

**ORDINANCE NO. 19-07**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS; SPECIFICALLY AMENDING ARTICLE II, "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION II "ZONING DISTRICTS" SECTIONS 30-697 "NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT", SECTION 30-693 "TOURIST COMMERCIAL (TC) ZONING DISTRICT", SECTION 30-696 "HIGHWAY COMMERCIAL (HC) ZONING DISTRICT" AND SECTION 30-692 "VILLAGE CENTER (VC) ZONING DISTRICT" TO PERMIT OUTDOOR STORAGE AND DISPLAY ON VACANT LOTS FRONTING US1. AMENDING SECTION 30-697 "NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT" FOR THE ADDITION OF OUTDOOR STORAGE AND DISPLAY ON LOTS NOT FRONTING US1 AS A MAJOR CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA 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; and

**WHEREAS,** the Village seeks to allow Neighborhood Commercial (NC), Tourist Commercial (TC), Village Center (VC) and Highway Commercial (HC) to have outdoor storage and display areas as a permitted use on vacant lots that are fronting US1; 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,

Sec. 30-693 Tourist Commercial (TC), Sec. 30-696 Highway Commercial (HC), Sec. 30-692 Village Center (VC) and Sec. 30-697 Neighborhood Commercial (NC) to allow for outdoor storage and display within those zoning districts, and

**WHEREAS**, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area of Critical State Concern; and

**WHEREAS**, the Village Council of Islamorada, Village of Islands (the “Village Council”) finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true, correct and incorporated herein by this reference.

**Section 2.**     **Amending Specific Definitions.** Chapter 30 “Land Development Regulations” Article V Schedule of District Use and Development Standards | Division 2 Zoning Districts, Section 30-693 Tourist Commercial (TC), Sec. 30-696 Highway Commercial (HC), Sec. 30-692 Village Center (VC) and Sec. 30-697 Neighborhood Commercial (NC), are 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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Sec. 30-693. - Tourist commercial (TC) zoning district.

(b) Permitted uses. The following uses are permitted uses ~~provided that~~ if they do not contain a drive-in or drive-through component.

(8) Outdoor storage and display areas on vacant lots fronting US1 pursuant to article VI, division 8 of this chapter.

(d) *Uses reviewed as a major conditional use.*

- (1) Hotels or motels having 50 rooms or more;
- (2) Brewpubs of 3,001 to 5,000 square feet;
- (3) Commercial recreational uses of 5,000 square feet or greater;
- (4) Marina redevelopment;
- (5) Restaurants of 3,001 to 5,000 square feet;
- (6) Stealth wireless facility;
- (7) Outdoor storage and display areas on lots not fronting US1 pursuant to article VI, division 8 of this chapter; and
- (8) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

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Sec. 30-696. - Highway commercial (HC) zoning district.

(b) Permitted uses. The following uses are permitted uses ~~provided that~~ if they do not contain a drive-in or drive-through component.

(8) Outdoor storage and display areas on vacant lots fronting US1 pursuant to article VI, division 8 of this chapter.

(d) *Uses reviewed as a major conditional use.*

- (1) Any permitted use greater than 5,000 square feet, except restaurants;
- (2) Bars, taverns, and drinking places;
- (3) Brewpubs greater than 3,000 square feet;
- (4) Marina redevelopment;
- (5) Restaurants greater than 3,000 square feet;
- (6) Outdoor storage and display areas on lots not fronting US1 pursuant to article VI, division 8 of this chapter;
- (7) Schools; and
- (8) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

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Sec. 30-692. - Village center (VC) zoning district.

(b) Permitted uses. The following uses are permitted uses ~~provided that~~ if they do not contain a drive-in or drive-through component.

(14) Outdoor storage and display areas on vacant lots fronting US1 pursuant to article VI, division 8 of this chapter.

(1514) Low/medium intensity office, retail, and service use 3,000 square feet or less, limited to:

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Sec. 30-697. - Neighborhood commercial (NC) zoning district.

(b) *Permitted uses.* The following uses are permitted uses ~~provided that~~ if they do not contain a drive-in or drive-through component.

(5) Outdoor storage and display areas on vacant lots fronting US1 pursuant to article VI, division 8 of this chapter.

(d) *Uses reviewed as a major conditional use.*

(1) Convenience stores with or without fuel sales.

(2) Outdoor storage and display areas on lots not fronting US1 pursuant to article VI, division 8 of this chapter;

~~(3)~~ Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

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**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is 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. Repeal of Conflicting Provisions.** The provisions of the Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5. 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 a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and

that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6. Transmittal to the Florida 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 Florida Department of Economic Opportunity ("DEO") for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**Section 7. Effective Date.** This Ordinance shall not be effective until approved pursuant to a final order by DEO, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

The foregoing Ordinance was offered by Vice Mayor Mike Forster, who moved for its adoption on first reading. This motion was seconded by Councilman Ken Davis, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES

**PASSED** on the first reading this 14<sup>th</sup> day of March, 2019.

The foregoing Ordinance was offered by Vice Mayor Mike Forster, who moved for its adoption on second reading. This motion was seconded by Councilman Ken Davis, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	NO
Councilman Jim Mooney	YES

**PASSED AND ADOPTED** on the second reading this 4<sup>th</sup> day of April, 2019.

  
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