

ORDINANCE NO. 2017-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AMENDING SECTION 110-2 OF THE ZONING CODE TO MODIFY THE DEFINITION OF HOTEL AND MOTEL TO ESTABLISH RESTRICTIONS ON LENGTH OF STAY, MIGRANT LABOR CAMP, RESIDENTIAL MIGRANT HOUSING, AND TEMPORARY GUEST WORKER PROGRAM HOUSING, AND CREATE A DEFINITION OF EXTENDED STAY HOTEL AND MOTEL CREATING SECTION 110-395, PERMITTED USES (33), EXTENDED STAY HOTEL AS A SPECIAL EXCEPTION USE, TO IMPOSE TIME LIMITATIONS FOR PERSONS TO STAY IN HOTELS AND MOTELS, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Clewiston now finds and determines that it is in the City's best Planning and Zoning interest to modify the Zoning Code to provide limitations on the duration of occupancy in hotels and motels, and to create a new definition of extended stay hotels and motels to prevent facilities which are not designed for long-term or permanent occupancy from being used for prolonged periods of time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA:

SECTION 1. Section 110-2, Definitions and construction, is hereby modified as follows:

A. Change the definition of Hotel to read:

Hotel means a public lodging establishment licensed by the state which offers transient ~~or permanent~~ lodging accommodations to the general public and may provide additional services such as restaurants, meetings rooms, and recreation facilities provided; (i) the length of stay for any person may not exceed 29 days in a consecutive 60 day period; (ii) the establishment is not licensed as under Florida Statutes § 381.008, et seq. as a migrant labor camp or residential migrant housing or temporary guest worker program housing.

B. Change the definition of Motel to read:

Motel means a building or group of buildings which contains overnight accommodations for transient occupancy, and has individual entrances from outside the building to serve each such sleeping unit and is not licensed under Florida Statutes § 381.008 as a migrant labor camp or residential migrant housing, or temporary guest worker program housing. No provision shall be made for cooking in any individual room or suite of rooms. Motels may have one or more dining rooms, restaurants or cafes as accessory uses. The length of stay for any person may not exceed 29 days in a consecutive 60 day period.

C. Create the definition of “Extended stay hotel or motel” to read:

Extended stay hotel or motel shall mean a hotel or motel in which all rooms contain accommodations for sleeping and a kitchen equipped with a full-sized refrigerator, built-in cooking facilities, microwave, sink, dishwasher, cooking utensils, dishes and cutlery.

SECTION 2. Section 110-395 is modified as follows:

A. Uses permitted in the C General Commercial District are as follows:

(1) Any use permitted in the R-2 district and the R-3 district although any residential use must be in harmony with overall development and not as a primary or principal use, but no single-family residences are permitted.

- (2) Appliance and furniture stores.
- (3) Bakeries, confectionery providing on-premises retail sales.
- (4) Clinics, medical and dental out-patient only.
- (5) Commercial or municipal parking lots or garages.
- (6) Commercial recreation facilities, including marinas.
- (7) Convenience food and beverage store.
- (8) Department stores.
- (9) Financial institutions with or without drive-thru teller units.
- (10) Gasoline service stations.
- (11) General retail establishments.
- (12) Hardware, paint and garden supplies.
- (13) Hotels, motels or tourist courts.

(14) Indoor and outdoor vehicular sales such as automobile, motorcycle and all terrain vehicles and boat and boat trailer and utility trailer sales.

(15) Kennels; provided that they shall be allowed only if they are located on the same property with and are ancillary to either a veterinary clinic or a pet grooming facility; provided that no more than two animals at any such facility are allowed to be in outside runs at any one time and that such animals not be allowed in such outside runs before 6:30 a.m. or after 6:30 p.m. of any day; provided that all other animals are kept in cages, pens or runs located inside a fully enclosed air conditioned structure; provided that no more than 35 pets are kept in any such facility at any one time; provided the facilities are used to house only dogs, cats and birds and also provided that the facilities are operated in a manner so that they do not create any noise or smell that is unreasonably objectionable to the occupants of other property.

(16) Kindergarten and day care facilities.

(17) Laundries and dry cleaning plants, which do not use flammable solvents.

(18) Mortuary and funeral homes.

(19) Newsstand.

(20) Reserved.

(21) Personal services (including but not limited to, barbershops, beauty salons, spa).

(22) Pharmacy.

(23) Pool halls and theaters.

(24) Professional services, business services.

(25) Public assemble buildings.

(26) Repair and services of automobiles, trucks, boats, recreational vehicles and other automotive equipment provided repair and service work is not performed on any premises within 50 feet of a residential zoning district. Storage areas shall have a wall or fence that screens any repairing or storage areas that are visible from the street or adjacent property owner.

(27) Repair and service of personal, household and office items and equipment, such as but not limited to, shoe repair, typewriter repair and small appliance repair.

(28) Restaurants.

(29) Shopping centers.

(30) Supermarkets.

(31) Veterinarian clinics.

(32) Vocational schools, limited to office-oriented vocations, such as, but not limited to secretarial, business, real estate and computer programming.

B. Special Exception Uses.

A use which may be allowed in the C General Commercial District by special exception are as follows:

(1) Extended stay hotel or motel, occupancy limits for each unit shall be established and imposed by Condition of Approval.

SECTION 3. INCLUSION IN THE CODE OF ORDINANCES. The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of this ordinance may be renumbered and codified to accomplish this end.

SECTION 4. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

SECTION 5. SEVERABILITY. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and approval consistent with all requirements of general law.

PASSED on first reading by the City Commission on January 23, 2017.

PASSED AND ADOPTED on second and final reading by the City Commission on February 20, 2017.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Mary K. Combass, Interim City Clerk

Mali Gardner, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Gary M. Brandenburg, City Attorney