



Islamorada, Village of Islands **SPECIAL CALL VILLAGE COUNCIL MEETING**

September 21, 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. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS**
 - A. Local Planning Agency Report -Deb Gillis, Chair **TAB 1****
- V. MAYOR / COUNCIL COMMUNICATIONS**
- VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**
- VII. 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.)
- VIII. ORDINANCES**
 - A. Amending Administrative Relief Under the Building Permit Allocation System (BPAS) **TAB 2** (John Quick, Interim Village Attorney)**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING ARTICLE IV, "ADMINISTRATIVE PROCEDURES," OF CHAPTER 30, "LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE RELATING TO ADMINISTRATIVE RELIEF AVAILABLE TO APPLICANTS UNDER THE BUILDING PERMIT ALLOCATION SYSTEM (BPAS); 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.** Moratorium on Building Permit Allocations (BPAS) **TAB 3** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS, ACCEPTANCE OF NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS, ACCEPTANCE OF BPAS LAND DEDICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

- C.** Ordinance of Islamorada, Village of Islands, Florida amending Chapter 30 Land Development Regulations relating to the Historic Preservation Commission **TAB 4** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE VII "ENVIRONMENTAL REGULATIONS", DIVISION 7 "HISTORIC AND ARCHAEOLOGICAL SITES", SECTION 30-1693 RELATING TO THE HISTORIC PRESERVATION COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

- D.** Ordinance Amending Policy 1-3.1.1, Establish a Building Permit Allocation System **TAB 5** (Jennifer DeBoisbriand , Planning Director, Rebecca Jetton, Village Consultant)

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.

IX. QUASI-JUDICIAL

- A.** Administrative Appeal - 186 S. Airport Road **TAB 6** (Daniel Parabok, Environmental Planner)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE ADMINISTRATIVE APPEAL FILED BY SMITH HAWKS, PL ("AGENT") ON BEHALF OF BRANDON J. DAVIS (OWNER) RELATING TO THE ENVIRONMENTAL PLANNER/BIOLOGIST'S DETERMINATION REGARDING HABITAT CLASSIFICATION; FOR PROPERTY LOCATED AT 186 S AIRPORT RD, ON PLANTATION KEY HAVING PARCEL NUMBER 00437493-005100; AND PROVIDING FOR AN EFFECTIVE DATE

- B.** Administrative Appeal - 222 Biscayne Blvd **TAB 7** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL FILED BY JOANNE M. PEREIRA, ESQ. (AGENT) ON BEHALF OF FREDERICK SCHMID AND DARCY PARKER (APPELLANT'S), RELATING TO THE DIRECTOR OF PLANNING'S NOTICE OF INTENT TO DENY AN ADMINISTRATIVE VARIANCE FOR AN AFTER-THE-FACT TIKI HUT CONSTRUCTED WITHIN THE REQUIRED 10' (TEN FOOT) SETBACK FROM MEAN HIGH WATER LINE (MHWL), FOR PROPERTY LOCATED AT 222 BISCAYNE BLVD, HAVING REAL ESTATE NUMBER 00394489-008400, ON LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

X. RESOLUTIONS

- A.** Remaining 2023 Allocation Periods for Market Rate Building Permit Allocation System (BPAS) **TAB 8** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, QUARTERLY ALLOCATION PERIODS FOR MARKET RATE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR REMAINDER OF 2023; AND PROVIDING AN EFFECTIVE DATE

XI. 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: Deb Gillis, Chair
Date: September 21, 2023
SUBJECT: Local Planning Agency Report -Deb Gillis, Chair TAB 1

Background:
See report attached.

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments: 1. LPA Council report meeting Sept

LPA Council report meeting Sept. 11, 2023

We had all 6 members present

Administrative Relief amendment for BPAS

The committee recommends denial with recommendations for this ordinance as written 6-0

Our suggestions to improve

1. Item 2 under eligibility, concerning donated lots: include language that requires four (4) consecutive annual allocation be required before being able to apply for administrative relief, the same as non-lot donation parcels. There was a long discussion if the time frame should start when the lot first entered the BPAS without lot donation or when they entered with the lot donation. Committee was in favor of using the date when someone enter the system originally. This would affect 3 or the 5 lots that are in question. This was suggested to insure others on the BPAS list, not be penalized by allowing the lot donation parcels to be eligible immediately related to time. Everyone would have a four annual allocation waiting period.

2. Item 3 under eligibility, concerning Court orders. We suggest that it should read....."in accordance with a Court final adjudication" and "or settlement agreement" be removed. We suggest that "settlement agreement" could be misused since many settlement agreements are entered in the official records by the Courts but were not reviewed by them.

3. In the paragraph related to Florida Forever targeted acquisition, we suggest the time frame of 60 days be extended to 120 days. This is a tedious process and 60 days is not sufficient time to get a determination that the property cannot be purchased for conservation by a county, state or federal agency

Moratorium on BPAS

There was a strong recommendation to only put a moratorium on the market rate single family homes and the lot donations. We recommend to continue acceptance of applications for Affordable, TDR, and non-residential sq. footage.

It was also discussed a need for a vacant lot scoring system to help determine what lots we need to address now that we are out of allocations.

The Moratorium ordinance passed 4 yes and 2 no with recommendation of only market rate single family homes and lot donations. .

Historic Preservation Commission

Passes 6 to 0 to increase the committee size from 5 to 7.

Building Permit Allocation comp plan amendment.

Passed 6-0 as presented.

This is a comp plan amendment that covers the annual distribution of the 300 affordable units, the 10.25 market rate allocation that had never been included and the distribution of the non-residential sq. footage related to receiving the 300 affordable units. It also adds the following definition. If the affordable allocation would be transferred across jurisdictional line that it would take an interlocal agreement and an appropriate reduction of the related sq. footage.

FLUM and Zoning amendment for Tee Table/ Terra Key.

We discussed these items together. I highly recommend you watch the meeting to hear the detailed discussion. Both the FLUM and the Zoning request were to upgrade from a residential status to a commercial status. After a lengthy discussion with the applicant concerning environmental concerns, increased density, affordable housing proffer and numerous other items, the applicant requested to defer the items to a future meeting so he would have time to address our concerns. We granted the request. It will come back to LPA before moving to Council since it was deferred.



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: September 21, 2023
SUBJECT: **Amending Administrative Relief Under the Building Permit Allocation System (BPAS) TAB 2**

Background:

The Village has established Land Development Regulations (“LDRs”) to properly guide development and protect the health, safety, and welfare of the public and Council desires to amend existing provisions under Division 11, “Building Permit Allocation System,” of Article IV of the Village’s LDRs relating to administrative relief from Building Permit Allocation System (“BPAS”) regulations. Specifically, Council desires to amend Section 30-477, “Administrative Relief,” of the Village Code to allow the authority to grant administrative relief to individuals, prior to July 6, that are currently in the market rate BPAS queue that have earned additional points for land dedication. In addition, Council seeks the authority to grant administrative relief to individuals in accordance with a court order or settlement agreement. These proposed provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area of Critical State Concern.

The BPAS administrative relief pool is comprised of unused market rate allocations. There are currently twenty-three (23) available allocations in the administrative relief pool.

This matter was heard by the Local Planning Agency (“LPA”) on September 11, 2023 and it voted to recommend denial of this ordinance with recommended changes which will be presented by the Chair.

Analysis:

Budget Impact:

None

Staff Impact:

None

Recommendation:

Attachments: 1. Ordinance Amending Section 30-477 Administrative Relief

ORDINANCE NO. 23- ____

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING ARTICLE IV, "ADMINISTRATIVE PROCEDURES," OF CHAPTER 30, "LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE RELATING TO ADMINISTRATIVE RELIEF AVAILABLE TO APPLICANTS UNDER THE BUILDING PERMIT ALLOCATION SYSTEM (BPAS); 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 (the "Village") has established Land Development Regulations ("LDRs") to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the Village Council desires to amend existing provisions under Division 11, "Building Permit Allocation System," of Article IV of the Village's LDRs relating to administrative relief from Building Permit Allocation System ("BPAS") regulations; and

WHEREAS, specifically, the Village Council desires to amend Section 30-477, "Administrative Relief," of the Village Code to allow the Village Council the authority to grant administrative relief to individuals that have dedicated vacant, legally platted buildable lots and/or vacant, unplatted buildable lots that are at least one acre in size prior to July 6, 2023; and

WHEREAS, the Village Council desires to further amend administrative relief provisions under BPAS in order to allow the Village Council the authority to grant

administrative relief to individuals in accordance with a Court order or settlement agreement; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

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 are incorporated herein by this reference.

Section 2. **Amendment to the Code.** That Division 11, "Building Permit Allocation System," of Article IV, "Administrative Procedures," of Chapter 30, "Land Development Regulations," of the Village Code is hereby amended as follows:¹

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

ARTICLE IV. – ADMINISTRATIVE PROCEDURES.

DIVISION 11. BUILDING PERMIT ALLOCATION SYSTEM

Section 30-477. Administrative relief.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

(a) *Eligibility.* An applicant is eligible for administrative relief under the provisions of this section if ~~all the following criteria are met:~~

(1) The applicant meets the following criteria:

a. The applicant ~~has complied~~ is in compliance with all requirements of the building permit allocation system;

~~(2) b.~~ The subject application has not been withdrawn;

~~(3) c.~~ The subject application has been considered in at least four consecutive annual allocation periods and has failed to receive an allocation award; and

~~(4) d.~~ The applicant for the subject application has not been granted an allocation award deferral pursuant to Code section 30-475(m); or and

~~(5) The granting of administrative relief in the form of the issuance of a building permit shall be prohibited for lands within the Florida Forever targeted acquisition area unless, after 60 days from receipt of a complete application for administrative relief, it has been determined that the parcel cannot be purchased for conservation purposes by any county, state or federal agency or any private entity. The village shall routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least six months prior to the deadline for administrative relief;~~

(2) The applicant dedicated one or more vacant, legally platted buildable lots and/or unplatted buildable land that is at least one acre in size to the Village prior to July 6, 2023, by warranty deed or such other means deemed appropriate by the Village Council; or

(3) The granting of such administrative relief under this section is done in accordance with a Court order or settlement agreement.

Notwithstanding the foregoing, the granting of administrative relief in the form of the issuance of a building permit shall be prohibited for lands within the Florida Forever targeted acquisition area unless, after 60 days from receipt of a complete application for administrative relief, it has been determined that the parcel cannot be purchased for conservation purposes by any county, state or federal agency or any private entity. The Village shall routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least six months prior to the deadline for administrative relief.

(b) *Application.* An application for administrative relief shall be made on a form prescribed by the director and may be filed with the department of planning and development services no earlier than the conclusion of the fourth annual allocation

period and no later than 120 days following the close of the fourth annual allocation period.

- (c) *Forwarding of records to village council; effect of failure to file application.* Upon the filing of an application for administrative relief, the director shall forward to the village council all relevant files and records relating to the subject applications. Failure to file an application shall constitute a waiver of any rights under this section to assert that the subject property has been taken by the village without payment of just compensation as a result of the building permit allocation system.
- (d) *Public hearing.* Upon receipt of an application for administrative relief, the village council shall notice and hold a public hearing at which the applicant will be given an opportunity to be heard.
- (e) *Procedures.* The village council shall consider the application under the procedures established in sections 30-552 and 30-553.
- (f) *Action by village council.* At the conclusion of the public hearing, the village council may take any or a combination of the following actions:
 - (1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.
 - (2) Offer to purchase the property at its fair market value.
 - (3) Suggest such other relief as may be necessary and appropriate.

Section 3. Repeal of Conflicting Provisions. The provisions of the Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

Section 6. 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 7. Effective Date. This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DEO. The DEO notice of intent to find this Ordinance in compliance shall be deemed to be the final order if no timely petition challenging this Ordinance is filed.

The foregoing Ordinance was offered by _____, 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



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: September 21, 2023
SUBJECT: **Moratorium on Building Permit Allocations (BPAS) TAB 3**

Background:

As part of the overall evacuation strategy, the Florida Administration Commission adopted a building permit allocation system (BPAS) that caps the number of permits that can be issued for new residential structures. Based on existing infrastructure and evacuation strategies, computer modeling indicates that the projected maximum build out for the Florida Keys is the development of an additional 3,550 allocations beginning July 2013, with a portion of these allocations set aside for affordable housing. The ten-year building permit allocation is due to expire in July 2023. The Florida Division of Emergency Management (DEM) is currently working to update the hurricane evacuation model for the entire state.

The Village has adopted a comprehensive set of Land Development Regulations (the “LDRs”) to implement the Village Comprehensive Plan and residential development is currently regulated pursuant to the Village Comprehensive Plan and LDRs. The Village previously adopted the Building Permit Allocation System (“BPAS”), thus allowing the Village to regulate growth by issuing a limited number of market rate and affordable residential building permits.

Following the close of the 2023 second quarter allocation, there remained sixty-one (61) market rate without land dedication and five (5) market rate applications with land dedication remaining in the queue. There are currently no additional market rate BPAS applicants, with or without land dedication. Due to the number of pending market rate applications in the queue and the immediate uncertainty of the availability of additional allocations, Council is considering a moratorium on acceptance of new Market Rate Residential BPAS applications (with or without land dedications), new Nonresidential BPAS applications, (with or without land dedications), and new BPAS land dedications..

Analysis:

The utilization of the moratorium as a temporary measure to facilitate governmental decision-making, study, and the adoption of comprehensive plan amendments and/or land development regulations is a useful governmental tool to temporarily prohibit the acceptance of new market rate BPAS applications, with or without land dedication.

During the time that this Ordinance is in effect, there shall be a temporary moratorium on the acceptance of new Market Rate Residential BPAS applications (with or without land dedications), new Nonresidential BPAS applications, (with or without land dedications), and new BPAS land dedications. There will be two (2) exceptions and the Ordinance shall not prohibit the acceptance of the new Affordable Residential BPAS applications and new transfer

of development right applications. In addition, the Ordinance does not prohibit the continuation of applicants that are currently in any part of the approval process.

This matter was heard by the Local Planning Agency ("LPA") on September 11, 2023 and it voted 4-2 to recommend approval of this ordinance, in part. As part of its motion to approve in part, the LPA recommended that non-residential BPAS be added to the list of exceptions to the moratorium.

Budget Impact:

No impact on the current budget.

Staff Impact:

The approval of the moratorium would not impact current staff.

Recommendation:

Attachments: 1. 2023 Moratorium Ordinance

ORDINANCE NO. —

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS, ACCEPTANCE OF NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS, ACCEPTANCE OF BPAS LAND DEDICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

WHEREAS, in 1972, the Florida Legislature adopted the Environmental Land and Water Management Act, which provided the basis for the state to designate an Area of Critical State Concern (“ACSC”). To be designated, an area must contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance where uncontrolled private or public development would cause substantial deterioration of such resources; and

WHEREAS, in 1975, the Florida Legislature designated the Florida Keys (Monroe County and its municipalities) as an Area of Critical State Concern. The Florida Keys received this designation due to the area’s environmental sensitivity and mounting development pressures. The legislative intent was to establish a land use management system for the Florida Keys that would: Protect the natural environment and improve the near shore water quality; Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities; Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated; Provide affordable housing near places of employment; and Protect property rights and

promote coordination among governmental agencies that have permitting jurisdiction; and

WHEREAS, Section 380.05, Florida Statutes, allows the Florida Administration Commission to designate areas that contain resources of statewide significance as an ACSC; and

WHEREAS, the Florida Administration Commission oversight includes authority to promulgate administrative rules that guide local government growth and development decisions related to comprehensive plans and land development regulations; and

WHEREAS, Section 380.0552(4), Florida Statutes, directs the state land planning agency to submit a report to the Florida Administration Commission, describing in detail the progress of the Florida Keys Area of Critical State Concern toward accomplishing the tasks of the Work Program and to provide a recommendation as to whether or not progress toward accomplishing the tasks of the Work Program has been achieved; and

WHEREAS, the Florida Department of Economic Opportunity (“DEO”) is required by Section 380.0552(4)(b), Florida Statutes, to submit a written report annually to the Florida Administration Commission describing the progress of the Florida Keys ACSC toward completing the Work Program tasks “specified in commission rules”; and

WHEREAS, access to and from the Keys is primarily by U.S. Highway 1. Evacuation of the Keys’ population in advance of a hurricane strike is essential for public safety. No hurricane shelters are available in the Florida Keys for Category 3-5 hurricane storm events. A system of managed growth was developed to ensure the ability to evacuate within the 24-hour evacuation clearance time as required by Section 380.0552(9)(a)2., Florida Statutes; and

WHEREAS, as part of the overall evacuation strategy, the Florida Administration Commission adopted a building permit allocation system (BPAS) that caps the number of permits

that can be issued for new residential structures. Based on existing infrastructure and evacuation strategies, computer modeling indicates that the projected maximum build out for the Florida Keys is the development of an additional 3,550 allocations beginning July 2013, with a portion of these allocations set aside for affordable housing; and

WHEREAS, the ten-year building permit allocation is due to expire in July 2023. The Florida Division of Emergency Management (“DEM”) is currently working to update the hurricane evacuation model for the entire state. DEM staff is coordinating with DEO staff on the timing of that update and its availability to perform modeling to advance a new ten-year allocation. The ten-year permit allocation system was designed to coordinate with the timing of the release of decennial census data; and

WHEREAS, during the rule promulgation process, it became apparent that the COVID-19 pandemic may influence the 2020 Census and the timing of the data releases. Therefore, the update of the work program tasks for hurricane evacuation and a revised building permit allocation was deferred until there was clarity as to the effect of COVID-19 on the 2020 Census. As data gathering efforts in this area are finalized, the Department will bring recommendations with regard to updating the components of hurricane evacuation and building permit allocations; and

WHEREAS, Islamorada, Village of Islands (“Village”) has adopted a comprehensive set of Land Development Regulations (“LDRs”) to implement the Village Comprehensive Plan; and

WHEREAS, residential development is currently regulated pursuant to the Village Comprehensive Plan and LDRs; and

WHEREAS, the Village previously adopted the Building Permit Allocation System (“BPAS”), thus allowing the Village to regulate growth by issuing a limited number of market rate and affordable residential building permits; and

WHEREAS, the Village Council desires to further study, modify and implement comprehensive regulations concerning future residential development, so that the public safety is protected and the aesthetic and visual qualities of the Village are protected from impairment by future residential development; and

WHEREAS, the Village Council desires to insure that during the pendency of the necessary study activity for the formulation and implementation of more comprehensive regulations of future residential development, that the acceptance of new Market Rate Residential BPAS applications, new Nonresidential BPAS applications, and new BPAS land dedications are not initiated, so that the regulations produced by the Village’s study activity will be fully effective; and

WHEREAS, the acceptance of new Market Rate Residential BPAS applications, new Nonresidential BPAS applications, and new BPAS land dedications, stimulates and accelerated amount of development permit request(s). If approved, such accelerated development will lead to further deterioration of current hurricane evacuation clearance time for the Village. This will increase the existing potential for loss of life and injury to persons and property and will cause further deterioration in the level of service on existing roadways, and will lead to irreversible environmental degradation; and

WHEREAS, the acceptance of new Market Rate Residential BPAS applications (with or without land dedications), new Nonresidential BPAS applications (with or without land

dedications), and new BPAS land dedications during the formulation and implementation of more comprehensive regulations concerning future residential development will cause immediate harm to the health, safety and welfare of the residents of the Village; and

WHEREAS, the utilization of the moratorium device as a temporary measure to facilitate governmental decision-making, study, and the adoption of comprehensive plan amendments and/or land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and

WHEREAS, the Village Council finds that it necessary to impose a temporary moratorium on the acceptance of new Market Rate Residential BPAS applications (with or without land dedications), new Nonresidential BPAS applications (with or without land dedications), and new BPAS land dedications; and

WHEREAS, the Village Local Planning Agency has reviewed this Ordinance at a properly noticed public hearing on September 11, 2023; and

WHEREAS, after due notice and hearing, the Village Council finds that this Ordinance is consistent with the Village Comprehensive Plan and the principles for guiding development in the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the residents of the Village.

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

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

Section 2. Moratorium Imposed. During the time that this Ordinance is in effect as specified in Section 7 below, there shall be a temporary moratorium on the acceptance of new Market Rate Residential BPAS applications (with or without land dedications), new Nonresidential BPAS applications, (with or without land dedications), and new BPAS land dedications.

Section 3. Exemptions. This Ordinance shall not be prohibit the acceptance of new Affordable Residential BPAS applications without land dedications and transfer of development right applications.

Section 4. Determination of Vested Rights or Denial of All Economic Use.

a. Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:

- i. A governmental act of development approval was obtained prior to the effective date of this Ordinance; and
- ii. Upon which the property owner has detrimentally relied, in good faith, by making substantial expenditures; and
- iii. That it would be highly inequitable to deny the property owner the right to complete the development.

b. Nothing in this Ordinance shall be construed or applied to prevent development of a particular parcel where the property owner can demonstrate by substantial competent evidence that, because of the moratorium, no economic use can be made of the parcel.

c. Any property owner claiming vested rights or denial of all use under this Section 5 must file an application with the Village Council for a determination within 45 days after the effective date of this Ordinance. The application shall be accompanied by an application fee of \$1,500.00 and contain a sworn statement as to the basis upon which the vested rights or denial of

all use are asserted, together with documentation required by the Village and other documentary evidence supporting the claim. The Village Council shall hold a public hearing on the application and, based upon the competent substantial evidence submitted, shall make a determination as to whether the property owner has established vested rights or a lack of economic use for the parcel.

Section 5. Judicial Review. Judicial review of final decisions by the Village Council under Section 4 of this Ordinance shall be by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, in accordance with the Florida Rules of Appellate Procedure for the review of quasi-judicial decisions of municipalities.

Section 6. Exhaustion of Administrative Remedies. No property owner claiming that this Ordinance, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court, unless he or she has first exhausted the applicable administrative remedies provided in this Ordinance.

Section 7. Term. The moratorium imposed by this Ordinance is temporary and shall be effective for a period of six (6) months from the effective date of this Ordinance, unless dissolved earlier by the Village Council. The moratorium may be reasonably extended, if necessary, by Ordinance of the Village Council.

Section 8. 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 9. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions, or parts of resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 10. Approval by the State Department of Economic Opportunity. The provisions of this Ordinance constitute a “land development regulation,” as defined by Section 380.031, Florida Statutes. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 11. Effective Date. This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

[Remainder of this page intentionally left blank]

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 _____
Councilwoman Elizabeth Jolin _____
Councilman Henry Rosenthal _____

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

[Remainder of this page intentionally left blank]

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 _____
Councilwoman Elizabeth Jolin _____
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, VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: September 21, 2023
SUBJECT: **Ordinance of Islamorada, Village of Islands, Florida amending Chapter 30 Land Development Regulations relating to the Historic Preservation Commission TAB 4**

Background:

The historic preservation commission ("HPC") is a governmental agency of the village. The HPC is vested with the authority to make recommendations to the village council on the designation and regulation of village historic structures within a designated historic district and landmarks within the incorporated area of the village as prescribed in this division.

Analysis:

The Village Code currently provides for there to be five (5) members of the HPC. However, virtually all of the other Village boards and committee consist of seven (7) members. The proposed ordinance revisions would increase the number of HPC members from five (5) to seven (7) and align the number of members with virtually all of the other Village boards and committees. The proposed language is consistent with guidance provided by the Village Council.

This matter was heard by the Local Planning Agency on September 11, 2023 and it voted to recommend approval of this ordinance.

Budget Impact:

None.

Staff Impact:

None.

Recommendation:

Attachments: 1. 46W3812-Ordinance increasing Historic Preservation Committee membership to 7

ORDINANCE NO. ____

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS",
ARTICLE VII "ENVIRONMENTAL REGULATIONS", DIVISION 7
"HISTORIC AND ARCHAEOLOGICAL SITES", SECTION 30-1693
RELATING TO THE HISTORIC PRESERVATION COMMISSION;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") has a number of boards, committees and commissions of the Village that requires the Village Council to appoint members periodically; and

WHEREAS, the Village Council desires to increase the maximum number of members to Historic Preservation Commission ("HPC"); and

WHEREAS, the Village Council finds that increasing the maximum number of members to the HPC is in the best interests of the Village and its 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 are incorporated herein by this reference.

Section 2. **Amendments to the Code.**

(a) Chapter 30 entitled "Land Development Regulations", Article VII entitled "Environmental Regulations", Division 7 entitled "Historic and Archaeological Sites", Section 30-1693 entitled "Historic preservation commission" is hereby amended as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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DIVISION 7. - HISTORIC AND ARCHAEOLOGICAL SITES

Sec. 30-1693. Historic preservation commission.

- (a) *Historic preservation commission:* The historic preservation commission (HPC) is a governmental agency of the village. The HPC is vested with the authority to make recommendations to the village council on the designation and regulation of village historic structures within a designated historic district and landmarks within the incorporated area of the village as prescribed in this division.
- (b) *Appointment and membership qualifications:* The HPC consists of ~~five~~no more than seven members each appointed by a majority vote of the village council. Each member shall be a resident of the village at the time of appointment and during the member's term(s) in office. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The village council shall attempt to nominate architects, realtors, archaeologists, historians, neighborhood activists, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession, business or civic involvement, have demonstrated concern for historic preservation. Membership on the board should be representative of the community at large and reflect a broad cross section of the community.
- (c) *Membership removal, terms, and vacancies:* The HPC members shall serve staggered terms of two years. HPC members serve without compensation, but are entitled to the reimbursement of expenses as provided in F.S. § 112.061.
- (d) *Organization and administration:* The members of the HPC shall elect a chairperson and vice chairperson, for a one-year term each. The chairperson or, in the absence of the chairperson, the vice-chairperson, shall preside at all meetings and may vote. The director of planning and development services shall designate staff to advise and provide clerical support to the HPC. The village attorney shall be the attorney to the HPC. The director of planning and development services shall be the custodian of all HPC records. The HPC shall meet at least once per month at a date and time established by the HPC, unless there is no business pending.
- (e) *Notice:* Notice of meetings required under this division shall be given in accordance with section 30-213 of the Village Code.
- (f) *Public hearings:* All hearings required under this division shall be conducted in accordance with section 30-213 of the Village Code.
- (g) *Powers and duties:* The HPC has the following powers and duties:
 - (1) Adoption of its own procedural rules and regulations as necessary for the conduct of its business;
 - (2) Investigate and recommend to the village council the adoption of ordinances designating buildings, structures, sites having special historic, architectural and archaeological value as landmarks or historic districts, and if necessary, recommend rescission of such designations;

- (3) Investigate and recommend to the village council the adoption of ordinances on whether a substantially damaged designated historic building, structure, object, or site may be reconstructed using the criteria set forth in this division;
 - (4) Conduct surveys of historically, architecturally and archaeologically significant structures and districts within the village;
 - (5) Advise the village council on all matters related to historic preservation policy, including the use, administration, and maintenance of publicly-owned historic landmarks;
 - (6) Make recommendations on nominations of a historic property to the National Register of Historic Places;
 - (7) Increase public awareness of the value of historic and architectural preservation by developing and participating in public education programs;
 - (8) Make recommendations to the village council concerning utilization of state, federal and private funds to promote the preservation of significant structures and historic districts within the village;
 - (9) Make recommendations to the village council concerning acquisition of a significant structure where its preservation is essential to the purposes of this act and where private preservation is not feasible;
 - (10) Review applications for special certificates of appropriateness and make recommendations to the village council regarding such applications; and
 - (11) Undertake any other action or activity specifically delegated to it or requested by the village council.
- (h) The HPC shall meet no less than four times per year. At a minimum of one meeting each year, the HPC shall identify those structures within the village which are historically, architecturally or archaeologically significant. The findings of the HPC shall be transmitted to the village council after each meeting of the HPC, for the review and consideration of the village council. The HPC shall otherwise encourage the identification, preservation and protection of historically, architecturally or archaeologically significant structures and sites.
- (i) All provisions of Chapter 2, Article V entitled "Village Boards, Committees and Commissions" of the Code not inconsistent with the provisions of this section 30-1693 shall apply.

Section 3. Repeal of Conflicting Provisions. The Provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

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	___
Councilwoman Elizabeth Jolin	___
Councilman Henry Rosenthal	___

PASSED on the first reading this ____day of_____, 2023.

[Remainder of this page intentionally left blank]

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	_____
Councilwoman Elizabeth Jolin	_____
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, VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director, Rebecca Jetton, Village Consultant
Date: September 21, 2023
SUBJECT: **Ordinance Amending Policy 1-3.1.1, Establish a Building Permit Allocation System TAB 5**

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_Revised_082923
 3. 2022 Vacant Land Maps
 4. 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

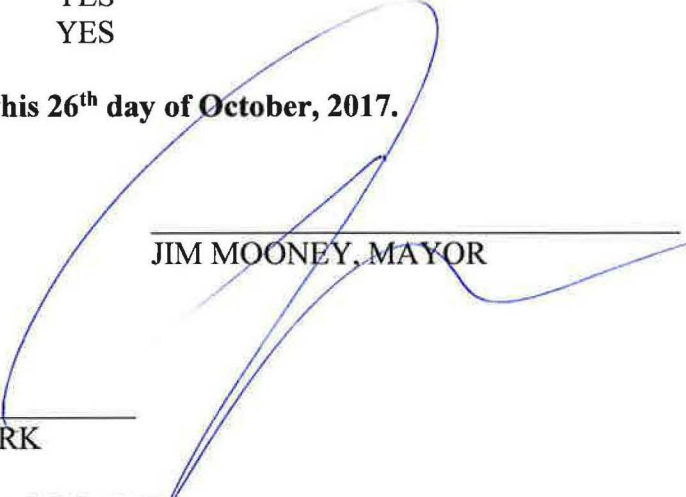
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

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
George Neugent, Mayor



September 27, 2017
Date
KEVIN MADOK, CLERK

Pamela Hancock
Pamela Hancock, for County Clerk
Deputy Clerk

Approved as to form and legal sufficiency:

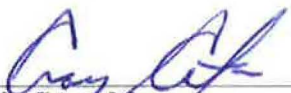
_____, for County Attorney

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Steven T. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 10/2/17

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

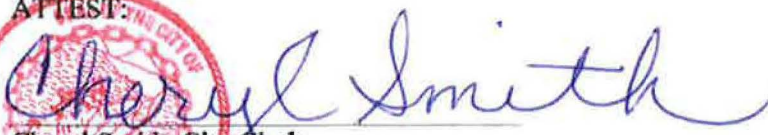
CITY OF KEY WEST, FLORIDA

October 18, 2017
Date

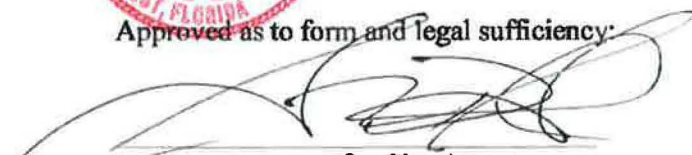

Craig Cates, Mayor

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

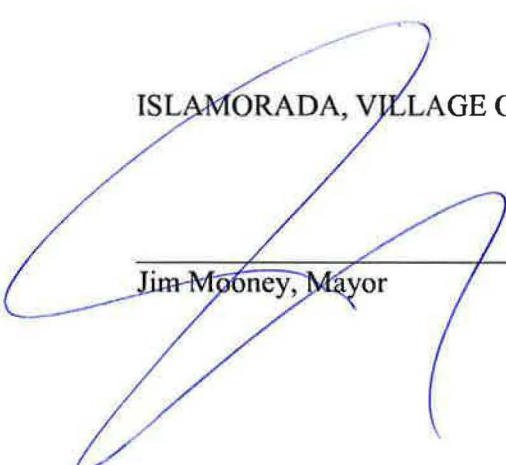

Dale S. Coburn for City Attorney

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

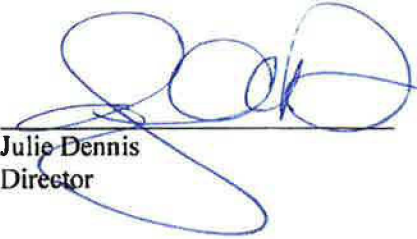
Approved as to form and legal sufficiency:


Roget 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,

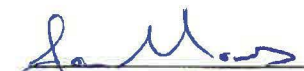
12/21/17
Date


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

for Policy 4-1.1.4.

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 non-residential development in the Florida Keys, and for several years, 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
<u>2023 to 2030</u>	<u>7,170 Sq. Ft per year (proposed)</u>

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. This proposed amendment requests an annual allocation of 7,170 square feet per year with a roll-over of any unassigned allocation to the non-residential pool. There is sufficient vacant land to accommodate the non-residential development within the land use districts allowing non-residential development. The vacant land use map calculations indicate there is approximately 31.7 acres of privately owned land within zoning categories suitable to receive nonresidential allocations.

Implementation of chapter 380.032 Agreement for Market Rate Allocation

This proposed amendment additionally 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 residential 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. The 10.25 allocations will be placed in the upcoming annual residential building permit allocation pool.

Workforce Early out Allocations Annual Allocation

300 workforce housing units (required to evacuate 48 hours prior to mandatory evacuation) were approved in a prior comprehensive plan amendment which did not become effective until July 1, 2023. 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, therefore 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 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 the Key Largo Plant providing advanced wastewater treatment. The wastewater plant has a capacity of 3 million gallons per day with a current demand of 2 million gallons per day.

Water:

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. The Florida Keys Aqueduct Authority water use permit provides an annual allocation of 8,751 million gallons and a maximum month allocation of 809 million gallons. Current water demand is 77.69 percent of the allocated amount. (South Florida Water Use Summar

Report dated 4/3/2023).

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 4-1.1.4

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

The most recent draft of the US One Travel Delay Study, scheduled for adoption by Monroe County Board of County Commissioners in October 2023, indicates there is no reserve capacity on three segments within Islamorada: Windley (LoS E, Upper Matecumbe (LoS E) and Plantation (LoS D). Development on these segments will require mitigation. The Traffic Delay Study recommends construction of turning lanes, specific traffic studies on the segments, improved transit service, combined driveway access, or transportation management studies.

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.

VACANT LAND MAPS

2022 GIS Layer







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		
--	--	--	--

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



Council Communication

To: Mayor and Village Council
From: Daniel Parabok, Environmental Planner
Date: September 21, 2023
SUBJECT: **Administrative Appeal - 186 S. Airport Road TAB 6**

Background:

The subject application involves an Appeal of an Administrative Determination pursuant to Sec. 30-281 of the Village Code. Specifically, the applicant is seeking an appeal of the determination of the former Director of Planning and Development Services for the Biologist Determination of Habitat for the property located at 186 South Airport Road.

The subject property is located on Plantation Key within the Tavernaero subdivision. The site is currently vacant, with a vacant lot to the west, a single family home to the east, a paved road (Orchid Street) to the south, and a private grass airstrip to the north. The subject property is currently zoned as Tavernaero (TA) bordered by TA-zoned parcels to the east, west, and north and Residential Mobile Home (RMH) to the south. The total lot area is approximately 13,110 square feet.

A completed building permit application for a single family residence was submitted on 12/20/22. The current site plan drawings show an airplane hanger with a residence above, two paver driveways, a patio, and a pool (**Attachment 1**). As a part of the application, a habitat analysis, authored by a Village Qualified Biologist, dated 6/22/22 was submitted (**Attachment 2**). This habitat analysis states that the vegetated portion of the lot is classified as "low quality" hammock. Senior Environmental Planner/Village Biologist, Daniel Parabok, conducted a site visit to confirm the findings of the habitat analysis and the analysis was deemed correct. As a part of a subsequent resubmittal, an environmental report, authored by a different Village Qualified Biologist, dated 2/7/23 was submitted (**Attachment 3**). This report states that the entire lot is best classified as "disturbed with hammock". Following a review of this report, the Village Biologist conducted a second site visit to see if the second report's claims could be substantiated. This site visit affirmed the original assessment that the vegetated portion of the lot is "low quality hammock". A telephone conference occurred on 4/9/23 which included the property owner, Village Director of Development Services, and the Village Biologist. During this call, discussions included the differences in the two habitat reports and whether there were any options to achieve the same level of development based on the environmental constraints. Following this call, the Village Biologist conducted a third site visit to verify that the hammock line as shown in the reports was accurate. The site visit confirmed the accuracy of the hammock delineation line.

On 5/25/23, at the applicant's request, an email was sent stating "the current site plan does not meet the environmental development criteria set forth in Division 4 of Village Code". The

complete email has been attached as **Attachment 4**. In response, a completed application for administrative appeal was received on 7/3/23.

Analysis:

Development is guided by Chapter 30- Land Development Regulations. Chapter 30, Article VII, Division 4 (Environmental Standards) establishes standards to guide development in environmentally sensitive areas and habitats. Environmentally sensitive areas and habitats are tracked through lists and maps as required pursuant to Section 30-1612:

(a)

Generally. The planning and development services department shall maintain a map depicting the location of habitats within the village including the location of wetlands and tropical hardwood hammock. The planning and development services department shall also develop a map indicating the location of threatened and endangered animal species habitat. Both of these maps shall be based on the current existing conditions and protected animal species maps adopted from the county. These maps shall be maintained according to the criteria set forth in chapters 5 and 6 of the comprehensive plan.

(b)

Review and amendment. The habitat and protected animal species maps may be refined to reflect conditions legally in existence on February 28, 1986. The habitat and protected animal species maps as referenced throughout this division shall be intended only to serve as a general guide to habitat types for the purpose of preliminary determination of regulatory requirements. Final habitat determinations shall be based upon field verification. Unlawful conditions shall not be recognized when determining regulatory requirements.

The Village maintains an updated habitat map, available to the public, both via an online mapping tool and Geographic Information System (GIS) files. These maps are continuously updated and are currently up to date. **Attachment 5** is a screenshot of the online mapping tool showing the subject parcel. The green shaded area on the map indicates areas mapped as tropical hardwood hammock. The subject parcel also contains area that is not mapped as environmentally sensitive habitat.

Pursuant to Section 30-1613(a), "As part of a development application on lands classified as, or containing, tropical hardwood hammock, the applicant shall prepare and submit a habitat analysis that evaluates the distribution and quality of tropical hardwood hammock and/or wetlands within the parcel proposed to be developed in accordance with the standards of this division....". The applicant provided a habitat analysis dated 6/22/22. This analysis was completed by a Village Qualified Biologist, as required by Sec. 30-1613(b), and concluded that the vegetated portion of the subject parcel is "low quality hammock". Low quality tropical hardwood hammock has a minimum open space ratio of 50 percent pursuant to Sec. 30-1614. Based on the applicant's provided habitat analysis, the portion of the subject parcel containing low quality hammock may be cleared and developed to a maximum of 50 percent.

After the initial staff view of the building permit application, a second habitat analysis labeled "environmental report" dated 2/7/23 was submitted. This second report was authored by a different Qualified Biologist than the first report. The second report states that the parcel as a whole is best classified as "disturbed with tropical hardwood hammock". Parcels classified as disturbed with tropical hardwood hammock have a minimum open space ratio of 30 percent which allows for a maximum of 70 percent clearing of a vegetated lot.

Pursuant to Sec. 30-1613(b) ..."Final habitat determinations shall be based upon field verification...", Village staff field verifies all habitat determinations. Staff conducted three

separate site visits to the subject parcel. The first site visit was a field verification of the original habitat analysis' determination of "low quality" hammock. At the conclusion of the site visit, Staff verified that site conditions are consistent with the analysis report: the site has a disturbed area near the front and the remaining vegetated portion of the lot is low quality hammock. A second site visit was performed following the review of the second environmental report to see if the report's claims could be substantiated. At the conclusion of the site visit, Staff verified that the subject parcel contains both disturbed habitat and low quality tropical hardwood hammock habitat. The conditions of the subject parcel are consistent with both reports; however, the second report appears to draw habitat conclusions that are not consistent with the methodology of Sec. 30-1613. A third site visit was conducted following coordination with the applicant in order to verify that the hammock delineation line was accurate. The "hammock delineation line" is the boundary that separates the disturbed area from the hammock area of the parcel. At the conclusion of the third site visit, it was determined that the hammock delineation line as drawn in the original habitat analysis is accurate.

Following the extensive time in the field on the subject parcel, Staff noted that the habitat is very similar to other lots located on both South and North Airport Roads. **Attachment 6** shows other areas mapped as hammock along North and South Airport Roads. Two properties on South Airport Road containing similar habitat to the subject parcel have recently been developed. The properties at 100 and 116 South Airport Road were both found to have low quality hammock and were subject to the criteria set forth in Division 4. These criteria included a maximum of 50% clearing of the hammock areas and protecting the uncleared portion of hammock with a conservation easement.

In summary, Staff has determined that the subject parcel contains an area classified as low quality tropical hardwood hammock. This determination is based on reviews of both applicant-provided habitat analyses and multiple field verifications. The classification of low quality tropical hardwood hammock is consistent with the criteria and methodology set forth in Division 4- Environmental Standards.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Based upon the above, it is the belief of this Department that the property located at 186 South Airport Road contains an area of low quality tropical hardwood hammock. The Department of Planning and Development Services respectfully recommends **DENIAL** of the proposed Administrative Appeal.

- Attachments:**
1. Site Plan
 2. NLE HabitatAnalysis
 3. Environmental Report Tavernaero B2 L20 00437493-005100
 4. FW 186 S Airport
 5. 186 Airport GIS Screenshot
 6. Screenshot Tavernaero Habitat
 7. Appeal Memo - 186 S_ Airport Road
 8. Reso Admin Appeal Davis

OWNER / MAILING ADDRESS:
DAVIS BRANDON J
127 PEARL AVE
TAVERNIER FL 33070

PROPERTY ADDRESS:
186 S AIRPORT RD,
PLANTATION KEY, FL

LOT 20
RE# - 00437493-005000
ALTERNATE KEY: - 1536547

LOT 21
RE# - 00437493-005100
ALTERNATE KEY: - 1536555

LEGAL DESCRIPTION:
BLOCK 2, LOT 21 AND EASTERLY HALF OF LOT
20, TAVERNAERO INC. SUBDIVISION, AS
RECORDED IN PLAT BOOK 6, PAGE 80, OF THE
PUBLIC RECORDS OF MONROE COUNTY, FL

FLOOD CRITERIA:
FLOOD ZONE - "X"

ZONING:
TAVERNAERO - TA

ADJACENT ZONING:
TAVERNAERO - TA
RESIDENTIAL MOBIEL HOME - RMH

FLUM:
AIRPORT

STANDARD DESIGN CRITERIA:
WIND SPEED: 130 MPH PER A.S.C.E. - 7-16
FLOOR LIVE LOAD: - 40#/SF
ROOF LIVE LOAD: - 30#/SF
FLOOR DEAD LOAD: - 80#/SF
ROOF DEAD LOAD: - 20#/SF
EXPOSURE CATEGORY: - "D"
IMPORTANCE FACTOR: - 1.0
INTERNAL PRESSURE COEFFICIENT - 0.18
FLORIDA BUILDING CODE 2020

BPAS PLANNING NOTES:
1. 2500 GALLON CONCRETE CISTERN
WITH GUTTERS AND A PUMP OUT SYSTEM

2. HEAT RECOVERY UNIT ADDED TO EACH
SYSTEM (SHEET M-2)

3. LOMAR LETTER FOR "X" ZONE

SCOPE OF WORK:
1. NEW AIRPLANE HANGER.
F.F. OF HANGAR AT ELEVATION 8.0' N.G.V.D.
2. NEW RESIDENCE ABOVE HANGAR.
F.F. OF RESIDENCE AT ELEVATION 29.61' N.G.V.D.
3. SAME PERMIT FOR BOTH PROJECTS.

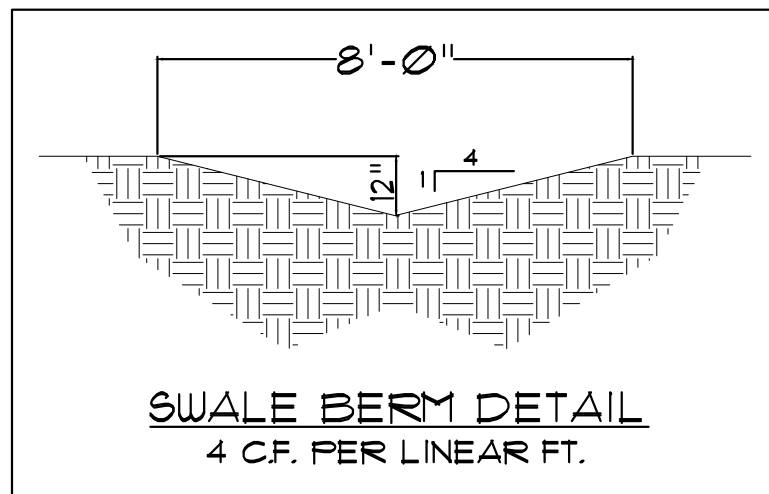
LANDSCAPE LEGEND:

STREET TREE
CANOPY TREE
UNDER STORY TREE
SHRUBS

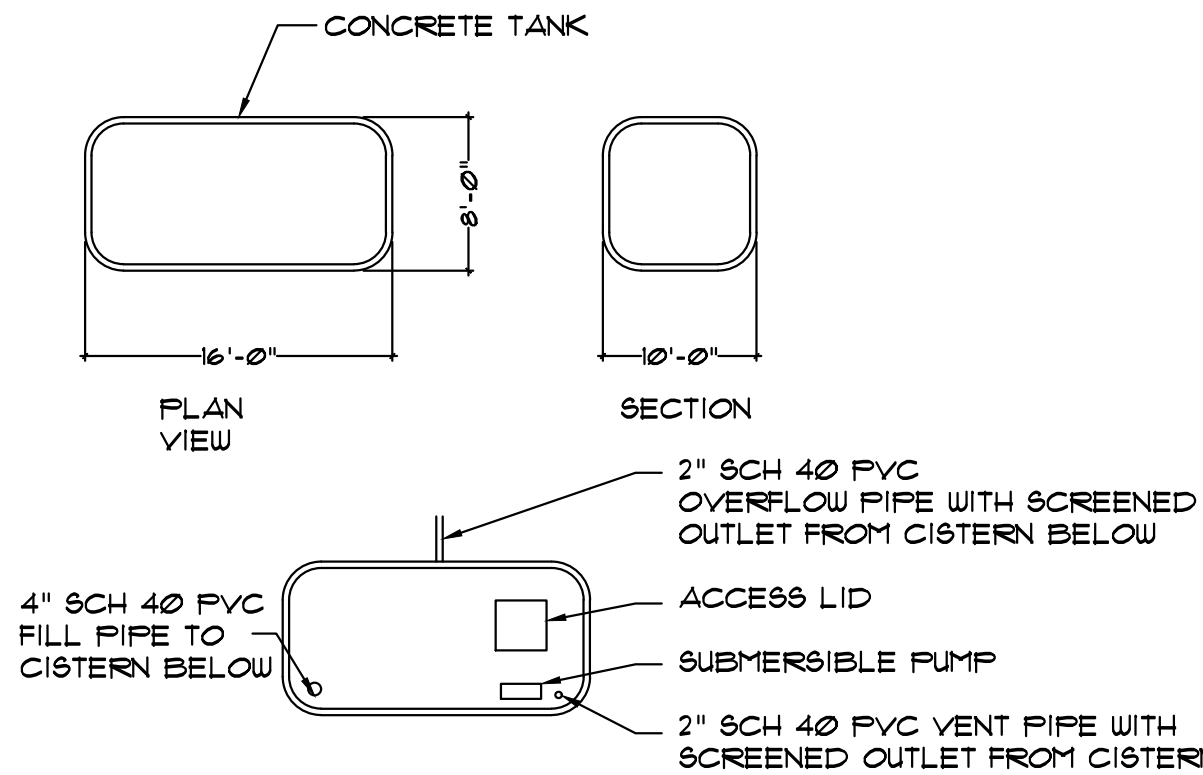
DISTRICT BOUNDARY BUFFERYARD
TA - RMH
CLASS "B" BUFFER
60' LINEAR FEET LONG x 5' WIDE

CANOPY TREE - 3
UNDER STORY TREE - 1
SHRUBS - 10

IMPERVIOUS AREA AND OPEN SPACE:
SITE AREA = 13,173 S.F.
IMPERVIOUS AREA
HANGER = 6,541 S.F.
POOL / PATIO = 651 S.F.
TOTAL IMPERVIOUS = 7,204 S.F. OR 55%
OPEN SPACE = 5,969 S.F. OR 45%
STORMWATER CALCULATIONS:
PREVIOUSLY UNIMPROVED SITE
(A) RAINFALL = .5"
(B) SITE AREA = 13,173 S.F.
(C) CUBIC FEET REQUIRED
13,173 S.F. X .5" / 12 = 549 C.F.
(D) RAINFALL = 1.25"
(E) IMPERVIOUS AREA = 7,204 S.F.
(F) CUBIC FEET REQUIRED
7,204 S.F. X 1.25" / 12 = 750 C.F.
(H) STORMWATER TREATMENT VOLUME
(GREATER OF "C" OR "F") = 750 C.F.
750 C.F. / 4 = 188 L.F.

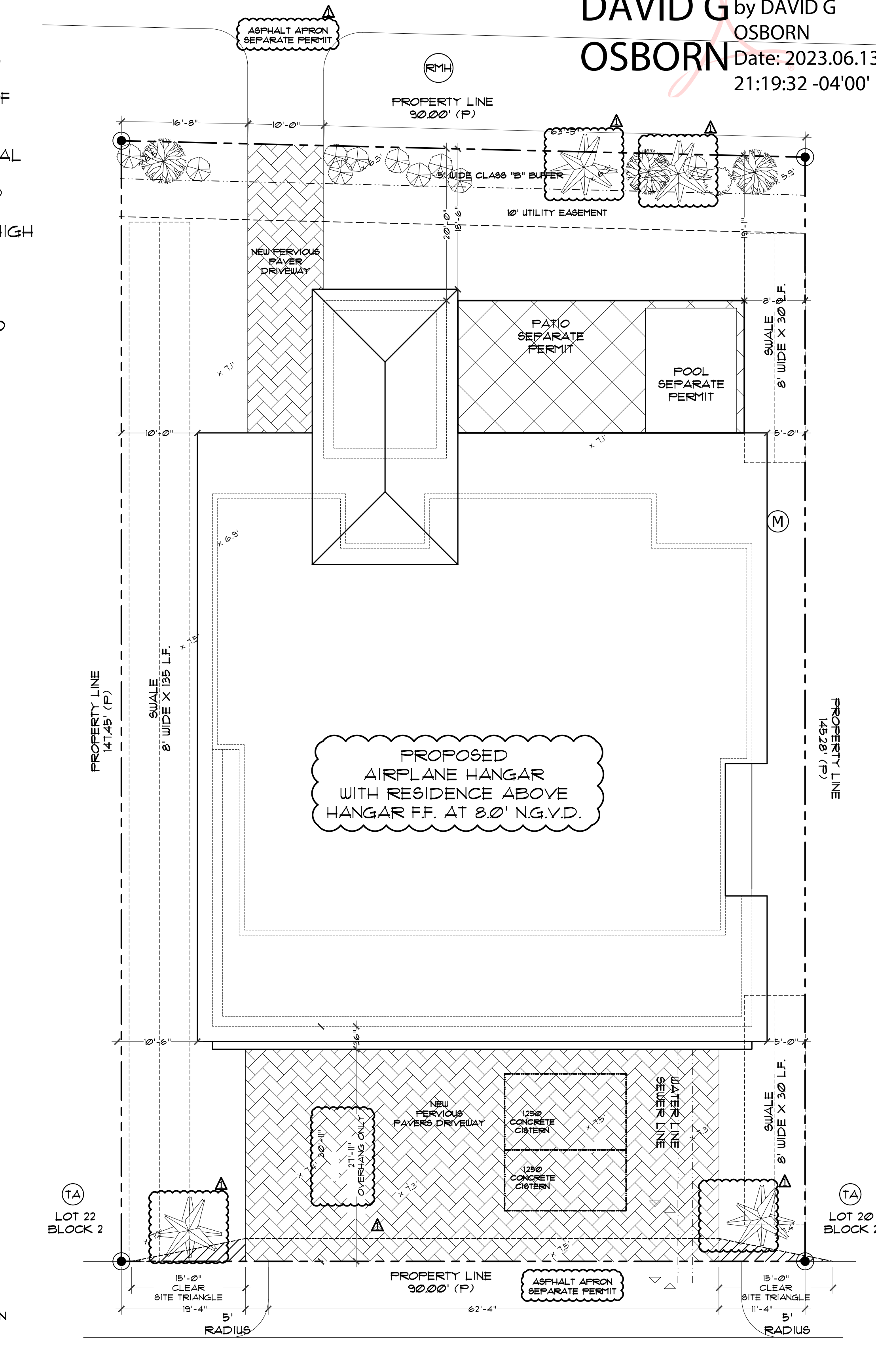


GENERAL NOTES:
1. RESIDENTIAL SEMI-SHEILDLED FIXTURES
MAY BE USED IN CONJUNCTION WITH LOW
INTENSITY LAMPS PROVIDED A MAJORITY OF
THE LIGHT IS PROJECTED DOWNWARD FROM
THE TOP OF THE FIXTURE. FROSTED GLOBE
FIXTURES MAY ALSO BE USED IN RESIDENTIAL
AREAS IN CONJUNCTION WITH LOW INTENSITY
LAMPS. IN NO CASE, SHALL FULLY EXPOSED
LAMPS OR FIXTURES WITH CLEAR GLASS
GLOBES OR SIDE PANELS BE PERMITTED. HIGH
INTENSITY FIXTURES SHALL NOT BE USED IN
RESIDENTIAL AREAS.
2. ALL CATEGORY I & II INVASIVE EXOTIC
VEGETATION SHALL BE REMOVED PRIOR TO
FINAL PLANNING INSPECTION
3. NO EXISTING VEGETATION SHALL BE
REMOVED FOR SWALES OR CLEAR SITE
TRIANGLES
4. PER SEC. 30-826, ALL BERMS AND
SWALES INSTALLED FOR STORMWATER
RETENTION MUST BE PLANTED WITH GROUND
COVERS, GRASSES AND/OR SHRUBS AT A
MINIMUM OF ONE (1) PLANT PER FOOT.



1250 GALLON CISTERN DETAILS

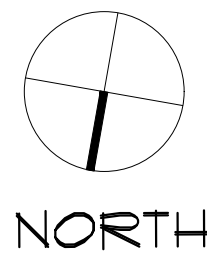
NOTES:
1. GUTTER SYSTEM BY OTHERS TO BE PIPED TO
UNDERGROUND CISTERNS WITH 4" PVC PIPE
2. SUBMERSIBLE PUMP TO BE 1 1/2 HORSEPOWER,
120/160 PUMP WITH 1/2" NIPPLE OUTLET PIPE TO OUTSIDE
HOSE BIBBS ONLY
3. THIS SYSTEM SHALL NOT BE CONNECTED TO
POTABLE WATER SUPPLY



SITE PLAN
SCALE: 1" = 10'-0"

DAVID G. OSBORN
Digitally signed by DAVID G. OSBORN
Date: 2023.06.13 21:19:32 -04'00'

SITING PLAN	DAVIS HANGAR / RESIDENCE LOT 21 SOUTH AIRPORT ROAD TAVERNIER, FL 33070	A-1	DAVID G. OSBORN, AIA 91700 OVERSEAS HIGHWAY TAVERNIER, FLORIDA 33070 DGOARCHITECTURE.COM		THIS ITEM HAS BEEN DESIGNED BY DAVID G. OSBORN ON THE DATE ADJACENT TO THIS DOCUMENT ARE NO CONSIDERED SIGNED AND STAMPED FOR ANY ELECTRONIC COPIES.	DATE	11-01-2022	REVISION	FOR SUBMITTAL	No.	0	AS SHOWN	E.H.	D.G.O.	D.D.	2021002	SCALE:	DRAWN BY:	CHECKED BY:	PHASE:	JOB NO:
						DATE	01-18-2023	REVISION	CITY REMARK	No.	1	AS SHOWN	E.H.	D.G.O.	D.D.	2021002	SCALE:	DRAWN BY:	CHECKED BY:	PHASE:	JOB NO:
						DATE	06-13-2023	REVISION	CITY REMARK	No.	2	AS SHOWN	E.H.	D.G.O.	D.D.	2021002	SCALE:	DRAWN BY:	CHECKED BY:	PHASE:	JOB NO:
						DATE		REVISION		No.		AS SHOWN	E.H.	D.G.O.	D.D.	2021002	SCALE:	DRAWN BY:	CHECKED BY:	PHASE:	JOB NO:



NORTH

PROJECT SUMMARY:

HANGAR WITH RESIDENCE
F.F. AT ELEVATION 8.0' NGVD.

SQUARE FOOTAGE:

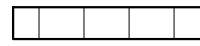
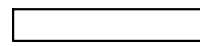
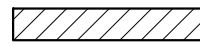
AIRPLANE HANGER = 4,976 SF.
PATIO = 568 SF.
MEZZANINE = 1,109 SF.

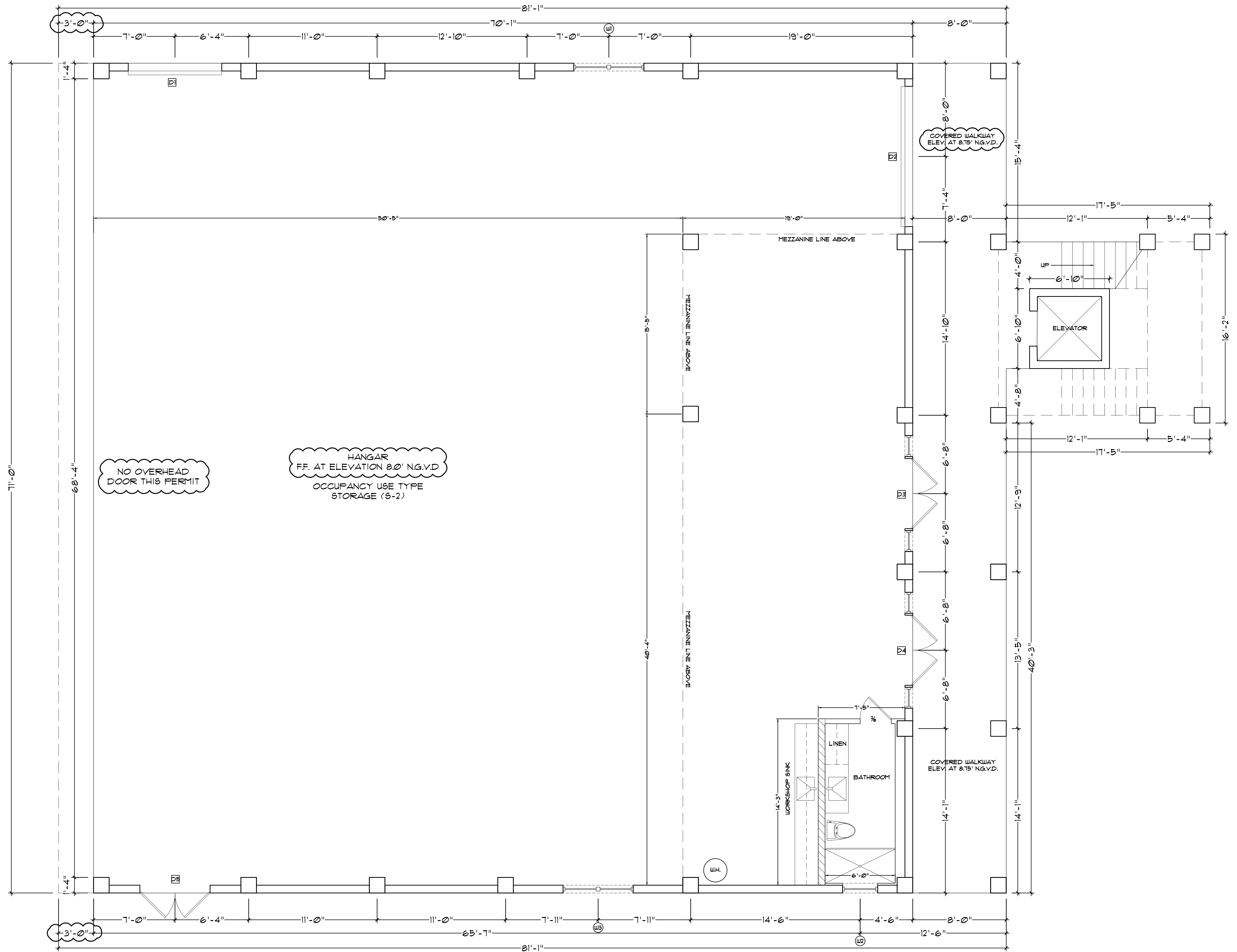
RESIDENCE
LIVING AREA = 3,810 SF.
PATIO = 1,764 SF.

FLORIDA BUILDING CODE
412.4 AIRCRAFT HANGARS

412.4.1 - EXTERIOR WALLS LOCATED
LESS THAN 30' FROM LOT LINES
OR A PUBLIC WAY SHALL HAVE A
FIRE RESISTANCE RATING NOT
LESS THAN 2 HOURS.

WALL LEGEND:

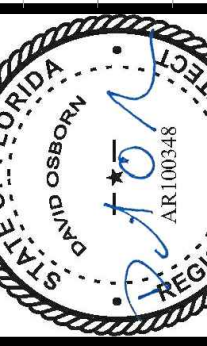
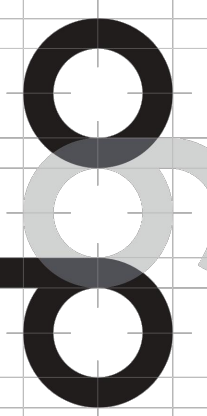
8" C.M.U. EXTERIOR WALLS 
2x4 INTERIOR WALLS 
2x6 INTERIOR WALLS 



GROUND FLOOR

SCALE: $\frac{1}{4}'' = 1'-0''$

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DGOARCHITECTURE.COM



THIS ITEM HAS BEEN
DRAWN BY DAVID G. OSBORN
ON THE DATE ADJACENT TO
THIS DOCUMENT. IT IS NOT
TO BE USED FOR ANY OTHER
PROJECTS WITHOUT THE
CONSIDERED SIGNED AND
STAMPED APPROVAL OF THE
ARCHITECT. ANY REUSE
MUST BE VERIFIED ON ANY
ELECTRONIC COPIES.

