

ORDINANCE NO. 15-07

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS" ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS" SECTION 30-32 "SPECIFIC DEFINITIONS" OF THE VILLAGE CODE OF ORDINANCES TO PROVIDE FOR DEFINITIONS OF BREWPUBS AND MICROBREWERIES; AMENDING CHAPTER 30, ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS" DIVISION 2 "ZONING DISTRICTS" OF THE VILLAGE CODE TO ESTABLISH REGULATIONS FOR BREWPUBS AND MICROBREWERIES WITHIN THE VILLAGE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF 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 THE APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, Islamorada, Village of Islands, Florida (the "Village") has adopted Land Development Regulations ("LDRs") to implement the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to amend certain provisions of the LDRs of the Code of Ordinances (the "Code") to provide definitions and amend certain provisions of the Code to provide for the regulation of brewpubs and microbreweries; 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 Council finds the adoption of this Ordinance is in the best interest of the Village and complies with applicable State laws and rules; and

WHEREAS, on April 13, 2015, the Village Local Planning Agency reviewed this Ordinance 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.

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. Specific Definitions. Chapter 30 “Land Development Regulations,” Article II “Rules of Construction and Definitions,” Section 30-32 “Specific Definitions” 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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Brewpub means a retail establishment that manufactures malted beverages primarily for on-site consumption, in quantities less than 5,000 barrels (155,000 US gallons/1 barrel = 31 US gallons) a year, with no distribution component, and a tasting room, service area, and/or retail space for patrons on-site. A maximum of seventy-five percent (75%) of the total nonresidential floor area can be dedicated to the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks; with the exception of non-functioning retail displays. Brewpubs may include a restaurant as defined in this section.

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Microbrewery means an establishment that manufactures and packages malt beverages primarily for off-site consumption, in quantities less than 15,000 barrels (465,000 US gallons / 1 barrel = 31 US gallons) per year, and may include a tasting room and retail space for patrons on-site. A maximum of thirty percent (30%) of the nonresidential floor area may be designated as a tasting room and retail space which includes a drink serving area, seating area and designated retail area.

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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 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. 30-692. – Village Center (VC) zoning district.

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(b) *Permitted uses.* The following uses are permitted uses provided that they do not contain a drive-in or drive-through component.

- (1) Single-family dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to single-family dwelling units is not permitted;
- (2) Multifamily attached dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to multifamily attached dwelling units is not permitted;
- (3) Deed restricted affordable dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to dwelling units is not permitted;
- (4) Accessory uses and structures, excluding guesthouses;
- (5) Brewpub less than 1,500 square feet;
- (~~5~~6) Community center;
- (~~6~~7) Fire station;
- (~~7~~8) Library;
- (~~8~~9) Municipal parking;
- (~~9~~10) Police station;
- (10~~1~~) Restaurants less than 1,500 square feet;
- (11~~2~~) Hotels or motels of 25 rooms or less;
- (12~~3~~) Collocation on existing wireless facility;
- (13~~4~~) Low/medium intensity office, retail, and service use ~~less than~~ 3,000 square feet or less, limited to:

* * * * *

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted use of 3,000 to 5,000 square feet, except restaurants;
- (2) Hotels or motels having more than 25 rooms and less than 50 rooms;

- (3) Any permitted residential use greater than 25 dwelling units, except that hotels and motels shall not be considered a residential use;
- (4) Brewpubs of 1,500 to 3,000 square feet;
- (4~~5~~) Community pier or public dock;
- (5~~6~~) Docking facility;
- (6~~7~~) Homeowners' park and associated facilities;
- (7~~8~~) Infrastructure and municipal utility facilities;
- (8~~9~~) Restaurants of 1,500 to 3,000 square feet;
- (9~~10~~) Attached wireless facility; and
- (10~~1~~) Replacement of existing wireless facility.
- (11~~2~~) Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.

* * * * *

(d) *Uses reviewed as a major conditional use.*

- (1) Bars, taverns, and drinking places;
- (2) Brewpubs of 3,001 to 5,000 square feet;
- (2~~3~~) Marina redevelopment;
- (3~~4~~) Redevelopment of existing outdoor storage and display areas;
- (4~~5~~) Restaurants, of 3,000~~1~~ to 5,000 square feet;
- (5~~6~~) Stealth wireless facility; and
- (6~~7~~) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

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Sec. 30-693. – Tourist Commercial (TC) zoning district.

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(b) *Permitted uses.* The following uses are permitted uses provided that they do not contain a drive-in or drive-through component.

- (1) Single family dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to single-family dwelling units is not permitted;
- (2) Deed restricted affordable housing dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to dwelling units is not permitted;
- (3) Hotels and motels with 25 rooms or less;
- (4) Recreational equipment rental;
- (5) Restaurants less than 1,500 square feet; and
- (6) Accessory uses and structures, excluding guesthouses ~~Accessory uses and structures, excluding guesthouses~~ Brewpubs less than 1,500 square feet; and
- (7) Accessory uses and structures, excluding guesthouses.

