

ORDINANCE 19-15

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-2391 OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE TO EXCLUDE CONDOMINIUMS FROM THE RESTRICTION ON WEEKLY RENTALS IN CERTAIN ZONING DISTRICTS, PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, The Town recognizes that renting private dwelling units within the Town for periods of less than 180 days is a legitimate business activity and subject to reasonable regulations as proposed herein, to maintain, the health safety and welfare of the citizens of the Town; and

WHEREAS, The Town also recognizes that the unregulated rental of dwelling units by seasonal residents uniquely impacts certain neighborhoods within the Town.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN OF FORT MYERS BEACH, FLORIDA THAT: ¹

Section 1. The above recitals are true and correct and incorporated herein as the legislative and administrative findings of the Town Council.

Section 2. Section 34-2391 of the Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-2391. - Restrictions on weekly rentals in certain zoning districts.

Table 34-2 restricts the rental of any permitted dwelling unit in certain zoning districts to a single-family during any one-month period, with a minimum stay of one week, or less for condominiums (see the "restricted" sub-group of the "lodging" use group in Table 34-1). The following exceptions apply to this restriction:

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

- (1) This restriction on weekly rentals does not apply to:
 - a. Any land between Estero Boulevard and the Gulf of Mexico.
 - b. Any land directly adjoining the bay side of Estero Boulevard.
 - c. Any dwelling unit that is recognized by the Town of Fort Myers Beach as having had pre-existing weekly rentals as of January 1, 2003, when registered in accordance with § 34-2392, below.
 - d. Condominiums of six or more residential units, may rent for a periods greater than of 3 days or more but less than 30 days, provided such shorter duration is authorized by the declaration of condominium, bylaws, and rules and regulations of the condominium where the unit is located, such rentals were allowed on or before March 3, 2003, and the condominium association notifies the Town in writing prior to January 31, 2020, that short term rentals are allowed.
- (2) Dwellings units on property that qualifies for any of these exceptions may be rented to a single-family for periods of one week or longer, without the once-per-month maximum that would otherwise have applied.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

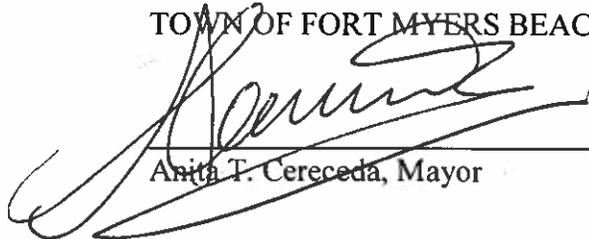
Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Vice Mayor Murphy and seconded by Councilmember Hosafros and upon being put to a roll call vote, the result was as follows:

Anita Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Bruce Butcher, Councilmember	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros, Councilmember	aye

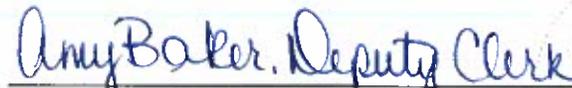
ADOPTED this 18th day of November 2019 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



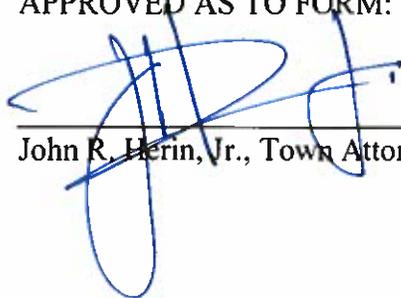
Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:



John R. Herin, Jr., Town Attorney