

**ORDINANCE NO. 10-04**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY LCS GROUP TO AMEND THE *OFFICIAL ZONING MAP* FROM RESIDENTIAL ESTATE (RE) TO TOURIST COMMERCIAL (TC) FOR PROPERTY LOCATED AT 79971 OVERSEAS HIGHWAY AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the LCS Group (the "Applicant") is requesting an amendment to the Official Zoning Map from Residential Estate (RE) to Tourist Commercial (TC) (the "Amendment") for property legally described in Exhibit "A", with the Real Estate Number 00096740-000000; and

**WHEREAS**, the Village Official Zoning Map became effective April 30, 2002; and

**WHEREAS**, the proposed Zoning Map Amendment is consistent with the Goals, Objectives, and Policies of the Village Comprehensive Plan; and

**WHEREAS**, the proposed Zoning Map Amendment is consistent with Chapter 380 of the Florida Statutes, Principles for Guiding Development; and

**WHEREAS**, pursuant to Chapter 166.041, Florida Statutes, and Sections 30-101 and 30-213 of the Village Code, the Local Planning Agency publicly considered the Zoning Map Amendment during a duly noticed public hearing on November 30, 2009, and recommended approval of the proposed Zoning Map Amendment; and

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

**WHEREAS**, the Village Council finds that the adoption of this ordinance is in the best interest of the Village and complies with all applicable laws, as well as promotes the general health, safety, and welfare of the Village's Citizens; and

**WHEREAS**, the Village Council desires to adopt 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. Adoption of Map Amendment.** The Zoning Map Amendment is hereby adopted as part of the Official Zoning Map of the Village. A copy of the Zoning Map Amendment is attached as Exhibit "B" and incorporated herein by this reference.

**Section 3. Transmittal.** Pursuant to Section 380.0552, Florida Statutes, the Village Clerk shall timely transmit this amendment to the Village's Official Zoning Map to the Florida Department of Community Affairs (the "Department") in its capacity as the State Land Planning Agency, and all other government entities as may be required by statute.

**Section 4. Effective Date.** This Zoning Map Amendment shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

The foregoing Ordinance was offered by Vice Mayor Reckwerdt, who moved its adoption on first reading. This motion was seconded by Councilwoman Zima Borski, and upon being put to a vote, the vote was as follows:

Mayor Don Achenberg	YES
Vice Mayor Michael Reckwerdt	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilwoman Deb Gillis	YES

**PASSED** on first reading this 17th day of December 2009.

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

Mayor Don Achenberg	YES
Vice Mayor Michael Reckwerdt	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilwoman Deb Gillis	YES

**PASSED AND ADOPTED** on second reading this 28<sup>th</sup> day of January, 2010

  
DON ACHENBERG, MAYOR

ATTEST:

  
VILLAGE CLERK

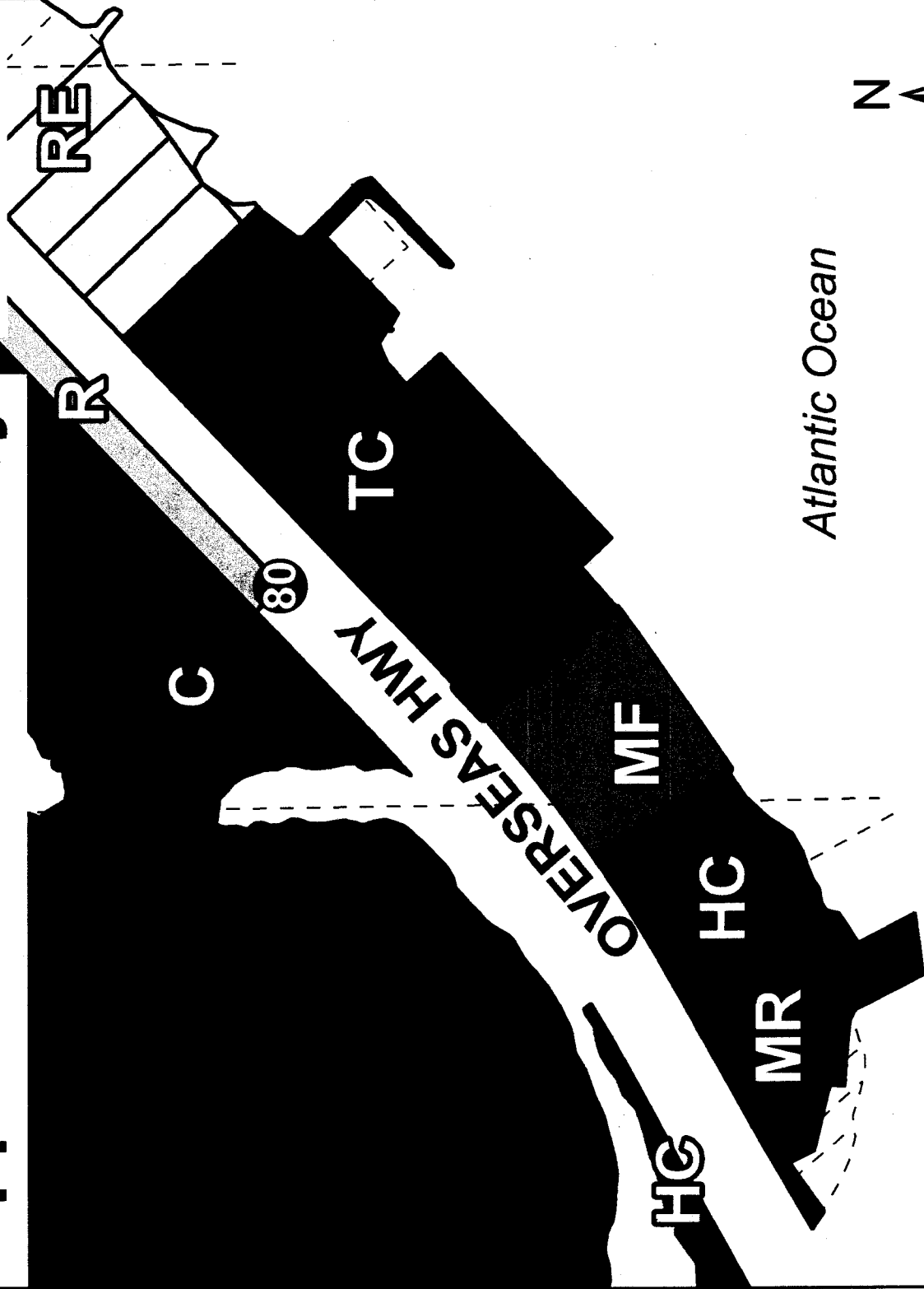
APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY.

  
VILLAGE ATTORNEY

6 64 37 Island of Upper Matecumbe Pt. Government Lots 1-2-3 G68-354-356

# Upper Matecumbe Key

Exhibit "B"



Atlantic Ocean



Subject Property