

ORDINANCE NO. 10-06

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 TO EXTEND THE MAXIMUM LENGTH OF TIME FOR ALLOCATION AWARD DEFERRALS; 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 Village Council desires to amend the BPAS application procedures to extend the maximum length of time for allocation award deferrals to not more than eight BPAS quarters; 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. 30-475. Allocation application procedures.

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(m) *Allocation Award Deferral.* An applicant may elect to defer an allocation award prior to the village council approval of the BPAS quarterly rankings. Prior to village council approval, the draft quarterly allocation rankings shall be posted no later than seven calendar days from the close of the BPAS quarter at the village offices, on the village website and at such other places as may be designated by the village council. Applications for allocation award deferral shall be

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

filed with the Planning and Development Services Department, on a form specified by the director, within 30 calendar days from the close of the applicable BPAS quarter.

- (1) Applicants who file and receive an application for an allocation award deferral shall waive any and all rights to seek administrative relief as specified in Section 30-477.
- (2) Allocation award deferrals shall only be granted for a maximum time period not to exceed ~~four~~ eight BPAS quarters.
- (3) Each application for an allocation award deferral shall be accompanied by a processing fee established by resolution of the village council. Such fees shall be nonrefundable.
- (4) Upon the granting of an allocation award deferral, such application and necessary or related documents shall be recorded with the Monroe County Clerk of the Court.

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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 Councilwoman Deb Gillis, who moved its adoption on first reading. This motion was seconded by Councilwoman Zima Borski and upon being put to a vote, the vote was as follows:

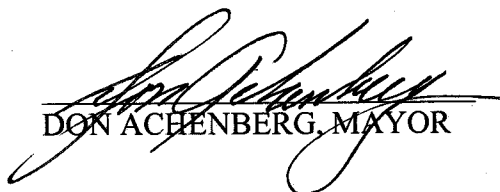
Mayor Don Achenberg	YES
Vice Mayor Michael Reckwerdt	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilwoman Deb Gillis	YES

PASSED on first reading this 11th day of February, 2010.

The foregoing Ordinance was offered by Councilwoman Zima Borski, who moved for its adoption. This motion was seconded by Councilwoman Deb Gillis, and upon being put to a vote, the vote was as follows:

Mayor Don Achenberg	YES
Vice Mayor Michael Reckwerdt	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilwoman Deb Gillis	YES

PASSED AND ADOPTED on second reading this 25th day of February, 2010.


DON ACHEBERG, MAYOR

ATTEST:


VILLAGE CLERK

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


VILLAGE ATTORNEY