

**RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2017-015**

**AMENDING CHAPTER 34 ARTICLE IV IN THE TOWN
OF FORT MYERS BEACH LAND DEVELOPMENT
CODE, DIVISION 37 SUBORDINATE AND
TEMPORARY USES, SUBDIVISION II "TEMPORARY
USES," SECTION 34-3051 MOBILE TOURIST
INFORMATION CENTERS, TO PROVIDE
OPPORTUNITY FOR THE TOWN COUNCIL TO
REVIEW AND APPROVE THE USE WITHIN TOWN
RIGHT-OF-WAY.**

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 November 13, 2017 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 processes and consideration of Mobile Tourist Information Centers, as is more fully set forth in the proposed Ordinance; and

NOW THEREFORE BE IT RESOLVED BY THE LOCAL PLANNING AGENCY, that the LPA recommends that Town Council **APPROVE** and adopt the proposed Town Ordinance amending Chapter 34 of the Town of Fort Myers Beach Land Development Code, "Temporary Uses;" amending Section 34- 3051, 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 that the LDC be amended as contained in Exhibit A.
3. The Proposed ordinance is not inconsistent with the Town of Fort Myers Beach Comprehensive Plan.

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

Hank Zuba, Chair Aye

Scott Safford Aye

Jane Plummer Aye

Dan Hendrickson, Vice Aye

Dan Hughes, Aye

Lorrie Wolf Aye


Megan Heil Aye

DULY PASSED AND ADOPTED THIS 14th day of November 2017.

Local Planning Agency of the Town of Fort Myers Beach


Hank Zuba, Chair

Approved as to legal sufficiency:

By: 

ATTEST:

By: 
Town Clerk

Exhibit A

Ordinance 17-17

ORDINANCE AMENDING CHAPTER 34 ARTICLE IV IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, DIVISION 37 SUBORDINATE AND TEMPORARY USES, SUBDIVISION II "TEMPORARY USES," SECTION 34-3051 MOBILE TOURIST INFORMATION CENTERS, TO PROVIDE OPPORTUNITY FOR THE TOWN COUNCIL TO REVIEW AND APPROVE THE USE WITHIN TOWN RIGHT-OF-WAY.

WHEREAS, the Town Council ("the Council") is the governing body in and for the Town of Fort Myers Beach, a municipal corporation in the State of Florida; and

WHEREAS, the purpose of this Ordinance is to amend the current regulations to provide opportunities for the Town Council to consider Mobile Tourist Information Centers within Town right-of-way;

WHEREAS, mobile tourist information centers are regulated by Chapter 34, Article IV, of the Land Development Code of the Town of Fort Myers Beach , and

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

1. The proposed ordinance 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.
2. The proposed ordinance will allow the Town Council to consider appropriate mobile tourist information centers within Town right-of-way.
3. The proposed ordinance will protect the Town's interest in public right-of-way.
4. The Council hereby recommends the following revision(s) to the proposed ordinance:

Section I: Sec. 34-3051. – Mobile tourist information is amended as follows with added language underlined and redacted language as struck- through.

- (a) *Defined.* Mobile tourist information centers are located in a mobile vehicle, either self-propelled or otherwise readily moveable from place to place and without plumbing facilities. Mobile tourist information centers are intended to promote community businesses and organizations and are therefore limited to providing information without the sale or distribution of any product or service; provided, however, that such centers are permitted to sell tickets, and or assist in the procurement of reservations for local attractions, businesses and events, which are limited to areas with Fort Myers Beach addresses. Mobile tourist information centers may not collect food or clothing or accept other donations.
- (b) *Type of approval.*
 - (1) ~~Administrative-By Town Council.~~
 - a. ~~Length of permit.~~ A permit to operate a ~~mœbliemobile~~ mobile tourist information center may be issued for a maximum of one year, and may be renewed annually. No more than two ~~mœbliemobile~~ mobile tourist information centers may be operating at one time.

- b. *Location.* Mobile tourist information centers may be located in:
 - 1. Existing parking lots on property zoned commercial. The mobile tourist information center must be ancillary to the principal use and the required number of parking spaces for the principal use must be maintained.
 - 2. If additionally promoting information, education, and reservations for town owned facilities, activities, and events, then one mobile tourist information center may be authorized by Town Council to be located on town owned property at the Times Square public plaza.
- c. *Permit requirements.* In addition to the requirements found in § 34-3050, organizations must provide a photograph of the mobile tourist information center and its dimensions and corresponding locations where the mobile tourist information center will be operating, daily hours of operation for a minimum of five days per week, and a site plan of the parking lot, drawn to scale with the location of existing parking spaces and the mobile tourist information center. Each mobile tourist information center is permitted one 24-square-foot identification sign, mounted on the mobile tourist information center, which should be shown in the required photograph. All signage and other variance requests for a mobile tourist information center must be approved by Town Council and follow adopted approval processes.
- d. *Review of permit.* The director will approve or deny the application, in part or whole, based on the mobile tourist information center's compatibility with surrounding uses. The mobile tourist information center must be maintained in good condition, consistent with the photograph submitted with the application.
- e. *Emergency evacuation.* Mobile tourist information centers must be removed from the town or placed within an approved off-site storage area within 48 hours of the issuance of a hurricane watch for the town by the National Hurricane Center.

FIRST READING AND PUBLIC HEARING: November 6, 2017

SECOND READING AND PUBLIC HEARING: November 20, 2017

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

Dennis Boback, Mayor
 Anita Cereceda, Council Member
 Bruce Butcher, Council Member

Tracey Gore, Vice Mayor
 Joanne Shamp, Council Member

ADOPTED this ____ day of _____, 2017, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

By: _____
 Dennis C. Boback, Mayor



11/15/17

ATTEST:

Michelle D. Mayher, Town Clerk