

Town of Fort Myers Beach
ORDINANCE NO. 13-08

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, DIVISION 37, SUBDIVISION II, IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; AMENDING SECTION 34-3051, "TEMPORARY WELCOME STATIONS;" RENAMING THAT SECTION TO "MOBILE TOURIST INFORMATION CENTER;" AMENDING THE PERMITTED ACTIVITIES TO ALLOW THE SALE OF TICKETS FOR LOCAL ATTRACTIONS; AMENDING THE LENGTH OF PERMIT TO ONE (1) YEAR AND LIMITING THE NUMBER OF MOBILE TOURIST INFORMATION CENTERS TO TWO (2) AT ANY ONE TIME; REMOVING SPECIAL EXCEPTION AND LOCATION REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. 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 Town of Fort Myers Beach Land Development Code. Chapter 34, Article IV, Division 37, Subdivision II, Section 34-3051 of the Town of Fort Myers Beach Land Development Code 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 Language being repealed from the existing code is indicated with strikethroughs.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 shown without underlining or strikethrough.

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 adopted by the Town Council upon a motion by Council Member Andre and seconded by Council Member List, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	AYE
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS 4th day of NOVEMBER **2013**.

By: _____
Alan Mandel, Mayor

Approved as to legal sufficiency:

By: _____
Fowler White Boggs, P.A.
Town Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk

EXHIBIT "A"

Sec. 34-3051. ~~Temporary welcome stations~~ Mobile Tourist Information Centers.

(a) *Defined.* ~~Temporary welcome stations~~ Mobile tourist information centers are located in a mobile vehicle, either self-propelled or otherwise readily moveable from place to place, and are operated by a non-profit organization. ~~Welcome stations~~ 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 for local attractions and events. ~~Welcome stations~~ mobile tourist information centers may not collect food or clothing or accept other donations.

(b) *Type of approval.*

(1) *Administrative*

a. *Length of Permit.* A ~~temporary-use permit to operate a mobile tourist information center~~ may be issued for a maximum of 90 days or less ~~one (1) year~~, and may not be renewed or reissued to the same applicant or on the same premises for a period of 6 months from the date of expiration of the previous ~~permit annually~~. An organization may request an annual permit to operate no more than 6 months during any 1-year period. The 6 months may be consecutive or divided into 2, 3, or 4 month periods. No more than two (2) ~~welcome stations~~ Mobile Tourist Information Centers may be operating at one time.

b. *Location.* ~~Temporary welcome stations~~ mobile tourist information centers may be located in existing parking lots on property zoned commercial. The ~~welcome station~~ 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.

c. *Permit requirements.* In addition to the requirements found in § 34-

3050, organizations must provide a photograph of the ~~welcome station~~ mobile tourist information center and its dimensions, ~~the dates~~ and corresponding locations where the ~~welcome station~~ mobile tourist information center will be operating, daily hours of operation for a minimum of 5 days per week, and a site plan of the parking lot, drawn to scale with the location of existing parking spaces and the ~~welcome station~~ mobile tourist information center. Each ~~welcome station~~ mobile tourist information center is permitted one 24-square-foot identification sign, mounted on the ~~welcome station~~ mobile tourist information center, which should be shown in the required photograph.

d. *Review of permit.* The director will approve or deny the application, in part or whole, based on the ~~welcome station~~ mobile tourist information center's consistency with the standards established for outdoor display of merchandise and compatibility with surrounding uses. The ~~welcome station~~ mobile tourist information center must be maintained in good condition, consistent with the photograph submitted with the application. Failure to comply with the minimum hours of operation provided may result in revocation of the temporary-use permit.

e. *Emergency Evacuation.* ~~Mobile welcome stations~~ tourist information centers must be removed from the ~~county 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.

(2) *Special Exception*

a. *Length of Approval.* ~~Temporary welcome stations~~ may be approved for longer periods of time by receiving a special

exception. A special exception approval may include a specific length of time the approval is in effect.

b. ~~Application requirements.~~ Applications must comply with article II, division 4 of this chapter, including § 34-203(d) special exceptions. The director may waive § 34-201(b)(1) which requires all properties to be abutting or have a rational continuity. Non-abutting properties must meet the location requirements established in this section. If the request involves multiple parcels, applications must include a surrounding property owners list and map for all property owners within 300 feet, including individual condominium owners.

c. ~~Location.~~ The request may include multiple, non-abutting properties. Welcome stations may be approved on property-zoned commercial, in existing commercial parking lots, or in the parking lot of an existing principal use. Where the station is an ancillary use, the required number of parking spaces for the principal use must be maintained.

d. ~~Standards for approval.~~ In addition to the considerations for special exceptions found in § 34-88, requests must meet the following performance and locational standards:

1. Welcome stations must remain at an approved location a minimum of 30 days before moving to a different approved location.
2. Welcome stations must operate a minimum of 5 days per week, 4 hours per day.

3. Each welcome station is permitted one 24-square foot identification sign, mounted on the welcome center.

4. Welcome stations must be able to be removed from the county 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.