

ORDINANCE NO. 23-03

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-2.4.7 "LIMIT TRANSIENT RENTAL USE OF RESIDENTIAL PROPERTIES" OF THE VILLAGE COMPREHENSIVE PLAN TO REVISE VALUATION CRITERIA FOR TRANSIENT RENTALS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Islamorada, Village of Islands, Florida (the "Village") proposes to amend (the "Amendment") the Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, the Village's Comprehensive Plan became effective December 6, 2001; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the status of the adopted comprehensive plan in adequately addressing changing conditions; and

WHEREAS, CHAPTER 509.032(7) (b) pre-empts a local government from regulating vacation rental unless the regulation was adopted before June 1, 2011 and **relates to property valuation as** a-criterion and must be approved by the state land planning agency pursuant to an Area of /Critical State Concern; and

WHEREAS, the increase in the Monroe County median annual income out paces the increase in assessed property values; and

WHEREAS, Section 193.1556, Florida Statutes limits the amount that assessed values can increase for non-homesteaded properties to a maximum of ten percent (10%); and

WHEREAS, Policy 1-2.4.7 "Limit Transient Rental Use of Residential Properties" requires an amendment to revise the current formula \div ; and

WHEREAS, the Village has conducted duly noticed public hearings for the Comprehensive Plan Amendment pursuant to Section 163.3184(11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes and Sections 30-101 of the Village Code, the Local Planning Agency publicly considered this Ordinance during a duly noticed public hearing; 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; and

WHEREAS, this Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents.

**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. Comprehensive Plan Amendment. Policy 1-2.4.7 of the Islamorada, Village of Islands Comprehensive Plan is amended to read as follows:

Additional text is shown as underlined; deleted text is shown as ~~strikethrough~~

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Policy 1-2.4.7: Limit Transient Rental Use of Residential Properties.

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2. The annual registration shall allow up to a total of 331 single family and multifamily transient rental units. For each annual registration period after the initial registration period, the following shall additionally apply:
 - a. No new transient rental unit shall be allowed in any Residential Medium (RM) Future Land Use Map category, in mobile home parks or in the Settlers Residential zoning district.
 - b. Effective January 1, 2023, no new transient 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 current median adjusted gross annual income for households within Monroe County. Notwithstanding the foregoing, for properties that have an approved vacation rental license as of December 31, 2022, the year 2007 Monroe County Property Appraiser assessed values shall be used. Properties that have transferred ownership through an arm's length sale or did not have vacation rental license effective as of December 31, 2020 2022 shall not be eligible to utilize the 2007 Monroe County Property Appraiser assessed values.

c. Effective January 1, 2023, no new transient rental unit in the RC, RL, or a Future Land Use Map category may be registered unless it is assessed by the Monroe County Property Appraiser at a value in excess of 900% of the median adjusted gross annual income for households within Monroe County.

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Section 3. Transmittal. Pursuant to Sections 163.3184, Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO").

Section 4. 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 5. Effective Date. This Ordinance shall not become effective until a Notice of Intent has been issued by DEO finding the Comprehensive Plan Amendment to be in compliance as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until DEO or the Administration Commission enters a final order determining the adopted Comprehensive Plan Amendments to be in compliance.

The foregoing Ordinance was offered by Councilman David Webb who moved for its adoption on first reading. This motion was seconded by Mayor Pete Bacheler, and upon being put to a vote, the vote was as follows:

Mayor Pete Bacheler	<u>YES</u>
Vice Mayor Henry Rosenthal	<u>YES</u>
Councilman Mark Gregg	<u>YES</u>
Councilman Joseph B. Pinder III	<u>YES</u>
Councilman David Webb	<u>YES</u>

PASSED on the first reading this 17th day of November 2022.

The foregoing Ordinance was offered by Mark Gregg, who moved for its adoption on second reading. This motion was seconded by Elizabeth Jolin, and upon being put to a vote, the vote was as follows:

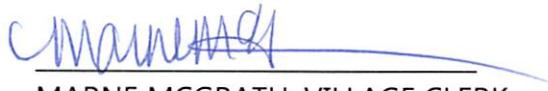
Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Henry Rosenthal	<u>Yes</u>
Councilwoman Elizabeth Jolin	<u>Yes</u>

PASSED AND ADOPTED on the second reading this 9th day of February, 2023.



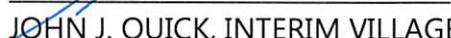
JOSEPH B. PINDER III, MAYOR

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

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



JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

