

ORDINANCE NO. 15-06

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 3 “QUASIJUDICIAL PROCEDURES,” OF THE VILLAGE CODE TO CHANGE THE MINIMUM LENGTH OF TIME AN APPLICANT HAS TO REQUEST A CONTINUANCE FOR APPLICATIONS REQUIRING QUASIJUDICIAL REVIEW; 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 CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE 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, the Village Council of Islamorada, Village of Islands (the “Village Council”) desires to amend the length of time that an applicant has to request a continuance for an item the requires quasijudicial review; and

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the Local Planning Agency reviewed this Ordinance on February 9, 2014; 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. Quasijudicial Procedures. Chapter 30 “Land Development Regulations,” Article IV, “Administrative Procedures”, Division 3, “Quasijudicial Procedures” of the Village Code of Ordinances 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. 30-252. - Applicability.

Except as may otherwise be provided by statute or ordinance, these procedures shall apply to all applications for site-specific rezonings, administrative relief, beneficial use review, conditional use permits, site plan approval, variances, plats, and any other land use proceeding in which the council acts in a quasijudicial capacity.

Sec. 30-253. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the owner of record, the owner's agent, or any person with a legal or equitable interest in the property for which an application for a development order has been made and which is subject to quasijudicial proceedings.

Application means an application for any one of the following permits:

- (1) ~~Variances.~~ Administrative Relief.
- (2) ~~Conditional use permits.~~ Beneficial use proceedings.
- (3) ~~Site plan approvals.~~ Conditional use permits.
- (4) Plat approvals.
- (5) Site-specific rezonings.
- (6) ~~Vested rights determinations.~~ Site plan approvals.
- (7) ~~Beneficial use proceedings.~~ Variances

(8) ~~Any other site-specific development approval determined to be quasijudicial by the village attorney.~~ Vested rights determinations.

(9) Any other site-specific development approval determined to be quasijudicial by the village attorney.

Sec. 30-255. - General procedures.

(b) *Duties of village staff.* Staff shall have the responsibility of presenting the case on behalf of the village. The staff report on the application shall be made available to the applicant and the council at least ~~ten~~ twelve working days prior to the quasijudicial hearing on the application.

Sec. 30-256. - Hearing procedures.

(b) The council may, on its own motion or at the request of any person, continue the hearing to a fixed date, time, and place. A written request by the applicant for a continuance of a maximum of one hundred eighty (180) calendar days shall be granted one time by the director of planning and development services, provided that the request is received at least ~~five~~ seven (7) working days prior to the date that the public hearing is scheduled to occur. If the request is not received within the time period specified above, the request shall be considered by the village council at its sole discretion. The Village Council shall not grant a continuance of more than one hundred eighty (180) calendar days from the date of the scheduled public hearing at which the applicant made the request.

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. Transmittal to the State 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 State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 7. Effective Date. This Ordinance shall not become effective until approved pursuant to final order issued by the State Department of Economic Opportunity pursuant to Chapter 380, 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 Dennis Ward, who moved its adoption on first reading. This motion was seconded by Councilman Chris Sante, and upon being put to a vote, the vote was as follows:

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

PASSED on first reading this 12TH day of February, 2015

The foregoing Ordinance was offered by Councilman Chris Sante, who moved for its adoption. 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 second reading this 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