



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

March 14, 2024 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

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

AGENDA

- I. **CALL TO ORDER / ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**
- III. **AGENDA: Requests for Deletion / Emergency Additions**
- IV. **REPORTS, PRESENTATIONS AND ANNOUNCEMENTS**
 - A. Local Planning Agency Report - Deb Gillis, Chair - **TAB A**
- V. **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.)
- VI. **MAYOR / COUNCIL COMMUNICATIONS**
- VII. **VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**
- VIII. **RESOLUTIONS**
 - A. 4th Quarter 2023 Affordable Building Permit Allocation Award - **TAB B** (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 4 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE
- IX. **ORDINANCES**
 - A. Amending Chapter 30 Land Development Regulations Article IV Administrative Procedures - **First Reading - TAB C** (John Quick, Interim Village Attorney, Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE IV "ADMINISTRATIVE PROCEDURES", DIVISION 2 "DEVELOPMENT REVIEW PROCESS", SECTION 30-212 OF THE VILLAGE CODE TO CREATE A REVIEW FOR THE IMPOSITION OF CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

X. QUASI-JUDICIAL

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

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

- B.** Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use Map of Parcel 00405350-000000 - **First Reading - TAB E** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA 1; 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 Amendment Considering the Request of Windley Cove, LLC. to Amend the Zoning Map of Parcel 00405350-000000 - **First Reading - TAB F** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN; 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.

- D.** Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000 - **First Reading - TAB G** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA 1; 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.

- E.** Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000 - **First Reading - TAB H** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN; 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.

XI. ADJOURNMENT

Options for Viewing the Village Council Meeting:

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

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

Option 1: Email your comments.

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

Option 2: Call in During the Meeting.

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

ADA Assistance:

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



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: March 14, 2024
SUBJECT: Local Planning Agency Report - Deb Gillis, Chair - TAB A

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments:

1. LPA Meeting January 2024
2. LPA Council Report March 2024

LPA Meeting January 8, 2024

The committee met and had all 7 members present. We had 10 items to review.

1. Administrative Procedure adding a new subsection for review of imposed development conditions.

This would allow the applicant to challenge the conditions imposed if they believe the condition did not have a nexus to a legitimate public purpose or was not proportionate to the impacts of the development.

Approved 7-0 as presented.

2. Allocation of BAPS awards for Expired Permits.

Code addresses if Allocation permit is not picked up. It reverts back to the Village.

Current code does not address if the Allocation permit is picked up and paid for and was allow to expire. This ordinance would take back the permit/allocation when it expires. This affects 5 lots ranging from 2017 to 2022.

LPA recommends this ordinance would not be retroactive and start when new permits are issued with the statement that the permits will eventually expires and the Village will recapture the permits. In addition, we recommend that a concerted effort be made to reach the 5 allocations and determine a reason and allow vested rights determination. They would also have to meet any new code that had been set in place. Those 5 allocations would also be taken back by the Village if the allocation/permit is not renewed.

Approved 6-1 with recommendations.

3. Sojourn South property request for FLUM change.

There was a request to change the FLUM status from Conservation to Mixed Use. Conservation does not allow commercial fishing so the existing business is non-conforming. Because the new FLUM, Mixed Use, would allow for additional development rights, we felt this would be better to have a special sub area (site specific) that would limit the FLUM to Commercial Fishing only and rule out the potential this area ever being redeveloped away from fishing. It was recognized that there is not much land and that as Conservation, it cannot harden the shoreline and build a sea wall and dock to protect the land. This would also make the property conforming as appose to legal non- conforming. Commercial Fishing has been there for 50 plus years.

Approved 6-1 with recommendation to use sub area limiting it to activities that are in the commercial fishing zoning district. Create a sub area to the FLUM that limits to commercial fishing and related activities.

4. Sojourn South property request for Zoning change

Sojourn requested a Zoning change from Conservation to Commercial Fishing. This Zoning would make the property conforming to its current use. This Zoning District would allow only a few things related to fishing. All other activity requires a minor conditional use.

Approved 7-0

5. & 6. Island Community Church FLUM and Zoning change.

Applicant requested a FLUM change from Public Services to Mixed-Use. Zoning change is from Public Service to Highway Commercial District. Property historically was a theater. The FLUM and Zoning was changes when the Village incorporated. This is an up zoning but the property is fully developed and was considered commercial when at the County before incorporation. The current property owner was never aware of the FLUM and Zoning changes.

Approved FLUM to Mixed Use 6-0 1 abstained as presented

Approved Zoning to Highway Commercial 6-0 1 abstained as presented

7, 8, 9, & 10 FLUM and Zoning change for 2 homes

The Applicant is requesting a FLUM change from Residential Medium to Mixed Use (Windley Key Mixed Use Area 2) for 2 homes side by side adjacent to Hog Heaven. This sub area FLUM allows only the use of Vacation Rental and not any of the other up zoning that would come with Mixed Use.

The current Zoning is Residential Single Family District. Applicant is requesting a change to Highway Commercial District.

They are not inside a residential neighborhood.

Approved the FLUM on both lots, Windley Cove and Windley Isles to WKMUA2 6-1

Approved the Zoning on both lots Windley Cove and Windley Isles to Highway Commercial 6-1

Our next meeting was Feb 12 and I will report that at your March meeting.

Any questions?

LPA Meeting March 8, 2024

The committee met and had all 7 members present. We had 10 items to review.

1. & 2. HVS82 (Mahoney property) request for FLUM and Zoning change

There was a request to change the FLUM status from Residential Conservation to Mixed-Use and from Native Residential to Highway Commercial Zoning. This property was zoned at the County as Suburban Residential which allowed some commercial uses. There was a commercial building (greenhouse) constructed. When the Village incorporated, it assigned a FLUM of Residential Conservation and a zoning of Native Residential which made the building Legal but non-conforming. We recommend that this be changed to conforming FLUM mixed-use and Highway Commercial Zoning. There is a Restrictive Covenant in place to protect the hammock there and the applicate was never notified personally when the Village incorporated.

Approved FLUM to Mixed Use and Zoning to Highway Commercial 5-2 as presented.

THE REMAINDER OF THE ITEMS WERE FIRST HEARD IN JAN. DUE TO AN ADVERTISING ERROR THEY WERE BROUGHT BACK FOR REHEARING AT OUR MARCH MEETING.

3. & 4. Sojourn South property request for FLUM and Zoning change.

These items were tabled do to an advertising error and will be heard in April.

5. & 6. Island Community Church FLUM and Zoning change.

Applicant requested a FLUM change from Public Services to Mixed-Use. Zoning change is from Public Service to Highway Commercial District. Property historically was a theater. The FLUM and Zoning was changes when the Village incorporated. This is an up zoning but the property is fully developed and was considered commercial when at the County before incorporation. The current property owner was never aware of the FLUM and Zoning changes.

Approved FLUM to Mixed Use and Zoning to Highway Commercial 6-0 1 abstained as presented

7, 8, 9, & 10. FLUM and Zoning change for 2 homes

The Applicant is requesting a FLUM change from Residential Medium to Mixed Use (Windley Key Mixed Use Area 2) for 2 homes side by side adjacent to Hog Heaven. This sub area FLUM allows only the use of Vacation Rental and not any of the other up zoning that would come with Mixed Use.

The current Zoning is Residential Single Family District. Applicant is requesting a change to Highway Commercial District.

They are not inside a residential neighborhood.

Approved the FLUM on both lots, Windley Cove and Windley Isles to WKMUA2 5-2

Approved the Zoning on both lots Windley Cove and Windley Isles to Highway Commercial 5-2



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: March 14, 2024
SUBJECT: 4th Quarter 2023 Affordable Building Permit Allocation Award - TAB B

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, by Village Council approved one (1) affordable residential allocation for Quarter 4 of 2022, effectively reducing the available allocations for 2023, to seven (7).

Resolution 23-04-39 adopted on April 11, 2023, by Village Council approved three (3) affordable residential allocations for Quarter 1, 2023. Resolution 23-11-134 adopted on November 9, 2023 by Village Council approved one (1) affordable residential allocations for Quarter 3 of 2023, effectively reducing the available allocations for 2023 to two (2).

Analysis:

At the close of Quarter 4 of 2023, there were two applications (consisting of 10 allocations) for Affordable Residential BPAS allocations in the queue awaiting award.

The affordable residential applications have been evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476. The application recommended for approval is listed below:

Permit #PRSFA202101194 with 14 points was submitted by Mark Gregg on December 29, 2023, at 8:29 AM for parcel id 00411890-000000. The proposed construction requires two (2) allocations.

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 two (2) affordable residential building permit allocations for Quarter 4 of 2023.

- Attachments:**
1. Affordable BPAS Resolution Q4
 2. EXHIBIT A - Q4 Affordable Draft

RESOLUTION NO. 24-

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 4 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 awarded one (1) allocation for an affordable dwelling unit;

WHEREAS, on March 14, 2024, 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 4 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 two (2) allocations for affordable dwelling units to Mark Gregg with fourteen (14) points for property identified by Real Estate Number 00411890-000000, 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 4 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 14TH DAY OF MARCH, 2024.

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 _____, 2024

EXHIBIT A

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

DRAFT Ranking of BPAS Applications for 2023 Quarter 4 Affordable (closed December 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 & 10	PRSFA202101194	MARK GREGG	12/29/2023	8:39 AM	14	Plantation	Plantation Ridge	00411890-000000



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney, Jennifer DeBoisbriand , Planning Director
Date: March 14, 2024
SUBJECT: **Amending Chapter 30 Land Development Regulations Article IV Administrative Procedures - First Reading - TAB C**

Background:

The proposed ordinance would amended section 30-212 by creating a new subsection (f) for review of certain imposed development conditions. This ordinance was heard by the LPA on January 8, 2024. The LPA voted unanimously to recommend adoption of this ordinance.

Analysis:

The proposed new subsection (f) creates a process whereby an applicant can challenge certain imposed development conditions if the applicant believes the condition does not have a nexus to a legitimate public purpose and/or is not roughly proportionate to the impacts of the proposed development. Under the proposed language, the Village Council would serve as the final arbiter of any challenge.

The language is being proposed to include an additional administrative process for such challenges. This provides and additional review and/or buffer should an applicant threaten a takings claim based upon a development condition. It would also require the applicant to exhaust all administrative remedies (including this process) before any alleged takings claim would ripen.

Budget Impact:

It is not anticipated that there will be any budget impacts beyond staff and/or Council review.

Staff Impact:

The process would establish an additional review procedure for the Planning Director should an applicant seek to trigger the review under proposed section 30-212(f).

Recommendation:

Staff recommends the adoption of this ordinance by Council on First Reading.

Attachments: 1. 471937202-Ordinance re review of certain imposed development conditions

ORDINANCE NO. ____

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS",
ARTICLE IV "ADMINISTRATIVE PROCEDURES", DIVISION 2
"DEVELOPMENT REVIEW PROCESS", SECTION 30-212 OF THE VILLAGE
CODE TO CREATE A REVIEW FOR THE IMPOSITION OF CERTAIN
CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

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

WHEREAS, the Village Council desires to amend existing provisions under Division 2, "Development Review Process" of Article IV of the Village's LDRs relating to provisions generally governing the development process; and

WHEREAS, specifically, the Village Council desires to amend Section 30-212, "Generally", of the Village Code to provide for a process to review certain conditions imposed on a development; and

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

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

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

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

Section 2. Amendments to the Code.

(a) Chapter 30 entitled "Land Development Regulations", is hereby amended to create and new subsection (f) and to re-letter the subsequent subsections thereafter in Section 30-212, as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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ARTICLE IV. – Administrative Procedures.

DIVISION 2. – Development Review Process

Sec. 30-212. Generally.

(a) *Development permits required.* No development shall take place within the jurisdiction of the village except after issuance of all development permits required under any applicable section of this chapter, the Code or village ordinance, and other governmental agencies having jurisdiction to regulate the development of land within the village's jurisdiction.

(b) *Development by governmental agencies.* Prior to undertaking development, any governmental agency shall apply for the appropriate permit under the applicable sections of this chapter, the Code or village ordinance. If any governmental agency seeking to undertake development has been specifically exempted by federal or state law from compliance with this chapter, the Code or village ordinance, the agency shall file with the village manager and director of planning and development services evidence of such exemption. In the absence of such an exemption, governmental agencies shall apply for permits in the same manner as other persons.

(c) *Technical codes.* The building, plumbing, electrical and other technical codes adopted by the village are expressly recognized as essential to the implementation of the village comprehensive plan and this chapter.

(d) *Application for development.*

(1) Every application for a development permit shall be in a form specified by the planning and development services department for reviewing the application, and shall be accompanied by a fee as is established from time to time by the village council to defray the actual cost of processing the application. After an application is submitted, the director of planning and development services shall determine if the application is complete and includes data necessary to evaluate the application. The village shall be entitled to rely upon the statements or representations made by the applicant on a development permit application. If it is determined that the application is incomplete, or based upon incomplete or inaccurate information or misstatements of fact, notice shall be delivered to the applicant specifying the

deficiencies. The director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 20 working days, the application shall be considered withdrawn. If or when the application is determined complete, it shall be reviewed in accordance with the applicable provisions of this chapter. Notwithstanding anything in this chapter to the contrary, on a case-by-case basis, the director may make a written determination to waive some or all of the required submittals of a development permit application. Annually, the director shall promulgate a calendar, as may be amended, showing application dates and deadlines consistent with the specifications of this chapter. This calendar shall govern all dates and the development review process.

(2) All applications shall include proof of ownership and, if applicable, consent to be represented by an agent. All owners and any person having a contractual interest in the land shall give their permission for application. Unless otherwise specified in each section describing particular development review procedures, applications for development permits require a concurrency certification by the planning and development services department prior to being placed on the agenda for a public hearing or meeting or proceeding to the subsequent step in the development review process. Unless requested by the village, applications shall not be significantly altered after certifications. In no case shall any changes be made to a development application or development plans within ten working days of any required public hearing on the application, without a continuance of the hearing.

(3) The director shall be entitled to a continuance, and an applicant shall be entitled to a continuance or withdrawal of an application for development permit if the request is made no later than five working days before final action on the application by the decision-making body or person. Requests for a continuance or withdrawal received later than five working days before the date the decision is to be made, or the public hearing is to take place, shall be granted only by the decision-making body or person with or without prejudice. Applicants in this case shall not be entitled to the return of application fees.

