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MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: January 20, 2005
SUBJECT: **LAND DEVELOPMENT CODE AMENDMENTS**

This memo supplements the backup material previously provided to you for the January 18th public hearing on land development code amendments, which has been continued to January 25th at noon.

BACK-LIT AWNINGS

On January 18, LPA members requested additional language that could be added to Chapter 30 regarding back-lit awnings. Please discuss this subject at your continued hearing on January 25 and decide whether to recommend its inclusion in this ordinance.

In summary, back-lit awnings (even those without lettering) were discouraged by the design guidelines for the Core Area Overlay District. These guidelines were adopted by the Town Council by Resolution 96-25; a copy is attached. Here are a few relevant excerpts:

- “Fabric awnings or historically inspired hanging metal roof overhangs are preferred.” (page 107)
- “Awnings designed for internal illumination of the entire awning surface are discouraged.” (page 108)
- “Internally illuminated box-type and fabric awning signs are generally discouraged. Reverse-channel letters with internal, concealed illumination, or externally illuminated signs with concealed light sources are preferred.” (page 115)

These design guidelines will be effectively superseded by the new land development code and can soon be repealed.

The proposed amendments to Chapter 30 attempt to centralize all sign regulations into this chapter of the code, eliminating sign regulations from the commercial design standards and

eliminating the core area design guidelines entirely. This causes a number of difficulties because the commercial design standards only applied to new buildings and “substantially improved” buildings, while Chapter 30 applies in those situations and also to the replacement of signs on existing buildings or buildings undergoing minor remodeling. The core area design guidelines apply only to land within what is now known as the DOWNTOWN zoning district.

At the January 18th public hearing, the LPA asked to have wording prepared that would generally forbid back-lit awnings and signs on back-lit awnings, but would allow existing businesses that have such awnings or signs to keep them at their existing business location.

Chapter 30 as previously proposed addresses this subject as follows:

- § 30-2 defines “awning signs” and “back-lit awnings.” Note that the definition of “awning signs” excludes the use of “back-lit awnings.”
- § 30-5(6) lists “back-lit awnings” as a type of prohibited sign.
- § 30-6(a)(2) lists “awning signs” as allowable, even without a permit, if the lettering does not exceed eight square feet.
- § 30-153(c) identifies “awning signs” as a type of “projecting sign” that does not require a permit if it meets all the requirements of § 30-6(a)(2). Awning signs that exceed eight square feet of lettering can also be approved for new and substantially approved buildings that are subject to a compliance determination relative to the commercial design standards; in such cases, the size of the sign is limited by the general size limitations for all other signs.

If the LPA decides to modify Chapter 30 as discussed on January 18th, the following changes would be required:

Sec. 30-5. ~~4~~ Prohibited signs.

No commercial advertising signs by whatever name designated, shall be erected in the town of Fort Myers Beach, except those expressly authorized by the provisions of this chapter. The following specific types of signs are expressly prohibited, but this enumeration shall not be construed to limit the general prohibition set forth in this subsection:

(1) – (5) *[no changes required]*

(6) ***Back-lit awnings.*** However, any business with an existing back-lit awning as of December 31, 2004, may continue to use that awning and may place or replace signage on that awning provided it otherwise conforms to this code. This right shall end if the business is discontinued or moved to a different location, or if the building is rebuilt or substantially improved (see § 34-992).

(7) – (27) *[no changes required]*

OUTDOOR LIGHTING

In a related matter, the recent trend toward buildings being heavily illuminated by external light fixtures was discussed on January 18. I said that the only restriction on the lighting intensity in the code was the sea turtle regulations, which generally forbid the direct or indirect illumination of sea turtle nesting habitat and which specifically disallow the use of floodlights, uplights, spotlights, and decorative lighting that are directly or indirectly visible from sea turtle nesting

habitat during the nesting season. Also, this proposed ordinance would add a new section on exterior lighting in § 34-1831–1834 (based on Lee County’s new exterior lighting regulations). § 34-1833(b)(3)d would limit floodlights or spotlights to 900 lumens and provide several limitations on how they are aimed.

In addition, there are four missing dimensions in § 34-1833(b)(4). The proposed wording should read as follows:

- (4) **Luminaire mount standards.** The following standards apply to luminaire mountings.
 - a. **Freestanding luminaires.** Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed 15 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself (see additional restrictions in ch. 14 for luminaires near sea turtle nesting habitat). Light poles located within 50 feet of a residentially zoned property or use may not exceed 12 feet. Poles used to illuminate pedestrian walkways may not exceed 12 feet. Lighting of outdoor recreational facilities (public or private) such as athletic fields and tennis courts is exempt from the mounting height standards provided that all other applicable provisions are met.
 - b. **Building-mounted luminaires.** These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet for flat roofed buildings or the lowest point on the nearest sloped roof; or — feet above ground; whichever is lower.
 - c. *[no further changes to this subsection]*

VARIANCES AND APPEALS

Chapter 1 contains a new § 1-15 on variances. Please consider expanding this section as follows:

Sec. 1-15. Variances and appeals.

Requests for variances and appeals from the terms of this code shall be administered and decided in conformance with the requirements for variances and appeals which are set forth in ch. 34, except where a provision in this code explicitly disallows variances or appeals or provides different procedures or standards for variances or appeals.