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MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: December 9, 2002
SUBJECT: Public Hearing on LDC Chapter 34 (December 17 at noon)

Attached is a complete draft of an ordinance that would adopt Chapter 34 of the new Land Development Code. Please insert this chapter into your LDC binders and discard previous drafts. Additional copies of the entire LDC can be downloaded from www.spikowski.com/beach.htm

Exhibit A of this ordinance is the "Draft Interim Zoning Map" dated June 17, 2002, that was previously distributed to you. This map was reprinted on October 16 so some copies also bear that date; the only difference in the maps is that the October version deleted the "state-licensed resort dwellings" that were shown on the June 17 map.

Exhibit B is the complete text of Chapter 34, dated December 17, 2002. This draft is very similar to the October drafts, although significant changes have been made to the VILLAGE and SANTINI zoning districts and to outdoor merchandise. This draft also contains five options for regulating short-term rentals (see pages 189 through 195). These options were discussed at the October 22 workshop but have now been put into ordinance format, using parallel wording whenever possible:

- Option 1:** Based on the original proposal in earlier drafts of the LDC.
- Option 2:** Based on the proposal made by Councilman Van Duzer on October 22.
- Option 3:** Based on the proposal from the Task Force (with stronger enforcement provisions).
- Option 4:** Based on the proposal from Neighbors for Neighborhoods.
- Option 5:** Based on the concept in the current LDC for mother-in-law apartments.

At the end of the December 17 public hearing, the LPA will be expected to make a finding of this ordinance's consistency with the Fort Myers Beach Comprehensive Plan and to make any other recommendations on its content to the Town Council. Town Council public hearings on this ordinance are tentatively scheduled for February 3 and March 3.

Attachments: Copy of display ad for the December 17 public hearing
Draft ordinance adopting a new chapter 34 into the Fort Myers Beach land development code

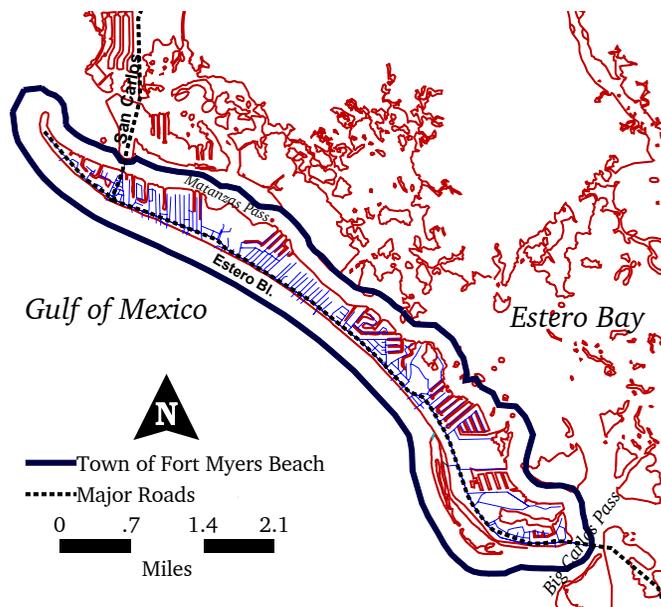
NOTICE OF CONSIDERATION OF MAJOR REVISIONS TO THE ZONING CODE FOR THE TOWN OF FORT MYERS BEACH

The Town of Fort Myers Beach is considering an ordinance that would update the town's existing zoning code and assign new zoning districts to all land in the town. If adopted, this ordinance will replace the existing Chapter 34 ("Zoning") of the town's land development code, which was inherited from Lee County when the town incorporated. This ordinance will adopt a completely updated Chapter 34 ("Zoning Districts, Design Standards, and Nonconformities") and a new zoning map.

The new Chapter 34 and interim zoning map have been in preparation for two years, during which time the Local Planning Agency has held numerous workshops to refine earlier drafts of the code and map. The new Chapter 34 implements the town's 1999 Comprehensive Plan by creating corresponding zoning districts and content; adds and refines specialized regulations on the topics listed below; proposes various options for regulating short-term rentals in neighborhoods; streamlines the code's format and procedures; and deletes extraneous material not applicable within the town. If adopted, this ordinance will affect the allowable uses of land within the town's municipal boundary, which is illustrated on the map.

There will be at least three public hearings prior to adoption of the proposed ordinance. The first will be held before the Local Planning Agency on Tuesday, December 17, 2002, at noon. The Town Council will then hold two public hearings on this ordinance, tentatively in January 2003. All public hearings will be held at Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931.

The title of the proposed ordinance is as follows:



ORDINANCE No. 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.

Copies of the proposed ordinance and interim zoning map may be obtained from or reviewed at Town Hall, which is open daily from 8:30 A.M. to 4:30 P.M., or reviewed at the reference desk of the Fort Myers Beach Public Library at 2755 Estero Blvd. The text of the proposed ordinance is available on-line at www.spikowski.com/beach.htm Further information may be obtained by contacting Town Hall at 765-0202.

These public hearings are open to the public and all interested parties are encouraged to attend and be heard. If a person decides to appeal any decision considered at this hearing, he or she may need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.