DATE
11-03-2022
01-18-2023
06-13-2023

REVISION
FOR SUBMITTAL
CITY REMARK
CITY REMARK

No.
0
1
2

AS SHOWN
E.H.
D.G.O.
D.D.
2021002

SCALE:
DRAWN BY:
CHECKED BY:
PHASE:
JOB NO:

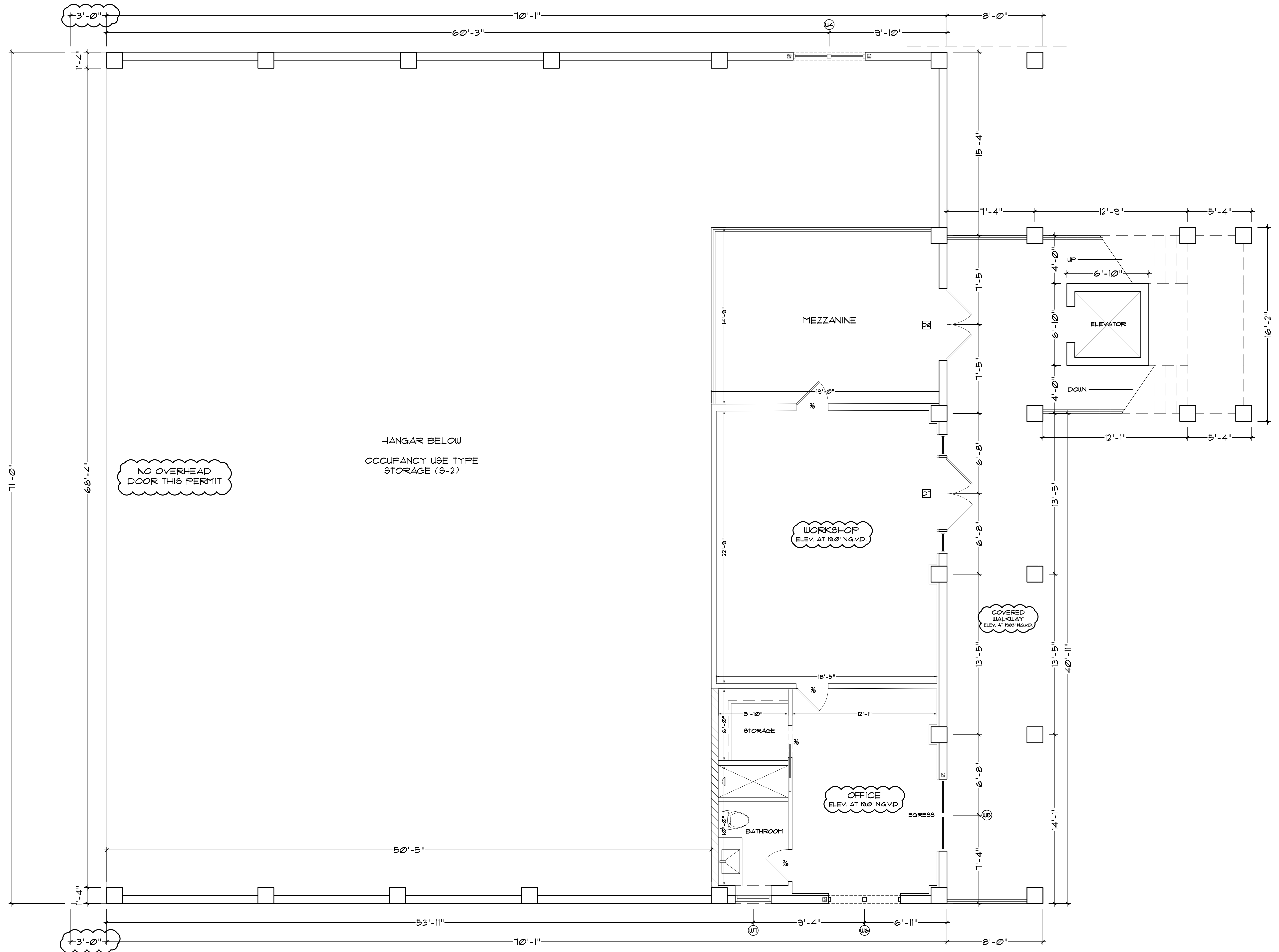
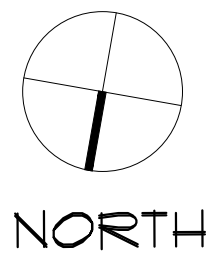
FLOOR PLAN

DAVIS HANGAR / RESIDENCE

LOT 21 SOUTH AIRPORT ROAD

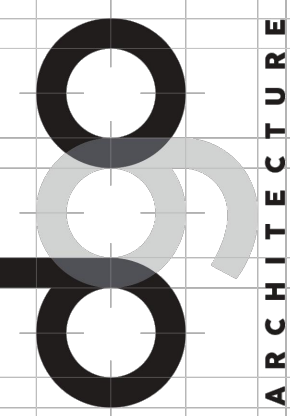
TAVERNIER, FL 33070

A-2



LOFT FLOOR
SCALE: 1/4" = 1'-0"

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DGOARCHITECTURE.COM

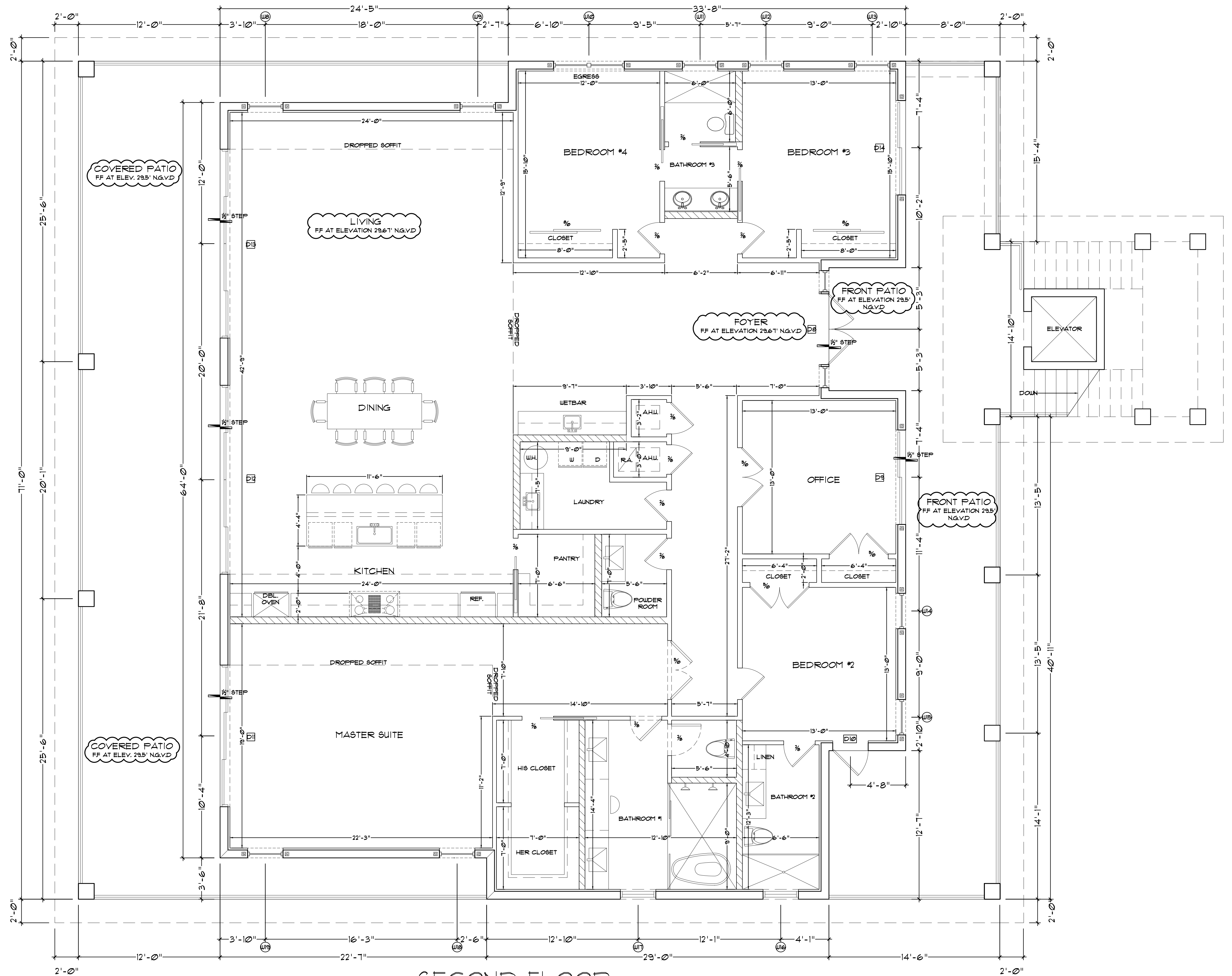
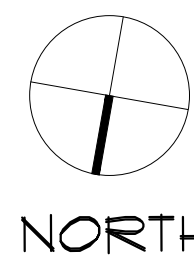


THIS ITEM HAS BEEN
DESIGNED AND
SEAL BY DAVID G. OSBORN
ON THE DATE ADJACENT TO
THIS SEAL. ANY CHANGES
OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND
STAMPED BY DAVID G. OSBORN
UNLESS THEY ARE MADE IN
ELECTRONIC COPIES.

SCALE:	AS SHOWN	No.	REVISION	DATE
DRAWN BY:	E.H.	0	FOR SUBMITTAL	11-03-2022
CHECKED BY:	D.G.O.	1	CITY REMARK	01-18-2023
PHASE:	D.D.	2	CITY REMARK	06-13-2023
JOB NO:	2021002			

FLOOR PLAN
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

A-3



SECOND FLOOR
SCALE: 1/4" = 1'-0"

DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DAVIDGOSBORN.COM

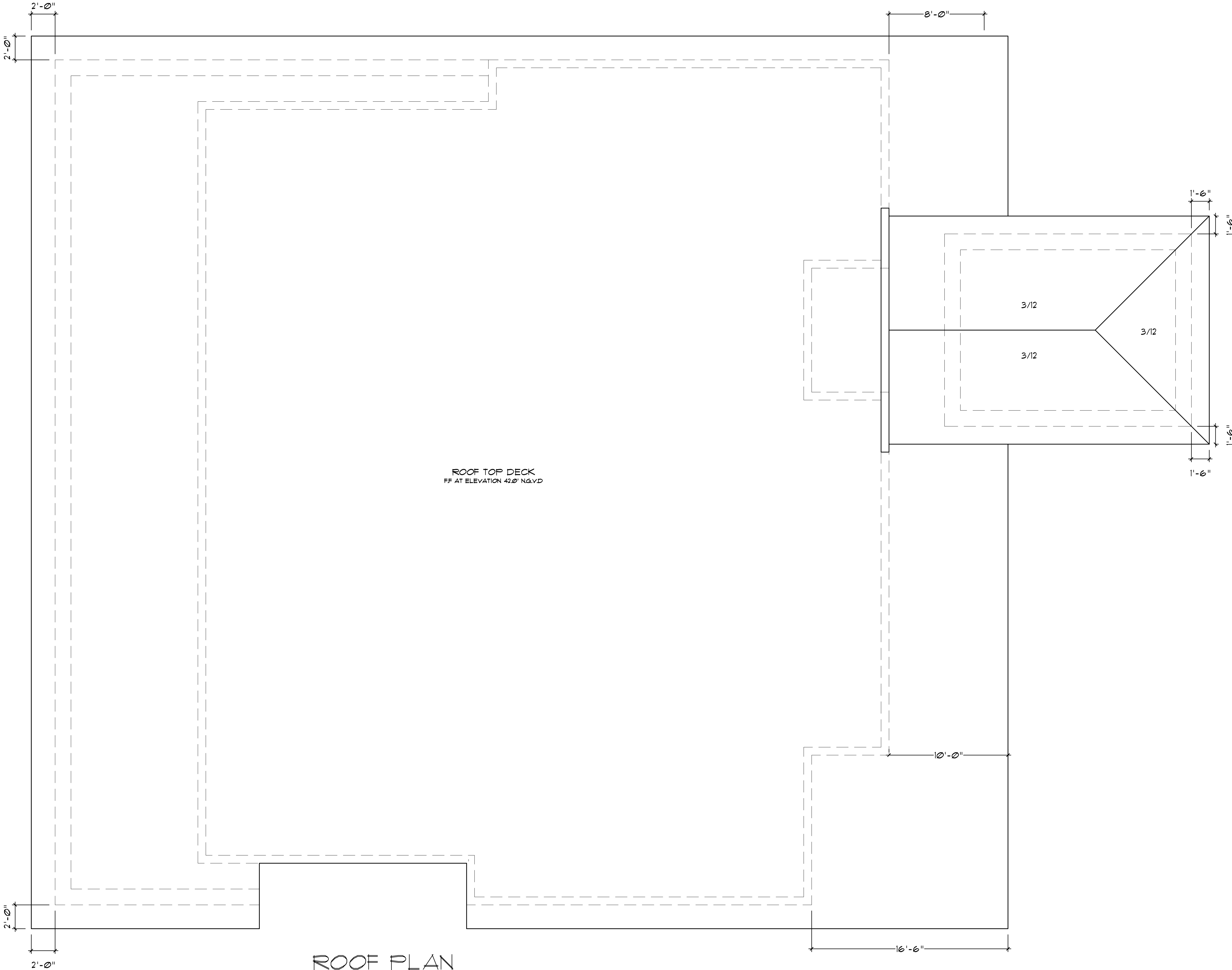
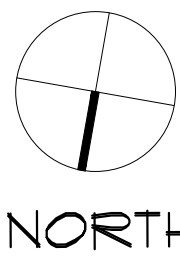
SCALE:	AS SHOWN	No.	REVISION	DATE
DRAWN BY:	E.H.	0	FOR SUBMITTAL	11-03-2022
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A-4



ROOF PLAN
SCALE: 1/4" = 1'-0"

ROOF PLAN

DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

A-5

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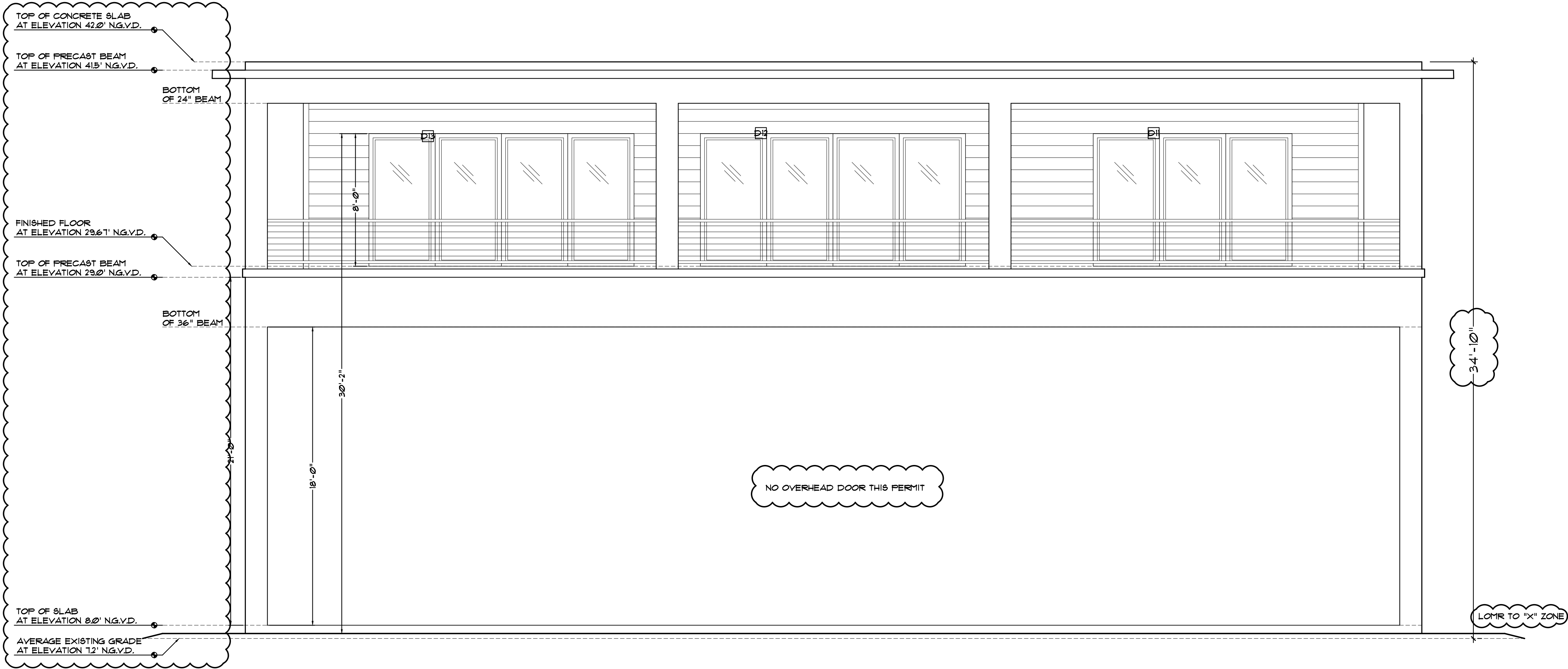
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SOUTH AIRPORT ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATIONS

DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

A-6

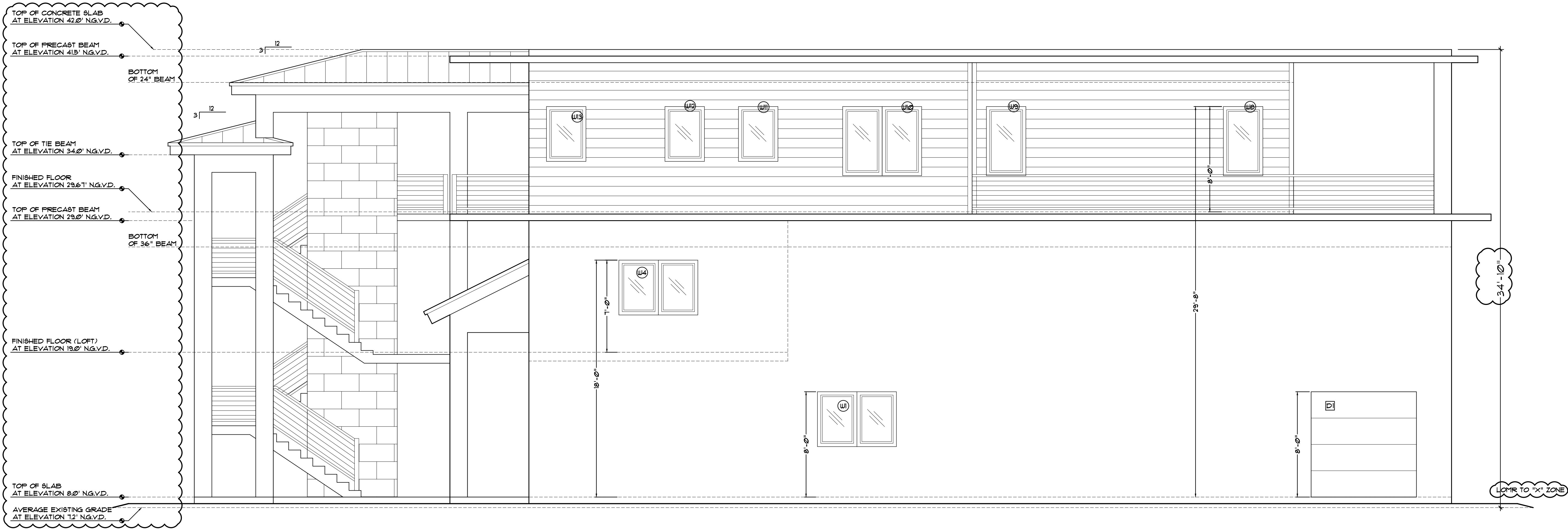
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EAST ELEVATION
SCALE: 1/4" = 1'-0"

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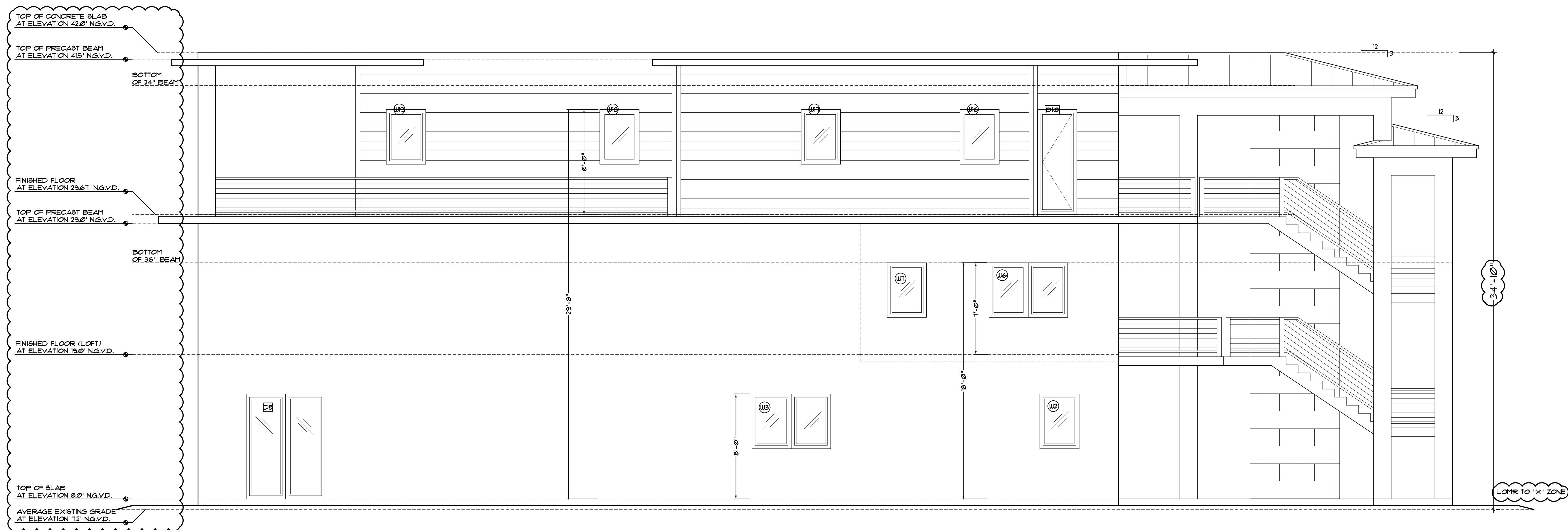
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WEST ELEVATION

SCALE: $\frac{1}{4}" = 1'-0"$

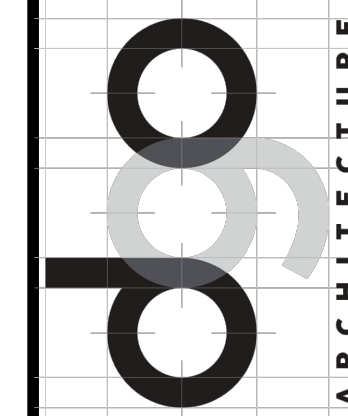
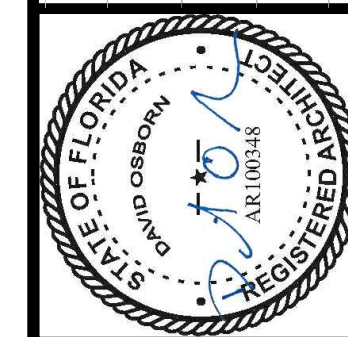


ELEVATIONS

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DOOR SCHEDULE				
MARK	DOOR SIZE		MANUFACTURER	REMARKS
	WIDTH	HEIGHT		
D1	8'-0"	8'-0"	JB GARAGE DOOR	IMPACT RATED DOOR
D2	12'-0"	12'-0"	JB GARAGE DOOR	IMPACT RATED DOOR
D3	126"	91"	CGI SENTINEL FRENCH DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, RIGHT SIDE ACTIVE, 24" SIDE LIGHT ON BOTH SIDES
D4	126"	91"	CGI SENTINEL FRENCH DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, RIGHT SIDE ACTIVE, 24" SIDE LIGHT ON BOTH SIDES
D5	74"	91"	CGI SENTINEL FRENCH DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, RIGHT SIDE ACTIVE
D6	74"	85"	CGI SENTINEL FRENCH DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, RIGHT SIDE ACTIVE
D7	126"	85"	CGI SENTINEL FRENCH DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, RIGHT SIDE ACTIVE, 24" SIDE LIGHT ON BOTH SIDES
D8	126"	91"	CGI SENTINEL SLIDING DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, RIGHT SIDE ACTIVE
D9	96"	91"	CGI SENTINEL SLIDING DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, XX
D10	31"	91"	CGI SENTINEL FRENCH DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, LEFT SIDE HINGE
D11	146"	91"	CGI SENTINEL SLIDING DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, XXX
D12	192"	91"	CGI SENTINEL SLIDING DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, XXXX
D13	192"	91"	CGI SENTINEL SLIDING DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, XXXX
D14	96"	91"	CGI SENTINEL SLIDING DOORS SERIES	CLEAR GLASS, STANDARD HARDWARE, XXXX

WINDOW SCHEDULE				
MARK	DOOR SIZE		MANUFACTURER	REMARKS
	WIDTH	HEIGHT		
W1	74"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W2	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, FROSTED GLASS
W3	74"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W4	74"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W5	74"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W6	74"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W7	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, FROSTED GLASS
W8	31"	63"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W9	31"	63"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W10	31"	63"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W11	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, FROSTED GLASS
W12	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W13	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W14	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W15	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W16	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, FROSTED GLASS
W17	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, FROSTED GLASS
W18	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS
W19	31"	50 3/8"	CGI ESTATE CASEMENT WINDOW SERIES 2388N	STANDARD HARDWARE, CLEAR GLASS

DOOR AND WINDOW SCHEDULE

DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
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A-10

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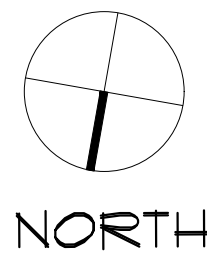
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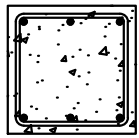
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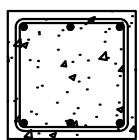
NORTH

AUGER HOLE SCHEDULE		
NUMBER	SIZE	DESCRIPTION
AH	16" DIA	6 - #5'S VERTICAL AND #3 TIES @ 12" O.C.
NOTE: ALL AUGER HOLES ARE IDENTICAL		



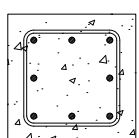
16"x16" CONCRETE BEAM
3-#6'S TOP AND BOTTOM
3 TIES AT 12" O.C.
ELEVATION 9.0' N.G.V.D.

GB-1



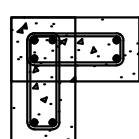
16"x16" CONCRETE BEAM
3-#6'S TOP AND BOTTOM
3 TIES AT 12" O.C.
ELEVATION 8.15' N.G.V.D.

GB-2



16"x16" POURED CONCRETE COLUMN
8-#6'S VERTICAL
#3 TIES AT 12" O.C.

C-1



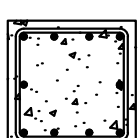
8"x16"x16" CONC. CONCRETE
WITH 7-#6'S VERTICAL
AND #3 TIES AT 12" O.C.

C-2



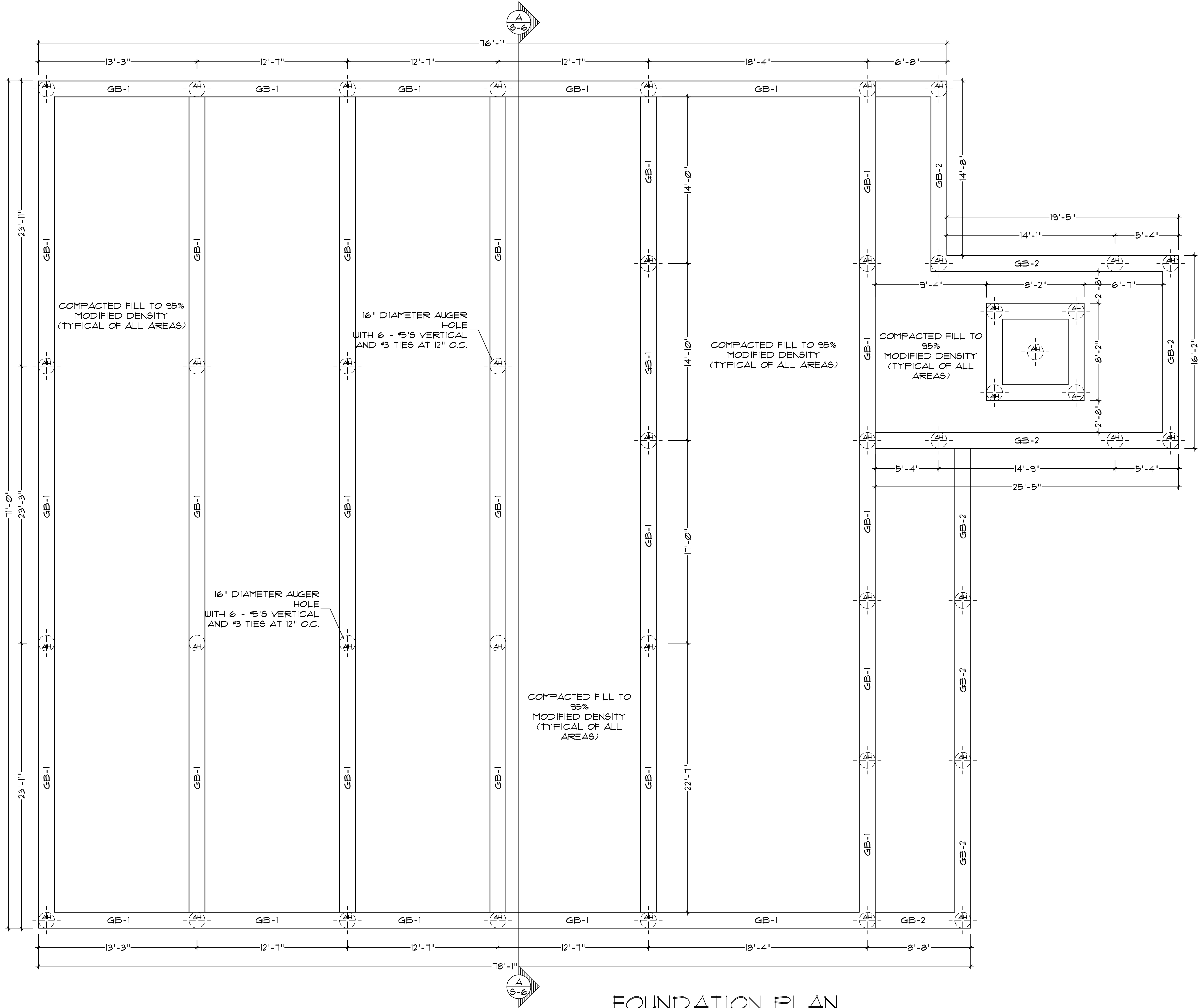
8"x16" CONCRETE BEAM
WITH 2-#6'S TOP AND BOTTOM
AND #3 TIES AT 8" O.C.

B-1



16"x16" CONCRETE BEAM
4-#6'S TOP & BOTTOM
2-#6'S INTERMEDIATE
AND #3 TIES AT 12" O.C.

B-2



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

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STRUCTURAL PLAN
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

S-1

16"x16" FOUNDED
CONCRETE COLUMN
8-#6'S VERTICAL
#3 TIES AT 12" O.C.

C-1

8"x16"x16" CONC. CONCRETE
WITH 7-#6'S VERTICAL
AND #3 TIES AT 12" O.C.

C-2

8"x16" CONCRETE BEAM
WITH 2-#6'S TOP AND BOTTOM
AND #3 TIES AT 8" O.C.

B-1

16"x16" CONCRETE BEAM
4-#6'S TOP & BOTTOM
2-#6'S INTERMEDIATE
AND #3 TIES AT 12" O.C.

B-2

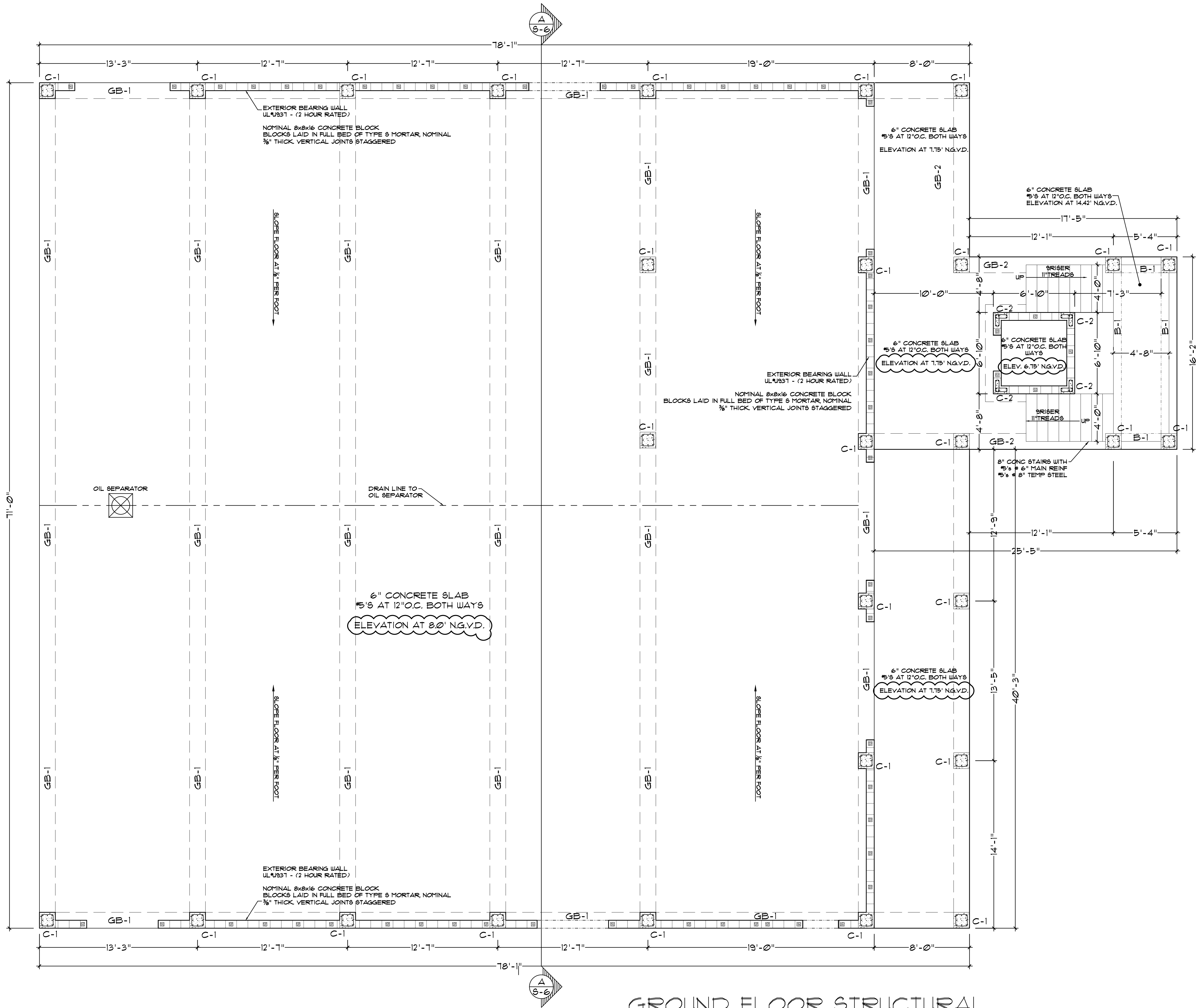
FLORIDA BUILDING CODE
412.4 AIRCRAFT HANGARS

412.4.1 - EXTERIOR WALLS LOCATED LESS THAN 30' FROM LOT
LINES OR A PUBLIC WAY SHALL HAVE A FIRE RESISTANCE
RATING NOT LESS THAN 2 HOURS.

412.4.3 - FLOORS SHALL BE GRADED AND DRAINED TO
PREVENT WATER OR FUEL FROM REMAINING ON THE FLOOR.
FLOOR DRAINS SHALL DISCHARGE THROUGH AN OIL
SEPARATOR TO THE SEWER OR TO AN OUTSIDE VENTED
SUMP.

412.4.6 - FIRE SUPPRESSION SYSTEM DESIGNED IN
ACCORDANCE WITH NFPA 409, BASED UPON THE
CLASSIFICATION GROUP 3

- A. AUTOMATIC FIRE SPRINKLERS WILL BE
INSTALLED AS PER REQUIREMENT.
- B. SHOP DRAWINGS OF AUTOMATIC FIRE SPRINKLERS WILL
BE PROVIDED PRIOR TO INSTALLATION.
(SEPARATE PERMIT)



GROUND FLOOR STRUCTURAL

SCALE: 1/4" = 1'-0"

STRUCTURAL PLAN

DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

S-2

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REVISION
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2021002

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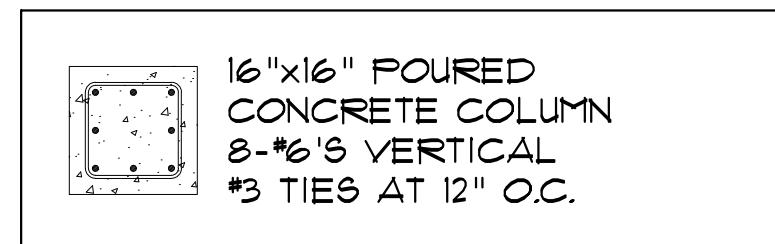
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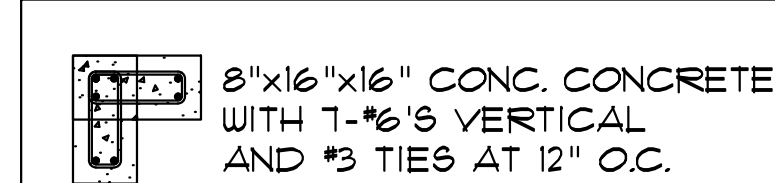
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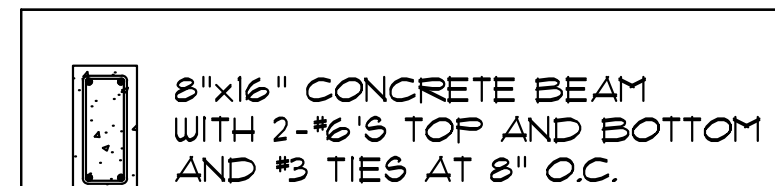
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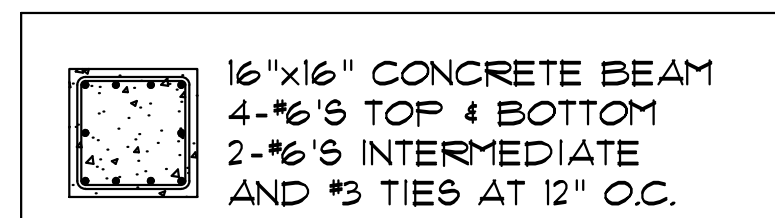
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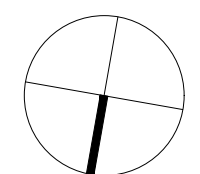
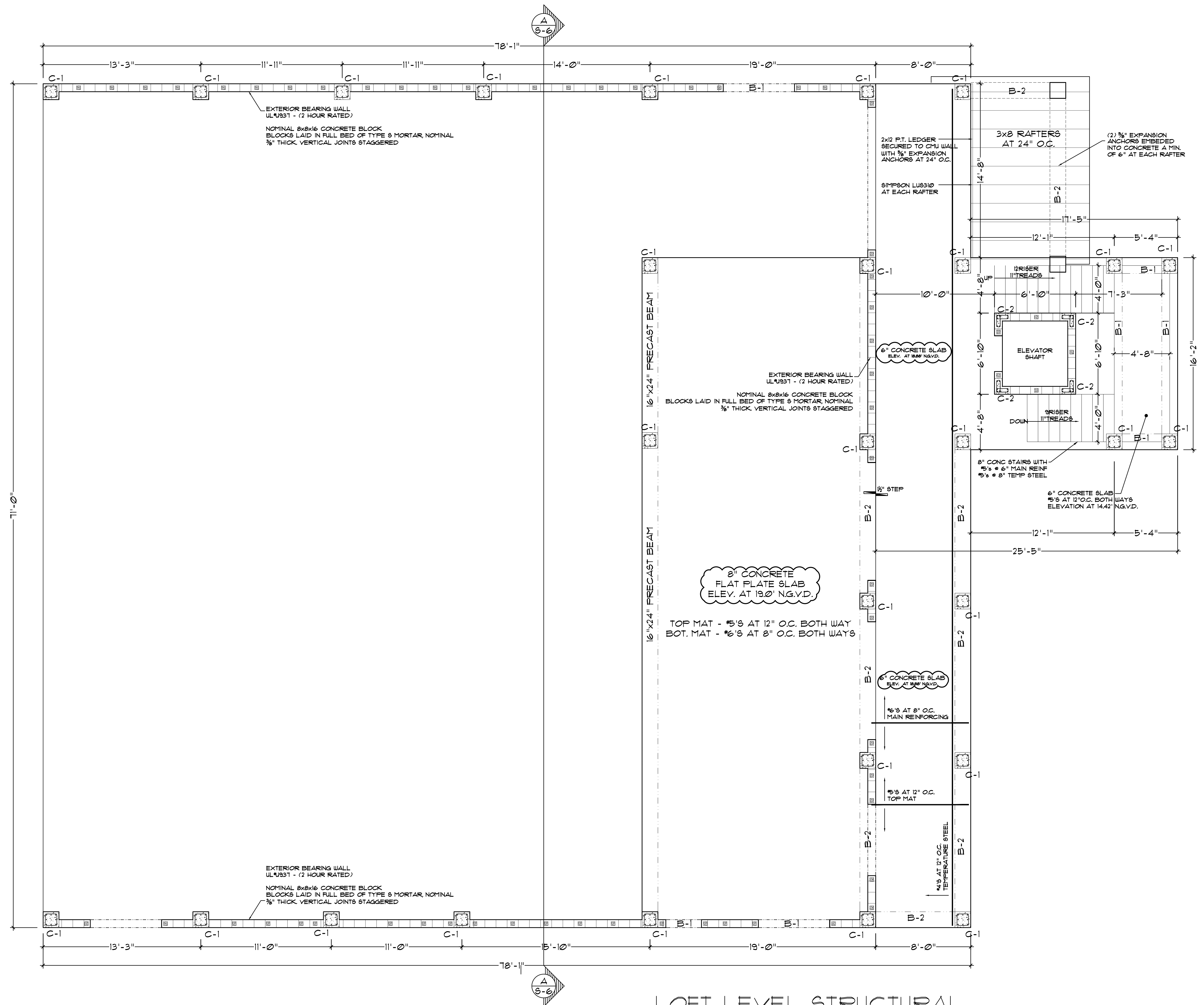
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B-1

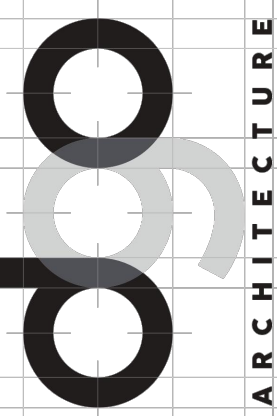


B-2



NORTH

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
PH: 305.457.8020
DGOARCHITECTURE.COM



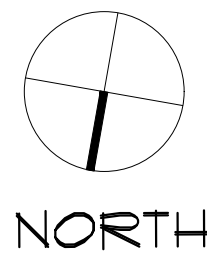
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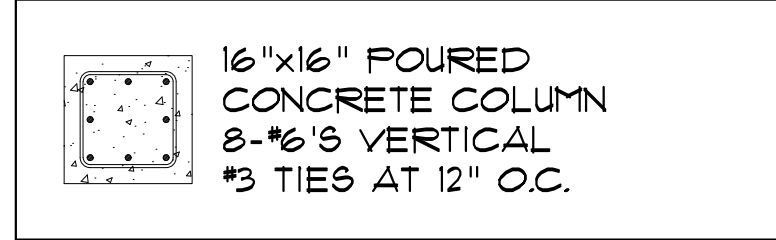
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

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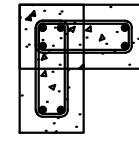


NORTH



16"x16" POURED
CONCRETE COLUMN
8-#6'S VERTICAL
#3 TIES AT 12" O.C.

C-1



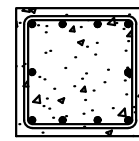
8"x16"x16" CONC. CONCRETE
WITH 1-#6'S VERTICAL
AND #3 TIES AT 12" O.C.

C-2



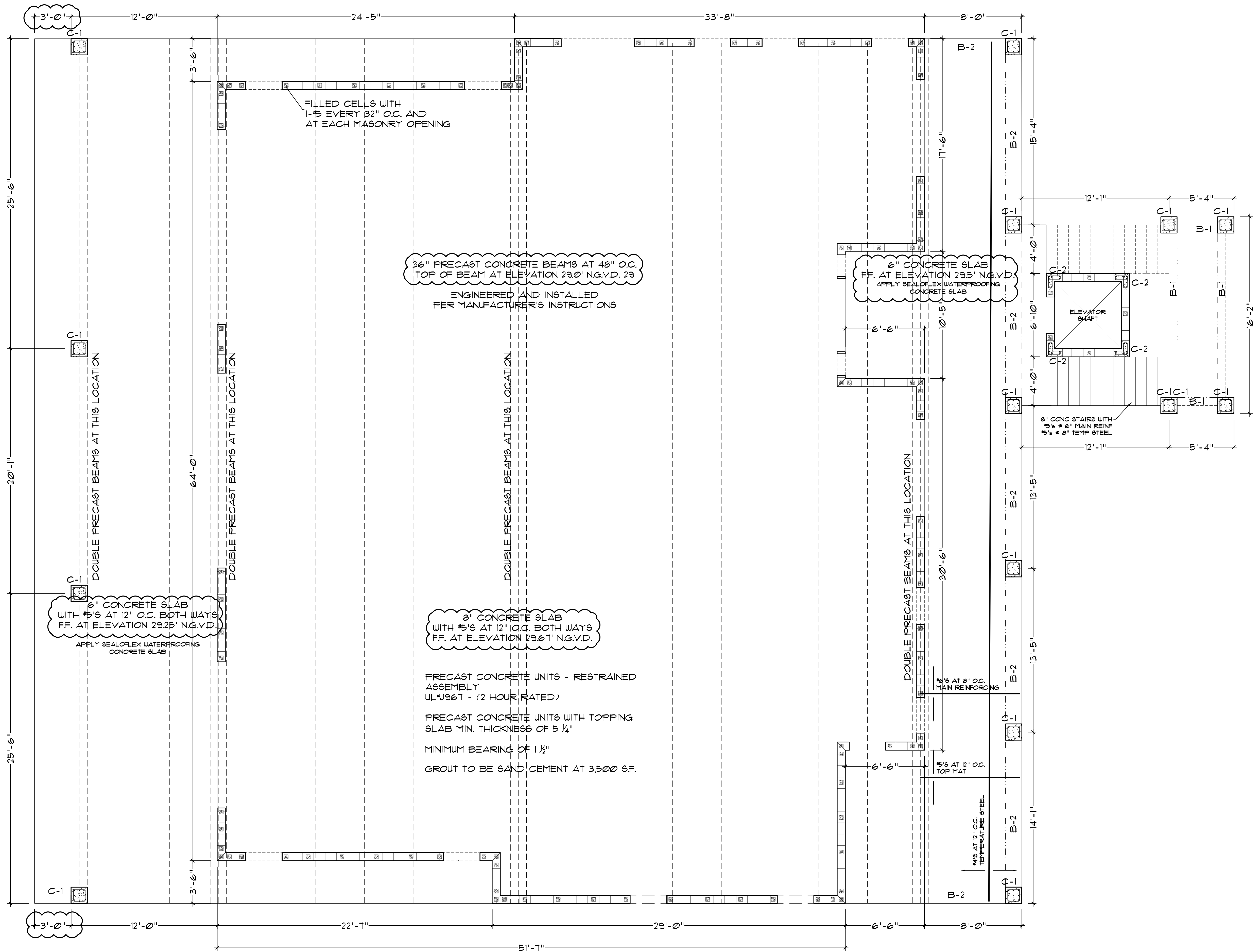
8"x16" CONCRETE BEAM
WITH 2-#6'S TOP AND BOTTOM
AND #3 TIES AT 8" O.C.

B-1



16"x16" CONCRETE BEAM
4-#6'S TOP & BOTTOM
2-#6'S INTERMEDIATE
AND #3 TIES AT 12" O.C.

B-2



SECOND FLOOR STRUCTURAL

SCALE: $\frac{1}{4}" = 1'-0"$

STRUCTURAL PLAN

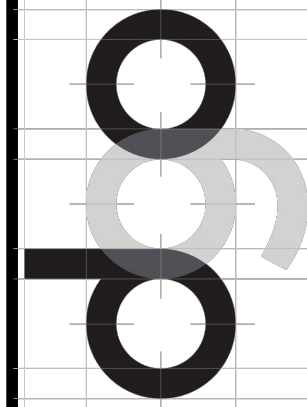
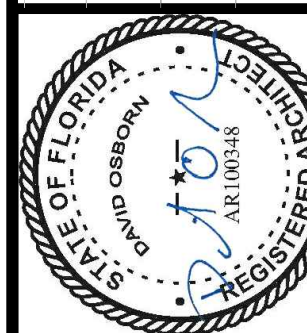
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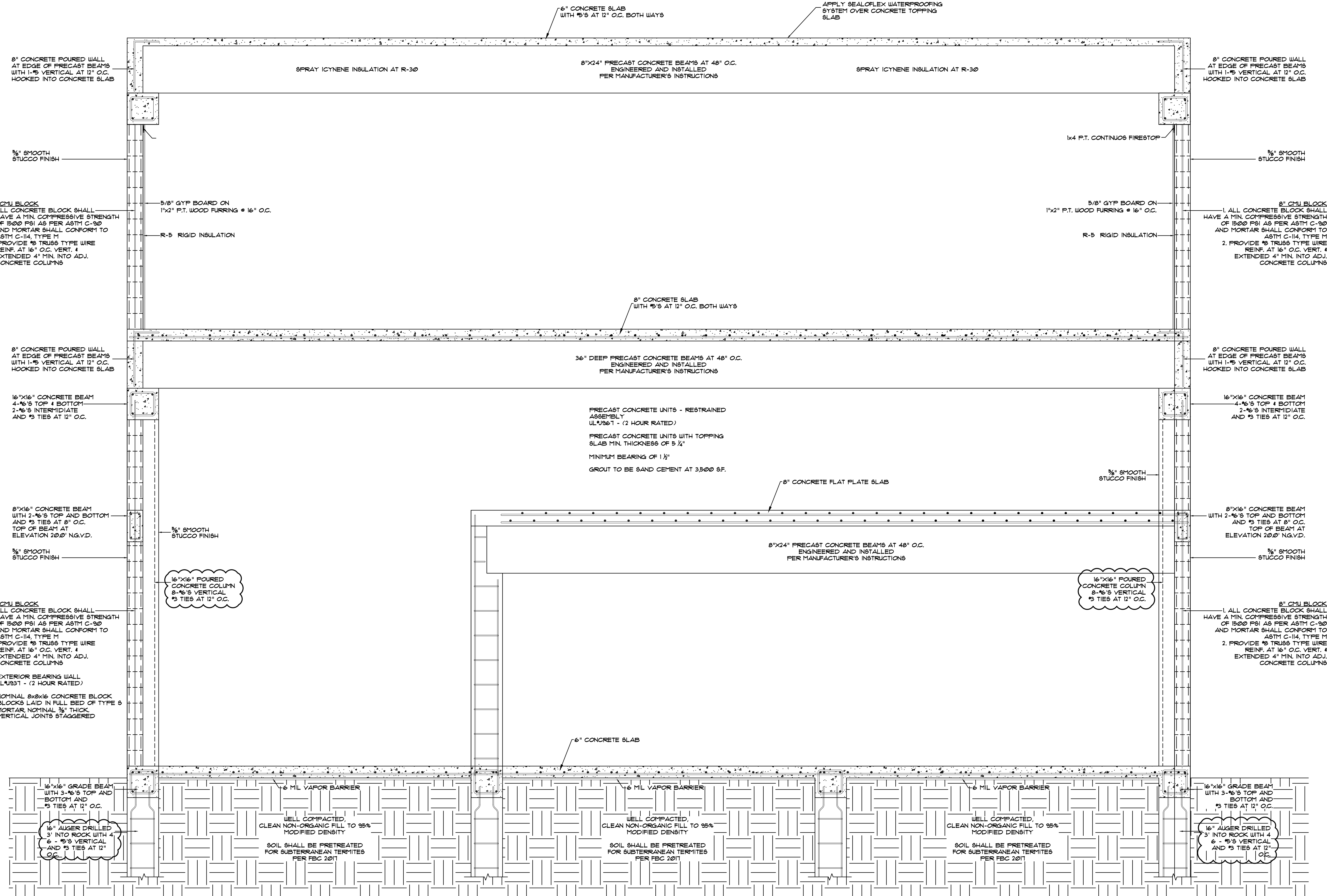
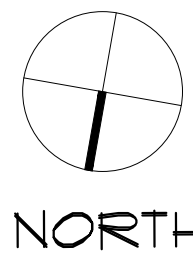
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			2021002					

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DGOARCHITECTURE.COM





TYPICAL SECTION
SCALE: 1/2" = 1'-0"

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DGOARCHITECTURE.COM

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JOB NO:				2021002	JOB NO:				2021002

STRUCTURAL SECTION
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

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GENERAL NOTES:

- THE GOVERNING CODE FOR THIS PROJECT IS THE FLORIDA BUILDING CODE, 2020 EDITION. THIS CODE PRESCRIBES WHICH EDITION OF EACH REFERENCED STANDARD APPLIES TO THIS PROJECT.
- TO THE BEST OF MY KNOWLEDGE, THE STRUCTURAL DRAWINGS COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE GOVERNING BUILDING CODE.
- CONSTRUCTION IS TO COMPLY WITH THE REQUIREMENTS OF THE GOVERNING BUILDING CODE AND ALL OTHER APPLICABLE FEDERAL, STATE, AND LOCAL CODES, STANDARDS, REGULATIONS, AND LAWS.
- THE STRUCTURAL DOCUMENTS ARE TO BE USED IN CONJUNCTION WITH THE DESIGN DOCUMENTS. IF A CONFLICT EXISTS, NOTIFY THE DESIGN PROFESSIONAL.
- DETAILS LABELED "TYPICAL" APPLY TO ALL SITUATIONS THAT ARE THE SAME OR SIMILAR TO THOSE SPECIFICALLY REFERENCED, WHETHER OR NOT THEY ARE KEYED IN AT EACH LOCATION. QUESTIONS REGARDING THE APPLICABILITY OF TYPICAL DETAILS SHALL BE RESOLVED BY THE DESIGN PROFESSIONAL.
- OPENINGS SHOWN ON STRUCTURAL DRAWINGS ARE ONLY PICTORIAL. SEE THE ARCHITECTURAL AND M.E.P. DRAWINGS FOR THE SIZE AND LOCATION OF OPENINGS IN THE STRUCTURE.
- CONTRACTORS WHO DISCOVER DISCREPANCIES, OMISSIONS OR VARIATIONS IN THE CONTRACT DOCUMENTS DURING BIDDING SHALL IMMEDIATELY NOTIFY THE DESIGN PROFESSIONAL. THE DESIGN PROFESSIONAL WILL RESOLVE THE CONDITION AND ISSUE A WRITTEN CLARIFICATION.
- THE GENERAL CONTRACTOR SHALL COORDINATE ALL CONTRACT DOCUMENTS WITH FIELD CONDITIONS AND DIMENSIONS AND PROJECT SHOP DRAWINGS PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS, AND USE ONLY PRINTED DIMENSIONS. REPORT ANY DISCREPANCIES IN WRITING TO THE DESIGN PROFESSIONAL PRIOR TO PROCEEDING WITH WORK. DO NOT CHANGE SIZE OR LOCATION OF STRUCTURAL MEMBERS WITHOUT WRITTEN INSTRUCTIONS FROM THE STRUCTURAL ENGINEER OR ARCHITECT OF RECORD.
- THE CONTRACTOR SHALL PROTECT ADJACENT PROPERTY, HIS OWN WORK AND THE PUBLIC FROM HARM. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS, AND JOBSITE SAFETY INCLUDING ALL O.S.H.A. REQUIREMENTS.
- THE STRUCTURE IS DESIGNED TO BE STRUCTURALLY SOUND WHEN COMPLETED. PRIOR TO COMPLETION, THE CONTRACTOR IS RESPONSIBLE FOR STABILITY AND TEMPORARY BRACING, INCLUDING, BUT NOT LIMITED TO, MASONRY WALLS, WHEREVER THE CONTRACTOR IS UNSURE OF THESE REQUIREMENTS, THE CONTRACTOR SHALL RETAIN A FLORIDA LICENSED ENGINEER TO DESIGN AND INSPECT THE TEMPORARY BRACING AND STABILITY OF THE STRUCTURE.
- DESIGN SUPERIMPOSED LOADS:
FLOOR LIVE LOAD: - 40 PSF
ROOF LIVE LOAD: - 30 PSF
FLOOR DEAD LOAD: - 80 PSF
ROOF DEAD LOAD: - 20 PSF
- DESIGN WIND LOADS:
WIND SPEED: 180 MPH PER ASCE. - 1-16
EXPOSURE CATEGORY: - "D"
IMPORTANCE FACTOR: - 1.0
INTERNAL PRESSURE COEFFICIENT - 0.18

SHOP DRAWINGS AND OTHER SUBMITTALS:

- SUBMITTALS FOR SPECIAL STRUCTURAL, LOAD-CARRYING ITEMS THAT ARE REQUIRED BY CODES OR STANDARDS TO RESIST FORCES MUST BE PREPARED BY, OR UNDER THE DIRECT SUPERVISION OF, A DELEGATED ENGINEER. EXAMPLES INCLUDE PRECAST CONCRETE, PREFABRICATED WOOD COMPONENTS, OPEN WEB STEEL JOISTS AND JOIST GIRDERS, POST-TENSIONING SYSTEMS, TILT-UP PANELS, STRUCTURAL STEEL CONNECTIONS, STRUCTURAL LIGHT GAGE STEEL FRAMING, EXTERIOR ENCLOSURE SYSTEMS AND SHORING AND RESHORING.
- A DELEGATED ENGINEER IS DEFINED AS A FLORIDA LICENSED ENGINEER WHO SPECIALIZES IN AND UNDERTAKES THE DESIGN OF STRUCTURAL COMPONENTS OR STRUCTURAL SYSTEMS INCLUDED IN A SPECIFIC SUBMITTAL PREPARED FOR THIS PROJECT AND IS AN EMPLOYEE OR OFFICER OF, OR CONSULTANT TO, THE CONTRACTOR OR FABRICATOR RESPONSIBLE FOR THE SUBMITTAL. THE DELEGATED ENGINEER SHALL SIGN, SEAL, AND DATE THE SUBMITTAL, INCLUDING CALCULATIONS AND DRAWINGS.
- THE TRADE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AND CORRELATING DIMENSIONS AT THE JOBSITE, FOR TOLERANCES, CLEARANCES, QUANTITIES, FABRICATION PROCESSES, AND TECHNIQUES OF CONSTRUCTION, COORDINATION OF THE WORK WITH OTHER TRADES AND FULL COMPLIANCE WITH THE CONTRACT DOCUMENTS.
- THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER SHALL REVIEW AND APPROVE SUBMITTALS AND SHALL SIGN AND DATE EACH DRAWING PRIOR TO SUBMITTING TO THE ARCHITECT. THIS APPROVAL IS TO CONFIRM THAT THE SUBMITTAL IS COMPLETE, COMPLIES WITH THE SUBMITTAL REQUIREMENTS AND IS COORDINATED WITH FIELD DIMENSIONS, OTHER TRADES, ERECTION SEQUENCING AND CONSTRUCTIBILITY.
- THE STRUCTURAL ENGINEER REVIEW SUBMITTALS TO CONFIRM THAT THE SUBMITTAL IS IN GENERAL CONFORMANCE WITH THE DESIGN CONCEPT PRESENTED IN THE CONTRACT DOCUMENTS. QUANTITIES AND DIMENSIONS ARE NOT CHECKED ON SUBMITTALS DO NOT AUTHORIZE CHANGES TO THE CONTRACT SUM. CHECKING OF THE SUBMITTAL BY THE STRUCTURAL ENGINEER SHALL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR DEVIATIONS FROM THE CONTRACT DOCUMENTS AND FROM ERRORS OR OMISSIONS IN THE SUBMITTAL.
- IN ADDITION TO THE ABOVE, THE STRUCTURAL ENGINEER'S REVIEW OF DELEGATED ENGINEER SUBMITTALS IS LIMITED TO VERIFYING THAT THE BRIEFED STRUCTURAL SUBMITTAL HAS BEEN FURNISHED, SIGNED AND SEALED BY THE DELEGATED ENGINEER AND THAT THE DELEGATED ENGINEER HAS UNDERSTOOD THE DESIGN INTENT AND USED THE SPECIFIED STRUCTURAL CRITERIA. NO DETAILED CHECK OF CALCULATIONS WILL BE MADE. THE DELEGATED ENGINEER IS SOLELY RESPONSIBLE FOR HIS/HER DESIGN, INCLUDING BUT NOT LIMITED TO THE ACCURACY OF HIS/HER CALCULATIONS AND COMPLIANCE WITH THE APPLICABLE CODES AND STANDARDS.

EXPANSION ANCHORS:

- USE WEDGE-TYPE EXPANSION ANCHORS SUCH AS THE HILTI KWIK BOLT II, ITU RAMSET RED HEAD TUB BOLT WEDGE, FOUERS RAIL, FOUER-STUD, SIMPSON STRONG-TIE WEDGE-ALL OR ACCEPTED EQUIVALENT. FOLLOW MANUFACTURER'S SPECIFICATIONS FOR USE AND INSTALLATION.
- CONFIRM THE ABSENCE OF REINFORCING STEEL BY DRILLING A 1/4" DIAMETER PILOT HOLE FOR EACH ANCHOR. DO NOT CUT REINFORCING STEEL WITHOUT APPROVAL OF THE STRUCTURAL ENGINEER.
- PROVIDE ANCHOR EMBEDMENT, SPACING AND EDGE DISTANCE AS SHOWN ON THE DRAWINGS.

CHEMICAL ADHESIVE FOR ANCHORING REINFORCING BARS, THREADED BARS AND ANCHOR BOLTS:

- USE AN EPOXY, ACRYLIC OR POLYESTER RESIN ADHESIVE SYSTEM SUCH AS THE HILTI HIT HY150, ITU RAMSET/RED HEAD EPOX AT OR C6 INJECTION SYSTEM, FOUERS RAIL, FOUER-FAST SYSTEM, SIMPSON STRONG-TIE AT OR ET, ALLIED FASTENER ALLIED GOLD A-1000, OR ACCEPTED EQUIVALENT. FOLLOW MANUFACTURER'S SPECIFICATIONS FOR USE AND INSTALLATION.
- CONFIRM THE ABSENCE OF REINFORCING STEEL BY DRILLING A 1/4" DIAMETER PILOT HOLE FOR EACH ANCHOR. DO NOT CUT REINFORCING STEEL WITHOUT APPROVAL OF THE STRUCTURAL ENGINEER.
- REFER TO MANUFACTURER'S INSTALLATION INSTRUCTIONS FOR APPROPRIATE DRILL SIZE, THOROUGHLY CLEAN HOLE INCLUDING REMOVAL OF DUST PRIOR TO FILLING WITH EPOXY.
- PROVIDE ANCHOR EMBEDMENT, SPACING AND EDGE DISTANCE AS SHOWN ON THE DRAWINGS.
- THREADED RODS ARE A-36 GALVANIZED STEEL, U.O.N.

REINFORCED CONCRETE:

- COMPLY WITH ACI 301 AND 318.
- PROVIDE STRUCTURAL CONCRETE WITH A MINIMUM ULTIMATE COMPRESSIVE DESIGN STRENGTH OF 5,000 PSI IN 28 DAYS.
- USE NORMAL WEIGHT CONCRETE FOR ALL STRUCTURAL MEMBERS, U.O.N.
- PROVIDE ASTM A-615 GRADE 60 REINFORCING STEEL. REINFORCING SHALL BE ACCURATELY PLACED, RIGIDLY SUPPORTED AND FIRMLY TIED IN PLACE, WITH APPROPRIATE BAR SUPPORTS AND SPACERS. LAP BOTTOM STEEL OVER SUPPORTS AND TOP STEEL AT MID-SPAN (U.O.N.). HOOK DISCONTINUOUS ENDS OF ALL TOP BARS AND ALL BARS IN WALLS, U.O.N. PROVIDE COVER OVER REINFORCING AS FOLLOWS:

ELEMENT	BOTTOM	TOP	SIDES
FOOTINGS	3"	2"	3"
BEAMS ABOVE GRADE	1 1/2"	1 1/2"	1 1/2"
COLUMNS	-	-	1 1/2"
SLABS ON GRADE	2"	1"	2"
SLABS ABOVE GRADE	3/4"	3/4"	1"
SLABS EXPOSED TO WEATHER	1 1/2"	1 1/2"	1 1/2"
- TENSION DEVELOPMENT LENGTH AND LAP SPICE LENGTHS SHALL BE AS FOLLOWS:

LAP SPICE LENGTH FOR BARS (IN)		
REBAR	TOP BARS	OTHER BARS
#3	22	17
#4	29	22
#5	36	28
#6	43	33
#7	63	48
#8	72	55
- WHERE SPECIFIED, PROVIDE PLAIN, COLD-DRAWN ELECTRICALLY-WELDED WIRE REINFORCEMENT CONFORMING TO ASTM A-108. SUPPLY IN FLAT SHEETS ONLY. LAP SPICE TWO CROSS WIRE SPACING.
- UTILITIES SHALL NOT PENETRATE BEAMS OR COLUMNS BUT MAY PASS THROUGH SLABS AND WALLS INDIVIDUALLY, U.O.N. FOR OPENINGS 24" LONG OR LESS, CUT REINFORCING AND REPLACE ALONGSIDE OPENING WITH SPICE BARS OF EQUIVALENT AREA WITH 48 BAR DIAMETER. LAP, PREPARE AND SUBMIT SHOP DRAWINGS FOR OPENINGS LONGER THAN 24". FOR RECTANGULAR OPENINGS 12" LONG OR LONGER, ADD 15 X 6" MID DEPTH DIAGONAL AT ALL 4 CORNERS.
- WHERE REINFORCING STEEL CONGESTION PERMITS, CONDUIT AND PIPES UP TO 1" DIAMETER MAY BE EMBEDDED IN CONCRETE PER ACI 318, SECTION 6.3, SPACE AT 3 DIAMETERS O.C. PLACE BETWEEN OUTER LAYERS OF REINFORCING IF CONDUITS ARE SIGNIFICANTLY CONGESTED. ADDITIONAL REINFORCING PERPENDICULAR TO PIPING MAY BE REQUIRED. REQUESTS TO EMBED LARGER PIPES SHALL BE ACCOMPANIED BY A DETAILED DESCRIPTION AND BE SUBMITTED TO THE ARCHITECT FOR EVALUATION.
- PROVIDE CONSTRUCTION JOINTS IN ACCORDANCE WITH ACI 318, SECTION 6.4. PROVIDE KEY-WAYS AND ADEQUATE DOUELS. SUBMIT DRAWINGS SHOWING LOCATION OF CONSTRUCTION JOINTS AND DIRECTION OF POUR FOR REVIEW.
- PROVIDE 3/4" CHAMFER FOR ALL EXPOSED CORNERS.

CONCRETE MASONRY:

- CONSTRUCT MASONRY IN ACCORDANCE WITH ACI 530/ASCE 5, "BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES"; AND ACI 530/ASCE 6, "SPECIFICATIONS FOR MASONRY STRUCTURES".
- THE STRUCTURE IS SUPPORTED BY BEARING WALLS, U.O.N. ERECT MASONRY PRIOR TO CASTING CONCRETE COLUMNS WITHIN BEARING WALLS OR CASTING BEAMS AND SLABS SUPPORTED BY BEARING WALLS.
- USE 50% SOLID, NOMINAL 8"x8"x16", CONCRETE MASONRY UNITS CONFORMING TO ASTM C90. BLOCK NET AREA COMPRESSIVE STRENGTH SHALL BE 1900 PSI. LAY UP UNITS IN RUNNING BOND. BAUCUT UNITS WHICH ARE NOT IN MULTIPLES OF 8" UNITS SHALL BE AT LEAST 8" LONG. BOND CORNERS BY LAPPING ENDS 8" IN SUCCESSIVE VERTICAL COURSES. DESIGN OF WALLS IS BASED ON A FM OF 1500 PSI.
- USE TYPE 9 MORTAR IN ACCORDANCE WITH ASTM C210 EXCEPT USE TYPE M MORTAR BELOW GRADE. HEAD AND BED JOINTS SHALL BE 3/8" FOR THE THICKNESS OF THE FACE SHELL. WEBS ARE TO BE FULLY MORTARED IN ALL COURSES OF PIERS, COLUMNS AND PILASTERS. IN THE STARTING COURSE, AND WHERE AN ADJACENT CELL IS TO BE GROUTED, REMOVE MORTAR PROTRUSIONS EXTENDING 1/2" OR MORE INTO CELLS TO BE GROUTED.
- USE STANDARD (3 GAUGE) HORIZONTAL JOINT REINFORCING IN EVERY OTHER COURSE. JOINT REINFORCING AND ANCHORS IN EXTERIOR WALLS SHALL CONFORM TO ASTM A 193 CLASS B2, WITH A COATING THICKNESS OF 150 OZ/SF, CONFORM TO ASTM A 641 IN INTERIOR WALLS. OVERLAP DISCONTINUOUS ENDS 6". USE PREFABRICATED CORNERS AND TEES. USE TRUSS TYPE, EXCEPT USE LADDER TYPE IN WALLS WITH VERTICAL REINFORCING. EXTEND JOINT REINFORCING A MINIMUM OF 4" INTO THE COLUMNS.
- USE FINE GROUT CONFORMING TO ASTM C416, WITH A MINIMUM COMPRESSIVE STRENGTH OF 2300 PSI IN 28 DAYS. AGGREGATE TO CONFORM TO ASTM C404 FOR FINE GROUT, WITH SLUMP OF 8" TO 10". GROUT ALL MASONRY CONTAINING REINFORCING, ALL CELLS OR 4 HOUR RATED WALLS, AND WHERE INDICATED ON THE DRAWINGS. ALLOW MORTAR TO CURE 24 HOURS PRIOR TO GROUTING. PROVIDE CLEAN OUT OPENINGS AT THE BASE OF CELLS CONTAINING REINFORCING STEEL TO CLEAN THE CELL AND TO TIE THE VERTICAL BAR TO THE DOVEL. IN HIGH-LIFT GROUTING, USE 4'-0" (MAX) LIFTS, WITH 1/2 HOUR TO 1 HOUR BETWEEN LIFTS. VIBRATE EACH LIFT AND RECONSOLIDATE THE PREVIOUS LIFT.
- USE ASTM A-615 GRADE 60 REINFORCING STEEL. REINFORCE WALLS WHERE INDICATED ON THE DRAWINGS AND AT ALL INTERSECTIONS. EACH SIDE OF OPENINGS AND AT THE ENDS OF WALLS. USE BAR SPACERS AT 10 FT. O.C. WHERE GROUT POUR HEIGHT EXCEEDS 10 FT.
- AT BOND/TIE BEAM CORNERS AND INTERSECTIONS, PLACE 1 # X 5'-0" T 4 B CORNER BAR, WITH 30" LEGS EACH WAY, AT THE EXTERIOR FACE.
- BEAMS NOT SCHEDULED ARE MIN. 8" X 12" TIE BEAMS WITH 2 # BARS TOP AND BOTTOM AND #3 TIES SPACED AT 12" O.C. TYPICAL. U.O.N. COLUMNS NOT SCHEDULED ARE MIN. 8" X 12" TIE COLUMNS WITH 4 # VERTICAL BARS AND #3 TIES AT 12" O.C. USE 30" LAP SPICES. HOOK ALL BARS AT DISCONTINUOUS ENDS.
- REINFORCED MASONRY WALL CONSTRUCTION SHALL BE INSPECTED BY AN ENGINEER OR ARCHITECT IN ACCORDANCE WITH ACI 530/ASCE 6.
- WHERE ANCHOR BOLTS, WEDGE ANCHORS OR ANCHORS SET IN EPOXY ARE SET IN A MASONRY WALL, FILL CELLS WITH GROUT FOR BOLTED COURSE, ONE COURSE ABOVE AND TWO COURSES BELOW.
- PROVIDE LINTELS OR HEADERS WITH MIN. 8" BEARING OVER ALL MASONRY OPENINGS.
- USE PRESSURE-TREATED WOOD FOR WOOD IN CONTACT WITH MASONRY.

STRUCTURAL STEEL:

- FABRICATE AND ERECT STRUCTURAL STEEL IN CONFORMANCE WITH A.I.S.C. "SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS", WITH COMMENTARY, AND ALL O.S.H.A. REQUIREMENTS.
- STRUCTURAL STEEL SHAPES SHALL BE FABRICATED FROM THE FOLLOWING MATERIALS:
 - PLATES AND BARS: ASTM A36, FY+36 KSI.
 - COLD-FORMED HOLLOW STRUCTURAL SECTIONS (HSS):
 - SQUARE SECTIONS: ASTM A500, GRADE B, FY+46 KSI.
- ALL SHOP AND FIELD WELDING SHALL CONFORM TO THE AWS D11 STRUCTURAL WELDING CODE BY THE AMERICAN WELDING SOCIETY. USE E70 SERIES WELDING ELECTRODES, U.O.N. WHERE NECESSARY, REMOVE GALVANIZING OR PRIMER PRIOR TO WELDING.
- USE A-307 BOLTS FOR ALL ERECTION BOLTS AND BOLTS LESS THAN 3/4" DIAMETER, U.O.N. ANCHOR RODS SHALL BE ASTM F1554 GRADE 36 THREADED WITH NUTS AND WASHERS EACH END.
- SETTING BASE AND BEARING PLATES, CLEAN CONCRETE AND MASONRY BEARING SURFACE OF BOND-REDUCING MATERIALS AND CLEAN BOTTOM OF BASE AND BEARING PLATE.
 - SET BASE OR BEARING PLATE ON WEDGES OR OTHER ADJUSTING DEVICES.
 - TIGHTEN ANCHOR RODS AFTER STRUCTURAL STEEL FRAME HAS BEEN PLUMBED. DO NOT REMOVE WEDGES OR SHIMS BUT, IF PROTRUDING, CUT OFF FLUSH WITH EDGE OF BASE OR BEARING PLATE PRIOR TO PACKING WITH GROUT.
 - PACK OR POUR NON-SHRINK GROUT SOLIDLY BETWEEN BEARING SURFACE AND BASE OR BEARING PLATE. ENSURE THAT NO VOIDS REMAIN. FINISH EXPOSED SURFACES, PROTECT GROUT AND ALLOW TO CURE.
 - FOR PROPRIETARY GROUT MATERIALS, COMPLY WITH MANUFACTURER'S INSTRUCTIONS.
- BASE PLATES MUST BE GROUTED A MINIMUM OF 12 HOURS PRIOR TO PLACING CONCRETE SLABS ON SUPPORTING STEEL STRUCTURE.
- CUT, DRILL, OR PUNCH HOLES PERPENDICULAR TO METAL SURFACES. REAM HOLES THAT MUST BE ENLARGED TO ADMIT BOLTS AS PERMITTED BY ARCHITECT. DO NOT ENLARGE UNFAIR HOLES BY BURNING OR USING DRIFT PINS.
- SPACE FILLER BEAMS EQUALLY BETWEEN SUPPORTS, U.O.N.
- DO NOT SPICE STRUCTURAL STEEL MEMBERS EXCEPT WHERE INDICATED ON THE DRAWINGS.
- SEE ARCHITECTURAL AND MECHANICAL DRAWINGS FOR MISCELLANEOUS STEEL NOT SHOWN ON THE STRUCTURAL DRAWINGS.
- REFER TO ARCHITECTURAL DRAWINGS FOR PAINTING AND FIREPROOFING OF STRUCTURAL STEEL. DO NOT PAINT STEEL SURFACES IN CONTACT WITH CONCRETE OR FIREPROOFING.

PRE-ENGINEERED WOOD TRUSSES:

- DESIGN AND FABRICATE ALL TIMBER IN CONFORMANCE WITH DIVISION 6 SPECIFICATIONS, THE "NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION" AND FLORIDA BUILDING CODE, 2020 EDITION, AND THE TPI-1 NATIONAL DESIGN STANDARD FOR METAL PLATE CONNECTED WOOD TRUSS CONSTRUCTION.
- IN ACCORDANCE WITH RULE 61G15-31.003 OF THE FLORIDA ADMINISTRATIVE CODE, THE TRUSS SYSTEM ENGINEER, A DELEGATED ENGINEER, SHALL DESIGN THE TRUSS SYSTEM. THE TRUSS SYSTEM ENGINEER SHALL SUBMIT SHOP DRAWINGS AND CALCULATIONS FOR REVIEW TO ARCHITECT/ENGINEER FOR THE ASSEMBLAGE OF PREFABRICATED, ENGINEERED WOOD TRUSSES AND TRUSS GIRDERS, TOGETHER WITH ALL BRACING, CONNECTIONS AND OTHER STRUCTURAL ELEMENTS AND ALL BRACING AND LOCATION CRITERIA (TRUSS FLACEMENT PLAN). THAT, IN COMBINATION, FUNCTION TO SUPPORT THE DEAD, LIVE AND WIND LOADS APPLICABLE TO THE ROOF TRUSS SYSTEM. THE TRUSS SYSTEM DOES NOT INCLUDE WALLS, OR ANY OTHER STRUCTURAL SUPPORT SYSTEMS. THESE SHOP DRAWINGS AND CALCULATIONS SHALL BE SIGNED AND SEALED BY THE TRUSS SYSTEM ENGINEER.
- IN ACCORDANCE WITH RULE 61G15-31.003 OF THE FLORIDA ADMINISTRATIVE CODE, THE TRUSS DESIGN ENGINEER, A DELEGATED ENGINEER, SHALL DESIGN THE INDIVIDUAL TRUSSES OF THE TRUSS SYSTEM, BUT DOES NOT DESIGN THE TRUSS SYSTEM. THE TRUSS DESIGN ENGINEER SHALL SUBMIT SHOP (PIECE) DRAWINGS AND CALCULATIONS FOR EACH DIFFERENT TRUSS OF THE TRUSS SYSTEM SUCH THAT EACH TRUSS WILL FUNCTION TO SUPPORT THE DEAD, LIVE AND WIND LOADS APPLICABLE TO EACH TRUSS AND TRUSS GIRDER THAT TOGETHER COMPRISE THE TRUSS SYSTEM. THESE SHOP DRAWINGS AND CALCULATIONS SHALL BE SIGNED AND SEALED BY THE TRUSS DESIGN ENGINEER.
- THE TRUSS SYSTEM ENGINEER AND THE TRUSS DESIGN ENGINEER SHALL EACH BE RESPONSIBLE FOR THEIR OWN WORK. HOWEVER, THEY MAY BE THE SAME INDIVIDUAL PROVIDING TWO SEPARATE SERVICES.
- THE LOADS, LAYOUTS AND CONNECTIONS PROVIDED ON THE STRUCTURAL CONSTRUCTION DOCUMENTS ARE THE MINIMUMS TO BE FOLLOWED BY THE TRUSS SYSTEM ENGINEER AND THE TRUSS DESIGN ENGINEER.
- USE STRESS-RATED TIMBER FOR ALL WOOD STRUCTURAL MEMBERS. DO NOT USE WOOD STRUCTURAL MEMBERS WITH A BENDING STRESS LESS THAN 1200 PSI OR A MODULUS OF ELASTICITY LESS THAN 1400,000 PSI WHEN USED AT 10% MAXIMUM MOISTURE CONTENT.
- PRESSURE TREATMENT OF ALL STRUCTURAL LUMBER SHALL BE IN ACCORDANCE WITH AWWA STANDARDS C1 AND C2, LATEST EDITIONS WITH A WATERBORNE PRESERVATIVE IN ACCORDANCE WITH STANDARD F5, LATEST EDITION. ALL LUMBER TO BE KILN-DRIED AFTER TREATMENT TO A MOISTURE CONTENT NOT TO EXCEED 19% OVEN-DRY BASIS, PER STANDARD C2. ALL LUMBER 4"x4" IN (NOMINAL SIZE) AND LARGER IN DIMENSION TO BE TREATED TO THE SOIL, AND FRESH WATER RETENTION AND PENETRATION REQUIREMENTS OF STANDARD C2. ALL LUMBER LESS THAN 4"x4" (NOMINAL SIZE) TO BE TREATED TO THE ABOVE GROUND REQUIREMENTS OF STANDARD C2.
- MINIMUM DESIGN LOADS FOR ROOF TRUSSES:
30 PSF LL TOP CHORD
25 PSF DL TOP CHORD
10 PSF DL BOTTOM CHORD
200 LB CONCENTRATED LL ON ANY SINGLE BOTTOM CHORD PANEL POINT
WIND PRESSURE BASED ON ASCE-7.
- CD FOR WIND SHALL NOT EXCEED 16 FOR WOOD MEMBERS. NO STRESS INCREASE ALLOWED FOR METAL PLATES.

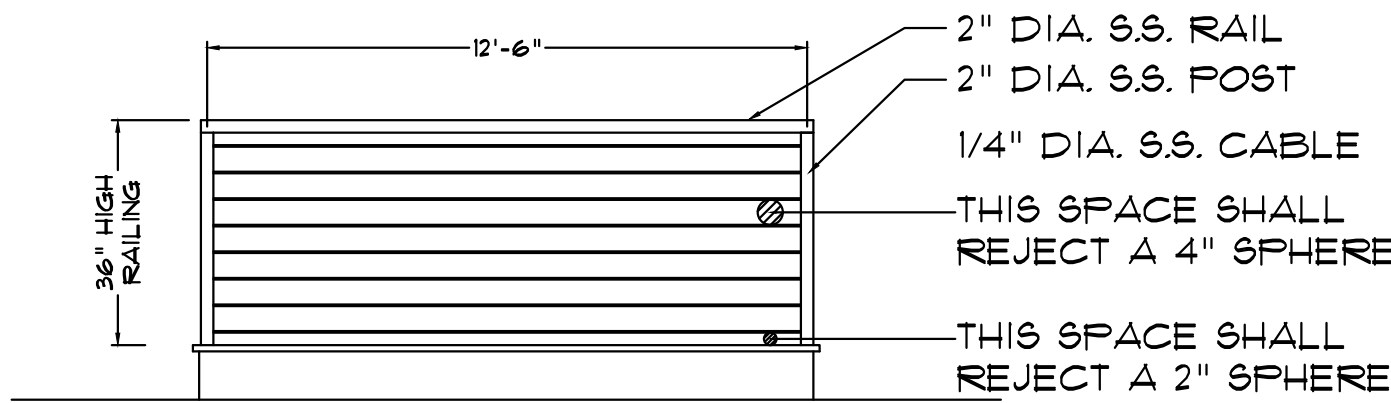
SOIL STATEMENT:

- THE EXISTING SOIL IS ASSUMED TO HAVE A DESIGN BEARING OF 2,000 PSF. IF SOIL CONDITIONS VARY, CONTACT THE ENGINEER OF RECORD.
- ALL AUGER HOLES AND SHALL BE DRILLED 3' INTO THE EXISTING FIRMEST SOILITE ROCK.
- ALL PRECAST CONCRETE PILING SHALL BE DRIVEN TO REFUSAL.

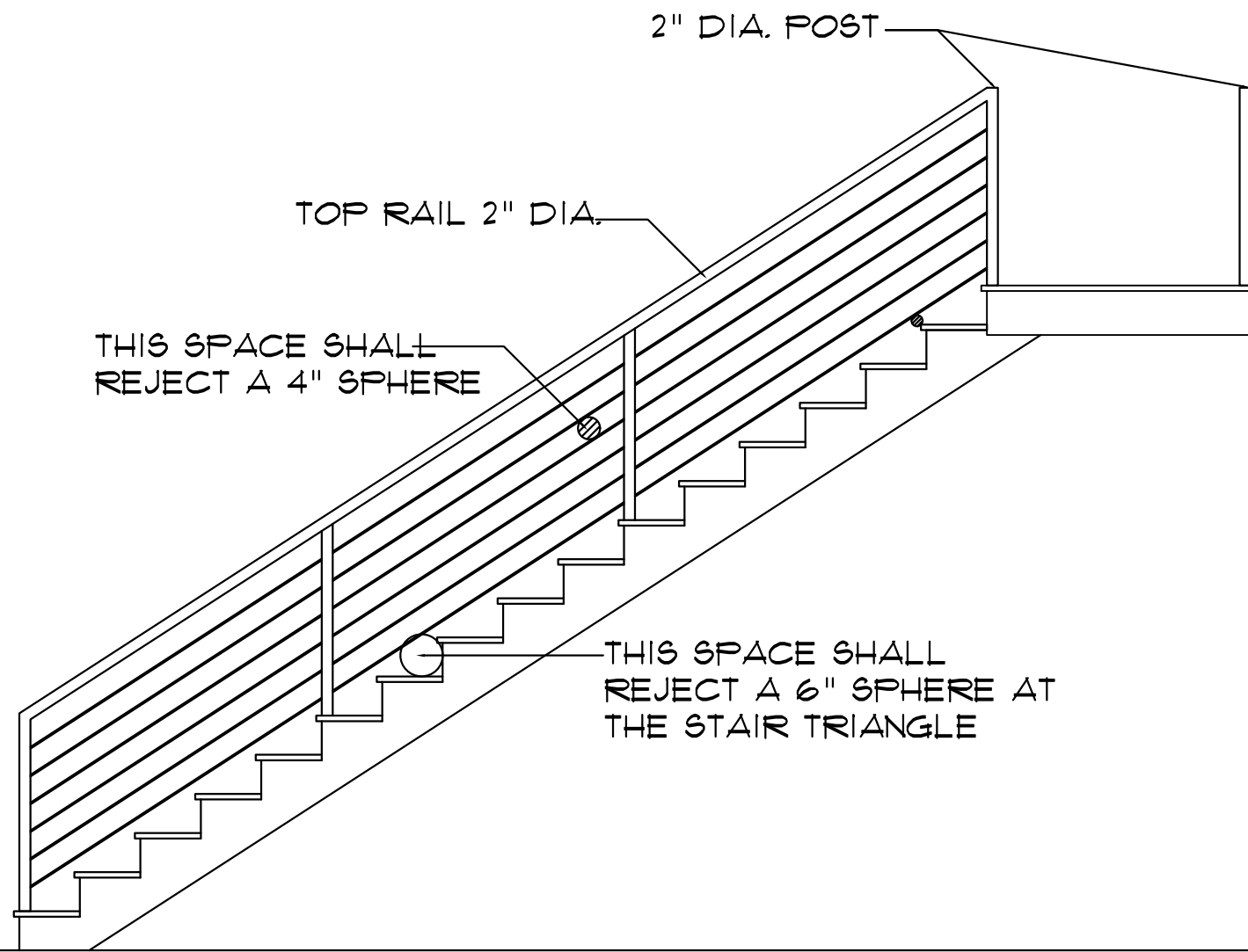
LUMBER AND FRAMING NOTES:

- FRAMING LUMBER SHALL CONFORM WITH THE PROVISIONS OF THE AMERICAN SOFTWOOD LUMBER STANDARD PS-107 (LATEST EDITION) AND EACH PIECE SHALL BEAR THE GRADE STAMP OF AN APPROVED GRADING AGENCY.
- FRAMING LUMBER GRADES THE FOLLOWING GRADES SHALL BE THE MINIMUM ACCEPTABLE GRADES, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

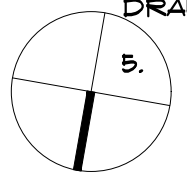
ITEM	MINIMUM GRADE
STUD ONLY: 2" TO 4" THICK 2" TO 4" WIDE	NO. 2 SOUTHERN PINE
STRUCTURAL LIGHT FRAMING: 2" TO 4" THICK 2" TO 4" WIDE	NO. 2 SOUTHERN PINE
STRUCTURAL JOISTS + HEADERS: 2" TO 4" THICK 6" AND WIDER	NO. 2 SOUTHERN PINE
POSTS: 4" X 4" AND LARGER	NO. 2 SOUTHERN PINE
- BOLT HOLES SHALL BE 1/8" LARGER THAN THE BOLT SIZE. RE-TIGHTEN ALL NUTS PRIOR TO CLOSING IN.
- STANDARD CUT WASHERS SHALL BE USED UNDER BOLT HEADS AND NUTS AGAINST WOOD.
- ALL LUMBER IN CONTACT WITH MASONRY OR CONCRETE SHALL BE PRESSURE TREATED OR OTHERWISE BE PROTECTED BY AN APPROVED SEPARATING MATERIAL. BOLTS SHALL BE PLACED 9" FROM ANY NOTCH GREATER THAN 1/2 THE WIDTH OF A MEMBER.
- DO NOT NOTCH JOISTS, RAFTERS OR BEAMS. OBTAIN ENGINEER'S OR ARCHITECT'S APPROVAL FOR ANY HOLES OR NOTCHES NOT DETAILED. HOLES THROUGH WALLS, PLATES, STUDS AND DOUBLE PLATES IN INTERIOR BEARING AND SHEAR WALLS SHALL NOT EXCEED 1/3 THE PLATE WIDTH. USE BORED HOLES LOCATED IN THE CENTER OF THE STUD OR PLATE.
- 2" SOLID BLOCKING SHALL BE PLACED BETWEEN JOISTS OR RAFTERS AT ALL SUPPORTS.
- ALL NAILING SHALL CONFORM TO THE MINIMUM STANDARDS OF THE 2011 FLORIDA BUILDING CODE. NAILS SHALL BE COMMON WIRE NAILS.
- ALL INTERIOR FRAMING SHALL BE 2" X 4" WALL STUDS @ 16" O.C.



HANDRAIL / GUARDRAIL DETAIL:
CONSTRUCTED TO WITHSTAND A
CONCENTRATED LOAD OF 200 LBS
APPLIED AT ANY POINT IN ANY DIRECTION



HANDRAIL / GUARDRAIL STAIR DETAIL:
CONSTRUCTED TO WITHSTAND A
CONCENTRATED LOAD OF 200 LBS
APPLIED AT ANY POINT IN ANY DIRECTION



NORTH

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DGOARCHITECTURE.COM

REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
MECHANICAL ENGINEERING
LICENSE NO. 15184

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01-18-2023	CITY REMARK	1	D.G.O.					
06-13-2023	CITY REMARK	2	D.D.					
			2021002					

STRUCTURAL NOTES AND DETAILS
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

S-7

DRAINAGE FIXTURE UNITS (PER FBC109.1)

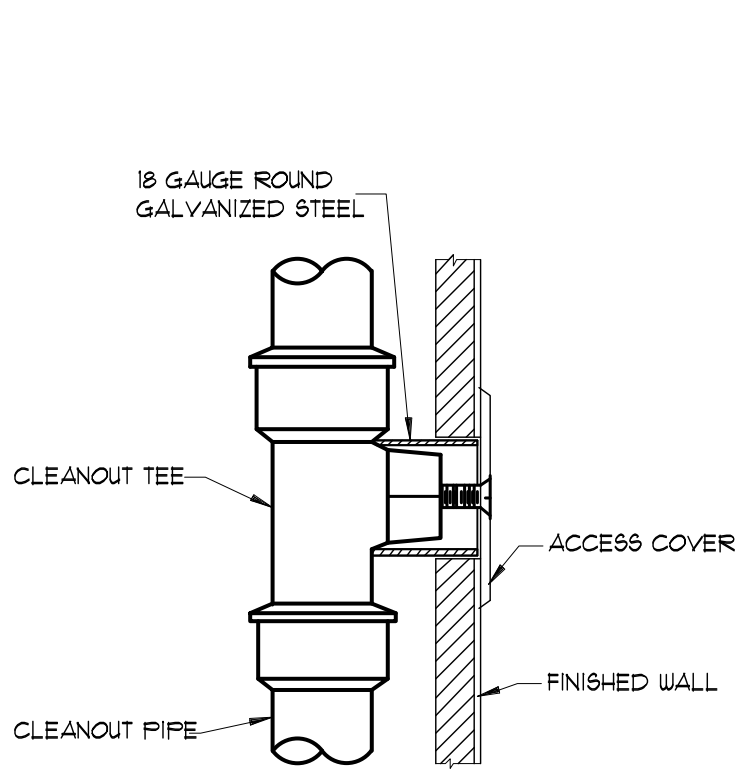
FIXTURE TYPE	DFU	TRAP SIZE
AUTOMATIC CLOTHES WASHER	2	2"
BATHROOM GROUP	5	2"
BATH TUB	2	1.5"
DISHWASHING MACHINE	2	1.5"
KITCHEN SINK	2	1.5"
LAVATORY	1	1.25"
SHOWER 5.1 (GPM OR LESS)	2	1.5"
SINK	2	1.5"
WATER CLOSET (16 GPM)	3	
- TRAP SIZE SHALL BE CONSISTENT WITH THE FIXTURE OUTLET SIZE.		

PLUMBING GENERAL NOTES AND SPECIFICATION

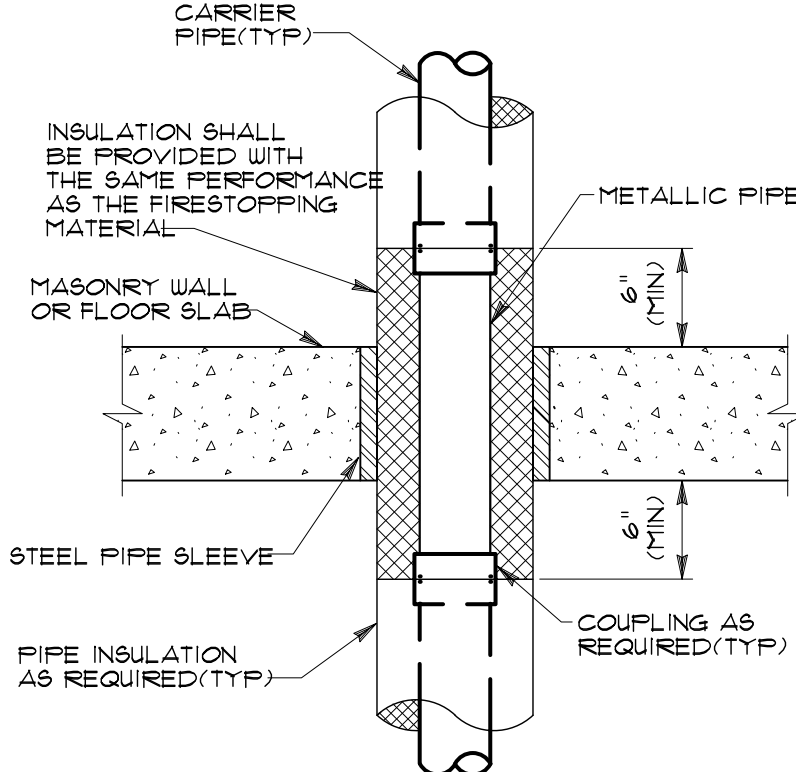
- A. SCOPE OF WORK
THE WORK SHALL INCLUDE ALL PLUMBING AND SHOWN ON THE DRAWINGS, SPECIFIED HEREIN AND OR AS NEEDED FOR A COMPLETE SYSTEM, INCLUDING BUT NOT NECESSARILY LIMITED TO THE FOLLOWING:
1. DOMESTIC COLD AND HOT WATER PIPING SYSTEMS.
2. SANITARY DRAIN AND VENT SYSTEMS.
3. PLUMBING FIXTURES AND TRIM.
4. AIR CONDITIONING CONDENSATE DRAIN SYSTEMS.
5. PRESSURE AND TEMPERATURE RELIEF FROM WATER HEATER.
6. PIPING INSULATION.
7. SUPPORTS AND HANGERS.
B. CONTRACTOR SHALL VERIFY AT SITE THE LOCATION, ELEVATION AND SIZE OF ALL EXISTING LINES FOR CONNECTION BEFORE INSTALLATION OF ANY PIPING.
C. UNDERGROUND METAL PIPING SHALL BE PROTECTED WITH A COAT OF BITUMINOUS COMPOUND BEFORE COVERING. "BITUMASTIC" OR EQUAL.
D. ALL FIXTURES SHALL BE PROTECTED AGAINST WATER HAMMER WITH AIR CHAMBERS OF SHOCK ABSORBERS AS INDICATED ON PLANS.
E. PLUMBING FIXTURES SHALL BE CONSTRUCTED WITH APPROVED MATERIALS, SHALL HAVE SMOOTH IMPERVIOUS SURFACES AND SHALL BE FREE FROM DEFECTS AND CONCEALED FOULING SURFACES. ALL FIXTURE TRIM TO BE CHROME PLATED, FIXTURES SHALL BE PROVIDED WITH SUPPORTS, HANGERS, ETC.
F. WASTE LINES TO SLOPE 1/8" / FOOT UNLESS OTHERWISE NOTED.
G. VENT LINES TO EXTEND MIN OF 9" ABOVE ROOF AND FLASH WITH LEAD.
H. WATER PIPE BELOW GROUND SHALL BE COPPER TYPE "K", ABOVE GROUND TO BE COPPER TYPE "L".
I. PIPING INSTALLATION:
A. SUPPORT ALL PIPE FROM SOUND PORTIONS OF STRUCTURE AND AT PROPER INTERVALS ACCORDING WITH CODE.
B. PROVIDE SLEEVES FOR ALL PIPING THROUGH FOUNDATIONS, SLABS, OR MASONRY WALLS. CAULK OPENINGS BETWEEN PIPE AND SLEEVES.
C. WHERE EXPOSED PIPES PASS THROUGH FLOORS, WALLS, OR CEILINGS, PROVIDE ESCUTCHEONS. FIRMLY SECURE TO THE PIPES AND OF SUFFICIENT OUTSIDE DIAMETER TO COVER THE SLEEVED OPENINGS FOR THE PIPES. PROVIDE CHROMIUM PLATED ESCUTCHEONS IN BATHROOMS.
D. WHERE PIPES PASS THROUGH FIRE RATED FLOOR WALLS, OR CEILINGS, PROVIDE FIRE STOPS, OR FIRE BARRIER PENETRATION SEALING SYSTEMS SHALL BE UL LISTED.
J. INSPECTION AND TESTS:
CONTRACTOR SHALL BE RESPONSIBLE TO ASK FOR INSPECTION TO THE AUTHORITIES HAVING JURISDICTION AS THE WORK PROGRESS. ALL SYSTEMS SHALL BE TESTED BY CODE AND OR LOCAL REGULATIONS. THE ENTIRE DOMESTIC WATER SYSTEM SHALL BE STERILIZED FOLLOWING CODE PROCEDURES. AFTER STERILIZATION FLUSH THE SYSTEM WITH CLEAN WATER UNTIL SAFE TO BE CONSUMED.
K. UTILITIES CONNECTION:
PLUMBING CONTRACTOR SHALL VERIFY AT FIELD AND WITH THE UTILITY COMPANIES THE EXACT POINT OF CONNECTION FOR WATER AND SEWER SERVICES BEFORE SUBMITTING A BID OR PRICE FOR HIS WORK.
L. PLUMBING CONTRACTOR IS RESPONSIBLE FOR PERFORMING THE FOLLOWING TEST IN THE PRESENCE OF AN OWNER REPRESENTATIVE:
A. ALL WATER PIPING SHALL BE SUBJECT TO HYDROSTATIC PRESSURE TEST OF 100 PSI, FOR A PERIOD OF TIME SUFFICIENT TO EXAMINE ENTIRE SYSTEM BUT NOT LESS THAN ONE HOUR.
B. DRAINAGE PIPING: BEFORE INSTALLATION OF ANY DRAINS, THE ENDS OF SYSTEMS SHALL BE CAPPED AND ALL LINES FILLED WITH WATER TO HIGHEST POINT AND ALLOWED TO STAND UNTIL INSPECTED.
M. STERILIZE ALL WATER LINES WITH A MIXTURE OF TWO (2) POUND OF CHLORINATE LIME TO EACH 1000 GALLONS OF WATER (50 PPM OF AVAILABLE CHLORINE). RETAIN MIXTURE IN PIPE 24 HOURS AND FLUSH THOROUGHLY WITH POTABLE WATER BEFORE PLACING IN SERVICE.
N. COMPLETE SYSTEM, FIXTURES AND EQUIPMENT SHALL BE GIVEN AN IN SERVICE TEST AFTER COMPLETION OF INSTALLATION.
O. PLUMBING CONTRACTOR SHALL FURNISH WRITTEN GUARANTEE THAT ALL PLUMBING WORK SHALL BE FREE FROM DEFECTS OF MATERIALS AND WORKMANSHIP FOR A PERIOD OF (1) YEAR FROM DATE FROM DATE OF FINAL ACCEPTANCE, AND THAT HE WILL AT HIS EXPENSE REPAIR AND REPLACE ALL WORK WHICH BECOMES DEFECTIVE DURING THE GUARANTEE PERIOD INCLUDING BUT NOT LIMITED TO NECESSARY DEMOLITION, PATCHING, RE-PATCHING AND REFINISHING.
P. PLUMBING CONTRACTOR IS RESPONSIBLE FOR INCLUDING IN HIS BID, THE COST FOR OBTAINING ALL NECESSARY PERMITS REQUIRED TO PERFORM THE SCOPE OF THE WORK AND THE INTENT OF THE CONSTRUCTION DOCUMENTS FOR ALL THE LOCAL AND STATE AUTHORITIES.
Q. CONDENSATE DRAIN FROM AIR CONDITIONING UNITS SHALL BE "PVC" SCHEDULE 40 PIPE AND FITTINGS. ALL HORIZONTAL RUN SHALL BE INSULATED WITH 1/2" THICK ARMAFLEX PIPE INSULATION OR EQUAL. SLIP PIPE INSULATION AND SEAT BUTT JOINTS.
R. ALL PIPING MATERIALS SHALL BE NEW AND AS FOLLOWS:
A. SANITARY WASTE, VENT AND STORM DRAIN PIPING: UNDERGROUND AND ABOVE GROUND PIPING SHALL BE "PVC" PIPE AND FITTINGS SCHEDULE 40. MATERIAL SHALL COMPLY WITH ASTM D-1784, TYPE 1.
B. DOMESTIC WATER ABOVE GROUND SHALL BE TYPE "K" COPPER PIPE WITH WROUGHT COPPER SOLDERED JOINT FITTINGS.
C. DOMESTIC WATER BELOW GROUND SHALL BE TYPE "L" COPPER PIPE WITH WROUGHT COPPER SOLDERED JOINT AT FITTINGS.
D. PLUMBING FIXTURES SHALL BE AMERICAN STANDARD, ELJER OF KOHLER.
E. ELECTRIC WATER HEATERS SHALL BE LOCHINVAR UNLESS OTHERWISE SPECIFIED. SEE SPECIFICATIONS.
F. SOLDER ALLOY SHALL BE LEAD FREE.
G. PROVIDE DIELECTRIC FITTINGS FOR JOINING DISSIMILAR METALS.
S. INSULATION:
A. ALL RECALCULATION HOT WATER PIPE SHALL BE INSULATE WITH 1/2" THICK FIBERGLASS MOLDED INSULATION WITH PRE-SIZED FACTORY APPLIED "FRU" JACKET OF GLASS CLOTH WITH LONGITUDINAL LAP AND BUTT JOINT STRIPS WITH SELF SEALING ADHESIVE.
B. INSULATION SHALL HAVE A MAXIMUM THERMAL CONDUCTIVITY OF 0.26 K FACTOR AT 75 DEG. F. MEAN TEMPERATURE. JACKET INSULATION AND ADHESIVE SHALL HAVE COMPOSITE FIRE AND SMOKE RATINGS AS PER ASTM E84-75. FINISHING JACKETS SHALL HAVE A MAXIMUM FLAME SPREAD OF 25.
T. HANGERS AND SUPPORTS:
A. PROVIDE ADJUSTABLE HANGERS, INSERTS, BRACKETS, ROLLS, CLAMPS AND SUPPLEMENTARY STEEL AS REQUIRED FOR PROPER SUPPORT OF PIPE LINES. PROVIDE HANGERS TO ALLOW FOR EXPANSIONS AND CONTRACTION OF PIPE LINES AND OF ADEQUATE SIZE TO PERMIT COVERING TO RUN CONTINUOUSLY THROUGH HANGERS. PIPING AT EQUIPMENT SUPPORTED INDEPENDENTLY SO THAT NO WEIGHT WILL BE SUPPORTED BY EQUIPMENT. COORDINATE LOCATION OF HANGERS WITH LIGHT FIXTURES, AIR CONDITIONING DUCTWORK AND DIFFUSERS AND WITH EXISTING PIPING SYSTEMS.
B. PROVIDE RISER CLAMPS AT EVERY FLOOR.
U. EXISTING CONDITIONS: CONTRACTOR BY AND THROUGH SUBMISSION OF HIS BID, AGREES THAT HE SHALL BE HELD RESPONSIBLE FOR HAVING EXAMINED THE SITE, THE LOCATION OF ALL PROPOSED WORK AND FOR HAVING SATISFIED HIMSELF FROM HIS OWN PERSONAL KNOWLEDGE AND EXPERIENCE OR PROFESSIONAL ADVICE AS TO THE CHARACTER, AND LOCATION OF THE SITE, THE NATURE OF THE EXISTING CONDITIONS, THE LOCATION OF EXISTING UTILITIES AND ANY OTHER CONDITIONS SURROUNDING AND AFFECTING THE WORK, ANY OBSTRUCTIONS, THE NATURE OF EXISTING CONSTRUCTION, AND ALL OTHER PHYSICAL CHARACTERISTICS OF THE JOB, IN ORDER THAT HE MAY INCLUDE IN THE PRICES WHICH HE BIDS ALL COSTS PERTAINING TO THE WORK AND THEREBY PROVIDE FOR THE SATISFACTORY COMPLETION THEREOF.

PLUMBING NOTES:

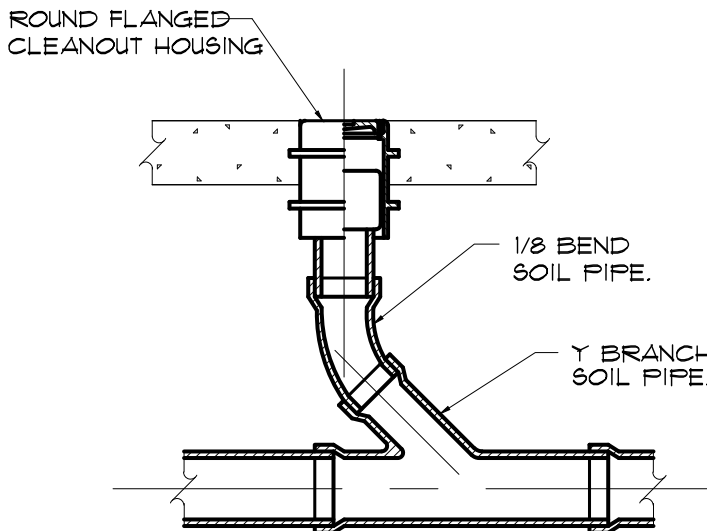
- PROVIDE STACK VENTS OR AIR ADMITTANCE VALVES FOR KITCHEN SINKS AND WASHING MACHINES
- 3" DIAMETER PIPE ALLOWS FOR 42 DRAINAGE FIXTURES AT 1/4" PER SLOPE. THIS EXCEEDS THE NUMBER OF DRAINAGE FIXTURES SHOWN.
- CLEANOUTS TO BE ACCESSIBLE ACCORDING TO 93005.2.5 ACCESSIBILITY.



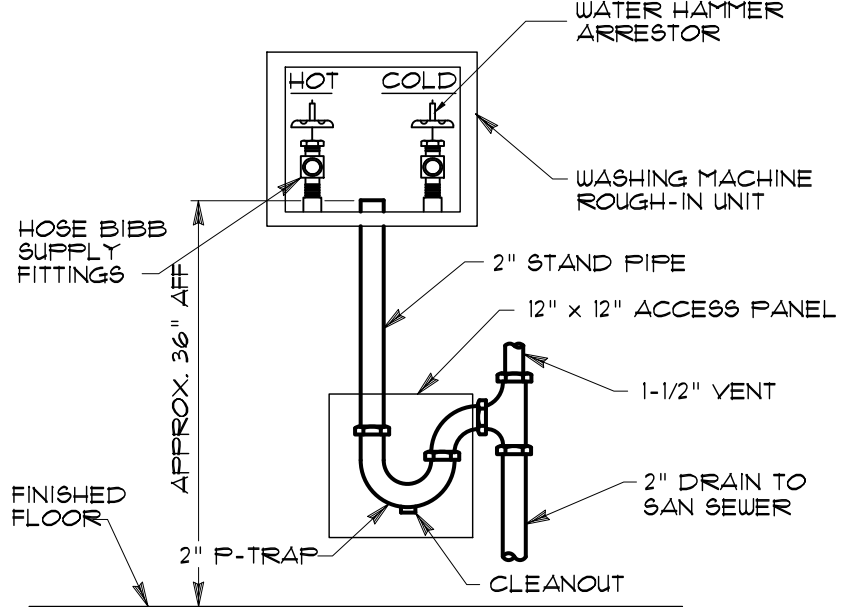
WALL CLEANOUT DETAIL
NTS



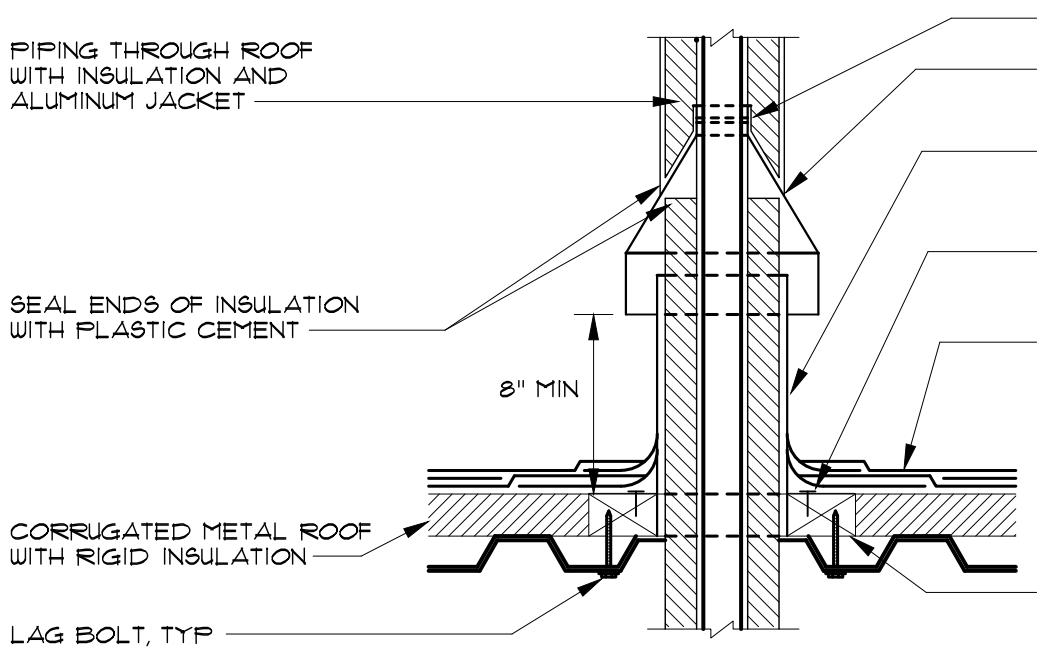
NOTE: PIPE SLEEVE SHALL BE SIZED TO PROVIDE 1/4" ALL AROUND CLEARANCE.
TYPICAL CONCRETE FLOOR
OR MASONRY WALL PENETRATION
INSULATED OR NON-INSULATED, ABOVE GRADE
NTS



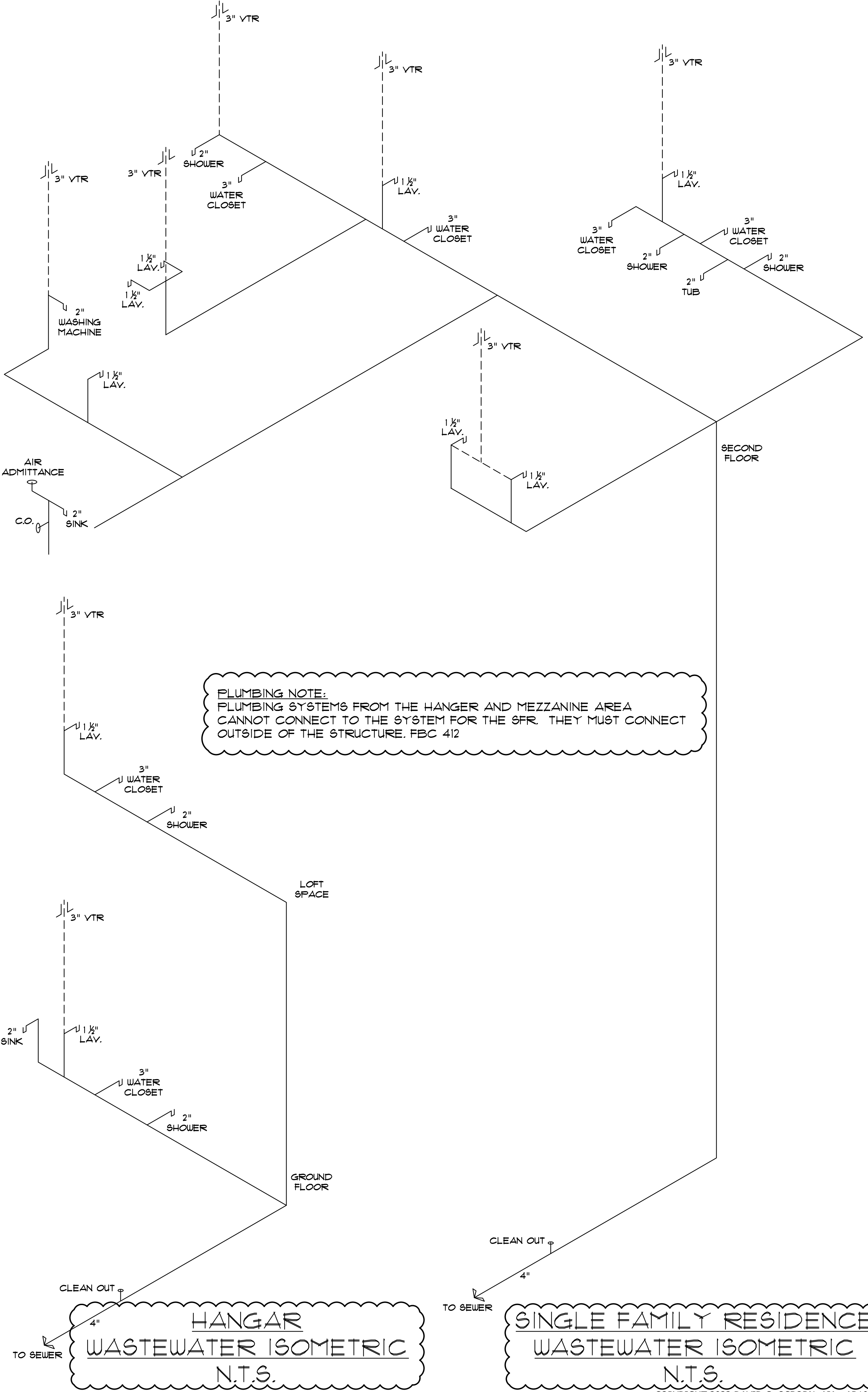
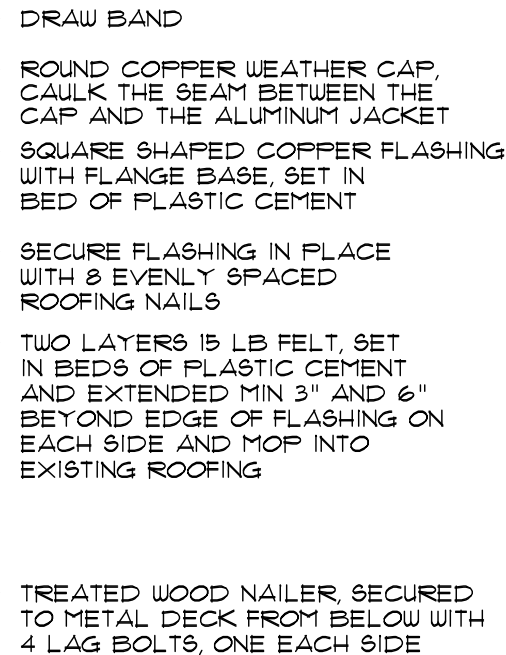
SANITARY CLEANOUT
FLOOR SLAB DETAIL
NTS



WASHING MACHINE HOOK-UP DETAIL
NTS



PIPING THROUGH ROOF DETAIL
NTS



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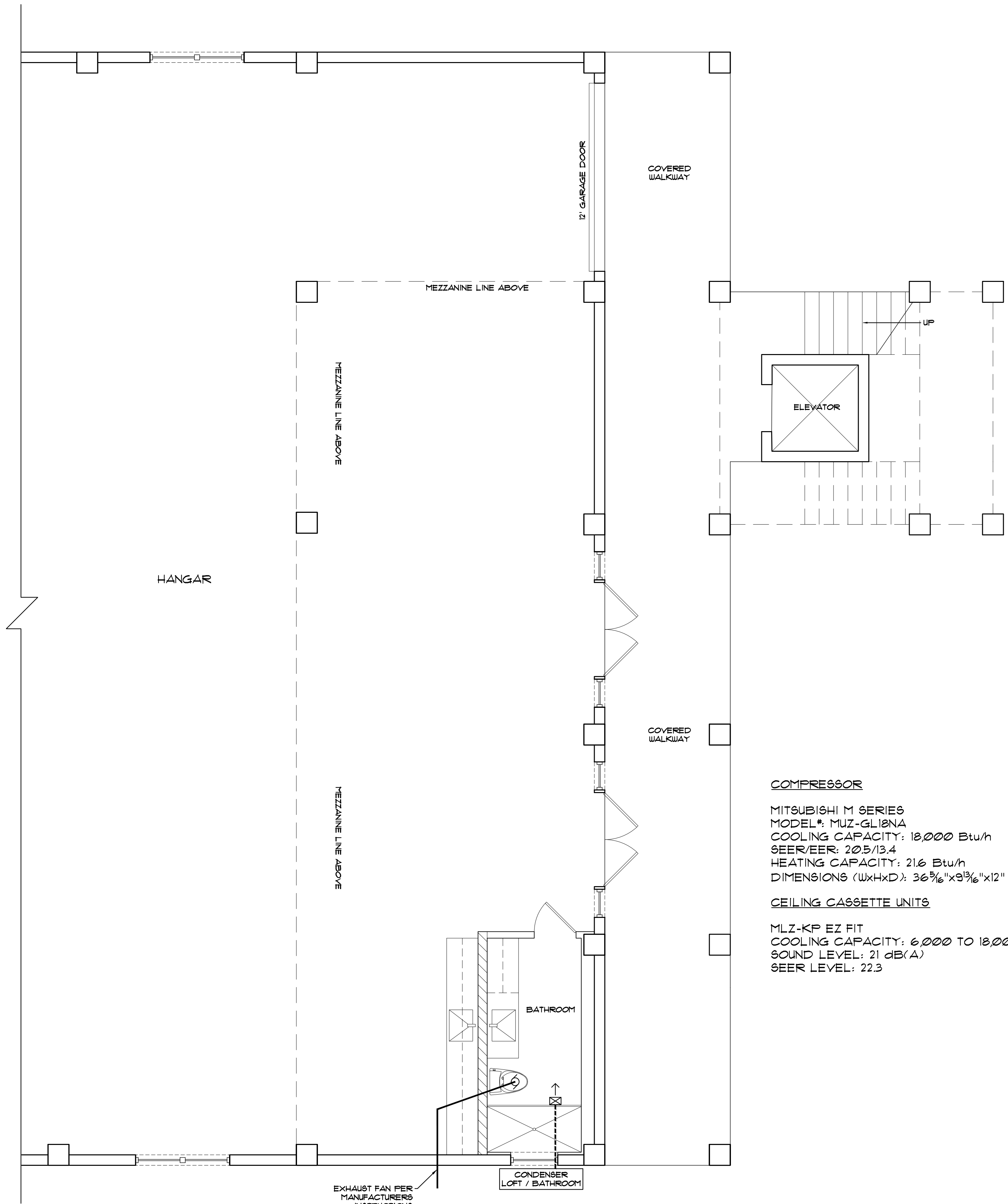
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PLUMBING PLANS AND NOTES
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

P-1

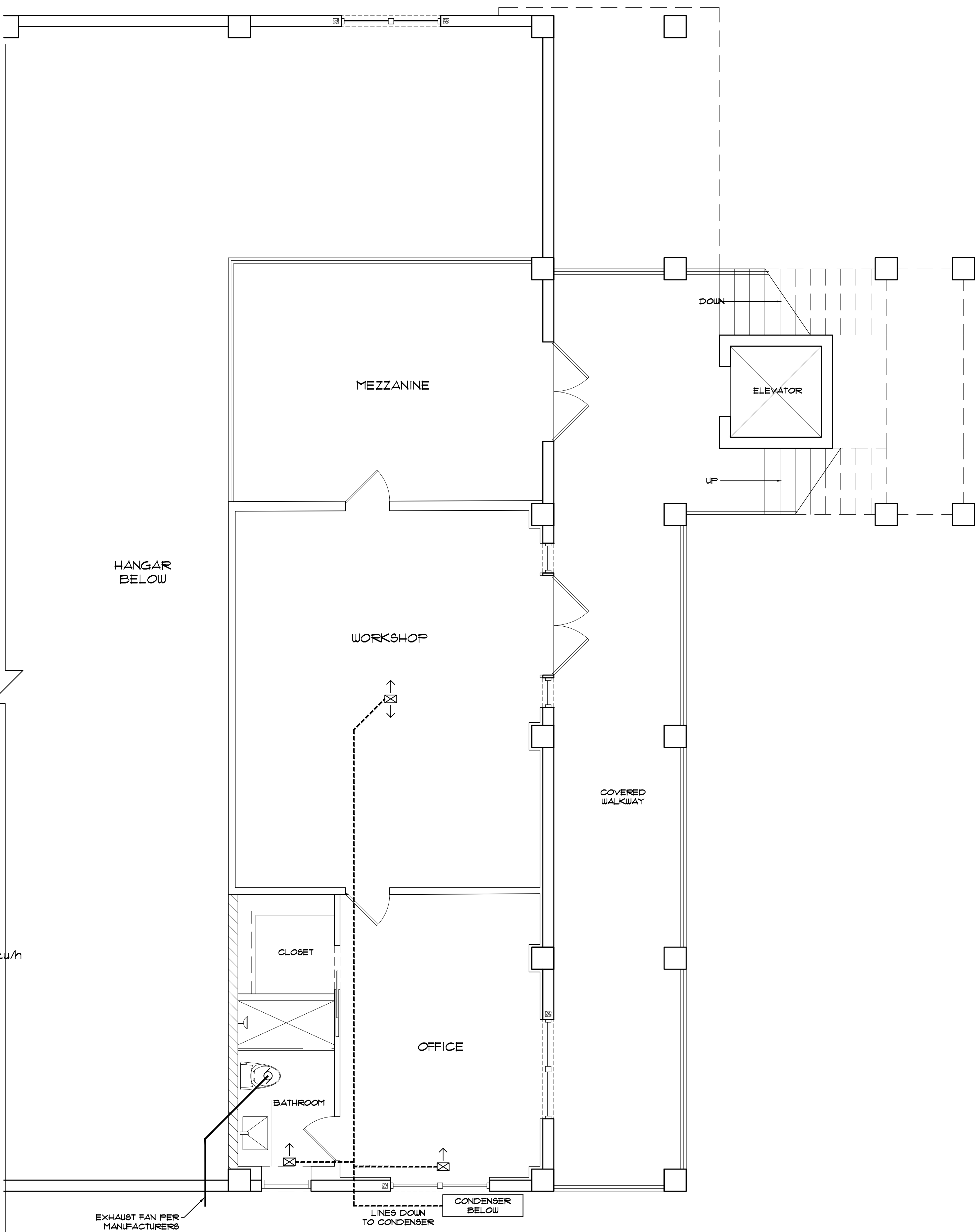
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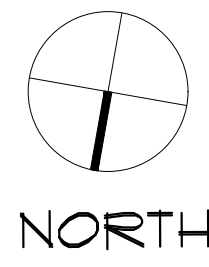
GROUND FLOOR
SCALE: 1/4" = 1'-0"

COMPRESSOR
MITSUBISHI M SERIES
MODEL#: MUZ-GL18NA
COOLING CAPACITY: 18,000 Btu/h
SEER/EER: 20.5/13.4
HEATING CAPACITY: 21.6 Btu/h
DIMENSIONS (WxHxD): 36 3/16" x 3 3/16" x 12"

CEILING CASSETTE UNITS
MLZ-KP EZ FIT
COOLING CAPACITY: 6,000 TO 18,000 Btu/h
SOUND LEVEL: 21 dB(A)
SEER LEVEL: 22.3



LOFT SPACE
SCALE: 1/4" = 1'-0"



MECHANICAL PLANS

DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

M-1

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JOB NO:	2021002			

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REGISTERED ARCHITECT
STATE OF FLORIDA
DAVID G. OSBORN
AR 100348

MECHANICAL NOTES:

H.V.A.C. PLAN IS CONCEPTUAL ONLY.
MECHANICAL CONTRACTOR TO DETERMINE EXACT DUCT AND REGISTER SIZE.

- ALL REFRIGERANT PIPING FOR CONDENSERS, TO BE UNDER GROUND SLAB ENCASED IN 4" SCHEDULE 40 PVC.
- REFRIGERANT LINES SHALL BE LEFT WITH 150 PSI NITROGEN AFTER SLAB ROUGH-IN AND RE-PRESSURIZED AFTER EXTENDING UP THROUGH BUILDING.
- AT NO TIME SHALL ANY REFRIGERANT PIPING BE LEFT UN-PRESSURIZED.
- NO JOINTS, USE 100' ROLLS FOR UNDER SLAB DRAINS.
- A SEPARATE CONDENSATE DRAIN SHALL BE RUN FOR EACH SYSTEM. USE 3/4" SCHEDULE 40 PVC DRAIN PIPE ENCASE IN 1 1/4" PVC PIPE. SLOPE PIPE AT 1/8" IN THE DIRECTION OF DISCHARGE. DO NOT DISCHARGE INTO STREET, ALLEY OR OTHER NUISANCE AREAS. FBC R-M1411.3 CONDENSATE DRAIN TO DISCHARGE INTO SEPARATE WASTE PIPE AND SHALL HAVE A SLOPE OF NO LESS THAN 1/8" PER FOOT.
- OUTSIDE MOUNTED EQUIPMENT & SUPPORTS SHALL BE INSTALLED TO RESIST WIND PRESSURES AT VELOCITIES FOR RISK CATEGORY 2: 175 MPH.
- CONTRACTOR SHALL UTILIZE NON-FERROUS (ALUMINUM) MATERIALS AND PROVIDE CORROSION COATING FOR ALL OUTDOOR EXPOSED STEEL EQUIPMENT, SUPPORTS, STANDS, FASTENERS, ETC. BY 3RD PARTY AS APPLIED BY LUVITA, ADVANCOAT (ENSEL CR) OR APPROVED EQUAL WITH STANDARD 5-YEAR WARRANTY.
- MECHANICAL EXHAUST CAPACITY OF 50 CFM INTERMITTENT. EXHAUSTED DIRECTLY OUTDOORS OPENING AND SHALL BE EQUIPPED WITH A BACK DRAFT DAMPER AND CORROSION RESISTANT SCREEN INSTALLED A MINIMUM OF 3' FROM ANY OPERABLE OPENING.
- BATHROOM EXHAUST TO HAVE A 4" METAL DUCT TO WALL CAP/DAMPER.
- PIPE AND FITTINGS FOR REFRIGERANT VAPOR (SUCTION) LINE WITH 3/4" TUBULAR PIPE INSULATION WITH MIN. R-3 VALUE AND HAVING EXTERNAL SURFACE PERMEANCE NOT EXCEEDING 0.05 PERM WHEN TESTED IN ACCORDANCE WITH ASTM E 96. FBC R-M1411.5
- A.C. CLOSET MUST MEET MINIMUM WORKING SPACE CLEARANCES. M603.1.1: AIR HANDLERS WITHIN COMPARTMENTS SHALL HAVE A MIN. WORKING SPACE CLEARANCE OF 4" ALONG SIDES OF AN AIR HANDLER.

BALANCED RETURN AIR - FBC M1602.4:

- LICENSED MECHANICAL CONTRACTOR TO FIELD VERIFY EXISTING SUPPLY DUCTS IN GUEST BEDROOMS IN ORDER TO CREATE BALANCED RETURN AIR FOR TRANSFER DUCTS.
- TRANSFER DUCTS SHALL BE SIZED 1.5 TIMES THE CROSS SECTIONAL AREA OF THE DUCT ENTERING THE ROOM, AND THE DOOR SHALL HAVE A 1" UNDERCUT AS PER FBC 2014 M601.5
- TRANSFER GRILLS SHALL USE 50 SQUARE INCHES OF GRILLE AREA, TO 100 CFM OF SUPPLY AIR FOR SIZING THROUGH THE WALL TRANSFER GRILLS, AND USING AND RESTRICTED 1" UNDERCUTTING OF DOORS TO ACHIEVE PROPER AIR BALANCE.

MECHANICAL EXHAUST NOTES:

MECHANICAL EXHAUST CAPACITY OF 50 CFM INTERMITTENT. EXHAUSTED DIRECTLY OUTDOORS OPENING AND SHALL BE EQUIPPED WITH A BACK DRAFT DAMPER AND CORROSION RESISTANT SCREEN. FBC R-1506.2 MIN OF 3' FROM ANY OPERABLE OPENING

FRESH BREATHABLE AIR FBC M 403.3.2.1.

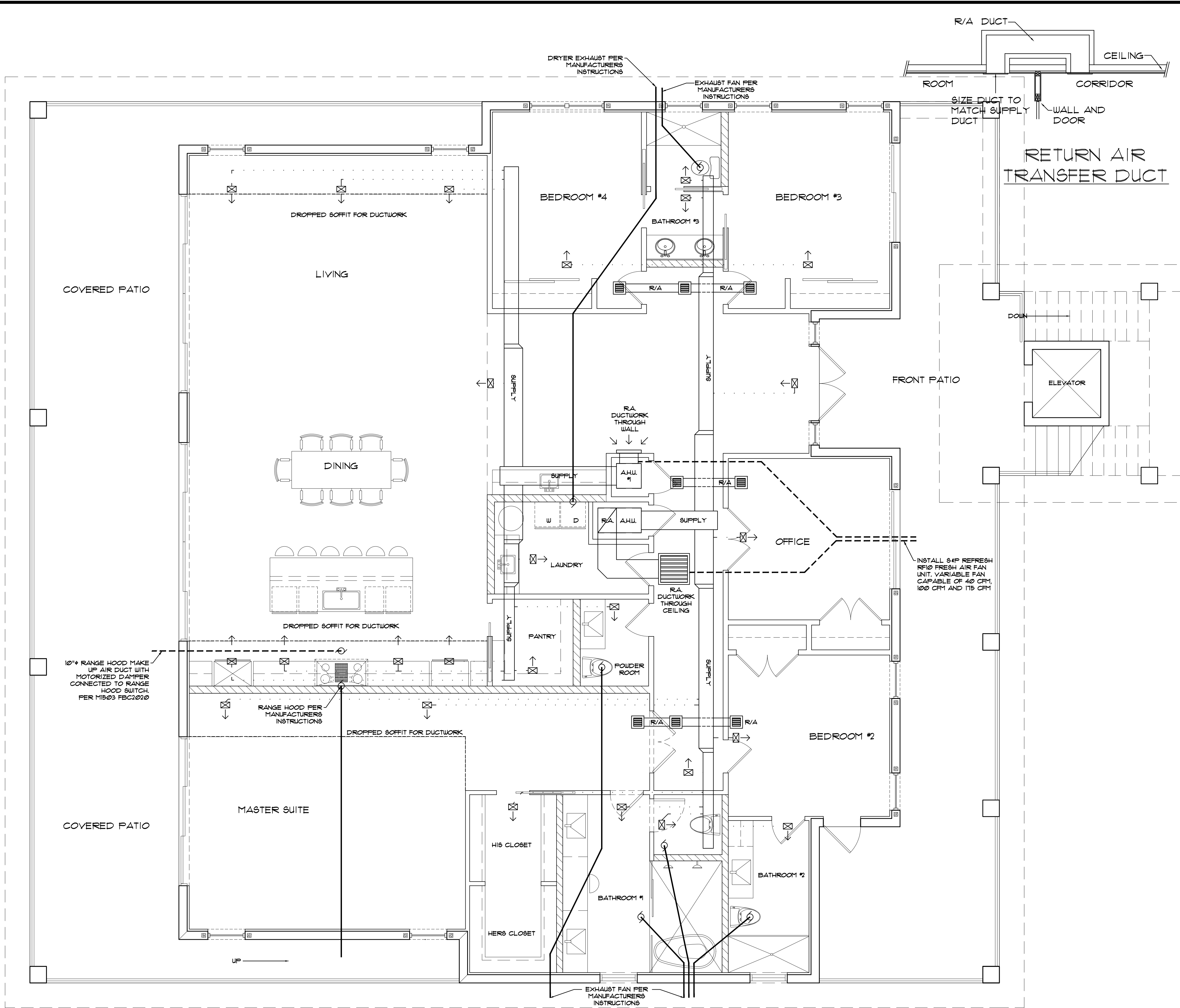
$Q = 100 (NBR + 1)$

$Q = 100 (4 + 1) = 500 \text{ CFM}$

INSTALL 54P REFRESH RFI0 FRESH AIR FAN UNIT. VARIABLE FAN CAPABLE OF 40 CFM, 100 CFM AND 175 CFM. USE 100 CFM

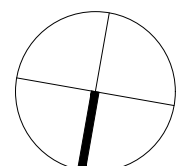
GENERAL NOTES:

ELECTRICAL, MECHANICAL AND PLUMBING DRAIN, WASTE AND VENT (DWV) SYSTEMS INSTALLED WITHIN THE HANGAR SHALL BE INDEPENDENT OF THE SYSTEMS INSTALLED WITHIN THE DWELLING, EXCEPT FOR SMOKE DETECTORS PER FBC 412.5.4.



SECOND FLOOR

SCALE: 1/4" = 1'-0"



NORTH

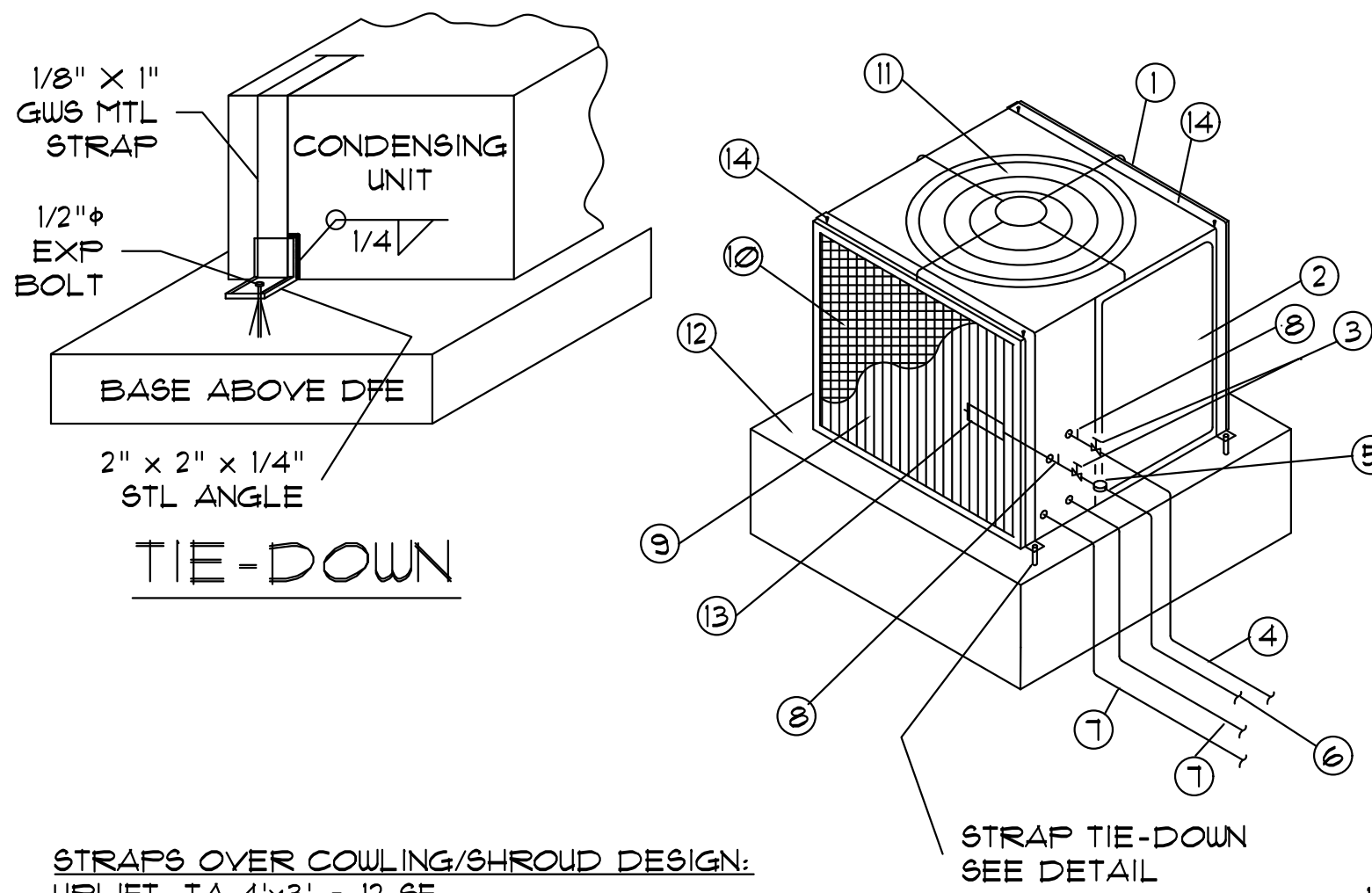
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			2021002					

MECHANICAL PLANS
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

M-2



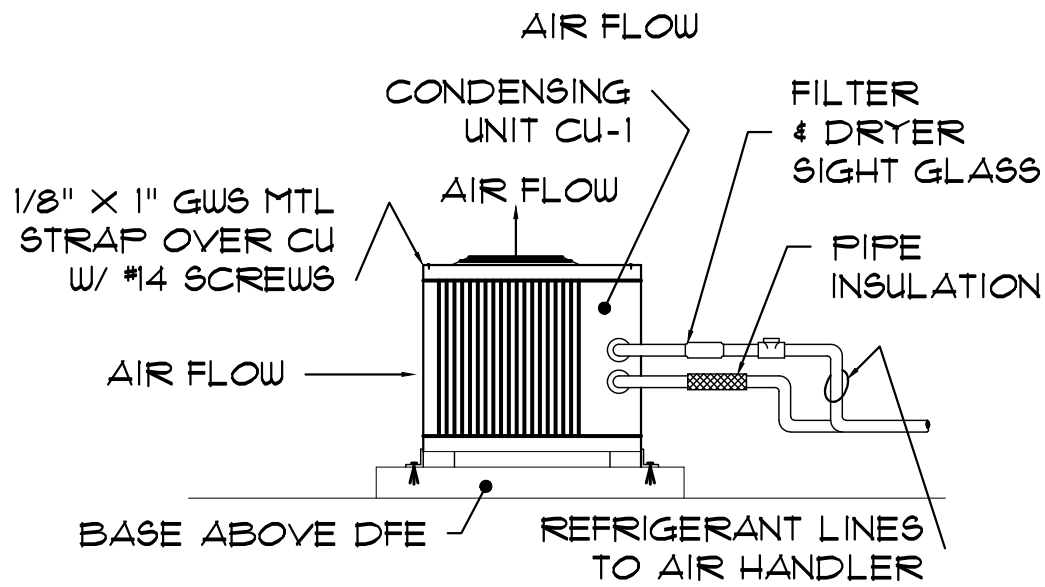
STRAPS OVER COWLING/SHROUD DESIGN:

UPLIFT: TA 4'x3' = 12 SF
UPLIFT: 51.1 PSF x 12 = 613.2 LBS
USE 1/8" GWS MTL STRAP 1" WIDE OVER CONDENSING UNIT AND ATTACH TO SLAB W/ (4) ANCHORS:
ANCHORS 1/2" = 4/613.2 = 173.1 LBS EACH
ANCHOR FULL-OUT 3" = 1180 LBS IS OK.
ALTERNATIVE:
USE (4) 3/8" x 1" "TAPPER" TAPCONS INTO CONC SLAB: 880 LBS EACH IS 173.1 = OK.

THE STRAPS ARE ALSO ADEQUATE FOR RESISTING OF OVERTURNING OF THE A/C CONDENSER WHEN USED WITH STRAPS AND ANGLES ATTACHMENTS, FOR SIDE WIND LOADS OF -31.9 PSF.

CONDENSING UNIT TO BE ATTACHED TO SLAB WITH 1/4"x2"x2" ANGLES EACH CORNER AS INDICATED IN DETAILS (STRAPS TO BE PROVIDED IN ADDITION TO ANGLES).

1. CONDENSING UNIT
2. COMPRESSOR ACCESS PANEL
3. BACK - SEATED REFRIGERANT VALVE
4. REFRIGERANT SUCTION LINE WITH INSULATION
5. SIGHT GLASS WITH MOISTURE INDICATOR
6. REFRIGERANT LIQUID LINE
7. CONDUIT - POWER AND CONTROL
8. REFRIGERANT GAUGE CONNECTION
9. CONDENSER COIL
10. COIL GUARD
11. FAN GUARD
12. CONCRETE PAD IF REQUIRED
13. REFRIGERANT SUCTION LINE FLEX-CONNECTOR
14. 1/8" x 1" GALVANIZED METAL STRAP OVER CONDENSER SHROUD/FAN COWLING ATTACHED TO BASE W/MIN 1/2" ANCHOR/EXPANSION BOLTS 3" LONG ALL FOUR SIDES, W/MIN (4) #4 SCREWS W/GASKETED WASHERS TO TOP OF CONDENSER SHROUD/FAN COWLING THROUGH STRAPS.



TYP ELEVATION

MECHANICAL EQUIPMENT SCHEDULE	
UNIT DESIGNATION	UNIT 1
CONDENSER	TRANE XL201 - VARIABLE SPEED
MODEL #	5 TON UNIT
SEER	19 OR HIGHER
REFRIGERANT	R410A
Location	EXTERIOR
Nominal Tons	5.0
Nominal Supply Air CFM	1,700
DIMENSIONS	48" H x 31" W x 34" D.
AIR HANDLER	HYPERION XL VARIABLE SPEED
MODEL #	4 TON UNIT
NOMINAL COOLING CAPACITY	60,000
DIMENSIONS	51" H x 23.5" W x 22" D.
HEAT RECOVERY UNIT ADDED	

NOTES: USE PROGRAMMABLE THERMOSTAT IN ALL SYSTEM CONTRACTOR SHALL BE VERIFY THE DISTANCE BETWEEN THE INDOOR AND OUTDOOR UNITS AND TO CHECK THE SIZES OF THE REFRIGERANT LINES WITH MANUFACTURER

AIR CONDITIONING GENERAL NOTES

1. WORK INCLUDED: PROVIDING HEAT, VENTILATION, AND AIR CONDITIONING SYSTEMS WHERE SHOWN ON THE DRAWING, AS SPECIFIED HEREIN, AND AS NEEDED FOR A COMPLETE AND PROPER INSTALLATION INCLUDING, BUT NOT NECESSARILY LIMITED TO:
• AIR CONDITIONING SUPPLY AND RETURN DUCTWORK SYSTEM WITH GRILLES, DIFFUSERS, AND REGISTERS.
• AIR CONDITIONING UNITS, PIPING AND COMPONENTS, OPERATING AND SAFETY CONTROLS, BLOWERS, MOTORS, FILTERS, AND RELATED ITEM.
• EXHAUST SYSTEMS INCLUDING TOILET FANS, MOTORS, DUCTWORK, GRILLES, REGISTERS, CONTROLS, AND REGISTERS.
• TEMPERATURE CONTROL SYSTEM INCLUDING LOW VOLTAGE WIRING.
• THERMAL INSULATION OF DUCTS AND PIPING.

2. DUCTWORK IN ATTICS SPACE AND ROOF WITH LESS THAN R-12 INSULATION SHALL BE R-6 FIBERGLASS WITH VAPOR BARRIER. DUCT WORK BETWEEN FLOORS, ENCLOSED ATTACHED GARAGES, UNCONDITIONED BASEMENT, UNCONDITIONED INTERIOR SPACES, AND ROOF WITH MIN R-12 INSULATION SHALL BE R-4.3 KNAUF AIR DUCT FIBERGLASS TYPE E1800 WITH VAPOR BARRIER. UNLESS OTHERWISE SPECIFIED DUCTWORK SHALL BE FABRICATED AND INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND ACCORDING TO "ASHRAE" AND "NIAIA" STANDARDS

ALL DUCTWORK SHALL BE R-6 FIBERGLASS AND INSTALLED IN ACCORDANCE WITH MANUFACTURE'S SPECIFICATIONS AND ACCORDING TO ASHRAE AND SMACNA STANDARDS, AND FLORIDA BUILDING CODE 2020 ENERGY FOR BUILDING CONSTRUCTION. DUCT DIMENSIONS ARE IN INCHES AND CORRESPOND TO INSIDE DIMENSIONS, WITH x HEIGHT. DUCT SYSTEM SHALL COMPLY WITH "NFPA" STANDARD No. 90A AND/PR 90B DUCTWORK AND COMPONENTS SHALL BE CLASS I MATERIALS IN ACCORDANCE WITH UL 181 TESTS. FIBERGLASS DUCT SYSTEM STRAIGHT SECTIONS AND FITTINGS SHALL BE REINFORCED BY EITHER OR BOTH OF THE FOLLOWING METHODS: A) TIE ROD REINFORCEMENT AND OR B) CHANNEL REINFORCEMENT. REFER TO THE FIBROUS GLASS DUCT CONSTRUCTION STANDARDS AND MANUFACTURER RECOMMENDATION. LONGITUDINAL SEAMS AND TRANSVERSE JOINTS CLOSURES SHALL COMPLY WITH UL 181 A/P (PRESSURE SENSITIVE ALUMINUM FOIL TAPE) OR 181 A/H (HEAT SELLABLE ALUMINUM FOIL TAPE OR MANUFACTURER'S RECOMMENDATIONS FOR THE USE OF GLASS FABRIC AND MASTIC. DUCT SUPPORT SHALL BE PLACED SO AS TO PROPERLY SUPPORT ALL FITTINGS AND ACCESSORIES WITHOUT PLACING THE TAPED JOINTS UNDER STRESS.

3. COORDINATE LOCATIONS, SIZES AND OPENINGS WITH OTHER TRADES ON THE JOB. A/C CONTRACTOR SHALL PROVIDE THE COMPLETE DUCT SYSTEM WITH TURNING VANES AT ALL ELBOWS, AND INSTALLED SPLINTERS AND DAMPERS AS REQUIRED OR SHOWN ON THE DRAWING.

4. DIFFUSERS SHALL BE SELECTED, LOCATED AND BALANCED IN ORDER THAT THEY DELIVER THE REQUIRED CFM RELATIVE HUMIDITY TO THE ENTIRE ROOM EVENLY AND DRAFT FREE TO THE FOLLOWING DESIGN CONDITIONS: 50% TO 60% INSIDE OUTSIDE COOLING - 18 dB 91dB -19 dB HEATING - 12 dB

5. ALL FAN, MOTORS, COMPRESSORS, ETC. SHALL BE ISOLATED, AS REQUIRED TO OPERATE QUIETLY SO THAT NO OBJECTIONABLE SOUND WILL BE HEARD IN THE HABITABLE SPACES DUE TO AIR VELOCITY, MOTOR HUM, VIBRATION OR MECHANICAL MOVEMENT.

6. A/C SYSTEM SHALL HAVE 1" AIR FILTERS AS SPECIFIED LOCATION AND AS REQUIRED FOR EASY ACCESSIBILITY.

7. A/C SYSTEM SHALL BE CONTROLLED BY A THERMOSTAT MOUNTED 5' ABOVE FINISH FLOOR.

8. ALL GRILLES AND DIFFUSERS TO BE ALUMINUM CONSTRUCTION. ALL DIFFUSERS SHALL HAVE HIDDEN OPPOSED BLADE DAMPERS. PROVIDE GASKETS ON ALL GRILLES AND DIFFUSERS.

9. ALL REFRIGERANT PIPING SHALL BE COPPER COLD DRAWN TYPE -L-ACR, DEHYDRATED AND SEALED. ALL FITTINGS SHALL BE WROUGHT COPPER. ALL JOINTS SHALL BE MADE WITH HIGH TEMPERATURE BRAZING ALLOY OF NOT LESS THAN 5% SILVER. PIPING INSULATION NOT LESS THAN 3/4" THICK "ARMAFLEX". LIQUID AND SUCTION LINES SHALL BE SIZED ACCORDING TO EQUIPMENT MANUFACTURER'S RECOMMENDATION FOR EQUIVALENT LENGTH OF PIPING RUN FOR CONNECTED TONNAGE. ALL PIPING ACCESSORIES SHALL BE CONSTRUCTED AS SUGGESTED BY EQUIPMENT MANUFACTURER. PROVIDE FILTER/DRYER AND SIGHT GLASS ON LIQUID LINE. REFRIGERANT PIPING SYSTEM SHALL BE COMPLETED EVACUATED TO 26" VACUUM OF MERCURY GAUGE PRESSURE USING A VACUUM PUMP AND HOLD FOR A MINIMUM OF 24 HOURS. COMPRESSORS SHALL NOT BE USED TO EVACUATED SYSTEMS. CHANGE THE OIL IN THE VACUUM PUMP BEFORE VACUUM IS FULL. VACUUM SHALL BE BROKEN WITH THE OPENING REFRIGERANT.

10. ALL VENTILATION DUCTWORK SHALL BE 1 1/2" FIBERGLASS INSTALLED ACCORDING TO LAST EDITION OF "SMACNA" AND "ASHRAE" FOR LOW PRESSURE DUCT SYSTEM.

11. THE CONTRACTOR SHALL COORDINATE HIS WORK WITH OTHER TRADES.

12. THE CONTRACTOR SHALL THOROUGHLY EXAMINE THE SITE, SATISFY HIMSELF TO EXISTING CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY FIELD CONDITION AFFECTING HIS WORK.

13. ELECTRIC HEATERS: SHALL BE MOUNTED IN BOX CASING WITH CAPACITIES AS SHOWN IN THE SCHEDULE. HEATERS TO BE UL LABELED AND LISTED FOR ZERO CLEARANCE AS A DUCT HEATER. ELEMENTS TO BE OPEN TYPE GRADE A NICHROME WIRE. EACH HEATER ASSEMBLY SHALL BE PROVIDED WITH A HIGH TEMPERATURE LIMIT CONTROLLER LIMIT CONTROLLER WITH A MANUAL RESET, AND WITH A SWITCH TO SHUT DOWN HEATER ON NO AIR FLOW CONDITION.

14. TESTING AND BALANCE SHALL BE PERFORMED BY AN INDEPENDENT TEST AND BALANCE CONTRACTOR WHO IS A MEMBER OF ASSOCIATED AIR BALANCE COUNCIL. TEST AND BALANCE REPORT SHALL BE APPROVED BY THE ENGINEER OF RECORD BEFORE CERTIFICATION OF OCCUPANCY. ALL SUPPLY DUCT, RETURN AND EXHAUST DUCT SYSTEM SHALL BE TESTED FOR AIR LEAKS, AND ANY AIR LEAKS SHALL BE FIXED AS REQUIRED.

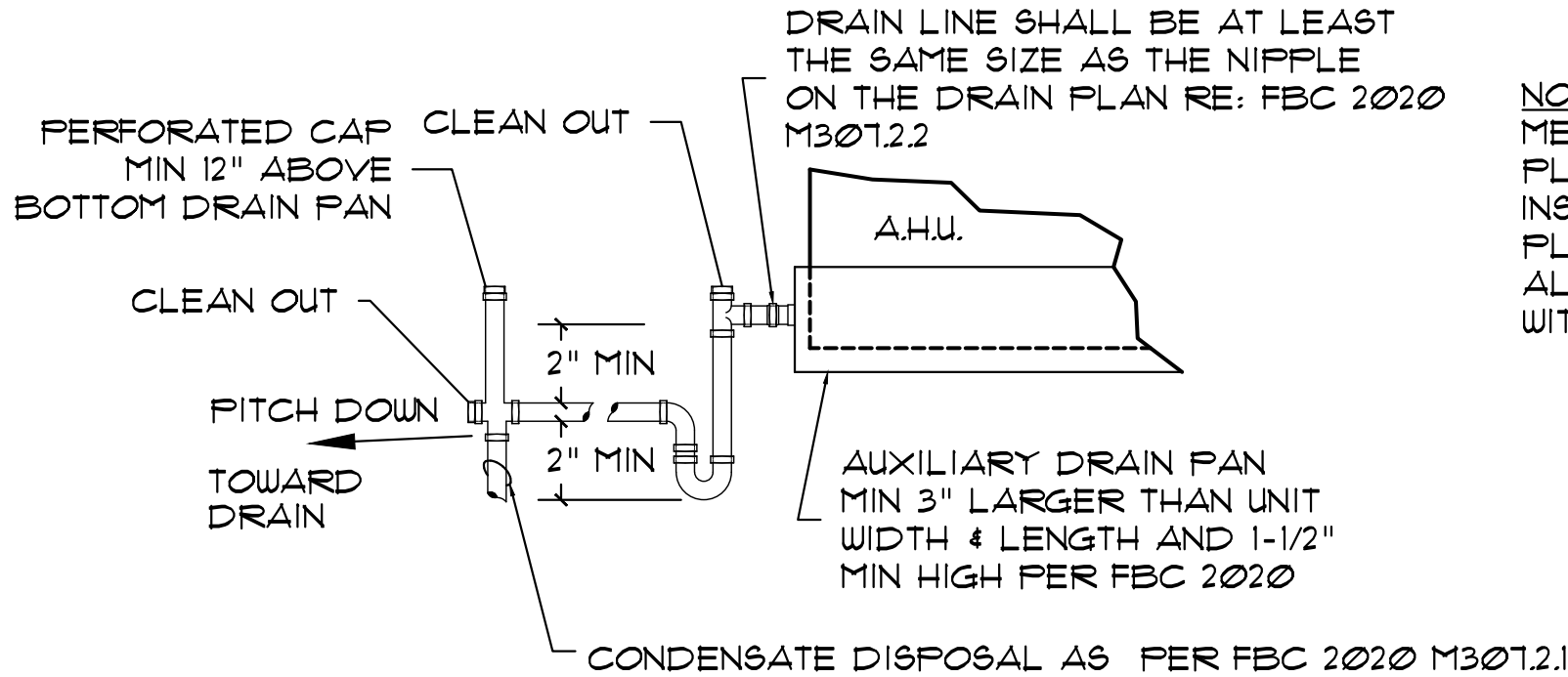
15. PROVIDE A CONDENSATE DRAIN RUNNING TO APPROVED DRAIN. THE CONDENSATE DRAIN SYSTEM SHALL MEET THE LOCAL PLUMBING CODE REQUIREMENTS.

16. PROVIDE ELECTRICAL DISCONNECTS FOR THE AIR HANDLER AND CONDENSING UNIT. THE SIZE OF THE DISCONNECT SHALL COMPLY WITH THE EQUIPMENT MANUFACTURER'S REQUIREMENT.

17. PROVIDE ALL NECESSARY INSTRUCTIONS TO THE OWNER IN THE OPERATION OF THE MECHANICAL SYSTEMS.

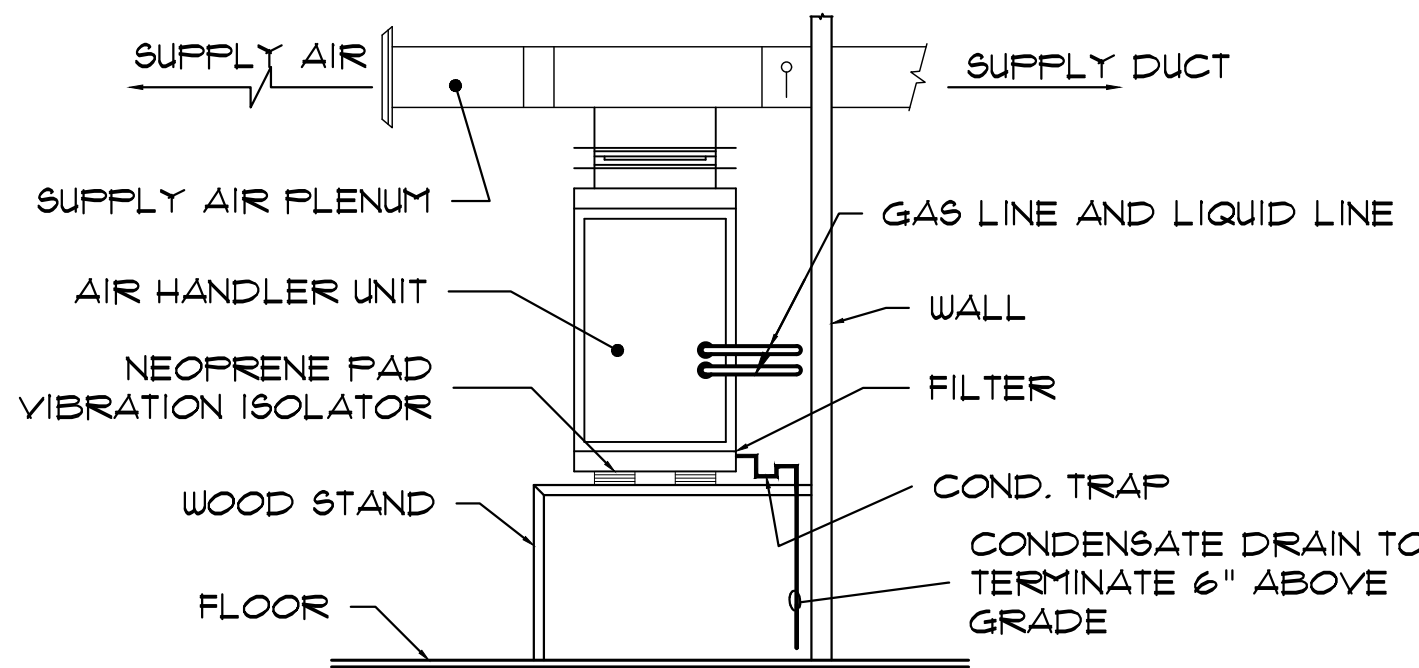
18. INTERLOCK ELECTRIC DUCT HEATERS WITH COMPRESSOR CIRCUIT SO THAT HEATERS DO NOT OPERATE SIMULTANEOUSLY WITH COMPRESSORS.

19. AS PER R402.4.12, ANY BUILDING OR DWELLING UNIT SHALL BE TESTED AND VERIFIED AS HAVING AN AIR LEAKAGE RATE OF NOT EXCEEDING 1 AIR CHANGES PER HOUR IN CLIMATE ZONES 1 AND 2, AND 3 AIR CHANGES PER HOUR IN CLIMATE ZONES 3 THROUGH 8. TESTING SHALL BE CONDUCTED WITH A BLOWER DOOR AT A PRESSURE OF 0.2 INCHES W.G. (50 PASCALS). TESTING SHALL BE CONDUCTED BY EITHER INDIVIDUALS AS DEFINED IN SECTION 553.933(5) OR (7) FLORIDA STATUTES OR INDIVIDUALS LICENSED AS SET FORTH IN SECTION 489.105(3)(F), (G) OR (I) OR AN APPROVED THIRD PARTY. A WRITTEN REPORT OF THE RESULTS OF THE TEST SHALL BE SIGNED BY THE PARTY CONDUCTING THE TEST AND PROVIDED TO THE CODE OFFICIAL. TESTING SHALL BE PERFORMED AT ANY TIME AFTER CREATION OF ALL PENETRATIONS OF THE BUILDING THERMAL ENVELOPE.

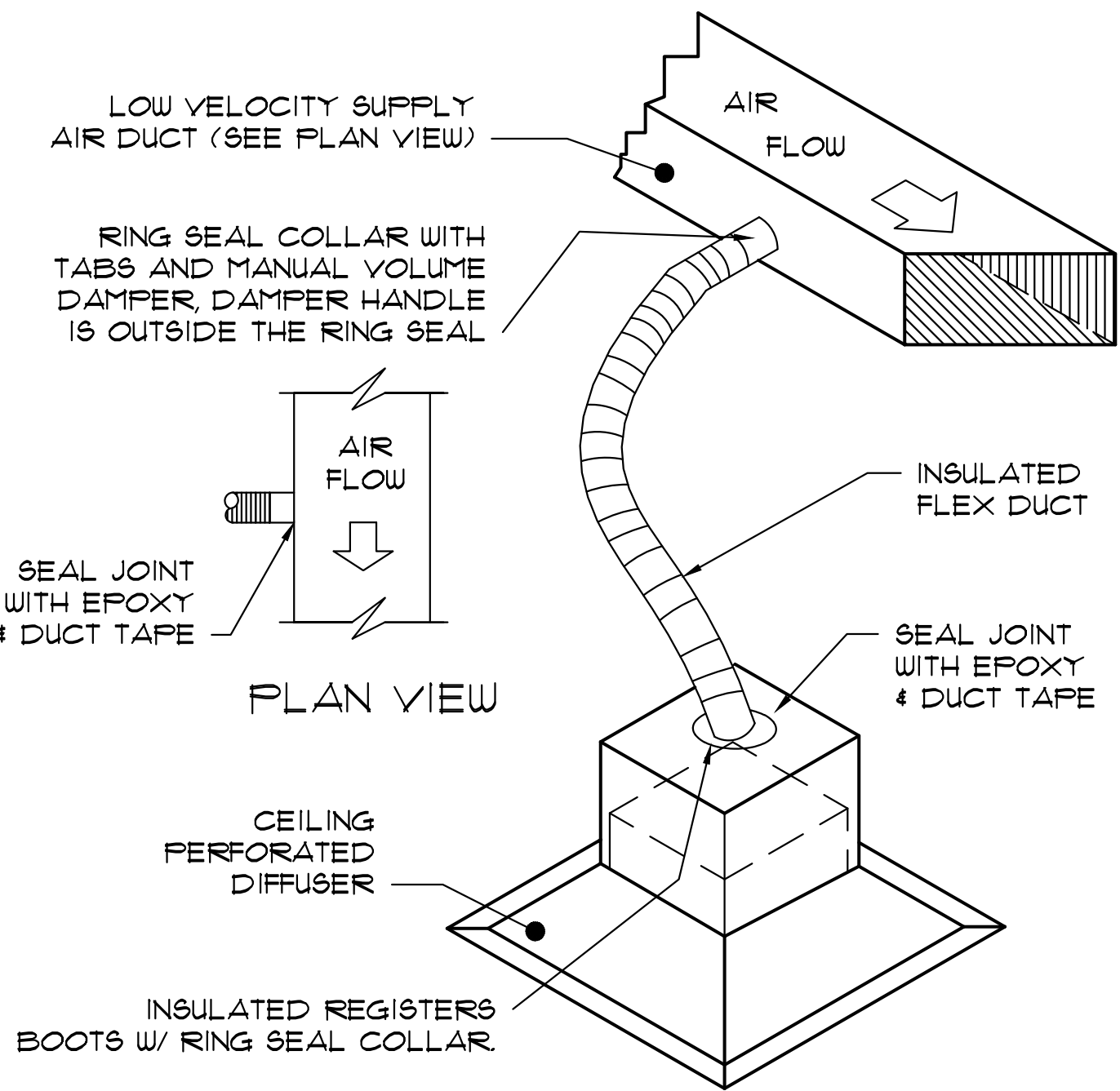


DRAIN TRAP DETAIL

NOTES: A/C CONDENSING UNIT TO BE INSTALLED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2020. THE STRAP TIE-DOWNS AS INDICATED HEREIN IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE CODE AND MEETS THE WIND LOAD REQUIREMENTS IN ACCORDANCE WITH ASCE 7-16.



AHU MOUNTING DETAIL



FLEXIBLE DUCT CONNECTION DETAIL

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MECHANICAL PLANS

DAVIS HANGAR / RESIDENCE
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M-3

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ELECTRICAL NOTES:

1. INSTALL TWO ELECTRICAL PANELS WHERE SHOWN.
2. ELECTRICAL DESIGN SHALL COMPLY WITH 2017 NEC & FBC 2020 11TH EDITION.
3. SMOKE DETECTORS TO BE INSTALLED IN EACH ROOM AND HARD WIRED AS PER CODE.
4. ALL 15 AND 20 AMP NON-LOCKING RECEPTACLES LOCATED IN THE DWELLING UNIT BELOW 5'6" TO BE TAMPER RESISTANT RECEPTACLES.
5. NOT LESS THAN 90% OF THE LAMPS SHALL HAVE AN EFFICACY OF AT LEAST 45 LUMENS/W OR NOT LESS THAN 65 LUMENS/W. FBC RE R404
6. RESIDENTIAL STAIRS MINIMUM 1 FOOT CANDLE INSIDE AND OUTSIDE STAIRS. FBC R303.1
7. INSTALL 4 CONDUCTORS TO ALL COOKING UNITS AND DRYERS. NEC 250.140.

ARTICLE 513 - AIRPLANE HANGARS:

513.4 WIRING AND EQUIPMENT IN CLASS I LOCATIONS

GENERAL.

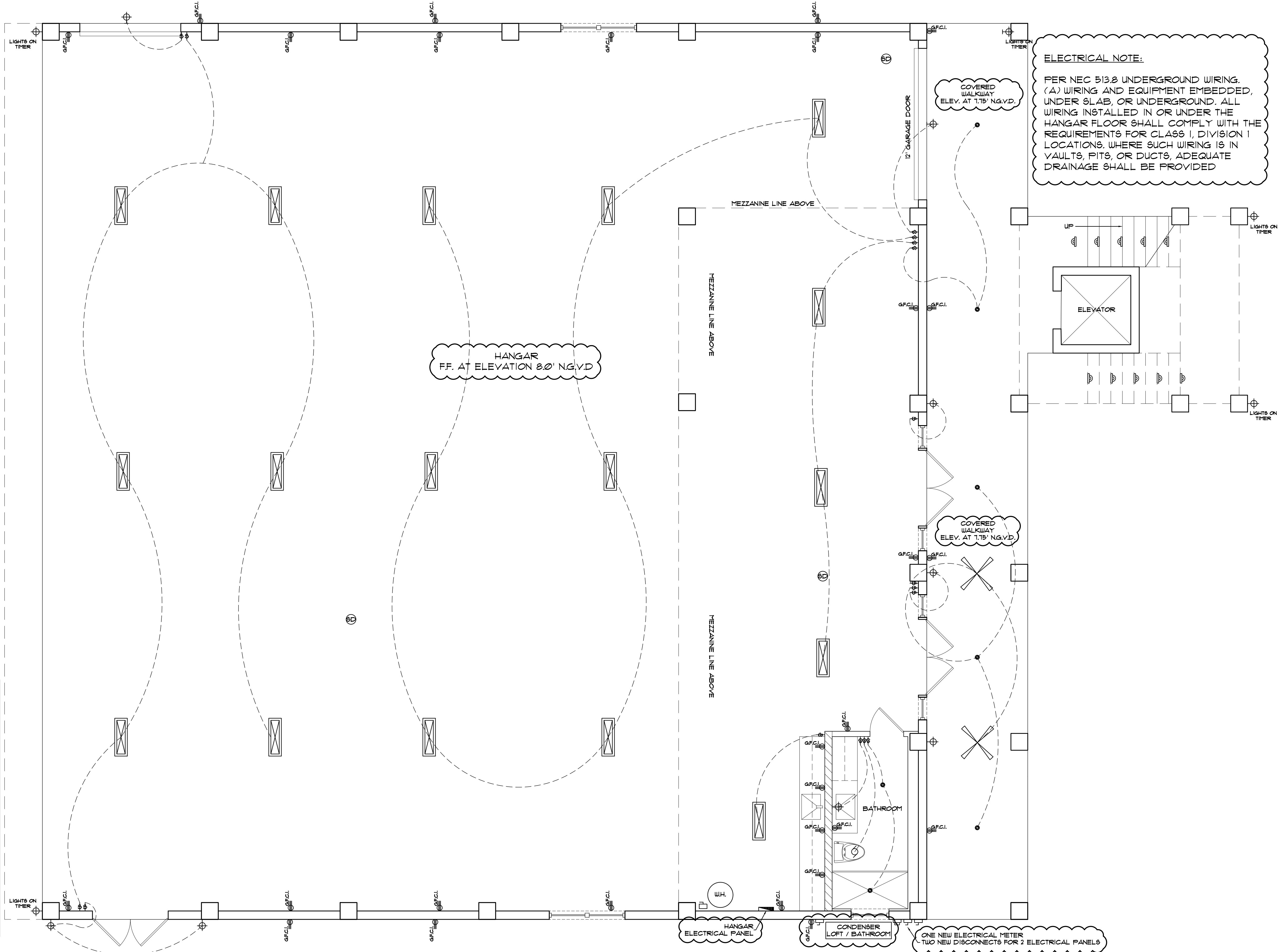
ALL WIRING AND EQUIPMENT THAT IS OR MAY BE INSTALLED OR OPERATED WITHIN ANY OF THE CLASS I LOCATIONS DEFINED IN 513.3 SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF ARTICLE 201 OR ARTICLE 505 FOR THE DIVISION OR ZONE IN WHICH THEY ARE USED.

ATTACHMENT PLUGS AND RECEPTACLES IN CLASS I LOCATIONS SHALL BE IDENTIFIED FOR CLASS I LOCATIONS OR SHALL BE DESIGNED SUCH THAT THEY CANNOT BE ENERGIZED WHILE THE CONNECTIONS ARE BEING MADE OR BROKEN.

ELECTRICAL NOTE:

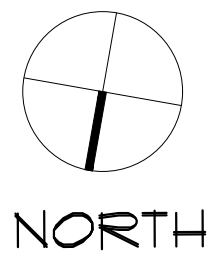
1. ALL FIXED WIRING IN A HANGAR BUT NOT INSTALLED IN A CLASS I LOCATION AS CLASSIFIED IN 513.3 SHALL BE INSTALLED IN METAL RACEWAYS OR SHALL BE TYPE MI, TC, OR MC CABLE. EXCEPTION: WIRING IN UNCLASSIFIED LOCATIONS, AS DESCRIBED IN 513.3(D), SHALL BE PERMITTED TO BE ANY SUITABLE TYPE WIRING METHOD RECOGNIZED IN CHAPTER 3
2. ELECTRICAL, MECHANICAL AND PLUMBING DRAIN, WASTE AND VENT (DWV) SYSTEMS INSTALLED WITHIN THE HANGAR SHALL BE INDEPENDENT OF THE SYSTEMS INSTALLED WITHIN THE DWELLING, EXCEPT FOR SMOKE DETECTORS PER FBC 412.5.4

ELECTRICAL LEGEND					
	CEILING MOUNTED FIXTURE		48" 2 BULB FLUORESCENT		DECORA SWITCH
	6" RECESSED		36" 2 BULB FLUORESCENT		DECORA THREE WAY SWITCH
	4" RECESSED		LED STRIP LIGHTING		DECORA FOUR WAY SWITCH
	2" RECESSED DIRECTIONAL		A/C THERMOSTAT CONTROL		SMOKE / CO DETECTOR
	WALL BRACKET FIXTURE		HOME RUN		CEILING FAN WITH LIGHT
	COMMUNICATION OUTLET		DISCONNECT SWITCH		CEILING FAN W/O LIGHT
	6" RECESSED BATH LIGHT W/ FAN		SINK DISPOSAL		DOOR BELL
	CEILING EXHAUST FAN		JUNCTION BOX		ELECTRIC METER CAN
	DECORA SINGLE RECEPTACLE		DECORA GFCI DUPLEX OUTLET		COAXIAL CABLE OUTLET
	DECORA DUPLEX RECEPTACLE		DECORA DUPLEX FLOOR OUTLET		MAIN CIRCUIT BREAKER PANEL
	240 V. SPECIAL PURPOSE OUTLET		CATEGORY 6 CABLE		



GROUND FLOOR

SCALE: 1/4" = 1'-0"



ELECTRICAL NOTE:

PER NEC 513.8 UNDERGROUND WIRING. (A) WIRING AND EQUIPMENT EMBEDDED, UNDER SLAB, OR UNDERGROUND. ALL WIRING INSTALLED IN OR UNDER THE HANGAR FLOOR SHALL COMPLY WITH THE REQUIREMENTS FOR CLASS I, DIVISION 1 LOCATIONS. WHERE SUCH WIRING IS IN VAULTS, FITS, OR DUCTS, ADEQUATE DRAINAGE SHALL BE PROVIDED

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ELECTRICAL PLANS
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

E-1

ELECTRICAL NOTES:

1. INSTALL TWO ELECTRICAL PANELS WHERE SHOWN.
2. ELECTRICAL DESIGN SHALL COMPLY WITH 2017 NEC & FBC 2020 1TH EDITION.
3. SMOKE DETECTORS TO BE INSTALLED IN EACH ROOM AND HARD WIRED AS PER CODE.
4. ALL 15 AND 20 AMP NON-LOCKING RECEPTACLES LOCATED IN THE DWELLING UNIT BELOW 5'6" TO BE TAMPER RESISTANT RECEPTACLES.
5. NOT LESS THAN 90% OF THE LAMPS SHALL HAVE AN EFFICACY OF AT LEAST 45 LUMENS/W OR NOT LESS THAN 65 LUMENS/W. FBC RE R404
6. RESIDENTIAL STAIRS MINIMUM 1 FOOT CANDLE INSIDE AND OUTSIDE STAIRS. FBC R303.1
7. INSTALL 4 CONDUCTORS TO ALL COOKING UNITS AND DRYERS. NEC 250.140.

ARTICLE 513 - AIRPLANE HANGARS:

513.4 WIRING AND EQUIPMENT IN CLASS 1 LOCATIONS

GENERAL.

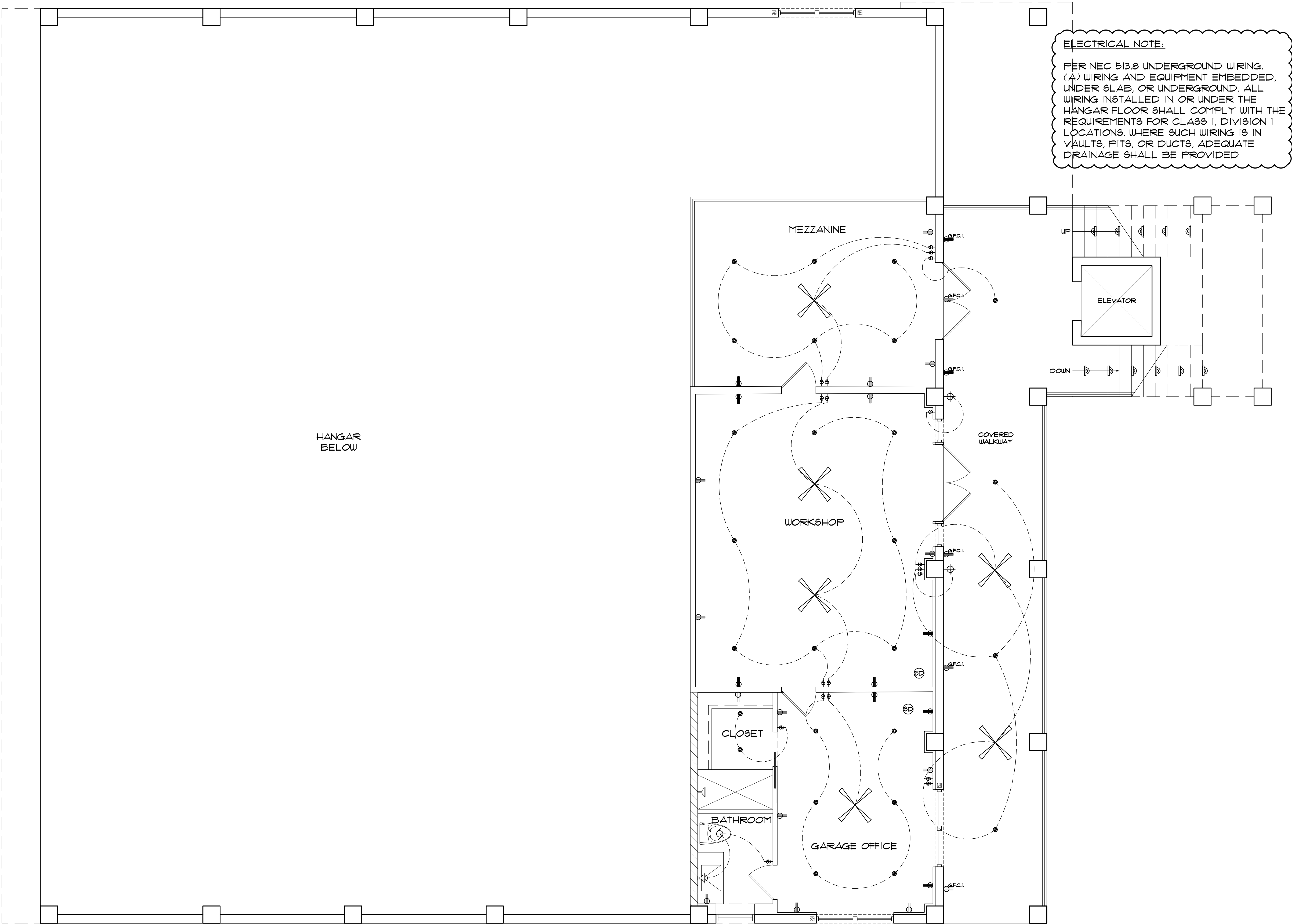
ALL WIRING AND EQUIPMENT THAT IS OR MAY BE INSTALLED OR OPERATED WITHIN ANY OF THE CLASS 1 LOCATIONS DEFINED IN 513.3 SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF ARTICLE 201 OR ARTICLE 505 FOR THE DIVISION OR ZONE IN WHICH THEY ARE USED.

ATTACHMENT PLUGS AND RECEPTACLES IN CLASS 1 LOCATIONS SHALL BE IDENTIFIED FOR CLASS 1 LOCATIONS OR SHALL BE DESIGNED SUCH THAT THEY CANNOT BE ENERGIZED WHILE THE CONNECTIONS ARE BEING MADE OR BROKEN.

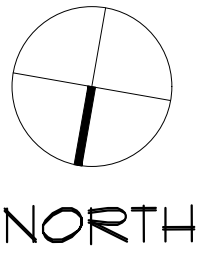
ELECTRICAL NOTE:

1. ALL FIXED WIRING IN A HANGAR BUT NOT INSTALLED IN A CLASS 1 LOCATION AS CLASSIFIED IN 513.3 SHALL BE INSTALLED IN METAL RACEWAYS OR SHALL BE TYPE MI, TC, OR MC CABLE. EXCEPTION: WIRING IN UNCLASSIFIED LOCATIONS, AS DESCRIBED IN 513.3(D), SHALL BE PERMITTED TO BE ANY SUITABLE TYPE WIRING METHOD RECOGNIZED IN CHAPTER 3
2. ELECTRICAL, MECHANICAL AND PLUMBING DRAIN, WASTE AND VENT (DWV) SYSTEMS INSTALLED WITHIN THE HANGAR SHALL BE INDEPENDENT OF THE SYSTEMS INSTALLED WITHIN THE DWELLING, EXCEPT FOR SMOKE DETECTORS PER FBC 412.5.4

ELECTRICAL LEGEND					
	CEILING MOUNTED FIXTURE		48" 2 BULB FLUORESCENT		DECORA SWITCH
	6" RECESSED		36" 2 BULB FLUORESCENT		DECORA THREE WAY SWITCH
	4" RECESSED		LED STRIP LIGHTING		DECORA FOUR WAY SWITCH
	2" RECESSED DIRECTIONAL		A/C THERMOSTAT CONTROL		SMOKE / CO DETECTOR
	WALL BRACKET FIXTURE		HOME RUN		CEILING FAN WITH LIGHT
	COMMUNICATION OUTLET		DISCONNECT SWITCH		CEILING FAN W/O LIGHT
	6" RECESSED BATH LIGHT W/ FAN		SINK DISPOSAL		DOOR BELL
	CEILING EXHAUST FAN		JUNCTION BOX		ELECTRIC METER CAN
	DECORA SINGLE RECEPTACLE		DECORA GFCI DUPLEX OUTLET		COAXIAL CABLE OUTLET
	DECORA DUPLEX RECEPTACLE		DECORA DUPLEX FLOOR OUTLET		MAIN CIRCUIT BREAKER PANEL
	240 V. SPECIAL PURPOSE OUTLET		CATEGORY 6 CABLE		



LOFT SPACE
SCALE: 1/4" = 1'-0"



DAVID G. OSBORN, AIA
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DRAWN BY:	E.H.	0	FOR SUBMITTAL	11-03-2022
CHECKED BY:	D.G.O.	1	CITY REMARK	01-18-2023
PHASE:	D.D.	2	CITY REMARK	06-13-2023
JOB NO:	2021002			

ELECTRICAL PLANS

DAVIS HANGAR / RESIDENCE

LOT 21 SOUTH AIRPORT ROAD

TAVERNIER, FL 33070

E-2

ELECTRICAL NOTES:

1. INSTALL TWO ELECTRICAL PANELS WHERE SHOWN.
2. ELECTRICAL DESIGN SHALL COMPLY WITH 2017 NEC & FBC 2020 1TH EDITION.
3. SMOKE DETECTORS TO BE INSTALLED IN EACH ROOM AND HARD WIRED AS PER CODE.
4. ALL 15 AND 20 AMP NON-LOCKING RECEPTACLES LOCATED IN THE DWELLING UNIT BELOW 5'6" TO BE TAMPER RESISTANT RECEPTACLES.
5. NOT LESS THAN 90% OF THE LAMPS SHALL HAVE AN EFFICACY OF AT LEAST 45 LUMENS/W OR NOT LESS THAN 65 LUMENS/W. FBC RE R404.
6. RESIDENTIAL STAIRS MINIMUM 1 FOOT CANDLE INSIDE AND OUTSIDE STAIRS. FBC R303.1.
7. INSTALL 4 CONDUCTORS TO ALL COOKING UNITS AND DRYERS. NEC 250.140.

ARTICLE 513 - AIRPLANE HANGARS:

513.4 WIRING AND EQUIPMENT IN CLASS I LOCATIONS

GENERAL:

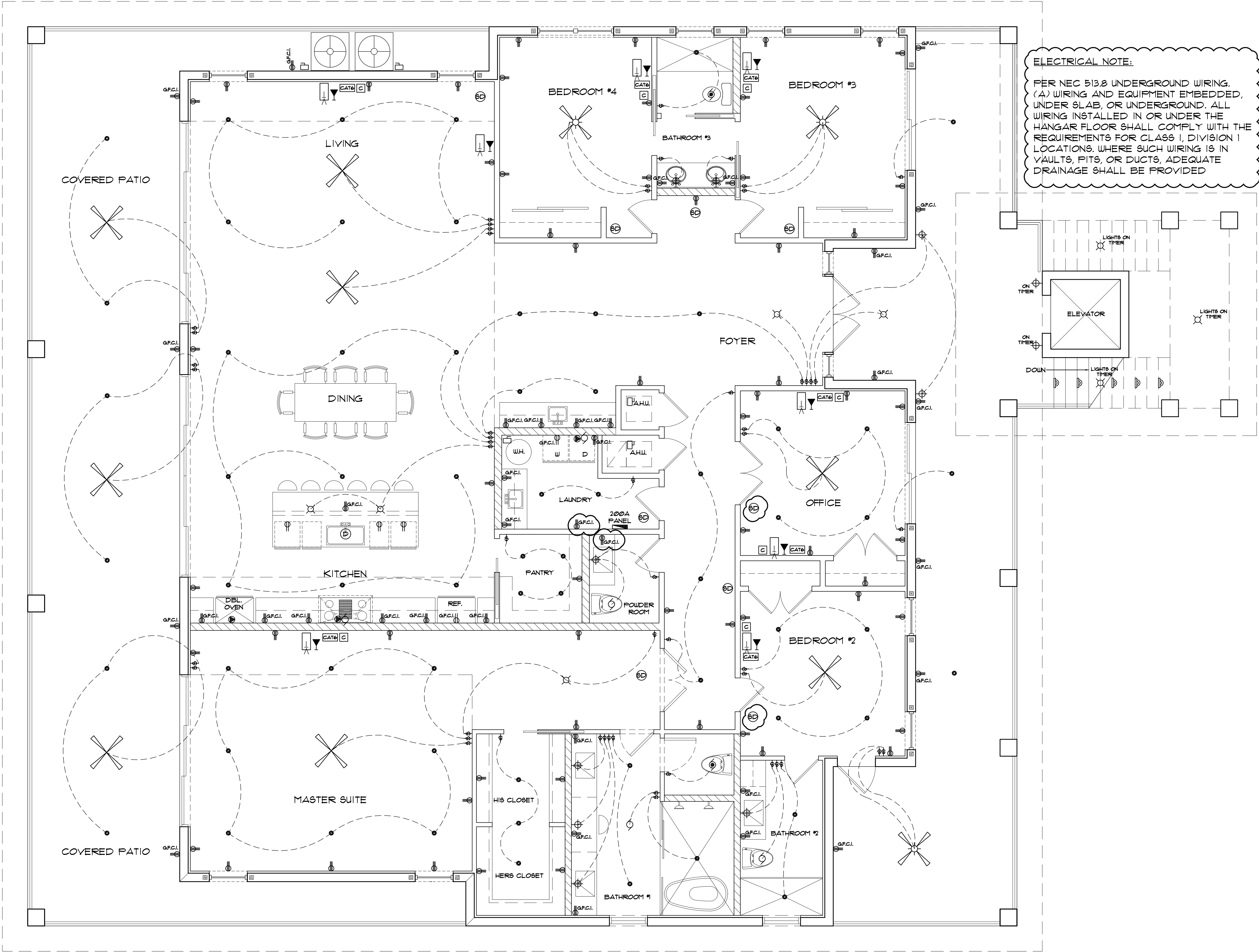
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ATTACHMENT PLUGS AND RECEPTACLES IN CLASS I LOCATIONS SHALL BE IDENTIFIED FOR CLASS I LOCATIONS OR SHALL BE DESIGNED SUCH THAT THEY CANNOT BE ENERGIZED WHILE THE CONNECTIONS ARE BEING MADE OR BROKEN.

ELECTRICAL NOTE:

1. ALL FIXED WIRING IN A HANGAR BUT NOT INSTALLED IN A CLASS I LOCATION AS CLASSIFIED IN 513.3 SHALL BE INSTALLED IN METAL RACEWAYS OR SHALL BE TYPE MI, TC, OR MC CABLE. EXCEPTION: WIRING IN UNCLASSIFIED LOCATIONS, AS DESCRIBED IN 513.3(D), SHALL BE PERMITTED TO BE ANY SUITABLE TYPE WIRING METHOD RECOGNIZED IN CHAPTER 3.
2. ELECTRICAL, MECHANICAL AND PLUMBING DRAIN, WASTE AND VENT (DWV) SYSTEMS INSTALLED WITHIN THE HANGAR SHALL BE INDEPENDENT OF THE SYSTEMS INSTALLED WITHIN THE DWELLING, EXCEPT FOR SMOKE DETECTORS PER FBC 412.5.4.

