



# Council Communication

**To:** Mayor and Village Council

**Through:** Maria T. Aguilar, Village Manager

**From:** Cheryl Cioffari, AICP, Director of Planning

**Date:** July 21, 2016

**SUBJECT: LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT FOR  
DETACHED AFFORDABLE DWELLING UNITS IN THE RESIDENTIAL  
SINGLE-FAMILY (R1) AND (R1M) ZONING DISTRICT**

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## **Background:**

The Village Council directed Staff to amend the Village's land development regulations to allow for detached deed-restricted affordable housing dwelling units within the R1 and R1M Zoning District. The current regulations allow for a maximum of four (4) units of attached deed-restricted affordable housing on lots that front U.S.1 provided that the minimum lot sizes as established in Section 30-684(e)(1) of the Village Code of Ordinances (the "Code") are met.

The proposed Ordinance would amend Chapter 30, Article V, Division 2, Zoning Districts, Section 30-684 *Residential Single-family (R1) and (R1M) Zoning District* of the Village Code to allow for detached deed-restricted affordable housing dwelling units on lots fronting U.S. 1.

At the July 21, 2016 Local Planning Agency (LPA) Meeting, the LPA voted 4-0 to recommend approval of the proposed ordinance.

## **Analysis:**

The proposed amendment would allow for the development of deed-restricted affordable housing on lots fronting U.S. 1 consistent with the minimum lot sizes as established in Code Section 30-684(e)(1) but would not require the units to be attached. Compliance with the Comprehensive Plan and Land Development Regulations would be required, including compliance with Code Chapter 30, Article V, Division 4 *Environmental Standards*.

The proposed Ordinance maintains consistency with the Goals, Objectives, and Policies of the Comprehensive Plan, including but not limited to:

- Policy 1-2.1.4: Restrict Density and Intensity of Development;
- Goal 1-3: Limit Growth Within the Village;

- Objective 1-3.1: Implement Limited Growth Objectives and Policies;
- OBJECTIVE 3-1.1: Provide Adequate Affordable Housing to Meet Current and Future Needs;
- Objective 3-1.1: Provide Adequate Affordable Housing to Meet Current and Future Needs;
- Policy 3-1.1.2: Dedicate Sufficient Residential Dwelling Unit Allocations to Affordable Housing;
- Policy 3-1.1.3: Identify and Address Barriers to Affordable Housing Within the Land Development Regulations; and
- Policy 3-1.1.4: Recognize the Deficiency of Workforce Housing Within the Village.

**Budget Impact:**

None.

**Staff Impact:**

Staff impact is limited to the drafting of the proposed Ordinance.

**Recommendation:**

It is recommended that the Village Council pass the proposed Ordinance on first reading.

## **ORDINANCE NO**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 2 “ZONING DISTRICTS” SECTION 30-684 “RESIDENTIAL SINGLE-FAMILY (R1) AND (R1M) ZONING DISTRICT” TO PROVIDE FOR DETACHED OR ATTACHED AFFORDABLE HOUSING; 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**

**WHEREAS,** the Comprehensive Plan of Islamorada, Village of Islands (the “Village”) states that the Village shall designate adequate housing sites for all residents of Islamorada including affordable housing; and

**WHEREAS,** the Village finds that allowing detached and attached affordable housing dwelling units within the Residential Single-family (R1) and (R1M) Zoning District will help promote affordable housing; and

**WHEREAS,** the Village Local Planning Agency reviewed this Ordinance on July 11, 2016 in accordance with the requirements of Chapter 163, Florida Statutes; and

**WHEREAS,** the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development in 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.

**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.**     **Zoning Districts.** Chapter 30 “Land Development Regulations,” Article II “Schedule of District Use and Development Standards,” Division 2 “Zoning Districts,” Section 30-684 *Residential single-family (R1) and (R1M) Zoning District* of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>strikethrough</del>
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**Section 30-684. Residential single-family (R1) and (R1M) Zoning District.**

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(a) Purpose and intent.

(1) The purpose of the residential single-family (R1) and (R1M) zoning district is to accommodate homes, homeowners’ parks, and open space in single-family residential neighborhoods located in subdivisions and on streets where the primary land use is single-family residential. On lots fronting U.S. 1, this zoning district shall also accommodate ~~multifamily attached~~ affordable housing of up to four units. All lots within this zoning district are platted or legally recorded.

(2) This zoning district is established within the Residential Medium (RM) FLUM category.

(b) Permitted uses.

(1) Single-family detached dwelling unit;

(2) ~~Multifamily~~ Attached or detached deed restricted affordable housing of up to four dwelling units on lots fronting U.S. 1;

(3) Where an "M" sub-district designator is indicated, only dwelling units of masonry construction; and

(4) Accessory uses and structures, excluding guesthouses.

(c) Uses reviewed as a minor conditional use.

(1) Homeowners' park and associated facilities;

(2) Infrastructure and municipal utility facilities; and

(3) Park.

(d) Uses reviewed as a major conditional use. None.

(e) Site development standards.

(1) Minimum lot area: 4,500 square feet for a single-family detached dwelling unit; 6,000 square feet for two attached or detached affordable housing dwelling units; 9,000 square feet for three attached or detached affordable housing dwelling units; and 12,000 square feet for four attached or detached affordable housing dwelling units.

(2) Maximum building height: 35 feet.

(3) Maximum developable lot coverage: Not applicable.

(4) Setbacks:

a. Front yard: 25 feet. Front yard setback may be reduced to 20 feet where a five-foot-wide Class B bufferyard is installed running the length of the frontage.

b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.

1. Street side yard: Minimum ten feet.

2. Interior side yard: Minimum five feet.

c. Rear yard not on shoreline: Minimum 20 feet.

Accessory structures limited to 15 feet in height may be permitted within the rear yard setback, provided that a five-foot rear yard setback is maintained and a

minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.

d. Rear yard on shoreline: See article VII, division 2 of this chapter.

(5) Floor area: Maximum floor area for principal structures: Not applicable.

(6) Density: One dwelling unit per lot except up to four affordable housing dwelling units per lot fronting U.S. 1 pursuant to the minimum lot area standard for this zoning district.

(7) Open space: See article VII, division 4 of this chapter.

(8) Landscape requirements: See division 6 of this article.

(9) Parking requirements: ~~Two spaces per dwelling unit or one and one half spaces per each attached affordable housing unit.~~ See division 7 of this article.

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**Section 3.**     **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

**Section 5.**     **Inclusion in the Code.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6.**     **Transmittal to the Florida Department of Economic Opportunity.** The provisions of this Ordinance constitute a “land development regulation” as State law defines that term. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the Florida Department of Economic Opportunity (“DEO”) for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**Section 7.**     **Effective Date.** This Ordinance shall not be effective until approved pursuant to a final order by DEO, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

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

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

**PASSED** on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

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

**PASSED AND ADOPTED** on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

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DEB GILLIS, MAYOR

ATTEST:

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KELLY TOTH, VILLAGE CLERK

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

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ROGET V. BRYAN, VILLAGE ATTORNEY