

ORDINANCE NO. 19-20

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATING TO CONVENIENCE STORES AND FUEL SALES; SPECIFICALLY AMENDING ARTICLE II, "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION II "ZONING DISTRICTS" SECTIONS 30-692 "VILLAGE CENTER (VC) ZONING DISTRICT" AND SECTION 30-696 "HIGHWAY COMMERCIAL (HC) ZONING DISTRICT" TO PERMIT CONVENIENCE STORES WITH OR WITHOUT FUEL SALES AS A MAJOR CONDITIONAL USE WITHIN THE VC AND HC ZONING DISTRICTS; 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 amend the Village Center (VC) and Highway Commercial (HC) Zoning Districts to allow Convenience Stores with or without Fuel Sales as a Major Conditional Use; and

WHEREAS, the proposed amendment will help resolve existing non-conformities within certain zoning districts and create more uniform regulations within the LDRs; 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 Village and its residents.

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, Sec. 30-692 Village Center (VC) and Sec. 30-696 Highway Commercial (HC), are hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-692. – Village Center (VC) zoning district.

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

- (1) Any permitted use of 5,001 to 10,000 square feet, including restaurants;
- (2) Bars, taverns, and drinking places 10,000 square feet or less;
- (3) Brewpubs of 3,001 to 5,000 square feet;
- (4) Convenience Store with or without Fuel Sales;
- (4) (5) Marina redevelopment;
- (5) (6) Redevelopment of existing outdoor storage and display areas;
- (6) (7) Stealth wireless facility; and
- (7) (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.

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

(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) Convenience Store with or without Fuel Sales;~~
- ~~(4) (5) Marina redevelopment;~~
- ~~(5) (6) Restaurants greater than 3,000 square feet;~~
- ~~(6) (7) Outdoor storage and display areas on lots not fronting US1 pursuant to article VI, division 8 of this chapter;~~
- ~~(7) (8) Schools; and~~
- ~~(8) (9) 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.~~

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 Councilwoman Cheryl Meads, 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	YES

PASSED on the first reading this 29th day of August, 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 Jim Mooney, and upon being put to a vote, the vote was as follows:

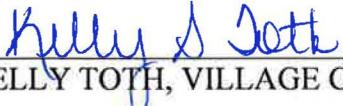
Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	ABSENT
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED on the second reading this 19th day of September, 2019.



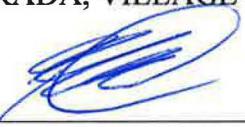
DEB GILLIS, MAYOR

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

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

In re: AMENDMENT TO THE ISLAMORADA, VILLAGE
OF ISLANDS, FLORIDA, LAND DEVELOPMENT
REGULATIONS ADOPTED BY ORDINANCE NO. 19-20

FINAL ORDER
APPROVING ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 19-20

The Florida Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to section 380.05(6), Florida Statutes, approving land development regulations adopted by Islamorada, Village of Islands, Florida (“Village”) by Ordinance No. 19-20 (“Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by section 380.0552, Florida Statutes, as an area of critical state concern. The Village is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the Village on September 19, 2019, and rendered to the Department on October 24, 2019.
3. The Ordinance amends Chapter 30, Article V of the Village Code to amend Section 30-692 and Section 30-696 to add Convenience Store with or without Fuel Sales as requiring review as a major conditional use in the Village Center (VC) and Highway Commercial (HC) zoning districts. The Ordinance also clarifies that outdoor storage and display areas on lots not fronting US1 are subject to review as a major conditional use in the HC zoning district.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. § 380.05(6), Fla. Stat.

5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations amended by the Ordinance are land development regulations.

6. The Ordinance is consistent with the Village's Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically, Policy 1-1.2.2.3 and Policy 1-4.2.1.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent and in compliance with the principles for guiding development for that area. *See* § 380.05(6), Fla. Stat. The Principles for Guiding Development for the Village are set forth in section 380.0552(7), Florida Statutes.

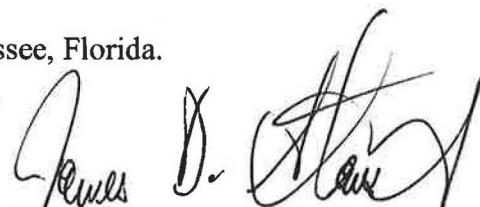
8. The Ordinance is consistent with the Principles for Guiding Development for the Village as a whole, and specifically furthers the following principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

WHEREFORE, IT IS ORDERED that the Department finds that Ordinance No. 19-20 is consistent with the Village's Comprehensive Plan and Principles for Guiding Development for the Village and is hereby **APPROVED**.

This Final Order becomes effective 21 days after publication in the *Florida Administrative Register* unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.



James D. Stansbury, Bureau Chief
Bureau of Community Planning and Growth
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, BY FILING A PETITION.

A PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE DATE OF FILING OF THE FINAL ORDER AS INDICATED ON THE CERTIFICATE OF SERVICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX 850-921-3230
AGENCY.CLERK@DEO.MYFLORIDA.COM

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE DATE OF THE FILING OF THE FINAL ORDER.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

PURSUANT TO SECTION 120.573, FLORIDA STATUTES, AND CHAPTER 28, PART IV, FLORIDA ADMINISTRATIVE CODE, YOU ARE NOTIFIED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 23rd day of December 2019.



Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:

Deb Gillis, Mayor
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Kelly S. Toth, Village Clerk
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Ty Harris, Director of Planning
Planning and Development Services
86800 Overseas Highway
Islamorada, FL 33036

January 6, 2020. If you need assistance you may contact (850)414-3380 or email contact.voca@myfloridalegal.com. The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. Eastern Standard Time on Friday, February 14, 2020. Applicant agencies are encouraged to submit the completed application as soon as possible prior to the deadline. Mailed, faxed, or hand delivered applications or required documentation will not be accepted.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

GOLF CAR SYSTEMS, INC., for the establishment of line-make EZGO. Clearwater

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Textron, Inc., intends to allow the establishment of Golf Car Systems Inc., as a dealership for the sale of low-speed vehicles manufactured by Textron, Inc. (line-make EZGO) at 5325 140th Avenue North, Clearwater, (Pinellas County), Florida 33760, on or after January 27, 2020.

The name and address of the dealer operator(s) and principal investor(s) of Golf Car Systems Inc. are dealer operator(s): Dave Gillespie, 5325 140th Avenue North, Clearwater, Florida 33760; principal investor(s): Dave Gillespie, 5325 140th Avenue North, Clearwater, Florida 33760.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Maryellen Williams, Textron, Inc., 1451 Marvin Griffin Road, Augusta, Georgia 30906.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

DEO Final Order No. DEO-19-050

In re: AMENDMENT TO THE ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, LAND DEVELOPMENT REGULATIONS ADOPTED BY ORDINANCE NO. 19-20

FINAL ORDER

APPROVING ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 19-20

The Florida Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to subsection 380.05(6), Florida Statutes, approving land development regulations adopted by Islamorada, Village of Islands, Florida ("Village") by Ordinance No. 19-20 ("Ordinance").

FINDINGS OF FACT

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6. The Ordinance is consistent with the Village's Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically, Policy 1-1.2.2.3 and Policy 1-4.2.1.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent and in compliance with the principles for guiding development for that area. See § 380.05(6), Fla. Stat. The

Principles for Guiding Development for the Village are set forth in section 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development for the Village as a whole, and specifically furthers the following principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

WHEREFORE, IT IS ORDERED that the Department finds that Ordinance No. 19-20 is consistent with the Village's Comprehensive Plan and Principles for Guiding Development for the Village and is hereby **APPROVED**.

This Final Order becomes effective 21 days after publication in the *Florida Administrative Register* unless a petition is timely filed as described in the Notice of Administrative Rights below. DONE AND ORDERED in Tallahassee, Florida.

/s/James D. Stansbury, James D. Stansbury, Bureau Chief
Bureau of Community Planning and Growth, Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, BY FILING A PETITION.

A PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE DATE OF FILING OF THE FINAL ORDER AS INDICATED ON THE CERTIFICATE OF SERVICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK, DEPARTMENT OF ECONOMIC OPPORTUNITY, OFFICE OF THE GENERAL COUNSEL, 107 EAST MADISON ST., MSC 110, TALLAHASSEE, FLORIDA 32399-4128, FAX (850)921-3230, AGENCY.CLERK@DEO.MYFLORIDA.COM.

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE DATE OF THE FILING OF THE FINAL ORDER.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO SUBSECTIONS 28-106.104(2), 28-106.201(2), AND SECTION 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTION 120.569

AND SUBSECTION 120.57(1), FLORIDA STATUTES, OR SECTION 120.569 AND SUBSECTION 120.57(2), FLORIDA STATUTES.

PURSUANT TO SECTION 120.573, FLORIDA STATUTES, AND CHAPTER 28, PART IV, FLORIDA ADMINISTRATIVE CODE, YOU ARE NOTIFIED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 23rd day of December 2019.

/s/Janay Lovett, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128

By U.S. Mail:

Deb Gillis, Mayor, Islamorada, Village of Islands, 86800 Overseas Highway, Islamorada, FL 33036

Kelly S. Toth, Village Clerk, Islamorada, Village of Islands, 86800 Overseas Highway, Islamorada, FL 33036

Ty Harris, Director of Planning, Planning and Development Services, 86800 Overseas Highway, Islamorada, FL 33036

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT NOTICE OF RULEMAKING FOR WATER UTILITY RATES

A public hearing will be conducted by the Babcock Ranch Community Independent Special District ("District") on January 23, 2020, at 1:00 p.m. at 14750 State Road 31, Punta Gorda, Florida 33982. The public hearing will be a rulemaking hearing and will provide an opportunity for the public to address proposed rules that set fees and charges related to the District's water utility. The purpose and effect of the proposed rules is to provide for efficient and effective District operations, and to provide sufficient revenues to meet expenses and provide services within the boundaries of the District. Prior notice of rule development for the rulemaking hearing was published in the Florida Administrative Record on December 23, 2019. The proposed rule is as follows:

POTABLE WATER, SEWER AND IRRIGATION QUALITY WATER UTILITY

Miscellaneous Fees	
Request for Third Party Meter Testing (up to 1 ½")	\$74.26
Request for Third Party Meter Testing (2" and above)	Actual Cost (Labor + Material) \$34.48