

1. Discussion Objective:

Work Session Date: December 2, 2013

Restricted Beach Vehicle Permits and use of golf carts on beach

2. Submitter of Information:

- Council
- Town Staff
- Town Attorney

3. Estimated Time for this item: 20 minutes

5. Background:

Restricted Beach Vehicle Permits are issued by Community Development Staff per LDC Sec 14-7. Restricted Beach Vehicle Permits are issued under LDC Sec 14-7 for the following purposes:

- (1) *Research or patrol vehicles,*
- (2) *Mechanical beach raking.*
- (3) *Beach furniture and equipment transport.*
- (4) *Jet-ski transport and storage.*
- (5) *Wheelchairs.*

Staff had been directed by previous Town Managers to issue Vehicle Permits for disabled people to use golf carts. A review of these issued permits was conducted by Staff and the Town Attorney and it was determined that due to the language in the LDC and the potential proliferation of golf carts on the beach, that Staff could no longer issue these permits. The attorney determined that Staff, can issue permits for beach friendly mechanical wheelchairs. Staff recently received a request from a beach chair vendor for a permit to shuttle disabled and elderly customers to the beach. Staff and the attorney again determined that this permit could not be issued under the current LDC regulations.

- Attachments-
- 1) Letter to Mr. Scolaro informing him that another golf cart permit would not be issued
 - 2) Land Development Code Section 14-7 Vehicular traffic on the beach
 - 3) Permit application from West Coast Cabana for golf cart shuttle service

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

Anthony Scolaro
6660 Estero Blvd #903
Fort Myers Beach, FL 33931

RE: Renewal of Restriped Beach Vehicle Permit VEH12-0020

Mr. Scolaro:

As we discussed on the phone on November 5, 2013, the Town cannot issue a Restricted Beach Vehicle Permit to you for the upcoming season for a golf cart. Town staff and legal counsel reviewed the Land Development Code and determined that Section 14-3(a)(7) specifically prohibits "the operation of any engine-powered non-watercraft vehicle, machine or implement, including any battery or electrical powered vehicle, machine, or implement, except for a wheelchair or approved conveyance for a person with a disability which is actually being used by the person with a disability or as authorized in Section 14-7." Section 14-7 (5) has "Wheelchairs" as its heading and reiterates that the only type of vehicle allowed for disabled persons is "A wheelchair, or other conveyance with prior approval from the town, for a person with a disability, which is actually being used by the person with a disability. Handicap access to the beach is encouraged through use of wheelchairs equipped with special beach friendly tires that are available for rent or purchase." Golf carts are not considered "wheelchairs" and the Town cannot, therefore, issue you a permit for that type of vehicle. The Town encourages you, however, to apply for a permit for a beach friendly wheelchair. Several commercial models are available and some of these are motorized.

You are welcome to apply for a permit for a motorized wheelchair for each disabled person who requires one. The fee is \$100.00 per permit application and the applications can be found at <http://www.fortmyersbeachfl.gov/DocumentCenter/Home/View/350>

Please let me know if you have any questions,

Keith Laakkonen, CFM
Environmental Sciences Coordinator
Town of Fort Myers Beach
Keith@FortMyersBeachFL.gov

239-765-0202 ext 136

Cc: Terry Stewart, Town Manager
Walter Fluegel, Community Development Director
Marilyn Miller, Town Attorney

tolerant dune vegetation and staked sea turtle nests by a minimum of 10 feet.

- 6. Mechanical beach raking equipment must travel seaward of the mean high water line with the rake disengaged when driving on the beach from one raking area to another, and shall not disturb any dune or dune vegetation.
- e. Burial or storage of any debris (biotic or abiotic) collected is prohibited seaward of any frontal dune, vegetation line, or armoring structure. Removal of all accumulated material from the beach must occur immediately after raking has been performed in an area. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on site.
- f. A violation of the special or standard conditions shall automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this ordinance.

Sec. 14-7. Vehicular traffic on the beach.

It is unlawful and prohibited to operate any engine-powered vehicle, machine, or implement, including any electrical powered vehicle, machine, or implement, on the beach, dune, or on sea turtle nesting habitat as defined in § 14-72, except for the following:

- (1) **Research or patrol vehicles**, only for authorized permittees of the FWC, DEP officials, law or code enforcement officers, EMS and firefighters, scientific monitoring, and town-approved service vehicles.
- (2) **Mechanical beach raking**. Vehicles operating under permits issued pursuant to § 14-6(c).
- (3) **Beach furniture and equipment transport**. Vehicles operating under permits issued pursuant to § 14-5(e).
- (4) **Jet-ski transport and storage**. Jet-ski transport and storage, when in accordance with § 27-49(1) and (9) even for jet-skis that are not available for rental in accordance with ch. 27.
- (5) **Wheelchairs**. A wheelchair, or other conveyance with prior approval from the town, for a person with a disability, which is actually being used by the person with a disability). Handicap access to the beach is

encouraged through use of wheelchairs equipped with special beach friendly tires that are available for rent or purchase.

- (6) **Maximum tire pressure**. Any vehicle authorized to drive on the beach cannot exceed a ground-to-tire pressure of 10 PSI as computed in accordance with § 14-4(c)(4)d.1, except for wheelchairs permitted in accordance with subsection (5) above.
- (7) **Sea turtle nesting season**. See § 14-78(b) for additional restrictions during the sea turtle nesting season.

Sec. 14-8. Dune systems.

Consistent with the town comprehensive plan objective 5-D for beaches and dunes, “Conserve and enhance the shoreline of Estero Island by increasing the amount of dunes, renourishing beaches to counter natural erosion, and reducing negative man-made impacts on beaches and dunes,” the town adopts the following:

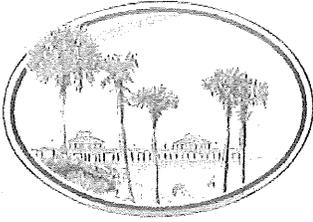
- (1) In areas where the beach has experienced erosion, on public land or with the consent of the owner, the town will establish a dune system consisting of sea oat plantings, a minimum of 10 feet wide, to be planted adjacent to the existing upland vegetation line, and to be planted at existing elevations.
- (2) In areas that have not experienced erosion, the town will encourage the establishment of a dune system but will not require same.

Sec. 14-9. Enforcement.

(a) The director is authorized to pursue any one or combination of the enforcement mechanisms provided in this code (for example, § 1-5, or article V of ch. 2) for any violation of this article.

(b) When imposing a sentence or penalty, the court, special magistrate, or any other appropriate body may, in mitigation, consider the successful replacement of dune vegetation illegally removed, and the restoration of the subject area when deemed by the court, the special magistrate or any other appropriate body that the action taken by the violator has eliminated or significantly decreased the ability of the dune system to recover or perform those functions for which it is being protected.

Sec. 14-10. Restoration standards for dune vegetation alteration violations.



Town of Fort Myers Beach

RESTRICTED BEACH TRANSIT VEHICLE PERMIT APPLICATION

Ground-to-Tire Pressure Calculation Sheet

Vehicle Description (Make, Year, Style): YAMAHA 2005 GAS GOLF CART

Vehicle Registration: Rental Cart

Vehicle Identification Number: JUO-302528

1.) Gross Vehicle Weight: 500 lb

2.) People, Equipment & Cargo Weight: 200 lb

3.) Total Weight (step 1 + step 2): 700 lb

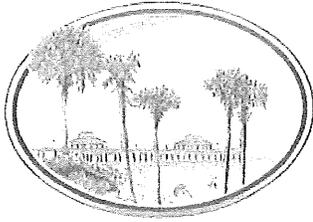
4.) Tire Footprint*: 19 in
*(surface area of tire making contact with the ground in square inches)

5.) Number of Tires: 4

6.) Total Footprint in Square Inches** (step 4 X step 5): 76
** (If tires are dissimilar calculate each separately and add total)

7.) Ground-to-Tire Pressure***: (step 3 / step 6) 9.2
*** (maximum is 10 PSI)

2523 Estero Boulevard * Fort Myers Beach, Florida 33931
Telephone: 239-765-0202 * Facsimile 239-765-0591
Internet address: <http://www.fortmyersbeachfl.gov>



Town of Fort Myers Beach
RESTRICTED BEACH TRANSIT
VEHICLE PERMIT APPLICATION

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West Coast Cabana, Inc.

6106 Waterway Bay Drive, Fort Myers, FL 33908

Phone: 239-645-0528 – Fax: 239-600-7409

Email: donynton@gmail.com or westcoastcabana@gmail.com

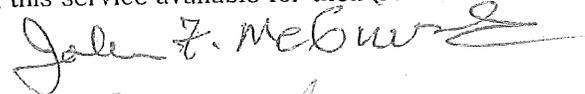
November 13, 2013

The Town of Fort Myers Beach
Keith Laakkonen, CFM
Environmental Sciences Coordinator
Town of Fort Myers Beach
2523 Estero Blvd
Fort Myers Beach, FL 33931
(239) 765-0202 Ext. 136

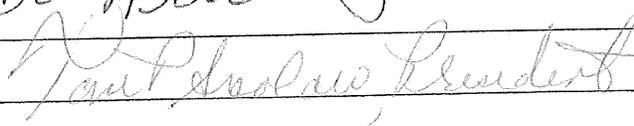
Dear Sir:

The following Condominium Associations are respectfully requesting that the Town of Fort Myers Beach issue West Coast Cabana Inc. a permit to drive a shuttle Golf Cart on the beach for the purpose of driving the elderly and the handicapped from their various properties listed below to the water's edge, their rented cabana and back to their property. This courtesy service will be free of charge to the passengers and the various Associations.

The following Condo Associations have approved having this service available for their owners and visitors.

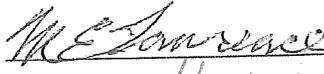
SUNSET CONDO ASSOC - John F. Mcbow 

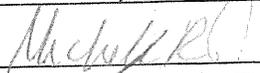
The Sandarac Association _____

The Sandarac II Association  Paul Andrew, President

Point Estero Beach Resort _____

Gullwing Beach Resort _____

Island Winds  M. Lawrence - PRESIDENT

Seawatch on the Beach  Michele Jenkins

Gulf View Manor Resort  KEN DIXON OPS MGR

The Privateer Condominium  Terrence A. Walsh

The Carousel Beach Inn  John Blankenship, Operations Manager

Your prompt attention to this matter is appreciated.

Sincerely,

Anthony P. Lubig

West Coast Cabana, Inc.