

ORDINANCE NO. 16-01

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 7 “OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS” OF THE VILLAGE CODE OF ORDINANCES TO AMEND THE REQUIRED SEPARATION DISTANCE FOR DRIVEWAYS ON A RESIDENTIAL PARCEL; PROVIDING FOR SEVERABILITY; 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, on January 24, 2002, the Village Council of Islamorada, Village of Islands (the “Village Council”) adopted Ordinance No. 02-10, which established the Off-Street Parking, Loading and Driveway Standards within Chapter 30, Article V, Division 7 (the “Parking Standards”) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, the Village’s Parking Standards were previously amended by Ordinance Nos. 02-29, 05-20, 09-01, 10-01, 12-05 and 13-08; and

WHEREAS, the Village Council desires to amend the regulations for the required separation distance for driveways on a residential parcel; and

WHEREAS, the Village Local Planning Agency reviewed this Ordinance on October 12, 2015 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. **Off-Street Parking.** Chapter 30 “Land Development Regulations,” Article II “Schedule of District Use and Development Standards,” Division 7 “Off-Street Parking, Loading and Driveway Standards” 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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Sec. 30-852. - Off-street parking.

(a) Location of required parking.

(1) Off-street parking spaces shall be located on the same lot as the building, structure, or use which they serve, and within the same zoning district, except where the director of planning and development services may, by means of a covenant or other acceptable means, allow part of the off-street parking spaces for nonresidential purposes to be located on a lot other than the lot occupied by the building, structure, or use. If the site of the served use and the location of the required parking are not contiguous, the parking area shall be within 500 feet of the front entrance to the building, structure, or use, as measured by a safe and convenient pedestrian route.

(2) The edge of parking areas, ~~excluding driveways,~~ shall be set back a minimum of five feet from the front, ~~side and rear~~ property lines.

(3) ~~In residential zoning districts, unless otherwise required by the village fire chief or further restricted elsewhere in this chapter, the driveway width shall be no less than 12 feet and no greater than 20 feet, with a minimum clearance height of 18 feet. In no event shall any parked vehicle obstruct or impede the safe circulation of traffic on the right-of-way.~~

~~(4) In residential zoning districts, driveways on the same lot frontage shall be separated by a minimum length of 15 feet along the property line.~~

~~(5) In residential zoning districts, the parking spaces and driveways shall be located a minimum distance of five feet from any side or rear lot line.~~

~~(6) Driveways and parking areas shall be sited to minimize environmental impacts and may not be sited over drainfields or retention swales.~~

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Sec. 30-855. - Driveways.

(a) Driveways shall be sited to minimize environmental impacts and may not be sited over drainfields or retention swales.

~~(a) Properties within a residential zoning district and located within a wooded area shall maintain a clear height of 18 feet.~~

(b) Driveways to off-street parking in residential zoning districts shall meet the following criteria:

(1) The driveway width shall be no less than twelve (12) feet unless further restricted elsewhere in this chapter;

(2) The driveway shall be setback a minimum of five (5) feet from the side property lines;

(4) Stormwater run-off from the driveway shall be retained on-site;

(5) A minimum clearance height of eighteen (18) feet shall be maintained; and

(6) In no event shall any parked vehicle obstruct or impede the safe circulation of traffic on the right-of-way.

(c) Driveways to off-street parking and loading areas for nonresidential zoned properties shall be designed and constructed to facilitate the flow of traffic, and provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on-site. The number of driveways shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Driveways on nonresidential properties shall be developed and constructed to comply with the following requirements:

(1) One-way driveways shall be no less than 12 feet in width and not more than 20 feet in width. Two-way driveways shall be no less than 24 feet in width and not more than 36 feet in width. Deviations from these standards shall require a site-specific study and design prepared by a state registered professional engineer. Driveway connections to U.S. 1 shall be designed in conformance with state department of transportation standards. Driveways shall be clearly and permanently marked and defined through the use of rails, fences, walls, curbs, or other barriers or markers on the frontage not occupied by the driveway;

(2) Driveways on the same lot frontage shall be separated by a minimum length of 30 feet;

(3) In the case of a corner lot, driveways shall be located not closer than 30 feet to the intersecting street lines; ~~and~~

(4) The access to driveways from a street shall be located not closer than 15 feet to the side lot line, except that a common driveway to two adjacent properties with width not exceeding 24 feet may be provided at a common lot line-; ~~and~~

(5) Driveways shall have a paved apron that leads from the street to the driveway that is consistent with the permitted driveway width.

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Sec. 30-857. Clear Sight Triangle.

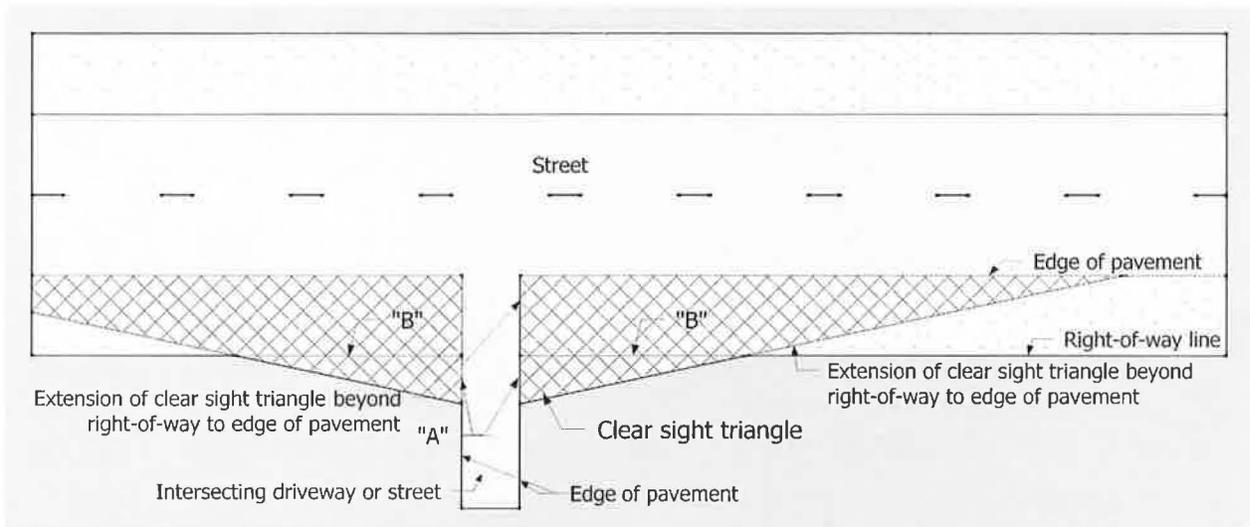
(a) All driveways and street intersections shall provide clear sight triangles in both directions as follows and as more fully set forth in the following table and in Figure 30-857.1. The clear sight triangle shall extend beyond the right-of-way line to the edge of the roadway pavement as illustrated in Figure 30-857.1.

<i>Type of Street</i>	<i>Distances in feet</i>	
	<i>A*</i>	<i>B**</i>
U.S. 1	15	70
Old Highway	8	35
Local Streets	3	15

* “A” is the distance from the ~~right-of-way line~~ edge of pavement of the street to the point on the intersecting driveway or street at which clear sight distance is required. “A” is located along both edges of pavement of the intersecting driveway or street.

** “B” is the distance measured along the right-of-way line of the street, from the edge of pavement of the intersecting driveway or street to the point where an oncoming vehicle must be visible.

Figure 30-857.1 Clear Sight Triangle



- (b) The village may alter the clear sight triangle. Such alteration is contingent on unusual site topography, proposed site design features and other unique circumstances pertaining solely to the site and surrounding properties. The village shall make written findings that the alteration does not constitute a traffic or pedestrian safety hazard.
- (c) Street lights, power poles, traffic signs, or similar street fixtures less than one-foot wide or other objects above ten (10) feet in height above the adjacent street elevation shall be allowed in the clear sight triangle unless the village determines that, individually or cumulatively, they would pose a public safety hazard. The director may authorize other objects in the clear sight triangle which do not comply with this standard upon determining that they would not pose a risk to public safety.

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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 Councilman Chris Sante, who moved for its adoption on first reading. This motion was seconded by Councilman Dennis Ward, and upon being put to a vote, the vote was as follows:

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

PASSED on the first reading this 3rd day of December, 2015.

The foregoing Ordinance was offered by Councilman Chris Sante, 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 Deb Gillis	YES
Vice Mayor Jim Mooney	YES
Councilman Mike Forster	YES

Councilman Chris Sante YES
Councilman Dennis Ward YES

PASSED AND ADOPTED on the second reading this 14TH day of January, 2016.



DEB GILLIS, 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