

**RESOLUTION NUMBER 25-294**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20250149 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF TWO TIKI HUTS, DECKING, FENCE, GRAVEL DRIVEWAY AND LANDSCAPING IN THE EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 4750 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA; 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 Brian Campbell on behalf of the property owner, The Shores of Fort Myers Beach Condominium Association Inc, is requesting a special exception to allow like-for-like replacement of two tiki huts, decking, fence, gravel driveway and landscaping in the Environmentally Critical zoning district seaward of 1978 CCCL; and

**WHEREAS**, the STRAP number for the subject property is 28-46-24-W4-02500.00CE; and

**WHEREAS**, the Property is located in the “Medium Residential” 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 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 August 12, 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 September 11, 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 two tiki huts, decking, fence, gravel driveway and landscaping in Environmentally Critical zoning district seaward of 1978 CCCL.

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 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. The Applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- C. Each time the structure is repaired, the Applicant must request a new special exception approval and permit prior to beginning construction.
- D. Construction may not occur during sea turtle season.
- E. 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 Woodson 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 11<sup>th</sup> day of September 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*  
Dan Allers (Oct 24, 2025 09:35:11 EDT)  
\_\_\_\_\_  
Dan Allers, Mayor

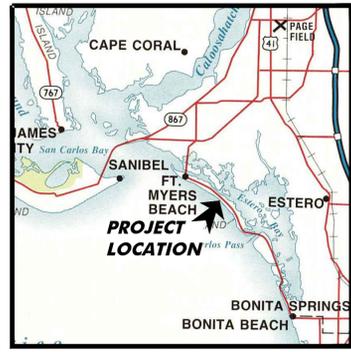
**ATTEST:**

*Amy Baker*  
Amy Baker (Oct 24, 2025 10:40:16 EDT)  
\_\_\_\_\_  
Amy Baker, Town Clerk

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

*NFL*  
NFL (Oct 23, 2025 15:04:09 EDT)  
\_\_\_\_\_  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 24/10/2025.

