

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2014-016
PERMITTING SURVEY REQUIREMENTS IN
LAND DEVELOPMENT CODE, CHAPTER 34

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the Local Planning Agency (LPA) is statutorily responsible under Chapter 163, Florida Statutes, and the Town of Fort Myers Land Development Code (LDC) Section 34-120 for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council with regard thereto and performing such other reviews as are requested by the Town Council; and

WHEREAS, following proper notice and as required under the LDC, the LPA conducted a public hearing on September 9, 2014 to consider a proposed Town Ordinance amending certain sections of the LDC, which is attached hereto as *Exhibit A* and is hereby incorporated by reference; and

WHEREAS, the aforesaid Ordinance, if passed, would amend regulations relating to required documentation submitted for building permits, as is more fully set forth in the proposed Ordinance; and

NOW THEREFORE BE IT RESOLVED, that the LPA recommends that Town Council **APPROVE/DENY** and adopt the proposed Town Ordinance amending Chapter 34 of the Town of Fort Myers Beach Land Development Code, "Zoning Districts, Design Standards and Nonconformities;" adding Section 34-639, "Permitting survey requirements" by adding requirements for a boundary survey at the time of building permit application and an as-built survey prior to issuance of a certificate of occupancy, and recommends the following findings of fact and conclusions with regard thereto:

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The proposed ordinance is in the best interest of the health, safety and welfare of the citizens, residents, visitors, and business owners of the Town of Fort Myers Beach and the LPA hereby recommends that the Town Council adopt the proposed ordinance with changes as noted below.
2. The LPA hereby recommends the following revision(s) to the proposed ordinance:

Remainder of this page intentionally left blank.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member _____ and seconded by LPA Member _____, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Chuck Bodenhafer	EXCUSED	Al Durrett	AYE/NAY
John Kakatsch	AYE/NAY	Jane Plummer	AYE/NAY
Jim Steele	EXCUSED		

DULY PASSED AND ADOPTED THIS **9th** day of **SEPTEMBER, 2014**

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
BUCHANAN, INGERSOLL & ROONEY
FOWLER WHITE BOGGS, *LPA Attorney*

ATTEST:

By: _____
Michelle Mayher
Town Clerk

ORDINANCE 14-XX

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE III, DIVISION 3, IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, "EXPLANATION OF PROPERTY DEVELOPMENT REGULATIONS FOR ALL ZONING DISTRICTS;" ADDING SECTION 34-639, "PERMITTING SURVEY REQUIREMENTS;" BY PROVIDING REQUIREMENTS FOR A BOUNDARY SURVEY AT THE TIME OF BUILDING PERMIT APPLICATION AND AN AS-BUILT SURVEY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. 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. Adoption of Amendments to Chapter 34 of the Town of Fort Myers Beach Land Development Code. Chapter 34 of the Town of Fort Myers Beach Land Development Code, entitled "Zoning Districts, Design Standards and Nonconformities," is hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference. Entirely new language is indicated with underlining. Language being repealed from existing code is indicated with strikethroughs. Existing language being retained is shown without underlining or strikethroughs.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

Remainder of this page intentionally left blank.

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor
Alan Mandel
Summer Stockton

Dan Andre, Vice Mayor
Rexann Hosafros

DULY PASSED AND ADOPTED THIS ____ DAY OF _____ 2014, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

ATTEST:

By: _____
Anita T. Cereceda, Mayor

By: _____
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: _____
BUCHANAN INGERSOLL & ROONEY
FOWLER WHITE BOGGS, Town Attorney

“EXHIBIT A”

Sec. 34-639. Permitting survey requirements.

- (a) Survey Required. In order to demonstrate compliance with applicable regulations of this Division, the applicant or contractor must provide:
 - (1) A boundary survey at the time of building permit application; and
 - (2) A foundation survey
 - (3) An as-built survey prior to issuance of a certificate of occupancy or a certificate of completion.
- (b) Types of permits requiring survey submission:
 - (1) New construction
 - (2) Room addition
 - (3) Substantial improvement (§ 6-494)
 - (4) Swimming pools & spas
 - (5) Accessory buildings and structures
- (c) Waiver of survey requirement. The Director will review waiver requests for the following types of construction:
 - (1) Interior remodeling only
 - (2) Installation of windows, doors & shutters
 - (3)

Type	Boundary survey	Foundation survey	As-built survey	Height/elevation
New construction	X	X	X	X
Room addition	X	X	X	
Substantial improvement	X	X	X	X
Swimming Pool/spa	X	X	X	X
Accessory buildings & structures	X	X	X	