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## MEMORANDUM

**TO:** Fort Myers Beach Town Council  
**FROM:** Bill Spikowski  
**DATE:** June 16, 2004  
**SUBJECT:** LAND DEVELOPMENT CODE, CHAPTER 34 – OUTDOOR DISPLAY AND DINING  
**FIRST PUBLIC HEARING: JUNE 21, 2004, AT 6:30 P.M.**  
**FINAL PUBLIC HEARING: JUNE 30, 2004, AT 9:00 A.M.**

Public hearings for proposed Ordinance 04-08 will be held on June 21 and June 30. This ordinance would modify the rules for outdoor display of merchandise and outdoor dining in the DOWNTOWN zoning district.

When this ordinance was introduced before the Town Council on June 7, the Local Planning Agency had not yet taken final action. The LPA public hearing had been continued until June 8 to consider a number of changes proposed by LPA members at their initial public hearing on May 18. These changes included:

- Add a permitting procedure for all outdoor displays.
- Expand on the “purpose” statement and make it apply to the permitting process.
- Clarify that outdoor display is not to become an expansion of retail stores.
- Lower the number of outdoor displays for multiple occupancy structures.
- Clarify whether the property owner or primary tenant qualifies for outdoor display.
- Allow for suspension of outdoor display permits for noncompliance.

The draft of this ordinance previously provided to you (dated June 1, 2004) includes all of these changes.

On June 8, all LPA members present voted to find the ordinance consistent with the Comprehensive Plan and to recommend its adoption, except that the final clause of § 34-678(f)(5)a. should be deleted so that the text would read as follows:

- (5) **Outdoor dining.** ~~‡~~ No fixed or moveable equipment may be placed on a public sidewalk or plaza to sell or serve food except as follows:
- a.** † Tables, umbrellas, and chairs may be placed by restaurants for the use of their customers; no signage is permitted ~~except lettering on umbrellas up to 8 inches in height.~~