additions being added to small homes that would change the scale of the neighborhood. Or a maximum number of second apartments could be specified per block, or per subdivision (or a maximum size could be placed on new apartments). Design guidelines could also be imposed on all second apartments to maintain neighborhood character. Or the increased density level could be written to apply only to existing lots (perhaps those up

to about ½ acre); larger lots, or any remaining unplatted tracts, would still be limited to 6 units per acre to avoid creating an unanticipated boom in larger or taller buildings.

Positive effects of this proposal would include:

- Removing an impediment to allowing post-1984 apartments in areas selected by the town as appropriate.
- Maintaining the current style of regulations, rather than implementing a new approach.
- Allowing some smaller new apartments, which could help provide affordable housing to service workers on the island.
- Allowing somewhat higher densities in accordance with the Estero Island CRA's Core Area Master Plan (e.g., along Crescent Street).
- Resolving the conflict between current duplex zoning and a comprehensive plan that allows almost no new duplexes (although this conflict could also be resolved by rezoning those neighborhoods to single-family with a notation that *existing* duplexes remain completely legal).

Some negative effects of this proposal would include:

- Some residents of areas selected for the increase may object to allowing more apartments in their neighborhood.
- No relief would be provided for occasional small apartments in the majority of neighborhoods across the island.

**Concept 2: Redefine apartments in owner-occupied homes.**

This approach could be used in addition to the first alternative, or in place of it. A new definition could be created that would define a type of accessory apartment that might be permitted in all zoning districts, but it would only apply if the landowner lives on the premises. (An additional requirement could be that this would apply to existing apartments only, and could not be used to allow any new apartments.)

Much of the resistance to accessory apartments comes from people's bad experiences with duplexes that are rented out by absentee landowners, without the kind of close oversight that occurs with on-site management by the property owner. A single apartment in an owner-occupied buildings would be strictly "accessory" to the main unit, and under those conditions would not be defined as a separate dwelling unit that might require changes to existing density caps.

These apartments could be kept available for family or friends, or they could be rented out. In either case, the landowner must be residing on the premises whenever the second unit is occupied. "On the premises" could be defined as on the same lot or on an adjoining lot; and "landowner" could be defined to include an member of the immediate family.

One potential problem with this arrangement would be if unsuspecting purchasers of a home believed they could rent both units, and then made a purchase and financing decision on that basis. To avoid this problem, a requirement could be added for a document to be recorded in the public records acknowledging the status of the second apartment. This document would turn up in every title search, warning prospective purchasers if they haven't been otherwise advised of the owner-occupancy rule.

A somewhat similar arrangement has been tried in many communities, though often with specific restrictions on who may occupy the second unit (e.g., elderly people; family members only; low- and moderate-income families only; etc.). Each restriction involves the government in an ongoing monitoring of the personal status of its residents, something to be avoided wherever possible.

Some positive effects of this proposal would include:

- Some buildings with illegal apartments would likely be converted to owner-occupancy of one unit, since that would be the only way to allow the second unit to legally produce income. The maintenance of the units and the behavior of tenants can be expected to improve under these conditions.
- Many homes with small apartments would become legal without comprehensive plan changes, rezoning hearings, or enforcement proceedings (although building inspections may be required, and the town might insist that these units be included in some form of registry to ensure payment of taxes and recording of the document in the public records).
- A clear distinction would be established between true accessory apartments and duplexes. (The conflict between existing duplex zoning and the comprehensive plan would need to be resolved in another manner.)

Some negative effects of this proposal would include:

- Some homes with illegal apartments would now operate openly as seasonal rentals, potentially increasing wintertime congestion.
- This would be a new concept and might be misinterpreted as being more permissive than it actually is.



### **Concept 3: Adopt a different measure of intensity**

Another approach that is used in some areas is to simply stop measuring residential density or intensity by the number of kitchens. In its place is a system that might be called “zoning by bulk,” where the *total floor area* of a building is capped. Owners might provide two small apartments or one large one, at their sole discretion. This method greatly simplifies the regulatory process and avoid the potential for ongoing disputes over the legal use of property.

This approach would use a standard zoning techniques know as floor-area ratio (FAR). The entire square footage of floor space (including upper levels as well as ground floor space) is divided by the square footage of the lot. This ratio could not exceed a fixed figure, for instance 0.50, set for each zoning district. Setbacks and height caps can still be applied as under the existing zoning regulations.

Some positive effects of this proposal would include:

- As with the second approach, many homes with small apartments would become legal without comprehensive plan changes, rezoning hearings, or enforcement proceedings.
- This approach could also provide a maximum size on single-family homes. Although at present there is no house-size problem to be solved at Fort Myers Beach, many coastal communities find that new owners demolish two or more older homes and replace them with one very large new home. These so-called “mega-homes” sometimes change the entire character of a neighborhood; this has become an important issue in Naples and Sanibel in recent years.
- This approach is easily compatible with the new graphic development codes being considered by the town.

Some negative effects of this proposal would include:

- This approach resembles the current regulations for hotels and motels, where two or three rooms are allowed in place of each allowable dwelling unit. Although a familiar concept, this might encourage motel-like conditions in existing residential areas.
- Some number of existing rental units would surely be subdivided into smaller units that could generate a larger amount of rent. This is a selling point in many communities where there is a shortage of affordable housing; at Fort Myers Beach, it would result in more congested conditions during the peak season.
- Some older or poorly maintained homes would be demolished and replaced with more flexible buildings to take advantage of renting as two separate apartments. A likely victim of this trend would be the older cottages that provide so much of the community’s character.
- An incentive would be provided for pre-1984 stilt homes to have apartments added on the ground level, since the FAR would not be increased. This would be completely legal but contrary to other attempts to limit flood-vulnerable new construction.



### **Selected Approach to Accessory Apartments**

The third approach described above (zoning by bulk), although initially promising, had enough flaws that it was eliminated from further consideration. The second approach (owner-occupancy) was selected as the best basis for the town's new position on accessory apartments. The first approach (minor adjustments of density levels) was selected as the basis for resolving a few existing problem areas where duplexes were predominant and acceptable, but not currently legal (such as along Santos Road and Anchorage Street). Each of these two approaches would provide *one new path* to a legal apartment.

In summary, for a second apartment to be legal under the new policies, it would either have to comply with all existing density and zoning regulations, or comply with any one of five exceptions. The first three exceptions are already in existence and would be retained:

- (A) *If the apartment was built prior to zoning in 1962 and has been in continuous use, it is usually "legally non-conforming" under Section 34-3201 of the land development code and could continue in use until taken out of service.*
- (B) *If the apartment was built between 1962 and 1984, it needs to comply with all today's laws except the Lee Plan density cap of 6 units per acre and the floodplain (elevation) requirements.*
- (C) *If the apartment was granted a "special exception" under the terms of Section 34-177 of the land development code, then that approval would remain in effect. (This rule can only be used where a lot is large enough to meet the 6-unit-per-acre density cap.)*

The *two new paths* to a legal apartment created under the new policies would be:

- (D) *If the building is on a lot that is zoned for two dwelling units, and the two units comply with revised density caps as shown in this plan's new Future Land Use Map.*
- (E) *If the building's owner lives on the premises, and the second apartment is already in existence, and it complies (or can be made to comply) with building and floodplain regulations.*

These new policies are implemented through minor changes to the Future Land Use Map (as shown later in Figure 16) and through Policy 4-C-7. If an apartment could not meet the current regulations or any one of these five exceptions (A through E above), then it could not continue in use as a separate apartment.

## ***NEGATIVE EFFECTS OF FLOOD REGULATIONS***

Because of its barrier island location, Fort Myers Beach will continue to have its land uses shaped by state and federal regulations. Three programs in particular, Florida's Coastal Construction Control Line (CCCL), the National Flood Insurance Program (NFIP), and the state-mandated "coastal building zone," all will affect the evolution of Fort Myers Beach.

During the early formulation of this plan, three separate issues arose where these programs may have significant impacts:

- The CRA's Core Area Master Plan envisions significant mixed-use redevelopment along Estero Boulevard from Times Square to Pearl Street. A major portion of this plan calls for retailing at ground level, despite state and federal policies to elevate most new construction above expected levels of flooding.
- Some uncertainty remained as to how the major 1991 revisions to the CCCL are affecting the re-use of beachfront land on the entire island.
- Contrary to expected public policy, current regulations discourage landowners from making structural improvements to strengthen buildings against the constant threat from hurricanes.

Because of the importance of these issues, a careful examination was made of the intended and incidental effects of these state and federal programs. Although these programs don't allow much local variation, there may be some opportunities where alterations might further this comprehensive plan. At a minimum, the Town of Fort Myers Beach can avoid developing any policies that simply cannot be implemented because of state or federal regulations.

The impacts of these programs vary depending on the precise location of a parcel of land. Each program has a set of very specific maps or boundaries that delineate their regulatory

zones. In order to help interpret these programs, a detailed parcel-level map of Fort Myers Beach was created to reflect the most important zonal data from each program. Because of its scale, that map cannot be reproduced in this plan, but it is posted at Town Hall where it is available for use during meetings and also for review by the public.

The following discussions summarize the effects of each program on Fort Myers Beach.

### **Coastal Construction Control Line**

The state of Florida began regulating shoreline development in 1971. Along the beachfront, the state imposes stricter construction standards and measures to protect beaches in order to minimize damage to the natural environment, private property, and human life. The best-known state regulation is the designation of Coastal Construction Control Lines (CCCL), which are precise lines running just inland of barrier island beaches.

In 1978, the state established its first CCCL at Fort Myers Beach. With a few exceptions, new buildings could only be built on the landward side of this line. (Some existing buildings that lie at least partially *seaward* of that line are Pink Shell's Vacation Villas, Pier One, Ramada Inn, Lani Kai, Bahama Beach Club, Privateer Condo, and Leonardo Arms Beach Club.) Lee County's 1989 comprehensive plan incorporated the 1978 CCCL and forbade practically all development seaward of that line. (However, that policy has since been repealed.)

In 1991, the state established a new and very different CCCL. The new line averages about 200 to 300 feet landward of the 1978 line, often running right along Estero Boulevard. This new line came with quite different rules; it is definitely not a "line of prohibition." Instead the rules are more of a structural building code, administered by the engineering staff of the Department of Environmental Protection (DEP) in Tallahassee. In order to

receive a permit, a proposed building must be designed to withstand the physical force of wind and waves of a 100-year storm; the water pressure of being partially submerged during flooding; and the effects of surrounding soil being lost to erosion (in addition to all normal structural requirements for buildings).

These requirements are very strict and quite complex to understand. Coastal engineers are needed to assist the building's architect and structural engineer in designing such a structure. There is considerable judgment exercised by the DEP permitting staff, because the standards preclude any alterations to the coastal system "*measurably affecting the existing shoreline change rate; significantly interfering with its ability to recover from a coastal storm; [or] disturbing topography or vegetation such that the system becomes unstable, or suffers catastrophic failure. . . .*" [Florida Administrative Code 62B-33].

The state statutes also forbid construction anywhere that state projections suggest will be seaward of the high-water line after 30 years' of beach erosion (unless such a line would be further inland than the new CCCL). However, the state has never created comprehensive mapping of a 30-year high-water line; its rule defines this line as "the projection of long-term shoreline recession occurring over a period of thirty years based on shoreline change rate information obtained from historical measurements." The state determines where this line falls on a case-by-case basis when a landowner applies for building permits [Florida Administrative Code 62B-33.024].

In typical circumstances, there are several specific requirements that affect the use of the ground level below buildings that are seaward of the 1991 CCCL. No substantial walls or partitions can be placed below the first elevated floor. The only obstructions allowed below the first floor are stairways, elevator shafts, pilings, and "shearwalls" up to 20% of the building's width (and only when they are essential for structural integrity).

As strict as these rules are, they do not preclude many reasonable uses of land, as was feared by many property owners when the 1991 CCCL was adopted. However, buildings must be elevated, typically even higher than buildings elsewhere on the island, and be extremely well-built (hence expensive). High-rise condominiums and hotels, as well as expensive single-family homes, can be built under these rules.

Because of these requirements, however, the only possible way to have ground-floor retail space might be to locate it on the landward side of the shearwalls. The result would be, at best, a discontinuous street frontage because of the 20% rule, hardly conducive to "window shopping" and general pedestrian amenity. The net result appears to be that, under current regulations, new or improved pedestrian-oriented ground-level retailing and restaurants are impractical seaward of the 1991 CCCL except where buildings already exist. The areas so restricted include most of the Gulf side of Estero Boulevard across the entire island (but very little of the Bay side).

One possible alternative to this conclusion might be for the Town of Fort Myers Beach to seek an interpretation or rule change from the state that would allow the 20% to be calculated differently, for instance *across the entire island*. Under this scenario, the town would commit through its comprehensive plan to maintain the current restrictions against high-intensity development along a significant portion of the beachfront, in exchange for some leniency that would allow some new buildings at ground level in designated pedestrian zones.

A similar situation was faced in the community of Long Branch, New Jersey. Long Branch was for many years a very popular beach resort outside New York City, but has fallen into a state of considerable blight. A redevelopment plan for its core area faced severe constraints from state coastal regulations. Long Branch

city officials have been able to reach an agreement with state regulators to substitute their redevelopment plan for the state review process for that specific area. It is possible that a similar approach might be considered for Fort Myers Beach. (Florida's coastal program emphasize beach protection and strength of buildings, however, rather than New Jersey's emphasis on open space and public access to the beach.)

**National Flood Insurance Program**

The National Flood Insurance Program (NFIP) is a federal program that establishes minimum construction standards to reduce future damage from flooding. It was begun in 1968 as a nationwide system of flood insurance for designated flood-prone areas (where there is a 1% chance of serious flooding each year). Each area is studied to produce a map that indicates how high flood waters might rise, which is known as the “base flood elevation.” Local governments then adopt regulations to reduce the impacts of future flooding. In exchange for these regulations, property owners can obtain flood insurance that is guaranteed by the federal government. The most important regulation is that the lowest floor level of most new and improved buildings must be raised above the base flood elevation. The base flood elevations are shown on a series of official Flood Insurance Rate Maps.

