

**ORDINANCE NO. 12-03**

**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" AND ARTICLE V "SCHEDULE OF DISTRICT, USE AND DEVELOPMENT STANDARDS," DIVISION 2 "ZONING DISTRICTS," SECTION 30-702 "RECREATION (R) ZONING DISTRICT" OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH 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 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 desires to amend Chapter 30 "Land Development Regulations," Article II "Rules of Construction and Definitions", Section 30-32 "Specific Definitions" to provide for definitions related to proposed permitted uses; and

**WHEREAS**, the Village desires to amend Chapter 30 "Land Development Regulations," Article V "Schedule of District Use and Development Standards," Division 2 "Zoning Districts," Section 30-702 "Recreation (R) Zoning District" of the Village Code to modify the permitted uses; and

**WHEREAS**, the Village Local Planning Agency has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes and has recommended its adoption; 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.** **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 <del>strikethrough</del>
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Chamber of Commerce means an association of business persons who promote and develop commercial and industrial interests in the Village.

\* \* \* \* \*

Visitor Center means a use devoted to providing information and services for visitors and tourists.

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**Section 2.** **Zoning District Regulations.** Chapter 30, “Land Development Regulations,” Article V “Schedule of District, Use and Development Standards,” Division 2 “Zoning Districts,” Section 30-702 “Recreation (R) Zoning District” of the Village Code is hereby amended to read as follows:

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DIVISION 2. ZONING DISTRICTS

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**Sec. 30-702. Recreation (R) zoning district.**

Purpose and intent.

- (1) The purpose of the Recreation (R) Zoning District is to accommodate recreational facilities, supportive services and uses-, and Village support services and uses.
- (2) This zoning district is established within the Recreation (RO) and Mixed Use (MU) FLUM categories.

(b) Permitted uses.

- (1) Park;
- (2) Food concession limited to 500 square feet;
- (3) Non-motorized watercraft rental;
- (4) Fitness and recreational facilities;
- (5) Accessory uses and structures excluding a docking facility; and
- (6) Collocation on existing wireless facility.

(c) Uses permitted as a minor conditional use.

- (1) Docking facility;
- (2) Government offices and supportive facility;
- (3) Infrastructure and municipal utility facilities;
- (4) Park maintenance facility;
- (5) Attached wireless facility;
- (6) Replacement of existing wireless facility; and
- (7) Stealth wireless facility.

(d) Uses permitted as a major conditional use.

- (1) Helipad;

(2) Marina redevelopment; ~~and~~

(3) New wireless facility;

(4) Chamber of Commerce office and supportive facility; and

(5) Visitor Center.

(e) Site development standards.

(1) Minimum lot area: Not applicable.

(2) Maximum building height: 35 feet.

(3) Maximum developable lot coverage: Not applicable.

(4) Setbacks:

a. Front yard: Minimum ~~25~~ 20 feet.

b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.

c. Rear yard: Minimum 20 feet.

d. Rear yard on shoreline: See article VII, division 2 of this chapter.

(5) Floor area: Maximum floor area for principal structures: 0.15 FAR.

(6) Density: Not applicable.

(7) Open space: See article VII, division 4 of this chapter.

(8) Landscape requirements: See division 6 of this article.

(9) Parking requirements: See division 7 of this article.

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**Section 4. 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 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 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 7. Approval by 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 be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

The foregoing Ordinance was offered by Councilman Achenberg, who moved its adoption on first reading. This motion was seconded by Councilman Blackburn, 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 9<sup>th</sup> day of February, 2012.

The foregoing Ordinance was offered by Vice Mayor Philipson, who moved for its adoption. 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 22<sup>nd</sup> day of March, 2012.

  
KEN PHILIPSON, VICE MAYOR

ATTEST:

  
DEBRA E. EASTMAN, MMC  
VILLAGE CLERK

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

  
VILLAGE ATTORNEY