

ORDINANCE 17-10

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE III, DIVISION 3, IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, "EXPLANATION OF PROPERTY DEVELOPMENT REGULATIONS FOR ALL ZONING DISTRICTS;" ADDING SECTION 34-639, "PERMITTING SURVEY REQUIREMENTS;" BY PROVIDING REQUIREMENTS FOR A BOUNDARY SURVEY AT THE TIME OF BUILDING PERMIT APPLICATION AND AN AS-BUILT SURVEY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, this ordinance was considered by the Local Planning Agency on March 14, and April 18, 2017 and found to be consistent with the Town of Fort Myers Beach Comprehensive Plan; and

**WHEREAS**, the Town Council held two public hearings and received public comments regarding the provisions of this ordinance on ##, 2017 and ##, 2017; and

**WHEREAS**, the aforesaid Ordinance, if passed, would amend regulations relating to required documentation submitted for building permits, as is more fully set forth in the proposed Ordinance; and

**WHEREAS**, the Town of Fort Myers Beach Town Council has determined it is in the public interest to adopt the proposed amendments; and

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapters 163 and 166, Florida Statutes and other applicable provisions of law.

Section 2. Adoption of Amendments to Chapter 34 of the Town of Fort Myers Beach Land Development Code. Chapter 34 of the Town of Fort Myers Beach Land Development Code, entitled "Zoning Districts, Design Standards and Nonconformities," is hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference. Entirely new language is indicated with underlining. Language being repealed from existing code is indicated with strikethroughs. Existing language being retained is shown without underlining or strikethroughs.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining

portions hereof.

Section 4. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Vice Mayor Gore and seconded by Council Member Butcher and upon being put to a roll call vote, the result was as follows:

Dennis C. Boback	aye
Tracey Gore	aye
Bruce Butcher	aye
Anita Cereceda	aye
Joanne Shamp	aye

DULY PASSED AND ADOPTED THIS 19TH DAY of JUNE 2017, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 

Dennis C. Boback, Mayor

ATTEST:

By: 

Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By:   
Peterson Law Group, Town Attorney

**"EXHIBIT A"**

**Sec. 34-639. Permitting survey requirements.**

- (a) Survey Required. In order to demonstrate compliance with applicable regulations of this Division, the applicant or contractor must provide, the following, as illustrated in the chart below, Illustration Chart 1:
  - (1) A boundary survey at the time of building permit application; and
  - (2) A foundation survey
  - (3) An as-built survey prior to issuance of a certificate of occupancy or a certificate of completion.
  - (4) Survey of height, when building permit plans call for construction within five (5) feet of the height limitation in the applicable zoning district.
  - (5) Survey must depict 1978 and 1991 Coastal Construction Control Line, where applicable.
- (b) Types of permits requiring survey submission:
  - (1) New construction
  - (2) Room addition
  - (3) Swimming pools & spas
  - (4) Accessory buildings and structures
  - (5) Fences
- (c) Waiver of survey requirements. The Director has discretion to review waiver requests under certain situations:
  - (1) When proposed construction does not change the building envelope or height
  - (2) If the value of the permitted construction is less than \$10,000.00.

**Illustration Chart 1:**

<u>Type</u>	<u>Boundary survey</u>	<u>Foundation survey</u>	<u>As-built survey</u>	<u>Height/elevation</u>
<u>New construction</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Room addition</u>	<u>X</u>			
<u>Swimming Pool/spa</u>	<u>X</u>			
<u>Accessory buildings &amp; structures</u>	<u>X</u>	<u>X</u>		
<u>Fences</u>	<u>X</u>			