

RESOLUTION NO. 2023-28

A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING A SHORT-TERM MORATORIUM ON ACCEPTING OF PERMIT APPLICATIONS FOR ACCESSORY GARAGES IN THE RSF ZONING DISTRICT; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Village has recently determined that its current codes do not sufficiently address the proper size and height of accessory garages in the RSF zoning district; and

WHEREAS, the Village is now in the process of adopting Ordinance No. 2023-03 to remedy this deficiency; and

WHEREAS, to prevent the permitting or construction of any additional accessory garages in the RSF zoning district prior to the new regulations being approved, the Village Council determines that a short term moratorium on acceptance of new permit applications be adopted; and

WHEREAS, as confirmed by *WCI Communities, Inc. v. City of Coral Springs*, 885 So.2d 912 (Fla. 4th DCA 2004) and similar cases, the use of short-term moratoria on the processing of development or permit applications to preserve the status quo while formulating regulatory land use schemes is a lawful measure; and

WHEREAS, the Villate Council finds that adoption of this resolution is in the best interests of the Village and its citizens and property owners.

NOW, THEREFORE BE IT RESOLVED by the City Council of the Village of Estero, Florida, that:

Section 1. As of the effective date of this Resolution, the Village staff shall not accept or process applications for permits to construct accessory garages in the RSF zoning district.

Section 2. This moratoria shall expire either in ninety (90) days, or until Ordinance 2023-03 becomes effective, whichever occurs first.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 1st day of November, 2023.

Jon McLain, Mayor

Attest:

Carol Sacco, Village Clerk