

ORDINANCE No. 96-02

AN ORDINANCE ESTABLISHING THE TOWN LOCAL PLANNING AGENCY, PROVIDING AUTHORITY; AGENCY ESTABLISHED; COMPOSITION AND APPOINTMENT; QUALIFICATIONS OF MEMBERS; PURPOSE AND SCOPE; MEMBER'S TERM AND VACANCIES; FORFEITURE OF OFFICE; COMPENSATION OF MEMBERS; ELECTION OF OFFICERS; DUTIES OF OFFICERS; CLERK; RULE AND PROCEDURES; EMPLOYMENT OF STAFF AND EXPERTS; REIMBURSED EXPENSES; SUPERVISION OF STAFF; FUNCTIONS, POWERS AND DUTIES; COOPERATION WITH LPA; SEVERABILITY AND 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, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Agency Established. A local planning agency to be known as the Town of Fort Myers Beach Local Planning Agency "LPA" is hereby established.

SECTION 3. Composition and appointment. The LPA shall consist of seven members appointed by the Town Council.

SECTION 4. Qualifications of members. No members of the LPA shall be be salaried officials of the town.

SECTION 5. Purpose and scope. The broad objectives of the town planning and the creation of the LPA are to further the welfare of the citizens of the town by helping to promote a better, more helpful, convenient, efficient, healthful, safe and attractive community environment and to insure that the unique and natural characteristics of the island are preserved.

SECTION 6. Member's term and vacancies. The term of office of a member of the LPA shall be staggered three (3) years or until a successor has been appointed and has qualified, except that the respective terms of the members first appointed shall be two (2) for one (1) year, three (3) for two (2) years and two (2) for three (3) years.

Appointments shall be made annually at the first meeting of the council in January. Vacancies in the LPA shall, within thirty days, be filled by the council for the remainder of the term created by such vacancy.

SECTION 7. Forfeiture of office. A LPA member shall forfeit office if the member:

a. Lacks at any time during the term of office any qualification for the office prescribed by town ordinance or state law;

b. Violates any standard of conduct or code of ethics established by law for public officials; or

c. Is absent from three (3) consecutive regular LPA meetings without being excused by the LPA.

SECTION 8. Compensation of members. The members of the LPA shall serve without compensation.

SECTION 9. Election of officers. The LPA shall each year at the first meeting of the newly appointed members elect one of its members as Presiding Officer and elect an alternate.

SECTION 10. Duties of officers. It shall be the duty of the

Presiding Officer to preside over all meetings of the LPA. In the absence of the Presiding Officer, the alternate may preside.

SECTION 11. Clerk. The town manager or a designee shall be the clerk of the LPA. It shall be the duty of the clerk to keep a record of all proceedings of the LPA, transmit its recommendations when directed by the Presiding Officer, maintain an updated complete file of all its proceedings in the town hall, and perform such other duties as are usually performed by the clerk of a deliberative body.

SECTION 12. Rule and procedures. The LPA shall meet at least once each month or more frequently at regular intervals to be determined by it, and at such other times as the Presiding Officer or it may determine. It shall adopt rules for the transaction of its business. The rules may be amended from time to time, but only upon notice to all members that said proposed amendments shall be acted upon at a specified meeting. A majority vote of the LPA shall be required for the approval of the proposed amendment. It shall keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record. All meetings of the LPA shall be public meetings.

SECTION 13. Employment of staff and experts. The LPA may, subject to the approval of the town council and within the financial limitations set by appropriations made or other funds available, recommend the town manager employ such experts,

consultants, technicians and staff as may be deemed necessary to carry out the functions of the LPA.

SECTION 14. Reimbursed expenses. LPA members may be reimbursed for expenses as are necessary to conduct the work of the agency from funds appropriated by the town council.

SECTION 15. Supervision of staff. Staff personnel of the LPA shall be under the day-to-day supervision of the town manager.

SECTION 16. Functions, powers and duties. The functions, powers and duties of the LPA shall be, in general and in addition to any functions powers and duties provided by law, to:

a. Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions, and provide data for estimates of future conditions. Such information and material may include maps and photographs of man-made and natural physical features of the area concerned, statistics on trends and present and future estimate conditions with respect to population, property values, economic base, land uses, municipal services, various parameters of environmental quality, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts and the necessary regulation thereof to insure that the unique and natural characteristics of the island be preserved.

b. Prepare principles and policies for guiding land uses and development of the area in order to preserve the unique and natural characteristics of the island, to overcome the island's present handicaps and to prevent or minimize future problems.

c. Prepare or cause to be prepared a comprehensive land use plan for meeting present requirements and such future requirements as may be foreseen, with a view toward insuring that orderly growth and development proceeds as may be consistent with the preservation of the natural and unique characteristics of the island.

d. Conduct such public hearings as may be required to gather information necessary for the drafting and maintenance of the comprehensive land use plan and such additional public hearings as are specified by law.

e. Make or cause to be made any necessary special studies on the location, condition and adequacy of specific facilities in the area. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, public and private utilities, traffic, transportation, parking and emergency evacuation.

f. Refer and recommend the comprehensive land use plan to the town council or its review and possible adoption. Such a plan, after its adoption by the town council, will be known as the official comprehensive land use plan.

g. Prepare and recommend to the town council from time to

time, such changes in the plan or any part thereof as may be deemed necessary by the town council.

h. Prepare and recommend to the town council from time to time plans and/or recommendations for specific capital improvements in pursuance of such official comprehensive land use plan.

i. Give aid to the town officials charged with the direction of projects of improvements embraced within the official comprehensive land use plan, and generally to promote the realization of the official comprehensive land use plan.

j. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the town council such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by F.S. 163.3191.

k. Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the town council as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.

l. Cooperate with municipal, county and regional planning commissions and the agencies or groups to further the local

planning program and to assure harmonious and integrated planning for the area.

m. Perform any other duties which lawfully may be assigned to it by resolution of the town council, such as, but not limited to, the review, holding of public hearings and making recommendations to the town, on regulations, codes and other documents, as may be necessary to implement the official comprehensive land use plan such as a zoning code, zoning map, subdivision regulations and codes for building construction and equipment.

SECTION 17. Cooperation with LPA. Each officer and employee of the town is hereby directed to give all reasonable aid, cooperation and information to the LPA or to the authorized assistants of such agency when so requested.

SECTION 18. 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 19. 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 Ted FitzSimons and seconded by Council Member Ray Murphy and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>absent</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 11th day of March, 1996.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney