

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: **2010-097**

1. Requested Motion:

Meeting Date: August 16, 2010

Move Ordinance 10-09, Amendment to LDC Chapter 34, Parking Regulations
To a first public hearing on September 7, 2010 at 6:30 PM.

Why the action is necessary:

Complies with direction of the Town Council and the recommendation of the LPA.

What the action accomplishes:

Moves the Ordinance forward to public hearing.

2. Agenda:

Consent
 Administrative

3. Requirement/Purpose:

Resolution
 Ordinance
 Other

4. Submitter of Information:

Council
 Town Staff
 Town Attorney

5. Background:

On June 8, 2010 the Local Planning Agency adopted resolution 2010-04, recommending that the Town Council approve and adopt the proposed town ordinance to amend the regulation of parking within the municipal limits as set forth in Division 216, Article IV", of Chapter 34 of the Town Land Development Code. On August 2, 2010 the Town Council directed staff to introduce the ordinance in order to move it to a public hearing.

6. Alternative Action:

Do nothing, or move the ordinance to a first public hearing at another date and time certain

7. Management Recommendations:

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

Town of Fort Myers Beach
ORDINANCE NO. 10-09

AN ORDINANCE AMENDING REGULATIONS IN CHAPTER THIRTY-FOUR OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY; ADOPTING AMENDMENTS TO DIVISION 26 (ENTITLED PARKING) OF ARTICLE IV (ENTITLED SUPPLEMENTAL REGULATIONS) OF CHAPTER 34 (ENTITLED ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN 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, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

Section 2. Adoption of Amendments to Article IV of Chapter Thirty-four of the Town of Fort Myers Beach Land Development Code. Chapter Thirty-four of the Town of Fort Myers Beach Land Development Code is entitled "Zoning Districts, Design Standards, and Nonconformities." Article IV of Chapter Thirty-four 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 the existing code is indicated with ~~strikethroughs~~. Existing language being retained is either omitted entirely or is shown without underlining or strike-through.

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

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption.

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

Larry Kiker, Mayor _____
Bob Raymond, Vice Mayor _____
Tom Babcock _____

Alan Mandel _____
Jo List _____

DULY PASSED AND ENACTED by the Council of the Town of Fort Myers Beach,
Florida, this _____ day of _____, 2010.

ATTEST:

TOWN OF FORT MYERS BEACH

BY: _____

Michelle D. Mayher, Town Clerk

BY: _____

Larry Kiker, Mayor

Approved as to legal sufficiency by:

Fowler White Boggs, Town Attorney

DRAFT

EXHIBIT A

FORT MYERS BEACH LAND DEVELOPMENT CODE

CHAPTER 34 ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES



Sec. 34-2011. Types of parking facilities.

(a) *Single-purpose parking lots.* Single-purpose parking lots are designed to serve individual businesses, ~~condominiums~~multiple-family buildings, or ~~shopping centers~~mixed-use buildings, and multiple-occupancy complexes. Single-purpose parking lots are usually located on the same ~~site~~parcels as the use(s) they serve and may include parking spaces under a building or in a parking garage.

- (1) Most single-purpose parking lots are considered by this code to be accessory uses of land (§ 34-1171) and thus can be built to serve any permitted principal use on the same parcel of land.
- (2) Some single-purpose parking lots serve two or more non-abutting parcels, as provided in § 34-2018 for joint-use parking lots.
- (3) Surplus spaces in some single-purpose parking lots may be rented to the general public during peak periods, as provided in subsection 34-2019(a).

(b) *Shared parking lots.* Shared parking lots are open to the public, generally for a fee, regardless of the destination of the person parking there. Shared parking lots may be operated as a private business or by a governmental entity, and may include a surface parking lot and/or a parking garage.

- (1) ~~All~~ seasonal shared parking lots may obtain temporary use permits ~~require permits that may be issued~~ may obtain temporary use

~~permits~~ administratively for up to three-year periods ~~for up to three-year periods as provided in § 34-2022 of this chapter.~~

- (2) Permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning districts only by special exception or through the planned development zoning district procedures.
- (3) Parking garages that operate in whole or part as shared parking lots are also considered a principal use of land and may be approved only through the ~~Commercial~~ Planned Development zoning district procedures (see §§ 34-620(d) and 34-676(e)).

(c) *On-street parking.* Governmental entities sometimes provide on-street parking spaces, usually with parking meters, that are available for use by the public regardless of their destination. On-street parking is closely related to the functioning of the adjoining street and is provided as a public works project rather than being regulated as a land development activity by this code.

Sec. 34-2012. Definitions.

For purposes of this division only, certain words or phrases are defined as follows:

Employees means the regular working staff, paid, volunteer, or otherwise, at maximum strength and in full-time equivalent numbers, necessary to operate, maintain, or service a given facility or use under normal levels of service.

High turnover applies to parking lots where vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for retail stores, restaurants, bars, offices, or similar establishments is considered to be high turnover.

Low turnover applies to parking where vehicles are parked for relatively long periods of time, such as employee parking during the day, uses such as beach parking or marina parking where customers typically leave their cars for periods of several hours or more, and overnight parking in residential developments.

Parking aisle means an accessway within a parking lot ~~which~~that provides direct access to individual parking spaces.

Parking lot means an area of land designed, used or intended for parking five (5) or more vehicles.

Parking lot entrance means the accessway ~~which~~that provides ingress or egress from a street right-of-way or easement to a parking lot.

Parking space means an area of land designed or intended for parking one (1) vehicle. Some parking spaces are designated as disabled spaces.

Sec. 34-2013. Access.

(a) Each parking lot ~~shall~~must~~shall~~ have a distinct parking lot entrance. Such entrance ~~must~~shall meet the requirements of ch. 10, as well as the following:

- (1) Minimum width at the property line for one-way entrances is 10 feet.
- (2) Minimum width at the property line for two-way entrances is 20 feet.
- (3) Maximum width at the property line is 25 feet.

The director may determine that traffic volumes, truck traffic, or other special circumstances warrant other requirements.

(b) Parking lot entrances ~~shall~~must not exceed a six percent grade for 20 feet into any lot or parcel, ~~nor shall a, nor shall a~~ A parking lot entrance ~~must not enter a street right-of-way or easement at an angle of less than 90 degrees unless a lesser angle is approved by the director.~~

Sec. 34-2014. Parking plan.

A parking plan ~~shall be~~is~~shall be~~ required for

[Option 1:] all uses, ~~except single-family residence and two-family dwelling units;~~

[Option 2:] all uses, ~~except single-family residence and two-family dwelling units,~~

and ~~shall~~must~~shall~~ be submitted for review and approval in accordance with ch. 10. Developments ~~which~~that~~which~~ are not required to be approved in accordance with chapter 10 ~~shall~~must submit plans to the director prior to issuance of a building permit. The plan ~~shall~~must~~shall~~ accurately designate the

required parking spaces, parking aisles, and parking lot entrance, as well as the relation of any off-street parking facilities to the uses or structures such facilities are designed to serve.

