RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2008-28

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 comprehensive plan provides that Goal 9 is "to provide optimal flood protection and improved stormwater quality within the constraints imposed by location and existing land-use patterns; and

WHEREAS, the town is moving forward with a preliminary drainage study and stormwater master plan provided for in Objectives 9-E and 9-F of the comprehensive plan and has completed a stormwater management feasibility study dated March 27, 2008; and

WHEREAS, the individual members of the LPA have observed neighborhood flooding throughout the Town at various times of the year and as a result the LPA finds that neighborhood flooding continues to be a problem that is not adequately addressed; and

WHEREAS, the individual members of the LPA have observed and/or been informed that the expansion of impervious areas within the town's rights-of-way only exacerbates this ongoing problem and therefore the LPA recommends that an interim solution be found during the pendency of these study and planning efforts.

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

1. Establish a policy within the current Town regulations and the Town's home rule abilities to limit the width of the area of the town right(s)-of-way abutting

private property that may be permitted to be covered with impervious surfaces.

2. Direct the LPA to develop LDC regulations limiting the area of any parcel of property within the town that may be covered with impervious surfaces.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Yerkes and seconded by LPA Member Van Duzer 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