

ORDINANCE No. 04-01

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS CHAPTER (CHAPTER 10) OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY; REPEALING CHAPTER 10 “DEVELOPMENT STANDARDS” OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS; REPEALING APPENDIX H OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS; ADOPTING A NEW CHAPTER 10 OF THE LAND DEVELOPMENT CODE ENTITLED “DEVELOPMENT ORDERS AND ENGINEERING STANDARDS” WHICH PROVIDES ARTICLE I IN GENERAL; ARTICLE II DEVELOPMENT ORDERS AND PLATS, DIVISION 1 GENERALLY, DIVISION 2 DEVELOPMENT ORDERS, DIVISION 3 LIMITED REVIEW PROCESS, DIVISION 4 INSPECTIONS AND CERTIFICATE OF COMPLIANCE, DIVISION 5 PLATS; ARTICLE III ENGINEERING AND ENVIRONMENTAL DESIGN STANDARDS, DIVISION 1 GENERALLY, DIVISION 2 TRANSPORTATION, ROADWAYS, STREETS, AND SIDEWALKS, DIVISION 3 SURFACE WATER MANAGEMENT, DIVISION 4 UTILITIES, DIVISION 5 FIRE SAFETY, DIVISION 6 OPEN SPACE, BUFFERING, AND LANDSCAPING, DIVISION 7 PUBLIC TRANSIT, DIVISION 8 PROTECTION OF HABITAT; ARTICLE IV STORMWATER DISCHARGES AND EROSION CONTROL (NPDES REQUIREMENTS); PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. REPEAL OF CHAPTER 10 “DEVELOPMENT STANDARDS” OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS. By the authority of Section 15.08 (c) of the Town Charter, Chapters 10 of the transitional land development regulations are hereby repealed. Transitional Chapter 10 is entitled DEVELOPMENT STANDARDS and contains the following articles: Article I In General, Article II Administration, Article III Design Standards and Requirements, Article IV Illustrations, Tables, and Diagrams.

SECTION 3. REPEAL OF APPENDIX H OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS. By the authority of Section 15.08 (c) of the Town Charter, APPENDIX H of the transitional land development regulations is hereby repealed. Transitional Appendix H was adopted by Fort Myers Beach Ordinance 96-20 as the Protected Species List.

SECTION 4. ADOPTION OF NEW CHAPTER 10 OF THE LAND DEVELOPMENT CODE. The new Chapter 10 of the Town of Fort Myers Beach land development code entitled “DEVELOPMENT ORDERS AND ENGINEERING STANDARDS” shall be as contained in the attached Exhibit A. Entirely new language is indicated with underlining. Language being repealed from the transitional land development regulations is indicated with strike-throughs. Language being readopted by this ordinance is neither underlined nor struck through. The new Chapter 10 contains the following articles, divisions, subdivisions, and sections:

ARTICLE I. IN GENERAL

- Sec. 10-1. Definitions and rules of construction.
- Sec. 10-2. Purpose of chapter.
- Sec. 10-3. Interpretation of chapter.
- Sec. 10-6. Enforcement of chapter; penalty.
- Sec. 10-7. General requirements.
- Sec. 10-8. Design goals.
- Sec. 10-9. Specific requirements.

ARTICLE II. DEVELOPMENT ORDERS AND PLATS

Division 1. Generally

Division 2. Development Orders

Subdivision I. In General

Subdivision II. Procedures

- Sec. 10-101. Applicability of requirements.
- Sec. 10-102. Employment of engineers and design consultants.
- Sec. 10-103. Prior zoning approvals for development order submittals.
- Sec. 10-104. Deviations and variances.
- Sec. 10-105. Preapplication meeting.
- Sec. 10-106. Revocation of existing development orders on granting of new development order.
- Sec. 10-107. Initiation of application; designation of representative.
- Sec. 10-108. Application procedure.
- Sec. 10-108.1 Payment of taxes.
- Sec. 10-109. Review procedure; action by director.
- Sec. 10-110. Resubmittal of application following denial.
- Sec. 10-111. Issuance of order; approval letter and stamping of drawings.
- Sec. 10-112. Appeals.
- Sec. 10-113. Recording of notice of development order.
- Sec. 10-114. Contents of development order.
- Sec. 10-115. Duration of development order.
- Sec. 10-116. Effect of approval of development order.
- Sec. 10-117. Phased projects.
- Sec. 10-118. Amendments generally.
- Sec. 10-119. Amendment to correct error or omission.
- Sec. 10-120. Minor changes.
- Sec. 10-121. Transfer.
- Sec. 10-122. Violation of development order.
- Sec. 10-123. Extensions.
- Sec. 10-124. Coordination of review.

Subdivision III. Submittals

- Sec. 10-151. Generally.
- Sec. 10-152. Requirement waiver.
- Sec. 10-153. Application form and contents.
- Sec. 10-154. Additional required submittals.

Division 3. Limited Review Process

- Sec. 10-171. Generally.
- Sec. 10-172. Legal effect of approval
- Sec. 10-173. General requirements for limited review process.
- Sec. 10-174. Types of development entitled to limited review.
- Sec. 10-175. Required submittals.
- Sec. 10-176. Appeals.