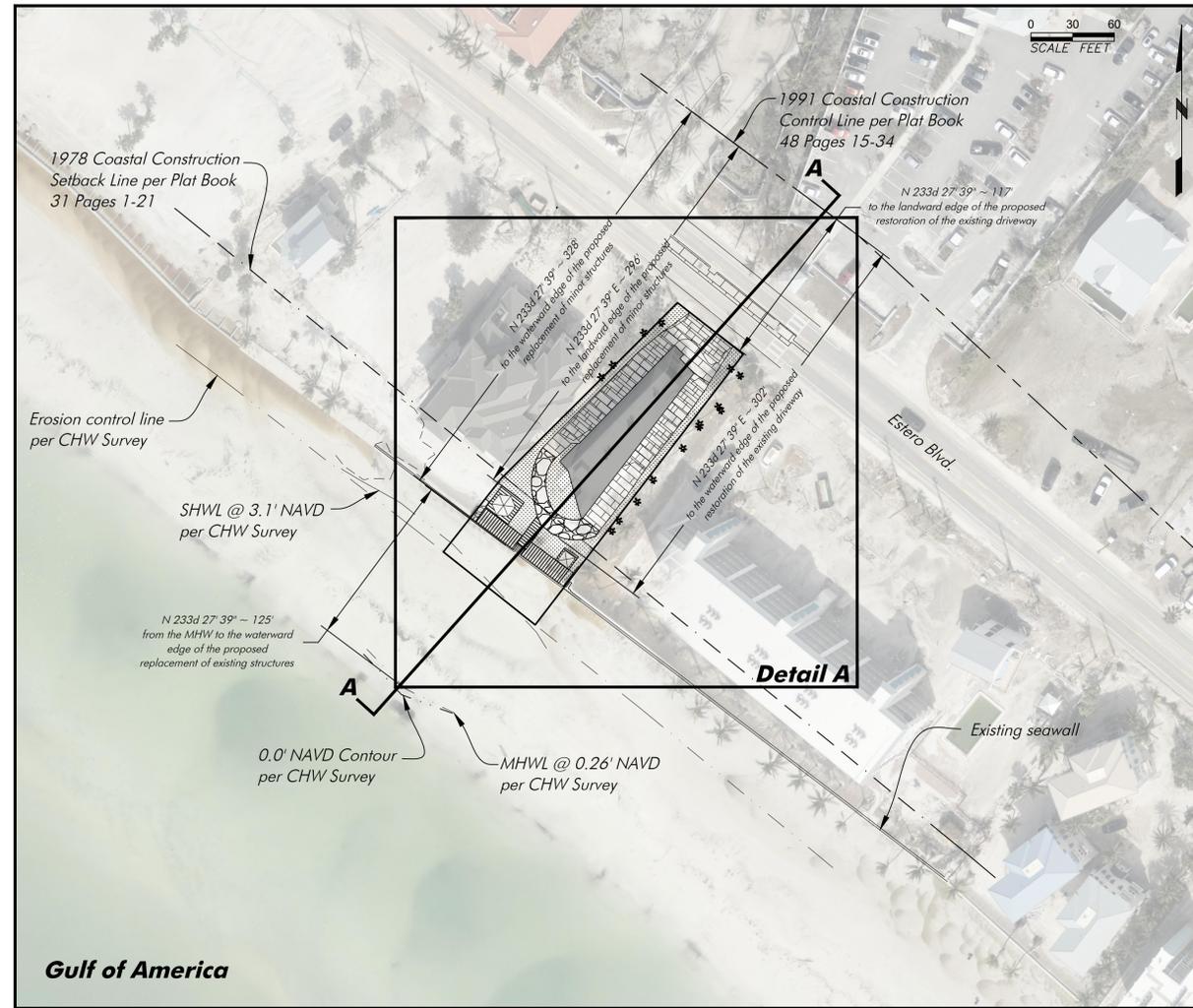


**Vicinity Map**  
SCALE: 1" = 5 Miles



