

**ORDINANCE NO. 15-13**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS”, DIVISION 2 “ZONING DISTRICTS” OF THE VILLAGE CODE TO INCREASE THE MAXIMUM SIZE OF PERMITTED AND CONDITIONAL USES WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT; 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 VILLAGE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, Islamorada, Village of Islands, Florida (the “Village”) has adopted Land Development Regulations (“LDRs”) to implement the Village’s Comprehensive Plan; and

**WHEREAS**, the Village Council desires to amend certain provisions of the LDRs of the Code of Ordinances (the “Code”) to expand the size of permitted and conditional uses within the Village Center (VC) Zoning District; and

**WHEREAS**, in accordance with Section 166.041, *Florida Statutes*, the Village has conducted duly-noticed public hearings for the proposed adoption of this Ordinance amending the LDRs; and

**WHEREAS**, the Village Council finds that the adoption of this Ordinance is in the best interest of the Village and complies with applicable State laws and rules; and

**WHEREAS**, on June 8, 2015 and July 13, 2015, the Village’s Local Planning Agency reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes; 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, correct and incorporated herein by this reference.

**Section 2.**     **Village Center (VC) Zoning District.** Chapter 30 “Land Development Regulations,” Article V “Schedule of District Use and Development Standards,” Division 2 “Zoning Districts”, Section 30-692 “Village Center (VC) Zoning District” of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>striketrough</del>
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**Sec. 30-692. – Village Center (VC) zoning district.**

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(a) *Purpose and intent.*

(1) The purpose of the village center (VC) zoning district is to recognize and enhance the vitality of the core, mixed use business centers. In this zoning district, integrated business and residential uses shall be permitted, while requiring bufferyards and other mitigation techniques to ensure a smooth transition where these parcels interface with residential land uses. Businesses in this district promote walk-up traffic and are conducive to enhancing pedestrian-related facilities.

(2) This zoning district is established within the Mixed Use (MU) FLUM category.

(b) *Permitted uses.* The following uses are permitted uses provided that they do not contain a drive-in or drive-through component.

- (1) Single-family dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to single-family dwelling units is not permitted;
- (2) Multifamily attached dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to multifamily attached dwelling units is not permitted;
- (3) Deed restricted affordable dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to dwelling units is not permitted;
- (4) Accessory uses and structures, excluding guesthouses;
- (5) Community center;
- (6) Fire station;
- (7) Library;
- (8) Municipal parking;
- (9) Police station;
- (10) Restaurants less than 1,500 square feet;
- (14) Hotels or motels of 25 rooms or less;
- (12) Collocation on existing wireless facility;
- (13) Low/medium intensity office, retail, and service use ~~less than~~ 3,000 square feet or less, limited to:

- a. Professional services including accountant, administrative and management services, architect, engineer, counselor, interior designer, investment agent, lawyer, and other similar professions;
- b. Antique shop;
- c. Art gallery;
- d. Auditorium or public assembly hall;
- e. Bakery;
- f. Bait and tackle shop;
- fg. Bicycle shop;
- gh. Boat rental and sales;
- hi. Bonding company;
- ij. Bookstore;
- jk. Brokerage office;
- kl. Camera shop;
- lm. Clothing store;
- mn. Conference center;
- no. Courier service;
- op. Delicatessen (no tables);
- pq. Government office;
- qr. Day care center;
- rs. Department store;
- st. Drugstore;

tu. Electronics store;  
 uv. Employment service;  
 vw. Fishing, diving and sailing shops/instruction;  
 wx. Florist;  
 xy. Food store, including retail sales of fresh and frozen fish, crustaceans and mollusks;  
 yz. Gift shop;  
 zaa. Gym;  
 aabb. Hardware store;  
 bbcc. Hobby shop;  
 eedd. Interior decorator;  
 ddee. Jewelry store;  
 eeff. Laundry;  
 ffgg. Liquor store;  
 gghh. Locksmith;  
 hhi. Medical office;  
 ij. Movie theater (indoors);  
 jjkk. Museum;  
 kll. Office supplies and service;  
 Hmm. Recording/broadcasting studio;  
 mmnn. Salon;  
 nnoo. Spa;  
 oopp. Studio school including art, sculpture, dance, drama and like instruction;  
 ppqq. Veterinary office / animal hospital ~~Video rental~~;  
 qrr. ~~Visitor center~~; and Video/ DVD rental;  
 rsss. ~~Walk-up bank~~. Visitor center; and  
 tt. Walk-up bank.