ELECTRICAL LEGEND			
	CEILING MOUNTED FIXTURE		48" 2 BULB FLUORESCENT
	RISER LIGHTS		36" 2 BULB FLUORESCENT
	4" RECESSED		LED STRIP LIGHTING
	2" RECESSED DIRECTIONAL		A/C THERMOSTAT CONTROL
	WALL BRACKET FIXTURE		HOME RUN
	COMMUNICATION OUTLET		DISCONNECT SWITCH
	6" RECESSED BATH LIGHT W/ FAN		SINK DISPOSAL
	CEILING EXHAUST FAN		JUNCTION BOX
	DECORA SINGLE RECEPTACLE		DECORA GFCI DUPLEX OUTLET
	DECORA DUPLEX RECEPTACLE		DECORA DUPLEX FLOOR OUTLET
	240 V. SPECIAL PURPOSE OUTLET		CATEGORY 6 CABLE
	DECORA SWITCH		DECORA THREE WAY SWITCH
	DECORA FOUR WAY SWITCH		SMOKE / CO DETECTOR
	CEILING FAN WITH LIGHT		CEILING FAN W/O LIGHT
	ELECTRIC METER CAN		COAXIAL CABLE OUTLET
	MAIN CIRCUIT BREAKER PANEL		



ELECTRICAL NOTE:

PER NEC 513.8 UNDERGROUND WIRING, (A) WIRING AND EQUIPMENT EMBEDDED, UNDER SLAB, OR UNDERGROUND. ALL WIRING INSTALLED IN OR UNDER THE HANGAR FLOOR SHALL COMPLY WITH THE REQUIREMENTS FOR CLASS I, DIVISION 1 LOCATIONS. WHERE SUCH WIRING IS IN VAULTS, FITS, OR DUCTS, ADEQUATE DRAINAGE SHALL BE PROVIDED

SECOND FLOOR

SCALE: 1/4" = 1'-0"

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DATE	REVISION	No.	AS SHOWN	SCALE	DRAWN BY:	CHECKED BY:	PHASE:	JOB NO:
11-03-2022	FOR SUBMITTAL	0	E.H.					
01-18-2023	CITY REMARK	1	D.G.O.					
06-13-2023	CITY REMARK	2	D.D.					
			2021002					

ELECTRICAL PLANS
DAVIS HANGAR / RESIDENCE
LOT 21 SOUTH AIRPORT ROAD
TAVERNIER, FL 33070

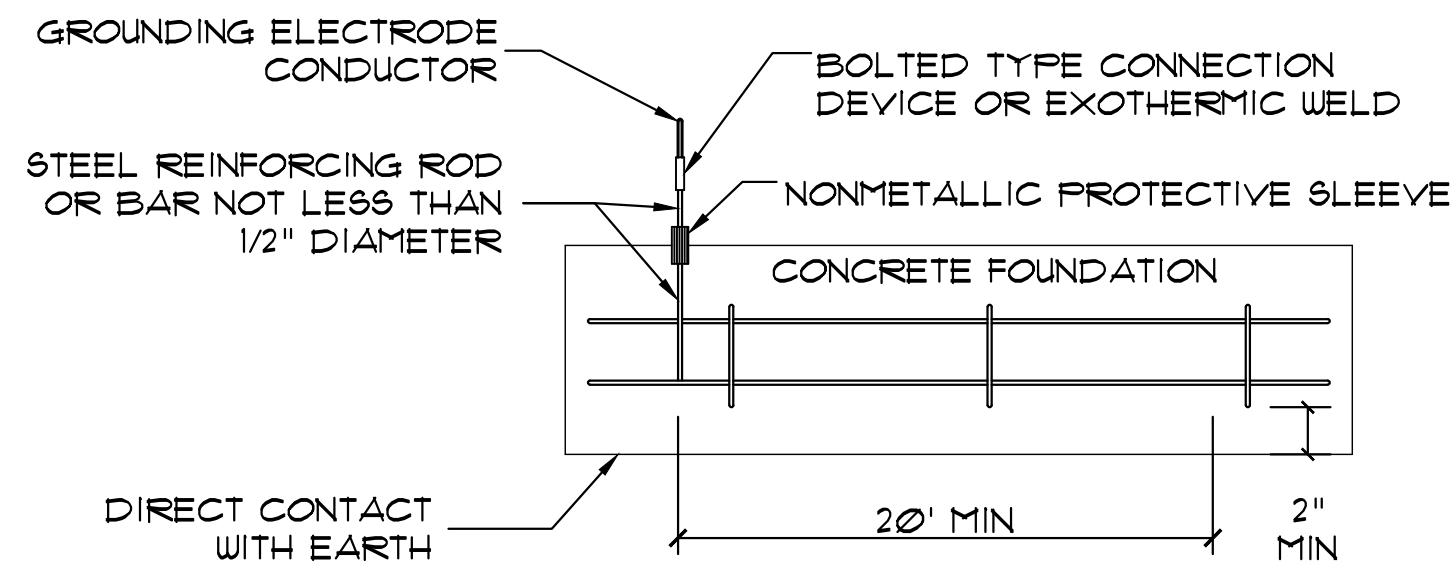
E-3

ELECTRICAL NOTES:

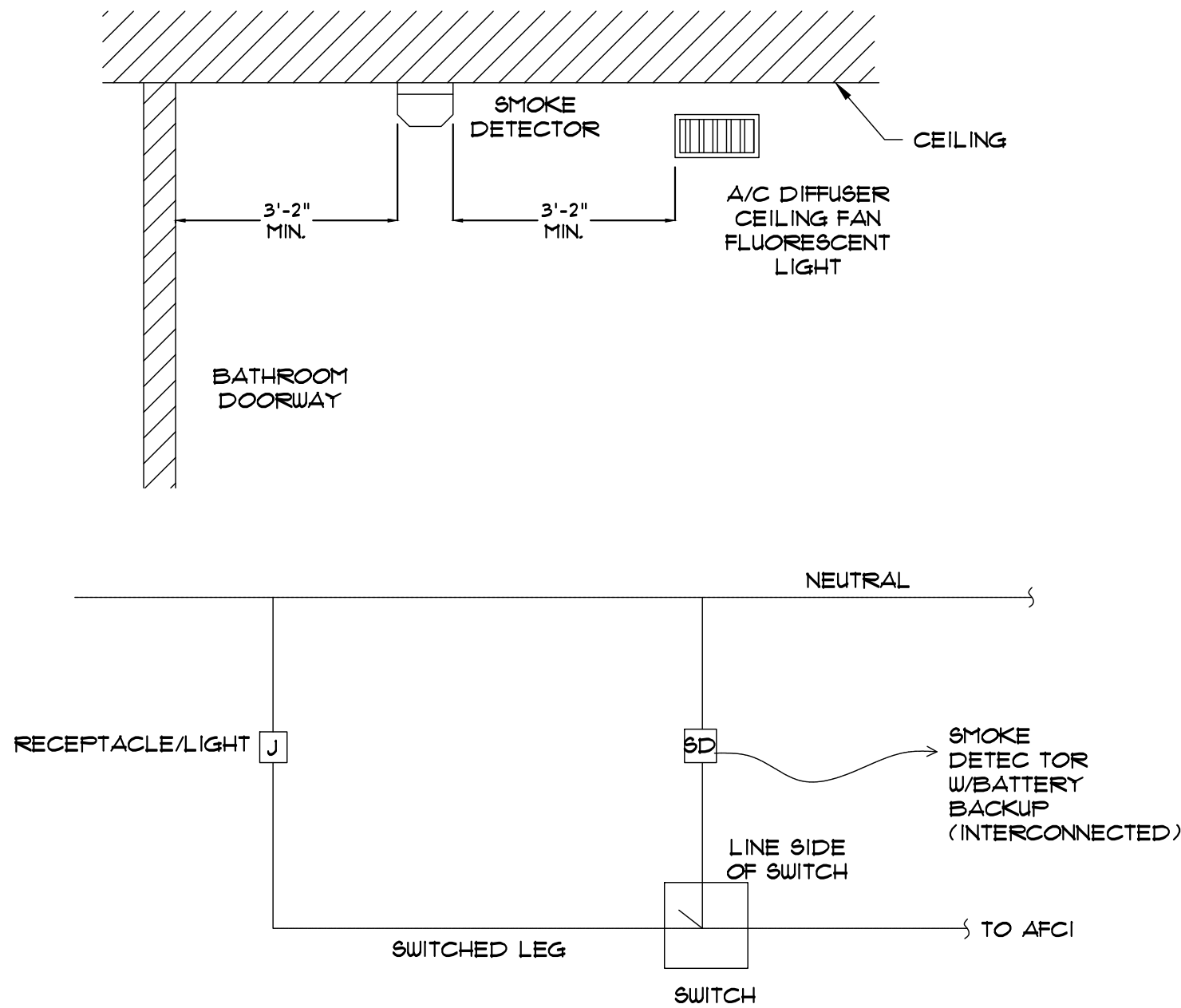
- ALL ELECTRICAL WORK SHALL CONFORM TO THE LATEST EDITION OF THE N.E.C. 2017, F.B.C. 2020, AND LOCAL BUILDING CODES HAVING JURISDICTION. ALL MATERIALS SHALL BEAR UNDERWRITERS LABORATORY LABEL OR BE UL LISTED
- WORKMANSHIP SHALL BE IN ACCORDANCE WITH GOOD TRADE PRACTICES.
- ALL EXCAVATING AND BACKFILLING REQUIRED FOR ELECTRICAL WORK SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL SUBCONTRACTOR
- CONNECTIONS TO EQUIPMENT, ELECTRICAL SUBCONTRACTOR SHALL VERIFY NAMEPLATE DATA OF A/C EQUIPMENT, WATER HEATERS AND OTHER EQUIPMENT TO OBTAIN CORRECT WIRE SIZES AND OVER-CURRENT PROTECTION PRIOR TO INSTALLATION OF ROUGH ELECTRIC WIRING. THE ELECTRICAL SUBCONTRACTOR SHALL MAKE THE ELECTRICAL CONNECTION TO ALL EQUIPMENT REQUIRING CURRENT. ALL CONTROL WIRING SHALL BE CARRIED OUT BY THE ELECTRICAL CONTRACTOR AS DIRECTED BY THE MECHANICAL SUBCONTRACTORS
- UNDERGROUND ELECTRIC CONDUCTOR CLEARANCES, HORIZONTAL OR VERTICAL SHALL BE MAINTAINED
- ALL WIRING CONDUCTORS SHALL BE COPPER IN ENT. CONDUIT
- BATHROOM, GARAGE, AND EXTERIOR RECEPTACLES SHALL BE EQUIPPED WITH GROUND FAULT INTERRUPTERS
- ELECTRICAL INSTALLATION DESIGN IS IN COMPLIANCE AS SET FORTH BY THE STATE OF FLORIDA STATUTES MODEL ENERGY EFFICIENCY CODES
- SMOKE DETECTORS SHALL BE HARD WIRED (110 VOLT) TO A NON-SWITCHABLE KITCHEN OR BATHROOM LIGHTING CIRCUIT AND SHALL NOT BE CONNECTED ONTO THE LOAD SIDE OF A GROUND FAULT INTERRUPTER
- ALL PANELS SHALL BE SQUARE D OR EQUAL
- FURNISH AND INSTALL UNDERGROUND RACEWAYS FOR POWER COMPANY SERVICE AND TELEPHONE COMPANY SERVICE AS PER UTILITY COMPANY SPECIFICATIONS, AND COORDINATE THE EXACT ROUTING OF THESE RACEWAYS WITH THE UTILITY
- VERIFY EXACT LOCATION OF ELECTRICAL OUTLETS AND LIGHTS PRIOR TO EXECUTION OF ROUGH-IN WORK
- ALL RACEWAYS AND NON-CURRENT CARRY METAL ENCLOSURES SHALL BE MECHANICALLY AND ELECTRICALLY GROUNDED
- ALL RACEWAYS AND OUTLETS IN FINISHED AREAS SHALL BE MOUNTED AND SUPPORTED
- ALL OUTLETS IN FINISHED AREAS SHALL BE MOUNTED FLUSH WITH FINISHED WALLS
- ALL WORK SHALL BE RIGIDLY MOUNTED AND SUPPORTED
- NO APPLIANCE OUTLETS SHALL BE INSTALLED BELOW THE DESIGN FLOOD ELEVATION.
- A/C COMPRESSORS SHALL BE INSTALLED ABOVE THE DESIGN FLOOD ELEVATION
- MAIN CIRCUIT BREAKER PANELS SHALL BE INSTALLED ABOVE THE DESIGN FLOOD ELEVATION
- ALL WATER HEATERS SHALL BE MECHANICALLY GROUNDED
- ALL RECEPTACLES SHALL BE TAMPER RESISTANT AS PER NEC2014 ART 406.12

DEFINITION -NFPA 70 (2020 Edition)

(c) CONCRETE ENCASED ELECTRODE. AN ELECTRODE ENCASED BY AT LEAST 2" (50.8mm) OF CONCRETE, LOCATED WITHIN AND NEAR THE BOTTOM OF A CONCRETE FOUNDATION OR FOOTING THAT IS IN DIRECT CONTACT WITH THE EARTH, CONSISTING OF AT LEAST 20 FEET (6.1m) OF ONE OR MORE BARE OR ZINC GALVANIZED OR OTHER ELECTRICALLY CONDUCTIVE COATED STEEL REINFORCING BARS OR RODS OF NOT LESS THAN 1/2" (12.7mm) DIAMETER, OR CONSISTING OF AT LEAST 20 FEET (6.1M) OF BARE COPPER CONDUCTOR NOT SMALLER THAN No.4.



NOTE: PER DETAIL THAT CONCRETE ENCASED GROUNDING ELECTRODE EXTENDS OUT OF THE FOOTER FOR CONNECTION TO GROUNDING ELECTRODE CONDUCTOR.

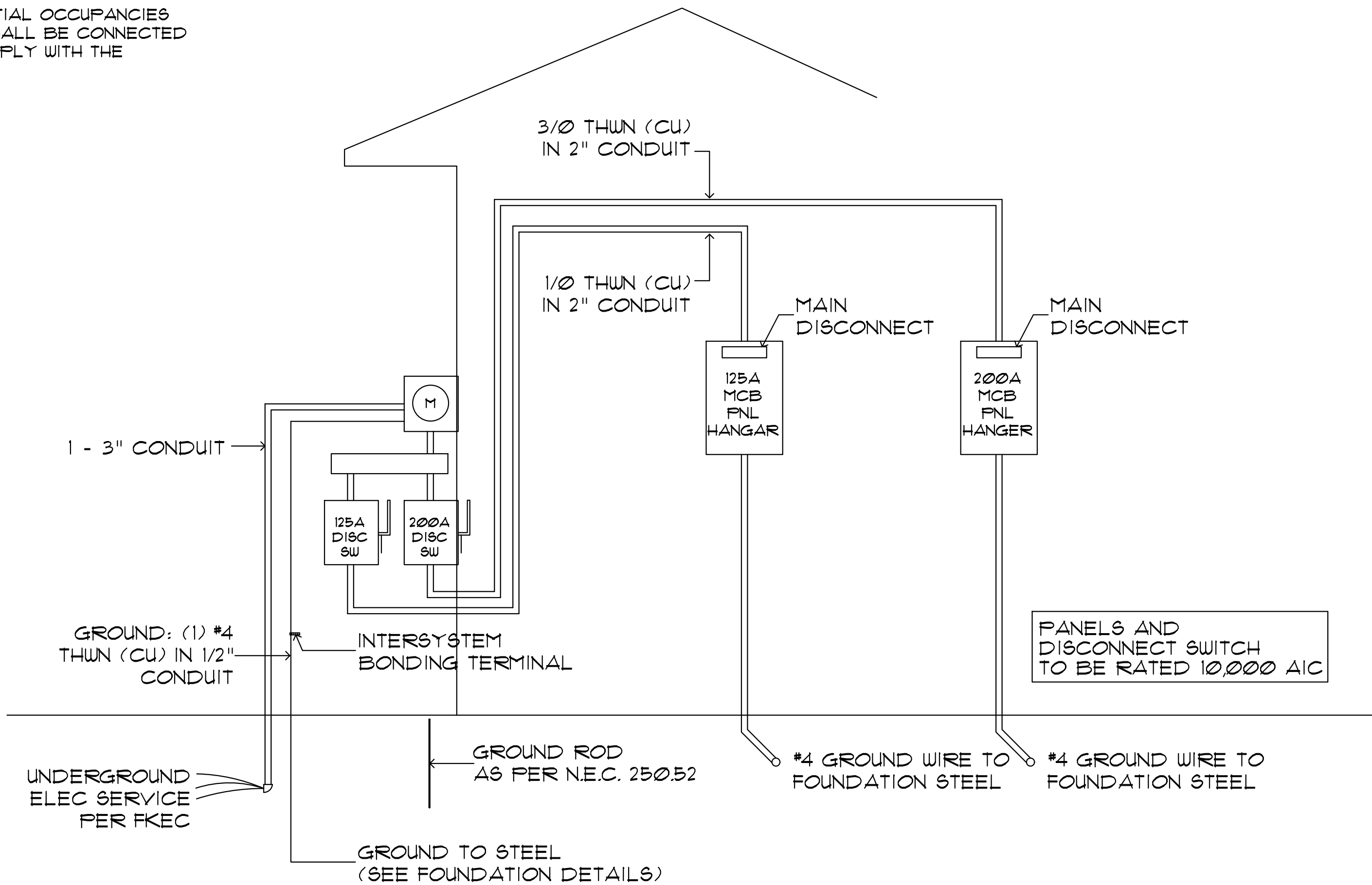


SMOKE DETECTOR DETAIL

N.T.S.

NOTE: PROVIDE ARC FAULT PROTECTION FOR ALL OUTLETS PER N.E.C. 210-12

WHERE 120 V. SMOKE DETECTORS ARE INSTALLED IN RESIDENTIAL OCCUPANCIES THEY SHALL BE INSTALLED AHEAD OF ALL SWITCHES AND SHALL BE CONNECTED TO BEDROOM AFCI CIRCUITS. SMOKE DETECTORS SHALL COMPLY WITH THE REQUIREMENTS OF THE F.B.C. 2020 ED.



ELECTRICAL RISER DIAGRAM

N.T.S.

DAVID G. OSBORN, AIA 91700 OVERSEAS HIGHWAY TAVERNIER, FLORIDA 33070 TAVERNIER, FLORIDA 33070 DGAARCHITECTURE.COM		ARCHITECTURE	
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SCALE:	AS SHOWN	No.	REVISION
DRAWN BY:	E.H.	0	FOR SUBMITTAL
CHECKED BY:	D.G.O.	1	CITY REMARK
PHASE:	D.D.	2	CITY REMARK
JOB NO:	2021002		
TECHNICAL ELECTRICAL		DAVIS HANGAR / RESIDENCE LOT 21 SOUTH AIRPORT ROAD TAVERNIER, FL 33070	
E-4			

3,810 SF. OF LIVING AREA x .003	= 11.43
PANEL LOAD	= 37.6
SUBTOTAL	= 49.03
FIRST 10 KW @ 100%	= 10.0
39.03 KW @ 40%	= 15.6
A/C LOAD	= 15.0
TOTAL DEMAND FACTOR	= 30.6
30.6 KW / 230 VOLTS	= 133 AMP
INSTALL 200 AMP ELECTRICAL PANEL	

5,195 S.F. OF HANGER X .003	= 17.4
PANEL LOAD	= 12.5
SUB-TOTAL	= 29.9
FIRST 10 KW @ 100%	= 10.0
19.9 KW @ 40%	= 7.96
A.C.	= 5.2
TOTAL DEMAND FACTOR	= 23.16
23.16 KW / 230 VOLTS	= 101 AMPS
INSTALL 125 AMP ELECTRICAL PANEL	

MAIN PANEL					120/240V-1PH-3W		200A-MCB				
CKT	DESCRIPTION	C.B.	POLE	WIRE	LOAD	LOAD	WIRE	POLE	C.B.	DESCRIPTION	CKT
1	AC. HANDLER #1	40	2	#8 THIN - 1/2" CO	58	36	#8 THIN - 3/4" CO	2	60	AC. CONDENSER #1	2
3											4
5	DRYER	40	2	#8 THIN - 1/2" CO	52	55	#8 THIN - 3/4" CO	2	60	OVEN	6
7											8
9	WATER HEATER	40	2	#8 THIN - 1/2" CO	13	16	#2 THIN - 1/2" CO	1	20	WASHER	10
11						16	#2 THIN - 1/2" CO	1	20	REFRIGERATOR	12
13	REAR PATIO	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	DISHWASHER	14
15	DINING	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	MICROWAVE	16
17	LIVING RM. RECEPT.	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	KITCHEN G.F.C.I.	18
19	LIVING RM. LIGHTS	15	1	#2 THIN - 1/2" CO	12	16	#2 THIN - 1/2" CO	1	20	KITCHEN RECEPT.	20
21	BATH #1	20	1	#2 THIN - 1/2" CO	16	12	#2 THIN - 1/2" CO	1	15	KITCHEN LIGHTS	22
23	BATH #2	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	FRONT PATIO	24
25	HALLWAY	15	1	#2 THIN - 1/2" CO	12	16	#2 THIN - 1/2" CO	1	20	ISLAND	26
27	BEDROOM #1	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	SMALL APPLIANCE	28
29	BEDROOM #2	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	SMALL APPLIANCE	30
31	BEDROOM #3	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	SMALL APPLIANCE	32
33	BEDROOM #4	20	1	#2 THIN - 1/2" CO	16	16	#2 THIN - 1/2" CO	1	20	BATH #3	34
35						16	#2 THIN - 1/2" CO	1	20	OFFICE	36
37						12	#8 THIN - 3/4" CO	2	30	ELEVATOR POWER	38
39											40
41						12	#2 THIN - 1/2" CO	2	15	ELEVATOR LIGHT	42
TOTAL					45.4	45.5	TOTAL				

NOTES: ALL BRANCH CIRCUITS SHALL COMPLY WITH NEC 2017 ARTICLE 210.12 (A)
PART OF 3W PER SF LOAD CALC
PROVIDE ARC FAULT PROTECTION FOR ALL RECEPTACLES

MAIN PANEL 2					120/240V-1PH-3W		125A-MCB				
CKT	DESCRIPTION	C.B.	POLE	WIRE	LOAD	WIRE	POLE	C.B.	DESCRIPTION	CKT	
1	HANGAR DOOR	30	2	#10 THIN - 3/4" CO	3.6	#12 THIN - 1/2" CO	1	20	WORK SHOP	2	
3						#12 THIN - 1/2" CO	1	20	WORKSHOP	4	
5	HANGAR	20	1	#12 THIN - 1/2" CO	1.6	#12 THIN - 1/2" CO	1	20	MEZZANINE	6	
7	HANGAR	20	1	#12 THIN - 1/2" CO	1.6	#12 THIN - 1/2" CO	1	20	GARAGE DOOR	8	
9	HANGAR	20	1	#12 THIN - 1/2" CO	1.6	#12 THIN - 1/2" CO	1	20	GARAGE DOOR	10	
11	HANGAR	20	1	#12 THIN - 1/2" CO	1.6	#12 THIN - 1/2" CO	1	20	REAR PATIO	12	
13						#12 THIN - 1/2" CO	1	20	EXTERIOR	14	
15	WATER HEATER	40	2	#8 THIN - 1/2" CO	7.3	#6 THIN - 3/4" CO	2	30	MINI-SPLIT	16	
17										18	
19		40	2	#8 THIN - 1/2" CO						20	
21	CISTERN	20	1	#12 THIN - 1/2" CO	1.6					22	
23	INTERIOR MINI SPLIT	20	1	#12 THIN - 1/2" CO	1.6					24	
25										26	
27										28	
29										30	
31										32	
33										34	
35										36	
37										38	
39										40	
41										42	
TOTAL					20.5	14.8	TOTAL				

NOTES: ALL BRANCH CIRCUITS SHALL COMPLY WITH NEC 2017 ARTICLE 210.12 (A)
PART OF 3W PER SF LOAD CALC
PROVIDE ARC FAULT PROTECTION FOR ALL RECEPTACLES

E-5

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SCALE:	AS SHOWN	No.	REVISION	DATE
DRAWN BY:	E.H.	0	FOR SUBMITTAL	11-03-2022
DESIGNED BY:	D.G.O.	1	CITY REMARK	01-18-2023
PHASE:	D.D.	2	CITY REMARK	06-13-2023
JOB NO:	2021002			



June 22, 2022

Habitat Analysis

Parcels 00437493-005000 and 00437493-005100, Village of Islamorada, Florida
NLE Project No. 32522001

New Leaf Environmental, LLC (NLE) is providing this report as a record of our Habitat Analysis of the above referenced property. This assessment was conducted in accordance with the Village's standards (Sec. 30-1613 of the Village code). This assessment is valid for the time at which it was written, and changing site conditions, proposed development, and changes in tree health may affect the future validity of this assessment.

Project Background & General Site Description

This 13,110 SF property is located within the Tavernaero subdivision on the Bay side of US 1 on Plantation Key. The parcels are vacant, covered by vegetation, and is situated between developed single family home sites to the east and west, the Tavernaero airport roadway and runway to the north, and orchid street to the south. The location of the property is shown on the adjacent aerial, and depicted in further detail on the attached vegetation map and photo log.



Methodology

All trees on site 3.5 inches in stem diameter and greater were identified in the field using blue and white flagging tape. Flagging for each tree included a unique number designation that corresponds to the numbers shown on the attached Tree Table and Vegetation Map. Diameter at breast height (DBH) of trees was measured using a diameter tape and rounded to the nearest inch (i.e. trees 3.5 to 3.9 inches were rounded to 4 inches), and observations were made of each tree to include species, height, canopy spread, and condition. Representative photos of the site were taken and are included in the attached Photo Log. Locations of the trees shown in the Vegetation Map were identified using surrounding landmarks, fence

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(954) 643-0423 mmccoy@newleaf.expert

lines, paces, and similar means of estimation. In addition to trees, observations and locations were recorded for invasive species; total vascular species observed (recorded on the [Plant List](#)); signs of wildlife; and species listed as threatened, endangered, or regionally important.

Observations

Forest Canopy – the canopy on site is dense, and heavily dominated by cockspur in thick stands with mature canopy trees primarily around the perimeter.

Understory – the understory on the site is dominated by cockspur, with Spanish stopper and limber caper as the dominant understory species outside of cockspur thickets, and scattered species elsewhere as shown on the Vegetation Map.

Shrub – This layer is very dense in selected areas where dominated by cockspur, with a wider diversity of shrub species occurring around the perimeter.

Herbaceous and vine – as with the other layers, this layer is dominated by cockspur, with selected areas along the eastern side dominated by yellow root and snowberry.

The species present on site are considered typical of a tropical hardwood hammock. A complete list of plants observed on site is attached, listed in order of relative dominance, with representative site photos in the Photo Log. The vegetation map indicates the locations of individuals/clusters of species that are regionally important, threatened, endangered, or maturing under four inches DBH.

Wildlife – the site is not within the USFWS combined species focus area for the Florida Keys, as shown on the inset photo to the right. No wildlife species or signs of their presence were observed on the site during the field assessment. Due to the developed nature of the surrounding community, it is unlikely that the property is used for protected wildlife species other than for temporary occupancy. Accordingly a determination for developing the parcel can be made of Not Likely to Adversely Affect.



Significant Environmental Features – no wetlands, wells, trenches, solution holes, or other significant environmental features were observed.

Tropical Hardwood Hammock Quality Scoring

Hammock Patch Size – Hammock patch size refers to the size of the contiguous hammock community to which the onsite hammock belongs, regardless of ownership. The limits of the hammock patch are determined by changes in habitat type, transition to developed areas no longer meeting the definition of hammock, and primary roads (US 1) – secondary paved roads do not constitute a hammock boundary.

Based on this definition of hammock patch size, the hammock community within this property is not contiguous with other significant hammock areas and would total less than 0.5 acres. Accordingly, 25 points are attributed to the site based on the Village's scoring system.

Landscape Ecology – This category refers to the position of the hammock within the context of other natural communities. Based on an analysis of the surrounding area in the field and from recent aerial photography, the hammock is not contiguous with other natural communities totaling at least five acres in size. Accordingly, no points are attributed to the site for this feature based on the Village's scoring system.

Invasive Exotic Species – The extent to which a hammock is infested with invasive exotic plants is considered a measure of the ecological integrity of the hammock and thus hammock quality. Based on site observations, invasive exotic species comprise less than 25% of the plant cover on the site. Accordingly, 10 points are attributed to the site based on the Village's scoring system.

Quality Determination – based on a cumulative score of 35, the hammock on this parcel is initially rated as Low Quality. Further, based on Sec. 30-1613, the location of the parcel within the Tavernaero Airport land use category and with a total area less than ½ acre, the hammock quality is automatically rated as **Low Quality**.

Sincerely,

New Leaf Environmental, LLC



Michael McCoy
ISA Certified Arborist, LIAF/Certified Landscape Inspector
Village of Islamorada Qualified Biologist

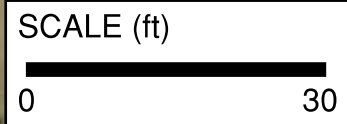
Attachments: Plant List, Vegetation Map, Tree Table, Photo Log

Plant List Tavernaero

Tavernaero Plant List			
Plants grouped by strata in relative order of dominance			
Stratus	Common Name	Scientific Name	Status
Canopy			
	cockspur	<i>Pisonia aculeata</i>	N
	wild tamarind	<i>Lysiloma latisiliquum</i>	N
	gumbo limbo	<i>Bursera simaruba</i>	N
	Jamaica dogwood	<i>Piscidia piscipula</i>	N
	black ironwood	<i>Krugiodendron ferreum</i>	RI
	blolly	<i>Guapira discolor</i>	N
	pigeon plum	<i>Coccoloba diversifolia</i>	N
	poisonwood	<i>Metopium toxiferum</i>	N
	wild lime	<i>Zanthoxylum fagara</i>	E
	cinnamon bark	<i>Canella winterana</i>	E
	mahogany	<i>Swietenia mahagoni</i>	E
Understory			
	cockspur	<i>Pisonia aculeata</i>	N
	limber caper	<i>Capparis flexuosa</i>	N
	Spanish stopper	<i>Eugenia foetida</i>	N
	black ironwood	<i>Krugiodendron ferreum</i>	RI
	cinnamon bark	<i>Canella winterana</i>	E
	Jamaica caper	<i>Capparis cynophallophora</i>	N
	lignum vitae	<i>Guaiacum sanctum</i>	E
Shrub			
	cockspur	<i>Pisonia aculeata</i>	N
	Spanish stopper	<i>Eugenia foetida</i>	N
	limber caper	<i>Capparis flexuosa</i>	N
	snowberry	<i>Chiococca alba</i>	N
	inkwood	<i>Exothea paniculata</i>	RI
	white indigoberry	<i>Randia aculeata</i>	N
	prickly pear cactus	<i>Opuntia spp.</i>	EX
	cardboard palm	<i>Zamia furfuracea</i>	EX
	wild lime	<i>Zanthoxylum fagara</i>	E
	Jamaica caper	<i>Capparis cynophallophora</i>	N
	crabwood	<i>Gymnanthes lucida</i>	RI
	Brazilian pepper	<i>Schinus terebinthifolius</i>	INV
	mahogany	<i>Swietenia mahagoni</i>	E
	false mastic	<i>Sideroxylon foetidissimum</i>	RI

Plant List Tavernaero

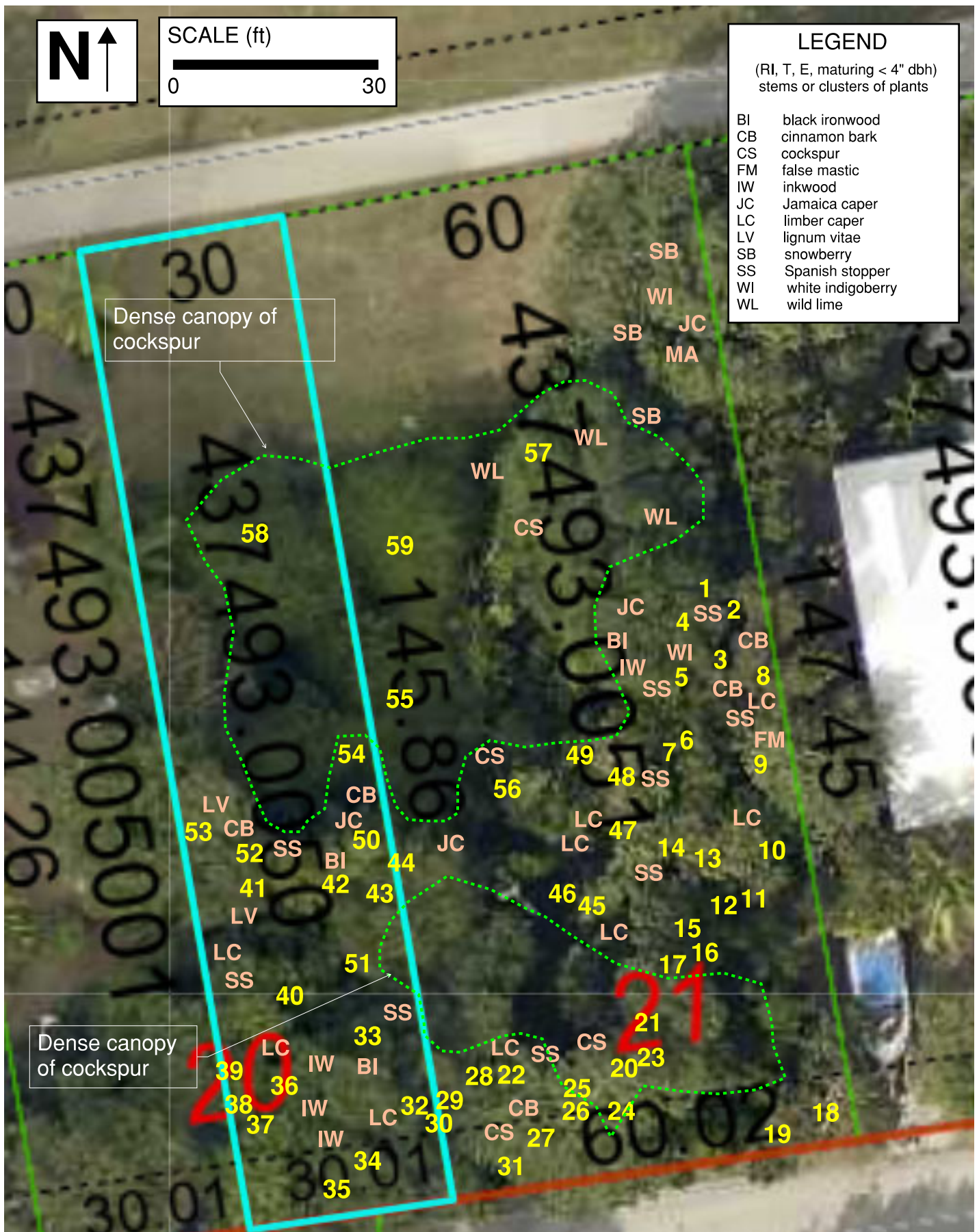
Stratus	Common Name	Scientific Name	Status
	neem tree	<i>Azadirachta indica</i>	EX
Herbaceous & Vine			
	cockspur	<i>Pisonia aculeata</i>	N
	yellowroot	<i>Morinda royoc</i>	N
	greenbrier	<i>Smilax auriculata</i>	N
TH = threatened		N = non-listed native	
E = endangered		SSC = species of special concern	
RI = regionally important		EX = exotic	
INV = invasive			



LEGEND

(RI, T, E, maturing < 4" dbh)
stems or clusters of plants

BI	black ironwood
CB	cinnamon bark
CS	cockspur
FM	false mastic
IW	inkwood
JC	Jamaica caper
LC	limber caper
LV	lignum vitae
SB	snowberry
SS	Spanish stopper
WI	white indigoberry
WL	wild lime



Vegetation Map

PARCELS 00437493-005000, 00437493-005100 Village of Islamorada

NLE Project No. 32522001

June, 2022

Tree Table Tavernaero

Tree #	Common Name	Scientific Name	DBH (inches)	Number of stems	Height (feet)	Spread (feet)	Status	Comments
1	wild tamarind	<i>Lysiloma latisiliquum</i>	18	1	45	30	N	
2	gumbo limbo	<i>Bursera simaruba</i>	10	1	40	15	N	
3	gumbo limbo	<i>Bursera simaruba</i>	6	1	30	12	N	
4	wild tamarind	<i>Lysiloma latisiliquum</i>	14	1	50	30	N	
5	black ironwood	<i>Krugiodendron ferreum</i>	4	2	20	12	RI	
6	mahogany	<i>Swietenia mahagoni</i>	6	2	20	12	E	
7	black ironwood	<i>Krugiodendron ferreum</i>	5	2	25	20	RI	
8	pigeon plum	<i>Coccoloba diversifolia</i>	5	2	30	10	N	
9	poisonwood	<i>Metopium toxiferum</i>	5	1	25	8	N	
10	black ironwood	<i>Krugiodendron ferreum</i>	4	1	25	8	RI	
11	gumbo limbo	<i>Bursera simaruba</i>	10	1	45	15	N	
12	black ironwood	<i>Krugiodendron ferreum</i>	4	1	25	8	RI	
13	gumbo limbo	<i>Bursera simaruba</i>	6	2	30	12	N	Poor condition
14	blolly	<i>Guapira discolor</i>	6	1	35	15	N	
15	pigeon plum	<i>Coccoloba diversifolia</i>	4	2	30	12	N	
16	poisonwood	<i>Metopium toxiferum</i>	9	1	40	12	N	
17	cinnamon bark	<i>Canella winterana</i>	5	1	20	10	E	
18	gumbo limbo	<i>Bursera simaruba</i>	12	1	18	10	N	
19	poisonwood	<i>Metopium toxiferum</i>	4	1	18	6	N	
20	cockspur	<i>Pisonia aculeata</i>	4	1	15	25	N	
21	black ironwood	<i>Krugiodendron ferreum</i>	4	1	12	5	RI	Poor condition
22	Jamaica dogwood	<i>Piscidia piscipula</i>	17	2	50	30	N	
23	black ironwood	<i>Krugiodendron ferreum</i>	5	1	12	8	RI	Poor condition
24	pigeon plum	<i>Coccoloba diversifolia</i>	6	3	20	15	N	
25	black ironwood	<i>Krugiodendron ferreum</i>	4	1	18	6	RI	
26	blolly	<i>Guapira discolor</i>	5	1	18	12	N	
27	blolly	<i>Guapira discolor</i>	4	6	18	5	N	
28	Jamaica dogwood	<i>Piscidia piscipula</i>	18	1	25	15	N	Poor condition
29	cinnamon bark	<i>Canella winterana</i>	4	1	15	15	E	
30	poisonwood	<i>Metopium toxiferum</i>	13	1	25	8	N	Poor condition
31	blolly	<i>Guapira discolor</i>	6	4	25	10	N	
32	blolly	<i>Guapira discolor</i>	6	2	25	10	N	
33	black ironwood	<i>Krugiodendron ferreum</i>	4	1	20	15	RI	
34	Jamaica dogwood	<i>Piscidia piscipula</i>	8	2	20	15	N	
35	blolly	<i>Guapira discolor</i>	6	8	12	6	N	
36	wild tamarind	<i>Lysiloma latisiliquum</i>	12	1	25	18	N	
37	wild tamarind	<i>Lysiloma latisiliquum</i>	15	1	25	15	N	
38	wild tamarind	<i>Lysiloma latisiliquum</i>	11	1	25	25	N	
39	blolly	<i>Guapira discolor</i>	11	1	25	10	N	
40	black ironwood	<i>Krugiodendron ferreum</i>	5	1	25	10	RI	
41	black ironwood	<i>Krugiodendron ferreum</i>	6	2	25	18	RI	
42	wild tamarind	<i>Lysiloma latisiliquum</i>	5	1	30	15	N	
43	wild tamarind	<i>Lysiloma latisiliquum</i>	18	1	50	20	N	Poor condition
44	pigeon plum	<i>Coccoloba diversifolia</i>	4	1	25	8	N	
45	Jamaica dogwood	<i>Piscidia piscipula</i>	4	1	20	8	N	
46	black ironwood	<i>Krugiodendron ferreum</i>	5	1	20	12	RI	
47	gumbo limbo	<i>Bursera simaruba</i>	9	1	25	10	N	
48	black ironwood	<i>Krugiodendron ferreum</i>	6	1	30	18	RI	
49	gumbo limbo	<i>Bursera simaruba</i>	9	2	35	20	N	
50	black ironwood	<i>Krugiodendron ferreum</i>	4	1	20	10	RI	
51	black ironwood	<i>Krugiodendron ferreum</i>	4	1	20	10	RI	
52	blolly	<i>Guapira discolor</i>	10	1	40	15	N	

Tree Table Tavernaero

Tree #	Common Name	Scientific Name	DBH (inches)	Number of stems	Height (feet)	Spread (feet)	Status	Comments
53	Jamaica dogwood	<i>Piscidia piscipula</i>	6	2	50	30	N	
54	pigeon plum	<i>Coccoloba diversifolia</i>	4	1	10	8	N	
55	cockspur	<i>Pisonia aculeata</i>	7	1	12	35	N	
56	cinnamon bark	<i>Canella winterana</i>	4	1	16	8	E	
57	wild lime	<i>Zanthoxylum fagara</i>	4	1	16	12	E	
58	wild lime	<i>Zanthoxylum fagara</i>	6	1	16	16	E	
59	cockspur	<i>Pisonia aculeata</i>	4	1	15	35	N	
Status Codes								
TH = threatened		N = non-listed native						
E = endangered		SSC = species of special concern						
RI = regionally important		EX = exotic						
INV = invasive								

PHOTO LOG

Photo 1. View from northeastern corner of the property looking southwest. Dense stand of cockspur visible on the left side of the photo.



Photo 2. View from eastern side of the property looking south along the property line.



Photo 3. View from within the (east of) center portion of the site.



Photo 4. View from rear (southern end) of the site, looking west into dense stand of cockspur.



Environmental Report

Legal Description

Tavernaero Inc
Block 2
Lot 21 and Easterly ½ Lot 20
Plantation Key

Address

186 South Airport Road

Real Estate Number

00437493-005100

2/7/23

71 Tingler Lane, Marathon, FL 33050

julie_cheon@hotmail.com

Phone (305) 395-1985

Fax (305) 743-4587

This report was completed to document the existing habit and relative ecological functionality observed at the above referenced property. Site visits were performed on January 21 and 28, 2023.

Existing Conditions

The 13,110 sf parcel is located in a densely populated subdivision with an active airstrip on Plantation Key. The parcel is bordered on the east and west by developed, disturbed parcels, on the south by a paved road and on the north by a paved road and runway. A location map is provided in Attachment A.

The front of the parcel is, with the exception of miscellaneous grasses and herbs, devoid of vegetation. The mid and rear portions of the parcel are predominantly vegetated with native vegetation, but invasive exotic vegetation is present. Most notable is an area of invasive exotic *Schinus terebinthifolia* (Brazilian Pepper), which is present along the northeast property line. Additionally, Cardboard Palm has begun to infiltrate the interior of the hammock, spreading from the adjacent parcel. These two species have been designated Category I and Category II invasive exotic

species, respectively, by the Florida Keys Invasive Exotic Task Force. *Pisonia aculeata* is the dominant native species onsite. It has been given the name Devil's holdback due to its extremely sharp, curved, unforgiving thorns. *Pisonia sp.* are sometimes referred to as Bird Catch Trees due to their ability to trap birds. This has been attributed to their spines as well as their sticky seeds which have been known to entangle fallen fledglings, trapping them to starve to death. An overabundance of this specimen dominated the center of the parcel creating a monoculture to the detriment of other native species. This has significantly limited species diversity. Only 19 unique native species were observed. Of those, only six qualified for status as being listed as threatened, endangered or regionally important. A complete vegetation list is provided in Attachment B and photos are provided in Attachment C.

The Village has mapped approximately 0.19 acres of native habitat on the parcel. The parcel is isolated from any significant habitat.

Wildlife

The site is not within the USFWS Species Focus Areas any target species. No listed animal species were observed onsite. No significant use by wildlife or indicators of use by wildlife was observed. There was a conspicuous lack of wildlife observed.



Figure 1 - Subject Parcel

Influences on Functionality

- *Patch Size*

In assessing the quality and value of the habitat, patch size, as noted in the Village of Islamorada Land Development Regulations, is the most important factor. Current literature backs up this premise, however, literature for a patch this small (0.19 ac) could not be located. This may be due to the fact that, while there is no universal definition of forest, of the organizations that do define forest, the minimum area defined is generally in excess of 0.5 hectare (ha) (53,819 sf / 1.24 acres) or greater. This includes the definition by the following agencies and organizations; United States Department of Agriculture (USDA) Conservation Programs Manual, 1 acre minimum; The Convention on Biological Diversity, >0.5 ha, and the United Nations Food and Agriculture Organization (FAO), >0.5 hectare. The native vegetation on the subject parcel is approximately 19% of the aforementioned defined minimum areas.

- *Edge Effects*

In addition to patch size, edge effects are known to have considerable impacts on hammock forests. Negative edge effects include increased risk of parasitism or disease, increased risk of predation, adverse microclimate conditions, and competition from invasive species (*Conservation Buffers: Design Guidelines for Buffers, Corridors, and Greenways*, https://www.fs.usda.gov/nac/buffers/guidelines/2_biodiversity/10.html). The depth of edge influence (DEI), the distance the edge effect extends into habitat patches, varies. Abiotic and plant responses are generally reported to extend up to 50 m into patches, invertebrate responses up to 100 m, and bird responses 50-200 m (Edge characteristics and Effects, Ecology Center 2023-01-16, <https://www.ecologycenter.us/forest-ecology/edge-characteristics-and-effects.html>).

The subject parcel is surrounded by developed area and is even smaller than the limits of the expected edge effects, further minimizing the parcel's functionality. Additional anthropogenic activities on developed edges include increased roadkill (Goosem 1997; Forman & Alexander 1998) and predation by domestic cats. In one study of tropical hardwood hammocks and residential areas in the Keys, it was observed that invasive cowbird (an obligate brood parasite) species and feral cats were observed on hammock edges and may pose additional threats to migratory birds. In the study feral cats were observed at 54% of survey locations and were observed stalking and/or attacking migratory birds. (*Status and Use of Tropical Hardwood Hammocks and Forested Residential Areas as Habitat For Resident and Neotropical Migratory Birds in the Florida Keys*, Karim 2007.)

Rather unique to this location is the Tavernaero airstrip which creates additional noise, activity, and the possibility for bird strikes during take-offs and landings.

Classification and Summary

While the Village of Islamorada GIS Web Mapping Application indicates the parcel contains approximately 0.19 acres of hammock habitat, a separate map does not assign the hammock designation to the parcel (Attachment D).

The isolated parcel has an extremely limited patch of native vegetation and experiences negative edge effects from the developed edges, including common and unique anthropogenic activities in the neighborhood and along the runway. As previously discussed, this combination can be detrimental to wildlife including increased predation and roadkill and, for their own protection, wildlife should not be encouraged to utilize this area. These influences have already led to limited flora diversity and an absence of any observed wildlife. For these reasons, the parcel is best classified as **Disturbed with Tropical Hardwood Hammock**.

It is further recommended that any required mitigation for impacts to tree species would be best utilized in restoring or buffering an existing intact hammock to further increase patch size, reduce edge effects and increase the functionality of a hardwood hammock.

Attachment A Location Map



Attachment B Species List

Native Species		
<u>Scientific Name</u>	<u>Common Name</u>	<u>Status</u>
<i>Bursera simaruba</i>	Gumbo Limbo	N
<i>Canella winterana</i>	Cinnamon Bark	END
<i>Capparis cynophallophora</i>	Jamaica Caper	N
<i>Chiococca alba</i>	Snowberry	N
<i>Coccoloba diversifolia</i>	Pigeon Plum	N
<i>Eugenia axillaries</i>	White Stopper	N
<i>Exothea paniculata</i>	Inkwood	RI
<i>Guaiacum sanctum</i>	Lignum Vitae	END
<i>Guapira discolor</i>	Blolly	N
<i>Gymnanthes lucida</i>	Crabwood	N
<i>Krugiodendron ferreum</i>	Black Ironwood	RI
<i>Lysiloma latisiliquum</i>	Wild Tamarind	N
<i>Metopium toxiferum</i>	Poisonwood	N
<i>Piscidia piscipula</i>	Jamaican Dogwood	N
<i>Pisonia aculeata</i>	Devils' claw / Pullback	N
<i>Randia aculeata</i>	Randia/White Indigo Berry	N
<i>Sideroxylon foetidissimum</i>	Mastic	RI
<i>Swietenia Mahagoni</i>	Mahogany	END
<i>Zanthoxylum fagara</i>	Wild Lime	N

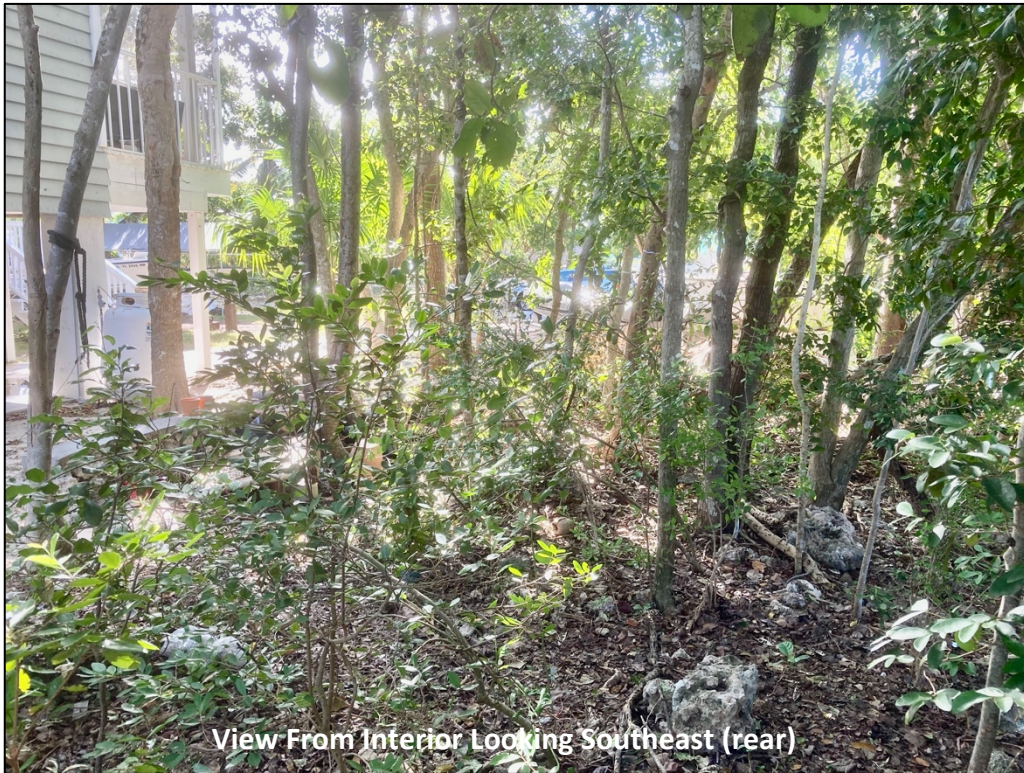
Non-Native Species		
<u>Scientific Name</u>	<u>Common Name</u>	<u>Status</u>
<i>Opuntia cochenillifera</i>	Cochineal cactus	ex
<i>Schinus terebinthifolia</i>	Brazilian Pepper	IEX - Cat I
<i>Zamia furfuracea</i>	Cardboard Palm	IEX - Cat II

Status Key	
END	Endangered
ex	Exotic
IEX	FKIETF Designated Invasive
N	Native
RI	Regionally Important

Attachment C - Site Photos (Page 1 of 4)



Attachment C - Site Photos (Page 2 of 4)



Attachment C - Site Photos (Page 3 of 4)



Attachment C - Site Photos (Page 4 of 4)



Attachment D – Village of Islamorada Hammock Boundary Map



Daniel Parobok

From: Daniel Gulizio
Sent: Thursday, May 25, 2023 8:41 AM
To: Bart Smith
Cc: Jennifer DeBoisbriand; Daniel Parobok; Brandi Green
Subject: FW: 186 S airport Road

Bart,
As discussed, below please find the review of the revised habitat analysis provided in connection with 186 S. Airport Road. We have attempted to reconcile the two reports, but after an additional site inspection, have come to the conclusion detailed below. Please let us know if you have any questions.
Sincerely,

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

From: Daniel Parobok <daniel.parobok@islamorada.fl.us>
Sent: Thursday, May 25, 2023 8:18 AM
To: Daniel Gulizio <planningdirector@islamorada.fl.us>
Subject: FW: 186 S airport

Daniel Parobok

Senior Environmental Planner/Village Biologist

Certified Arborist FL-6801A
Tree Risk Assessment Qualified
LIAF Certified Landscape Inspector
FDEP Qualified Stormwater Management Inspector

(305) 481-9654 – Cell
(305) 664-6497 - Direct
daniel.parobok@islamorada.fl.us

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From: Daniel Parobok
Sent: Wednesday, May 24, 2023 4:32 PM
To: Dan Gulizio <dan.gulizio@islamorada.fl.us>
Subject: 186 S airport

Dan,

Per our discussions, I have reviewed both the habitat analysis provided by the applicant for the above property. I agree with the first analysis provided by Mr. McCoy stating that the habitat is low quality hammock. This property contains the same vegetative cover as several other lots within that neighborhood which were also classified as low quality hammock. The lots containing hammock within that neighborhood that were developed recently have been held to the environmental development criteria including a maximum of 50% of the hammock area able to be cleared and a grant of conservation easement required for the remain portion of the hammock.

I recently visited the site again to see if the hammock line provided in the habitat analysis was accurate or conservative. Ground truthing discovered that the hammock boundary line as drawn by Mr. McCoy was accurate.

The current site plan does not meet the environmental development criteria set forth in Division 4 of Village Code.

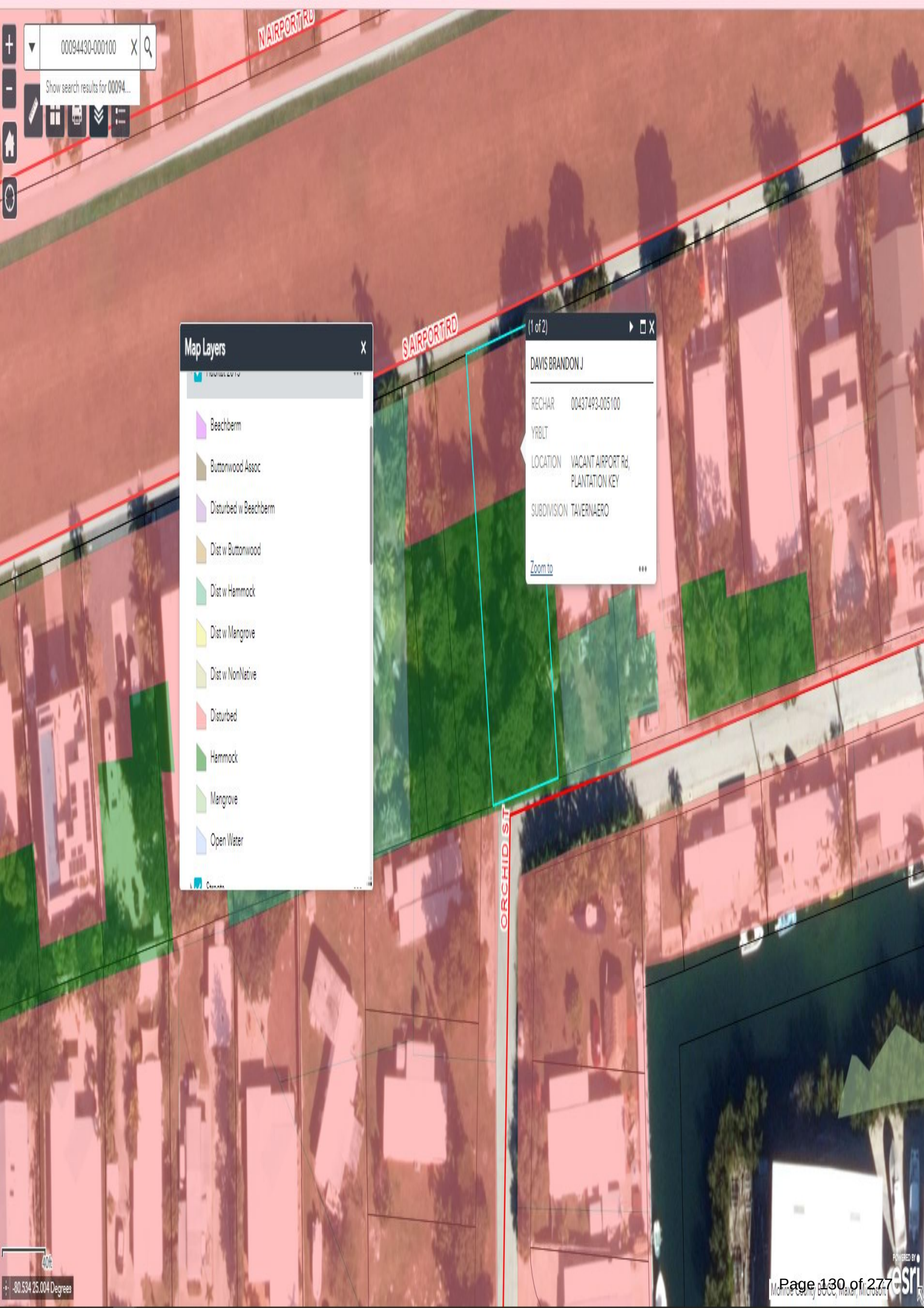
Daniel Parobok
Senior Environmental Planner/Village Biologist

Certified Arborist FL-6801A
Tree Risk Assessment Qualified
LIAF Certified Landscape Inspector
FDEP Qualified Stormwater Management Inspector

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00094430-000100 X Q

Show search results for 00094...

Map Layers

THURSDAY 2/1/20

- Beechbern
- Buttonwood Assoc
- Disturbed w Beechbern
- Dist w Buttonwood
- Dist w Hammock
- Dist w Mangrove
- Dist w NonNative
- Disturbed
- Hammock
- Mangrove
- Open Water

(1 of 2)

DAVIS BRANDON J

RECHAR 00437493-005100

YRBLT

LOCATION VACANT AIRPORT Rd,
PLANTATION KEY

SUBDIVISION TAVERNAERO

[Zoom to](#)

...

40%

-80.534 25.004 Degrees

Show search results for 00094...

Map Layers

-  Beachberm
-  Buttonwood Assoc
-  Disturbed w Beachberm
-  Dist w Buttonwood
-  Dist w Hammock
-  Dist w Mangrove
-  Dist w NonNative
-  Disturbed
-  Hammock
-  Mangrove
-  Open Water

(1 of 2)

DAVIS BRANDON J

RECHAR 00437493-005100

YRBLT

LOCATION VACANT AIRPORT Rd,
PLANTATION KEY

SUBDIVISION TAVERNAERO

Zoom to

SMITH / HAWKS

ATTORNEYS AT LAW

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Brandi Green, Paralegal
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E-mail: Bart@SmithHawks.com
Jess@SmithHawks.com
Brandi@SmithHawks.com

UPLOADED TO CITYVIEW ePORTAL

June 27, 2023

Islamorada, Village of Islands
Planning & Development Services
86800 Overseas Highway
Islamorada, FL 33036

RE: AMENDED NOTICE OF APPEAL: DETERMINATION OF FORMER PLANNING DIRECTOR FOR BIOLOGIST DETERMINATION OF HABITAT

Dear Planning Department,

Please allow this correspondence to serve as a formal appeal application ("Appeal"), by **BRANDON J. DAVIS** ("Applicant") as required in Islamorada, Village of Islands' ("Village") Code of Ordinances ("Code"). Pursuant to Code Sec. 30-281, Applicant is appealing the determination the former Village's Planning Director for Biologist Determination of Habitat for the real property located at 186 S. Airport Road, Tavernier, Florida 33070, having Monroe County Parcel Identification No. 00437493-005100. Uploaded with this Notice of Appeal, please find the following: 1) Appeal application, and 2) payment in the amount of \$2,300.00 for the fees and cost related to the Appeal.

Applicant is appealing the determination of the former Village's Planning Director for Biologist Determination of Habitat relating to the Applicant's Property, orally relayed to undersigned on April 18, 2023, and provided via email to undersigned Thursday, May 25, 2023, a copy of which is attached hereto as **Exhibit A**. Applicant will supplement this Appeal with a witness list within the required time frame prior to the planning commission hearing.

APPEAL GROUNDS

The Village's determination that the Property is classified as Low-Quality Tropical Hardwood Hammock (the "Determination") is based on errors of fact and law, and on reasoning that is inconsistent with the Code. Additionally, the Determination is inconsistent with the habitat designations on the Village's Existing Hammock Boundaries Map, as well as the factual findings set forth in the habitat analyses conducted on the Property. Further, the Determination is inconsistent with the Code as it disregards the provisions establishing the disturbed with hammock habitat designation, and improperly conflates a hammock quality determination with the habitat classification of an entire parcel.

I. The Determination

Two separate habitat analyses were conducted on the Property to assess the hammock habitat on the Property, as well as the proper habitat classification for the Property as a whole. Due to the low quality of the hammock and disturbed nature of most of the Property, each habitat analysis ultimately concluded that the Property should be classified as disturbed with hardwood hammock. However, The Village disregarded the factual findings in the analyses regarding the disturbed habitat on the Property and determined that the Property is classified as containing low quality tropical hardwood hammock habitat only. Based on the Determination, it appears that the Village has taken the position that any amount of hammock habitat on a parcel, regardless of size and despite the presence of disturbed habitat, will result in that parcel being classified as containing only hammock. This interpretation is misguided, completely disregards a property owner's development rights based on a correct habitat designation, disregards the Code's provisions establishing the disturbed with hammock habitat and its separate regulations, and is based entirely on an incorrect interpretation of the Code. Simply put, based on the definitions contained in the code, the Village habitat maps, and the two habitat analyses, the Property's correct habitat designation is disturbed with hammock, which is a distinct habitat designation provided in the Code.

The Applicant is appealing the Village's determination that the Property is classified as Low-Quality Tropical Hardwood Hammock on the following grounds: (1) the Determination improperly conflates a hammock quality determination with the habitat classification of an entire parcel; (2) the Determination errantly relies upon the GIS (as defined below), errantly disregarding the approved Existing Hammock Boundaries Map; (3) the Village has failed to provide evidence illustrating a change in the Property's environmental conditions since 2005, at which time the Village approved the Existing Hammock Boundaries Map, which did not identify hammock on the Property; (4) the Determination improperly relies on the Habitat Analysis (as defined below) dated June 22, 2022, and errantly disregards the findings in the Supplemental Assessment (as defined below) and the Environmental Report (as defined below); (5) the Determination errantly relies on the environmental development criteria imposed on "recently developed lots in the neighborhood", which is not a review criteria when determining the habitat classification of a property.

II. INCORRECT HABITAT CLASSIFICATION

The Village's determination misinterprets the Code by imposing a hammock quality determination pursuant to Section 30-1612(h)(1) as the habitat classification of the entire Property, errantly disregarding the environmental conditions, outside of any hammock, present on the Property. While it is true that upon a determination that hammock is present on a property, the Code requires that the hammock be analyzed for its quality and given a rating of low, moderate, or high quality. The Code does not, however, provide that the hammock rating determines the habitat analysis of the entire property being analyzed. In fact, the Code suffers from great ambiguity regarding how the presence of disturbed habitat on a parcel that contains hammock is classified.

However, based on the definitions provided in the Code, it is easy to ascertain that the habitat classification for the entire Property cannot logically be tropical hardwood hammock.

Firstly, the biologist and Village agreed that the Property did not contain hammock when drafting and approving the 2005 Map (as defined below), it is not reasonable for the village to now determine that the Property has a habitat classification of low-quality hardwood hammock without providing clear evidence of this substantial change in the Property's habitat.

Secondly, the Code defines Tropical Hardwood Hammock as "an upland, tropical hardwood forest community." The Code does not provide a definition of "forest", however, the Merriam Webster Dictionary defines a forest as "a dense growth of trees and underbrush on a large tract". The Property unequivocally does not contain a forest community, and therefore cannot have a habitat classification of tropical hardwood hammock. The Property does not meet the definition of a large tract. The Property is approximately 13,110 sf or 0.30096419 acres. When reviewing various municipal codes in Florida to find definitions of a "large tract", the smallest used to classify a tract as large was 40 acres. It is clear from this that the Property in question is not large enough to satisfy the definition of a forest community. In furtherance of this, the Environmental Report (as defined below) provides further evidence that the existing habitat on the Property does not satisfy the definition of a forest, providing: "literature for a patch this small (0.19 ac) could not be located. This may be due to the fact that, while there is no universal definition of forest, of the organizations that do define forest, the minimum area defined is generally in excess of 0.5 hectare (ha) (53,819 sf / 1.24 acres) or greater.¹" Additionally, the native vegetation identified on the Property equates to 19% of the aforementioned defined minimum areas, proving that the Property unequivocally cannot be defined as a forest community, and therefore by definition cannot be classified as tropical hardwood hammock.

Thirdly, pursuant to Code Section 30-32 disturbed land is defined as "land or an area of land that manifests signs of environmental disturbance which has had an observable effect on the structure and function of the natural community which existed on the site prior to the disturbance." It is evident from the evidence provided by the Applicant that the Property contains disturbed land, a fact that was reiterated in the Environmental Report and the Supplemental Assessment. The existence of disturbed land on the Property clearly shows that the Villages determination is errant as they completely disregarded the presence of disturbed land and instead are attempting to impose a far more restrictive habitat analysis on the Property.

The Code does in fact provide a list of possible habitat classifications for properties. In-fact, Section 30-1614 specifically lists the various habitat classifications that can be found in the Village, providing the following:

¹ This includes the definition by the following agencies and organizations; United States Department of Agriculture (USDA) Conservation Programs Manual, 1 acre minimum; The Convention on Biological Diversity, >0.5 ha, and the United Nations Food and Agriculture Organization (FAO), >0.5 hectare.

Habitat Classification	Minimum Open Space Requirement
Submerged lands (open water)	1.00
Beach berm	0.90
Mangrove and freshwater wetlands:	
Undisturbed	1.00
Disturbed	0.90
Saltmarsh and buttonwood wetlands:	
Undisturbed	1.00
Disturbed	0.90
Tropical hardwood hammock:	
High quality	0.90
Moderate quality	0.70
Low quality	0.50
Disturbed:	
With hammock	0.30
With saltmarsh and buttonwood	0.30
With beach/berm	0.30
With exotics	0.20
Scarified	0.20

As is clear from the above, the Code identifies both hammock (of any quality) and disturbed with hammock as separate habitat classifications. Accordingly, if a property is identified as containing both disturbed land and hammock, its habitat analysis should logically be identified as disturbed with hammock, which is consistent with the Code's habitat classifications contained in Section 30-1614.

Based on the above, it is clear that determining the quality of the hammock does not, and should not, determine the habitat classification of an entire property, unless the property is entirely covered with hammock. The Village's interpretation of the Code is a slippery slope in derogation of property rights, allowing the Village to impose unfairly restrictive habitat classifications on properties with even the smallest amount of hammock present to unfairly restrict otherwise permitted development.

III. ERRANT RELIANCE ON THE GIS MAP

Development applications on lands containing tropical hardwood hammock require a habitat analysis pursuant to Section 30-1613 of the Code. To help identify properties in the Village that contain hammock, the Code requires that the Village’s “planning and development services department shall maintain a map depicting the location of habitats within the village including the location of wetlands and tropical hardwood hammock.” §30-1612(a). In or around 2005, the Village engaged third party biologists to map the existing tropical hardwood hammock in the Village. The resulting Existing Hammock Boundaries Map has been consulted and cited in numerous Village decisions, citing both the existence of hammock on properties, and utilizing the maps to determine hammock patch size². Notably, the Village biologist has cited to the Map as the official map in determining the presence of Hammock and in determining the existence of hammock patches in Islamorada in public hearings, solidifying precedent that the Map is the official tool utilized by the Village in hammock review.³

That official habitat map—the Existing Hammock Boundaries Map 1, attached hereto as **Exhibit B** (the “Map”)—depicts the hammock habitats identified in the Tavernaero subdivision, which includes the Property. The Map does not identify any hammock habitat on the Property.

Additionally, when the Map was approved, there was clearly sufficient evidence to prove that the growth of trees was not dense enough, nor was sufficient hammock present to classify the Property as tropical hardwood hammock. The Village biologist asserts that there is sufficient hammock present to classify the property as low quality hardwood hammock, which is in direct contradiction to the biologist and official Map created and approved in 2005. Additionally, it is clearly ascertainable that the environmental conditions and habitat on the Property in or around 2005 are almost identical to the current environmental conditions and habitat on the Property today. Below are Florida Department of Transportation aerial photographs from 1994, 2003, 2006 and present day, clearly illustrating that there has been little to no change in the habitat on the Property from the time the 2005 Map was drafted and approved:

² See Future Land Use Map and Land Use district (zoning) Map amendment applications with file # **PLMA20200118** and # **PLMA20200118**.

³ See Id. (Village Biologist verbally represented that the 2005 Existing Hammock Maps were the maps needed to be referenced when determining hammock patch size).

1994 Aerial:



2003 Aerial:



2006 Aerial:



2023 Aerial:



It is clear from the above images that the habitat and environmental conditions on the Property have not changes significantly since 1994. Therefore, the 2005 Map, which was drafted specifically to identify hammock boundaries within the Village of Islamorada, did not include the Property because the Property did not contain sufficient hammock to warrant being classified as hammock.

The Village approved the approved and adopted the environmental designations provided in the 2005 Map and approved the Map as the Official Hammock Boundary Map, in the process accepting and approving that the Property was not designated as containing hammock. While the Village has, and continues to, utilize the 2005 Maps for hammock identification and patch size, the Village biologist asserts that the official habitat map is the Village GIS Web Mapping Application (the “GIS”). The GIS is not the Village’s official habitat map, as defined in Section 30-32 of the Code, but rather is a tool that is supposed to serve as a guide to habitat types⁴, a tool that has been proved to have inaccuracies⁵. Notwithstanding any inaccuracies in habitat mapping on the GIS, the Village has not provided sufficient evidence showing that the conditions and habitat on the Property has changed, in such a way, since the Village approved a designation showing no hammock on the 2005 Map, to a completely contradictory designation of tropical hardwood hammock on the GIS. In fact, the Village has not provided any evidence of a change in the environmental conditions or habitat on the Property since the drafting of the 2005 Map, and from the above, it appears that the Property’s existing habitat has not substantially changed since 1994, or 2005. It is simply not within the Village’s purview to change a property’s habitat designation, in derogation of a property owners right, without sufficient supporting evidence, which the Village has not provided.

Furthermore, regardless of any previous inaccuracies in the GIS habitat maps, it is notable that the GIS depicts two habitats on the Property, both hammock and disturbed. However, the Village is asserting that the Property’s habitat designation is entirely tropical hardwood hammock, which is directly contradictory to both the 2005 Map and the GIS. Even utilizing the GIS, the habitat classification on the Property should correctly be identified as disturbed with hammock.

IV. ERRANT RELIANCE ON HABITAT ANALYSIS

Pursuant to the Code, field verification was completed through two separate habitat analyses conducted on the Property and provided to the Village. New Leaf Environmental (“NLE”) provided its habitat analysis of the Property, dated June 22, 2022 (the “Habitat Analysis”), to the Village, as well as a supplemental assessment, dated February 2, 2023 (the “Supplemental Assessment”) which clarified its findings in the Habitat Analysis. The Applicant also submitted a habitat analysis completed by Cheon Environmental Consulting (“Cheon”), dated February 7, 2023 (the “Environmental Report”), after Cheon performed site visits on the Property on January 21 and 28, 2023.

⁴ See §30-1612(b).

⁵ GIS Habitat map identified beach berm and Mangrove fringe on a single property, which is an impossibility.

The Village's determination errantly relies upon the Habitat Analysis without considering the Supplemental Assessment and the Environmental Report. The Habitat Analysis is flawed because it assessed *only* the hammock habitat—it did not assess the Property as a whole, or any other habitat thereon. In fact, the Habitat Analysis focuses solely on determining the quality classification of the *hammock*, and in doing so, fails entirely to address the habitat classification of the *Property*, providing as its conclusion “the hammock on this parcel is initially rated as Low Quality.” While it is true that the hammock, in isolation, is classified as low quality, the Habitat Analysis does not provide a habitat classification because it does not consider the remaining habitats on the Property, including the disturbed land. As discussed above, the quality classification of hammock present on a property cannot be utilized to define an entire property's habitat classification, and that is certainly not the purpose of the habitat classification provided in the Code, otherwise disturbed with hammock would not be presented as a habitat classification.

In furtherance of the above, when considering the Habitat Analysis and the Supplemental Assessment, which NLE provided as a clarification, it is evident that the habitat classification of the Property changes once the entire Property is evaluated. NLE acknowledged that the habitat Analysis was errantly based on the evaluation of one (1) habitat type and issued the Supplemental Assessment to correct it. The Supplemental Assessment explains that “NLE's findings that the onsite habitat contains a *Low-Quality Hammock* were based upon the fact that the property is mapped by the Village as containing a designated hammock area (attached).” The attached map referenced is the GIS, not the official habitat map. As the initial findings in the Habitat Analysis were based on identification of hammock on an unofficial habitat map, it further undercuts the determination in the Habitat Analysis. The Supplemental Assessment goes on to recommend that the Village consider a revised designation of disturbed with hammock for the Property based on NLE's assessment of the Property as a whole: “the lack of tree canopy through the majority of the site, the scarified nature of most of the site, dominant cover by vines, and the lack of any surrounding functional hammock habitat[.]”

The Supplemental Assessment does not contradict the Habitat Analysis—the hammock in a disturbed with hammock habitat is likely, if not always, going to be low quality (as is the case here). The Supplemental Assessment simply clarified the Habitat Analysis and properly determined that the Property's habitat should be classified as disturbed with hammock. The Village improperly disregarded the Supplemental Assessment in coming to its Determination, and like the Habitat Analysis, focused solely on the Property's hammock instead of the entirety of the habitat on the Property.

Contrary to the requirements of the Code, the Applicant provided the Village with a second habitat analysis from an independent third-party with no ties to NLE. The Environmental Report does not suffer from the same failures found in the Habitat Analysis. First, the Environmental Report recognized the discrepancy in the identification of hammock on the Property between the maps: “While the Village of Islamorada GIS Web Mapping Application indicates the parcel contains approximately 0.19 acres of hammock habitat, a separate map does not assign the hammock designation to the parcel[.]” Further, it correctly analyzed the entirety of the Property's

habitat, specifically addressing the disturbed habitat onsite—“[t]he front of the parcel is, with the exception of miscellaneous grasses and herbs, devoid of vegetation[;]” “[t]he isolated parcel has an extremely limited patch of native vegetation[.]” Based upon field verification from two separate site visits, the Environmental Report correctly found that the Property is “best classified as **Disturbed with Hardwood Hammock.**”

Although the Applicant provided two (2) separate, independently drafted habitat analyses, a step above what is required in the Code, both of which come to the same conclusion – the Property should be classified as disturbed with hammock, the Village simply disregards the factual findings in the Environmental Report and the Supplemental Assessment, and instead relies incorrectly and unfairly on the initially flawed Habitat Analysis and GIS mapping tool.

V. NEIGHBORHOOD LOTS

The Determination further relies on an arbitrary standard created by the Village that is not relevant to the classification of a property’s habitat. The Determination arbitrarily includes reference to property outside the boundary of the subject Property, providing: “the Property contains the same vegetative cover as several other lots within that neighborhood which were also classified as low-quality hammock. The lots containing hammock within that neighborhood that were developed recently have been held to the environmental development criteria including a maximum of 50% of the hammock area able to be cleared and a grant of conservation easement required for the remain portion of the hammock.” Based on this, the inference is that because properties within the neighborhood have been found to have a certain habitat classification, the subject Property must be held to have the same. Interestingly, the Code does not require, nor include any provision for the comparison of outside lots when determining the habitat classification of a property. In fact, the intent behind the required habitat analysis in the Code contemplates the very nature of natural habitats and how they can differ drastically from area to area, and lot to lot.

If, as the Village is asserting, a property’s habitat can be determined based on outside properties, then there is little to no reason to provide a habitat analysis, which is entirely contradictory to the Code’s intent. The Land Development Code and the Comprehensive Plan are tools to guide development in Islamorada, and any application for development must be reviewed against the regulations contained therein on an individual basis. Basing a determination on previous development approvals, building permits, or reviews associated with a different property, destroys a property owner’s right to a fair review process under the Land Development Code and the Comprehensive Plan. NO two (2) properties, especially in the Florida Keys, are environmentally identical, and attempting to monotonize environmental review by comparing separate properties previous habitat classifications is simply an impossibility.

Furthermore, if this arbitrary standard were to be accepted, then contiguous properties should carry the most weight in the review. In this instance, the Property is surrounded by an airport, a right-of-way, and two (2) disturbed properties developed with residential dwelling units.

Utilizing the Village's logic, the subject Property should be classified and subject to the same environmental standards as the contiguous parcels.

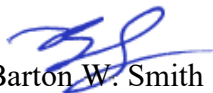
Finally, the Village has not provided any evidence to support the above claim regarding lots containing hammock, nor provided reference to which properties are included in this unreasonable and arbitrary statement.

VI. Conclusion

Based on the above, the Applicant respectfully requests that the Determination be reversed, and that the Property be correctly identified as having a disturbed with hammock habitat classified because it is comprised of both disturbed land and hammock. The Determination ignores these facts based on field verification by certified biologists and set forth in the Environmental Report and Supplemental Assessment. The Determination is also based on errors of law and is inconsistent with the Code as it disregards the provisions establishing the disturbed with hammock habitat. Further, the Determination is inconsistent with the habitat designations on the Village's Existing Hammock Boundaries Map.

If you have any questions and/or concerns, or require anything further, please do not hesitate to reach out to the office.

Sincerely,


Barton W. Smith

BWS/JG/bg

Enclosures

EXHIBIT A

From: [Daniel Gulizio](#)
To: [Bart Smith](#)
Cc: [Jennifer DeBoisbriand](#); [Daniel Parobok](#); [Brandi Green](#)
Subject: FW: 186 S airport Road
Date: Thursday, May 25, 2023 8:41:00 AM

Bart,

As discussed, below please find the review of the revised habitat analysis provided in connection with 186 S. Airport Road. We have attempted to reconcile the two reports, but after an additional site inspection, have come to the conclusion detailed below. Please let us know if you have any questions.

Sincerely,

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

From: Daniel Parobok <daniel.parobok@islamorada.fl.us>
Sent: Thursday, May 25, 2023 8:18 AM
To: Daniel Gulizio <planningdirector@islamorada.fl.us>
Subject: FW: 186 S airport

Daniel Parobok
Senior Environmental Planner/Village Biologist

Certified Arborist FL-6801A
Tree Risk Assessment Qualified
LIAF Certified Landscape Inspector
FDEP Qualified Stormwater Management Inspector

(305) 481-9654 – Cell
(305) 664-6497 - Direct
daniel.parobok@islamorada.fl.us

****How are we doing? Click [here](#) to complete our Customer Survey****

Please Note: Florida Public Records Law provides that most written communications to or from municipal employees regarding Village business are public records, available to the public and media upon request. Therefore, this email may be subject to public disclosure.

From: Daniel Parobok
Sent: Wednesday, May 24, 2023 4:32 PM
To: Dan Gulizio <dan.gulizio@islamorada.fl.us>
Subject: 186 S airport

EXHIBIT A

Dan,

Per our discussions, I have reviewed both the habitat analysis provided by the applicant for the above property. I agree with the first analysis provided by Mr. McCoy stating that the habitat is low quality hammock. This property contains the same vegetative cover as several other lots within that neighborhood which were also classified as low quality hammock. The lots containing hammock within that neighborhood that were developed recently have been held to the environmental development criteria including a maximum of 50% of the hammock area able to be cleared and a grant of conservation easement required for the remain portion of the hammock.

I recently visited the site again to see if the hammock line provided in the habitat analysis was accurate or conservative. Ground truthing discovered that the hammock boundary line as drawn by Mr. McCoy was accurate.

The current site plan does not meet the environmental development criteria set forth in Division 4 of Village Code.

Daniel Parobok
Senior Environmental Planner/Village Biologist

Certified Arborist FL-6801A
Tree Risk Assessment Qualified
LIAF Certified Landscape Inspector
FDEP Qualified Stormwater Management Inspector

(305) 481-9654 – Cell
(305) 664-6497 - Direct
daniel.parobok@islamorada.fl.us

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EXHIBIT B

Islamorada, Village of Islands

EXISTING HAMMOCK BOUNDARIES MAP 1



Data Source:
U.S. Geological Service
Monroe County Property Appraiser
Islamorada, Village of Islands.

Produced By:
Brian T. Sheahan, AICP
Planning & Development Services, 2005.

NOTE: This map is not survey accurate. This map is intended to represent the general location of a point or feature with respect to other points or features on the same map. The Village will not be responsible for any source document errors or omissions in the information compiled by others which have been incorporated into this map.

Legend

-  Tropical Hardwood Hammock
-  Property Lines

0 265 530 1,060 Feet

μ

NOTE: ALL EXISTING HAMMOCK AREAS MAY NOT BE INCLUDED IN THIS MAP. PLEASE CONSULT WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT IF YOU HAVE QUESTIONS.

EXHIBIT B

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE ADMINISTRATIVE APPEAL FILED BY SMITH HAWKS, PL ("AGENT") ON BEHALF OF BRANDON J. DAVIS (OWNER) RELATING TO THE ENVIRONMENTAL PLANNER/BIOLOGIST'S DETERMINATION REGARDING HABITAT CLASSIFICATION; FOR PROPERTY LOCATED AT 186 S AIRPORT RD, ON PLANTATION KEY HAVING PARCEL NUMBER 00437493-005100; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Smith Hawks, PL ("Agent") applied for Administrative Appeal on behalf of Brandon J. Davis ("Owner") relating to the Environmental Planner/Biologist's determination of the habitat classification for building permit number PRSFC202201486, for property located at 186 Airport Rd ("the Property"), on Plantation Key, having parcel number 00437493-005100; and

WHEREAS, on April 18, 2023, the Environmental Planner/Biologist provided a habitat classification determination to the Agent; and

WHEREAS, May 18, 2023, the Agent filed an Administrative Appeal relating to the Environmental Planner/Biologist's habitat classification determination; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing on September 21, 2023 regarding the Request to Appeal the Environmental Planner/Biologist habitat classification determination; and

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 applicant **has/has not** met the standards for an Administrative Appeal of the Environmental Planner/Biologist's habitat classification determination contained within Sec. 30-281 (Administrative Appeals) of the Village Code.; and

(2) The habitat classification determination provided by the Village Environmental Planner/Biologist **does/does not** accurately reflect the habitat classification of the subject property; and

(3) The Village Council **approves/denies** the Request submitted by the Agent on behalf of the Owner.

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 Agent 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	___
Councilmember Mark Gregg	___
Councilmember Elizabeth Jolin	___
Councilmember Henry Rosenthal	___

PASSED AND ADOPTED THIS 21ST DAY OF SEPTEMBER 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



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 21, 2023
SUBJECT: **Administrative Appeal - 222 Biscayne Blvd TAB 7**

Background:

The subject property is located on the north side of Biscayne Blvd. The property is located in Lower Matecumbe Key. The site maintains a lot area of approximately 8,255 square feet. The site is zoned Residential Single-Family (R-1M) District and is located within the Residential Medium (RM) Future Land Use Map (FLUM) category. The site is adjacent to single family homes, located within the Residential Single-Family (R-1M) or Residential Estate (RE) to the north, south, east and west. The site is located on a canal.

There is currently an existing single-family residence on the site. The applicant is seeking an administrative variance for the After the Fact construction of a Tiki Hut within the required 10-foot setback from Mean High Water Line (MHWL).

The property is also subject of Code Case #CEBDGC20200000267 for the unpermitted Tiki Hut.

Analysis:

According to Section 30-221: "A variance is 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."

Pursuant to Sec. 30-221 (d) "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;

There are no special circumstances or conditions peculiar to this property that would allow for the consideration of this variance.

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

The applicant constructed the Tiki Hut without a permit. He created his own hardship by not confirming the setback requirements with the Village prior to construction.

(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;

Any hardship incurred is considered self-imposed. The applicant argues that he is deprived of the same rights as several others in the neighborhood and has provided 10 examples on the same street of Tiki Huts. The Planning Staff has done some research and discovered that all 10 examples provided have no permit, but we can see from historical aerials that all 10 structures existed prior to the Village incorporating. The subject property 222 Biscayne did not have a tiki hut or related structure in aerial photos from 2000 which was after the Village incorporated. A boat lift permit issued in 2008 does not show a tiki hut or related structure on the property survey and an aerial photo from 2012 does not show the structure.

(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;

Granting the variance would provide this applicant with different treatment by allowing a reduced setback than those within 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

The Applicant can still have reasonable use of the property if they were to comply with the Village Code.

(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.”

Granting the variance will maintain the Tiki Hut in its current location. Which is not in harmony of the intent and purpose of the Village Code.

The Applicant constructed the Tiki Hut without a permit. The Variance is needed because he constructed it within the 10-foot setback. It should also be noted that the Village Code allows open air gazebos on pier style docks only (Sec. 30-1550).

The Applicant argues that the Tiki Hut of similar was preexisting and was damaged or destroyed during Hurricane Irma. Comprehensive Plan Policy 1-2.2.7 Damage or Destruction to Non-Conforming Structures, states “With the following exceptions, non-conforming structures that are damaged or destroyed so as to require substantial improvement shall be repaired or restored in conformance with all applicable provisions of the Building Code and with the Land Development Regulations. The Village shall, through the Land Development Regulations, provide a process to consider the reduction of required setbacks, whereby it can be proven that the reduction in setbacks will not cause negative impacts on environmental resources. The Land Development Regulations shall provide a process by which the Director

of Planning and Development Services may consider a reduction of any of the applicable regulations upon a finding that the reduction is consistent with the intent of the Plan.” The Village Code defines substantial improvement as “any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed.”

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for a Variance and determined that the request is inconsistent with the goals, objectives, and policies of the comprehensive plan and does not comply with applicable provisions of the Code of Ordinances. Therefore, Staff recommends that the Village Council DENY the proposed Variance to the construction of a Tiki Hut within the required 10-foot setback by adoption of the attached Resolution.

Attachments: 1. Council Packet _ Appellant Appeal Documents
 2. Resolution-PLVAR20230083



Islamorada, Village of Islands Planning & Development Services

86800 Overseas Highway, Islamorada, FL 33036
T: 305-664-6400, F: 305-664-6467

APPLICATION FOR ADMINISTRATIVE APPEAL

Pursuant to Code Chapter 30, Article IV, Division 4

Application Type:	Fee:	*Deposit:	Total Fee:
Residential	\$1,800.00	\$500.00	\$2,300.00
Nonresidential	\$3,900.00	\$500.00	\$4,400.00

* A deposit is required for development approval or permits which necessitate additional review and processing, and/or public hearing and notice requirements. Applicants are required to pay a cost recovery deposit which shall be credited toward the fee charged for such additional review and processing and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended in reviewing an application and the applicable actual amount charged to the Village shall be charged against the cost recovery deposit.

Any person aggrieved by an administrative decision or interpretation of the Director of Planning and Development Services, the Building Official or other Village administrative official regarding the provisions of Chapter 30, Land Development Regulations, of the Code of Ordinances of Islamorada, Village of Islands, may appeal such decision or interpretation. The appeal shall be initiated within 30 days of the date of the administrative decision or interpretation by filing this application with the Director.

APPELLANT:

Name: Frederick W. Schmid and Darcy Parker
Mailing Address: Joanne Marie Pereira, Esq. 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 305-852-8440 Fax: 305-852-8848
Email: jpereira@hlylaw.com

AGENT (if applicable): Property owner must submit a **notarized** letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: Joanne Marie Pereira, Esq.
Mailing Address: 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 305-852-8440 Fax: 305-852-8848
Email: jpereira@hlylaw.com

PROPERTY OWNER:

Name: Frederick W. Schmid and Darcy Parker
Mailing Address: Joanne Marie Pereira, Esq. 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 305-852-8440 Fax: 305-852-8848
Email: jpereira@hlylaw.com

LEGAL DESCRIPTION OF PROPERTY: If in metes and bounds, attach legal description on separate sheet.

Physical Address: 222 Biscayne Blvd. Lower Matecumbe Key Mile Marker: _____
Lot: 281 Block: Port antigua Subdivision: _____
☐ Plantation Key ☐ Windley Key ☐ Upper Matecumbe Key ☒ Lower Matecumbe Key
Real Estate (RE) Number: 00394489-008400 Alternate Key: 1486256
Zoning District: R1M Future Land Use Category: RM

Application for Administrative Appeal

Are there any pending codes violations on the property? ☒ Yes (Case # CEBDGC20200000267) ☐ No

A COPY OF THE BASIS FOR THE APPEAL IN THE NATURE OF AN INITIAL BRIEF AND ANY EVIDENCE INCLUDING TESTIMONY, AFFIDAVITS AND THE CURRICULUM VITAE OF ANY EXPERT WITNESS THAT WILL BE CALLED MUST BE ATTACHED TO THIS APPLICATION. The brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for the interpretation of those laws. (Attach additional sheets of paper.)

All of the following must be submitted in order to have a complete application:

- ☒ Correct fee – Total Fee (check or money order to “Islamorada, Village of Islands”, or payment online through the portal)
- ☒ Proof of ownership (i.e. warranty deed)
- ☒ Current property record card(s) from the Monroe County Property Appraiser
- ☒ A copy of the document(s), which comprise the administrative decision being appealed
- ☒ Any evidence and record which forms the basis for the appeal must be submitted with this application
- ☐ Names and addresses of all expert witnesses that you propose to call at the hearing
- ☒ Photograph(s) of site from adjacent roadway(s)
- ☒ Notarized agent authorization letter from all owners of the subject property (if applicable)
- ☒ Signed and sealed boundary survey (if applicable)

If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information. If new evidence, or the basis for appeal, is submitted at the hearing, Staff shall request that the hearing be continued to the next meeting so that Staff has the opportunity to prepare a response to the new evidence. If the applicant does not submit the basis for the appeal with the application, Staff will recommend denial of the appeal.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I certify that all information required has been provided.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a “verifiable digital signature”, print this document and have it notarized.

Signature of Applicant

Date

Print Name:

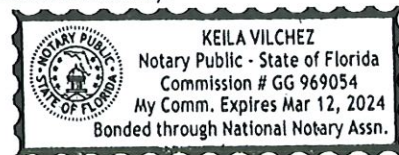
STATE OF

COUNTY OF

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 16 day of August, 20 23, by Joanne Pereira (name of person signing the application) as Agent (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Frederick W. Schmid + Darcy Parker (name of entity or party on behalf of whom application was executed).

Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID

RECEIPT OF PAYMENT

Receipt Number: 2023067832
Receipt Date: 08/16/2023
Date Paid: 08/16/2023
Full Amount: \$2,300.00

Payment Details:	Payment Method	Amount Tendered	Check Number
	Check	\$2,300.00	042626

Amount Tendered: \$2,300.00
Change / Overage: \$0.00

Contact: HERSHOFF JAY A AND HERSHOFF NANCY, Address:148 SEVERINO DR,
Phone:(305) 644-1589

FEE DETAILS:

Fee Description	Reference Number	Amount Owning	Amount Paid
Administrative Appeal, Residential	PLVAR20230083	\$1,800.00	\$1,800.00
Administrative Appeal, Residential - Deposit	PLVAR20230083	\$500.00	\$500.00

Doc# 2113103 03/07/2017 1:57PM
 Filed & Recorded in Official Records of
 MONROE COUNTY KEVIN MADOK

This Instrument Prepared By
 Craig M. Dorne, Esq.
 2655 S. Le Jeune Road, PH 2C
 Coral Gables, Florida 33134

03/07/2017 1:57PM
 DEED DOC STAMP CL: Krys \$6,825.00

Return to:
 Horizon Title Services, Inc.
 5 Harvard Circle, Suite 100
 West Palm Beach, Florida 33409

Doc# 2113103
 BKH 2842 Pgh 658

PARCEL ID.: 00394489-008400
 ALTERNATE KEY: 1486256

WARRANTY DEED

THIS INDENTURE, made this 5th day of March, 2017, between LAWRENCE WILLIAM BARR and ILIANA T. BARR, husband and wife the Grantors*), to FREDERICK W. SCHMID, JR. and DARCY PARKER, as tenants in common whose post office address is 1630 SE 14th Street, Ft. Lauderdale, Florida 33316, (hereinafter called the Grantee*).

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lot 281, PORT ANTIGUA, PLAT 5-6, according to the Plat thereof as recorded in Plat Book 6, Page 25, of the Public Records of Monroe County, Florida.

SUBJECT TO: Taxes for the year 2017 and subsequent years; and reservations, covenants and conditions of record, dedications, restrictions, limitations, easements, rights of way of record, applicable zoning regulations and ordinances imposed by governmental authority and restrictions and matters appearing on the Plat or otherwise common to the subdivision, without intent of reimposing same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of

Doc# 2113103
Bk# 2842 Pg# 659

all persons whomsoever; and that said land is free of all encumbrances.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Yessica Coca
Print Name Yessica Coca

Craig M. Dome
Print Name Craig M. Dome

Lawrence William Barr
LAWRENCE WILLIAM BARR
Iliana T. Barr
ILIANA T. BARR

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 1st day of March, 2017, by **Lawrence William Barr** and **Iliana T. Barr**, husband and wife who produced a Florida driver's licenses as identification.

Craig M. Dome
NOTARY PUBLIC, STATE OF FLORIDA
[NOTARIAL SEAL]

Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed Page 2 of 2

qPublic.net™ Monroe County, FL

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Parcel ID 00394489-008400
 Account# 1486256
 Property ID 1486256
 Millage Group 50VI
 Location 222 BISCAVNE Blvd, LOWER MATECUMBE KEY
 Address
 Legal LT 281 PORT ANTIGUA PLAT NO 5-6 PB6-25 OR563-1055
 Description OR756-1468 OR793-1694 OR797-2041 OR829-1405 OR844-875
 OR872-920Q/C OR875-2226 OR984-984 OR1045-17 OR1068-1904
 OR1069-2204RS OR2072-1180Q/C OR2072-1181 OR2262-2129C
 OR2262-2130 OR2842-658/59
 (Note: Not to be used on legal documents.)

Neighborhood 1467
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision PORT ANTIGUA PLAT NO 5 & 6
 Sec/Twp/Rng 21/64/36
 Affordable No
 Housing

SCHMID JR FREDERICK W
 1630 SE 14th St
 Ft Lauderdale FL 33316

PARKER DARCY T/C
 1630 SE 14th St
 Ft Lauderdale FL 33316



	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$297,408	\$253,619	\$315,065	\$319,306
+ Market Misc Value	\$96,538	\$98,579	\$43,681	\$45,321
+ Market Land Value	\$1,008,761	\$581,978	\$535,419	\$539,299
= Just Market Value	\$1,402,707	\$934,176	\$894,165	\$903,926
= Total Assessed Value	\$1,027,594	\$934,176	\$894,165	\$903,926
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,402,707	\$934,176	\$894,165	\$903,926

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2021	\$581,978	\$253,619	\$98,579	\$934,176	\$934,176	\$0	\$934,176	\$0
2020	\$535,419	\$315,065	\$43,681	\$894,165	\$894,165	\$0	\$894,165	\$0
2019	\$539,299	\$319,306	\$45,321	\$903,926	\$903,926	\$0	\$903,926	\$0
2018	\$498,561	\$263,130	\$45,939	\$807,630	\$807,630	\$0	\$807,630	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL (010C)	8,255.00	Square Foot	0	0

Building ID	21176	Exterior Walls	C.B.S.
Style	STILT 1 STORY	Year Built	1984
Building Type	S.F.R. - R1 / R1	Effective Year Built	2007
Gross Sq Ft	4057	Foundation	CONC PILINGS
Finished Sq Ft	1320	Roof Type	GABLE/HIP
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	CERM/CLAY TILE
Perimeter	148	Heating Type	FCD/AIR DUCTED with 0% NONE
Functional Obs	0	Bedrooms	3
Economic Obs	0	Full Bathrooms	3
Depreciation %	18	Half Bathrooms	0
Interior Walls	DRYWALL	Grade	550
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPF	COVERED PARKING FIN	560	0	108
OPX	EXC OPEN PORCH	1,225	0	458
SPX	EXEC SC PORCH	300	0	80
FLA	FLOOR LIV AREA	1,320	1,320	148
LLF	LOW LEV FIN	640	0	112
SBF	UTIL FIN BLK	12	0	16
TOTAL		4,057	1,320	922

[2022 TRIM Notice \(PDF\)](#)**2022 Notices Only**

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

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ISLAMORADA, VILLAGE OF ISLANDS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
86800 Overseas Highway • Islamorada, Florida 33036 • www.islamorada.fl.us

July 18, 2023

Joanne Marie Pereira, Esq. ("Agent")
88539 Overseas Hwy
Tavernier, FL 33070

SUBJECT: Notice of Intent to Deny - Administrative Variance Application
(File No.: PLVAR20230083)

Please be advised that Islamorada, Village of Islands Staff has reviewed your application for an Administrative Variance in accordance with Section 30-221 of the Code of Ordinances. The requested Administrative Variance to allow for reduction in the shoreline setback, Section 30-1542(4)(b), for an after-the-fact Tiki Hut constructed within the required 10-foot setback from Mean High Water Line (MHWL). The subject property is located at 222 Biscayne Blvd on Lower Matecumbe Key in the Residential Single-Family (R1/R1M) Zoning District having real estate number 00394489-008400.

The Planning Director has determined that the request **does not** meet the requirements for an Administrative Variance in accordance with Section 30-221, specifically Section 30-221(d)(2) of the Code of Ordinances.

A copy of the Application may be obtained at Village Hall, 86800 Overseas Highway, Second Floor, Islamorada, Village of Islands, Florida, between the hours of 8:00 am and 5:00 pm, Monday through Friday or you may contact Jamie Terry, Planning & Zoning Technician at jamie.terry@islamorada.fl.us for an electronic copy.

Pursuant to Code Section 30-222, the applicant may request that a Public Hearing be held regarding the denial of the Administrative Variance. Requests must be made in writing to the Planning Director and received at the address or e-mail listed above within 30 days of the date of this notice. If a Public Hearing is requested, the Village shall schedule a Public Hearing before the Village Council at the Objector's expense. The hearing shall be conducted in accordance with Division 2 of Article IV of Code Chapter 30. If no Public Hearing is requested within 30 days of this notice, the Director shall issue a Notice of Denial.

Sincerely,

A handwritten signature in black ink, reading "Jennifer DeBoisbriand".

Jennifer DeBoisbriand
Planning Director

APPEAL TO THE ISLAMORADA VILLAGE OF ISLANDS COUNCIL

)
APPELLANTS: Frederick W. Schmid)
Jr. and Darcy Parke)
)
)
)
)

STATEMENT OF APPEAL AND INITIAL BRIEF

This appeal arises out of a Notice of Intent to deny Administrative Variance Application (hereinafter referred to as "Notice of Intent to deny") Regarding Proposed Setback Variance to be able to secure an after the fact building permit for a Tiki Hut as built at the Property located at 222 Biscayne Blvd Lower Morecambe Key and identified with RE No00394489-008400 (hereinafter referred to as the "Property") issued by Ms. Jennifer DeBoisbriand, Planning Director, Islamorada Village of Islands (hereinafter referred to as "Planning Director"). The Property is owned by Appellants: Frederick Schmid Jr. and Darcy Parker ("Owners" or "Appellants").

Appellants are appealing the decision of the Planning Director to the effect that the Planning Director is depriving the right commonly enjoyed by other neighboring properties. Specifically, Appellants are being denied the possibility of having a tiki-hut

when the majority of Owners' neighbors have similar structures, similarly situated on their respective houses.

Appellants, were bona fide purchases of the property, that included a structure similar to the tiki-hut that the property currently has. As a result of an Act of God to wit: Hurricane Irma, the structure got destroyed and Appellants were forced to replace the previous structure, and had a tiki-hut placed on the same location as the previous structure. The Tiki-Hut was done without the benefit of building permits, because of Appellants' belief that Tiki-Huts did not require building permits. A Code Enforcement¹ case was initiated for failure to have building permit. Applicants sought to secure an after the fact building permit and said was denied because of alleged setback violations. Appellants' request the Village Council to reconsider the Planning Director's decision and grant the requested variance to be able to secure an after the fact building permit for the tiki-hut.

PROPERTY HISTORY

December 22, 2006	Lawrence William Barr and Iliana T. Barr, husband and wife, purchased the Property by Warranty Deed. Upon information and belief, Lawrence William Barr and Iliana T. Barr caused to build a structure similar to Appellants tiki-hut appellant
-------------------	---

¹ Code Compliance case hearing was held in April 18, 2023 and the Code Compliance Officer stated that the tiki-hut does not present danger known to the Code Compliance Officer.

currently has. A photo of the previous structure is attached hereto as **Exhibit "A"**.

2009, 2013 and 2014

A structure, similar to the tiki-hut, is found in historic pictures. A copy of Google earth historic pictures from 03/2009, 03/2013 and 03/2014 depicting a structure similar to the tiki hut, located at the same place, are attached hereto as Composite **Exhibit "B"**.

March 1, 2017

Appellants purchased the Property from Lawrence William Barr and Iliana T. Barr, including the structure as depicted in Exhibit "A" by Warranty Deed. The structure was presumed by Appellants, as bona fide purchasers, to had been permitted.

September 10, 2017

Hurricane Irma struck the Florida Keys as a category 4 storm with maximum sustained winds of 132 mph and storm surge up to 8 feet in the hardest-hit areas in the Lower and Middle Keys. Due to the passage of Hurricane Irma, the previous structure was destroyed. A photo of the structure after Hurricane Irma is attached as **Exhibit "C"**.

October 21, 2019

Appellants replaced the previous structure with a similar tiki-hut serving the same purpose as previously. A photo of the

Tiki-Hut, located in the same location as the previous structure is attached as **Exhibit "D"**.

August 18, 2020 Notice of violation for unpermitted Tiki-Hut was first issued by the Village of Islamorada.

December 23, 2020 Appellants sought to obtain an after the fact building permit for the tiki-hut that was denied, due to the setback limitations.

Neighboring properties, all located in the same zone (R1) and FLUM (RM) as Appellants have currently almost identical structures in their properties, located in similar locations.

Specifically, the following properties have similar structures in similar locations:

- 148 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 156 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 178 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 186 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 190 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 194 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 198 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 202 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 206 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 210 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036

Copies of the photos depicting similar structures in all of the above referenced neighboring properties are attached as **Composite Exhibit "E"**. It seems biased, and unjust that Islamorada, the Village of Islands, allows all 10 of the above referenced property owners to have structures similar to Appellant's tiki-hut and situated in similar locations, but Appellants are being deprived of the same privilege.

On behalf of Appellants' undersign pleads this Council to allow Appellants to have a variance that would allow for an after the fact permit to be granted. As stated at the code enforcement hearing by the Code Enforcement Officer, the structure/tiki-hut does not present danger known by the Code Enforcement Officer.

**Village of Islamorada Code Sec. 30-221 reads in pertinent part-
Variances in general.**

(d) 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.

Hurricane Irma, struck and destroyed the Appellant's previous structure that by information and belief had been in place for years. As it is clear, the special condition and circumstances, does not result from the actions of Appellant but rather an act of god and work performed by previous owners.

Appellants were bona fide purchasers that acquired a property with a structure, not knowing that the structure required building permits. It is patently unfair to deny applicants the Tiki Hut as surrounding owners have and doing so results in inconsistent treatment of similarly situated property owners, with the only difference being the random destruction of the hurricane (destroyed some tiki huts but not others). Literal interpretation of the setback provisions deprives the Appellants the right to have a structure that most of Appellants' neighbors have. Granting the variance will convey Appellants the same treatments that their neighbors have.

The sole purpose of the variance sought, is to be allowed to have the Tiki-Hut where it is built, same location as previous structure. Should a setback variance be considered too extreme, in the alternative, undersign requests this Council to grant a non-administrative variance of use for the exclusive purpose of being allowed to have the tiki-hut as built.

CONCLUSION

Appellants are simply requesting a variance to be treated by the Village equally to their neighbors. Appellants' request is in harmony with the general intent and purpose of the Village Code, and is not injurious to the neighborhood, or otherwise detrimental to the public welfare.

Appellants, as bona fide purchasers, should not be deprived of their Property rights. It is frankly arbitrary and capricious of the Village to state that Appellants are not

allowed to have a tiki-hut when the vast majority of their neighbors have similar structures similarly situated.

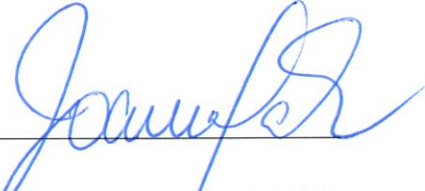
A structure has been in place since at least 2009, as shown in the historic photos. Appellants only sought to replace a structure that was destroyed by Hurricane Irma. During the time Hurricane Irma struck and thereafter, Applicant **Frederick W. Schmid** was battling cancer, which is why Applicants replaced the structure later in 2019. We therefore request that the actions of the Planning Director be overturned.

Dated: October 16, 2023

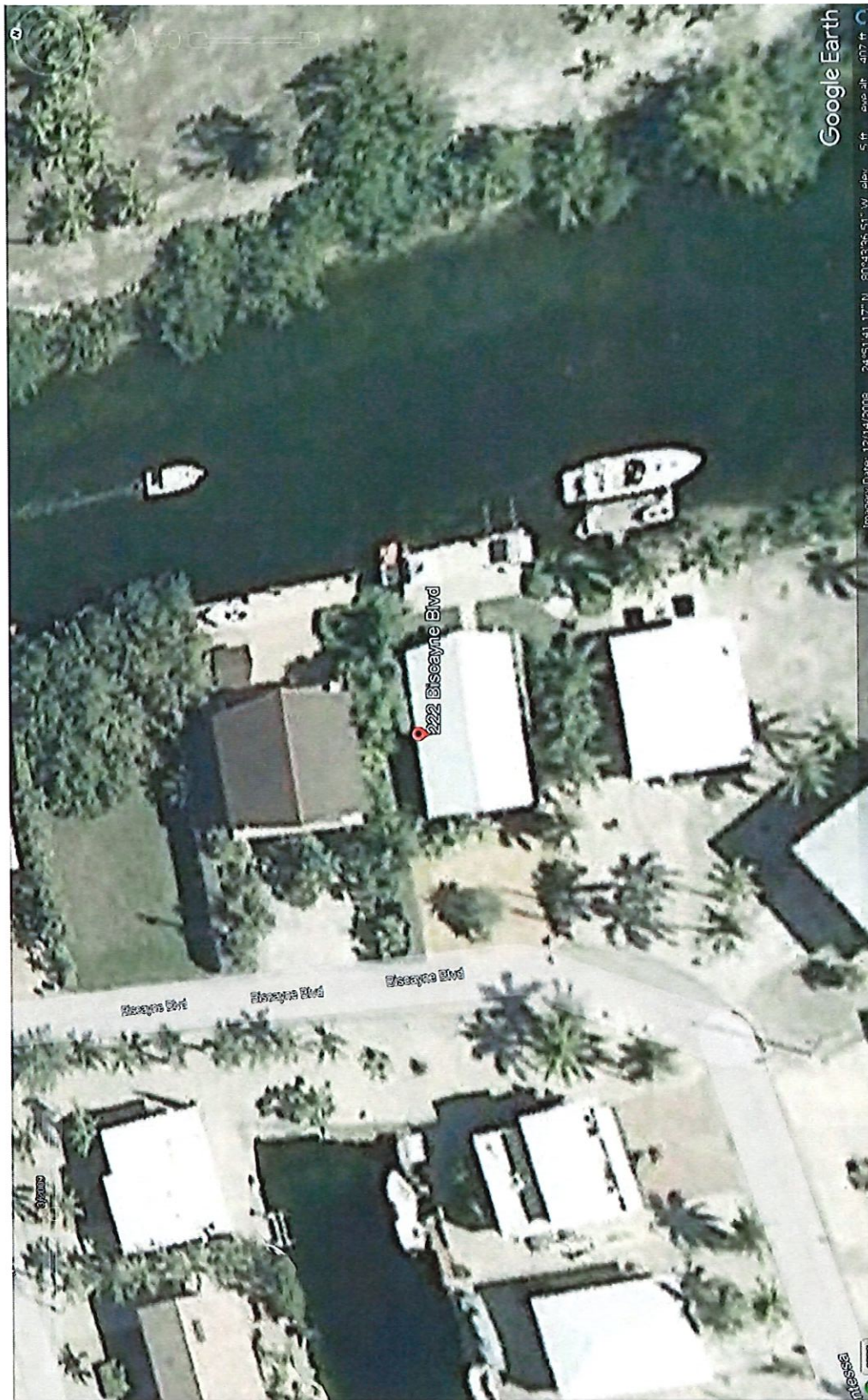
Respectfully Submitted,

Hershoff, Lupino & Yagel, LLP
Attorneys for Petitioners
90130 Old Highway
Tavernier, FL 33070
(305) 852-8440 B Tel
(305) 852-8848 B Fax

By: _____


JOANNE M. PEREIRA, ESQ
Florida Bar No. 1015381





222 Biscayne Blvd, Islamorada, FL

Get Directions History

222 Biscayne Blvd

Places

My Places

222 Biscayne Blvd

222 Biscayne Blvd

Temporary Places

Layers

Primary Database

Announcements

Borders and Labels

Places

Photos

Roads

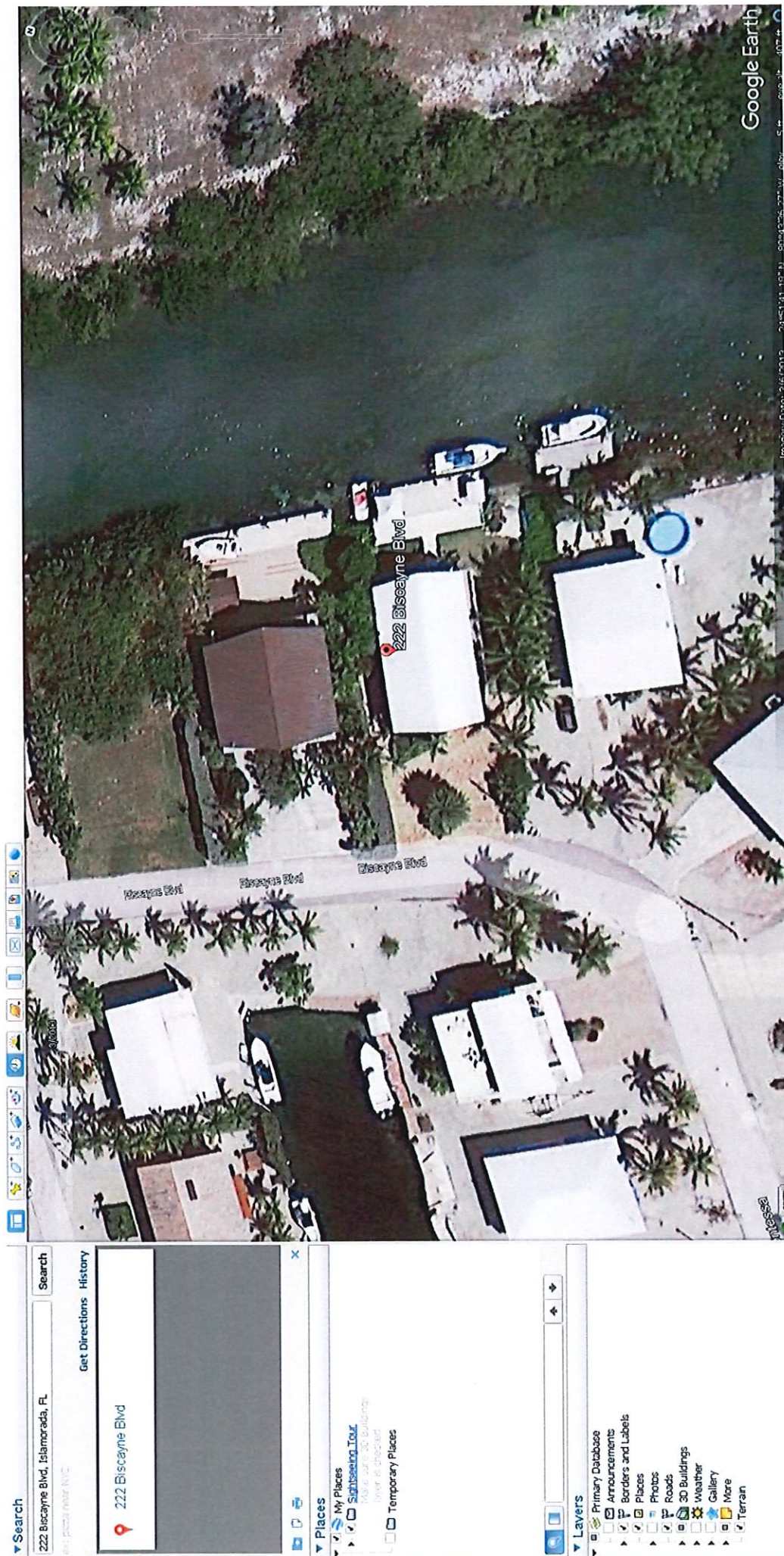
3D Buildings

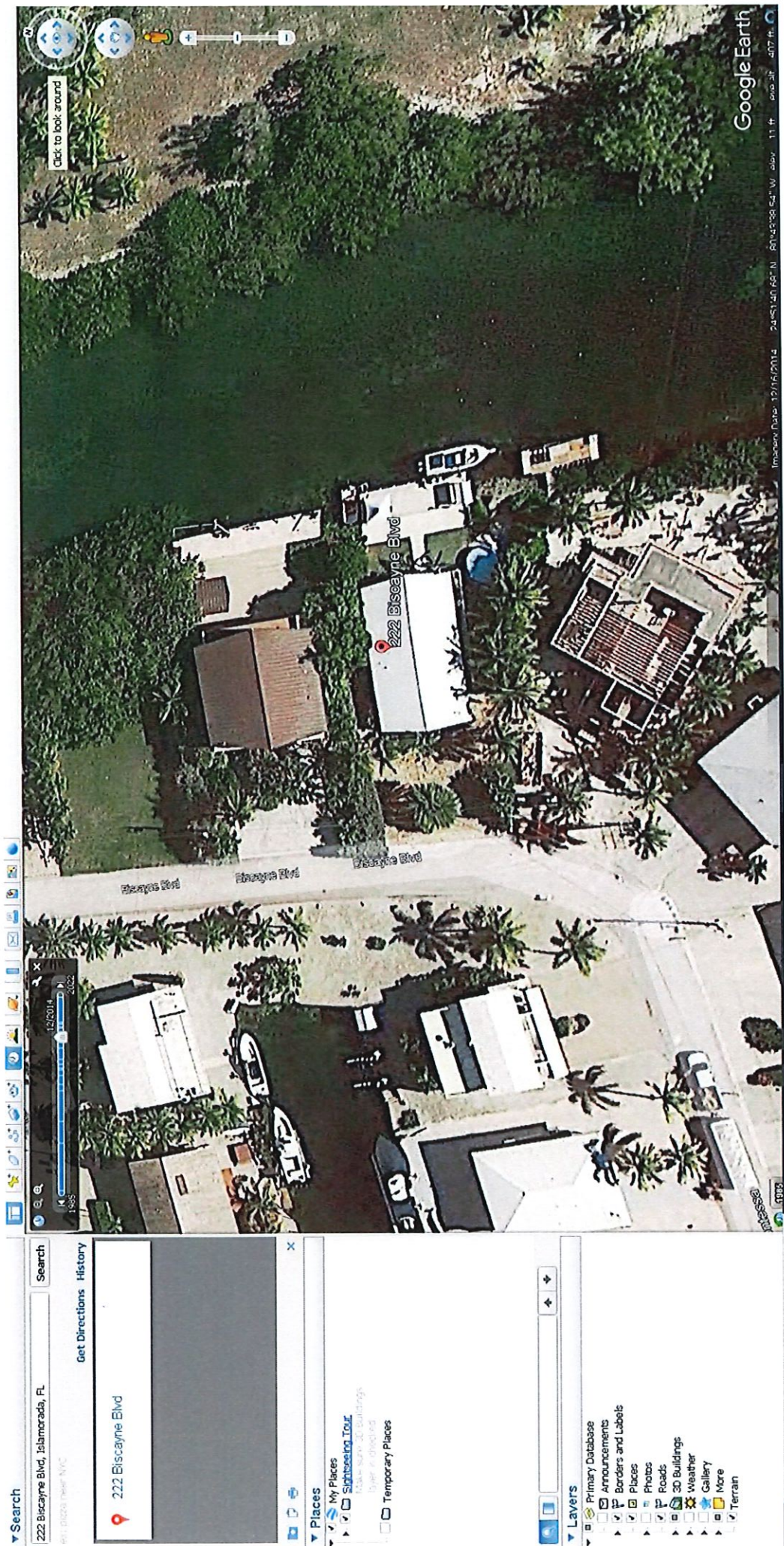
Weather

Gallery

More

Terrain







2



210 Biscayne



206 Biscayne



EXHIBIT

E

Page 181 of 277



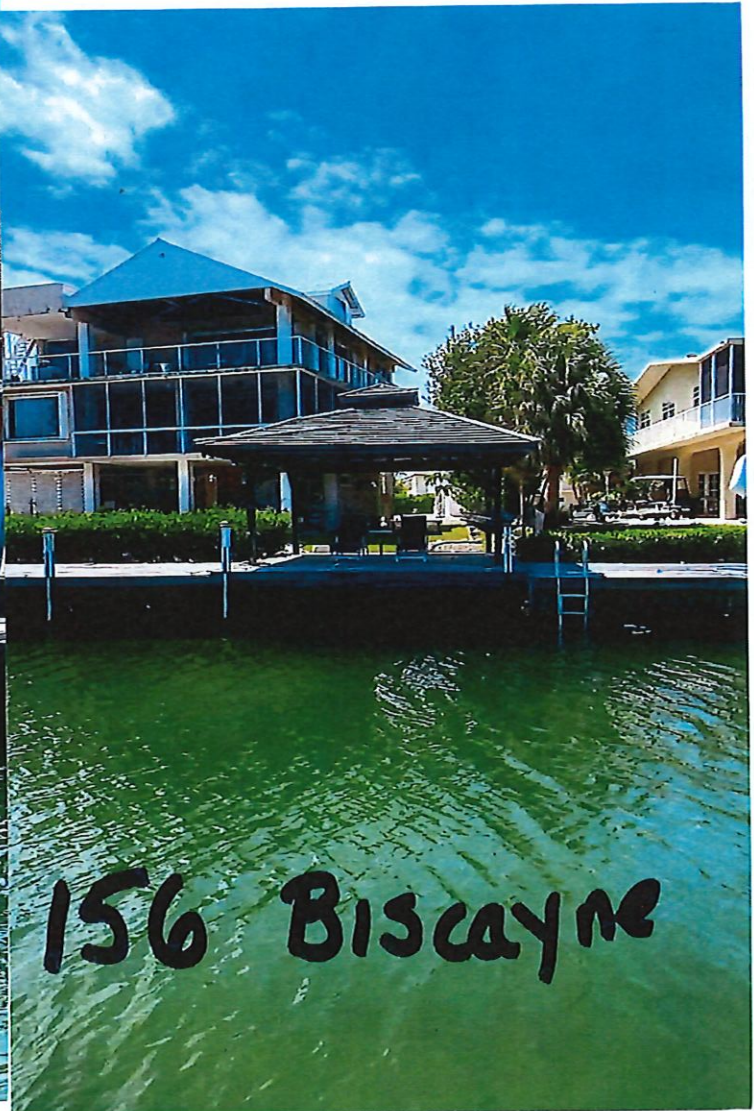
198 Biscayne

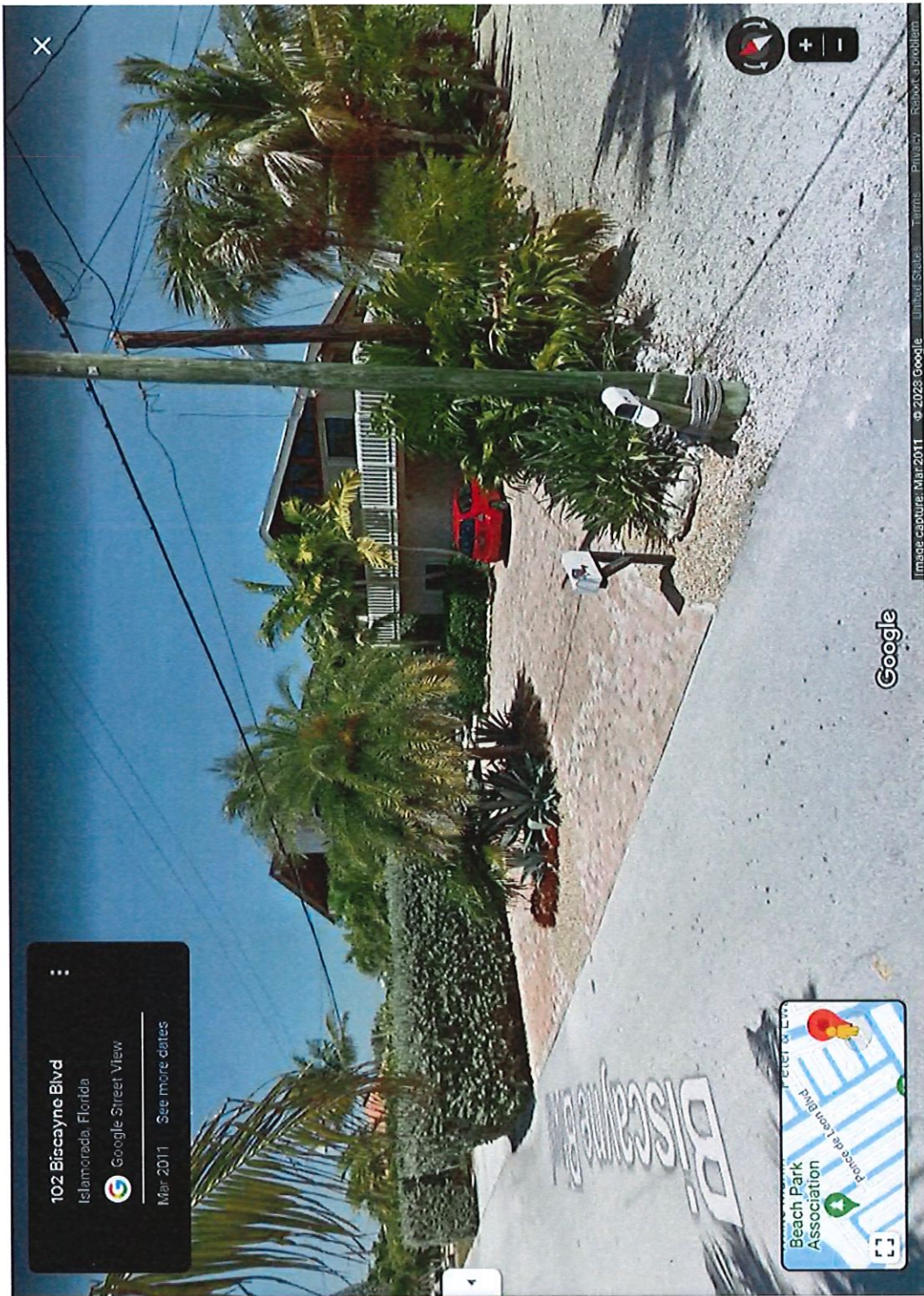


2



1





102 Biscayne Blvd
Islamorada, Florida
Google Street View
Mar 2011 See more dates

← 222 Biscayne Blvd

Back All

Street View & 360°





AGENT AUTHORIZATION LETTER

Islamorada, Village of Islands, Florida • Planning and Development Services Department
86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

Note: Pursuant to Section 30-212(d)(2) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the "Village"), all owners and any person having a contractual interest in the land shall give their permission for every application for a development permit. Therefore, more than one agent authorization letter must be submitted if there are multiple owners or persons having a contractual interest in the site.

Date: May 4, 2023

I hereby authorize Joanne Marie Pereira, Esq. From Hershoff Lupino & Yagel LLP - 88539 Overseas Highway Tavernier, Florida 33070 305-8528440

(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of DARCY PARKER

(Name of Owner or Person Having Contractual Interest)

for the purpose of conducting all business necessary to process and obtain approval from the Village Planning and Development Services Department, in regard to:

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned owner. This authorization acts as a durable power of attorney only for the purposes stated herein.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility, thus holding the Village harmless, for any and all of the actions of the agent named, related to the acquisition of development permits for the aforementioned owner/applicant.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Property Owner Signature: [Signature]

Printed Name: Darcy Parker

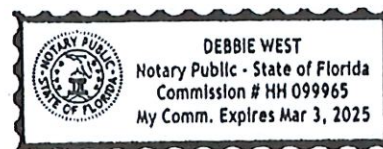
STATE OF Florida

COUNTY OF _____

Sworn to and subscribed before me by means of physical appearance or online notarization, this 4 day of May, 2023, by Darcy Jay Parker (name of person signing the application) as SCA (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public – State of Florida

SEAL:



Personally Known Produced Identification

Type of ID Driver license



AGENT AUTHORIZATION LETTER

Islamorada, Village of Islands, Florida • Planning and Development Services Department
86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

Note: Pursuant to Section 30-212(d)(2) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the "Village"), all owners and any person having a contractual interest in the land shall give their permission for every application for a development permit. Therefore, more than one agent authorization letter must be submitted if there are multiple owners or persons having a contractual interest in the site.

Date: 7/16 / 4, 2023

I hereby authorize Joanne Marie Pereira, Esq. From Hershoff Lupino & Yagel LLP - 88539 Overseas Highway Tavernier, Florida 33070 305-8528440

(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of FREDERICK W. SCHMID JR

(Name of Owner or Person Having Contractual Interest)

for the purpose of conducting all business necessary to process and obtain approval from the Village Planning and Development Services Department, in regard to:

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned owner. This authorization acts as a durable power of attorney only for the purposes stated herein.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility, thus holding the Village harmless, for any and all of the actions of the agent named, related to the acquisition of development permits for the aforementioned owner/applicant.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Property Owner Signature: [Signature]

Printed Name: FREDERICK W. SCHMID, JR

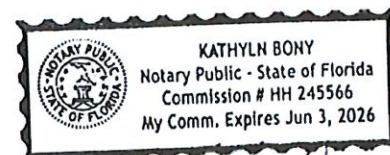
STATE OF Florida

COUNTY OF Broward

Sworn to and subscribed before me by means of physical appearance or online notarization, this 4th day of May, 2023, by Frederick Schmid Jr (name of person signing the application) as attorney in fact (type of authority e.g. officer, manager / member, trustee, attorney in fact) for [Signature] (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of Florida

SEAL:

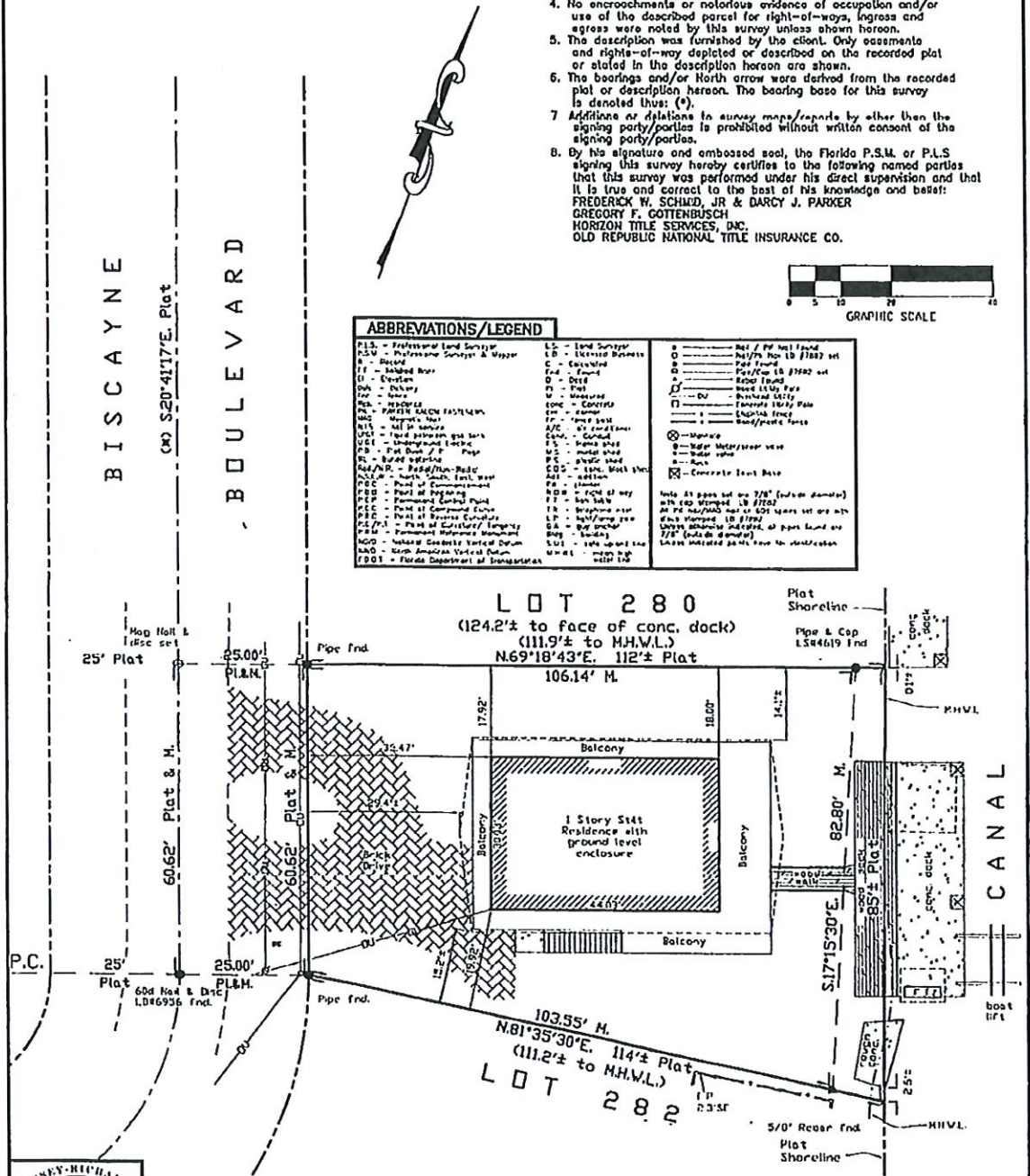


Personally Known Produced Identification

Type of ID Florida Driver License

Lot 281, PORT ANTIGUA PLAT NO. 5-6, according to the Plat thereof, recorded in Plat Book 6, at Page 25 of the Public Records of Monroe County, Florida.

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This parcel has a physical address of:
222 Biscayne Blvd., Miami, Florida, P. 33038
3. This parcel is in N.E.P.P., Block #1, Lot #1, E. 7' as shown on F.E.M. map parcel #12087C1201, revised 2/18/05, and/or is depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-ways, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements and right-of-way depicted or described on the recorded plot or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plot or description hereon. The bearing base for this survey is denoted thus: (°).
7. Additional or deletions to survey maps/reports by other than the signing parties is prohibited without written consent of the signing party/parties.
8. By his signature and embossed seal, the Florida P.S.M. or P.L.S. signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief:
FREDERICK W. SCHUB, JR. & DARCY J. PARKER
GREGORY F. GOTTENBUSCH
HORIZON TITLE SERVICES, D.C.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.



**MASSEY-RICHARDS
SURVEYING & MAPPING, LLC**

Phone: (305)853-0066 / Fax: (305)853-0233
88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

Client: Schmid			
Section 21	Township 64	South, Range 36	East
Lower Matecumbe Key		Monroe County, Florida	
Surveyed: 2/16/17		Fieldbook No. 199	
Drawing No. 14022	Drawn By: AMR Scale: 1" = 20'		

Florida Certificate of Authorization No. LB #7882

I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief.

David S. Massey, P.S.M. # 5125

NOT VALID
WITHOUT THE
SIGNATURE AND
THE ORIGINAL
RAISED SEAL
OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER



Islamorada, Village of Islands
Planning & Development Services
86800 Overseas Highway, Islamorada, FL 33036
T: 305-664-6400, F: 305-664-6467

APPLICATION FOR VARIANCE

Pursuant to Code Chapter 30, Article IV, Division 2

Application Type:	Fee:	*Deposit:	Total Fee:
☒ Residential	\$1,500.00	\$500.00	\$2,000.00
☐ Nonresidential	\$2,000.00	\$500.00	\$2,500.00

* A deposit is required for development approval or permits which necessitate additional review and processing, and/or public hearing and notice requirements. Applicants are required to pay a cost recovery deposit which shall be credited toward the fee charged for such additional review and processing and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended in reviewing an application and the applicable actual amount charged to the Village shall be charged against the cost recovery deposit.

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

An application must be deemed complete and in compliance with the Village Code by Staff prior to the items being scheduled for review. **See list of required submittals and documents below.**

APPLICANT / AGENT (if applicable): Property owner must submit a notarized letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: Joanne Marie Pereira
Mailing Address: 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 3058528440 Fax: 3058528440
Email: jpereira@hlylaw.com - kvilchez@hlylaw.com

PROPERTY OWNER:

Name: Frederick W. Schmid Jr. and Darcy Parker
Mailing Address: Joanne Pereira Hershoff Lupino & Yagel LLP 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 3058528440 Fax: 3058528440
Email: jpereira@hlylaw.com - kvilchez@hlylaw.com

LEGAL DESCRIPTION OF PROPERTY: If in metes and bounds, attach legal description on separate sheet.

Physical Address: 222 Biscayne Blvd Lower Matecumbe Key Mile Marker: 74.5
Lot: 281 Block: Port Antigua Subdivision: _____
☐ Plantation Key ☐ Windley Key ☐ Upper Matecumbe Key ☒ Lower Matecumbe Key
Real Estate (RE) Number: 00394489-008400 Alternate Key: 1486256

PROPERTY DESCRIPTION:

Zoning District: R1M Future Land Use Category: RM
Total Land Area: 8,255.00 Square Feet 0.18950 Acres
Existing Use of Property: Residential - Homestead

Proposed Use of Property: Residential - Homestead

Application for Variance

PROPOSED VARIANCE:

State the Code Section(s) and the Land Development Regulations standard(s) required (i.e., setbacks, parking, loading, landscaping): Setback variance to be able to secure an after the fact building permit for the Tiki Hut as built.

PROPOSED VARIANCE (Continued):

Describe the variance requested: Applicant is requesting a variance of the required 10 feet setback from Mean High water line, to allow for the TIKI HUT, as built, and as depicted in the attached survey and photographs, to be awarded an after the fact permit

List all applications for development permits submitted for the site within the past three (3) years. Please indicate the type of application, name of applicant, date of application and whether the application was approved, denied or withdrawn. PRBLD202100348 APPROVED: 03/17/2021 REMOVE OLD WOOD RAILINGS AND REPLACE
PRBLD202100313 APPROVED 03/11/2021 CONCRETE SPALLING OF SLAB AND COLUMN
PRBLD202001612 ABANDONED 12/23/2020 CHICKEE HUT

CRITERIA: 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. Please describe how the proposed variance meets each standard. Attach additional sheets if necessary.

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: Yes, owner of property, sought to upgrade a structure damaged by Hurricane Irma (see photo attached). After the structure was rebuilt owner was put on notice that the structure required a permit and was advised that an after the fact permit was not going to be approved because of a violation of a setback. Now, owner is seeking to have said after the fact permit approved and is in need of a setback variance.
 2. The special conditions and circumstances do not result from the actions of the applicant: Yes, the property was purchased with a similar structure built, which was presumed to had been permitted and the current owner only tried to replace/upgrade said structure as Hurricane Irma damaged the previous. The similar structure used to be located at same location as the current TIKI-HUT Please see photos showing the previous structure before and after Irma
 3. Literal interpretation of the provisions of the Land Development Regulations ("LDRs") deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the LDRs and works unnecessary and undue hardship on the applicant: Yes, as seen in the attached photographs, neighbors currently have similar structures. If applicant is required to have the 10 feet setback, and required to demolish the TIKI-HUT applicant would be deprived of rights commonly enjoyed by numerous neighbors in the same zoning.
 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: Yes, please see attached photos depicting similar structures at numerous neighbors' properties all of which are are also zoned: R1M and FLUM: RM
 5. The variance, if granted, is the minimum variance that makes possible the reasonable use of the land, building, or structure: Yes, applicant is only trying to get an after the fact building permit for a structure that had to be rebuilt after a previous structure was damaged by Hurricane Irma.
-
-

Application for Variance

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: Yes, the requested variance does not contradict the general intent and purpose of this chapter and it is not injurious to the neighborhood (most of applicant's neighbors have similar structures as evidenced in the attached) and this application is NOT detrimental to the public welfare.

The replacement was more in harmony because it is an Official Tiki Hut constructed by the indigenous people.

REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application.

- ☒ **Correct application fee.** Check or money order to "Islamorada, Village of Islands".
- ☒ **Notarized agent authorization letter**, if applicable, including the agent's name, address and phone number authorizing the applicant/agent to act on all property owners' behalf.
- ☒ **Proof of ownership** e.g. warranty deed, lease or pending sale contract.
- ☒ **Property record card(s)** from the Monroe County Property Appraiser.
- ☒ **Location map** showing where the project is located on the Key.
- ☒ **Photographs** of site from adjacent streets or a recent aerial photograph with property boundaries delineated.
- ☒ **Signed and sealed survey** prepared by a Florida registered surveyor. The survey shall include elevations and location of all existing structures, paved areas, location of all utility structures, all easements, all bodies of water on and adjacent to the site, docks, piers, mean high water line and total acreage by habitat.
- ☒ **Site plan** prepared by a professional architect, engineer, or landscape architect. See Code Section 30-215 for minimum site plan requirements.

If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I certify that all information required has been provided.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Signature of Applicant

Date

Print Name:

STATE OF

COUNTY OF

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 13 day of June, 20 23, by Joanne Marie Pereira (name of person signing the application) as Agent (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Frederick Schmid Jr. and Darcy Parker (name of entity or party on behalf of whom application was executed).

Signature of Notary Public

SEAL:

☒ Personally Known ☐ Produced Identification

Type of ID



Doc# 2113103 03/07/2017 1:57PM
 Filed & Recorded in Official Records of
 MONROE COUNTY KEVIN MADOK

This Instrument Prepared By
 Craig M. Dorne, Esq.
 2655 S. Le Jeune Road, PH 2C
 Coral Gables, Florida 33134

03/07/2017 1:57PM
 DEED DOC STAMP CL: Krys \$6,825.00

Return to:
 Horizon Title Services, Inc.
 5 Harvard Circle, Suite 100
 West Palm Beach, Florida 33409

Doc# 2113103
 Bkn 2842 Pgn 658

PARCEL ID.: 00394489-008400
ALTERNATE KEY: 1486256

WARRANTY DEED

THIS INDENTURE, made this 5th day of March, 2017, between **LAWRENCE WILLIAM BARR** and **ILIANA T. BARR**, husband and wife the Grantors*), to **FREDERICK W. SCHMID, JR.** and **DARCY PARKER**, as tenants in common whose post office address is 1630 SE 14th Street, Ft. Lauderdale, Florida 33316, (hereinafter called the Grantee*).

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lot 281, PORT ANTIGUA, PLAT 5-6, according to the Plat thereof as recorded in Plat Book 6, Page 25, of the Public Records of Monroe County, Florida.

SUBJECT TO: Taxes for the year 2017 and subsequent years; and reservations, covenants and conditions of record, dedications, restrictions, limitations, easements, rights of way of record, applicable zoning regulations and ordinances imposed by governmental authority and restrictions and matters appearing on the Plat or otherwise common to the subdivision, without intent of reimposing same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of

Doc# 2113103
Bk# 2842 Pg# 659

all persons whomsoever; and that said land is free of all encumbrances.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Yessica Cocco
Print Name Yessica Cocco

Craig M. Dome
Print Name Craig M. Dome

Lawrence William Barr
LAWRENCE WILLIAM BARR

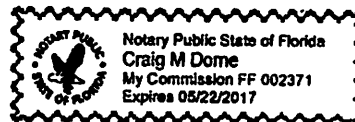
Iliana T. Barr
ILIANA T. BARR

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 1st day of March, 2017, by Lawrence William Barr and Iliana T. Barr, husband and wife who produced a Florida driver's licenses as identification.

Craig M. Dome
NOTARY PUBLIC, STATE OF FLORIDA
[NOTARIAL SEAL]

Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed Page 2 of 2

Monroe County, FL

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Parcel ID 00394489-008400
 Account# 1486256
 Property ID 1486256
 Millage Group 50VI
 Location 222 BISCAYNE Blvd, LOWER MATECUMBE KEY
 Address
 Legal LT 281 PORT ANTIGUA PLAT NO 5-6 PB6-25 OR563-1055
 Description OR756-1468 OR793-1694 OR797-2041 OR829-1405 OR844-875
 OR872-920Q/C OR875-2226 OR984-984 OR1045-17 OR1068-
 1904 OR1069-2204RS OR2072-1180Q/C OR2072-1181 OR2262-
 2129C OR2262-2130 OR2842-658/59
 (Note: Not to be used on legal documents.)

Neighborhood 1467
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision PORT ANTIGUA PLAT NO 5 & 6
 Sec/Twp/Rng 21/64/36
 Affordable No
 Housing

SCHMID JR FREDERICK W
 1630 SE 14th St
 Ft Lauderdale FL 33316

PARKER DARCY T/C
 1630 SE 14th St
 Ft Lauderdale FL 33316



	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$297,408	\$253,619	\$315,065	\$319,306
+ Market Misc Value	\$96,538	\$98,579	\$43,681	\$45,321
+ Market Land Value	\$1,008,761	\$581,978	\$535,419	\$539,299
= Just Market Value	\$1,402,707	\$934,176	\$894,165	\$903,926
= Total Assessed Value	\$1,027,594	\$934,176	\$894,165	\$903,926
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,402,707	\$934,176	\$894,165	\$903,926

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2021	\$581,978	\$253,619	\$98,579	\$934,176	\$934,176	\$0	\$934,176	\$0
2020	\$535,419	\$315,065	\$43,681	\$894,165	\$894,165	\$0	\$894,165	\$0
2019	\$539,299	\$319,306	\$45,321	\$903,926	\$903,926	\$0	\$903,926	\$0
2018	\$498,561	\$263,130	\$45,939	\$807,630	\$807,630	\$0	\$807,630	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL (010C)	8,255.00	Square Foot	0	0

Building ID	21176	Exterior Walls	C.B.S.
Style	STILT 1 STORY	Year Built	1984
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	2007
Gross Sq Ft	4057	Foundation	CONC PILINGS
Finished Sq Ft	1320	Roof Type	GABLE/HIP
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	CERM/CLAY TILE
Perimeter	148	Heating Type	FCD/AIR DUCTED with 0% NONE
Functional Obs	0	Bedrooms	3
Economic Obs	0	Full Bathrooms	3
Depreciation %	18	Half Bathrooms	0
Interior Walls	DRYWALL	Grade	550
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPF	COVERED PARKING FIN	560	0	108
OPX	EXC OPEN PORCH	1,225	0	458
SPX	EXEC SC PORCH	300	0	80
FLA	FLOOR LIV AREA	1,320	1,320	148
LLF	LOW LEV FIN	640	0	112
SBF	UTIL FIN BLK	12	0	16
TOTAL		4,057	1,320	922

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
3/1/2017	\$975,000	Warranty Deed	2113103	2842	658	01 - Qualified	Improved	BARR LAWRENCE WILLIAM AND ILIANA T	
12/22/2006	\$1,220,000	Warranty Deed		2262	2130	Q - Qualified	Improved		
12/23/2004	\$1,125,000	Warranty Deed		2072	1181	Q - Qualified	Improved		
7/1/1988	\$248,200	Warranty Deed		1068	1904	Q - Qualified	Improved		
3/1/1988	\$230,000	Warranty Deed		1045	17	Q - Qualified	Improved		
8/1/1986	\$174,600	Warranty Deed		984	984	Q - Qualified	Improved		
2/1/1983	\$57,000	Warranty Deed		875	2226	U - Unqualified	Vacant		
11/1/1981	\$42,000	Warranty Deed		844	875	Q - Qualified	Vacant		

[View Taxes for this Parcel](#)





2022 TRIM Notice (PDF)

2022 Notices Only

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 5/26/2023, 2:11:13 AM

Developed by
 **Schneider**
 GEOSPATIAL

Version 3.1.11



Village of Islamorada Zoning

+

-

Home

Refresh

222 Biscayne Blvd

Show search results for 222 Bi...

BUENA VISTA CT

LISBON CT

PONCE DE LEON BLVD

PORTO VISTA CT

MADEIRA CT

BISCAYNE BLVD

COURT CONTESSA

EL CAPITAN

W PLAZA GRANADA

W PLAZA DEL SOL

W PLAZA DEL LAGO

GULF VIEW DR

NAUTILUS DR

VENETIAN

(1 of 2)

Current Parcels: SCHMID FREDERICK W

ID	394,489.01
RECHAR	00394489-008400
GEO_FEAT	41295
NAL PARCEL NO	2164 36
	00394489008400
NAME	SCHMID FREDERICK W
ADD1	1630 SE 14th St
ADD2	
CITY	Ft Lauderdale
UNIT	
STATE	FL
COUNTRY	United States
Zoom to	***

400ft

-80.736 24.865 Degrees

Monroe County BOCC, Maxar

POWERED BY 



Village of Islamorada Zoning

+

-

Home

Layers

Full Screen

222 Biscayne Blvd

X

Q

Show search results for 222 Bi...

Map

Layers

Full Screen

MADEIRA CT

BISCAYNE BLVD

COURT CONTESSA

SANDY COVE AVE

SAPODILLA

ZA DEL SOL

(1 of 2)

Current Parcels: SCHMID FREDERICK W

ID	394,489.01
RECHAR	00394489-008400
GEO_FEAT	41295
NAL PARCEL NO	2164 36
	00394489008400
NAME	SCHMID FREDERICK W
ADD1	1630 SE 14th St
ADD2	
CITY	Ft Lauderdale
UNIT	
STATE	FL
COUNTRY	United States

[Zoom to](#)

...

100ft

-80.730 24.862 Degrees

Monroe County BOCC, Maxar, Microsoft

POWERED BY 

Page 202 of 277

Layer List Legend

Quick Links:

- Real Property Search
- Tangible Property Search
- View Map

Layers:

☐ Annotation

☐ Buildings

☒ Major Roads

☒ Centerline

☒ Easements

☒ Hooks

☒ Lot Lines

☒ Road Center

☒ Rights of Way

☒ Section Lines

☒ Shoreline

☒ Condo Building

☒ Qualified Condo Sales

☒ Qualified Parcel Sales

☐ Conservation Easement

☒ Key Names

☒ Subdivisions

☒ Parcels

Personal Property

☐ Section Poly

☒ County Outline

☒ 2022 Aerial Photography

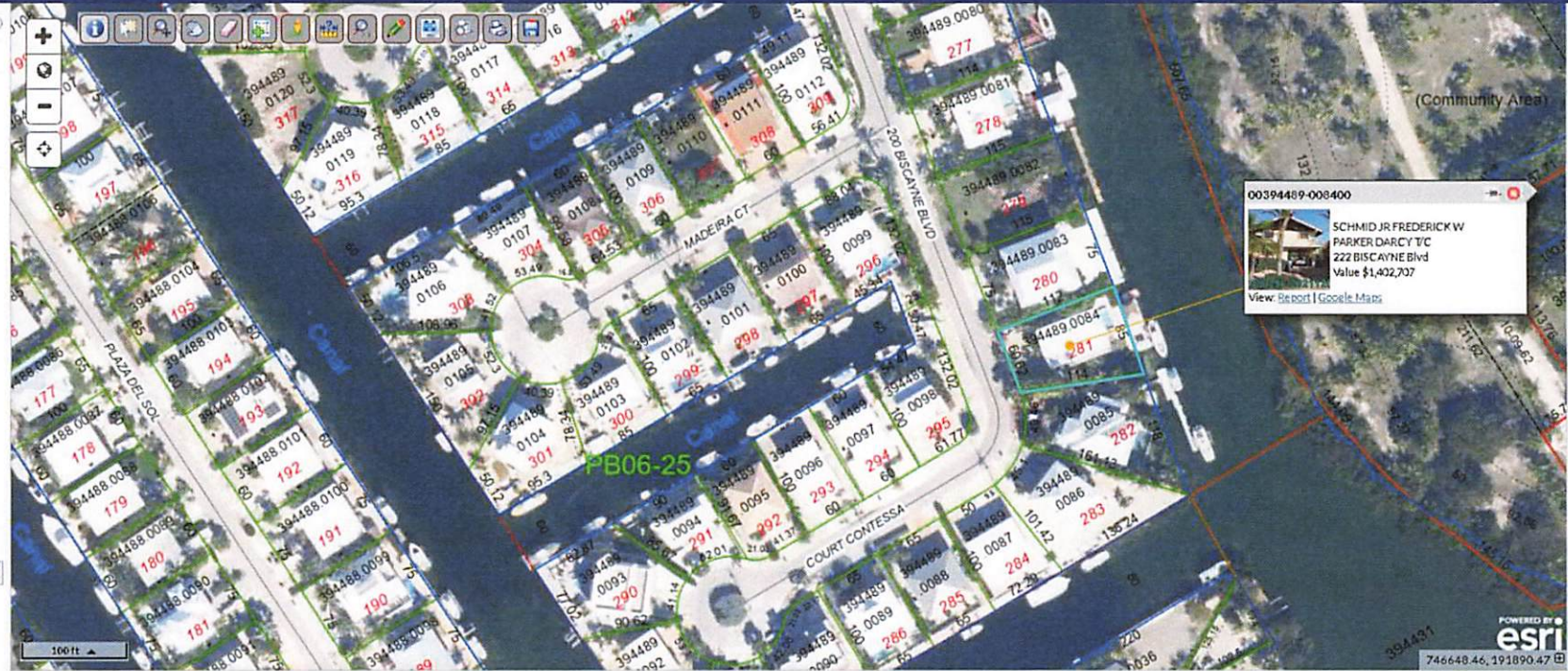
☐ 2021 Aerial Photography

☐ 2018 Aerial Photography

☐ 2015 Aerial Photography

☐ 2012 Aerial Photography

Restore Layer Defaults



Parcel ID	00394489-008400	Alternate ID	1486256	Owner Address	SCHMID JR FREDERICK W
Sec/Twp/Rng	21/64/36	Class	SINGLE FAMILY RESID		1630 SE 14th St
Property Address	222 BISCAYNE Blvd				Ft Lauderdale, FL 33316
	LOWER MATECUMBE KEY				
District	50VI				
Brief Tax	LT 281 PORT ANTIGUA PLAT NO 5-4 PB6-25 OR563-1055 OR756-1468 OR793-1694 OR797-2041 OR829-1405 OR844-875 OR872-920Q/C OR875-2226 OR984-984 OR1043-17 OR1068-1904 OR1069-2204RS OR2072-1180Q/C OR2072-1181 OR2262-2129C				
Description	OR2262-2130 OR2842-658/59				
	(note: Not to be used on legal documents)				

Results:

Parcel ID - 00394489-008400

Alt Id - 1486256

Address - 222 BISCAYNE Blvd

Owner - SCHMID JR FREDERICK W

PARKER DARCY T/C

View Report | Google Maps

00394489-008400

SCHMID JR FREDERICK W

PARKER DARCY T/C

222 BISCAYNE Blvd

Value \$1,402,707

View Report | Google Maps

222 Biscayne Blvd, Islamorada, FL

222 Biscayne Blvd

Building

Directions

Save

Nearby

Send to phone

Share

222 Biscayne Blvd, Islamorada, FL 33036

Suggest an edit on 222 Biscayne Blvd

Add a missing place

Add your business

Add a label

Photos

Restaurants

Hotels

Things to do

Transit

Parking

Pharmacies

ATMs

Port Antigua Property Owners Association

Tiki Huts

White Marlin Beach Park Association

Capt. Chuck Brodzki

Curt-A-Sea Charters

Hooligan Sportfishing

Bay Harbour Condominium

LoKation Real Estate, Peter & Ewa Schwarz

Casa Rio Islamorada

Lokey Estate

Costa Bravo Dr

Buena Vista Ct

Lisbon Ct

Biscayne Blvd

Ponce de Leon Blvd

W Plaza Del Sol

W Plaza Del Lago

W Plaza Garancia

El Capitan Dr

Gulfview Dr

Nadellus Dr

Costa Vista Ct

Punta Vista Ct

Madera Ct

Biscayne Blvd

Sandy Cove Ave

Savanna Dr

Savanna Dr

Savanna Dr

Layers

Google

Map data ©2023

United States

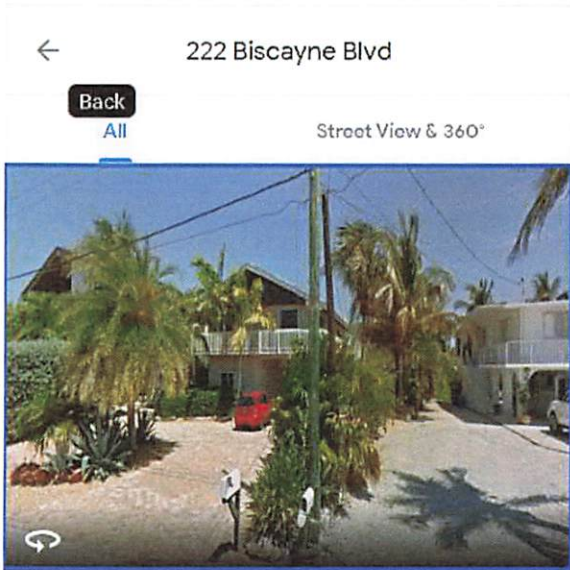
Terms

Privacy

Send feedback

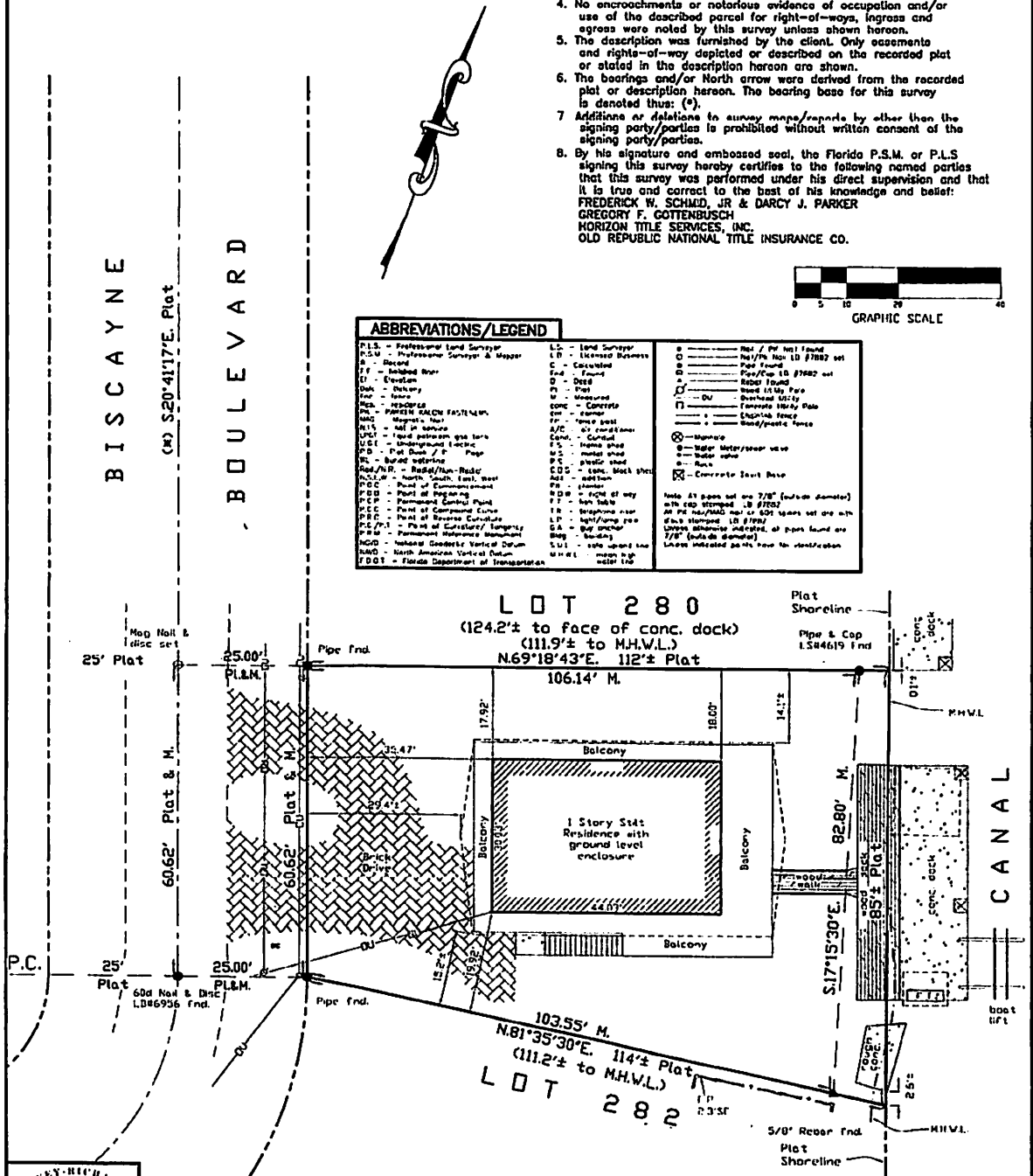
200 ft

Page 204 of 277



Lot 281, PORT ANTIGUA PLAT NO. 5-6, according to the Plat thereof, recorded in Plat Book 6, at Page 25 of the Public Records of Monroe County, Florida.

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This parcel has a physical address of:
222 Biscayne Blvd., Islamorada, Fl. 33038
3. This parcel is in N.P.L.P., flood zone , El. 7' as shown on F.E.M.A. map number 8807C-001 revised 2/18/05, and/or is the depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-ways, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements or other rights-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plat or description hereon. The bearing base for this survey is denoted thus: (°).
7. ~~Additions or deletions to survey maps/reports by other than the~~
~~signing party/parties~~ is prohibited without written consent of the signing party/parties.
8. By its signature and embossed seal, the Florida P.S.M. or P.L.S. signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief:
FREDERICK M. SCHMID, JR. & DARCY J. PARKER
FREDERICK F. GOTTENBACH
HORIZON TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.



**MASSEY-RICHARDS
SURVEYING & MAPPING, LLC**

Phone: (305)853-0066 / Fax: (305)853-0233

88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

Client: Schmid

Florida Certificate of Authorization No. LB #7882

Section 21 Township 64 South, Range 36 East

I hereby certify that the survey herein was performed under my direct supervision and is true and correct to the best of my knowledge and belief.

Lower Matecumbe Key Monroe County, Florida

Surveyed: 2/16/17 Fieldbook No. 199

David S. Massey, P.S.M. # 5125

NOT VALID
WITHOUT THE
SIGNATURE AND
THE ORIGINAL
RAISED SEAL
OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER

APPLICATION FOR SETBACK VARIANCE

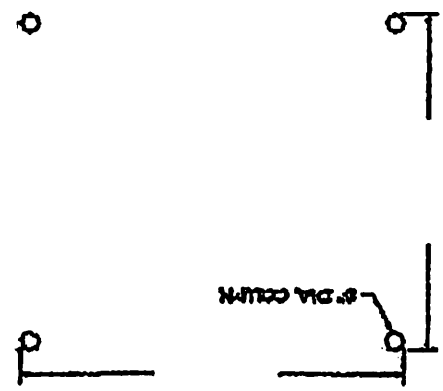
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

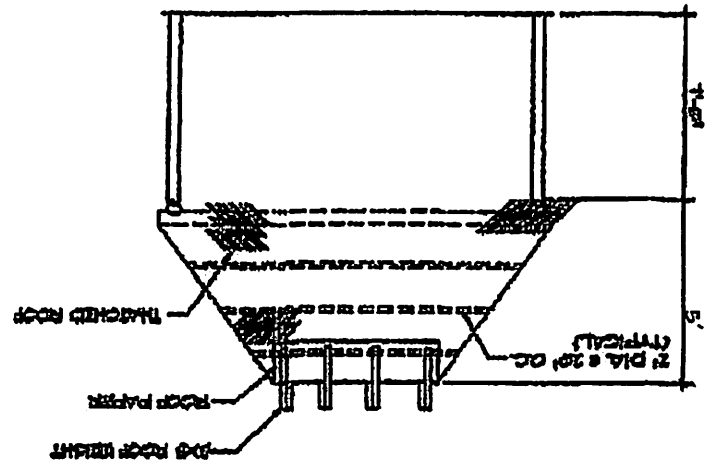
RE No.: 00394489-008400

TIKI-HUT PLANS

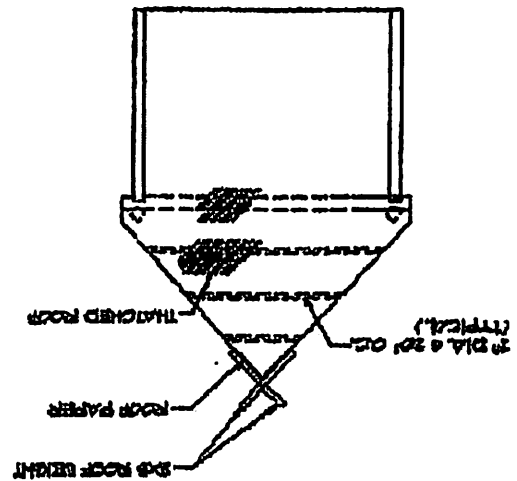
FLOOR PLAN
SCALE 1/4" = 1'-0"

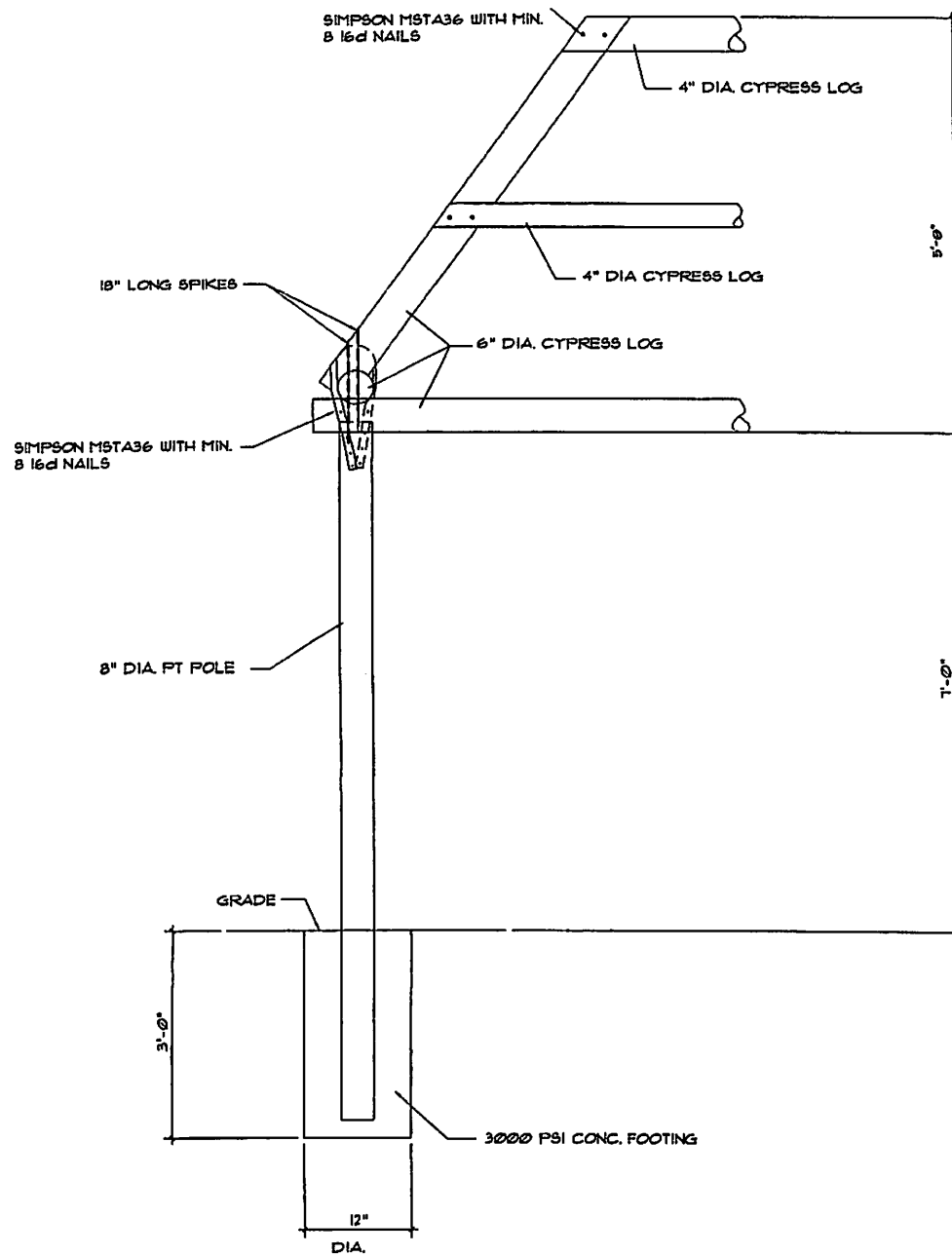


FRONT ELEVATION



SIDE ELEVATION





APPLICATION FOR SETBACK VARIANCE

Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

PHOTO OF PREVIOUS STRUCTURE LOCATED AT THE SAME
LOCATION **(BEFORE HURRICANE IRMA)**



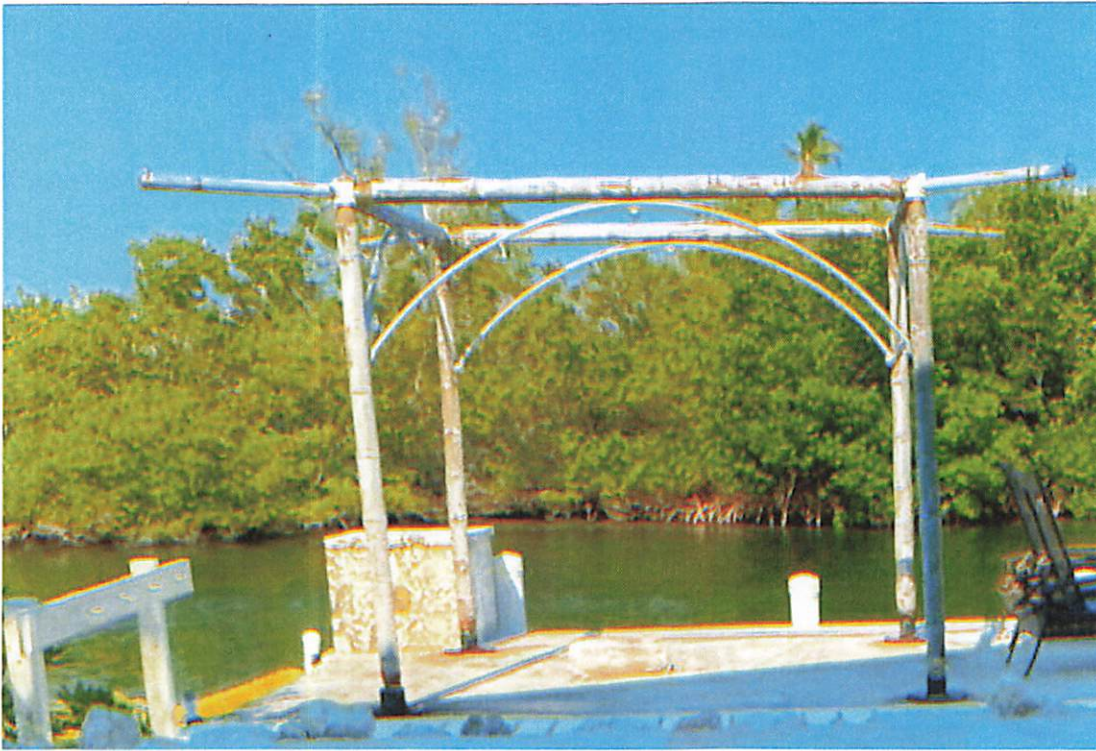
APPLICATION FOR SETBACK VARIANCE

Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

PHOTO OF PREVIOUS STRUCTURE LOCATED AT THE SAME
LOCATION **(DAMAGED BY HURRICANE IRMA)**



APPLICATION FOR SETBACK VARIANCE

Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

PHOTO OF TIKI-HUT



APPLICATION FOR SETBACK VARIANCE

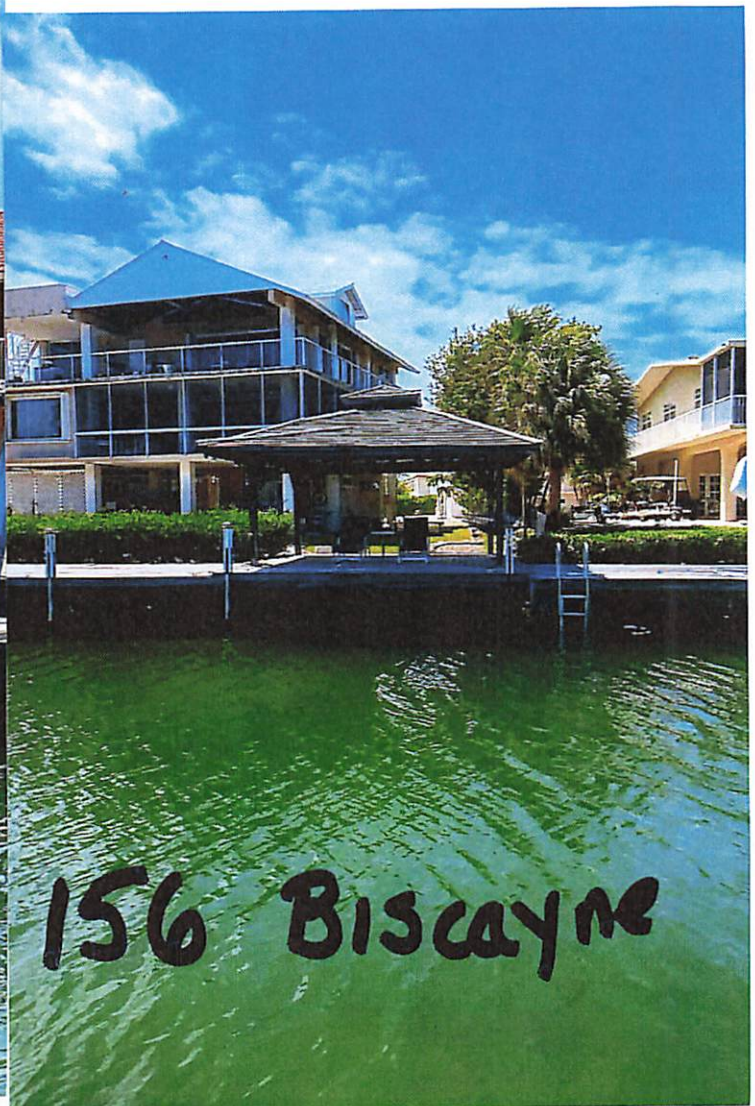
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

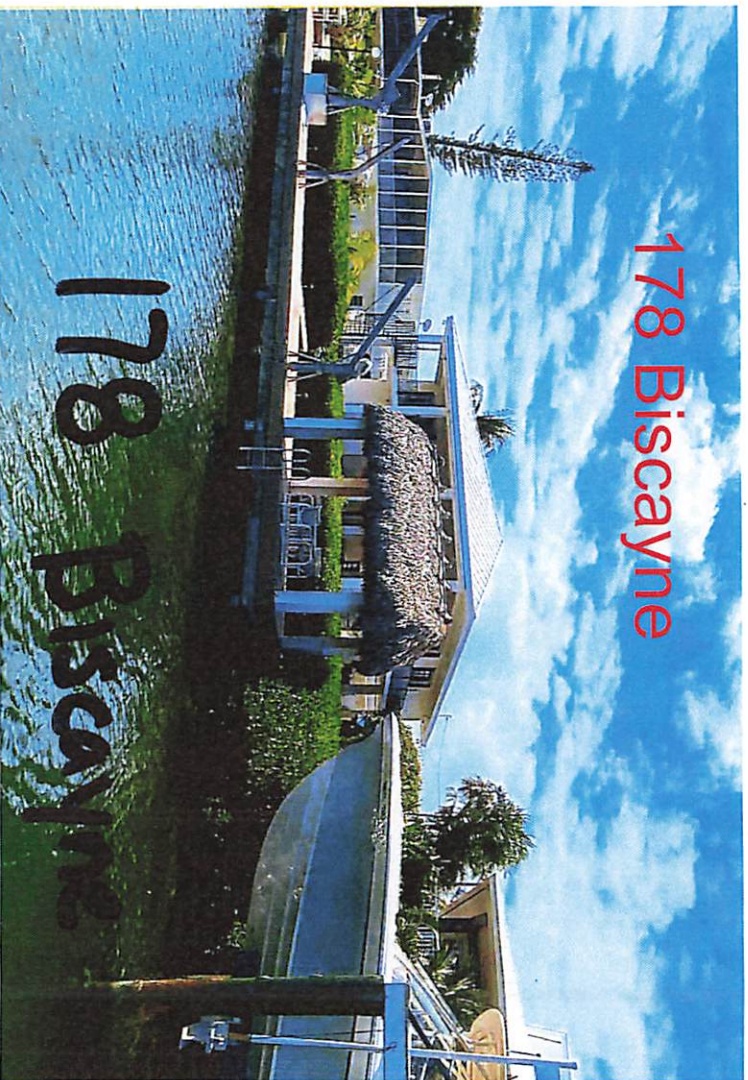
RE No.: 00394489-008400

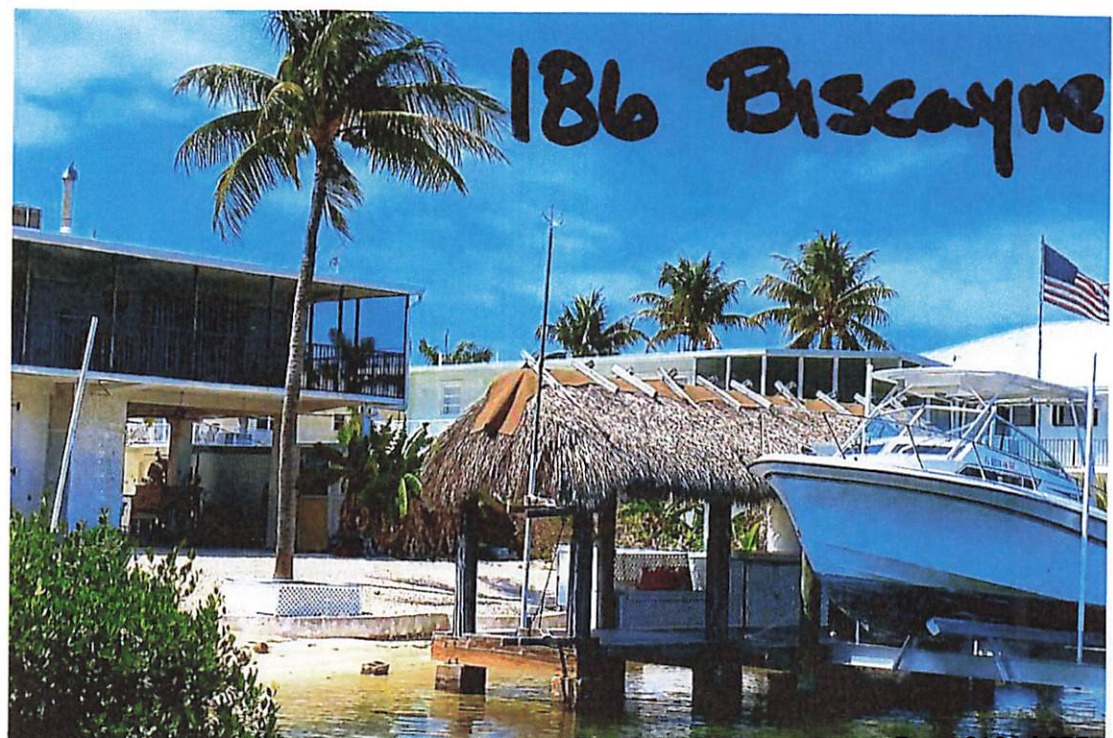
PHOTOS OF NEIGHBOR PROPERTIES WITH SIMILAR
STRUCTURES (ALSO ZONED: R1 & FLUM:RM)

2



178





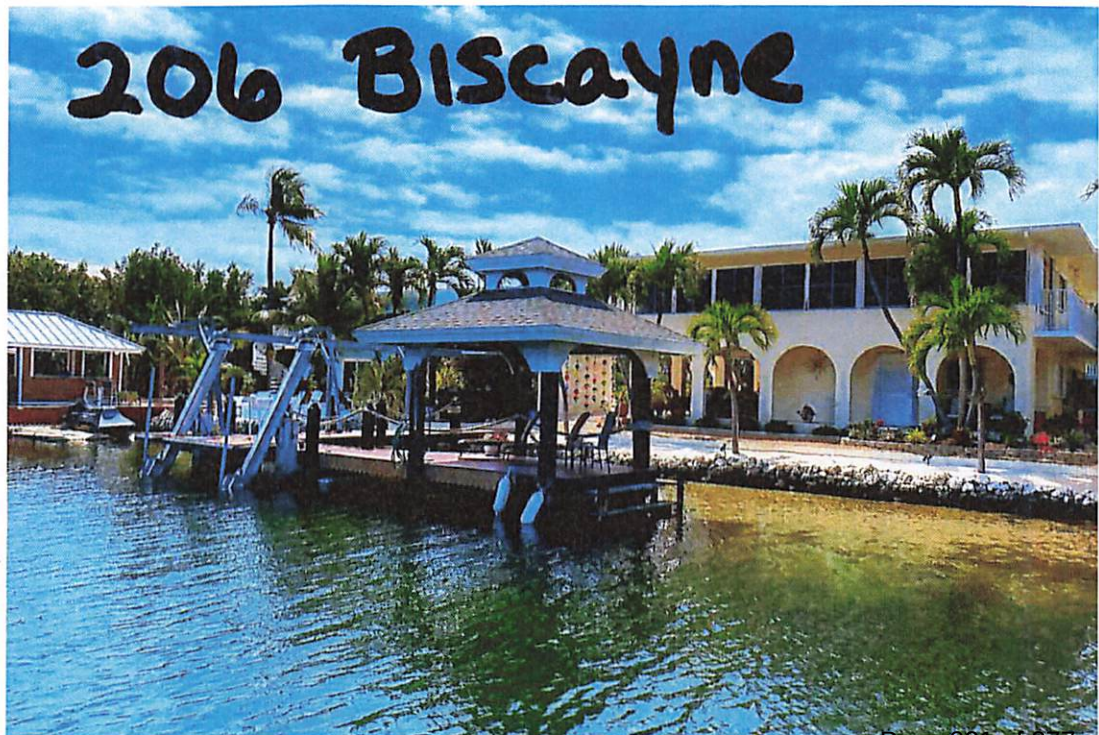


198 Biscayne

210 Biscayne



206 Biscayne



APPLICATION FOR SETBACK VARIANCE

Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

HISTORIC AERIAL PHOTO SHOWING EXISTENCE OF SIMILAR
STRUCTURE

(Year: 2009)



APPLICATION FOR SETBACK VARIANCE

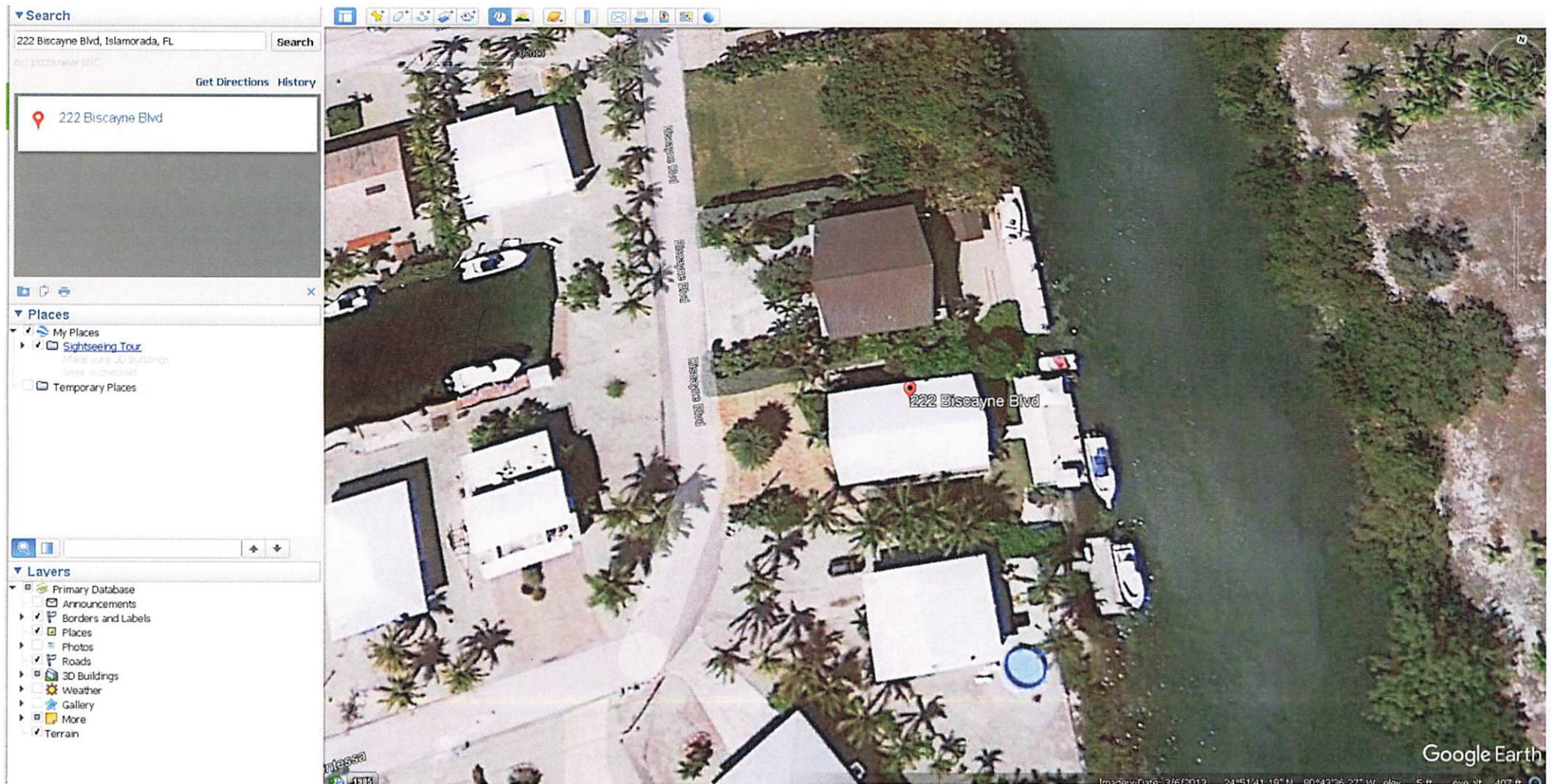
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

HISTORIC AERIAL PHOTO SHOWING EXISTENCE OF SIMILAR
STRUCTURE

(Year: 2013)



APPLICATION FOR SETBACK VARIANCE

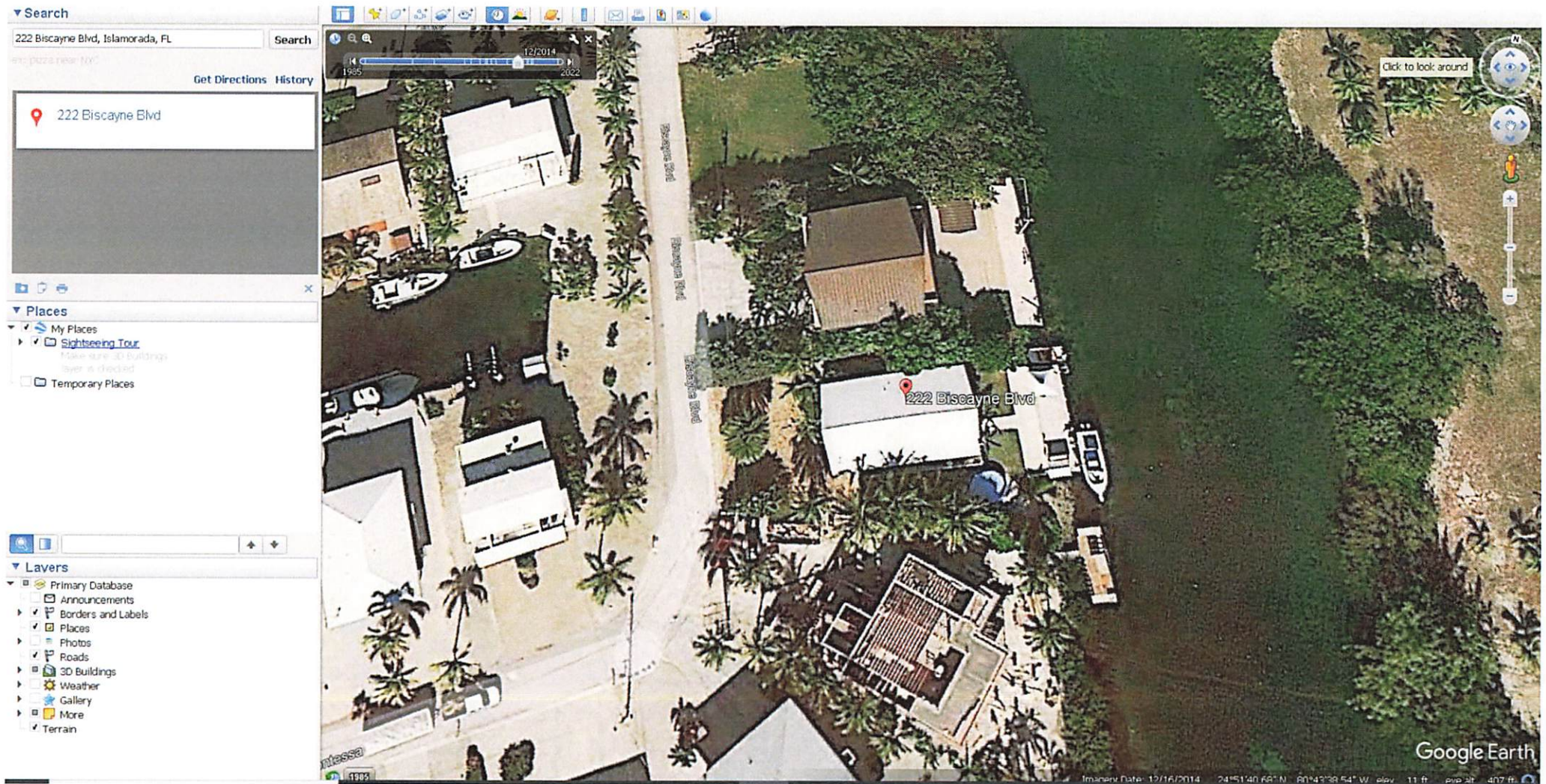
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

HISTORIC AERIAL PHOTO SHOWING EXISTENCE OF SIMILAR
STRUCTURE

(Year: 2014)



HL&Y
Hershoff, Lupino & Yagel, L.L.P
Attorneys at Law

ALL CORRESPONDENCE TO:
88539 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
(305) 852-8440 FAX (305) 852-8848

www.HLYlaw.com

MIAMI OFFICE
9350 SOUTH DIXIE HIGHWAY
SUITE 1470
MIAMI, FLORIDA 33156

June 13, 2023

Via FedEx

Tracking #: 7724 3537 8135

Islamorada, Village of Islands
Planning & Development Services
86800 Overseas Highway
Islamorada, FL 33036

RE: **Application for Setback Variance**
Applicant: Joanne Marie Pereira as agent
Property owners: Frederick Schmid Jr. & Darcy Parker
RE No.: 00394489-008400

Dear Sir or Madam,

Enclosed, please find the Application for Setback Variance with all attachments related to the above referenced property, along with a Check issued by property owners and payable to **Islamorada, Village of Islands** in the amount of \$2,000 for the applicable fees.

Should you have any questions or wish to further discuss please feel free to contact me.

Respectfully,



JOANNE PEREIRA, ESQ.
jpereira@hlylaw.com
Phone: (305)852-8440
FAX: (305) 852-8848



AGENT AUTHORIZATION LETTER

Islamorada, Village of Islands, Florida • Planning and Development Services Department
86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

Note: Pursuant to Section 30-212(d)(2) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the "Village"), all owners and any person having a contractual interest in the land shall give their permission for every application for a development permit. Therefore, more than one agent authorization letter must be submitted if there are multiple owners or persons having a contractual interest in the site.

Date: May 4, 2023

I hereby authorize Joanne Marie Pereira, Esq. From Hershoff Lupino & Yagel LLP - 88539 Overseas Highway Tavernier, Florida 33070 305-8528440
(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of DARCY PARKER
(Name of Owner or Person Having Contractual Interest)

for the purpose of conducting all business necessary to process and obtain approval from the Village Planning and Development Services Department, in regard to:

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned owner. This authorization acts as a durable power of attorney only for the purposes stated herein.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility, thus holding the Village harmless, for any and all of the actions of the agent named, related to the acquisition of development permits for the aforementioned owner/applicant.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Property Owner Signature: [Signature]

Printed Name: Darcy Parker

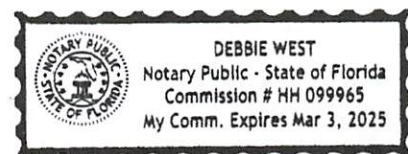
STATE OF Florida

COUNTY OF _____

Sworn to and subscribed before me by means of physical appearance or online notarization, this 4 day of May, 2023, by Darcy Jay Parker (name of person signing the application) as SCIT (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of Florida

SEAL:



Personally Known Produced Identification Type of ID Driver license



AGENT AUTHORIZATION LETTER

Islamorada, Village of Islands, Florida • Planning and Development Services Department
86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

Note: Pursuant to Section 30-212(d)(2) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the "Village"), all owners and any person having a contractual interest in the land shall give their permission for every application for a development permit. Therefore, more than one agent authorization letter must be submitted if there are multiple owners or persons having a contractual interest in the site.

Date: May 4, 2023

I hereby authorize Joanne Marie Pereira, Esq. From Hershoff Lupino & Yagel LLP - 88539 Overseas Highway Tavernier, Florida 33070 305-8528440

(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of FREDERICK W. SCHMID JR

(Name of Owner or Person Having Contractual Interest)

for the purpose of conducting all business necessary to process and obtain approval from the Village Planning and Development Services Department, in regard to:

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned owner. This authorization acts as a durable power of attorney only for the purposes stated herein.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility, thus holding the Village harmless, for any and all of the actions of the agent named, related to the acquisition of development permits for the aforementioned owner/applicant.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Property Owner Signature: [Signature]

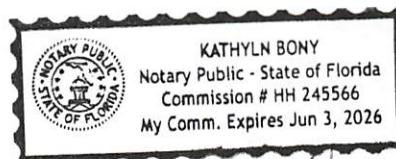
Printed Name: Frederick W. Schmid, JR

STATE OF Florida
COUNTY OF Broward

Sworn to and subscribed before me by means of physical appearance or online notarization, this 4th day of May, 2023, by Frederick Schmid Jr (name of person signing the application) as _____ (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of Florida

SEAL:



Personally Known ☒ Produced Identification

Type of ID Florida Driver License

Notice of Incomplete Application

RE: PLVAR20230083

222 BISCAYNE BLVD

Dear Applicant,

A planning application has been received by this office on June 14, 2023. The following required items are outstanding:

Site Plan (Scaled) - Please provide a site plan with the location of the tiki hut and the setbacks.

The above information must be received by our office to deem the application complete. If the required information is not received within 90 days, your application will be considered abandoned.

Should you require further information, please do not hesitate to contact me.

Thank You,



Jennifer DeBoisbriand
Planning Director
86800 Overseas Highway
Islamorada, FL 33036
Telephone:
E-mail: jennifer.deboisbriand@islamorada.fl.us

RECEIPT OF PAYMENT

Receipt Number: 2023066978
Receipt Date: 06/14/2023
Date Paid: 06/14/2023
Full Amount: \$2,000.00

Payment Details:	Payment Method	Amount Tendered	Check Number
	Check	\$2,000.00	146

Amount Tendered: \$2,000.00
Change / Overage: \$0.00
Contact: Frederick W. Schmid, Address:1630 SE 14 STREET

FEE DETAILS:

Fee Description	Reference Number	Amount Owing	Amount Paid
Variance, Residential	PLVAR20230083	\$1,500.00	\$1,500.00
Variance, Residential - Deposit	PLVAR20230083	\$500.00	\$500.00

Lot 281, PORT ANTIGUA PLAT NO. 5-6, according to the Plat thereof, recorded in Plat Book 6, at Page 25 of the Public Records of Monroe County, Florida.

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This parcel has a physical address of:
222 Biscayne Blvd., Islamorada, FL 33036
3. This parcel is in N.F.I.P., flood zone AE, El. 7' as shown on F.E.M.A. map panel #12087C1201, revised 2/18/05, and/or is depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-way, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements and rights-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plat or description hereon. The bearing base for this survey is denoted thus: (*).
7. ~~Additional or duplicate~~ *Additional or duplicate* survey maps/reports by other than the signing party/parties is prohibited without written consent of the signing party/parties.
8. By his signature and embossed seal, the Florida P.S.M. or P.L.S. signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief:
FREDERICK W. SCHMID, JR. & DARCY J. PARKER
GREGORY F. GOTTENBUSCH
HORIZON TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.



Phone: (305)853-0066 / Fax: (305)853-0233
88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

NOT VALID
WITHOUT THE
SIGNATURE AND
THE ORIGINAL
RAISED SEAL
OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER



ISLAMORADA, VILLAGE OF ISLANDS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
86800 Overseas Highway • Islamorada, Florida 33036 • www.islamorada.fl.us

July 18, 2023

Joanne Marie Pereira, Esq. ("Agent")
88539 Overseas Hwy
Tavernier, FL 33070

SUBJECT: Notice of Intent to Deny - Administrative Variance Application
(File No.: PLVAR20230083)

Please be advised that Islamorada, Village of Islands Staff has reviewed your application for an Administrative Variance in accordance with Section 30-221 of the Code of Ordinances. The requested Administrative Variance to allow for reduction in the shoreline setback, Section 30-1542(4)(b), for an after-the-fact Tiki Hut constructed within the required 10-foot setback from Mean High Water Line (MHWL). The subject property is located at 222 Biscayne Blvd on Lower Matecumbe Key in the Residential Single-Family (R1/R1M) Zoning District having real estate number 00394489-008400.

The Planning Director has determined that the request **does not** meet the requirements for an Administrative Variance in accordance with Section 30-221, specifically Section 30-221(d)(2) of the Code of Ordinances.

A copy of the Application may be obtained at Village Hall, 86800 Overseas Highway, Second Floor, Islamorada, Village of Islands, Florida, between the hours of 8:00 am and 5:00 pm, Monday through Friday or you may contact Jamie Terry, Planning & Zoning Technician at jamie.terry@islamorada.fl.us for an electronic copy.

Pursuant to Code Section 30-222, the applicant may request that a Public Hearing be held regarding the denial of the Administrative Variance. Requests must be made in writing to the Planning Director and received at the address or e-mail listed above within 30 days of the date of this notice. If a Public Hearing is requested, the Village shall schedule a Public Hearing before the Village Council at the Objector's expense. The hearing shall be conducted in accordance with Division 2 of Article IV of Code Chapter 30. If no Public Hearing is requested within 30 days of this notice, the Director shall issue a Notice of Denial.

Sincerely,

A handwritten signature in black ink, reading "Jennifer DeBoisbriand".

Jennifer DeBoisbriand
Planning Director

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8015 2305 3089 93

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

ISLAMORADA, VILLAGE OF ISLANDS
PLANNING & DEVELOPMENT
86800 OVERSEAS HWY
ISLAMORADA, FL 33036-3162



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:

Joanne Marie Pereira, Esq.
Hershoff, Lupino & Yagel
88539 Overseas Hwy
Tavernier, FL 33070



9590 9402 8015 2305 3089 93

7022 2410 0002 9517 9496

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/21/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Collect on Delivery Restricted Delivery

Registered Mail

Registered Mail Restricted Delivery

(over \$500)

Page 236 of 277

Domestic Return Receipt

RECEIPT OF PAYMENT

Receipt Number: 2023067832
Receipt Date: 08/16/2023
Date Paid: 08/16/2023
Full Amount: \$2,300.00

Payment Details:	Payment Method	Amount Tendered	Check Number
	Check	\$2,300.00	042626

Amount Tendered: \$2,300.00
Change / Overage: \$0.00

Contact: HERSHOFF JAY A AND HERSHOFF NANCY, Address:148 SEVERINO DR,
Phone:(305) 644-1589

FEE DETAILS:

Fee Description	Reference Number	Amount Owing	Amount Paid
Administrative Appeal, Residential	PLVAR20230083	\$1,800.00	\$1,800.00
Administrative Appeal, Residential - Deposit	PLVAR20230083	\$500.00	\$500.00

Doc# 2113103 03/07/2017 1:57PM
 Filed & Recorded in Official Records of
 MONROE COUNTY KEVIN MADOK

This Instrument Prepared By
 Craig M. Dorne, Esq.
 2655 S. Le Jeune Road, PH 2C
 Coral Gables, Florida 33134

03/07/2017 1:57PM
 DEED DOC STAMP CL: Krys \$6,825.00

Return to:
 Horizon Title Services, Inc.
 5 Harvard Circle, Suite 100
 West Palm Beach, Florida 33409

Doc# 2113103
 Bk# 2842 Pg# 658

PARCEL ID.: 00394489-008400
 ALTERNATE KEY: 1486256

WARRANTY DEED

THIS INDENTURE, made this 5th day of March, 2017, between LAWRENCE WILLIAM BARR and ILIANA T. BARR, husband and wife the Grantors*), to FREDERICK W. SCHMID, JR. and DARCY PARKER, as tenants in common whose post office address is 1630 SE 14th Street, Ft. Lauderdale, Florida 33316, (hereinafter called the Grantee*).

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lot 281, PORT ANTIGUA, PLAT 5-6, according to the Plat thereof as recorded in Plat Book 6, Page 25, of the Public Records of Monroe County, Florida.

SUBJECT TO: Taxes for the year 2017 and subsequent years; and reservations, covenants and conditions of record, dedications, restrictions, limitations, easements, rights of way of record, applicable zoning regulations and ordinances imposed by governmental authority and restrictions and matters appearing on the Plat or otherwise common to the subdivision, without intent of reimposing same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of

Doc# 2113103
Bk# 2842 Pg# 659

all persons whomsoever; and that said land is free of all encumbrances.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Yessica Coca
Print Name Yessica Coca

Craig M. Dome
Print Name Craig M. Dome

Lawrence William Barr
LAWRENCE WILLIAM BARR
Iliana T. Barr
ILIANA T. BARR

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 1st day of March, 2017, by Lawrence William Barr and Iliana T. Barr, husband and wife who produced a Florida driver's licenses as identification.

Craig M. Dome
NOTARY PUBLIC, STATE OF FLORIDA
[NOTARIAL SEAL]

Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed Page 2 of 2

qPublic.net™ Monroe County, FL

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Parcel ID 00394489-008400
 Account# 1486256
 Property ID 1486256
 Millage Group 50VI
 Location 222 BISCAVNE Blvd, LOWER MATECUMBE KEY
 Address
 Legal LT 281 PORT ANTIGUA PLAT NO 5-6 PB6-25 OR563-1055
 Description OR756-1468 OR793-1694 OR797-2041 OR829-1405 OR844-875
 OR872-920Q/C OR875-2226 OR984-984 OR1045-17 OR1068-
 1904 OR1069-2204RS OR2072-1180Q/C OR2072-1181 OR2262-
 2129C OR2262-2130 OR2842-658/59
 (Note: Not to be used on legal documents.)

Neighborhood 1467
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision PORT ANTIGUA PLAT NO 5 & 6
 Sec/Twp/Rng 21/64/36
 Affordable No
 Housing

SCHMID JR FREDERICK W
 1630 SE 14th St
 Ft Lauderdale FL 33316

PARKER DARCY T/C
 1630 SE 14th St
 Ft Lauderdale FL 33316



	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$297,408	\$253,619	\$315,065	\$319,306
+ Market Misc Value	\$96,538	\$98,579	\$43,681	\$45,321
+ Market Land Value	\$1,008,761	\$581,978	\$535,419	\$539,299
= Just Market Value	\$1,402,707	\$934,176	\$894,165	\$903,926
= Total Assessed Value	\$1,027,594	\$934,176	\$894,165	\$903,926
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,402,707	\$934,176	\$894,165	\$903,926

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2021	\$581,978	\$253,619	\$98,579	\$934,176	\$934,176	\$0	\$934,176	\$0
2020	\$535,419	\$315,065	\$43,681	\$894,165	\$894,165	\$0	\$894,165	\$0
2019	\$539,299	\$319,306	\$45,321	\$903,926	\$903,926	\$0	\$903,926	\$0
2018	\$498,561	\$263,130	\$45,939	\$807,630	\$807,630	\$0	\$807,630	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL (010C)	8,255.00	Square Foot	0	0

Building ID	21176	Exterior Walls	C.B.S.
Style	STILT 1 STORY	Year Built	1984
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	2007
Gross Sq Ft	4057	Foundation	CONC PILINGS
Finished Sq Ft	1320	Roof Type	GABLE/HIP
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	CERM/CLAY TILE
Perimeter	148	Heating Type	FCD/AIR DUCTED with 0% NONE
Functional Obs	0	Bedrooms	3
Economic Obs	0	Full Bathrooms	3
Depreciation %	18	Half Bathrooms	0
Interior Walls	DRYWALL	Grade	550
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPF	COVERED PARKING FIN	560	0	108
OPX	EXC OPEN PORCH	1,225	0	458
SPX	EXEC SC PORCH	300	0	80
FLA	FLOOR LIV AREA	1,320	1,320	148
LLF	LOW LEV FIN	640	0	112
SBF	UTIL FIN BLK	12	0	16
TOTAL		4,057	1,320	922



2022 Notices Only

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 5/26/2023, 2:11:13 AM

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Version 3.1.11

APPEAL TO THE ISLAMORADA VILLAGE OF ISLANDS COUNCIL

)
APPELLANTS: Frederick W. Schmid)
Jr. and Darcy Parke)
)
)
)
)

STATEMENT OF APPEAL AND INITIAL BRIEF

This appeal arises out of a Notice of Intent to deny Administrative Variance Application (hereinafter referred to as "Notice of Intent to deny") Regarding Proposed Setback Variance to be able to secure an after the fact building permit for a Tiki Hut as built at the Property located at 222 Biscayne Blvd Lower Morecambe Key and identified with RE No00394489-008400 (hereinafter referred to as the "Property") issued by Ms. Jennifer DeBoisbriand, Planning Director, Islamorada Village of Islands (hereinafter referred to as "Planning Director"). The Property is owned by Appellants: Frederick Schmid Jr. and Darcy Parker ("Owners" or "Appellants").

Appellants are appealing the decision of the Planning Director to the effect that the Planning Director is depriving the right commonly enjoyed by other neighboring properties. Specifically, Appellants are being denied the possibility of having a tiki-hut

when the majority of Owners' neighbors have similar structures, similarly situated on their respective houses.

Appellants, were bona fide purchases of the property, that included a structure similar to the tiki-hut that the property currently has. As a result of an Act of God to wit: Hurricane Irma, the structure got destroyed and Appellants were forced to replace the previous structure, and had a tiki-hut placed on the same location as the previous structure. The Tiki-Hut was done without the benefit of building permits, because of Appellants' belief that Tiki-Huts did not require building permits. A Code Enforcement¹ case was initiated for failure to have building permit. Applicants sought to secure an after the fact building permit and said was denied because of alleged setback violations. Appellants' request the Village Council to reconsider the Planning Director's decision and grant the requested variance to be able to secure an after the fact building permit for the tiki-hut.

PROPERTY HISTORY

December 22, 2006	Lawrence William Barr and Iliana T. Barr, husband and wife, purchased the Property by Warranty Deed. Upon information and belief, Lawrence William Barr and Iliana T. Barr caused to build a structure similar to Appellants tiki-hut appellant
-------------------	---

¹ Code Compliance case hearing was held in April 18, 2023 and the Code Compliance Officer stated that the tiki-hut does not present danger known to the Code Compliance Officer.

currently has. A photo of the previous structure is attached hereto as **Exhibit "A"**.

2009, 2013 and 2014

A structure, similar to the tiki-hut, is found in historic pictures. A copy of Google earth historic pictures from 03/2009, 03/2013 and 03/2014 depicting a structure similar to the tiki hut, located at the same place, are attached hereto as Composite **Exhibit "B"**.

March 1, 2017

Appellants purchased the Property from Lawrence William Barr and Iliana T. Barr, including the structure as depicted in Exhibit "A" by Warranty Deed. The structure was presumed by Appellants, as bona fide purchasers, to had been permitted.

September 10, 2017

Hurricane Irma struck the Florida Keys as a category 4 storm with maximum sustained winds of 132 mph and storm surge up to 8 feet in the hardest-hit areas in the Lower and Middle Keys. Due to the passage of Hurricane Irma, the previous structure was destroyed. A photo of the structure after Hurricane Irma is attached as **Exhibit "C"**.

October 21, 2019

Appellants replaced the previous structure with a similar tiki-hut serving the same purpose as previously. A photo of the

Tiki-Hut, located in the same location as the previous structure is attached as **Exhibit "D"**.

August 18, 2020 Notice of violation for unpermitted Tiki-Hut was first issued by the Village of Islamorada.

December 23, 2020 Appellants sought to obtain an after the fact building permit for the tiki-hut that was denied, due to the setback limitations.

Neighboring properties, all located in the same zone (R1) and FLUM (RM) as Appellants have currently almost identical structures in their properties, located in similar locations.

Specifically, the following properties have similar structures in similar locations:

- 148 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 156 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 178 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 186 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 190 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 194 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 198 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 202 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 206 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036
- 210 Biscayne Blvd, LOWER MATECUMBE KEY Islamorada FL 33036

Copies of the photos depicting similar structures in all of the above referenced neighboring properties are attached as **Composite Exhibit "E"**. It seems biased, and unjust that Islamorada, the Village of Islands, allows all 10 of the above referenced property owners to have structures similar to Appellant's tiki-hut and situated in similar locations, but Appellants are being deprived of the same privilege.

On behalf of Appellants' undersign pleads this Council to allow Appellants to have a variance that would allow for an after the fact permit to be granted. As stated at the code enforcement hearing by the Code Enforcement Officer, the structure/tiki-hut does not present danger known by the Code Enforcement Officer.

**Village of Islamorada Code Sec. 30-221 reads in pertinent part-
Variances in general.**

(d) 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.

Hurricane Irma, struck and destroyed the Appellant's previous structure that by information and belief had been in place for years. As it is clear, the special condition and circumstances, does not result from the actions of Appellant but rather an act of god and work performed by previous owners.

Appellants were bona fide purchasers that acquired a property with a structure, not knowing that the structure required building permits. It is patently unfair to deny applicants the Tiki Hut as surrounding owners have and doing so results in inconsistent treatment of similarly situated property owners, with the only difference being the random destruction of the hurricane (destroyed some tiki huts but not others). Literal interpretation of the setback provisions deprives the Appellants the right to have a structure that most of Appellants' neighbors have. Granting the variance will convey Appellants the same treatments that their neighbors have.

The sole purpose of the variance sought, is to be allowed to have the Tiki-Hut where it is built, same location as previous structure. Should a setback variance be considered too extreme, in the alternative, undersign requests this Council to grant a non-administrative variance of use for the exclusive purpose of being allowed to have the tiki-hut as built.

CONCLUSION

Appellants are simply requesting a variance to be treated by the Village equally to their neighbors. Appellants' request is in harmony with the general intent and purpose of the Village Code, and is not injurious to the neighborhood, or otherwise detrimental to the public welfare.

Appellants, as bona fide purchasers, should not be deprived of their Property rights. It is frankly arbitrary and capricious of the Village to state that Appellants are not

allowed to have a tiki-hut when the vast majority of their neighbors have similar structures similarly situated.

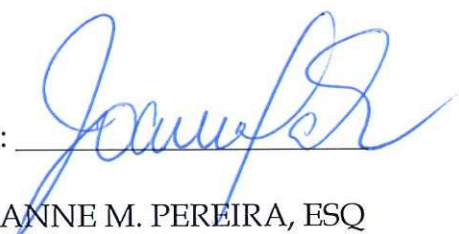
A structure has been in place since at least 2009, as shown in the historic photos. Appellants only sought to replace a structure that was destroyed by Hurricane Irma. During the time Hurricane Irma struck and thereafter, Applicant **Frederick W. Schmid** was battling cancer, which is why Applicants replaced the structure later in 2019. We therefore request that the actions of the Planning Director be overturned.

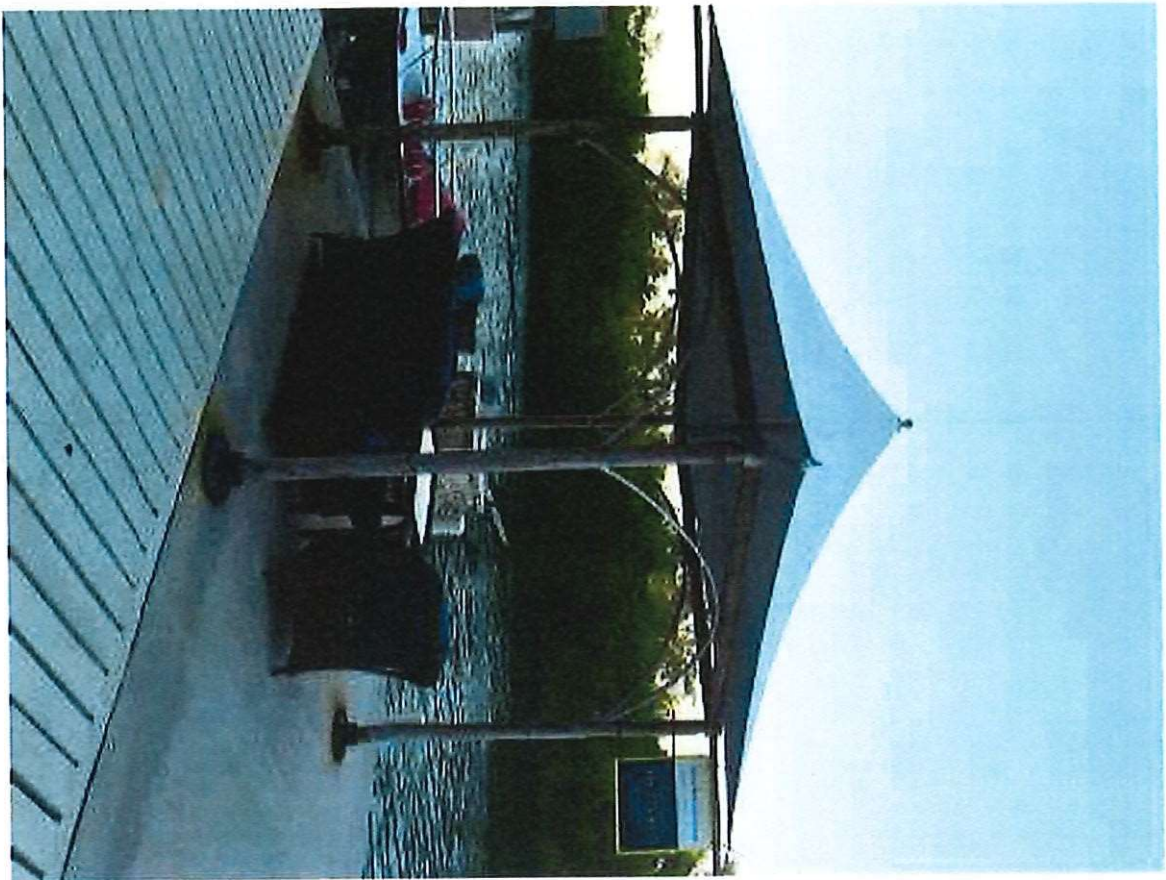
Dated: October 16, 2023

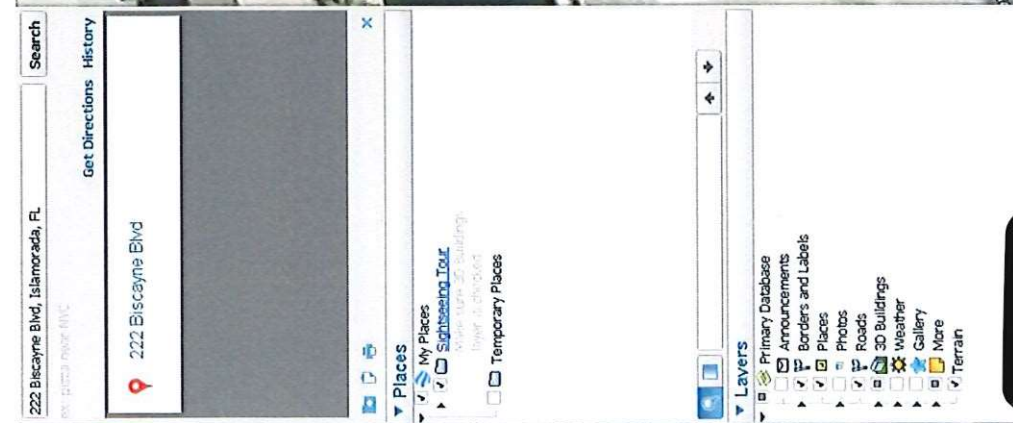
Respectfully Submitted,

Hershoff, Lupino & Yagel, LLP
Attorneys for Petitioners
90130 Old Highway
Tavernier, FL 33070
(305) 852-8440 B Tel
(305) 852-8848 B Fax

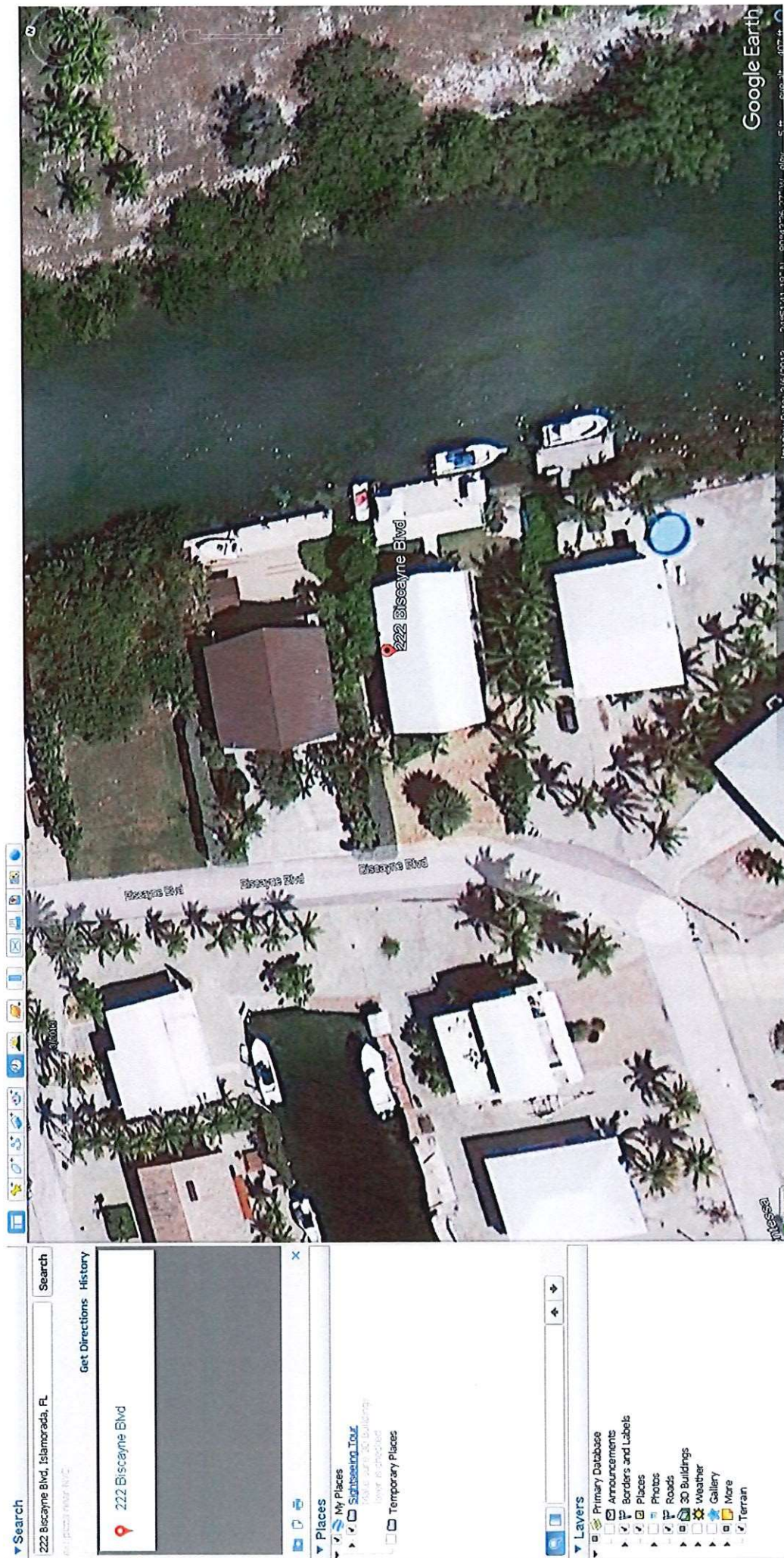
By: _____

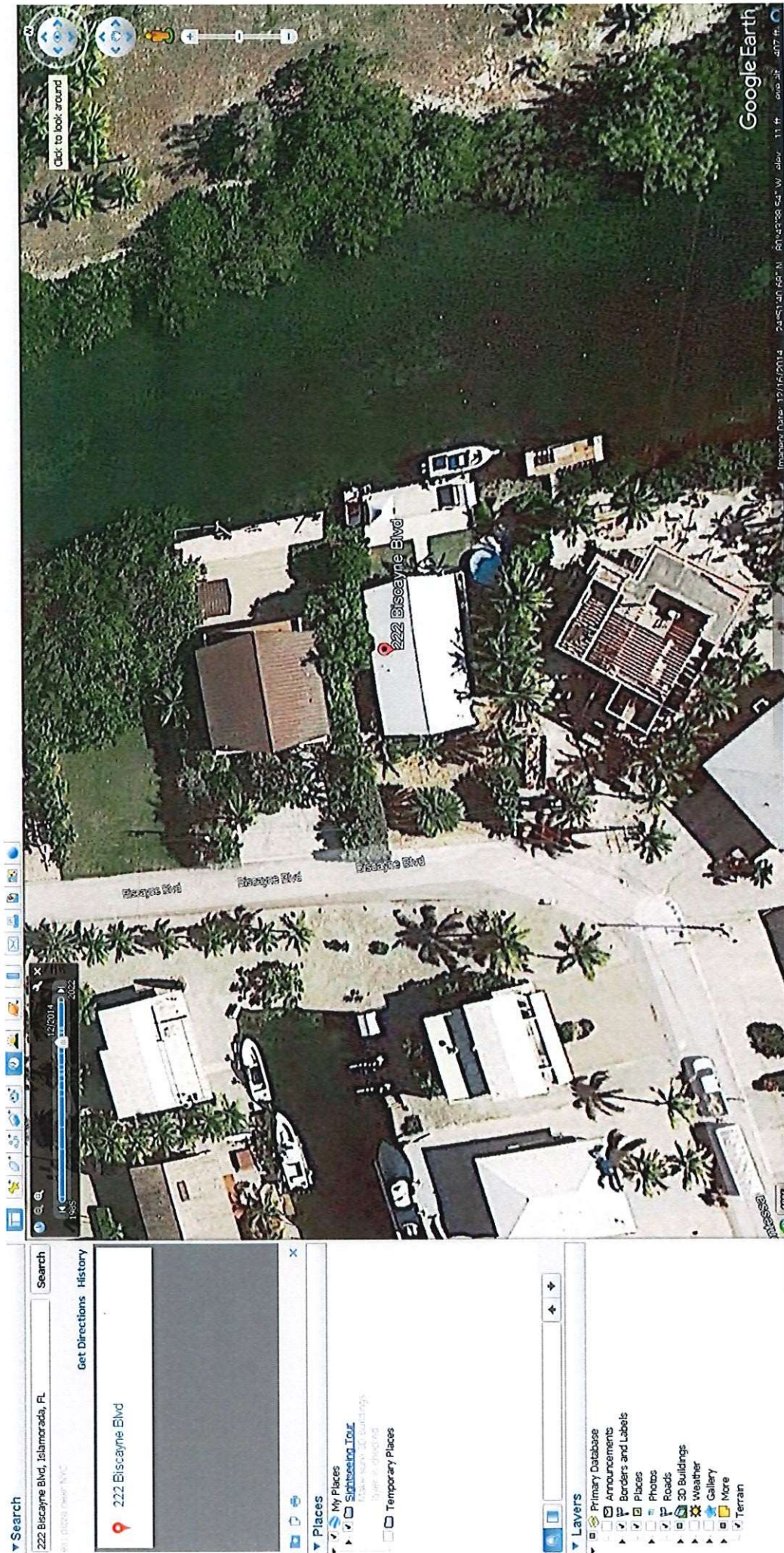

JOANNE M. PEREIRA, ESQ
Florida Bar No. 1015381





B







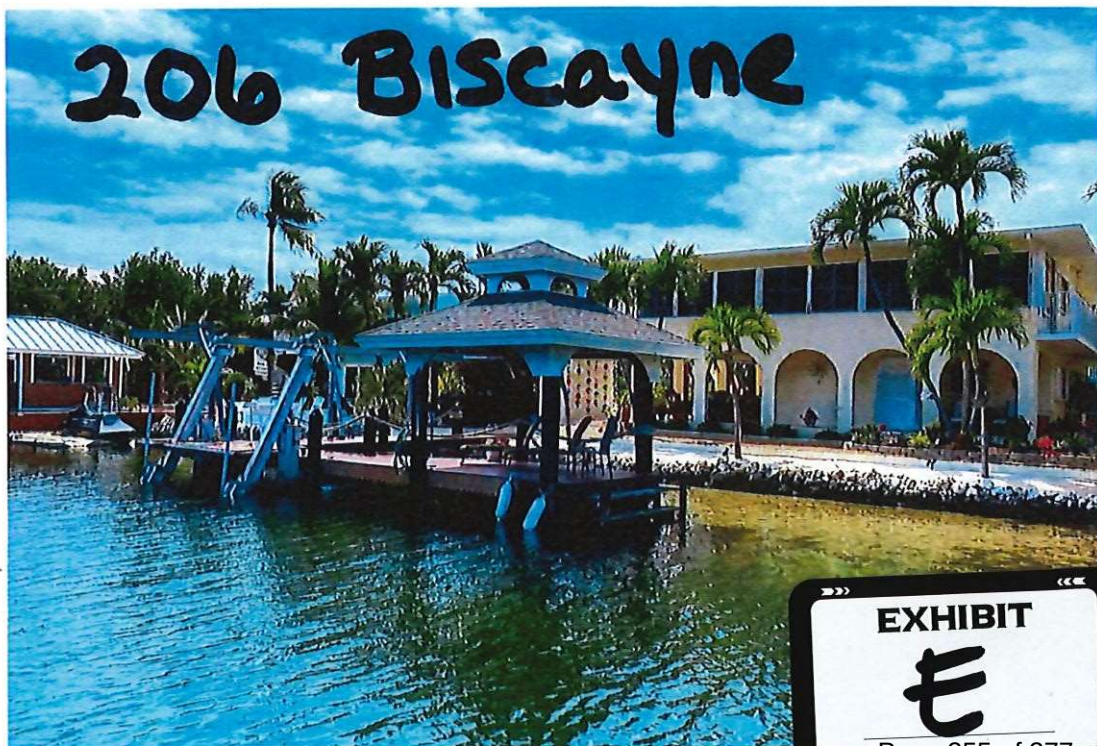
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210 Biscayne



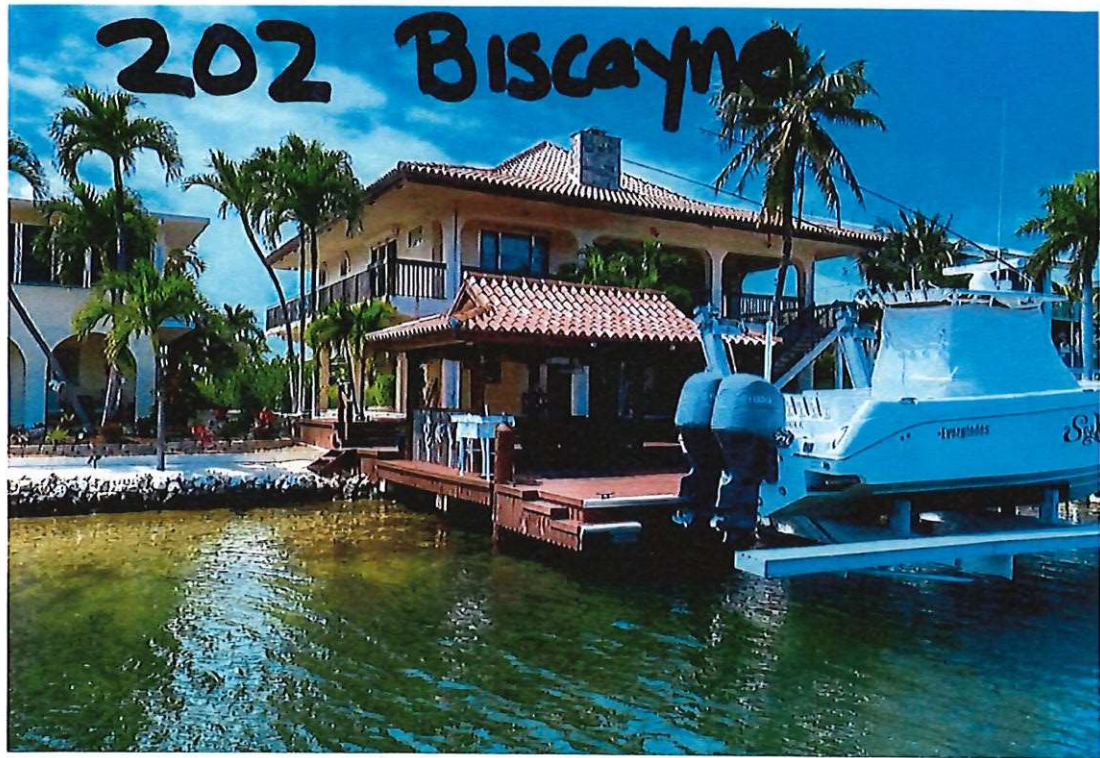
206 Biscayne

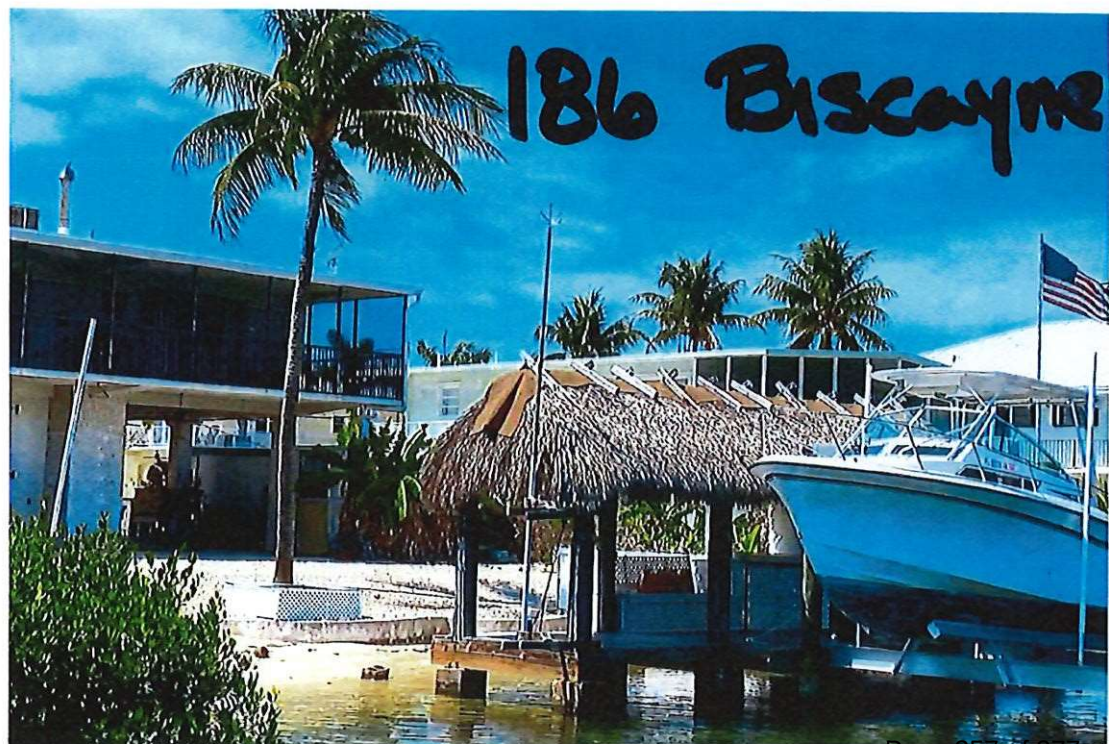


EXHIBIT

E

Page 255 of 277





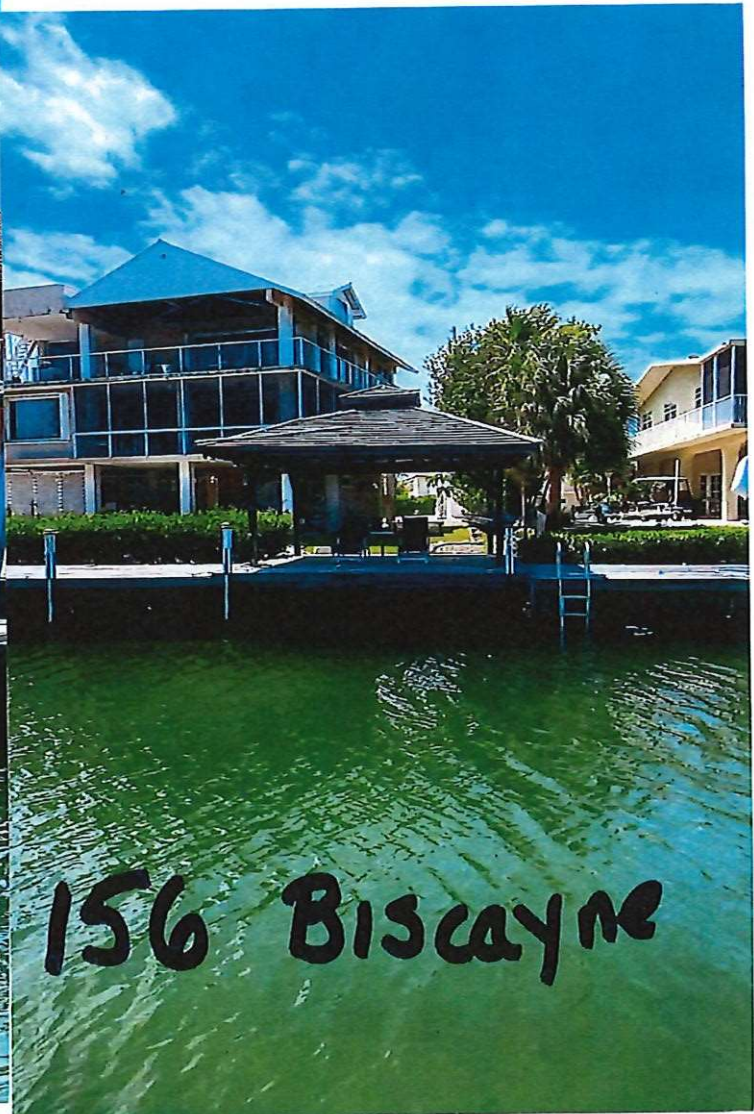
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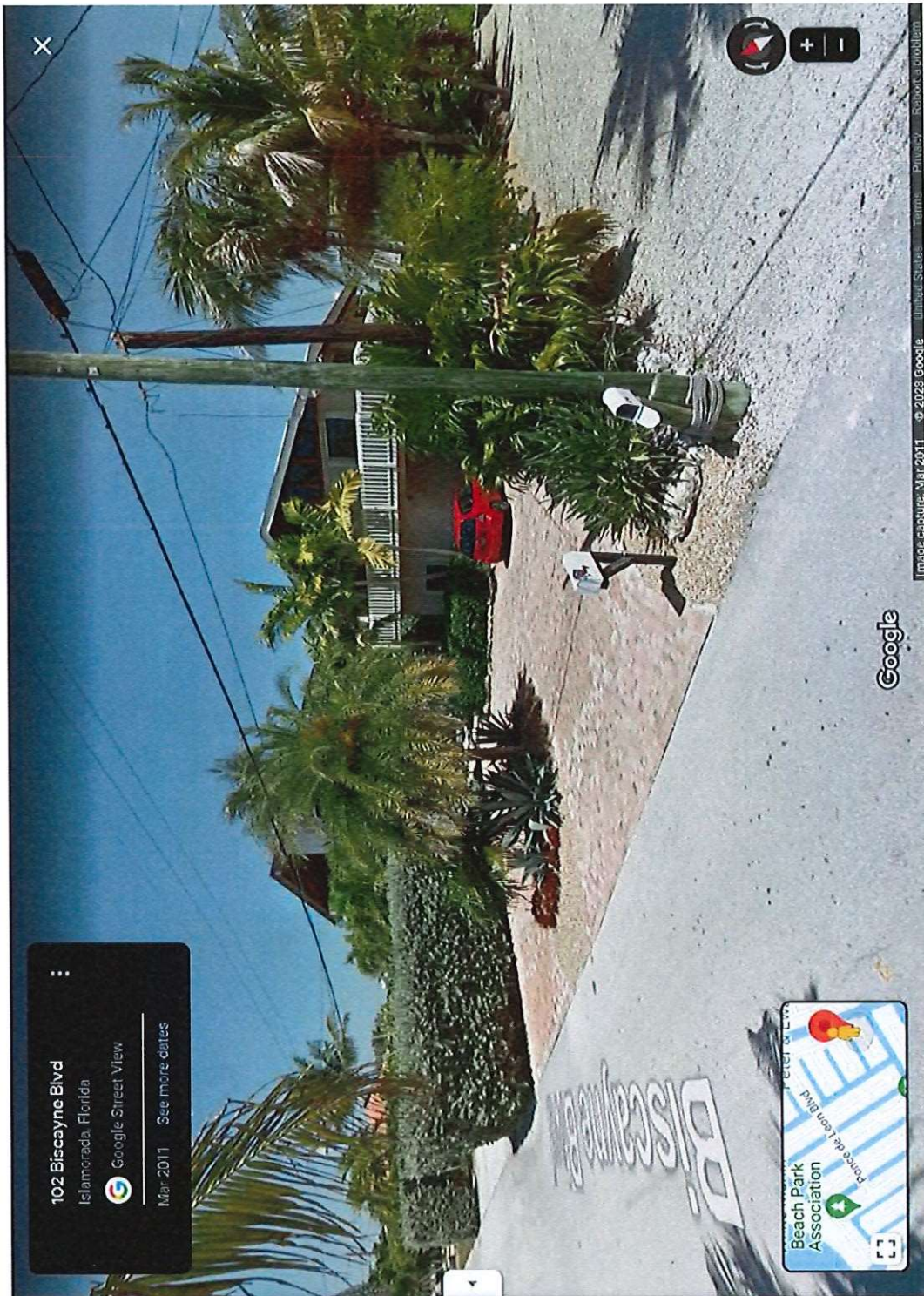


178 Biscayne

178 Biscayne

1





102 Biscayne Blvd
Islamorada, Florida
Google Street View
Mar 2011 See more dates

222 Biscayne Blvd

Street View & 360°





Islamorada, Village of Islands Planning & Development Services

86800 Overseas Highway, Islamorada, FL 33036
T: 305-664-6400, F: 305-664-6467

APPLICATION FOR ADMINISTRATIVE APPEAL

Pursuant to Code Chapter 30, Article IV, Division 4

Application Type:	Fee:	*Deposit:	Total Fee:
Residential	\$1,800.00	\$500.00	\$2,300.00
Nonresidential	\$3,900.00	\$500.00	\$4,400.00

* A deposit is required for development approval or permits which necessitate additional review and processing, and/or public hearing and notice requirements. Applicants are required to pay a cost recovery deposit which shall be credited toward the fee charged for such additional review and processing and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended in reviewing an application and the applicable actual amount charged to the Village shall be charged against the cost recovery deposit.

Any person aggrieved by an administrative decision or interpretation of the Director of Planning and Development Services, the Building Official or other Village administrative official regarding the provisions of Chapter 30, Land Development Regulations, of the Code of Ordinances of Islamorada, Village of Islands, may appeal such decision or interpretation. The appeal shall be initiated within 30 days of the date of the administrative decision or interpretation by filing this application with the Director.

APPELLANT:

Name: Frederick W. Schmid and Darcy Parker

Mailing Address: Joanne Marie Pereira, Esq. 88539 Overseas Highway, Tavernier FL 33070

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

AGENT (if applicable): Property owner must submit a **notarized** letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: Joanne Marie Pereira, Esq.

Mailing Address: 88539 Overseas Highway, Tavernier FL 33070

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

PROPERTY OWNER:

Name: Frederick W. Schmid and Darcy Parker

Mailing Address: Joanne Marie Pereira, Esq. 88539 Overseas Highway, Tavernier FL 33070

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

LEGAL DESCRIPTION OF PROPERTY: If in metes and bounds, attach legal description on separate sheet.

Physical Address: 222 Biscayne Blvd. Lower Matecumbe Key

Mile Marker: _____

Lot: 281

Block: Port antigua

Subdivision: _____

☐ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☒ Lower Matecumbe Key

Real Estate (RE) Number: 00394489-008400

Alternate Key: 1486256

Zoning District: R1M

Future Land Use Category: RM

Application for Administrative Appeal

Are there any pending codes violations on the property? ☒ Yes (Case # CEBDGC20200000267) ☐ No

A COPY OF THE BASIS FOR THE APPEAL IN THE NATURE OF AN INITIAL BRIEF AND ANY EVIDENCE INCLUDING TESTIMONY, AFFIDAVITS AND THE CURRICULUM VITAE OF ANY EXPERT WITNESS THAT WILL BE CALLED MUST BE ATTACHED TO THIS APPLICATION. The brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for the interpretation of those laws. (Attach additional sheets of paper.)

All of the following must be submitted in order to have a complete application:

- ☒ Correct fee – Total Fee (check or money order to “Islamorada, Village of Islands”, or payment online through the portal)
- ☒ Proof of ownership (i.e. warranty deed)
- ☒ Current property record card(s) from the Monroe County Property Appraiser
- ☒ A copy of the document(s), which comprise the administrative decision being appealed
- ☒ Any evidence and record which forms the basis for the appeal must be submitted with this application
- ☐ Names and addresses of all expert witnesses that you propose to call at the hearing
- ☒ Photograph(s) of site from adjacent roadway(s)
- ☒ Notarized agent authorization letter from all owners of the subject property (if applicable)
- ☒ Signed and sealed boundary survey (if applicable)

If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information. If new evidence, or the basis for appeal, is submitted at the hearing, Staff shall request that the hearing be continued to the next meeting so that Staff has the opportunity to prepare a response to the new evidence. If the applicant does not submit the basis for the appeal with the application, Staff will recommend denial of the appeal.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I certify that all information required has been provided.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a “verifiable digital signature”, print this document and have it notarized.

Signature of Applicant

Date

Print Name:

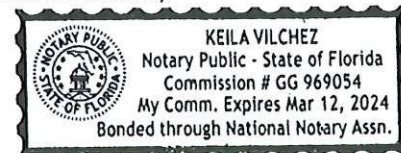
STATE OF

COUNTY OF

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 16 day of August, 20 23, by Joanne Pereira (name of person signing the application) as Agent (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Frederick W. Schmid + Darcy Parker (name of entity or party on behalf of whom application was executed).

Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID



AGENT AUTHORIZATION LETTER

Islamorada, Village of Islands, Florida • Planning and Development Services Department
86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

Note: Pursuant to Section 30-212(d)(2) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the "Village"), all owners and any person having a contractual interest in the land shall give their permission for every application for a development permit. Therefore, more than one agent authorization letter must be submitted if there are multiple owners or persons having a contractual interest in the site.

Date: May 4, 2023

I hereby authorize Joanne Marie Pereira, Esq. From Hershoff Lupino & Yagel LLP - 88539 Overseas Highway Tavernier, Florida 33070 305-8528440
(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of DARCY PARKER
(Name of Owner or Person Having Contractual Interest)

for the purpose of conducting all business necessary to process and obtain approval from the Village Planning and Development Services Department, in regard to:

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned owner. This authorization acts as a durable power of attorney only for the purposes stated herein.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility, thus holding the Village harmless, for any and all of the actions of the agent named, related to the acquisition of development permits for the aforementioned owner/applicant.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Property Owner Signature: [Signature]

Printed Name: Darcy Parker

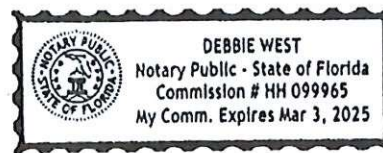
STATE OF Florida

COUNTY OF _____

Sworn to and subscribed before me by means of physical appearance or online notarization, this 4 day of May, 2023, by Darcy Jay Parker (name of person signing the application) as SCA (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of Florida

SEAL:



Personally Known Produced Identification Type of ID Driver license



AGENT AUTHORIZATION LETTER

Islamorada, Village of Islands, Florida • Planning and Development Services Department
86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400 • www.islamorada.fl.us

Note: Pursuant to Section 30-212(d)(2) of the Code of Ordinances of Islamorada, Village of Islands, Florida (the "Village"), all owners and any person having a contractual interest in the land shall give their permission for every application for a development permit. Therefore, more than one agent authorization letter must be submitted if there are multiple owners or persons having a contractual interest in the site.

Date: 7/16 / 4, 2023

I hereby authorize Joanne Marie Pereira, Esq. From Hershoff Lupino & Yagel LLP - 88539 Overseas Highway Tavernier, Florida 33070 305-8528440

(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of FREDERICK W. SCHMID JR

(Name of Owner or Person Having Contractual Interest)

for the purpose of conducting all business necessary to process and obtain approval from the Village Planning and Development Services Department, in regard to:

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned owner. This authorization acts as a durable power of attorney only for the purposes stated herein.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility, thus holding the Village harmless, for any and all of the actions of the agent named, related to the acquisition of development permits for the aforementioned owner/applicant.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Property Owner Signature: [Signature]

Printed Name: FREDERICK W. SCHMID, JR

STATE OF Florida
COUNTY OF Broward

Sworn to and subscribed before me by means of physical appearance or online notarization, this 4th day of May, 2023, by Frederick Schmid Jr (name of person signing the application) as attorney in fact (type of authority e.g. officer, manager / member, trustee, attorney in fact) for [Signature] (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of Florida

SEAL:

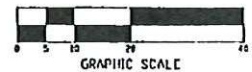
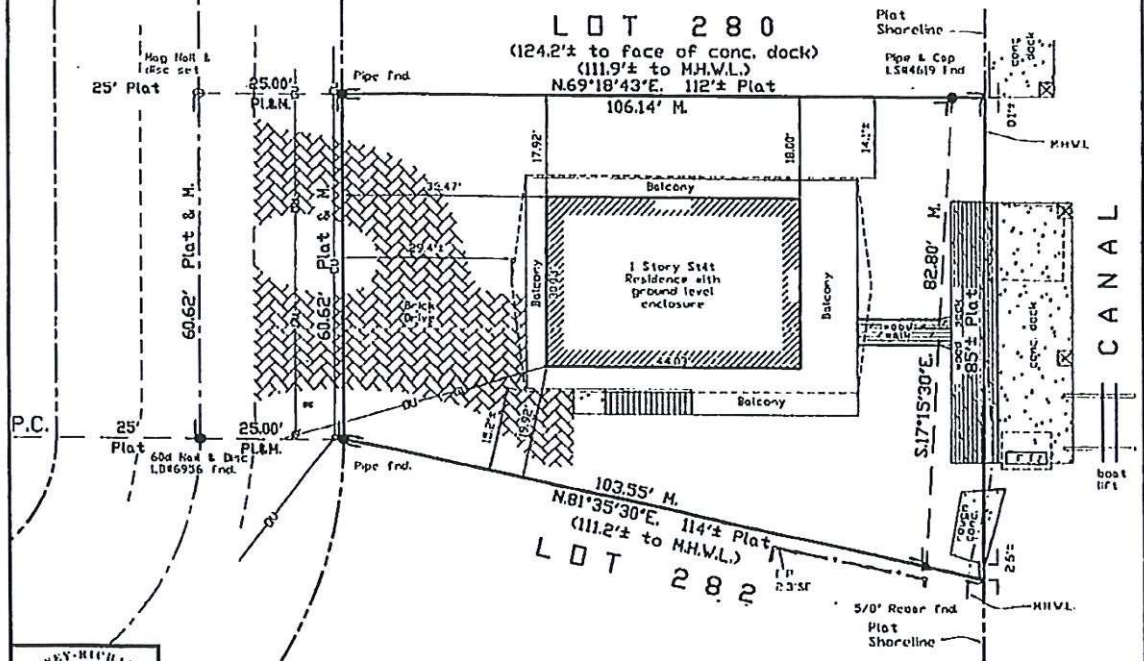


Personally Known ☒ Produced Identification

Type of ID Florida Driver License

Lot 281, PORT ANTIGUA PLAT NO. 5-6, according to the Plat thereof, recorded in Plat Book 6, at Page 25 of the Public Records of Monroe County, Florida.

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This parcel has a physical address of:
222 Biscayne Blvd., Miami, Florida, 33138
3. This parcel is in H.F.P., flood zone AE, El. 7' as shown on F.S.M. map dated 1/10/01, revised 2/18/05, and/or is depicted hereon as parcel in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-way, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only assessments of right-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plat or description hereon. The bearing base for this survey is denoted thus: (*).
7. Additions or deletions to survey maps/records by other than the signing party/parties is prohibited without written consent of the signing party/parties.
8. By this signature and embossed seal, the Florida P.S.M. or P.L.S. signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief:
FREDERICK W. SCHMID, JR. & DARCY J. PARKER
GREGORY F. GOTTENBACH
HORIZON TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL LIFE INSURANCE CO.

[illegible]

888HH Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

NOT VALID
WITHOUT THE
SIGNATURE AND
THE ORIGINAL
RAISED SEAL
OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER

David S. Massey, P.S.M. # 5125

Fieldbook No. 199

Drawing No. 14022 Drawn By: AMR Scale: 1" = 20'



ISLAMORADA, VILLAGE OF ISLANDS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
86800 Overseas Highway • Islamorada, Florida 33036 • www.islamorada.fl.us

July 18, 2023

Joanne Marie Pereira, Esq. ("Agent")
88539 Overseas Hwy
Tavernier, FL 33070

SUBJECT: Notice of Intent to Deny - Administrative Variance Application
(File No.: PLVAR20230083)

Please be advised that Islamorada, Village of Islands Staff has reviewed your application for an Administrative Variance in accordance with Section 30-221 of the Code of Ordinances. The requested Administrative Variance to allow for reduction in the shoreline setback, Section 30-1542(4)(b), for an after-the-fact Tiki Hut constructed within the required 10-foot setback from Mean High Water Line (MHWL). The subject property is located at 222 Biscayne Blvd on Lower Matecumbe Key in the Residential Single-Family (R1/R1M) Zoning District having real estate number 00394489-008400.

The Planning Director has determined that the request **does not** meet the requirements for an Administrative Variance in accordance with Section 30-221, specifically Section 30-221(d)(2) of the Code of Ordinances.

A copy of the Application may be obtained at Village Hall, 86800 Overseas Highway, Second Floor, Islamorada, Village of Islands, Florida, between the hours of 8:00 am and 5:00 pm, Monday through Friday or you may contact Jamie Terry, Planning & Zoning Technician at jamie.terry@islamorada.fl.us for an electronic copy.

Pursuant to Code Section 30-222, the applicant may request that a Public Hearing be held regarding the denial of the Administrative Variance. Requests must be made in writing to the Planning Director and received at the address or e-mail listed above within 30 days of the date of this notice. If a Public Hearing is requested, the Village shall schedule a Public Hearing before the Village Council at the Objector's expense. The hearing shall be conducted in accordance with Division 2 of Article IV of Code Chapter 30. If no Public Hearing is requested within 30 days of this notice, the Director shall issue a Notice of Denial.

Sincerely,

A handwritten signature in black ink, reading "Jennifer DeBoisbriand".

Jennifer DeBoisbriand
Planning Director

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLVAR20230083 FILED BY JOANNE M. PEREIRA, ESQ. (AGENT) ON BEHALF OF FREDERICK SCHMID AND DARCY PARKER (APPELLANTS), RELATING TO THE DIRECTOR OF PLANNING'S NOTICE OF INTENT TO DENY AN ADMINISTRATIVE VARIANCE FOR AN AFTER-THE-FACT TIKI HUT CONSTRUCTED WITHIN THE REQUIRED 10' (TEN FOOT) SETBACK FROM MEAN HIGH WATER LINE (MHWL), FOR PROPERTY LOCATED AT 222 BISCAYNE BLVD, HAVING REAL ESTATE NUMBER 00394489-008400, ON LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Frederick Schmid and Darcy Parker, (the "Appellants") filed Administrative Appeal No. PLVAR20230083 (the "Appeal") pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the "Village"); and

WHEREAS, the purpose of the Appeal is to seek the Village Council's review of a determination made by the Director of Planning (the "Director") regarding the request for a variance for an after the fact construction of a Tiki Hut on Appellant's property located at 222 Biscayne Blvd, as legally described in Exhibit "A" attached hereto; and

WHEREAS, the Property is located within the Residential Single Family (R-1M) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on August 24, 2023; and,

WHEREAS, on September 21, 2023, the Village Council held a Public Hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, 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 the Appellant and the Director, does hereby find and determine:

- (1) The Council heard the Appeal on September 21, 2023.
- (2) The hearing was duly noticed pursuant to Section 30-213(j) of the Village Code and all interested parties concerned in the matter were given an opportunity to be heard.
- (3) The Director presented the written recommendation of the Village Staff dated September 21, 2023 to the Village Council.
- (4) The Director's interpretation of the Code (**is / is not**) supported by the facts presented.
- (5) The granting of the appeal for the setback variance (**is / is not**) supported by the facts and documents presented.

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 Appeal has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, including Section 30-281 of the Village 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 of record;

and

(3) In accordance with Sections 30-281(d), (e) and (f) of the Village Code, the Administrative Appeal submitted by Frederick Schmid and Darcy Parker is hereby **[DENIED/GRANTED]**.

Section 4. Effective Date.

This Resolution shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity ("DEO") pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

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

Councilmember Mark Gregg

Councilmember Elizabeth Jolin

Councilmember Henry Rosenthal

PASSED AND ADOPTED THIS 21st DAY OF SEPTEMBER 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

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

Marne McGrath, Village Clerk



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 21, 2023
SUBJECT: **Remaining 2023 Allocation Periods for Market Rate Building Permit Allocation System (BPAS) TAB 8**

Background:

Resolution 22-11-131 established the total number of Non-Residential Floor Area and Residential dwelling units, quarterly allocations, and the distribution of the allocations between categories for the Building Permit Allocation System (BPAS). The resolution adopted a total of 11 market rate residential allocations available for distribution in Quarter 1 and Quarter 2 of 2023. After the adoption of Resolution 23-08-88, the available market rate BPAS allocations for 2023 were exhausted and there were no more allocation periods remaining in 2023. On July 20, 2023, Village Council adopted Resolution 23-07-68 which created additional allocation periods for Non-Residential Floor Area and Affordable Residential Dwelling units, but did not establish additional allocation periods for Market Rate allocations.

Applications waiting for allocation on the BPAS "list" will not be considered in an allocation period for the remainder of 2023 as there are currently no established allocation periods for market rate allocations for the remainder of 2023. Pursuant to Village Code Section 30-477(a)(3), applications must be considered in at least four consecutive annual allocation periods.

The Village has 23 allocations available for Administrative Relief.

Analysis:

There are currently 62 applicants on the Market Rate BPAS list awaiting an allocation award. The proposed resolution establishes quarterly allocations for Market Rate BPAS to complete an annual allocation schedule for 2023 with no distribution of allocations. This will allow applicants on the list to continue accruing perseverance points as well as continuing to meet eligibility requirements under the Administrative Relief eligibility criteria.

Budget Impact:

There is no additional budget impact.

Staff Impact:

There is no impact on staff.

Recommendation:

Staff recommends approval of the proposed resolution.

Attachments: 1. Resolution - Remaining 2023 Market Rate Allocations

RESOLUTION NO. 23-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, QUARTERLY ALLOCATION
PERIODS FOR MARKET RATE BUILDING PERMIT ALLOCATION
SYSTEM (BPAS) FOR REMAINDER OF 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 allocation periods for Market Rate BPAS for calendar year 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. **Quarterly Market Rate Allocations.**

(a) Pursuant to Village Code Sec. 30-472, and Village Comprehensive Plan Policy 1-3.1.1, the remaining 2023 allocation periods for Market Rate BPAS shall be allocated as follows:

Quarter 3 - July 1, 2023 through September 30, 2023 – 0 allocations.

Quarter 4 - October 1, 2023 through December 31, 2023 – 0 allocations.

Section 3. **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 21ST DAY OF SEPTEMBER 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.