

1. Discussion Objective:

Work Session Date: October 21, 2013

To provide background information to Town Council regarding the regulation of Taxis within the Town.

2. Submitter of Information:

☐ Council
☒ Town Staff
☐ Town Attorney

3. Estimated Time for this item:

15 minutes

5. Background:

In order to assist Town Council in a dialogue regarding the regulation of Taxi Services in the Town, Staff offers the following documents:

Exhibit a.- Comprehensive Plan Policy 7-D-1, regarding the designation of Taxi Stands

Exhibit b.- Ord 02-02 Vehicles for Hire Ordinance from the Town Code of Ordinances

Exhibit c.- Correspondence from Mike Roeder regarding taxis at 7-11

Exhibit d.- Response to Mike Roeder correspondence

Exhibit e.- Sample definitions for "Taxi Stands" from Palm Beach Co, FL and Charleston, S.C.

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

POLICY 7-B-2 **WIDENING:** Under no circumstances shall conventional four-laning of Estero Boulevard be considered as a desirable means of improving traffic circulation on Estero Island.

POLICY 7-B-3 **IMPROVEMENTS TO ESTERO BOULEVARD:** The Town of Fort Myers Beach shall initiate additional pedestrian and streetscape improvements along Estero Boulevard beginning in 1999, and shall negotiate with Lee County for the turnover of responsibility for its maintenance if necessary to carry out these improvements or to further other town policies.

OBJECTIVE 7-C EVACUATION ROUTE — Estero Boulevard's critical function as the sole evacuation route for Fort Myers Beach shall be considered in all planning and development activities.

POLICY 7-C-1 **EVACUATION CAPACITY:** Evacuation routes do not need to be designed as high-speed roadways. The critical factor is the total number of cars that can evacuate in a given period of time. The town shall evaluate all efforts by Lee County or by the town to reduce speeding on Estero Boulevard during the design phase to ensure that these efforts will not hinder an effective evacuation.

POLICY 7-C-2 **FLOODING:** The town shall analyze actual flooding of evacuation routes that occurs due to tropical storms or hurricanes, and shall initiate physical improvements that can avoid future flooding at those locations.

OBJECTIVE 7-D VARIETY OF TRAVEL MODES — The Town of Fort Myers Beach shall make efforts every year to improve mobility for its residents and visitors, striving for a balanced transportation system that allows safe movement even during peak periods of traffic congestion. These efforts may include further subsidies to improve the trolley system, the use of impact fees to improve sidewalks, and creation of critical links on the hidden-path system.

POLICY 7-D-1 **ARRIVE WITHOUT A CAR:** Fewer vehicles would be driven to Fort Myers Beach if scheduled airport shuttle service were available. The town shall encourage this service and the designation of a central drop-off point that could include a trolley stop and taxi stand.

POLICY 7-D-2 **IMPROVE TROLLEY SERVICE:** Trolley ridership increases when service is more frequent and when fares are low or free, yet no long-term funding or operational plan has been developed for providing higher service levels. Practical measures to improve trolley usage include:

- i. Recurring subsidies from tourism sources so that service can be enhanced and congestion minimized during heavy seasonal traffic;
- ii. Pull-offs at important stops along Estero Boulevard so that passengers can safely board and traffic is not blocked excessively; these pull-offs could be built during other improvements to Estero Boulevard or required by the Land Development Code during the redevelopment process.

ORDINANCE No. 00-02

AN ORDINANCE CREATING THE TOWN OF FORT MYERS BEACH TAXICAB AND LIVERY REGULATORY ORDINANCE; PROVIDING AUTHORITY; TITLE; PURPOSE; DEFINITIONS; UNLICENSED VEHICLES FOR HIRE PROHIBITED; APPLICATION FOR CERTIFICATE; ANNUAL CERTIFICATION; RENEWAL OF CERTIFICATE RENEWAL/REVOCATION OF CERTIFICATE; DISPLAY OF STICKER; TRANSFERABILITY OF CERTIFICATE; MINIMUM INSURANCE REQUIREMENTS; REGULATORY PENALTIES; AREA OF ENFORCEMENT; MEANS OF ENFORCEMENT; SEVERABILITY; CONFLICTS OF LAW; CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION ONE: AUTHORITY

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: TITLE

This ordinance shall be known and may be cited as the Fort Myers Beach Taxicab and Livery Regulatory Ordinance.

SECTION THREE: PURPOSE

The Town does hereby declare that public health, safety and welfare requires regulation of taxicab companies and liveries, as well as other passenger vehicles for hire, to ensure protection to our citizens and visitors to promote safety on the roads and prevent fraudulent transactions.

SECTION FOUR: DEFINITIONS

For purposes of this ordinance, the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Applicant" means an individual, firm, corporation, partnership, company, association, joint venture, or any other type of organization enterprise applying for a certificate to operate.

B. "Certificate" means a Town of Fort Myers Beach certificate to operate that grants written authority under this Ordinance to an applicant to operate a motor vehicle for hire company within the Town of Fort Myers Beach. A separate certificate shall be required for each business entity operating as a public vehicle for hire company.

C. "Charter Service" means any chauffeur-driven vehicle that is engaged in prearranged transportation and the rates for such transportation are based upon a predetermined hourly, daily, weekly, monthly, or door-to-door price. Charter service vehicles shall include, but not be limited to, the following four classifications:

1. Sedan means a four-door, full-sized automobile capable of seating not more than five passengers, exclusive of the driver.
2. Limousine means a luxurious, large passenger vehicle, built or modified for use as a luxury limousine (e.g., formal or extended limousine) capable of seating not more than fourteen passengers, exclusive of the driver.
3. Van means a passenger vehicle recognized as either a minivan or a full size passenger van capable of seating not more than 14 passengers, exclusive of the driver.
4. Handicap Vehicle means a vehicle designed, constructed, reconstructed, or operated for the transportation of persons with non-emergency conditions where no medical assistance is needed or anticipated in route; or for persons who are unable to comfortably use a standard means of conveyance; or for persons who cannot enter, occupy or exit a vehicle without extensive assistance; or where specialized equipment is used for wheelchair or stretcher service; and where the chauffeur serves as both a chauffeur and attendant to assist in door-to-door or bed-to-bed service. No emergency equipment other than a fire extinguisher and first aid kit may be carried. The use of the word "ambulance" may not be used and no representations may be made that any medical service is available. The word "non-emergency" must be prominently displayed on the outside of the vehicle.

D. "County" means Lee County.

E. “Driver” means any person possessing a valid driver’s license (that authorizes all respective driving privileges) and who is then employed or permitted by a certificate holder to drive or operate a permitted vehicle for hire upon the streets of the Town of Fort Myers Beach.

F. “Manager” means any person responsible for the day-to-day operation of the certificate holder.

G. “Motor vehicle for hire” means any motorized, self-propelled vehicle engaged in the transportation of persons upon the streets of the Town of Fort Myers Beach with the intent to receive compensation for providing such transportation and shall include, but not be limited to, the classifications: taxicab, and charter service vehicles.

H. “Owner” means any individual, firm, corporation, partnership, company, association, joint venture, or any other type of organization enterprise owning a ten percent or greater interest in an applicant for a certificate to operate and/or a vehicle for hire company.

I. “Pick-up” means whenever a passenger/customer sits in a vehicle for hire for the purpose of being transported for a fee except successive picking-up of the same passenger during a continuous trip when the passenger departs the vehicle for a short time and the vehicle and driver wait at that location and the passenger returns and continues the trip.

J. “Taxicab” means a motor vehicle designed to accommodate not more than eight passengers, exclusive of the driver, operated for compensation at rates based upon the distance traveled and authorized by this Ordinance, and the route or destination of which is controlled by the passengers therein.

