

**ORDINANCE NO. 20-18**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING AMENDMENTS TO THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN UTILITIES ELEMENT TO UPDATE DATA AND ANALYSIS AND THE GOALS, OBJECTIVES, AND POLICIES RELATED TO WATER SUPPLY PLANNING REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR 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 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 Council desires to update the Town's Comprehensive Plan Utilities Element to remain in compliance with water supply planning requirements outlined in State law; and

**WHEREAS**, on December 1<sup>st</sup>, 2020 the Local Planning Agency, after giving consideration to the staff recommendation, public testimony, and consistency with the Comprehensive Plan, recommended approval of the proposed amendment to the Town Council and transmittal to the Department of Economic Opportunity; and

**WHEREAS**, on December 7<sup>th</sup>, 2020 the Town Council held a first reading of the proposed Ordinance and directed staff to transmit the proposed amendments to the Department of Economic Opportunity for an Expedited State Review; and.

**WHEREAS**, on March 15<sup>th</sup>, 2021 the Town Council held a second reading of the proposed Ordinance; and.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:<sup>1</sup>**

**Section 1.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

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<sup>1/</sup> 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~~.

Section 2. The Town of Fort Myers Beach Comprehensive Plan Utilities Element is hereby amended to update Data and Analysis and Goals, Objectives, and Policies as described in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. The Town Council does not intend that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances; 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.

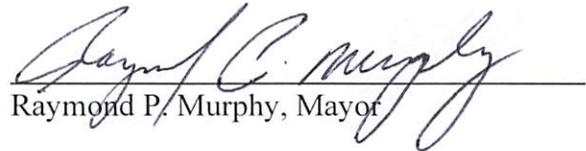
Section 6. This ordinance shall become effective upon adoption by the Town Council.

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

|                               |     |
|-------------------------------|-----|
| Raymond P. Murphy, Mayor      | Aye |
| Rexann Hosafros, Vice Mayor   | Aye |
| Dan Allers, Council Member    | Aye |
| Jim Atterholt, Council Member | Aye |
| Bill Veach, Council Member    | Aye |

ADOPTED this 15<sup>th</sup> day of March, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

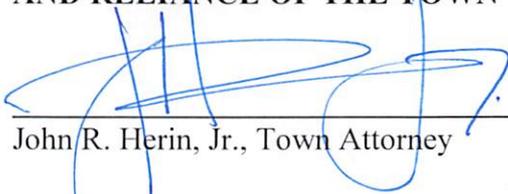
**TOWN OF FORT MYERS BEACH**

  
Raymond P. Murphy, Mayor

**ATTEST:**

  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**



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John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 18 day of March, 2021.