

**RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE  
TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2007-10**

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

WHEREAS, 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, Section 15-4 of the Town of Fort Myers Beach Comprehensive Plan (Plan) provides that the Local Planning Agency shall review requests for legislative interpretations of the Plan as initiated by Town Council, the Town Manager, or others and forward them to Town Council with its comments and recommendations; and

WHEREAS, following proper notice as required by law, at its regularly scheduled meeting of March 13, 2007, the LPA reviewed a request from the Town Manager for a legislative interpretation of Plan Objective 5-D (Beaches and Dunes) with regard to seawall removal prior to property redevelopment; and

WHEREAS, the LPA continued this agenda item to its regularly scheduled meeting of March 20, 2007 to allow each LPA member to consider his or her comments with regard to this Legislative Interpretation; and

WHEREAS, at its meeting of March 20, 2007, the LPA made the determinations set forth below and requested individual LPA members to provide comments for attachment to this Resolution.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. Except as provided in paragraph two below, the LPA hereby recommends that the Policies under Objective 5-D should not be interpreted to require that all existing seawalls on properties on the Gulf beach shoreline be removed contemporaneously with new development or redevelopment.

2. The LPA takes no formal action on Plan Policy 5-D-1-7 and is providing individual interpretations from LPA members with regard to this Policy. Such individual LPA member comments are attached to this Resolution and are hereby incorporated by reference.

The foregoing Resolution was adopted by the LPA upon a motion by Randy Brown and second by Bob Raymond. Upon being put to a vote, the result was as follows:

Thomas Babcock	<u>nay</u>	Larry Kiker	<u>absent</u>
Randy Brown	<u>aye</u>	Alan Mandel	<u>aye</u>
Rochelle Kay	<u>nay</u>	Bob Raymond	<u>aye</u>
		Bob Simon	<u>aye</u>