

## **RESOLUTION 21-42**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, INVOKING ZONING IN PROGRESS; DECLARING THE TOWN IS CONSIDERING AMENDING ITS LAND DEVELOPMENT CODE BY ADOPTING REGULATIONS LIMITING THE SIZE OF SINGLE-FAMILY HOMES BUILT ON TWO OR MORE LOTS ASSEMBLED FOR THAT PURPOSE; 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 (“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 is considering the adoption an ordinance limiting the size (e.g., building footprint) of single-family homes on two or more lots assembled for that purpose (“Pending Ordinance”); and

**WHEREAS**, the Town desires to invoke zoning-in-progress until such time as it adopts the Pending Ordinance, and places all parties on notice that it is considering such regulations and that parties who are applying for a single-family building permit or site plan approval in the Town will be reviewed for compliance with such changes.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

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

**Section 2.** The Town hereby invokes the doctrine of zoning-in-progress in order for Town staff to prepare the Pending Ordinance, and directing Town staff that no residential building permit, of any kind shall be issued that would result in the nonconforming or unlawful use of the subject property should the Proposed Ordinance be adopted. Parties seeking building permits or site plan approval and building permits for the construction of single-family homes within the Town shall be subject to the regulations adopted by the Town, provided such regulations are adopted within the next one hundred twenty (120) days. All affected property owners are placed on notice that any building permit or site plan application for the construction of a single-family home within the Town shall be subject to review pursuant to the requirements of the Pending Ordinance.

Section 3. The adoption of this Resolution shall be evidenced by placement, in a newspaper of general circulation within the Town, of an advertisement within two weeks after adoption of this Resolution. A copy of this Resolution shall also be posted at Town Hall for the next one hundred twenty (120) days.

Section 4. This Resolution shall become effective immediately upon its adoption. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution 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 vote, the result was as follows:

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	nay
Bill Veach, Council Member	aye
Jim Atterholt, Council Member	aye

ADOPTED this 9th day of September 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**



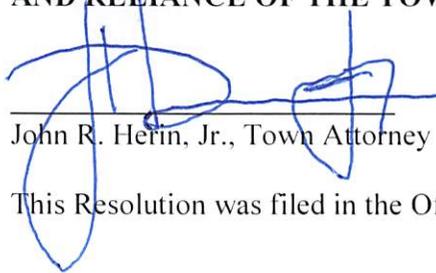
Raymond P. Murphy, Mayor

**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:**



John R. Hefin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 9<sup>th</sup> day of September 2021.