

**ORDINANCE NO. 12-05**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS," DIVISION 7 "OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS," SECTION 30-852 "OFF-STREET PARKING" OF THE CODE OF ORDINANCES; 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 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 Parking Standards were previously amended by Ordinance Nos. 02-29, 05-20, 09-01, and 10-01; and

**WHEREAS**, Ordinance No. 09-01 adopted on January 22, 2009 established a parking space credit for bicycle racks up to ten percent (10%) of the overall required parking; and

**WHEREAS**, the Village Council desires to lower the parking space credit to five percent (5%) of the overall required parking; and

**WHEREAS**, the Village Local Planning Agency reviewed this Ordinance on April 9, 2012 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 V “Schedule of District Use and Development Standards,” Division 7 “Off-Street Parking, Loading and Driveway Standards,” Section 30-852 “Off-Street Parking” of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>strikethrough</del>
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\* \* \* \* \*

**Sec. 30-852. Off-street parking.**

\* \* \* \* \*

(c) *Required parking spaces.*

(1) *Bicycle spaces.* ~~A bicycle rack for parking bicycles shall be provided by all nonresidential development serviced by village bicycle paths. Credit for one required parking space may be given for an on-site bicycle rack that holds a minimum of three bicycles. Notwithstanding the foregoing, the bicycle space credit shall not exceed ten percent of the overall required parking, except pursuant to shared parking.~~

- a. Minimum requirement. One bicycle rack for parking bicycles shall be provided by all nonresidential development projects.
- b. Credit for required parking spaces. To encourage the use of bicycles by providing safe and convenient places to park, racks for parking bicycles may substituted for up to five percent of vehicular parking spaces required pursuant to section 30-852(c)(2). For every three bicycle parking spaces installed as a bicycle rack in accordance with this subsection, the number of required vehicular parking spaces shall be reduced by

one space, up to a maximum of ten vehicular parking spaces. The minimum credit shall be rounded up to at least one vehicular parking space, even if five percent of required vehicular parking spaces would result in less than one vehicular space. A minimum of three vehicular parking spaces shall be required to qualify for the credit. Bicycle parking shall not be substituted for ADA accessible spaces, loading spaces, boat ramp spaces, or oversized vehicle parking spaces. Existing vehicular parking spaces may be converted to take advantage of this provision. The bicycle parking credit may be utilized in combination with the shared parking and parking demand study options in section 30-852(d), in order to further reduce the amount of required parking without the need for a variance.

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**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 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.

*(This space intentionally left blank.)*

The foregoing Ordinance was offered by Vice Mayor Philipson, who moved for its adoption on first reading. This motion was seconded by Councilman Achenberg, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt	YES
Vice Mayor Ken Philipson	YES
Councilman Don Achenberg	YES
Councilman Ted Blackburn	YES
Councilman Dave Purdo	YES

PASSED on first reading this 24th day of May, 2012.

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

Mayor Michael Reckwerdt	YES
Vice Mayor Ken Philipson	YES
Councilman Don Achenberg	YES
Councilman Ted Blackburn	YES
Councilman Dave Purdo	YES

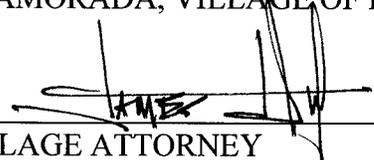
PASSED AND ADOPTED on second reading this 28th day of June, 2012.

  
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KEN PHILIPSON, VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY.

  
\_\_\_\_\_  
VILLAGE ATTORNEY

This Ordinance was filed in the Office of the Village Clerk on this 28 day of June 2012.

  
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Debra Eastman, Village Clerk