



Islamorada, Village of Islands

SPECIAL CALL VILLAGE COUNCIL MEETING

July 20, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

The Village Council has resumed the in-person regular meeting format. Virtual participation is still available to the public. Please see the last page of the agenda for participation details

AGENDA

- I. CALL TO ORDER / ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. AGENDA: Requests for Deletion / Emergency Additions**
- IV. PUBLIC COMMENT**
(This is general public comment. It provides an opportunity for the public to speak about matters not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)
- V. MAYOR / COUNCIL COMMUNICATIONS**
- VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**
- VII. QUASI-JUDICIAL**
 - A. Notice of Intent to Issue Minor Conditional Use/Site Plan Approval**
- **TAB 1** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE PLANNING DIRECTOR'S NOTICE OF INTENT TO ISSUE MINOR CONDITIONAL USE WITH SITE PLAN APPROVAL (PLSPR20230045); FOR THE PLANTATION TROPICAL PRESERVE DEVELOPMENT PROPOSING PARKING, WALKWAYS, GAZEBOS, AND GREEN SPACES AT THE EAST AND WEST ENDS OF THE PRESERVE; FOR PROPERTY LOCATED AT 146 SUNSHINE BLVD, ON PLANTATION KEY HAVING PARCEL NUMBER 00437491-005501; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Orange Street - Roadway Abandonment - TAB 2** (Jennifer DeBoisbriand , Planning Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST

BY JAMES LUPINO, ESQ. ("Agent") ON BEHALF OF MM82,790 LLC ("OWNER"), TO ABANDON AND VACATE A PORTION OF ORANGE STREET RIGHT OF WAY, AS SHOWN ON THE PLAT OF "MAP OF THE TOWNSITE OF ISLAMORADA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 48, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN "EXHIBIT A"; RESERVING TO THE VILLAGE ALL RIGHTS OVER ANY PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

VIII. RESOLUTIONS

- A. Approval of 2nd Quarter 2023 Market Rate Building Permit Allocation System (BPAS) Rankings - **TAB 3** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2023; AND PROVIDING AN EFFECTIVE DATE

- B. Approval of 2nd Quarter 2023 Non-Residential Building Permit Allocations - **TAB 4** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2023; AND PROVIDING AN EFFECTIVE DATE

- C. Remaining Non-Residential and Affordable Dwelling Unit Quarterly Allocations -**TAB 5** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE REMAINING AMOUNT OF NONRESIDENTIAL FLOOR AREA AND AFFORDABLE RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2023; AND PROVIDING AN EFFECTIVE DATE

IX. ORDINANCES

- A. Amendment of the Village Code to Standardize Notice Provisions for the Development Review Process - **2nd Reading - TAB 6** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, ARTICLE IV, DIVISION 2 –

DEVELOPMENT REVIEW PROCESS BY STANDARDIZING PUBLIC NOTICE PROVISIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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.** Chapter 30, Article VI, Division 11 - Alcoholic Beverage Use Permits
- **2nd Reading - TAB 7** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, BY REPEALING DIVISION 11 – ALCOHOLIC BEVERAGE USE PERMITS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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.** Amendment to Tourist Commercial (TC) District to Incorporate Boat Dealerships as a Major Conditional Use - **2nd Reading - TAB 8**
(Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, TOURIST COMMERCIAL (TC) DISTRICT TO ALLOW BOAT DEALERSHIPS AS A MAJOR CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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.

- D.** Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - **2nd Reading - TAB 9**
(Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR

**SEVERABILITY; 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.**

- E.** Amendment of Village Code to Modify Chapter 30 (Land Development Regulations) Division 9 related to Outdoor Seating Areas - **2nd Reading - TAB 10** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO OUTDOOR SEATING AND OUTDOOR PLAZAS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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.

- F.** Lot Area Variance Code Amendment - **2nd Reading - TAB 11** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED VARINCES TO PERMIT A MINOR RELAXATION TO MINIMUM LOT AREA REQUIREMENTS NOT TO EXCEED FIVE PERCENT (5%) OF THE MINIMUM REQUIRED LOT AREA OR 250 SQUARE FEET, WHICHEVER IS LESS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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.

- G.** Ordinance Amending Policy 1-3.1.1, Establish a Building Permit Allocation System - **1st Reading - TAB 12** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.1, ESTABLISH A BUILDING PERMIT ALLOCATION SYSTEM, OF THE VILLAGE COMPREHENSIVE PLAN RELATING TO ESTABLISHING ADDITIONAL NON-RESIDENTIAL BUILDING PERMIT

ALLOCATIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

X. ADJOURNMENT

Options for Viewing the Village Council Meeting:

The public is encouraged to watch the meeting on Monroe County's MCTV Comcast Channel 77. Alternatively, the public may view the meeting streamed live on the Village website from their personal computer, tablet or phone via the following link:

https://www.islamorada.fl.us/departments/communications/live_village_broadcast_meeting.php

Option 1: Email your comments.

1. Public comment should be submitted via email to: public.comment@islamorada.fl.us
2. The email should contain "Public Comment" in the subject line.
3. The name and address of the submitter shall be included in the email.
4. Public comment should be submitted by 9 a.m. the day before the meeting. Public comment will be sent to the Village Councilmembers for consideration prior to the meeting. Public comments will not be read during the meeting.

Option 2: Call in During the Meeting.

1. If phoning in, dial 305-224-1968 and enter the webinar ID: **911 0656 4166** followed by #. When the Mayor opens public comment pertaining to the agenda item you are interested in dial *9 to be recognized by the Zoom meeting monitor. The Monitor will call you by the last four digits of your phone number. **Please be sure to unmute your phone when you are called upon.**
2. If watching online via Zoom: Open the Zoom webinar link <https://zoom.us/j/91106564166> and follow the prompts to join the webinar. When the Mayor opens public comment use the "raise your hand" feature to be recognized by the meeting monitor. Public comments will be heard in the order in which they are received.

ADA Assistance:

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 ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Notice of Intent to Issue Minor Conditional Use/Site Plan Approval
- TAB 1**

Background:

Islamorada, Village of Islands (the "Village") submitted an application for Minor Conditional Use with Site Plan Approval to allow for the redevelopment of vacant land into recreational park land known as Plantation Tropical Preserve located at 146 Sunshine Blvd. On May 3, 2023, the Village mailed notices to property owners within 300 feet informing them of the Director's intent to issue a Minor Conditional Use and Site Plan Approval having determined that the project has met all the requirements for said approvals.

On or about May 24, 2023, the Planning and Development Services Department received a request for public hearing from Andrew M. Dutton at 150 Sunshine Blvd. Pursuant to the Village Code of Ordinances (the "Code"), a public hearing before the Village Council was scheduled, adjacent property owners were notified, the hearing was properly advertised, and the property was posted.

The property is approximately 6,096 square feet in size. The property is located on the north side of Sunshine Blvd just north of the intersection with Overseas Hwy. The property is zoned Residential Mobile Home (RMH) and within the Residential Medium (RM) Future Land Use Map designation (FLUM). The property abuts a large parcel of land zoned Recreation (R) and single-family homes. Across the street is a small parcel zoned Village Center (VC) with a retail shop on site.

The proposed development is to allow for the redevelopment of the vacant lot into parking spaces, walkways, a gazebo and green spaces.

Analysis:

Pursuant to Section 30-215 and 30-217 of the Code of Ordinances of Islamorada, Village of Islands, Florida, applications for Site Plan Review and Minor Conditional Uses may be considered by the Planning Director for approval, approval with conditions, or denial based on the standards in Code Chapter 30, Land Development Regulations (LDRs).

Conditional uses are those uses that are generally compatible with the other uses permitted in a zoning district, but that require individual review of their location, design, configuration and intensity and density of the use and structures and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location. Conditional use review shall be accompanied by a site plan consistent with

subsection 30-215(d).

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director and Village Council shall consider the following factors, and no conditional use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest:

(1) The proposed conditional use is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

Policy 1-2.3.3: Residential Medium (RM)

The proposed project provides for a use which furthers the peaceful enjoyment of the single-family neighborhood by allowing a supportive community facility such as a park.

OBJECTIVE 7-1.1: PROVIDE A SYSTEM OF RECREATION AND OPEN SPACE SITES AND FACILITIES. The Village shall comprehensively review the need for new recreation and open space sites and facilities, predicated on data, standards and policies contained in the Comprehensive Plan, and shall adequately maintain the provided sites and facilities.

Policy 7-1.1.1: - Maintain a Minimum Level of Service Standard of 3.79 Acres per 1,000 Persons for Parks and Recreation Facilities. Islamorada, Village of Islands shall maintain a minimum level of service standard for Village-managed public recreation sites of 3.79 acres per one thousand (1,000) permanent residents and seasonal visitors.

Policy 7-1.1.8: - Incorporate Creative Design Concepts and Conserve Environmentally Sensitive Open Space. Active and passive recreation areas shall be planned in a manner compatible with the unique natural resources found in the Village. Park improvements plans shall be designed to preserve, protect and enhance the environmental features found on each site. Where appropriate, recreation areas shall be designed to provide a circulation system that minimizes conflict between bicyclists, pedestrians and vehicles. Adequate landscape and screening shall be integrated into park improvement plans to minimize land use conflicts, protect stability of established residential areas and enhance community appearance.

Policy 7-1.1.9: - Ensure Recreation and Open Space Facilities are ADA Accessible. All public recreational facilities shall continue to be made accessible to automobiles, bicycles and pedestrians, as appropriate, given their function as part of the recreation and open space system, in a manner that is compatible with the character and quality of on-site natural resources. When planning and designing access to recreation and open space, the Village shall ensure that sites are ADA compliant by removing barriers limiting access to the physically challenged, elderly and children, and shall ensure that parking spaces and bicycle racks are provided.

The proposed Minor Conditional Use is consistent with the above policies.

IN COMPLIANCE.

(2) The proposed conditional use complies with all relevant and appropriate portions of the LDRs;

Landscaping Standards:

The proposed development is enhancements to a park. There will be green spaces and plantings associated with the park that will meet the landscaping standards.

IN COMPLIANCE

Parking:

The Village does not outline requirements for parking for parks. The proposal calls for 5

parking spaces with one ADA compliant space.

IN COMPLIANCE

(3) The proposed conditional use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

The proposed use is compatible and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. There is existing recreation land abutting this property.

IN COMPLIANCE

(4) The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

The proposed project has been designed to minimize adverse effects on adjacent property.

IN COMPLIANCE

(5) The Proposed Development complies with Division 5 (Concurrency Management) [of Article IV of the LDRs];

Roads:

The Property is located on Sunshine Blvd. The proposed project is not expected to impact the Level of Service (LOS) for Sunshine Blvd. There is sufficient available capacity to operate at the LOS D standard for road concurrency.

IN COMPLIANCE

Stormwater:

The Applicant is providing stormwater management for the proposed project.

IN COMPLIANCE

(6) The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and,

There are no environmentally sensitive habitats on the subject property.

IN COMPLIANCE

(7) The proposed conditional use will result in logical, timely and orderly development patterns.

The project proposes to redevelop vacant land into public parkland.

IN COMPLIANCE

Budget Impact:

Construction costs of this project are to be included within the Fiscal Year 2023-2024 Capital Project Fund Budget. Village staff are currently awaiting an engineer's estimate of construction cost. The revenue source for the construction cost of this project will likely be from the Parks and Recreation Impact Fee.

Staff Impact:

Village staff, including the Environmental Resources Manager and Public Works Director, would communicate with the selected construction contractor to coordinate the timing of the construction and inspect the work during the construction.

Recommendation:

Staff has reviewed the request for Site Plan and Minor Conditional Use Approval and determined that the site plan is consistent with the goals, objectives, and policies of the comprehensive plan and complies with applicable provisions of the Code of Ordinances. Staff recommends that the Village Council APPROVE the proposed Site Plan and Minor Conditional Use application by adoption of the attached Resolution, subject to the following Condition of Approval:

1. Site plan only - structural review to be completed at building permit review and comply with the current FBC.

- Attachments:**
1. Resolution
 2. Plantation Tropical Preserve Back Up

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE PLANNING DIRECTOR'S NOTICE OF INTENT TO ISSUE MINOR CONDITIONAL USE WITH SITE PLAN APPROVAL (PLSPR20230045), FOR THE PLANTATION TROPICAL PRESERVE DEVELOPMENT PROPOSING PARKING, WALKWAYS, GAZEBOS, AND GREEN SPACES AT THE EAST AND WEST ENDS OF THE PRESERVE. FOR PROPERTY LOCATED AT 146 SUNSHINE BLVD, ON PLANTATION KEY HAVING PARCEL NUMBER 00437491-005501, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Rafael Torrens (the "Applicant") has submitted an application for a Minor Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") for the Plantation Tropical preserve development proposing parking, walkways, gazebos, and green spaces at the East and West ends of the preserve for property located at 146 Sunshine Blvd within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners on June 29, 2023 and posted a sign on the subject property on July 3, 2023; and,

WHEREAS, on July 20, 2023, the Village Council conducted a duly noticed public hearing regarding the Request.

**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 incorporated into this Resolution by this reference.

Section 2. Findings of Fact.

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

(1) The Application for a Minor Conditional Use **meets/does not meet** the requirements set forth in Code Section 30-217 and **has/has not** demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council **[approves/denies]** the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

North 80 Feet of Tract "D" of Plantation Tropical Park situated in Plantation Key, according to the plat thereof as recorded in Plat Book 6, Page 23, of the Public Records of Monroe County Florida.

The approval is subject to the following Conditions of Approval:

Section 3. Conclusions of Law.

Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

(1) The Request has been processed in accordance with the Village Comprehensive Plan and the Code; and

(2) In rendering its decision, as reflected in this Resolution, the Village Council has:

- (a) Accorded procedural due process; and
- (b) Observed the essential requirements of the law; and
- (c) Supported its decision by competent substantial evidence contained within the record.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Economic Opportunity (DEO), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by _____, second by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilwoman Elizabeth Jolin _____

Councilman Mark Gregg _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED ON JULY 20, 2023.

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

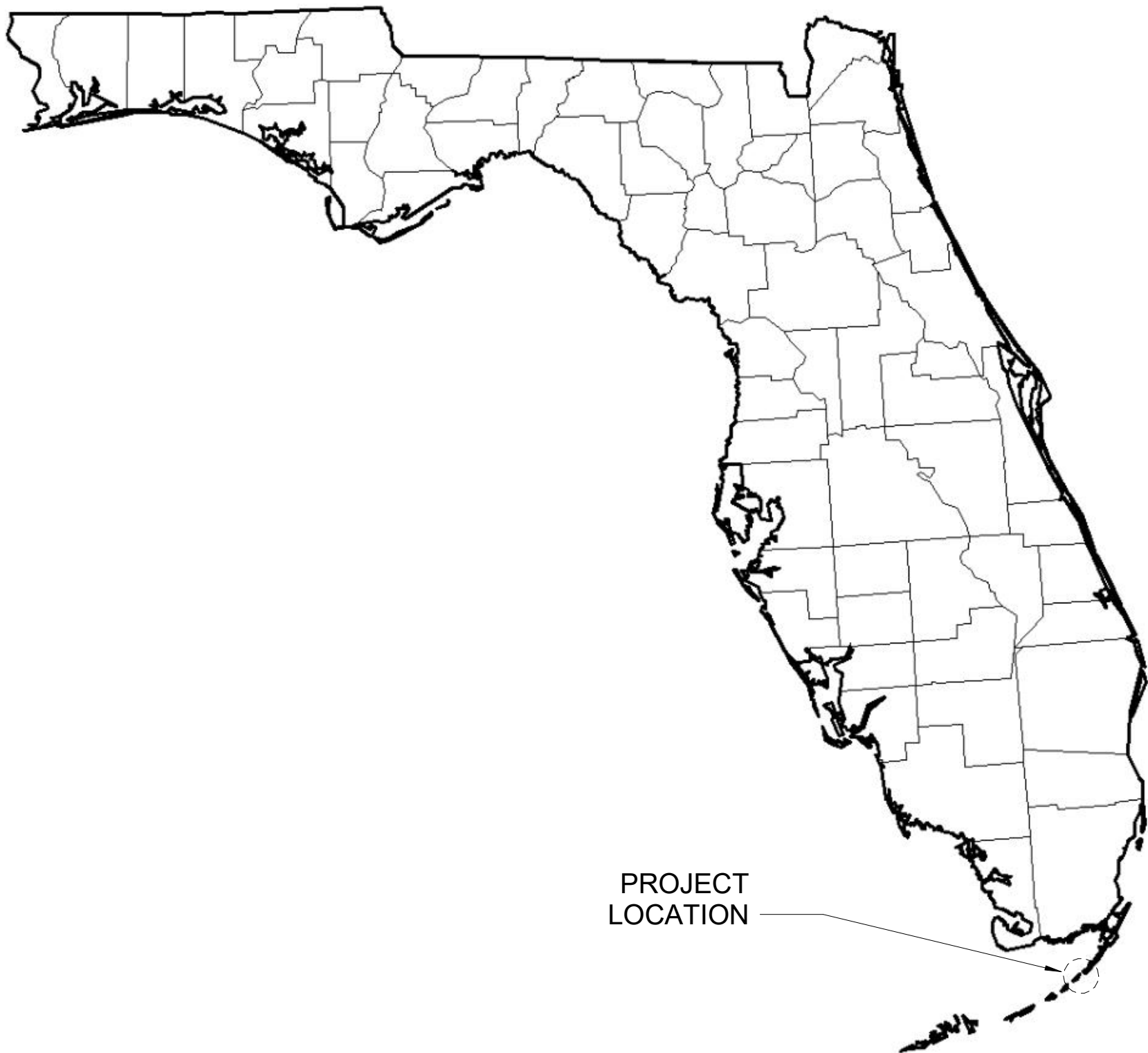
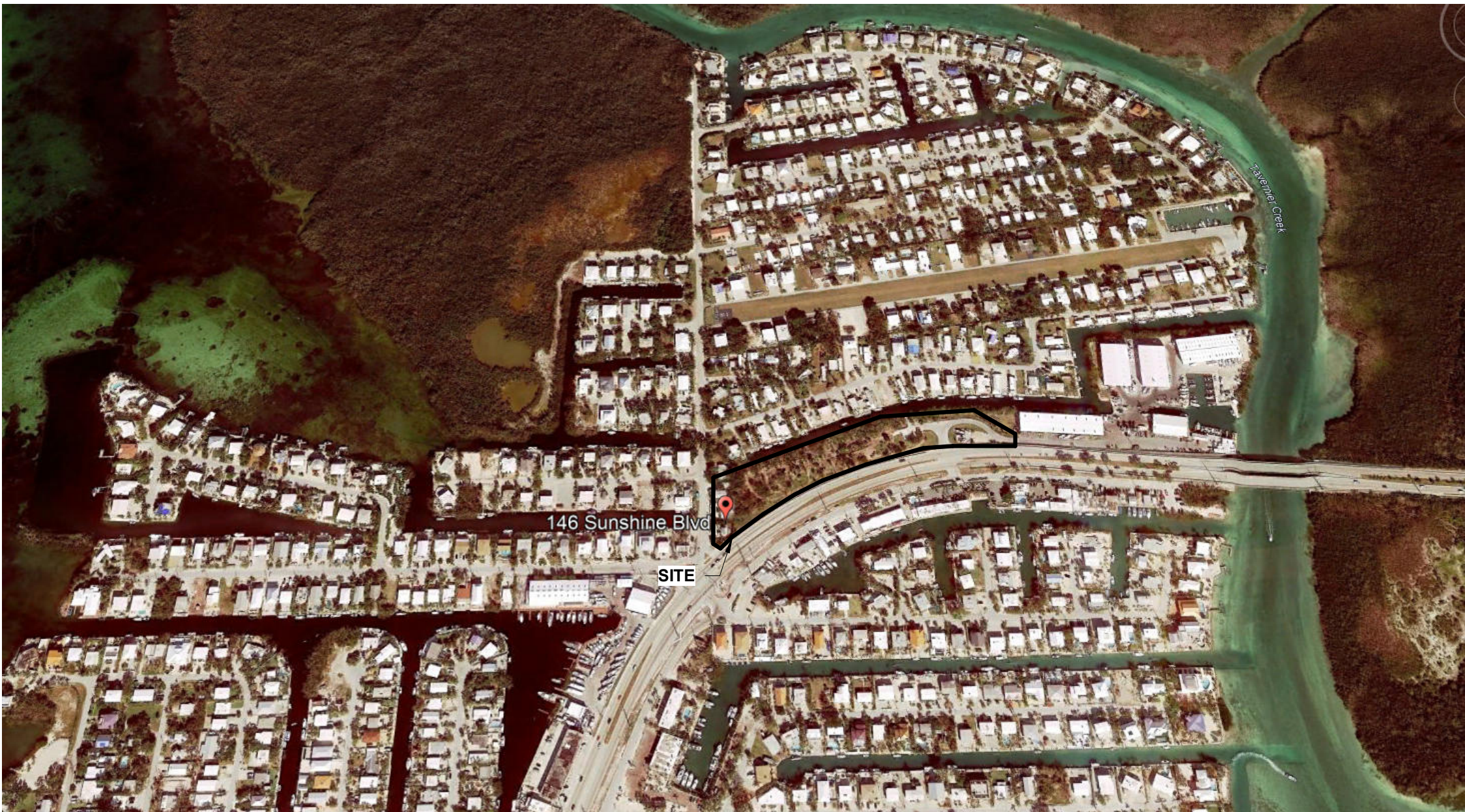
JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

PLANTATION TROPICAL PRESERVE

146 Sunshine Boulevard, Tavernier, FL 33070
SITE PLAN REVIEW

INDEX OF DRAWINGS:

SHEET #	REV.	SHEET DESCRIPTION
GENERAL		
G-001		COVER SHEET
G-002		GENERAL NOTES & LEGENDS
ARCHITECTURE		
A-101		ARCHITECTURAL FLOOR PLAN - WEST SIDE
A-102		ARCHITECTURAL NORTH-SOUTH ELEVATIONS
A-103		ARCHITECTURAL EAST-WEST ELEVATIONS
A-104		ARCHITECTURAL SECTIONS AND DETAILS



Prepared for:

PLANTATION TROPICAL PRESERVE

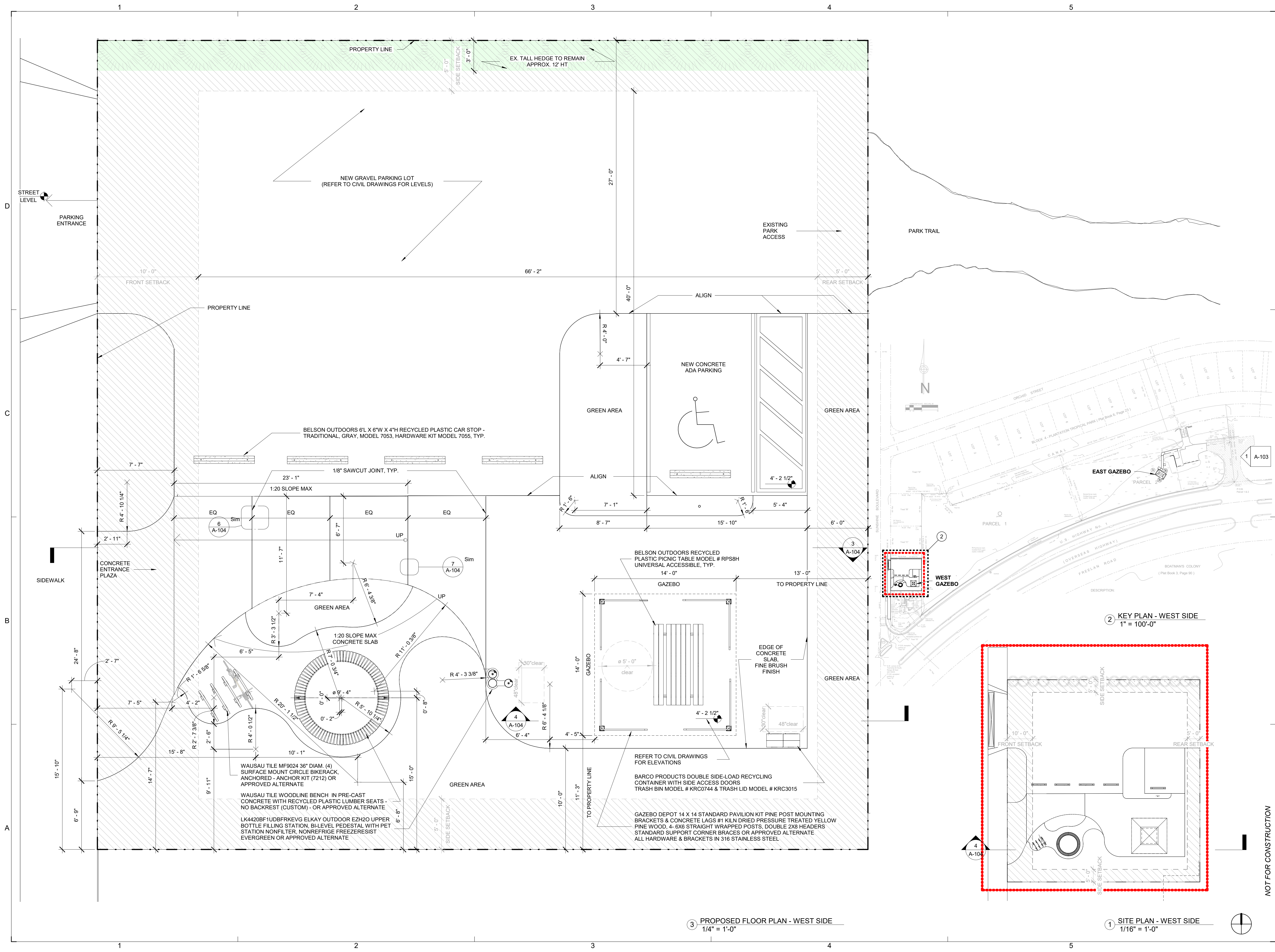


For information regarding this project contact:
PETER FREZZA
Environmental Resources Manager
Islamorada, Village of Islands
Office: 305-664-6427
Cell: 305-393-0982
peter.frezza@islamorada.fl.us

SITE PLAN
MARCH 16, 2023
CSA GROUP PROJECT No. : 21-0235-01



Rafael A. Torrens III, RA State of Florida-Lic. No. AR0017381 Date:	
Date	03/16/2023
Scale	
G-001.	
DWG. No.	



THIS DOCUMENT REPRESENTS THE IDEAS AND EFFORTS OF CSA CENTRAL, INC. IT SHALL BE USED ONLY BY AUTHORIZED PERSONS AND SHALL NOT BE REPRODUCED OR EXHIBITED WITHOUT WRITTEN CONSENT OF CSA CENTRAL, INC.

CLIENT:

ISLAMORADA VILLAGE OF ISLANDS
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

IN ASSOCIATION WITH:

100% Submission

DECEMBER 22, 2022

REV	DATE	DESCRIPTION

DISCIPLINE INFORMATION:

PRIME PROFESSIONAL:
FELIX FUENTES
PROFESSIONAL OF RECORD:
RAFAEL A. TORRENS II
STAFF DESIGNER:
FERNANDA DESROSI
G.C. AUDITOR:
PRINCIPAL CAD TECHNICIAN:

PROFESSIONAL'S STATEMENT:

Rafael A. Torrens

Digitally signed by Rafael A. Torrens
DN: cn=Rafael A. Torrens, o=CSA CENTRAL, dnQualifier=A014100000018089F, email=RA0141000000018089F@CSA CENTRAL.COM, c=US
Reason: I am the author of this document
Location: your signing location here
Date: 2023.03.09 14:23:41-0500
Post PDF Reader Version: 11.2.2



PROJECT:

Plantation Tropical Preserve

DATE	ISSUE DESCRIPTION

DRAWING INFORMATION:

ARCHITECTURAL FLOOR PLAN - WEST SIDE

AS SHOWN

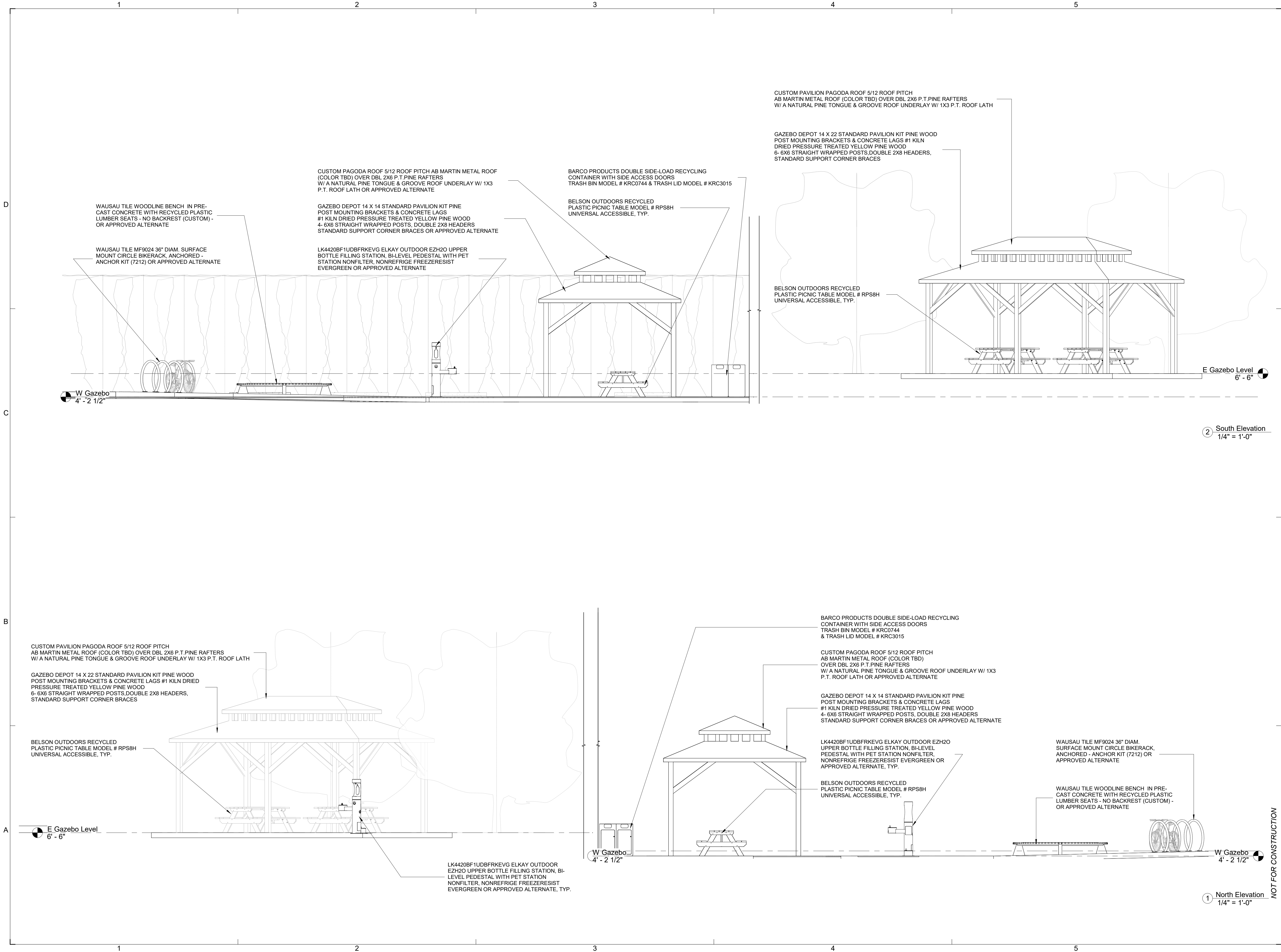
DELIVERY DATE: PROJECT NUMBER: 21-0235-04

PRINT DATE & TIME: 12/22/2022 1:56:15 PM BM FILE NAME:

DRAWING / MODEL LOCATION:

SHEET NO.

A-101
20 OF 23



THIS DOCUMENT REPRESENTS THE IDEAS AND EFFORTS OF CSA CENTRAL, INC. IT SHALL BE USED ONLY BY AUTHORIZED PERSONS AND SHALL NOT BE REPRODUCED OR EXHIBITED WITHOUT WRITTEN CONSENT OF CSA CENTRAL, INC.

CLIENT:
ISLAMORADA VILLAGE OF ISLANDS
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

IN ASSOCIATION WITH:

100% Submission

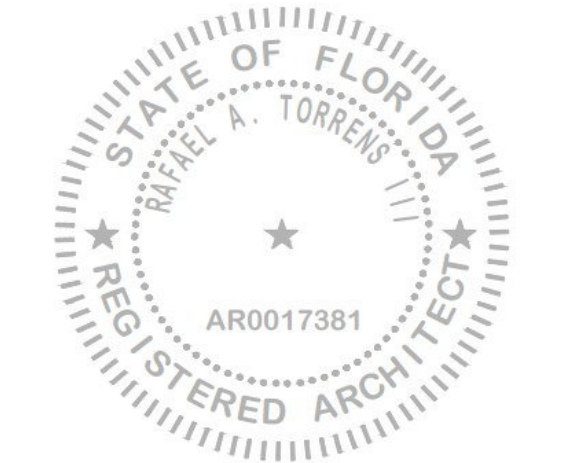
DECEMBER 22, 2022

REV	DATE	DESCRIPTION

DISCIPLINE INFORMATION:	
PRIME PROFESSIONAL:	FELIX FUENTES
PROFESSIONAL OF RECORD:	RAFAEL A. TORRENS II
STAFF DESIGNER:	FERNANDA DEBROSBI
G.C. AUDITOR:	
PRINCIPAL CAD TECHNICIAN:	
PROFESSIONAL'S STATEMENT:	

Digitally signed by Rafael A. Torrens
DN: cn=Rafael A. Torrens, o=CSA CENTRAL, ou=Qualifier-A014100000018089F, email=Rafael.A.Torrens@csa-central.com, cn=Rafael A. Torrens
Reason: I am the author of this document
Location: your signing location here
Date: 2023.03.09 14:22:12-0500
Total PDF Reader Version: 11.2.2

Rafael A. Torrens



PROJECT:
Plantation Tropical Preserve

DATE	ISSUE DESCRIPTION

DRAWING INFORMATION:
SHEET TITLE:

ARCHITECTURAL NORTH-SOUTH ELEVATIONS

AS SHOWN

DELIVERY DATE: PROJECT NUMBER: **21-0235-04**

PRINT DATE & TIME: 12/22/2022 1:56:16 PM
DRAWING / MODEL LOCATION: BM FILE NAME:

SHEET NO. **A-102**

CLIENT:
ISLAMORADA, VILLAGE OF ISLANDS
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

DECEMBER 22, 2022

C	DISCIPLINE INFORMATION:
	PRIME PROFESSIONAL: FELIX FUENTES
	PROFESSIONAL OF RECORD: RAFAEL A. TORRENS III
	STAFF DESIGNER: FERNANDA DERROSSI

PROFESSIONAL'S STATEMENT:



STATE OF FLORIDA
RAFAEL A. TORRENS
★
★
REGISTERED ARCHITECT
AR0017381

Plantation Tropical
Preserve

DRAWING INFORMATION:

SHEET TITLE:

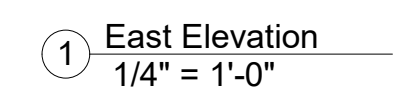
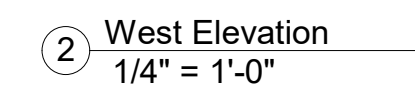
SCALE:

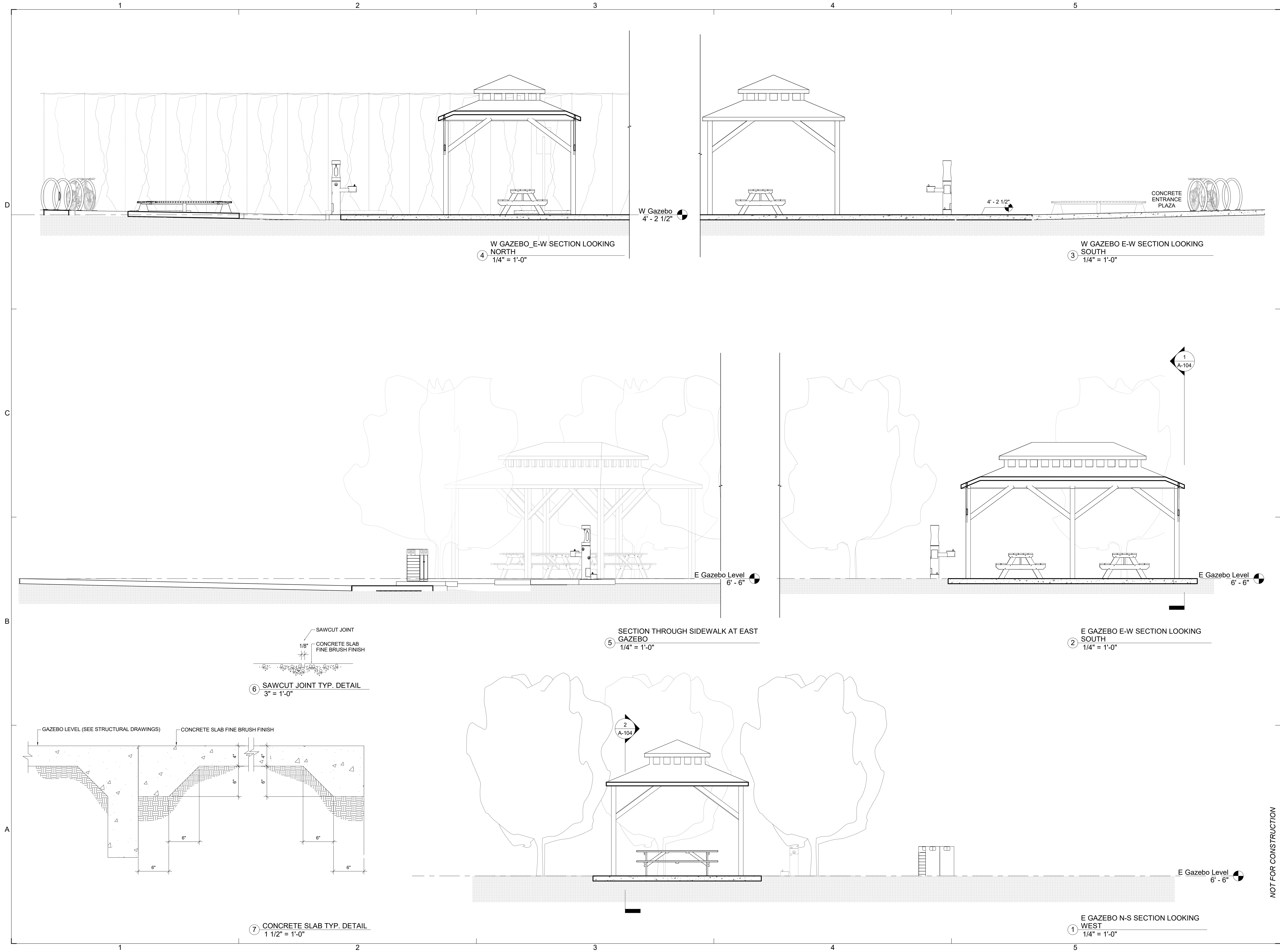
AS SHOWN

SHEET NO. 1100

22 of 23

NOT FOR CONSTRUCTION





CSA GROUP
EST. 1956

CSA Central, Inc.
CSA Group | 8200 N.W. 41st Street | Suite 318
Doral, Florida 33198
tel : (305) 461-5484
fax : (305) 461-5494
web : www.csagroup.com

THIS DOCUMENT REPRESENTS THE IDEAS AND EFFORTS OF CSA CENTRAL, INC. IT SHALL BE USED ONLY BY AUTHORIZED PERSONS AND SHALL NOT BE REPRODUCED OR EXHIBITED WITHOUT WRITTEN CONSENT OF CSA CENTRAL, INC.

CLIENT:
ISLAMORADA VILLAGE OF ISLANDS
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

IN ASSOCIATION WITH:

100% Submission

DECEMBER 22, 2022

REV	DATE	DESCRIPTION

DISCIPLINE INFORMATION:

PRIME PROFESSIONAL:
FELIX FUENTES
PROFESSIONAL OF RECORD:
Designer
STAFF DESIGNER:
Author
G.C. AUDITOR:
PRINCIPAL CAD TECHNICIAN:

PROFESSIONAL'S STATEMENT:

Rafael A. Torrens
Digitally signed by Rafael A. Torrens
DN: cn=Rafael A. Torrens, o=CSA CENTRAL, email=rafael@csacentral.com, c=US
Reason: I am the author of this document.
Location: your signing location here
Date: 2023.03.09 14:24:13-0500
Foxit PDF Reader Version: 11.2.2

PROJECT:
Plantation Tropical Preserve

DATE	ISSUE DESCRIPTION

DRAWING INFORMATION:
SHEET TITLE:

ARCHITECTURAL SECTIONS AND DETAILS

SCALE:
AS SHOWN

DELIVERY DATE:	PROJECT NUMBER:
12/22/2022 1:56:18 PM	21-0235-04

PRINT DATE & TIME:	BM FILE NAME:
12/22/2022 1:56:18 PM	

DRAWING / MODEL LOCATION:

SHEET NO.
A-104
23 OF 23

NOT FOR CONSTRUCTION



Islamorada, Village of Islands

March 16, 2023

RE: Landscape Plan for Plantation Tropical Preserve Developments

We are requesting that the Landscape Plan be conditioned upon completion of the construction of the project. There are future green areas indicated on the site plans, but we would like to see how this open space appears in relation to the developments once complete before we finalize a landscape plan. Native plants will be utilized in all the available green space. The property is vacant with no existing vegetation so no removal of vegetation will occur during the construction.

Respectfully,

A handwritten signature in blue ink that reads "Peter Frezza".

Peter Frezza
Environmental Resources Manager
Islamorada, Village of Islands

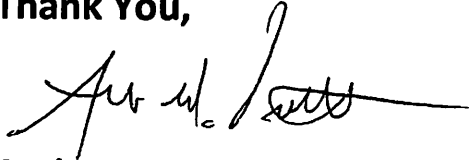
May 24, 2023

Dear Jennifer DeBoisbriand,

Please accept this letter as my request for a public hearing related to Minor Conditional Use of Site Plan Approval (PLSPR20230045) for Plantation Tropical Preserve development.

As we first arrived in Monroe County in August 2022, please share my way the current development plans for Plantation Tropical Preserve. My email address is andymdut@yahoo.com.

Thank You,

A handwritten signature in black ink, appearing to read "Andrew M Dutton", with a long horizontal flourish extending to the right.

**Andrew M Dutton
150 Sunshine Blvd
Tavernier, FL 33070**



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Orange Street - Roadway Abandonment - TAB 2**

Background:

James S. Lupino, Esq., acting as the agent on behalf of the Applicant, has submitted an application for a Right-of-way (ROW) Abandonment seeking to abandon and vacate a portion of Village-owned right-of-way containing approximately 4,000 square feet of Orange Street from the intersection of Orange Street and De Leon Avenue northeasterly to the property line boundary for 82790 Overseas Hwy as shown on Exhibit "A" Legal Description Survey.

During the public notice process, a letter is required to be sent via certified mail to adjacent property owners located within three hundred (300) feet of the proposed right-of-way abandonment, posting of the property, and notice in a local publication. The Village has received 5 letters of no objection and 2 emails objecting to the abandonment. As of the writing of this report, no other comments have been received.

Analysis:

The adjacent properties surrounding the requested road abandonment petition are within the Village Center (VC) Zoning District.

The area proposed for abandonment is a paved and improved portion of right-of-way known as Orange Street and is currently being used as part of the parking lot for 82790 Overseas Hwy.

The Applicant seeks the abandonment as described above in accordance with the procedures set forth in Section 50-56 of the Village Code of Ordinances (the "Code"). The Applicant has listed the following reason for the proposed abandonment:

The area is not used as a street at all. It is fully used as parking and access to the retail businesses.

Village Staff has determined that the requested abandonment of right-of-way is consistent with Chapter 50 Article IV, Abandonment of Rights-of-way and Easements, of the Village Code.

Pursuant to Article IV, Abandonment of Rights-of-Way and Easements, of Chapter 50 of the Code, the vacation and abandonment of rights-of-way and easements shall meet the following criteria:

(a) The Village Council may, of its own motion, or upon application of any person, adopt a

resolution vacating, abandoning, discontinuing, and closing any existing public street, alleyway, road, highway, or easement, and renouncing and disclaiming any right of the village and the public in connection therewith, upon a finding that there is no public interest in continued access by such right-of-way or easement.

(b) Prior to the adoption of such resolution, the village shall hold a public hearing, to be noticed in accordance with the standards set forth in 30-218. The abandonment shall not be granted unless all affected property owners agree to the abandonment.

(c) The resolution, as adopted, shall be recorded in the public records of the county.

Pursuant to Code Section 50-56(b), all affected property owners are required to agree to the abandonment. Please note that the applicant owns the only property that would be affected by the abandonment.

The Florida Keys Aqueduct Authority (FKAA) Board of Directors provided a letter of no objection. FKAA has no facilities located within the area of requested abandonment.

Florida Keys Electric Cooperative (FKEC) provided a letter of no objection to the abandonment pending an agreement for an easement of FKEC Facilities within the abandoned right-of-way FKEC.

The Village's Wastewater Department and Fire Department have reviewed the requested abandonment and have not provided any objection.

Budget Impact:

If ownership of the subject right-of-way transfers from the Village to private ownership, the parcel that gains additional property area is subject to the assessment of ad valorem property taxes based on the assessed taxable value. This has the potential to increase the Village's general fund revenues from ad valorem taxes in the future.

Staff Impact:

None

Recommendation:

Staff has reviewed the request for ROW Abandonment and determined that the request complies with applicable provisions of the Code of Ordinances. Staff recommends that the Village Council APPROVE the proposed ROW Abandonment application by adoption of the attached Resolution.

- Attachments:**
1. Resolution Right of Way Abandonment Orange St
 2. Legal_Description_Survey (Exhibit "A")
 3. Letters of No Objection
 4. Letter of Objection 1
 5. Letter of Objection 2

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY JAMES LUPINO, ESQ. ("AGENT") ON BEHALF OF MM82,790 LLC ("OWNER"), TO ABANDON AND VACATE A PORTION OF ORANGE STREET RIGHT OF WAY, AS SHOWN ON THE PLAT OF "MAP OF THE TOWNSITE OF ISLAMORADA" ("REQUEST"), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 48, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN "EXHIBIT A"; RESERVING TO THE VILLAGE ALL RIGHTS OVER ANY PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (File No.: PLRA20220112)

WHEREAS, the Applicant, MM82.790 LLC ("Applicant") through its registered agent James S. Lupino, Esq., requested that the Village vacate and abandon a portion of Orange Street as depicted in Exhibit "A" and legally described below ("Right-of-Way"); and

WHEREAS, in accordance with the Village Code of Ordinances (the "Code"), the Village Council must determine whether the Right-of-Way is no longer needed as a right-of-way by the Village or the public, and whether it is in the best interests of the Village to abandon and vacate the Right-of-Way, while reserving its rights to any needed easements for emergency access and public utilities as set forth within Section 3 herein; and

WHEREAS, public notice was provided in accordance with the law, and the Village Council has determined that granting the Request to abandon and vacate the Right-of-Way will not be detrimental to the public health, safety and welfare; and

WHEREAS, the Village Council further finds that there is no public interest in continued access by such Right-of-Way; and

WHEREAS, on July 20, 2023, the Village Council conducted a duly noticed public hearing regarding the Request; and

WHEREAS, the Village Council finds that all affected property owners and utility companies have no objection to the proposed abandonment and vacation of the Right-of-Way; and

WHEREAS, the Village Council has determined that the application and supporting documents are being considered in accordance with the requirements of Sections 50-55 through 50-57 of the Village Code for the vacating, abandoning, discontinuing, and closing of the Right-of-Way.

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, correct, and incorporated herein by this reference.

Section 2. **Abandonment and Vacation of Right-of-Way.** Pursuant to the requirements set forth in Chapter 50 "Streets, Sidewalks, And Other Public Places," Article IV "Abandonment of Rights-of-Way and Easements," Section 50-56 of the Village Code, an amended right-of-way abandonment and vacation, as shown on the attached Exhibit "A," is hereby approved and described as follows:

A portion of Orange Street Right of Way, as shown on the Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", according to the plat thereof, as recorded in Plat Book 1, at Page 48, of the Public Records of Monroe County, Florida, being more particularly described as follows:

BEGIN at the Most Easterly Northeast Corner of Lot 2 of said Plat of "MAP OF THE TOWNSITE OF ISLAMORADA"; thence S 45 ° 30' 00 "E along the Southeasterly prolongation of the Northeasterly Boundary Line of said Lot 2 for 200.00 feet; thence S45 ° 30' 00 "W along the Southeasterly Right of Way Line of Orange Street, said line also being the Northwestern Right of Way Line of Overseas Highway for 200.00 feet; thence N45 ° 30'00"W along the Southeasterly prolongation of the Southwesterly Boundary Line of Lot 1 of said Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", for 20.00 feet; thence N45° 30'00"E along the Southeasterly Boundary Line of said Lots 1 & 2, said line also being the Northwestern Right of Way Line of Orange Street for 200.00 feet to the Point of Beginning. Containing 4,000 Square Feet, more or less, by calculations.

Section 3. Reservation of An Access and Utility Easement. If abandonment is approved, the Village hereby reserves the right to an access and utility easement over, under and/or upon the Right-of-Way in connection with the placement, operation, and maintenance of all necessary existing or future public utilities and appurtenant facilities. The Village also reserves the right for access of life safety vehicles with the addition of a keypad and Knox Box if a fence and/or gate is placed on the property line.

