

**CITY OF HOLMES BEACH
ORDINANCE NO. 19 - 04**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLMES BEACH, FLORIDA, ADOPTING A DEFINITION OF THE WORD "BEDROOM" FOR USE IN THE CITY OF HOLMES BEACH BUILDING CODE, THE CITY OF HOLMES BEACH LAND DEVELOPMENT CODE, AND THE CITY OF HOLMES BEACH VACATION RENTAL UNIT ORDINANCE, AND ADDING A DEFINITION OF THE WORD "CLOSET" FOR APPLICATION WITH THE DEFINITION OF THE WORD "BEDROOM;" PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holmes Beach has determined that the effective enforcement of the Code of Ordinances requires consistency in the definition of key words and terms of legal significance; and

WHEREAS, the word "bedroom" is used in the City's Building Code, Land Development Code, and the Vacation Rental Unit Ordinance, and its definition is important and needs a clear understanding for consistent application; and

WHEREAS, the word "bedroom" has three different definitions in the Building Code, Land Development Code, and Vacation Rental Unit Ordinance; and

WHEREAS, the City Commission has determined that the word "bedroom" needs to have a single definition for use in all City codes and ordinances; and

WHEREAS, this Ordinance adopts the same definition of the word "bedroom" for use in the Building Code, Land Development Code, and Vacation Rental Unit Ordinance; and

WHEREAS, the City Commission has also determined that the presence of a closet in each bedroom is essential, and that a definition of the word "closet" needs to be added to the provisions of the Code that define and use the word "bedroom;" and

WHEREAS, this Ordinance adopts the same definition of the word "closet" for use in the Building Code, Land Development Code, and Vacation Rental Unit Ordinance as part of the provisions defining the word "bedroom;" and

WHEREAS, the City Commission is not intending to change the meaning of the word "bedroom" as it has been used and applied before the passage of this Ordinance, but the intent of this Ordinance is to make the definition consistent as applied by City officials and employees and to avoid potential conflicts in its legal interpretation; and

WHEREAS, the City of Holmes Beach Planning Commission has reviewed the proposed changes to the word "bedroom" as used in City codes and ordinances and has recommended the approval of this Ordinance; and

WHEREAS, Article VIII, Section 2, of the Florida Constitution and Section 166.021(1), Florida Statutes, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law.

NOW, THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

SECTION 1. Findings of Fact: The above "whereas" clauses are adopted herein as findings of fact.

SECTION 2. Ordinance Adopting the Florida Building Code Amended: Section 14-28, Subsection 202, of the Code of Ordinances of the City of Holmes Beach is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

Sec. 14-28. - Amendments to certain provisions of the Florida Building Code relating to administration.

The following amendments to the provisions of the 2017 Florida Building Code are adopted in lieu of or in addition to the requirements of the 2017 Florida Building Code, in order to provide more stringent requirements. The following text, section-numbered in accordance with the 2017 Florida Building Code, is added or amended:

* * *

202 Words Defined.

Bedroom. A room which is a minimum of 70 square feet in floor area, is physically separated from the main living area of the residence, is not part of the common living area and has a closet. Bedrooms shall comply with the provisions of the Florida Building Code(s), including but not limited to emergency escape, smoke and carbon monoxide protection, as determined by the Building Official. The word "closet" as used in this definition shall mean a permanent built-in element of a dwelling unit which is used for storage. A closet for a bedroom shall be a minimum of six feet in height and eight square feet in floor area.

SECTION 3. Land Development Code Amended: Article I, Section 1.4, of the Land Development Code of the City of Holmes Beach is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

1.4 - Definitions.

The following rules shall be observed in the application and interpretation of provisions of this ordinance, except when the context clearly requires otherwise:

* * *

Bedroom: A room which is a minimum of 70 square feet in floor area, is physically separated from the main living area of the residence, is not part of the common living area and has a closet. Bedrooms shall comply with the provisions of the Florida Building Code(s), including but not limited to emergency escape, smoke and carbon monoxide protection, as determined by the Building Official. The word "closet" as used in this definition shall mean a permanent built-in element of a dwelling unit which is used for storage. A closet for a bedroom shall be a minimum of six feet in height and eight square feet in floor area.

SECTION 4. Vacation Rental Unit Ordinance Amended: Chapter 4, Section 4-4 of the Code of Ordinances of the City of Holmes Beach (Vacation Rental Unit Ordinance) is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

Sec. 4-4. - Definitions.

The following rules shall be observed in the application and interpretation of provisions of this chapter, except when the context clearly requires otherwise:

* * *

Bedroom. A room which is a minimum of 70 square feet in floor area, is physically separated from the main living area of the residence, is not part of the common living area and has a closet. Bedrooms shall comply with the provisions of the Florida Building Code(s), including but not limited to emergency escape, smoke and carbon monoxide protection, as determined by the Building Official. The word "closet" as used in this definition shall mean a permanent built-in element of a dwelling unit which is used for storage. A closet for a bedroom shall be a minimum of six feet in height and eight square feet in floor area.

SECTION 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

SECTION 6. Conflicting Ordinances. Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

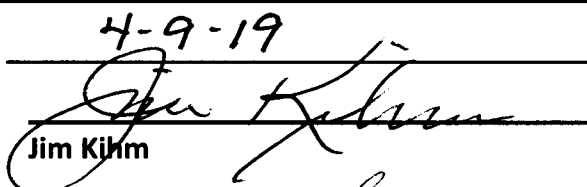
SECTION 7. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

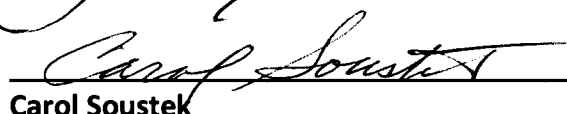
PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 9th day of April, 2019.

First Reading: 3-26-19

Publication Date: 3-31-19

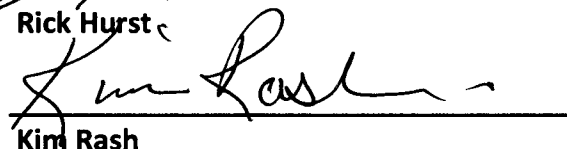
Second Reading and Public Hearing Date: 4-9-19


Jim Kihm


Carol Soustek

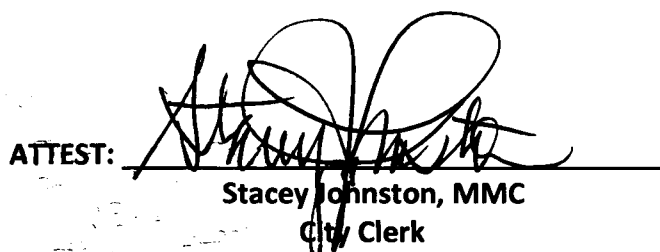
Absent
Patrick Morton


Rick Hurst


Kim Rash

APPROVED BY ME THIS 9th DAY OF April, 2019.


Judy Titsworth,
Mayor

ATTEST: 
Stacey Johnston, MMC
City Clerk