

**ORDINANCE NO. 13-17**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” SECTION 30-32 “SPECIFIC DEFINITIONS,” AND ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 2 “ZONING DISTRICTS” OF THE CODE OF ORDINANCES; 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 VILLAGE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, Islamorada, Village of Islands, Florida (the “Village”) has adopted Land Development Regulations (“LDRs”) to implement the Village Comprehensive Plan; and

**WHEREAS**, the Village Council desires to amend certain provisions of the LDRs of the Code of Ordinances (the “Code”) to clarify the definitions and amend certain provisions of the Code to provide more flexibility for the design and location of principal and accessory structures; and

**WHEREAS**, in accordance with Section 166.041, *Florida Statutes*, the Village has conducted duly-noticed public hearings for the proposed adoption of this Ordinance amending the LDRs; and

**WHEREAS**, the Village Local Planning Agency reviewed this Ordinance on July 8, 2013 in accordance with the requirements of Chapter 163, *Florida Statutes*, and unanimously recommended that the Village Council pass and adopt the Ordinance; and

**WHEREAS**, the Village Council finds that this Ordinance is consistent with Section 380.552, *Florida Statutes*, the Principles for Guiding Development within the Florida Keys Area of Critical State Concern (“FKACSC”); and

**WHEREAS**, the Village Council finds the adoption of this Ordinance is in the best interest of the Village and complies with applicable State laws and rules; and

**WHEREAS**, the Village Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the Village's Comprehensive Plan and the Principles for Guiding Development in the FKACSC.

**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.

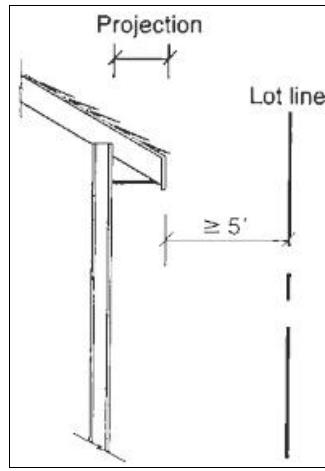
**Section 2.** **Specific Definitions.** Chapter 30 “Land Development Regulations,” Article II “Rules of Construction and Definitions,” Section 30-32 “Specific Definitions” of the Village Code is hereby amended to read as follows:

\* \* \* \* \*

*Setback* means an open space at grade between a building or structure and the property line, access easement line or mean high-water line of the lot or parcel of land on which the building or structure is located, unoccupied and unobstructed from the ground upward, except for fences as follows:

- (1) driveways;**
- (2) walkways up to five feet in width;**
- (3) roof overhangs (e.g., cornices, eaves) of up to two feet in width so long as:**
  - a. a minimum five-foot setback is maintained; and**

b. any setback required by article VII (environmental regulations) of this chapter is maintained;



(4) landscaping, bufferyards, scenic corridors, street trees, stormwater retention areas and swales as required by this chapter; and

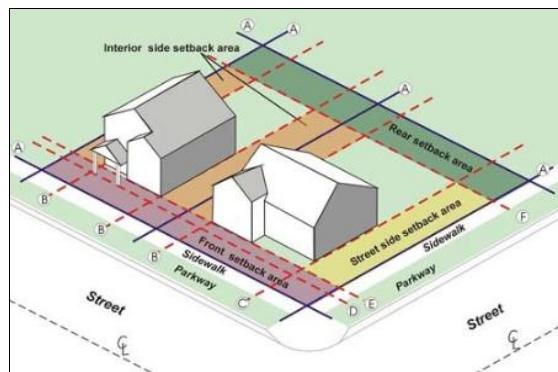
(5) as otherwise provided in this chapter.

In measuring a setback, the horizontal distance between the property line, access easement line or mean high-water line and the furthermost projection of the ~~main building or structure~~ shall be used. Every required ~~front~~ setback ~~from a street~~ shall be measured at right angles (90 degrees) from the property line, access easement line or mean high water line.

