

**RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 09-04**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS  
BEACH, FLORIDA, REVISING THE FEE SCHEDULE FOR CHAPTER 34, LAND  
DEVELOPMENT CODE; PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING A SUNSET 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 services, 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, Section 34-53 of the Land Development Code (LDC) of the Town of Fort Myers Beach provides that the schedule of fees and charges for matters pertaining to Chapter 34 may be changed via resolution of the Town Council; and

WHEREAS, the Town Council of the Town of Fort Myers Beach declared at its meeting of September 18, 2006, that it was the policy of the Town to commence a transition from the provision of Community Development services by Lee County, Florida pursuant to Interlocal Agreement to provision of such services by the Town directly to its residents, business owners, property owners and others over the course of FY 2006-2007; and

WHEREAS, the Town Council further declared at the aforesaid Town Council meeting that the provision of services by Town staff be revenue-neutral to the Town to the extent possible, utilizing application fees whenever possible; and

WHEREAS, the Town Council passed Resolution 07-04 to establish the Town of Fort Myers Beach Zoning Fee Schedule on August 1, 2007, and

WHEREAS, based on the current economic climate the Town Council has determined that it is prudent to reduce the current fee structure for a period of twelve (12) months to assist local business and residents during these difficult times by reducing fees below those provided in Resolution 07-04; and

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

**Section 1. Incorporation of Whereas Clauses.** The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

**Section 2. Reasonableness of Schedule of Fees and Charges.** The Schedule of Fees and Charges which is attached hereto as Exhibit "A" is reasonable and its adoption by the Town is in the best interest of the life, safety, welfare and economic well-being of its citizens, resident, business owners and property owners.

Section 3. Adoption of Schedule of Fees and Charges. In accordance with the provisions of Section 34-52 of the Land Development Code of the Town of Fort Myers Beach, the Town hereby adopts the Schedule of Fees and Charges which is attached as Exhibit "A" .

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach and continue in effect for a period of twelve (12) months, i.e., until March 17, 2010.

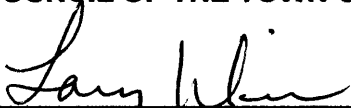
Section 5. Modification of Fee Schedule. On March 18, 2010, the fee schedule provided for herein shall automatically revert to the Schedule set forth in Town Resolution 07-04, which Schedule is attached hereto as Exhibit "B" and hereby incorporated by reference.

Section 6. Council Action. Nothing herein contained shall be construed as preventing or prohibiting Town Council from taking alternate or additional action regarding the subject matter of this Resolution prior to March 18, 2010.

The foregoing Resolution was adopted by the Town Council on March 18, 2009, upon a motion by Vice Mayor Acken and seconded by Councilmember List. Upon being put to a vote, the result was as follows:


Larry Kiker, Mayor	<u>aye</u>
Herb Acken, Vice Mayor	<u>aye</u>
Robert Raymond	<u>aye</u>
Jo List	<u>aye</u>
Tom Babcock	<u>nay</u>

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By:   
Larry Kiker, Mayor

Approved as to legal sufficiency:

ATTEST:

By:   
Anne Dalton, Esquire  
Town Attorney

By:   
Michelle Mayher, Town Clerk

**EXHIBIT (A 1/2)**

<b>Application</b>	<b>Lee County (former Town fees by reference)</b>	Asterisk indicates Lee County had no analogous fee
<b>Administrative</b>		
Pre-application meeting		
Administrative COP	\$650	
Administrative Interpretation	\$300	
Administrative Setback Variance	\$475	
Wireless Communication Facility	\$1,000	
Zoning Verification Letter	\$200	
Temporary Use	\$150	*
Sign	\$0.50 per square foot, \$25 minimum	
Accessory Apartment determination	\$1,000	*
Historic Preservation Grant application	\$500	*
Joint-use parking lot review	\$400	*
Fire on the Beach	\$25	*
Outdoor display and sales permit	\$200	*
Short term rental renewal	\$100	*
Seasonal parking lot	\$200	*
Special Event	\$30	*
PWVL	\$170	*
<b>Town Council</b>		
Rehearing request	\$265	
New hearing	\$350	
Appeal	\$700	
<b>Planned Development</b>		
Base fee	PD base fee \$8000 +\$40 per acre, Minor PD fee \$5000	
Administrative Amendment to PD	\$1,500	
Public Hearing Amendment	\$5,000	
MCP Extension	\$1,800	
Reinstatement	\$2,500	
Deviations	0	
<b>Development of Regional Impact</b>		
Abandonment	\$1,500	
DRI/AMDA Base fee	\$7,800	
Increments Base fee	\$6,500	
DRI/Area Master Plan Base fee	\$6,500	
DRI/Florida Quality Development Base fee (DRI fees in addition)	\$9,100	
Notice of Proposed Change	\$4,000	
DRI/PUD ordinance review	\$2,600	
Substantial deviation determination/changes	\$6,000	