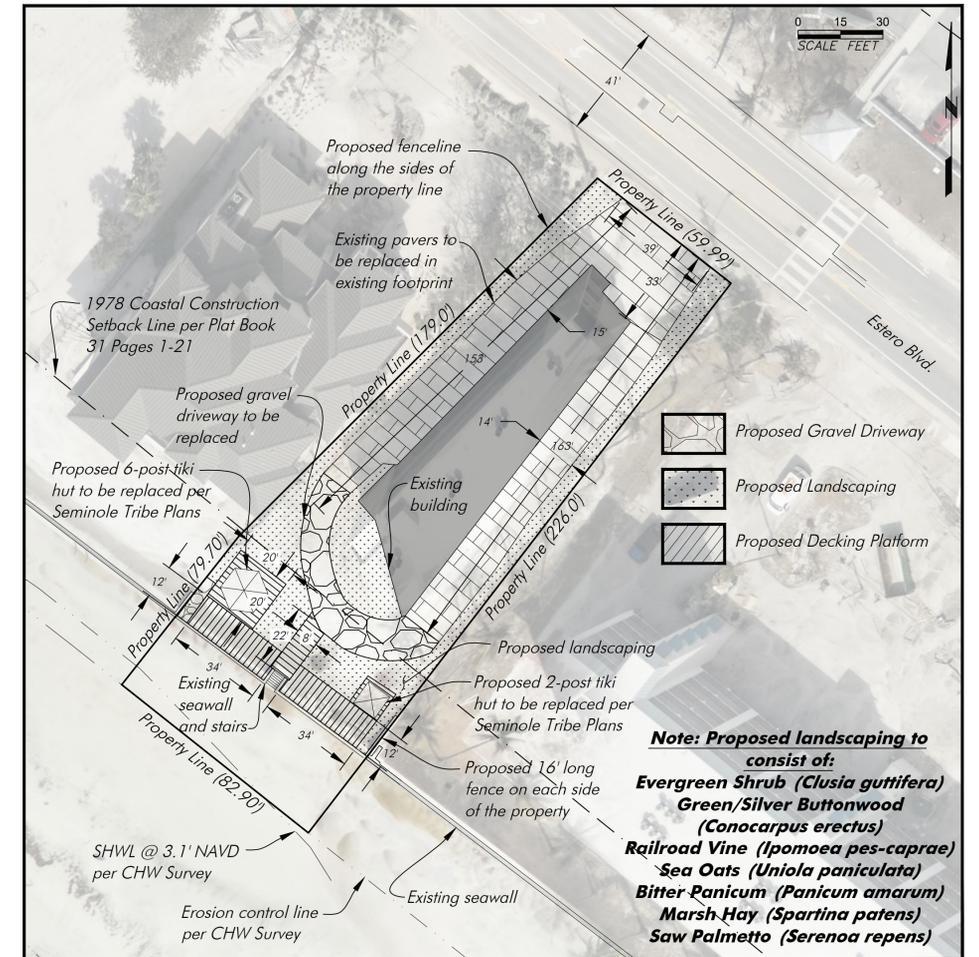
**Location Map**  
SCALE: 1" = 2500'

