

ISLAMORADA VILLAGE OF ISLANDS

AGENDA



REGULAR VILLAGE COUNCIL MEETING

July 25, 2013

5:30 PM

Islamorada Founders Park Community Center
87000 Overseas Hwy,
Islamorada, FL 33036

VILLAGE COUNCIL

Ken Philipson, Mayor

Ted Blackburn, Vice Mayor

Mike Forster, Councilman

Deb Gillis, Councilwoman

Dave Purdo, Councilman

Edward Koconis, AICP, Village Manager

Ariana S. Lawson, Village Clerk

Nina Boniske, Village Attorney

Our Mission:

λ to Protect the Resident's Right to Quiet Enjoyment of Life

λ to Plan for Enhancing Our "Village" Character

λ to Preserve Our Community: Its People, Natural Resources, and Pride

λ to Provide Basic Services to Support Our Quality of Life



**ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING**

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
July 25, 2013
5:30 PM**

- I. CALL TO ORDER\ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. PRESENTATIONS AND ANNOUNCEMENTS**
- IV. PUBLIC COMMENT**
- V. AGENDA: Request for Deletion / Emergency Additions**
- VI. CITIZENS' ADVISORY COMMITTEE UPDATES**
- VII. VILLAGE MANAGER REPORTS AND UPDATES**

- A. Update on Planning and Development Services Including CityView Progress**
- B. Update on Lower Matecumbe Beach Concerns**

VIII. CONSENT AGENDA

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

- A. Minutes:**

TAB 1

April 11, 2013 Regular Village Council Meeting

June 27, 2013 Village Council Workshop

IX. ORDINANCES

- A. First Reading – Application for Text Amendment to the Comprehensive Plan and Land Development Regulations (TA-12-01) by EDSA, Inc. on behalf of Bonefish Holdings LLC, formerly known as AV Investors LLC**

TAB 2

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY EDSA, INC. ON BEHALF OF BONEFISH HOLDINGS, LLC TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN BY MODIFYING EXISTING POLICIES AND CREATING A NEW POLICY WITHIN THE FUTURE LAND USE ELEMENT THAT WOULD ALLOW HIGHER RESIDENTIAL DENSITY AND NONRESIDENTIAL INTENSITY WITHIN THE MIXED USE (MU) FUTURE LAND USE MAP CATEGORY FOR ECO-SUSTAINABLE LODGING USES, ALLOW UNDEVELOPABLE ENVIRONMENTALLY SENSITIVE LANDS CURRENTLY INELIGIBLE FOR RESIDENTIAL DENSITY AND NONRESIDENTIAL INTENSITY TO COUNT TOWARD ON-SITE DEVELOPMENT POTENTIAL FOR ECO-SUSTAINABLE LODGING USES, REDUCE MINIMUM OPEN SPACE REQUIREMENTS FOR ECO-SUSTAINABLE LODGING USES, AND REQUIRE A MANAGEMENT PLAN IN LIEU OF A CONSERVATION EASEMENT FOR ECO-SUSTAINABLE LODGING USES; MODIFYING EXISTING POLICIES AND CREATING A NEW POLICY WITHIN THE COASTAL MANAGEMENT ELEMENT TO ENCOURAGE ENHANCEMENT OF WETLANDS, ALLOW AN EXCEPTION TO THE WETLAND SETBACK FOR ECO-SUSTAINABLE LODGING USES, ESTABLISH MINIMUM CRITERIA AND STANDARDS FOR ECO-SUSTAINABLE LODGING, REQUIRE THIRD PARTY PEER REVIEW OF PLANS AND COMPLIANCE FOR ECO-SUSTAINABLE LODGING USES, AND REQUIRE AN EDUCATIONAL PROGRAM FOR ECO-SUSTAINABLE LODGING USES; AND MODIFYING EXISTING POLICIES WITHIN THE CONSERVATION ELEMENT TO ALLOW AN EXCEPTION TO THE WETLAND SETBACK FOR ECO-SUSTAINABLE LODGING USES, ALLOW RESTORED LAND TO COUNT AS OPEN SPACE FOR ECOSUSTAINABLE LODGING USES, ALLOW RESTORED LAND FOR ECO-SUSTAINABLE LODGING USES TO BE CLEARED, AND FURTHER ESTABLISH ECO-SUSTAINABLE LODGING RESTORATION AS A CLUSTERING TECHNIQUE TO MITIGATE DEVELOPMENT IMPACTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY EDSA, INC. ON BEHALF OF BONEFISH HOLDINGS, LLC TO AMEND THE TEXT OF CHAPTER 30 "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES BY MODIFYING ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS," SECTION 30-32 "SPECIFIC DEFINITIONS" TO ESTABLISH THE DEFINITION OF ECOSUSTAINABLE LODGING; MODIFYING ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 11 "BUILDING PERMIT ALLOCATION SYSTEM," SECTION 30-476 "BUILDING PERMIT ALLOCATION EVALUATION CRITERIA AND AWARD" TO ESTABLISH EVALUATION CRITERIA WITHIN THE NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM FOR ECO-SUSTAINABLE LODGING USES AND LEED DESIGN CERTIFICATION; MODIFYING ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS," DIVISION 2

“ZONING DISTRICTS,” SECTION 30-693 “TOURIST COMMERCIAL (TC) ZONING DISTRICT” TO ESTABLISH ECO-SUSTAINABLE LODGING HAVING UP TO 70 ROOMS AS A PERMITTED USE AND ALLOW HIGHER RESIDENTIAL DENSITY AND NONRESIDENTIAL INTENSITY FOR ECO-SUSTAINABLE LODGING USES; AND MODIFYING ARTICLE VII “ENVIRONMENTAL REGULATIONS,” DIVISION 4 “ENVIRONMENTAL STANDARDS” TO PERMIT A MANAGEMENT PLAN TO SUBSTITUTE FOR A CONSERVATION EASEMENT FOR ECO-SUSTAINABLE LODGING USES AND REDUCE OPEN SPACE REQUIREMENTS FOR ECO-SUSTAINABLE LODGING USES; PROVIDING FOR SEVERABILITY; 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

- B. First Reading - Land Development Regulations Text Amendment to Clear Sight Triangles TAB 3**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” SECTION 30-32 “SPECIFIC DEFINITIONS” AND ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 7 “OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS” OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; 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

- C. First Reading - Land Development Regulations Text Amendment to Zoning Districts and Setback Requirements TAB 4**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” SECTION 30-32 “SPECIFIC DEFINITIONS” AND ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 2 “ZONING DISTRICTS” OF THE CODE OF ORDINANCES; 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 VILLAGE 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

X. QUASI-JUDICIAL

- A. Dock Length Variance (VAR-12-01) by Scott Daiagi for Property Located at 89401 Old Highway, Plantation Key, Parcel Number 00092490-000000 **TAB 5**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY SCOTT DAIAGI FOR A DOCK LENGTH VARIANCE FOR THE DEVELOPMENT OF A PIER-TYPE DOCK WITH A 4' X 315' ACCESS WALK CULMINATING IN A 160 SQUARE FOOT (8' X 20') TERMINAL PLATFORM AND TWO DOLPHIN WOOD MOORING PILINGS LOCATED 25 FEET OFF THE TERMINAL END OF THE DOCKING FACILITY 20 FEET APART, FOR A DOCKING FACILITY WITH A TOTAL FOOTPRINT OF 1,920 SQUARE FEET ON PROPERTY LOCATED AT 89401 OLD HIGHWAY, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

XI. RESOLUTIONS

- A. Proposed Resolution Establishing an Ad Hoc Village Attorney Recommendation Advisory Committee **TAB 6**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE AD HOC VILLAGE ATTORNEY RECOMMENDATION COMMITTEE; PROVIDING FOR THE TERM AND COMPOSITION; PROVIDING FOR MEETINGS AND DISQUALIFICATION OF MEMBERS; PROVIDING FOR STAFF PARTICIPATION; PROVIDING FOR GOALS AND OBJECTIVES; PROVIDING FOR DUTIES AND RESPONSIBILITIES; PROVIDING FOR DISSOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

XII. MOTIONS

XIII. WASTEWATER MATTERS

- A. Wastewater Project Update **TAB 7**

- B. Resolution Approving Phase II Wastewater Collection and Treatment Facilities Final Assessment **TAB 8**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES WITHIN THE WASTEWATER ASSESSMENT AREA WITHIN THE VILLAGE BUT EXCLUDING THE NORTH PLANTATION KEY AND WOODS CORNER ASSESSMENT AREAS; IMPOSING SPECIAL ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

C. Resolution Amending the Wastewater Utility Rate Schedule

TAB 9

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE WASTEWATER UTILITY RATE SCHEDULE ADOPTED IN ORDINANCE NO. 06-13, AS AMENDED BY RESOLUTION NO. 09-06-49 AND RESOLUTION NO. 11-03-14; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDED WASTEWATER UTILITY RATE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE

D. Resolution Approving Change Order #3 to the Design Build and Operate (DBO) Agreement between Reynolds Water Islamorada, LLC and Islamorada, Village of Islands to Provide for Revisions to the Design Build Work

TAB 10

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING CHANGE ORDER NO. 3 TO THE DESIGN BUILD AND OPERATE (DBO) AGREEMENT BETWEEN REYNOLDS WATER ISLAMORADA, LLC AND ISLAMORADA, VILLAGE OF ISLANDS, PROVIDING FOR REVISIONS TO THE DESIGN/BUILD WORK; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF CHANGE ORDER NO. 3; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE CHANGE ORDER NO. 3; AND PROVIDING FOR AN EFFECTIVE DATE

XIV. MAYOR / COUNCIL COMMUNICATIONS

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

XVI. ADJOURNMENT

A limited number of agendas will be available for the public at the time of the meeting. The agenda and backup documentation may be viewed and printed from the Village website at www.islamorada.fl.us as early as the Monday prior to the meeting.

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Administrative Center and Public Safety Headquarters at 664-6412 at least 48 hours before the scheduled meeting.

Anyone wishing to appeal any decision made by the Islamorada Village Council with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

All video, computer or technical devices that will be used at Council meetings must be given to the Village Clerk 48 hours prior to the meeting.

Anyone giving out documents during public comment shall provide a minimum of 15 copies to the Village Clerk prior to the start of the meeting.

Two or more committee members from various Village Committees may be present at this meeting.