**EXHIBIT (A 2/2)**

Time extension (non-substantial deviation)		\$600	
Development Agreement (original)		\$3,000	
Development Agreement (amendment)		\$1,500	
<b>Local Planning Agency</b>			
Continuance (scheduled and advertised)	\$160 (hearing examiner continuance)		
Deferral		0	
Withdrawal		0	
<b>Historic Districts</b>			
Administrative Relief		\$500	
Appeal to Hearing Examiner/LPA		\$135	
<b>Occupational zoning review</b>			
Home occupation		\$20	
Use		\$75	
<b>Single family/minimum use</b>			
Minimum Use Determination		\$135	
Appeal		\$75	
<b>Public Hearing</b>			
Conventional Rezoning		\$2,500	
Special Exception		\$1,000	
Variance	\$700 +\$150 for each additional. \$1,100 for a sign variance		
Request for Land Development Code text amendment	\$5000 + \$950 for each additional section		*
Comprehensive Plan future land use map amendment	\$2000 + \$20 per 10 acres		
Comprehensive Plan text amendment		\$2,500	
<b>(Misc)</b>			
Placement of fill	\$200 / \$700 with drainage plan		*
Creation of cooperative or condo units	\$1000/two units; \$200 each additional unit		*
Adjacent property owner notifications		0	
Administrative and advertising fee		0	
Consultant fees associated with LDC amendments, Comp Plan map and text amendments to be passed through to applicant at 103% of the rate billed to the Town by the consultant.			

RESOLUTION NUMBER 07-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REVISING THE FEE SCHEDULE FOR CHAPTER 34, LAND DEVELOPMENT CODE; AND PROVIDING 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 services, 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, Section 34-53 of the Land Development Code (LDC) of the Town of Fort Myers Beach provides that the schedule of fees and charges for matters pertaining to Chapter 34 may be changed via resolution of the Town Council; and

WHEREAS, the Town Council of the Town of Fort Myers Beach declared at its meeting of September 18, 2006, that it was the policy of the Town to commence a transition from the provision of Community Development services by Lee County, Florida pursuant to Interlocal Agreement to provision of such services by the Town directly to its residents, business owners, property owners and others over the course of FY 2006-2007; and

WHEREAS, the Town Council further declared at the aforesaid Town Council meeting that the provision of services by Town staff be revenue-neutral to the Town to the extent possible, utilizing application fees whenever possible; and

WHEREAS, in the absence of a resolution by the Town Council, the Town is required under Section 34-53(a) of the LDC to charge fees comparable to those charged by Lee County but such Lee County fees are not revenue-neutral within the Town; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Fort Myers Beach to charge the fees set forth in this Resolution so that the provision of services by Town staff is revenue-neutral and paid by the applicants for such services as much as possible.

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

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Reasonableness of Schedule of Fees and Charges. The Town finds that the Schedule of Fees and Charges which is attached hereto as Exhibit "A" is reasonable and its adoption by the Town is in the best interest of the life, safety, welfare and well-being of its citizens, resident, business owners and property owners.

Section 3. Best Interest of Town of Fort Myers Beach Zoning Fee Schedule. The Town finds that the adoption of the Schedule of Fees and Charges which is attached as hereto

as Exhibit "A" is in the best interest of the life, safety and well-being of its citizens, residents, business owners and property owners.

