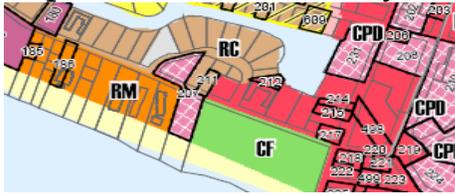


**Town of Fort Myers Beach
Department of Community Development**



MEMORANDUM

To: Local Planning Agency

From: Frank Shockey, Interim Community Development Director

Date: May 7, 2009

RE: Proposed amendments to LDC Sections 6-11 and 34-1744

The ad hoc committee on refuse containers noted several relatively common logistical problems with the storage and periodic removal of refuse in the Town under the current conditions, which involve individual property owners and tenants, the solid waste removal company (Veolia), and the Town's property maintenance regulations found in LDC Section 6-11. The committee's suggestions regarding Town regulations focused on the need for covers over the tops of containers to prevent garbage from spilling out into yards and streets, and the need for a reasonable allowance for screening of non-movable containers that are located in front yards. The proposed language would amend LDC Section 6-11 to require containers to have covers, and would amend LDC Section 6-11 and Section 34-1744 to provide an exception to the limitations on the height of fences and walls in front yards that would be applicable only to fences and walls used for screening of refuse containers.

This information is provided in advance of an authorized hearing so that a suitable ordinance can be drawn up immediately, if Town Council chooses to initiate the amendment process.

Sec. 6-11. Refuse containers

- (a) Refuse containers shall not be moved to the street more than 24 hours prior to scheduled curbside collections nor remain there more than 24 hours after scheduled collections.
- (b) Any refuse containers that are not movable in accordance with subsection (a) shall be opaquely screened from view from streets and adjoining properties. This screening may be achieved by landscaping or by virtue of the location of the container on the site. Screening may also be achieved by walls or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the location (see §§ 34-1171 et seq. and 34-1744).

(c) Any refuse container not located within a roofed enclosure must have a lid that renders the interior of the container inaccessible to animals and small children.

Deleted: If the nonmovable refuse container would be visible above the allowable height, it must be replaced with a shorter container.

Formatted: Bullets and Numbering

Formatted: Indent: Left: 36 pt

Sec. 34-1744 Location and height of fences and walls

...

(c) *Height.* [...]

- (1) *Front yards.* Any fence or wall located in a front yard (between a street right-of-way or easement and the minimum required street setback or build-to line) shall not exceed 42 inches in height, except as provided in subsection 34-1744(c)(4)d. below. This division does not excuse any fence or wall from compliance with any lesser height that may be required to meet vehicle visibility requirements (see § 34-3131) at traffic access points.
- (2) *Side and rear yards.* Any fence or wall located in a side or rear yard shall not exceed six feet in height.
 - a. For purposes of this requirement, the side yard does not include any portion of the lot between a street and the minimum required street setback or build-to line.
 - b. Where a side yard or rear yard slopes downward from the street, a fence may be up to seven feet above the elevation of the abutting property to avoid unnecessary variations in the height of a fence.
- (3) *Near water bodies.* Within 25 feet of a body of water, those portions of a fence that exceed 42 inches in height cannot be more than 25% opaque (as viewed from perpendicular to the fence).
- (4) *Exceptions:*

Deleted: except

Deleted: where a

Deleted: is

- a. *Architectural features.* Fences and walls may include occasional architectural features such as columns, posts, gates, and arbors at a height not exceeding 84 inches. All such features must be visually compatible with the fence or wall design.
- b. *Administrative setback variances.* Under certain limited circumstances, administrative variances can be granted to minimum setbacks as provided in § 34-268.
- c. *Enclosure of high-voltage transformers.* See § 34-1748.
- d. Screening of refuse containers. On sites where the location of existing principal and/or accessory structures prevents the placement of refuse containers outside the front yard, fences and/or walls erected for the sole purpose of screening refuse containers may exceed 42 inches in height, but shall not exceed six feet in height.

Formatted: Bullets and Numbering

Formatted: Font: Not Italic

Sec. 34-1745. Buffer for commercial uses.

Some land uses are required to provide perimeter buffers in accordance with §§ 34-3005 or 10-416. Where buffers are required by other provisions of this code, this division will not be interpreted to restrict the height, location, or other features of required buffers.