

ORDINANCE 00-13

AN ORDINANCE AMENDING CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH TRANSITIONAL LAND DEVELOPMENT REGULATIONS; PROVIDING AUTHORITY; AMENDING SEC. 34-2. DEFINITIONS. RESTAURANT, FAST FOOD; TRANSITIONAL PROVISION; 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. Amending Sec. 34-2. Definitions. Restaurant, fast food.

Sec. 34-2. Definitions. Restaurant, fast food shall be amended to read as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Restaurant, fast food means an establishment whose principal business is the sale of food or beverages in a ready-to-consume state primarily for off-site consumption, and which may not contain drive-through facilities, ~~such as McDonald's, Burger King, Juicy Lucy's and Checker's.~~

SECTION 3. Transitional Provision. This ordinance does not apply to any property the subject of an application for a development order that is pending on June 14, 2000, or to an amendment filed to that application requesting substantially the same relief.

SECTION 4. 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 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

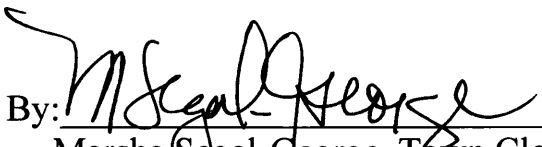
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Murphy and seconded by Council Member Hughes and, upon being put to a vote, the result was as follows:

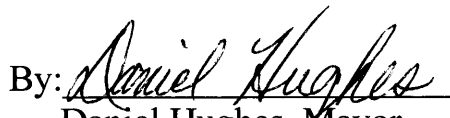
Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>nay</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>nay</u>

DULY PASSED AND ENACTED this 29th day of June, 2000.

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