

**RESOLUTION NUMBER 2025-22**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20250081 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF EXISTING TWO 12-FOOT BY 12-FOOT TIKI HUTS AND 4-FOOT-HIGH POSTS AND ROPE BARRIERS IN ENVIRONMENTALLY CRITICAL ZONING DISTRICT SEAWARD OF THE 1978 CCCL, FOR THE REAL PROPERTY LOCATED AT 2812 ESTERO BOULEVARD; 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**, Bonni Delizia on behalf of the owner Caper Beach Club Condo Association, is requesting a special exception to allow like-for-like replacement of two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers in Environmentally Critical zoning district seaward of the 1978 CCCL; and

**WHEREAS**, the STRAP number for the subject property is 30-46-24-W2-02800.00CE; and

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

**WHEREAS**, the Property is located in the “Multi-family Residential” and “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 December 16, 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

**WHEREAS**, in accordance with the requirements of LDC Sections 34-84 and 34-88 regarding consideration of eligibility for a Special Exception, the LPA makes the following findings and conclusions:

- 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.

**WHEREAS**, eligible members of the LPA voted 6 to 0 by roll call vote to approve with conditions the requested special exception with the following conditions:

1. 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.
2. Each time the structure is repaired, the Applicant must request a new special exception approval and permit prior to beginning construction.
3. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

**WHEREAS**, Ordinance 25-18 amended Section 34-232(b) of the LDC to provide that:

(b) *Owner-initiated requests*. Owner-initiated requests for rezonings, certain special exceptions and developments of regional impact require one public hearing before the local planning agency and one public hearing before the town council. Owner-initiated requests for variances and special exceptions to replace a lawful and permitted structure(s) in the Environmentally Critical (EC) zoning district that was in effect prior to a natural disaster, which is unanimously approved by the local planning agency and there is no request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 calendar days after the date of the local planning agency decision, excluding holidays, only requires one public hearing before the local planning agency, and the local planning agency decision is final agency action.

**IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.
2. SEZ20250081, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on December 16, 2025.
3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

The foregoing Resolution was adopted upon a motion by LPA Member McLean and seconded by Vice-Chair Plummer and upon being put to a roll call vote, the result was as follows:

Anita Cereceda, Chair	Aye
Jane Plummer, Vice Chair	Aye
James Boan, Member	Aye
Douglas Eckmann, Member	Absent
Don Sudduth, Member	Aye
John McLean, Member	Aye
James Dunlap, Member	Aye

DULY PASSED AND ADOPTED THIS 16<sup>th</sup> day of December 2025.