Sec. 34-2015. Location and design.

The location and design of all parking lots ~~shall~~must ~~comply with~~shall embody the following provisions:

(1) ~~Location of single-purpose parking lots.~~

Parking spaces that are required to support specific land uses (see § 34-2020) ~~shall~~must be provided on the same premises and within the same or ~~similar type~~ zoning district as the use they serve, except in the DOWNTOWN zoning district as provided in § 34-676(a). Joint-use parking lots are regulated by § 34-2018.

(2) ~~Location of shared parking lots.~~ Shared parking lots may be constructed as follows:

- ~~a.~~ Seasonal shared parking lots may may obtain temporary use temporary use permits administratively for up to three-year periods ~~administratively for up to three-year periods as provided in § 34-2022 of this chapter.~~ The location and certain design features of seasonal parking lots are regulated by § 34-2022. ~~The location and certain design features of seasonal parking lots are regulated by § 34-2022.~~
- ~~b.~~ Permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning districts by special exception.
- ~~c.~~ Parking garages that operate in whole or part as shared parking lots are also considered a principal use of land and may be approved only through the CPD (commercial planned development) zoning district (see §§ 34-620(d) and 34-676(e)). ~~[These provisions repeated those of §34-2011(b)(1) through (3).]~~

~~(3)~~ *Design.* In addition to the requirements set forth in this division, all parking lots ~~shall~~must~~shall~~ be designed in accordance with the buffer, landscaping, drainage, and other requirements set forth in ~~ch. 10 of this code.~~

(43) *Lighting.* If the parking lot is to be used at night, adequate lighting ~~shall~~must be provided

for the driveways, ingress, and egress points, and parking areas of all commercial and industrial uses. Such lighting shall must be so arranged and directed as to eliminate glare on any other use, and must comply with applicable sea turtle lighting restrictions in ch. 14.

- (54) **Stacking.** All individual parking spaces shall must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) shall may shall be permitted only where each dwelling unit has a specific garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed only by employees of the facility.
- (65) **Exiting.** All parking lots shall must be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion, except where approved by the director under the following conditions:
- a. The right-of-way is a local street and:
 1. There is insufficient room on the parcel for vehicles to turn and exit in a forward direction, and
 2. The number of parking spaces backing out are no more than the minimum required by this division to serve existing buildings; or
 - b. The parking spaces are in the "Pedestrian Commercial" category of the comprehensive plan and do not unduly interfere with critical congested road segments or the normal usage of existing or proposed sidewalks.
- (76) **End spaces.** Parking lots utilizing 90° parking with dead-end aisles shall must provide a turning bay for those spaces at the end of the aisle.
- (87) **Pedestrian system.** In any parking lot where more than one tier of parking spaces is to be developed,

~~[Option 1:] from vehicles to building entrances and other walking destinations. If these walkways cross major parking aisles, the walkways shall be clearly differentiated from the surface of the aisle. Walkways shall must be provided which accommodate safe and convenient pedestrian movement from vehicles to building entrances and other walking destinations. If these walkways~~

~~cross major parking aisles, the walkways shall be clearly differentiated from the surface of the aisle.~~

~~[Option 2:] walkways shall must be provided which accommodate safe and convenient pedestrian movement from vehicles to building entrances and other walking destinations. If these walkways cross major parking aisles, the walkways shall must be clearly differentiated from the surface of the aisle.~~

Sec. 34-2016. Dimensional requirements; delineation of parking spaces.

In addition to satisfying all other provisions of this division, the arrangement and spacing of off-street parking lots shall must shall conform to the following requirements:

- (1) **Minimum dimensions.**
[No changes]
- (2) **Effect of minimum dimensions on size of parking lots.**
[No changes]
- (3) **Disabled space dimensions.** Individual disabled parking space dimensions shall must be 12 feet by 18 feet. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. These dimensions do not guarantee compliance with the Americans with Disabilities Act (ADA) of 1990.
- (4) **Delineation of spaces.**
 - a. **Paved parking lots.**
 1. Parking spaces shall must be delineated by all-weather painted lines, not less than four inches in width, centered on the dividing line between spaces.
 2. Parking spaces for the disabled must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign bearing the international symbol of

accessibility and the caption “PARKING BY DISABLED PERMIT ONLY”. Signs erected after October 1, 1996 must indicate the penalty for illegal use of these spaces.

b. *Unpaved parking lots.*

1. Perimeter parking spaces in unpaved parking lots ~~shall~~must ~~shall~~ be delineated by placing a parking block three feet from the end of the parking space and centered between the sides of the space.
2. If a perimeter space abuts a structure, the space may be indicated on the structure, in which case parking blocks ~~shall~~are~~shall~~ not be required.
3. Parking spaces for the disabled must be

[Option 1:] prominently outlined in blue, with the outline replenished when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption “PARKING BY DISABLED PERMIT ONLY”. Signs erected after October 1, 1996 must indicate the penalty for illegal use of these spaces. Parking spaces for the disabled must comply with all other applicable accessibility requirements of state law and the Florida Building Code.

[Option 2:] clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption “PARKING BY DISABLED PERMIT ONLY”. Signs erected after October 1, 1996 must indicate the penalty for illegal use of these spaces. Parking spaces for the disabled must comply with all other applicable accessibility requirements of state law and the Florida Building Code.

Sec. 34-2017. Parking lot surfaces.

(a) *High turnover parking lots.* Except as provided in this section, all high turnover parking lot aisles and parking spaces ~~shall~~must~~shall~~ be ~~provided with~~ a paved surface, except for the open space beyond parking blocks. The term “paved” ~~shall be interpreted to~~ shall be interpreted to mean and includes asphalt, concrete, brick, paving blocks, porous (pervious) asphalt or concrete, and other similar treatments. Clean (washed) angular gravel (such as FDOT #57 stone) may also be used if stabilized as provided in subsection (b)(1).

(1) Any parking spaces that may be permitted, seaward of the 1978 coastal construction control line ~~shall~~must be stabilized with best management practices approved by the director.

(2) All disabled parking spaces, including disabled parking spaces seaward of the coastal construction control line, ~~shall be provided without gaps or holes that would created a danger to the user~~must comply with applicable requirements of state law and the Florida Building Code, ~~shall be provided without gaps or holes that would create a danger to the user.~~

(b) *Low turnover parking lots.* Due to the low volume of vehicle turnover in this type lot, alternative unpaved surfaces may also be permitted provided that the areas are adequately drained and continuously maintained in a dust-free manner.