Notes: Property details per survey file Job 240448.01 completed by CHW an NV5 Company on 1-28-25. All elevations reference NAVD. Construction fences will surround the work area.



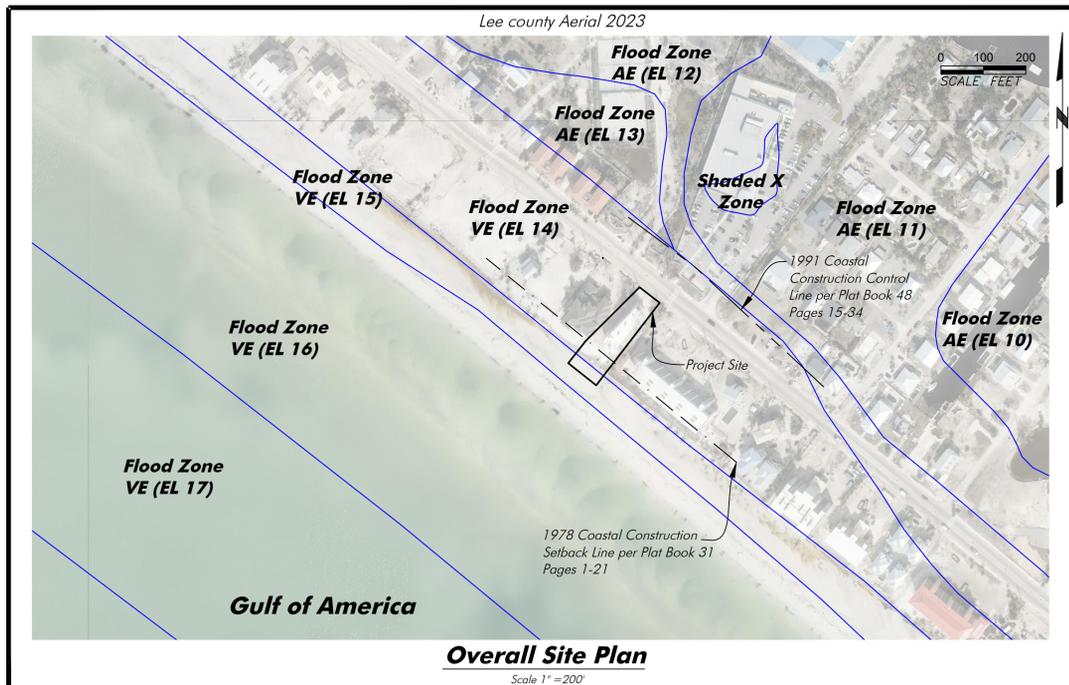
Gulf of America

**Overall Site Dimension Plan**  
Scale 1" = 60'

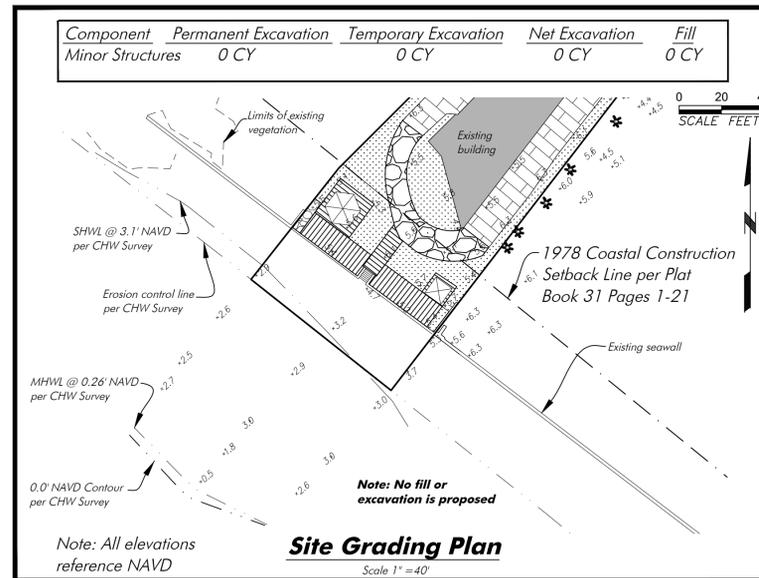


**Detail A - Proposed Structures Dimension Plan**  
Scale 1" = 30'

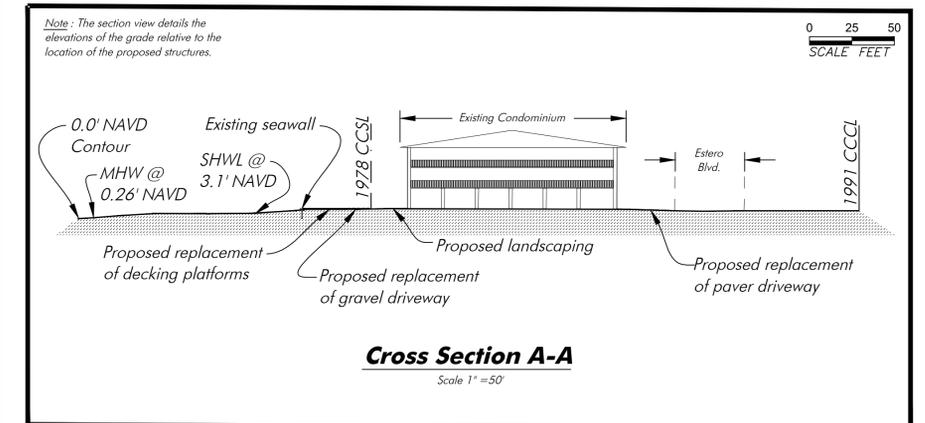
**Note: Proposed landscaping to consist of:**  
**Evergreen Shrub (*Clusia guttifera*)**  
**Green/Silver Buttonwood (*Conocarpus erectus*)**  
**Railroad Vine (*Ipomoea pes-caprae*)**  
**Sea Oats (*Uniola paniculata*)**  
**Bitter Panicum (*Panicum amarum*)**  
**Marsh Hay (*Spartina patens*)**  
**Saw Palmetto (*Serenoa repens*)**



**Overall Site Plan**  
Scale 1" = 200'



**Site Grading Plan**  
Scale 1" = 40'



**Cross Section A-A**  
Scale 1" = 50'

**HWA**  
Hans Wilson & Associates

1938 Hill Avenue, Fort Myers, Florida 33901  
Office: 239-334-6870 Fax: 239-334-7810  
MARINE and ENVIRONMENTAL CONSULTANTS

**Shores of Fort Myers Beach  
Condominium Association**  
4750 Estero Blvd., Fort Myers Beach, Florida  
STRAP: 28-46-24-W4-02500.00CE

DATE: 5-28-25

DRAFTER: JVA

FILE: ShoresFmb1 Master

DATUM: NAVD88

SCALE: 1" = Varies

SHEET: 1/1