



Islamorada, Village of Islands **REGULAR VILLAGE COUNCIL MEETING**

November 9, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

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

AGENDA

- I. CALL TO ORDER / ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. AGENDA: Requests for Deletion / Emergency Additions**
- IV. PUBLIC COMMENT**
(This is general public comment. It provides an opportunity for the public to speak about matters not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)
- V. MAYOR / COUNCIL COMMUNICATIONS**
- VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**
- VII. RESOLUTIONS**
 - A. Review Inventory List of Village Owned Properties Appropriate for Affordable Housing pursuant to FL Statute Section 166.0451 **TAB 1****
(Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONFIRMING AN INVENTORY LIST OF ALL REAL PROPERTY WITHIN ITS JURISDICTION TO WHICH THE MUNICIPALITY OR ANY SPECIAL DEPENDENT DISTRICT WITHIN ITS BOUNDARIES HOLDS FEE SIMPLE TITLE WHICH IS APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO FLORIDA STATUTE SECTION 166.0451; AND PROVIDING FOR AN EFFECTIVE DATE
 - B. Approval of 3rd Quarter 2023 Nonresidential Building Permit Allocations **TAB 2**** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM

(“BPAS”) RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Approval of 3rd Quarter 2023 Affordable BPAS Allocations **TAB 3** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDED AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Approval of 3rd Quarter 2023 Market Rate BPAS Rankings **TAB 4** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS FOR MARKET RATE BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

- E. Approval of Annual Distribution of Building Permit Allocation System (BPAS) Allocations **TAB 5** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2024; AND PROVIDING AN EFFECTIVE DATE

VIII. ORDINANCES

- A. Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - **2nd Reading - TAB 6** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL

**OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF
ECONOMIC OPPORTUNITY.**

- B.** Moratorium on new Residential Market Rate BPAS applications (with or without land dedications) - **2nd Reading - TAB 7** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT 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 COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE

- C.** Ordinance of Islamorada, Village of Islands, Florida amending Chapter 30 Land Development Regulations relating to the Historic Preservation Commission - **2nd Reading - TAB 8** (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

IX. QUASI-JUDICIAL

- A.** Administrative Relief - 122 Iroquois St. **TAB 9** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CHRIS TRENTINE FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 122 IROQUOIS, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

X. ADJOURNMENT

Options for Viewing the Village Council Meeting:

The public is encouraged to watch the meeting on Monroe County’s MCTV Comcast Channel

77. Alternatively, the public may view the meeting streamed live on the Village website from their personal computer, tablet or phone via the following link:
https://www.islamorada.fl.us/departments/communications/live_village_broadcast_meeting.php

Option 1: Email your comments.

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

Option 2: Call in During the Meeting.

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

ADA Assistance:

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: November 9, 2023
SUBJECT: **Review Inventory List of Village Owned Properties Appropriate for Affordable Housing pursuant to FL Statute Section 166.0451 TAB 1**

Background:

Effective July 1, 2023, section 166.0451, Florida Statutes, provides as follows:

- (1) By October 1, 2023 , and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property. Each municipality shall make the inventory list publicly available on its website to encourage potential development.
- (2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, sold with a restriction that requires the development of the property as permanent affordable housing, or donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).
- (3) Municipalities are encouraged to adopt best practices for surplus land programs, including, but not limited to:
 - (a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;
 - (b) Making the process for requesting surplus lands publicly available; and
 - (c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Analysis:

To comply with section 166.0451, Florida Statutes, the Village has added the attached list in **draft** format to its website as the following location: <https://www.islamorada.fl.us/460/Live-Local-Act-Information-and-Resources>. Once the list is approved by the Village Council in accordance with the statute, the final version will replace the draft version on the website.

Budget Impact:

N/A

Staff Impact:

N/A

Recommendation:

Staff recommends approval of the attached resolution and list.

- Attachments:**
1. Resolution Live Local List
 2. Inventory List

RESOLUTION NO.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONFIRMING AN INVENTORY LIST OF ALL REAL PROPERTY WITHIN ITS JURISDICTION TO WHICH THE MUNICIPALITY OR ANY SPECIAL DEPENDENT DISTRICT WITHIN ITS BOUNDARIES HOLDS FEE SIMPLE TITLE WHICH IS APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO FLORIDA STATUTE SECTION 166.0451; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statute 166.0451(1), as amended by the "Live Local Act", provides that each municipality shall prepare an inventory list of all real property within the jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing; and

WHEREAS, Florida Statute 166.0451(1), as amended, further provides that the Village Council of Islamorada, Village of Islands must review the inventory list at a public hearing, may revise the list at the conclusion of the public hearing and shall adopt a resolution that includes an inventory list of such property following the public hearing; and

WHEREAS, Florida Statute 166.0451(1), as amended, further provides that each municipality shall make the inventory list publicly available on its website to encourage potential development; and

WHEREAS, Florida Statute 166.0451(2), as amended, provides that the property identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, sold with a restriction that requires the development of the property as permanent affordable housing, or donated to a nonprofit housing organization

for the construction of permanent affordable housing. Alternately, the municipality or special district may make the property available for use for the production and preservation of permanent affordable housing.

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. Approval of Inventory List. The property described on Exhibit A, attached hereto and by reference made part hereof, shall be designated as the Islamorada, Village of Islands inventory list of Village owned real property appropriate for use as affordable housing in accordance with the requirements and provisions of Section 166.0451 Florida Statutes, as amended.

Section 3. Authorization of Village Officials. The Village Manager and/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. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 9th day of November, 2023.

Motion to adopt by _____. Seconded by _____.

Remainder of this page intentionally left blank.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

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

PASSED AND ADOPTED THIS 9th DAY OF NOVEMBER, 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 J. QUICK, VILLAGE ATTORNEY

ParcelId	Vacant/Improved	Address	LEGAL	KEYNAME	ZONING	FLUM	Affordable Use?
00392150-000000	Vacant	VACANT LAND	WHITE MARLIN BEACH SEC-1 LOWER MATECUMBE KEY PB3-184 LOT 1 BLK A OR414-985-986	LOWER MATECUMBE KEY	CF	MU	Affordable
00392160-000000	Vacant	VACANT LAND	WHITE MARLIN BEACH SEC-1 LOWER MATECUMBE KEY PB3-184 LOT 2 & 2A BLK A OR414-985-986	LOWER MATECUMBE KEY	CF	MU	Affordable
00418090-000000	Vacant	VACANT LAND	BK 1 LT 1 LAKE HARBOR PB4-84 PLANTATION KEY OR561-509 OR819-874 OR1679-595L/E OR2100-2094D/C	PLANTATION KEY	HC	PS	Affordable
00418270-000000	Vacant	VACANT LAND	BK 1 LT 19 LAKE HARBOR PB4-84 PLANTATION KEY OR561-509 OR819-874 OR1679-595L/E OR2100-2094D/C	PLANTATION KEY	HC	RM	Affordable
00418100-000000	Vacant	VACANT LAND	BK 1 LT 2 LAKE HARBOR PLANTATN KEY PB4-84 OR561-509 OR819-874 OR1679-595L/E OR2100-2094D/C	PLANTATION KEY	HC	PS	Affordable
00418280-000000	Vacant	VACANT LAND	BK 1 LT 20 LAKE HARBOR PB4-84 PLANTATION KEY OR561-509 OR819-874 OR1679-595L/E OR2100-2094D/C	PLANTATION KEY	HC	RM	Affordable
00413090-000000	Vacant	VACANT LAND	BK 3 LT 5 PLANTATION BEACH PB2-76 PLANTATION KEY OR35-250-251 OR692-871	PLANTATION KEY	HC	MU	Affordable
00413880-000000	Vacant	VACANT LAND	BK 7 LT 14 PLANTATION BEACH PB2-76 PLANTATION KEY OR555-871 OR797-1267 OR1231-1476 OR1934-733/34Q/COR1946-246(CTT)	PLANTATION KEY	R1	RM	Affordable
00413890-000000	Vacant	VACANT LAND	BK 7 LT 15 PLANTATION BEACH PB2-76 PLANTATION KEY OR555-871 OR797-1267 OR1231-1476 OR1934-733/34Q/COR1946-246(CTT)	PLANTATION KEY	R1	RM	Affordable
00413900-000000	Vacant	VACANT LAND	BK 7 LT 16 PLANTATION BEACH PB2-76 PLANTATION KEY OR555-871 OR797-1267 OR1231-1476 OR1934-733/34Q/COR1946-246 OR1946-247(CTT)	PLANTATION KEY	R1	RM	Affordable
00414410-000000	Vacant	VACANT LAND	BK 9 LT 12 PLANTATION BEACH PB2-76 PLANTATION KEY OR466-642 OR2187-825 OR2187-826/27CORP/RES OR2187-828 OR2247-843	PLANTATION KEY	R1	RM	Affordable
00418030-000000	Vacant	VACANT LAND	VACATION VILLAGE-AMENDED & EXTENDED PLAT PB5-69 PLANTATION KEY TRACT D OR943-2028AFF OR1630-2076(LG)	PLANTATION KEY	R1	RM	Affordable
00418040-000000	Vacant	VACANT LAND	VACATION VILLAGE-AMENDED & EXTENDED PLAT PB5-69 PLANTATION KEY TRACT E OR943-2028AFF OR1630-2076(LG)	PLANTATION KEY	R1	RM	Affordable
00418050-000000	Vacant	VACANT	VACATION VILLAGE-AMENDED & EXTENDED PLAT PB5-69 PLANTATION KEY TRACT F OR943-2028AFF OR1630-2076(LG)	PLANTATION KEY	R1	RM	Affordable
00418060-000000	Vacant	VACANT LAND	VACATION VILLAGE-AMENDED & EXTENDED PLAT PB5-69 PLANTATION KEY TRACT G OR943-2028AFF OR1630-2076(LG)	PLANTATION KEY	R1	RM	Affordable
00400810-000100	Vacant	81953 OLD Hwy	BK 9 LOT 10 STRATTONS SUB PB2-38 G24-94 G45-384 G53-60 G53-227 G53-229 G53-250 G53-539 OR299-335/36 OR300-329/	UPPER MATECUMBE KEY	TC	MU	Affordable
00400120-000000	Vacant	81981 OVERSEAS Hwy	STRATTONS SUBD PB 2-38 UPPER MATECUMBE LOTS 6, 7 & 8 BLK 8 RE 400130-140 COMBINED WITH THIS PARCEL FOR 1981 PER OWNER REQUEST SF 7-15-81 OR569-946 C	UPPER MATECUMBE KEY	VC	MU	Affordable
00433500-000000	Vacant	213 PEARL Ave	BK 1 LT 11 EDENAIRE-PLANTATION KEY PB4-32 OR204-85-86 OR772-1484	PLANTATION KEY	R1	RM	Donated lot
00428640-000000	Vacant	172 BOUGAINVILLEA St	BK 10 LT 5 PLANTATION KEY COLONY PLANTATION KEY PB3-182 OR465-704 OR900-2393 OR961-741 OR1044-942(VE) OR1604-924/25(ND)	PLANTATION KEY	R1M	RM	Donated lot
00428660-000000	Vacant	180 BOUGAINVILLEA St	BK 10 LT 7 PLANTATION KEY COLONY PLANTATION KEY PB3-182 OR783-1163 OR1000-98(LD) OR1000-97(VE) OR1604-928/29(ND)	PLANTATION KEY	R1M	RM	Donated lot
00426440-000000	Vacant	261 HIBISCUS St	BK 4 LT 26 PLANTATION KEY COLONY PLANTATION KEY PB3-182 OR402-648 OR823-2070	PLANTATION KEY	R1M	RM	Donated lot
00402000-000100	Vacant	157 PUEBLO St	BK 4 LT 30 INDIAN HARBOR PB3-178 PLANTATION KEY OR494-657 OR596-802 OR610-105 OR630-292 OR2067-1698 OR2930-	PLANTATION KEY	R1M	RM	Donated lot
00415790-000000	Vacant	VACANT LAND	BK 2 LT 1 KEY HEIGHTS SECTION 1 PB3-96 PLANTATIONKEY OR547-462 OR722-320 OR896-1700 OR990-1631Q/C OR1746-1634(CTT) OR1752-1101/06(JMH)	PLANTATION KEY	NR	RC	SFR & Affordable
00415800-000000	Vacant	VACANT LAND	BK 2 LT 2 KEY HEIGHTS SECTION 1 PB3-96 PLANTATIONKEY OR547-462 OR722-320 OR896-1700 OR990-1631Q/C OR1746-1634(CTT) OR1752-1101/06(JMH)	PLANTATION KEY	NR	RC	SFR & Affordable
00415810-000000	Vacant	VACANT LAND	BK 2 LT 3 KEY HEIGHTS SECTION 1 PB3-96 PLANTATIONKEY OR163-107 OR433-58 OR716-21 OR812-365/366 OR815-1890 OR826-2084/2086 OR848-913C OR879-1262C/T OR	PLANTATION KEY	NR	RC	SFR & Affordable
00415820-000000	Vacant	VACANT LAND	BK 2 LT 4 KEY HEIGHTS SECTION 1 PB3-96 PLANTATIONKEY OR239-471/472 OR433-58 OR716-21 OR812-365/366OR815-1890 OR826-2084/2086 OR848-913C OR879-1262C/	PLANTATION KEY	NR	RC	SFR & Affordable
00419295-000100	Vacant	VACANT LAND	BK LT 1 TROPICAL CORAL REEF ESTS PB6-8 PLANTATIONKEY OR427-653/655 OR745-145D/C O933-384 OR990-1631Q/C OR1746-1634(CTT) OR1752-1101/06(JMH)	PLANTATION KEY	NR	RC	SFR & Affordable
00419295-000200	Vacant	VACANT LAND	BK LT 2 TROPICAL CORAL REEF ESTS PLANTATION KEY PB6-8 OR427-656/58 OR581-86 OR1257-1967EST TX(JB) OR1795-2157/58(CW) OR1795-2159DC(CW) OR1796-2078/83{	PLANTATION KEY	NR	RC	SFR & Affordable
00093301-000000	Vacant	VACANT LAND	18-63-38 PLANTATION KEY LOT 4 & BB SE'LY & ADJ TO LOT 4 OR1880-479(CW) OR1884-1453/58(CW) OR1897-1084/85C(CW) OR1931-1657/58C(CW)	PLANTATION KEY	RE	RL	SFR & Affordable