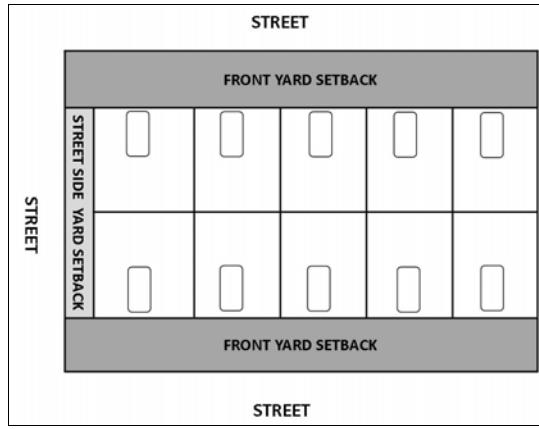
\* \* \* \* \*

*Setback, front yard* means a required setback that is open space on a lot or parcel of land extending across the property line abutting a street, access easement or right-of-way, the depth of which is measured perpendicularly along the front property line.

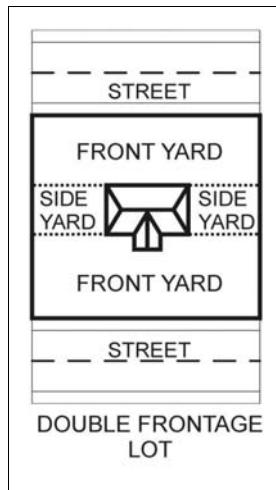
(1) On corner lots or parcels of land, the front yard shall be that yard abutting the street with the shorter property line, and the street side yard shall be that yard abutting the street with the longer property line.



(2) On corner lots or parcels of land where the property lines abutting the streets are the same length, the front yard shall be that yard abutting the street on which adjoining lots or parcels of land on the same block have front yards, and the street side yard shall be yard abutting the second street.



(3) On lots or parcels of land abutting two or more non-intersecting streets ("double frontage lots" or "through lots"), front yards shall be required along all abutting streets.

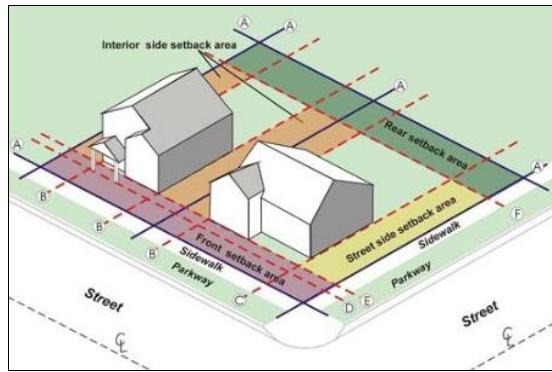


\* \* \* \* \*

Setback, Interior interior side yard means an area a required setback that is open space on that portion of a lot or parcel of land that is not adjacent to a street, access easement or right-of-way extending from the front property line to the rear property line or shoreline that is not adjacent to a street the depth of which is measured perpendicularly to the interior side property line.

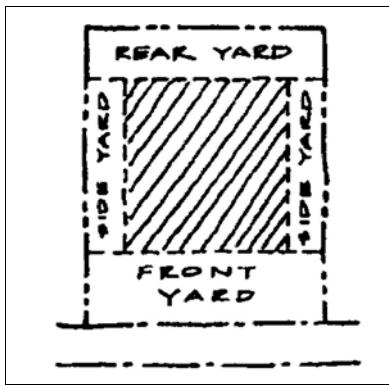
(1) On corner lots or parcels of land, the interior side yard shall be the yard opposite from the street side yard.

(2) On lots or parcels of land with only one side yard setback, the required setback shall be an interior side yard.



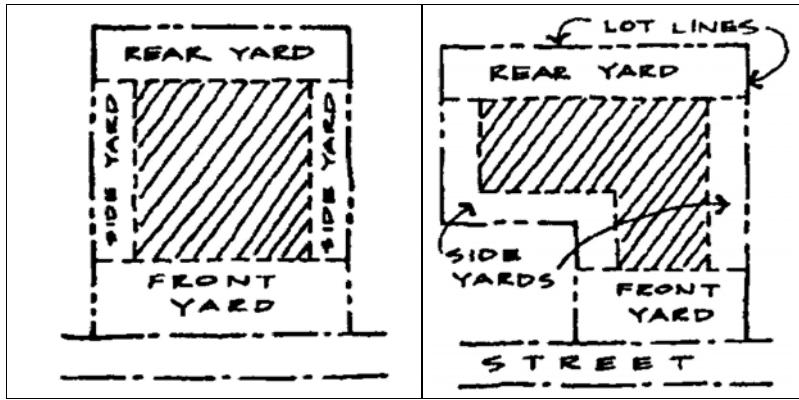
\* \* \* \* \*

Setback, rear yard means a required setback that is open space on a lot or parcel of land extending along the full length of the rear property line or shoreline, the depth of which is measured perpendicularly to the rear property line or shoreline. Generally, the rear yard shall be the yard opposite from the front yard.



\* \* \* \* \*

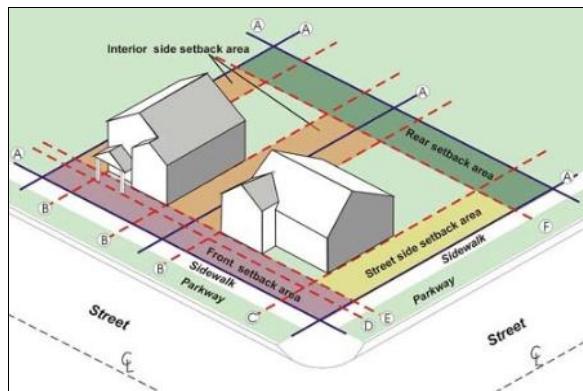
Setback, side yard means a required setback that is open space on a lot or parcel of land extending along the full length of the side property line between the front property line and rear property line, the depth of which is measured perpendicularly to the side property line. In the case of double frontage or through lots, side yards shall extend between the required front yards.



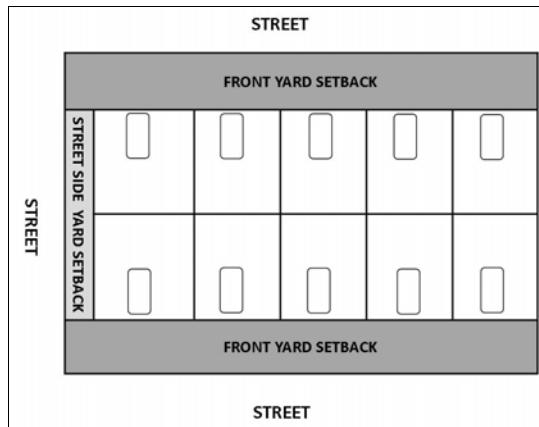
\* \* \* \* \*

Setback, Street street side yard means a required setback that is an open space area on that portion of a lot or parcel of land extending from the front property line to the rear property line or shoreline that is adjacent to a street, access easement or right-of-way the depth of which is measured perpendicularly to the street side property line.

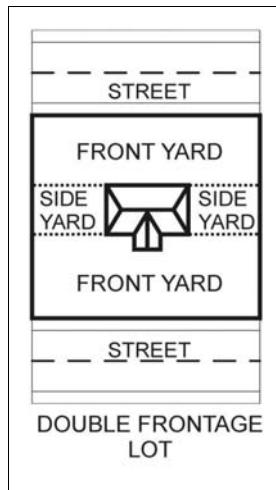
- (1) On corner lots, the street side yard shall be that yard abutting the street with the longer property line, and the front yard shall be that yard abutting the street with the shorter property line.



- (2) On corner lots or parcels of land where the property lines abutting the streets are the same length, the street side yard shall be that yard abutting the second street, and the front yard shall be that yard abutting the street on which adjoining lots or parcels of land on the same block have front yards.



(3) On lots or parcels of land abutting two or more non-intersecting streets ("double frontage lots" or "through lots"), street side yards shall be provided along all side streets.



\* \* \* \* \*

### **Section 3. Zoning Districts.** Chapter 30 "Land Development Regulations," Article V

"Schedule of District Use and Development Standards," Division 2 "Zoning Districts" of the Code is hereby amended to read as follows:

Additional text is shown as underlined;

deleted text is shown as ~~strikethrough~~

\* \* \* \* \*

#### **Sec. 30-681. - Purpose; uses generally; districts established.**

\* \* \* \* \*

(d) Summary of minimum required setbacks. The following table summarizes the minimum setback requirements of this division.

TABLE 30-684(d) SUMMARY OF MINIMUM REQUIRED SETBACKS

[Table on following page.]