(1) Alternative surfaces may include stabilized surfaces of grass or clean (washed) angular gravel over a well-drained base, or other similar porous materials. Stabilization may be accomplished by turfblocks (concrete or plastic) or proprietary cellular or modular porous paving systems installed in accordance with the manufacturers’ specifications.

(2) Crushed limerock that has not been washed or otherwise processed to remove fine particles will be permitted as a surface material only when designed, placed, and maintained in a manner that will:

- a. prevent the flow of sediment-laden runoff from the lot; and
- b. keep the surface dust-free at all times.

- (3) The use of unimproved surfaces such as sand or dirt as approved parking ~~shall be~~ is ~~shall be~~ prohibited.
- (4) Disabled spaces must ~~be provided with a smooth surface without gaps or holes which would create a danger to the user~~ comply with applicable requirements of state law and the Florida Building Code. ~~be provided with a smooth surface without gaps or holes which would create a danger to the user.~~

(c) **Reduced surfacing standards**

- (1) The director is authorized to permit portions of high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots (§ 34-2017(b), above) when the reduced surfacing standard will be used in those portions of the parking lot expected to receive the lightest usage, such as overflow or employee parking areas.
- (2) This subsection ~~may~~ must ~~may not be construed inconsistently with the Americans with Disabilities~~ sy Act (ADA) of 1990.

(d) **Reservation of spaces for future use.** When a use or activity is required by this chapter to provide more than ten (10) high turnover parking spaces, the director may approve leaving up to 25 percent of the required spaces as landscaped areas reserved for future use, provided that:

- (1) The applicant clearly shows the reserved parking spaces on the site plan;
- (2) The reserved parking areas ~~shall~~ must ~~shall not~~ be counted towards the minimum open space or landscaping or buffering requirements of this chapter or chapter 10;
- (3) All drainage facilities ~~shall~~ must ~~shall~~ be calculated and built as though the reserved parking areas were impervious surfaces; and
- (4) The reserved parking areas ~~shall~~ must ~~shall~~ not be used for any purpose other than landscaped open space or temporary overflow parking during special holiday seasons or sales.

Should the property owner decide to pave the reserved area for parking, he ~~shall~~ must ~~shall~~ submit the original site plan or development order approval to the director, who is authorized to approve the paving provided that such paving does not include any new entrances onto a public street. If the parking area does involve new entrances, then a limited review development order is required.

Sec. 34-2018. Joint use of parking lots.

(a) A single-purpose parking lot can provide some or all of the required parking spaces for two (2) or more unrelated businesses, provided that such joint-use parking lot:

- (1) is built on a site ~~parcel~~ site where a commercial parking lot is permitted, and
- (2) is placed on the site ~~parcel~~ site so as not to violate any applicable build-to lines or block visibility of vehicles (see § 34-3131), and
- (3) is built to the same standards as single-purpose parking lots, and
- (4) is located within 750 feet of each use ~~business~~ use.

(b) The peak parking demands of the different uses must occur at different times. The director may require an applicant to provide a technical analysis of the timing and magnitude of the proposed parking demands.

(c) Applications for joint-use parking lots must include:

- (1) A notarized statement from all property owners involved indicating the use of each property and forecasting that the peak level of activities of each separate building or use which create a demand for parking will occur at different times.
- (2) A draft joint-use parking agreement, acceptable to the town ~~attorney~~, that:
 - a. specifically identifies the designated spaces that are subject to the agreement;
 - b. includes a statement indicating that the parties understand that these designated spaces cannot be counted to support any use other than those identified in the agreement;
 - c. identifies the current property uses, property owners, and the entity responsible for maintenance of the parking area.
 - d. includes a backup plan to provide sufficient parking if the joint-use parking agreement is violated by either party.
- (3) Upon approval of the agreement by the town attorney, the agreement(s) must be recorded in the Lee County public records at the applicant's expense.
- (4) A certified copy of the recorded joint-use parking agreement must be provided to the

town before any joint-use of parking spaces may commence.

Sec. 34-2019. Other use of parking lots.

(a) Parking spaces that are not in daily use and are located in parking lots having ten (10) or more parking spaces and meeting the other requirements of this division may be rented to the general public during peak periods.

(b) The following structures and uses may be approved in parking lots by the director provided that a site plan is submitted showing that the structure will not reduce the parking spaces required for the principal use, or create a traffic or pedestrian hazard:

- (1) Charitable or other similar drop-off collection stations.
- (2) Aluminum can or other similar receiving machines or facilities.
- (3) Photo pickup stations.
- (4) Telephone booths and pay telephone stations.
- (5) Automatic teller machines (ATMs).
- (6) Other similar uses ~~which that~~ do not unreasonably interfere with the normal functioning of the parking lot.

(c) Except as provided in this section and for ancillary temporary uses as provided in § 34-3048, required parking areas ~~shall must shall~~ not be utilized for the sale, display, or storage of merchandise, or for repair, dismantling, or servicing of any vehicles or equipment. ~~This shall not be interpreted to subsection does not shall not be interpreted to~~ prohibit a residential property owner from the occasional servicing of his own noncommercial vehicle or conducting normal residential accessory uses.

Sec. 34-2020. Required parking spaces.

(a) *New developments.* New residential and nonresidential uses ~~are required to~~ must provide off-street parking spaces in single-purpose parking lots in accordance with the standards specified in this section, as modified by certain reductions as provided in the DOWNTOWN and SANTINI zoning districts (see division 5 of article III).

(b) *Existing developments.* Existing buildings and uses may be modernized, altered, or repaired

without providing additional parking spaces, ~~provided if~~ there is no increase in total floor area or capacity.

- (1) Existing buildings or uses enlarged in terms of floor area ~~shall must~~ provide additional parking spaces for the enlarged floor area in accordance with the standards specified in this section.
- (2) When the use of a building is changed to a different use ~~which that~~ is required to have more parking than exists, the additional parking ~~shall must~~ be provided in accordance with the standards specified in this section.

(c) *Bicycle parking.* Commercial, multiple-family, and mixed-use buildings may eliminate one (1) required parking space by providing and maintaining a bicycle rack able to hold four (4) bicycles.