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(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted residential use, greater than 25 dwelling units, except that motels and hotels shall not be considered a residential use;
- (2) Bars, taverns and drinking places less than 5,000 square feet;
- (3) Brewpubs of 1,500 to 3,000 square feet;
- ~~(34)~~ Commercial recreational facility less than 5,000 square feet;
- ~~(45)~~ Community pier or public dock;
- ~~(56)~~ Docking facility;
- ~~(67)~~ Hotels or motels having more than 25 rooms and less than 50 rooms;
- ~~(78)~~ Infrastructure and municipal utility facilities;
- ~~(89)~~ Restaurants of 1,500 to 3,000 square feet; and
- ~~(910)~~ Attached wireless facility.

* * * * *

(d) *Uses reviewed as a major conditional use.*

- (1) Hotels or motels having ~~more than~~ 50 rooms or more;
- (2) Brewpubs of 3,001 to 5,000 square feet;
- ~~(23)~~ Commercial recreational uses of 5,000 square feet or greater;
- ~~(34)~~ Marina redevelopment;
- ~~(45)~~ Restaurants of 3,0001 to 5,000 square feet;
- ~~(56)~~ Stealth wireless facility;
- ~~(67)~~ Outdoor storage and display areas pursuant to article VI, division 8 of this chapter; and
- ~~(78)~~ Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

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Sec. 30-694. - Commercial fishing (CF) zoning district.

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(c) *Uses reviewed as a minor conditional use*

- (1) Single-family dwelling units;
- (2) Deed restricted affordable housing dwelling units;
- (3) The following commercial retail, low and medium intensity uses, may be permitted as a minor conditional use provided there is no displacement of existing commercial fishing

dockage or area, and the goods and services are related to the commercial fishing industry:

- a. Accessory office use;
- b. Accessory wholesale and retail fresh fish;
- c. Commercial fishery suppliers;
- d. Commercial retail;
- e. Docking facility;
- f. Fuel sales limited to a boat fueling facility;
- g. Infrastructure and municipal utility facilities;
- h. Marine (re)upholstery; ~~and~~
- i. Processing and packaging of fish and fish products.

(4) Restaurants limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; ~~and~~

(5) Brewpubs limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less.

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Sec. 30-695. – Marine Use (MR) zoning district.

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

- (1) Single-family dwelling unit;
- (2) Multifamily attached dwelling units;
- (3) Deed restricted affordable dwelling unit;
- (4) Docking facility;
- (5) Boat barn; ~~;~~
- (6) Outdoor storage of marine vessels and related marine equipment consistent with outdoor storage and display regulations provided for within article VI, division 8 of this chapter; except that subsections 30-1374(b)(4) and 30-1374(b)(8) shall not apply; ~~;~~
- (7) Infrastructure and municipal utility facilities; ~~;~~
- (8) Attached wireless facility; ~~;~~
- (9) Restaurants limited to 3,000 square feet in size or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; ~~;~~
- (10) Brewpubs limited to 3,000 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; and
- ~~(1011)~~ Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.

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Sec. 30-696. - Highway commercial (HC) zoning district.

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(b) *Permitted uses.* The following uses are permitted uses provided that they do not contain a drive-in or drive-through component.

- (1) Single family dwelling unit on vacant parcels in lieu of non-residential development pursuant to comprehensive plan policy 1-2.4.3;
- (2) Deed restricted affordable dwelling unit developments of 25 dwelling units or less, except the conversion of existing hotels or motels to dwelling units is not permitted;
- (3) Accessory uses and structures, excluding guest houses;
- (4) Brewpubs less than 1,500 square feet;
- (4~~5~~) Restaurants less than 1,500 square feet;
- (~~5~~6) Microbrewery less than 3,000 square feet;
- (~~5~~7) Low/medium intensity office, retail and service establishments, less than 3,000 square feet, limited to:
 - a. Animal hospital;
 - b. Bakery;
 - c. Boat sales and service;
 - d. Bowling center;
 - e. Building supply store;
 - f. Carwash;
 - g. Commercial recreational facility;
 - h. Courier service;
 - i. Cultural or community center;
 - j. Day care center;
 - k. Delicatessen (no tables);
 - l. Dive shop;
 - m. Electronics store;
 - n. Exterminator service;
 - o. Farmers' market;
 - p. Fence sales and installation;
 - q. Food store;
 - r. Funeral home;
 - s. Furniture repair, (re)upholstery, and sales;
 - t. Garden center;
 - u. Gym;
 - v. Hardware store;
 - w. Home furnishing, design and decorating services and retail sales;
 - x. Appliance repair;

- y. Landscape services;
- z. Laundry and dry cleaning;
- aa. Locksmith;
- bb. Medical offices and supplies;
- cc. Movie theater (indoors);
- dd. Office supply;
- ee. Pool sales and service;
- ff. Salons;
- gg. Professional services including accountant, administrative and management services, architect, engineer, counselor, interior designer, investment agent, lawyer, and other similar professions;
- hh. Recording/broadcasting studio;
- ii. Sewing supply and service;
- jj. Tackle/fishing shop;
- kk. Visitor center; and
- ll. Video rental.

