

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 05-07

WHEREAS, Royal Pelican Association, Inc., has appealed the Director of Community Development's interpretation of the Land Development Code (LDC) and the Development of Regional Impact development order for Bay Beach Docks, to allow docks to be constructed on a parcel of submerged land in the Bay Beach zoning district; and,

WHEREAS, Royal Pelican Association, Inc., has petitioned for an appeal from administrative action under the following LDC sections:

Sec. 34-90. Land development code interpretations.

The town council may hear and decide applications for interpretations of this code as provided in § 34-265. Such applications shall not require a public hearing or recommendation from the local planning agency.

Sec. 34-265. Requests for interpretation of this code.

Where a question arises as to the meaning or intent of a section or subsection of this code,

a written request stating the area of concern and the explicit interpretation requested shall be submitted, on forms provided by the director.

(1) The director may render decisions of an administrative nature, such as but not limited to:

- a. Proper zoning classification for a use not specifically addressed; and
- b. Procedures to follow in unusual circumstances.

(2) Interpretations which, in the opinion of the director, involve policy or legislative intent issues shall be placed on the agenda of the town council for its consideration.

and,

WHEREAS, all interested parties had an opportunity to present evidence.

IT IS THE FINDING of this council that the following exist:

1. The docks are allowed in the Bay Beach zoning district.

NOW THEREFORE BE IT RESOLVED THAT THE ADMINISTRATIVE OFFICIAL'S DECISION IS AFFIRMED as follows:

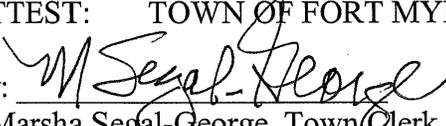
The foregoing resolution was adopted by the Fort Myers Beach Town Council

upon being put to a vote, the result was as follows:

Howard Rynearson	<u>Aye</u>
Don Massucco	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Garr Reynolds	<u>Nay</u>

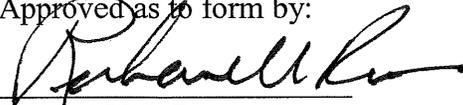
Adopted this 4th day of April, 2005.

ATTEST: TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
W. H. "Bill" Van Duzer, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney