ORDINANCE 07-09

AN ORDINANCE AMENDING CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY, AMENDMENTS TO SECTIONS 34.113 AND 34.114, DIVISION 3 LOCAL PLANNING AGENCY, ARTICLE II ZONING PROCEDURES, WHICH ARE TITLED, RESPECTIVELY, "COMPOS-ITION, APPOINTMENT AND COMPENSATION OF MEMBERS", AND "MEMBERS TERMS AND VACANCIES", PROVIDING FOR CHANGE IN DATE OF APPLICATION FOR LPA MEMBERSHIP, CHANGE IN THE DATE OF APPOINTMENT TO THE LPA AND CHANGE IN THE TERMS OF LPA MEMBERS; SEVERABILITY; EFFECT OF ORDINANCE 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 Chapter 95-494, Laws of Florida, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Composition, Appointment and Compensation of Members of Local Planning Agency. Composition, Appointment and Compensation of Members of the Local Planning Agency as set forth in Section 34-113(a) is amended to read as set forth below. Language being repealed from the existing code is indicated with ~~strikethroughs~~ and entirely language being added is indicated with underlining, as follows:

SECTION 34-113(a). The local planning agency shall consist of up to seven members appointed by the town council. No members of the local planning agency shall be salaried officials of the town. Membership on the local planning agency shall render a person ineligible for membership on any other advisory committee for the Town of Fort Myers Beach during his/her term of office. One spouse per household will be eligible for membership on the local planning agency during any given term of office. No current member of Town Council shall be eligible to serve on the local planning agency. Except for inclusion of members required under Florida law, all members must be residents of, or owners of real property located within, the territorial limits of the Town of Fort Myers Beach at the time of application for membership on the local planning agency and during the period of service on the local planning agency. All applicants must apply on or before ~~March 1~~ September 1 of the appointment year ~~(however, for 2006 only, the application period is extended to April 19, 2006).~~ Each application must be submitted on one 8½" by 11" paper, and must include a short biography and short explanation as to why the applicant wishes to serve on the local planning agency.

SECTION 3. Members' Terms and Vacancies: Term Limits Members' terms and vacancies of the LPA as set forth in Section 34-114(a) is amended to read as set forth below. Language being repealed from the existing code is indicated with ~~strikethroughs~~ and entirely language being added is indicated with underlining, as follows:

SECTION 34-114 (a) The term of office of a member of the local planning agency shall be staggered in increments of two years or until a successor has been appointed and has qualified except that the respective terms of the members first appointed under this amendment shall be up to four members for a one-year term and three members for a two-year term. No member shall serve more than two consecutive terms of two years each; however, after ~~two years~~ one year out of office with this agency, any person who has previously served and is otherwise qualified may apply for

re-appointment to this agency. This term limit will not be construed to apply to the members who are appointed for an initial one-year term in 2006.

SECTION 4. Members' Terms and Vacancies: Time of Appointment. Members' terms and vacancies of the Local Planning Agency as set forth in Section 34-114(b) is amended to read as set forth below. Language being repealed from the existing code is indicated with ~~strikethroughs~~ and entirely language being added is indicated with underlining, as follows:

(b) Appointments shall be made annually at the first meeting of the council in October ~~April; however, for 2006 only, appointments shall be made at the first general council meeting subsequent to April 19, 2006.~~ The term of any member which would otherwise expire in April, 2008, will be extended to the first Town Council meeting in October, 2008, or until such member's successor has been appointed, whichever is sooner. The term of any member which would otherwise expire in April, 2009, will be extended to the first Town Council meeting in October, 2009 or until their successor has been appointed, whichever is sooner. Vacancies in the local planning agency shall, within sixty days, be filled by the council for the remainder of the term created by such vacancy.

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 beheld 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. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect upon the ordinances of the Town of Fort Myers Beach, except as expressly provided.

SECTION 7. 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:

Dennis C. Boback, Mayor	aye	Larry Kiker, Vice Mayor	aye
Herb Acken	nay	Charles Meador, Jr.	aye
William Shenko, Jr.	aye		

DULY PASSED AND ENACTED this 23rd day of January, 2008.

ATTEST:

TOWN OF FORT MYERS BEACH

By: _____
Michelle D. Mayher, Town Clerk

By: _____
Dennis C. Boback, Mayor

Approved as to legal sufficiency by:

_____
Anne Dalton, Town Attorney