

ORDINANCE No. 06-14

AN ORDINANCE AMENDING REGULATIONS IN CHAPTERS 1, 2, 10, AND 34 OF THE TOWN OF FORT MYERS BEACH LANDDEVELOPMENT CODE; PROVIDING AUTHORITY; ADOPTING AMENDMENTS TO CHAPTER 1 OF THE LAND DEVELOPMENT CODE WHICH IS TITLED "GENERAL PROVISIONS"; ADOPTING AMENDMENTS TO CHAPTER 2 OF THE LAND DEVELOPMENT CODE WHICH IS TITLED "ADMINISTRATION"; ADOPTING AMENDMENTS TO CHAPTER 10 OF THE LAND DEVELOPMENT CODE WHICH IS TITLED "DEVELOPMENT ORDERS AND ENGINEERINGSTANDARDS"; ADOPTING AMENDMENTS TO CHAPTER 34 OF THE LAND DEVELOPMENT CODE WHICH IS TITLED "ZONING DISTRICTS, DESIGN STANDARDS, AN 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 1 OF THE LAND DEVELOPMENT CODE. Chapter 1 of the Town of Fort Myers Beach land development code is titled "GENERAL PROVISIONS." Chapter 1 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 Language being repealed from the existing code is indicated with ~~strike-throughs~~.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 1:

- Sec. 1-2. Rules of construction and definitions.
- Sec. 1-5. General penalty; continuing violations.
- Sec. 1-6. Enforcement of land development code.
- Sec. 1-16. Misrepresentation of application.

SECTION 3. ADOPTION OF AMENDMENTS TO CHAPTER 2 OF THE LAND DEVELOPMENT CODE. Chapter 2 of the Town of Fort Myers Beach land development code is titled "ADMINISTRATION." Chapter 2 is hereby amended as shown in Exhibit B. 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 Language being repealed from the existing code is indicated with ~~strike-throughs~~.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 2:

Article I. In General

Sec. 2-2. Compliance agreements.

Article IV. Impact Fees

Sec. 2-306. Computation of amount.

Article V. Code Enforcement

Division 1. Generally

Sec. 2-4520. Intent.

Division 2. Special ~~Master~~ Magistrate

Sec. 2-421. Creation of position of special ~~master~~ magistrate.

Sec. 2-422. Applicability.

Sec. 2-423. Definitions.

Sec. 2-424. Enforcement procedure.

Sec. 2-425. Conduct of hearing.

Sec. 2-426. Powers of the code enforcement special ~~master~~ magistrate.

Sec. 2-427. ~~Penalties~~ Administrative fines, costs, and liens.

Sec. 2-428. Request for rehearing and appeals.

Sec. 2-429. Notices.

Division 3. Citations

Sec. 2-430. Citation procedures; penalties.

Sec. 2-431. Conflict.

SECTION 5. ADOPTION OF AMENDMENTS TO CHAPTER 10 OF THE LAND DEVELOPMENT CODE. Chapter 10 of the Town of Fort Myers Beach land development code is titled “DEVELOPMENT ORDERS AND ENGINEERING STANDARDS.” Chapter 10 is hereby amended to replace the term “special master” where it appears three times in Sec. 10-112 with the term “special magistrate.” This ordinance amends the following section of Chapter 10:

Article II. Development Orders and Plats

Division 2. Development Orders

Sec. 10-112. Appeals.

SECTION 6. 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 to replace the term “special master” where it appears in the sections listed below with the term “special magistrate.” This ordinance amends the following section of Chapter 34:

Article II. Zoning Procedures

Division 2. Town Council

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

Sec. 34-94. Special ~~master~~ magistrate proceedings under the Florida land use and environmental dispute resolution act (F.S. § 70.51)

Article IV. Supplemental Regulations

Division 12. Drug Paraphernalia

Sec. 34-1552. Determination of paraphernalia.

Division 32.A. Short-Term Rentals

Sec. 34-2394. Enforcement and penalties.

SECTION 7. 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 8. 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 Shenko and seconded by Vice Mayor Massucco and, upon being put to a vote, the result was as follows:

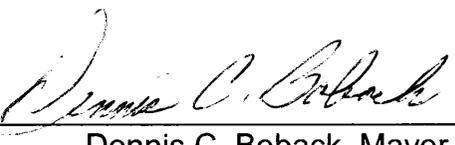
Mayor Dennis Boback	aye
Vice-Mayor Don Massucco	aye
Charles Meador, Jr.	absent
Garr Reynolds	aye
Bill Shenko, Jr.	aye

DULY PASSED AND ENACTED this 18th day of September , 2006.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to form by:


Anne Dalton, Town Attorney