K. “Town” means the Town of Fort Myers Beach.

L. “Town Manager” means the town manager or the representative designated by the town manager.

M. “Vehicle for hire company” means any individual or entity owning or leasing one or more motor vehicles for hire, under one or more categories of motor vehicles for hire, and either provides leased vehicles to drivers to be used or operated as motor vehicles for hire or which operates a central dispatch for one or more motor vehicles for hire.

- M. “Sticker” means a color coded sticker issued annually to the current certificate holder authorizing the holder to operate for hire the motor vehicle to which the sticker is affixed.

SECTION FIVE: UNCERTIFIED VEHICLE FOR HIRE PROHIBITED

A. No person shall offer their services as a vehicle for hire within the Town of Fort Myers Beach, except from a business that fully complies with the regulations set forth in this ordinance.

B. No person shall conduct any vehicle for hire business within the Town of Fort Myers Beach, except from a business holding a valid certificate that fully conforms with the terms of this ordinance and operating a vehicle listed under that certificate with a sticker.

C. Exemptions

1. Any owner or transportation provider which has been designated as the community transportation operator as defined in F.S. §427.011 is exempt from this Ordinance; provided, however, that any such vehicle that is also used as a motor vehicle for hire other than exempted uses as specified herein shall require a certificate for such non-exempt use(s).
2. Vehicles operated by a governmental agency; companies or organizations owning vehicles exclusively used for transportation of the employees or members of said company or organization; vehicles seating more than 14 passengers; and transportation activities licensed by the Interstate Commerce Commission so long as such vehicles are engaged solely in interstate commerce.
3. Discharge of passengers within the Town of Fort Myers Beach picked up in another location provided that the vehicle and operator were authorized to pick up the respective passenger(s) in the originating location of pick-up.
4. Any company with an equivalent taxicab certificate that is valid in Lee County, the City of Fort Myers, the City of Cape Coral or Port Authority (Demand Line only).
5. Sight-seeing cars or buses.

SECTION SIX: APPLICATION FOR CERTIFICATE

A. An application for obtaining a certificate pursuant to this ordinance shall be made to the Town on a form provided by the Town Manager.

B. Information to be provided by the applicant shall include, at a minimum:

1. Business location.

- a. The street address from which the business will be operated;
- b. If the applicant is not the owner of the property from which the business will be operated, the applicant shall submit a notarized letter of authorization from the owner of the property to the applicant.

2. Ownership information.

- a. Business owner's name, home address, local address, telephone number;
- b. Manager's name, home address, local address, telephone number;
- c. Mailing address at which notice of any Town information pertinent to any business shall be considered received and binding upon the applicant or certificate holder, on the fifth day after first class mail is posted to said address.
- d. State sales tax number.

3. Proof of Insurance.

Proof of insurance required by Section Eleven.

4. Payment of an annual certificate fee of \$30.00 for administrative processing costs and payment for the Lee County Occupational License Tax.

C. Driver Standards.

1. Each driver of a motor vehicle for hire must hold a current and valid commercial driver's license in said driver's name issued by the State of Florida, showing a current street address. The respective driver's license must authorize all types of driving being conducted by the respective driver.

2. Every certificate holder shall be responsible for ensuring that each of his drivers verifies at least every 12 months by sworn affidavit delivered to the certificate holder that such

driver has not been found guilty or convicted, regardless of adjudication, of any of the following crimes within the then past three years:

- a. Murder, manslaughter, armed robbery, burglary, assault with a deadly weapon, aggravated assault;
- b. Any crime involving the sale or possession of any controlled substance as defined by §893.03, Florida Statutes;
- c. The Florida RICO Act, currently §§895.01 through 895.06, Florida Statutes;
- d. Driving while intoxicated or under the influence of drugs or any other alcohol or drug related offense;
- e. Vehicular manslaughter;
- f. Reckless driving;
- g. Exposure of the sexual organs or any crime defined under Ch. 796, Florida Statutes, pertaining to prostitution.

