

ORDINANCE No. 97- 9

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, PROVIDING AUTHORITY; DELETION OF ADDITIONAL PERMITTED HEIGHT WHEN INCREASED SETBACKS PROVIDED; AMENDMENT TO HEIGHT LIMITATIONS FOR SPECIAL AREAS; SEVERABILITY; EFFECT OF ORDINANCE AND 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, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. SECTION 34-2174. Additional permitted height when increased setbacks provided, of the "Town of Fort Myers Beach Land Development Code" is deleted in its entirety as follows:

~~Sec. 34-2174. Additional permitted height when increased setbacks provided.~~

~~—(a) Subject to conditions set forth in section 34-2175, any structure may be permitted to exceed the height limitations specified by the zoning district regulations in which the property is located provided:~~

~~—(1) Every required street setback is increased by one half foot for every one foot by which the structure exceeds the specified height limitation.~~

~~—(2) Every required side setback is increased by one half foot for every one foot by which the structure exceeds the specified height limitation.~~

~~—(3) Every required rear setback shall be increased by one half foot for every one foot by which the structure exceeds the specified height limitation.~~

~~—(b) In any zoning district which does not specify a maximum height limitation, the increase to setbacks stated in this section shall apply to any building or structure exceeding 35 feet in height.~~