



Town of Fort Myers Beach

Memo

To: Walter Fleugel, Community Development Director
Cc: Leslee Chapman, Zoning Coordinator
Cc: Marilyn Miller, Town Attorney
From: Keith Laakkonen, Environmental Sciences Coordinator
Date: March 2, 2011
Re: Staff report- LPA hearing on changes to Ch. 27 PWVL and PAL

The proposed changes to the PAL and PWVL sections of the LDC are to clean up language in Chapter 27 regarding non-conforming uses. These language changes have no effect on any existing vendors. There is also a change in the enforcement language to clarify Town enforcement abilities.

The first change is to strike a reference to a section of the LDC which does not exist, Sec. 27-54 (e). It is unclear why this reference is here and there is no 27-54 (a), (b), (c) or (d). 27-54 simply describes that PWVL and PAL license must be displayed to the public.

The second change changes the word "grandfather" for "legal non-conforming". This is to avoid future confusion that revolves around the term "grandfathered" in reference to whether or not a business can change location. This in no way impairs the ability of a business to move locations beyond the restrictions already in Chapter 27.

Other changes are to clarify the language regarding the cap on licenses. This change simply clarifies what the number should be and upon review should be self-explanatory. An example of this change reads "Transferability of PWVLs to new conforming locations may only be allowed when licenses fall below 10. If there are 10 or fewer PWVLs issued. ". This in no way affects or alters the cap on licensees, it simply clarifies the math.

Finally, the enforcement language is changed to allow Town staff to enforce this section of the code. The current language uses the term "conviction". "Conviction" is associated with criminal trials as opposed to "civil" which code enforcement uses. To gain a "conviction" someone would have to be cited under criminal codes, which only certified law enforcement officers are capable of doing.