

**ORDINANCE NO. 23-04**

**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 limit the impact of reduced housing supply as a result of vacation rental use;

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

**WHEREAS**, the increase in the Monroe County median annual income outpaces the increase in property values resulting in a substantial increase to the required assessed value minimums; and

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

deleted text is shown as ~~strikethrough~~

\* \* \* \* \*

Section 30-1295. Annual Registration of vacation rental uses.

\* \* \* \* \*

(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 2018 2022 to account for the nationwide economic recession, which caused an unpredictable decrease in values not contemplated at the time of adoption.~~

(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 HUD income guidelines and 2007 Monroe County Property Appraiser assessed values shall be used. Properties that have transferred ownership through an arm's length of sale or did not have vacation rental license effective as of December 31, 2022 shall not be eligible to utilize the 2007 Monroe County Property Appraiser assessed values.

(3) 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 current median adjusted gross annual income for households within Monroe County.

\* \* \* \* \*

**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 David Webb, who moved 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 first reading this 17<sup>th</sup> day of November, 2022.

The foregoing Ordinance was offered by Council Member Mark Gregg for adoption. This motion was seconded by Vice Mayor Sharon Mahoney, vote was as follows:

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

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

*Joseph B. Pinder III*  
JOSEPH B. PINDER III, MAYOR

ATTEST:

*Marne McGrath*

MARNE MCGRATH, VILLAGE CLERK

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

*John J. Quick*  
JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

