



Council Communication

To: Mayor and Village Council
From: Daniel Parabok, Environmental Planner
Date: July 9, 2024
SUBJECT: **Ordinance to Eliminate Bufferyards in Residential Zoning Districts
- First Reading - TAB 13**

Background:

At the Village Council meeting on February 13, 2024, staff was directed to amend the landscaping standards to remove the requirement of a zoning district boundary buffer from a residential property when adjacent to commercial zoned property. Staff presented an ordinance amending the landscaping standards to remove the requirement of a zoning district boundary buffer from a residential property when adjacent to commercial zoned property to the Local Planning Agency (LPA) on June 10, 2024. After discussion, the LPA voted 5-2 in favor of passing the ordinance as written.

Analysis:

The Village of Islamorada Planning and Development Services Department proposes amending Chapter 30 Land Development Regulations specifically removing the requirement of a Zoning District Boundary Bufferyard on residential properties that are adjacent to commercial properties. All proposed changes are contained within the strikethrough-underlined ordinance accompanying this memorandum.

The purpose of this amendment is to reduce the landscape requirements on residential property when a Zoning District Boundary Bufferyard would otherwise be required.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Village staff recommends to amend Chapter 30 Land Development Regulations to remove the requirement of a zoning district boundary buffer from a residential property when adjacent to commercial zoned property.

Attachments: 1. Ord_24-XX Bufferyards

ORDINANCE 24-__

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION 6 "LANDSCAPING STANDARDS", SECTION 30-816 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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, Islamorada, Village of Islands (the "Village") has established Land Development Regulations ("LDRs") to properly guide development and protect the health, safety, and welfare of the public; 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 finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

WHEREAS, the Village Council wishes to amend the LDRs to relax the bufferyard requirement on the residential property sharing a property line with a commercial property.

NOW THEREFORE, be it ordained by the Council of the Village of Islamorada, in the State of Florida, as follows:

SECTION 1: RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: AMENDMENT "Sec 30-816 Zoning District Boundary Bufferyards" of the Islamorada Village Code is hereby *amended* as follows:

A M E N D M E N T

Sec 30-816 Zoning District Boundary Bufferyards

- (a) Bufferyards required by section 30-813 between zoning district boundaries shall be provided in accordance with table 30-816:

TABLE 30-816. ZONING DISTRICT BUFFERYARDS

	N R	R E	R 1- 2	R 3- 4	R M H	T A	M F	M H	S R	V C	N C	H C	T C	C F	M R	I	C	P S	R	M
N R	—	D	D	E	D	—	E	C	D	E	E	E	E	G	E	D	A	B	B	D
R E	D	—	B	C	B	—	C	C	B	D	D	D	D	G	D	D	A	B	B	D
R 1- 2	D	B	—	B	—	B	B	C	B	D	D	D	D	G	D	D	A	B	B	D
R 3- 4	E	C	B	—	B	B	A	C	C	C	C	C	C	G	C	D	A	B	B	D
R M H	D	B	—	B	—	B	B	C	B	D	D	D	D	G	D	D	A	B	B	D
T A	—	—	B	B	B	—	—	—	—	—	D	D	—	—	D	D	A	B	B	—
M F	E	C	B	A	B	—	—	C	C	C	D	D	D	G	D	D	A	B	B	D
M H	C	C	C	C	C	—	C	—	B	B	B	B	D	C	B	B	A	B	B	—
S R	D	B	B	C	B	—	C	B	—	D	D	D	D	G	D	D	A	B	B	D
V C	E	D	D	C	D	—	C	B	D	—	—	—	—	G	—	C	A	A	A	C
N C	E	D	D	C	D	D	C	B	D	—	—	—	—	G	—	C	A	A	A	C
H C	E	D	D	C	D	D	C	B	D	—	—	—	—	G	—	C	A	A	A	C
T C	E	D	D	C	D	—	D	D	D	—	—	—	—	G	—	D	A	B	B	D
C F	G	G	G	G		—	G	C	G	G	G	G	G	—	G	C	A	B	B	C
M R	E	D	D	C	D	D	C	B	D	—	—	—	—	G	—	C	B	B	B	C
I	D	D	D	D	D	—	D	—	D	C	C	C	D	C	C	—	D	D	E	D
C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	D	—	B	A	D

P	B	B	B	B	B	B	B	B	B	A	A	A	B	B	B	D	B	—	B	B
S																				
R	B	B	B	B	B	B	B	B	B	A	A	A	B	B	B	E	A	B	—	C
M	D	D	D	D	D	—	D	—	D	C	C	C	D	C	C	D	D	B	C	—

- (b) Where a district boundary runs along a canal, the following rules apply:
- (1) No buffer is required if the specified buffer is an A or B buffer.
 - (2) All other buffers shall be reduced as follows:

C to A

D to B

E to C

F to D

G to A

- (c) Where there are existing mangroves along a canal or basin, a mangrove fringe may count towards the bufferyard requirements provided a restrictive covenant running with the land is filed containing a conservation easement for the width of the fringe.
- (d) Where a Class E or F land use buffer is required, each side shall be responsible for 50 percent of the required buffer area and required vegetation.
- (e) Where either side of the boundary is developed, all existing canopy trees, shrubs or understory trees within ten feet of the property line may be counted up to 50 percent of the required plant material, required buffer area and required vegetation.
- (f) Where a district boundary runs along a residential and commercial property, the residential property shall not be required to install a district bufferyard.

SECTION 3: REPEALER CLAUSE The Provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE 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 5: 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 6: TRANSMITTAL. The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce (the "DOC") for approval pursuant to section 380.05, Florida Statutes.

SECTION 7: EFFECTIVE DATE This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DOC. The DOC notice of intent to find this Ordinance in compliance shall be deemed to be the final order if no timely petition challenging this Ordinance is filed.

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

Mayor Joseph B. Pinder III _____
Vice Mayor Sharon Mahoney __
Councilman Mark Gregg -
Councilwoman Elizabeth Jolin __
Councilman Henry Rosenthal _____

PASSED on the first reading this ____ day of _____, 2024.

The foregoing Ordinance was offered by Councilmember __, who moved for its adoption on second reading. This motion was seconded by Councilmember ____, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III _____
Vice Mayor Sharon Mahoney __
Councilman Mark Gregg -
Councilwoman Elizabeth Jolin __
Councilman Henry Rosenthal _____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

JOSEPH B. PINDER III, 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