(4) Whenever any application for a development permit is withdrawn or denied with prejudice, an application for development permit for all or part of the same land shall not be considered for a period of one year after the date of denial, unless the subsequent application involves a development proposal that is materially different from the prior proposal, or unless the person or a majority of the members of the decision-making body that made the final decision on the application determines that the prior denial was based on a material mistake of fact. For the purpose of this subsection, an application for development permit shall be considered materially different if it involves a change in use, or a change in intensity or density of use of 25 percent or more. The body or person charged with conducting the initial development application review or public hearing under such successive application shall resolve any questions concerning the similarity of a second application.

(5) To the extent practical, applications for development permits may be consolidated for review pursuant to an agreement between the applicant and the director as part of the pre-application conference. When applications for development permits are consolidated pursuant to this subsection, the time for review shall be no less than those established for the application for development permit with the longest review period.

(6) The director and village council may impose such conditions on the granting of a development permit that are necessary to accomplish the purposes of the comprehensive plan and this chapter. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a more appropriate transition between different uses. Conditions are not intended to restate express provisions of this chapter. Such conditions may include the execution of unity of title and the location of uses on the site to minimize adverse off-site impacts and ensure on-site safety. Further, conditions may be imposed to provide road construction required for the project to meet village concurrency requirements and that allow the applicant to proceed to the subsequent stage of development review. Site-related conditions such as drainage improvements, turn lanes and signalization may be imposed. Conditions shall be reasonable, not be contrary to law and shall be limited to on-site impacts, except for off-site public road improvements or other conveyances reasonably related and proportionate to the project's impact. Conditions shall not amend village council imposed conditions or affect previously approved conditions. For modifications or additions to previously approved site plans, conditions shall only be imposed to address the specific impacts of the new use or development. Fixed times may be set for compliance with conditions and shall be governed by section 30-224.

(7) Any application for development permit may be suspended during the pendency of a code enforcement proceeding or for any code violation involving all or a portion of the land proposed for development. Development permit applications for properties that have outstanding code violations, liens or fines owed to the village shall be restricted as follows:

a. The village shall not approve a final site plan or building permit until the code violation is remedied and payment of outstanding liens or fines is made to the village.

b. The village may approve a conditional use application; however, it shall not do so unless, as a condition of approval, the code violation is remedied and the applicant agrees to the payment of all outstanding liens or fines by a date certain or prior to a specific event.

c. In the event litigation contesting the code violation or the validity of the lien or fine is initiated before the application for the development permit, the time for compliance or payment shall be established only after the conclusion of litigation.

(e) *Violation of permit condition or time limitation.* A violation of any condition or time limitation of any development permit shall be considered a violation of the Code. The violation shall be corrected prior to any public hearing or meeting on the issuance of any subsequent development permit for that project, unless a subsequent permit application seeks to amend the condition or time limitation that has been violated. Unless otherwise specified in the development permit, an approved use must comply with conditions and time limitations before implementing the approval, or before receipt of a certificate of occupancy or certificate of completion. The violation shall be subject to all enforcement procedures available as provided in the Code and by all applicable laws and ordinances.

(f) Review of conditions imposed.

(1) The term "Condition" as used in this subsection (f) includes only the following conditions, whether imposed by the Director of the Village land development regulations:

- a. Dedication requirements (land, public improvements, etc.); or
- b. Impact fees; or
- c. Other monetary exactions.

(2) If an applicant believes that any Condition imposed on a development does not have a nexus to a legitimate public purpose and/or is not roughly proportionate to the impacts of the proposed development, the applicant shall, as part of its development application, provide empirical evidence of its position. Where appropriate, the applicant should present an expert report on rough proportionality with its application. If the Director does not excuse the applicant from the Condition, the applicant shall raise the issue before the Village Council as provided by the application process for the particular development approval that the applicant is seeking. The Village Council shall be the final arbiter of whether the condition should be imposed. Any empirical evidence, including expert reports, prepared by the applicant shall be provided to the Village Council in advance of the hearing. Upon hearing the evidence presented by the applicant and any testimony by the Director and/or the Director's designee on why the condition was imposed, the Village Council may excuse the applicant from complying with the condition if it finds that:

- a. The condition does not have an essential nexus to a legitimate public purpose;

or

- b. The condition does not actually further the legitimate public purpose; or
- c. The condition is not roughly proportionate to the impacts of the development.

However, nothing in this section shall be interpreted as permitting the Village Council to take any action that is inconsistent with the Comprehensive Plan.

~~(f)~~(g) *Fraud or omission in permit application.* If there is evidence that an application for development permit was considered wherein there was misrepresentation, fraud, deceit, or a deliberate error or omission, the village may initiate a rehearing to reconsider the development permit. The village may re-approve, approve with new conditions, deny, or take such other action on the development permit at the rehearing based on the standards in this chapter. If evidence of misrepresentation is discovered during the application review and approval process, the application shall be deemed incomplete and returned to the applicant.

~~(g)~~(h) *Development permits that are never implemented.* All development permits that are never implemented shall be either:

- (1) Rescinded simultaneously with issuance of a subsequent development permit;
- (2) Revoked after a public hearing; or

(3) Rescinded upon the expiration of the permit as set forth in table 30-225.

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

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

The foregoing Ordinance was offered by _____, who moved 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 _____, 2024.

[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 _____, 2024.

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: March 14, 2024
SUBJECT: Administrative Appeal - 222 Biscayne Blvd - TAB D

Background:

This item was before the Council at its meeting on September 21, 2023. At that time the Council continued the item and asked staff to investigate possible solutions to the issue of pre existing non conforming setback encroachments. Due to staffing issues over the last 6 months and the amount of work facing the department, staff has not been able to do much research on this issue. If the Council would still like to proceed in this manner we would ask for another 2-3 months to complete the research and provide a recommendation.

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

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

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

Analysis:

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

Pursuant to Sec. 30-221 (d) "When considering an application for a variance, the director and village council shall consider the following factors, and no variance shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed

adverse to the public interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Applicant argues that the Tiki Hut of similar was preexisting and was damaged or

destroyed during Hurricane Irma. Comprehensive Plan Policy 1-2.2.7 Damage or Destruction to Non-Conforming Structures, states "With the following exceptions, non-conforming structures that are damaged or destroyed so as to require substantial improvement shall be repaired or restored in conformance with all applicable provisions of the Building Code and with the Land Development Regulations. The Village shall, through the Land Development Regulations, provide a process to consider the reduction of required setbacks, whereby it can be proven that the reduction in setbacks will not cause negative impacts on environmental resources. The Land Development Regulations shall provide a process by which the Director of Planning and Development Services may consider a reduction of any of the applicable regulations upon a finding that the reduction is consistent with the intent of the Plan." The Village Code defines substantial improvement as "any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed."

Budget Impact:

None

Staff Impact:

None

Recommendation:

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

Attachments:

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



Islamorada, Village of Islands Planning & Development Services

86800 Overseas Highway, Islamorada, FL 33036

T: 305-664-6400, F: 305-664-6467

APPLICATION FOR ADMINISTRATIVE APPEAL

Pursuant to Code Chapter 30, Article IV, Division 4

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

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

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

APPELLANT:

Name: Frederick W. Schmid and Darcy Parker

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

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

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

Name: Joanne Marie Pereira, Esq.

Mailing Address: 88539 Overseas Highway, Tavernier FL 33070

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

PROPERTY OWNER:

Name: Frederick W. Schmid and Darcy Parker

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

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

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

Physical Address: 222 Biscayne Blvd. Lower Matecumbe Key

Mile Marker: _____

Lot: 281

Block: Port antigua

Subdivision: _____

☐ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☒ Lower Matecumbe Key

Real Estate (RE) Number: 00394489-008400

Alternate Key: 1486256

Zoning District: R1M

Future Land Use Category: RM

Application for Administrative Appeal

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

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

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

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

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

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

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

Signature of Applicant

Date

Print Name:

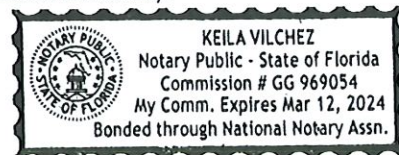
STATE OF

COUNTY OF

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

Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID

RECEIPT OF PAYMENT

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

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

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

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

FEE DETAILS:

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

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

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

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

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

Doc# 2113103
 BKH 2842 Pgh 658

PARCEL ID.: 00394489-008400
 ALTERNATE KEY: 1486256

WARRANTY DEED

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

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

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

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

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

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

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

Doc# 2113103
Bk# 2842 Pg# 659

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

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

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

Signed, sealed and delivered
in our presence:

Yessica Coca
Print Name Yessica Coca

Craig M. Dome
Print Name Craig M. Dome

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed Page 2 of 2

qPublic.net™ Monroe County, FL

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

July 18, 2023

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

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

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

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

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

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

Sincerely,

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

Jennifer DeBoisbriand
Planning Director

APPEAL TO THE ISLAMORADA VILLAGE OF ISLANDS COUNCIL

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

STATEMENT OF APPEAL AND INITIAL BRIEF

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

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

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

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

PROPERTY HISTORY

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

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

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

2009, 2013 and 2014

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

March 1, 2017

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

September 10, 2017

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

October 21, 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

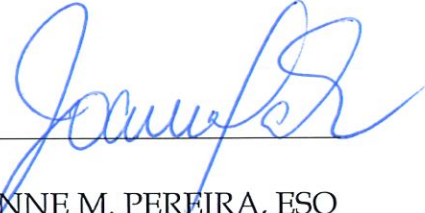
A structure has been in place since at least 2009, as shown in the historic photos. Appellants only sought to replace a structure that was destroyed by Hurricane Irma. During the time Hurricane Irma struck and thereafter, Applicant **Frederick W. Schmid** was battling cancer, which is why Applicants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

