

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2009-01

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174 and the LPA 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, pursuant to the authority set forth in LDC Section 34-118, on February 27, 2007, the LPA adopted Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual (PnP Manual) in Resolution 2007-03 and at the time of such adoption, the LPA stated as a policy matter that regular review and updating of the PnP Manual was in the best interests of the Town of Fort Myers Beach and subsequently amended it at various times in 2007 and 2008; and

WHEREAS, the LPA has determined that an update to the PnP Manual is required at this time and has reviewed such update at its meeting of January 27, 2009.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. The LPA hereby **adopts** the requirement that the Affidavit of Publication from the Newspaper of Record (as such is defined by Florida Statute) be presented by Town staff at the commencement of an LPA quasi-judicial hearing and the commencement of an LPA legislative hearing. If the Affidavit is not available, the legal advertisement as published shall be presented by Town staff under oath or affirmation at the commencement of such hearing(s). Such Affidavit of Publication, or Town staff affidavit, as the case may be, shall be attached as an exhibit to the LPA Resolution resulting from such hearing.

2. The LPA hereby authorizes the LPA Chair to modify the LPA Policies and Procedures Manual to reflect this change. The terms and provisions of such Manual shall continue in full force and effect unless further amended by the LPA.

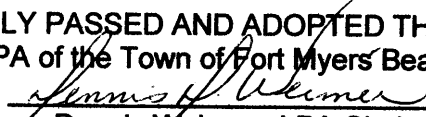
The foregoing Resolution was adopted upon a motion by LPA Member Van Duzer and seconded by LPA Member Barnes. Upon being put to a vote, the result was as follows:

Evie Barnes aye
Alan Mandel aye
Bill Van Duzer aye

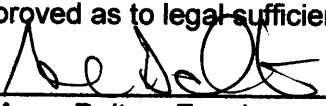
Rochelle Kay aye
Joanne Champ aye
Dennis Weimer aye Joe Yerkes aye

DULY PASSED AND ADOPTED THIS 27th day of January, 2009.

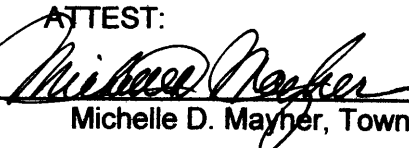
LPA of the Town of Fort Myers Beach

By: 
Dennis Weimer, LPA Chair

Approved as to legal sufficiency:

By: 
Anne Dalton, Esquire
LPA Attorney

ATTEST:

By: 
Michelle D. Mayner, Town Clerk