

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE  
TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2009-24

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the Local Planning Agency is statutorily responsible under Chapter 163, Florida Statutes, and the Town of Fort Myers Land Development Code (LDC) Section 34-120 for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council with regard thereto; and

WHEREAS, LDC Section 34-112 provides that the broad objectives of town planning and the Town's 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; and

WHEREAS, LDC Section 34-120 provides that the functions, powers, and duties of the LPA include preparing principles and policies for guiding land use and development in the town in order to preserve the unique and natural characteristics of the island, to overcome the islands present handicaps, and to prevent or minimize future problems; and aid town officials charged with the direction of projects or improvements embraced within the comprehensive plan and generally promote the realization of the comprehensive plan; and

WHEREAS, the Town Comprehensive Plan provides that Goal 4 is "to keep Fort Myers Beach a healthy and vibrant "small town," while capitalizing on the vitality and amenities available in a beach-resort environment and minimizing the damage that a hurricane could inflict"; and

WHEREAS, the Gulf beaches factor significantly throughout the comprehensive plan as an important natural resource, the preservation of which is of the highest importance, according to Comprehensive Plan Policy 4-A-5; and

WHEREAS, Comprehensive Plan Policy 4-A-6 provides that the beaches provide incomparable recreational and environmental benefits to the town; and

WHEREAS, the vast majority of the Gulf beaches are within the "Recreation" Future Land Use Map (FLUM) category of the comprehensive plan; and

WHEREAS, the Recreation Element of the Comprehensive Plan indicates: "The vision for the future of the Town of Fort Myers Beach is a result of the beautiful natural surroundings of beaches and dunes, wildlife habitat, historic and archaeological sites, boating opportunities, and places for people to come together for recreation, visiting, dining, and shopping within the park-like setting of the entire island. The Community Design Element describes how the town can ensure that the physical components of the community (natural areas, open spaces, buildings, streets, paths) can work together to achieve a coherent whole, reinforcing and enhancing its small-town character and as a place where permanent residents coexist comfortably with tourism. Policies emphasize

walkability, promote streets as the neighborhood realm, plan for interconnected foot paths throughout the island, and improve linkages to the town's natural resources and active recreation areas. These linkages and "people-gathering places" become part of the town's system of recreation, open space, and cultural amenities"; and

WHEREAS, Objective 4-B of the Comprehensive Plan is to "reduce the potential for further overbuilding through a new future land use map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions"; and

WHEREAS, the LPA finds that the expansion of on-premises consumption of alcoholic beverages onto the Gulf beaches **does not** protect remaining natural resources, and **does not** preserve the small-town character of the Town, and **does not** protect residential neighborhoods against commercial intrusions; and therefore would not accord with Comprehensive Plan Objectives 4-A, 4-B, 4-C, and the applicable policies following thereunder.

NOW THEREFORE BE IT RESOLVED that the LPA **recommends** that the Town Council of the Town of Fort Myers Beach:

**does restrict** further expansion of on-premises consumption of alcoholic beverages on the Gulf beaches within the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Kay and seconded by LPA Member Weimer and upon being put to a vote, the result was as follows:

Joanne Shamp, Chair aye  
Carleton Ryffel aye  
Dennis Weimer aye

Bill Van Duzer, Vice Chair aye  
Rochelle Kay aye  
Alan Mandel nay

DULY PASSED AND ADOPTED THIS 10<sup>th</sup> day of November, 2009.

LPA of the Town of Fort Myers Beach

By: Joanne Shamp  
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By: Anne Dalton  
Anne Dalton, Esquire  
LPA Attorney

ATTEST:

By: Michelle Mayher  
Michelle Mayher, Town Clerk