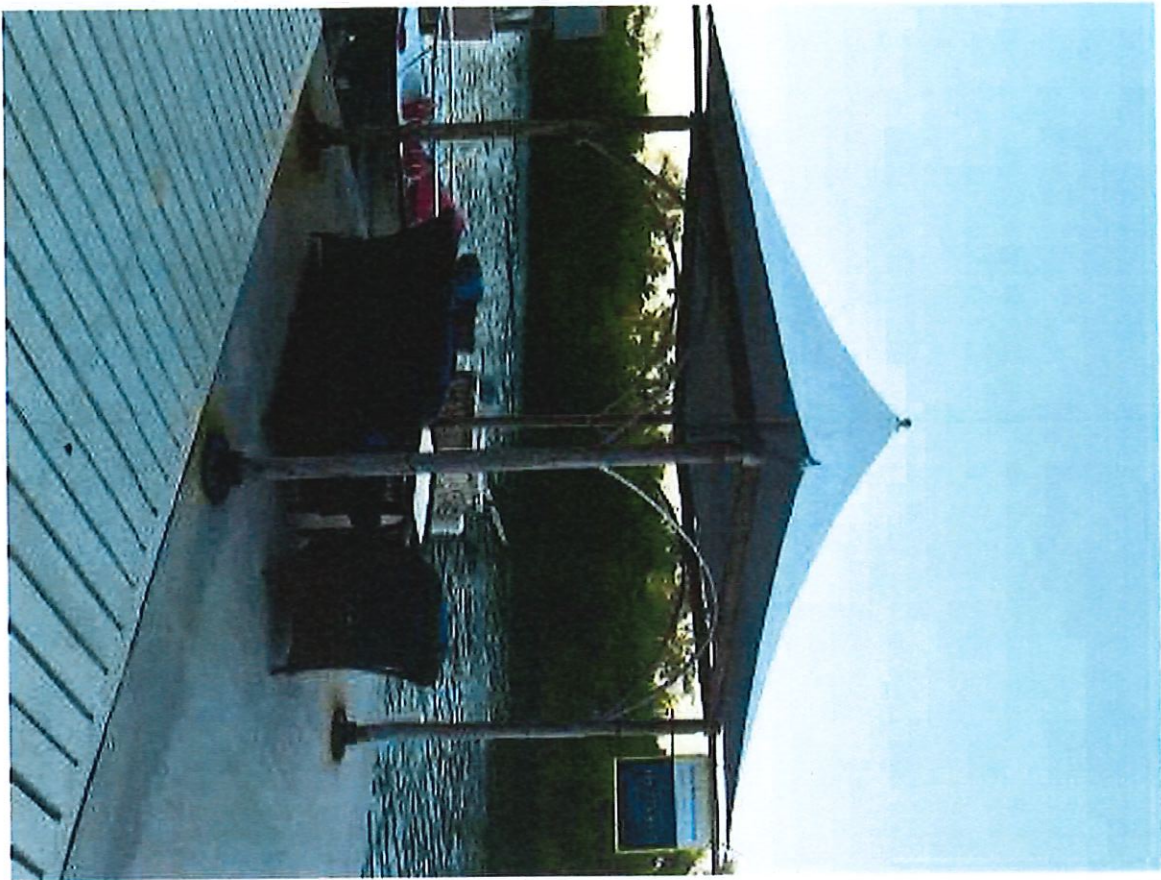
Dated: October 16, 2023

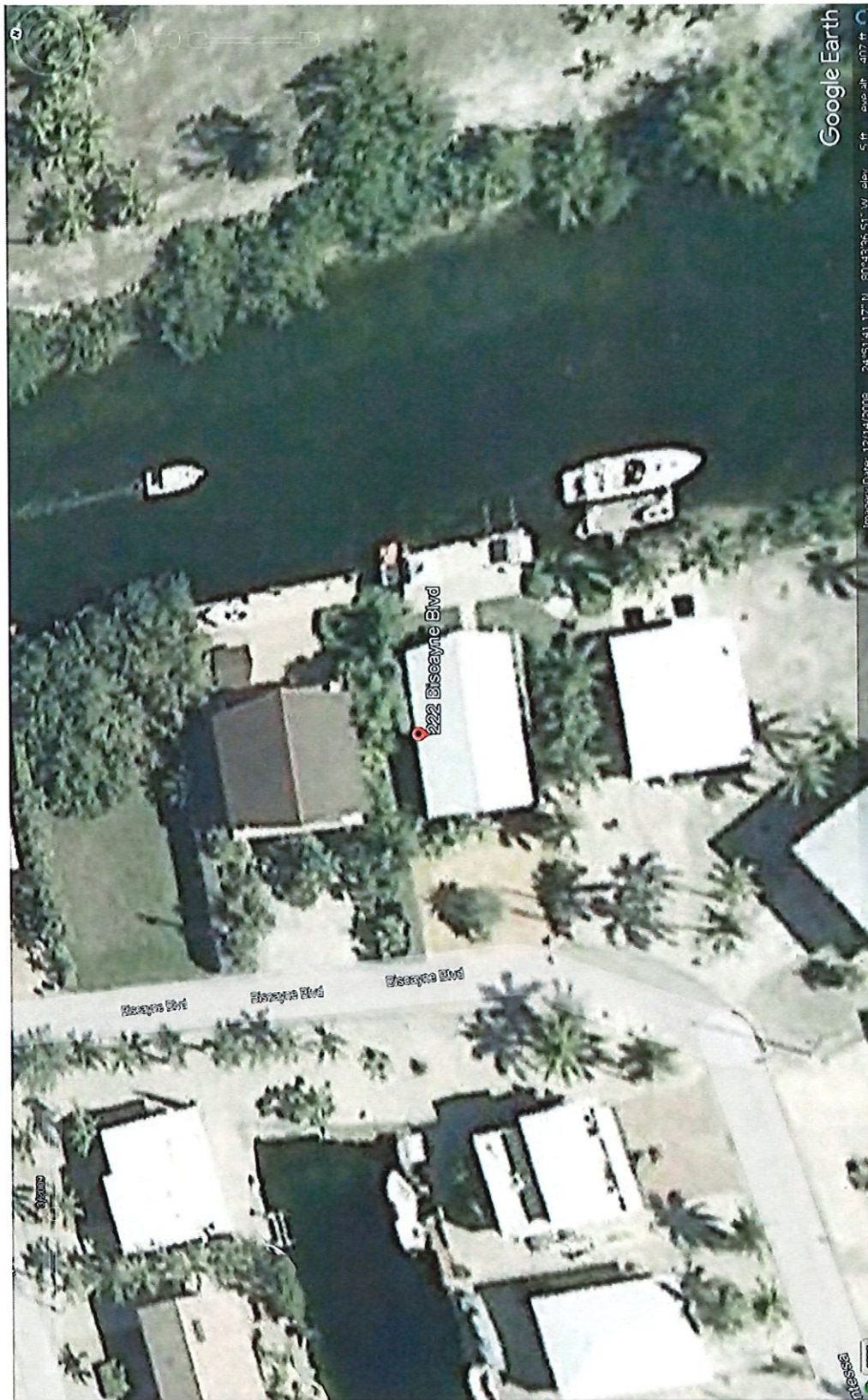
Respectfully Submitted,

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

By: _____


JOANNE M. PEREIRA, ESQ
Florida Bar No. 1015381





222 Biscayne Blvd, Islamorada, FL

Get Directions History

222 Biscayne Blvd

Places

My Places

222 Biscayne Blvd

222 Biscayne Blvd

Temporary Places

Layers

Primary Database

Announcements

Borders and Labels

Places

Photos

Roads

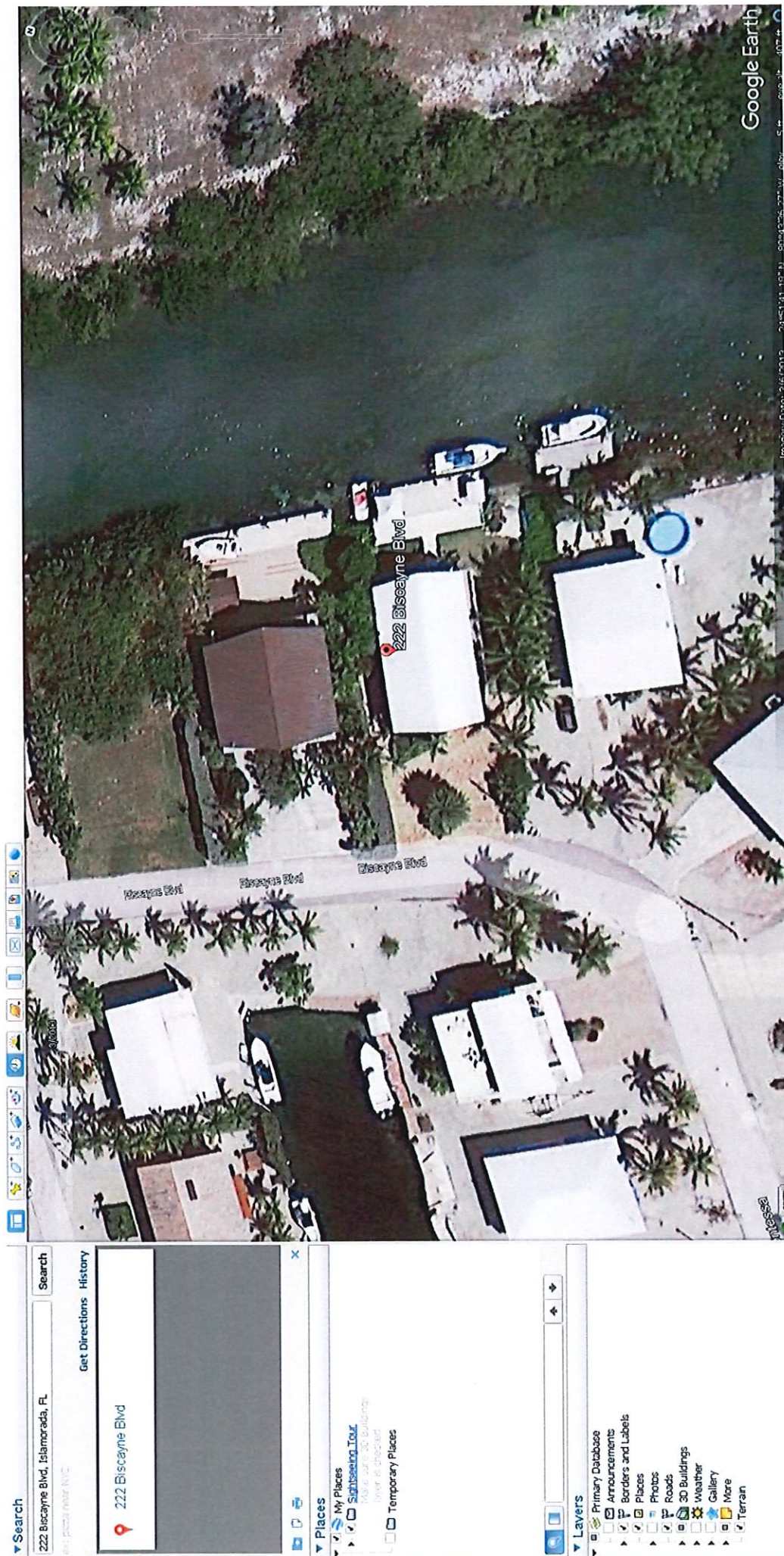
3D Buildings

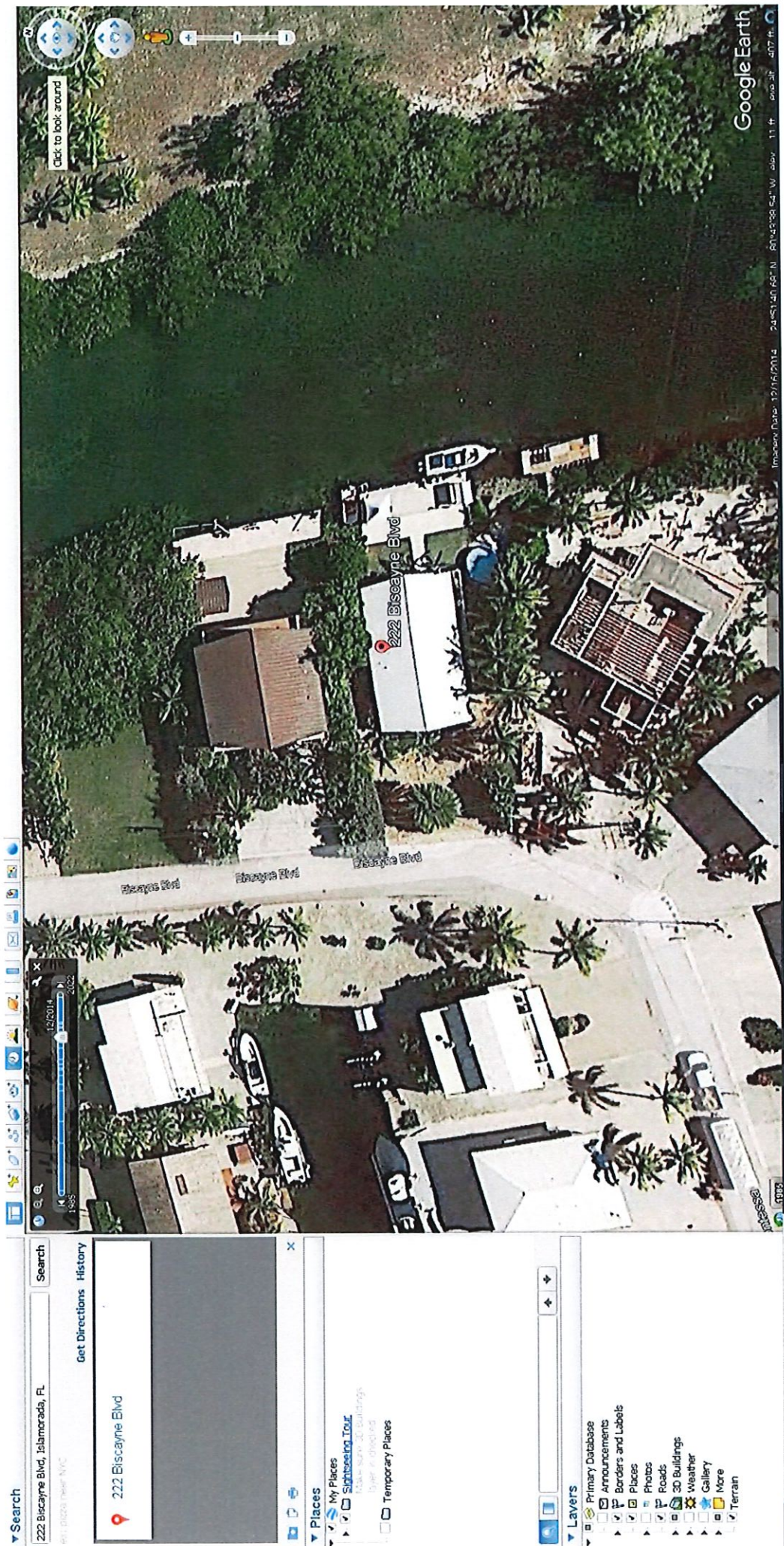
Weather

Gallery

More

Terrain







2



210 Biscayne



206 Biscayne



EXHIBIT

E

Page 56 of 201



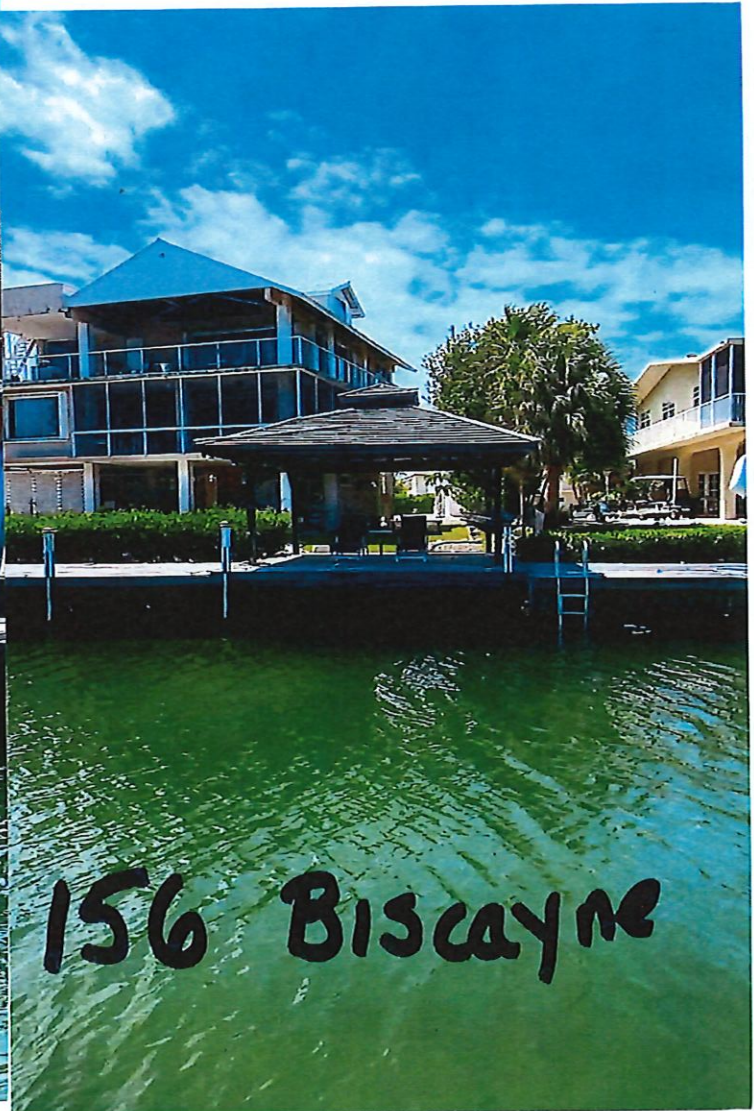
198 Biscayne

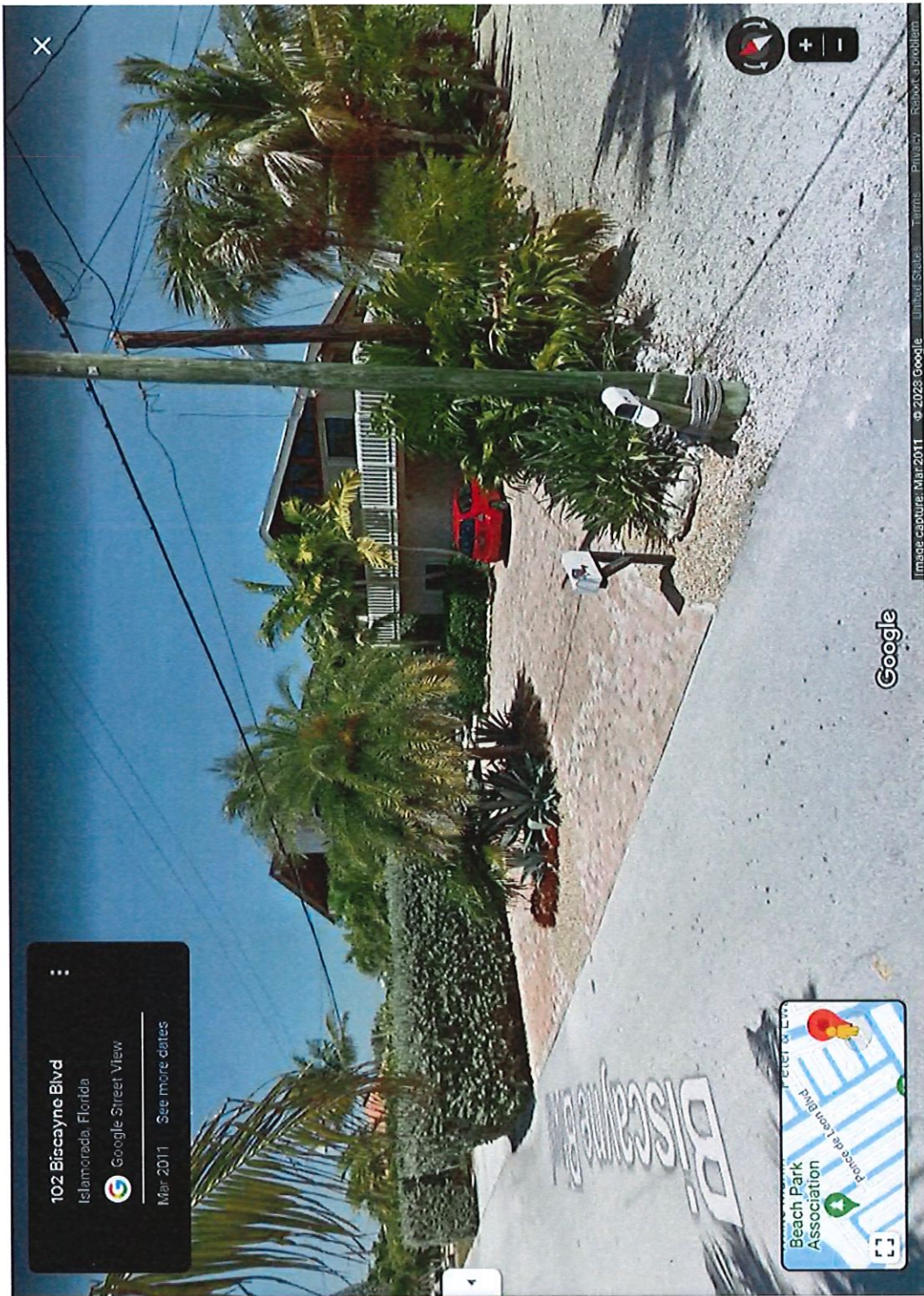


2



2





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

222 Biscayne Blvd

Street View & 360°





AGENT AUTHORIZATION LETTER

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

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

Date: May 4, 2023

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

(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of DARCY PARKER

(Name of Owner or Person Having Contractual Interest)

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

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

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

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

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

Property Owner Signature: [Signature]

Printed Name: Darcy Parker

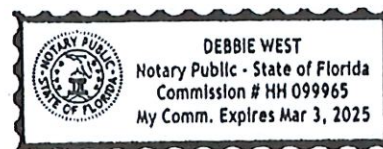
STATE OF Florida

COUNTY OF _____

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

[Signature]
Signature of Notary Public –State of Florida

SEAL:



Personally Known Produced Identification

Type of ID Driver license

AGENT AUTHORIZATION LETTER

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

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

Date: 21/7/4, 2023

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

(Name, Address and Phone Number of Authorized Agent)

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

(Name of Owner or Person Having Contractual Interest)

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

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

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

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

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

Property Owner Signature: F. H. K. [Signature]

Printed Name: Frederick W. Schmid, JR

STATE OF Florida
COUNTY OF Broward

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

Signature of Notary Public –State of Florida

SEAL:



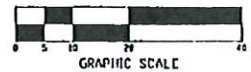
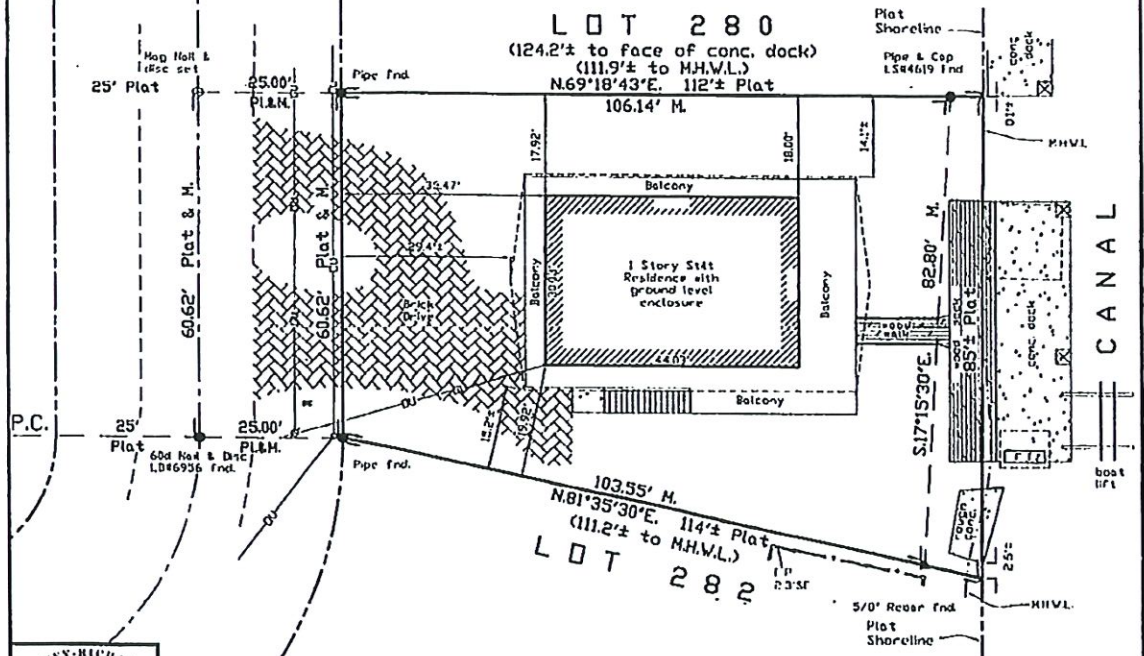
Personally Known ☒ Produced Identification

Type of ID

Florida Driver License

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

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This parcel has a physical address of:
222 Biscayne Blvd., Miami, FL 33038
3. This parcel is in N.F.P., flood zone AE, E1, 7' as shown on F.E.M.A. map dated 12/18/83, revised 2/18/05, and/or is depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-ways, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements and rights-of-way depicted or described on the recorded plot or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plot or description hereon. The bearing base for this survey is denoted thus: (°).
7. Additions or deletions to survey maps/records by other than the signing party/office is prohibited without written consent of the signing party/parties.
8. By his signature and embossed seal, the Florida P.S.M. or P.L.S. signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief:
FREDERICK W. SCHUBB, JR. & DARCY J. PARKER
GREGORY F. GOTTENBUSCH
HORIZON TITLE SERVICES, D.C.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

[illegible]

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

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

Client: Schmid			
Section 21	Township 64	South, Range 36	East
Lower Matecumbe Key		Monroe County, Florida	
Surveyed: 2/16/17		Fieldbook No. 1999	
Drawing No. 14022	Drawn By: AMR Scale: 1" = 20'		

Florida Certificate of Authorization No. LB #7882

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

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

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



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

APPLICATION FOR VARIANCE

Pursuant to Code Chapter 30, Article IV, Division 2

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

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

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

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

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

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

PROPERTY OWNER:

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

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

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

PROPERTY DESCRIPTION:

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

Proposed Use of Property: Residential - Homestead

Application for Variance

PROPOSED VARIANCE:

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

PROPOSED VARIANCE (Continued):

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

List all applications for development permits submitted for the site within the past three (3) years. Please indicate the type of application, name of applicant, date of application and whether the application was approved, denied or withdrawn. PRBLD202100348APPROVED: 03/17/2021 REMOVE OLD WOOD RAILINGS AND REPLACE
PRBLD202100313 APPROVED 03/11/2021 CONCRETE SPALLING OF SLAB AND COLUMN
PRBLD202001612 ABANDONED 12/23/2020 CHICKEE HUT

CRITERIA: No variance shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest. Please describe how the proposed variance meets each standard. Attach additional sheets if necessary.

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

Application for Variance

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

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

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

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

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

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

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

Signature of Applicant

Date

Print Name:

STATE OF

COUNTY OF

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

Signature of Notary Public

SEAL:

☒ Personally Known ☐ Produced Identification

Type of ID



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

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

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

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

Doc# 2113103
 Bkn 2842 Pgn 658

PARCEL ID.: 00394489-008400
ALTERNATE KEY: 1486256

WARRANTY DEED

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

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

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

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

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

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

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

Doc# 2113103
Bk# 2842 Pg# 659

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

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

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

Signed, sealed and delivered
in our presence:

Yessica Cocco
Print Name Yessica Cocco

Craig M. Dome
Print Name Craig M. Dome

Lawrence William Barr
LAWRENCE WILLIAM BARR

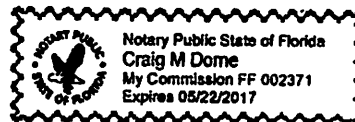
Iliana T. Barr
ILIANA T. BARR

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed Page 2 of 2

Monroe County, FL

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

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

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

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

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

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



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

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

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

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

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

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

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

[View Taxes for this Parcel](#)





2022 TRIM Notice (PDF)

2022 Notices Only

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

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

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

Developed by
 **Schneider**
 GEOSPATIAL

Version 3.1.11



Village of Islamorada Zoning

+

-

Home

Refresh

222 Biscayne Blvd

Show search results for 222 Bi...

BUENA VISTA CT

LISBON CT

PONCE DE LEON BLVD

PORTO VISTA CT

MADEIRA CT

BISCAYNE BLVD

COURT CONTESSA

EL CAPITAN

W PLAZA GRANADA

W PLAZA DEL SOL

W PLAZA DEL LAGO

GULF VIEW DR

NAUTILUS DR

VENETIAN

(1 of 2)

Current Parcels: SCHMID FREDERICK W

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

400ft

-80.736 24.865 Degrees

Monroe County BOCC, Maxar

POWERED BY 



Village of Islamorada Zoning

+

-

Home

Layers

Full Screen

222 Biscayne Blvd

X

Q

Show search results for 222 Bi...

Map

Layers

Full Screen

MADEIRA CT

BISCAYNE BLVD

COURT CONTESSA

SANDY COVE AVE

SAPODILLA

ZA DEL SOL

(1 of 2)

Current Parcels: SCHMID FREDERICK W

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

[Zoom to](#)

...

100ft

-80.730 24.862 Degrees

Monroe County BOCC, Maxar, Microsoft

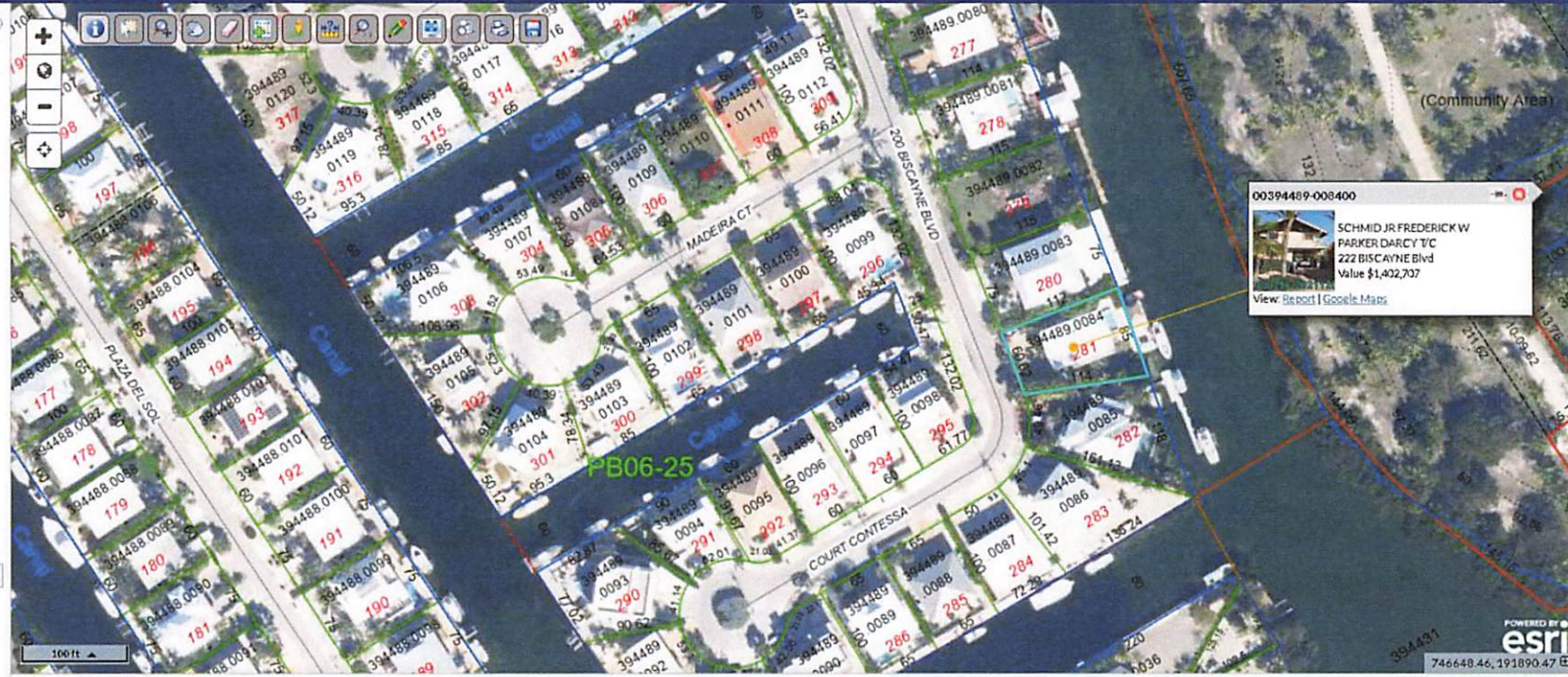
POWERED BY 

- Layer List Legend
- Quick Links:
- Real Property Search
 - Tangible Property Search
 - View Map

- Layers:
- Annotation
 - Buildings
 - Major Roads
 - Centerline
 - Easements
 - Hooks
 - Lot Lines
 - Road Center
 - Rights of Way
 - Section Lines
 - Shoreline
 - Condo Building
 - Qualified Condo Sales
 - Qualified Parcel Sales
 - Conservation Easement
 - Key Names
 - Subdivisions
 - Parcels

- Personal Property
- Section Poly
 - County Outline
 - 2022 Aerial Photography
 - 2021 Aerial Photography
 - 2018 Aerial Photography
 - 2015 Aerial Photography
 - 2012 Aerial Photography