<b>Zoning Districts</b>	<b>Setbacks</b>						
	<b>Front yard</b>		<b>Side yard</b>			<b>Rear yard</b>	
	<u>Front yard</u>	<u>Reduced</u>	<u>Each side/combined total</u>	<u>Street side yard</u>	<u>Interior side yard</u>	<u>Not on shoreline</u> <sup>(4)</sup>	<u>Accessory structures</u> <sup>(5)</sup>
<b>NR</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>RE</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>R1/R1M</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>RMH</b>	<u>10</u>	<u>--</u>	<u>5/15<sup>(3)</sup></u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>R2</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>R3</b>	<u>25</u>	<u>--</u>	<u>10/20</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>5</u>
<b>R4</b>	<u>25</u>	<u>--</u>	<u>10/20</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>5</u>
<b>MF</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>MH</b>	<u>25</u>	<u>--</u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>SR</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>VC</b>	<u>15</u>	<u>varies<sup>(2)</sup></u>	<u>--</u>	<u>10 or buffer width<sup>(2)</sup></u>	<u>5</u>	<u>10</u>	<u>--</u>
<b>TC</b>	<u>25</u>	<u>varies<sup>(2)</sup></u>	<u>--</u>	<u>10 or buffer width<sup>(2)</sup></u>	<u>10</u>	<u>20</u>	<u>--</u>
<b>CF</b>	<u>25</u>	<u>--</u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>--</u>
<b>MR</b>	<u>25</u>	<u>varies<sup>(2)</sup></u>	<u>--</u>	<u>10 or buffer width<sup>(2)</sup></u>	<u>10</u>	<u>20 or 50<sup>(6)</sup></u>	<u>--</u>
<b>HC</b>	<u>20</u>	<u>varies<sup>(2)</sup></u>	<u>--</u>	<u>10 or buffer width<sup>(2)</sup></u>	<u>5</u>	<u>20</u>	<u>--</u>
<b>NC</b>	<u>20</u>	<u>varies<sup>(2)</sup></u>	<u>--</u>	<u>10 or buffer width<sup>(2)</sup></u>	<u>5</u>	<u>20</u>	<u>--</u>
<b>I</b>	<u>25</u>	<u>--</u>	<u>10/20</u>	<u>10</u>	<u>10</u>	<u>25</u>	<u>--</u>
<b>C</b>	<u>25</u>	<u>--</u>	<u>10/20</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>--</u>
<b>TA</b>	<u>25</u>	<u>20<sup>(1)</sup></u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>5</u>
<b>PS</b>	<u>25</u>	<u>--</u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>--</u>
<b>R</b>	<u>20</u>	<u>--</u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>--</u>
<b>M</b>	<u>25</u>	<u>--</u>	<u>5/15</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>--</u>

<sup>(1)</sup> With a five-foot-wide Class B bufferyard installed running the length of the frontage

<sup>(2)</sup> Reduced to minimum bufferyard width (see division 6 of this article) only for covered unenclosed areas, outdoor seating areas, balconies, roof overhangs, walkways, stairways and entryways

<sup>(3)</sup> If property has a width less than 50 feet, the minimum required setback is five feet on each side

<sup>(4)</sup> For rear yard setback on shoreline, see article VII, division 2 of this chapter

<sup>(5)</sup> Limited to 15 feet in height; one canopy tree per 50 feet of rear property line required within rear yard setback

<sup>(6)</sup> For all structures with over 50% of structure designated for residential dwelling units, setback shall be 50 feet from all shorelines having depth of at least 4 feet MLW

\* \* \* \* \*

**Sec. 30-682. Native residential (NR) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  1. Street side yard: Minimum ten feet.
  2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
4. Accessory structures limited to  ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten-five~~ foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a ten-foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-683. Residential estate (RE) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  - 1. Street side yard: Minimum ten feet.
  - 2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
  - 4. Accessory structures limited to ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
  - 2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a ten foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

#### **Sec. 30-684. Residential single-family (R1) and (R1M) zoning district.**

\* \* \* \* \*

##### **(e) Site development standards.**

\* \* \* \* \*

##### **(4) Setbacks:**

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  - 1. Street side yard: Minimum ten feet.
  - 2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
  - 4. Accessory structures limited to ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.

2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-685. Residential mobile home (RMH) zoning district.**

\* \* \* \* \*

*(e) Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

b. Side yard:

1. If the property has a width less than 50 feet and does not have a street side yard, the setback is five feet on each side.
2. If the property has a width 50 feet or greater and does not have a street side yard, the setback is a minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
3. Street side yard: Minimum ten feet.
4. Interior side yard: Minimum five feet.

c. Rear yard not on shoreline: Minimum 20 feet.