(d) *Minimum parking standards.*

(1) **RESIDENTIAL USES.**

- a. *Dwelling units with individual driveways:* The minimum requirement is 2.0 spaces for each dwelling unit. Stacking of vehicles in the driveway is permitted.
- b. *Dwelling units with common parking lots:* Minimum requirements are as follows:
 1. Studio or efficiency: 1.0 spaces per unit.
 2. One bedroom: 1.25 spaces per unit.
 3. Two bedrooms: 1.25 spaces per unit.
 4. Three or more bedrooms: 1.5 spaces per unit.
 5. Live/work units: 2.0 spaces per unit. Stacking of vehicles is not permitted except as provided in § 34-2015(5).
- c. *Timeshare units:* Parking requirements are the same as for multiple-family buildings. If lock-off accommodations are provided, ~~parking for the lock-off units will be calculated at 0.5 extra spaces per lock-off unit are required.~~
- d. *Living units without kitchens:* Living units that do not contain customary cooking facilities within the individual units but instead have a central kitchen for food preparation and where meals are served in a central dining area or

individual rooms ~~must calculate parking requirements as follows: must provide~~ one (1) parking space per four (4) residents or four (4) beds (whichever is greater), plus ten percent (10%).

- e. **Group quarters, excluding living units** subject to § 34-2020(d)(1)d. The minimum requirement is one (1) parking space per bedroom or one (1) space per two (2) beds, whichever is greater.

(2) **COMMERCIAL USES.**

- a. **Bars and cocktail lounges.** The minimum requirement is 15 spaces per 1,000 square feet of total floor area. If outdoor seating is provided, an additional one (1) space per four (4) outdoor seats or 75 square feet of outdoor seating area (whichever is greater) must be provided. See also subsection (2)h of this section, pertaining to restaurants, and subsection (4) of this section.
- b. **Bed-and-breakfast inns.** The minimum requirement is one (1) parking space for each guest room plus one (1) space for the owners' quarters.
- c. **Car washes.** The minimum requirement is two (2) spaces per car wash stall or space, plus drive-through facilities (see subsection (2)d of this section). Each individual car wash stall or space may count as one (1) of the required two (2) parking spaces per stall.
- d. **Drive-through facilities.** Where permitted, any commercial establishment providing drive-through service windows or stalls ~~shall~~must provide separate vehicle stacking for those uses. For the purpose of this section, a stacking unit is defined as 18 feet in length and 9 feet in width. The total number of stacking units required is ~~to be~~ based on the type of business, as follows:
 - 1. **Banks and financial establishments:** Stacking lanes to accommodate three (3) cars per window.
 - 2. **Car washes:** Stacking to accommodate one (1) car per service stall or three (3) cars, whichever is greater.
 - 3. **Restaurants:** New or expanded drive-through facilities are not permitted for restaurants (see § 34-620(g)). For existing drive-through facilities that are being lawfully reconfigured, stacking lanes to accommodate six (6) cars per service lane, with a minimum of four (4) spaces preceding the menu board.
 - 4. **Other:** Stacking for two (2) cars.
- e. **Hotels and motels.** The minimum requirement is 1.2 parking spaces for each guest unit up to 450 square feet and 1.5 spaces for each larger guest unit.
- f. **Offices.** This category includes offices of all types not specifically listed elsewhere, including banks and medical facilities. The minimum requirement is two (2) spaces per 1,000 square feet of total floor area. See also subsection (2)d. of this section pertaining to vehicle stacking for drive-through facilities.
- g. **Personal services.** The minimum requirement is five (5) spaces per 1,000 square feet.
- h. **Restaurants.** With the exceptions noted below, the minimum parking requirements for restaurants is eight (8)

spaces per 1,000 square feet of total floor area plus any outdoor seating area.

1. *Accessory restaurant.* When a restaurant is located within the same building as the principal use, and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required.
 2. *Bars and cocktail lounges.* If the restaurant contains a cocktail lounge or bar, the minimum requirement is eight (8) spaces per 1,000 square feet of total floor area plus five (5) additional spaces per 1,000 square feet of floor area used for the bar or cocktail lounge. If outdoor seating is provided, parking must also be provided for the area used for outdoor seating at these same rates.
- i. *Retail stores, freestanding.* This subsection applies to individual retail or business establishments. Any retail establishment proposing drive-through facilities shall also meet the requirements of subsection ~~(d)~~(2)d of this section.
1. *Convenience food and beverage stores.* The minimum requirement is four (4) spaces per 1,000 square feet of total floor area. If more than 20% of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking required for this area ~~will be calculated~~ is the same as a restaurant. One (1) parking space per four (4) pumps will be credited against the required parking.
 2. *Other retail or business establishments.* The minimum parking requirement is three (3) spaces for each 1,000 square feet of total floor area. Required parking for areas within the principal building ~~which~~ that are used only for dead storage and are not available to the public ~~shall be computed at the rate of~~ is two (2) spaces per 1,000 square feet.

- j. *Warehousing (mini-warehouses).* The minimum requirement is one (1) space per 25 storage units, with a minimum of three (3) spaces.
- k. *Wholesale establishments.* The minimum requirement is one (1) space per company vehicle plus one (1) space per 1,000 square feet of total floor area.

(3) **MISCELLANEOUS USES.**

- a. *Educational institutions.*
 1. *Public schools.* Parking ~~shall~~ must be provided in compliance with state law.
 2. *Private or parochial schools and day care centers.* The minimum requirement is one (1) space per employee plus one (1) space for each 40 students.
- b. *Marinas and other water-oriented uses.* Minimum requirements are as follows:
 1. *Boat slips:* One (1) space per two (2) slips.
 2. *Dry storage:* One (1) space per six (6) unit stalls.
 3. *Charter or party fishing boat services:* One (1) space per three (3) people based on maximum passenger capacity of the boats using the dock or loading facility.
 4. *Cruise ships:* One (1) space per three (3) people based on the maximum passenger and crew capacity of the ship.
 5. *Water taxis:* Dedicated parking spaces are not required at stopping points for water taxis or water shuttles.
 6. *Other uses:* Other uses including accessory or ancillary marina uses such as restaurants, bars, or lounges, boat sales, etc. must be calculated separately in compliance with this division.
- c. *Museums, art galleries, libraries, and other similar uses not covered elsewhere.* The minimum requirement is one (1) parking space for each 500 square feet of total floor area.
- d. *Places of worship and religious facilities.* Refer to division 27 of this article.

- e. **Recreation facilities, indoor.** The minimum requirement is one (1) parking space for each 150 square feet of total floor area.
 - f. **Theaters, auditoriums, meeting halls, and other similar places of public assembly, not covered elsewhere.** The minimum requirement is one (1) parking space for each four (4) seats plus one (1) space per employee
 - g. **Carnivals, fairs, and amusement attractions and devices.** The minimum requirement is five (5) parking spaces provided for each permanent amusement device.
- (4) **COMBINED USES.** The number of parking spaces required for combined uses shall be the total of the spaces required for each separate use established by this schedule. Exceptions are as follows:
- a. **Joint use of parking lots.** As provided in § 34-2018,
 - b. **Multiple-occupancy complexes.** This subsection applies to multiple-occupancy complexes where five (5) or more individual business establishments are located and ~~which~~that all share a common parking area. Specifically excluded from this subsection are theaters and hotels. Minimum requirements are as follows:
 - 1. If the complex contains less than 25% of its gross floor area as restaurants, bars, and cocktail lounges, two (2) spaces per 1,000 square feet.
 - 2. If the complex contains 25% to 50% of its gross floor area as restaurants, bars, and cocktail lounges, four (4) spaces per 1,000 square feet.
 - 3. If the complex contains 50% to 75% of its gross floor area as restaurants, bars, and cocktail lounges, six (6) spaces per 1,000 square feet.
 - 4. If the complex contains over 75% of its gross floor area as restaurants, bars, and cocktail lounges, eight (8) spaces per 1,000 square feet.
- (5) **USES NOT SPECIFICALLY LISTED.** ~~Off-street parking for~~ Uses not specifically

mentioned in this chapter shall be must provide the same number of off-street parking spaces as for the uses most similar ~~used to the one sought.~~

Sec. 34-2021. Reserved

[No changes.]

Sec. 34-2022. Seasonal parking lots.

(a) Temporary use permits (see §§ 34-3041 and 34-3050) may be issued for seasonal parking lots. ~~Approval of seasonal parking lots can be~~ Each permitted seasonal shared parking lot may operate for a single period of up to 8 months long, commencing on November 15 and continuing until July 15 (subsection 32-2022(b), or for a single period of up to 3 years on a year-around basis (subsection 34-2022(c)). For purposes of this section ~~temporary use permits for seasonal parking lots may also be issued for all or part of such time period and shall not be limited to 30 days as set forth in § 34-3041(d) of the succeeding year. Prior to commencing its operation for all or any portion of each 8-month period beginning November 15 and ending July 15 of the succeeding year, a seasonal shared parking lot must obtain a seasonal parking lot permit in compliance with this code.~~

(b) A seasonal parking lot ~~approved for a single period of up to 8 months~~ must comply with the following regulations:

- (1) A seasonal parking lot ~~shall~~may only be permitted ~~on commercially zoned property in accordance with Article III, Division 2 of this chapter, or in a planned development zoning district where a shared permanent parking lot or seasonal parking lot is included in the approved schedule of uses.~~
- (2) Ingress and egress to seasonal parking lots ~~shall~~must not be through a residential neighborhood or residentially zoned district.
- (3) The applicant must submit to the director a parking plan, drawn to scale, indicating ~~but not limited to the following:~~ the location of access points, ropes, and posts, and the circulation pattern within the parking lot.
- (4) Individual spaces in seasonal parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.

- (5) Seasonal parking lots do not need to be surfaced, and ~~may~~ must be maintained as a grassplanted area or otherwise in a dust-free manner.
- (6) Seasonal parking lots ~~shall~~ must be designed so as to permit vehicles exiting the lot to enter the street right-of-way in a forward motion. The seasonal parking lot, where applicable, ~~shall~~ must utilize an existing entrance or exit, except that ~~no~~ additional traffic ~~shall~~ must not be directed onto residential streets. Where no access exists, a parking lot plan showing (an) acceptable temporary access point(s) may be approved by the director.
- (7) If the seasonal parking lot is to be used at night, adequate lighting ~~shall~~ must be provided for the driveway's ingress and egress points. The lighting ~~shall~~ must be directed to eliminate glare on any other use and must comply with applicable sea turtle lighting restrictions provided in ch. 14.
- (8) The seasonal parking lot ~~shall~~ must be secured in a manner ~~which will not permit that~~ prohibits ingress and egress except during the designated hours of operation.
- (9) The seasonal parking lot ~~shall~~ must not adjoin or be less than ten (10) feet from residential uses or residentially zoned property.
- (10) ~~A parking attendant shall be required during the posted hours of operation of the seasonal parking lot.~~ The seasonal parking lot must be supervised by a parking attendant during its posted hours of operation.
- (11) The seasonal parking lot ~~shall~~ must only be used for the parking of operable motor vehicles, with no overnight parking or camping.
- (12) ~~The maximum h~~ Hours of operation shall be from ~~must not begin earlier than 7:00 AM until and must end no later than 10:00 PM, unless extended by the director in writing.~~
- (13) The parking spaces created through the approval of seasonal parking lots ~~shall~~ must not be used for calculating off-street parking requirements as set out in § 34-2020.
- (14) ~~At i~~ Intersections of parking lot entrances or and ~~exits with a street rights-of-way or and easements, no obstructions shall be~~ placed or erected which materially obstructs the driver's view of approaching traffic or pedestrians must comply with (see § 34-3131).
- (15) Seasonal parking lot signs must comply with requirements for commercial development signs in § 30-151, except that the signs may remain in use for the duration of the ~~temporary use~~ seasonal parking lot permit. These signs must be created and displayed in a professional manner. The ~~town manager~~ director may require the removal of any signs that do not comply with these standards, ~~or which remain visible after the expiration of the temporary use permit.~~ Seasonal parking lot signs must be removed immediately upon expiration of the seasonal parking lot permit.
- (16) The ~~town manager~~ director may require visual screening between a seasonal parking lot and any residentially zoned or used property. If additional screening is ~~requested~~ required by the ~~town manager~~ director, it must be installed within 30 days of written notice to the property owner or parking lot operator or the ~~temporary use~~ seasonal parking lot permit will be null and void.
 - (c) A seasonal parking lot approved for a single period of up to 3 years must comply with subsection 34-2022(b) and with the following additional regulations:
 - (1) ~~Compliance with all applicable regulations must be demonstrated on a paving, grading, and drainage plan acceptable to the director.~~ As of November 15, 2010, a total of five (5) [OPTION: three (3)] consecutive or non-consecutive seasonal parking lot permits may be issued for a parcel without requiring compliance with the requirements below. Prior to issuance of the sixth (6th) and each subsequent consecutive or non-consecutive permit for that parcel, the permit applicant must comply with the following requirements:
 - (21) ~~Where the parcel of land containing a seasonal parking lot abuts residentially zoned or used property, that portion of the parking lot shall~~ must be buffered by a continuous visual screen with a minimum opacity of 50 percent and a minimum height of three (3)

[No changes.]

feet. This screen may contain a combination of walls, fences, railings, and shrubs. Walls, fences, and railings ~~may~~must not exceed the maximum heights established by this code. The visual screen may be located as close as one (1) foot from the right-of-way or street easement line but not closer than five (5) feet from the edge of a travel lane, and must comply with § 34-3131. The ~~town manager~~director may require more extensive screening if the height, character, and location of the screen does not or may not adequately protect the abutting property from excessive impacts from the seasonal parking lot. Additional screening~~requested~~ required by the ~~town manager~~director must be installed within 30 days of written notice to the property owner or parking lot operator, or the temporary use permit will be null and void.

