

ORDINANCE NO. 15-4

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 11 “BUILDING PERMIT ALLOCATION SYSTEM,” SECTION 30-473(A)(C)(4) OF THE VILLAGE CODE TO PROVIDE FOR UP TO 100 SQUARE FEET OF ENCLOSED ADDITIONS ON LEGALLY ESTABLISHED NONRESIDENTIAL PARCELS; 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 has established the Building Permit Allocation System (the “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 application procedures for allocations, 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”, Section 30-473 “Applicability” 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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(c) *Type of nonresidential development not affected.*

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(4) The cumulative expansion, otherwise meeting all regulations of this chapter (including but not limited to article VI, division 8 of this chapter), on a parcel of land on which:

- a. A nonresidential use has been legally established, for up to 100 square feet of enclosed additions, covered outdoor storage area or one covered storage shed up to 100 square feet; or
- b. A multi-tenant center has been legally established, for up to 150 square feet of covered outdoor storage area or one covered shed up to 150 square feet; or

c. As an alternative to subsection (c)(4)a or b of this section, a restaurant has been legally established, for up to 150 square feet of covered or uncovered, unenclosed outdoor seating area.

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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 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 6. **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 Chris Sante, who moved its adoption on first 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	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 12th day of March, 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