3. If at any time it is determined that the driver has been convicted within the past three years of any of the aforesaid crimes, the certificate holder shall not permit the driver to operate any vehicle. The certificate holder shall maintain a permanent registry containing information on the identity of each driver permitted to operate a permitted vehicle under his authority. Said permanent registry shall be available for inspection and/or copying by the Town Manager during the certificate holder's regular business hours.

Applicants who misrepresent information provided under this section shall not be issued a certificate, or if issued, may suffer suspension or a revocation of the certificate.

SECTION SEVEN: ANNUAL CERTIFICATION

Certificates shall be issued on an annual basis coinciding with the Town's fiscal year, October 1, through September 30.

SECTION EIGHT: RENEWAL OF CERTIFICATE/ REVOCATION OF CERTIFICATE

- A. Upon application, the Town Manager may renew the certificate of any applicant who:
 1. Held a valid certificate; and

2. Has provided the Town with new or updated information, documents, and fees listed in Section Six; and
 3. Pays a late processing fee in addition to the fees in Section Five, of \$25.00 for any renewal application filed after October 1.
- B. The Town Manager may revoke or deny a certificate for cause, if an applicant has given the Town false or misleading information in their application.
1. The Town Manager will notify the applicant in writing of the revocation or denial and state the reason(s) for this action.
 2. Any revocation shall continue for one (1) year and the applicant may not be issued a certificate for one (1) year from the date revocation becomes effective.
 3. If subsequent to revocation, the Town Manager finds that the basis for revocation becomes corrected, the applicant shall be granted a certificate.
 4. The Town Manager shall inform the applicant in the revocation or denial letter of applicant's right to appeal such decision to the Town Council within 20 days of the written letter of the Town Manager.
 5. The Town Council shall hear any appeal for denial or revocation provided the applicant requests such an appeal within 60 days of the letter from the applicant requesting an appeal.

SECTION NINE: DISPLAY OF STICKER

Any business offering vehicles for hire shall display its vehicle sticker in plain site on each of its vehicles. The sticker is affixed to the left side inside bottom corner of the windshield glass. A certificate of vehicle permit shall accompany each sticker issued and shall identify the permitted vehicle and the sticker displayed on the windshield. A legible copy of the certificate of vehicle permit shall be placed and remain in its assigned/permitted vehicle at all times until expiration of the sticker. The Town Manager will provide the amount of stickers as necessary by the application.

SECTION TEN: TRANSFERABILITY OF CERTIFICATE

No certificate may be sold, assigned, mortgaged or otherwise transferred.

SECTION ELEVEN: MINIMUM INSURANCE REQUIREMENTS

A. No person shall operate a business covered under this Ordinance unless covered by a comprehensive general liability insurance policy insuring the public against bodily injury or property damage resulting from or incidental to the operation or use of a vehicle-for-hire. At a minimum, all certificate holders operating taxicabs shall have in full force and effect motor vehicle liability insurance for each taxicab owned by, leased to, or otherwise controlled by operating company equal to or greater than \$100,000 for bodily injury to any one person, \$300,000 for injuries to more than one person which are sustained in the same accident, and \$100,000 for property damage sustained in one accident. All certificate holders operating charter service vehicles shall have in full force and effect motor vehicle liability insurance for each charter service vehicle equal to or greater than \$100,000 for bodily injury to any one person, \$300,000 for injuries to more than one person which are sustained in the same accident, and in the amount of \$100,000 for property damage sustained in one accident. Said insurance shall inure to the benefit of any person who shall be injured or killed, or who shall sustain damage to property proximately caused by the negligence of the certificate holder, all drivers, his masters, servants and agents. Nothing in this section shall be construed to waive applicable state or federal laws, if any, which require a higher amount of minimum insurance.

B. Evidence of said coverage is subject to acceptance and approval by Town Manager prior to issuance of this certificate.

