

ORDINANCE NO. 19-21

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS; SPECIFICALLY AMENDING ARTICLE IV, “ADMINISTRATIVE PROCEDURES”, DIVISION XI “BUILDING PERMIT ALLOCATION SYSTEM” SECTION 30-476 “BUILDING PERMIT ALLOCATION EVALUATION CRITERIA AND AWARD” POINT READJUSTMENT AS AN INCENTIVE FOR LAND DEDICATION OF BUILD-ABLE VACANT LOTS.; 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 would like to create an incentive for land dedication of buildable vacant lots, thus reducing the number of buildable lots within Islamorada prior to the expiration of residential buildings set to take effect in 2023; and

WHEREAS, the Village desires to amend Chapter 30 “Land Development Regulations” Article IV Administrative Procedures | Division 11 Building Permit Allocation System, Sec. 30-476 Building permit allocation evaluation criteria and award to increase the number of points awarded for land dedication in the Building Permit Allocation System (BPAS) evaluation criteria.; 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 11 “Building Permit Allocation System”, Sec. 30-476 “Building permit allocation evaluation criteria and award” is hereby amended to revise subsection (a)(4) and reads as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
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Sec. 30-476. - Building permit allocation evaluation criteria and award.

- (a) *Residential building permit allocation evaluation criteria.* Applications shall be evaluated and ranked according to the following point values, which are to be applied cumulatively.

- (4) *Land dedication.* The following points are intended to encourage the voluntary reduction of vacant, buildable land in the village within those areas proposed for acquisition by governmental agencies for the purposes of conservation, resource protection or for affordable housing within the village.

Point assignment:	+2 <u>+10</u> per vacant, legally platted buildable lot or entire acre of unplatted buildable land.
	+2 <u>+10</u> additional per vacant, legally platted buildable lot or entire acre of unplatted buildable land within those areas proposed for acquisition by governmental agencies.

Criteria: An application which proposes the dedication to the village of one or more vacant, legally platted buildable lots or at least one acre of unplatted buildable land, including those located within areas proposed for acquisition by governmental agencies for the purposes of conservation, resource protection or for affordable housing within the village. Buildable means construction of a dwelling unit could be permitted pursuant to this chapter, as determined by the director of planning and development services. The application shall include but not be limited to an affidavit of ownership of all affected lots, parcels, acreage or land and a statutory warranty deed, subject to the approval of the village council prior to filing in the office of the clerk of the county, which conveys the dedicated property to the village. Such deed must be approved by the village council before any development approval may be issued pursuant to an award. Applications including land dedication shall be evaluated in a category separate from applications without land dedication. A survey shall accompany all dedications of unplatted buildable lands or partial platted lots.

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 Jim Mooney, 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	YES
Councilman Jim Mooney	YES

PASSED on the first reading this 10th day of October, 2019.

The foregoing Ordinance was offered by Councilman Ken Davis, 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	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES

PASSED AND ADOPTED on the second reading this 24th day of October, 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