(32) Where a seasonal parking lot abuts a street, that portion of the parking lot ~~shall~~must be buffered by a continuous visual screen with a minimum opacity of 25 percent and a minimum height of three (3) feet. This visual screen ~~may~~must be located not less than~~up to~~ one (1) foot from the right-of-way or street easement line and must comply with § 34-3131. Walls, fences, and railings must not exceed the maximum heights established by this code.

~~—(4) Seasonal parking lots must comply with the requirements for individual business establishment signs in § 30-153. These signs must be created and displayed in a professional manner. The town manager may require the removal of any signs that do not comply with these standards, or which remain visible after the expiration of the temporary use permit.~~

~~—(d) Seasonal parking lots remaining in use for longer than three years are considered to be permanent shared parking lots and must be constructed to this divisions standards for single-purpose parking lots, including landscape buffering. Permanent shared parking lots must be approved by special exception (see § 34-2015(2)b.).~~

Secs. 34-2023--34-2030. Reserved.

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2010-04

AMENDMENT TO REGULATION OF PARKING
DIVISION 26 OF ARTICLE IV OF CHAPTER 34
TOWN LAND DEVELOPMENT CODE

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 Florida Statute and the LDC, the LPA conducted a public hearing on June 8, 2010 to consider a proposed Town Ordinance, which is attached hereto as Exhibit A and is hereby incorporated by reference; and

WHEREAS, the aforesaid Ordinance, if passed, would amend the regulation of parking within Town municipal limits, as is more fully set forth in the draft Ordinance; and

NOW THEREFORE BE IT RESOLVED, that the LPA **recommends** that Town Council approve and adopt the proposed Town Ordinance to amend the regulation of parking within municipal limits as set forth in Division 26, Article IV, of Chapter 34 of the Town Land Development Code and **recommends** the following findings of fact and conclusions with regard thereto:

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The proposed amendment is in the best interests of the health, safety and welfare of the citizens, residents, visitors, and business owners of the Town of Fort Myers Beach.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Joe Kosinski and second by LPA Member Chuck Moorefield, and upon being put to a vote, the result was as follows:

Joanne Shamp, Chair absent
Carleton Ryffel, Member/Chair Pro Tem aye
Chuck Moorefield, Member aye
John Kakatsch, Member aye

Bill Van Duzer, Vice Chair absent
Rochelle Kay, Member aye
Joe Kosinski aye

DULY PASSED AND ADOPTED THIS 8th day of June, 2010.

LPA of the Town of Fort Myers Beach

By: 
Carleton Ryffel, Chair Pro Tem
For: Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By: 
Anne Dalton, Esquire
LPA Attorney

ATTEST:

By: 
Michelle Mayher, Town Clerk

MINUTES
FORT MYERS BEACH
Local Planning Agency

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Tuesday, June 8, 2010

I. CALL TO ORDER

Meeting was called to order at 9:05AM by Carleton Ryffel. Other members present:

Joe Kosinski
Rochelle Kay
John Kakatsch
Chuck Moorefield
Joanne Shamp-excused
Bill Van Duzer-excused

Staff present: Dr. Frank Shockey
LPA Attorney, Anne Dalton

II. PLEDGE OF ALLEGIANCE and INVOCATION

Rochelle Kay

The Chair recognized the newest member, Joe Kosinski, who then gave a brief resume to the group.

III. MINUTES

A. Minutes of May 11, 2010

Motion: Ms. Kay moved to accept the minutes, as recorded.

Seconded by Mr. Kosinski;

Vote: Motion passed 5-0

IV. PUBLIC HEARINGS

A. SEZ2010-0007 Nemo's on the Beach COP Special Exception

Ms. Dalton prompted the members to declare any ex parte discussion. Mr. Ryffel noted that he had a brief conversation with the applicants and their representative, Mr. Madden, and said that he was the original planner for a special permit at this location in 1995; however, he has no present connection with this applicant in any way. No other members had any communications.

Ms. Dalton swore in witnesses.

Applicant Testimony

Mr. Madden addressed the meeting for the applicant, Estero Beach Holdings, LLC. He thanked the staff for their report and asked that it be made a part of the record, as the applicant agrees with the findings and conclusions in the report. The intention of the special exception is basically to add liquor to the menu, in addition to beer and wine.

Mr. Moorefield asked the applicant if his statement regarding adding 30 employees was an accurate statement. Mr. Ciniello, one of the owners, responded and said that if the amount of customers increases, the number of jobs would increase but he said it is more his hope than an actual estimate.

Ms. Kay asked if the patio is in an environmentally critical zone. Dr. Shockey addressed her question, explaining that the area now zoned EC, which extends out to the seawall, was included in zoning for the alcoholic beverage use that was allowed in the 1995 special permit. The applicant added that the use of the patio was a pre-existing condition.

Mr. Ryffel recalled the original special permit and asked if the inside still has the same seating in the front porch area. The applicant explained that there had been additions since then and that area has about 40 seats inside the building now. In addition, he said there are about 180 seats total, including the patio, porch and covered area under canvas awnings, in accordance with the current permits. Dr. Shockey said that the recommended conditions would not restrict them to a specific type of license but would require them to comply with the Town's requirements for service in conjunction with the restaurant, similar to but not the same as the state's requirements for an SRX series license.

Mr. Kakatsch asked if it is necessary to start serving at 7:00 AM. The applicant stated that they don't actually open for business until 11:00 AM and this was just added for consistency.

Staff Report

Dr. Shockey corrected a few typographical errors in the address (1054 Estero Boulevard instead of 1600 Estero Boulevard) and the strap number in the report, for the record, and gave an overview of the request. The applicant is seeking a special exception in the DOWNTOWN zoning district that would allow "consumption of alcoholic beverages on the premises in a restaurant that provides outdoor seating within 500 ft. of a dwelling that is under separate ownership." This would include the existing patio area, including the part located in the EC zoning district but landward of the existing retaining wall, and applicant specifically requests that it includes beer, wine and liquor.

Staff recommendation is approval with some conditions. The "Findings and Conclusions" discuss the request in some detail, with some history as to the original

alcoholic beverage use permitted in 1995. The seating was limited to a specific floor area in square feet and number of seats and alcohol was limited to a 2COP state license, which allows only beer and wine service. Additionally, there was a restriction on outdoor entertainment. There were physical changes to the property between 1995 and 2006, as well as an appeal in which the Town Council modified some of these conditions, though not the condition limiting the type of state license.

Dr. Shockey suggested that the only condition the LPA might want to discuss would be hours of operation. He said that the Town has an ordinance that prohibits alcoholic beverage sales, service and consumption between the hours of 2:00 and 7:00 AM of each day. If the hours were to be required to be more limited, evidence to show why the limitation was necessary ought to be introduced and discussed. Dr. Shockey asked that the report be entered into the record as staff's testimony.