Division 4. Inspections and Certificate of Compliance

- Sec. 10-181. Inspection of improvements generally.
- Sec. 10-182. Inspection of work during construction.
- Sec. 10-183. Final inspection and certificate of compliance.

Division 5. Plats

- Sec. 10-211. Required.
- Sec. 10-212. Preparation and submission.
- Sec. 10-213. Technical requirements.
- Sec. 10-214. Contents.
- Sec. 10-215. Waiver of requirements.
- Sec. 10-216. Monuments.
- Sec. 10-217. Lot recombinations.
- Sec. 10-218. Noncompliance of individual lots.

ARTICLE III. ENGINEERING AND ENVIRONMENTAL DESIGN STANDARDS

Division 1. Generally

- Sec. 10-251. Applicability.
- Sec. 10-252. General design standards.
- Sec. 10-253. Consideration of flood hazards.
- Sec. 10-254. Street names.
- Sec. 10-255. Placement of structures in easements.
- Sec. 10-256. Off-street parking and loading requirements.
- Sec. 10-257. Refuse disposal facilities.

Division 2. Transportation, Roadways, Streets, and Sidewalks

- Sec. 10-285. Connection separation.
- Sec. 10-286. Traffic impact statements.
- Sec. 10-287. Traffic impact mitigation plan.
- Sec. 10-288. Turn lanes.
- Sec. 10-289. Sidewalks.
- Sec. 10-290. Local streets.
- Sec. 10-291. Access to street required.
- Sec. 10-292. Public streets to connect to existing public street.
- Sec. 10-293. Private streets.
- Sec. 10-294. Continuation of existing street pattern.
- Sec. 10-295. Street stubs to adjoining property.
- Sec. 10-296. Street design and construction standards.

Division 3. Surface Water Management

- Sec. 10-321. Generally.
- Sec. 10-322. Roadside swales.
- Sec. 10-323. Rear lot line swales and ditches.
- Sec. 10-324. Open channels and outfall ditches.
- Sec. 10-325. Reserved.

- Sec. 10-326. Inlet spacing.
- Sec. 10-327. Dedication of drainage system; maintenance covenant.
- Sec. 10-329. Excavations.

Division 4. Utilities

- Sec. 10-351. Generally.
- Sec. 10-352. Connection to potable water system.
- Sec. 10-353. Connection to sanitary sewer system.
- Sec. 10-354. Connection to reuse water system.
- Sec. 10-355. Easements; location of water and sewer lines.
- Sec. 10-357. Inspection of water and sewer systems; piping materials.

Division 5. Fire Safety

- Sec. 10-381. Generally.
- Sec. 10-383. Variances.
- Sec. 10-384. Minimum standards for all developments.
- Sec. 10-385. Design standards.

Division 6. Open Space, Buffering, and Landscaping

- Sec. 10-412. Definitions.
- Sec. 10-413. Major indigenous plant communities of the town.
- Sec. 10-414. Landscape and irrigation submittals.
- Sec. 10-415. Open space .
- Sec. 10-416. Landscaping standards.
- Sec. 10-417. Irrigation standards.
- Sec. 10-419. Alternate landscape betterment plans.
- Sec. 10-420. Plant material standards.
- Sec. 10-421. Plant installation and maintenance standards.
- Sec. 10-422. Landscape certificate of compliance.
- Sec. 10-423. Restoration standards for native vegetation removed without approval.

Division 7. Public Transit

- Sec. 10-441. Applicability of division.
- Sec. 10-442. Required facilities.
- Sec. 10-443. Exceptions.

Division 8. Protection of Habitat

- Sec. 10-471. Purpose of division.
- Sec. 10-472. Definitions.
- Sec. 10-473. Development application requirements.
- Sec. 10-474. Management plan.
- Sec. 10-475. Off-site mitigation.

ARTICLE IV. STORMWATER DISCHARGES AND EROSION CONTROL (NPDES REQUIREMENTS)

- Sec. 10-601. Purpose and intent.
- Sec. 10-602. Applicability.
- Sec. 10-603. Prohibitions.
- Sec. 10-604. Exemptions.
- Sec. 10-605. Definitions.
- Sec. 10-606. Construction sites.
- Sec. 10-607. Stormwater pollution prevention plan (SWP3) criteria.
- Sec. 10-608. Enforcement.

SECTION 5. 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 for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way shall affect the validity of all other provisions of this ordinance.

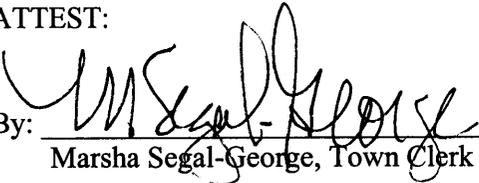
SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

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

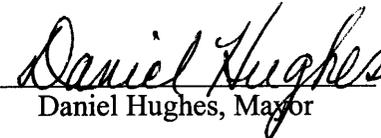
Howard Rynearson	AYE
Daniel Hughes	AYE
Bill Thomas	AYE
W. H. "Bill" Van Duzer	AYE
Terry Cain	AYE

DULY PASSED AND ENACTED this 5th day of January, 2004.

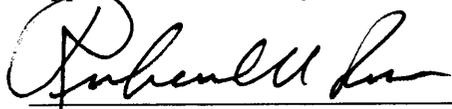
ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney