

ORDINANCE NO. 21-05

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS”, DIVISION 6 “LANDSCAPE STANDARDS”, SECTION 30-815 TO SPECIFICALLY AMEND BUFFERYARD STANDARDS RELATING TO DRIVEWAYS; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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 desires to amend Chapter 30 “Land Development Regulations” Article V “Schedule of District Use and Development Standards” Division 6 “Landscape Standards” to amend required bufferyard standards for driveways; 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 Section 30-815 related to Bufferyard Standards.** Chapter 30 "Land Development Regulations", Article V "Schedule of District Use and Development Standards", Division 6 "Landscaping Standards," Section 30-815 "Bufferyard standards" of the Code is hereby amended to read as follows:

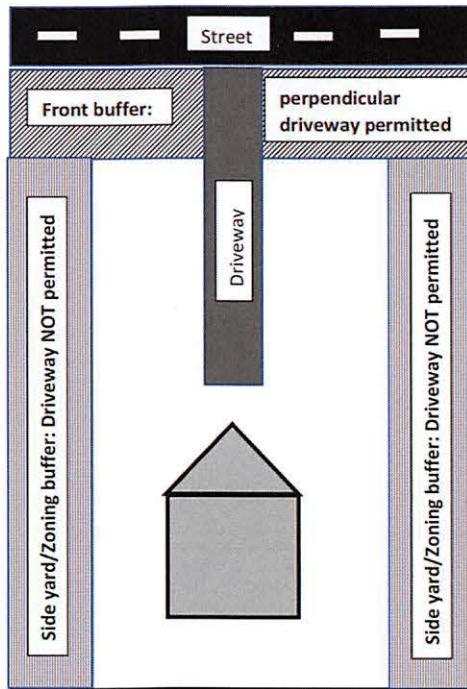
Additional text is shown as underlined;

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Sec. 30-815. - Bufferyard standards.

- (a) Each of the buffers required in this division shall be installed in accordance with the standards set forth herein (see table 30-815) and the Landscape Manual prepared by the planning and development services department. Existing native vegetation takes priority and satisfies this requirement.
- (b) The illustrations contained in the Landscape Manual shall specify the number of plants required per 100 linear feet along the property line and the minimum quantities of plant material contained in the table below. To determine the total number of plants required, the length of the property boundary or street frontage shall be divided by 100 and multiplied by the number of plants shown in the illustrations.
- (c) Any buffer area that overlaps another buffer area shall be subtracted from the total to avoid double counting. The arrangement and installation of plants shall be consistent with the criteria contained in section 30-821.
- (d) For properties with frontage on both U.S. 1 and Old Highway: the major street bufferyard requirements shall be reduced 50 percent along Old Highway unless otherwise required in this chapter.
- (e) Accessory structures such as fences, signs, and driveways may be permitted within a required bufferyard pursuant to the criteria set forth in this chapter.
- (f) Driveways permitted within a required bufferyard, residential and non-residential, shall be subject to the following criteria:
 - (1) Driveways shall only be permitted within a required bufferyard to provide access from the frontage street.
 - (2) Driveways shall be oriented perpendicular to the frontage street and required front bufferyard.
 - (3) Driveways shall not be permitted within more than one required bufferyard.
 - (4) Driveways shall only be permitted within a required bufferyard abutting the frontage street.

(5) Driveways within a required bufferyard shall not be wider than the minimum requirements per section 30-855.



(f) (g) Buffer areas utilizing public right of way shall meet the criteria set forth in section 30-819. The director may specify specific vegetation species and quantities to provide buffering as intended in this article.

TABLE 30-815. BUFFERYARD STANDARDS

	Width (feet)	Canopy Trees Required	Understory Trees Required	Shrubs Required	Berm (3 Feet)
Class A	5	2	—	15	
	10	2	—	10	
Class B	5	3	1	10	
	10	2.5	1	8	
	15	2	0.5	6	
Class C	10	5	2	20	
	15	4.5	2	18	
	20	4	2	16	

Class D	20	6.5	3.5	28	
	25	6	3	25	
	30	5.5	3	22	
Class E	30	12	6	36	
	40	10	5	30	Yes
	50	9	5	25	Yes
Class F	75	25	15	50	Yes
	100	10	5	30	
Class G	10	2	5	40	

Section 3. Repeal of Conflicting Provisions. The provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any sentence, section, 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 sentences, sections, clauses or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

The foregoing Ordinance was offered by Councilman David Webb, who moved its adoption on first reading. This motion was seconded by Vice Mayor Pete Bacheler. and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED on first reading this 20th day of May, 2021.

The foregoing Ordinance was offered by Vice Mayor Pete Bacheler, who moved its adoption on first reading. This motion was seconded by Councilman David Webb. and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED AND ADOPTED on the second reading this 9th day of June, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY D. 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