Section 4. Recording in the Public Records of Monroe County, Florida. A certified copy of this Resolution shall be filed with the Monroe County Clerk of the Circuit Court and duly recorded among the Public Records of Monroe County, Florida.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

Motion to adopt by _____, second by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney —

Councilman Mark Gregg —

Councilwoman Elizabeth Jolin —

Councilman Henry Rosenthal —

PASSED AND ADOPTED THIS 20th DAY OF JULY 2023.

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

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**PORTION OF ORANGE STREET RIGHT OF WAY
TO BE CLOSED, ABANDONED & VACATED**

LEGAL DESCRIPTION:

A portion of Orange Street Right of Way, as shown on the Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", according to the plat thereof, as recorded in Plat Book 1, at Page 48, of the Public Records of Monroe County, Florida, being more particularly described as follows:

BEGIN at the Most Easterly Northeast Corner of Lot 2 of said Plat of "MAP OF THE TOWNSITE OF ISLAMORADA"; thence S45°30'00"E along the Southeasterly prolongation of the Northeasterly Boundary Line of said Lot 2 for 20.00 feet; thence S44°30'00"W along the Southeasterly Right of Way Line of Orange Street, said line also being the Northwesternly Right of Way Line of Overseas Highway for 200.00 feet; thence N45°30'00"W along the Southeasterly prolongation of the Southwesterly Boundary Line of Lot 1 of said Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", for 20.00 feet; thence N44°30'00"E along the Southeasterly Boundary Line of said Lots 1 & 2, said line also being the Northwesternly Right of Way Line of Orange Street for 200.00 feet to the Point of Beginning.

Containing 4,000 Square Feet, more or less, by calculations.

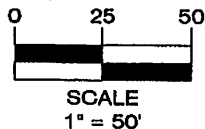


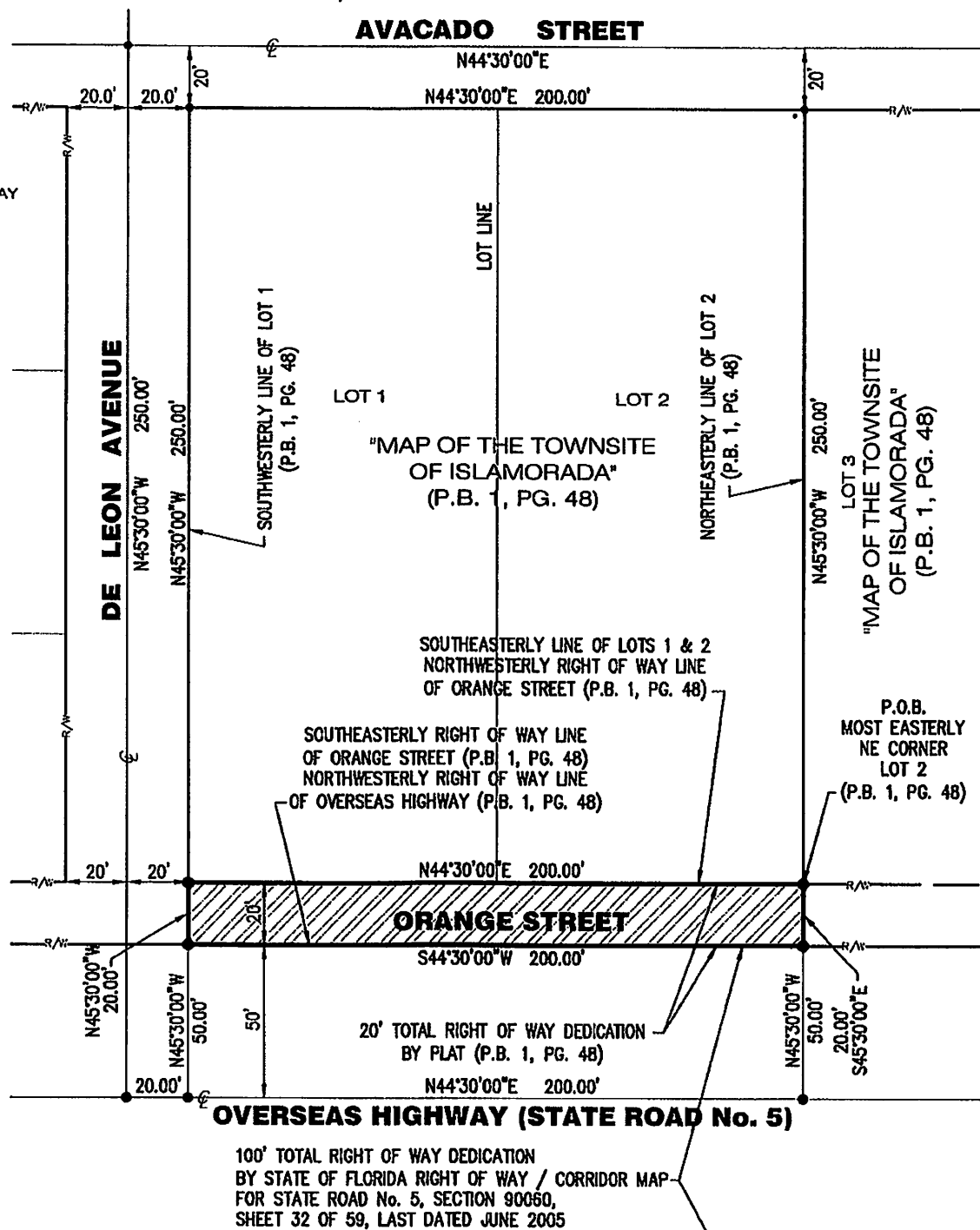
EXHIBIT "A"

**LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING**

PORTION OF ORANGE STREET RIGHT OF WAY TO BE CLOSED, ABANDONED & VACATED

AVACADO STREET

P.B. = PLAT BOOK
PG. = PAGE
R/W = RIGHT OF WAY



JOB: 12115

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**PORTION OF ORANGE STREET RIGHT OF WAY
TO BE CLOSED, ABANDONED & VACATED**

SOURCES OF DATA:

The Legal Description was generated from the following documents:

1. Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", recorded in Plat Book 1, at Page 48 of the Public Records of Monroe County, Florida.
2. Florida Department of Transportation Right of Way / Corridor Map for Overseas Highway (State Road No. 5), Section 90060, last dated on June 2005.

Bearings as shown hereon are based upon the centerline of Overseas Highway (State Road No. 5), with an assumed bearing of N44°30'00"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

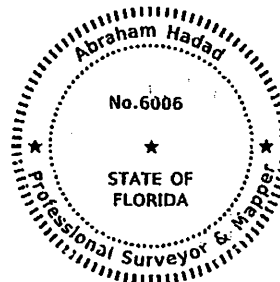
Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

Abraham Hadad, PSM
For The Firm
Professional Surveyor and Mapper LS6006
State of Florida
HADONNE CORP., a Florida corporation
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax



Abraham
Hadad
2022.07.11
13:18:29
-04'00'

NOTICE: Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.

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CONFIDENTIAL



Ricky Costa
Area Manager
Engineering and Construction
AT&T
600 NW 79th Av 3C-094
Miami, FL
33126

T: 786.929.2412
Rc4820@us.att.com

6/21/2022

City of Islamorada

Re: Right of way abandonment, Orange St. at 82790 Overseas Hwy., Islamorada, FL
AKA lots 1 & 2, of the plat of "Map of the Townsite of Islamorada", Plat book 1, page 48,
Monroe County, Florida

Dear Sirs,
AT&T has no objection to the right of way abandonment of Orange St. at the above
referenced address.

Please contact Jim Yeager at 305-587-0510 for any further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Ricky Costa". The signature is written in a cursive, flowing style.

Ricky Costa, Area Mgr
Engineering
SE Network Operations
South Florida District

File Marathon DAD 120106



FLORIDA KEYS ELECTRIC COOPERATIVE ASSOCIATION, INC. – FKEC

91630 OVERSEAS HIGHWAY, P.O. BOX 377, TAVERNIER, FL 33070-0377 PHONE (305) 852-2431 FAX: (305) 852-4794

June 23, 2022

The Village of Islamorada

**Re: Proposed abandonment of right-of way easement for 82790 Overseas Hwy, Islamorada,
FL 33036**

Dear Village Council,

This letter is in response to your request for a Letter of No Objection to the Abandonment received in our office. This is for the portion of Orange street that abuts the parcel where the Dollar Tree is presently located.

Please be advised that Florida Keys Electric Cooperative Association, Inc. (FKEC) has reviewed the surveys you have provided and has no objection to the abandonment of right-of-way as proposed. This approval is contingent on the property owner executing our standard easement agreement (covering the same strip of land) within 60 days of the ownership transfer.

Should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Roberge", with a stylized flourish at the end.

Michael Roberge
Director of Engineering

MR/ba



Florida Keys Aqueduct Authority

1100 Kennedy Drive
Key West, Florida 33040
Telephone (305) 296-2454
www.fkaa.com



J. Robert Dean
Chairman
District 3

Richard J. Toppino
Vice-Chairman
District 2

Antoinette M. Appell
Secretary/Treasurer
District 4

Nicholas W. Mulick
District 4

Cara Higgins
District 1

Kerry G. Shelby
Executive Director

July 26th, 2022

James Lupino-Hershoff, Lupino & Yagel, LLP
88539 Overseas Highway
Tavernier, Florida 33070
Email: jlupino@hlylaw.com

RE: Right-of-Way Abandonment-
A portion of Orange Street Right of Way, as shown on the Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", according to the plat thereof, as recorded in Plat Book 1, at Page 48, of the Public Records of Monroe County, Florida.

Dear Mr. Lupino:

The FCAA Board of Directors has no objection to your right-of-way Abandonment. No objection to the abandonment of the right-of-way for a portion of Orange Street Right of Way, as shown on the Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", according to the plat thereof, as recorded in Plat Book 1, at Page 48, of the Public Records of Monroe County, Florida, was approved at the July 26th, 2022 meeting.

The FCAA has no facilities located within the area of abandonment.

Should you have any questions or require any further information please feel free to call me.

Sincerely,
Florida Keys Aqueduct Authority

Marnie
Walterson

Digitally signed by Marnie
Walterson
Date: 2022.07.27 08:25:59
-04'00'

Marnie L. Walterson
Utility Design Supervisor



Engineering – Design Department
6565 Nova Drive. Davie, FL 33317

Tuesday, September 13, 2022

To: Gabrielle Pereyra

Address: 82790 Overseas Hwy, Islamorada, FL 33036

RE: Letter of No Objection Easement Encroachment

(Legal Description: Sub-Division) As presented by owner or their Representative

In reviewing your request as ref. above, Comcast has ***no objections to the easement encroachment (as shown in the attached survey) The above-described property subject to the following conditions:***

located at: **82790 Overseas Hwy, Islamorada, FL 33036**

However, please be advised, it is understood that Comcast will not be responsible in any way for repairs or replacement of any portion of the ***easement encroachment*** that has encroached into the easement, should it become necessary to access the easement for plant maintenance and or upgrade construction. Right of ingress and egress to maintain existing and/or install new Comcast facilities (overhead or underground) is still necessary, and release of these rights is not intended by this approval.

**** Note all Comcast service lines are attached to FPL pole along NW 112th Ave ****

Should you have any further question, please feel free to call at 954-774-9781 or e-mail at Richard_sees@comcast.com

Sincerely, Richard Sees

Richard Sees

Cc: Resi Group/ Comcast Area Construction Coordinator
Broward File



Dale Stringer & Son, Inc.

DEVELOPER • CONSTRUCTION • LEASING

405 LAGUNA AVENUE
KEY LARGO, FLORIDA 33037
PHONE (305) 451-5869
FAX (305) 451-5861

August 25, 2022

The Village of Islamorada
Daniel Gulizio
Planning Director
86800 Overseas Highway
Islamorada, Florida 33036
planningdirector@islamorada.fl.us

RE: 82790 OVERSEAS HWY, ISLAMORADA, FL 33036

Dear Mr. Gulizio,

We are the neighboring property next to the property of the applicant located on 82894 Overseas Hwy Islamorada, FL 33036. We have no objection to the abandonment of the right-of-way for a portion of Orange Street Right of Way as proposed.

Thank you.

Sincerely,



Dale Stringer
MM82.790 LLC

Jennifer DeBoisbriand

From: Daniel Gulizio
Sent: Monday, May 15, 2023 7:26 AM
To: Marne McGrath; Jennifer DeBoisbriand; Jamie Terry
Subject: FW: Petition for Abandonment-82790 Overseas Hwy

Categories: CityView Planning Attachment

FYI...

From: Daniel Gulizio
Sent: Monday, May 15, 2023 7:25 AM
To: Scott Reed <cameroninvest193@gmail.com>
Subject: RE: Petition for Abandonment-82790 Overseas Hwy

Dear Stephanie and Scott,

Thank you for your email and for taking the time to express your concerns with the proposed abandonment of Orange Street in the vicinity of Avocado Street and U.S. 1. Please be advised that your comments will be incorporated as a part of the official record and considered by both staff and the Village Council prior to a determination on this matter. Please also note that the proposed abandonment will be the subject of a public hearing before the Village Council, at which time you will be provided an opportunity to provide additional comments. Thank you again for taking the time to share your concerns on this application and please do not hesitate to contact us should you have any questions in the interim.

Sincerely,
Dan

Daniel J. Gulizio, Director
Planning and Development Services
(305) 664-6422
planningdirector@islamorada.fl.us

From: Scott Reed <cameroninvest193@gmail.com>
Sent: Sunday, May 14, 2023 5:53 PM
To: Daniel Gulizio <planningdirector@islamorada.fl.us>
Subject: Petition for Abandonment-82790 Overseas Hwy

The Village of Islamorada
Daniel Gulizio, Planning Director
86800 Overseas Highway
Islamorada, FL 33036
planningdirector@islamorada.fl.us

LETTER OF OBJECTION-82790 OVERSEAS HWY, ISLAMORADA, FL 33036

Dear Director Gulizio,

As residents of 193 Avacado Street we hereby record our objection to the Petition for Abandonment filed on behalf of the referenced property operated as the "Sandal Factory".

We believe that proposed abandonment the portion of the property along its frontage on Overseas Highway would perpetuate the current encroachment upon and elimination of pedestrian and bike rights of way through this property. The incorporation of the property owner's parking lot into these rights of way makes travel through this property hazardous to bike riders and walkers seeking to continue passage to established paths above and below this property.

Access to and from DeLeon is already unsafe to walkers and bikers as well as the motoring public due to multiple tuning movements at and around the intersection of DeLeon and Overseas Hwy. Unrestricted access to and from the Sandal Factory along this frontage, even without the abandonment, makes these traffic movements more hazardous.

We believe that incorporation of landscaping along this frontage consistent with adjoining properties and the establishment of a single point of access would improve chaotic movements to and from Overseas Hwy.

.

Respectfully submitted,

Stephanie and Scott Reed

Jennifer DeBoisbriand

From: Daniel Gulizio
Sent: Monday, May 15, 2023 7:32 AM
To: Lori Stone; Lori Stone
Cc: Marne McGrath; Jennifer DeBoisbriand; Jamie Terry
Subject: RE: application for Orange Ave. right of way abandonment

Categories: CityView Planning Attachment

Dear Lori and Todd,

Thank you for taking the time to share your concerns with the proposed abandonment of Orange Avenue in the vicinity of Avocado Street and U.S. 1. Public input is an integral part of the review process. Please be advised that your comments will be considered by both the Village Council and staff prior to a determination. The proposed abandonment will also be the subject of a future public hearing before the Village Council at which time you will be afforded an opportunity to provide additional comments. In the interim, please do not hesitate to contact the Department of Planning and Development should you have additional questions.

Sincerely,

Dan

Daniel J. Gulizio, Director
Planning and Development Services
(305) 664-6422
planningdirector@islamorada.fl.us

-----Original Message-----

From: Lori Stone <stonelori@mac.com>
Sent: Friday, May 12, 2023 4:55 PM
To: Daniel Gulizio <planningdirector@islamorada.fl.us>; Lori Stone <Stoneloft@aol.com>
Subject: application for Orange Ave. right of way abandonment

Dear Daniel Gulizio,

My family has been property owners of 18 Avocado Street for over 50 years and are distressed to learn of the recent application of Application for Right-of-Way Abandonment for the Village of Islamorada submitted on behalf of MM82.790 LLC. As a neighbor and concerned citizen I oppose this application due to safety concerns of this land parcel which we use regularly for walking and bike riding. Orange Avenue appears on our platte map as well and concerned if our property would be extinguished as well. It is difficult enough being a pedestrian walking on street and crossing Route 1 and we are very concerned about safety measures. We do not want this application and amendment to be granted. Please keep us abreast of all future information regarding this situation.

Thank you for your cooperation.

Sincerely,

Lori and Todd Stone



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Approval of 2nd Quarter 2023 Market Rate Building Permit Allocation System (BPAS) Rankings - TAB 3**

Background:

Pursuant to Section 30-475 of the Code of Ordinances (the Code) of Islamorada, Village of Islands (the Village), the Village Council is required to take action after reviewing the Building Permit Allocation System (the BPAS) Evaluation Report.

Pursuant to Resolution 22-11-131, adopted on November 17, 2022, eleven (11) market rate residential allocations were made available for 2023 through the BPAS, including five (5) market rate "without land dedication" and one (1) market rate "with land dedication" available for distribution in Quarter 2 of 2023. At the close of Quarter 2, 2023, seventy-three (73) applications for market rate residential permit allocations were in the BPAS queue awaiting building permit allocation awards.

The proposed Resolution approves the Residential BPAS Rankings and Awarding market rate building permit allocations for Quarter 1 of 2023, pursuant to Village Code Section 30-476.

Analysis:

The Residential BPAS applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476 and are identified in order by ranking, score, date of application and time of application below:

With Land Dedication -

#1 with 27 points - Permit No. PRSFC202101308, real estate id 00424960-000000, for L12 B7 Sunshine Estates submitted on June 22, 2022 at 11:12 AM

Without Land Dedication -

#7 with 20 points - Permit No. PRSFC202300571, real estate id 00394480-001600, for Sojourn Inc. submitted on June 23, 2023 at 1:00 PM

#8 with 20 points - Permit No. PRSFC202300428, real estate id 00394480-001100, for Sojourn Inc. submitted on June 23, 2023 at 1:01 PM

#9 with 20 points - Permit No. PRSFC202300565, real estate id 00394480-001200, for Sojourn Inc. submitted on June 23, 2023 at 1:02 PM

#10 with 20 points - Permit No. PRSFC202300569, real estate id 00394480-001400, for Sojourn Inc. submitted on June 23, 2023 at 1:03 PM

#11 with 19 points – Permit No. PRSFC202300567, real estate id 00394480-001300, for Sojourn Inc. submitted on June 12, 2023 at 12:00 PM

Budget Impact:

If approved as recommended, the additional property value created by these building permits would increase the Village's ad valorem tax revenue in future fiscal years.

Staff Impact:

Staff impact would be limited to processing the associated development permits.

Recommendation:

It is recommended that the Village Council adopt the proposed resolution, thereby approving the market rate building permit allocation ranking and awarding market rate allocations for Quarter 2 of 2023 of the Building Permit Allocation System.

- Attachments:**
1. REPORT - Exhibit A
 2. Market Rate Quarter 2 Resolution 2023

DRAFT Ranking of BPAS Applications for 2023 Quarter 2 (closed Friday, June 30, 2023 at 12:00 PM)							7/18/2023			EXHIBIT A
Market Rate Allocations (with & without Land Dedication Points)							RECOMMENDED FOR ALLOCATION			
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
1	PRSFC202101308	L12 B7 Sunshine Estates LLC (Land Dedication)	6/24/2022	11:12:00 AM	27	Plantation Key	Kahiki Harbor	11	1	00424960-000000
2	PRSFC201901157	Samurai Conchstruction LLC (Land Dedication)	4/14/2022	2:20:00 PM	26	Upper Matecumbe	Bay Hammock Community	17	-	00403041-001700
3	PRSFC202100516	Martinez, Lazaro & Marialina (Land Dedication)	6/27/2022	3:08:00 PM	25	Lower Matecumbe	Marlin Beach	22	H	00393860-000000
4	PRSFC201800385	Perez, George (Land Dedication)	4/4/2022	10:23:00 AM	24	Plantation Key	Coral Shores	18	-	00411410-000000
5	PRSFC202101687	Harborgate Limited Partnership (Land Dedication)	5/10/2022	2:30:00 PM	23	Upper Matecumbe	Bay Hammock Community	7		00403041-000700
6	PRSFC202100870	Harborgate Limited Partnership (Land Dedication)	4/12/2022	1:00:00 PM	22	Upper Matecumbe	Bay Hammock Community	6		00403041-000600
7	PRSFC202300571	Sojourn Inc	6/23/2023	1:00:00 PM	20	Lower Matecumbe	Sojourn Property	6		00394480-001600
8	PRSFC202300428	Sojourn Inc	6/23/2023	1:01:00 PM	20	Lower Matecumbe	Sojourn Property	1		00394480-001100
9	PRSFC202300565	Sojourn Inc	6/23/2023	1:02:00 PM	20	Lower Matecumbe	Sojourn Property	2		00394480-001200
10	PRSFC202300569	Sojourn Inc	6/23/2023	1:03:00 PM	20	Lower Matecumbe	Sojourn Property	4		00394480-001400
11	PRSFC202300567	Sojourn Inc	6/12/2023	12:00:00 PM	19	Lower Matecumbe	Sojourn Property	3		00394480-001300
12	PRSFC202300570	Sojourn Inc	6/12/2023	12:01:00 PM	19	Lower Matecumbe	Sojourn Property	5		00394480-001500
13	PRSFC202100421	Luis Gonzalez	4/26/2021	1:30:00 PM	18	Plantation Key	Venetian Shores No 3	14	25	00409390-000000
14	PRSFC202001215	Brian Mass	4/27/2021	12:00:00 PM	18	Plantation Key	Kahiki Harbor	1	2	00425090-000000
15	PRSFC202001378	KAMELY URI PINKHAS	5/4/2021	12:00:00 PM	18	Lower Matecumbe	Port Antigua Plat NO 5&6	279	-	00394489-008200
16	PRSFC202100105	BLACK, RICHARD & BROOKE	5/6/2021	9:30:00 AM	18	Plantation Key	Vacation Village	7	1	00417530-000000
17	PRSFC202001467	CODISPOTI HUMBERTO & CARMEN	5/27/2021	1:00:00 PM	18	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	11	C	00392430-000000
18	PRSFC202000472	LEON WILLIAM & JACKELINE	5/27/2021	1:10:00 PM	18	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	18	E	00392990-001000
19	PRSFC202100428	RUIZ JORGE ALBERTO	6/16/2021	12:53:00 PM	18	Lower Matecumbe	Port Antigua Plat No. 1	11		00394486-001100
20	PRSFC202001015	NICHOLS GARY & BETH	6/25/2021	10:36:00 AM	18	Lower Matecumbe	Lower Matecumbe Beach	9	2	00388960-000100
21	PRSFC201802189	CBT Construction and Development, Inc.	4/11/2019	1:22:00 PM	17	Plantation Key	Indian Harbor	16	9	00421920-000000
22	PRSFC202001254	Burstyn, Samuel	8/2/2021	12:00:00 PM	17	Lower Matecumbe	Port Antigua Plat 5&6 PB6-25	317		00394489-012000
23	PRSFC202100688	Jaquelyn Wrenn Ekblom	8/5/2021	2:07:00 PM	17	Plantation Key	Fontaine Lake Estates	11	5	00433080-000000
24	PRSFC201901572	Morejon, Orlando and Annmarie	8/23/2021	2:20:00 PM	17	Upper Matecumbe	Russell Estates			00404060-000100
25	PRSFC202100572	Morejon, Orlando and Annmarie	9/24/2021	11:00:00 AM	17	Upper Matecumbe	Russell Estates			00404060-000300
26	PRSFC202100850	Lindback, Craig	10/12/2021	1:06:00 PM	17	Plantation Key	Plantation Key Colony	43	3	00426140-000200
27	PRSFC202100751	Torres, David and Sothsoler	10/25/2021	12:11:00 PM	17	Lower Matecumbe	Port Antigua Plat No 2	58		00394487-001500
28	PRSFC202100433	Makulu LLC	10/29/2021	11:44:00 AM	17	Plantation Key	Tavernero	19	1	00437493-002001
29	PRSFC202101234	Morales Rev Living Trust	11/22/2021	2:17:00 PM	17	Plantation Key	Sunshine Estates	7	1	00434630-000000
30	PRSFC202101237	Tiedemann, Jocelyn	12/1/2021	11:59:00 AM	17	Plantation Key	Key Heights Sect 2	21	4	00416180-000000
31	PRSFC202101049	Ferguson, James	1/14/2022	9:54:00 AM	17	Plantation Key	Indian Waterways	33	2	00422920-000000
32	PRSFC202101339	RCM of Florida LP	1/31/2022	10:33:00 AM	17	Lower Matecumbe	Mat Ocean Bay	9	3	00395240-000000
33	PRSFC202000300	4 KEYS INVESTMENTS AND DEVELOPMENTS CORP	6/10/2022	11:00:00 AM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	16	I	00393270-000000
34	PRSFC202101553	Egret Investments Limited Partnership	8/30/2022	10:40:00 AM	17	Lower Matecumbe	Lower Matecumbe Beach	27-28	3	00389440-000000
35	PRSFC202100988	162 Sunset Dr LLC	10/20/2022	12:50:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	16	3	00389310-000000
36	PRSFC201900719	Holly Lynn Ernstes-Jones Revocable Trust	10/24/2019	3:48:00 PM	16	Upper Matecumbe	Bay Hammock Community	33	-	00403041-003300
37	PRSFC201800860	LAZZERI JEFF & JULIE	4/2/2020	2:15:00 PM	16	Plantation Key	Plantation Lakes Estates	39	-	00093420-003801
38	PRSFC202000659	Islamorada Realty Invesment Trust	7/31/2020	9:15:00 AM	16	Plantation Key	Plantation Key Colony	28	11	00429010-000000
39	PRSFC202000667	Islamorada Realty Invesment Trust	7/31/2020	9:16:00 AM	16	Plantation Key	Plantation Key Colony	27	11	00429000-000000
40	PRSFC202000719	Islamorada Realty Investment Trust	8/17/2020	10:00:00 AM	16	Plantation Key	Plantation Key Colony	25	4	00426430-000000
41	PRSFC202001406	FERNANDEZ VIVIAN M & DOCAMPO JOSE A	5/13/2021	8:19:00 AM	16	Lower Matecumbe	Lower Matecumbe Beach	4	1	00388710-000000
42	PRSFC202100240	Gode, A.J and P.J.	9/27/2021	3:18:00 PM	16	Lower Matecumbe	Lower Matecumbe Beach	3	3	00389160-000000
43	PRSFC202100571	Morejon, Orlando and Annmarie	10/29/2021	11:50:00 AM	16	Upper Matecumbe	Russell Estates			00404060-000200
44	PRSFC202100954	Vaughn, Ray	11/1/2021	11:45:00 PM	16	Plantation Key	Edenair	8	1	00433470-000000
45	PRSFC202101286	Whitehill, Doria, Gregory, Alligood, Simpson	2/22/2022	10:20:00 AM	16	Plantation Key	Venetian Shores No 2	4	18	00408320-000000
46	PRSFC202200068	Islamorada Realty Investment Trust	3/30/2022	12:32:00 PM	16	Lower Matecumbe	Matecumbe Ocean Bay Sec 2			00397120-000000
47	PRSFC202101379	Lonnborg, Ronald	5/11/2022	3:00:00 PM	16	Plantation Key	Plantation Beach	4	8	00414060-000000
48	PRSFC202200149	Villamil Carlos and Vicente Sonia	9/1/2022	2:00:00 PM	16	Plantation Key	Plantation Key Colony	20	15	00431260-000100
49	PRSFC202101283	Martin, Akalia	9/16/2022	10:40:00 AM	16	Plantation Key	Tropical Atlantic Shores 1 Add	25	6	00436950-000000
50	PRSFC202100967	Schrader, Kathleen	9/16/2022	10:41:00 AM	16	Plantation Key	Tavernero	11	1	0037493-001100
51	PRSFC202200170	Sanders Charles Revocable Living Trust	9/23/2022	2:00:00 PM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	23	G	00393580-000000
52	PRSFC202201313	McKeown, James	1/23/2023	1:05:00 PM	16	Plantation Key	Tavernero	7	2	00437493-003700
53	PRSFC202200812	Weber, Craig	3/30/2023	10:00:00 AM	16	Plantation Key	Venetian Shores Plat No 2	8	10	00407150-000100
54	PRSFC201801827	Paulo & Kellen Paiva	2/4/2021	12:15:00 PM	15	Upper Matecumbe	Bay Hammock Community	20	-	00403041-000100
55	PRSFC201801826	Paulo & Kellen Paiva	2/5/2021	8:00:00 AM	15	Upper Matecumbe	Bay Hammock Community	1	-	00403041-002000
56	PRSFC202100804	Island Investment Partners Inc.	10/12/2021	11:08:00 AM	15	Plantation Key	Venetian Shores Plat No 2	1	13	00407550-000000
57	PRSFC202200078	Rodriguez, Robert	4/26/2022	12:00:00 PM	15	Plantation Key	Plantation Key Colony	11	7	00427430-000000
58	PRSFC202101424	Venezia Land Trust Number Two	8/19/2022	8:40:00 AM	15	Plantation Key	Plantation Key Colony	2	7	00427330-000100

Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
59	PRSFC202000057	LINDBACK CARL ESTATE	6/29/2023	4:00:00 PM	15	Plantation Key	Tavernero	24	1	00437493-002400
60	PRSFC201901501	Weeks, Donald	3/16/2020	8:00:00 AM	14	Plantation Key	Plantation Lake Estates	8	-	00093420-000901
61	PRSFC202000351	Keys Basin LLC	10/7/2020	10:30:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
62	PRSFC202000352	Keys Basin LLC	10/7/2020	10:31:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
63	PRSFC202100795	MAZAL 233 LLC	9/27/2021	11:05:00 AM	14	Plantation Key	Key Heights Sect 2	5	7	00416500-000000
64	PRSFC202100796	MAZAL 233 LLC	9/27/2021	11:22:00 AM	14	Plantation Key	Key Heights Sect 2	6	7	00416510-000000
65	PRSFC202201031	MEDINA DELIO I REVOCABLE TRUST	6/12/2023	12:00:00 PM	14	Lower Matecumbe	Port Antigua	144		00394488-004700
66	PRSFC202201342	Weidler Thomas	1/23/2023	12:30:00 PM	13	Plantation Key	Plantation Shores	18	3	00418621-004600
67	PRSFC202000794	Hopman, Andreas	9/16/2020	10:30:00 AM	12	Lower Matecumbe	Lower Matecumbe Beach	19	4	00389820-000100
68	PRSFC202200455	Lesko, Brian and Jodi Lynn	9/8/2022	3:00:00 PM	12	Plantation Key	Bay Hammock Community	25		00403041-002500
69	PRSFC202000555	Ewald, Nicholas	4/30/2021	11:30:00 AM	11	Plantation Key	Plantation Beach	7	2	00413760-000000
70	PRSFC202200496	Cockerham, Mark	8/4/2022	9:48:00 AM	9	Upper Matecumbe		6(9)		00096220-000300
71	PRSFC202001140	Gregg, Mark	1/31/2022	10:15:00 AM	7	Plantation Key	Toners Nautical Shores			00412230-000000
72	PRSFC202200154	102 Bayview LLC	5/2/2023	11:30:00 AM	4	Lower Matecumbe	Safety Harbor	22	7	0039211-000000
73	PRSFC202000130	Rosa Maria Z Walchli REV Trust 11/5/2008	10/20/2020	9:27:00 AM	2	Plantation Key	Fontaine Lake Estates	2	5	00432990-000000

RESOLUTION NO. 23-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL
BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND
AWARDING RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR
QUARTER 1 OF 2023; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, Islamorada, Village of Islands (the "Village") has implemented the Building Permit Allocation System ("BPAS") as codified in Chapter 30, Article IV, Division 11 of the Village's Code of Ordinances (the "Village Code"); and

WHEREAS, Section 30-474 of the Village Code requires that the Village Council of Islamorada, Village of Islands (the "Village Council") establish the total amount of nonresidential floor area and residential dwelling units that may be made available for the next annual allocation, the quarterly allocations for that year and the distribution of allocations between categories; and

WHEREAS, the Village Council adopted Resolution No. 22-11-131, thereby establishing a total of eleven (11) market rate residential units for allocation in 2023, five (5) market rate allocations "without land dedication" and one (1) "with land dedication" available for Quarter 2 of 2023; and

WHEREAS, on July 20, 2023, the Village Council conducted a public hearing regarding the Residential Dwelling Unit Allocation Evaluation Report (the "Report") submitted by the Planning Director (the "Director") pursuant to the applicable provisions of the Village Code and Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the residential building permit allocation rankings and award the allocations for Quarter 2 of 2023.

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

Section 1. **Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows:

The Village Council hereby approves the ranking and recommendation of the Director to award six (6) allocations for market rate dwelling units as follows: One (1) allocation "with land dedication" to Real Estate Number 00424960-000000, property owner L12 B7 Sunshine Estates LLC with 27 points; One (1) allocation "without land dedication" to Real Estate Number 00394480-001600, property owner Sojourn Inc. with 20 points; One (1) allocation "without land dedication" to Real Estate Number 00394480-001100, property owner Sojourn Inc. with 20 points; One (1) allocation "without land dedication" to Real Estate Number 00394480-001200, property owner Sojourn Inc. with 20 points; One (1) allocation "without land dedication" to Real Estate Number 00394480-001400, property owner Sojourn Inc. with 20 points; One (1) allocation "without land dedication" to Real Estate Number 00394480-001300, property owner Sojourn Inc. with 19 points as set forth in Exhibit "A" hereto.

Section 2. **Conclusions of Law.** Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

- (1) The Building Permit Allocation System (the "BPAS") applications for Quarter 2 of 2023 have been processed in accordance with the Village Comprehensive Plan and Land Development Regulations, and
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:

- (a) Accorded procedural due process; and
- (b) Observed the essential requirements of the law; and
- (c) Supported its decision by competent substantial evidence of record.

Section 3. **Effective Date.** This Resolution shall not take effect until after thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Village Code.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III	_____
Vice Mayor Sharon Mahoney	_____
Councilmember Mark Gregg	_____
Councilmember Elizabeth Jolin	_____
Councilmember Henry Rosenthal	_____

PASSED AND ADOPTED THIS 20TH DAY OF JULY, 2023.

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:

JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this ____ day of _____, 2023.



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Approval of 2nd Quarter 2023 Non-Residential Building Permit Allocations - TAB 4**

Background:

Pursuant to Village Code Section 30-475, the Village Council is required to act after reviewing the Building Permit Allocation System ("BPAS") Evaluation Report.

Pursuant to Resolution 22-11-131, a total of 33,964 square feet of nonresidential floor area is available for allocation for 2023. There have been two allocations for a total of 1,054 square feet awarded in Quarter 1 of 2023. There is one (1) application for nonresidential BPAS in the queue awaiting an award in Quarter 2. The proposed Resolution approves the Nonresidential Building Permit Allocation System ("BPAS") Rankings and Awards pursuant to Comprehensive Plan Policy 1-3.1.1(1) and Village Code Section 30-476.

Analysis:

Nonresidential applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476. One (1) application from the nonresidential BPAS category is recommended for approval and is identified below. The total nonresidential floor area requested by the application is 3,190 square feet. If approved, 29,720 square feet of nonresidential floor area would remain in the BPAS for allocation.

Budget Impact:

If approved as recommended, the additional property value created by these building permits would increase the Village's ad valorem tax revenue in future fiscal years.

Staff Impact:

Staff impact would be limited to processing the associated development permits.

Recommendation:

It is recommended that the Village Council adopt the proposed resolution, thereby approving the nonresidential building permit allocation ranking and awarding nonresidential allocations for Quarter 2 of 2023 of the Building Permit Allocation System.

Attachments: 1. REPORT - Exhibit A
2. Nonresidential BPAS Resolution_Q2

DRAFT Ranking of Nonresidential BPAS Applications for 2023 Quarter 2 (closed June 30, 2023 @ 12:00 PM)											
Applications									RECOMMENDED FOR ALLOCATION		
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE #	Floor Area Requested
1	PRCOB202201527	ISLAMORADA FISHING CLUB	6/21/2023	11:30 AM	11	Upper Matecumbe Key	Strattons	1&2	4	00399380-000000	3190
											0
										Total Allocation	3,190
										Total Available 2023	32,910
										Total Remaining	29,720

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2023; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") has implemented the Building Permit Allocation System ("BPAS") as codified in Chapter 30, Article IV, Division 11 of the Village's Code of Ordinances (the "Village Code"); and

WHEREAS, Section 30-474 of the Village Code requires that the Village Council establish the total amount of nonresidential floor area and residential dwelling units that may be made available for the next annual allocation, the quarterly allocations for that year and the distribution of allocations between categories; and

WHEREAS, the Village Council previously adopted Resolution No. 22-11-131, establishing a total of 33,964 square feet of nonresidential floor area available for allocation in 2023; and

WHEREAS, on April 11, 2023, the Village Council conducted a public hearing approving the Nonresidential Allocations for Quarter 1 of 2023 pursuant to Resolution 23-04-40; and

WHEREAS, on July 20, 2023, the Village Council conducted a public hearing approving Nonresidential Allocation Evaluation Report (the "Report") submitted by the Director of Planning and Development Services (the "Director") pursuant to the applicable provisions of the Village Code and Village Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the Nonresidential BPAS rankings and award for Quarter 2 of 2023.

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

Section 1. **Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows:

The Village Council approves the ranking and recommendation of the Director to award one (1) allocation for 3,190 square feet of nonresidential floor area to ISLAMORADA FISHING CLUB with eleven (11) points having Real Estate Parcel ID 00399380-000000, as set forth in the Report attached hereto as Exhibit "A".

Section 2. **Conclusions of Law.** Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law.

- (1) The Building Permit Allocation System (the "BPAS") applications for Quarter 2 of 2023 of the BPAS has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations;
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

Section 3. **Effective Date.** This Resolution shall not take effect until after thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Village Code.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilmember Mark Gregg _____

Councilmember Elizabeth Jolin _____

Councilmember Henry Rosenthal _____

PASSED AND ADOPTED THIS 20TH DAY OF JULY, 2023.

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:

JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this ____ day of _____, 2023.



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Remaining Non-Residential and Affordable Dwelling Unit Quarterly Allocations -TAB 5**

Background:

Section 30-474(e) of the Village Code of Ordinances (the “Village Code”) requires that the Village Council establish the total amount of non-residential floor area and residential dwelling units that may be made available for the next annual Building Permit Allocation System (“BPAS”) allocation, the quarterly allocations for that year, and the distribution of this allocation between categories.

Analysis:

The attached Resolution proposes a distribution schedule for the remainder of 2023 as follows:

The total amount of non-residential available (rolled over from Quarter 1 and Quarter 2) shall be 32,910 square feet for distribution in Quarter 3 and Quarter 4 of 2023.

The total amount of affordable residential dwelling units available (rolled over from Quarter 1 and Quarter 2) shall be three (3) for distribution in Quarter 3 and Quarter 4 of 2023.

Budget Impact:

The adoption of the proposed Resolution would have no impact on the budget.

Staff Impact:

Staff activity would include administering and processing of applications associated with the Building Permit Allocation System (BPAS).

Recommendation:

It is recommended that the Village Council pass and adopt the proposed Resolution, thereby establishing the remaining amount of nonresidential floor area and affordable residential dwelling units that may be made available, the quarterly allocations, and the distribution of allocations between categories of the BPAS for 2023.

Attachments: 1. 2023 Remaining BPAS Allocation Schedule

RESOLUTION NO. 23-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE REMAINING
AMOUNT OF NONRESIDENTIAL FLOOR AREA AND AFFORDABLE
RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS,
AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN
CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM
FOR 2023; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village") adopted Ordinance 02-17 which implemented the Building Permit Allocation System ("BPAS") as set forth in Chapter 30, Article IV, Division 11 of the Village Code of Ordinances (the "Code"); and

WHEREAS, in accordance with Section 30-474(e) of the Village Code requires that the Village Council establish the total amount of nonresidential floor area and residential dwelling units that may be made available for the annual allocations, the quarterly allocations for that year, and the distribution of this allocation between categories; and

WHEREAS, the Village Council desires to establish the remaining amount of nonresidential floor area and affordable residential dwelling units that may be made available for 2023.

**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 herein by this reference.

Section 2. **Nonresidential Floor Area.** The remaining amount of nonresidential floor area available for allocation in 2023 is 32,910 square feet.

Section 3. **Quarterly Nonresidential Floor Area Allocations.** (a) Pursuant to Village Comprehensive Plan Policy 1-3.1.1 nonresidential floor area shall be allocated quarterly as

follows:

Quarter 3 (September) - 33,964 square feet

Quarter 4 (December) - Any rollover floor area from Quarter 3

Section 4. Amount of Residential Dwelling Units. The remaining number of residential allocations available for 2023 is 3 affordable.

Section 5. Quarterly Residential Allocations.

(a) Pursuant to Village Comprehensive Plan Policy 1-3.1.1 residential units shall be allocated quarterly as follows:

Quarter 3 - 3 affordable (in perpetuity)

Quarter 4 - Any rollover affordable from Quarter 3

Section 6. Effective Date. This resolution shall become effective immediately upon its adoption.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilwoman Elizabeth Jolin _____

Councilman Mark Gregg _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS 20th DAY OF JULY, 2023.

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:

JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this ____ day of _____, 2023.



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Amendment of the Village Code to Standardize Notice Provisions for the Development Review Process - 2nd Reading - TAB 6**

Background:

This is the second reading of the ordinance which was voted on and passed on first reading at the May 18, 2023 Village Council meeting.

Analysis:

There are three (3) basic types of Notice provisions contained within the Village Council. This includes (1) Publication in a local newspaper, (2) Posting the subject property with on-site signage, and (3) Direct mailing to adjacent or nearby property owners.

However, the current code applies different notice requirements across the spectrum of application types. As a result, certain applications require all three types of notice, while other application types require one or two of the notice provisions. In addition, there are three separate standards for direct mailings, ranging from notification to adjacent property owners, to owners within 300 feet, to owners within 500 feet.

Finally, Sec. 30-255 of the Village Code establishes a requirement that staff provide the applicant and the Village Council with a copy of the Council Communication (staff report) at least 12 working days prior to the public hearing for the item. It is noted that this provision has only been enforced recently and is limited to quasijudicial items. It is further noted that this provision does not include notice to community members.

In all these cases, the Village bears the responsibility of ensuring that proper notice is provided. This is contrary to most municipal practices which (1) standardize notice provisions across all application types and (2) place the responsibility of providing notice on the applicant.

The proposed amendments standardize notice provisions across all application types and include all three (3) basic forms of notice, regardless of application type. Secondly, the amendments place the responsibility on providing notice on the applicant, consistent with most municipal practices. Finally, the amendments modify the notice provisions for quasijudicial items to include the provision of the Council Communication to the applicant, Village Council, and the public. It also reduces the time to provide the Council Communication from 12 working days to ten calendar days.

The above amendments will help to clarify the notice provisions for applicants, staff, and community members, eliminating confusion and ensuring a more timely and predictable

hearing process.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff respectfully recommends adoption of the proposed amendment.

- Attachments:**
1. ORDINANCE_Public_Notice_01-19-2023
 2. ORDINANCE_Public_Notice_01-19-2023

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, ARTICLE IV, DIVISION 2 – DEVELOPMENT REVIEW PROCESS BY STANDARDIZING PUBLIC NOTICE PROVISIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, as a part of the development review process the Village has established Public Notice provisions associated with various application types; and

WHEREAS, current Public Notice provisions include contrasting and confusing notice provisions for individual application types; and

WHEREAS, the standardization of Public Notice requirements for all application types would provide a clear and understandable set of standards for applicants and members of the community; and

WHEREAS, clear and understandable Public Notice provisions would facilitate increased public participation in the review process and establish a regulatory process that is open, transparent, and inclusive consistent with sound planning practice.

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-213. Public hearing and notice.

- (a) When an application for development permit is subject to a public hearing, the director of planning and development services shall ensure that the necessary public hearing is scheduled for the decision-making or advisory body reviewing the application and that, except as provided herein, proper notice of the public hearing is provided as set forth herein. All notices for public hearings shall include the following information:
- (1) Identify the applicant, if other than the village.
 - (2) Indicate the date, time, and place of the public hearing.
 - (3) Describe the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by state law.
 - (4) Identify the current zoning district designation of the property subject to the application.
 - (5) Describe the nature, scope and purpose of the application proposal being noticed.
 - (6) Identify the village departments where the public may inspect the application, staff report and related materials during normal business hours.
 - (7) Include a statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application.

- (b) When the provisions of this chapter require that mailed notice be provided, the applicant shall be responsible for ~~for the cost of village staff~~ preparing the written notice and for mailing the notice. Notice shall be deemed mailed by its deposit in the United States mail, certified/return receipt required, properly addressed, ~~and postage paid~~ and postmarked at least 15 days prior to the public hearing date or upon issuance of the Notice of Intent (NOI). No action taken by the village shall be voided by the failure of any individual property owner to receive such notice.
- (c) When the provisions of this chapter require that notice be published, the applicant shall be responsible for ~~the cost of village staff~~ preparing the content of the notice and publishing the notice in the non-legal section of the local newspaper of general circulation that has been selected by the village. This notice shall be published at least 15 days before the required public hearing or upon issuance of the NOI.
- (d) When the provisions of this chapter require that notice be posted on the property subject to the application, the ~~director of planning and development services~~ Applicant or Representative shall:
- (1) Place the signs on the property that is the subject of the application for at least 15 days prior to a required or requested hearing or upon issuance of the NOI.
 - (2) Place the signs along each street that is adjacent to or runs through the subject property at intervals of not more than 200 feet in a manner that makes them clearly visible to adjacent residents and passersby.
 - (3) Place the signs no more than 25 feet from the street so that the lettering is visible from the street. Where the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application.
- (e) An affidavit and photographic evidence shall be provided by the Applicant or Representative before the public hearing or prior to the issuance of a Notice of Approval (NOA) demonstrating compliance with the applicable notice requirements set forth in this section. Failure to comply with the applicable notice requirements shall result in the postponement

and re-noticing of the public hearing or a restart of the appeal period. All costs of re-noticing the public hearing shall be borne by the party ~~failing to comply with the applicable notice requirements~~ Applicant or Representative.

(f) Notice for public hearings on applications for comprehensive plan text or map amendments shall be noticed as follows:

(1) Text or map amendments initiated by the village shall be noticed by publication in accordance with the provisions of F.S. § 163.3184.

(2) Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication in accordance with the provisions of F.S. § 163.3184, and by posting of the property subject to the application at least 15 day prior to the public hearing.

(g) Notice for public hearings on applications for amendments to this chapter and the official zoning map shall be noticed as follows:

(1) Text or map amendments initiated by the village shall be noticed by publication in accordance with the provisions of F.S. § 166.041.

(2) Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication in accordance with the provisions of F.S. § 166.041, and by posting of the property subject to the application at least 15 day prior to the public hearing.

(h) Notice of intent to issue and public hearings on applications for development permit approvals including, but not limited to, certificates of compliance, minor and major conditional uses, administrative appeals, variances, administrative variances, alcohol beverage use permits, development status reports and site plans shall be noticed as follows:

~~(1) Posting of the property subject to the application.~~

~~(2) Mailed notice to the adjacent property owners. For the purpose of this subsection, "adjacent property owners" shall be considered all property owners, including any residents of the property subject to the application, that share a common boundary line~~

~~with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way. The property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~

~~(i) Notice of public hearings on applications for major conditional use approvals shall be noticed as follows:~~

- ~~(1) Posting of the property subject to the application.~~
- ~~(2) Mailed notice to all property owners, including any residents of the property subject to the application, located within 300 feet of the property subject to the application postmarked at least 15 days prior to the public hearing or upon issuance of the NOI. The property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~
- ~~(3) By publication.~~

~~(j) Notice for public hearings on applications for administrative appeals, development permit status reports or variances shall be noticed as follows:~~

- ~~(1) Posting of the property subject to the application.~~
- ~~(2) Mailed notice to all property owners, including any residents of the property subject to the application, located within 300 feet of the property subject to the application. The real property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~

~~(k) Notice of intent to issue and public hearings on applications for administrative variances shall be noticed as follows:~~

- ~~(1) Posting of the property subject to the application.~~
- ~~(2) Mailed notice to the adjacent property owners. For the purpose of this subsection "adjacent property owners" shall be considered all property owners, including any residents of the property subject to the application, that share a common boundary line~~

with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way. The property owners required to be provided notice by this subsection shall be determined with a certified copy of the most up-to-date version of the county tax roll.

(l) — Notice of public hearings on applications for alcohol beverage use permits shall be noticed as follows:

(1) — Posting of the property subject to the application.

(2) — Mailed notice to all property owners, including any residents of the property subject to the application, located within 500 feet of the property subject to the application. The real property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.

(3) — By publication.

NOTICE REQUIREMENTS

Permit	Notice Section	Posted	Published	Mailed
Certificate of compliance	30-213(h)	15 days after NOI or — prior — to hearing Upon issuance of the NOI	No 15 days prior to public hearing	Adjacent owners Owners within 300 feet
Site plan	30-213(h)	15 days after NOI or — prior — to hearing Upon issuance of the NOI	No 15 days prior to public hearing	Adjacent owners Owners within 300 feet

Administrative variance	30-213(k)	15 days after NOI or — prior — to hearing <u>Upon</u> <u>issuance of the</u> <u>NOI</u>	No <u>15 days prior</u> <u>to public hearing</u>	Adjacent owners <u>Owners within</u> <u>300 feet</u>
Minor conditional	30-213(h)	15 days after NOI or — prior — to hearing <u>Upon</u> <u>issuance of the</u> <u>NOI</u>	No <u>15 days prior</u> <u>to public hearing</u>	Adjacent owners <u>Owners within</u> <u>300 feet</u>
Major conditional	30-213(i)	15 days after NOI or prior to hearing	15 days prior to public hearing	Owners within 300 feet
Administrative appeal	30-213(j)	15 days after NOI or prior to hearing	No <u>15 days prior</u> <u>to public hearing</u>	Owners within 300 feet
Variance	30-213(j)	15 days after NOI or prior to hearing	No <u>15 days prior</u> <u>to public hearing</u>	Owners within 300 feet
Comprehensive plan—Village	30-213(f)(1)	No	F.S. § 163.3184	
Comprehensive plan—Owner	30-213(f)(2)	15 days <u>prior to</u> <u>public hearing</u>	F.S. § 163.3184	
Zoning map and text—Village	30-213(g)(1)	No	F.S. § 166.041	
Zoning map and text—Owner	30-213(g)(2)	15 days <u>prior to</u> <u>public hearing</u>	F.S. § 166.041	

Development permit status report	30-213(j)	15 days prior to public hearing	<u>15 days prior to public hearing</u>	Owners within 300 feet
Alcohol beverage use permit	30-213(l)	15 days prior to public hearing	15 days prior to public hearing	Owners within <u>500-300</u> feet

Sec. 30-255. - General procedures.

(a) Witnesses and evidence. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross examine opposing witnesses on any relevant matter (subject to the rules contained herein), and to rebut evidence.

(b) Duties of village staff. Staff shall have the responsibility of presenting the case on behalf of the village. The staff report on the application shall be posted on the Village website at least ten (10) made available to the applicant and the council at least 12 working days prior to the quasi-judicial hearing on the application.

(c) Official file. All written communication received by councilmembers or staff concerning an application, the staff report on the application, any petitions or other submissions from the public, and all other documents pertaining to the application upon receipt shall be filed in the official file for the application, which shall be maintained by staff. The comprehensive plan and the village Code shall be deemed to be part of the official file. The official file shall be available for inspection during normal business hours.

(d) Agenda. The printed agenda for the meeting at which the quasi-judicial hearing is scheduled to take place shall briefly explain the procedures and nature of the quasi-judicial hearing.

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, ARTICLE IV, DIVISION 2 – DEVELOPMENT REVIEW PROCESS BY STANDARDIZING PUBLIC NOTICE PROVISIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, as a part of the development review process the Village has established Public Notice provisions associated with various application types; and

WHEREAS, current Public Notice provisions include contrasting and confusing notice provisions for individual application types; and

WHEREAS, the standardization of Public Notice requirements for all application types would provide a clear and understandable set of standards for applicants and members of the community; and

WHEREAS, clear and understandable Public Notice provisions would facilitate increased public participation in the review process and establish a regulatory process that is open, transparent, and inclusive consistent with sound planning practice.

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-213. Public hearing and notice.

- (a) When an application for development permit is subject to a public hearing, the director of planning and development services shall ensure that the necessary public hearing is scheduled for the decision-making or advisory body reviewing the application and that, except as provided herein, proper notice of the public hearing is provided as set forth herein. All notices for public hearings shall include the following information:
- (1) Identify the applicant, if other than the village.
 - (2) Indicate the date, time, and place of the public hearing.
 - (3) Describe the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by state law.
 - (4) Identify the current zoning district designation of the property subject to the application.
 - (5) Describe the nature, scope and purpose of the application proposal being noticed.
 - (6) Identify the village departments where the public may inspect the application, staff report and related materials during normal business hours.
 - (7) Include a statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application.

- (b) When the provisions of this chapter require that mailed notice be provided, the applicant shall be responsible for ~~for the cost of village staff~~ preparing the written notice and for mailing the notice. Notice shall be deemed mailed by its deposit in the United States mail, certified/return receipt required, properly addressed, ~~and postage paid~~ and postmarked at least 15 days prior to the public hearing date or upon issuance of the Notice of Intent (NOI). No action taken by the village shall be voided by the failure of any individual property owner to receive such notice.
- (c) When the provisions of this chapter require that notice be published, the applicant shall be responsible for ~~the cost of village staff~~ preparing the content of the notice and publishing the notice in the non-legal section of the local newspaper of general circulation that has been selected by the village. This notice shall be published at least 15 days before the required public hearing or upon issuance of the NOI.
- (d) When the provisions of this chapter require that notice be posted on the property subject to the application, the ~~director of planning and development services~~ Applicant or Representative shall:
- (1) Place the signs on the property that is the subject of the application for at least 15 days prior to a required or requested hearing or upon issuance of the NOI.
 - (2) Place the signs along each street that is adjacent to or runs through the subject property at intervals of not more than 200 feet in a manner that makes them clearly visible to adjacent residents and passersby.
 - (3) Place the signs no more than 25 feet from the street so that the lettering is visible from the street. Where the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application.
- (e) An affidavit and photographic evidence shall be provided by the Applicant or Representative before the public hearing or prior to the issuance of a Notice of Approval (NOA) demonstrating compliance with the applicable notice requirements set forth in this section. Failure to comply with the applicable notice requirements shall result in the postponement

and re-noticing of the public hearing or a restart of the appeal period. All costs of re-noticing the public hearing shall be borne by the party ~~failing to comply with the applicable notice requirements~~ Applicant or Representative.

(f) Notice for public hearings on applications for comprehensive plan text or map amendments shall be noticed as follows:

(1) Text or map amendments initiated by the village shall be noticed by publication in accordance with the provisions of F.S. § 163.3184.

(2) Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication in accordance with the provisions of F.S. § 163.3184, and by posting of the property subject to the application at least 15 day prior to the public hearing.

(g) Notice for public hearings on applications for amendments to this chapter and the official zoning map shall be noticed as follows:

(1) Text or map amendments initiated by the village shall be noticed by publication in accordance with the provisions of F.S. § 166.041.

(2) Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication in accordance with the provisions of F.S. § 166.041, and by posting of the property subject to the application at least 15 day prior to the public hearing.

(h) Notice of intent to issue and public hearings on applications for development permit approvals including, but not limited to, certificates of compliance, minor and major conditional uses, administrative appeals, variances, administrative variances, alcohol beverage use permits, development status reports and site plans shall be noticed as follows:

~~(1) Posting of the property subject to the application.~~

~~(2) Mailed notice to the adjacent property owners. For the purpose of this subsection, "adjacent property owners" shall be considered all property owners, including any residents of the property subject to the application, that share a common boundary line~~

~~with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way. The property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~

~~(i) Notice of public hearings on applications for major conditional use approvals shall be noticed as follows:~~

- ~~(1) Posting of the property subject to the application.~~
- ~~(2) Mailed notice to all property owners, including any residents of the property subject to the application, located within 300 feet of the property subject to the application postmarked at least 15 days prior to the public hearing or upon issuance of the NOI. The property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~
- ~~(3) By publication.~~

~~(j) Notice for public hearings on applications for administrative appeals, development permit status reports or variances shall be noticed as follows:~~

- ~~(1) Posting of the property subject to the application.~~
- ~~(2) Mailed notice to all property owners, including any residents of the property subject to the application, located within 300 feet of the property subject to the application. The real property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~

~~(k) Notice of intent to issue and public hearings on applications for administrative variances shall be noticed as follows:~~

- ~~(1) Posting of the property subject to the application.~~
- ~~(2) Mailed notice to the adjacent property owners. For the purpose of this subsection "adjacent property owners" shall be considered all property owners, including any residents of the property subject to the application, that share a common boundary line~~

~~with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way. The property owners required to be provided notice by this subsection shall be determined with a certified copy of the most up-to-date version of the county tax roll.~~

~~(l) Notice of public hearings on applications for alcohol beverage use permits shall be noticed as follows:~~

~~(1) Posting of the property subject to the application.~~

~~(2) Mailed notice to all property owners, including any residents of the property subject to the application, located within 500 feet of the property subject to the application. The real property owners required to be provided notice by this subsection shall be determined with a copy of the most up-to-date version of the county tax roll.~~

~~(3) By publication.~~

NOTICE REQUIREMENTS

Permit	Notice Section	Posted	Published	Mailed
Certificate of compliance	30-213(h)	15 days after NOI or prior to hearing Upon issuance of the NOI	No 15 days prior to public hearing	Adjacent owners Owners within 300 feet
Site plan	30-213(h)	15 days after NOI or prior to hearing Upon issuance of the NOI	No 15 days prior to public hearing	Adjacent owners Owners within 300 feet

Administrative variance	30-213(k)	15 days after NOI or prior to hearing <u>Upon</u> <u>issuance of the</u> <u>NOI</u>	No 15 days prior <u>to public hearing</u>	Adjacent owners <u>Owners within</u> <u>300 feet</u>
Minor conditional	30-213(h)	15 days after NOI or prior to hearing <u>Upon</u> <u>issuance of the</u> <u>NOI</u>	No 15 days prior <u>to public hearing</u>	Adjacent owners <u>Owners within</u> <u>300 feet</u>
Major conditional	30-213(i)	15 days after NOI or prior to hearing	15 days prior to public hearing	Owners within 300 feet
Administrative appeal	30-213(j)	15 days after NOI or prior to hearing	No 15 days prior <u>to public hearing</u>	Owners within 300 feet
Variance	30-213(j)	15 days after NOI or prior to hearing	No 15 days prior <u>to public hearing</u>	Owners within 300 feet
Comprehensive plan—Village	30-213(f)(1)	No	F.S. § 163.3184	
Comprehensive plan—Owner	30-213(f)(2)	15 days <u>prior to</u> <u>public hearing</u>	F.S. § 163.3184	
Zoning map and text—Village	30-213(g)(1)	No	F.S. § 166.041	
Zoning map and text—Owner	30-213(g)(2)	15 days <u>prior to</u> <u>public hearing</u>	F.S. § 166.041	

Development permit status report	30-213(j)	15 days prior to public hearing	<u>15 days prior to public hearing</u>	Owners within 300 feet
Alcohol beverage use permit	30-213(l)	15 days prior to public hearing	15 days prior to public hearing	Owners within 500 <u>300</u> feet

Sec. 30-255. - General procedures.

(a) Witnesses and evidence. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross examine opposing witnesses on any relevant matter (subject to the rules contained herein), and to rebut evidence.

(b) Duties of village staff. Staff shall have the responsibility of presenting the case on behalf of the village. The staff report on the application shall be posted on the Village website at least ten (10) made available to the applicant and the council at least 12 working days prior to the quasi-judicial hearing on the application.

(c) Official file. All written communication received by councilmembers or staff concerning an application, the staff report on the application, any petitions or other submissions from the public, and all other documents pertaining to the application upon receipt shall be filed in the official file for the application, which shall be maintained by staff. The comprehensive plan and the village Code shall be deemed to be part of the official file. The official file shall be available for inspection during normal business hours.

(d) Agenda. The printed agenda for the meeting at which the quasi-judicial hearing is scheduled to take place shall briefly explain the procedures and nature of the quasi-judicial hearing.

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Chapter 30, Article VI, Division 11 - Alcoholic Beverage Use Permits - 2nd Reading - TAB 7**

Background:

This is the second reading of the ordinance which was voted on and passed on first reading at the May 18, 2023 Village Council meeting.

Analysis:

Chapter 30 – Article VI, Division 11 (Alcoholic Beverage Use Permit) –

Currently, the state of Florida regulates the sale and consumption of alcoholic beverages through a State licensing program. In addition, the Village currently requires a separate Alcoholic Beverage Use Permit. Individual establishments, which involve the sale and/or consumption of alcoholic beverages are also regulated by the Village through Minor and Major conditional Use provisions contained within a variety of individual zoning districts. Since the Village has complete control over the approval process for establishments that engage in the sale and/or consumption of alcoholic beverages and the State already licenses such establishments, the administration of a second alcoholic beverage use licensing program accomplishes little.

The repeal of the Village Alcoholic Beverage Use Permit process would not appear to be inconsistent with any Goals and Objectives contained within the Comprehensive Plan.

Addendum - The proposed repeal of the existing Alcoholic Beverage Use Permit provisions contained within the Village Code was discussed at the February 13, 2023 Local Planning Agency (LPA) meeting. At that time, the members of the LPA reserved decision on the proposed amendments to afford staff the opportunity to draft needed amendments to the Village Code which incorporate both the proximity standards governing the operation of businesses that involve the sale and/or consumption of alcoholic beverages and the review criteria, which guide the review of any requested variances from said proximity standards. These changes are attached.

All of the applicable proximity standards and review criteria currently contained within the Alcoholic Beverage Use Permit provisions within the Code have been retained and would continue to apply to establishments that involve the sale and/or consumption of alcoholic beverages.

Budget Impact:

None.

Staff Impact:

None.

Recommendation:

Staff respectfully requests approval of the proposed Village Code Amendment.

- Attachments:**
1. ORDINANCE_Alcoholic_Beverage_Use_Permit_-1-19-2023
 2. ABUP_Conditions_Revised_03-2023

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, BY REPEALING DIVISION 11 – ALCOHOLIC BEVERAGE USE PERMITS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, pursuant to Village Code Chapter 30, Article VI, Division 11 (Alcoholic Beverage Use Permit), Islamorada, Village of Islands regulates the sale and consumption of alcoholic beverages; and

WHEREAS, THE State of Florida already provides for the licensing of businesses which involve the sale and consumption of alcoholic beverages; and

WHEREAS, Islamorada, Village of Islands provides adequate and proper regulation for businesses which involve the sale and/or consumption of alcoholic beverages; and

WHEREAS, the repeal of Chapter 30, Article VI, Division 11 (Alcoholic Beverage Use Permit) is in the public interest.

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. Chapter 30, Article VI, Division 11 (Alcoholic Beverage Use Permit) is deleted in its entirety.

Additional text is shown as underlined;

deleted text is shown as ~~striketrough~~

DIVISION 11. - ~~ALCOHOLIC BEVERAGE USE PERMIT~~^[15]

Footnotes:

~~----- (15) -----~~

~~*Cross-reference*—Noise permit; alcoholic beverages permit, § 42-42.~~

~~Sec. 30-1461. -- Generally.~~

~~(a) *Purpose and intent.* This section is designed and intended to provide for reasonable regulations and control over the production, manufacture, brewing and/or sale of alcoholic beverages within the village by establishing an alcoholic beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic beverage use enterprises within the village are compatible with adjoining and surrounding land uses and the village's comprehensive plan, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact on the health, safety and welfare of the citizens and residents of the village.~~

~~(b) *Permit required.* All persons desiring to produce, manufacture, brew and/or sell alcoholic beverages upon any premises located within the village and who desire to do so upon premises not previously approved for an alcoholic beverage use permit shall~~

~~obtain an alcoholic beverage use permit utilizing the procedures outlined in subsection (d) of this section.~~

~~(c) *Classifications.* Corresponding to those alcoholic beverage license classifications adopted by the state, as may be amended from time to time, alcoholic beverage use permits issued pursuant to this division shall be classified as follows:~~

- ~~(1) 1APS: Beer, package sales only.~~
- ~~(2) 1COP: Beer, consumption on premises and package sales.~~
- ~~(3) 2APS: Beer and wine, package sales only.~~
- ~~(4) 2COP: Beer and wine, consumption on premises and package sales.~~
- ~~(5) 3BPS: Beer, wine and liquor, package sales only.~~
- ~~(6) 5COP: Beer, wine and liquor, consumption on premises and package sales.~~
- ~~(7) 5COP SRX: Restaurant, no package sales.~~
- ~~(8) 5COP SR: Restaurant, package sales.~~
- ~~(9) 5COP S: Motel, package sales.~~
- ~~(10) 5COP SBX: Bowling, no package sales.~~
- ~~(11) 5COP SPX: Boat, no package sales.~~
- ~~(12) CMB: Manufacturer/brewer of malt beverages.~~

~~(d) *Procedure.* The following procedures shall be followed on any application for an alcoholic beverage use permit:~~

- ~~(1) Applications for alcoholic beverage use permits shall be submitted in a form specified by the planning and development services department for reviewing the application, and shall be accompanied by a fee as established from time to time by the village council to defray the actual cost of processing the application. After an application is submitted, the director of planning and development services shall determine if the application is complete and includes data necessary to evaluate the application. Applications shall be~~

~~reviewed in accordance with the applicable provisions of article IV, division 2 of this chapter.~~

~~(2) The director of planning and development services shall ensure that the necessary public hearing is scheduled for the decision-making or advisory body reviewing the application and that, except as provided herein, proper notice of the public hearing is provided as set forth herein. All notices for public hearings shall include the information required pursuant to [section 30-213](#).~~

~~(3) The director of planning and development services shall provide written notice to all owners of real property within a radius of 500 feet of the affected premises, posting of the property subject to the application, and by publication pursuant to the procedures provided by [section 30-213](#)(l).~~

~~(4) The public hearing shall be conducted in accordance with article IV, division 3 of this chapter.~~

~~*(e) Proximity to places of worship, schools and child care facilities.*~~

~~(1) No person shall conduct any business involving the production, manufacture, brewing or sale of alcoholic beverages within three hundred feet of any established place of worship, school and/or child care facility. Such distance shall be measured from the nearest point of the property line of the place of business to the property line of the place of worship, school and/or child care facility and used as a part of the place of worship, school and/or child care facility. However, any person or property licensed to conduct and legally conducting a business involving the production, manufacture, brewing or sale of alcoholic beverages as of the effective date of this amendment, shall be governed by the provisions of this section which existed at the time of the original licensure of such business. This prohibition shall not apply to temporary alcohol beverage use permits.~~

~~(2) When considering an application for a variance from the proximity requirement in subsection (1), the director and village council shall consider the following criteria:~~

- ~~a. The license sought is for consumption on-premises only;~~
- ~~b. The extent of conflict between the proposed use and the hours of operation of the facilities described in subsection (1) above;~~
- ~~c. Other nonresidential uses adjacent to or between the property of the proposed alcohol beverage use permit and the facilities described in subsection (1) above; and~~
- ~~d. The property of the proposed alcohol beverage use permit is separated from the facilities described in subsection (1) above by a canal, channel or creek.~~

~~Public notice shall be provided consistent with Code [section 30-213](#)(l).~~

~~(f) *Criteria.* The village council shall give due consideration to the following factors as they may apply to the particular application prior to rendering its decision to grant or deny the requested permit:~~

- ~~(1) The proposed use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development as represented by property owners within 500 feet of the premises;~~
- ~~(2) The proposed use is consistent with the purposes, goals, objectives and policies of the comprehensive plan and this chapter, including standards for building and structural intensities and densities, and intensities of use; and the suitability of the premises in regard to its location, site characteristics and intended purpose;~~
- ~~(3) The proposed use complies with article IV, division 5 of this chapter (Concurrency Management); and~~
- ~~(4) The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.~~

~~(g) *Approval by village council.* The village council may grant approval based on reasonable conditions considering the criteria outlined herein.~~

~~(h) *Where permitted.* Alcoholic beverage use permits may be granted in the following zoning districts: village center (VC); tourist commercial (TC); marine use (MR); highway commercial (HC); industrial (I) and neighborhood commercial (NC). Notwithstanding the foregoing, alcoholic beverage sales may be permitted at restaurants, hotels, marinas and campgrounds regardless of the zoning district in which they are located. Nothing contained herein shall exempt an application from obtaining a major or minor conditional use approval when such is otherwise required by this chapter.~~

~~(i) *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to or on the application. Such privilege may not be separated from the fee simple interest in the realty.~~

~~(j) *Appeals.* The applicant, or any aggrieved person who has opposed the issuance of the alcoholic beverage permit at the scheduled public hearing, may appeal the decision of the village council by filing a petition for writ of certiorari in the circuit court in and for the county, in accordance with the procedure provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure, within 30 days of the date of the decision by the village council.~~

~~(Ord. No. 03-05, § 1(6.10.1), 3-27-2003; Ord. No. 15-03, § 2, 2-12-15)~~

Secs. 30-1462—30-1479. - Reserved.

Section 3. Transmittal. The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. 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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this _____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY

DIVISION 11. - ALCOHOLIC BEVERAGE USE PERMIT – Standards of Review

Sec. 30-1461. - Generally.

(A) Purpose and intent. This section is designed and intended to provide for reasonable regulations and control over the production, manufacture, brewing and/or sale of alcoholic beverages within the village by providing criteria to be utilized to assure that all future proliferation of alcoholic beverage use enterprises within the village are compatible with adjoining and surrounding land uses and the village's comprehensive plan, and to ensure that such uses will not have an adverse impact on the health, safety and welfare of the citizens and residents of the village.

(B) Proximity to places of worship, schools and childcare facilities.

(1) No person shall conduct any business involving the production, manufacture, brewing or sale of alcoholic beverages within three hundred feet of any established place of worship, school and/or childcare facility. Such distance shall be measured from the nearest point of the property line of the place of business to the property line of the place of worship, school and/or childcare facility and used as a part of the place of worship, school and/or childcare facility. However, any person or property licensed to conduct and legally conducting a business involving the production, manufacture, brewing or sale of alcoholic beverages as of the effective date of this amendment, shall be governed by the provisions of this section which existed at the time of the original licensure of such business. This prohibition shall not apply to temporary alcohol beverage use permits.

(2) When considering an application for a variance from the proximity requirement in subsection (1), the Village Council shall consider the following factors:

a. The extent of conflict between the proposed use and the hours of operation of the facilities described in subsection (1) above;

b. Other nonresidential uses adjacent to or between the property of the proposed establishment and the facilities described in subsection (1) above;

c. Whether or not the property of the proposed establishment is separated from the facilities described in subsection (1) above by a canal, channel, creek, or U.S. 1 (Overseas Highway);

d. Whether or not the proposed use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development as represented by property owners within 500 feet of the premises;

e. Whether or not the proposed use is consistent with the purposes, goals, objectives and policies of the comprehensive plan and this chapter, including standards for building and structural intensities and densities, and intensities of use and the suitability of the premises in regard to its location, site characteristics and intended purpose;

f. Whether or not the proposed use complies with Article IV, Division 5 of this chapter (Concurrency Management); and

g. Whether or not the design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

(C) Approval by Village Council. The Village Council may grant a relaxation of the above proximity standards based on reasonable conditions considering the criteria outlined herein.

(D) Appeals. The applicant, or any aggrieved person who has opposed the relaxation of the above proximity standards, may appeal the decision of the Village Council by filing a petition for writ of certiorari in the circuit court in and for the county, in accordance with the procedure provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure, within 30 days of the date of the decision by the village council.



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Amendment to Tourist Commercial (TC) District to Incorporate Boat Dealerships as a Major Conditional Use - 2nd Reading - TAB 8**

Background:

This is the second reading of the ordinance which was voted on and passed on first reading at the May 18, 2023 Village Council meeting.

Analysis:

There are approximately nine (9) properties currently zoned Tourist Commercial (TC) District within the Village. These properties include a wide range of existing uses from residential (resorts), marinas, boat storage, service and display uses, to restaurants. In addition, a number of sites include boat sales in conjunction with existing marina uses.

Boat sales and service are common operations associated with marinas and boat storage sites throughout the Florida Keys. Chief Marine Group, adjacent to Snake Creek Bridge, currently operates a boat dealership and Caloosa Cove on Lower Matecumbe Key has, in the past, operated a boat dealership in conjunction with its marina business. However, the current TC District does not provide for the operation of a boat dealership as an as-of-right use or Conditional Use.

The proposed amendment would provide an opportunity for a property owner to operate a boat dealership within a TC District subject to the issuance a Major Conditional Use Permit. The establishment of a boat dealership via a Major Conditional Use Permit would ensure that potential impacts associated with the operation of the boat dealership could be properly addressed through the public hearing process before the Village Council. This will also ensure that adjacent and surrounding property owners have the ability to participate in the review process and to have their concerns addressed.

Major Conditional Uses are governed pursuant to Sec. 30-26 and Sec. 30-218 of the Village Code. The imposition of a Major Conditional Use Permit provides an abundance of protection against potential impacts associated with the operation of a boat dealership. In addition to the establishment of a quasi-judicial hearing, the following factors must be considered in conjunction with a Conditional Use:

- (1) The proposed conditional use is consistent with the purposes, goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use;
- (2) The proposed conditional use complies with all relevant and appropriate portions of this

chapter;

(3) The proposed conditional use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

(4) The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

(5) The proposed conditional use complies with division 5 of this article (Concurrency Management);

(6) The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and

(7) The proposed conditional use will result in logical, timely and orderly development patterns.

Finally, Sec. 30-216 (d) specifically states that “no conditional use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.”

Based upon existing development patterns and the protections afforded by the Conditional Use provisions contained in the Village Code, the operation of a boat dealership within a Tourist Commercial (TC) would appear reasonable.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff respectfully recommends approval of the proposed amendment.

Attachments: 1. ORDINANCE_Boat_Dealerships_04-05-2023
2. ORDINANCE_Boat_Dealerships_04-05-2023

ORDINANCE NO.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, TOURIST COMMERCIAL (TC) DISTRICT TO ALLOW BOAT DEALERSHIPS AS A MAJOR CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the proper and reasonable regulation of development patterns, including those within the Tourist Commercial (TC) Zoning District is consistent with the goal of protecting public health, safety, and welfare; and

WHEREAS, current regulations do not permit the operation of boat dealerships within the Tourist Commercial (TC) Zoning District; and

WHEREAS, the inclusion of boat dealerships as a Major Conditional Use within the Tourist Commercial (TC) Zoning District is a proper and reasonable regulatory approach and is consistent with historic and current development patterns within the Tourist Commercial (TC) Zoning District; and

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-693. - Tourist commercial (TC) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the tourist commercial (TC) zoning district is to accommodate existing tourist lodging, tourist attractions and supportive facilities.
- (2) This zoning district is established within the Mixed Use (MU) FLUM category.

(b) *Permitted uses.* The following uses are permitted uses if they do not contain a drive-in or drive-through component.

- (1) Single family dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to single-family dwelling units is not permitted;
- (2) Deed restricted affordable housing dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to dwelling units is not permitted;
- (3) Hotels and motels with 25 rooms or less;
- (4) Recreational equipment rental;
- (5) Restaurants less than 1,500 square feet;
- (6) Brewpubs less than 1,500 square feet; and
- (7) Accessory uses and structures, excluding guesthouses.
- ~~(8) Outdoor storage and display areas on vacant lots fronting US1 pursuant to article VI, division 8 of this chapter.~~

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted residential use, greater than 25 dwelling units, except that motels and hotels shall not be considered a residential use;
- (2) Bars, taverns and drinking places less than 5,000 square feet;
- (3) Brewpubs of 1,500 to 3,000 square feet;
- (4) Commercial recreational facility less than 5,000 square feet;
- (5) Community pier or public dock;
- (6) Docking facility;
- (7) Hotels or motels having more than 25 rooms and less than 50 rooms;
- (8) Infrastructure and municipal utility facilities;
- (9) Restaurants of 1,500 to 3,000 square feet; and
- (10) Attached wireless facility.
- (11) Outdoor storage and display areas on lots fronting US1 pursuant to article VI, division 8 of this chapter, as an accessory use to a permitted principal use.

(d) *Uses reviewed as a major conditional use.*

- (1) Hotels or motels having 50 rooms or more;
- (2) Brewpubs of 3,001 to 5,000 square feet;
- (3) Commercial recreational uses of 5,000 square feet or greater;
- (4) Marina redevelopment;
- (5) Restaurants of 3,001 to 5,000 square feet;
- (6) Stealth wireless facility;

- (7) Outdoor storage and display areas on lots not fronting US1 pursuant to article VI, division 8 of this chapter, as an accessory use to a permitted principal use; ~~and~~
- (8) Boat Dealership as an accessory use to a marina.
- (9) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** Pursuant to Sections 163.3184, Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the “DEO”).

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **Effective Date.** This Ordinance shall not become effective until a Notice of Intent has been issued by DEO finding the Comprehensive Plan Amendment to be in compliance as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until DEO or the Administration Commission enters a final order determining the adopted Comprehensive Plan Amendments to be in compliance.

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

PASSED on the first reading this ___day of_____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY

ORDINANCE NO.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, TOURIST COMMERCIAL (TC) DISTRICT TO ALLOW BOAT DEALERSHIPS AS A MAJOR CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the proper and reasonable regulation of development patterns, including those within the Tourist Commercial (TC) Zoning District is consistent with the goal of protecting public health, safety, and welfare; and

WHEREAS, current regulations do not permit the operation of boat dealerships within the Tourist Commercial (TC) Zoning District; and

WHEREAS, the inclusion of boat dealerships as a Major Conditional Use within the Tourist Commercial (TC) Zoning District is a proper and reasonable regulatory approach and is consistent with historic and current development patterns within the Tourist Commercial (TC) Zoning District; and

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-693. - Tourist commercial (TC) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the tourist commercial (TC) zoning district is to accommodate existing tourist lodging, tourist attractions and supportive facilities.
- (2) This zoning district is established within the Mixed Use (MU) FLUM category.

(b) *Permitted uses.* The following uses are permitted uses if they do not contain a drive-in or drive-through component.

- (1) Single family dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to single-family dwelling units is not permitted;
- (2) Deed restricted affordable housing dwelling units of 25 dwelling units or less, except the conversion of existing hotels or motels to dwelling units is not permitted;
- (3) Hotels and motels with 25 rooms or less;
- (4) Recreational equipment rental;
- (5) Restaurants less than 1,500 square feet;
- (6) Brewpubs less than 1,500 square feet; and
- (7) Accessory uses and structures, excluding guesthouses.
- ~~(8) Outdoor storage and display areas on vacant lots fronting US1 pursuant to article VI, division 8 of this chapter.~~

(c) *Uses reviewed as a minor conditional use.* The following uses are reviewed as minor conditional uses provided that they do not contain a drive-in or drive-through component.

- (1) Any permitted residential use, greater than 25 dwelling units, except that motels and hotels shall not be considered a residential use;
- (2) Bars, taverns and drinking places less than 5,000 square feet;
- (3) Brewpubs of 1,500 to 3,000 square feet;
- (4) Commercial recreational facility less than 5,000 square feet;
- (5) Community pier or public dock;
- (6) Docking facility;
- (7) Hotels or motels having more than 25 rooms and less than 50 rooms;
- (8) Infrastructure and municipal utility facilities;
- (9) Restaurants of 1,500 to 3,000 square feet; and
- (10) Attached wireless facility.
- (11) Outdoor storage and display areas on lots fronting US1 pursuant to article VI, division 8 of this chapter, as an accessory use to a permitted principal use.

(d) *Uses reviewed as a major conditional use.*

- (1) Hotels or motels having 50 rooms or more;
- (2) Brewpubs of 3,001 to 5,000 square feet;
- (3) Commercial recreational uses of 5,000 square feet or greater;
- (4) Marina redevelopment;
- (5) Restaurants of 3,001 to 5,000 square feet;
- (6) Stealth wireless facility;

- (7) Outdoor storage and display areas on lots not fronting US1 pursuant to article VI, division 8 of this chapter, as an accessory use to a permitted principal use; ~~and~~
- (8) Boat Dealership as an accessory use to a marina.
- (9) Any use listed above as a permitted or minor conditional use, or a major conditional use listed herein, provided that the use contains a drive-in or drive-through component.

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** Pursuant to Sections 163.3184, Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the “DEO”).

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **Effective Date.** This Ordinance shall not become effective until a Notice of Intent has been issued by DEO finding the Comprehensive Plan Amendment to be in compliance as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until DEO or the Administration Commission enters a final order determining the adopted Comprehensive Plan Amendments to be in compliance.

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

PASSED on the first reading this ___day of_____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - 2nd Reading - TAB 9**

Background:

This is the second reading of the ordinance which was voted on and passed on first reading at the May 18, 2023 Village Council meeting.

Analysis:

Permitted uses within the Multifamily (MF) Zoning District include the following:

- (1) Two to four dwelling units;
- (2) Accessory uses and structures, excluding docking facilities and guest houses; and
- (3) Collocation on existing wireless facility.

In addition, the Code provides for a variety of both Minor and Major Conditional Uses. However, the Code does not currently permit the development of a single-family residence within a MF District. In addition, the Code currently identifies the primary as-of-right use as "two to four dwelling units." This terminology is somewhat awkward and would seem to prohibit the development of larger development clusters consistent with current development patterns.

The proposed amendments seek to add single-family residences as a permitted use to the MF district. The development of a single-family residence raises little to no concerns in terms of compatibility or intensity of use.

Secondly, the proposed amendments seek to clarify the terminology contained within Sec. 30-689 (b) Permitted uses. The revised language includes as permitted uses (1) single-family dwelling units, (2) two-family dwelling units, and (3) multi-family dwelling units. The revised terminology is consistent with standard Code practice and will help to minimize confusion moving forward.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff respectfully recommends approval of the proposed amendment.

Attachments: 1. ORDINANCE_MF_01-19-2023
2. ORDINANCE_MF_01-19-2023

ORDINANCE NO. 23

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the proper and reasonable regulation of residential development including Multifamily (MF) Development is consistent with the protection of public health, safety, and welfare; and

WHEREAS, the development of single-family residences would be consistent with development patterns within the Village Multifamily (MF) Zoning District; and

WHEREAS, the current regulations within the Village Multifamily (MF) Zoning District do not permit the development of single-family residences; and

WHEREAS, the addition of single-family residences as a permitted use within the Village Multifamily (MF) Zoning District is consistent with the protection of public health, safety, and welfare.

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-689. - Multifamily (MF) zoning district.

(a) Purpose and intent.

(1) The purpose of the multifamily (MF) zoning district is to accommodate existing condominiums, townhouses and apartments within the village, and to provide opportunities for new multifamily residential housing.

(2) This zoning district is established within the Residential High (RH) FLUM category.

(b) Permitted uses.

(1) Single-family dwelling units ~~Two to four dwelling units;~~

(2) Two-family dwelling units; ~~Accessory uses and structures, excluding docking facilities and guest houses; and~~

(3) Multi-family dwelling units; ~~Collocation on existing wireless facility~~

(4) Accessory uses and structures, excluding docking facilities and guest houses; and

(5) Collocation on existing wireless facility.

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY

ORDINANCE NO. 23

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the proper and reasonable regulation of residential development including Multifamily (MF) Development is consistent with the protection of public health, safety, and welfare; and

WHEREAS, the development of single-family residences would be consistent with development patterns within the Village Multifamily (MF) Zoning District; and

WHEREAS, the current regulations within the Village Multifamily (MF) Zoning District do not permit the development of single-family residences; and

WHEREAS, the addition of single-family residences as a permitted use within the Village Multifamily (MF) Zoning District is consistent with the protection of public health, safety, and welfare.

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
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Sec. 30-689. - Multifamily (MF) zoning district.

(a) Purpose and intent.

(1) The purpose of the multifamily (MF) zoning district is to accommodate existing condominiums, townhouses and apartments within the village, and to provide opportunities for new multifamily residential housing.

(2) This zoning district is established within the Residential High (RH) FLUM category.

(b) Permitted uses.

(1) Single-family dwelling units ~~Two to four dwelling units;~~

(2) Two-family dwelling units; ~~Accessory uses and structures, excluding docking facilities and guest houses; and~~

(3) Multi-family dwelling units; ~~Collocation on existing wireless facility~~

(4) Accessory uses and structures, excluding docking facilities and guest houses; and

(5) Collocation on existing wireless facility.

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Amendment of Village Code to Modify Chapter 30 (Land Development Regulations) Division 9 related to Outdoor Seating Areas - 2nd Reading - TAB 10**

Background:

This is the second reading of the ordinance which was voted on and passed on first reading at the May 18, 2023 Village Council meeting.

Analysis:

The purpose and intent of the current regulations associated with outdoor seating areas is stated as follows:

Sec. 30-1401. - Intent and purpose.

It is the intent and purpose of this division to allow outdoor seating areas in connection with any lawfully established restaurant, café, bar or similar establishment that sells food and beverages for on-site consumption.

Sec. 30-1402 of the Village Code establishes the criteria or standards for outdoor seating areas. It provides the Village Council with the authority to approve, approve with conditions or deny the requested plaza area. In addition, it establishes that outdoor seating areas may be considered in connection with any commercial business that sells food and beverages subject to compliance with specific criteria.

Criteria identified within the Code include limitations on the maximum number of seats, prohibitions on impacts to existing buffers and landscape areas, compliance with shoreline environmental and development criteria, among other criteria.

The proposed amendments seek to expand the scope of activities captured by the above-referenced code provisions to address similar outdoor activities, including those without seating. The operating characteristics of outdoor entertainment areas that lack seating are similar in scope and intensity to those with seating. In fact, without seating, an outdoor entertainment area can accommodate even larger number of patrons and, potentially, result in even more significant impacts to surrounding neighbors.

The proposed amendment seeks to address this current loophole within the Code.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff respectfully recommends adoption of the proposed amendment.

- Attachments:**
1. ORDINANCE_Outdoor_Seating_01-19-2023
 2. ORDINANCE_Outdoor_Seating_01-19-2023

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO OUTDOOR SEATING AND OUTDOOR PLAZAS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the establishment of outdoor seating areas and outdoor plazas can enhance the quality of life for the residents of the Village while helping to increase the economic vitality of Village activity centers; and

WHEREAS, the Village currently regulates the operation of outdoor seating areas as an accessory use to establishments that serve food and beverages; and

WHEREAS, certain establishments that serve food and beverages include the use of outdoor plazas or entertainment areas without seating; and

WHEREAS, it is important for the protection of public health, safety, and welfare that proper and reasonable standards be enacted to address all outdoor entertainment areas associated with establishments that serve food and beverages.

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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DIVISION 9. - OUTDOOR PLAZA SEATING AREAS

Sec. 30-1401. - Intent and purpose.

It is the intent and purpose of this division to allow outdoor plaza areas with or without seating areas in connection with any lawfully established restaurant, café, bar or similar establishment that sells food and/or beverages for on-site consumption.

(Ord. No. 02-01, § 2(6.8.1), 1-10-2002)

Sec. 30-1402. - Development standards for new outdoor seating areas.

(a) The director of the planning and development services department shall review proposed outdoor plaza seating areas in accordance with the applicable provisions of article IV, division 2 of this chapter. The director and village council, as applicable, may approve, approve with conditions (including hours of operation), or deny the application.

(b) Outdoor plaza ~~seating~~ areas may be authorized in conjunction with a lawfully established commercial business that sells food and beverages for on-site consumption as provided for in article V of this chapter, provided the outdoor plaza ~~seating~~ area complies with each of the development standards set forth herein and in this chapter. The maximum permitted occupancy and maximum number of seats for the proposed outdoor plaza seating area, ~~and maximum number of seats~~ shall be delineated on the required site plan. Failure to comply with any of the standards enumerated below shall be deemed adverse to the public interest:

(1) The maximum permitted occupancy and maximum number of allowable outdoor seats seating shall not exceed the allowable intensity of use of the property as provided for in Article V of this chapter. The outdoor plaza seating area shall be considered floor area for purposes of calculating allowable intensity of use, floor area ratio, required bufferyards and landscaping, parking, open space, stormwater drainage requirements, and all other applicable regulations;

(2) The plaza area including any ~~No~~ table, bench, chair, or umbrella shall not include ~~be placed~~ in any area specified on an approved site plan for on-site traffic circulation, landscaping, parking, loading, setback area, stormwater drainage area, or bufferyard;

(3) Outdoor plaza seating areas located on water-dependent structures serving commercial uses shall obtain a special approval and comply with the shoreline environmental and development criteria set forth in article VII, division 2 of this chapter. A Class D bufferyard shall be installed in the setback area if the outdoor plaza seating area is adjacent to an unaltered shoreline to ensure compatibility with adjacent properties. A Class B bufferyard shall be installed in the setback area if the outdoor plaza seating area is adjacent to an altered shoreline to ensure compatibility with adjacent properties. The required bufferyard may be reduced 50 percent if the applicant installs a minimum four-foot solid fence on the perimeter of the outdoor plaza seating area;

(4) No permanent food or beverage preparation structures shall be permitted within the proposed outdoor plaza seating area unless all required development permits are obtained;

(5) The restaurant, café, bar or similar establishment that sells food and beverages for on-site consumption complies with:

- a. State department of health (DOH) standards for septic tanks or on-site sewage disposal systems, as may be amended from time to time; or
- b. State department of environmental protection (DEP) standards for package plants or advanced wastewater systems, as may be amended from time to time;

(6) The proposed outdoor plaza seating area complies with the accessibility standards set forth in [42](#) USC 12101 et seq. (Americans with Disabilities Act), and F.S. ch. 553, pt. II (F.S. § 553.501 et seq.) (Florida Americans with Disabilities Accessibility Implementation Act);

(7) Food and beverage service is not provided to persons in parked cars or through the use of a drive-up window;

(8) The proposed outdoor plaza seating area does not impede pedestrian or vehicle movement, nor impede pedestrian ingress and egress from any adjacent structure;

(9) The proposed outdoor plaza seating area is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

(10) The proposed outdoor plaza seating area shall be delineated with decking, concrete, fencing, landscaping, overhangs, pavers, shade coverings, or other similar treatment approved in writing by the director;

(11) The design of the proposed outdoor plaza seating area minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands; and

(12) The proposed outdoor plaza seating area minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

(13) The use of amplified music within the proposed plaza area shall be prohibited after 9:00 pm.

(c) Proposed new outdoor plaza seating areas adjacent to existing residential uses or residential zoning districts, except for existing on-site housing located on the property where the new outdoor plaza seating is proposed, may only be approved by the village council at a public hearing noticed in accordance with subsection [30-213](#)(h). For the purposes of this subsection, "adjacent residential uses or residential zoning districts" shall be considered all residentially used or zoned property that shares a common boundary line with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way.

(Ord. No. 02-01, § 2(6.8.2), 1-10-2002; Ord. No. 10-01, § 6, 1-14-2010)

Sec. 30-1403. - Existing outdoor plaza seating areas.

(a) Within 180 days of the effective date of this division, the owner of any outdoor plaza seating area that existed on January 25, 2001, shall apply for and obtain approval of the existing outdoor plaza seating area in conformance with the review procedures set forth in this division and this chapter. In the event the existing outdoor plaza seating area cannot be brought into compliance with the provisions of this division and chapter it shall be brought into compliance with the provisions of this division and this chapter to the maximum extent practicable. The director may waive in part the requirements of this division and the applicable provisions of this chapter, excluding lot coverage, open space and unaltered shoreline setback requirements, based on a written determination that the existing outdoor plaza seating area does not cause damage, hazard, nuisance or other detriment to persons or property.

(b) Within 180 days of the effective date of this division, all outdoor plaza seating areas that existed on January 25, 2001, and that are adjacent to existing residential uses or residential zoning districts shall install a Class D bufferyard around the outdoor plaza seating area to ensure compatibility with adjacent properties. For the purposes of this section only, the required bufferyard may be reduced 50 percent if the applicant installs a minimum four-foot solid fence on the perimeter of the outdoor plaza seating area. The director shall have the discretion to decide the configuration and placement of the required bufferyard. For the purposes of this subsection, "adjacent

residential uses or residential zoning districts" shall be considered all residentially used or zoned property that shares a common boundary line with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way.

(Ord. No. 02-01, § 2(6.8.3), 1-10-2002)

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO OUTDOOR SEATING AND OUTDOOR PLAZAS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the establishment of outdoor seating areas and outdoor plazas can enhance the quality of life for the residents of the Village while helping to increase the economic vitality of Village activity centers; and

WHEREAS, the Village currently regulates the operation of outdoor seating areas as an accessory use to establishments that serve food and beverages; and

WHEREAS, certain establishments that serve food and beverages include the use of outdoor plazas or entertainment areas without seating; and

WHEREAS, it is important for the protection of public health, safety, and welfare that proper and reasonable standards be enacted to address all outdoor entertainment areas associated with establishments that serve food and beverages.

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. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
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DIVISION 9. - OUTDOOR PLAZA SEATING AREAS

Sec. 30-1401. - Intent and purpose.

It is the intent and purpose of this division to allow outdoor plaza areas with or without seating ~~areas~~ in connection with any lawfully established restaurant, café, bar or similar establishment that sells food and /or beverages for on-site consumption.

(Ord. No. 02-01, § 2(6.8.1), 1-10-2002)

Sec. 30-1402. - Development standards for new outdoor seating areas.

(a) The director of the planning and development services department shall review proposed outdoor plaza seating areas in accordance with the applicable provisions of article IV, division 2 of this chapter. The director and village council, as applicable, may approve, approve with conditions (including hours of operation), or deny the application.

(b) Outdoor plaza seating areas may be authorized in conjunction with a lawfully established commercial business that sells food and beverages for on-site consumption as provided for in article V of this chapter, provided the outdoor plaza seating area complies with each of the development standards set forth herein and in this chapter. The maximum permitted occupancy and maximum number of seats for the proposed outdoor plaza seating area, ~~and maximum number of seats~~ shall be delineated on the required site plan. Failure to comply with any of the standards enumerated below shall be deemed adverse to the public interest:

(1) The maximum permitted occupancy and maximum number of allowable outdoor seats seating shall not exceed the allowable intensity of use of the property as provided for in Article V of this chapter. The outdoor plaza seating area shall be considered floor area for purposes of calculating allowable intensity of use, floor area ratio, required bufferyards and landscaping, parking, open space, stormwater drainage requirements, and all other applicable regulations;

(2) The plaza area including any ~~No~~ table, bench, chair, or umbrella shall not include ~~be placed~~ in any area specified on an approved site plan for on-site traffic circulation, landscaping, parking, loading, setback area, stormwater drainage area, or bufferyard;

(3) Outdoor plaza seating areas located on water-dependent structures serving commercial uses shall obtain a special approval and comply with the shoreline environmental and development criteria set forth in article VII, division 2 of this chapter. A Class D bufferyard shall be installed in the setback area if the outdoor plaza seating area is adjacent to an unaltered shoreline to ensure compatibility with adjacent properties. A Class B bufferyard shall be installed in the setback area if the outdoor plaza seating area is adjacent to an altered shoreline to ensure compatibility with adjacent properties. The required bufferyard may be reduced 50 percent if the applicant installs a minimum four-foot solid fence on the perimeter of the outdoor plaza seating area;

(4) No permanent food or beverage preparation structures shall be permitted within the proposed outdoor plaza seating area unless all required development permits are obtained;

(5) The restaurant, café, bar or similar establishment that sells food and beverages for on-site consumption complies with:

- a. State department of health (DOH) standards for septic tanks or on-site sewage disposal systems, as may be amended from time to time; or
- b. State department of environmental protection (DEP) standards for package plants or advanced wastewater systems, as may be amended from time to time;

(6) The proposed outdoor plaza seating area complies with the accessibility standards set forth in [42](#) USC 12101 et seq. (Americans with Disabilities Act), and F.S. ch. 553, pt. II (F.S. § 553.501 et seq.) (Florida Americans with Disabilities Accessibility Implementation Act);

(7) Food and beverage service is not provided to persons in parked cars or through the use of a drive-up window;

(8) The proposed outdoor plaza seating area does not impede pedestrian or vehicle movement, nor impede pedestrian ingress and egress from any adjacent structure;

(9) The proposed outdoor plaza seating area is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

(10) The proposed outdoor plaza seating area shall be delineated with decking, concrete, fencing, landscaping, overhangs, pavers, shade coverings, or other similar treatment approved in writing by the director;

(11) The design of the proposed outdoor plaza seating area minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands; and

(12) The proposed outdoor plaza seating area minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

(13) The use of amplified music within the proposed plaza area shall be prohibited after 9:00 pm.

(c) Proposed new outdoor plaza seating areas adjacent to existing residential uses or residential zoning districts, except for existing on-site housing located on the property where the new outdoor plaza seating is proposed, may only be approved by the village council at a public hearing noticed in accordance with subsection [30-213](#)(h). For the purposes of this subsection, "adjacent residential uses or residential zoning districts" shall be considered all residentially used or zoned property that shares a common boundary line with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way.

(Ord. No. 02-01, § 2(6.8.2), 1-10-2002; Ord. No. 10-01, § 6, 1-14-2010)

Sec. 30-1403. - Existing outdoor plaza seating areas.

(a) Within 180 days of the effective date of this division, the owner of any outdoor plaza seating area that existed on January 25, 2001, shall apply for and obtain approval of the existing outdoor plaza seating area in conformance with the review procedures set forth in this division and this chapter. In the event the existing outdoor plaza seating area cannot be brought into compliance with the provisions of this division and chapter it shall be brought into compliance with the provisions of this division and this chapter to the maximum extent practicable. The director may waive in part the requirements of this division and the applicable provisions of this chapter, excluding lot coverage, open space and unaltered shoreline setback requirements, based on a written determination that the existing outdoor plaza seating area does not cause damage, hazard, nuisance or other detriment to persons or property.

(b) Within 180 days of the effective date of this division, all outdoor plaza seating areas that existed on January 25, 2001, and that are adjacent to existing residential uses or residential zoning districts shall install a Class D bufferyard around the outdoor plaza seating area to ensure compatibility with adjacent properties. For the purposes of this section only, the required bufferyard may be reduced 50 percent if the applicant installs a minimum four-foot solid fence on the perimeter of the outdoor plaza seating area. The director shall have the discretion to decide the configuration and placement of the required bufferyard. For the purposes of this subsection, "adjacent

residential uses or residential zoning districts" shall be considered all residentially used or zoned property that shares a common boundary line with the property subject to the application. If the property subject to the application is located on a canal or fronts on a public right-of-way, the common boundary shall be considered the midpoint of the canal or right-of-way.

