

**RESOLUTION NUMBER 25-334**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20250217 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF BOARDWALKS, PAVER DECK, SIDEWALK, DECKING AND BENCHES IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 50/58 ESTERO BOULEVARD COMMONLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0080D.0400; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, applicant Johnson Engineering, LLC on behalf of owner Lee County, is requesting a special exception to allow like-for-like replacement or repair of 179'+/- boardwalk, 1,600'+/- of paver deck, 1,370'+/- sidewalk, 75'+/- boardwalk, decking, and benches.

**WHEREAS**, the STRAP number for the subject property is 24-46-23-W1-0080D.0400; and

**WHEREAS**, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS**, the Property is located in the "Community Facility" and the "Environmentally Critical" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

**WHEREAS**, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 09, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC and voted 6 to 0 to recommend approval with conditions of the special exception request; and

**WHEREAS**, on October 6, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 of the LDC; and

**WHEREAS**, the Town Council determined it is in the best interest of the Town to approve with conditions the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did meet their burden of proof that the requested Special Exception does meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES WITH CONDITIONS** the special exception request to allow like-for-like replacement of a tiki hut in Environmentally Critical zoning district seaward of 1978 CCCL as shown in the stie plan attached as Exhibit A.

Section 3. In approving with conditions the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- ~~C. Construction may not occur during sea turtle season.~~
- D. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

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

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

ADOPTED this 6<sup>th</sup> day of October 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*  
Dan Allers (Nov 18, 2025 15:40:42 EST)  
 \_\_\_\_\_  
 Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
Amy Baker (Nov 19, 2025 09:14:39 EST)  
 \_\_\_\_\_  
 Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

*[Signature]*  
[Signature] (Nov 18, 2025 15:40:56 EST)  
 \_\_\_\_\_  
 Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on Nov 19, 2025.

Exhibits  
 Exhibit A- Survey and Site Plan



**REVISIONS**

DATE	DESCRIPTION
07/16/25	REVISE & UPDATE COORDINATES FOR BOUNDARY & C.C.L.

- LEGEND**
- (C) = CALCULATED
  - C.C.C.L. = COASTAL CONSTRUCTION CONTROL LINE
  - CONC. = CONCRETE
  - E = EASTING
  - EOP = EDGE OF PAVEMENT
  - BOC = BACK OF CURB
  - D.E.P. = DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY
  - ELEV/EL = ELEVATION
  - FB = FIELD BOOK
  - F.D.N.R. = FLORIDA DEPARTMENT OF NATURAL RESOURCES
  - F.F.E. = FINISHED FLOOR ELEVATION
  - FPL = FLORIDA POWER AND LIGHT COMPANY
  - INV = INVERT ELEVATION
  - LB = LICENSED BUSINESS
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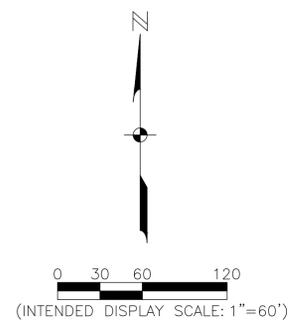
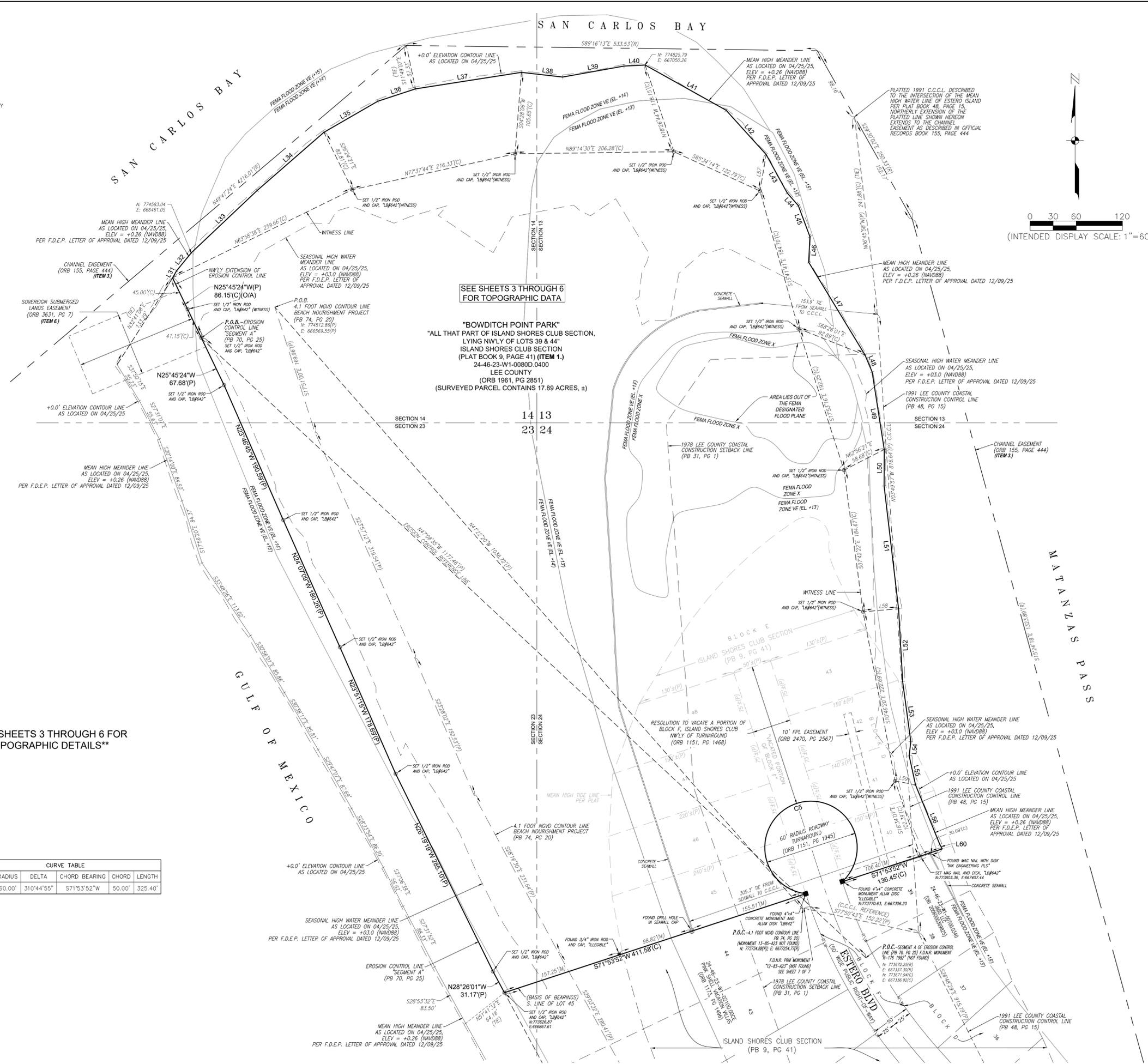
**LINE TABLE**

LINE	BEARING	DISTANCE
L31	N29°52'42"E	10.38'
L32	N39°23'26"E	30.17'
L33	N46°42'28"E	117.50'
L34	N49°03'04"E	114.74'
L35	N60°08'30"E	80.58'
L36	N71°52'45"E	51.51'
L37	N81°10'18"E	139.17'
L38	S83°30'59"E	53.91'
L39	N79°53'41"E	80.77'
L40	N87°05'48"E	27.60'
L41	S60°55'28"E	120.22'
L42	S42°16'08"E	77.27'
L43	S28°54'15"E	56.98'
L44	S41°22'58"E	21.65'
L45	S20°33'05"E	42.96'
L46	S02°49'57"W	32.96'
L47	S31°23'17"E	140.50'
L48	S22°48'24"E	23.76'
L49	S08°54'20"E	101.43'
L50	S01°22'21"W	47.03'
L51	S06°45'07"E	159.96'
L52	S03°12'21"E	94.20'
L53	S07°44'52"E	78.21'
L54	S06°24'34"W	18.53'
L55	S12°18'29"E	38.36'
L56	S22°16'56"E	83.50'
L57	N09°27'08"E	47.90'
L58	N85°15'59"E	46.29'
L59	S79°34'14"E	26.87'
L60	S29°10'32"E	6.40'

**\*\*SEE SHEETS 3 THROUGH 6 FOR TOPOGRAPHIC DETAILS\*\***

**CURVE TABLE**

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C5	60.00'	310°44'55"	S71°53'52"W	50.00'	325.40'

