

ORDINANCE 05-22

AN ORDINANCE AMENDING CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY; AMENDMENTS TO SECTION 34.113, DIVISION 3 LOCAL PLANNING AGENCY, ARTICLE II ZONING PROCEDURES OF THE LAND DEVELOPMENT CODE WHICH IS TITLED "COMPOSITION, APPOINTMENT, AND COMPENSATION OF MEMBERS", PROVIDING FOR INCREASE IN NUMBERS OF MEMBERS OF THE LOCAL PLANNING AGENCY; 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 the provisions of 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 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 Language being repealed from the existing code is indicated with ~~strikethroughs~~ and entirely new language is indicated with underlining.

SECTION 34-113 (a). The local planning agency shall consist of not less than ~~five~~ seven nor more than ~~seven~~ nine members appointed by the town council. No members of the local planning agency shall be salaried officials of the town.

SECTION 3. Composition, Composition, Appointment, and Compensation of Members of Local Planning Agency as set forth in Section 34-113(c) is amended to read as set forth below. Language being repealed from the existing code is indicated with ~~strikethroughs~~ and entirely new language is indicated with underlining.

SECTION 34-113 (c). In addition to the ~~five~~ seven to ~~seven~~ nine voting members, the local planning agency shall also include as a nonvoting member a representative of the Lee County School district, as designated by the Lee County School Board, to attend and participate in those meetings at which the local planning agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application (see F.S. 163.3174(1), 2002).

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 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 5. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect upon the ordinance establishing the Land Development Code of the Town of Fort Myers Beach, except as expressly provided.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption.

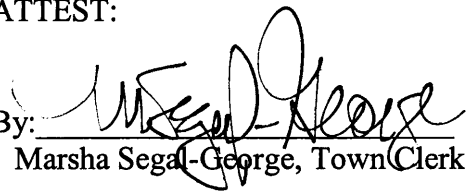
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Van Duzer and seconded by Council Member Katcko and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ENACTED this 12th day of September, 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:

  
Anne Dalton, Town Attorney