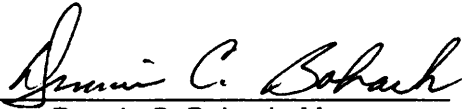
Section 4. Adoption of Town of Fort Myers Beach Zoning Fee Schedule. In accordance with the provisions of Section 34-52 of the Land Development Code of the Town of Fort Myers Beach, the Town hereby adopts the Town of Fort Myers Beach Zoning Fee Schedule.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council on August 1, 2007, upon a motion by Vice Mayor Kiker and seconded by Councilmember Acken. Upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	AYE
Larry Kiker, Vice Mayor	AYE
Herb Acken	AYE
Charles Meador, Jr.	AYE
William Shenko, Jr.	AYE

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By:   
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By:   
Anne Dalton, Esquire  
Town Attorney

By:   
Michelle Mayher, Town Clerk

EXHIBIT "A"  
TOWN OF FORT MYERS BEACH  
ZONING FEE SCHEDULE

<b>REVIEW ITEMS / FEE SCHEDULE</b>	<b>Zoning Fee</b>
<b>Administrative Actions</b>	
Pre-Application meetings	1st n/c; then \$250 each
Administrative COP	\$1,000
Administrative Interpretation	\$600
Administrative Variance (setbacks)	\$750
Wireless Communication Facility	\$1,500
Zoning Verification Letter	\$250
Temporary Use	\$150
Sign	\$100 + \$100 for third and subsequent reviews
Accessory Apartment determination	\$1,000
Historic Preservation Grant processing	\$500
Joint-use parking lot approvals	\$400
Fire on the Beach	\$25
Outdoor Display and Sales	\$200
Short Term Rentals	\$100
Seasonal Parking Lots	\$200
Special Events	\$30
PWVL	\$170
<b>Town Council</b>	
Rehearing Request	\$500
New Hearing	\$500
Appeal	\$1,000
<b>DCI / Planned Development (PD)</b>	
PD Base Fee	\$10,000 for up to one acre/\$10,000 for each additional acre or portion thereof
PD Administrative Amendment	\$3,000
PD Amendment	\$8,500
MCP Extension	\$3,000
PD Reinstatement	\$4,000
Deviations	\$1,500 residential / \$2,000 non-residential

EXHIBIT "A"  
TOWN OF FORT MYERS BEACH  
ZONING FEE SCHEDULE

EXHIBIT ( 3 4/5 )

REVIEW ITEMS / FEE SCHEDULE	Zoning Fee
<b>Development of Regional Impact (DRI) (highly unlikely; possible )</b>	
Abandonment	\$1,500
DRI/AMDA Base Fee	\$7,800
DRI/AMDA Increments Base Fee	\$6,500
DRI/Area Master Plan Base Fee	\$6,500
DRI/Florida Quality Development (FQD) Base Fee (DRI Fees in addition	\$9,100
Notice of Proposed Change	\$4,000
DRI/PUD Ordinance Review	\$2,600
Substantial Deviation Determination/Changes	\$10,000
Time Extension (Non-substantial Deviation)	\$1,000
Development Agreement - Original Agreement	\$5,000 + advertising costs
Development Agreement - Amendment	\$2,500 + advertising costs
<b>Local Planning Agency</b>	
Continuance (case scheduled and advertised)	\$250
Deferrals	\$50
Withdrawal	\$50
<b>Historic District</b>	
Administrative Relief	\$500
Appeal to Hearing Examiner (LPA)	\$150
<b>Occupations</b>	
Home occupations	\$25
Use	\$100
<b>Single-Family Minimum Use Determinations</b>	
Single-Family Minimum Use Determinations	\$200
Appeal	\$100



EXHIBIT "A"  
TOWN OF FORT MYERS BEACH  
ZONING FEE SCHEDULE

REVIEW ITEMS / FEE SCHEDULE	Zoning Fee
Public Hearing	
Rezoning (conventional)	\$5,000
Special Exception	\$4,000
Variance	\$1,000 residential/\$2000 non-residential + \$700 for each additional variance
Application for land development code text amendment*	\$5,000 + \$950/added section
Comprehensive Plan FLUM amendment*	\$5000 + \$1,200/added acre
Comprehensive Plan text amendment*	\$5000 + \$1,900/added policy
Placement of Fill	\$200 / \$700 w/drainage plan
Creation of cooperative or condo units	\$1,000/2 units; \$200/each additional unit
Adjacent property owner notifications	\$1.50/per notification ≥ 50
Administrative/advertising fee	\$1,900
* Outside consultant fees associated with these cases will be passed through to the applicant at 103% of rate billed Town by consultant	