

**ORDINANCE NO. 14-03**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” SECTION 30-32 “SPECIFIC DEFINITIONS” OF THE VILLAGE CODE, MODIFYING THE DEFINITION OF ROOM, HOTEL OR MOTEL; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPROVAL BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, Islamorada, Village of Islands (the “Village”) has adopted a comprehensive set of Land Development Regulations (the “LDRs”) to implement the Village Comprehensive Plan (the “Comprehensive Plan”); and

**WHEREAS**, the Village desires to encourage development and redevelopment of hotels and motels within the Village in order to attract tourism, improve the appearance of the Village, enhance the Village’s ability to support needed improvements in infrastructure, and encourage future redevelopment efforts for the continued viability and economic development within the Village; and

**WHEREAS**, a text amendment to the LDRs to modify the definition of hotel or motel room is beneficial to the Village; and

**WHEREAS**, the Village desires to amend Chapter 30 “Land Development Regulations,” Article II “Rules of Construction and Definitions,” Section 30-32 “Specific Definitions,” of the Village Code to modify the definition of a hotel or motel room; and

**WHEREAS**, the Village Local Planning Agency has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes; and

**WHEREAS**, the Village Council has conducted the public hearings required by law; and

**WHEREAS**, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the principles for guiding development in the Florida Keys Area of Critical State Concern.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 30 “Land Development Regulations,” Article II “Rules of Construction and Definitions,” Section 30-32 “Specific Definitions,” of the Village Code is hereby amended to read as follows:

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*Room, hotel or motel*, means a unit in a public lodging establishment as defined by F.S. § 509.013(4)(a) intended for transient lodging only for periods not exceeding 30 days. Transient occupancy shall conform to the definition contained in F.S. § 509.013(8) as to transient occupancy. For the purposes of density restriction under this chapter:

- (1) A hotel or motel room may be a single room or a suite and may include a kitchen but no more than ~~1-1/2~~ two bathrooms, which may be either two full bathrooms or one full bathroom and one half bathroom;
- (2) All entrances to a hotel or motel room shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable ~~units~~ rooms; and
- (3) Suites containing more than one bedroom and ~~1-1/2~~ two ~~baths~~ bathrooms may be constructed; however, each bedroom/full bathroom combination shall be considered a hotel/ or motel ~~unit~~ room.
- (4) Notwithstanding (1) and (3) above, any legally established hotel room may add either one additional half bathroom or full bathroom but no additional bedrooms or other living areas and shall continue to be considered one hotel or motel room provided that in all situations where any building footprint is enlarged the parcel of land is in compliance with the open space requirements of article VII, division 4 of this chapter.

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**Section 2. Repeal of Conflicting Provisions.** The provisions of the Village Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Islamorada, Village of Islands, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish to such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 5. Approval by the State Department of Economic Opportunity.** The provisions of this Ordinance constitute a “land development regulation” as State law defines that term. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

The foregoing Ordinance was offered by Vice Mayor Gillis, who moved its adoption on first reading. This motion was seconded by Councilman Forster, and upon being put to a vote, the vote was as follows:

Mayor Ted Blackburn	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

PASSED on first reading this 12th day of December, 2013.

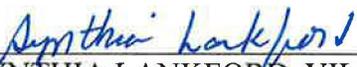
The foregoing Ordinance was offered by Vice Mayor Deb Gillis who moved for its adoption. This motion was seconded by Councilman Mike Forster, and upon being put to a vote, the vote was as follows:

Mayor Ted Blackburn	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on second reading this 9th day of January, 2014.

  
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VICE MAYOR DEB GILLIS

ATTEST:

  
\_\_\_\_\_  
SYNTHIA LANKFORD, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY.



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ROGET V. BRYAN, VILLAGE ATTORNEY