RESOLUTION NO. 15-11-112

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXTENDING ZONING IN PROGRESS FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS; DECLARING THAT THE VILLAGE IS CONSIDERING AMENDING ITS COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS TO ADOPT REGULATIONS FOR THE DEVELOPMENT AND REDEVELOPMENT OF NONRESIDENTIAL STRUCTURES GREATER THAN 10,000 SQUARE FEET; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, residents of Islamorada, Village of Islands, Florida (the “Village”) have expressed concern to the Village Council about the size of nonresidential structures greater than 10,000 square feet and the impact associated therewith on the Village’s unique community character; and

WHEREAS, the Village Council has determined that a review of the existing Comprehensive Plan (the “Comprehensive Plan”) and land development regulations (the “LDRs”) are necessary to assure that the natural and built environment are preserved and help foster a sense of place and unique community character; and

WHEREAS, the Village Council desires to amend nonresidential (commercial) guidelines, architectural standards and criteria in order to ensure that future nonresidential development is compatible with its surrounding area and contributes to the preservation of the unique and local community character within the Village; and

WHEREAS, the Village desires to encourage future developments and redevelopment of nonresidential structures within the Village to attract tourism, enhance the economy of the
Village for the benefits of its residents, and enhance the Village’s ability to support needed improvements in infrastructure, and

WHEREAS, the Village Council desires that staff review and revise the existing Comprehensive Plan and LDRs pertaining to the development and redevelopment of nonresidential structures greater than 10,000 square feet (the “Standards”), to ensure they are designed to harmoniously blend with development patterns within the Village; and

WHEREAS, on November 20, 2014, the Village Council directed planning staff to start developing proposed Standards for review and adoption by the Village Council; and

WHEREAS, the utilization of zoning in progress, as directed by the Village Council on November 20, 2014, is a temporary measure to facilitate governmental decision-making, study, and adoption of a comprehensive plan or land development regulations, and is a legitimate governmental tool to facilitate logical and considered growth; and

WHEREAS, by invoking zoning in progress, the Village placed all parties on notice that it is considering amending the Comprehensive Plan and LDRs and that parties who are considering development or redevelopment projects within the Village and have submitted an application for a development permit pursuant to Code Section 30-212(d)(1) after December 18, 2014, may be subject to any new Standards; and

WHEREAS, on December 18, 2014, the Village Council adopted Resolution 14-12-100, thereby invoking Zoning in Progress for a period of one hundred and eighty (180) days therefrom; and

WHEREAS, on May 28, 2015, the Village Council adopted Resolution 15-05-45, thereby extending the Zoning in Progress for an additional a period of one hundred and eighty (180) days therefrom; and
WHEREAS, Village staff has determined that additional time is needed to implement design guidelines consistent with text amendments to the Comprehensive Plan and LDRs; and

WHEREAS, Village staff has transmitted a proposed text amendment to the Comprehensive Plan which is currently under review by the Department of Economic Opportunity; and

WHEREAS, the Village Council desires to ensure that during the time period for the implementation of the amendments to the Comprehensive Plan and LDRs, that any parties who are considering development or redevelopment projects within the Village and have submitted an application for a development permit pursuant to Code Section 30-212(d)(1) after December 18, 2014, are on notice that they may be subject to any new Standards; and

WHEREAS, the Village Council desires to extend the Zoning in Progress for an additional one hundred eighty (180) days from the effective date of this Resolution; and

WHEREAS, this Resolution is adopted in good faith, is not discriminatory, is proposed for a limited duration, is tailored in its application and the Village is working diligently to seek amendment of the Comprehensive Plan and LDRs; and

WHEREAS, the Village Council has determined that extension of the Zoning in Progress is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated by reference.

Section 2. Zoning in Progress Extended. The Village Council hereby formally extends and declares “Zoning in Progress” for a period of one hundred eighty days (180) days
from the effective date of this Resolution with respect to any applications for a development order or permit related to the development or redevelopment of nonresidential structures greater than 10,000 square feet.

**Section 3. Effect of Zoning in Progress.** The Village Council hereby declares that Village planning staff is preparing and processing ordinances (the “Pending Ordinances”), pertaining to the development and redevelopment of nonresidential structures greater than 10,000 square feet. The Pending Ordinances, if adopted, will amend the Village’s Plan and LDRs. As of the effective date of Resolution 14-12-100, parties who contemplate the development or redevelopment of nonresidential structures greater than 10,000 square feet will be reviewed for compliance with the provisions of the Regulations.

All affected property owners are hereby placed on notice that any application for a development order or permit, including, but not limited to, an amendment to the Village’s Comprehensive Plan, a rezoning, a major or minor conditional use or any other application for a “development order” as that term is defined in Chapters 163 and 380, Florida Statutes, pertaining to the development or redevelopment of nonresidential structures greater than 10,000 square feet within the Village, filed after December 18, 2014, (the effective date Resolution 14-12-100) within the Village shall be subject to review pursuant to the requirements of the Regulations.

This Resolution shall not apply to either a property owner who has submitted a Site Plan, Conditional Use or development application to the Village prior to the effective date of this Resolution.

**Section 4. Public Notice.** The adoption of this resolution shall be evidenced by placement of a notice in a newspaper of general circulation within the Village, in accordance
with Chapter 50, Florida Statutes, within two weeks after adoption of this resolution. A copy of this resolution shall also be posted at Village Hall for the next one hundred eighty (180) days.

Section 5. Extension of Zoning in Progress. The Village Council may extend the length of the Zoning in Progress period by adopting an official Resolution and providing for the requisite public notice as set forth in Section 4 herein.

Section 6. Severability. If any one or more of the provisions of this Resolution should be held to be contrary to any express provision of law or to be contrary to the policy of express law, though not expressly prohibited, or to be against public policy, or should for any reason whatsoever be held invalid, than such provisions shall be null and void and shall be deemed separate from the remaining provisions of, and in no way affect the validity of, all the other provisions of this Resolution.

Section 7. Effective Date. This resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Councilman Jim Mooney, who moved for its adoption on first reading. This motion was seconded by Vice Mayor Deb Gillis, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Mike Forster YES
Vice Mayor Deb Gillis YES
Councilman Jim Mooney YES
Councilman Chris Sante YES
Councilman Dennis Ward YES

PASSED AND ADOPTED ON THIS 12TH DAY OF NOVEMBER, 2015.
APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS ONLY

ATTEST:

KELLY TOOTH, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY

MIKE FORSTER, MAYOR