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MEMORANDUM

TO: Fort Myers Beach Town Council and Local Planning Agency
FROM: Bill Spikowski
DATE: December 14, 2001
SUBJECT: 2001 Comprehensive Plan Amendments

The second group of amendments to the 1999 Fort Myers Beach Comprehensive Plan was adopted by Ordinance 01-07 on September 24, 2001, in response to the following applications:

- **Application 2001-1-TEXT:** Annual updating of the five-year schedule of capital improvements (Table 11-7, page 11-22)
- **Application 2001-2-TEXT:** Consideration of amending Comprehensive Plan Policy 4-C-6 to encourage landowners along both sides of Old San Carlos Boulevard to build second and third stories over their storefronts without being limited by the current motel-room equivalency factor.

Both of these amendments became effective on November 21, 2001, the date when the Florida Department of Community Affairs published its notice of intent to find these amendments “in compliance” with state law.

Attached please find replacement pages 4-49, 4-50, and 11-22 , plus a new title page that displays a running tabulation of all replacement pages.

Please keep these pages with your copy of the comprehensive plan. Additional copies of these pages, or the replacement pages for the year 2000 amendments to the plan, can be obtained from Town Hall or downloaded from the town’s web site at <http://www.fmbeach.org/comp-plan/index.html>

FORT MYERS BEACH COMPREHENSIVE PLAN

TOWN COUNCIL:

Mayor Anita Cereceda
 Vice-Mayor Ray Murphy
 Councilman Daniel L. Hughes
 Councilman John Mulholland
 Councilman Garr Reynolds
 Former Vice-Mayor Ted FitzSimons
 Former Councilman Rusty Isler

LOCAL PLANNING AGENCY:

Co-Chair Betty Davis Simpson
 Co-Chair Roxie Smith
 Former Chair John Mulholland
 Linda Beasley
 Johanna Campbell
 Lena Heyman
 Daniel L. Hughes
 Ron Kidder
 David Smith
 Bill Van Duzer

PREPARED BY:

Spikowski Planning Associates, Fort Myers, Florida

WITH:

Carol Cunningham & Associates
 Dover, Kohl & Partners
 Mohsen Salehi Consulting Services
 Smith•Osborne Associates
 Camp Dresser & McKee Inc.

EFFECTIVE DATE: JANUARY 1, 1999

AMENDMENTS TO THIS PLAN

<i>Application Number:</i>	<i>Adopting Ordinance:</i>	<i>Pages Changed:</i>	<i>Effective Date:</i>
2000-1-TEXT	00-15	11-22	11-21-2000
2000-2-TEXT	00-15	15-4	11-21-2000
2000-3-MAP	<i>[rejected]</i>	—	—
2001-1-TEXT	01-07	11-22	11-21-2001
2001-2-TEXT	01-07	4-49-50	11-21-2001
2001-3-TEXT	<i>[withdrawn]</i>	—	—

Table 11-7 — Revised Five-Year Schedule of Capital Improvements, FY 00/01 to 04/05¹

	FY 00/01 (Budgeted)	FY 01/02 (Projected)	FY 02/03 (Projected)	FY 03/04 (Projected)	FY 04/05 (Projected)
TRANSPORTATION CAPITAL IMPROVEMENTS:					
Transportation/drainage maintenance, etc. ²	\$300,000	\$100,000	\$50,000	\$1,250,000	\$100,000
Traffic calming (Connecticut Street)	\$0	\$0	\$0	\$0	\$100,000
Estero Boulevard streetscaping	\$400,000	\$400,000	\$0	\$250,000	\$250,000
“Hidden Paths” walking and biking system	\$0	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$700,000	\$500,000	\$50,000	\$1,500,000	\$450,000
Anticipated annual transportation revenue:	\$722,100	\$600,000	\$600,000	\$600,000	\$600,000
Anticipated year-end transportation reserves: ³	\$2,506,707	\$2,606,707	\$3,156,707	\$2,256,707	\$2,406,707
NON-TRANSPORTATION CAPITAL IMPROVEMENTS:					
Office equipment	\$20,000	\$0	\$0	\$0	\$0
Mound House capital improvements	\$100,000	\$100,000	\$0	\$0	\$0
Times Square improvements ⁴	\$25,000	\$0	\$0	\$0	\$0
Public docks	\$30,000	\$30,000	\$0	\$0	\$0
Matanzas Harbor plan	\$30,000	\$0	\$0	\$0	\$0
Beach renourishment	\$550,000	\$500,000	\$100,000	\$100,000	\$100,000
Land acquisition, Gulf Park	\$0	\$0	\$0	\$0	\$0
Community swimming pool improvements	\$30,000	\$0	\$50,000	\$0	\$0
Neighborhood landscaping, matching funds	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Bay Oaks	\$100,000	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$895,000	\$640,000	\$160,000	\$110,000	\$110,000
Anticipated annual non-transportation revenue:	\$678,000	\$640,000	\$160,000	\$110,000	\$110,000
Anticipated year-end non-transportation reserves: ⁵	\$23,348	\$23,348	\$23,348	\$23,348	\$23,348
DOWNTOWN REDEVELOPMENT AGENCY (DRA) BUDGET:					
Phase II Times Square streetscaping	\$95,000	unknown	unknown	unknown	unknown
Old San Carlos/Crescent improvements	\$70,000	unknown	unknown	unknown	unknown
Transit improvements (tram service)	\$0	unknown	unknown	unknown	unknown
Outside legal/planning services	\$25,000	unknown	unknown	unknown	unknown
Total of proposed annual expenditures:	\$190,000	unknown	unknown	unknown	unknown

¹ This schedule is a summary from the adopted budget for Fiscal Year 2000/2001; further details on revenues and expenditures are available in that document.

² These items are routine recurring maintenance, including periodic road resurfacing (tentatively scheduled for FY 03/04).

³ Initial transportation reserves were \$2,484,607.

⁴ This item is funded with the remainder of a \$200,000 state tourism grant.

⁵ Initial non-transportation reserves were \$240,348.

- 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 motel rooms and full dwelling units. These factors may vary based on size of motel room and on land-use categories on the Future Land Use Map. They may vary between a low of one motel room and a high of three motel rooms for each dwelling unit. (These factors would apply only where motels 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 to 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