

ORDINANCE NO. 08-02

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH TOWN-WIDE MUNICIPAL SPEED LIMIT ORDINANCE; REPEAL OF ORDINANCE 08-01 KNOWN AS THE TOWN OF FORT MYERS BEACH MUNICIPAL SPEED LIMIT ORDINANCE; PROVIDING AUTHORITY; DEFINITIONS; SEVERABILITY; CONFLICTS, EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166 of the 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 services, and exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter 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, Florida Statute 316.006(2) provides that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries except for state roads; and

WHEREAS, F.S. 316.183(2) provides that, with respect to a residence district, a municipality has the discretion to set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable, with no requirement to conduct a separate investigation for each residence district; and

WHEREAS, F.S. 316.003(38) defines "residence district" as "the territory contiguous to, and including a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business;" and

WHEREAS, F. S. 316.189(1) requires that the municipality conduct an investigation in conformity to criteria promulgated by the Florida Department of Transportation (FDOT) to determine that a change to 20 or 25 mph is reasonable; and

WHEREAS, Town staff has performed an investigation in accordance with the requirements of F.S. 316.189(1); and

WHEREAS, following proper notice, the Town Council on April 7, 2008, held a public hearing on this matter and considered the results of staff's investigation as required by F.S. 316.189(1), as well as the testimony of all interested parties and the documents provided with the draft ordinance.

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

Section 1. Incorporation of Whereas Clauses. The above "whereas" clauses are incorporated herein as though fully set forth.

Section 2. Adoption of Staff Investigative Report and Determination of Conformity to Statutory Criteria. The Town Council accepts and adopts the findings and recommendations set forth in the Technical Memorandum dated March 26, 2008 conducted by McMahon Transportation Engineers & Planners on behalf of the Town, which is attached hereto as Exhibit "A" and hereby incorporated by reference. Based upon such investigation, the Town Council determines that the speed limit changes set forth in Section 3 below are reasonable and in conformity to criteria promulgated by the Florida Department of Transportation, as required by Florida Statute 316.189.

Section 3. Establishment of 20 and 25 MPH Municipal Speed Limit Districts The Town of Fort Myers Beach hereby establishes a speed limit of 25 miles per hour for the North Estero Boulevard Residence Speed Limit District, a speed limit of 20 miles per hour for the Crescent Street Residence Speed Limit District, a speed limit of 20 miles per hour for the Connecticut Street Residence Speed Limit District, a speed limit of 20 miles per hour for the Albatross Street Residence Speed Limit District, and a speed limit of 20 miles per hour for the Laguna Shores Residence Speed Limit District. All Municipal Residence Speed Limit Districts are defined on the map which is attached hereto as Exhibit "B" and hereby incorporated by reference.

Section 4. Public Safety: Municipal Residence Speed Limit Districts. The establishment of the 20 and 25 mph municipal speed limits in all municipal speed limit districts as set forth on Exhibit B is necessary to protect public health, safety and welfare of the citizens of the Town and otherwise complies with the requirements set forth in F.S. 316.183(2) and F.S. 316.189(1). With the exception of the North Estero Boulevard Residence Speed Limit District, deviations from the 85th percentile speed, as specified in Exhibit "A", from 25 mph to 20 mph are justified due to the additional public safety concerns related to the narrow roadways, lack of public sidewalks, limited street lighting, limited visibility and similar concerns within the Town.

Section 5. Posting of Speed Limit Signs. The Town Manager or designee is directed to comply with the requirements for posting of speed limit signs as specified in FS 316.189 (3) on or before the forty-fifth (45th) day following adoption of this ordinance. The posting of such signs is a prerequisite to the effective date of this ordinance, as set forth in FS 316.189(3).

Section 6. Repeal of Ordinance 08-01. The Town Council hereby repeals Ordinance 08-01, known as the Town of Fort Myers Beach Municipal Speed Limit Ordinance.

Section 7. Conflict. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive shall apply.

Section 8. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held as invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and shall in no way affect the validity of all other provisions of this ordinance.

Section 9. Repealing Clause. All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 10. Effective Date This ordinance shall take effect on the forty-sixth (46th) day following its adoption by Town Council. This date is the day following the posting of the speed limit signs as required by Section 5 above and Florida Statute.

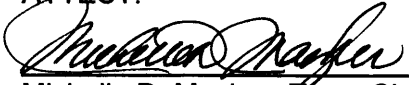
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Meador and seconded by Council Member Shenko and, upon being put to a vote, the result was as follows:

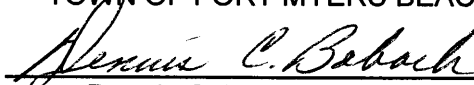
Dennis C. Boback, Mayor aye
Herb Acken nay
William Shenko, Jr. aye

Larry Kiker, Vice Mayor aye
Charles Meador, Jr. aye

DULY PASSED AND ENACTED this 7th day of April, 2008.

ATTEST:


Michelle D. Mayher, Town Clerk

TOWN OF FORT MYERS BEACH
BY: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency by:


Anne Dalton, Esquire
Town Attorney

PRINCIPALS
Joseph W. McMahon, P.E.
Rodney P. Plourde, Ph.D., P.E.
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
William T. Steffens

ASSOCIATES
Casey A. Moore, P.E.
Gary R. McNaughton, P.E., PTOE
John J. Mitchell, P.E.
Christopher J. Williams, P.E.
John F. Yacapsin, P.E.
Thomas A. Hall

TECHNICAL MEMORANDUM

TO: Jack Green, Public Works Director
Town of Fort Myers Beach

FROM: Michael D. Spitz, P.E., Senior Project Manager
McMahon Associates, Inc.

SUBJECT: Miscellaneous Engineering Services:
Spot Speed Study
McMahon Project No. H06825.03

DATE: March 26, 2008

Michael D. Spitz
3-27-08

In accordance with a request by the Town Council, McMahon Associates, Inc. (McMahon) was tasked with providing a review of the current speed characteristics on four selected Town roadways in support of a consideration by the Council to lower the posted speed limits throughout the Town. This task was undertaken as part of our ongoing miscellaneous services contract for Civil Engineering services. The efforts below follow the general guidelines set forth in the Florida Department of Transportation's (FDOT) publication *Speed Zoning for Highways, Roads, and Streets in Florida* (FDOT Manual Number 750-010-002, 1997).

The existing speed limit throughout the Town is, as set by Florida State Statute 316.189, 30 miles per hour (mph), excluding areas of Estero Boulevard which is posted from 30-35 mph depending upon the location. The Town Council is considering resident requests to lower this 30 mph speed limit to either 20 or 25 mph on all roads except the portions of Estero Boulevard controlled by Lee County and FDOT.

Speed measurements and traffic volumes counts were collected by McMahon Tuesday, March 4th and Wednesday, March 5th of 2008 at the four locations identified with Town staff. The chosen areas correspond to general residential districts and the roadways are representative of the roadway types within each of those districts. The four locations for traffic data collection included Estero Boulevard at Carlos Circle, Crescent Street, Connecticut Street, and Albatross Street as the base to establish current traffic speed conditions.

EXHIBIT (A)

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The general basis for determining speed limits throughout Florida, and the rest of the US, is the 85th percentile speed (P85). The P85 identifies a threshold that is generally considered safe by the majority of the drivers on a given roadway. The direct translation of this standard is the speed at which 85 percent of the drivers can be expected to drive slower than. Speed limits, per the FDOT Manual, are not to differ from the P85 speed by more than three mph, unless additional extenuating circumstances are present. The additional circumstances typically include roadway geometric characteristics that create a safety concern at higher speeds. This evaluation would allow the posted speed to differ by four to eight miles per hour from the P85. A map showing the study locations is attached to this memorandum.

Traffic count and speed measurements were conducted during 24 consecutive hours using standard pneumatic automatic traffic recorders (ATR). Due to the nature of these counters, exact speeds were not collected for each vehicle. Instead, the speed of each vehicle was collected as part of a five mile per hour "bin". The bins provide a way for the ATR to aggregate the data and simplify analysis with large vehicle volumes.

- Estero Boulevard north of the Matanzas Bridge and near Carlos Circle presents the highest average speeds with 21 mph for eastbound and 24 mph for westbound. The P85 is 28 mph for eastbound and 30 mph for westbound. The speed limit along this corridor is currently posted at 25 mph.
- Crescent Street north of Estero Boulevard was measured with an average speed of 17 mph for northbound traffic and 15 mph for southbound traffic and had the lowest average speeds. This is likely due to the narrowness of the roadway and the curvatures at the northern end. The P85 is 23 mph for northbound vehicles and 22 mph for southbound vehicles. This roadway was not posted for a speed limit, so the default speed limit is 30 mph.
- Connecticut Street north of Estero Boulevard showed an average speed of 21 mph for northbound traffic and 19 mph for southbound traffic. The P85 was 28 mph for northbound and 25 mph for southbound vehicles. This roadway was not posted for a speed limit, so the default speed limit is 30 mph.
- Albatross Street north of Estero Boulevard showed an average speed of 20 mph for both directions. The P85 was 27 mph for northbound and 28 mph for southbound vehicles. This roadway was not posted for a speed limit, so the default speed limit is 30 mph.

Copies of the raw traffic data are attached to the end of this document, while **Table 1** summarizes the analysis results.

Table 1 – Speed Analysis Summary

Count Location		Volume (vpd)	Avg Spd (mph)	P 85 (mph)	10 mph Pace Speed	# of Veh in Pace	% of Veh in Pace
Estero Boulevard at Carlos Circle	EB	1,512	21	28	16-25	934	61.8%
	WB	1,498	24	30	21-30	939	62.7%
Crescent Street	NB	2,152	17	23	16-25	1,411	65.6%
	SB	998	15	22	16-25	603	60.4%
Connecticut Street	NB	489	21	28	16-25	318	65.0%
	SB	204	19	25	16-25	134	65.7%
Albatross Street	NB	260	20	27	16-25	161	61.9%
	SB	265	20	28	16-25	150	56.6%

The results of this study indicate that the majority of drivers using these roads are traveling well below the default speed limit of 30 mph. It is our recommendation that lowering the speed limit on these roadways would be appropriate and consistent with the guidelines detailed by FDOT. While the P85 speeds would generally indicate that a speed limit of 25 mph meets the guidelines, field reviews conducted during the data collection phases revealed that a 20 mph speed limit is more in keeping with the general character of the Town's local streets. The roadways reviewed all had similar characteristics including, narrow pavement, lack of sidewalks or bike lanes, lack of curb and gutter, and minimal shoulders. These characteristics, and the fact that most of the streets on the island are short, dead end roadways, provide the additional circumstances necessary to comply with the guidelines for a more significant reduction from the P85 speed. In addition, as these roadways were selected as representative of the remaining roadways within each residential district, it would be appropriate to revise the speed limits throughout each residential district with the exception of the portions of Estero Boulevard not under the Town's control.

MDS/jth

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EXHIBIT (A)

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TOWN OF FORT MYERS BEACH. SPEED STUDY.



Exhibit B

The Town Staff coordinated the collection of speed and volume data in five distinct locations throughout Town that are representative of all Town maintained roads within the municipal boundaries. The results of this data collection effort established enforceable speed limits that are consistent with the character of the five distinct “residence zones”, which are described below:

North Estero Residence Zone: 25 MPH (Data collection - March 4-5, 2008)

Includes only North Estero Blvd, beginning at the northern terminus of Estero Island from Bowditch Point to Old San Carlos Blvd, but excludes all roads that intersect North Estero Blvd.

Crescent Street Residence Zone: 20 MPH (Data collection - March 4-5, 2008)

Includes all bay-side and gulf-side roads that intersect North Estero Blvd and Estero Blvd, beginning at the northern terminus of Estero Island at Bowditch Point to Donora Blvd, but excludes North Estero Blvd and Estero Blvd.

Connecticut Street Residence Zone: 20 MPH (Data collection - March 4-5, 2008)

Includes all bay-side and gulf-side roads that intersect Estero Blvd, beginning at and including Donora Blvd to and including Avenida Pescadora, but excludes Estero Blvd.