C. Coverage shall remain in full force during the entire time that the certificate is valid and outstanding. Failure to provide such proof shall render the certificate null and void, and of no further use and effect.

SECTION TWELVE: REGULATORY PENALTIES

A. Violation of the provisions of this ordinance, or failure to comply with any of the requirements, of this ordinance shall constitute an offense against the Town, and shall subject the offender to arrest under Florida Statutes Chapter 901.15 (1) (1997), and, upon conviction, to a fine of not to exceed five hundred dollars or imprisonment for a period of not to exceed sixty (60) days or to both such fine and imprisonment.

B. The Town Manager shall have the authority to exempt persons from the terms of this ordinance, for a period of up to 48 consecutive hours during special programs. No person shall receive more than one such exemption for any 48 hour period.

SECTION THIRTEEN: AREA OF ENFORCEMENT

The area of enforcement of this provision shall include all of the area located within the limits of the Town of Fort Myers Beach.

SECTION FOURTEEN: MEANS OF ENFORCEMENT

The provisions of this ordinance shall be enforced by members of all duly authorized law enforcement agencies within Fort Myers Beach.

SECTION FIFTEEN: SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any Court of competent jurisdiction, the decision of such Court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would be adopted had such unconstitutional provision not been included therein.

SECTION SIXTEEN: CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Fort Myers Beach ordinance or Florida Statute, the more restrictive shall apply.

SECTION SEVENTEEN: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Fort Myers Beach Code; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors

which do not affect the intent may be authorized by the Town Manager without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of the Town.

SECTION EIGHTEEN: 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 Murphy and seconded by Council Member Hughes and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	aye
Daniel Hughes	aye
John Mulholland	aye
Garr Reynolds	aye
Ray Murphy	aye

DULY PASSED AND ENACTED this 22nd day of February, 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By: _____
Marsha Segal-George, Town Clerk

By: _____
John J. Mulholland, Mayor

Approved as to form by:

Richard V.S. Roosa, Town Attorney

Knott • Ebelini • Hart

Attorneys At Law

George H. Knott *+
Mark A. Ebelini
Thomas B. Hart □

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◇ Board Certified Construction Lawyer

Michael E. Roeder, AICP
Director of Zoning
and Land Use Planning

TOWN OF
FORT MYERS BEACH

JUL 29 2013

July 26, 2013

VIA REGULAR U.S. MAIL

Ms. Leslee Dulmer
Zoning Coordinator
Town of Ft. Myers Beach
2523 Estero Blvd.
Ft. Myers Beach, FL 33921

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**COPIED TO:
COUNCIL MEMBERS
TOWN ATTORNEY
TOWN MANAGER
TOWN CLERK**

RE: Taxi Stand at 1301 Estero Blvd.

Dear Ms. Dulmer:

We represent Paradise Beach Taxi, which has been in operation on Ft. Myers Beach for several years, and was in fact the first taxi operation on the island. As you know, there has been a recent controversy regarding the ability of the 7 Eleven located at 1301 Estero Blvd. to restrict the use of their property to a certain favored taxi company. This central location has been utilized for approximately the past twenty years by all cab companies to drop off and pick up passengers. As a result of his concern about this recent discrimination, our client, Tim Williams, questioned whether the 7 Eleven ever had the proper zoning for this type of activity. At a meeting last month, you informed him that the staff had discussed the issue and agreed that since the use had predated the incorporation of the Town, it was a "grandfathered" or legal non-conforming use.

That interpretation is not correct. Under the Lee County zoning ordinance in effect prior to incorporation, this taxi stand would have been considered "Transportation Services, Group II." Not only was there never a Use Permit for this activity issued to that address, it could not have been, since the County C-1 zoning category for this property did not allow for that particular use. And as the building was erected in 1965, it could not have predated the adoption of zoning in Lee County either. The bottom line is that the taxi stand cannot be a legal non-conforming use because it never was legal.

