

**ORDINANCE NO. 19-06**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 30-506 “TRANSFER OF DEVELOPMENT RIGHTS (TDR) FOR RESIDENTIAL DWELLING UNITS AND DENSITY”; TO SPECIFICALLY ADD TOURIST COMMERCIAL (TC) AND NEIGHBORHOOD COMMERCIAL (NC) AS ELIGIBLE ZONING DISTRICTS FOR RESIDENTIAL RECEIVER SITES FOR TRANSFERRING DEVELOPMENT RIGHTS FROM RESIDENTIAL SENDER SITES WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT; 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 expand the provisions within the LDRs for the Transfer of Development Rights (“TDRs”) in order to facilitate the redistribution of density within the Village; and

**WHEREAS**, the Village desires to amend Chapter 30 “Land Development Regulations” Article IV Administrative Procedures | Division 12 Transfer of Development Rights, Sec. 30-506 Transfer of Development Rights (TDRs) for Residential Dwelling Units and Density, and

**WHEREAS**, the amendment would allow Tourist Commercial (TC) and Neighborhood Commercial (NC) as eligible zoning districts for residential receiver sites for TDRs from Village Center (VC) zoned residential sender sites; 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 IV Administrative Procedures | Division 12 Transfer of Development Rights, Sec. 30-506 Transfer of Development Rights (TDRs) for Residential Dwelling Units and Density of the Code is hereby amended to read as follows:

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

\*\*\*\*\*

Sec. 30-506(1)(c). Both sender and receiver sites shall be in zoning districts that permit dwelling units and shall be subject to the following restrictions for the transfer of dwelling units:

Residential Sender Sites	Zoning Districts Eligible as Receiver Sites
Village Center (VC)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, <b>TC, NC, I*, TA, M*</b>

\*\*\*\*\*

**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 Councilman Ken Davis, who moved for its adoption on first reading. This motion was seconded by Vice Mayor Mike Forster, 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	ABSTAINED

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

The foregoing Ordinance was offered by Councilman Ken Davis, who moved for its adoption on second reading. This motion was seconded by Mayor Deb Gillis, 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	YES
Councilman Jim Mooney	ABSTAINED

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



---

DEB GILLIS, MAYOR

ATTEST:



---

KELLY S. TOTH  
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