4. Accessory structures limited to pools and permeable structures 15 feet in height may be permitted within the rear yard setback, provided that a ten five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-686. Residential duplex (R2) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  1. Street side yard: Minimum ten feet.
  2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
4. Accessory structures limited to  ~~pools and permeable structures 15 feet in height~~ may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-687. Residential triplex (R3) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of ten feet on each side.

1. Street side yard: Minimum ten feet.
2. Interior side yard: Minimum ten feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
4. Accessory structures limited to ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-688. Residential fourplex (R4) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of ten feet on each side.
  1. Street side yard: Minimum ten feet.
  2. Interior side yard: Minimum ten feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
4. Accessory structures limited to ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is~~

~~maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-689. Multifamily (MF) zoning district.**

\* \* \* \* \*

*(e) Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  1. Street side yard: Minimum ten feet.
  2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
4. Accessory structures limited to  ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-690. Mobile home park (MH) zoning district.**

\* \* \* \* \*

*(e) Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  - 1. Street side yard: Minimum ten feet.
  - 2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.
- 4. Accessory structures limited to ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
- 2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-691. Settlers residential (SR) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  - 1. Street side yard: Minimum ten feet.
  - 2. Interior side yard: Minimum five feet.
- c. Rear yard not on shoreline: Minimum 20 feet.

4. Accessory structures limited to ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-694. - Commercial fishing (CF) zoning district.**

\* \* \* \* \*

**(e) *Site development standards.***

\* \* \* \* \*

**(4) Setbacks:**

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  1. Street side yard: Minimum ten feet.
  2. Interior side yard: Minimum five feet.

\* \* \* \* \*

**Sec. 30-698. - Industrial (I) zoning district.**

\* \* \* \* \*

**(e) *Site development standards.***

\* \* \* \* \*

**(4) Setbacks:**

\* \* \* \* \*

- b. Side yard: A minimum of ten feet on each side.

1. Street side yard: Minimum ten feet.
2. Interior side yard: Minimum ten feet.

\* \* \* \* \*

**Sec. 30-699. - Conservation (C) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

b. Side yard: A minimum of ten feet on each side.

1. Street side yard: Minimum ten feet.
2. Interior side yard: Minimum ten feet.

\* \* \* \* \*

**Sec. 30-700. Tavernaero Airstrip (TA) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.

1. Street side yard: Minimum ten feet.
2. Interior side yard: Minimum five feet.

c. Rear yard not on shoreline: Minimum 20 feet.

4. Accessory structures limited to  ~~pools and permeable structures~~ 15 feet in height may be permitted within the rear yard setback, provided that a ~~ten~~ five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.
2. ~~Covered accessory structures limited to ten feet in height up to 150 square feet may be permitted within the setback, provided that a five foot rear yard setback is maintained and a minimum five foot Class B bufferyard is installed running along the rear property line.~~

\* \* \* \* \*

**Sec. 30-701. - Public and semi-public services (PS) zoning district.**

\* \* \* \* \*

**(e) *Site development standards.***

\* \* \* \* \*

**(4) Setbacks:**

\* \* \* \* \*

- b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
  1. Street side yard: Minimum ten feet.
  2. Interior side yard: Minimum five feet.

\* \* \* \* \*

**Sec. 30-702. - Recreation (R) zoning district.**

\* \* \* \* \*

**(e) *Site development standards.***

\* \* \* \* \*

**(4) Setbacks:**

\* \* \* \* \*

b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.

1. Street side yard: Minimum ten feet.
2. Interior side yard: Minimum five feet.

\* \* \* \* \*

**Sec. 30-703. - Mariculture (M) zoning district.**

\* \* \* \* \*

(e) *Site development standards.*

\* \* \* \* \*

(4) Setbacks:

\* \* \* \* \*

b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.

1. Street side yard: Minimum 10 feet.
2. Interior side yard: Minimum five feet.

\* \* \* \* \*

**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. 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 6.      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, 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 7.      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 8.      Effective Date.** This Ordinance shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity (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.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

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

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED on first reading this 25th day of July, 2013.

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

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on second reading this 22<sup>nd</sup> day of August, 2013.

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KEN PHILIPSON, MAYOR

ATTEST:

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ARIANA S. LAWSON, VILLAGE CLERK

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

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VILLAGE ATTORNEY