A suggestion was made to change the hours of service to limit the allowable hours to the actual hours currently proposed by the applicant for operation of the business. Dr. Shockey commented that the close proximity of a few dwelling units might be a factor the LPA could point to if they wished to recommend such a condition. Ms. Kay had a question about page 8 wherein it states "the immediate vicinity is within the Pedestrian Commercial category, except for the beach..." Dr. Shockey explained the boundary between the Pedestrian Commercial land use category and the Recreation category was set decades ago and partly accounted for the locations of buildings, but not always decks, patios, and other smaller objects that may have been in existence at the time. The County's rules for what could take place near the beach also were not exactly the same as the Town's. In this case, a brick patio exists between the wooden retaining wall and the coastal construction setback line, and the County's original approval of the special permit for this location included that area as outdoor seating.

Another question was raised as to where the 2:00 AM to 7:00 AM guideline came from. Dr. Shockey explained that one of the first ordinances passed by the Town set the external boundaries of hours for alcoholic beverage sales, service, and consumption for all establishments in the Town. In approving individual locations, more limited hours can be set for each location, depending on their zoning of the area and as necessary to mitigate effects of the business on the health, safety and welfare of the immediate community. However, he pointed out, some businesses were "Grandfathered" into their current operating conditions and only have to abide by the ordinance that prevents them from serving between 2 AM and 7 AM. Others have applied for zoning approval under more recent rules and received the special exceptions or administrative approvals that limit them to service during more restricted hours.

Mr. Ryffel asked if there had been any letters of objection and Dr. Shockey could not recall any related to this case or during the Town Council appeal a few years ago. Mr. Ryffel opined generally that it would be good to include a section in the staff report noting any letters of objection from the citizens. Ms. Dalton added that this is a good

idea but that it should include all letters, in support or against.

Mr. Ciniello again spoke and elaborated on the hours of operation, assuring that his business will be responsible and probably not use the earlier hours but wants them included because all other businesses have them and he feels it is only fair to keep this consistent.

Mr. Ryffel asked for public comment, and no one came forward. Ms. Kay commented that she did not approve of expanding alcoholic beverage activities into the EC zoning district. There was LPA discussion including whether to change the hours of operation for all business so that all are serving during the same hours, or to restrict individual businesses piecemeal. Mr. Ryffel commented that he didn't feel the request involved expanding into the EC zoning district since the patio was already included in the licensed area, and the applicant was merely asking to change the type of alcohol they would be able to serve.

Motion: Mr. Kosinski moved to recommend approval of the requested special exception SEZ2010-0007, Nemo's on the Beach, selecting the recommended findings and conclusions as stated in the *"Findings of Facts" in the draft resolution:*

- #1. "changed or changing conditions exist that make the request approval, as recommended, appropriate;"*
- #2. "the request, as conditioned, is consistent with the goals, objectives, policies and intent of the FMB Comp Plan;"*
- #3. "the request, as conditioned, meets all performance and locational standards set forth for the proposed use;"*
- #4. "the request, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources;"*
- #5. "the request, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property;"*
- #6. "the request, as conditioned, will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in the LDC Chapter 34."*

Seconded by Mr. Moorefield

Vote: Motion passes 3 to 2, with Mr. Kakatsch and Ms. Kay opposed. Mr. Kakatsch added that he only opposes the hours of operation and it is nothing against this particular applicant, but he would like the times changed for all beach businesses. Ms. Kay feels that this is expansion of alcohol into the EC zone and does not support this.

Hearing closed.

- B. Ordinance 10-xx Amending LDC Chapter 34, Article IV, Div. 26 (Parking)
Dr. Shockey referred to the packets given to members which included the draft resolution for recommending the ordinance to Town Council, and an ordinance that references Exhibit A, which is code language that would be adopted. He gave a brief overview of places in the Exhibit A where there are the options regarding different

language for specific sections of the code.

Mr. Ryffel opened the hearing and asked Dr. Shockey to begin with the first recommendation and go through them, with discussion about each. Dr. Shockey began with pg. 2, Parking Plan, and listed the options: "A parking plan is required for..." Option #1- "all uses," or Option #2- "all uses except single family and 2 family dwelling units." There was a consensus for Option #2.

Pg. 3, Sec. 34-201-5, Sub.7, Pedestrian System: Option #1: "Walkways must be provided which accommodate safe and convenient pedestrian movement..." or Option #2: "Walkways must be provided which accommodate safe and convenient pedestrian movement from vehicles to building entrances and other walking destinations..." There was discussion about the differences. There was a consensus for Option #1.

Pg. 4, Sec. 34-201-6, Sub. 4, Delineation of Spaces-sub. 3: "Parking spaces for the disabled must be..." Option #1: "permanently outlined in blue with the outline replenished when necessary..." or Option #2 contains the same language as Option #1 except that "permanently outlined in blue with the outline replenished when necessary..." is removed. There was a consensus for Option #2.

Pg. 10, Requirements for a Seasonal Parking lot that operates for multiple years: "a total of (insert number of years) consecutive or non-consecutive seasonal parking permits may issued for a parcel without requiring compliance with the requirements below." "The subsequent consecutive permit for the parcel, the permit application must comply with the following..." The suggested options are 3 years or 5 years, but upon discussion the LPA could recommend some other period. After discussion, there was a consensus for 3 years.

Mr. Ryffel opened the meeting for public comment. Dr. Jean Matthew asked what "Option 3" is and asked if the members could state what Option #3 is in the Disabled Parking section when making the motion to accept the resolution. Ms. Dalton suggested that Dr. Matthew receive a copy of the draft language and the motion maker call out the option being chosen.

Motion: Ms. Kay moved that Resolution 2010-04 be adopted as stated in the "Proposed findings, facts and conclusions of law":

the proposed amendment is in the best interest of the health, safety and welfare of the citizens...of Ft. Myers Beach; therefore, be it resolved that the LPA does recommend that Town Council approve and adopt the proposed Town Ordinance to amend the regulation of parking within municipal limits as set forth in Div. 26, Article 4 of Chapter 34 of the Town LDC and recommends the following findings of fact: Section 34-2014, Option #2--"all uses except single family and 2 family dwelling units."

Section 34-2015, Sub.7, Pedestrian System- Option #1: "Walkways must be provided which accommodate safe and convenient passing and movement..."

Section 34-2016, Sub. 4, Delineation of Space-sub. -Option 2- "clearly distinguishable as parking space designated for persons of disabilities and must be

posted with a permanent above grade sign bearing international symbol of accessibility and the caption 'parking by disabled permit only'; signs erected after Oct. 1, 1996 must indicate the penalty for illegal use of these spaces... "
Section 34-2022, Sub. c,- "a total of 3 consecutive or non-consecutive seasonal parking permits may be issued for a parcel without requiring compliance with the requirements below." "The subsequent consecutive permit for the parcel, the permit application must comply with the following requirements..."

Seconded by Mr. Kosinski.

Vote: Motion passed unanimously, with the absence of Mr. Van Duzer and Ms. Shamp.

Hearing closed.

V. ADMINISTRATIVE AGENDA

A. Update on sign regulations development from June 7 Council Meeting (verbal)

Dr. Shockey gave a brief overview of the results from this meeting and said there was an agreement to schedule time at the next meeting on June 21 for further discussion. He said that he had hoped there would be a public joint workshop so that the LPA and Council could all hear the public comments at the same time. Dr. Shockey gave the Council a few suggestions for moving ahead including a workshop for themselves, a joint workshop or sending it to LPA without holding a workshop, but at the June 7 meeting Council chose the first option, in a way, by deciding to discuss the matter again on June 21.

Motion: Mr. Ryffel moved to adjourn as the LPA and reconvene as the HPB.

Seconded by Mr. Kakatsch;

Vote: Motion passed 5-0.

VI. ADJOURN AS LPA-RECONVENE AS THE HPB

Ms. Kay called the meeting to order at 10:20 AM. She referred to information in the packets regarding the vista signs. She said there was a meeting with the HAC and they discussed the funding for this, as well as discussion about the historic recognition plaques. Dr. Shockey said he spoke to the town manager about the LPA budget for the coming year and he agreed to include the \$2000.00 in a line item for these activities. Dr. Shockey agreed that there should be some work done on developing a concept of where these vistas should be located and what they should be like. He suggested that Theresa Schober be heavily involved since she has a grasp of what would work best as well as a good working relationship with some of the business community.

Motion: Ms. Kay moved that the HPB present their idea to Council to move the project forward.

Seconded by Mr. Kakatsch;

Vote: Motion passed 5-0, with 2 members absent.

Mr. Kakatsch suggested trying to use concrete benches, like the ones located at bus stops, etc., to advertise the historic sites and projects in town. This will be discussed again at a later date.

Motion: Mr. Ryffel moved to adjourn as the HPB and reconvene as the LPA.
Seconded by Mr. Kosinski;
Vote: Motion passed 5-0, with 2 members absent.

VII. ADJOURN AS HPB AND RECONVENE AS LPA

Reconvene at 10:30 AM with all above members still present.

VIII. LPA MEMBER ITEMS AND REPORTS

Mr. Kakatsch presented a few items of concern that he said he just wanted to bring up for discussion. His first concern is the municipal building and he thinks that this is the time to buy property. He asked if the beach has an "action" plan for the oil spill. Another concern is the Seafarer property at the beach and the tax loss involved if the County buys it. He also wonders about the progress on the north end of Estero Blvd. and beach renourishment. Mr. Ryffel advised that beach renourishment was discussed yesterday at the Council meeting and it is slowly moving forward but will not likely progress until after hurricane season. He said that these items are valid concerns but thought they would be better answered by the Council or the Town Manager. Some discussion ensued regarding the Seafarer property and Ms. Dalton updated the group with information she got during a recent meeting with County and other officials. The town was also asked to suggest uses they would be interested in for that property and she sees these items probably coming up for future discussions by the town. Dr. Shockey also advised that Keith Laakkonen is heavily involved in the town's participation in the planning for the oil spill response and further detail from the countywide and regional plans would come from him. Lastly, Dr. Shockey said that the Estero Blvd. project is still ongoing but this is a slow process. Ms. Dalton stated that the council just approved night construction to move it along and referred to a "comprehensive" information packet online regarding this. It was suggested that a newsletter of sorts should be published to keep people advised. Ms. Kay reminded the group that there had been a weekly item in the newspaper by the Town Manager and asked if that was still a possibility. Ms. Dalton said it was last year but the current manager hasn't adopted this practice. The LPA would like to see something like this again and/or ask the town manager to attend the LPA meetings, at least occasionally.

Mr. Ryffel advised that this is Attorney Anne Dalton's last meeting. Ms. Dalton said that the town will now contract the firm of Fowler White, with attorney Jim Humphrey as the principal, to perform town and LPA services, with Ms. Dalton assisting as Special Counsel to the town to finish some specific projects. Mr. Ryffel read Resolution 2010-05, recognizing Ms. Dalton's superior service:

"Whereas Anne Dalton has served as served the LPA as LPA Attorney since April 4, 2005, and whereas Anne Dalton has served as served as Attorney to the Historic Preservation Board since April 4, 2005, and whereas during her tenure as LPA and HPB attorney, Anne Dalton has provided exemplary service to the Town of Fort Myers Beach, it is hereby resolved by the LPA of the Town of Fort Myers Beach, FL as follows: Anne Dalton is recognized for her outstanding work, outstanding guidance and dedicated

service to the Town of Fort Myers Beach. She created a positive and highly professional environment for the LPA and HPB while maintaining an attitude towards colleagues, citizens and staff during all discussions and deliberations. She discharged her duties with grace and highest ethical standards while respecting all laws, rules and regulations of the Town and the LPA. Her contribution to the progress, function and efficiency of the LPA has positively impacted the welfare of the Town of Fort Myers Beach and its citizens."

Mr. Ryffel said that it is well stated, yet understated. Ms. Dalton thanked the members and commended them on their dedication and service to the community.

Motion: Ms. Kay moved to adopt Resolution 2010-05.

Seconded by Mr. Kakatsch;

Vote: Motion passed 5-0, with 2 members absent.

IX. LPA ATTORNEY ITEMS

Ms. Dalton reported that the new town attorney, Mr. Humphrey may be assisted by Marilyn Miller.

X. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Nothing to report.

XI. LPA ACTION LIST REVIEW

- Shipwreck-Oct. 12, 2010
- ROW-Residential Connection-TBD; Dr. Shockey
- LDC 613-14 10-25 Storm Water; TBD
- HPB Budget request for Town Council-Ms. Kay
- Resolution of HPB budget request-Ms. Dalton
- Post-disaster reconstruction/recovery-Ms. Dalton said she has provided the most recent draft of the ordinance to Council and will meet with the new attorney to make the change over and she will be sure he realizes that this is an urgent issue. She and Mr. Ryffel agree that this is of the utmost importance.

XII. PUBLIC COMMENT

No comment.

XIII. ADJOURNMENT

Motion: Ms. Kay moved to adjourn.

Seconded by Mr. Kosinski;

Vote: Motion passes 5-0.

Meeting adjourned at 11:17 AM.

Adopted 7/13/2010 with/without changes. Motion by Mr. Ryffel
(DATE)

Vote: 5-0

- End of document

Joanne K. Stamp