Our client does not want to see this beneficial activity shut down. He only wants fair and equal treatment. The Town's Land Development Code does recognize a "transit terminal," and although the taxi activity alone would not appear to rise to the level of a "transit terminal," that is the best service that is currently available on the Beach, and it is a permitted use in the Downtown Zoning district. We believe that the owner of the 7 Eleven can and should apply for a Use Permit for a

transit terminal, and when he does, the Town should not allow it to be restricted to one taxi company. The whole concept of a "transit terminal" is one that is open to all comers.

As a tourist dependent Town, there is a pressing need for this type of facility, but it serves no one's interest to allow it to be restricted to one taxi company. We have suggested a course of action that would legalize this activity under the Town's own Land Development Code while providing the legal basis to insure that it is truly a public facility and not a private concession. We are hopeful that the Town will take this opportunity to rectify an unfortunate situation. Please consider this an official zoning violation complaint.

An alternative would be for the Town to identify and develop a true "transit terminal" as envisioned by the LDC in some convenient central location. However, since that would take time and money, our client cannot afford to wait for that optimal solution.

Please feel free to contact me if you wish to discuss this further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike Roeder". The signature is fluid and cursive, with the first name "Mike" and last name "Roeder" clearly distinguishable.

Michael Roeder, AICP
Director of Zoning and Land Use Planning

cc: Mr. Terry Stewart
Mr. Walter Fluegel
Marilyn Miller, Esq.
Members of the Town Council

Knott · Ebelini · Hart

Attorneys At Law

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+ Board Certified Business Litigation Lawyer
♦ Board Certified Construction Lawyer

Michael E. Roeder, AICP
Director of Zoning
and Land Use Planning

MRoeder@knott-law.com

October 2, 2013

TOWN OF
FORT MYERS BEACH

VIA REGULAR U.S. MAIL

Mr. Bob Raymond
Council Member
2553 Estero Blvd.
Ft. Myers Beach, FL 33931

OCT - 3 2013
RECEIVED BY

COPIED TO:
COUNCIL MEMBERS
TOWN ATTORNEY
TOWN MANAGER
TOWN CLERK

Re: Taxi Issues

Dear Councilman Raymond:

Thank you for taking the time to meet with me and representatives from three of the local taxi companies last Friday. We appreciated the chance to exchange ideas about this problem. You indicated that you believed it was a serious issue that the Town should do something about, although it was not clear what that might be. You seem to favor finding another location where all of the cabs could freely assemble, but no one knows where that might be or where the money to make it happen would come from. We still believe that citing the 7-11 for a zoning violation is the easiest solution, with the cure for the violation being that they revert to the informal, non-exclusive system that prevailed previous to the new franchisee.

You indicated at the meeting that this issue would be scheduled for the October 7 Town workshop, which we thought was a positive development, but as of now it is not showing up on that agenda. We also said that we were still waiting for a response to George Knott's letter of August 22, 2013 which alleged the zoning violation, and you said that you would ask your staff about that. We have not yet received a response to that letter.

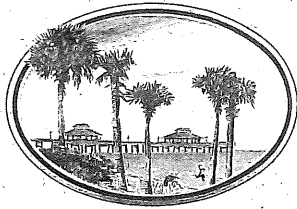
Again, thank you very much for the courtesy you extended last Friday, and we look forward to working with the Town to find an amicable solution to this problem.

Very truly yours,



Michael Roeder, AICP
Director of Zoning and Land Use Planning

cc: Council Members
Mr. Terry Stewart
Marilyn Miller, Esq.



