

**ORDINANCE NO. 16-19**

**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 30-474 “BUILDING PERMIT ALLOCATION” OF THE VILLAGE CODE OF ORDINANCES TO AMEND PROVISIONS RELATED TO THE ALLOCATION OF NONRESIDENTIAL FLOOR AREA; 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 (“BPAS”) to regulate the rate of growth and development in order to further deter deterioration of public facility service levels, environmental degradation and potential land use conflicts; and

**WHEREAS**, the BPAS provides a mechanism for the redevelopment of residential and nonresidential structures, and 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 Village’s 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 follows<sup>1</sup>:

\* \* \* \* \*

Sec. 30-474(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 SCHEDULE**

Year	Residential Dwelling Units			Nonresidential Floor Area
	Maximum Market Rate	Minimum Affordable Housing	Total	Square Feet
	22	6	28	<del>15,000</del> <u>2,500</u>

<sup>1</sup> Additional text is shown as underlined; deleted text is shown as ~~strikethrough~~.

\* \* \* \* \*

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

PASSED on first reading this 7<sup>th</sup> day of April, 2016.

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

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

PASSED AND ADOPTED on second reading this 13<sup>th</sup> day of October, 2016.

  
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DEB GILLIS, 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