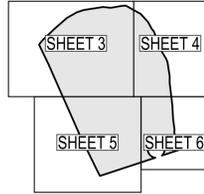


**"BOWDITCH POINT PARK"**  
"ALL THAT PART OF ISLAND SHORES CLUB SECTION,  
LYING NWLY OF LOTS 39 & 44"  
ISLAND SHORES CLUB SECTION  
(PLAT BOOK 9, PAGE 41) (ITEM 1.)  
24-46-23-W1-0080D.0400  
LEE COUNTY  
(ORB 1961, PG 2851)  
(SURVEYED PARCEL CONTAINS 17.89 ACRES, ±)

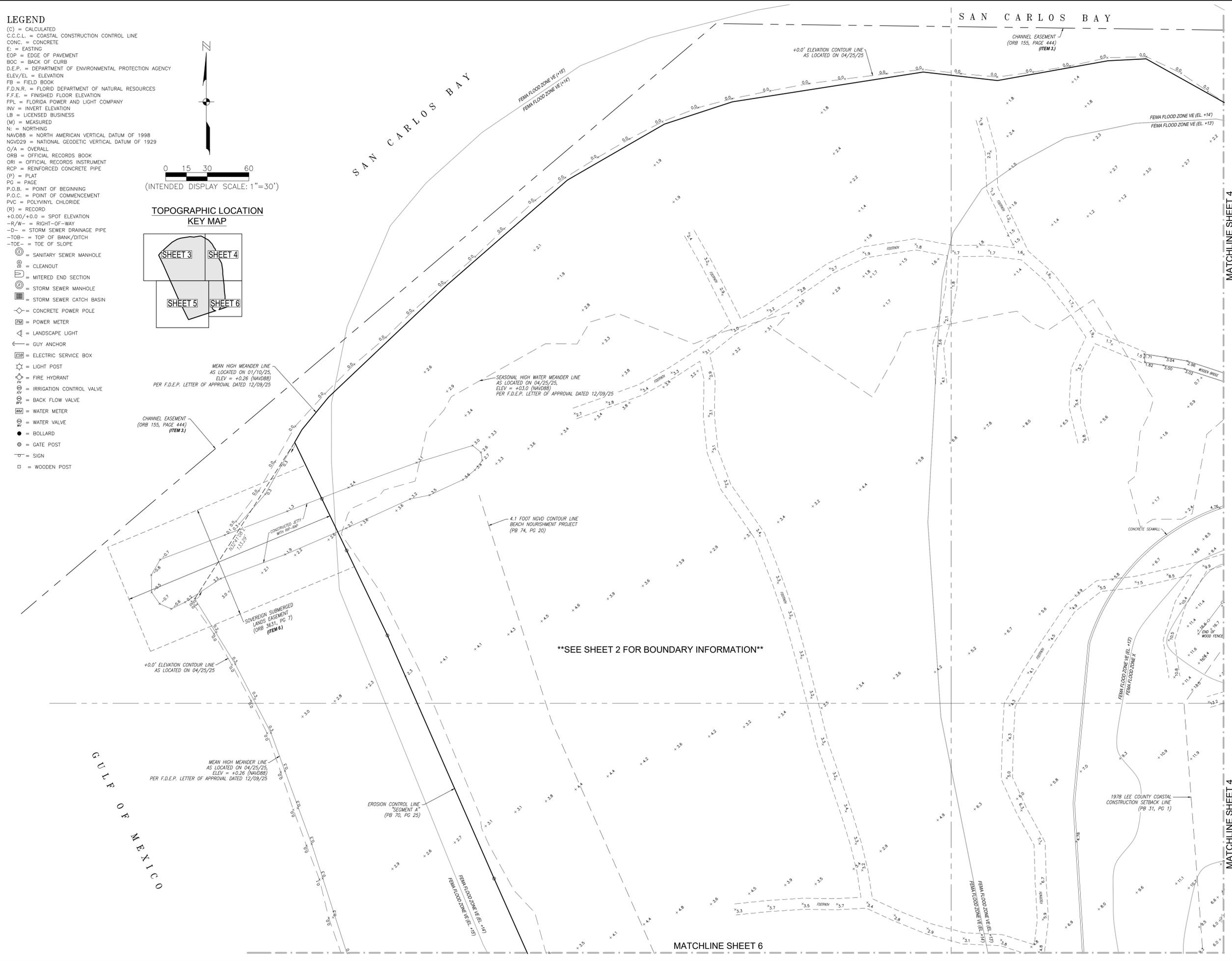
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**TOPOGRAPHIC LOCATION KEY MAP**



