

ORDINANCE NO: 17-09

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS"; AMENDING ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS," DIVISION 2 "ZONING DISTRICTS" SECTION 30-684 "RESIDENTIAL SINGLE-FAMILY (R1) AND (R1M) ZONING DISTRICT" TO PROVIDE FOR DETACHED OR ATTACHED 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 allowing detached and attached deed-restricted affordable housing dwelling units within the Residential Single-family (R1) and (R1M) Zoning District will help promote affordable housing; and

WHEREAS, on April 10, 2017, the Village 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; and

WHEREAS, 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. Definitions. Article II, “Rules of Construction and Definitions” of Chapter 30, “Land Development Regulations” of the Village 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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Sec. 30-32. – Specific Definitions.

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Contiguous means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.

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Section 3. Zoning Districts. Chapter 30 “Land Development Regulations,” Article II “Schedule of District Use and Development Standards,” Division 2 “Zoning Districts,” Section 30-684 *Residential single-family (R1) and (R1M) 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 strikethrough
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Section 30-684. Residential single-family (R1) and (R1M) Zoning District.

(a) Purpose and intent.

(1) The purpose of the residential single-family (R1) and (R1M) zoning district is to accommodate homes, homeowners' parks, and open space in single-family residential neighborhoods located in subdivisions and on streets where the primary land use is single-family residential. On lots fronting U.S. 1, this zoning district shall also accommodate ~~multifamily attached~~ deed-restricted affordable housing of up to four units. All lots within this zoning district are platted or legally recorded.

(2) This zoning district is established within the Residential Medium (RM) FLUM category.

(b) Permitted uses.

(1) Single-family detached dwelling unit;

(2) Multifamily attached or detached single-family deed restricted affordable housing of up to four dwelling units on lots fronting U.S. 1;

(3) Where an "M" sub-district designator is indicated, only dwelling units of masonry construction; and

(4) Accessory uses and structures, excluding guesthouses.

(c) Uses reviewed as a minor conditional use.

(1) Homeowners' park and associated facilities;

(2) Infrastructure and municipal utility facilities; and

(3) Park.

(d) Uses reviewed as a major conditional use. None.

(e) Site development standards.

(1) Minimum lot area: 4,500 square feet for a single-family detached dwelling unit; 6,000 square feet for two attached or detached deed-restricted affordable housing dwelling units; 9,000 square feet for three attached or detached deed-restricted affordable housing dwelling units; and 12,000 square feet for four attached or detached deed-restricted affordable housing dwelling units.

(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 except up to four deed-restricted affordable housing dwelling units per lot fronting U.S. 1 pursuant to the minimum lot area standard for this zoning district.

(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.

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 Deb Gillis, who moved for its adoption on first reading. This motion was seconded by Mayor Jim Mooney, and upon being put to a vote, the vote was as follows:

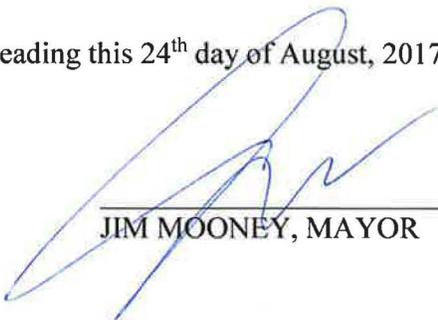
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	ABSTAINED
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

PASSED on the first reading this 22nd day of June, 2017.

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

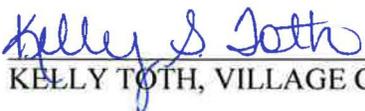
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	ABSTAINED
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

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