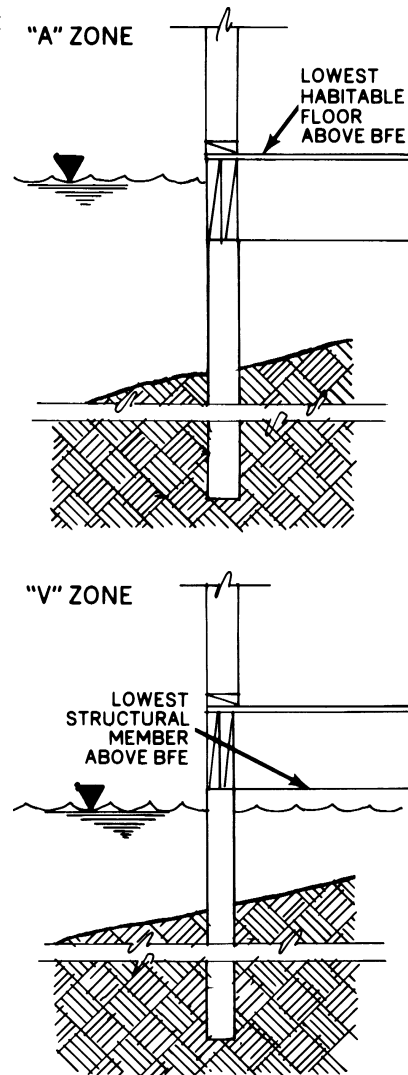
There are basically two types of flood zones at Fort Myers Beach. The first are called “A-zones,” defined as areas subject to rising water from coastal flooding. Base flood elevations in the A-zones vary across the island, ranging from 11 to 14 feet above mean sea level. The finished level of the first floor must be at or above this height (see Figure 3).

For residential structures, fill or exterior walls are allowed below the first floor level, but any walls must be designed to preclude finished living space and to allow floodwaters to flow freely. Parking is permitted; interior partitions are not. (Non-residential structures will be discussed later.)

The second flood zone is a “V-zone” or velocity zone, defined as areas subject to wave action on top of the rising water from coastal flooding. V-zones are found immediately along the Gulf of Mexico and inland as far as Estero Boulevard at some locations. Base flood elevations for new buildings in V-zones range from 15 to 19 feet and are measured to the bottom of the floor structure, causing new buildings to be somewhat taller there (see the lower drawing in Figure 3). Fill or solid construction is not allowed below minimum floor elevations in any buildings except for pilings, stairwells, or “breakaway” walls that will wash away during flooding. About 16% of the land at Fort Myers Beach is in a V-zone (257 acres); all of the remainder is in an A-zone.

Since the 1970s, flood-prone communities have been required to adopt these regulations in order for their residents to qualify for federal flood insurance. Federally insured lenders cannot provide mortgages in these communities on property that does not have flood insurance. As a result, almost no flood-prone community can exist without participating in the NFIP, since few private companies offer comparable flood insurance.

NFIP inspectors visit local governments every year to assess their enforcement of these codes. Any variances to these codes are strictly scrutinized to



**Figure 3,** “Base flood elevation” requirements in “A” and “V” zones

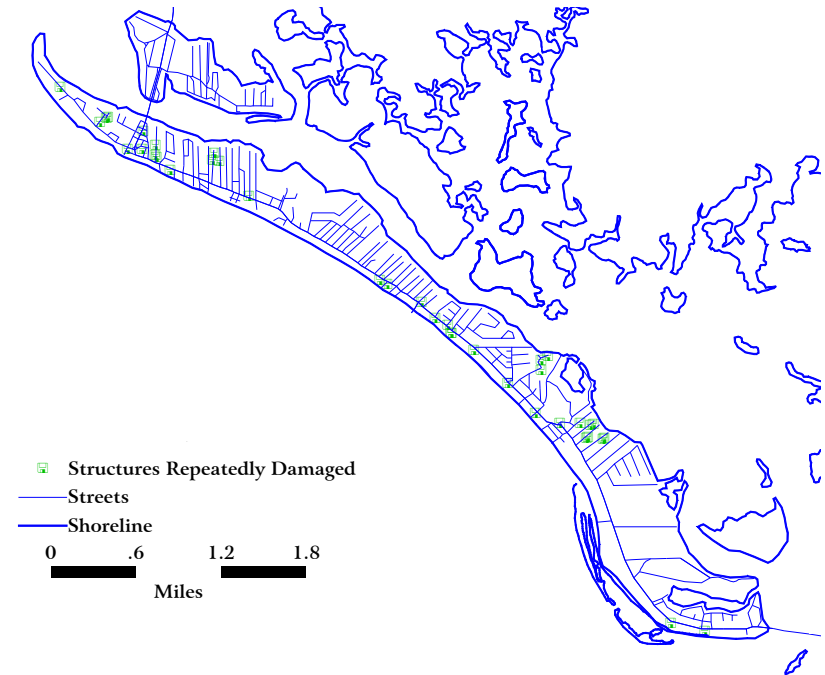
determine if they might jeopardize the community's continued participation in the NFIP.

Lee County began participating in the NFIP in 1984 immediately after all of its coastal areas were mapped. Fort Myers Beach was covered under the county's program until the end of 1996, at which time it began the process of joining the program on its own. The previous Lee County regulations are currently in effect in Section 6-401 through 475 of the Fort Myers Beach Land Development Code; the town now has the responsibility for modifying and updating them.

As to residential buildings, these rules have become a fact of life in all coastal communities. They cause a hardship to many elderly people who have difficulty climbing the required entrance stairs in homes; they often create a strange pattern in neighborhoods with old and new houses; and they reduce the desirable connection between indoor living space and Florida's pleasant outdoors. However, these factors are generally outweighed by the desirability of keeping new homes out of harm's way during recurring floods. There is little prospect or reason for changing this development pattern as it applies to *new homes*.

### **Properties Repeatedly Damaged By Flooding**

A number of structures within the town have experienced damage as a result of past floods. Lee County considered a program to identify individual buildings that have been repeatedly damaged by flooding, as evidenced by claims under the National Flood Insurance Program (NFIP) of \$1,000 or more since 1978. If damaged again by more than 20% of their value, these buildings would have to be brought into compliance with current standards for new construction before other major improvements were made to the building. However, those regulations weren't adopted because the extreme costs to a few homeowners did not justify the potential benefits.



**Figure 4, Repeated Flood Damage**

That program identified the properties in Figure 4 (as described in more detail in the Coastal Management Element of this plan). No meaningful pattern appears on the map that would suggest neighborhood-wide flooding remedies. Of particular interest, however, is that none of the floods that caused considerable damage at Fort Myers Beach in the past 15 years were even minimal hurricanes; in fact two weren't even strong enough to be considered tropical storms.

Lee County is conducting a detailed assessment of the costs of improving the buildings in the unincorporated area that have been repeatedly damaged by flooding. The county hopes to obtain 75% federal funding for many of the actual improvements. If the county is successful, the town may be able to qualify for a similar grant.

## Hazard Mitigation Through Development Regulations

There are two areas where current floodplain regulations may conflict with good planning practice and other public goals.

The concept of hazard mitigation has become a high priority in the field of emergency management in recent years. Essentially, this kind of mitigation means *actions to prevent, avoid, or reduce the impacts of a hurricane*, especially actions that can be taken in advance to reduce the vulnerability of people and property to injury from a hurricane or tropical storm.

Yet some current floodplain regulations actually work *against* pre-storm hazard mitigation. This was acknowledged recently by James Witt, director of the Federal Emergency Management Agency (FEMA), who said that his agency's current approach:

*“does not provide incentives to take proactive mitigation actions. With the exception of the flood program where it is required in return for insurance, our current approach only provides for mitigation after there has been a disaster. We need to consider a more comprehensive strategy for mitigation, especially in the pre-disaster environment.”*

A recent publication from the Florida Department of Community Affairs (DCA) quoted Mr. Witt approvingly on this matter, and went on to observe that:

*“Retrofitting and flood mitigation are integral to floodplain management. However, they are also excellent forms of pre-disaster activities that involve undertaking and performing corrective and preventive measures to existing houses and businesses, electrical and mechanical equipment and water and sewer lines, as well as land areas” [Retrofitting and Flood Mitigation in Florida, DCA, 1995].*

DCA is taking this concept to great lengths, recognizing that post-disaster property damages can be dramatically lowered by modifying existing structures. DCA proposed a “residential

construction mitigation program” to the legislature in 1997. This program would help lower-income residents to retrofit their homes to increase their safety and protect their investments *before* a disaster occurs, using low-interest loans or grants as an incentive to structurally harden their homes against damage [*Breaking the Cycle: How Starting on Long-Term Redevelopment Can Help Florida Avoid Economic Disaster*, DCA, 1996]. The legislature appropriated \$3.1 million from their Catastrophic Hurricane Fund for a pilot program in 1997-98 and an additional \$2.5 million in 1998-99.

Unfortunately, these insights have not percolated to the level of some program administrators in these very agencies, resulting in the ironic situation of DCA using public funds to *subsidize* an activity that is actually restricted by existing laws and interpretations.

For instance, the current floodplain regulations that are required by federal law contain disincentives against improving older homes. Homes built in Lee County before 1984 were not required to be elevated above the base flood elevation. Since then, elevation requirements have been enforced for new homes (and for “substantial improvements” that cost more than 50% of an existing home's market value) through the building permit process. This is one example of the “50% rule” that causes so much difficulty for owners of older buildings when they are trying to maintain and upgrade their property.

The 50% threshold was chosen as a compromise between the extremes of (1) prohibiting all investment to older structures built below the base flood elevation, or (2) allowing buildings to be improved in any fashion without regard to the hazard that would be perpetuated by allowing these buildings to be renewed indefinitely without being elevated above the level of expected floods. The first alternative would have caused an extreme hardship on owners of nearly all existing buildings, since even normal deterioration could not be countered. The second alter-

native would have allowed uncontrolled continuation of a perilous situation, with buildings and people left in harm's way indefinitely. The 50% threshold is thus a compromise between competing policy goals [Answers to Questions About Substantially Damaged Buildings, FEMA, 1991].

The 50% rule is analogous to the standard zoning principles governing non-conforming buildings. Put most simply, older buildings that don't meet today's codes are legally tolerated but are expected to "wither away" over time. This withering is encouraged by rules that prevent owners from constantly renewing their buildings to counter the effects of time.

Owners of older buildings frequently rebel against the concept of forcing the deterioration of their property. Many local governments also have begun to question the wisdom of this theory, especially in light of its negative effects on affordable housing and on historically interesting buildings and neighborhoods. This questioning sometimes results in what seems to be innocuous changes to the minutiae of zoning law, changes though that mean survival or destruction to many older buildings.

These changes have moved forward in Lee County government in recent years. "Non-conforming buildings" now can be expanded (provided the addition does not increase its nonconformity). Buildings in historic districts are now provided with relief from some zoning and building codes. Redevelopment overlay districts provide new rules that are conducive to the survival and rebirth of older commercial areas. And the 50% rule in the floodplain ordinance was changed in 1992 so that the 50% applied to cumulative expenses over a five-year period, rather than over the life of the building.

Two more simple changes could be made to the floodplain ordinance to encourage healthy investment in older buildings at Fort Myers Beach. One is to provide more flexibility in determining "50% of what?" A property owner can be given the option of

using the official appraised value of the building, or of submitting an independent appraisal of its value.

Another valuable change would be to exempt structural improvements that will strengthen a building before a hurricane hits (rather than waiting to provide disaster aid or expedited permitting to repair damage that could have been avoided). Such a policy would allow property owners to strengthen their buildings by installing storm shutters or shatterproof glass; strengthening roof attachments, floors, and walls; and minor floodproofing. One way the town can encourage strengthening by excluding these costs from the 50% rule.

The following language could be inserted into Section 6-405 of the Land Development Code to accomplish both changes:

*Substantial improvement* means any reconstruction, rehabilitation, addition or other improvements to a structure, the cost of which equals or exceeds, over a five-year period, a cumulative total of 50 percent of the market value of the structure before the start of construction of the improvement. Costs of alterations or improvements whose express purpose is the mitigation of future storm damage are excluded from this cumulative total provided they do not exceed 50 percent of the market value of the structure over a one-year period. Examples of such mitigation include the installation of storm shutters or shatterproof glass; strengthening of roof attachments, floors, and walls; and minor floodproofing. The market value of the structure should be (1) the value of the building prior to the start of the improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. Value will be as determined (for the structure only) by the Lee County Property Appraiser or by a private appraisal acceptable to the coordinator. ~~Theis~~ term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions, or any alteration of a historic structure, provided that the alteration does not cause the structure to lose its historic designation.



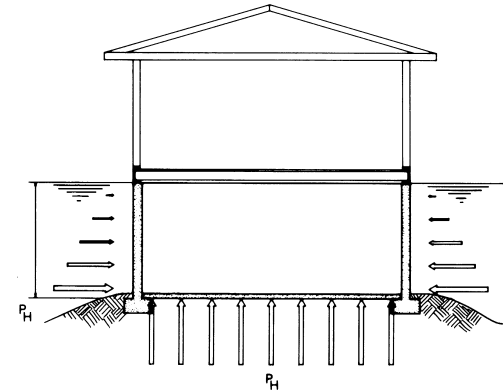
**Commercial Buildings**

The floodplain regulations for commercial buildings are not identical to those for residential uses. In A-zones, commercial buildings are technically allowed to include space below the base flood elevation. However, their outer walls must then be “dry floodproofed” so as to be impervious to water and able to withstand complete inundation without collapsing. This is done by sealing the building walls with waterproofing compounds and some type of impermeable shielding over doors and windows to prevent floodwaters from entering at any point.

Dry floodproofing is difficult to achieve because of the obvious expense of making a building also act as an unfloatable boat. It is difficult enough to keep all water out; it is even more difficult to make a building strong enough to withstand the water pressure that will be caused by inundation, which will tend to collapse the building inward. Dry floodproofing has been considered relatively easy for concrete block construction up to a flood depth of about three feet, but difficult beyond that height because the pressure that standing water will exert on the floor and walls (see Figure 5). The first dry-floodproofed building at Fort Myers Beach is the new Waffle House restaurant between Crescent Street and Primo Drive.

Alternatively, the lower area can be “wet floodproofed” with flood waters being allowed to enter and exit the building without damaging the structure. “Wet floodproofing” is suitable for garages but obviously not feasible for stores and offices.

