

ORDINANCE NO. 15-09

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS”, TO REVISE CERTAIN DEFINITIONS RELATED TO SIZE OF CARETAKERS COTTAGES WITHIN THE VILLAGE; SPECIFICALLY AMENDING ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS”, DIVISION 2 “ZONING DISTRICTS”, SECTION 30-682 “NATIVE RESIDENTIAL (NR) ZONING DISTRICT”, SECTION 30-683 “RESIDENTIAL ESTATE (RE) ZONING DISTRICT” AND SECTION 30-703 “MARICULTURE (M) ZONING DISTRICT” OF THE VILLAGE CODE OF ORDINANCES TO INCREASE THE PERMITTED SIZE OF CARETAKERS COTTAGES WITHIN THE VILLAGE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH 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 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 held duly-noticed public hearings for the proposed adoption of this Ordinance amending the LDRs; and

WHEREAS, on May 11, 2015, the Village Local Planning Agency reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes; 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, 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 and correct and are 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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Caretaker's cottage means a deed restricted affordable dwelling unit, accessory to a principal use, limited to 1,2500 square feet in of enclosed living area, however in addition to the 1,500 square feet, an enclosed patio of no greater than ten feet in width along one side of the dwelling and a walkway of no greater than three feet around the entire dwelling. ~~and are permitted~~ Accessory uses limited to a shed or carport are permitted, but not a guesthouse. The subject parcel of land must meet the density requirement for the principal use.

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Section 3. Zoning Districts. Chapter 30, “Land Development Regulations”, Article V “Schedule of District Use and Development Standards”, Division 2 “Zoning Districts” of the Village Code is hereby amended to read as follows:

Sec. 30-682. - Native residential (NR) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the native residential (NR) zoning district is to provide the highest degree of protection for large residential tracts supporting or having the potential for restoration of high and moderate quality hammock, wetlands, beach or berm, to ensure the perpetuation of species reliant upon native habitat.
- (2) This zoning district is established within the Residential Conservation (RC) FLUM category.

(b) *Permitted uses.*

- (1) Single-family dwelling unit;
- (2) Caretaker’s cottage ~~limited to 1,200 square feet~~, provided that native species habitat restoration is undertaken consistent with Article VII, Division 4 of this chapter;

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Sec. 30-683. - Residential estate (RE) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the residential estate (RE) zoning district is to identify existing residential estates, and vacant estate properties designated for residential uses.
- (2) This zoning district is established within the Residential Low (RL) FLUM category.

(b) *Permitted uses.*

- (1) Single-family dwelling unit;
- (2) Caretaker’s cottage ~~limited to 1,200 square feet~~; and

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Sec. 30-703. - Mariculture (M) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the mariculture (M) zoning district is to designate land for mariculture operations, including the growing and shipping of fresh fish and crustaceans.
- (2) This zoning district is established within the Mariculture (M) and Industrial (I) FLUM categories.

(b) *Permitted uses.*

- (1) Caretaker’s cottage ~~limited to 1,200 square feet~~; and

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Section 3. Repeal of Conflicting Provisions. The provisions of the Village 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 of Islamorada, Village of Islands, Florida, 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. Approval by 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 after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Ordinance herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Ordinance shall not be effective until either sixty (60) days after its transmittal to DEO

or until twenty-one (21) days following the publishing in the Florida Administrative Weekly of a final order approving the Ordinance 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 Deb Gillis 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:

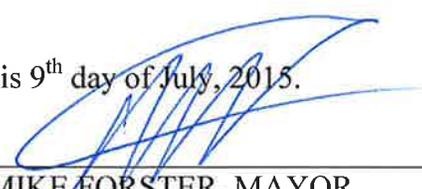
Mayor Mike Forster	YES
Vice Mayor Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES
Councilman Dennis Ward	YES

PASSED on the first reading this 18th day of June, 2015.

The foregoing Ordinance was offered by Councilman Jim Mooney, who moved for its adoption on second reading. This motion was seconded by Mayor Mike Forster, 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 9th day of July, 2015.



MIKE FORSTER, 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