



**FORT MYERS BEACH  
LOCAL PLANNING AGENCY (LPA)  
MINUTES  
Town Hall  
2525 Estero Boulevard  
Fort Myers Beach, Florida 33931  
Tuesday, March 14, 2017**

**I. CALL TO ORDER**

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Bruce Butcher, Dan Hendrickson, Megan Heil, Suzanne Katt, Jane Plummer, Scott Safford and Hank Zuba.

Town Attorney: Town Attorney Peterson

Staff: Matt Noble

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION**

**IV. MINUTES - February 14, 2017**

**MOTION:** Ms. Plummer moved to approve the minutes, second by Mr. Butcher.

**VOTE:** Motion approved; 7-0.

Chair Zuba read a resolution honoring Mr. Butcher for his years in public service.

**V. DISCUSSION: CONSTRUCTION OF HABITABLE AREAS BELOW ELEVATED HOMES**

Division Chief Ron Martin, Fort Myers Beach Fire Control District and Fire Marshall, discussed Fort Myers Beach Fire Control District ordinance 2016-001 concerning routine annual fire inspections for transient rental occupancies and non-owner occupied rental properties with two families or more. The Fire Prevention Code applied to residential occupancies of three units or more. One or two family homes were considered exempt from routine annual fire inspections. Chief Martin stated the Ordinance allowed the Fire District to conduct routine fire inspections and property managers have registered and become compliant.

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Ms. Heil asked whether single owners complied. Chief Martin replied that they relied on complaints and they tried to monitor websites. Owners receive notices that they must comply with the Ordinance. When asked about enforcement issues, Division Chief Martin replied that they have gone through 90 out of 300 units since the registration requirement went into effect in July of 2016.

Mr. Hendrickson asked about the number of non-registered properties. Chief Martin responded that they pulled licensed properties, but some did not hold state licenses. He could not provide an estimate. He described the process and cost of registering properties with the Fire District. Mr. Hendrickson asked about the relationship between the Fire Department and the Town's Code Enforcement. Chief Martin explained their roles. If a registered owner refused an inspection, a lengthy process followed. He explained that a fire inspection was an educational opportunity and the Fire District was not interested in fines and violations.

Mr. Butcher asked how many of the 90 were in violation. Chief Martin could not say without the history in front of him, but there were not many and most of the issues were resolved fairly quickly.

Ms. Plummer asked how many man hours it took to conduct an inspection. Chief Martin stated they averaged between 9-15 inspections per month and it took approximately 45 minutes to an hour for one inspector to check a 1,500 sq. ft. property. Member Plummer felt that the Fire Marshall could work closely with the majority of rental companies to get them into compliance, and that the Fire Marshall and Code Enforcement should be separate.

Mr. Safford asked how long registrations lasted, and Chief Martin replied that they were good until the property changed hands.

Chair Zuba questioned how they registered owners who did not voluntarily do so, and how to get everyone registered. Chief Martin stated that they were working on options, and that they relied on their citizenry. Ms. Plummer asked how often inspections would occur after the first one, to which Chief Martin remarked that the goal was to re-inspect 18-24 months after the first inspection.

Chair Zuba hoped the Fire Department would keep the LPA informed on a monthly basis.

Molly Jacobs, Town Code Enforcement Officer, indicated that the Fire Department recommended at least two cases to her and she noted that the Fire Department did contact Code Enforcement when they felt there was a concern.

Mr. Butcher asked about State occupancy factors. Ms. Plummer confirmed that occupancy factors were based on square footage. Chief Martin commented that an owner or manager could make the occupancy load more restrictive.

Ms. Plummer asked that Rick and Amy Lowry from Distinctive Beach Rentals be permitted to discuss their experience. Mr. Lowry stated that the Ordinance was great and many properties needed to be inspected, and that they have not lost any business since the Ordinance was enacted. Ms. Plummer questioned whether he had an idea of how many rentals were not registered.

Ms. Heil addressed public education and public awareness for new residents. Chief Martin stated that information was on the FMBFire website. Chief Martin commented that they were fortunate to have property managers on the Island who were responsive and responsible.

## **VI. HISTORIC PRESERVATION BOARD MEETING**

**MOTION:** Mr. Hendrickson moved to adjourn as LPA and reconvene as Historic Preservation Board; second by Ms. Plummer

**VOTE:** Motion approved; 7-0.

## **HAC MEMBERSHIP - REVIEW LETTERS OF INTEREST**

Chair Katt revealed that A.J. Bassett, Fran Santini and Linda Meeder resigned from the Historic Advisory Committee (HAC). Fran Santini and A.J. Bassett were voted in as ex-officio members. Chair Katt noted that several members of the community were interested in joining the committee.

**MOTION:** Chair Katt moved to appoint Russ Carter, Katherine Kantlan, Susan Dzyky and Betty Simpson to the HAC; second by Mr. Hendrickson.

**VOTE:** Motion approved; 7-0.

**MOTION:** Ms. Plummer moved to adjourn as Historic Preservation Board and reconvene as the LPA; second by Ms. Heil.

**VOTE:** Motion approved; 7-0.

## **VII. LDC AMENDMENT TO ADD PERMITTING SURVEY REQUIREMENTS IN CHAPTER 34**

Matt Noble, Community Development Principle Planner, explained that the amendment was to add a boundary survey into the code regarding permitting survey requirements. Kara Stewart, Community Development Director, noted that the boundary survey was not currently required, but Council and LPA requested that it be required.

Ms. Katt suggested clarifying the language. Town Attorney Peterson agreed to change the language. Mr. Hendrickson questioned why an as-built survey was not required for an accessory structure over \$10,000.00. Ms. Stewart replied that if the accessory structure was greater than \$10,000.00, a survey was not required, but they could add it. She did not recommend requiring any as-built surveys.

Town Attorney Peterson will change the language and bring it back to the next meeting.

Mr. Butcher questioned whether the as-built survey was necessary on top of a boundary survey and a foundation survey. Ms. Stewart clarified that as-built surveys were not currently required for anything. Chair Zuba felt that there should be an as-built for new construction.

**MOTION:** Mr. Hendrickson moved to continue the discussion at the next meeting on April 11, 2017; second by Ms. Katt.

**VOTE:** Motion approved; 7-0.

## **VIII. LDC AMENDMENT 50% FLOODPLAIN REGULATIONS IN CHAPTER 6**

Ms. Plummer clarified that one option included adding 20% to the property appraisers figure when establishing the market value. Mr. Butcher questioned how they came up with 20%. Ms. Stewart explained her research and stated that about 1/3 of the communities used 20%. Ms. Katt asked whether the phrase "just value" referred to the assessed tax value. Ms. Stewart indicated the term came from the Lee County document. She noted that the language would have to be approved by FEMA before coming back to the LPA.

Mr. Butcher commented that 20% seemed low. Ms. Stewart noted that it was only an option and many people provided a survey. Ms. Heil felt that 30% was more reasonable.

Mr. Hendrickson asked whether there was a way to measure the difference between the cost of building the same structure in different areas. Ms. Stewart offered to contact the Lee County Property Appraiser's office. She will meet with the CRS evaluator in April and will bring back information.

**IX. LPA MEMBER ITEMS AND REPORTS**

Mr. Safford asked the status of a case to approve a balcony that was already built.

Ms. Plummer commented that she met wonderful people while working the election. She read a letter from a builder discussing costs affiliated with the permitting process and possible litigation. She asked how they could require a view corridor through someone's property. Chair Zuba felt that bulk, floor area ratio and permeable areas should be evaluated in the Code.

Mr. Butcher appreciated the work everyone does.

Ms. Katt thanked Mr. Noble for his help on the committee and she thanked Mr. Hendrickson for sending the HAC meeting to her.

Ms. Heil attended the Bike/Ped Master Plan meeting and she reported the plan was convoluted. Chair Zuba thanked her for attending.

*minutes of the*

X. **LPA ATTORNEY ITEMS** - no items

XI. **COMMUNITY DEVELOPMENT ITEMS** - no items

XII. **ITEMS FOR NEXT MONTH'S AGENDA**

XIII **PUBLIC COMMENT** - no public comment

XIV. **ADJOURNMENT**

**MOTION:** Mr. Hendrickson moved to adjourn the meeting; second by Ms. Katt.

**VOTE:** Motion approved; 7-0.

Meeting adjourned at 10:40 a.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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*m zhu*  
*4/18/17*