

**RESOLUTION NO: 25-251**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE EXPIRATION PERIOD OF EMERGENCY TEMPORARY PLACEMENT PERMITS (ETPPs), FORMERLY KNOWN AS TEMPORARY PLACEMENT PERMITS, ISSUED TO PROPERTY OWNERS OR TENANTS WHO SUSTAINED DAMAGE TO RESIDENTIAL HOMES OR BUSINESSES FOLLOWING HURRICANE IAN AS PROVIDED AND AUTHORIZED IN ORDINANCE 23-05 AS AMENDED IN ORDINANCE 24-04; AUTHORIZING AND DIRECTING THE TOWN MANAGER TO EXTEND REMAINING ETPPS DUE TO EXPIRE ON SEPTEMBER 23, 2025 TO JUNE 1, 2027 UPON THE DEMONSTRATION OF A HARDSHIP AS PROVIDED HEREIN; DIRECTING THE TOWN MANAGER TO BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR AN EXTENSION OF REMAINING ETPPS NO LATER THAN SEPTEMBER 2, 2025; PROVIDING FOR PAYMENT OF AN EXTENSION FEE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, property owners and businesses in the Town of Fort Myers Beach sustained historic devastating losses to their homes and businesses following Hurricane Ian on September 28, 2022; and

**WHEREAS**, in order to quickly begin the recovery process of rebuilding businesses and the lives of the Town’s residents, the Town Council authorized the issuance of Temporary Placement Permits (“TPPs”) in Ordinance 23-05; and

**WHEREAS**, Ordinance 23-05 was subsequently amended in May of 2024 by Ordinance 24-04, which in addition to other needed changes renamed TPPs to Emergency Temporary Placement Permits (“ETTPs”) to distinguish and avoid confusion regarding these permits and other temporary use permits allowed by the Land Development Code; and

**WHEREAS**, ETPPs allowed the temporary use of manufactured home, mobile home, motor home, recreational vehicle, or other temporary units for governmental, residential and commercial use for a limited period of time following an “emergency,” subject to conditions including but not limited to compliance with federal, state and local laws; and

**WHEREAS**, the Town was notified by the Federal Emergency Management Agency (“FEMA”) that several of its ETPPs were issued to non-compliant structures in violation of the Town’s floodplain regulations and the Town proceeded to direct the Town Manager to revoke those ETPPs in Resolution 24-296; and

**WHEREAS**, based on current information, there are 51 commercial ETTPS and 158 Hurricane Ian ETTPS, which will expire on September 23, 2025 and the Town Council has been advised that many of the holders of these permits remain in the process of recovery from damage to their homes and businesses sustained from Hurricane Ian; and

**WHEREAS**, Ordinance 24-04 authorizes the Town Council to extend the expiration date of ETTPS by Resolution; and

**WHEREAS**, the Town Council finds that the extension of remaining ETTPs issued in response to recovery efforts related to Hurricane Ian for a limited period of time in hardship situations as provided herein, is in the best interest of the residents of the Town of Fort Myers Beach.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:**

**Section 1.** The above “WHEREAS” paragraphs are incorporated herein by reference and constitute findings by the Town Council.

**Section 2.** The Town Manager is authorized and directed to extend remaining ETTPs due to expire on September 23, 2025 (Hurricane Ian ETTPS) to June 1, 2027 upon the showing of a “Hardship.”

For purposes of this Resolution a “Hardship” must be due to action by a third party or other circumstance out of the property or business owner’s control. The Town Council finds a Hardship is present due to the following:

1. Delay in processing Elevate Florida application
2. Delay in obtaining construction mortgage or refinancing
3. Delay based on an inability to find licensed professionals to rebuild
4. Delay due to a dispute with a licensed building professional or insurance adjustor/carrier
5. Delay due to the lack of available equipment/materials to complete construction
6. Hardship due to inability to sell property
7. Hardship due to inability to secure alternative location to operate business or residence
8. Hardship due to delay in permitting process
9. Hardship due to extended family illness/death of property owner or business

The burden is on the property or business owner to provide: 1) documentation of the Hardship; 2) a plan for resolving the Hardship; and 3) an approved evacuation plan that is FEMA compliant and includes a current emergency contact to the Town Manager to obtain a Hurricane Ian ETTP Extension. The Town Manager is directed to create a Hurricane Ian ETTP Extension application and begin accepting applications on no later than September 2, 2025. The application shall include an update of any changes in the information submitted in the initial application for an TPP/ETTP. Any requested extension for a hardship not included in the list of Hardships identified in this Resolution shall require review by the Town Council.

In addition, any extension for a residential ETTP shall require that the property owner reside in the unit full-time and not have a second home elsewhere. Any extension shall include continuation of any previously imposed conditions. The holder of any extended ETTPs must comply with all of the Town’s floodplain regulations, which incorporate federal regulations

adopted by the Federal Emergency Management Agency. Any structure or use identified in an ETPP, which is non-compliant as required by the Town floodplain regulations OR if the ETPP is not extended shall be referred to Code Enforcement.

In the event, an extension of an ETPP is denied by the Town Manager, the denial may be appealed to the Town Council as provided in Section 34-86 of the Land Development Code.

**Section 2.** This Resolution does not authorize the issuance of any new ETPPs.

**Section 3.** An administrative fee in the amount of \$100 for residential ETPPs and \$200 for commercial ETPPs shall be charged for an extension. The Town Manager may waive the administrative fee in extraordinary cases.

**Section 4.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Woodson and seconded by Council Member King and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	<u>Aye</u>
Jim Atterholt, Vice-Mayor	<u>Aye</u>
John R. King, Council Member	<u>Aye</u>
Scott Safford, Council Member	<u>Aye</u>
Karen Woodson, Council Member	<u>Aye</u>

ADOPTED this 18<sup>th</sup> day of August, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*

Dan Allers (Aug 24, 2025 07:42:16 MDT)

\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*

Amy Baker (Aug 21, 2025 14:22:17 EDT)

\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

*Nancy Stuparich*

Nancy Stuparich (Aug 21, 2025 14:57:05 EDT)

\_\_\_\_\_  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 21<sup>st</sup> day of August, 2025.

# Town Council Resolution 25-251 Authorizing the Town Manager to Extend Hurricane Ian ETPPs with Votes

Final Audit Report

2025-08-24

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