

ORDINANCE NO. 17-02

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE VI “SPECIFIC USE RESTRICTIONS,” DIVISION 6 “VACATION RENTALS,” SECTION 30-1295(B)(2) OF THE VILLAGE CODE TO REVISE VALUATION CRITERIA FOR VACATION RENTAL REGISTRATION; 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 THE TRANSMITTAL OF THIS ORDINANCE TO 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 finds it appropriate and necessary to restrict the use of residential properties for vacation rental purposes in order to preserve the character and quality of residential neighborhoods; and

WHEREAS, the Village’s adopted Comprehensive Plan provides for the continued use of some properties and the discontinuation of use of other properties, for vacation rental purposes under certain land use categories and zoning districts; and

WHEREAS, the Village desires to amend its land development regulations to implement the vacation rental provisions of the Comprehensive Plan; and

WHEREAS, the recent nationwide recession has negatively affected assessed property values in the Village which has created a projected short-term imbalance in the gap between market rate and affordable dwelling units; and

WHEREAS, due to the impact of Florida Statute 193.1556 which limits the amount assessed values can increase for non-homesteaded properties to a maximum of ten percent (10%), the assessed property values within the Village have not recovered to pre-recession values; and

WHEREAS, the Local Planning Agency has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes, and has recommended its adoption; 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. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 2. **Annual Registration of vacation rental uses.** Chapter 30 “Land Development Regulations,” Article VI “Specific Use Restrictions,” Division 6 “Vacation Rentals” of the Village Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Section 30-1295. Annual Registration of vacation rental uses.

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- (2) No new vacation rental unit in the RH and MU Future Land Use Map categories may be registered unless it is assessed by the Monroe County Property Appraiser at a value in excess of 600% of the median adjusted gross annual income for households within Monroe County. Notwithstanding the foregoing, the year 2007 Monroe County Property Appraiser assessed values shall be used through the year ~~2012~~ 2018 to account for the nationwide economic recession, which caused an unpredictable decrease in values not contemplated at the time of adoption.

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Section 2. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is 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 3. **Repeal of Conflicting Provisions.** The provisions of the Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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 a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Transmittal to the Florida 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 Florida Department of Economic Opportunity ("DEO") for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 6. Effective Date. This Ordinance shall not be effective until approved pursuant to a final order by DEO, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

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

Mayor Deb Gillis	YES
Vice Mayor Jim Mooney	YES
Councilman Mike Forster	YES
Councilman Chris Sante	YES
Councilman Dennis Ward	YES

PASSED on first reading this 28th day of April, 2016.

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

Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	NO

PASSED AND ADOPTED on second reading this 5th day of January, 2017.

ATTEST:


KELLY TOTH, VILLAGE CLERK


JIM MOONEY, MAYOR

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


ROGET V. BRYAN, VILLAGE ATTORNEY