

**ORDINANCE NO. 16-10**

**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 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR MULTIFAMILY UNITS AND TO AMEND THE REQUIRED SETBACKS FOR PARKING SPACES; 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 minimum number of parking spaces for multifamily dwelling units; and

**WHEREAS**, the Village Local Planning Agency reviewed this Ordinance on April 11, 2016 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 <del>strikethrough</del>
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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 shall be set back a minimum of five feet from the front, ~~side and rear~~ property line(s).

(3) Parking areas shall be sited to minimize environmental impacts and may not be sited over drainfields or retention swales.

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(2) *Number of parking spaces.* No development permit shall be issued for any dwelling unit, or for any addition to or expansion of any use, unless the number of parking spaces is provided as follows:

Use	Required Parking Spaces
Single-family residence	2.0
Mobile home parks	1.0 per pad
Multifamily developments	<del>4.5</del> 2.0 per dwelling unit
Hotels	1.0 per room
Commercial (low, medium, and high intensity):	
Retail	3.0 per 1,000 gross floor area
Food stores/carryout food sales	5.0 per 1,000 gross floor area
Other	3.0 per 1,000 gross floor area
Outdoor sales	1.0 per 1,500 square feet of land
Office:	
Bank	4.0 per 1,000 gross floor area
Medical/dental office	1.0 per employee plus 1.0 per exam room
Other	3.0 per 1,000 gross floor area
Restaurant (sit-down or drive-in/fast food)	15.0 per 1,000 gross floor area, plus 1.0 per 3 chairs in the outdoor seating area
Bars/lounges	10.0 per 1,000 gross square feet of floor area
Bowling alley	3.0 per bowling lane
Theaters/churches/auditoriums/and public assembly	0.3 per seat

halls	
Library/museum	3.0 per 1,000 gross square feet of floor area
Industrial:	
Warehousing	1.0 per 1,000 gross square feet of floor area
Other	1.5 per 1,000 gross square feet of floor area
Institutional	1.5 per 1,000 gross square feet, plus 1 per bed
Marinas:	
Wet slip	0.20 per slip
Live-aboard slip	1.0 per slip
Dry slip	0.20 per slip
Commercial fishing, 6 or less passenger capacity	1.0 per berth
Party boat, more than 6-passenger capacity	0.5 per person
Boat ramps in conjunction with other uses other than single-family residences	2.0 per ramp

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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 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 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** on the first reading this 12<sup>TH</sup> day of May, 2016.

The foregoing Ordinance was offered by Councilman Chris Sante, who moved for its adoption on second 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 AND ADOPTED** on the second reading this 9<sup>TH</sup> day of June, 2016.



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DEB GILLIS, MAYOR

ATTEST:

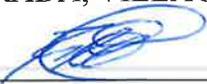


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KELLY TOTH, VILLAGE CLERK

LeAnne Williams, Deputy Village Clerk

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



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ROGET V. BRYAN, VILLAGE ATTORNEY