HYDROSTATIC PRESSURES BY WATER DEPTH	
HEIGHT (H)	P <sub>H</sub> (LBS./SQ. FT.)
1	62.4
2	124.8
3	187.2
4	249.6
5	312.0
6	374.4
7	436.8
8	499.2
9	561.6
10	624.0



**Figure 5,** Hydrostatic pressures on a dry-floodproofed building

**Coastal Building Zone**

The State of Florida now requires its local governments to designate a “coastal building zone” which includes all of Estero Island. Several stricter standards are mandated for this zone, including: maintenance of public accesses to beaches; increased resistance of new buildings to high wind speeds; and disclosure statements to purchasers of property seaward of the CCCL. For present purposes, there is one troublesome provision, the apparent inclusion of the 50% rule in the state statutes through a definition of “substantial improvement” similar to the one required by FEMA [F.S. 161.54(12)]. Because of its inclusion directly in the statute, it is less amenable to refinements to carry out desired coastal policies at Fort Myers Beach. Interestingly, while being defined, this term is never explicitly used in the statute.

Lee County’s Land Development Code was amended in 1991 to implement this statute (through Section 6-331 through 368). Lee’s code explicitly makes the stricter standards apply to all new construction and to “substantial improvements” to existing buildings, using the definition just discussed from the state statute. Still, the purpose of this term in this context is not clear.

State officials who monitor local compliance with state and federal coastal regulations have suggested that this definition is mandatory for flood insurance purposes everywhere in the coastal building zone. However, this is only one possible interpretation of the statute, and not the obvious one; it also conflicts with the hazard mitigation initiative of the very agency that employs these officials. The Town of Fort Myers Beach can choose a different interpretation to allow flood-vulnerable buildings to be mitigated.

### **Consequences for Redevelopment Planning**

Returning now to the most important planning issue that led to this examination of the effect of coastal regulations on future rebuilding: What is the impact of mandatory flood regulations on the CRA Times Square redevelopment plan, especially the portion of this plan that calls for mixed-use development with retailing at ground level along Estero Boulevard from Times Square to Pearl Street? (That redevelopment plan is described in the Community Design Element.)

There are two separate impediments to implementing the CRA plan: uncertainties caused by the “dry floodproofing” requirements in the NFIP’s A-Zones, and the regulations for new buildings seaward of the CCCL.

The question is whether either of these requirements will prohibit the successful rejuvenation of Times Square, Old San Carlos Boulevard, and the Estero Boulevard frontage down to Pearl Street. It is important to determine whether it is technically and financially feasible to rebuild a high-quality pedestrian environment there. The University of Florida’s study for the CRA had suggested elevating retail spaces *above* the flood elevations, rather than dry floodproofing; but that approach poses many practical problems of its own (unless the existing small lots were consolidated and redesigned to accommodate an elevated system of boardwalks). If neither of these approaches are feasible, then

existing buildings will continue to deteriorate, or will be rebuilt incrementally outside the current regulations (endangering the town’s participation in the National Flood Insurance Program), or will be redeveloped in some presently unforeseen manner.

The following conclusions have been drawn from this analysis and an examination of the maps depicting the various regulatory zone:

- The flood-insurance prohibition against any new ground level enclosures in the V-zone will have only minor effects on carrying out the CRA master plan because only a few buildings, such as the Pier Peddler/Dairy Queen, are in the V-zone. (However, the V-zone covers almost all of the Gulf side of Estero Boulevard from the Red Coconut to the Catholic Church; it would not be practical to include any of those areas in an expanded master plan for pedestrian-oriented commercial space.)
- The flood-insurance requirement to dry floodproof all new ground-level commercial space in A-zones applies across the remainder of the CRA master plan. The only significant difference is the specific elevation that floodproofing must extend up to: 14 feet above mean sea level in Times Square and the Gulf side of Estero Boulevard; and 12 feet along Old San Carlos. With existing ground levels averaging about 6 feet above sea level, this would mean dry floodproofing up to 8 and 6 feet above ground level respectively. This distinction would improve the technical feasibility of dry floodproofing (making it less expensive to accomplish along Old San Carlos).
- The CCCL is a bigger impediment than the flood insurance requirements to commercial redevelopment along the Gulf side of Estero Boulevard. Unless the state of Florida is willing to look at this new plan for Estero Island as a whole, the 20%-per-parcel rule will preclude much of the lively streetscape envi

sioned in the CRA master plan, and ultimately could phase out most ground-level activity on the Gulf side of Estero Boulevard.

- If such changes to the CCCL regulations cannot be obtained, Old San Carlos and the Bay side of Estero Boulevard would become the most practical locations for commercial redevelopment.
- Full-height dry floodproofing is the most desirable alternative for providing commercial uses at ground level in pedestrian areas; the only remotely practical alternative is the University of Florida's elevated walkway concept, which is less desirable because it requires an expensive walkway system which detracts from, rather than adds, to the sidewalk environment.

Formal hazard mitigation policies are found in Policies 4-E-2, 4-E-3, 4-E-4, and 4-E-5 of this comprehensive plan.

## ***POST-DISASTER REDEVELOPMENT POLICIES***

When a passing hurricane destroys part of a community, difficult rebuilding questions arise immediately. Landowners have spent thousands and sometimes millions of dollars in developing their property. Not allowing landowners to rebuild would place a great economic burden upon them. But allowing redevelopment in the same manner might expose it to destruction in the next big storm.

### ***Current Build-Back Policy***

The current comprehensive plan contains a “build-back” provision initiated by Lee County in 1989 that allows post-disaster reconstruction at existing density levels, but requires improved resistance to future storms. This provision has been popular among landowners at Fort Myers Beach because of the greatly reduced density levels that would otherwise apply after a major storm. However, it falls far short of a redevelopment plan that would ensure that the community would be improved in other ways during the inevitable rebuilding process.

If a disaster strikes, structures that comply with all current regulations could of course be rebuilt in exactly the same form. However, many buildings at Fort Myers Beach do not comply with current regulations, particularly the maximum density level of six dwelling units per acre. When one of these structures is damaged greater than 50% of its current value, the build-back policy allows it to be rebuilt, but instead of meeting *all* current regulations, the new building can include the original number of dwellings and square footage. But it must meet all current flood, structural, and coastal setback requirements. The lowest floor level must be elevated; land uses are severely limited on the ground level; and break-away walls may be required. (Height and setback requirements might even be waived if needed for the building to comply with the new flood and structural requirements.)

One problem with the build-back policy is its limitation to post-disaster situations (such as floods, wind damage, or fire). Federal and state policy has been shifting in recent years to pre-storm mitigation of known hazards, instead of waiting for disasters to occur (as discussed in the previous section). The current policy is as inflexible in this regard as the National Flood Insurance Program.

Other possibilities for improving the build-back program in the future include:

- Mandating improved building form during the rebuilding process (some examples might be maintaining view corridors to the Gulf of Mexico, or allowing some mixed uses in residential-only towers, or placing buildings nearer the street).
- Allowing density transfers during the rebuilding process if they meet some stated public purpose.
- Creating a registry of pertinent building details (such as exact heights and exact building footprint on the ground) so that permitting would be eased in a post-disaster situation;

### ***Modified Build-Back Policy***

This plan makes one immediate change in the build-back policy. Owners of existing buildings that exceed the current density or height limits would no longer be categorically forbidden from rebuilding; they will be offered an opportunity to replace the building for the same use at up to the existing density and intensity (up to the original square footage, as already provided for post-disaster build-back) without waiting for a natural disaster (see Policy 4-E-1). Owners would request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The Town of Fort Myers Beach would approve, modify, or deny this request based on the conformance of the specific proposal with

this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria.

The town could also provide additional incentives for "pre-disaster" build-back. For instance in areas designated "Pedestrian Commercial" on the future land use map, dry-flood-proofed commercial space below elevated buildings could be considered a bonus that would be permitted in addition to replacing the previous building's interior square footage. Policy 4-E-1 was modified in early 2009 to allow this additional incentive.

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## ***HISTORICALLY HIGH DENSITIES***

Constant concerns at Fort Myers Beach include the excessive crowding during the winter and fears over the ability to evacuate the island when a hurricane approaches. Existing development was approved without regard to the adequacy of the road system (although the impacts of tourism and day visitors are an equally important factor in winter crowding).

### **Multifamily Densities**

The density of multifamily development at Fort Myers Beach averages 17.2 units per acre (in 1996, 5,269 units, including duplexes, on 305.5 acres). Table 4-1 provides the densities of several multifamily developments across the island.

**Table 4-1 — Multi-Family Densities**

<b><i>Name</i></b>	<b><i>Address</i></b>	<b><i># of dwelling units</i></b>	<b><i># of total acres</i></b>	<b><i>units per acre</i></b>	<b><i>stories tall</i></b>
Marina Towers	8401 Estero	63	2.77	<b>23</b>	9
Sun Caper	7930 Estero	69	2.75	<b>25</b>	10
Leonardo Arms	7400 Estero	180	6.28	<b>29</b>	7
Ocean Harbor	4741 Estero	150	9.70	<b>15</b>	16
Caper Beach Club	2810 Estero	103	1.27	<b>81</b>	12
Batiki West	1511 Estero	60	1.86	<b>32</b>	7
Pink Shell Beach Club I	327 Estero	15	0.83	<b>18</b>	7

At the older (northwest) end of the island, existing development has achieved a desirable level of “compactness” which allows people to move comfortably about without driving everywhere. Yet the south end of the island has not done so despite higher densities there.

Compactness is not the same as density. Compact development can occur with densities as low as four units per acre if homes aren’t stacked vertically and if driveways and garages do not dominate the street side of houses and businesses.

High-rise buildings surrounded by ground-level parking lots can almost never achieve compactness, because higher densities are translated into taller buildings requiring ever larger parking lots. “Compact” high-rise development would require extensive public transportation and parking garages to avoid separating buildings so widely that compactness is lost.

Without compactness, high densities require an advanced system of highways and parking facilities to accommodate most movement by car. Parking each car requires 275 square feet (counting aisles and driveways). That same car takes up as much road space as 40 bus passengers or 12 bicyclists. The wide highways and large parking lots needed for “automobility” create barriers to movement by all other modes of travel.

The following section examines specific density issues for hotels and motels.

### **Hotel and Motel Densities**

Until a 1997 interim change, town regulations allowed up to three hotel/motel units in place of each regular dwelling unit. This ratio is substantially lower than the county’s rules in effect until 1994, which allowed convention hotels at 50 rooms per acre, but it is still a high ratio given the overcrowded conditions at Fort Myers Beach.

This section provides some history as to how this issue has been treated in the past, and outlines an alternate plan for future hotels and motels.

At Fort Myers Beach there is only a slight distinction between motels and some other types of accommodations for tourists. The Land Development Code must make a clear distinction, however, if it provides a density multiplier or bonus for motels. Current regulations define a motel (or hotel) as:

*a building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms*



*which are kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants.*

In order to qualify for density multipliers, motels also must be registered with the state and must pay Lee County’s tourist development tax. Hotels and motels are further divided into “efficiency motels” (primarily for tourists) and “business motels” (all others).

Limited kitchen facilities are allowed in efficiency motels, but they may not be as extensive as a separate room. A building that looks like a motel but does not meet all of these tests is treated by current regulations as multifamily housing, and is therefore subject to much stricter density regulations.

A new motel (or hotel) that qualifies under the current zoning regulations can have substantially more rental units than would be allowed for multifamily housing. Under the current rules, a minimum of three “business” hotel/motel units are guaranteed for each *one* regular dwelling that would otherwise be allowed (in zoning districts where motels are permitted); this ratio is two for one for “efficiency” motels. With a maximum number of new dwelling allowed under the comprehensive plan of 6 units per acre, 18 hotel or motel units can be built. In addition, a land-owner can request higher densities yet during a planned development rezoning (with no maximum cap), provided that the Town Council finds that the higher density would be “compatible with the surrounding area.” (Due to concerns over these density multipliers, they were suspended by ordinance in late 1997 pending the completion of this comprehensive plan.)

These density multipliers were established by Lee County in 1994, when it repealed the previous rule that categorized hotels and motels into three types: transient (25 units per acre); efficiency (2.5 units for each multifamily dwelling unit); and convention (50 units per acre).

Lee County has since added new restrictions on motel densities in the unincorporated area, eliminating the dubious distinction between efficiency and business motels in favor of density ratios based on the actual floor area of each rental unit, regardless of unit type. For *each* allowable dwelling unit, the following number of new hotels and motels will be allowed:

- Three rental units under 425 square feet; or
- Two rental units under 725 square feet; or
- One rental unit over 725 square feet.

However, if approved through a planned development rezoning, even higher ratios may be approved, “provided all other aspects of the development (height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area.”

To illustrate the numerical densities with actual examples, Table 4-2 provides official data on the density of a selection of existing motels at Fort Myers Beach.

**Table 4-2 — Hotel/Motel Densities**

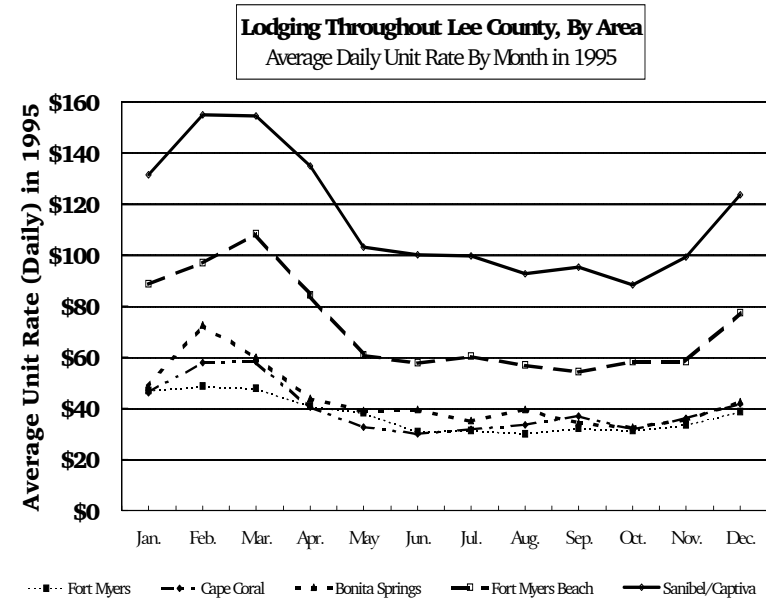
<u>Name</u>	<u>Address</u>	<u># of rental units</u>	<u># of total acres</u>	<u>rental units per acre</u>
Lani Kai Island Resort	1400 Estero	100	0.98	<b>102</b>
Ramada Inn	1160 Estero	70	0.87	<b>80</b>
Lighthouse Island Resort	1051 5 <sup>th</sup> St.	40	0.72	<b>56</b>
Outrigger Beach Resort	6200 Estero	144	3.92	<b>37</b>
Days Inn	1130 Estero	33	0.98	<b>34</b>
Best Western	684 Estero	75	2.87	<b>26</b>
Buccaneer Resort Inn	4864 Estero	25	0.98	<b>26</b>
Holiday Inn	6890 Estero	103	3.91	<b>26</b>
Neptune Inn	2310 Estero	65	2.86	<b>23</b>
Sandbar Resort	5480 Estero	12	0.61	<b>20</b>
Carousel Motel	6230 Estero	26	1.52	<b>17</b>

In 1996 there were about 1227 motel rooms in the town of Fort Myers Beach using a total of 32.3 acres of land, yielding an average density of 38 rooms per acre. This is more than double the average multifamily density of 17.2 dwelling units per acre.

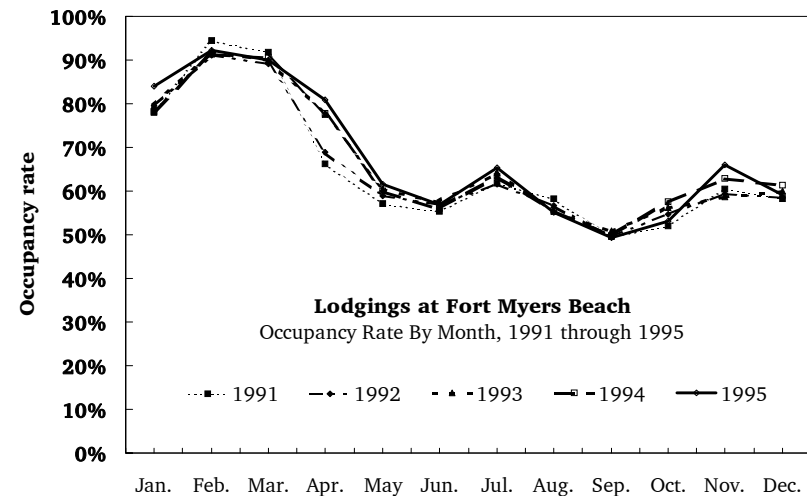
Since adoption of the 1984 Lee Plan, the density of new multifamily buildings has been limited to 6 dwelling units per acre, quite low compared to the average *existing* multifamily density. Much of the multifamily development that has taken place since 1984 has taken advantage of pre-1984 approvals or court orders (for example, at Bay Beach and Gullwing). Because of the substantial density multipliers that Lee County has allowed for motels and the continued demand for short-term rental units, landowners without vested approvals or court orders are being provided an incentive to build motels instead of condominiums.

An unanswered question is the economics of renting motel rooms versus renting full dwelling units (with kitchens and bedrooms). Conflicting testimony has been presented on this question during the preparation of this comprehensive plan. Some have asserted that the rental market for condominiums (or suite-type motel units) is poor relative to the supply; and others have stated that full-sized condominiums remain the best and most profitable rental market at Fort Myers Beach.

Two charts illustrate pertinent tourism data collected by the Lee County Visitor and Convention Bureau. Figure 6 shows occupancy rates by month for the past five years (for motels, hotels, and other short-term rentals). A slight “flattening” of the February-March peak season is evident, along with the strengthening of tourism during November, January, April, and May. Figure 7 compares the 1995 average daily rates with other parts of Lee County, with Fort Myers Beach remaining well below Sanibel and Captiva but above Fort Myers, Cape Coral, and Bonita Springs.



**Figure 6, Comparative lodging rates**



**Figure 7, Occupancy rates at Fort Myers Beach**

Several Florida coastal communities were surveyed to determine how they regulate motel densities.

The city of Sarasota allows unlimited hotel and motel units anywhere in their downtown; multifamily units are also allowed there at 50 dwelling units per acre. Sarasota also allows motels by special exception in several of their higher-intensity multifamily districts (those allowing up to 18 through 35 dwelling units per acre). Two hotel or motel units are allowed for each dwelling unit.

The city of Deerfield Beach allows hotels and motels by special exception in its highest-intensity multifamily district, which allows up to 25 dwelling units per acre. If approved, motels may have up to 38 units per acre.

The city of Sanibel has what might be called a *reverse multiplier* for all resort housing (which includes motels and any other units that can be rented for less than 4 consecutive weeks). In its highest density category, 5 regular dwelling units are allowed per acre, with an assumed capacity of 2.2 persons per unit. Where resort housing is allowed, its density is calculated to maintain the same *presumed number of persons*. This is an attempt to gauge the relative impact of varying housing types by projecting the number of residents, rather than by measuring the physical size or other measure of impact. Table 4-3 shows Sanibel's presumed average rates, and the resulting density multiplier.

As a consequence of Sanibel's low multifamily density cap and its "reverse" multiplier, only one new motel has been built in the 20+ years since incorporation, and it was not a financial success. A similar approach might cause the same result at Fort Myers Beach.

**Table 4-3 — Sanibel Density Multipliers**

<i>Type of Resort Housing Unit</i>	<i>Presumed Average Occupancy Rate</i>	<i>Calculated Multiplier</i>
Motel rooms and 1-bedroom units up to 600 sq. ft.	2.5 persons per unit	0.88
2-bedroom units	3.5 persons per unit	0.63
3-bedroom units	4.25 persons per unit	0.52
4-bedroom units	5.0 persons per unit	0.44

In summary, density multipliers for motels are not universally used. Where high densities are allowed for multifamily units, multipliers aren't necessary. Where density caps are relatively low (such as Sanibel and Fort Myers Beach), some positive density multiplier will be needed if new and refurbished motels are to play an important role in the community. However, it is clear from recent history that density multipliers that are too high will result in buildings that will overwhelm the small-town character of most of Fort Myers Beach.

The current single density cap across the entire island could lead to a situation where attempts to protect quiet residential neighborhoods could stifle the tourism economy in the main business district. Since most communities do not put density multipliers for motel rooms in their comprehensive plans, they could be contained in the Land Development Code, for instance by having lower density multipliers for motels in multifamily zones than for those in commercial zones. (Note that *new* motels are not allowed in multifamily zoning districts, but *existing* motels there may be completely rebuilt at up to whatever density is currently allowed.)

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 guest units (which include 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.

## BUILDING HEIGHTS

One of the legacies of the changing regulatory climate is the wide variety of building heights at Fort Myers Beach. Tall high-density housing became popular in the 1970s after a second bridge was built at the south end of the island. After 1984, high-density buildings were no longer allowable (although several are still being built due to vested development orders, court orders, and Lee County's pre-incorporation approval of a large convention hotel).

Tall buildings never became illegal, but the lower density limits imposed in 1984 made them impractical in most circumstances. In 1997 the Town Council imposed an interim height cap of two stories about the lowest habitable floor:

*"No building or structure shall be erected or altered so that the height exceeds two stories above the lowest habitable floor; however, in no case shall a building or structure be erected or altered so that the highest point of an exterior wall, exclusive of the roof system, exceeds 25 feet above the base flood elevation."*

This action was taken because the Local Planning Agency was studying several types of height restrictions while preparing this comprehensive plan. The Town Council wanted to ensure that new highrises would not be issued building permits while this plan was being completed.

The LPA inventoried the height of existing buildings along all of Estero Boulevard as part of their research; a sample of this inventory is shown in Figure 8. From that inventory, a 3-D map was created that depicted all buildings along Estero Boulevard that were four stories or more *above ground*, with their actual shapes and relative heights (see a portion of that map in Figure 9). This map allowed an easy visualization of the location and concentration of existing tall buildings.

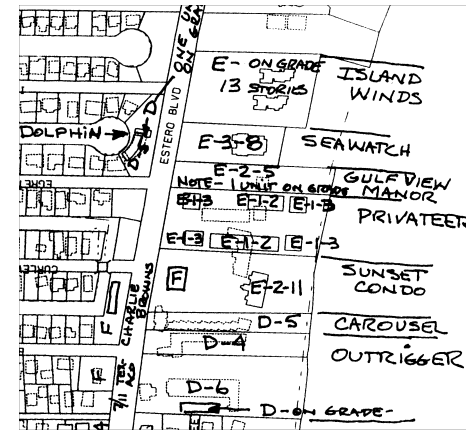


Figure 8, Sample of inventory data



Figure 9, Resulting three-dimensional map

In evaluating the effects of new height regulations, at least five different situations were considered:

1. Totally new development on one of the few vacant sites.
2. Replacement of existing buildings to *increase* intensity on a site.
3. Redevelopment of a deteriorating or obsolete building (often retaining the exact intensity of the existing building).
4. Redevelopment that actually *reduces* intensity in some way.
5. Development approvals that have vested rights and cannot be altered.

Several different concepts were considered for new permanent height restrictions:

- **Height districts:** two or more districts (encompassing all of the island) with different height limits. The purpose would be to ensure that new buildings on most of the island will not be high-rises, but to allow some taller buildings in delineated areas where a high-rise patterns had been firmly established. Two reasons for doing this would be to allow

older tall buildings to be replaced once they become obsolete, and to provide a measure of fairness for a few remaining parcels that are virtually surrounded by high-rises. The public policy behind these height districts would be clearly articulated so that they wouldn't be characterized as illegal "spot-zoning."

- **Single height limit:** a single height cap, but varied according to some new type of vesting based on existing building types. This would resemble the current buildback rules, but would apply to voluntary rebuilding as well. Under this approach, existing tall buildings could be replaced at the same height (or somewhat higher or lower), but *no* new tall buildings could be built.
- **Designated infill parcels:** allow some taller buildings between existing tall buildings by defining eligible infill parcels in words rather than on a map (for instance, "parcels with existing tall buildings within 200 feet on two or more sides"). These new buildings could be capped at a percentage of nearby buildings (for instance, no more than 75% as tall as the shorter of the two nearby buildings).

In each case, the analysis assumed that the sandy beach would no longer be calculated as if it were developable acreage, and motel densities were to be adjusted to appropriate levels (see previous discussion).

New regulations for Fort Myers Beach could also allow extra height in exchange for public amenities, for instance for providing a view corridor to the water, or a beach access point, or a trolley stop (if one is appropriate there).

The 3-D map of existing tall buildings was analyzed to determine the feasibility of the height district concept. The analysis showed only a very few parcels that were surrounded by tall buildings

that would be severely restricted if the 1997 interim height regulation were applied there.

As a result of that analysis, the height district concept was put aside in favor of a case-by-case analysis. This plan will result in a new provision being added to the Fort Myers Beach Land Development Code to address these special situations (see Policy 4-C-4). A height limit similar to the 1997 interim change will be maintained, but an opportunity will be provided to owners of existing parcels that are so surrounded by tall buildings that it would be grossly unfair to apply the new height limit. Owners in this situation will be offered an opportunity to modify the height cap through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The Town of Fort Myers Beach would approve, modify, or deny this request based on the conformance of the specific proposal with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing the building to be taller. (This case-by-case approach is very similar to the new provision being added to the build-back policy, as discussed earlier.)

## **COMMERCIAL EXPANSION**

Successful resort communities attract increasing numbers of merchants who cater to tourists and day visitors. Residents often fear that commercial development will continue to expand into previously residential areas and result in more commercial space than is needed to serve the peak capacity of residents and visitors.

New commercial establishments can interfere with the “private realm” of a community (the personal spaces in and around homes and condominiums). At the same time, these establishments often contribute little or nothing to a community’s “public realm,” which includes streets, sidewalks, and plazas where residents and visitors interact. The town can insist on the protection of its private realms and the enhancement of its public realm when evaluating proposals for new commercial development.

### **Current Commercial Regulations**

Under Lee County rules that are still in use at Fort Myers Beach, new commercial development can take place only when it is on land that is properly zoned *and* when the proposed development is consistent with the comprehensive plan. This “plan consistency” requirement was added in 1984 in an (as yet uncompleted) effort to resolve decades of overly generous zoning decisions throughout Lee County. This effort has led to the unfortunate interim situation where a parcel may be zoned for wide variety of commercial uses but whose use in fact is significantly restricted by the comprehensive plan. This uncertainty confuses landowners, prospective purchasers, and adjoining owners almost equally.

The current comprehensive plan designates privately owned land at Fort Myers Beach into one of two categories: “Suburban” or “Urban Community.” Very little land is now zoned commercially

in the “Suburban” category; and no land there may be rezoned for further commercial uses.

Land in the “Urban Community” category includes most of the existing commercial and mixed-use (C-1) zoning. Two special restrictions apply in that category: even for existing commercial zoning, “commercial development shall not expand or intrude into residential neighborhoods”; and any commercial rezonings must use the negotiated “Commercial Planned Development” zoning district. Policy 16.2.1 reads as follows:

**POLICY 16.2.1:** Within the Urban Community land use category the following restrictions shall apply:

- Commercial development shall not expand or intrude into residential neighborhoods.
- All commercial rezonings shall be required to rezone to the Commercial Planned Development zoning category.
- Residential density shall be limited to 6 units per acre except as allowed by footnote 10 of Table 1, Summary of Residential Densities.
- The county shall develop a zoning plan for the district:
  - a. To address non-conforming and incompatible land uses.
  - b. To eliminate or correct outdated zoning classifications.
  - c. To address traffic circulation and parking problems.
  - d. To achieve economic revitalization through elimination of blight.
  - e. To protect adjacent residential neighborhoods.
  - f. To provide for affordable housing.Until that zoning plan is adopted, property which has existing commercial zoning can be developed or redeveloped consistent with that zoning and the Lee Plan.

Most of the commercial land at Fort Myers Beach is in the mixed-use C-1 zoning district. This district allows all residential uses and many commercial uses as well. The mixed-use nature of this zoning district is a remnant of older zoning codes that are returning to favor in many communities. However, in an environment where most other zoning categories allow only a single type of land uses (residential, or commercial, or industrial) and where there is only limited control of the *intensity* of permitted uses, the C-1 district has caused a great deal of difficulty.



## Consensus on Commercial Uses

Despite the intensity of disputes over proposed commercial development at Fort Myers Beach, there is considerable consensus on several major points:

- ***Widespread commercial expansions will not be needed because the local population will soon be reaching its maximum level.*** Peak-season congestion from the existing level of guests and residents, plus day visitors to Fort Myers Beach, is already extreme. This congestion severely limits the potential for commercial attractions that would bring an additional increment of visitors during the peak season.
- ***The current plan has not been completely successful in controlling commercial expansions or intrusions in residential neighborhoods.*** Lee County's approval of a high-rise convention hotel, and a circuit court decision upholding the permits, is widely known.
- ***The present concentration of commercial uses in the Times Square area is good for Fort Myers Beach.*** Despite the severe congestion during the peak season and a general seediness that had been developing, Times Square has always provided an urban beach environment that does not exist anywhere else in Lee County, and which cannot be easily duplicated because of today's floodplain regulations. The recent CRA improvements have sparked a renewed interest in Times Square among most islanders and has spurred a healthy movement to upgrade existing buildings.
- ***The Villa Santini area serves as a very different kind of commercial center for the south end of the island, one that is equally important for seasonal guests and for permanent residents.*** The Villa Santini Plaza itself functions as an important gathering place despite its unfriendly shopping-center design. Given the central location and unfragmented ownership, it is important that this area retain its commercial functions. The next generation of buildings there can integrate other uses and be designed to establish a unique physical identity for the south end of the island.
- ***Commercial uses at other locations that provide everyday conveniences can reduce traffic congestion, but may have unacceptable impacts on surrounding neighborhoods or be placed in standardized buildings that do not fit with the redevelopment concepts in this plan.*** This is partly a result of local regulations that don't adequately address the physical context in which commercial uses occur, and the economies of standardization sought by chain stores.
- ***Given the aging buildings that currently house many commercial uses, substantial redevelopment should be anticipated, and efforts should be made to focus it in positive ways.*** This is a critical task of this plan and subsequent revisions to the Land Development Code.

## **New Policies for Commercial Development**

The following items summarize the new commercial policies for Fort Myers Beach:

- The concept of avoiding commercial intrusions into residential areas will be maintained. The plan's prohibition against new commercial uses in residential areas will be made much more specific through the Future Land Use Map in those geographic areas where that policy is clearly appropriate. For instance, in the new "Low Density" category, commercial rezonings will not be allowed. In the "Mixed Residential" category, they will be severely limited (but not forbidding lower-impact uses such as offices and motels).
- The CRA plan for the Times Square area (including Old San Carlos) has withstood intense public scrutiny and is a sound basis for the town's continuing policy there, especially the incremental redevelopment of existing buildings at ground level with little or no setback to side property lines and with shared parking. The new Future Land Use Map incorporates the CRA plan in its new "Pedestrian Commercial" category. The successful evolution of this plan will require additional work beyond this comprehensive plan, including:
  - Further development of the shared-parking concept for the rear portion of lots on both sides of Old San Carlos (or, if not feasible, its rejection in favor of a parking garage);
  - Use of "dry-floodproofing" for the ground floor of commercial buildings; and
  - Refinement of the Land Development Code's redevelopment overlay district to simplify its use.
- The intense commercial activities at Times Square need not and should not extend into continuous linear development down Estero Boulevard. The current mixed-use character of land along Estero Boulevard down to the Gulfview Shops is desirable and should not be thought of as a transitional phase that will become continuous commercial development. In areas such as this where mixes of commercial and residential are desirable, the Future Land Use Map provides a new category called "Boulevard" with clearer policy language to guide future zoning decisions (which would require planned development zoning). Through the range of categories being provided on the Future Land Use Map, landowners will know whether commercial uses are clearly encouraged, completely forbidden, or allowed under certain circumstances.
- Some very early commercial buildings remain in use along Estero Boulevard, and many existing cottages have been converted for commercial purposes. The resulting environment is pleasant and will attract many more pedestrians once adequate sidewalks and street trees are provided. This plan will result in a combination of strengthening and loosening of existing regulations to support the re-use of older buildings. Revisions to the Land Development Code might include relaxed setbacks for cottages; allowing additional cottages to be moved in as they become available; and historic districts that ensure that new buildings and expansions maintain the historic character. Good examples of adaptive re-uses include the Huston Studio at 2101 Estero Boulevard (see Figure 10) and the Hussey Realty tourist information center at 2450 Estero Boulevard.



**Figure 10**, Renovated cottage used for commercial purposes

- Graphic design guidelines will be provided in the Land Development Code for the replacement of existing commercial buildings, letting property owners know in advance what kind of the character the town is expecting. Those accepting these guidelines would follow a streamlined review process; alternatives to the guidelines can still be proposed through the Commercial Planned Development rezoning process.
- A new form for the redevelopment of the Villa Santini area is proposed in the Community Design Element (see aerial view in Figure 11) and reflected on the Future Land Use Map.

The successful implementation of this plan will require considerable additional work beyond this comprehensive plan, using a public-private partnership to accomplish the following:

- Further development of the site plan, which is envisioned to include a “town square,” buildings closer to Estero Boulevard, and additional shared parking behind buildings.
- Preparation of a plan to modify Estero Boulevard in this area to include street trees, urban sidewalks, and some on-street parking.
- Adoption of new development guidelines applicable to this redevelopment area.

The town’s new commercial policies are provided at the end of this element.



**Figure 11**, Aerial view of concept for Villa Santini Plaza area

## EXISTING AND FORECASTED LAND USES

### Existing Land Uses

A parcel-level map of existing land uses was created for this comprehensive plan (a reduced copy is provided in Figure 15). Table 4-4 tabulates the acreage of various existing land use categories from that map, plus measures of intensity from the Lee County Planning Division's database.

**Table 4-4 — Existing Land Uses**

<i>Type</i>	<i>Acres</i>	<i>Intensity</i>
Vacant	79.1	(not applicable)
Residential (single-family)	448.8	2,187 units
Residential (RV/mobile home)	16.2	342 units
Residential (multifamily)	338.0	5,269 units <sup>1</sup>
Commercial (except motels)	91.6	171,740 sq. ft.
Commercial (motels)	35.4	1,351 rooms <sup>2</sup>
Industrial	0.0	(none)
Recreational (parks, golf course)	62.2	(not applicable)
Agricultural	0.0	(not applicable)
Public (schools and government)	16.4	(not applicable)
Churches and civic buildings	23.2	(not applicable)
Conservation (wetlands)	148.1	(not applicable)
Street rights-of-way	202.9	(not applicable)
<b>TOTAL:</b>	<b>1,461.9</b>	<b>acres</b>

<sup>1</sup> See Table 4-1 for range of intensities

<sup>2</sup> See Table 4-2 for range of intensities

Lakes, beaches, canals, bays, and estuaries are also shown on Figure 15. There are no existing or planned public wells at Fort Myers Beach. Potentially historic buildings are shown on Figure 14. Natural soil types have been obscured by land development activities; the best inventory of remaining soil types is the *Soil Survey of Lee County, Florida*, U.S. Soil Conservation Service, 1984. No part of Fort Myers Beach is in a designated area of

critical state concern. The only dredge spoil site in the past decade has been the Gulf beaches at the north end of the island.

### Current Population

The Housing Element of this plan contains data on the permanent population of Fort Myers Beach, which totaled 5,812 people during the 1990 Census. Also provided there is a comparison of that population to residents of Lee County as a whole. At Fort Myers Beach, permanent residents are older, live in smaller households, are more likely to live in multifamily buildings, and own much more expensive homes and condos.

An approximate update to the 1990 Census counts of permanent residents is made each year by the University of Florida's Bureau of Business and Economic Research, whose latest population estimate is 6,039 for 1996. (These estimates are created for revenue-sharing purposes.)

Census data is based on a complete count of every housing unit within what has become the town's boundaries, including mobile homes. Hotels and motel rooms, time-share condominiums, and transient RVs are not counted.

## Peak-Season Population

Of more interest in resort communities is the *peak-season population*. The Census counts people at their *place of usual residence*. At Fort Myers Beach, this results in 62% of all housing units being classified as vacant, either because their owners or tenants are counted as residing someplace else, or because the units are rented out to a succession of non-residents, or because the units were literally empty (for instance, available for rent) on the day the census was taken.

Despite the Census system of counting only *permanent residents*, the Census can still be helpful in estimating the *peak* population, because all “vacant” housing units are counted. Unfortunately, there is an anomaly in the method the Census Bureau used to collect vacancy data in 1990 that greatly affects its reliability in coastal resort areas like Fort Myers Beach and Sanibel. The 1990 census reports that of the 7,420 total housing units at Fort Myers Beach, there are 4,587 “vacant” housing units but only 2,918 “seasonal” units. If these numbers were accurate for Fort Myers Beach, it would indicate that 22½% of all housing units were completely vacant, far above the 1990 vacancy rate for the entire country of about 10%. To create a more accurate picture of the peak-season residency at Fort Myers Beach, a 10% vacancy rate will be assumed here, with all the remaining vacant units assumed to be “seasonal” housing units. The number of seasonal residents would be computed by multiplying the seasonal housing units by an assumed average number of occupants and the peak-season occupancy rate. The average unit occupancy could be 1.60, based on similar factors used by the Lee County Metropolitan Planning Organization for seasonal housing units (1.64 persons for each seasonal single-family home and 1.50 persons for each seasonal multifamily unit). The MPO factors are based on a 1992 survey conducted for the Florida Department of Transportation entitled *Lee County Urban Travel Characteristics*. Tourists visiting Lee County for short stays

average 2.5 persons in each party, based on recent data from the Lee County Visitors and Convention Bureau.

A formula for calculating peak population for 1990 (not including day visitors) would therefore include the following components:

$$\begin{aligned} & \textit{Permanent Residents (1990 Census)} \\ & \quad + \\ & \textit{Seasonal Housing Units multiplied by Average Unit Occupancy} \\ & \quad \textit{multiplied by Occupancy Rate in the Peak Period} \\ & \quad + \\ & \textit{Hotel and Motel Rooms multiplied by Average Room Occupancy} \\ & \quad \textit{multiplied by Occupancy Rate in the Peak Period} \\ & \quad + \\ & \textit{Transient RVs (not counted by census) multiplied by Average} \\ & \quad \textit{Occupancy multiplied by Occupancy Rate in the Peak Period} \\ & \quad + \\ & \textit{Timeshare Units multiplied by Average Occupancy} \\ & \quad \textit{multiplied by Occupancy Rate in the Peak Period} \\ & \quad + \\ & \textit{Guests in Homes of Permanent Residents in the Peak Period} \end{aligned}$$

The most difficult number to estimate would be “guests in homes of permanent residents,” and no attempt has been made here. Using this formula, the peak-season population for 1990 is calculated in Table 4-5.

**Table 4-5 — Peak-Season Population, 1990**

<u>Type of Residents</u>	<u>Number</u>	<u>Total</u>
Permanent residents:	<b>5,812 residents</b> (census)	→ 5,812
Seasonal residents:	4,587 “vacant” units (census) 3,845 seasonal units (10% vacant) x 1.60 persons/unit (MPO) x <u>92%</u> occupancy rate (Figure 7) <b>5,660 seasonal residents</b>	→ 5,660
Motel guests:	1,023 motel rooms x 92% occupancy rate (Figure 7) x <u>2.50</u> persons/room (VCB) <b>2,353 motel guests</b>	→ <u>2,353</u>
RV guests	118 RVs (not counted in census) x 92% occupancy rate (Figure 7) x <u>1.60</u> persons/RV (MPO) <b>174 RV guests</b>	→ <u>174</u>
Timeshare guests	475 timeshare condominiums x 92% occupancy rate (Figure 7) x <u>2.50</u> persons/unit (MPO) <b>1,093 timeshare guests</b>	→ <u>1,093</u>
<b>TOTALS: 15,091</b>		

The number of day visitors is even more difficult to determine; day visitors are not included in the totals above. Some data has been developed by the Estero Island CRA’s 1992 origin-and-destination survey of motorists entering Estero Island. That study estimated that 65% of all vehicles were driven by persons not living on Estero Island either full or part time, and only a small percentage of those did not stop on the island. These figures counts could be used to produce a rough estimate of day

visitors, although it would not show the highest number of those visitors at any one time. A much better assessment of day visitors should be available in mid-1999 as a result of a proposed “Barrier Island Traffic Survey” being commissioned by the Metropolitan Planning Organization. This detailed roadside survey of drivers will be conducted in the winter of 1999 on a typical weekday and a Saturday.

### Population Forecasts

This planning process has created important data affecting future development at Fort Myers Beach, much of which cannot be included in this document due to its bulk or scale. These include:

- A series of 1" = 400' parcel-level wall maps of Fort Myers Beach, including remaining vacant parcels; previous development orders issued by Lee County; existing land uses; generalized existing zoning; the current future land use map; flood and coastal construction zones; and buildings four stories and taller.
- A detailed analysis of recent Lee County development orders and building permits that are authorizing new commercial or multifamily developments, including individual building permits issued pursuant to these development orders and certificates of occupancy for buildings that were completed as of July 1, 1996.

Comprehensive plans normally contain forecasts of future-year populations so that local governments can plan appropriate levels of infrastructure to serve that population. County-level forecasts are provided by the University of Florida’s Bureau of Business and Economic Research. Municipalities create their own forecasts, which begin with population trends from past years as adjusted to reflect expected changes to those trends.

Fort Myers Beach is nearing the end of its population growth, so past trends cannot be relied on to forecast growth. Four factors lead to this plan's approach to population forecasts:

- Very little land is available for development.
- Growth pressure remains very high, and is expected to continue until all developable land is consumed.
- Density levels for most vacant land have already been established, either by vested development rights or by strict comprehensive plan density caps.

- Once "build-out" has been reached, the redevelopment process will continue, but little or no increase in population is expected due to the controls contained in this plan.

To determine the maximum permanent population at Fort Myers Beach, all vacant land was analyzed for its development capacity. No development was forecasted for wetlands or recreational lands. Table 4-6 contains details of the additional 1,028 dwelling units that are expected after 1996.

**Table 4-6 — Future Development Proposed for Vacant Land (as of July 1, 1996)**

<i>Project Name</i>	<i>Vacant Acreage</i>	<i>Additional Dwellings</i>	<i>Additional Commercial</i>	<i>Additional Hotel Rooms</i>	<i>Other Comments</i>
Seagrape Bay	0.86	21			(52 units in project)
Bay Beach Ostego Bay II	6.31	24			(36 units in project)
Bay Beach Casa Marina	3.50	92			(144 units in project)
Bay Beach Waterside	2.13	58			(116 units in project)
Bay Beach - Parcel 3	1.91	48			(existing tennis club)
Bay Beach - Parcel 14	10.35	100		(or hotel)	(future development area)
Bay Beach - Parcel 15/16	20.10	339		(or hotel)	(future development area)
Bay Beach - Parcel 17	8.93	140	(or commercial)	(or hotel)	(future development area)
Primo's	0.33		7,492		
Diamondhead	2.93		(ancillary)	154	
Matanzas Seafare	0.07		3,000		
Old Estero Suites	0.39			28	(had been cottages)
Pink Shell	0.00		(ancillary)	54	
Mid-Island Marina	0.00		storage-sales		(existing marina)
Fish Tale Marina	0.00		3,280		(existing marina)
(SE of Carousel Motel)	1.23	8		(or hotel)	(no development order)
Gullwing	2.74		150 seats	100	
Vacant beachfront lots	<i>various</i>	8			(existing lots)
Vacant canalfront lots	<i>various</i>	99			(existing lots)
Vacant inland lots	<i>various</i>	91			(existing lots)
<b>TOTALS:</b>		<b>1,028</b>		<b>336</b>	

**Sources:** inventory of Lee County records through June 30, 1996, including development orders, building permits, and litigation files; and this plan's existing land use map (Figure 15)



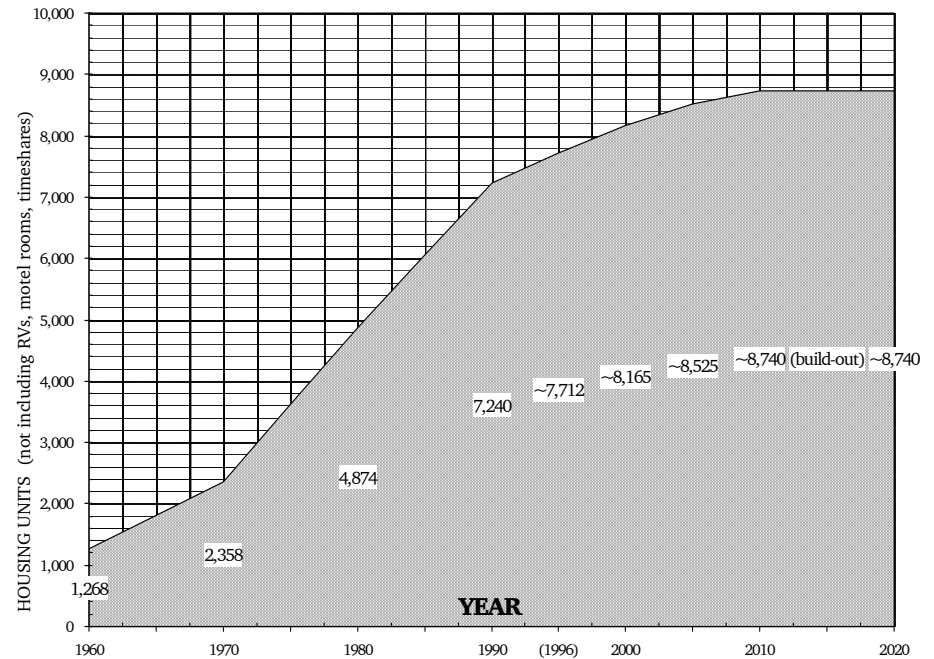
Most of these units have been authorized by recent development orders or appear to be vested (such as Bay Beach and Gullwing); the remainder are vacant lots in platted subdivisions. This information is based on a detailed survey of Lee County records conducted during the summer of 1996.

Except for road capacity, all of the land shown in Table 4-6 has access to adequate public facilities as described throughout this plan. This land is not limited by soil conditions, topography, or natural or historic resources.

As described in the Transportation Element, demand for roads during the peak season has exceeded capacity at Fort Myers Beach for many years. Even if the town had the legal ability to forbid all further development, or the financial ability to purchase all of the land described in Table 4-6, congestion would not disappear (although the lines of traffic waiting to pass congested portions of Estero Boulevard will certainly be longer with the additional development). This is because Estero Boulevard's constrained conditions simply cannot handle more traffic during the peak season, regardless of travel demand. Because of the town's highly desirable location at the beach, peak-season day visitors from the mainland will always consume whatever additional road capacity could be constructed.

Stringent growth management techniques, such as limiting the density of future development on vacant land within the town, were adopted by Lee County in its 1984 comprehensive plan (although litigation and plat vacations have allowed some continued development at higher densities). This current planning effort reduces densities further wherever possible (including a new low-density land use category limited to four units per acre). Congestion management strategies will be used by the town to manage demand during the peak season, as described in the Transportation Element.

The growth and timing of housing construction at Fort Myers Beach can be illustrated by showing the historical growth in housing units plus the maximum number of housing units yet to be built (1,028 more units, as calculated in Table 4-6). Figure 12 graphs this data and suggests a future slow-down in the growth rate that is typical of communities as they approach build-out. Growth at Fort Myers Beach also slowed from 1990 through 1996, largely because of the recession, and this slower rate should be expected to continue as the very limited supply of vacant land increases prices and reduces entrepreneurial opportunities.



**Figure 12**, Growth in housing units (forecasted for 2000 through 2020)



Table 4-7 summarizes the population forecasts from Figure 12 for two separate planning periods, the first being the next five years and the second being Lee County’s planning horizon of the year 2020. Based on recent development levels as reflected in Figure 12, 40% of the 1,028 additional dwelling units are expected to be in place by the end of the first five-year period, for a total of 8,121 units. Forecasts of the peak-season population are also shown on this table using the 1990 ratio of peak-season to permanent population (as shown in Table 4-5).

<u>Year</u>	<u>Source</u>	<u>Dwelling Units</u>	<u>Permanent Population</u>	<u>Peak-season Population</u>
<b>1990</b>	<i>Census &amp; Table 4-5</i>	7,420	5,812	15,091
<b>1996</b>	<i>Estimates</i>	7,710	6,039	15,680
<b>2003</b>	<i>Forecast</i>	8,121	6,361	16,517
<b>2020</b>	<i>Forecast</i>	8,738	6,844	17,772

The number of dwelling units in Table 4-7 was converted to permanent population through several steps, primarily by multiplying it by the rate of their use for permanent occupancy (38.2% in 1990) and multiplying the result by the number of persons per occupied housing unit (2.03 in 1990). As a result, the 1996 population of the Town of Fort Myers Beach will increase by about 805 permanent residents to an expected “build-out” population of about 6,884. The remaining dwelling units would be used by seasonal or short-term guests, not permanent residents. This build-out would occur at an indeterminate time, perhaps around 2010.

The actual future population of Fort Myers Beach will depend on several other factors as well. The percentage of dwelling units that are occupied by permanent residents may go up or down;

motels or cottages may be converted into permanent dwellings; and many sites will be redeveloped, with resulting densities that may be higher or lower than existing densities. The town may adopt new policies or regulations that attempt to influence any of these factors. Until the effects of these other factors become apparent, the population forecasts in Table 4-7 should be used for planning purposes at Fort Myers Beach.

Redevelopment needs have been examined at length by Lee County’s Community Redevelopment Agency, resulting in a 1991 *Estero Island Redevelopment Plan*, incorporated herein by reference.

## **SCHOOLS**

There is a single public school within the Town of Fort Myers Beach, the historic elementary school on Oak Street. This school serves grades K through 5, with enrollment fluctuating between 180 and 200 students, all of whom live (at least seasonally) on Estero and San Carlos Islands. There are no private schools in the town.

According to the 1990 Census, there were 158 children of elementary school age (6 through 11 on April 1, 1990) residing within the town, or 2.7% of the 5,812 permanent residents.

This element forecasts the permanent population to grow to 6,844, an increase of only 18% over 1990. Future school enrollment will depend less on population growth than on changes to the age make-up of the population and changes in school district policies. For instance, under the district's new "School Choice" program, parents are given a greater degree of choice over which school their children may attend. Although at present the School Choice program does not apply to any island schools, that could change. Also, if the school district were to add middle-school grades (6 through 8) to this school, several additional classrooms would be required.

In the absence of such changes, the existing school is large enough for the current and expected enrollment. The current facility contains 243 "student stations." The school district is planning minor renovations over the next five years to convert excess classroom space for other purposes, which will result in a net decrease in capacity to 197 students.

The school is on an 11-acre site, 7.8 acres of which are buildable uplands. Excellent community facilities are adjacent, including the public library, Bay Oaks park, Matanzas Pass Preserve, and the new public swimming pool. (This clustering of public facilities is consistent with the new law's encouragement of the "co-

location" of schools with parks, libraries, and community centers.)

If unexpected enrollment increases occur, the school district's comprehensive busing program could transfer students to off-island schools; also, ample room remains on the current site for expansion. Although there is no apparent or expected need for additional school space, should such a need occur, it can be accommodated by expanding the current school (given the site's excellent location and the available space there).

Although no additional school sites are needed or should be planned for, the state of Florida requires every comprehensive plan to contain a specific policy designating the categories where new public schools would be allowed. Accordingly, this plan designates the "Mixed Residential," "Boulevard," "Pedestrian Commercial," and "Recreation" categories. (The existing school is in the "Recreation" category, with adjoining land in "Mixed Residential" and "Boulevard.") This land totals about 880 acres, which is 60% of the town's land area, providing ample choices in case a new school is ever needed. Schools could not be built in the "Low Density," "Wetlands," or "Tidal Water" categories.

The state now also requires a measure of intensity for new or expanded schools. The typical measure for residential intensity is dwelling units per acre, clearly unsuitable for schools. The typical measure of commercial intensity is a floor-area-ratio or "F.A.R." (the total floor area of the building divided by the buildable area of the site); this measure can be adapted for schools. The existing single-story elementary school is on 7.8 acres of buildable land. Disregarding the undeveloped areas, it has about 28,000 square feet of floor area on about 120,000 square feet of land, for a F.A.R. of about 0.23. Since an expanded school should probably be built in a more compact form (such as two stories high), this plan sets a maximum F.A.R. of about double, or 0.50. See the full text of the new school policy in Policy 4-B-14.

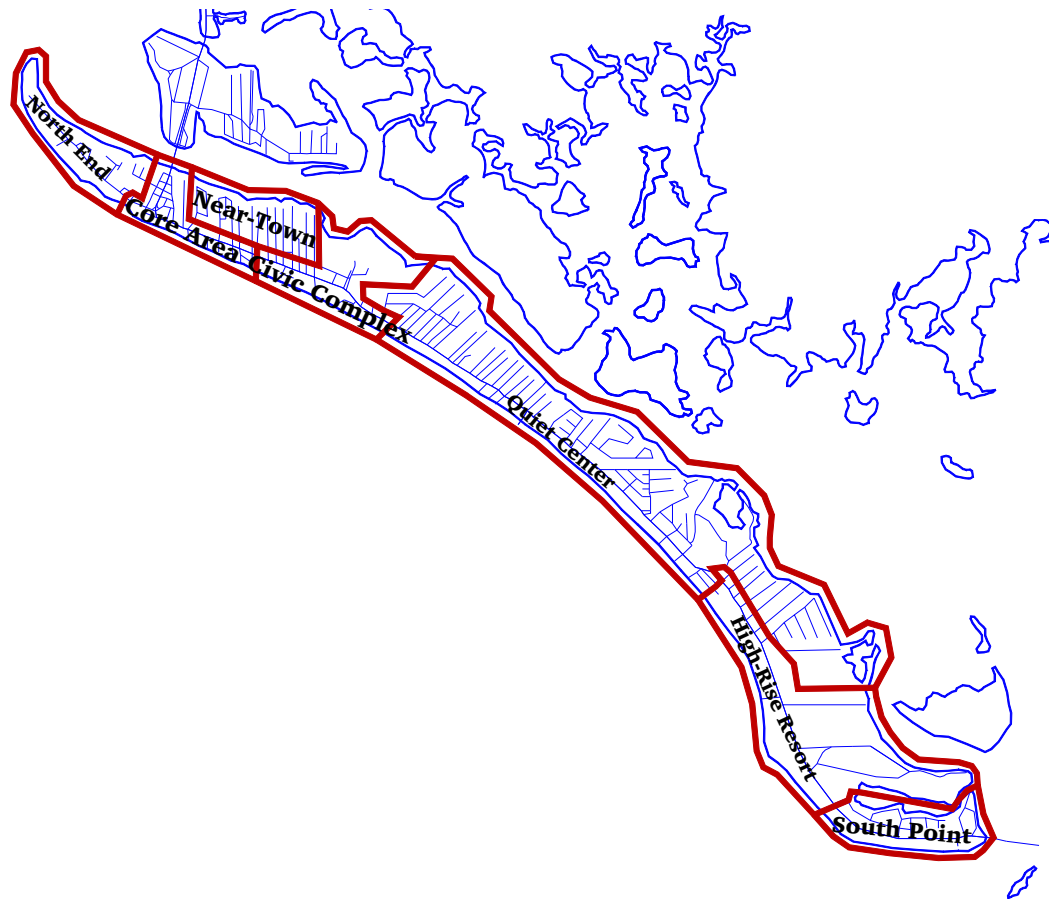
## **SPECIFIC NEIGHBORHOOD GOALS**

The Town of Fort Myers Beach can be thought of as having seven separate communities for planning purposes. General goals for each planning community are described below.

*“The TIMES SQUARE AREA boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an “old Estero Island” character to the buildings. Lynn Hall Park has more recreational facilities and remains the most lively and popular beach in Lee County. A broad array of shopping op-*

*portunities serves both residents and visitors, who use convenient on-street parking and new shared parking lots screened from view. On the Bay side, tree-shaded plazas surround the expanded marina which hosts vessels from excursion boats to water taxis to commercial fishing boats bringing fresh seafood to sell from scattered kiosks. New buildings add to the theme originally developed for the area by the Estero Island CRA”*

*“The CIVIC COMPLEX centered around the public library has expanded and serves as the “other end” of the revitalized portion of Estero Boulevard, with its rows of coconut palms, wide colorful sidewalks, and lively street scene. Opportunities for folks to both live and work here and in the downtown area are available through apartments above commercial uses and from new infill apartments and townhouses designed in the historic cottage character.*



*“Fort Myers Beach offers many choices of ambience and character in its residential areas, ranging from single-family neighborhoods, areas of predominately higher-rise condominiums and apartments, and “near-town” neighborhoods where residential and commercial uses intermingle. All neighborhoods are safe and lighted at night. Streets are well maintained and have regular street cleaning. Bike paths and sidewalks connect neighborhoods with the Island-wide continuous system. Yet the various residential communities possess their unique characters:*

*“The BOWDITCH/NORTH END retains its residential and resort identity. Its motel rooms, older cottages, and high-rises all benefit from their proximity to Bowditch Point and the downtown core area, yet are comfortably removed from seasonal traffic congestion and outdoor entertainment activities that many residents find intrusive.*

**Figure 13,** Planning communities for Fort Myers Beach

*“The older NEAR-TOWN NEIGHBORHOODS across from San Carlos Islands have shed their blighted characteristics of the 1980s and 1990s. Their pleasantly varied housing types are just steps away from lively Estero Boulevard. Apartments for tourists and local employees mix congenially with new homes, many of which contain quiet home-offices within. The new urban code has ensured that renovations and new homes mix gracefully with the old in these now highly desirable neighborhoods.*

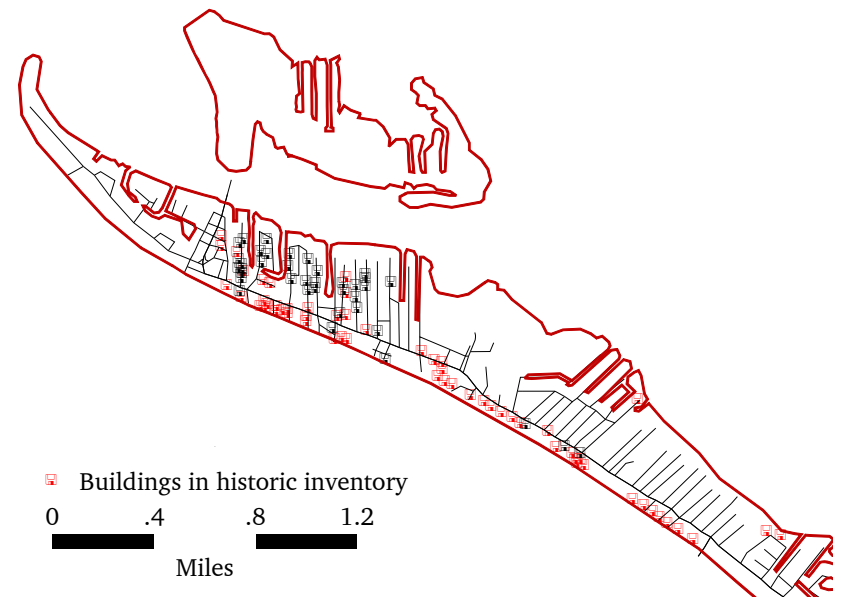
*“The QUIET CENTER of Estero Island remains peacefully between the bustling portions of Estero Boulevard and the high-rises further down the beach. Some condominiums and smaller resorts co-exist with the predominately single-family neighborhoods. This portion of the island is designated to remain low-rise and residential except for a few existing towers and the big mid-island marina.*

*“The HIGH-RISE/RESORT district is distinctly different in character. Panoramic views of Estero Bay and the Gulf of Mexico are widely available, along with popular recreational amenities such as golf, tennis, and private swimming pools. The Villa Santini area has been fully redeveloped to become the entertainment, community, and commercial center of this end of Estero Island, replacing its former life as a conventional shopping center. It also serves the needs of visitors to the vast beaches at Lovers’ Key. The abundant wildlife on Little Estero Island are a continuing focal point for local residents and visitors alike.*

*“Estero Island’s SOUTH POINT faces the active boating along Big Carlos Pass and the popular state park on Black Island and Lovers’ Key. Despite pressures of commercialization to serve park visitors, this area retains its strictly residential character and its mostly low-rise housing style.”*

## **HISTORIC DISTRICTS**

At present there are no designated historic districts at Fort Myers Beach. Figure 14 shows where older buildings are concentrated. The Historic Preservation Element of this plan proposes the designation of one or two historic districts. One district could cover the residential area north of Estero Boulevard between Primo and Chapel Streets, and another could include the highest concentrations of older houses remaining between Estero Boulevard and the beach.



**Figure 14,** Potentially historic buildings

## **REVISED FUTURE LAND USE MAP**

This plan adopts a new “Future Land Use Map” for the Town of Fort Myers Beach. It replaces the map in the current comprehensive plan, which was adopted by Lee County in 1991 at the urging of the Fort Myers Beach Land Use Plan Committee.

The 1991 map divides Estero Island into four categories:

- **Suburban:** applied to most single-family subdivisions and many multifamily developments (for a total of 541 acres).
- **Urban Community:** applied to areas of greater intensity of development, including most commercial areas and many high-rise residential areas (for a total of 174 acres).
- **Public Facilities:** applied to publicly owned land such as Little Estero Island, the Matanzas Pass Preserve and adjoining school and library, and to Bay Oaks, Lynn Hall, and Bowditch Point Parks.
- **Wetlands:** applied to remaining wetlands.

Several shortcomings with the previous maps and their application have become apparent. These include:

- The special policies that were supposed to apply to the “Urban Community” category to avoid over-commercialization have not accomplished their purpose.
- In conformance with past Lee County practice, land-use categories are often assumed to extend out to the mean high water line. Therefore, the dry sandy beach, including newly accreted sand, has often been counted in determining the allowable density of development. This factor inflates the allowable intensity of development along the beaches.
- No provisions were made to allow density to be transferred from one site to a non-contiguous parcel, even when this may be in the public interest.

- No distinction was made between residential areas of varying densities; single-family neighborhoods and high-rise towers often shared the same category.
- The Town of Fort Myers Beach has municipal jurisdiction over waters as far as 1,000 feet beyond Estero Island. The previous Future Land Use Map is silent as to how continuing activities over those waters (such as marina basins, docks, mooring pilings, and boathouses) should be regulated.

In response to these shortcomings, a new Future Land Use Map has been created for this comprehensive plan, as illustrated in Figure 16<sup>1</sup>. This plan has eight distinct categories:

- **Low Density:** applied to existing subdivisions with an established low-density character (primarily single-family homes). The maximum density is 4 dwelling units per acre. The only commercial uses allowed are home occupations.
- **Mixed Residential:** applied to older subdivisions with mixed housing types on smaller lots, and to newer high-rise buildings. The maximum density is 6 dwelling units per acre, except where a Future Land Use Map overlay indicates a maximum density of 10 units per acre for legally existing dwelling units. Commercial activities are limited to lower-impact uses such as offices and motels.

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<sup>1</sup>*In accordance with Rule 9J-5.006(4): lakes, beaches, canals, bays, and estuaries are also shown on Figure 16. There are no existing or planned public wells at Fort Myers Beach. No historic districts have been established to date. All of the Town of Fort Myers Beach is in the coastal high hazard area. Natural soil types have been obscured by land development activities, but an inventory of remaining soil types can be found in the Soil Survey of Lee County, Florida, U.S. Soil Conservation Service, 1984.*

- **Boulevard:** a mixed-use district along portions of Estero Boulevard, including less-intense commercial areas and mixed housing types. The maximum density of residential development here is 6 dwelling units per acre, except where a Future Land Use Map overlay indicates a maximum density of 10 units per acre for legally existing dwelling units.
- **Pedestrian Commercial:** a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. The maximum density of residential development is 6 dwelling units per acre, except where a Future Land Use Map overlay indicates a density of 10 units per acre for affordable units consistent with the adopted redevelopment plan.
- **Marina:** water access services, primarily for pleasure boating, including related accessory uses provided they don't displace marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category.
- **Recreation:** applied to public parks, public swimming pool, elementary school, undevelopable portions of the Bay Beach golf course, and Gulf beaches (those portions seaward of the 1978 coastal construction control line). Additional accretions of beach, whether by natural causes or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the control line). The maximum density of residential development here is 1 dwelling units per 20 acres, with all units to

be constructed outside this category. The application of this category does not affect any party's ownership rights to the beachfront.

- **Wetlands:** a conservation district applied to all remaining wetlands. The maximum density of residential development here is 1 dwelling units per 20 acres.
- **Tidal Water:** applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet). No residential development is permitted.

Table 4-8 tabulates the total acreage in each category on the new Future Land Use Map. The "Tidal Water" category includes the tidal canals and all open water out to the municipal boundary, which is 1,000 feet beyond Estero Island.

**Table 4-8 — Future Land Use Map**

<i>Category</i>	<i>Acres</i>
Low Density	410.2
Mixed Residential	590.9
Boulevard	64.1
Pedestrian Commercial	77.8
Marina	6.9
Recreation	292.9
Wetlands	105.6
Tidal Water	2,164.6
<b>TOTAL:</b>	<b>3,713.0 acres</b>

Four of these categories allow a mixture of land uses. In accordance with state regulations, this plan must include an objective measure for the distribution of land-use mixes in those categories. Table 4-9 identifies the current acreage of non-residential uses (or school and public uses in "Recreation") within each mixed-use category, and then proposes a percentage cap for

**Table 4-9 — Mixed-Use Percentages, Existing and Proposed**

<u>Category</u>	<u>December 1998 Actual Totals</u>				<u>School/Public Use</u>		<u>Proposed Cap</u>	<u>Additional Allowed</u>
	<u>Commercial Uses</u>	<u>Other Non-Residential Uses</u>	<u>Total Non-Residential Uses</u>		<u>Acres</u>	<u>%</u>	<u>%</u>	<u>Acres</u>
	<u>Acres</u>	<u>Acres</u>	<u>Acres</u>	<u>%</u>	<u>Acres</u>	<u>%</u>	<u>%</u>	<u>Acres</u>
Mixed Residential	28.1	18.4	46.5	7.9%			<b>12%</b>	<b>24.2</b>
Boulevard	24.5	5.6	30.1	46.9%			<b>70%</b>	<b>14.8</b>
Pedestrian Commercial	44.3	1.5	45.8	58.9%			<b>90%</b>	<b>24.2</b>
Recreation					7.8	2.7%	<b>6%</b>	<b>9.7</b>

each category. The final column shows the additional acreage of non-residential (or school/public) uses that would be allowed based on the percentage cap.

Policies 4-B-4, 4-B-5, 4-B-6, and 4-B-8 include the existing percentage plus the proposed cap (as shown in Table 4-9) for each of the four mixed-use categories. The cap defines the maximum percentages of non-residential (or school/public) land uses that can be built throughout each category without an amendment to this plan. For the purpose of these computations, non-residential land uses are defined as commercial and marina uses; according to the definitions in Policy 4-B-12, this also includes motels, churches, and civic buildings. Land used for government purposes and for utility installations are also included, but road rights-of-way are not counted.

Allowable uses for all of the eight new categories are described below under Objective 4-B. Upon adoption, these goals, objectives, and policies become law, and will be implemented where necessary through amendments to the Fort Myers Beach Land Development Code.

These categories will immediately replace the categories shown on the current Future Land Use Map. Where the adopted category descriptions contain absolute limits (such as the density or

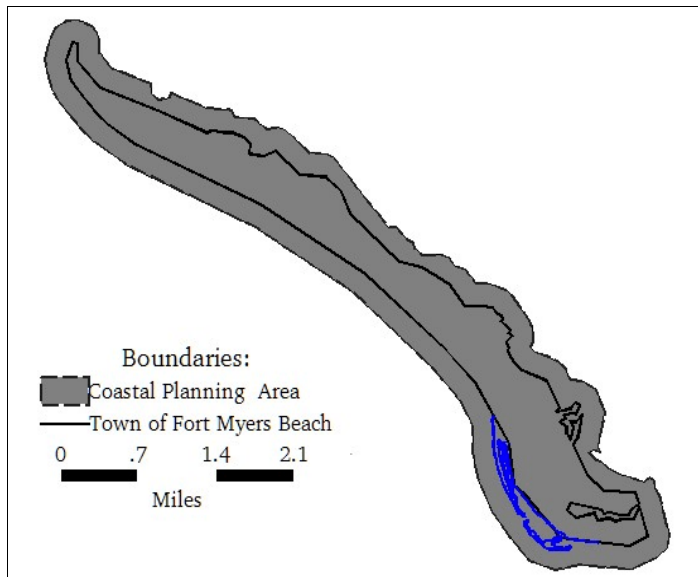
percentage caps for various land use categories), those limits will have immediate legal effect that will supersede more lenient standards that apply to certain zoning districts. The adoption of these categories does not itself change or eliminate the current zoning district assigned to each parcel of land.

Many parts of this comprehensive plan will be implemented through changes to the Land Development Code, which by state law must conform with this plan within one year (*F.S.* 163.3202). These amendments may include rezoning of many or all properties for various reasons, such as:

- to conform the zoning district of specific properties to the requirements of this plan; or
- to combine several similar zoning districts into a single new district to simplify the Land Development Code.

Landowners whose property is proposed for rezoning will receive notice in accordance with state law.

As described in the Coastal Management Element, the entire town is in the “coastal high-hazard area” as defined in § 163.3178(2)(h), Florida Statutes. Figure 17 on the next page shows the coastal high-hazard area on a map, which is being formally adopted into this plan as part of the Future Land Use Map series.



**Figure 17**, Coastal High-Hazard Area (entire town) as defined in §163.3178(2)(h), Florida Statutes



## **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 with-

out 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. The entire town is located within the coastal high-hazard area, as shown on Figure 17 which is part of the adopted Future Land Use Map series. 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 commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit’s occupant that do not attract customers or generate additional traffic).

POLICY 4-B-4 **“MIXED RESIDENTIAL”**: designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activi-

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ties are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 7.9% of the land in this category, and this percentage shall not exceed 12%.

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

ment rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

POLICY 4-B-6 **“PEDESTRIAN COMMERCIAL”**: a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All “Marina” uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Non-residential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

POLICY 4-B-7 **“MARINA”**: designed for prime sites that can provide access to the valuable waters around Fort Myers Beach. This category provides services for recreational boating, including related accessory uses provided that don’t displace recreational marina services. Cruise ships and similar uses that

draw large amounts of vehicular traffic are not permitted in this category. Specific regulations will be placed in the Land Development Code.

POLICY 4-B-8 **“RECREATION”**: applied to public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control line. Additional accretions of beach, whether by natural causes or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line). The maximum density of residential development here is 1 dwelling units per 20 acres, with all dwelling units to be constructed outside this category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.

POLICY 4-B-9 **“WETLANDS”**: a conservation district applied to all remaining wetlands. The maximum density of residential development here is 1 dwelling units per 20 acres. Other allowable uses, if compatible with wetland functions, are passive recreation, walking access to tidal waters (boardwalks and docks), and restoration of degraded habitats. Prohibited activities include placement of fill material; dredging of boat basins and channels; place-

ment of seawalls or other shoreline stabilization; and removal of native vegetation.

POLICY 4-B-10 **“TIDAL WATER”**: applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet). No residential development is permitted. Allowable uses are water sports, boating, swimming, fishing, and similar uses. Also allowed are fixed structures for water access provided they comply with Land Development Code provisions designed to avoid impeding navigation and to minimize environmental damage and interference with aesthetic enjoyment of surrounding waters.

POLICY 4-B-11 **PLATTED OVERLAY**: This is not a separate category on the Future Land Use Map, but is applied in addition to one of the eight categories listed above. Allowable land uses are the same as in the underlying category, but the maximum residential density is 10 units per acre. This density level applies in the Pedestrian Commercial category only for affordable units consistent with the adopted redevelopment plan; in other categories it applies only to recognize existing dwelling units that were built legally but which would be non-conforming under a density cap of 6 units per acre.

POLICY 4-B-12 **LAND-USE TYPES DEFINED**: For purposes of this comprehensive plan, land uses are divided into the following types:

- i. **Residential uses** include detached homes, accessory apartments (see Policy 4-C-7), home occupations (see Policy 4-B-3), mobile homes, apartments, and condominiums, provided that no

dwellings are rented for periods shorter than one week.

- ii. **Commercial uses** involve the sale or rental of goods or services, including businesses such as retail stores, offices, restaurants/bars, service/craft/rental businesses, RV parks, and hotels/motels/resorts; churches and civic buildings are also included in this category.
- iii. **Marina uses** involve the use of prime waterfront sites to support recreational boating, such as wet or dry boat storage, sales/rentals of boats and supplies, and boat repair.
- iv. **Industrial uses** such as manufacturing, seafood processing, and warehousing are not permitted in the Town of Fort Myers Beach, except for dry storage of boats at approved marinas.
- v. **Recreational uses** include beaches, parks, playgrounds, and similar uses.
- vi. **Mixed uses** means some combination of the above land-use types in a single building, or on a single site, or on different sites within a single category on the Future Land Use Map, depending on the context.

POLICY 4-B-13 **PUBLIC FACILITIES:** Most public facilities such as parks, schools, libraries, fire stations, and government buildings will continue be located within the “Recreation” category (but only park structures are allowed seaward of the 1978 Coastal Construction Control Line). When no suitable sites can be found in the “Recreation” category, public facilities may also be located in “Mixed Residential,”

“Boulevard,” and “Pedestrian Commercial” categories as may be allowed by the Land Development Code.

POLICY 4-B-14 **SCHOOLS:** Public and private schools may be located in the following categories on the future land use map: Mixed Residential, Boulevard, Pedestrian Commercial, or Recreation (but never seaward of the 1978 coastal construction control line). The maximum intensity of new or expanded schools shall not exceed a floor-area-ratio of 0.50 (the total floor area of the building divided by the buildable area of the site). Governmental agencies providing parks, libraries and community centers are strongly encouraged to locate them near schools.

**OBJECTIVE 4-C APPLYING THE FUTURE LAND USE MAP — The Future Land Use Map shall be interpreted in accordance with the following policies.**

POLICY 4-C-1 **LEGAL EFFECT:** The density limits and land-use restrictions described above for each category are legally binding immediately upon adoption of this comprehensive plan. During the preparation of the new Land Development Code that will fully implement this plan, conflicts may arise with previous regulations and zoning districts. Chapter 15 of this plan describes how such conflicts will be resolved.

POLICY 4-C-2 **COMMERCIAL INTENSITY:** The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or by other provisions of this plan and the Land Development Code. Standards

in the Land Development Code will encourage more intense commercial uses only in the “Pedestrian Commercial” category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the “Pedestrian Commercial” category as high as 2.5, and in other categories as high as 1.5,

POLICY 4-C-3

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

- i. No rezonings for commercial uses shall be allowed in the “Low Density” category.
- ii. Where new or expanded commercial uses are encouraged, as in the “Pedestrian Commercial” category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.
- iii. In the “Mixed Residential” category, commercial uses are limited to lower-impact uses such as offices, motels, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design

concepts of this plan and the Land Development Code. Landowners may seek commercial rezoning only through the planned development process.

- iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.
- v. The following principles shall be considered by the town when evaluating requests for new commercial uses:
  - a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.
  - b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.
- vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:



- a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise);
  - b. its physical scale (such as the height, and bulk of proposed buildings); and
  - c. the orientation of buildings and parking).
- Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.

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

**POLICY 4-C-5**

of the height limit against other public benefits that would result from the specific proposal.

**DENSITY:** This plan establishes density levels as the maximum number of residential dwelling units allowed per acre of land (DU/acre). This acreage includes all residential land plus land within the development to be used for street and utility rights-of-way, recreation and open space, water management, and existing lakes that are entirely contained within the residential development. Commercial and other non-residential land shall not be included in this acreage; however, where mixed uses are permitted in a single building, residential densities will be computed without regard for commercial uses located on lower floors. When computing densities on existing subdivisions where lots are smaller than 15,000 square feet, one-half the width of adjoining streets and canals may be included in the acreage, and computed densities greater than 1.50 DU/acre may be rounded up to two dwelling units where multiple dwelling are permitted.

**POLICY 4-C-6**

**MOTEL DENSITIES:** The Land Development Code shall specify equivalency factors between guest units (which include motel rooms) and full dwelling units. These factors may vary based on size of guest unit and on land-use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location

only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth and First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).

- POLICY 4-C-7 **ACCESSORY APARTMENTS:** Accessory apartments are common at Fort Myers Beach and may be legal under several circumstances:
- i. If the apartment is in a building that meets all requirements (including density limits in this plan); or
  - ii. If the apartment was built prior to zoning in 1962 and has been in continuous use, it may qualify as a “legally non-conforming use” and can continue in use until taken out of service; or
  - iii. If the apartment was built between 1962 and 1984 and complies with all requirements except the density cap of 6 dwelling units per acre and the floodplain elevation requirements (both of which took effect in 1984); or
  - iv. If a single existing apartment is in an owner-occupied home, it is not considered an independent dwelling unit and may be allowed under certain conditions as specified in the Land Development Code.

POLICY 4-C-8 **DENSITY TRANSFERS:** The Town Council may, at its discretion, permit the transfer of residential and hotel/motel development rights from one parcel to another if the following conditions are met:

- i. the transfer is clearly in the public interest, as determined by the Town Council;
- ii. the parcels affected by the transfer are in close proximity to each other;
- iii. the density of residential or hotel/motel units being transferred is based upon allowable density levels in the category from which the density is being transferred;
- iv. the transfer is approved through the planned development rezoning process; and
- v. binding permanent restrictions are placed on the property from which development rights have been transferred to guarantee the permanence of the transfer.

POLICY 4-C-9 **UTILITY SERVICES:** Utility services may be constructed in any category on the Future Land Use Map provided all development regulations are met including proper zoning.

POLICY 4-C-10 **MAP AMENDMENTS:** The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.

POLICY 4-C-11 **SANTOS ROAD:** The town is interested in considering land-use alternatives for parcels bordering Palermo Circle, Santos Road, and Estero Boulevard. Alternatives may include: Santos Road being added into the pedestrian zone; limited retail on the ground floor along Santos, with shared off-site parking; better buffering of existing parking and refuse areas; and a clear separation between all commercial uses and the residential areas on Palermo

Circle. These options would be explored by a privately-funded but town-initiated planning process, with full involvement of affected and nearby landowners.

POLICY 4-C-12

**WETLAND BUFFERS:** Upland development shall maintain a 75-foot separation between wetlands and buildings or other impervious surfaces. This requirement shall not apply to platted lots, or to a previously approved development order to the extent it cannot reasonably be modified to comply with this requirement (see Chapter 15 of this plan for details).

**OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of flood-proofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster buildback policy.**

POLICY 4-D-1

**POST-DISASTER BUILDBACK POLICY:**

Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "buildback policy" begun by Lee County in 1989. This policy applies only where development is damaged by fire, hurricane or other natural disaster, and allows the following options:

- i. Buildings/development damaged *less than 50%* of their replacement cost (measured at the time of damage) can be re-

built to their original condition, subject only to current building and life safety codes.

- ii. Buildings/development damaged *more than 50%* of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, size, and style provided the new construction complies with:
  - a. federal requirements for elevation above the 100-year flood level;
  - b. any building code requirements for floodproofing;
  - c. current building and life safety codes;
  - d. Coastal Construction Control Line requirements; and
  - e. any required zoning or other development regulations (other than density or intensity), except where compliance with such regulations would preclude reconstruction otherwise intended by this policy.
- iii. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the town's land development regulations. To further implement this policy, the town may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to

reconstruction. The Land Development Code may also establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.

**OBJECTIVE 4-E HAZARD MITIGATION — Mitigate the potential effects of hurricanes by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.**

**POLICY 4-E-1 PRE-DISASTER BUILDBACK POLICY:**

Owners of existing developments that exceed the current density or height limits may also be permitted to replace for the same use it at up to the existing lawful density and intensity (up to the original square footage) *prior to* a natural disaster. Landowners may request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. The Town Council may approve additional enclosed square-footage only if an existing building is being elevated on property that allows commercial uses; dry-flood-

proofed commercial space at ground level could be permitted in addition to the replacement of the pre-existing enclosed square footage.

**POLICY 4-E-2**

**COASTAL SETBACKS:** To protect against future storm damage and to maintain healthy beaches, the Town of Fort Myers Beach wishes to see all buildings relocated landward of the 1978 Coastal Construction Control Line. This line has been used on the Future Land Use Map to delineate the edge of land-use categories allowing urban development. Some existing buildings lie partially seaward of this line; when these buildings are reconstructed (either before or after a natural disaster), they shall be rebuilt landward of this line. Exceptions to this rule may be permitted by the town only where it can be scientifically demonstrated that the 1978 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 with all state laws and regulations regarding coastal construction.)

**POLICY 4-E-3**

**NATIONAL FLOOD INSURANCE**

**PROGRAM:** The town will continually maintain a floodplain ordinance that reduces future damage from flooding and qualifies landowners for the National Flood Insurance Program. The town shall modify its current floodplain ordinance in accordance with this comprehensive plan through measures such as:

- i. not counting costs of strengthening buildings as “improvements” that are limited to 50% of a building’s value; and

- ii. minimizing the negative effects of the 50% rule on historic buildings; and
- iii. adjusting the time period for calculating the 50% rule to encourage healthy redevelopment in this plan’s “Pedestrian Commercial” category; and
- iv. providing reasonable alternatives for determining the value of older buildings.

POLICY 4-E-4 **FLOODPROOFING OF COMMERCIAL BUILDINGS:** Where commercial development is allowed by this comprehensive plan, full-height dry floodproofing is the most desirable alternative for providing ground-level commercial space in pedestrian areas.

POLICY 4-E-5 **COASTAL BUILDING REGULATIONS:** The town shall request state approval of an island-wide (rather than parcel-by-parcel) approach to limiting obstructions below flood elevation if this change is needed to avoid the loss of pedestrian activity near Times Square.

**OBJECTIVE 4-F REDEVELOPMENT — Take positive steps to redevelop areas that are reaching obsolescence or beginning to show blight by designing and implementing public improvements near Times Square to spur private redevelopment there, by supporting the conversion of the Villa Santini Plaza into a pedestrian precinct, by providing an opportunity for landowners to replace vulnerable mobile homes and recreational vehicles with permanent structures in the Gulfview Colony/Red Coconut area, and by providing building code relief for historic buildings.**

POLICY 4-F-1 **HISTORIC BUILDINGS:** The protection of historic buildings is of great importance to the town, and shall be aided by implementing the policies set forth in other elements of this comprehensive plan.

POLICY 4-F-2 **SPECIFIC REDEVELOPMENT PLANS:** This comprehensive plan anticipates substantial redevelopment over the coming years. Specific concepts have been developed for three specific areas:

- i. **Times Square** – The Estero Island CRA’s plan for the Times Square area is reflected in this plan, bounded by the “Pedestrian Commercial” category at Times Square. Implementation of that plan will be on-going as discussed through this comprehensive plan and in accordance with the specific regulations provided in the Land Development Code. The Times Square redevelopment plan is described in Community Design Policies 3-D-1 through 3-D-13.
- ii. **Villa Santini Plaza** – This area is shown as “Pedestrian Commercial” on the Future Land Use Map. Existing land uses may continue. If landowners wish to redevelop part or all of this property, the following concepts shall apply:
  - a. buildings are brought closer to the street;
  - b. drainage has been placed underground to make room for wide sidewalks, street trees, and some on-street parking (once passive traffic calming activities have

- reduced speeding on Estero Boulevard);
- c. the shopping center is reconfigured with a central green plaza and better ties to the marina to the rear; and
- d. off-street loading areas are provided for delivery vehicles;

This redevelopment plan can only be accomplished through a public-private partnership as described in Community Design Policies 3-C-1 and 3-C-2.

- iii. ***Gulfview Colony/Red Coconut*** – This area is shown as “Mixed Residential” and “Boulevard” on the Future Land Use Map. If landowners wish to redevelop part or all of this property, the following concepts are encouraged, and shall form the basis for a pre-approved redevelopment option in the Land Development Code:
  - a. traditional neighborhood design emphasizing porches on the front; primary entrances visible from the street; and cars to the rear (except for on-street parking);
  - b. detached houses or cottages (with optional accessory apartments) abutting existing single-family homes;
  - c. low-rise townhouses or apartments allowed toward the center;
  - d. walkable narrow streets with shade trees that double as view corridor to the Preserve and Gulf;
  - e. substantial open space with views to be maintained from Estero Boulevard to the Gulf;
  - f. mixed commercial and residential uses along the Bay side of Estero Boulevard;

- g. quiet internal street connections to the north and south;
  - h. 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;
  - i. provision for a publicly acquired access point to the Matanzas Pass Preserve.
- This redevelopment plan is described in Community Design Policies 3-A-5 and 3-A-6.

Different redevelopment concepts that are consistent with this comprehensive plan may also be proposed for any of these areas through the planned development rezoning process.