

DRAFT

RESOLUTION NO: 25-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE EXPIRATION PERIOD OF EMERGENCY TEMPORARY PLACEMENT PERMITS (ETPPs), FORMERLY KNOWN AS TEMPORARY PLACEMENT PERMITS, ISSUED TO PROPERTY OWNERS OR TENANTS WHO SUSTAINED DAMAGE TO RESIDENTIAL HOMES OR BUSINESSES FOLLOWING HURRICANE IAN AS PROVIDED AND AUTHORIZED IN ORDINANCE 23-05 AS AMENDED IN ORDINANCE 24-04; AUTHORIZING AND DIRECTING THE TOWN MANAGER TO EXTEND REMAINING ETPPS DUE TO EXPIRE ON SEPTEMBER 23, 2025 FOR AN ADDITIONAL MONTHS UPON THE DEMONSTRATION OF A HARDSHIP AS PROVIDED HEREIN; DIRECTING THE TOWN MANAGER TO BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR AN EXTENSION OF REMAINING ETPPS BEGINNING ; PROVIDING FOR PAYMENT OF AN EXTENSION FEE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, property owners and businesses in the Town of Fort Myers Beach sustained historic devastating losses to their homes and businesses following Hurricane Ian on September 28, 2022; and

WHEREAS, in order to quickly begin the recovery process of rebuilding businesses and the lives of the Town's residents, the Town Council authorized the issuance of Temporary Placement Permits ("TPPs") in Ordinance 23-05; and

WHEREAS, Ordinance 23-05 was subsequently amended in May of 2024 by Ordinance 24-04, which in addition to other needed changes renamed TPPs to Emergency Temporary Placement Permits ("ETPPs") to distinguish and avoid confusion regarding these permits and other temporary use permits allowed by the Land Development Code; and

WHEREAS, ETPPs allowed the temporary use of manufactured home, mobile home, motor home, recreational vehicle, or other temporary units for governmental, residential and commercial use for a limited period of time following an "emergency," subject to conditions including but not limited to compliance with federal, state and local laws; and

WHEREAS, the Town was notified by the Federal Emergency Management Agency ("FEMA") that several of its ETPPs were issued to non-compliant structures in violation of the Town's floodplain regulations and the Town proceeded to direct the Town Manager to revoke those ETPPs in Resolution 24-296; and

WHEREAS, based on current information, there are 51 commercial ETPPS and 158 Hurricane Ian ETPPS, which will expire on September 23, 2025 and the Town Council has been

advised that many of the holders of these permits remain in the process of recovery from damage to their homes and businesses sustained from Hurricane Ian; and

WHEREAS, Ordinance 24-04 authorizes the Town Council to extend the expiration date of ETPPs by Resolution; and

WHEREAS, the Town Council finds that the extension of remaining ETPPs issued in response to recovery efforts related to Hurricane Ian for a limited period of time in hardship situations as provided herein, is in the best interest of the residents of the Town of Fort Myers Beach.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above “WHEREAS” paragraphs are incorporated herein by reference and constitute findings by the Town Council.

Section 2. The Town Manager is authorized and directed to extend remaining ETPPs due to expire on September 23, 2025 (Hurricane Ian ETPPs) for an additional [REDACTED] months from the date an extension application is approved upon the showing of a “Hardship.”

For purposes of this Resolution a “Hardship” must be due to action by a third party or other circumstance out of the property or business owner’s control. The Town Council finds a Hardship is present due to the following:

1. Delay in processing Elevate Florida application
2. Delay in obtaining construction mortgage or refinancing
3. Delay based on an inability to find licensed professionals to rebuild
4. Delay due to a dispute with a licensed professional or insurance adjustor/carrier
5. Delay due to the lack of available equipment/materials to complete construction
6. Hardship due to inability to sell property
7. Hardship due to inability to secure alternative location to operate business or residence
8. Hardship due to delay in permitting process
9. Hardship due to extended family illness/death of property or business

The burden is on the property or business owner to provide: 1) documentation of the Hardship; and 2) a plan for resolving the Hardship, to the Town Manager to obtain a Hurricane Ian ETPP Extension. The Town Manager is directed to create a Hurricane Ian ETPP Extension application no later than [REDACTED] and begin accepting applications on [REDACTED]. The application shall include an update of any changes in the information submitted in the initial application for an TPP/ETPP. Any requested extension for a hardship not included in the list of Hardships identified in this Resolution shall require review by the Town Council.

In addition, any extension for a residential ETPP shall require that the property owner reside in the unit full-time and not have a second home elsewhere. Any extension shall include continuation of any previously imposed conditions. The holder of any extended ETPPs must

comply with all of the Town's floodplain regulations, which incorporate federal regulations adopted by the Federal Emergency Management Agency. Any structure or use identified in an ETPP, which is non-compliant as required by the Town floodplain regulations OR if the ETPP is not extended shall be referred to Code Enforcement.

In the event, an extension of an ETPP is denied by the Town Manager, the denial may be appealed to the Town Council as provided in Section 34-86 of the Land Development Code.

Section 2. This Resolution does not authorize the issuance of any new ETPPs.

Section 3. An administrative fee in the amount of [REDACTED] shall be charged for an extension.

Section 4. This Resolution shall take effect [REDACTED] .

The foregoing Resolution 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:

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| Dan Allers, Mayor | _____ |
| Jim Atterholt, Vice-Mayor | _____ |
| John R. King, Council Member | _____ |
| Scott Safford, Council Member | _____ |
| Karen Woodson, Council Member | _____ |

ADOPTED this ____ day of August, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August, 2025.