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: November 9, 2023
SUBJECT: **Approval of 3rd Quarter 2023 Nonresidential Building Permit Allocations TAB 2**

Background:

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

Pursuant to Resolution 22-11-131, a total of 33,964 square feet of nonresidential floor area is available for allocation for 2023. There have been two allocations for a total of 1,054 square feet awarded in Quarter 1 of 2023, and one allocation for a total of 3,190 square feet awarded in Quarter 2 of 2023. There are two (2) applications for nonresidential BPAS in the queue awaiting an award in Quarter 3. The proposed Resolution approves the Nonresidential Building Permit Allocation System ("BPAS") Rankings and Awards pursuant to Comprehensive Plan Policy 1-3.1.1(1) and Village Code Section 30-476.

Analysis:

Nonresidential applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476. Two (2) applications from the nonresidential BPAS category are recommended for approval and are identified below. The total nonresidential floor area requested by the applications is 16,629 square feet. If approved, 13,091 square feet of nonresidential floor area would remain in the BPAS for allocation.

Permit #	Applicant	Date of Application	Score	Parcel #	Floor Area Requested
PRBLD202001032	CIAO BELLA GIRLS	9/29/23	10	00403610-000000	700
PRCOB202201375	MORADA COVE PARTNERS	9/28/23	8	00093830-000000	15,929

Budget Impact:

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

Staff Impact:

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

Recommendation:

It is recommended that the Village Council adopt the proposed resolution, thereby approving the nonresidential building permit allocation ranking and awarding nonresidential allocations for Quarter 3 of 2023 of the Building Permit Allocation System.

Attachments:

1. Nonresidential BPAS Resolution_Q3
2. Q3 DRAFT NON-RES

RESOLUTION NO. 23-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL
BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS
AND AWARDING NONRESIDENTIAL BUILDING PERMIT
ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING AN
EFFECTIVE DATE**

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

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

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

WHEREAS, on April 11, 2023, the Village Council awarded 1,054 square feet of Nonresidential square footage for Quarter 1 of 2023; and

WHEREAS, on July 20, 2023, the Village Council awarded 3,190 square feet of Nonresidential square footage for Quarter 1 of 2023; and

WHEREAS, the Village Council desires to approve the Nonresidential BPAS rankings and awards for Quarter 3 of 2023.

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

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

The Village Council approves the ranking and recommendation of the Director to award one (1) allocation for 700 square feet of nonresidential floor area to Ciao Bella Girls with ten (10) points having Real Estate Parcel ID 00403610-000000; and one (1) allocation for 15,929 square feet of nonresidential floor area to Morada Cove Partners with eight (8) points having Real Estate Parcel ID 00093830-000000, as set forth in the Report attached hereto as Exhibit "A".

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

- (1) The Building Permit Allocation System (the "BPAS") applications for Quarter 3 of 2023 of the BPAS has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations;
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

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

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilmember Mark Gregg _____

Councilmember Elizabeth Jolin _____

Councilmember Henry Rosenthal _____

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER, 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.

DRAFT Ranking of Nonresidential BPAS Applications for 2023 Quarter 3 (closed September 29, 2023 @ 12:00 PM)									
Applications									
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	RE #	Floor Area Requested
1	PRBLD202001032	CIAO BELLA GIRLS	9/29/2023	9:44 AM	10	Upper Matecumbe	Ocean View	00403610-000000	700
2	PRCOB202201375	MORADA COVE PARTNERS	9/28/2023	1:15 PM	8	Windley		00093830-000000	15929
									0
Total Allocation									16,629
Total Available 2023									29,720
Total Remaining									13,091



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: November 9, 2023
SUBJECT: **Approval of 3rd Quarter 2023 Affordable BPAS Allocations TAB 3**

Background:

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

Pursuant to Resolution 22-11-131, adopted on November 17, 2022, eight (8) affordable allocations were made available for 2023 through the Village BPAS. Pursuant to Resolution 23-01-04, adopted on January 19, 2023, Village Council approved one affordable residential allocation for Quarter 4 of 2022, effectively reducing the available allocations for 2023, to seven (7). Pursuant to Resolution 23-04-39, Village Council approved four (4) affordable residential allocations for Quarter 1 of 2023, effectively reducing allocations for 2023 to three (3).

At the close of Quarter 3 of 2023, there were two applications for Affordable Residential BPAS allocations in the queue awaiting award.

Analysis:

The affordable residential applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476. The applications recommended for approval are listed in order by score, date, and time of application below:

Permit #PRCOB202101386 with 17 points was submitted by Arrow Development Inc on August 16, 2023 at 1:24 PM for parcel id 00399050-000000 & 00399080-000000. The proposed construction requires eight (8) allocations.

Permit #PRSFA202201237 with 4 points was submitted by PJ Islamorada LLC on September 29, 2023 at 8:30 AM for parcel id 00096900-000000. The proposed construction requires one (1) allocation.

Although the application submitted by Arrow Development Inc (PRCOB202101386) is the highest ranked application, the proposed construction cannot be completed without all eight (8) allocations being awarded simultaneously and therefore cannot be recommended for approval at this time due to the number of affordable residential allocations available.

Staff therefore recommends approval of one (1) affordable residential allocation for PJ Islamorada LLC permit #PRSFA202201237.

Budget Impact:

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

Staff Impact:

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

Recommendation:

Staff recommends that the Village Council adopt the proposed Resolution, thereby approving the residential building permit allocation ranking and awarding one (1) affordable residential building permit allocation for Quarter 3 of 2023.

- Attachments:**
1. Affordable BPAS Resolution Q3
 2. Exhibit A

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

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

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

WHEREAS, the Village Council adopted Resolution No. 22-11-131, thereby establishing a total of eight (8) affordable residential units for allocation in 2023; and

WHEREAS, the Village Council adopted Resolution No. 23-01-04, thereby approving BPAS rankings and awarding one (1) affordable residential building permit allocation for Quarter 4 of 2022, reducing the available affordable allocations in 2023 to seven (7); and

WHEREAS, on April 11, 2023, the Village Council awarded four (4) allocations for affordable dwelling units; and

WHEREAS, on November 9, 2023, the Village Council conducted a public hearing regarding the Affordable Residential Building Allocation System Ranking & Awards (the "Report") submitted by the Director of Planning (the "Director") pursuant to the applicable provisions of the Village Code

and Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the affordable residential building permit allocation rankings and award the allocations for Quarter 3 of 2023.

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

Section 1. **Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby approve the ranking and recommendation of the Director (Exhibit "A") to award one (1) allocation for affordable dwelling units to PJ Islamorada LLC with four (4) points for property identified by Real Estate Number 00096900-000000, as set forth in Exhibit "A" hereto to.

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

- (1) The Building Permit Allocation System (the "BPAS") affordable application for Quarter 3 of 2023 have been processed in accordance with the Village Comprehensive Plan and Land Development Regulations; and
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

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

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilmember Mark Gregg _____

Councilmember Elizabeth Jolin _____

Councilmember Henry Rosenthal _____

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER, 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.

EXHIBIT A

Residential Building Allocation System Ranking & Awards (the "Report")

DRAFT Ranking of BPAS Applications for 2023 Quarter 3 Affordable (closed September 29 , 2023 @ 12:00pm)

								RECOMMENDED FOR ALLOCATION
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	RE No.
1 thru 8	PRCOB202101386	ARROW DEVELOPMENT INC	8/16/2023	1:24 PM	17	Upper Matecumbe	Strattons	00399050-000000 & 00399080-000000
9	PRSFA202201237	PJ ISLAMORADA LLC	9/29/2023	8:30 AM	4	Upper Matecumbe		00096900-000000



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: November 9, 2023
SUBJECT: **Approval of 3rd Quarter 2023 Market Rate BPAS Rankings TAB 4**

Background:

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

Pursuant to Resolution 23-07-68, adopted on July 20, 2023, Village Council approved the remaining quarterly distribution periods for 2023 having no available market rate BPAS allocations for award. At the close of Quarter 3, 2023, sixty-two (62) applications for market rate residential permit allocations were in the BPAS queue awaiting building permit allocation awards.

The proposed Resolution approves the Residential BPAS Rankings for Quarter 3 of 2023, pursuant to Village Code Section 30-476.

Analysis:

The allocation periods set forth in the adopted resolution (23-07-68) were established to continue to provide allocation periods without award for calculating perseverance points and Administrative Relief eligibility under Village Code Section 30-477.

There are no available market rate BPAS allocations for award in Quarter 3, 2023.

Budget Impact:

There is no impact on the budget.

Staff Impact:

There is no impact on staff.

Recommendation:

Staff recommends approval of the attached proposed resolution.

Attachments: 1. Market Rate Quarter 3 Resolution 2023
2. Exhibit "A"

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS OF RESIDENTIAL MARKET RATE BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

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

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

WHEREAS, the Village Council adopted Resolution No. 23-07-68, thereby establishing remaining allocation periods for 2023; and

WHEREAS, on November 9, 2023, the Village Council conducted a public hearing regarding the Residential Dwelling Unit Allocation Evaluation Report (the "Report") submitted by the Planning Director (the "Director") pursuant to the applicable provisions of the Village Code and Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the residential building permit allocation rankings for Quarter 3 of 2023.

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

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

The Village Council hereby approves the rankings of the Director set forth in Exhibit "A" hereto.

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

- (1) The Building Permit Allocation System (the "BPAS") applications for Quarter 3 of 2023 have been processed in accordance with the Village Comprehensive Plan and Land Development Regulations, and
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

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

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilmember Mark Gregg _____

Councilmember Elizabeth Jolin _____

Councilmember Henry Rosenthal _____

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER, 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.

Market Rate Applications (with & without Land Dedication Points)							RECOMMENDED FOR ALLOCATION: 0			
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
1	PRSFC201901157	Samurai Conchstruction LLC (Land Dedication)	4/14/2022	2:20:00 PM	26	Upper Matecumbe	Bay Hammock Community	17	-	00403041-001700
2	PRSFC202100516	Martinez, Lazaro & Marialina (Land Dedication)	6/27/2022	3:08:00 PM	25	Lower Matecumbe	Marlin Beach	22	H	00393860-000000
3	PRSFC201800385	Perez, George (Land Dedication)	4/4/2022	10:23:00 AM	24	Plantation Key	Coral Shores	18	-	00411410-000000
4	PRSFC202101687	Harborgate Limited Partnership (Land Dedication)	5/10/2022	2:30:00 PM	23	Upper Matecumbe	Bay Hammock Community	7		00403041-000700
5	PRSFC202100870	Harborgate Limited Partnership (Land Dedication)	4/12/2022	1:00:00 PM	22	Upper Matecumbe	Bay Hammock Community	6		00403041-000600
6	PRSFC202000472	LEON WILLIAM & JACKELINE	5/27/2021	1:10:00 PM	18	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	18	E	00392990-001000
7	PRSFC202100428	RUIZ JORGE ALBERTO	6/16/2021	12:53:00 PM	18	Lower Matecumbe	Port Antigua Plat No. 1	11		00394486-001100
8	PRSFC202001015	NICHOLS GARY & BETH	6/25/2021	10:36:00 AM	18	Lower Matecumbe	Lower Matecumbe Beach	9	2	00388960-000100
9	PRSFC202001254	Burstyn, Samuel	8/2/2021	12:00:00 PM	18	Lower Matecumbe	Port Antigua Plat 5&6 PB6-25	317		00394489-012000
10	PRSFC202100688	Jaquelyn Wrenn Ekblom	8/5/2021	2:07:00 PM	18	Plantation Key	Fontaine Lake Estates	11	5	00433080-000000
11	PRSFC201901572	Morejon, Orlando and Annmarie	8/23/2021	2:20:00 PM	18	Upper Matecumbe	Russell Estates			00404060-000100
12	PRSFC202100572	Morejon, Orlando and Annmarie	9/24/2021	11:00:00 AM	18	Upper Matecumbe	Russell Estates			00404060-000300
13	PRSFC202101553	Egret Investments Limited Partnership	8/30/2022	10:40:00 AM	18	Lower Matecumbe	Lower Matecumbe Beach	27-28	3	00389440-000000
14	PRSFC201802189	CBT Construction and Development, Inc.	4/11/2019	1:22:00 PM	17	Plantation Key	Indian Harbor	16	9	00421920-000000
15	PRSFC202000659	Islamorada Realty Invesment Trust	7/31/2020	9:15:00 AM	17	Plantation Key	Plantation Key Colony	28	11	00429010-000000
16	PRSFC202000667	Islamorada Realty Invesment Trust	7/31/2020	9:16:00 AM	17	Plantation Key	Plantation Key Colony	27	11	00429000-000000
17	PRSFC202000719	Islamorada Realty Investment Trust	8/17/2020	10:00:00 AM	17	Plantation Key	Plantation Key Colony	25	4	00426430-000000
18	PRSFC202100240	Gode, A.J and P.J.	9/27/2021	3:18:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	3	3	00389160-000000
19	PRSFC202100850	Lindback, Craig	10/12/2021	1:06:00 PM	17	Plantation Key	Plantation Key Colony	43	3	00426140-000200
20	PRSFC202100751	Torres, David and Sothsoler	10/25/2021	12:11:00 PM	17	Lower Matecumbe	Port Antigua Plat No 2	58		00394487-001500
21	PRSFC202100433	Makulu LLC	10/29/2021	11:44:00 AM	17	Plantation Key	Tavernero	19	1	00437493-002001
22	PRSFC202101234	Morales Rev Living Trust	11/22/2021	2:17:00 PM	17	Plantation Key	Sunshine Estates	7	1	00434630-000000
23	PRSFC202101237	Tiedemann, Jocelyn	12/1/2021	11:59:00 AM	17	Plantation Key	Key Heights Sect 2	21	4	00416180-000000
24	PRSFC202101049	Ferguson, James	1/14/2022	9:54:00 AM	17	Plantation Key	Indian Waterways	33	2	00422920-000000
25	PRSFC202101339	RCM of Florida LP	1/31/2022	10:33:00 AM	17	Lower Matecumbe	Mat Ocean Bay	9	3	00395240-000000
26	PRSFC202000300	4 KEYS INVESTMENTS AND DEVELOPMENTS CORP	6/10/2022	11:00:00 AM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	16	I	00393270-000000
27	PRSFC202200149	Villamil Carlos and Vicente Sonia	9/1/2022	2:00:00 PM	17	Plantation Key	Plantation Key Colony	20	15	00431260-000100
28	PRSFC202101283	Martin, Akalia	9/16/2022	10:40:00 AM	17	Plantation Key	Tropical Atlantic Shores 1 Add	25	6	00436950-000000
29	PRSFC202100967	Schrader, Kathleen	9/16/2022	10:41:00 AM	17	Plantation Key	Tavernero	11	1	0037493-001100
30	PRSFC202200170	Sanders Charles Revocable Living Trust	9/23/2022	2:00:00 PM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	23	G	00393580-000000
31	PRSFC202100988	162 Sunset Dr LLC	10/20/2022	12:50:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	16	3	00389310-000000
32	PRSFC201900719	Holly Lynn Ernstes-Jones Revocable Trust	10/24/2019	3:48:00 PM	16	Upper Matecumbe	Bay Hammock Community	33	-	00403041-003300
33	PRSFC201800860	LAZZERI JEFF & JULIE	4/2/2020	2:15:00 PM	16	Plantation Key	Plantation Lakes Estates	39	-	00093420-003801
34	PRSFC202001406	FERNANDEZ VIVIAN M & DOCAMPO JOSE A	5/13/2021	8:19:00 AM	16	Lower Matecumbe	Lower Matecumbe Beach	4	1	00388710-000000
35	PRSFC202100571	Morejon, Orlando and Annmarie	10/29/2021	11:50:00 AM	16	Upper Matecumbe	Russell Estates			00404060-000200
36	PRSFC202100954	Vaughn, Ray	11/1/2021	11:45:00 PM	16	Plantation Key	Edenair	8	1	00433470-000000
37	PRSFC202101286	Whitehill, Doria, Gregory, Alligood, Simpson	2/22/2022	10:20:00 AM	16	Plantation Key	Venetian Shores No 2	4	18	00408320-000000
38	PRSFC202200068	Islamorada Realty Investment Trust	3/30/2022	12:32:00 PM	16	Lower Matecumbe	Matecumbe Ocean Bay Sec 2			00397120-000000
39	PRSFC202101379	Lonnborg, Ronald	5/11/2022	3:00:00 PM	16	Plantation Key	Plantation Beach	4	8	00414060-000000
40	PRSFC202101424	Venezia Land Trust Number Two	8/19/2022	8:40:00 AM	16	Plantation Key	Plantation Key Colony	2	7	00427330-000100
41	PRSFC202201313	McKeown, James	1/23/2023	1:05:00 PM	16	Plantation Key	Tavernero	7	2	00437493-003700
42	PRSFC202200812	Weber, Craig	3/30/2023	10:00:00 AM	16	Plantation Key	Venetian Shores Plat No 2	8	10	00407150-000100
43	PRSFC202300511	Craig & Cheryl McBay	7/19/2023	10:30:00 AM	16	Plantation Key	Plantation Ridge	17 & 18	2	00412030-000100
44	PRSFC201801827	Paulo & Kellen Paiva	2/4/2021	12:15:00 PM	15	Upper Matecumbe	Bay Hammock Community	20	-	00403041-000100
45	PRSFC201801826	Paulo & Kellen Paiva	2/5/2021	8:00:00 AM	15	Upper Matecumbe	Bay Hammock Community	1	-	00403041-002000
46	PRSFC202100795	MAZAL 233 LLC	9/27/2021	11:05:00 AM	15	Plantation Key	Key Heights Sect 2	5	7	00416500-000000
47	PRSFC202100796	MAZAL 233 LLC	9/27/2021	11:22:00 AM	15	Plantation Key	Key Heights Sect 2	6	7	00416510-000000
48	PRSFC202100804	Island Investment Partners Inc.	10/12/2021	11:08:00 AM	15	Plantation Key	Venetian Shores Plat No 2	1	13	00407550-000000
49	PRSFC202200078	Rodriguez, Robert	4/26/2022	12:00:00 PM	15	Plantation Key	Plantation Key Colony	11	7	00427430-000000
50	PRSFC202000057	LINDBACK CARL ESTATE	6/29/2023	4:00:00 PM	15	Plantation Key	Tavernero	24	1	00437493-002400
51	PRSFC201901501	Weeks, Donald	3/16/2020	8:00:00 AM	14	Plantation Key	Plantation Lake Estates	8	-	00093420-000901
52	PRSFC202000351	Keys Basin LLC	10/7/2020	10:30:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
53	PRSFC202000352	Keys Basin LLC	10/7/2020	10:31:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
54	PRSFC202201031	MEDINA DELIO I REVOCABLE TRUST	6/12/2023	12:00:00 PM	14	Lower Matecumbe	Port Antigua	144		00394488-004700
55	PRSFC202000794	Hopman, Andreas	9/16/2020	10:30:00 AM	13	Lower Matecumbe	Lower Matecumbe Beach	19	4	00389820-000100
56	PRSFC202200455	Lesko, Brian and Jodi Lynn	9/8/2022	3:00:00 PM	13	Plantation Key	Bay Hammock Community	25		00403041-002500
57	PRSFC202201342	Weidler Thomas	1/23/2023	12:30:00 PM	13	Plantation Key	Plantation Shores	18	3	00418621-004600
58	PRSFC202000555	Ewald, Nicholas	4/30/2021	11:30:00 AM	11	Plantation Key	Plantation Beach	7	2	00413760-000000
59	PRSFC202200496	Cockerham, Mark	8/4/2022	9:48:00 AM	9	Upper Matecumbe		6(9)		00096220-000300

Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
60	PRSFC202001140	Gregg, Mark	1/31/2022	10:15:00 AM	7	Plantation Key	Toners Nautical Shores			00412230-000000
61	PRSFC202200154	102 Bayview LLC	5/2/2023	11:30:00 AM	4	Lower Matecumbe	Safety Harbor	22	7	0039211-000000
62	PRSFC202000130	Rosa Maria Z Walchli REV Trust 11/5/2008	10/20/2020	9:27:00 AM	2	Plantation Key	Fontaine Lake Estates	2	5	00432990-000000



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: November 9, 2023
SUBJECT: **Approval of Annual Distribution of Building Permit Allocation System (BPAS) Allocations TAB 5**

Background:

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

Analysis:

The attached Resolution proposes a distribution schedule for 2024 as follows:

The nonresidential BPAS allocation for 2024 is 13,091 square feet and shall be allocated in Quarter 1 of 2024 with unused allocations rolling over into each subsequent quarter for distribution. This amount reflects the total square footage available being rolled over from 2023.

There are two (2) affordable housing allocations available for distribution in 2024. These allocations are rolled over from 2023.

There are currently no available market rate allocations for distribution in 2024. The proposed distribution schedule for market rate allocations establishes allocation periods for the purpose of perseverance points as well as eligibility for administrative relief pursuant to Village code Section 3-477.

Budget Impact:

The adoption of the proposed Resolution would not have an impact on the budget.

Staff Impact:

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

Recommendation:

It is recommended that the Village Council pass and adopt the proposed Resolution, thereby establishing the total amount of nonresidential floor area and residential dwelling units that

may be made available, the quarterly allocations, and the distribution of allocations between categories of the BPAS for 2024.

Attachments: 1. 2024_Allocation_Resolution

RESOLUTION NO. 22-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL
AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL
DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE
DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE
BUILDING PERMIT ALLOCATION SYSTEM FOR 2024; 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 next annual allocation, the quarterly allocations for that year, and the distribution of this allocation between categories; and

WHEREAS, the Village Council desires to establish the total amount of nonresidential floor area and residential dwelling units that may be made available for 2024.

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

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

Section 2. **Nonresidential Floor Area.** The total amount of nonresidential floor area available for allocation in 2024 is 13,091 square feet rolled over from 2023.

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

follows:

- Quarter 1 (March) - 13,091 square feet
- Quarter 2 (June) - Any rollover floor area from Quarter 1
- Quarter 3 (Sept) - Any rollover floor area from Quarter 2
- Quarter 4 (Dec) - Any rollover floor area from Quarter 3

Section 4. Amount of Residential Dwelling Units. The total number of residential allocations available for 2024 is zero (0) market-rate and two (2) affordable rolled over from 2023.

Section 5. Quarterly Residential Allocations.

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

- Quarter 1 (March) - Two (2) affordable (in perpetuity)
Zero (0) market rate with and without land dedication
- Quarter 2 (June) - Any rollover affordable from Quarter 1
Zero (0) market rate with and without land dedication
- Quarter 3 (Sept) - Any rollover affordable from Quarter 2
Zero (0) market rate with and without land dedication
- Quarter 4 (Dec) - Any rollover affordable from Quarter 3
Zero (0) market rate with and without land dedication

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

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilwoman Elizabeth Jolin _____

Councilman Mark Gregg _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER 2023.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN QUICK, INTERIM VILLAGE ATTORNEY

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



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: November 9, 2023
SUBJECT: **Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - 2nd Reading - TAB 6**

Background:

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

Analysis:

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

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

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

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

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

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff respectfully recommends approval of the proposed amendment.

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

ORDINANCE NO. 23

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

WHEREAS, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

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

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

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

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

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

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

Section 2. Chapter 30, is hereby modified as follows:

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

(a) Purpose and intent.

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

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

(b) Permitted uses.

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

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

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

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

(5) Collocation on existing wireless facility.

Secs. 30-1404—30-1430. - Reserved.

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

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Effective Date.** This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

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

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

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

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

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

JOSEPH B. PINDER, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

ORDINANCE NO. 23

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

WHEREAS, Islamorada, Village of Islands has established Land Development Regulations to properly guide development and protect the health, safety, and welfare of the public; and

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

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

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

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

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

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

Section 2. Chapter 30, is hereby modified as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as striketrough
---	--

Sec. 30-689. - Multifamily (MF) zoning district.

(a) Purpose and intent.

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

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

(b) Permitted uses.

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

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

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

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

(5) Collocation on existing wireless facility.

Secs. 30-1404—30-1430. - Reserved.

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

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DEO. The DEO notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

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

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

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

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

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

JOSEPH B. PINDER, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: November 9, 2023
SUBJECT: **Moratorium on new Residential Market Rate BPAS applications (with or without land dedications) - 2nd Reading - TAB 7**

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 indicated that the projected maximum build out for the Florida Keys was 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 expired 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).

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). There will be three (3) exceptions and the Ordinance shall not prohibit the acceptance of new Affordable Residential BPAS applications, new Nonresidential BPAS applications, (with or without land dedications), 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.

On September 21, 2023, the Council voted to move this Ordinance to second reading, with the modification that it only applies to new Residential Market Rate BPAS applications (with or without land dedications).

Budget Impact:

No impact on the current budget.

Staff Impact:

The approval of the moratorium would not impact current staff.

Recommendation:

Attachments: 1. 47C012102-2023 moratorium ordinance (with revisions made during first reading)

ORDINANCE NO. —

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT 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 COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

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 state land planning agency 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 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 expired 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 state land planning agency 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 ensure 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 (with or without land dedications) are not initiated, so that the regulations produced by the Village's study activity would be fully effective; and

WHEREAS, the acceptance of new Market Rate Residential BPAS applications (with or without land dedications) stimulates an accelerated amount of development permit request(s). If approved, such accelerated development would lead to further deterioration of current hurricane evacuation clearance time for the Village. This would increase the existing potential for loss of life and injury to persons and property and would cause further deterioration in the level of service on existing roadways, and would lead to irreversible environmental degradation; and

WHEREAS, the acceptance of new Market Rate Residential BPAS applications (with or without land dedications) and implementation of more comprehensive regulations concerning future residential development would 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); 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).

Section 3. **Exemptions.** This Ordinance shall not prohibit the acceptance of new Affordable Residential BPAS applications, new Nonresidential BPAS applications, administrative relief applications, 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 Commerce 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 Commerce, pursuant to Chapter 380, Florida Statutes.

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

Mayor 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: November 9, 2023
SUBJECT: Ordinance of Islamorada, Village of Islands, Florida amending Chapter 30 Land Development Regulations relating to the Historic Preservation Commission -
2nd Reading - TAB 8

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.

This matter was heard by the Council on September 21, 2023 and it voted to move this item to second reading.

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
Date: November 9, 2023
SUBJECT: **Administrative Relief - 122 Iroquois St. TAB 9**

Background:

Chris Trentine (the “Applicant”) has applied for Administrative Relief (the “Application”) pursuant to Section 30-477 of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”). Village Code Section 30-477 requires that a public hearing be held, during which the Village Council of Islamorada, Village of Islands (the “Village Council”) shall consider all evidence presented regarding the Application, and shall follow the procedures, standards and criteria found within Code Sections 30-552 and 30-553, “Beneficial Use.” The burden of proof shall be on the Applicant.

The subject property (the “Property”) is located at 122 Iroquois St and legally described in Exhibit “A” of the proposed Resolution (Attachment A). The Application was entered into the Building Permit Allocation System (the “BPAS”) on April 11, 2019. The Application has been considered in four (4) consecutive annual allocation periods and has failed to receive an allocation award. At the close of Quarter 2 of 2023 the Application was ranked 15 with seventeen (17) points. Pursuant to the requirements set forth in Code Section 30-477(a), the Applicant was eligible to apply for Administrative Relief between 12:01 PM on June 30, 2023, and 12:00 PM on October 28, 2023. The Applicant submitted the Application for Administrative Relief on August 24, 2023.

Analysis:

Pursuant to Code Section 30-553, when considering an application for relief, the Village Council shall consider the following factors, in addition to those guidelines within the comprehensive plan.

(1) Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application are rationally related to a legitimate government interest.

The Comprehensive Plan of Islamorada, Village of Islands (the “Village”) dictates through Comprehensive Plan Policy 1-2.3.3 Residential Medium (RM) that:

“Policy 1-2.3.3: Residential Medium (RM). This designation is intended to provide stable, single-family neighborhoods and allow for uses which further the peaceful enjoyment and high-quality residential character valued by Village residents. Areas designated Residential Medium (RM) on the Future Land Use Map shall include one (1) single family unit on one lot of record, and duplexes. Duplexes shall only be permitted in Zoning Districts where legally

permitted duplexes currently exist. Notwithstanding the density limitations, duplexes, triplexes and fourplexes shall be permitted on RM lots fronting U.S. 1, pursuant to the Building Permit Allocation System, if approved as affordable housing. The RM Future Land Use Map designation shall allow home occupations. Supportive community facilities ancillary to the residential uses may be located within areas designated RM. The Land Development Regulations shall provide regulatory procedures for considering the above-noted uses.”

Code Section 30-684 “Residential Single-Family (R1) Zoning District” dictates that the Land Development Regulations (LDRs) affecting the property, including the purpose and intent of the R1 Zoning District: “...is to accommodate homes, homeowners' parks, and open space in single-family residential neighborhoods located in subdivisions and on streets where the primary land use is single-family residential.”

The Applicant has not asserted that either the Comprehensive Plan or Land Development Regulations in effect at this time are not rationally related to a legitimate government interest. Both the Comprehensive Plan and Land Development Regulations in effect are rationally related to a number of legitimate government interests, as outlined in the Village's Comprehensive Plan and Principles for Guiding Development within the Florida Keys Area of Critical State Concern [F.S. 380.0552(7)]. The State Land Planning Agency (the Florida Department of Commerce (“DOC”)) has confirmed this through the approval of the Village's Comprehensive Plan and Land Development Regulations.

(2) Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application deny all reasonable economic use of the parcel of real property.

At the time of the filing, the Application currently had a score of seventeen (17) points. Staff estimates that if the Application were to remain in the BPAS, the Applicant may never receive an allocation based on the number of available allocations remaining within the Village.

(3) Relevant parcel.

a. Platted lots: If an applicant owns more than one platted lot, a question may exist as to whether more than one of the applicant's platted lots should be considered together as one parcel for the beneficial use determination. In determining the relevant parcel, the Village Council should focus on "the parcel as a whole" and not on particular segments or portions of the parcel. The village council shall consider three factors to determine whether individual platted lots should be combined and considered as one parcel for the purpose of the beneficial use determination:

1. The "physical contiguity" of the lots;
2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question);
3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:
 - i. Was it the intent of the landowner to use the lots for a single use?
 - ii. What is the suitability of the lots for a single or separate use versus a combined use?
 - iii. Are the lots dependent on each other for the ability to have a single use?

- iv. Is there a reasonable economic use of the lots if unified?
- v. What is the current zoning of each lot?
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed?
- vii. What is the actual current use of the lots?
- viii. What is the possibility of the lots being used together in the next ten years?

Factor 3a. is not applicable to the Property.

b. The village council shall not consider anything less than a platted lot to be the parcel of real property.

The Property is a platted lot which meets density for the Residential Single Family (R1/R1M) Zoning District.

(4) Once the relevant parcel is determined, the village council must analyze the following factors for that parcel:

a. The economic impact of the regulation on the parcel; and

Due to the scoring and ranking system implemented in the BPAS, the Code has effectively rendered the construction of a single-family home on the Property not possible for the previous four (4) years.

b. The extent to which the regulation has interfered with the applicant's investment-backed expectations for the parcel, including any relevant factors such as:

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?);

The property was purchased for \$430,000 via Warranty Deed on June 1, 2018 and is currently undeveloped. The Property is 5,500 square feet and has a habitat classification of "Hammock".

2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?);

The Property is in a legally platted subdivision recorded in Plat Book 3, Page 178 in January of 1957. The Property remains undeveloped and infrastructure is available to serve the Property; both electricity and potable water are available.

3. The history of zoning and regulation (i.e., How, and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?);

Between 1963 and 1973, the Property was zoned BU-1 (Neighborhood Retail Business). Between 1973 and 1986, the Property was zoned BU-1 (Light Business). After the effective date of the 1986 Monroe County Comprehensive Plan, the Property was zoned "Improved Subdivision" (IS) which established areas of low to medium density residential uses characterized principally by single-family detached dwellings; the referenced zoning district permitted detached residential dwellings, along with accessory structures. Since 2002, the Property has been zoned Residential Single Family (R1), which permits the development of one (1) single-family dwelling unit.

4. How development changed when title was passed;

The Property has remained undeveloped since the Applicant purchased it.

5. What is the present nature and extent of the use of the parcel;

Presently, the Property is undeveloped and meets minimum lot size and density for the Residential Single Family (R1) zoning district in which it is located.

6. What were the reasonable expectations of the landowner under Florida common law;

The reasonable expectation of the landowner is based on the development of the land, as it was acquired, when it was acquired. The owner must show the elimination of all or substantially all economic use of the property. Whether an owner has been deprived of all or substantially all economic use of his property must be determined on an individual basis and includes consideration of factors which may include:

1. Whether there is a physical invasion of the property.
2. The degree to which there is a diminution in value of the property. Or stated another way, whether the regulation precludes all economically reasonable use of the property.
3. Whether the regulation confers a public benefit or prevents a public harm.
4. Whether the regulation promotes the health, safety, welfare, or morals of the public.
5. Whether the regulation is arbitrarily and capriciously applied.
6. The extent to which the regulation curtails investment-backed expectations.

There is no set value assigned to any individual factor. In the instant case, the Applicant originally purchased the Property, which has remained undeveloped. Under common law, evaluation of the factors should be made as they apply to the Property.

Here, there has been no physical invasion of the Property. The total value (per Monroe County Property Appraiser) of the Property is as follows:

Tax Year	Total Assessed Value (Before & After Date of Purchase)
2017 (Prior to Purchase)	\$46,736
2018 (Year Purchased)	\$46,736
2019 (After Purchase & Entered BPAS)	\$46,736
2020 (In BPAS)	\$100,554
2021 (In BPAS)	\$104,803
2022 (In BPAS)	\$147,290

The Comprehensive Plan regulations confer a public benefit by maintaining the character of the area and preserving the density of the area. The regulations promote the health, safety, and welfare of the public by providing stability and preserving the natural conditions found in these areas. The regulations have been uniformly applied and there has been no arbitrary or capricious government action.

Given that the Property has been undeveloped since its purchase by the Applicant, there is

nothing to indicate the owner had any investment-backed expectations when the Property was purchased other than the submission of an application into the BPAS.

7. What were the reasonable expectations of the neighboring landowners under Florida common law;

Neighboring landowners have the reasonable expectation that the land surrounding them will be developed in character with the existing development and land use and zoning regulations. The Property is currently undeveloped. It is reasonable to assume that the neighboring landowners could expect the development of a single-family dwelling unit but only after demonstration of compliance with the applicable regulations and the receipt of a required allocation through the BPAS.

8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation; and

The total assessed value of the Property in 2019 was \$46,736 and has increased in value steadily yearly and has a current assessed value of \$147,290.

The Village's BPAS regulations were in effect at the time the Applicant submitted the application into the BPAS and therefore do not result in a diminution in the investment-backed expectation of the Applicant. Furthermore, prior to the adoption of the BPAS regulation, the Property was within the jurisdictional boundaries of Monroe County and was subject to the County's Rate of Growth Ordinance (ROGO).

9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation?

The total assessed value of the Property in 1997 was \$11,000. In 2002, following the passage of the regulation, the Property value remained at \$11,000. The Property value has fluctuated up and down from 2003 through 2018. In 2022 the fair market value of the Property, according to the Monroe County Property Appraiser's Office, is \$147,290.

Additional Information provided by the Applicant:

- The Applicant has complied with all requirements of the Building Permit Allocation System (BPAS).
- The BPAS application has not been withdrawn at any time.
- The Applicant has not applied for a deferral.
- The Applicant, as stated, is seeking an allocation award.

Remedies offered under Code Section 30-477(f): 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.

The Village currently has twenty-three (23) allocations available for administrative relief.

Budget Impact:

The budget impact would be determined by the action of the Village Council.

Staff Impact:

The staff impact would be determined by the action of the Village Council.

Recommendation:

Staff recommends the Village Council consider the evidence presented and determine which of the available options or combination thereof is preferred and adopt the proposed Resolution attached accordingly (Attachment A).

- Attachments:**
1. Attachment A
 2. Admin Relief Application
 3. Site Plan - GOCEA Location

RESOLUTION NO. 23-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CHRIS TRENTINE FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 122 IROQUOIS, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Chris Trentine (the "Applicant") on behalf of CBT Construction and Development Inc (the "Property Owner") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for property located at 122 Iroquois St, having parcel ID number 00421920-000000 located in the Indian Harbor subdivision on Plantation Key, as legally described in Exhibit "A", and

WHEREAS, on November 9, 2023, a duly noticed public hearing was held by the Village Council to consider the applications for administrative relief; and

WHEREAS, following the public hearing, upon review and examination of the record, the Village Council finds that pursuant to the requirements of the Village Code and existing case law, the Application demonstrates a beneficial use providing economic benefit to the Property Owner.

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

Section 1. **Findings.** The Village Council, having considered the testimony and evidence presented by all parties, including the Applicant, does hereby find and determine that:

- (1) The hearing was properly noticed, the Application and the supporting documents and

materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given the opportunity to be heard.

- (2) The Application, based on the evaluation meets the standards set forth in Sections 30-477 and 30-533 of the Village code to require remedial action to provide for administrative relief in the form of a building permit allocation.

Section 2. Conclusions of Law.

- (1) That granting of the Application is consistent with the Village Code and will not be detrimental to the community as a whole.
- (2) That in rendering its decision as reflected in this Resolution, the Village Council has:
 - a. Accorded procedural due process;
 - b. Observed the essential requirements of the law; and
 - c. Supported its decision by competent substantial evidence of record.
- (3) Approval of administrative relief is hereby granted.

Section 3. 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 Owner until forty-five (45) days following the rendition to the Florida Department of Economic Opportunity ("DEO"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Ordinance 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 _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilmember Mark Gregg _____

Councilmember Elizabeth Jolin _____

Councilmember Henry Rosenthal _____

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER 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.

EXHIBIT "A"
(LEGAL DESCRIPTION)

Parcel ID: 00421920-000000

BLOCK 9 LOT 16 OF INDIAN HARBOR, PLAT BOOK 3, PAGE 178 OF THE PUBLIC RECORDS OF
MONROE COUNTY, FLORIDA.



Islamorada, Village of Islands Planning & Development Services

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

APPLICATION FOR ADMINISTRATIVE RELIEF

Pursuant to Code Section 30-477

Application Fee: \$1,500.00

An application for administrative relief shall be filed with the Planning and Development Services Department **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.**

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: _____
Mailing Address: _____
Primary Phone: N/A Fax: _____
Email: _____

PROPERTY OWNER:

Name: CBT Construction & Development, Inc
Mailing Address: PO Box 1057
Primary Phone: 305-852-3002 Fax: 305-852-3062
Email: admin@cbtconstruct.com

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

Physical Address: 122 Iroquois Dr., Islamorada, FL 33036 Mile Marker: 89
Lot: 16 Block: 9 Subdivision: Indian Harbor
☒ Plantation Key ☐ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
Real Estate (RE) Number: 00421920-000000 Alternate Key: 1519944

CRITERIA FOR ADMINISTRATIVE RELIEF: Has the applicant complied with all requirements of the building permit allocation system (BPAS)? ☒ Yes ☐ No

Comments: _____

Has the subject application been withdrawn at any time? ☐ Yes ☒ No

Comments: _____

Has the subject application been considered in at least four (4) consecutive annual allocation periods and failed to receive an allocation award? Please provide appropriate information below.

Application for Administrative Relief

Date of most recent BPAS application: 4/11/19
10/15/18

Permit Number: PRSFC201802189

What type of administrative relief are you seeking? Please check a box.

☒ Allocation award

☐ Purchase of property at fair market value

☐ Other (please specify): _____

Please provide responses to the following:

Pursuant to Code Sections 30-552 and 30-553, in making the proposed beneficial use determination, the Village Council will consider, in addition to those guidelines in the comprehensive plan, the following:

1. Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application are rationally related to a legitimate government interest. N/A

2. Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application deny all reasonable economic use of the parcel of real property. yes - ACSC allocations limited and or no more

3. Relevant parcel. (IF APPLICABLE)

a. Platted lots: If an applicant owns more than one platted lot, a question may exist as to whether more than one of the applicant's platted lots should be considered together as one parcel for the beneficial use determination. In determining the relevant parcel, the Village Council should focus on "the parcel as a whole" and not on particular segments or portions of the parcel. The Village Council shall consider three factors to determine whether individual platted lots should be combined and considered as one parcel for the purpose of the beneficial use determination:

1. The "physical contiguity" of the lots: N/A

2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question): Yes

3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:

i. Was it the intent of the landowner to use the lots for a single use? _____

ii. What is the suitability of the lots for a single or separate use versus a combined use? _____

iii. Are the lots dependent on each other for the ability to have a single use? _____

iv. Is there a reasonable economic use of the lots if unified? _____

v. What is the current zoning of each lot? _____

vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed? _____

vii. What is the actual current use of the lots? _____

viii. What is the possibility of the lots being used together in the next ten years? _____

b. The Village Council shall not consider anything less than a platted lot to be the parcel of real property.

4. Once the relevant parcel is determined, the Village Council must analyze the following factors for that parcel:

a. The economic impact of the regulation on the parcel; and

b. The extent to which the regulation has interfered with the applicant's investment-backed expectations for the parcel, including any relevant factors such as:

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?): Purchased 6/1/18, Warranty Deed, vacant

2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?): No development - vacant
Infrastructure Surrounds property available.

3. The history of zoning and regulation (i.e., How and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?): _____

4. How development changed when title was passed: _____

N/A

5. What is the present nature and extent of the use of the parcel: _____

Vacant

6. What were the reasonable expectations of the landowner under Florida common law: _____

Zoned residential - build residential SFR

7. What were the reasonable expectations of the neighboring landowners under Florida common law: _____

To have SFR built

8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation: _____

9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation: _____

Please submit the following with all applications:

- ☐ Correct fee (check or money order to "Islamorada, Village of Islands")
☐ Current property record card from the Monroe County Property Appraiser
☐ Proof of ownership (i.e. warranty deed)

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.

Application for Administrative Relief

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.

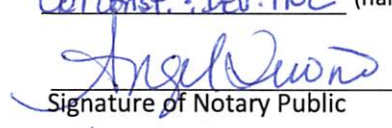

Signature of Applicant

8/21/2023
Date

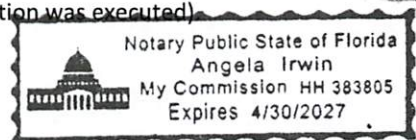
Print Name: CHRISTOPHER TRENTINE

STATE OF FLORIDA
COUNTY OF Monroe

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 21st day of August 20 23, by CHRISTOPHER TRENTINE (name of person signing the application) as owner/contractor (type of authority e.g. officer, manager / member, trustee, attorney in fact) for CBT Const. & Dev. INC (name of entity or party on behalf of whom application was executed)


Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID _____

Monroe County, FL

Disclaimer

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.

Summary

Parcel ID 00421920-000000
Account# 1519944
Property ID 1519944
Millage Group 50VI
Location 122 IROQUOIS St, PLANTATION KEY
Address
Legal BK 9 LT 16 INDIAN HARBOR PB3-178 PLANTATION KEY
Description OR309-201-202 OR1253-813/14 OR1280-1433/35 OR1324-1162/63TR OR2910-1421/22
(Note: Not to be used on legal documents.)
Neighborhood 1642
Property VACANT RES (0000)
Class
Subdivision INDIAN HARBOR
Sec/Twp/Rng 05/63/38
Affordable No
Housing



Owner

[CBT CONSTRUCTION AND DEVELOPMENT INC](#)
87889 Overseas Hwy
Islamorada FL 33036

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$137,376	\$147,290	\$104,803	\$100,554
= Just Market Value	\$137,376	\$147,290	\$104,803	\$100,554
= Total Assessed Value	\$68,427	\$62,206	\$56,551	\$51,410
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$137,376	\$147,290	\$104,803	\$100,554

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$147,290	\$0	\$0	\$147,290	\$62,206	\$0	\$147,290	\$0
2021	\$104,803	\$0	\$0	\$104,803	\$56,551	\$0	\$104,803	\$0
2020	\$100,554	\$0	\$0	\$100,554	\$51,410	\$0	\$100,554	\$0
2019	\$46,736	\$0	\$0	\$46,736	\$46,736	\$0	\$46,736	\$0
2018	\$46,736	\$0	\$0	\$46,736	\$8,860	\$0	\$46,736	\$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

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY UNPERMITTED (01DM)	5,500.00	Square Foot	50	110

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
6/1/2018	\$430,000	Warranty Deed	2172511	2910	1421	37 - Unqualified	Vacant		

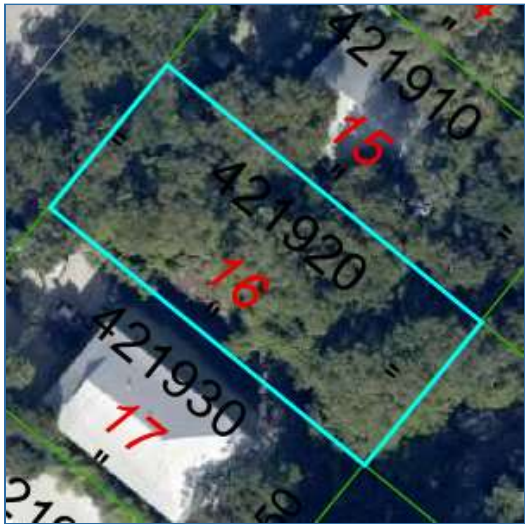
View Tax Info

[View Taxes for this Parcel](#)

Photos



Map



TRIM Notice

No data available for the following modules: Buildings, Yard Items, Permits, Sketches (click to enlarge).



[User Privacy Policy](#) [GDPR Privacy Notice](#)
Last Data Upload: 8/24/2023, 4:02:36 AM



Current Owner

Percent

CBT CONSTRUCTION AND DEVELOPMEN

100

87889 Overseas Hwy, Islamorada, FL 33036-3075

Previous Owner

GULDEN ETHEL R REV TR 9/29/1992

General Notes

Previous Value Information

Tax Yr	Cat	Use	Bldg Val	Yard	Land Size	Land Val	Total Val	Ass'd Val	Total Val Exe	TotalTaxableVal
2018	D FIN	0000	0	0	0.13	46,736	46,736	8,860	0	46,736
2017	D FIN	0000	0	0	0.13	46,736	46,736	8,055	0	46,736
2016	D FIN	0000	0	0	0.00	29,741	29,741	7,323	0	29,741
2015	F	0000	0	0	0.00	56,650	56,650	6,658	0	56,650
2014	F	0000	0	0	0.00	28,325	28,325	6,053	0	28,325
2013	F	0000	0	0	0.00	26,909	26,909	5,503	0	26,909
2012	F	0000	0	0	0.00	10,197	10,197	5,003	0	10,197
2011	F	0000	0	0	0.00	7,931	7,931	4,549	0	7,931
2010	F	0000	0	0	0.00	4,136	4,136	4,136	0	4,136
2009	F	0000	0	0	0.00	6,204	6,204	6,204	0	6,204

Sales Information

Grantor	Legal Ref	Type	SaleDate	NAL	SalePrice	V	Verif
GULDEN ETHEL R REV TR	2910-1421	WD	06/01/2018	37	430000	N	Dawn C

Exemption Data

Code	Desc.
------	-------

Legal Description

BK 9 LT 16 INDIAN HARBOR PB3-178 PLANTATION KEY OR309-201-202 OR1253-813/14 OR1280-1433/35 OR1324-1162/63TR OR2910-1421/22

Asr Map:

GIS 1:

GIS 2:

Reval Dist:

Activity Information

Date	Results	By
07/12/2018		
06/06/2013		

Building Permit Information

Date	Number	Amount	Closed Date	Status	General Notes
------	--------	--------	-------------	--------	---------------

Land Data (1st 7 lines)

Line	Use	Description	Units	Depth	Unit Type	Land Type	Neigh
1	01DM	RESIDENTIAL DRY UN	5,500.000	110.00	SF		1642-M10D

Acct #	Bldg Seq	Of	Residential Units										
Exterior Information	Bath Features	(Rating)	Condo Information	Other Features	(Rating)	Depreciation	%	Description	Units	Rms	Bed	Floor Lvl	Inc Type
Bld Type	Full Bath		Location	Kitchens		PhysCond							
Stry Ht	Addtnl		Tot Units	Ad Kit		Func							
Liv Units	3/4 Bath		Floor Level	Frpls		Econ							
Foundation	Addtnl		Num Floors	WSFlue		Spec							
Frame	1/2 Bath		% Own			OV							
Wall	Addtnl		Name										
Wall2	% Othr Fix					Total %Dep:							
RoofStruct													
Roof Cover													
Color													
ViewCode													

General Information

Grade		
Year Blt	Eff Yr Blt	
Alt LUC		%
Jurisdct	Fact	
Constr Mod		
Commercial Units		

Interior Information

Avg Ht/FL		
Prime Wall		
Prime Fl		
Bsmt Floor		
Subfloor		
Heat Fuel		
Heat Type		
# Heat Sys		
% Heated	% A/C	
% Sprinkled	% Ctrl Vac	

Alternate Area Detail		
SubArea	% AltType	%

Sub Area Detail - 1st 10 lines Displayed			
Code	Desc.	F.Area	Area

Special Features / Yard Items (1st 12 Lines Displayed)																
Code	SFYIDesc	A	Y/S	Qty	Size	Qual	Con	Year	D/S	Dep%	LUC	L.Fa	NB	N.Fac	Juris	J.Fact

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Monroe County Property Record Card (020)

Alternate Key: 1519944

Roll Year 2016

Effective Date: 2/21/2017 7:32:48 AM

Run: 02/21/2017 12:02 PM

GUILDEN,ETHEL R REV TR 9/29/1992
CARE OF: GARDNER, FRANCES GUILDEN TRUSTEE
3782 EL PRADO BLVD
MAIMI FL 33133

Parcel 00421920-000000-05-63-38 Nbhd 1642
Alt Key 1519944 Mill Group 50VI
Affordable Housing No PC 0000
FEMA Injunction ALL
Inspect Date Jun 06, 2013 Next Review
Business Name
Physical Addr VACANT LAND, PLANTATION KEY

Associated Names

Name	DBA	Role	% Own
GARDNER, FRANCES GUILDEN TRUSTEE		C/O	
GUILDEN, ETHEL R REV TR 9/29/1992		Owner	100.00000

Legal Description

BK 9 LT 16 INDIAN HARBOR PB3-178 PLANTATION KEY OR309-201-202 OR1253-813/14 OR1280-1433/35 OR1324-1162/63TR

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
57242	M10D	50	110	No	5,500.00	SF	0.00	5.25	1.00	1.00	1.00	1.03		N	0	29,741
Total Just Value															29,741	

Just Value

Bldg ID	Building Value	Land	29,741
		Bldg	0
		Misc	0
		Just	29,741

Value

Value Method	Market Oriented Cost	Special Use Code
--------------	----------------------	------------------

Monroe County Property Record Card (020)

Alternate Key: 1519944

Roll Year 2016

Effective Date: 2/21/2017 7:32:48 AM

Run: 02/21/2017 12:02 PM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2016F	C	29,741	0	0	0	29,741	7,323	0	N	29,741
2015F	C	56,650	0	0	0	56,650	6,658	0	N	56,650
2014F	C	28,325	0	0	0	28,325	6,053	0	N	28,325
2013F	C	26,909	0	0	0	26,909	5,503	0	N	26,909
2012F	C	10,197	0	0	0	10,197	5,003	0	N	10,197
2011F	C	7,931	0	0	0	7,931	4,549	0	N	7,931
2010F	C	4,136	0	0	0	4,136	4,136	0	N	4,136
2009F	C	6,204	0	0	0	6,204	6,204	0	N	6,204
2008F	C	6,204	0	0	0	6,204	6,204	0	N	6,204
2007F	C	10,340	0	0	0	10,340	10,340	0	N	10,340
2006F	C	10,340	0	0	0	10,340	10,340	0	N	10,340
2005F	C	10,340	0	0	0	10,340	10,340	0	N	10,340
2004F	C	10,340		0	0	10,340	10,340	0	N	10,340
2003F	C	10,340		0	0	10,340	10,340	0		10,340
2002F	C	11,000		0	0	11,000	11,000	0		11,000
2001F	C	11,000		0	0	11,000	11,000	0		11,000
2000F	C	11,000		0	0	11,000	11,000	0		11,000
1999F	C	11,000		0	0	11,000	11,000	0		11,000
1998F	C	11,000		0	0	11,000	11,000	0		11,000
1997F	C	11,000		0	0	11,000	11,000	0		11,000
1996F	C	11,000		0	0	11,000	11,000	0		11,000
1995F	C	11,000		0	0	11,000	11,000	0		11,000
1994F	C	9,625		0	0	9,625	9,625	0		9,625
1993F	C	9,625		0	0	9,625	9,625	0		9,625
1992F	C	9,625		0	0	9,625	9,625	0		9,625
1991F	C	9,350		0	0	9,350	9,350	0		9,350
1990F	C	9,350		0	0	9,350	9,350	0		9,350
1989F	C	9,350		0	0	9,350	9,350	0		9,350
1988F	C	9,350		0	0	9,350	9,350	0		9,350
1987F	C	8,250		0	0	8,250	8,250	0		8,250
1986F	C	8,250		0	0	8,250	8,250	0		8,250

Monroe County Property Record Card (020)

Alternate Key: 1519944
Effective Date: 2/21/2017 7:32:48 AM

Roll Year 2016
Run: 02/21/2017 12:02 PM

1985F	C	7,480	0	0	7,480	7,480	0	7,480	
1984F	C	7,480	0	0	7,480	7,480	0	7,480	
1983F	C	5,060	0	0	5,060	5,060	0	5,060	
1982F	C	5,060	0	0	5,060	5,060	0	5,060	
Total Values					(Classified Value + Non-Ag Land Just Value)				
Bldg Value	0	Misc Value	0	Land Value	29,741	Classified Value	29,741	New Const Value	0
Total Just Value	29,741	Total Expt Value	0	Taxable Value	29,741	Prev Tax Value	56,650	Previous Just	56,650

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: CBT PERMIT #: 201802189

DATE OF REVIEW: 4/2/19 DATE OF APPLICATION INTO BPAS: _____ TOTAL POINTS: 13

1. PLATTED SUBDIVISION INFILL (+10) Points +10
(Legally platted, **recorded subdivisions** served by infrastructure including at a minimum potable water, electricity and paved roadways) Indian Harbor PB03-178
2. INFRASTRUCTURE AVAILABILITY (+5) Points -
(A dwelling unit **outside** of a *legally platted, recorded subdivision*, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)
3. LOT AGGREGATION (+3) Points -
4. LAND DEDICATION (+2 or +4) Points -
5. HABITAT PROTECTION Points -2
☐ Group 4 (-10)
☐ Group 3 (-7)
☒ Group 2 (-2)
☐ Group 1 (+1)
6. THREATENED OR ENDANGERED ANIMAL SPECIES Points -
☐ Known Threatened/Endangered Species Habitat
☐ Probable or Potential Threatened/Endangered Species Habitat
☐ Habitat of Wide-Ranging Threatened/Endangered Species
☐ Development Within 100 feet of Known Sea Turtle Nesting Area
☐ Development Within 500 feet of Known Piping Plover Area
7. CRITICAL HABITAT AREA (-10) Points -
8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) Points -
9. PERSEVERANCE POINTS (+1 or +2) Points -
10. COASTAL HIGH HAZARD AREA. Points -2
☒ Development Within AE Zone (-2)
☐ Development Within VE Zone (-7)
11. ENERGY CONSERVATION Points +3
☒ Installed Air Conditioning Units Rating 12 or Higher (+1)
☒ Heat Recovery Unit or Solar Hot Water Heater (+1)
☒ 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)
12. STRUCTURAL INTEGRITY OF CONSTRUCTION Points +2
☒ 160 Mph Wind Load (+1)
☒ 175 Mph Wind Load (+1)
13. AFFORDABLE HOUSING (+3) Points -
(+3 points per application which proposes affordable housing development with four or more new units within the same structure)
14. CENTRAL SEWER (+2) Points +2
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area where a central wastewater facility service area has been constructed)

Sara Hamilton

Po Box 1211 Islamorada Florida 33036- E-Mail Srhamilton24@yahoo.com tel. 305-360-7727

***Vegetation Survey
Mitigation Plan
Cover Page***

Legal Description

BK9, LT 16, Indian Harbor as recorded in Plat book 3, PG 178 of the public records of Monroe County

Location

Vacant Land

122 Iroquois

Plantation Key

Parcel ID

00421920-000000

Owners

CBT Construction

87889 Overseas Hwy

Islamorada, FL 33036

Date of Site Visits

9/6, 9/23, 9/30/18, 2/17, 3/3/19

Date of Report

rev 3/3/19

Report By

Sara Hamilton



Sara R Hamilton

Sara Hamilton

Po Box 1211 Islamorada Florida 33036- E-Mail Srhamilton24@yahoo.com tel. 305-360-7727

Existing Conditions Mitigation Plan General Description

Summary:

This parcel is 50 x 110 for a total land area of 5,500 sq ft. The four corners of the property were determined utilizing the survey flags, pins and adjacent fences.

The parcel contains some mature tropical hardwood hammock species, however the large number of Brazilian pepper (*Schinus terebinthefolius*) found extending out from the rear and SE property line have shaded out most of the native understory. In addition to the Brazilian pepper, large limbs and vegetation debris likely downed from Hurricane Irma's winds are found on the parcel.

Impacted area was determined utilizing the site plan by Keys Engineering Services dated revised 11/26/18.

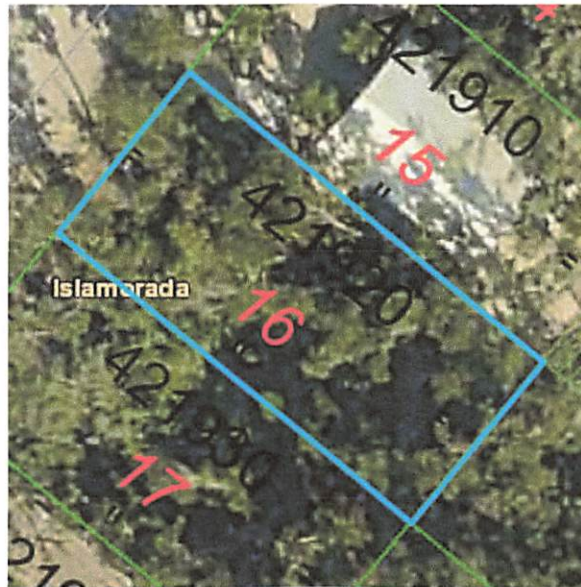


Figure 1. RE: 00421920-000000 aerial photo via Monroe County Property Appraiser's website



Figure 2. RE: 00411920-000000 photo via Monroe County Property Appraiser's website

Plant Species List:

Remove	Retain	Common Name	Scientific Name	Status	Symbol
x		Bloodberry	<i>Rivina humilis</i>		
x		Brazilian Pepper	<i>Schinus terebinthifolius</i>	INV	BP
x		Crabwood	<i>Ateramnus lucida</i>		CW
x		Dogwood,			
x		Jamaican	<i>Piscidia piscipula</i>		JD
x		Gumbo-limbo	<i>Bursera simaruba</i>		G
x		Lancewood	<i>Nectandra coriacea</i>	RI	LW
x		Mahogany	<i>Swietenia mahagoni</i>	END	M
x		Mastic	<i>foetidissimum</i>		
x		Pigeon Plum	<i>Coccoloba diversifolia</i>		PP
x		Poisonwood	<i>Metopium toxiferum</i>		PW
x		Pothos	<i>Epipremnum aureum</i>	EX	
x		Randia	<i>Randia aculeata</i>		RA
		Royal Poinciana	<i>Delonix regia</i>	EX	RP
		Snowberry	<i>Chiococca alba</i>		
x		Spanish Stopper	<i>Eugenia foetida</i>		

x x Wild Coffee *Psychotria nervosa*
x x Yellow-root *Morinda royoc*

Key: END= Endangered, T= Threatened, RI= Regionally Important, INV= Invasive Exotic, EX= Exotic

Mitigation Standards/List of Species to be Removed

Trees (including those over 2in dbh, regionally important, threatened and endangered) to be removed for the house and drive were all counted. Additionally all trees (including those over 2in dbh, regionally important, threatened and endangered) outside the clearing area were identified. **The Village biologist will determine the exact replacement/mitigation required based on the trees removed.** However, based upon these observations and the Village of Islamorada code sec 30-1615 this area would require **mitigation replacement of 49 trees.** The owner will be installing a Class D bufferyard along the rear of the parcel. Accounting for the existing vegetation this will require the planting of an additional 14 shrubs. The owner would like to apply this planting towards the mitigation. The remaining mitigation will be satisfied through payment to the Village of Islamorada mitigation bank.

Required clearing includes:

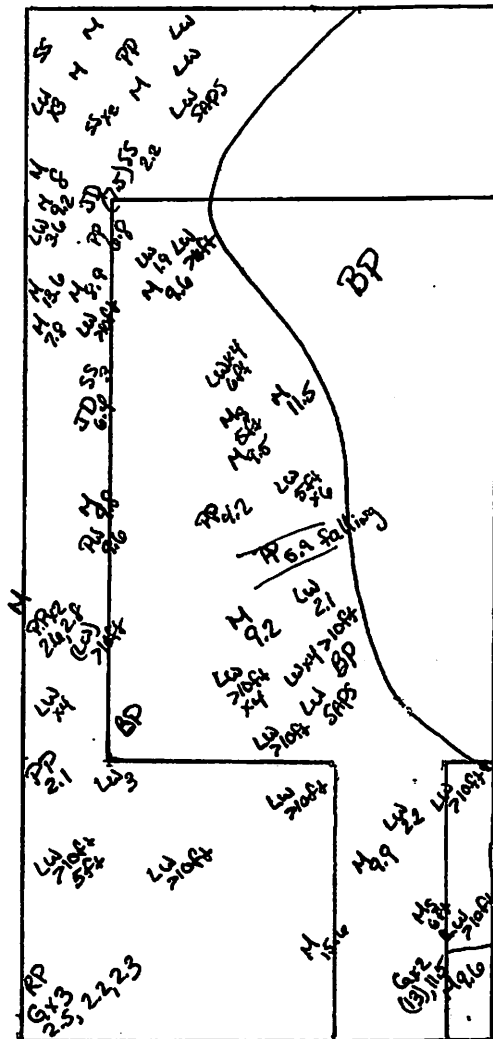
Common Name	Scientific Name	Status	symbol	<2	2"-6"	6"-11"	11"-16"
Gumbo-limbo	<i>Bursera simaruba</i>		G				2
Lancewood	<i>Nectandra coriacea</i>	RI	LW	22	3		
Mahogany	<i>Swietenia mahagoni</i>	END	M			5	1
Mastic	<i>Mastichodendron foetidissimum</i>	RI		3			
Pigeon Plum	<i>Coccoloba diversifolia</i>		PP		2		

Key: END= Endangered, T= Threatened, RI= Regionally Important, INV= Invasive Exotic, EX= Exotic

Site Plan : Site plan is to 1-20 scale. Locations on the tree site removal plan are estimates only and exact locations should be verified with a boundary survey.

All regionally important, threatened and endangered vegetation as well as native vegetation with a dbh> 2 is noted. Individual invasive exotics are not noted on the site plan, as they are primarily contained within the footprint of the house. Dead trees are noted on the site plan by "DT". See attached.

Re: 00421920-000000
 Vacant land
 122 Iroquois St
 Plantation Key
 Islamorada



[Handwritten signature]

Page 92 of 93

OWNER / MAILING ADDRESS:
CBT CONSTRUCTION AND DEVELOPMENT INC
87889 OVERSEAS HWY
ISLAMORADA, FL 33036

PROPERTY ADDRESS:
122 IROQUOIS STREET
PLANTATION KEY, FL 33036

RE#: - 00421910-000000
ALTERNATE KEY: - 1519344

LEGAL DESCRIPTION:
BLOCK 9, LOT 16, INDIAN HARBOR, AS RECORDED IN
PLAT BOOK 3, PAGE 178, OF THE PUBLIC RECORDS
OF MONROE COUNTY, FL

FLOOD CRITERIA:
FLOOD ZONE - AE
BASE FLOOD - 1' AND 6' NGVD, 1929

ZONING:
RESIDENTIAL SINGLE FAMILY

ADJACENT ZONING:
RESIDENTIAL SINGLE FAMILY - MASONRY
HC HIGHWAY COMMERCIAL

FLUM:
RESIDENTIAL MEDIUM

SCOPE OF PROJECT:
1. NEW SINGLE FAMILY HOME.

PROJECT SUMMARY:
AIR CONDITIONED SPACE = 1351 SF.
COVERED PATIO = 99 SF.

STANDARD DESIGN CRITERIA:
WIND SPEED: 180 MPH PER A.S.C.E. - 1-10
FLOOR LIVE LOAD: - 40 #/SF
ROOF LIVE LOAD: - 30 #/SF
FLOOR DEAD LOAD: - 80 #/SF
ROOF DEAD LOAD: - 15 #/SF
EXPOSURE CATEGORY: - 'D'
IMPORTANCE FACTOR: - 1.0
INTERNAL PRESSURE COEFFICIENT: - 0.18
FLORIDA BUILDING CODE 2017

IMPERVIOUS AREA AND OPEN SPACE:
SITE AREA = 5,500 SF.

RESIDENCE = 1322 SF.
DRIVEWAY = 403 SF.

TOTAL IMPERVIOUS AREA = 1325 SF. OR 35%
OPEN SPACE AREA = 3575 SF. OR 65%

NO SWALES NEEDED DUE TO
TROPICAL HARDWOOD HAMMOCK LOT

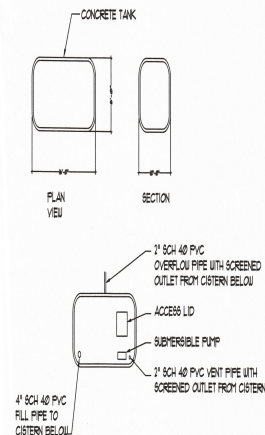
CLEARING CALCULATIONS:
REQUIRED 50% OPEN SPACE MUST BE PRESERVED

SITE AREA = 5,500 SF.
50% ALLOWED TO BE CLEARED = 2,750 SF.
ACTUAL AREA TO BE CLEARED = 2,743 SF.

B-PAS SCORING WORKSHEET:

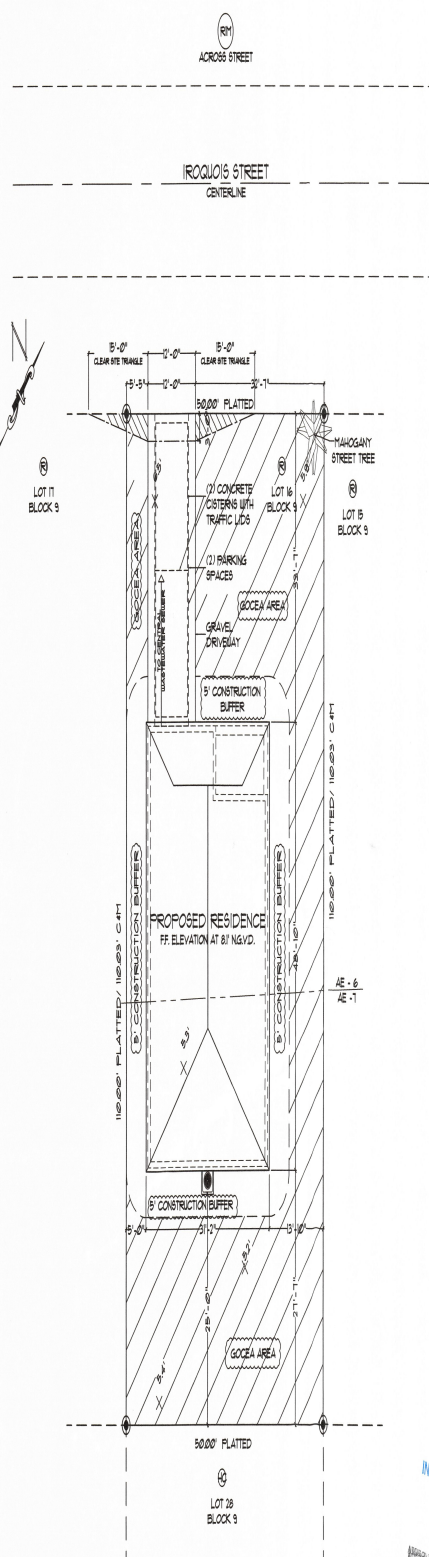
PLATTED SUBDIVISION INFILL +10
INFRASTRUCTURE AVAILABILITY +5
COASTAL HIGH HAZARD AREA -2
ENERGY RATED SEER 12 OR ABOVE +1
HEAT RECOVERY UNIT +1
175 MPH BUILDING CODE +2
2500 GAL. CISTERN +1
CENTRAL REFRIG. +2

TOTAL 30 POINTS



1250 GALLON CISTERN DETAILS

- NOTES:
1. GUTTER SYSTEM BY OTHERS TO BE PIPED TO UNDERGROUND CISTERN WITH 4" PVC PIPE
2. SUBMERSIBLE PUMP TO BE 1 1/2 HORSEPOWER, 120V/60 HZ 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"

REDUCED SIZE OF HOME DUE TO
HAMMOCK LOT RESTRICTIONS

KEYS
ENGINEERING SERVICES
122 IROQUOIS STREET
PLANTATION KEY, FLORIDA
33036
PHONE: 954-383-0262
FAX: 954-383-0262

DATE	REVISION	NO.	AS SHOWN	SCALE	DATE	BY	CHKD	APPD
6/6/2017	CONSTRUCTION CORRECTIONS	1	3/28/2017	1/8" = 1'-0"	6/6/2017	JDH		

TITLE: SITE PLAN
PROJECT: CBT CONSTRUCTION
122 IROQUOIS STREET
PLANTATION KEY, FLORIDA

DRAWING NO: C-1
PROJECT NO: D-17-048

FINAL PLANNING
INSTRUCTIONS REQUIRED

FINAL PLANNING
INSTRUCTIONS REQUIRED

APPROVED FOR CONSTRUCTION
[Signature]

DO NOT REPRODUCE OR ALTER WITHOUT PERMISSION OF THE ENGINEER