

ORDINANCE NO. 22-01

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO PRIVATE MEMBERSHIP CLUBS, NON-CONTIGUOUS PARKING AREAS, AND FLOOR AREA RATIO; 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 Council of Islamorada, Village of Islands (the "Village Council") desires to amend Chapter 30 "Land Development Regulations" Article II "Rules of Construction and Definitions", and Article V "Schedule of District Use and Development Standards" to both define and provide for operation of private membership clubs within certain zoning districts; 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 Chapter 30, Article II, Section 30-32.** Chapter 30 "Land Development Regulations", Article II "Rules of Construction and Definitions", Section 30-32 "Specific Definitions" of the Code is hereby amended to read as follows:

Additional text is shown as underlined;

deleted text is shown as ~~strikethrough~~

Sec. 30-32. – Specific definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Club, Private Membership means an entity, including buildings and facilities owned and operated by a membership corporation, association or fraternal order, organized for the purpose of accommodating recreational, athletic, social, literary or similar activities including, but not limited to golf, tennis, swimming, fishing, and fraternal organizations. A private membership club shall be operated by a not-for-profit entity and shall cater to members and their guests. A private membership club shall not be open to the general public.

Floor area ratio (FAR) means the total floor area of the building or buildings on a lot divided by the gross area of the lot or site. Non-contiguous lot area may be considered in the calculation of FAR within a Village Center (VC) zoning district only in those instances where a non-contiguous lot is used for off-street parking purposes pursuant to Sec. 30-852 (a)(1).

Section 3. **Amending Chapter 30, Article V, Division 2, Section 30-692, 30-694, 30-695, 30-696 and 30-697.** Chapter 30 "Land Development Regulations", Article V "Schedule of District Use and Development Standards", Division 2, "Zoning Districts" Sections 30-692, 30-694, 30-695, 30-696 and 30-697 of the Code are hereby amended to read as follows:

Additional text is shown as underlined;

deleted text is shown as ~~strikethrough~~

DIVISION 2. ZONING DISTRICTS

Sec. 30-692. - Village Center (VC) zoning district.

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted use of 3,001 to 5,000 square feet, except restaurants;
- (2) Hotels or motels having more than 25 rooms and less than 50 rooms;
- (3) Any permitted residential use greater than 25 dwelling units, except that hotels and motels shall not be considered a residential use;
- (4) Brewpubs of 1,500 to 3,000 square feet;
- (5) Community pier or public dock;
- (6) Docking facility;
- (7) Homeowners' park and associated facilities;
- (8) Infrastructure and municipal utility facilities;
- (9) Restaurants of 1,500 to 5,000 square feet;
- (10) Attached wireless facility; and
- (11) Replacement of existing wireless facility.
- (12) Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.
- (13) Private membership club.
- (14) Parking as an accessory use to a private membership club pursuant to Sec. 30-852 (a)(1) [Off-street parking].

Sec. 30-694. - Commercial Fishing (CF) zoning district.

(c) *Uses reviewed as a minor conditional use.*

- (1) Single-family dwelling units;
- (2) Deed restricted affordable housing dwelling units;
- (3) The following commercial retail, low and medium intensity uses, may be permitted as a minor conditional use provided there is no displacement of existing commercial fishing dockage or area, and the goods and services are related to the commercial fishing industry:
 - a. Accessory office use;
 - b. Accessory wholesale and retail fresh fish;
 - c. Commercial fishery suppliers;
 - d. Commercial retail;

- e. Docking facility;
 - f. Fuel sales limited to a boat fueling facility;
 - g. Infrastructure and municipal utility facilities;
 - h. Marine (re)upholstery;
 - i. Processing and packaging of fish and fish products.
- (4) Restaurants limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; and
- (5) Brewpubs limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less.
- (6) Private membership club.

Sec. 30-695. - Marine Use (MR) zoning district.

(c) Uses reviewed as a minor conditional use.

- (1) Single-family dwelling unit;
 - (2) Multifamily attached dwelling units;
 - (3) Deed restricted affordable dwelling unit;
 - (4) Docking facility;
 - (5) Boat barn;
 - (6) Outdoor storage of marine vessels and related marine equipment consistent with outdoor storage and display regulations provided for within article VI, division 8 of this chapter; except that subsections 30-1374(b)(4) and 30-1374(b)(8) shall not apply;
 - (7) Infrastructure and municipal utility facilities;
 - (8) Attached wireless facility;
 - (9) Restaurants limited to 3,000 square feet in size or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less;
 - (10) Brewpubs limited to 3,000 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; and
 - (11) Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.
- (12) Private membership club.

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

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted residential use greater than 25 dwelling units, except that hotels and motels shall not be considered a residential use;
- (2) Any permitted use of 3,000 to 5,000 square feet, except restaurants;
- (3) Brewpubs of 1,500 to 3,000 square feet;
- (4) Docking facility;
- (5) Infrastructure and municipal utility facilities;
- (6) Plant nursery;
- (7) Restaurants of 1,500 to 3,000 square feet;
- (8) Self-service storage facility (indoor); and
- (9) Attached wireless facility.
- (10) Private membership club.

Sec. 30-697. - Neighborhood Commercial (NC) zoning district.

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Commercial fishing uses;
- (2) Community pier or public dock;
- (3) Brewpubs limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less;
- (4) Docking facility;
- (5) Existing commercial fishing operations;
- (6) Infrastructure and municipal utility facilities;
- (7) Walk-up bank;
- (8) Attached wireless facility;
- (9) Restaurants, limited to 1,500 square feet in size, or less than 50 percent of the intensity allowable pursuant to this chapter, whichever is less; and
- (10) Manufacture, assembly, repair, maintenance and storage of commercial fishing traps and nets.
- (11) Private membership club.

Section 4. **Repeal of Conflicting Provisions.** The provisions of the Village Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. **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 6. **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 7. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

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

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

PASSED on first reading this 31st day of March, 2022.

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

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

PASSED AND ADOPTED on the second reading this 12th day of May, 2022.



PETE BACHELER, MAYOR

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



JOHN J. QUICK, INTERIM VILLAGE ATTORNEY