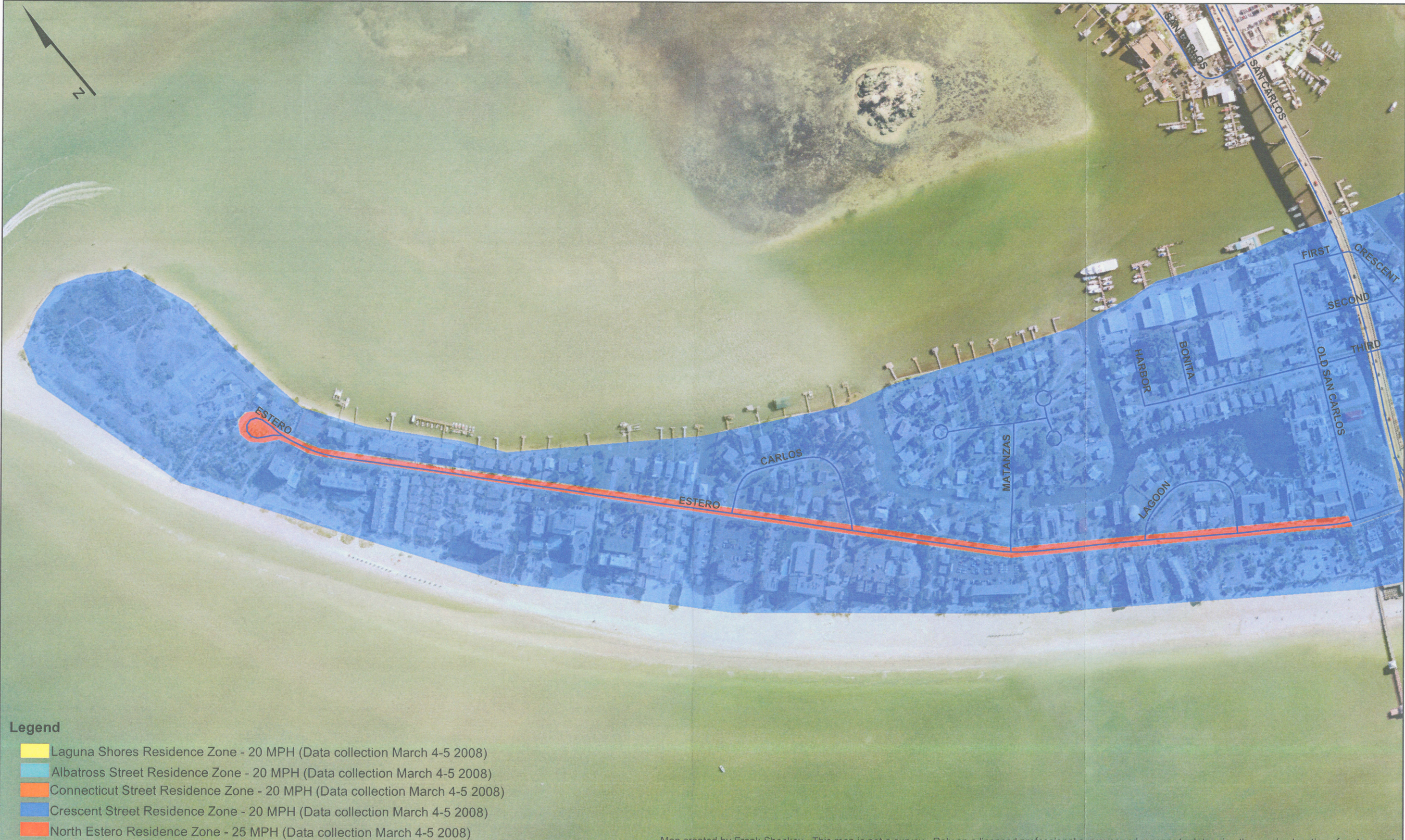
Albatross Street Residence Zone: 20 MPH (Data collection - March 4-5, 2008)

Includes all bay-side and gulf-side all roads that intersect Estero Blvd, beginning at Avenida Pescadora through and including Island Pines Way, but excludes Estero Blvd.

Laguna Shores Residence Zone: 20 MPH (Data collection – December 18-19, 2007)

Includes all bay-side and gulf-side roads that intersect Estero Blvd, beginning at Islands Pines Way to the southern terminus of Estero Island at the Big Carlos Pass Bridge, but excludes Estero Blvd.

North Estero Residence Zone



Legend

- Laguna Shores Residence Zone - 20 MPH (Data collection March 4-5 2008)
- Albatross Street Residence Zone - 20 MPH (Data collection March 4-5 2008)
- Connecticut Street Residence Zone - 20 MPH (Data collection March 4-5 2008)
- Crescent Street Residence Zone - 20 MPH (Data collection March 4-5 2008)
- North Estero Residence Zone - 25 MPH (Data collection March 4-5 2008)

Map created by Frank Shockey. This map is not a survey. Rely on a licensed professional surveyor and mapper to determine the precise location of real property.

The accuracy and reliability of this map and the data underlying it may be limited by various factors, including its scale, the timeliness and accuracy of underlying information, the availability of more site-specific information, and the presence or absence of ground truthing or peer review of the underlying information.

Crescent Street Residence Zone



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Connecticut Street Residence Zone



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Albatross Street Residence Zone



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Laguna Shores Residence Zone



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