(Ord. No. 02-01, § 2(6.8.3), 1-10-2002)

Secs. 30-1404—30-1430. - Reserved.

Section 3. **Transmittal.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. **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 DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: Lot Area Variance Code Amendment - 2nd Reading - TAB 11

Background:

This is the second reading of the ordinance which was voted on and passed on first reading at the May 18, 2023 Village Council meeting.

Analysis:

Pursuant to Sec. 30-221 (a) of the Village Code, a variance is defined as a relaxation of the terms of this chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the property. As used in this section, a variance is authorized only for height, setbacks, parking, and loading requirements, and landscaping, unless otherwise specified in this chapter. Under no circumstances shall the director of planning and development services or the village council grant a variance to permit a floor area ratio or a use not permitted under the terms of this chapter.

Additionally, pursuant to Sec. 30-221 (d) a variance is subject to a 6-part test. Specifically, the Village Code states:

When considering an application for a variance, the director and village council shall consider the following factors, and no variance shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

(2) The special conditions and circumstances do not result from the actions of the applicant;

(3) Literal interpretation of the provisions of this chapter deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and works unnecessary and undue hardship on the applicant;

(4) Granting the variance requested conveys the same treatment to the individual owner as to the owner of other lands, buildings, or structures in the same zoning district;

(5) The variance, if granted, is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

(6) The grant of the variance is in harmony with the general intent and purpose of this chapter, and is not injurious to the neighborhood, or otherwise detrimental to the public welfare.

The proposed amendment is consistent with the approach in many municipalities to allow for the opportunity to seek a variance in connection with minimum lot area requirements. An applicant would be required to meet all of the standards associated with variance relief noted above. In addition, a lot area variance would be limited to a maximum of five percent (5%) or 250 square feet (whichever is less) of the minimum required lot area standard.

It is staff's position that the proposed amendment properly balances the rights of individual property owners with the protections needed for other members of the community.

Budget Impact:

None.

Staff Impact:

None

Recommendation:

Staff respectfully recommends adoption of the proposed amendment.

Attachments: 1. ORDINANCE_Lot_Area_Variance_01-19-2023

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO VARINCES TO PERMIT A MINOR RELAXATION OF MINIMUM LOT AREA REQUIREMENTS NOT TO EXCEED FIVE PERCENT (5%) OF THE MINIMUM REQUIRED LOT AREA OR 250 SQUARE FEET, WHICHEVER IS LESS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect public health, safety, and welfare; and

WHEREAS, Village Land Development Regulations include provisions for the obtaining of a variance in order to provide relief from strict application of the Land Development Regulations that would result in undue hardship; and

WHEREAS, the establishment of minor relief from the strict application of Village minimum lot area requirements would provide reasonable relief to property owners while protecting the health, safety, and welfare of the public.

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. Chapter 30, Article IV, Division 2 (Variances in general) is hereby modified as follows:

Additional text is shown as underlined;

deleted text is shown as ~~strikethrough~~

Sec. 30-221. - Variances in general.

(a) A variance is a relaxation of the terms of this chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the property. As used in this section, a variance is authorized only for height, setbacks, parking, ~~and~~ loading requirements, ~~and~~ landscaping, and lot area unless otherwise specified in this chapter. A lot area variance shall be limited to a maximum of five percent (5%) of the minimum required lot area or 250 square feet, whichever is less. Under no circumstances shall the director of planning and development services or the village council grant a Floor Area Ratio (FAR) variance ~~to permit a floor area ratio or authorize~~ a use not permitted under the terms of this chapter.

Section 3. Transmittal. The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval pursuant to section 380.05, Florida Statutes.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. 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 DEO.

The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

PASSED on the first reading this ____ day of _____, 2023.

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

JOSEPH B. PINDER, 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, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 20, 2023
SUBJECT: **Ordinance Amending Policy 1-3.1.1, Establish a Building Permit Allocation System - 1st Reading - TAB 12**

Background:

This proposed plan amendment contemplates allocating up to 7,170 Square Feet of Non-Residential Square Footage annually. Effective July 1, 2023, Florida House Bill 102 will take effect, reinstating 300 affordable allocations to the Village. Non-Residential allocations are based upon the number of dwelling units allocated. Utilizing the formula of 239 square feet per unit, the Village is eligible for 71,700 square feet over the planning horizon of 2033. Unused allocations will roll over to the following year. The City of Marathon, with a comparable population, allocates 25,000 square feet annually for Non-Residential Development.

The Non-Residential square footage is based upon the allocation of the 300 workforce units over a ten-year period. Should the Village transfer Workforce housing units across jurisdictional lines, the Village will be required to decrease the Non-Residential square footage in a comprehensive plan amendment. The following text has been added to Policy 1-3.1.1: “In the event Workforce-Early Out Affordable units are transferred across jurisdictional lines, the transfer shall not become effective until the Village executes an interlocal agreement with the receiving local government and adopts a comprehensive plan amendment reducing the non-Residential allocation by 239 square feet for each Early out unit transferred across jurisdictional lines”.

Analysis:

Implementation of chapter 380.032 Agreement for 10.25 Market Rate Allocations

Village staff conducted an audit of allocations and located a resolution awarding the Village 10.25 market rate allocations which were never implemented through a comprehensive plan amendment. Each plan amendment since the adoption of the resolution was reviewed by the Department of Economic Opportunity (DEO) to ensure the units had not been recognized through a plan amendment. This proposed amendment recognizes the Chapter 380.032 FI Statutes agreement executed in 2017 with DEO and local governments of the Florida Keys. The allocations were awarded to the Village based upon the Hurricane Evacuation Memorandum of Understanding which provided for a transfer of unused allocations from Key West to the other local governments within the Keys for the period 2013-2017. The 10.25 allocations were accepted by the Village Council, but have never been amended to the Comprehensive plan. A copy of the 380.032 agreement follows the data and analysis. Approval of this amendment will enable the Council to award 10 allocations under the Building Permit Allocation System once the amendment is adopted by the Village and

approved by DEO. It is likely that the plan could become effective and the 10 allocations available in November 2023 if the Village conducts the second reading in September 2023.

300 Workforce (Early out) Allocations Annual Allocation

This amendment establishes an annual allocation of 30 deed restricted Workforce Housing allocations per year for ten years with the ability to borrow forward if a larger project is approved by the Council. The Workforce units must be duplexes or larger multifamily rental units. Occupants must meet HUD income standards and must agree in a written lease to evacuate 48 hours prior to any anticipated landfall of a category 5 hurricane. The units must have centralized management trained in hurricane evacuation procedures.

The 300 units were approved in a Village Comprehensive Plan several years ago and challenged by local neighborhood organizations. Effective July 1, 2023, House Bill 102 enacted by the Florida legislature re-instates the 300 Workforce allocations.

Budget Impact:

No additional budget impacts are anticipated with this amendment.

Staff Impact:

No additional staff time is anticipated to handle the allocations. The Workforce allocations will replace market rate allocations and utilize the adopted building permit allocation code.

Recommendation:

Staff respectfully recommends approval of the proposed Comprehensive Plan amendment.

- Attachments:**
1. 17-10-90_380 Agreement_for Distribution of BPAS Units from KW_A
 2. DATA AND ANALYSIS_Future Land Use Element
 3. Policy 1-3.1.1 Amendment

RESOLUTION 17-10-90

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AN AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, MONROE COUNTY, CITY OF KEY WEST, ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON AND THE CITY OF MARATHON, FOR THE TRANSFER AND DISTRIBUTION OF BPAS UNITS FROM THE CITY OF KEY WEST TO MONROE COUNTY AND THE TRANSFER AND DISTRIBUTION OF ROGO ALLOCATIONS FROM MONROE COUNTY TO ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON AND THE CITY OF MARATHON, PURSUANT TO SECTION 380.032(3), FLORIDA STATUTES; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this agreement is entered into by and between the State of Florida's Department of Economic Opportunity (the "DEO"), Monroe County, the City of Key West, Islamorada, Village of Islands (the "Village"), the City of Layton and the City of Marathon (the "Local Governments") (all collectively known as the "Parties") for the purpose of Complying with Rules 28-18, 28-19, and 28-20, of the Florida Administrative Code, and as provided for in Section 380.032(3), Florida Statutes; and

WHEREAS, the Local Governments are designated as Areas of Critical State Concern (the Florida Keys ACSC and the City of Key West ACSC) pursuant to Sections 380.05 and 380.0552, Florida Statutes, and the Florida Administrative Code Chapter 28-36, hereinafter referred to as the "Keys ACSCs"; and

WHEREAS, the DEO is the state land planning agency having authority and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, the Environmental Land and Water Management Act (the “Act”), which includes provisions relating to areas of critical state concern; and

WHEREAS, the DEO is authorized by Section 380.032(3), Florida Statutes to contract with any landowner, developer or other governmental agency as may be necessary to effectuate the provisions and purposes of the Act, or any related rule; and

WHEREAS, the City of Key West (“Key West”) adopted its Comprehensive Land Use Plan on March 5, 2013, which provides for the allocation of certain residential building rights known as Building Permit Allocation System units (“BPAS”), under which Key West awards 91 units on an annual basis over the current planning horizon consisting of the years 2013 through 2023 (the “Term”); and

WHEREAS, Key West has a certain number of unallocated BPAS units accumulated in years one (1) through four (4) of the Term which the City desires to allocate to an Affordable Housing/Workforce Housing project (“The Quarry”) located on Big Coppitt Key, which is beyond the jurisdictional boundary limits of Key West; and

WHEREAS, the development of affordable housing in the lower keys coupled with the distribution of ROGO units to the remaining municipalities will benefit all members of the ACSCs; and

WHEREAS, the Key West Comprehensive Land Use plan does not currently provide for an allocation beyond its jurisdictional boundary, nor provide for a distribution of its un-allocated units other than “Recovered Units” as defined in Section 108-997(e) of the Land Development Regulations of Key West; and

WHEREAS, Key West has approved a Comprehensive Land Use Plan Amendment which has been rendered to the DEO for review and comment pursuant to the State Coordinated Review Guidelines of Chapter 163, Florida Statutes, which would allow the transfer of 104 BPAS units to Monroe County for the Workforce Housing/Affordable Housing Project known as “The Quarry,” located on Big Coppitt Land Use Area 1 at approximate Mile Marker 9 (a copy of the proposed Comprehensive Land Use Plan Amendment is attached hereto and incorporated by reference, Attachment 1 to Exhibit “A”); and

WHEREAS, the Parties, have discussed the reallocation and a method of BPAS/ROGO re-distributions between Monroe County and the remaining municipalities located in the ACSCs in an effort to fulfill the Administration Commission’s actions, and have agreed to present this agreement to their respective Commission/Council for execution of this Agreement; and

WHEREAS, the Village Council of Islamorada, Village of Islands has determined that it in the best interest of the Village to approve the Agreement.

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 herein by this reference.

Section 2. Approval of Chapter 380 Agreement. The Village Council hereby approves the Chapter 380 Agreement between the Parties, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. **Authorization of Village Officials.** The Village Manager or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. **Execution of Documents.** The Mayor is authorized to execute the Agreement.

Section 5. **Effective Date.** This resolution shall become effective immediately upon its adoption.

Motion to adopt by Councilwoman Deb Gillis, second by Councilwoman Cheryl Meads.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

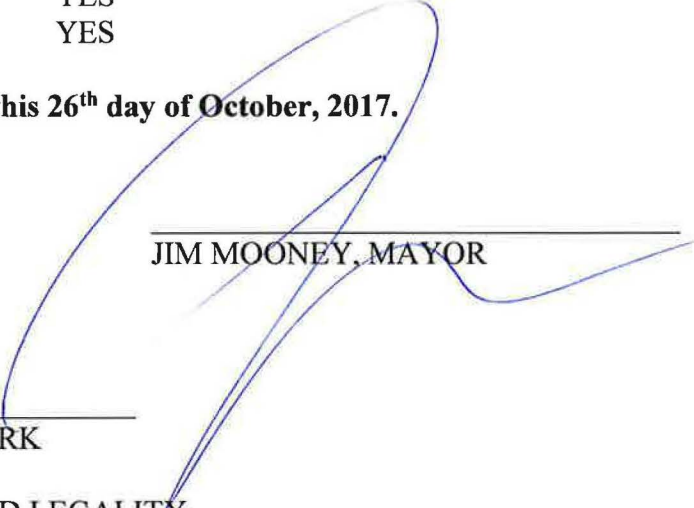
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

PASSED AND ADOPTED on this 26th day of October, 2017.

ATTEST:



KELLY TOTH, VILLAGE CLERK



JIM MOONEY, MAYOR

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



ROGET V. BRYAN, VILLAGE ATTORNEY

AGREEMENT

AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, THE COUNTY OF MONROE, CITY OF KEY WEST, ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON AND THE CITY OF MARATHON FOR THE TRANSFER AND DISTRIBUTION OF BPAS UNITS FROM THE CITY OF KEY WEST TO MONROE COUNTY AND THE TRANSFER AND DISTRIBUTION OF ROGO ALLOCATIONS FROM MONROE COUNTY TO ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON AND THE CITY OF MARATHON, PURSUANT TO SECTION 380.032(3), FLORIDA STATUTES

THIS AGREEMENT is entered into by and between the State of Florida's Department of Economic Opportunity (the "DEO"), Monroe County, the City of Key West, Islamorada, Village of Islands, the City of Layton and the City of Marathon (the "Local Governments") (all collectively known as the "Parties") for the purpose of Complying with Rules 28-18, 28-19, and 28-20, of the Florida Administrative Code, and as provided for in Section 380.032(3), Florida Statutes.

RECITALS:

WHEREAS, the Local Governments are designated as Areas of Critical State Concern (the Florida Keys ACSC and the City of Key West ACSC) pursuant to Sections 380.05 and 380.0552, Florida Statutes, and the Florida Administrative Code Chapter 28-36, hereinafter referred to as the "Keys ACSCs", and

WHEREAS, the DEO is the state land planning agency having authority and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, the Environmental Land and Water Management Act (the "Act"), which includes provisions relating to areas of critical state concern; and

WHEREAS, the DEO is authorized by Section 380.032(3), Florida Statutes to contract with any landowner, developer or other governmental agency as may be necessary to effectuate the provisions and purposes of the Act, or any related rule; and

WHEREAS, the City of Key West ("Key West") adopted its Comprehensive Land Use Plan on March 5, 2013, which provides for the allocation of certain residential building rights known as Building Permit Allocation System units ("BPAS"), under which Key West awards 91 units on an annual basis over the current planning horizon consisting of the years 2013 through 2023, and

WHEREAS, Key West has a certain number of unallocated BPAS units accumulated in years one (1) through four (4) which the City desires to allocate to an Affordable Housing/Workforce Housing project ("The Quarry") located on Big Coppitt Key, which is beyond the jurisdictional boundary limits of Key West, and

WHEREAS, the provision of affordable housing in the lower keys coupled with the distribution of ROGO units to the remaining municipalities will benefit all members of the ACSCs, and

WHEREAS, the Key West Comprehensive Land Use plan does not currently provide for an allocation beyond its jurisdictional boundary, nor provide for a distribution of its un-allocated units other than "Recovered Units" as defined in Section 108-997(e) of the Land Development Regulations of Key West, and

WHEREAS, Key West has approved a Comprehensive Land Use Plan Amendment which has been rendered to the DEO for review and comment pursuant to the State Coordinated Review Guidelines of Chapter 163, Florida Statutes, which would allow the transfer of 104 BPAS units to Monroe County for the Workforce Housing/Affordable Housing Project known as "The Quarry," located on Big Coppitt Land Use Area 1 at approximate Mile Marker 9 (a copy of the proposed Comprehensive Land Use Plan Amendment is attached hereto and incorporated by reference, Attachment 1); and

WHEREAS, the Parties, have met to discuss the reallocation and a method of BPAS/ROGO re-distributions between Monroe County and the remaining municipalities located in the ACSCs in an effort to fulfill Administration Commission's actions, and have agreed to present this agreement to their Commission/Council for execution of this Agreement.

NOW THEREFORE, the parties set forth the following terms and conditions of this Agreement.

1. In 2012, pursuant to Administration Commission action, 3550 building permit allocation units were awarded for a period of 10 years (355 per year) from the State to the local governments as follows:

Local Government (the Parties)	Annual Allocation
Monroe County	197 units
Marathon	30 units
Islamorada	28 units
Key Colony Beach	6 units
Layton	3 units
Key West	91 units

2. Upon the execution of this Agreement by all Parties, Key West shall approve and adopt the Comprehensive Land Use Plan of Key West amendment allowing the allocation of 104 previously unallocated BPAS units to Monroe County for the "The Quarry" project on Big Coppitt Key for the construction of workforce housing/affordable housing.

3. Upon effectiveness of the Comprehensive Land Use Plan of Key West and the execution of this Agreement by all Parties, the City of Key West shall transfer 104 previously unallocated BPAS units to Monroe County for “The Quarry” project on Big Coppitt Key for the construction of workforce housing/affordable housing.
4. Monroe County agrees to provide permanent ROGO units to the remaining municipalities, based upon their percentages of vacant land, as determined in the revocable 2012 Hurricane Evacuation Clearance Time Memorandum of Understanding, as follows:

Local Government (the Parties)	Number of ROGOs due to the Parties
Marathon	11.83 units
Islamorada	10.25 units
Layton	0.12 units
<i>TOTAL</i>	23.05 units

All ROGO units transferred pursuant to this section shall be restricted to non-transient use by the receiving municipality. The receiving municipality shall determine whether or not the units are to be issued for market rate or affordable housing.

5. Marathon, Islamorada and Layton shall determine if the ROGO units received shall be utilized as market rate dwelling units or affordable housing dwelling units and shall work with DEO to amend their comprehensive plan in order to utilize the transferred allocations.
6. In the event building permits are not issued for “the Quarry” project on or before June 30, 2019, the BPAS units awarded by Key West will remain with Monroe County as affordable ROGO units to be awarded by Monroe County for Affordable/Workforce Housing residential uses in Monroe County south of Mile Marker 26.
7. **Entirety of Agreement.** The parties agree that this Section 380.032 Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing and duly signed by the DEO and the Parties (Local Governments).
8. **Duplicate Originals.** This Section 380.032 Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.
9. **Enforcement.** In the event of a breach of this Section 380.032 Agreement, or failure to comply with any condition of it, DEO may enforce this Agreement pursuant to 380.11(2)(a) and (d), Florida Statutes, or as otherwise provided by law. In the event of a breach of this Section 380.032 Agreement, or failure to comply with any condition of it, the Local Governments may enforce this Agreement, as permitted by law, in the appropriate state court in and for Monroe County, Florida.

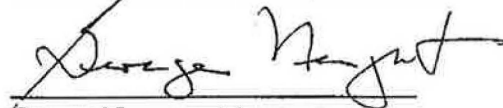
10. **Scope of Authority.** This Section 380.032 Agreement affects the rights and obligations of the parties as provided herein. This Section 380.032 Agreement is not intended to influence or determine the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals that might be required by state law or local ordinance for any development authorized by this Agreement except as provided herein.
11. **Effective Date.** This Agreement is effective upon execution by all parties and ends upon the termination of the Keys ACSCs designation.
12. **Notification.** Notifications under this Agreement shall be made by hand delivery, U.S. certified mail, return receipt requested, or an express mail service that provides proof of delivery. Notification by a Party to the DEO shall be directed to the Areas of Critical State Concern Administrator, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4128. Notification to the other parties to this Agreement shall be directed as follows:
 1. **Monroe County.** Mayor, Monroe County,
2798 Overseas Highway, Marathon, FL 33050
with a copy to the Planning and Environmental Resources Director, 2798 Overseas Highway,
Marathon, FL 33050
 2. **City of Key West.** Mayor, City of Key West,
1300 White Street, PO Box 1409, Key West, FL 33041-1409,
with a copy to the Planning Director, 1300 White Street, PO Box 1409, Key West, FL 33041-1409
 3. **City of Marathon.** Mayor, City of Marathon,
9805 Overseas Highway, Marathon, FL 33050,
with a copy to the Planning Director, 9805 Overseas Highway, Marathon, FL 33050
 4. **City of Layton.** Mayor, City of Layton,
68260 Overseas Highway,
PO Box 778, Long Key, FL 33001-0141
 5. **Islamorada, City of Islands.** Mayor, Islamorada, Village of Islands,
86800 Overseas Highway, Islamorada, FL 33036,
with a copy to the Director of Planning and Development Services, 86800 Overseas Highway,
Islamorada, FL 33036

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA


George Neugent, Mayor

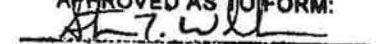


September 27, 2017
Date
KEVIN MADOK, CLERK


Pamela Hancock, for County Clerk
Deputy Clerk

Approved as to form and legal sufficiency:

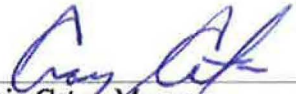
_____, for County Attorney

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 10/2/17

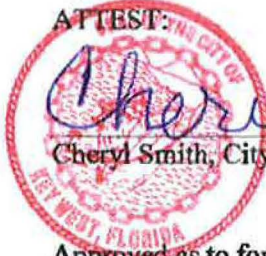
IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

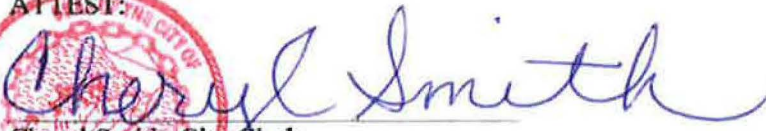
CITY OF KEY WEST, FLORIDA

October 18, 2017
Date

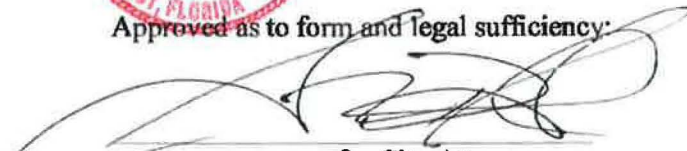

Craig Cates, Mayor

ATTEST:




Cheryl Smith, City Clerk

Approved as to form and legal sufficiency:


for City Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

CITY OF MARATHON, FLORIDA

December 8, 2017
Date

Michelle Coldiron
Michelle Coldiron, Mayor

ATTEST:

Diane Clavier
Diane Clavier, City Clerk

Approved as to form and legal sufficiency:

David Mignot
David Mignot City Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates
below written:

CITY OF DAYTON, FLORIDA

11-9-2017
Date


Norman S. Anderson, Mayor

ATTEST


Mimi M. Young, City Clerk

Approved as to form and legal sufficiency

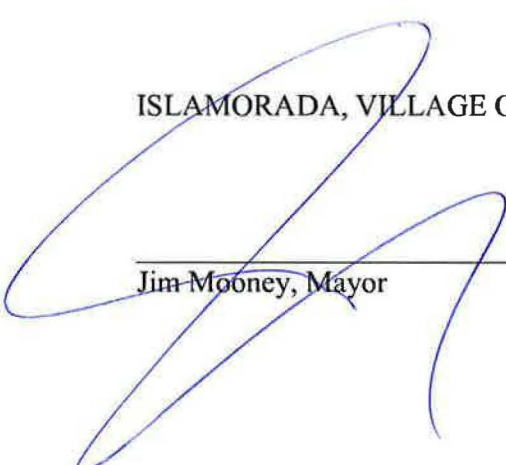

Dale S. Coburn for City Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

FLORIDA

ISLAMORADA, VILLAGE OF ISLANDS,

10/31/17
Date


Jim Mooney, Mayor

ATTEST:


Kelly Toth, Village Clerk

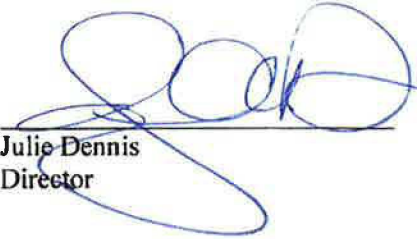
Approved as to form and legal sufficiency:


Roger V. Bryan, Village Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

STATE OF FLORIDA, DEPARTMENT OF
ECONOMIC OPPORTUNITY,
DIVISION OF COMMUNITY DEVELOPMENT,

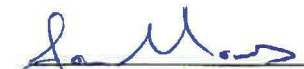
12/21/17
Date


Julie Dennis
Director

ATTEST:


Print Name: Miriam Shipas

Approved as to form and legal sufficiency:


Print Name: Jon Morris
Title: Assistant General Counsel
Date: 12/12/17

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 1 OF THE COMPREHENSIVE PLAN ENTITLED "FUTURE LAND USE ELEMENT" BY AMENDING POLICY 1-1.16.1, ENTITLED "MAINTAIN A BUILDING PERMIT ALLOCATION ORDINANCE," AMENDING POLICY 1-1.16.2, ENTITLED "BUILDING PERMIT ALLOCATION ORDINANCE AND AFFORDABLE HOUSING," AMENDING POLICY 1-1.16.3, ENTITLED "PERMIT ALLOCATION SYSTEM RATIO BY STRUCTURE TYPE," AND BY ADDING POLICY 1-1.16.5 ENTITLED "TRANSFER OF BUILDING PERMIT ALLOCATIONS;" BY AMENDING CHAPTER 2 ENTITLED "TRANSPORTATION ELEMENT," BY AMENDING POLICY 2.16.4 TO PROPERLY REFLECT AS POLICY 2-1.6.4, AND REVISING THE REFERENCE TO THE NUMBER OF ALLOCATED UNITS; AMENDING CHAPTER 3 OF THE COMPREHENSIVE PLAN ENTITLED "HOUSING," BY AMENDING POLICY 3-1.1.4, ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM;" PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission has passed numerous resolutions aimed at increasing the availability of affordable and workforce housing in the City of Key West; and

WHEREAS, development of any housing is strictly controlled by the State of Florida, which has designated the City of Key West as a State Area of Critical Concern; and

WHEREAS, this state regulation has resulted in a specified number of new building permits that may be granted each year under what is known as the Building Permit Allocation System (BPAS); and

WHEREAS, based on recommendations by the Department of Economic Opportunity, changes to the City's Comprehensive Plan were requested; and

WHEREAS, the City Commission finds that it is in the best interest of the City that there exists a method to transfer Building Permit Allocations not utilized within the City to Lower Keys areas of Monroe County, for beneficial use purposes and/or affordable housing that will directly benefit the City of Key West as determined by the City Commission; and

WHEREAS, Chapter 1, entitled "Future Land Use Element" and Chapter 3, entitled "Housing" are to be amended through ordinance in response to the Department of Economic Opportunity; and

WHEREAS, the Planning Board ("Board") held a noticed public hearing on May 18, 2017, where based on the consideration of recommendations by the city planner, city attorney, building official and other information, the Board recommended approval of the proposed amendments set forth in Planning Board Resolution 2017-21; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA;

Section 1: That Chapter 1 of the Comprehensive Plan is hereby amended as follows*:

Policy 1-1.16.1: Maintain a Building Permit Allocation Ordinance.