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted use of 3,001 to 5,000 square feet, except restaurants;
- (2) Hotels or motels having more than 25 rooms and less than 50 rooms;
- (3) Any permitted residential use greater than 25 dwelling units, except that hotels and motels shall not be considered a residential use;
- (4) Community pier or public dock;
- (5) Docking facility;
- (6) Homeowners' park and associated facilities;
- (7) Infrastructure and municipal utility facilities;
- (8) Restaurants of 1,500 to 35,000 square feet;
- (9) Attached wireless facility; and

- (10) Replacement of existing wireless facility.
- (11) Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.

(d) *Uses reviewed as a major conditional use.*

- (1) Any permitted use of 5,001 to 10,000 square feet, including restaurants;
- ~~(2)~~ Bars, taverns, and drinking places 10,000 square feet or less;
- ~~(3)~~ Marina redevelopment;
- ~~(3)~~ Redevelopment of existing outdoor storage and display areas;
- ~~(4) Restaurants, of 3,001 to 5,000 square feet;~~
- (5) Stealth wireless facility; and
- (6) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

(e) *Site development standards.*

- (1) Minimum lot area: Not applicable.
- (2) Maximum building height: 35 feet.
- (3) Maximum developable lot coverage: Not applicable.
- (4) Setbacks:
  - a. Front yard: Minimum 15 feet. Front yard setback may be reduced to the minimum required bufferyard width pursuant to division 6 of this article only for covered unenclosed areas, outdoor seating areas, balconies, roof overhangs, walkways, stairways and entryways.
  - b. Street side yard: Minimum ten feet, or the required bufferyard width pursuant to division 6 of this article, whichever is less.
  - c. Interior side yard: Minimum five feet.
  - d. Rear yard: Minimum ten feet.
  - e. Rear yard on altered shoreline not on open water: 20 feet.
  - f. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area: Maximum floor area for principal structures: 0.35 FAR.
- (6) Density: Up to six dwelling units per acre, or up to 12 dwelling units per acre with TDRs or affordable housing, or up to 15 affordable housing dwelling units per acre may be permitted if the proposed development provides for a minimum ten-foot side yard setback on each side and an increase of one Class in all required bufferyards; however, on commercially developed parcels of land, the density requirements for affordable housing

provided herein shall not exceed 12 dwelling units per acre, notwithstanding any nonresidential floor area or FAR, or market rate residential dwelling units; except that on commercially developed parcels of land, the density requirements for affordable housing provided herein shall not exceed 15 dwelling units per acre, notwithstanding any nonresidential floor area or FAR, or market rate residential dwelling units, if the proposed development provides for a minimum ten-foot side yard setback on each side and an increase of one Class in all required bufferyards.

(7) Open space: See article VII, division 4 of this chapter.

(8) Landscape requirements: See division 6 of this article.

(9) Parking requirements: See division 7 of this article.

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**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. 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. 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 and be made a part of the Code, that the sections of the Ordinance may be renumbered or relettered to accomplish to such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 6.**     **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 7.**     **Effective Date.** This Ordinance shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity (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 Chris Sante, who moved its adoption on first reading. This motion was seconded by Councilman Jim Mooney, and upon being put to a vote, the vote was as follows:

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

**PASSED** on the first reading this 30<sup>th</sup> day of July, 2015.

The foregoing Ordinance was offered by Councilman Jim Mooney, who moved for its adoption. This motion was seconded by Councilman Dennis Ward, and upon being put to a vote, the vote was as follows:

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

**PASSED AND ADOPTED** on the second reading this 20<sup>th</sup> day of August, 2015.

  
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MIKE FORSTER, MAYOR

ATTEST:

  
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KELLY S. TOTH, VILLAGE CLERK

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

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY