

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2012-003  
AMENDMENT TO CHAPTER 34 LAND DEVELOPMENT CODE  
CONSUMPTION ON PREMISES REGULATIONS

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the Local Planning Agency (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 performing such other reviews as are requested by the Town Council; and

WHEREAS, following proper notice and as required under Florida Statute and the LDC, the LPA conducted a public hearing on January 10, 2012 to consider a proposed Town Ordinance, which is attached hereto as Exhibit A and is hereby incorporated by reference; and

WHEREAS, the aforesaid Ordinance, if passed, would amend the regulations relating to COP that are applicable within Town municipal limits, as is more fully set forth in the proposed Ordinance; and

NOW THEREFORE BE IT RESOLVED, that the LPA **RECOMMENDS** that Town Council approve and adopt the proposed Town Ordinance to amend Chapter 34, Article IV, Division 5, Alcoholic Beverages, in the Town Land Development Code and **RECOMMENDS** the following findings of fact and conclusions with regard thereto:

**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

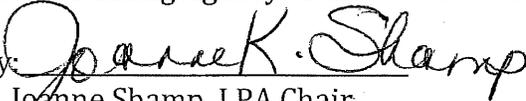
1. *The proposed amendments are in the best interest of the health, safety and welfare of the citizens, residents, visitors, and business owners of the Town of Fort Myers Beach and the LPA hereby recommends that the Town Council adopt the proposed amendments to the Land Development Code with changes as noted below.*
2. *The LPA hereby recommends the following revision to the proposed amendments:*
3. *Revise the language in Section 34-1264(g)(1)b.i.5. to provide that the hours of service shall be limited to between the hours of 11:00 A.M. and one (1) hour after sunset.*

The foregoing Resolution was adopted by the LPA upon a motion by **LPA Member HANK ZUBA** and seconded by **LPA Member ALAN SMITH** and upon being put to a vote, the result was as follows:

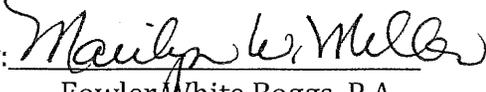
Joanne Shamp, Chair	NAY	Al Durrett, Member	AYE
Alan Smith, Member	AYE	John Kakatsch, Member	NAY
Hank Zuba, Member	AYE	Jane Plummer, Member	AYE

DULY PASSED AND ADOPTED THIS **10th** day of JANUARY, 2012.

Local Planning Agency of the Town of Fort Myers Beach

By:   
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By:   
Fowler White Boggs, P.A.  
LPA Attorney

ATTEST:

By:   
Michelle Mayher  
Town Clerk