Town of Fort Myers Beach

Alan Mandel
Mayor

Joe Kosinski
Vice Mayor

Dan Andre
Council Member

Jo List
Council Member

Bob Raymond
Council Member

October 10, 2012

Michael Roeder, AICP
Director of Zoning and Land Use Planning
Knott Ebelini Hart
Attorneys At Law
1625 Hendry Street - Third Floor
Fort Myers, FL 33902-2449

RE: Taxi Stand at 1301 Estero Boulevard

Dear Mr. Roeder,

Town planning staff and the Town Attorney have discussed your July 26, 2013 correspondence and have reviewed relevant provisions of the current Town Land Development Code. The LDC does not contain any definition for "Taxi Stand." The term "Transit Terminal" is defined in Chapter 34 of the LDC as follows: "Transit terminal means a location where airport shuttles may stop to load or unload passengers and luggage and which allows convenient transfers to local trolleys and taxis." It is quite a stretch to say that a few taxis that sit in the parking lot of the 7-11 waiting to be hired by persons needing transportation meet the definition of "Transit Terminal."

The definition contemplates an area where passengers transfer from an airport shuttle to local trolleys and taxis. That is not what is occurring at the 7-11 parking lot. Further, since the LDC does not include a definition of "Taxi Stand" or any regulations that prescribe specific areas where "Taxi Stands" are permitted or not permitted, this appears to be more of a private property matter between the property owner and the taxi companies. Further, since the 7-11 parking lot is not being utilized as a dispatch facility and the taxi cabs are not being stored there or left unattended overnight, a requirement for a certificate of use is not reasonable.

Unless and until the Town Council decides to regulate the location and permitting of taxi stands, there is no enforcement action that could or should be instituted by the Town against either the 7-11 or the owner of the taxi

Page 2.

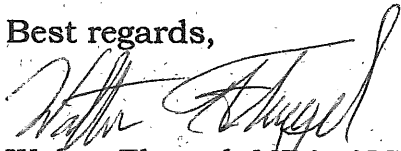
Michael Roeder

October 10, 2013

company that apparently has negotiated an agreement with the 7-11 that provides them with the exclusive right to utilize that parking lot to wait to be hired by customers.

In recent weeks, I have also noticed that your client is utilizing other parking lots in the vicinity of the 7-11 lot as a location to wait to pick up fares. It is my understanding that this issue is scheduled to be discussed by the Town Council at their next work session on October 21 beginning at 10:00 A.M. At that time Council will take up the issue and decide if they want to try to regulate this activity.

Best regards,



Walter Fluegel, MBA, AICP

Community Development Director

Town of Fort Myers Beach

cc: Terry Stewart, Town Manager, FMB
Marilyn Miller, Town of FMB Attorney
Town Council of FMB

Charleston, S.C.

Sec. 19-242. Passenger zones and loading zones; loading zones to be used as taxi stands under certain circumstances.

- (a) No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone.
- (b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- (c) Notwithstanding the foregoing, an operator of a taxi cab shall be permitted to park a taxi cab in certain loading zones that are clearly marked as "taxi stands between the hours of 7:00 p.m. and 5:00 a.m. only" for the purpose of the expeditious loading or unloading of passengers. Loading zones permitted for use as taxi stands in accordance with this section shall be established by the director of traffic and transportation.

(Code 1975, § 33-74; Ord. No. 2009-41, § 1, 3-24-09)

Palm Beach, FL

Sec. 130-34. Taxi stands.

The town's public safety director or his or her designee is authorized to establish on-street stands in such places upon the streets of the town as is deemed necessary for the use of taxicabs operated in the town. No taxi stand shall be created without taking into consideration the need for such stand by a taxi and the convenience to the general public. The public safety director or his or her designee shall prescribe the number of taxicabs that shall occupy such stands. No stand shall be created in front of any place of business where such stands would tend to create a traffic hazard. Taxi stands may only be occupied by taxis licensed by the town during the hours such taxis may legally operate in the town. The creation of taxi stands shall be subject to review and approval of the town council, upon appeal, or upon written request of any person or entity. The issuance of a certificate of public convenience and necessity shall not entitle the holder to an on-street stand.

(Ord. No. 13-2012, § 1, 8-14-12)