

ORDINANCE NO. 17-10

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO AFFORDABLE HOUSING; AMENDING SECTION 30-689 "MULTIFAMILY (MF) ZONING DISTRICT"; SECTION 30-690 "MOBILE HOME PARK (MH) ZONING DISTRICT"; SECTION 30-691 "SETTLERS RESIDENTIAL (SR) ZONING DISTRICT"; SECTION 30-692 "VILLAGE CENTER (VC) ZONING DISTRICT"; SECTION 30-693 "TOURIST COMMERCIAL (TC) ZONING DISTRICT"; SECTION 30-694 "COMMERICAL FISHING (CF) ZONING DISTRICT; SECTION 30-695 "MARINE USE (MR) ZONING DISTRICT"; SECTION 30-696 "HIGHWAY COMMERCIAL (HC) ZONING DISTRICT"; AND 30-697 "NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT" TO AMEND REGULATIONS RELATED TO SETBACKS AND BUFFERYARDS FOR AFFORDABLE HOUSING; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, the Comprehensive Plan of Islamorada, Village of Islands (the "Village") states that the Village shall designate adequate housing sites for all residents of Islamorada including affordable housing; and

WHEREAS, the Village finds that reducing the increased bufferyards and setbacks required to establish the maximum density for affordable housing will help promote the future development of additional affordable housing within the Village; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area

of Critical State Concern; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the “Village Council”) finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

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. **Zoning Districts.** Chapter 30 “Land Development Regulations,” Article II “Schedule of District Use and Development Standards,” Division 2 “Zoning Districts,” of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Section 30-689. Multifamily (MF) zoning district.

(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: 25 feet. Front yard setback may be reduced to 20 feet where a five-foot wide Class B bufferyard is installed running the length of the frontage.
 - b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
 1. Street side yard: Minimum ten feet.
 2. Interior side yard: Minimum five feet.
 - c. Rear yard not on shoreline: Minimum 20 feet.

Accessory structures limited to 15 feet in height may be permitted within the rear yard setback, provided that a five-foot rear yard setback is maintained and a

minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.

d. Rear yard on shoreline: See article VII, division 2 of this chapter.

(5) Floor area: Maximum floor area for principal structures: Not applicable.

(6) Density: Up to six dwelling units per acre or up to 12 dwelling units per acre with TDRs or up to 15 deed-restricted affordable housing dwelling units per acre affordable housing; ~~however, 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.~~

Section 30-690. Mobile home park (MH) zoning district.

(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 25 feet.

b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.

1. Street side yard: Minimum ten feet.

2. Interior side yard: Minimum five feet.

c. Rear yard not on shoreline: Minimum 20 feet.

Accessory structures limited to 15 feet in height may be permitted within the rear yard setback, provided that a five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.

d. Rear yard on shoreline: See article VII, division 2 of this chapter.

(5) Floor area: Maximum floor area for principal structures: Not applicable.

(6) Density: Up to six dwelling units per acre, or up to 12 dwelling units per acre with TDRs or up to 15 deed-restricted affordable housing dwelling units per acre affordable housing; ~~however, 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.~~

Section 30-691. Settlers residential (SR) zoning district.

(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: 25 feet. Front yard setback may be reduced to 20 feet where a five-foot-wide Class B bufferyard is installed running the length of the frontage.
 - b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
 1. Street side yard: Minimum ten feet.
 2. Interior side yard: Minimum five feet.
 - c. Rear yard not on shoreline: Minimum 20 feet.

Accessory structures limited to 15 feet in height may be permitted within the rear yard setback, provided that a five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
 - d. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area: Maximum floor area for principal structures: Not applicable.
- (6) Density: One dwelling unit per lot in the Residential Medium (RM) FLUM category or up to six dwelling units per acre in the Mixed Use (MU) FLUM category; however, on commercially developed parcels of land in the Mixed Use (MU) FLUM category, the density requirements for affordable housing provided herein shall not exceed ~~12~~ 15 deed-restricted affordable housing dwelling units per acre, regardless of notwithstanding any nonresidential floor area or FAR, or market rate residential dwelling units; ~~except that on commercially developed parcels of land in the Mixed Use (MU) FLUM category up to 15 affordable housing dwelling units per acre may be permitted, 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.~~

Section 30-692. Village center (VC) zoning district.

(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.~~
- fe. 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 up to 15 deed-restricted affordable housing dwelling units per acre ~~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~~ 15 deed-restricted affordable housing dwelling units per acre, notwithstanding regardless of 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.

Section 30-693. Tourist commercial (TC) zoning district.

(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 25 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 ten feet.

- d. Rear yard: Minimum 20 feet.
- e. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area: Maximum floor area for principal structures: 0.25 FAR or 0.35 FAR with TDRs or with working waterfronts pursuant to article IV, division 17 of this chapter.
- (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 deed-restricted affordable housing dwelling units per acre ~~may be permitted if the proposed development provides for 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~~ 15 deed-restricted affordable housing dwelling units per acre, ~~notwithstanding regardless of 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 an increase of one Class in all required bufferyards.~~

Sec. 30-694. Commercial fishing (CF) zoning district.

(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 25 feet.
 - b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
 - 1. Street side yard: Minimum ten feet.
 - 2. Interior side yard: Minimum five feet.
 - c. Rear yard: Minimum 20 feet.
 - d. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area: Maximum floor area for principal structures: 0.25 FAR or 0.35 FAR with working waterfronts, pursuant to article IV, division 17 of this chapter.
- (6) Density: Up to two dwelling units per acre, or up to ~~six~~ 15 deed-restricted affordable housing dwelling units per acre ~~with affordable housing~~; however, on commercially developed parcels of land, the density requirements for affordable housing provided herein shall not exceed ~~12~~ 15 deed-restricted affordable housing dwelling units per acre, regardless of ~~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.~~

Section 30-695. Marine use (MR) zoning district.

(e) Site development standards.

- (1) Minimum lot area: Not applicable.
- (2) Maximum height: 35 feet for any structure or outdoor storage except boat towers, sails, masts, outriggers or other similar features as determined by the director of planning and development services.
- (3) Maximum developable lot coverage: Not applicable.
- (4) Setbacks:
 - a. Front yard: 25 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 ten feet.
 - d. Rear yard: Minimum 20 feet.
 - e. Rear yard on shoreline: See article VII, division 2 of this chapter.
 - f. Residential uses: For all structures with over 50 percent of the structure designated for dwelling units, the setback shall be 50 feet from all shorelines having a depth of at least four feet MLW.
- (5) Floor area: Maximum floor area for principal structures: 0.25 FAR or 0.35 FAR with TDRs or with working waterfronts pursuant to article IV, division 17 of this chapter.
- (6) Density: Up to six dwelling units per acre, ~~or up to 12 dwelling units per acre with affordable housing, or up to 15 deed-restricted affordable housing dwelling units per acre may be permitted if the proposed development provides for 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 15 deed-restricted affordable housing dwelling units per acre, regardless of 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 an increase of one Class in all required bufferyards.~~

Section 30-696. Highway commercial (HC) zoning district.

(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 20 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 20 feet.
 - e. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area: Maximum floor area for principal structures: 0.25 FAR or 0.35 FAR with TDRs or with working waterfronts pursuant to article IV, division 17 of this chapter.
- (6) Density: One dwelling unit per acre; or up to ~~12~~ 15 deed-restricted affordable housing dwelling units per acre with 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~~ 15 deed-restricted affordable housing dwelling units per acre, regardless of 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.~~

Section 30-697. Neighborhood commercial (NC) zoning district.

(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 20 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 20 feet.
 - e. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area: Maximum floor area for principal structures: 0.25 FAR or 0.35 FAR with TDRs or with working waterfronts pursuant to article IV, division 17 of this chapter.
- (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 deed-restricted 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~~ 15 deed-restricted affordable housing dwelling units per acre, regardless of 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.~~

Section 4. 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 5. 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 6. 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 7. 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 8. 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 Councilwoman Cheryl Meads, who moved for its adoption on first reading. This motion was seconded by Councilman Mike Forster, and upon being put to a vote, the vote was as follows:

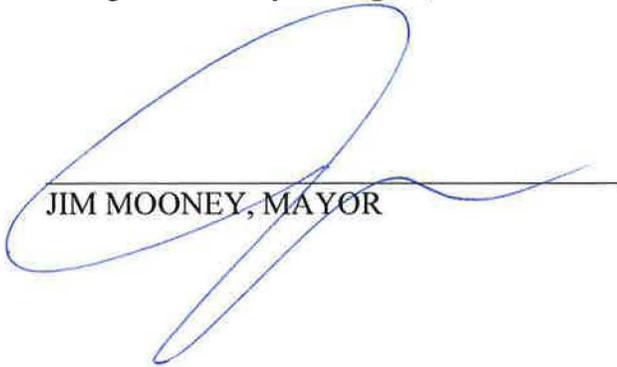
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	ABSTAINED
Councilman Mike Forster	YES
Councilwoman Deb Gillis	NO
Councilwoman Cheryl Meads	YES

PASSED on the first reading this 3rd day of August, 2017.

The foregoing Ordinance was offered by Councilwoman Deb Gillis, who moved for its adoption on second reading. This motion was seconded by Vice Mayor Chris Sante, and upon being put to a vote, the vote was as follows:

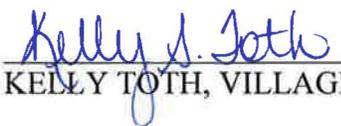
Mayor Jim Mooney	NO
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	NO

PASSED AND ADOPTED on the second reading this 24th day of August, 2017.



JIM MOONEY, MAYOR

ATTEST:



KELLY 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