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(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted residential use greater than 25 dwelling units, except that hotels and motels shall not be considered a residential use;
- (2) Any permitted use of 3,000 to 5,000 square feet, except restaurants;
- (3) Brewpubs of 1,500 to 3,000 square feet;
- (~~34~~) Docking facility;
- (~~45~~) Infrastructure and municipal utility facilities;
- (~~56~~) Plant nursery;
- (~~67~~) Restaurants of 1,500 to 3,000 square feet;
- (~~78~~) Self-service storage facility (indoor); and
- (~~89~~) Attached wireless facility.

* * * * *

(d) *Uses reviewed as a major conditional use.*

- (1) Any permitted use greater than 5,000 square feet, except restaurants;
- (2) Bars, taverns, and drinking places;
- (3) Brewpubs greater than 3,000 square feet;
- (~~34~~) Marina redevelopment;
- (~~45~~) Restaurants greater than 3,000 square feet;
- (~~56~~) Outdoor storage and display areas pursuant to article VI, division 8 of this chapter;
- (~~67~~) Schools; and

(78) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

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Sec. 30-697. - Neighborhood commercial (NC) zoning district.

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(b) *Permitted uses.* The following uses are permitted uses provided that they do not contain a drive-in or drive-through component.

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(4) Low/medium intensity retail, service and office uses, ~~less than~~ 2,500 square feet or less, limited to:

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(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Commercial fishing uses;
- (2) Community pier or public dock;
- (3) Brewpubs limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less;
- (34) Docking facility;
- (45) Existing commercial fishing operations;
- (56) Infrastructure and municipal utility facilities;
- (67) Walk-up bank;
- (78) Attached wireless facility;
- (89) Restaurants, limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; and
- (910) Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.

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Sec. 30-698. - Industrial (I) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the industrial (I) zoning district is to provide appropriate locations for light industrial activities, including research and development, assemblage, processing, packaging and temporary storage or distribution of goods, storage and limited use of

heavy equipment, and to provide for commercial uses not compatible with residential uses.

(2) This zoning district is established within the Industrial (I) FLUM category.

(b) *Permitted uses.*

- (1) Caretaker's cottage;
- (2) Accessory uses and structures, excluding guesthouses;
- (3) Collocation on existing wireless facility;
- (4) Low/medium intensity uses, ~~limited to 3,000~~ 5,000 square feet, or less;
 - a. Adult entertainment establishment;
 - b. Artisan's workshop;
 - c. Automobile, boat repairs, sales and servicing;
 - d. Carpentry shop;
 - e. Funeral home;
 - f. Lease and wholesale equipment supply and servicing;
 - g. Machine shop;
 - h. Metalwork shop;
 - i. Microbrewery;
 - j. Recording studio;
 - k. Warehousing and indoor storage;
 - l. Winery; and
 - m. Accessory uses and structures.

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

- (1) Assemblage and/or packaging;
- (2) Construction, contractors or trades yards including equipment rental;
- (3) Infrastructure and municipal utility facilities;
- (4) Laboratory;
- (5) Research and development center;
- (6) Attached wireless facility;
- (7) Replacement of existing wireless facility; ~~and~~
- (8) Stealth wireless facility; and
- (9) Any use listed above as a permitted use 5,001 to 10,000 square feet.

(d) *Uses permitted as a major conditional use.*

- (1) Boat repair facility;
- (2) Crematorium;
- (3) Mariculture;
- (4) Recycling center;
- (5) New wireless facility; ~~and~~
- (6) Outdoor storage and display areas pursuant to article VI, division 8 of this chapter; and

(7) Any use listed above as a permitted use, provided that the use is greater than 10,000 square feet.

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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. 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 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 and be made a part of the Code, 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 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 become effective until approved pursuant to Final Order by the State Department of Economic Opportunity (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:

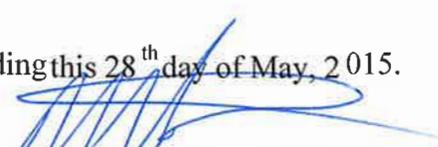
Mayor Mike Forster	YES
Vice Mayor Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES
Councilman Dennis Ward	YES

PASSED on the first reading this 23rd day of April, 2015.

The foregoing Ordinance was offered by Councilman Chris Sante, who moved for its adoption on second reading. This motion was seconded by Vice Mayor Deb Gillis, 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 28th day of May, 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