

ORDINANCE NO. 17-05

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” SECTION 30-699 “CONSERVATION (C) ZONING DISTRICT” OF THE VILLAGE CODE OF ORDINANCES TO ALLOW FENCES ADJACENT TO ROADWAYS AS A PERMITTED ACCESSORY USE AND STRUCTURE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands (the “Village”) has adopted a comprehensive set of Land Development Regulations (the “LDRs”) to implement the Village Comprehensive Plan (the “Comprehensive Plan”); 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 Local Planning Agency reviewed this Ordinance on February 13, 2017 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. 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:

* * * * *

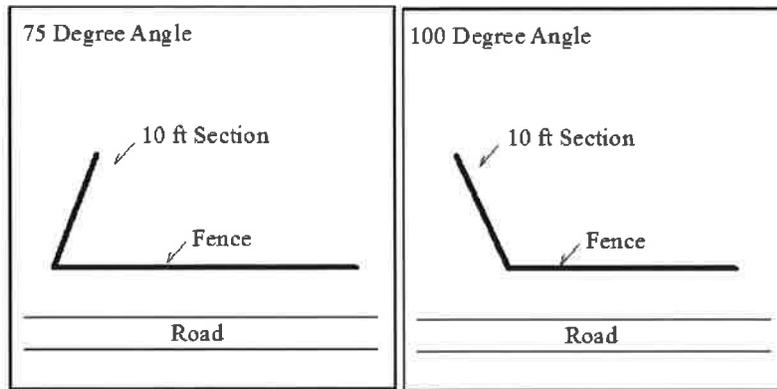
Sec. 30-699. - Conservation (C) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the conservation (C) zoning district is to ensure the long term preservation, and restoration of environmentally sensitive natural resource systems.
- (2) This zoning district is established within the Conservation (C) FLUM category.

(b) *Permitted uses.*

- (1) The off-site transfer of density in the amount of 0.25 per acre pursuant to article IV, division 12 of this chapter.
- (2) Collocation on existing wireless facility.
- (3) Fences on property line(s) adjacent to a roadway or within ten (10) feet of property line(s) adjacent to a roadway provided that:
 - a. The fence shall be limited to six (6) feet in height;
 - b. The fence shall run parallel to the adjacent roadway except for a generally perpendicular section at an angle at the terminal end(s) for a distance of no more than a ten (10) linear feet;



c. The fence shall not require clearing of any tropical hardwood hammock or Class I habitat; and

d. All other criteria within Division 7, Article V of this chapter is met.

(4) Passive recreational uses including, but not limited to, trails and walkways.

(c) *Uses permitted as a minor conditional use.*

- (1) Infrastructure and municipal utility facilities;
- (2) ~~Passive recreational uses including, but not limited to, trails and walkways; and~~
- (3) Replacement of existing wireless facility.

(d) *Uses permitted as a major conditional use.* None.

(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 ten feet on each side.
 1. Street side yard: Minimum ten feet.
 2. Interior side yard: Minimum ten feet.
 - c. Rear yard: Minimum 20 feet.
 - d. Rear yard on shoreline: See article VII, division 2 of this chapter.
- (5) Floor area:
 - a. Maximum floor area for principal structures: Not applicable.
 - b. Maximum cumulative floor area for accessory structures: Not applicable.
- (6) Density: Not applicable.
- (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 3. **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 4. **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 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 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 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 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 Vice Mayor Chris Sante, who moved for its adoption on first reading. This motion was seconded by Councilwoman Deb Gillis, and upon being put to a vote, the vote was as follows:

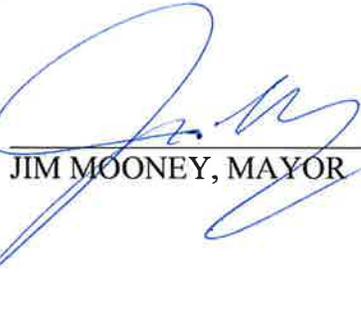
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	NO

PASSED on the first reading this 9th day of March, 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:

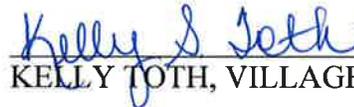
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	NO

PASSED on the first reading this 30th day of March, 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