

## ORDINANCE No. 05-08

AN ORDINANCE AMENDING ZONING REGULATIONS IN CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY; ADOPTING AMENDMENTS TO CHAPTER 34 OF THE LAND DEVELOPMENT CODE WHICH IS TITLED "ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES"; PROVIDING SEVERABILITY; AND ESTABLISHING 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 CHAPTER 34 OF THE LAND DEVELOPMENT CODE.** Chapter 34 of the Town of Fort Myers Beach land development code is titled "ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES." Chapter 34 is hereby amended as shown in Exhibit A. Entirely new language is indicated with underlining. Language being repealed from the existing code is indicated with ~~strike-throughs~~. Existing language being retained is either omitted entirely or is shown without underlining or strike-throughs. This ordinance amends the following sections of Chapter 34:

#### **Article I. In General.**

Sec. 34-1. Purpose and intent of chapter.

Sec. 34-2. Definitions.

#### **Article II. Zoning Procedures.**

Sec. 34-84. General procedures for actions on specific zoning applications.

Sec. 34-87. Variances.

Sec. 34-88. Special exceptions.

Sec. 34-90. Land development code interpretations.

Sec. 34-113. Composition, appointment, and compensation of members.

Sec. 34-114. Members' terms and vacancies.

Sec. 34-121. Functions, powers, and duties as to zoning matters.

Sec. 34-202. General submittal requirements for applications requiring public hearing.

Sec. 34-203. Additional requirements for certain applications requiring public hearing.

Sec. 34-214. Application for an amendment.

Sec. 34-216. Public hearings.

Sec. 34-217. Effect of planned development zoning.

Sec. 34-220. Duration of rights conferred by adopted master concept plan.

Sec. 34-265. Requests for interpretation of this code.

Sec. 34-268. Administrative setback variances.

#### **Article III. Zoning District Regulations.**

Sec. 34-613. Designation of district boundaries.

Sec. 34-614. Official zoning map.

Sec. 34-615. Current zoning map.

Sec. 34-616. Historic zoning map.

Sec. 34-6176. Rules for interpretation of district boundaries.

- Sec. 34-621. Allowable uses of land described.
- Sec. 34-631. Building heights.
- Sec. 34-632. Density.
- Sec. 34-638. Minimum setbacks.
- Sec. 34-651. BB (Bay Beach) zoning district.
- Sec. 34-652. EC (Environmentally Critical) zoning district.
- Sec. 34-662. Build-to lines and setback lines.
- Sec. 34-673. Allowable uses.
- Sec. 34-674. Building placement.
- Sec. 34-676. Circulation and parking.
- Sec. 34-677. Additional requirements.
- Sec. 34-678. Outdoor display and sales of merchandise and food.
- Sec. 34-682. District map and applicability.
- Sec. 34-694. Regulations for existing mobile homes and recreational vehicles.
- Sec. 34-702. Applicability.
- Sec. 34-994. Exterior walls.
- Sec. 34-998. Reserved. Signage:

**Article IV. Supplemental Regulations.**

- Sec. 34-1171. Applicability of division.
- Sec. 34-1174. Location and setbacks generally.
- Sec. 34-1175. Satellite dishes and amateur radio antenna/towers.
- Sec. 34-1351. Automobile repair
- Sec. 34-1411. Assisted living facilities.
- Sec. 34-1441. Purpose and intent.
- Sec. 34-1443. Commercial antennas mounted on alternative support structures.
- Sec. 34-1444. Commercial antennas mounted on communication towers.
- Sec. 34-1552. Determination of paraphernalia.
- Sec. 34-1575. Coastal zones.
- Sec. 34-1617. Exemptions from property development regulations.
- Sec. 34-1744. Location and height of fences and walls.
- Sec. 34-1745. Buffer for commercial uses.
- Sec. 34-1749. Entrance gates.
- Sec. 34-1831. Purpose and applicability of division.
- Sec. 34-1832. Definitions.
- Sec. 34-1833. Technical standards for lighting.
- Sec. 34-1834. Permits for lighting.
- Sec. 34-1861. Boats, floating structures, floating equipment, and live-aboards.
- Sec. 34-2020. Required parking spaces.
- Sec. 34-2022. Seasonal parking lots.
- Sec. 34-2032. Performance standards, creation of nuisance.
- Sec. 34-2051. Property development regulations.
- Sec. 34-2052. Parking.
- Sec. 34-2053. Expansion of existing place of worship.
- Sec. 34-2054. Living quarters.
- Sec. 34-2394. Enforcement and penalties.
- Sec. 34-2411. Location and construction.
- Sec. 34-3002. Mobile vendors and transient merchants prohibited.
- Sec. 34-3004. Outdoor display of merchandise for sale or rent.
- Sec. 34-3005. Storage facilities.

- Sec. 34-3067. Definitions.
- Sec. 34-3131. Vehicle visibility at intersections.
- Sec. 34-3151. Water-oriented rental establishments.

**Article V. Nonconformities.**

- Sec. 34-3237. Pre-disaster buildback.
- Sec. 34-3238. Post-disaster buildback.
- Sec. 34-3273. General requirements for residential uses on nonconforming lots.

**SECTION 3. SEVERABILITY.** If any one of the provisions of this ordinance should be held contrary to any express provision of law, or contrary to the policy of express law although not expressly prohibited, or against public policy, or for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way shall affect the validity of all other provisions of this ordinance.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its adoption.

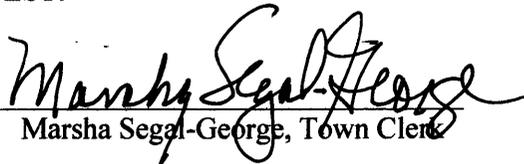
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Rynearson and seconded by Council Member Massucco; upon being put to a vote, the result was as follows:

Bill Thomas	absent
Garr Reynolds	aye
Howard Rynearson	aye
W. H. "Bill" Van Duzer	nay
Don Massucco	aye

DULY PASSED AND ENACTED this 18<sup>th</sup> day of April, 2005.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
 Marsha Segal-George, Town Clerk

By:   
 W. H. "Bill" Van Duzer, Mayor

Approved as to form by:

  
 Anne Dalton, Interim Town Attorney