The City of Key West shall maintain and enforce its building permit allocation ordinance as follows: Between 85 and 100 units will be reserved as beneficial use permits to address property rights associated with existing vacant lots of record. The permit allocation system shall limit the number of permits issued for new permanent and transient development to 910 units during the period from July 2013 to July 2023. The annual allocation will not exceed be ninety-one units (91) single-family units or an equivalent combination of residential and transient types based on the equivalency factors established in Policy 1-1.16.3. The annual allocation limitation shall not apply to affordable housing allocations. In order to address the ongoing affordable housing shortage and affordable housing deed restrictions expected to expire, during the first three years (July 2013 - July 2016) 60 percent of the units

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

allocated shall be affordable. Between years four (4) and 10 (2016 - 2023), a minimum of 50% of the total allocations shall be affordable. ~~Between years four (4) and 10, 80 percent of remaining (non-affordability restricted) units shall be permanent, and 20 percent may be transient.~~ Between years four (4) and 10, no more than 10 percent may be transient. During Year One (1) (July 2013 - 2014), 48 of the affordable units to be allocated will be dedicated for use at the Peary Court Housing complex property, being transferred from military to private sector housing.

The annual building permit allocation period will begin on July 1 of each year and shall end on the 30th of June of the following year. ~~The Annual Building permit allocation period will begin on July 1 of each year. Applications will be accepted between July 1 and September 30. Applications will be reviewed and processed by City staff and the appropriate boards between October 1 and April 1. Applicants will be allowed to amend their application to address review comments during that timeframe. Final award will occur on or around July 1 or the year following receipt of the application.~~ Staff may consider the following criteria in ranking applications: 1) building one to two feet higher than the base flood elevation; 2) exceeding the minimum required percentage of affordable housing; 3) compliance with green building standards; 4) compliance with adopted urban design

standards, and; 5) a minimum contribution to a sustainability and open space recreation fund.

Building permits shall be obtained within two years of the development approval date. If a building permit is not obtained within that timeframe the allocated units will revert to the City for reallocation during the next allocation season. ~~If the recovered units are not allocated within one year they will revert to the County for beneficial use purposes and/or affordable housing.~~

Policy 1-1.16.2: Building Permit Allocation Ordinance and Affordable Housing.

The City permit allocation system shall require that sixty percent (60%) of all new permanent residential units be affordable units based on definitions and criteria contained in Policy 3-1.1.7 and 3-1.1.8 between July 1, 2013 and July 1, 2016, and that a minimum of fifty percent (50%) of the total allocations be affordable between July 1, 2016 and July 1, 2023.

Policy 1-1.16.3: Permit Allocation System Ratios by Structure Type.

The permit allocation system shall be sensitive to differing trip generating characteristics of permanent and transient residential units as well as single-family units, accessory

apartment units and multi-family residential units. ~~The annual allocation shall be ninety one units (91) single family units based on the Transportation Interface for Modeling Evacuations (TIME) Model.~~ The permit allocation system shall incorporate a series of equivalent single-family unit (ESFU) values in applying the ~~annual~~ permit allocation threshold established in the building permit allocation ordinance as hereinafter explained.

Table 1-1.16.3

Residential Structure Type	Equivalent Single-Family Unit Value (ESFU) ⁽¹⁾
Single Family	1.00 ^(a)
Accessory Apt./SRO	.78 ^(b)
Multi Family	1.00 ^(c)
Transient Unit	.86 ^(d)

(1) The equivalent single family unit values are predicated on the ratio of the average number of vehicles per unit based on the 2010 US Census for the respective residential structure types divided by the vehicles per single family units (i.e., 1.28 vehicles per unit). The computations are as follows:

(a) Single Family $1.28/1.28 = 1.00$

(b) Accessory Apt. or Single Room Occupancy (SRO): $1.00/1.28 = .78$. The former Fl. Department of Community Affairs (now Department of Economic Opportunity) approved the

estimated average vehicles per accessory unit or single room occupancy (SRO) as one (1) vehicle per accessory unit or SRO.

(c) Multi-Family: $1.28/1.28 = 1.00$

(d) Transient Unit: $1.10/1.28 = .86$ (based on the Hurricane Evacuation Study 1.10 vehicles per transient unit in Monroe County)

* * * * *

Policy 1-1.16.5: Transfer of Building Permit Allocations

By resolution the City of Key West may transfer building permit allocations to areas beyond the City limits for the development of Affordable Workforce Housing in close proximity to the City of Key West such that the anticipated residents could reasonably be expected to contribute to the workforce of the City of Key West.

Upon adoption of this Comprehensive Plan Amendment the City of Key West shall transfer 104 previously unallocated units to the Affordable Housing Development described as "THE QUARRY" located in the Big Coppitt Mixed Use Area 1, at approximate mile marker 9, Monroe County Florida. This shall be done pursuant to an ~~Interlocal~~ Agreement between the City of Key West, The Department of Economic Opportunity, ~~and~~ Monroe County and appropriate local governments with the concurrence of Quarry Partners LLC, the owner of the property. The Agreement shall be prepared pursuant to Section 380 Florida Statutes. ~~shall require, and~~ Quarry Partners LLC shall

provide, recorded Declarations of Affordable Housing Restrictions for these units acceptable to the City of Key West and Monroe County prior to the issuance of certificates of occupancy by Monroe County. In the event building permits to construct "The Quarry" affordable housing project are not issued on or before June 30, 2019 these units shall be released to Monroe County and shall only be re-allocated for Affordable Housing purposes south of Mile Marker 26 on U.S. 1.

The units transferred under this policy shall be considered as contributing to the 50% minimum affordable housing allocation of Policy 1-1.16.1.

Section 2: That Chapter 2 of the Comprehensive Plan is hereby amended as follows

* * * * *

Policy ~~2-16.4~~ 2-1.6.4 Transportation Concurrency Exception Area.

~~As a result of the State mandated hurricane evacuation modeling workshops and amendments to the Comprehensive Plan, the City will be allocated 91 new PBAS units annually starting in 2013.~~

Between years 2013 and 2023 The City of Key West shall allocate a total of 910 BPAS units. Due to the City's exception from transportation concurrency, the development or redevelopment

of these units shall not be subject to roadway concurrency requirements.

* * * * *

Section 3: That Chapter 3 of the Comprehensive Plan is hereby amended as follows:

* * * * *

Policy 3-1.1.4: Building Permit Allocation System.

The City of Key West shall ~~annually~~ allocate ~~91 building permits per year between 2013 and 2023,~~ for a total of 910 permits between years 2013 and 2023. In order to address the ongoing affordable housing shortage and affordable housing deed restrictions expected to expire, during the first three years (July 2013 - July 2016) 60 percent of the units allocated shall be affordable. Between years four (4) and 10 (2016 - 2023), a minimum of 50% of the total allocations shall be affordable. ~~Between years four (4) and 10, 80 percent of remaining (non-affordability restricted) units shall be permanent, and 20 percent may be transient.~~ Between years four (4) and ten (10), no more than 10 percent may be transient. During Year One (1) (July 2013 - 2014), 48 of the affordable units to be allocated will be in the transfer of Peary Court from military to private sector housing, which leaves 43 units to be allocated from the first allocation pool.

* * * * *

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2017.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2017.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2017.

Filed with the Clerk _____, 2017.

Mayor Craig Cates	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

DATA AND ANALYSIS

Status of Current Building Permit Allocation System

During the early years of the Area of Critical State Concern designation, it was determined that Non-Residential growth had exceeded that needed for residential development in the Florida Keys, and for some time, there was a commercial moratorium. Once the building permit allocation system was established, non-residential development was set at 239 square feet per residential allocation. Over time, the Village decreased the non-residential allocation as follows:

Non-Residential Allocation History:

<u>Plan Amendments</u>	<u>Non-residential Square Feet</u>
Incorporation to 2003	1,334 sq. Ft per year
2004:	1,434 Sq . Ft per year
2008 to 2011	6,692 Sq . Ft per year
2012: Recaptured:	16,486 Sq Ft. per year
2013 to 2015	15,000 Sq . Ft per year
2016 to 2023	2,500 Sq . Ft per year

Building Permit Allocations available after June 30, 2023:

Market Rate Allocations available:	0
Market Rate eligible for Administrative Relief	1
Affordable Building Permit Allocations available:	3
Non-Residential Square Feet available:	28,720 Sq. Ft.
Non-Residential conditional use approvals pending allocation	30,000 Sq. Ft.

While the Market- rate Building Permit Allocation System is paused to complete hurricane and traffic studies, it is important to maintain a vibrant economy with the ability to allocate Non-Residential Allocations. Effective July 1, 2023, House Bill 102 will take effect reinstating 300 Affordable allocations to the Village. Utilizing the formula of 239 square feet per unit, the Village is eligible and is **applying for 71,700 square feet over the planning horizon of 2033**. The City of Marathon, with a comparable population, allocates 25,000 square feet annually for Non-Residential Development.

Implementation of chapter 380.032 Agreement for Market Rate Allocation

This amendment recognizes 10.25 market rate allocations received through a chapter 380.032 FI Statutes agreement executed in 2017 with the State Planning Agency , Department of Economic Opportunity, and the local governments of the Florida Keys. The allocations were awarded based upon the Hurricane Evacuation Memorandum of Understanding which provided for a transfer of unused allocations from Key West to the other local governments within the Keys for the period 2013-2017. The 10.25 allocations were accepted by the Village Council, but have never been amended into the Comprehensive plan. A copy of the 380.032 agreement follows the data and analysis.

Workforce Early out Allocations Annual Allocation

300 workforce housing units (required to evacuate 48 hours prior to mandatory evacuation) were approved in a prior amendment. The amendment did not establish an annual allocation, but instead allowed the allocation of any number of Workforce Units up to 300 units cumulatively, provided they were

approved by the Village Council in a public hearing. This amendment only addresses the annual allocation since the earlier amendment has already been approved by DEO. No data is provided for the impacts of the 300 units in this amendment. Concurrency will be evaluated as the site plans are approved.

Impact on Public Facilities for 10 units and 71,700 square feet of non-residential square footage

Population

Florida is the third most populous state (approximately 22 million, behind California and Texas. Between April 1, 2020, and July 1, 2021, the Census Bureau estimated that Florida added 242,941 residents. In the first year of the pandemic, Florida increased its population by 360,758 residents. Florida is forecast to grow by over 5.6 million people between 2010 and 2030 to reach 26 million. Source: University of Florida, Bureau of Business and Economic Research.

Florida Keys

Monroe County is estimated to have a current population of 83,411. The Village has an estimated population of 7,107 currently. The Bureau of Business and Economic Research does not routinely project city populations and they are currently not contracting to complete projections. The following is a history of growth in the Keys.

Year	County	Village	Percent
1970	52,586	1,251	.0237
1980	63,188	1,441	.0228
1990	78,024	1220	.0156-
2000	79,589	6,898	.0866
2010	73,090	6,119	.0837
2020	82,874	7,109	.0857

Islamorada, Village of Islands, with a population of 7,107 (2020 U.S. Census), represents approximately 8.5% of the total population for Monroe County. Monroe County completed a population projection report on March 15, 2011, covering the period 2010-2030. It is estimated that in 2030 there will be a permanent population of 75,500, seasonal population of 86,855 and a total functional population of 162,355 residents.

Based upon the data from Monroe County, a reasonable estimate for the Village may be garnered. Extrapolating the Village's 8.5% of the overall county population, results in a total estimated population in 2030 of 6,417 permanent residents, 7,382 seasonal residents, and a total functional population of 13,800

Wastewater: The Level of Service Standard is 70 gallons per capita per day or 371.17 gpd per equivalent dwelling unit. Based on 10.25 Market Rate Units, the sewer and water demand will increase by 3,710 gallons per day for residential and by 25,095 gallons per day for the 71,700 square feet at build out. Sewer is connected to Key Largo Advanced Wastewater Plant . Comprehensive Plan Policy 4-1.1.4.

Solid Waste: The Village has adopted a level of service standard for solid waste that estimates 12.2 pounds minimum disposal per day per equivalent residential unit. The Village has set a solid waste level of service standard which requires that *"sufficient capacity must be available at a solid waste disposal site to accommodate existing and approved development for a period of three years from the projected date of completion of the proposed development or use."* All solid waste generated from the Village is managed through a contract and transported outside the Keys in coordination with Monroe County and Miami-Dade County Solid Waste Facilities. The increase for residential

development is 122 pounds per day and 10.44 pounds for non-residential. Comprehensive Plan Policies 4-1.1.43

Stormwater: The Village has adopted a level of service standard that requires that post development runoff shall not exceed the pre-development runoff rate for a 25- year storm event, up to and including an event with a 24- hour duration. Comprehensive Plan Policy 4-1.1.2

Recreation and Open Space: The Village has adopted a minimum LOS standard for recreation and open space of 3.79 acres per 1,000 population. The existing supply of recreation and open space area in the Village is 132.3 acres, which exceeds the adopted LOS standard and provides for 11.73 acres per 1,000 persons. Comprehensive Plan Policy 9-1.2.3

Schools: The Comprehensive Plan does not establish a LOS standard for schools, but Monroe County and state law require that school classroom capacity be available to accommodate all school-age children generated by proposed development or use. According to the most recent Monroe County Public Facilities Capacity Assessment Report, the overall utilization is approximately 77.58% of the school capacity through 2025(Monroe County Biennial Public Facilities Capacity Assessment Report (Anticipated adoption date September 2021)

Roadways: The Village in coordination with the other local governments within the FI Keys has adopted the following: The level of service on U.S. 1 shall be maintained within 5% of LOS C as measured on an overall countywide basis not dependent on any single road segment, using the measured median travel speed from the annual report of public facilities capacity. For all other roadways for which the Village is responsible, the Village hereby adopts a minimum LOS standard of D as measured by peak hour traffic volumes at all intersections, including but not limited to all intersections of U.S. Highway One. Segments with reserve speeds of less than or equal to 3 mph should be given particular attention when approving development applications. The overall traffic capacity of US Highway One is 45.5 miles per hour. Should the overall US Highway One average speed drop below a Level of Service C (45 miles per hour), mitigation will be required for development other than single family dwelling units. Comprehensive Plan Policy 9-1.2.3.

The 2021 US Highway One Travel Delay Study provides the following current levels of service:

Lower Matecumbe	Mile marker 73-77	LoS C	149 reserve trips.
Tea Table	Mile marker 77.5 -79.5	LoS A	2,222 reserve trips
U. Matecumbe	Mile marker 79,5 -84	LoS E	(3,531) reserve trips- Deficit
Windley Key	Mile marker 84-86	LoS D	(378) reserve trips- Deficit
Plantation Key	Mile marker 86 -91.5	LoS C	1,921 reserve trips

Policies supporting the amendment:

- **Policy 1-2.1.9: Promote Low and Medium Intensity and Varied Commercial Designations.** Islamorada, Village of Islands shall promote low and medium intensity professional and business offices, as well as general retail sales and services designed to meet the needs for goods and services of residents and Village visitors and shall limit the development of new high intensity uses. The Village shall not promote an increase in highway-oriented businesses that cater to a transient drive-through clientele.

- **Policy 1-2.1.12: Ensure Energy-efficient Land Use Patterns.** Islamorada, Village of Islands, shall continue to promote energy-efficient land use patterns by awarding BPAS points for proposed development in areas serviced by infrastructure, proximate to commercial retail centers; by promoting mixed use development centers and by providing bonus points for proposed non-residential development in the established Village Activity Center (VAC) zoning district.

The proposed plan is consistent with the following Principles for Guiding Development:

- (a) Strengthening local government capabilities for managing land use and development so that local government can achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities.
 2. Sewage collection, treatment, and disposal facilities.
 3. Solid waste treatment, collection, and disposal facilities.
 4. Key West Naval Air Station and other military facilities.
 5. Transportation facilities.
 6. Federal parks, wildlife refuges, and marine sanctuaries.
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties.
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; and other water quality and water supply projects, including direct and indirect potable reuse.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

ORDINANCE NO. 23-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.1, "ESTABLISH A BUILDING PERMIT ALLOCATION SYSTEM," OF THE VILLAGE COMPREHENSIVE PLAN RELATING TO ESTABLISHING ADDITIONAL NON-RESIDENTIAL BUILDING PERMIT ALLOCATIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Islamorada, Village of Islands, Florida (the "Village") proposes to amend (the "Amendment") the Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, the Village's Comprehensive Plan became effective December 6, 2001; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the status of the adopted Comprehensive Plan in adequately addressing changing conditions; and

Whereas, The Village has a need for additional market rate units to address pending applications for residential development; and

Whereas, The Village needs additional Non-residential building allocations to implement Conditional Use applications which have been approved by Council; and

Whereas, The Village has access to 10.25 building permit allocations resulting from a 380.032 Fl. Statutes Agreement which must be documented within a Comprehensive Plan amendment.

WHEREAS, the Village has conducted duly noticed public hearings for the Comprehensive Plan Amendment pursuant to Section 163.3184(11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes and Sections 30-101 of the Village Code, the Local Planning Agency publicly considered this Ordinance during a duly noticed public hearing; 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, this Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents.

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. Amendment to the Comprehensive Plan. That Chapter 1, "Future

Land Use Element", Policy 1-3.1.1, of the Comprehensive Plan is hereby amended as follows¹:

Future Land Use Element

Policy 1-3.1.1: Establish a Building Permit Allocation System (BPAS). The Village's Building Permit Allocation System shall award all building permits for new residential and non-residential construction unless otherwise exempted by ordinance or by provisions within this Plan. The annual allocation shall be approved if hurricane evacuation clearance time does not exceed 24 hours. The Village shall cease issuing permits under the annual allocation once the hurricane evacuation clearance time provided Monroe County, Key West and Marathon also cease issuing permits, except that the Village may voluntarily do so.

RESIDENTIAL AND NON-RESIDENTIAL SCHEDULE

YEAR	RESIDENTIAL DWELLING UNITS			NONRESIDENTIAL FLOOR AREA
CURRENT	Maximum Market Rate	Minimum Affordable Housing	Total	Square Feet
	22	6	28	2,500

RESIDENTIAL DWELLING UNITS			NONRESIDENTIAL FLOOR AREA
Maximum Market Rate	Early Out Affordable Housing	Minimum Affordable Housing	Square Feet Available
10	300	3	71,700
Allocations: 10 within first year of approval after adoption by DEO, then 0	Allocations: Any number authorized in public hearing up to 300 units	Allocations: 3 within first year of approval after DEO adoption, then 0	Allocations: 7,170 Square Feet annually through 2033

¹ Additions to text are underlined, deletions to text are ~~strikethrough~~.

	OR 30 per year with borrow forward approved by Council		
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source: Rule 28-19.300 FAC

Residential Building Permit Allocation System. The indicated allocations are the maximum annual allocations that shall be awarded by Islamorada, Village of Islands through the BPAS. Unused market rate allocations shall be available for Administrative Relief. Unused affordable housing allocations shall be rolled over into the following year's affordable housing allocation. Excluding those awarded through the beneficial use or administrative relief processes, no more than one development permit per Program Year may be allocated in a manner which would result in the clearing of high-quality hammock.

Pursuant to Rule 28-19 F.A.C., the Village shall allocate residential and non- residential allocations in a manner consistent with the requirement to maintain a 24-hour permanent population evacuation. Islamorada, Village of Islands reserves the right to accept its equitable share of the Keys-wide allocation to distribute consistent with the goals, objectives, and policies of this Plan. Detailed allocation procedures for distributing available awards shall be adopted through Land Development Regulations, including point criteria consistent with the goals, objectives, and policies of the revised Comprehensive Plan through 2033, the planning horizon. Any building allocation remaining from the original 380 awarded in 2013 will be distributed based upon current land development regulations. Should the Council determine that the quarterly allocations should be reduced per quarter, this will be adopted through a land development regulation approved by the State Land Planning Agency, Department of Commerce Economic Opportunity.

Non-Residential Building Permit Allocation System.

Development Regulations shall include procedures for the distribution of the available non- residential floor area shown in the schedule. All applications for the issuance of non-residential square footage must demonstrate the ability to bring the site into compliance with all applicable Land Development Regulations, including environmental standards, to be further considered. **In the event Workforce-Early Out Affordable units are transferred across jurisdictional lines, the transfer shall not become effective until the Village executes an interlocal agreement with the receiving local government and adopts a comprehensive plan amendment reducing the non-Residential allocation by 239 square feet for each Early out unit transferred across jurisdictional lines.** Thereafter, applications shall be evaluated and ranked based on project merit, including consideration of the following:

- A. Focus on redevelopment versus new development.

- B. The development potential of the site.
- C. Focus Provision of amenities associated with the proposed development.
- D. Provision of affordable housing in conjunction with the proposed project; and
- E. Policy 2-1.2.8: Address Long Term Strategies to Reduce Clearance Time.
 - 1. The Village shall address long term strategies to reduce clearance time and coordinate permit allocations by implementing the following program in coordination with FL Department of Transportation (FDOT), FL Department of Commerce ~~Economic Opportunity~~ and other local governments in the Keys and the Tourist Development Council to achieve consensus on long term strategies to further reduce clearance time and accommodate proposed allocations Keys-wide through the Year 2033 and revise any short term interagency/interlocal agreements to provide a schedule for implementing strategies, specify responsibilities for implementing the strategy, including shared funding, and determine the share of allocation available for each jurisdiction based on the ability to maintain clearance time at or below 24 hours.
 - In any Keys-wide reduction in allocation, the Village asserts that the Administrative Commission should and will request it to consider and prorate any voluntary reduction in allocation adopted by the Village; and
 - 2. Amend data and analysis and plan to incorporate strategy; revise capital improvements schedule to incorporate necessary transportation projects adopted for Islamorada; and amend permit allocation system based on adopted strategy and ability to maintain clearance time at or below 24 hours.

Section 3. Transmittal. Pursuant to Sections 163.3184, Florida Statutes, the Village Clerk is authorized to forward a copy of this Comprehensive Plan Amendment to the State Department of Commerce.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 5. Effective Date. This Ordinance shall not become effective until a Notice of Intent has been issued by the Department of Commerce finding the Comprehensive Plan Amendment to be in compliance as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until the Department of Commerce enters a final order determining the adopted Comprehensive Plan Amendments to be in compliance.

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

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilwoman Elizabeth Jolin _____

Councilman Mark Gregg _____

Councilman Henry Rosenthal _____

PASSED on first reading this _____ day of _____, 2023.

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

Mayor Joseph B. Pinder III

Vice Mayor Sharon Mahoney

Councilwoman Elizabeth Jolin

Councilman Mark Gregg

Councilman Henry Rosenthal

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

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, INTERIM VILLAGE ATTORNEY