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MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: January 31, 2005
SUBJECT: **LAND DEVELOPMENT CODE AMENDMENTS**

This memo supplements the backup material previously provided to you for the January 18th and January 25th public hearings on land development code amendments. The continuance of this public hearing will be held on February 8th at noon.

FILL PERMITS FOR SUBDIVIDED LOTS – Chapter 6

The property maintenance code in Chapter 6 contains new language in § 6-14 for subdivided lots whose ground level is later raised by placing fill material. Based on the discussion at the January 25 public hearing, please consider the following supplement to § 6-14 to add a permitting process:

Sec. 6-14. Neighborhood flooding.

(a) This code requires stormwater management systems for all new development and most redevelopment (see § 10-321). Development that is not subject to those requirements, such as single-family and two-family dwellings on existing lots, can also flood surrounding lots and streets, especially if the lot is raised higher than adjoining properties or if rainfall is concentrated by gutters and downspouts and discharged without an opportunity for percolation.

(b) To minimize neighborhood flooding from normal daily rainfall, a fill permit must be obtained from the town when fill material is to be placed around ~~the following requirements apply to~~ single-family and two-family dwellings on lots that have not previously complied with § 10-321:

- (1) When a lot has been filled more than an average of 1 foot *[or lesser depth?]* above adjoining lots, the fill permit application must show how normal rainfall will ~~must~~ be contained within the lot by using one or more of the following methods or equivalent solution:

- a. Gutters and downspouts that collect rainwater must discharge into exfiltration trenches (french drains), or into a subsurface drainfield that meets the construction standards of F.A.C. 64E-6.014(5) (the depth, location and setback standards for drainfields need not be met), or onto substantially flat and porous surfaces such as:
 1. Sodded lawns.
 2. Clean (washed) gravel or sand over a well-drained base.
 3. Porous (pervious) paving.
 - b. Roof areas not served by gutters and downspouts must not drain to impervious surfaces, and must not drain to pervious surfaces that are sloped in excess of 5%. Surfaces not meeting these requirements must be designed to detain or deflect rainfall, for instance through the use of earthen ridges, curbs, or retaining walls that prevent rainfall from running onto adjoining lots or streets.
- (2) Additions to, renovations of, and replacements for single-family and two-family dwellings that include the installation of gutters and downspouts must also obtain a fill permit showing discharge from the downspouts being directed to the same standards as for filled lots.

FLOODPLAIN STANDARDS – Chapter 6

Chapter 6 contains a minor revision to § 6-472(1)b.2. on standards for the expansion of buildings that were constructed before the current regulations were adopted in 1984. It became apparent during the January 25 public hearing that the revision was not clear; please consider the following revision in place of the original proposal:

Sec. 6-472. Specific standards.

The following specific standards must be followed within the Town of Fort Myers Beach:

- (1) ***Conventional residential construction.*** New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (5) of this section. (See subsection (7) for additional restrictions in V zones.)
 - a. When an improvement to an existing residential structure involves reconstruction or includes an addition, and the improvement's cost exceeds the 50 percent threshold in this article's definition of "substantial improvement," then the reconstruction or addition shall be elevated the same as new construction, with its lowest floor elevated to or above the base flood elevation.
 - b. Some partial reconstructions or additions to existing residential structures may fall below the 50 percent threshold and are therefore not considered to be "substantial improvements." In this situation:
 1. If the structure was approved **after** 1984 and thus was elevated in accordance with this code, the reconstructed or additional floor space shall also be elevated the same as new construction, with its lowest floor at or above the base flood elevation. Any enclosed space below the base flood elevation shall be subject to the same restrictions that apply to post-1984 structures as found in subsection (5) of this section.
 2. If the structure was approved **before** 1984, ~~the reconstructed or~~ any additional enclosed floor space must be elevated to or above the elevation of the structure's existing lowest floor. Any enclosed space below the structure's

existing lowest floor shall be subject to the same restrictions that apply to post-1984 structures as found in subsection (5) of this section. For purposes of this subsection only, "existing lowest floor" does not include enclosed space of less than 500 square feet below a building with existing floor space that is elevated to base flood elevation or to within 2 feet of base flood elevation, an elevated structure and does not include any space that has been used to park vehicles.

[no further changes to this section]

RESIDENTIAL USES IN MARINAS – Chapter 34

Chapter 34 contains new language for § 34-632 on residential uses in marinas. Based on the discussion at the January 25 public hearing, please consider the following revision to § 34-632 in place of the original proposal:

Sec. 34-632. Density.

Residential density cannot exceed the maximum levels established in the Fort Myers Beach Comprehensive Plan. ~~Residential uses~~ Additional dwelling units are not allowed in the "Marina" or "Tidal Waters" categories on the Comprehensive Plan's future land use map; liveaboards are permitted in accordance with § 34-1861.

(1)–(7) [these subsections unchanged].

CORNER VISIBILITY – Chapter 34

Chapter 34 contains § 34-3131 on corner visibility. Based on the discussion at the January 25 public hearing, please consider the following revision to § 34-3131 to clarify its meaning:

Sec. 34-3131. Vehicle visibility at intersections.

(a) *Corner lots; driveways on Estero Boulevard.* On all corner lots as defined in this chapter, and on all driveways entering onto Estero Boulevard, no obstruction shall be planted or erected which materially obstructs traffic visibility within the visibility triangle as shown in Figure 34-30. This requirement also applies to all driveways entering onto Estero Boulevard. No structures (except along Old San Carlos Boulevard) or plantings shall be permitted between two feet and six feet above the average grade of each street within this triangular space.

(b) *All other driveways and parking lot entrances. [this subsection unchanged].*