RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2008-26

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, following proper notice and as required under Florida Statute and the LDC, the LPA conducted a public hearing on June 17, 2008 to review proposed Town Ordinance 08-09, which amends the floodplain regulations and references to the Federal Flood Insurance Study and Flood Insurance Rate Maps (FIRMs) in Article IV of Chapter 6 of the Town Land Development Code (LDC).

NOW THEREFORE BE IT RESOLVED, that the LPA **recommends** approval and adoption of Ordinance 08-09 by the Town Council on behalf of the Town of Fort Myers Beach, Florida.

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

Dennis Weimer, Chair	absent	Alan Mandel, Vice Chair	aye
Evie Barnes	absent	Rochelle Kay	aye
Joanne Shamp	absent	Bill Van Duzer	aye
Joe Yerkes	aye		

DULY PASSED AND ADOPTED THIS 17th day of June, 2008.

LPA of the Town of Fort Myers Beach

By: _____
Alan Mandel, LPA Vice-Chair

Approved as to legal sufficiency:

By: _____
Anne Dalton, Esquire
LPA Attorney

ATTEST:

By: _____
Michelle Mayher, Town Clerk

ORDINANCE NO. 08-09

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH AMENDING THE FLOODPLAIN REGULATIONS AND REFERENCES TO THE FEDERAL FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE RATE MAPS (FIRM) IN THE LAND DEVELOPMENT CODE (LDC); ADOPTING AMENDMENTS TO ARTICLE IV (FLOODPLAIN REGULATIONS) OF CHAPTER 6 OF THE LDC, TITLED "MAINTENANCE CODES, BUILDING CODES, AND COASTAL REGULATIONS," AND WHICH PROVIDES ARTICLE IV FLOODPLAIN REGULATIONS, DIVISION 1 GENERALLY; PROVIDING AUTHORITY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Constitution of the State of Florida and Chapters 163 and 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the measures set forth in this Ordinance are necessary to provide for the protection of public health, safety and welfare of the citizens of the Town.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The above "whereas" clauses are incorporated herein as though fully set forth.

SECTION 2. ADOPTION OF AMENDMENTS TO ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE. Chapter 6 of the Town of Fort Myers Beach land development code is titled "MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS." Article IV of this chapter, titled "FLOODPLAIN REGULATIONS," is hereby amended as shown in Exhibit A. Entirely new language is indicated with underlining. Language being repealed from the existing code is indicated with ~~strike-throughs~~. Existing language being retained is neither underlined nor struck through. The amendment of Article IV of Chapter 6 amends the following division and sections:

ARTICLE IV. FLOODPLAIN REGULATIONS
Division 1. Generally
Section 6-405. Definitions

SECTION 3. CONFLICTS. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive shall apply.

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 as invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and shall in no way affect the validity of all other provisions of this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect on August 28, 2008.

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

Larry Kiker, Mayor	___	Herb Acken, Vice Mayor	___
Tom Babcock	___	Jo List	___
Bob Raymond	___		

DULY PASSED AND ENACTED this ____ day of _____, 2008.

ATTEST: TOWN OF FORT MYERS BEACH

_____ BY: _____

Michelle D. Mayher, Town Clerk Larry Kiker, Mayor

Approved as to legal sufficiency by:

_____

Anne Dalton, Esquire
Town Attorney