0 15 30 60  
(INTENDED DISPLAY SCALE: 1"=30')



REVISIONS	
DATE	DESCRIPTION
07/16/25	REVISIONS FOR BOUNDARY & COOL

\\FTMS01\Drawings\2024\20247020-000\Bowditch Point\Surveying\Surveys\20247020-000 Bowditch Point - boundary and topo survey.dwg (3) Mark.Haines Jul 16, 2025 - 10:30am

**BOUNDARY, TOPOGRAPHIC AND MEAN HIGH WATER SURVEY**

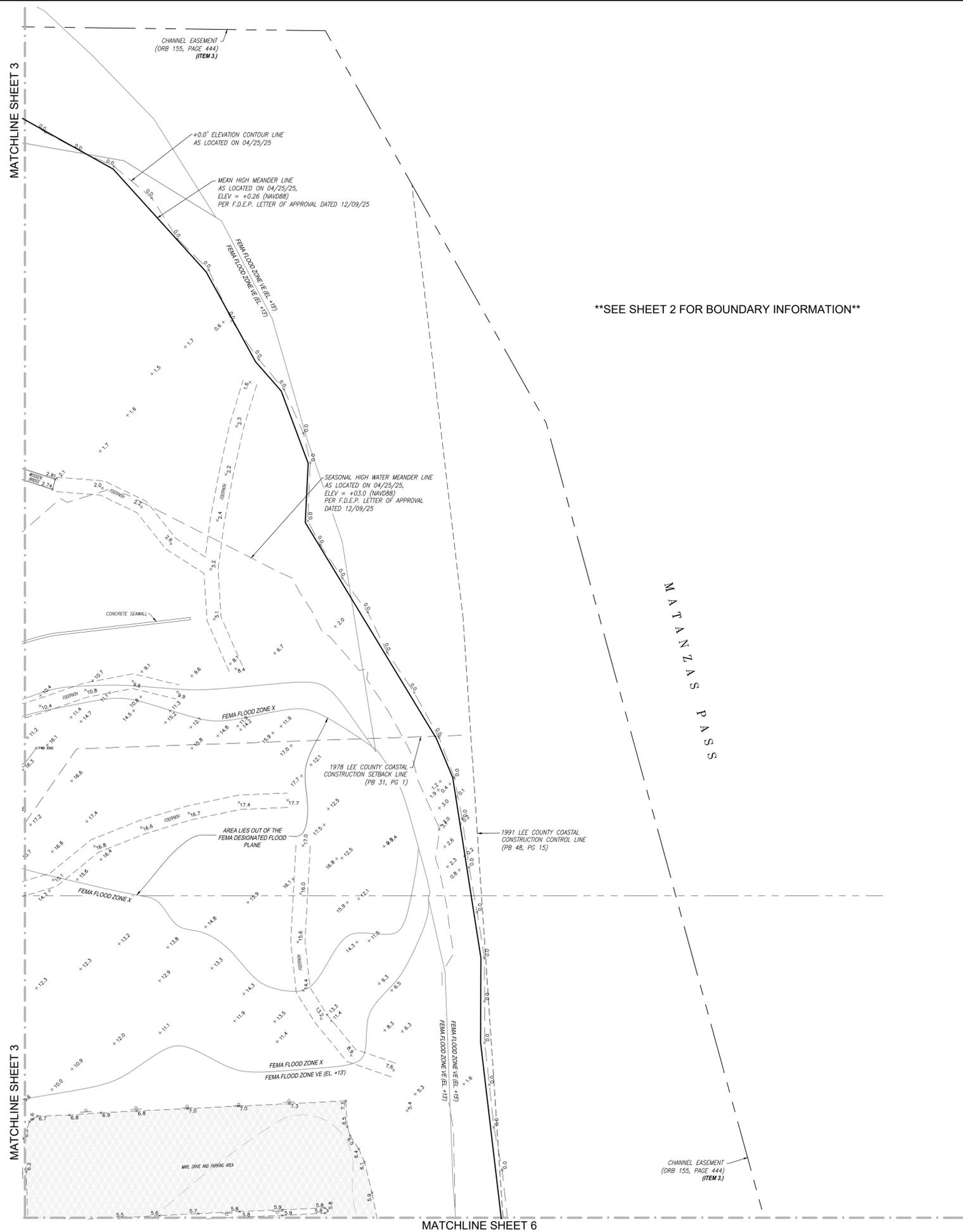
**BOWDITCH POINT PARK**  
(STRAP NO.: 24-46-23-W1-0080D.0400)  
AS RECORDED IN OFFICIAL RECORDS BOOK 1961, PAGE 2851,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
SECTIONS 13, 14, 23, 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,  
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

DATE	DESCRIPTION
07/16/25	REVISE & UPDATE COORDINATES FOR BOUNDARY & C.C.L.

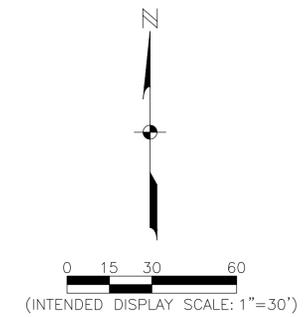
DATE: 04/25/25  
PROJECT NO.: 20247020-000  
FILE NO.: 24-46-23  
SCALE: 1"=30'

**TOPOGRAPHIC DETAIL**

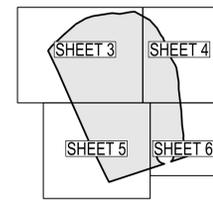
SHEET NUMBER



**\*\*SEE SHEET 2 FOR BOUNDARY INFORMATION\*\***



**TOPOGRAPHIC LOCATION KEY MAP**



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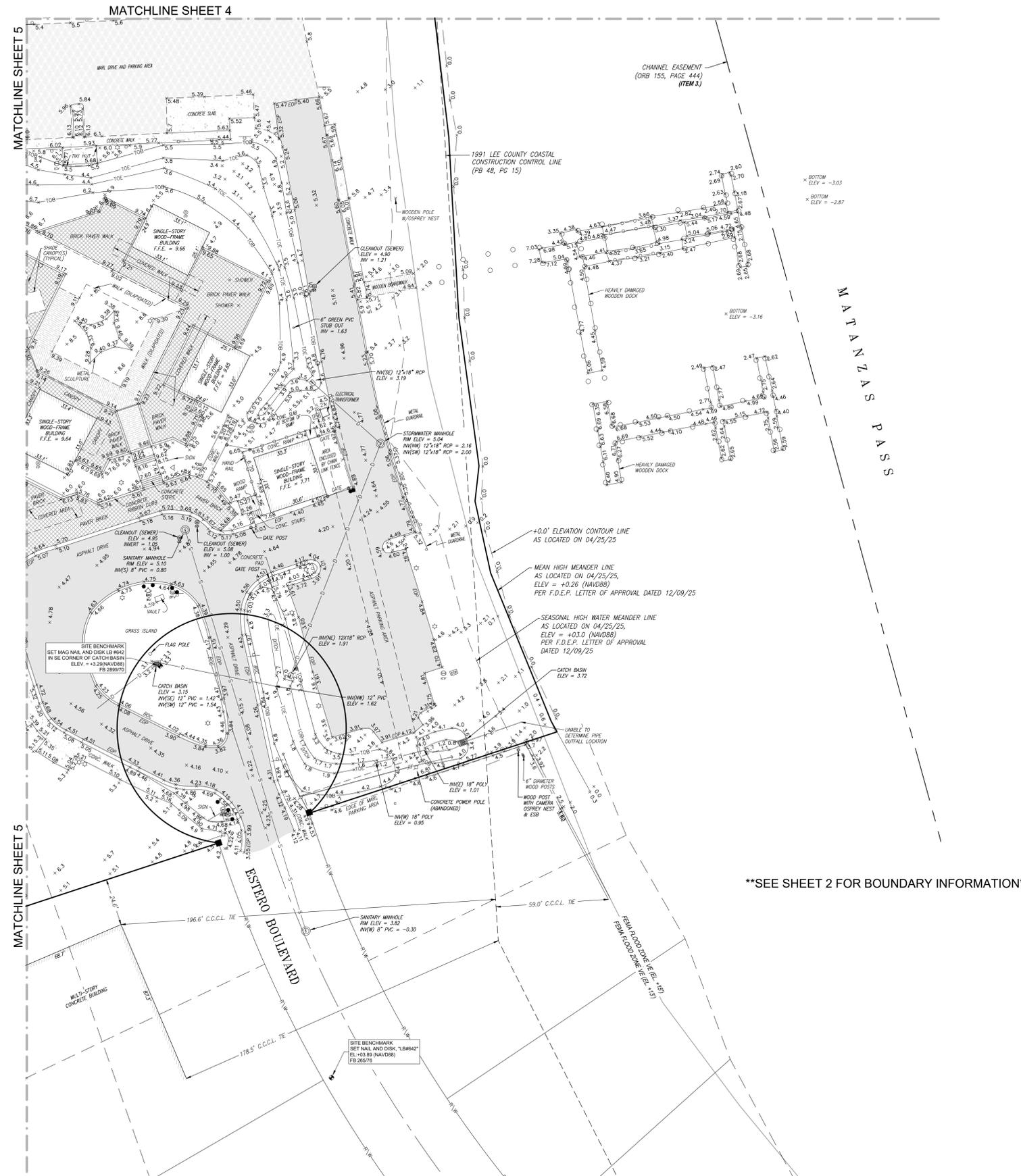
DATE	DESCRIPTION
07/16/25	REVISION & UPDATE COORDINATES FOR BOUNDARY & C.C.L.

DATE: 04/25/25  
PROJECT NO. 20247020-000  
FILE NO. 24-46-23  
SCALE: 1"=30'

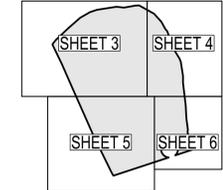
TOPOGRAPHIC  
DETAIL

SHEET NUMBER

6 OF 7



TOPOGRAPHIC LOCATION  
KEY MAP



SEE SHEET 7 OF 7 FOR  
BUILDING TIE INFORMATION

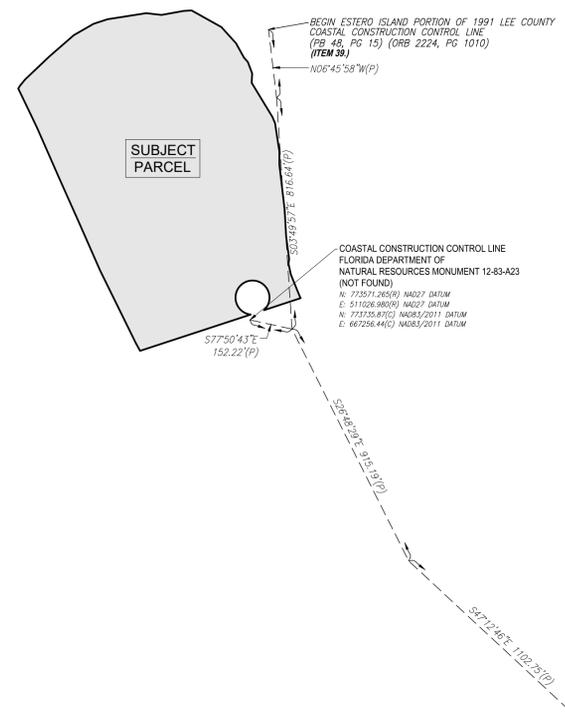
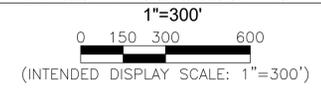
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 FILE NO. 24-46-23  
 SCALE: AS SHOWN

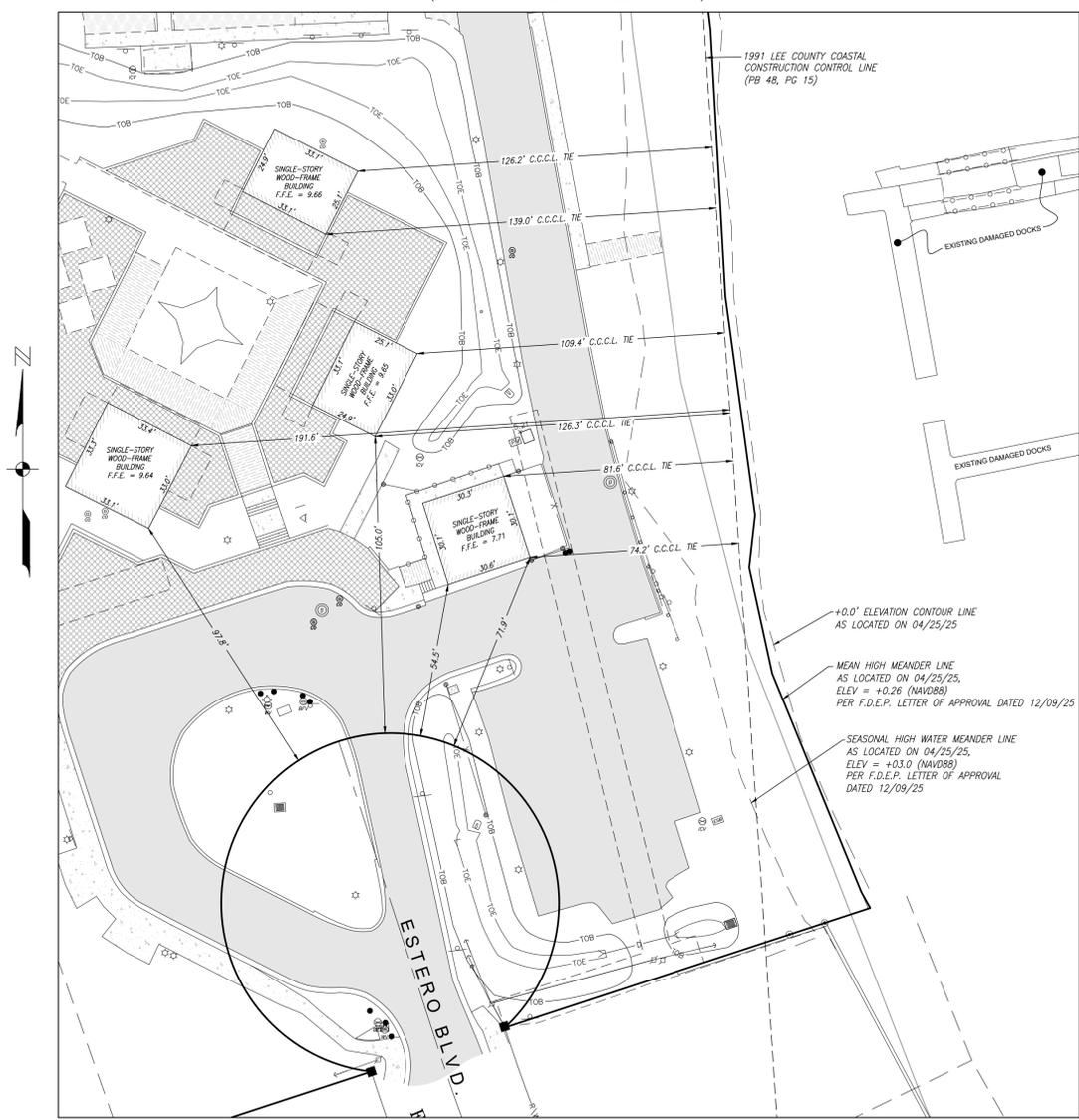
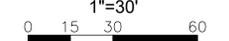
**1991 COASTAL CONSTRUCTION CONTROL LINE DETAIL**



