

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.* ~~MobileRemovable~~ tourist information centers are located in a ~~mobileremovable~~ vehicle, either self-propelled or otherwise readily moveable from place to place and without plumbing facilities. ~~MobileRemovable~~ 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, with preference to areas in the Town of Fort Myers Beach. ~~MobileRemovable~~ 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 ~~mobile~~removable tourist information center may be issued for a maximum of one year, and may be renewed annually. No more than two ~~mobile~~removable tourist information centers may be operating at one time.
- b. *Location.* ~~Mobile~~Removable tourist information centers may be located in:
 - 1. Existing parking lots on property zoned commercial. The ~~mobile~~removable 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 removable tourist information center may be authorized by Town Council to be located on town owned property at the Times Square public plaza; however, in no case shall more than two removable tourist information centers, including the one located in Times Square, may be operating at one time.
- c. *Permit requirements.* In addition to the requirements found in § 34-3050, organizations must provide a photograph of the ~~mobile~~removable tourist information center and its dimensions and corresponding locations where the ~~mobile~~removable 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~~removable tourist information center. Each ~~mobile~~removable tourist information center is permitted one 24-square-foot identification sign, mounted on the ~~mobile~~removable tourist information center, which should be shown in the required photograph. All signage and other variance requests for a removable tourist information center must be approved by Town Council.
- d. *Review of permit.* The director will approve or deny the application, in part or whole, based on the ~~mobile~~removable tourist information center's compatibility with surrounding uses. The ~~mobile~~removable tourist information center must be maintained in good condition, consistent with the photograph submitted with the application.
- e. *Emergency evacuation.* ~~Mobile~~Removable 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

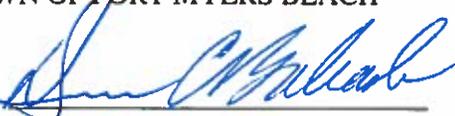
SECOND READING AND PUBLIC HEARING: November 20, 2017

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

Dennis Boback, Mayor	Aye	Tracey Gore, Vice Mayor	No
Anita Cereceda, Council Member	Aye	Joanne Shamp, Council Member	Aye
Bruce Butcher, Council Member	Aye		

ADOPTED this 20th day of November, 2017, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

By: 

Dennis C. Boback, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:
Peterson Law Group, Town Attorney

