

ORDINANCE NO. 21-06

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 34 "NATURAL RESOURCES," ARTICLE II "WATER CONSERVATION", RELATED TO WATER CONSERVATION MEASURES; SPECIFICALLY AMENDING SECTION 34-31 "PURPOSE", SECTION 34-33 "DEFINITIONS", SECTION 34-34 "HOURS OF IRRIGATION; AUTOMATIC IRRIGATION SYSTEMS" SECTION 34-35 "PROHIBITIONS", AND SECTION 34-36 "EXEMPTIONS" OF THE VILLAGE CODE TO REVISE LANDSCAPE IRRIGATION RESTRICTIONS; 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 CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE 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 (the "Comprehensive Plan"); and

WHEREAS, the Village finds it both appropriate and necessary to revise water conservation regulations to conform with the State mandated regulations in order to further promote water conservation measures; and

WHEREAS, the Village was advised by the South Florida Water Management District (SFWMD) to ensure full compliance with Chapter 40E-24 Florida Administrative Code with regard to water conservation; and

WHEREAS, the Village desires to amend its Land Development Regulations (LDRs) that implemented year-round landscape irrigation conservation to implement a three-day per week watering schedule; and

WHEREAS, the revised LDRs would allow for irrigation schedule exceptions for ninety (90) days after installing landscaping, which is twice as long as the Village currently allows; and

WHEREAS, the Local Planning Agency has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes, and has recommended its adoption; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the principles for guiding development in the Florida Keys Area of Critical State Concern.

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 and correct and incorporated herein by this reference.

Section 2. **Year-Round Landscape Irrigation Conservation.** Chapter 34 “Natural Resources,” Article II “Water Conservation,” of the Village Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
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Sec. 34-31. - Purpose.

The purpose of this article is to establish a regulatory framework to ensure that water and landscape irrigation conservation will be consistent throughout the village and to promote water conservation through the efficient use of landscape irrigation and consistency with the South Florida Water Management District’s (District) mandatory year-round landscape irrigation conservation measures under Chapter 40E-24, Florida Administrative Code, (F.A.C.).

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Sec. 34-33. - Definitions.

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Address means the “house number” (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes “rural route” numbers, but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community’s address), then the community’s main address shall be the property’s address. If a property has no address, it shall be considered “even-numbered.”

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Sec. 34-34. - ~~Hours of irrigation; automatic irrigation systems.~~ Year-Round Permanent Landscape Irrigation Measures

- (a) A person may irrigate with potable water on any property within the village between the hours of 5:00 p.m. and 9:00 a.m. only.
- (b) All automatic irrigation systems installed after the effective date of the ordinance from which this article is derived shall include a water sensing device which shall automatically discontinue irrigation during periods of rainfall.
- (c) Irrigation of existing landscaping shall comply with the following provisions:
 - a. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Tuesdays, Thursdays, and/or Sundays.
 - b. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Mondays, Wednesdays, and/or Saturdays.
- (d) Irrigation of new landscaping shall comply with the following provisions:
 - a. New Landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.

- b. A ninety (90) day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
- c. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
- d. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
- e. Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Code if the zone in question is for an area that contains at least fifty percent (50%) new landscaping. If a zone contains less than fifty percent (50%) new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

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Sec. 34-35. - Prohibitions.

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(d) In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.

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Sec. 34-36. - Exemptions.

The following activities shall be exempt from the provisions of this article:

(1) Landscape irrigation by hand watering using a self-canceling nozzle; Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.

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Section 2. **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 3. **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 4. **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 5. **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 6. **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 Henry Rosenthal, 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	YES
Vice Mayor Pete Bacheler	YES
Councilman Henry Rosenthal	YES
Councilman Mark Gregg	YES
Councilman David Webb	YES


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

The foregoing Ordinance was offered by Councilman Mark Gregg, who moved for its adoption. This motion was seconded by Councilman David Webb, and upon being put to a vote, the vote was as follows:

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

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

ATTEST:


JOSEPH B. PINDER III, MAYOR


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