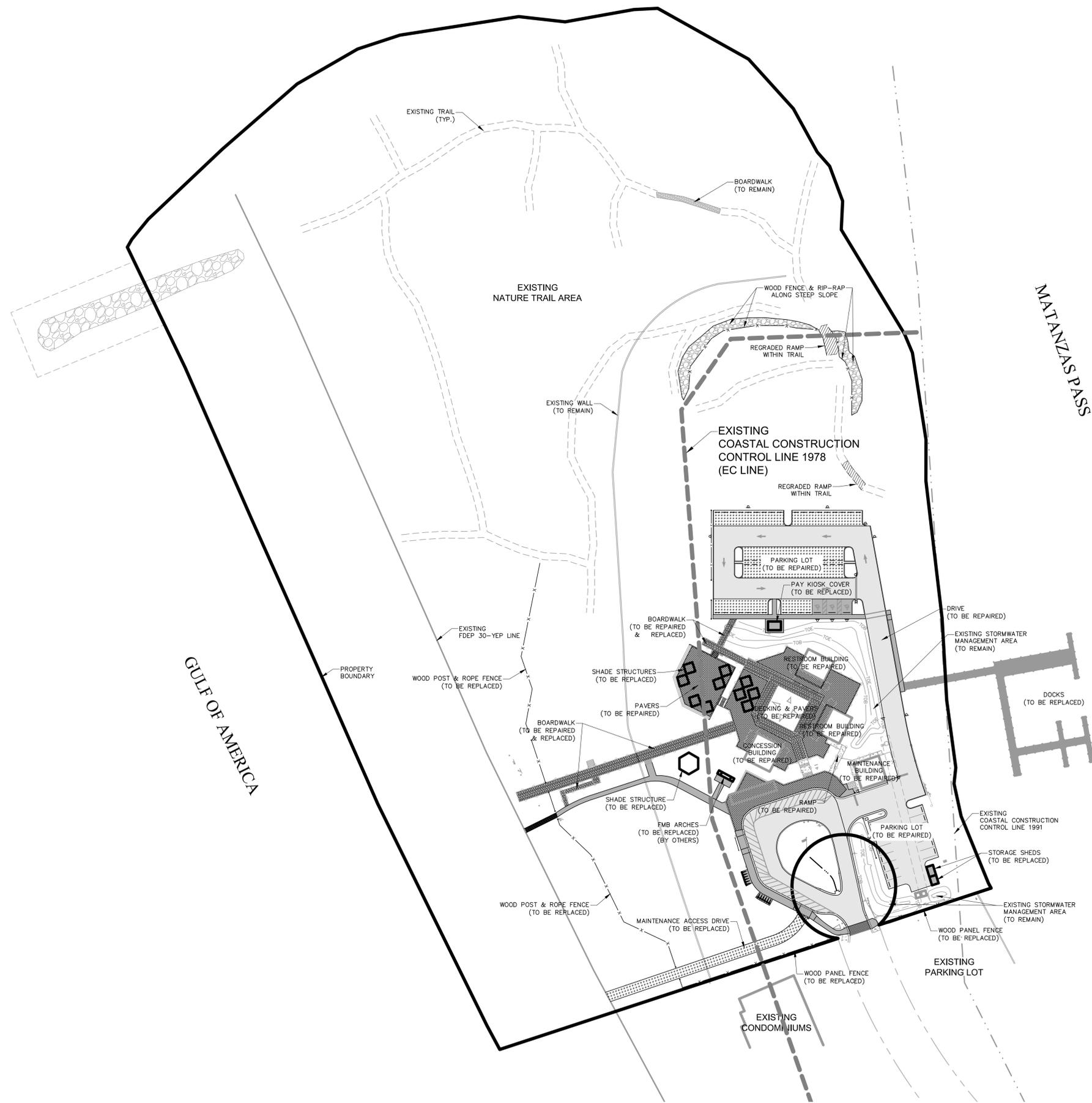
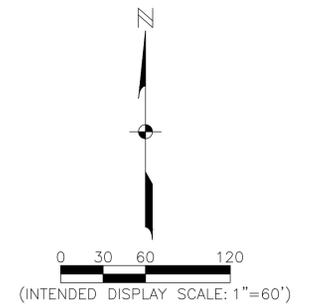
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**BUILDING TIE DETAIL**



- COASTAL CONSTRUCTION CONTROL LINE MONUMENT A25-2, FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES BRASS DISK IN CONCRETE, STAMPED 12 88 A25-2  
 N: 770456.360  
 E: 670763.400  
 N: 770456.340  
 E: 670763.410
- COASTAL CONSTRUCTION CONTROL LINE MONUMENT A25A, FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES BRASS DISK IN CONCRETE, STAMPED 12 88 A25A  
 N: 770294.920  
 E: 670825.600  
 N: 770294.980  
 E: 670825.760
- COASTAL CONSTRUCTION CONTROL LINE MONUMENT A37A, FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES BRASS DISK IN CONCRETE, STAMPED 12 88 A37A  
 N: 753115.980  
 E: 690746.420  
 N: 753115.630  
 E: 690745.960



LEGEND	
	EXISTING CONCRETE (TO REMAIN)
	REPAIRED PAVERS
	REPAIRED CONCRETE
	REPAIRED ASPHALT
	REPAIRED GRAVEL PARKING

NO.	DESCRIPTION	DATE

DATE: JULY 2025  
PROJECT NO. 20247020-000  
FILE NO. 24-46-23  
SCALE: As Shown

SPECIAL EXCEPTION SITE PLAN EXHIBIT