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## **MEMORANDUM**

**TO:** Fort Myers Beach Town Council  
**FROM:** Bill Spikowski  
**DATE:** April 15, 2003  
**SUBJECT:** Recent Changes in Setback Regulations — April 19, 2003, Town Council Agenda

On April 5, the Town Council discussed the recent changes to residential setbacks resulting from adoption of the new Chapter 34 into the land development code.

As an aid to this discussion, please refer to the top chart on the following page, which summarizes the previous setback regulations. The bottom chart shows the new setback regulations in a similar format.

There were three major changes regarding setbacks:

- Side setbacks are now slightly larger for waterfront lots (to maintain occasional glimpses of the water from public streets).
- Front setbacks were reduced from 25' to 20' in most zones, and reduced to 10' in RC zones (which were largely developed prior to front setback regulations).
- Open porches, balconies, and stoops may now extend up to 10' into the front setback (but never closer than 10' from the right-of-way).

In general, zoning districts were converted as follows:

- Most RM-2 zoning was converted to RM zoning, except for some lots on Lagoon Street, Indian Bayou Drive, and Widgeon Terrace which were converted to RC (because those lots could not accommodate more than two dwelling units).
- Most TFC-2 and MH-2 zoning was converted to RC zoning.
- All RS-2 zoning was converted to RS zoning.
- Most RS-1 zoning was converted to RS zoning, except for streets between Primo Drive and Delmar Avenue which were converted to RC zoning because their lots are typically only 50' wide.

More detailed explanations can be provided if it would be helpful.

### PREVIOUS SETBACK REGULATIONS

<b>ZONING DISTRICT</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>
<b>MH-2</b>	25'	7'	15'
<b>RS-1</b>	25'	7.5'	20'
<b>RS-2</b>	25'	10'	20'
<b>TFC-2</b>	25'	7.5'	20'
<b>RM-2</b> (single-family & duplexes)	25'	7'	20'
<b>RM-2</b> (multifamily buildings)	25'	20'	20'

**EXCEPTIONS:**

- Most non-conforming lots were required to comply with these same setbacks unless a variance was granted; however, non-conforming lots that were small enough to qualify for a "Minimum Use Determination" could substitute the following setbacks (regardless of zoning district):  
*SIDE – 5' or 10% of lot width, whichever was greater;*  
*REAR – 20' or 25% of lot depth, whichever was smaller.*

### NEW SETBACK REGULATIONS

<b>ZONING DISTRICT</b>	<b>Front Setback</b>	<b>Side Setback</b>		<b>Rear Setback</b>
		<i>non-water- front lots</i>	<i>waterfront lots</i>	
<b>RS</b>	20'	7'	10'	20'
<b>RC</b>	10'	5'	7'	20'
<b>RM</b> (single-family & duplexes)	20'	7'	10'	20'
<b>RM</b> (multifamily buildings)	20'	7'	20'	20'

**EXCEPTIONS:**

- All non-conforming lots may use the RC side setbacks (regardless of zoning district): 5' for non-waterfront lots and 7' for waterfront lots. See § 34-3273(3).
- Open porches, balconies, and stoops may extend up to 10' into the front setback (but never closer than 10' from the right-of-way). See § 34-638(d)(2).

**Table 34-3 — Dimensional Regulations in Conventional Zoning Districts**

<b>ZONING DISTRICT</b>	<b>Setbacks</b> <i>(see § 34-638 for explanation and exceptions)</i>						<b>Lot size</b> <i>(see § 34-637 for explanations and exceptions)</i>			<b>F.A.R.</b> <small>§34-633</small>	<b>Building Coverage</b> <small>§ 34-634</small>	<b>Density</b> <small>§ 34-632</small>	<b>Height</b> <small>(see § 34-631)</small>	
	<i>street</i>	<i>side - waterfront lot</i>	<i>side - non-waterfront</i>	<i>rear</i>	<i>water body</i>	<i>Gulf of Mexico (1)</i>	<i>area</i>	<i>width</i>	<i>depth</i>		<i>percentage</i>	<i>feet</i>	<i>stories</i>	
<b>RS Residential Single-family</b>	20	10	7	20	25	50	7,500	75	100	=	40%	(3), (4)	25	3
<b>RC Residential Conservation</b>	10	7	5	20	25	50	4,000	45	80	=	40%	(3), (4), (5)	25	3
<b>RM Residential Multifamily</b>	20	20 (6)	7	20	25	50	7,500	75	100	1.2	=	(3), (4), (5)	30	3
<b>CR Commercial Resort</b>	10	20	15	20	25	50	20,000	100	100	1.2	=	(3)	30	3
<b>CM Commercial Marina</b>	20	20	20	20	0	50	20,000	100	100	1.0	=	(3)	35	3
<b>CO Commercial Office</b>	10	10	7	20	25	50	7,500	75	100	1.2	=	(3)	30	3
<b>SANTOS</b>	10	7	5	20	25	50	5,000	50	100	0.5	=	(1), (2), (3)	25	3
<b>IN Institutional</b>	20	10	7	20	25	50	7,500	75	100	0.8	=	(3)	35	3
<b>CF Community Facilities</b>	20	15	10	20	25	50	N/A	N/A	N/A	0.1	=	(3)	35	3
<b>BB Bay Beach</b>	— see § 34-651(b) —													
<b>EC Environmentally Critical</b>	20	25		25	20	50	(7)	N/A	N/A	.01	=	(7)	25	2

*Note 1: An additional wetland buffer is required for new development; see § 34-638(c).*  
*Note 2: See § 34-638(d)(3)a.*  
*Note 3: Maximum densities are established by the Fort Myers Beach Comprehensive Plan; see § 34-632.*  
*Note 4: Accessory apartments are allowed in owner-occupied homes under certain conditions; see §34-1178.*  
*Note 5: A second dwelling unit or accessory apartment may be allowed on larger lots; for details, see §§ 34-632, 34-1177, and 34-1178.*  
*Note 6: Single-family and two-family homes on waterfront lots in the RM zoning district must maintain only a 10-foot side setback.*  
*Note 7: See § 34-652(e)(3).*