

ORDINANCE 00-12

AN ORDINANCE REPEALING CHAPTER 6 OF THE TOWN OF FORT MYERS BEACH TRANSITIONAL LAND DEVELOPMENT REGULATIONS; PROVIDING AUTHORITY; REPEALING CHAPTER 6 OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS; ADOPTING A NEW CHAPTER 6 OF THE LAND DEVELOPMENT CODE ESTABLISHING PROPERTY MAINTENANCE CODES, BUILDING CODES, COASTAL CONSTRUCTION CODE, AND FLOODPLAIN REGULATIONS FOR THE TOWN; PROVIDING **ARTICLE I - PROPERTY MAINTENANCE CODES** -- INCLUDING MAINTENANCE CODE PURPOSE, EXTERIOR SURFACES OF BUILDINGS, EXTERIOR STORAGE, PUBLIC RIGHTS-OF-WAY AND SIDEWALKS, NUISANCES, INOPERATIVE VEHICLES ON PUBLIC PROPERTY, NOISE, REQUIRED LANDSCAPING, BUFFERS, AND NATIVE VEGETATION, LOT MOWING, BUILDING NUMBERS, AND REFUSE CONTAINERS; HOUSING CODE ADOPTION, AMENDMENTS; UNSAFE BUILDING ABATEMENT CODE ADOPTION, AMENDMENTS; **ARTICLE II - BUILDING CODES** -- INCLUDING APPLICABILITY OF ARTICLE, PENALTY FOR VIOLATIONS OF ARTICLE, ADDITIONAL REMEDIES, CONFLICTING PROVISIONS, ENFORCING OFFICERS, PERMIT FEES, LEE COUNTY'S BOARDS OF ADJUSTMENT AND APPEALS, APPLICABILITY OF DIVISION, INTENT OF DIVISION, BOARDS ESTABLISHED, JURISDICTION, DELEGATION OF AUTHORITY TO LEE COUNTY'S BOARDS OF ADJUSTMENT AND APPEALS, RIGHT OF APPEAL, NOTICE OF APPEAL, VARIATIONS AND MODIFICATIONS, DECISIONS; BUILDING CODE ADOPTION, AMENDMENTS; EXISTING BUILDINGS CODE PURPOSE, ADOPTION, AMENDMENTS; PLUMBING CODE PURPOSE, ADOPTION, AMENDMENTS; MECHANICAL CODE ADOPTION, AMENDMENTS; GAS CODE ADOPTION AND AMENDMENTS; ELECTRICAL CODE ADOPTION, AMENDMENTS; FIRE CODES, APPLICABILITY, PURPOSE, UNIFORM FIRE SAFETY RULES AND STANDARDS, STANDARD FIRE PREVENTION CODE, SPECIAL APPLICATION, LIFE SAFETY CODE NFPA #101, MINIMUM FIRE FLOWS, HYDRANT SPACING AND WATER MAIN SIZE, PROTECTION OF PENETRATION OF FIRE-RATED ASSEMBLIES, APPEALS, CONFLICT; CONTRACTOR LICENSES REQUIRED, CONTRACTORS REQUIRED TO BE STATE CERTIFIED, CONTRACTOR CATEGORIES LICENSED BY LEE COUNTY, DELEGATION OF AUTHORITY TO THE LEE COUNTY CONSTRUCTION LICENSING BOARD, OWNER-BUILDER EXEMPTION, OTHER EXEMPTIONS, PENALTIES; **ARTICLE III - COASTAL CONSTRUCTION CODE** -- INCLUDING ORIGIN,

INTENT OF ARTICLE, APPLICABILITY OF ARTICLE, DEFINITIONS, CONFLICTING PROVISIONS, VARIANCES; COASTAL CONSTRUCTION STANDARDS, STRUCTURAL REQUIREMENTS FOR MAJOR STRUCTURES, STRUCTURAL REQUIREMENTS FOR NON-HABITABLE MAJOR STRUCTURES, STRUCTURAL REQUIREMENTS FOR MINOR STRUCTURES, LOCATION OF CONSTRUCTION NEAR BEACHES, PUBLIC ACCESS, REFERENCES; **ARTICLE IV - FLOODPLAIN REGULATIONS** -- INCLUDING FINDINGS OF FACT, PURPOSE OF ARTICLE, OBJECTIVES OF ARTICLE, DEFINITIONS, PENALTY FOR VIOLATION OF ARTICLE, APPLICABILITY OF ARTICLE, BASIS FOR ESTABLISHING FLOOD REGULATIONS, CONFLICTING PROVISIONS, WARNING AND DISCLAIMER OF LIABILITY, DESIGNATION OF ADMINISTRATOR, APPLICATIONS AND CERTIFICATIONS, APPEALS, VARIANCES, GENERAL STANDARDS, SPECIFIC STANDARDS, REPEATED DAMAGE BY FLOODING, STANDARDS FOR SUBDIVISION PROPOSALS; 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 6 of the Transitional Land Development Regulations. By the authority of Section 15.08 (c) of the Town Charter, Chapter 6 of the transitional land development regulations are repealed. Transitional Chapter 6 contains the following sections: Article I, In General; Article II, Codes and Standards; Article III, Coastal Construction Code; Article IV, Flood Hazard Reduction; Article V, Housing Standards; and Article VI, Uniform Fire Code.

SECTION 3. Adoption of New Chapter 6 of the Land Development Code. The new Chapter 6 of the Town of Fort Myers Beach land development code, entitled "Maintenance Codes, Building Codes, and Coastal Regulations," shall be as contained in the attached Exhibit A. The new Chapter 6 contains the following sections: **ARTICLE I - PROPERTY MAINTENANCE CODES** -- including Maintenance code purpose, Exterior surfaces of buildings, Exterior storage, Public rights-of-way and sidewalks, Nuisances, Inoperative vehicles on public property, Noise, Required landscaping, buffers, and native vegetation, Lot mowing, Building numbers, Refuse containers; Housing code adoption,

amendments; Unsafe building abatement code adoption, amendments; ARTICLE II - BUILDING CODES -- including Applicability of article, Penalty for violations of article, Additional remedies, Conflicting provisions, Enforcing officers, Permit fees, Lee County's boards of adjustment and appeals, Applicability of division, Intent of division, Boards established, jurisdiction, Delegation of authority to Lee County's boards of adjustment and appeals, Right of appeal, Notice of appeal, Variations and modifications, Decisions; Building code adoption, amendments; Existing buildings code, Purpose, Adoption, Amendments; Plumbing code, Purpose, Adoption, Amendments; Mechanical code adoption, Amendments, Gas code adoption, Amendments; Electrical Code adoption, Amendments; Fire codes, Applicability, Purpose, Uniform fire safety rules and standards, Standard fire prevention code, Special application, Life safety code NFPA #101, Minimum fire flows, Hydrant spacing and water main size, Protection of penetration of fire-rated assemblies, Appeals, Conflict; Contractor licenses required, Contractors required to be state certified, Contractor categories licensed by Lee County, Delegation of authority to the Lee County Construction Licensing Board, Owner-builder exemption, Other exemptions, Penalties; ARTICLE III - COASTAL CONSTRUCTION CODE -- including Origin, Intent of article, Applicability of article, Definitions, Conflicting provisions, Variances; Coastal construction standards, Structural requirements for major structures, Structural requirements for nonhabitable major structures, Structural requirements for minor structures, Location of construction near beaches, Public access, References; ARTICLE IV - FLOODPLAIN REGULATIONS -- including Findings of fact, Purpose of article, Objectives of article, Definitions, Penalty for violation of article, Applicability of article, Basis for establishing flood regulations, Conflicting provisions, Warning and disclaimer of liability, Designation of administrator, Applications and certifications, Appeals, Variances, General standards, Specific standards, Repeated damage by flooding, and Standards for subdivision proposals. New language is indicated with underlining and repealed language is indicated with ~~strike-throughs~~.

SECTION 4. 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 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 affect the validity of all other provisions of this ordinance.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

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

Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>

DULY PASSED AND ENACTED this 29th day of June, 2000.

ATTEST: TOWN OF FORT MYERS BEACH

By: Marsha Segal George By: Daniel Hughes
Marsha Segal George, Town Clerk Daniel Hughes, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney