

ORDINANCE 08-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 30, SECTION 30-5 PROHIBITED SIGNS OF THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 30, SECTION 30-93 REGARDING LOCATION OF OPEN HOUSE SIGNS IN THE RIGHT-OF-WAY; AMENDING CHAPTER 30, SECTION 30-151 REGARDING REAL ESTATE SIGNS; PROVIDING AUTHORITY; 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. Amendment to Land Development Code (LDC) Chapter 30, Section 30-5. Prohibited Signs. Section 30-5(15) is hereby amended as follows:

(15) Off-premises signs (except as allowed in Section 30-151) for "open house" signs).

SECTION 3. Amendment to LDC Chapter 30, Section 30-93. Location. Section 30-93 (b) Street Setbacks is hereby amended as follows:

(b) Street setbacks. No sign or portion of a sign shall be erected closer than 3 feet to any sidewalk or bike path or to any street right-of-way unless at least 8 feet of vertical clearance is maintained (except that "open house" signs may be erected in the right-of-way in accordance with Section 30-151).

SECTION 4. Amendment to LDC Chapter 30, Section 30-151(f) Real Estate Signs. Section 30-151(f) Real Estate Signs is hereby amended as follows:

(7) Open house signs Open house signs are allowed as follows:

(a) One (1) "open house" sign per property per street and waterbody frontage.

(b) Sign The area of any "open house" sign shall ~~must~~ not exceed four (4) square feet, and the sign(s) shall ~~may~~ be placed only upon the property to be sold or leased, ~~other than~~ as provided in (d) below.

(c) The sign(s) shall be displayed only between the hours of 7 AM to 7 PM and only when the premises are actually available for inspection by a prospective buyer or tenant.

(d) For property that does not front on Estero Boulevard, one (1) additional directional "open house" sign may be placed in the right of way at each intersection on the most direct route between Estero Boulevard and the subject property, with said sign not exceeding two (2) feet by two (2) feet in dimension.

SECTION 5. 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 shall 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 affect the validity of all other provisions of this ordinance.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption.


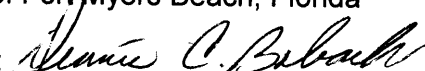
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Meador and seconded by Council Member Shenko and, upon being put to a vote, the result was as follows:

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|------------------------------------|------------------------------------|
| Dennis C. Boback, Mayor <u>nay</u> | Larry Kiker, Vice Mayor <u>aye</u> |
| Herb Acken <u>aye</u> | Charles Meador, Jr. <u>aye</u> |
| William Shenko, Jr <u>aye</u> | |

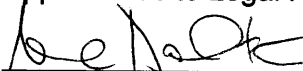
DULY PASSED AND ENACTED THIS 7th day of April, 2008.

Attest:

Town of Fort Myers Beach, Florida

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| BY: <u></u> | BY: <u></u> |
| Michelle Mayher, Town Clerk | Dennis C. Boback, Mayor |

Approved as to Legal Form and Sufficiency:


Anne Dalton, Esquire, Town Attorney