
SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416
Fort Myers, Florida 33901-2947

telephone: (239) 334-8866
fax: (239) 334-8878

e-mail: bill@spikowski.com
web site: www.spikowski.com

MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: November 17, 2003
SUBJECT: LAND DEVELOPMENT CODE, CH. 10
SUPPLEMENT FOR NOVEMBER 18 PUBLIC HEARING

As a supplement to the proposed Chapter 10 language forwarded to you with my November 3 memorandum, please consider the following additional changes:

#1: PROPOSED CHANGES TO § 10-321(a)(3) (on page 52 of 87)

- (3) Development parcels one acre or smaller shall also comply with § 10-321(a)(2) except that on-site retention or detention of stormwater to SFWMD standards is not required if both of the following conditions are met:
- a. Rainfall from building roofs: Rainfall is collected from roofs of buildings and directed to depressed and permeable landscaped areas or to underground infiltration chambers instead of to hard surfaces; and
 - b. Other impervious surfaces: At least 50% of hard surfaces on the site (excluding buildings) are surfaced with one of the following permeable surfaces placed over a well-drained base:
 - 1. Porous (pervious) asphalt or concrete.
 - 2. Paving brick or blocks laid with sufficient space between each unit to allow for infiltration of stormwater.
 - 3. Clean (washed) angular gravel (such as FDOT #57 stone). When used for parking spaces or aisles, gravel surfaces shall be stabilized in accordance with § 34-2017(b)(1).
 - 4. Proprietary cellular or modular porous paving systems installed in accordance with manufacturers' specifications.

As originally drafted, this section provided some relief from current drainage standards for redevelopment of small parcels provided that they use porous paving surfaces. The additional language proposed here adds a similar requirement to route downspouts into permeable areas. This will reduce flooding and will purify runoff from roofs as it percolates into the ground.

#2: PROPOSED CHANGES TO § 10-416(c)(7) (on page 68 of 87):

- (7) *Development abutting natural bodies of water.*
- a. There must be a 25-foot wide ~~vegetative~~ buffer landward from the mean high water line of all ~~nonseawalled~~ natural bodies of water, as defined in ch. 34, except those portions of a shoreline having a seawall or retaining wall. ~~No deviation or variance from these requirements will be permitted except under circumstances in which the requirement would have the effect of prohibiting all reasonable use of the property.~~
 - b. Existing vegetation within the buffer area must be retained. The removal or control of exotic pest plants must not involve the use of heavy mechanical equipment such as bulldozers, front end loaders, or hydraulic excavators, unless approved at the time of development order.

As originally drafted, the language in this section was ambiguous because it referred to seawalls without mentioning “retaining walls.” Chapter 26 of the code makes a distinction between those two types of vertical walls along shorelines, depending on their location relative to the mean high water line. The new language would treat retaining walls the same as seawalls for the purposes of this subsection.

In addition, the original language seems unnecessarily strict by imposing an outright ban against any deviations or variances to this rule.