

ORDINANCE No. 03-03

AN ORDINANCE AMENDING THE ZONING CHAPTER (CHAPTER 34) OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE AND ADOPTING AN INTERIM ZONING MAP THAT ASSIGNS A NEW ZONING DISTRICT TO ALL LAND IN THE TOWN; PROVIDING AUTHORITY; REPEALING CHAPTER 34 “ZONING” OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS; REPEALING APPENDIX L OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS; REPEALING ORDINANCES 96-02, 96-25, AND 00-03 “LOCAL PLANNING AGENCY”; ADOPTING AN INTERIM ZONING MAP THAT ASSIGNS A NEW ZONING DISTRICT TO ALL LAND IN THE TOWN; ADOPTING A NEW CHAPTER 34 OF THE LAND DEVELOPMENT CODE ENTITLED “ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES” WHICH PROVIDES ARTICLE I IN GENERAL; ARTICLE II ZONING PROCEDURES, Division 1 Generally, Division 2 Town Council, Division 3 Local Planning Agency, Division 4 Applications and Procedures, Division 5 Public Hearings and Review, and Division 6 Interpretations, Enforcement, and Special Administrative Actions; ARTICLE III ZONING DISTRICT REGULATIONS, Division 1 Mapping of Zoning Districts, Division 2 Allowable Land Uses in Each Zoning District, Division 3 Explanation of Property Development Regulations, Division 4 Conventional Zoning Districts, Division 5 Redevelopment Zoning Districts, Division 6 Planned Development Zoning Districts, Division 7 Commercial Design Standards, and Division 8 Residential Design Standards; ARTICLE IV SUPPLEMENTAL REGULATIONS, Division 1 Generally, Division 2 Accessory Uses, Buildings, and Structures, Division 3 Sexually-oriented Businesses, Division 4 Aircraft, Division 5 Alcoholic Beverages, Division 6 Animals, Division 7 Animal Clinics and Kennels, Division 8 Automotive Businesses, Division 9 Bus Stations and Transit Terminals, Division 10 Care and Assisted Living Facilities, Division 11 Commercial Antennas and Communication Towers, Division 12 Drug Paraphernalia, Division 13 Environmentally Sensitive Areas, Division 14 Essential Services, Essential Service Equipment, and Essential Service Buildings, Division 15 Excavations, Division 16 Reserved, Division 17 Fences, Walls, and Entrance Gates, Division 18 Home Occupations; Live/Work and Work/Live Dwellings, Division 19 Hotels, Motels, and Bed-and-Breakfast Inns, Division 20 Reserved, Division 21 Marine Facilities and Live-Aboard Vessels, Division 22 Reserved, Division 23 Mobile Homes, Division 24 Moving of Buildings, Division 25 Off-Street Loading Areas, Division 26 Parking, Division 26-A Performance Standards, Division 27 Places of Worship and Religious Facilities, Division 28 Reserved, Division 29 Private Clubs and Membership Organizations, Division 30 Recreation Facilities, Division 31 Recreational Vehicles, Division 32 Schools, Division 32-A Short-Term Rentals, Division 33 Signs, Division 34 Special Events, Division 35 Reserved, Division 36 Storage Facilities and Outdoor Display of Merchandise, Division 37 Subordinate and Temporary Uses, Division 38 Tall Structures, Division 38-A Tattoo Studios and Body-Piercing Salons, Division 39 Use, Occupancy, Construction, and Moving Regulations, Division 40 Vehicle Visibility, and Division 41 Water-Oriented Rentals; ARTICLE V NONCONFORMITIES, Division 1 Generally, Division 2 Nonconforming Buildings, Division 3 Nonconforming Uses, and Division 4 Nonconforming Lots; 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. REPEAL OF CHAPTER 34 “ZONING” OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS. By the authority of Section 15.08 (c) of the Town Charter, Chapters 34 of the transitional land development regulations are hereby repealed. Transitional Chapter 34 is entitled ZONING and contains the following articles: Article I In General, Article II Administration, Article III Reserved, Article IV Planned Developments, Article V Comprehensive Planning; The Lee Plan; Article VI District Regulations, Article VII Supplementary District Regulations; and Article VIII Nonconformities.

SECTION 3. REPEAL OF APPENDIX L OF THE TRANSITIONAL LAND DEVELOPMENT REGULATIONS. By the authority of Section 15.08 (c) of the Town Charter, APPENDIX L of the transitional land development regulations is hereby repealed. Transitional Appendix L was adopted by Fort Myers Beach Ordinance 96-20 as the Master Site Plan for the Fort Myers Beach Downtown District (also known as the core area overlay district).

SECTION 4. REPEAL OF ORDINANCES 96-02, 96-25, AND 00-03 “LOCAL PLANNING AGENCY.” By the authority of Article 10 of the Town Charter, Fort Myers Beach Ordinances No. 96-02, 96-25, and 00-03 which established and governed the Fort Myers Beach Local Planning Agency, are hereby repealed. Pursuant to Section 5 below, the terms of Ordinances 96-02, 96-25, and 00-03 are being incorporated, with modifications, into the land development code as §§ 34-111–34-120 and 34-123 of Chapter 34.

SECTION 5. ADOPTION OF INTERIM ZONING MAP. Exhibit A, a copy of which is attached to this ordinance, is hereby adopted as the interim zoning map for the Town of Fort Myers Beach. In accordance with Section 34-613 of the new land development code, the interim zoning map assigns all land in the Town of Fort Myers to one of the new zoning districts established by the new Chapter 34 of the land development code (see Exhibit B). The new zoning districts shall take effect immediately and shall replace the previous zoning districts that had been assigned to all land in the Town of Fort Myers Beach. Previous approvals of variances, special exceptions, special permits, and other zoning actions that did not change zoning district boundaries cannot be shown on the interim zoning map due to its scale but are not affected by the adoption of the interim zoning map.

SECTION 6. ADOPTION OF NEW CHAPTER 34 OF THE LAND DEVELOPMENT CODE. The new Chapter 34 of the Town of Fort Myers Beach land development code entitled “ZONING DISTRICTS, DESIGN STANDARDS, AND NONCONFORMITIES” shall be as contained in the attached Exhibit B. Entirely new language is indicated with underlining. Language being repealed from the transitional land development regulations is indicated with strike-throughs. Language being readopted by this ordinance is neither underlined nor struck through. The new Chapter 34 contains the following articles, divisions, and subdivisions:

ARTICLE I. IN GENERAL

ARTICLE II. ZONING PROCEDURES

- Division 1. Generally
- Division 2. Town Council
- Division 3. Local Planning Agency
- Division 4. Applications and Procedures
 - Subdivision I. General Procedures
 - Subdivision II. Additional Procedures for Planned Development Zoning Districts
- Division 5. Public Hearings and Review
- Division 6. Interpretations, Enforcement, and Special Administrative Actions

ARTICLE III. ZONING DISTRICT REGULATIONS

- Division 1. Mapping of Zoning Districts
- Division 2. Allowable Land Uses in Each Zoning District
- Division 3. Explanation of Property Development Regulations
- Division 4. Conventional Zoning Districts
- Division 5. Redevelopment Zoning Districts
 - Subdivision I. Generally
 - Subdivision II. DOWNTOWN Zoning District
 - Subdivision III. SANTINI Zoning District
 - Subdivision IV. VILLAGE Zoning District
 - Subdivision V. CB Zoning District
- Division 6. Planned Development Zoning Districts
 - Subdivision I. Generally
 - Subdivision II. RPD (Residential Planned Development) Zoning District
 - Subdivision III. CPD (Commercial Planned Development) Zoning District
 - Subdivision IV. Former Planned Development Zoning Districts
- Division 7. Commercial Design Standards
- Division 8. Residential Design Standards

ARTICLE IV. SUPPLEMENTAL REGULATIONS

- Division 1. Generally
- Division 2. Accessory Uses, Buildings, and Structures
- Division 3. Sexually-oriented Businesses
- Division 4. Aircraft
- Division 5. Alcoholic Beverages
- Division 6. Animals
- Division 7. Animal Clinics and Kennels
- Division 8. Automotive Businesses
- Division 9. Bus Stations and Transit Terminals
- Division 10. Care and Assisted Living Facilities
- Division 11. Commercial Antennas and Communication Towers
- Division 12. Drug Paraphernalia
- Division 13. Environmentally Sensitive Areas
- Division 14. Essential Services, Essential Service Equipment, and Essential Service Buildings
- Division 15. Excavations
- Division 16. Reserved.
- Division 17. Fences, Walls, and Entrance Gates
- Division 18. Home Occupations; Live/Work and Work/Live Dwellings
- Division 19. Hotels, Motels, and Bed-and-Breakfast Inns

- Division 20. Reserved
- Division 21. Marine Facilities and Live-Aboard Vessels
- Division 22. Reserved
- Division 23. Mobile Homes
- Division 24. Moving of Buildings
- Division 25. Off-Street Loading Areas
- Division 26. Parking
- Division 26-A. Performance Standards
- Division 27. Places of Worship and Religious Facilities
- Division 28. Reserved
- Division 29. Private Clubs and Membership Organizations
- Division 30. Recreation Facilities
- Division 31. Recreational Vehicles
- Division 32. Schools
- Division 32-A. Short-Term Rentals
- Division 33. Signs
- Division 34. Special Events
- Division 35. Reserved
- Division 36. Storage Facilities and Outdoor Display of Merchandise
- Division 37. Subordinate and Temporary Uses
 - Subdivision I. In General
 - Subdivision II. Temporary Uses
 - Subdivision III. Special events.
- Division 38. Tall Structures
- Division 38-A. Tattoo Studios and Body-Piercing Salons
- Division 39. Use, Occupancy, Construction, and Moving Regulations
- Division 40. Vehicle Visibility
- Division 41. Water-Oriented Rentals

ARTICLE V. NONCONFORMITIES

- Division 1. Generally
- Division 2. Nonconforming Buildings
- Division 3. Nonconforming Uses
- Division 4. Nonconforming Lots

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 Hughes and seconded by Council Member Ryneerson; upon being put to a vote, the result was as follows:

Howard Ryneerson	YES
Daniel Hughes	YES
Bill Thomas	YES
W. H. "Bill" Van Duzer	YES
Terry Cain	YES

DULY PASSED AND ENACTED this 3rd day of March, 2003.

ATTEST: TOWN OF FORT MYERS BEACH

By: _____
Marsha Segal-George, Town Clerk

By: _____
Daniel Hughes, Mayor

Approved as to form by:

Richard V.S. Roosa, Town Attorney