



Town of Fort Myers Beach Zoning Procedures

Bring zoning applications for administrative action or public hearing to Town Hall. Feel free to contact staff in advance for pre-application meetings. The current fee schedule was adopted by Town Council in Resolution 07-04 on August 1, 2007.

For further explanation of all of the following processes, see the Fort Myers Beach Land Development Code.

Administrative Actions

If you have a question you would like answered in writing about the general application of specific provisions of the Land Development Code (LDC) or about the application of specific LDC provisions to one or more specific pieces of property, you can apply for an **administrative interpretation** of the LDC using the **administrative action** form and the LDC interpretation supplementary form. An administrative interpretation is a written finding that can be appealed to the Town Council. A special type of interpretation can address the existence of nonconforming accessory apartments. If you believe you have a lawfully nonconforming accessory apartment on your property, discuss the matter with staff. If you need to apply for the formal interpretation, use the **accessory apartment** form along with the administrative action form.

Several other zoning decisions can be made administratively in some circumstances. If you need to apply for zoning approval of a **commercial antenna** location, a **forced relocation of a business**, an **administrative setback variance**, a **minimum use determination**, alcoholic beverage **consumption on premises**, or an **amendment to a planned development**, inquire with Town Community Development Staff at Town Hall for direction on your specific project. To apply for any of these administrative actions, use the **administrative action** form and the appropriate supplemental form.

Public Hearings

Some zoning decisions must be made by the Town Council through public hearings. To apply, use the **application for public hearing** form and the appropriate supplemental form, as follows. In general, speak to Town Community Development Staff to determine which procedure to follow.

The LDC allows some land uses only if granted a **special exception**, which is a public hearing process that allows the Town Council to weigh the appropriateness of the requested use on a case-by-case basis.

A **variance** is a departure from the exact provisions of the LDC or any other Town ordinance that provides setbacks, lot dimensions, building heights, open space or buffering requirements, parking or loading requirements, floor area ratio, design, landscaping, or similar regulations. Variances may be granted by the Town Council through a public hearing process, but may not involve the actual use of property, procedural requirements, or definitions.

Rezoning are of two types, both of which use the application for public hearing and the corresponding supplemental form:

A **conventional rezoning** is a public hearing process to change the zoning for a specific property or group of properties from the present zoning to another of the Town's standard zoning districts.

A **planned development rezoning** is a public hearing process to rezone a specific property under unified control to permit a degree of flexibility from the provisions of the LDC for development projects that the Town Council finds to comply with the Town's Comprehensive Plan under specified conditions. If some planned development submittal requirements seem to be unrelated to your specific proposal, you can request a **waiver of submittal requirements** to allow you to omit them.

An administrative action may be **appealed** to the Town Council unless the LDC specifies otherwise. The application to appeal uses the public hearing application and the corresponding supplemental form.

If you need a statement of the uses allowed on a piece of property and the zoning that applies, you can request a **zoning verification letter** (or "ZVL") that will provide that information. You can request a ZVL by posing the question or questions you would like answered and providing any supporting information (like a boundary survey) that might be relevant to the questions. Request an administrative interpretation of the land development code, not a ZVL, to resolve uncertainties of interpretation.

If you need extra copies of the affidavits by which owners can authorize the initiation of these applications, you can download them from **here**.