

## **ORDINANCE NO. 25-02**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH CREEKSIDE LLC, TO AMEND THE OFFICIAL ZONING MAP FROM VILLAGE CENTER (VC) TO NEIGHBORHOOD COMMERCIAL (NC) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

**WHEREAS**, the Official Zoning Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

**WHEREAS**, the property owner, LAH Creekside LLC, has requested an Official Zoning Map amendment from Village Center (VC) District to the Neighborhood Commercial (NC) Zoning District for a parcel consisting of approximately 1.4698 acres of land with the Parcel ID Number 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000 (the "Property"), as legally described below; and

**WHEREAS**, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code of Ordinances (the "Code"), the Village Local Planning Agency publicly considered the Zoning Map Amendment during a duly noticed public hearing held on June 10, 2024; and

**WHEREAS**, in accordance with Section 166.041, Florida Statutes, and Section 30-213 of the Village Code, notice of the public hearing(s) has been given for the proposed adoption of this Ordinance; and

**WHEREAS**, the Village Council of Islamorada, Village of Islands (the "Village Council") finds that the adoption of the Official Zoning Map Amendment is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents; and

**WHEREAS**, the Village Council has determined that the proposed Zoning Map Amendment is consistent with the Village Comprehensive Plan; and

**WHEREAS**, the Village Council desires to consider the proposed Zoning Map Amendment in accordance with State law.

**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. Approval/Denial of Zoning Map Amendment.** The Official Zoning Map Amendment is hereby approved as part of the Official Zoning Map of the Village with the following conditions:

1. No commercial fishing is permitted.
2. Docking facilities for recreational vessels shall be permitted. The mooring of recreational vessels shall be limited to vessels owned by the occupants of the affordable housing dwelling units or guests of the occupants. Guests of the occupants of the affordable housing dwelling units shall be permitted to moor vessels at the docking facilities for up to, but not to exceed, two (2) consecutive days (whether or not consecutively moored).

3. No commercial uses, except for the existing restaurant, are permitted. In the event the lawfully existing restaurant is substantially damaged or destroyed, it is permitted to be rebuilt pursuant to all requirements and development standards of the underlying zoning district.

A copy of the Official Zoning Map Amendment is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

**BK 1 LTS 8 AND 9 BOATMANS COLONY PLANTATION KEY AND BK 1 LT 10 AND 11 BOATMANS COLONY PB3-90 PLANTATION KEY AND BK 1 LOTS 12 THRU 15 BOATMANS COLONY PB3-90 PLANTATION KEY**

**Section 3. Transmittal.** The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Commerce ("Commerce") for approval in accordance with Section 380.05(6), Florida Statutes.

**Section 4. Effective Date.** This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Commerce (Commerce) pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

The foregoing Ordinance was offered by Councilwoman Gillis, who moved for its adoption on first reading. This motion was seconded by Councilman Horton and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	NO
Vice Mayor Don Horton	YES
Councilman Joseph B. Pinder III	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	NO

**PASSED** on the first reading this 12<sup>th</sup> day of December, 2024.

**[Remainder of this page intentionally left blank]**

The foregoing Ordinance was offered by Vice Mayor Horton, who moved for its adoption on second reading. This motion was seconded by Councilwoman Gillis, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	NO

**PASSED AND ADOPTED** on the second reading this 11<sup>th</sup> day of February, 2025.

  
SHARON MAHONEY, 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, VILLAGE ATTORNEY

Motion to adopt by Councilwoman Gillis, seconded by Vice Mayor Horton.

**FINAL VOTE AT ADOPTION**

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	NO

**PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF FEBRUARY 2025.**

  
SHARON MAHONEY, MAYOR

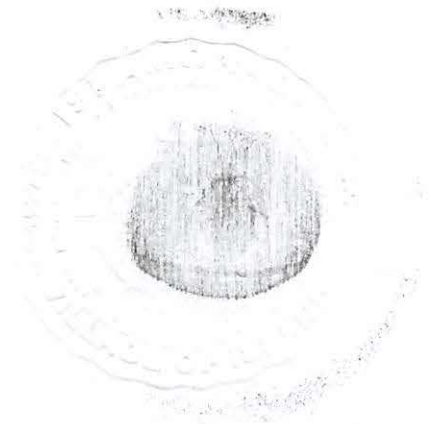
ATTEST:

  
MARNE MCGRATH, VILLAGE CLERK

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

  
JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 13<sup>th</sup> day of February 2025.



**EXHIBIT A**

**BK 1 LTS 8 AND 9 BOATMANS COLONY PLANTATION KEY AND BK 1  
LT 10 AND 11 BOATMANS COLONY PB3-90 PLANTATION KEY AND BK  
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