

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-31 Appeal Smith

WHEREAS, Nancy Smith the property owner of **139 Curlew Street**, applied for a determination that their property was a pre-existing weekly rental; and,
WHEREAS, The town manager applied the ordinance provisions and denied their application; and,

WHEREAS, the owner petitioned for an appeal from administrative action of Sec. 34-2392. Registry of certain pre-existing weekly rentals; and,

WHEREAS, in addition to the criteria in this ordinance, the town council may consider evidence submitted by the appellant alleging equitable considerations for registration of a dwelling unit despite noncompliance with a particular requirement of this division. The town council shall consider the advice of the town attorney when evaluating allegations for equitable relief; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public as to the effect the ruling will have when applied generally to this code.

IT IS THE FINDING of this council that the following exist:

1. The application was not submitted to the town manager by June 1, 2003.
2. The application did not include evidence of lawful pre-existing weekly rental use of each dwelling unit as of January 1, 2003. Such evidence may include:
 - a. Evidence that each unit was licensed as a "resort dwelling" or as a public lodging establishment, in accordance with F.S. § 509.241.
 - b. Evidence of regular payment of Lee County's 3% tourist development tax on rentals of each dwelling unit.
 - c. Evidence of regular payment of Florida's 6% sales tax on rentals of each dwelling unit.
 - d. Signed rental contracts or income tax returns.

NOW THEREFORE BE IT RESOLVED THAT THE ADMINISTRATIVE OFFICIAL'S DECISION IS REVERSED, AFFIRMED, OR MODIFIED as follows:

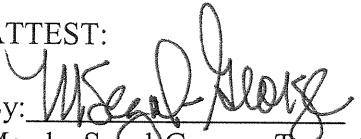
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Howard Rynearson	Aye
Daniel Hughes	Aye
Bill Thomas	Aye
W. H. "Bill" Van Duzer	Aye
Terry Cain	Aye

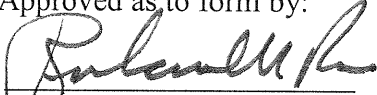
APPROVED this 6th day of October, 2003.

APPROVED this day of October, 2003.

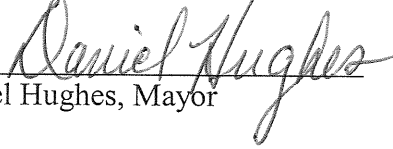
ATTEST:

By: 
Marsha Segal George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor