

ORDINANCE NO. 10-16

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 11 "BUILDING PERMIT ALLOCATION SYSTEM," OF THE VILLAGE CODE; 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 COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

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 has established the Building Permit Allocation System ("BPAS") to regulate the rate of growth in order to further deter deterioration of public facility service levels, environmental degradation and potential land use conflicts; and

WHEREAS, the BPAS provides for the redevelopment of residential and nonresidential development, as well as fosters the development of affordable housing; and

WHEREAS, the BPAS establishes an annual allocation of building permits to ensure that appropriate phasing of new growth and development is consistent with state law and the Comprehensive Plan; and

WHEREAS, the BPAS establishes allocation application procedures, which include, but are not limited to, applicable review fees, time periods, expirations, withdrawals, revisions, and notification to applicants; and

WHEREAS, the 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. **Building Permit Allocation System.** Chapter 30 “Land Development Regulations,” Article IV, “Administrative Procedures”, Division 11, “Building Permit Allocation System” of the Village Code of Ordinances is hereby amended to read as follows¹:

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Sec. 30-472. Definitions.

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~~Nonresidential floor area means the sum of gross floor area for nonresidential structures, and all covered, unenclosed areas used for commercial activities including outdoor seating areas, except for walkways, stairways, entryways, parking and loading areas or drive-through canopies. Outdoor storage and display areas and space occupied by transient residential and institutional residential principal uses are not nonresidential floor area.~~

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Sec. 30-474. Building permit allocation.

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¹ Additional text is shown as underlined; deleted text is shown as ~~strikethrough~~.

(a) *Annual and quarterly building permit allocation.* The allocation of building permits shall be in accordance with the following schedule. Permits shall be allocated quarterly. Excluding those awarded through the beneficial use or administrative relief processes, no more than one development permit per Program Year may be allocated in a manner which would result in the clearing of high quality hammock.

RESIDENTIAL AND NONRESIDENTIAL PHASING SCHEDULE

Year		Residential Units			Commercial Space
Program Year	Calendar Year	Maximum Market; Housing	Minimum Affordable Housing	Total Units	(Square Feet)
1	2001	18	4	22	1,434
2	2002	18	4	22	1,434
3	2003	16	4	20	1,434
4	2004	14	14	28	1,434
5	2005	14	14	28	1,434
6	2006	14	39	53	1,434
7	2007	22	6	28	2,868
8	2008	22	6	28	6,692
9	2009	22	6	28	6,692
10	2010	22	6	28	6,692
11	2011	22	6	28	6,692
12	2012	22	6	28	6,692
13	2013	22	6	28	6,692
14	2014	22	6	28	6,692
15	2015	22	6	28	6,692
16	2016	22	6	28	6,692
17	2017	22	6	28	6,692
18	2018	22	6	28	6,692
19	2019	22	6	28	6,692
20	2020	22	6	28	6,692

TOTAL—	—	402—	163—	565—	98,468—
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<u>Year</u>	<u>Residential Dwelling Units</u>			<u>Nonresidential Floor Area</u>
<u>Current Year</u>	<u>Maximum Market Rate</u>	<u>Minimum Affordable Housing</u>	<u>Total</u>	<u>Square Feet</u>
	<u>22</u>	<u>6</u>	<u>28</u>	<u>6,692</u>

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Sec. 30-475. Allocation application procedures.

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(g) *Expiration of allocation award.* ~~Upon receipt of notification of an allocation award,~~ ~~†~~The applicant shall have no more than 180 calendar days from the date the notice is mailed to pick up the building permit for the applicable residential dwelling unit(s) or nonresidential floor area. If the applicant fails to pick up the building permit associated with the allocation award within the 180 calendar day period, such building permit and associated allocation award shall expire. Upon expiration, the allocation award shall be returned to the BPAS for future allocation. Unused market rate allocations shall be available for administrative relief. Any unused affordable allocations will roll over to affordable housing.

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(n) Notification to applicants. After the village council finalizes the evaluation rankings, the director shall cause a notice of such rankings to be posted at the village offices, on the village website and at such other places as may be designated by the village council.

- (1) Applicants who receive allocation awards shall be further notified by certified mail, return receipt requested.
- (2) Applicants who fail to receive an allocation award shall remain in the building permit allocation system for reconsideration in the next succeeding allocation period.
- (3) ~~Upon receipt of notification of an allocation award,~~ ~~†~~The applicant shall have no more than 180 calendar days from the date the notice is mailed to pick up the building permit for the applicable residential dwelling unit(s) or nonresidential floor area. If the applicant fails to pick up the building permit associated with the allocation award within the 180 calendar day period, such building permit and associated allocation award shall expire. Upon expiration, the allocation award shall be returned to the BPAS for future allocation. Unused market rate allocations shall be available for administrative relief. Any unused affordable allocations will roll over to affordable housing.

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Sec. 30-476. Building permit allocation evaluation criteria and award.

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(a) *Residential building permit allocation evaluation criteria.* Applications shall be evaluated and ranked according to the following point values, which are to be applied cumulatively.

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(11) *Energy conservation.* The following points are intended to encourage the use of energy conservation measures.

Point assignment and criteria:	+1 per application which includes a dwelling unit with any installed air conditioning units must have an energy efficient rating of 12 or better.
	+1 per application which proposes a dwelling unit with a heat recovery unit <u>or a solar hot water panel</u> which provides supplemental heating of domestic hot water.

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FIGURE 30-476A. BUILDING PERMIT ALLOCATION SYSTEM (BPAS) SCORING WORKSHEET (RESIDENTIAL)

This worksheet is not intended to replace information otherwise detailed in this division.

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	+1	Heat recovery unit <u>or solar hot water panel</u> which provides supplemental heating of domestic hot water.
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Section 2. 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 3. 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 4. 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 5. Transmittal to the State Department of Community Affairs. 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 Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 6. Effective Date. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

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

Mayor Michael Reckwerdt	YES
Vice Mayor Don Achenberg	YES
Councilman Bob Johnson	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

PASSED on first reading this 7th day of October, 2010.

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

Mayor Michael Reckwerdt	YES
Vice Mayor Don Achenberg	YES
Councilman Bob Johnson	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on second reading this 21st day of October, 2010.


MICHAEL RECKWERDT, MAYOR

ATTEST:


VILLAGE CLERK

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


VILLAGE ATTORNEY