Local Planning Agency of the Town of  
Fort Myers Beach

By:   
Anita Cereceda (Feb 9, 2026 15:06:24 EST)  
Anita Cereceda, LPA Chair

**ATTEST:**

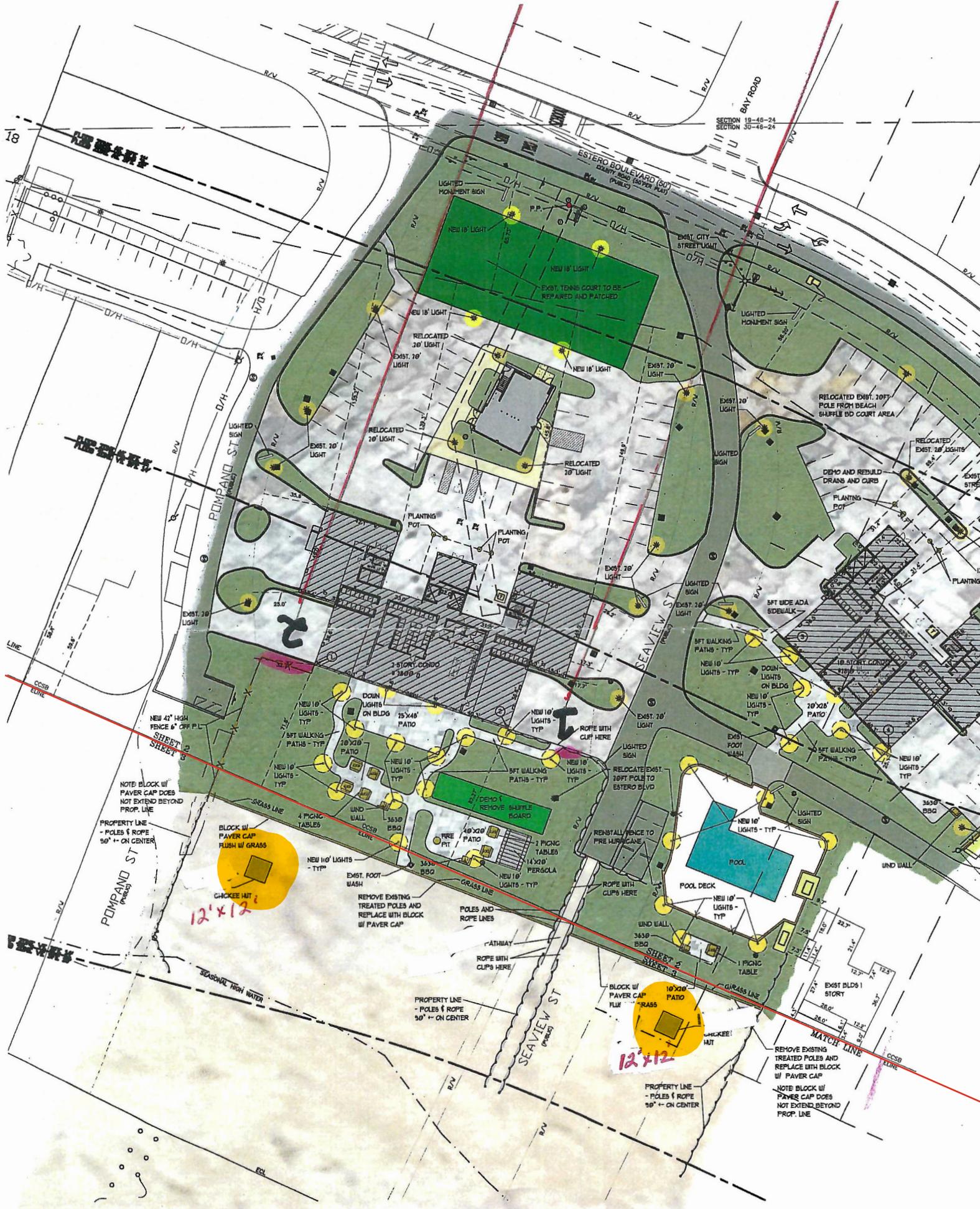
  
Amy Baker (Feb 10, 2026 13:28:49 EST)  
Amy Baker, Town Clerk

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

  
Nancy Superich (Feb 9, 2026 20:54:26 EST)  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on Feb 10, 2026.

Attachment:  
Exhibit A: Site Plan



18

SECTION 18-46-24  
SECTION 30-46-24

凡路 景观 规划

凡路 景观 规划

LINE

CCSB  
ELINE

凡路 景观 规划

SEASONAL HIGH WATER

POMPANO ST  
(Public)

SEAVIEW ST  
(Public)

ESTERO BOULEVARD (60')  
DAILY ROAD (50' PAV. PLAT)

BAY ROAD

SHEET 2  
SHEET 3

SHEET 5  
SHEET 6

NOTE BLOCK III  
PAVER CAP DOES  
NOT EXTEND BEYOND  
PROP. LINE

PROPERTY LINE  
- POLES & ROPE  
90' +/- ON CENTER

BLOCK III  
PAVER CAP  
FLUSH W/ GRASS

12'x12'

CHECKEE HIT

REMOVE EXISTING  
TREATED POLES AND  
REPLACE WITH BLOCK  
III PAVER CAP

PROPERTY LINE  
- POLES & ROPE  
90' +/- ON CENTER

BLOCK III  
PAVER CAP  
FLUSH W/ GRASS

12'x12'

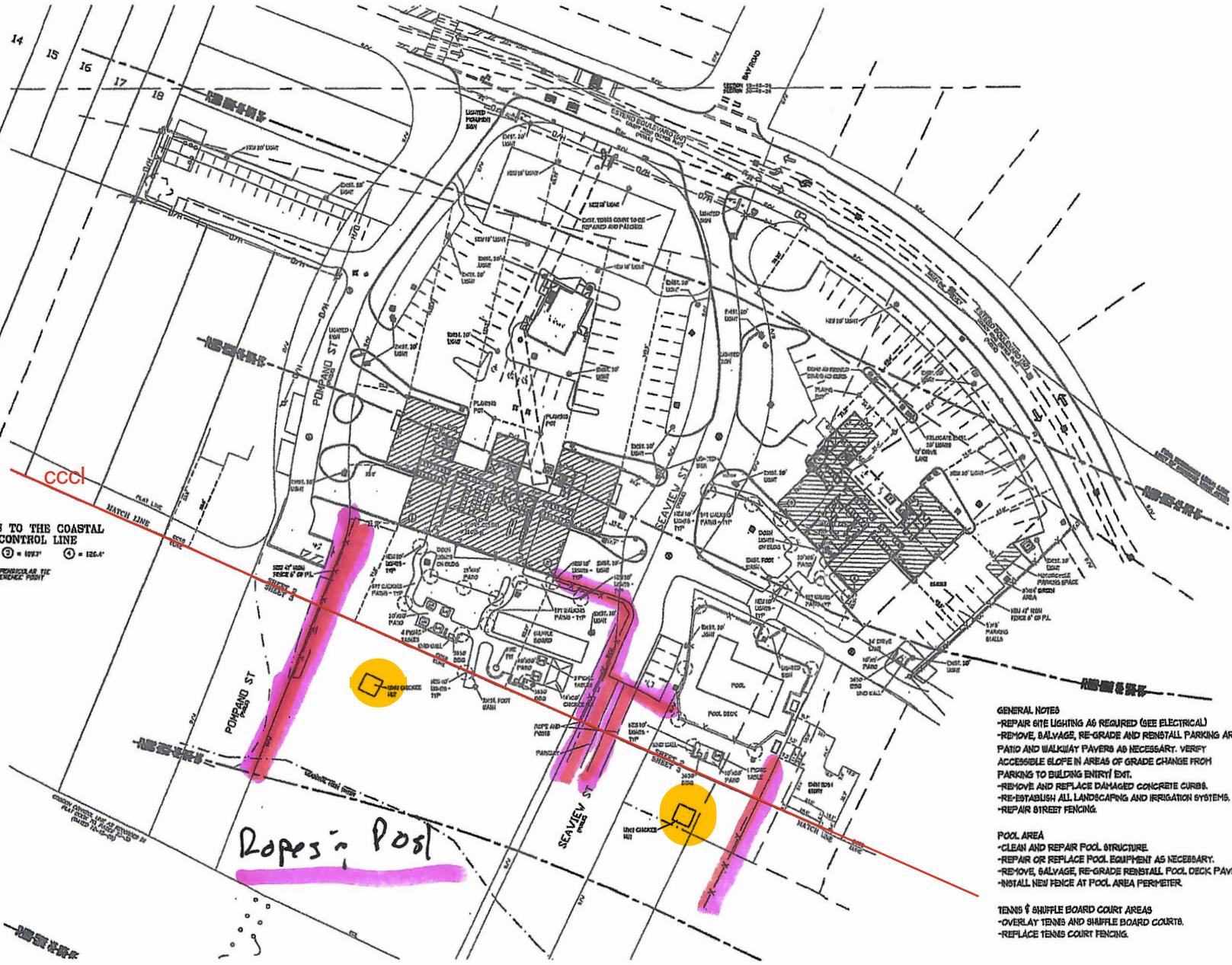
PROPERTY LINE  
- POLES & ROPE  
90' +/- ON CENTER

REMOVE EXISTING  
TREATED POLES AND  
REPLACE WITH BLOCK  
III PAVER CAP

NOTE BLOCK III  
PAVER CAP DOES  
NOT EXTEND BEYOND  
PROP. LINE

MATCH LINE

CCSB  
ELINE



**PERPENDICULAR TIES TO THE COASTAL CONSTRUCTION CONTROL LINE**  
 ① = 225.0'   ② = 232.2'   ③ = 197.3'   ④ = 126.4'  
 ① = PERPENDICULAR TIE REFERENCE POINT

Ropes in Pool

- GENERAL NOTES**
- REPAIR SITE LIGHTING AS REQUIRED (SEE ELECTRICAL)
  - REMOVE, SALVAGE, RE-GRADE AND REINSTALL PARKING AREA, PATIO AND WALKWAY PAVERS AS NECESSARY. VERIFY ACCESSIBLE SLOPE IN AREAS OF GRADE CHANGE FROM PARKING TO BUILDING ENTRY EXT.
  - REMOVE AND REPLACE DAMAGED CONCRETE CURBS.
  - RE-ESTABLISH ALL LANDSCAPING AND IRRIGATION SYSTEMS.
  - REPAIR STREET FENCING.

- POOL AREA**
- CLEAN AND REPAIR POOL STRUCTURE.
  - REPAIR OR REPLACE POOL EQUIPMENT AS NECESSARY.
  - REMOVE, SALVAGE, RE-GRADE REINSTALL POOL DECK PAVERS
  - INSTALL NEW FENCE AT POOL AREA PERIMETER.

- TENNIS & SHUFFLE BOARD COURT AREAS**
- OVERLAY TENNIS AND SHUFFLE BOARD COURTS.
  - REPLACE TENNIS COURT FENCING.

12-11-2023



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**CAPER BEACH**  
**FORT MEYERS, FL**

**A-0.01**

① OVERALL SITE PLAN  
 SCALE: 1" = 30'-0"

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