Restore Layer Defaults



Parcel ID	00394489-008400	Alternate ID	1486256	Owner Address	SCHMID JR FREDERICK W
Sec/Twp/Rng	21/64/36	Class	SINGLE FAMILY RESID		1630 SE 14th St
Property Address	222 BISCAYNE Blvd				Ft Lauderdale, FL 33316
	LOWER MATECUMBE KEY				
District	50VI				
Brief Tax	LT 281 PORT ANTIGUA PLAT NO 5-6 PB6-25 OR563-1055 OR756-1468 OR793-1694 OR797-2041 OR829-1405 OR844-875 OR872-920Q/C OR875-2226 OR984-984 OR1043-17 OR1068-1904 OR1069-2204RS OR2072-1180Q/C OR2072-1181 OR2262-2129C				
Description	OR2262-2130 OR2842-658/59				
	(note: Not to be used on legal documents)				

Results:

Parcel ID - 00394489-008400
Alt Id - 1486256
Address - 222 BISCAYNE Blvd
Owner - SCHMID JR FREDERICK W
PARKER DARCY T/C
View Report | Google Maps

00394489-008400

SCHMID JR FREDERICK W
PARKER DARCY T/C
222 BISCAYNE Blvd
Value \$1,402,707

View Report | Google Maps

Saved

Recents

222 Biscayne...

222 Biscayne Blvd, Islamorada, FL

222 Biscayne Blvd

Building

Directions

Save

Nearby

Send to phone

Share

222 Biscayne Blvd, Islamorada, FL 33036

Suggest an edit on 222 Biscayne Blvd

Add a missing place

Add your business

Add a label

Photos

Restaurants

Hotels

Things to do

Transit

Parking

Pharmacies

ATMs

Costa Bravo Dr

Buena Vista Ct

Lisbon Ct

Biscayne Blvd

Sandy Cove Ave

Sandyville Dr

Costa Bravo Dr

Ponce de Leon Blvd

W Plaza Del Sol

W Plaza Del Sol

W Plaza Garaca

Porto Vista Ct

Madera Ct

Biscayne Blvd

Sandy Cove Ave

Sandyville Dr

El Capitan Dr

Gulfview Dr

Nadulus Dr

Mr. Steam

Port Antigua Property Owners Association

Tiki Huts

White Marlin Beach Park Association

Capt. Chuck Brodzki

Curt-A-Sea Charters

Hooligan Sportfishing

Bay Harbour Condominium

LoKation Real Estate, Peter & Ewa Schwarz

Casa Rio Islamorada

Lokey Estate

Layers

Google

Map data ©2023

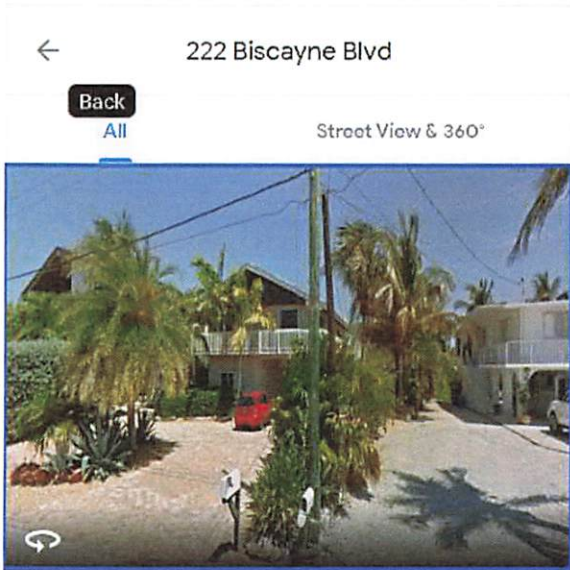
United States

Terms

Privacy

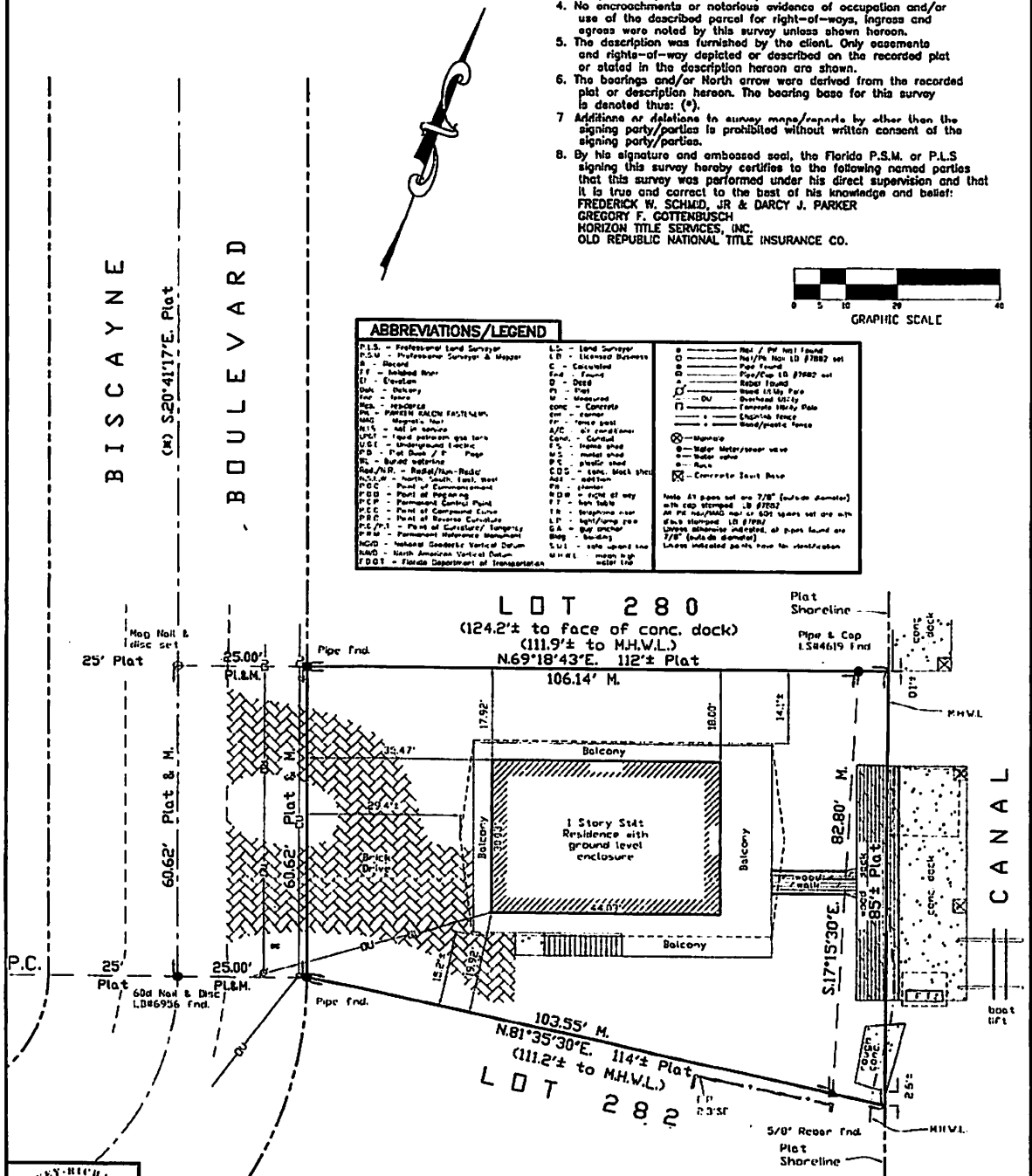
Send feedback

200 ft



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

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



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

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

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

Client: Schmid

Florida Certificate of Authorization No. LB #7882

Section 21 Township 64 South, Range 36 East

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

Lower Matecumbe Key Monroe County, Florida

Surveyed: 2/16/17 Fieldbook No. 199

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

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

APPLICATION FOR SETBACK VARIANCE

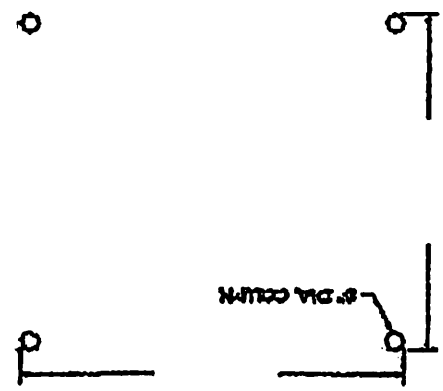
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

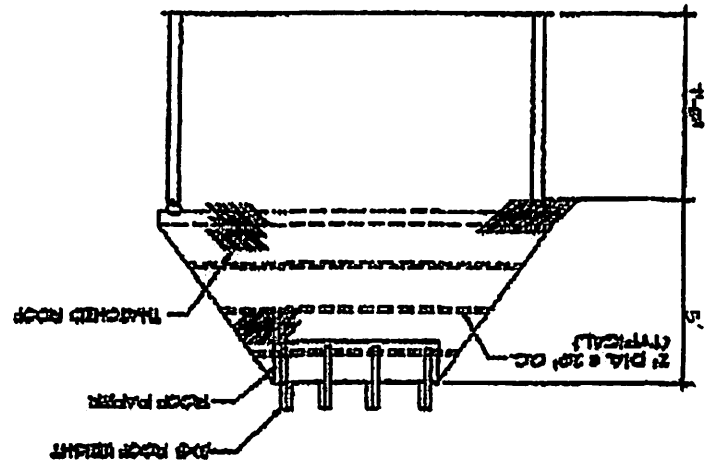
RE No.: 00394489-008400

TIKI-HUT PLANS

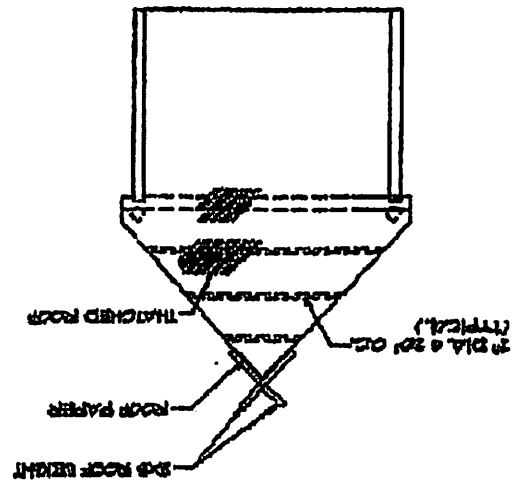
FLOOR PLAN
SCALE 1/4" = 1'-0"

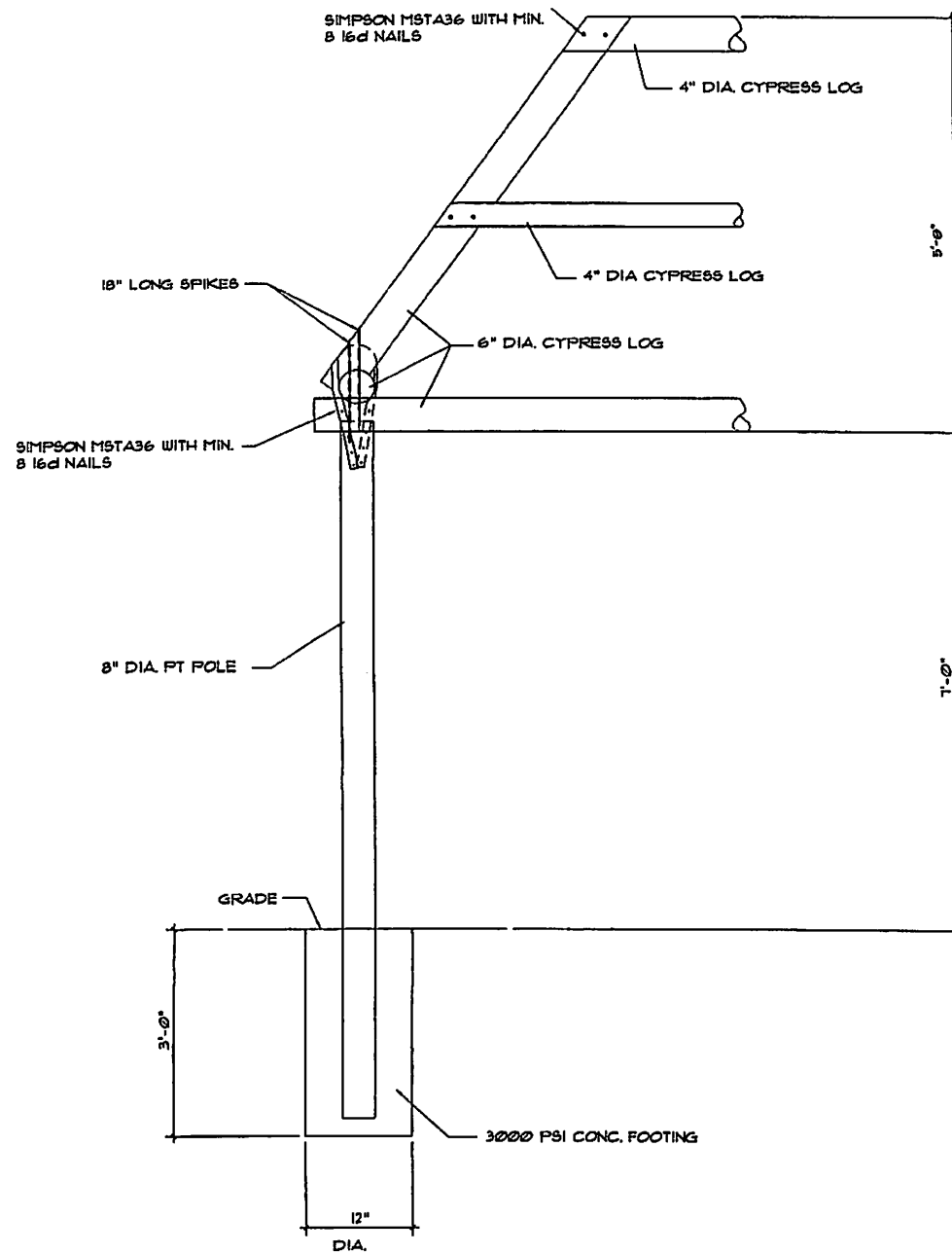


FRONT ELEVATION



SIDE ELEVATION





APPLICATION FOR SETBACK VARIANCE

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

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

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



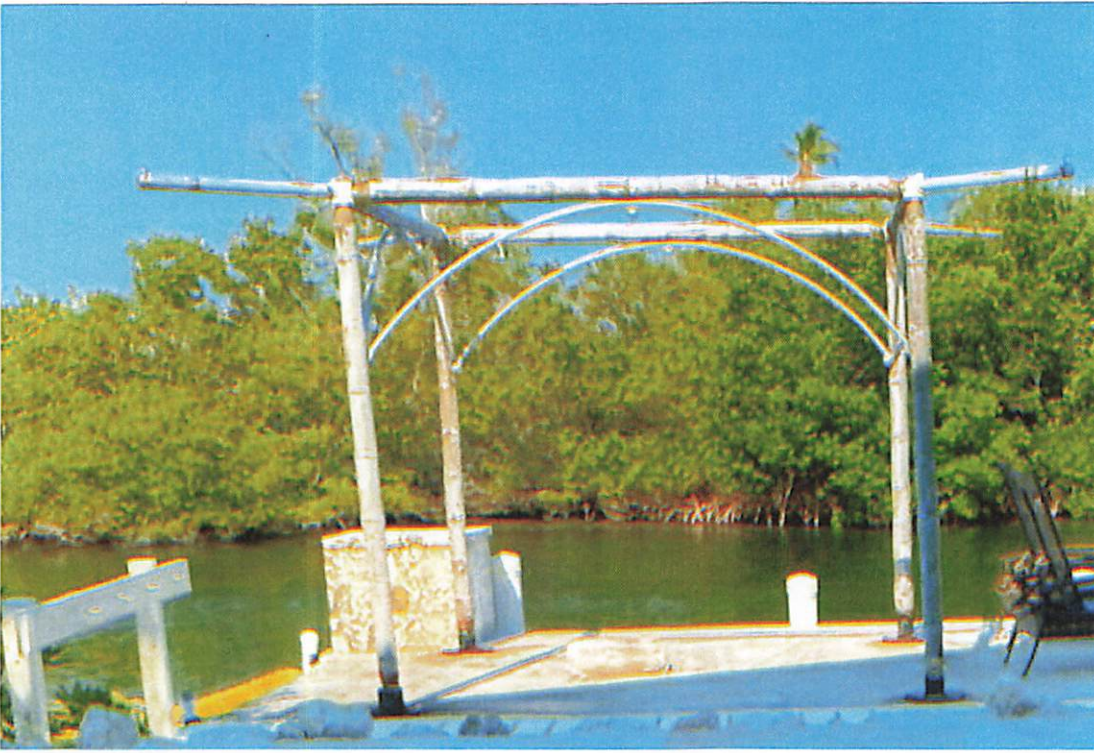
APPLICATION FOR SETBACK VARIANCE

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

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

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



APPLICATION FOR SETBACK VARIANCE

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

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

PHOTO OF TIKI-HUT



APPLICATION FOR SETBACK VARIANCE

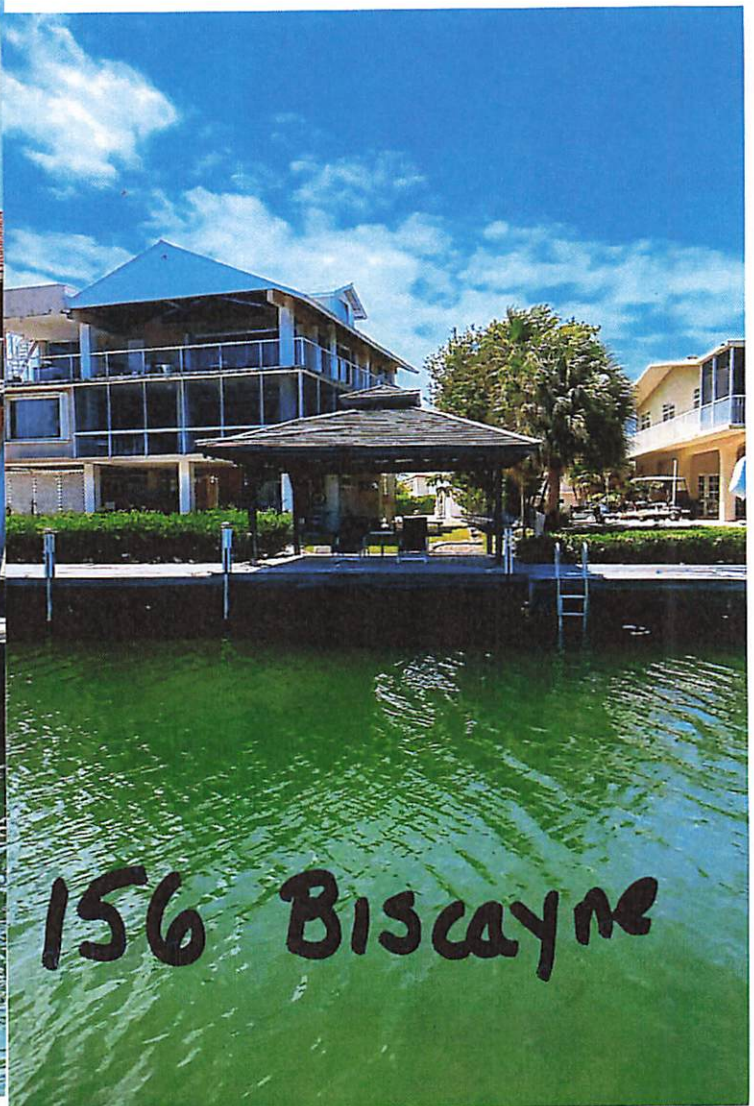
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

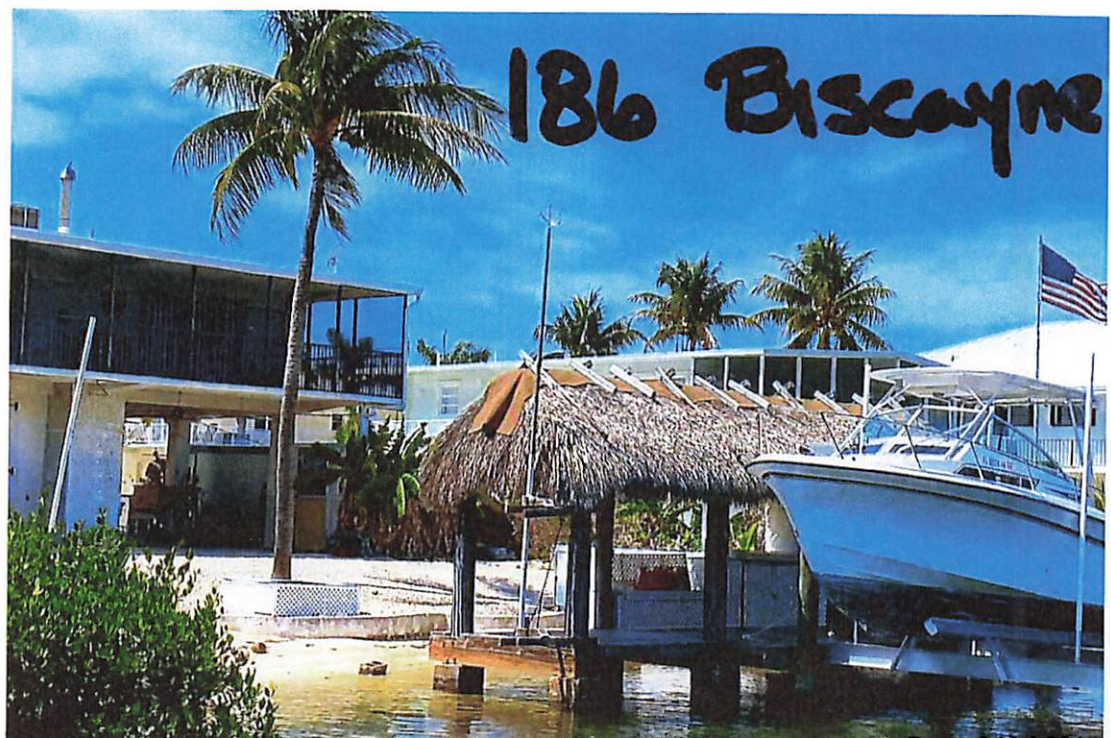
PHOTOS OF NEIGHBOR PROPERTIES WITH SIMILAR
STRUCTURES (ALSO ZONED: R1 & FLUM:RM)

7



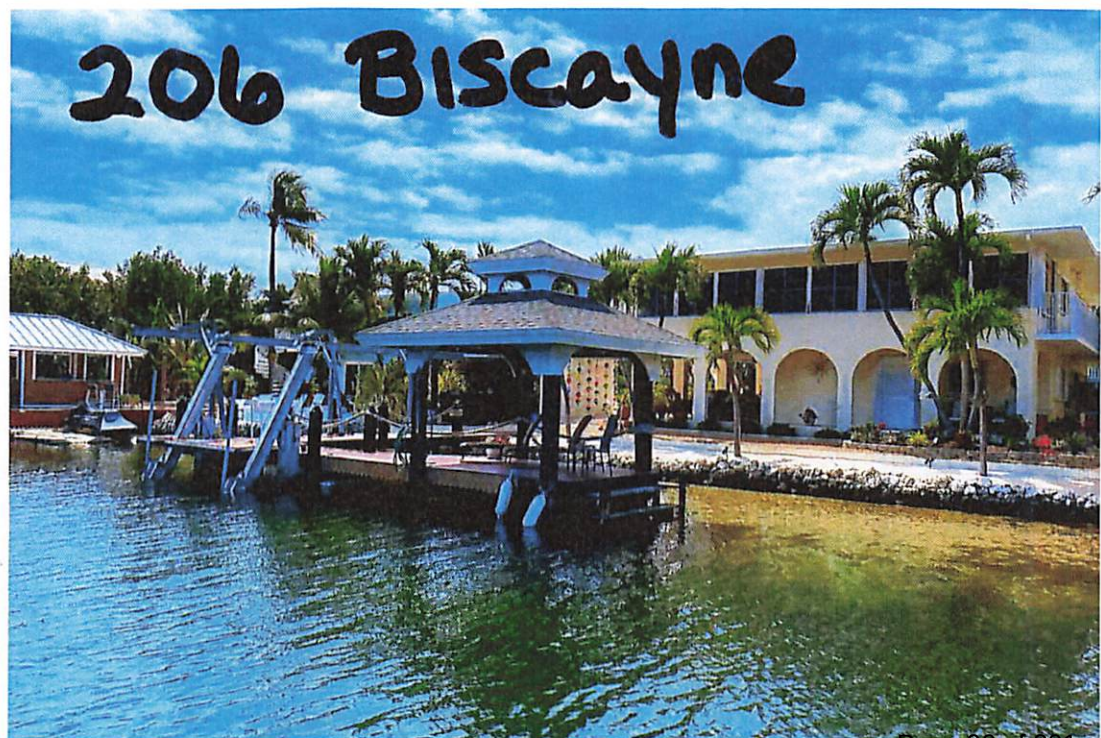
12







198 Biscayne



APPLICATION FOR SETBACK VARIANCE

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

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

HISTORIC AERIAL PHOTO SHOWING EXISTENCE OF SIMILAR
STRUCTURE

(Year: 2009)



APPLICATION FOR SETBACK VARIANCE

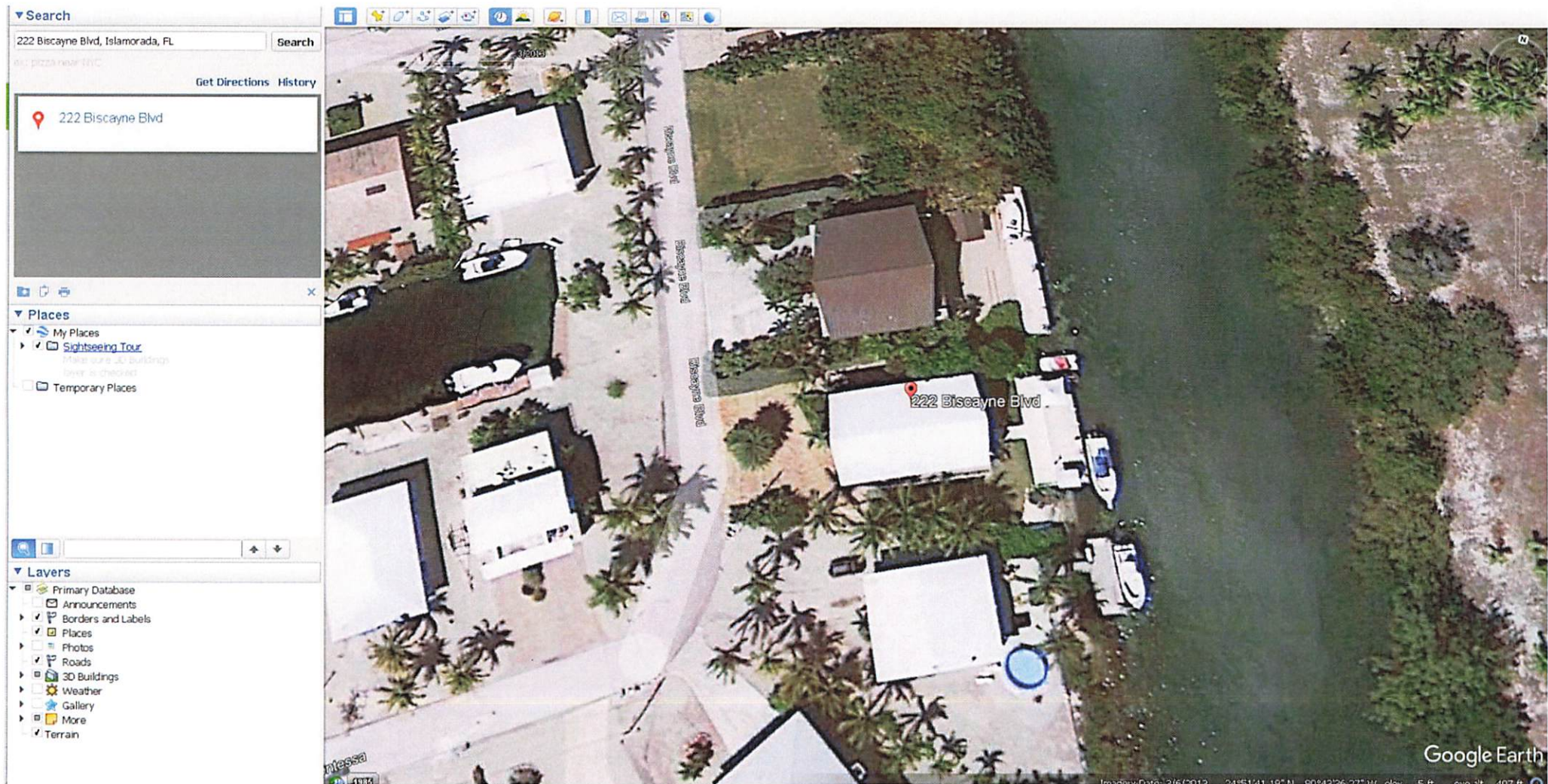
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

HISTORIC AERIAL PHOTO SHOWING EXISTENCE OF SIMILAR
STRUCTURE

(Year: 2013)



APPLICATION FOR SETBACK VARIANCE

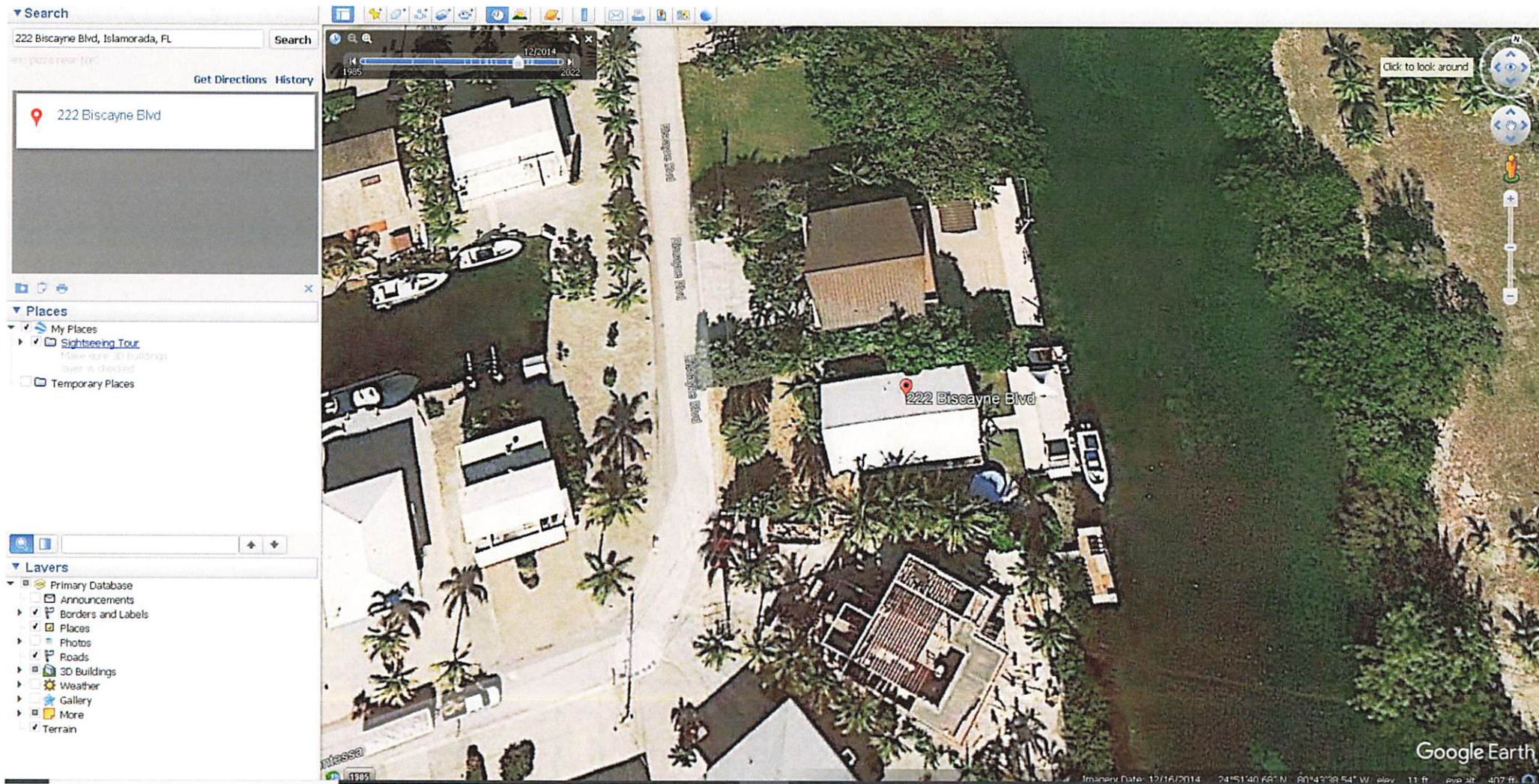
Applicant: Joanne Marie Pereira as agent of **Frederick Schmid Jr. and Darcy Parker**

Property: 222 Biscayne Blvd, Lower Matecumbe

RE No.: 00394489-008400

HISTORIC AERIAL PHOTO SHOWING EXISTENCE OF SIMILAR
STRUCTURE

(Year: 2014)



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

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

www.HLYlaw.com

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

June 13, 2023

Via FedEx

Tracking #: 7724 3537 8135

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

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

Dear Sir or Madam,

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

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

Respectfully,



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



AGENT AUTHORIZATION LETTER

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

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

Date: May 4, 2023

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

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

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

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

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

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

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

Property Owner Signature: [Signature]

Printed Name: Darcy Parker

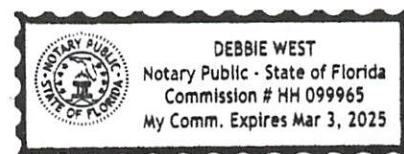
STATE OF Florida

COUNTY OF _____

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

[Signature]
Signature of Notary Public - State of Florida

SEAL:



Personally Known Produced Identification Type of ID Driver license



AGENT AUTHORIZATION LETTER

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

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

Date: May 4, 2023

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

(Name, Address and Phone Number of Authorized Agent)

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

(Name of Owner or Person Having Contractual Interest)

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

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

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

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

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

Property Owner Signature: [Signature]

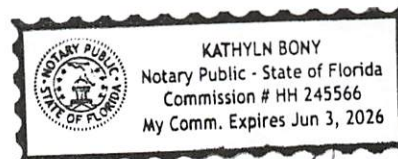
Printed Name: Frederick W. Schmid, JR

STATE OF Florida
COUNTY OF Broward

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

[Signature]
Signature of Notary Public - State of Florida

SEAL:



Personally Known ☒ Produced Identification

Type of ID Florida Driver License

Notice of Incomplete Application

RE: PLVAR20230083

222 BISCAYNE BLVD

Dear Applicant,

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

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

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

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

Thank You,



Jennifer DeBoisbriand

Planning Director

86800 Overseas Highway

Islamorada, FL 33036

Telephone:

E-mail: jennifer.deboisbriand@islamorada.fl.us

RECEIPT OF PAYMENT

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

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

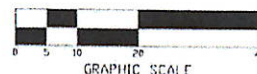
Amount Tendered: \$2,000.00
Change / Overage: \$0.00
Contact: Frederick W. Schmid, Address:1630 SE 14 STREET

FEE DETAILS:

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

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

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This parcel has a physical address of:
222 Biscayne Blvd., Islamorada, FL 33036
3. This parcel is in N.F.I.P., flood zone AE, El. 7' as shown on F.E.M.A. map panel #012087C1201, revised 2/18/05, and/or is depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-way, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements and rights-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plat or description hereon. The bearing base for this survey is denoted thus: (*).
7. ~~Additional or duplicate~~ *Additional or duplicate* survey maps/reports by other than the signing party/parties is prohibited without written consent of the signing party/parties.
8. By his signature and embossed seal, the Florida P.S.M. or P.L.S. signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief:
FREDERICK W. SCHMID, JR. & DARCY J. PARKER
GREGORY F. GOTTENBUSCH
HORIZON TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

[illegible]

MASSEY-RICHARDS
SURVEYING & MAPPING, LLC

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

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

Florida Certificate of Authorization No. LB #7882

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

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

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



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

July 18, 2023

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

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

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

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

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

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

Sincerely,

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

Jennifer DeBoisbriand
Planning Director

USPS TRACKING#



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

9590 9402 8015 2305 3089 93

**United States
Postal Service**

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

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



SENDER: COMPLETE THIS SECTION

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

1 Article Addressed to:

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



9590 9402 8015 2305 3089 93

7022 2410 0002 9517 9496

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/2/23

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

3. Service Type

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

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

Collect on Delivery Restricted Delivery

Registered Mail

Registered Mail Restricted Delivery

(over \$500)

Page 111 of 201

Domestic Return Receipt

RECEIPT OF PAYMENT

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

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

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

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

FEE DETAILS:

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

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

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

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

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

Doc# 2113103
 Bk# 2842 Pg# 658

PARCEL ID.: 00394489-008400
 ALTERNATE KEY: 1486256

WARRANTY DEED

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

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

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

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

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

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

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

Doc# 2113103
Bk# 2842 Pg# 659

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

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

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

Signed, sealed and delivered
in our presence:

Yessica Coca
Print Name Yessica Coca

Craig M. Dome
Print Name Craig M. Dome

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed Page 2 of 2

Monroe County, FL

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

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

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

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

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

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



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

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

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

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

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

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



2022 Notices Only

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

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

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Version 3.1.11

APPEAL TO THE ISLAMORADA VILLAGE OF ISLANDS COUNCIL

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

STATEMENT OF APPEAL AND INITIAL BRIEF

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

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

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

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

PROPERTY HISTORY

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

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

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

2009, 2013 and 2014

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

March 1, 2017

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

September 10, 2017

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

October 21, 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

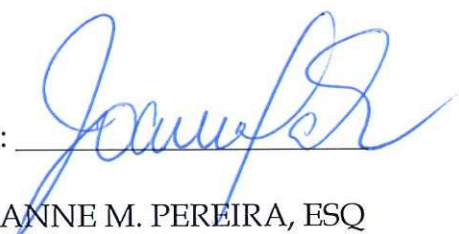
A structure has been in place since at least 2009, as shown in the historic photos. Appellants only sought to replace a structure that was destroyed by Hurricane Irma. During the time Hurricane Irma struck and thereafter, Applicant **Frederick W. Schmid** was battling cancer, which is why Applicants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

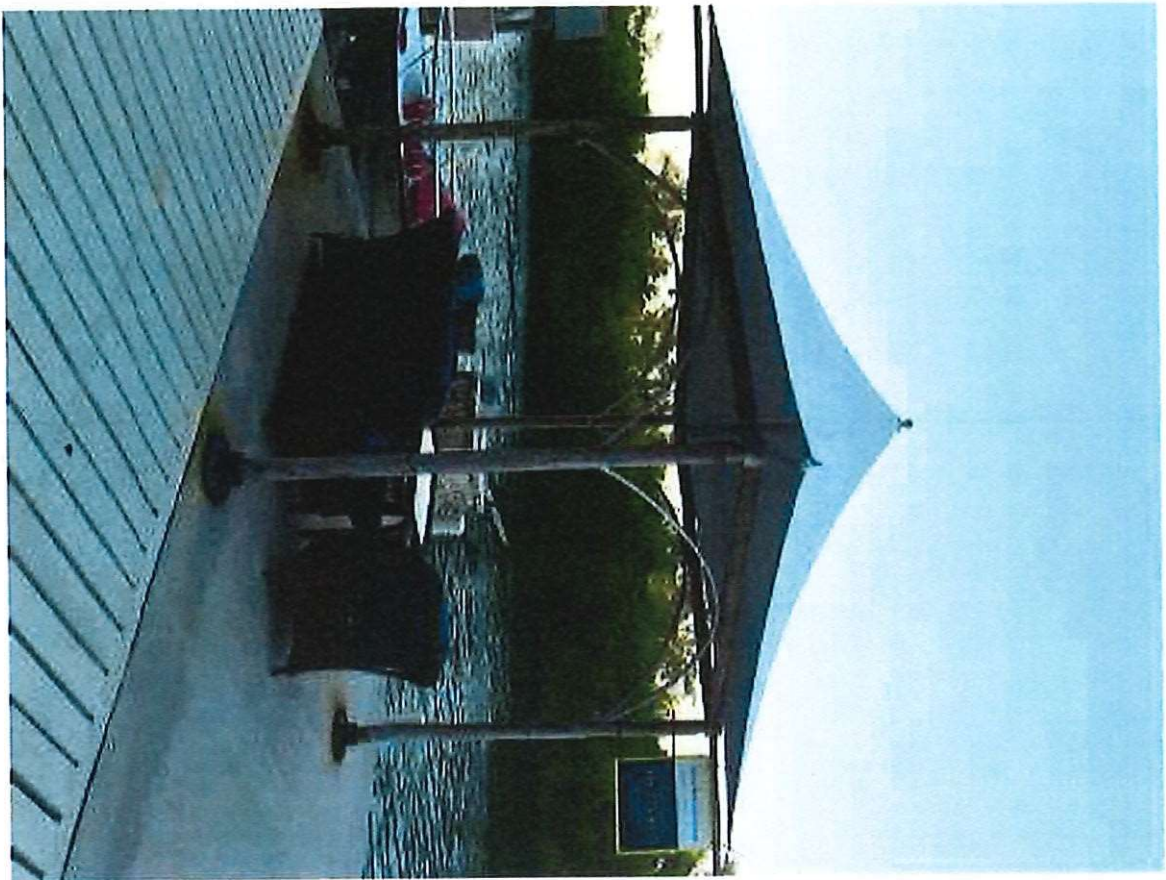
Dated: October 16, 2023

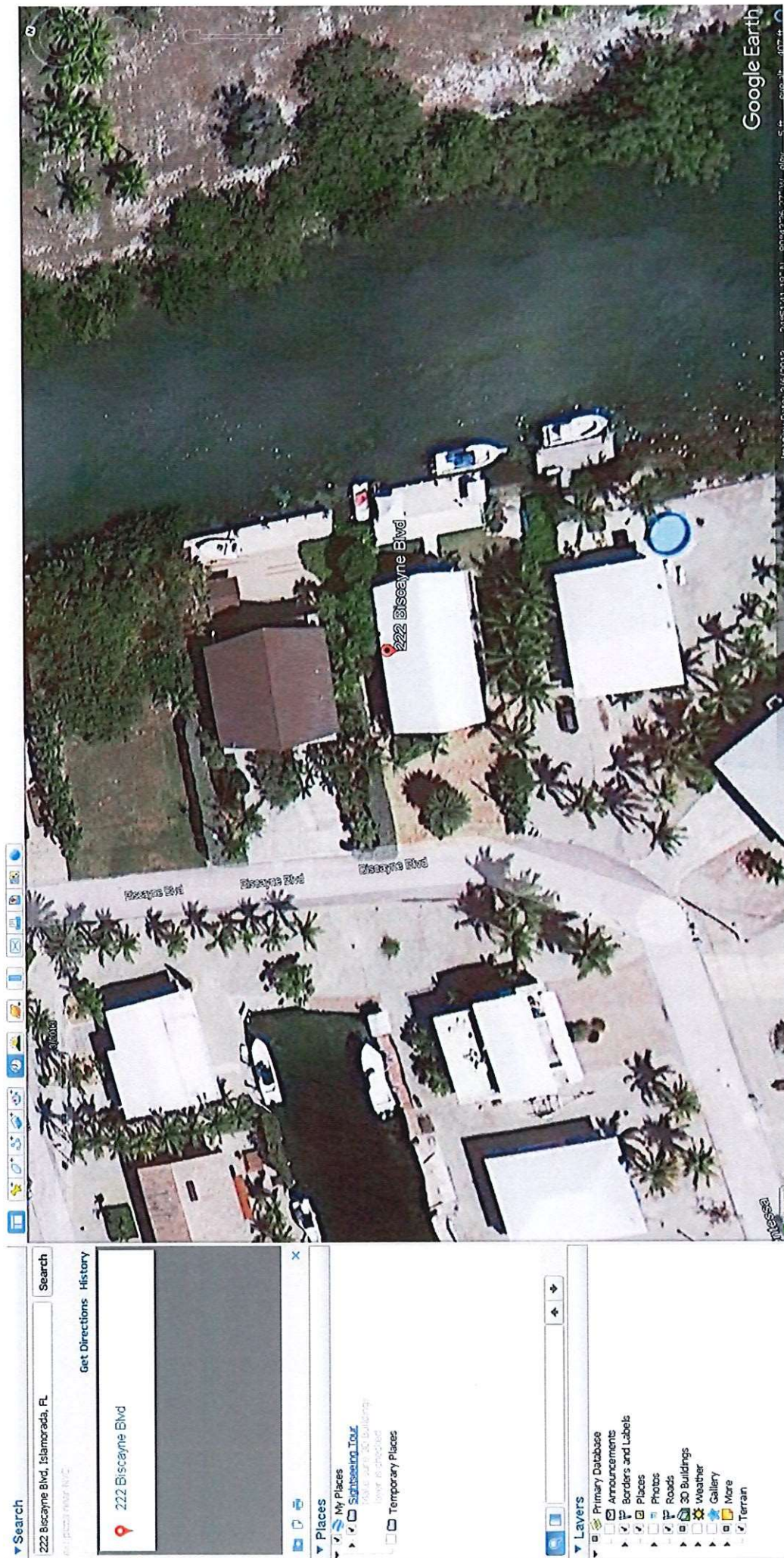
Respectfully Submitted,

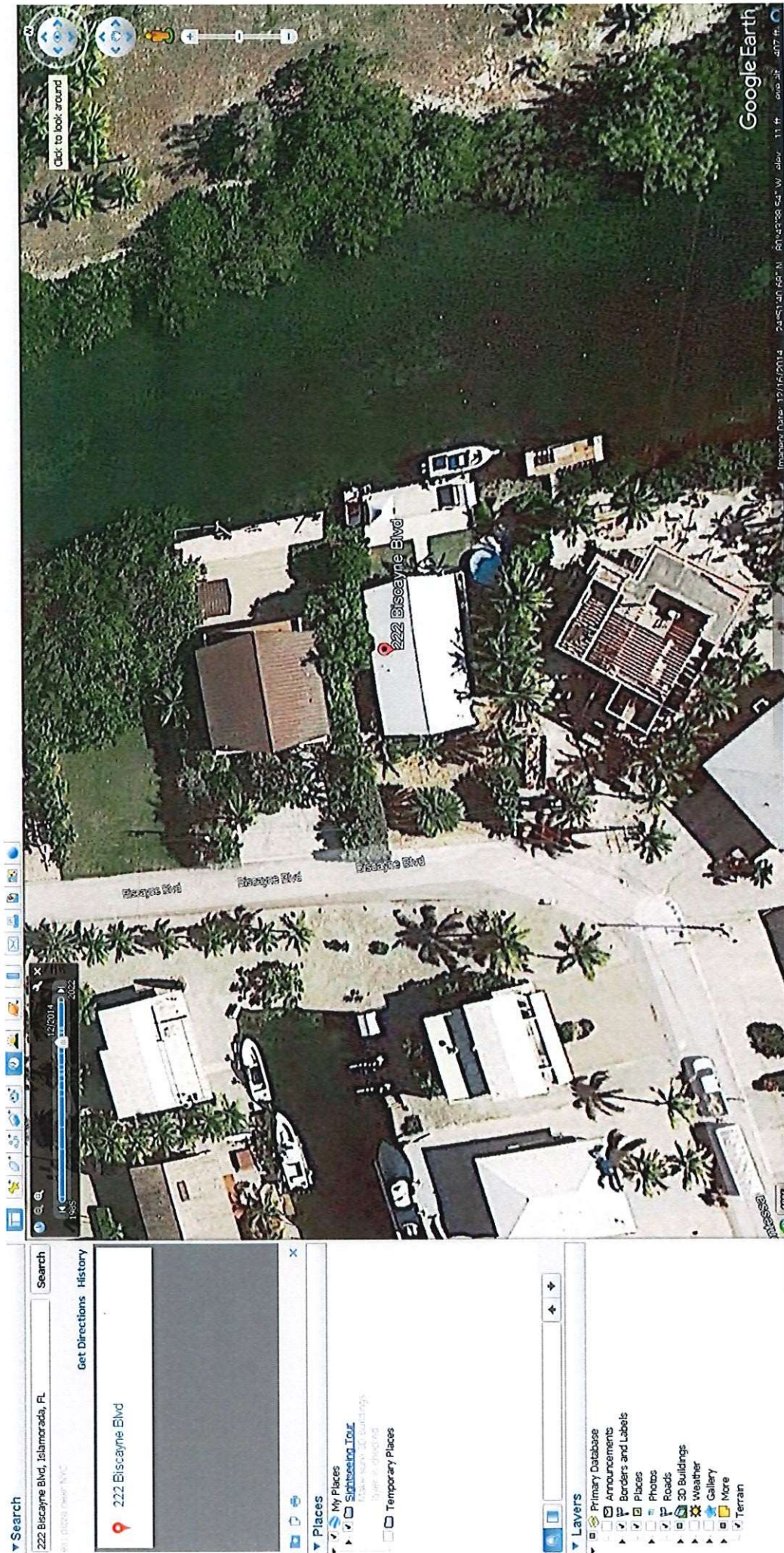
Hershoff, Lupino & Yagel, LLP
Attorneys for Petitioners
90130 Old Highway
Tavernier, FL 33070
(305) 852-8440 B Tel
(305) 852-8848 B Fax

By: _____


JOANNE M. PEREIRA, ESQ
Florida Bar No. 1015381









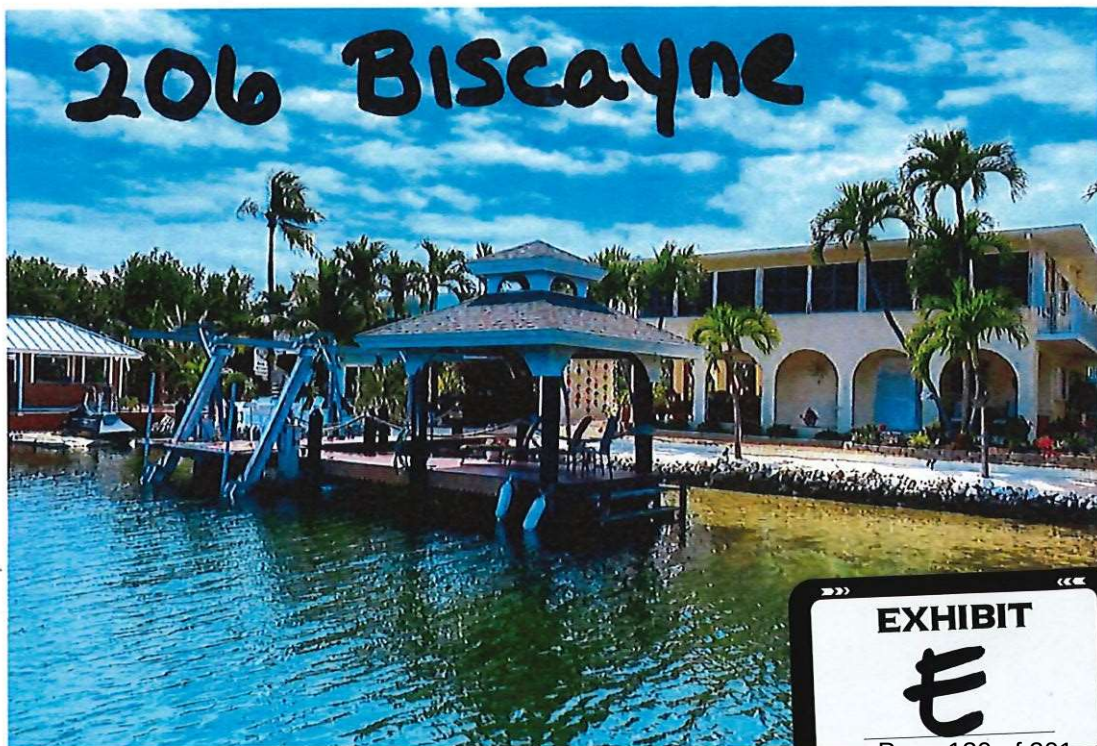
2



210 Biscayne



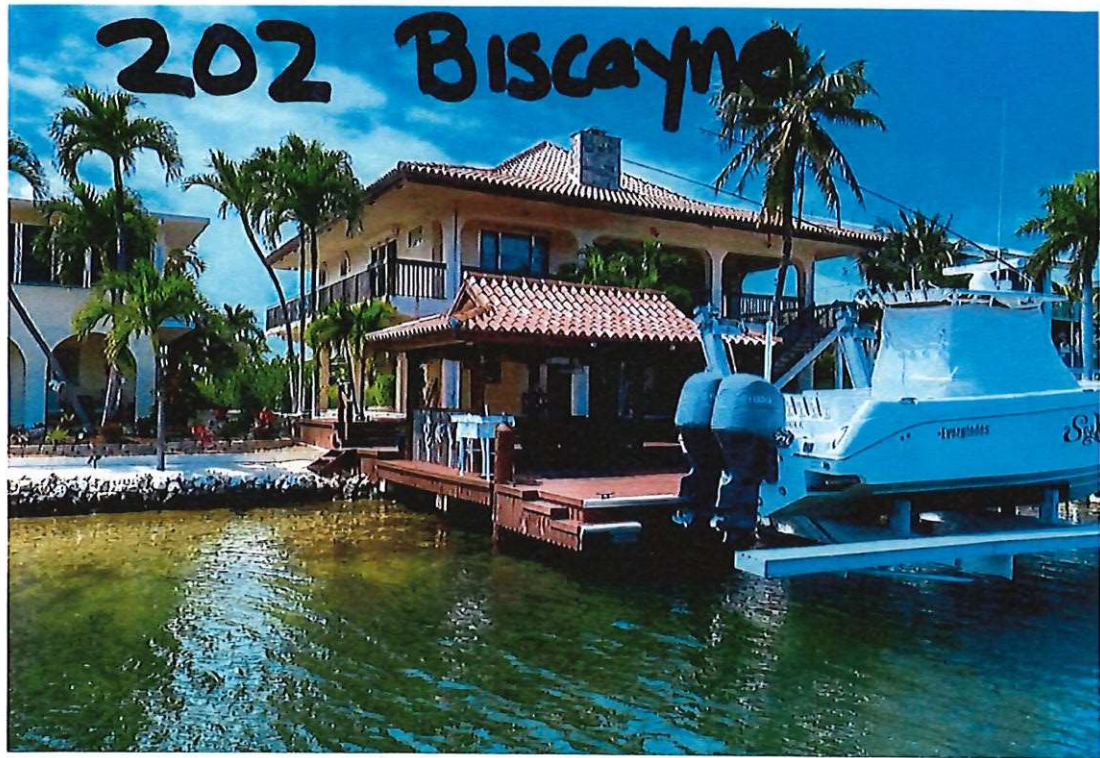
206 Biscayne

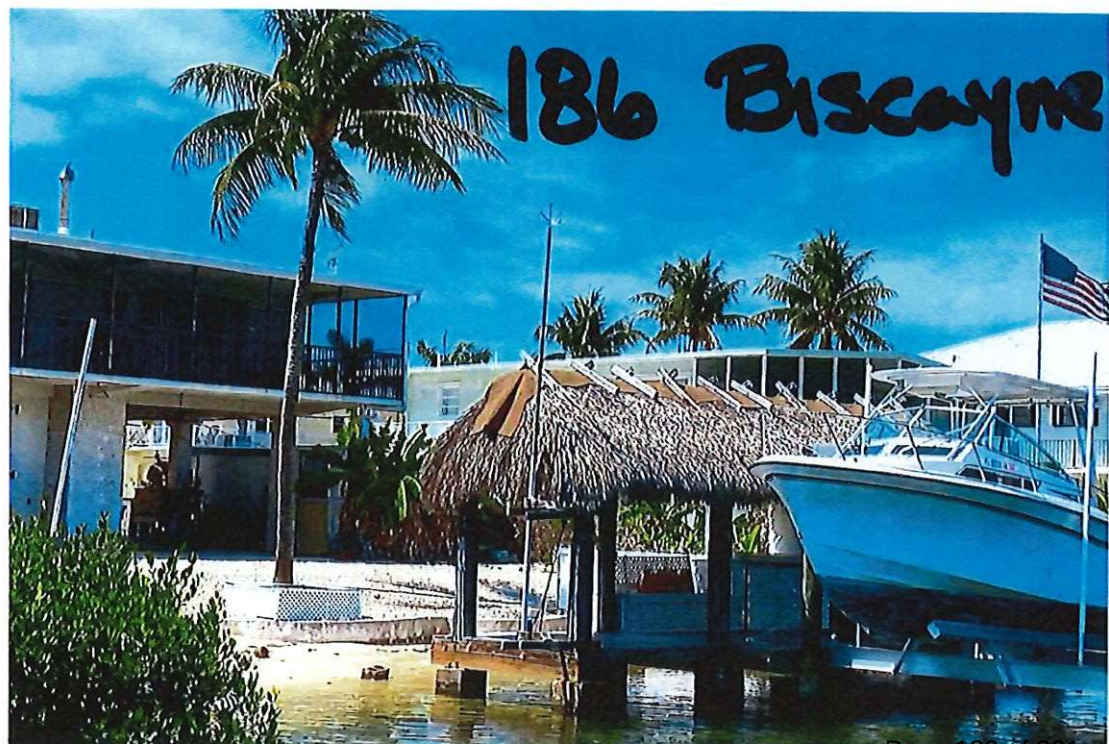


EXHIBIT

E

Page 120 of 201

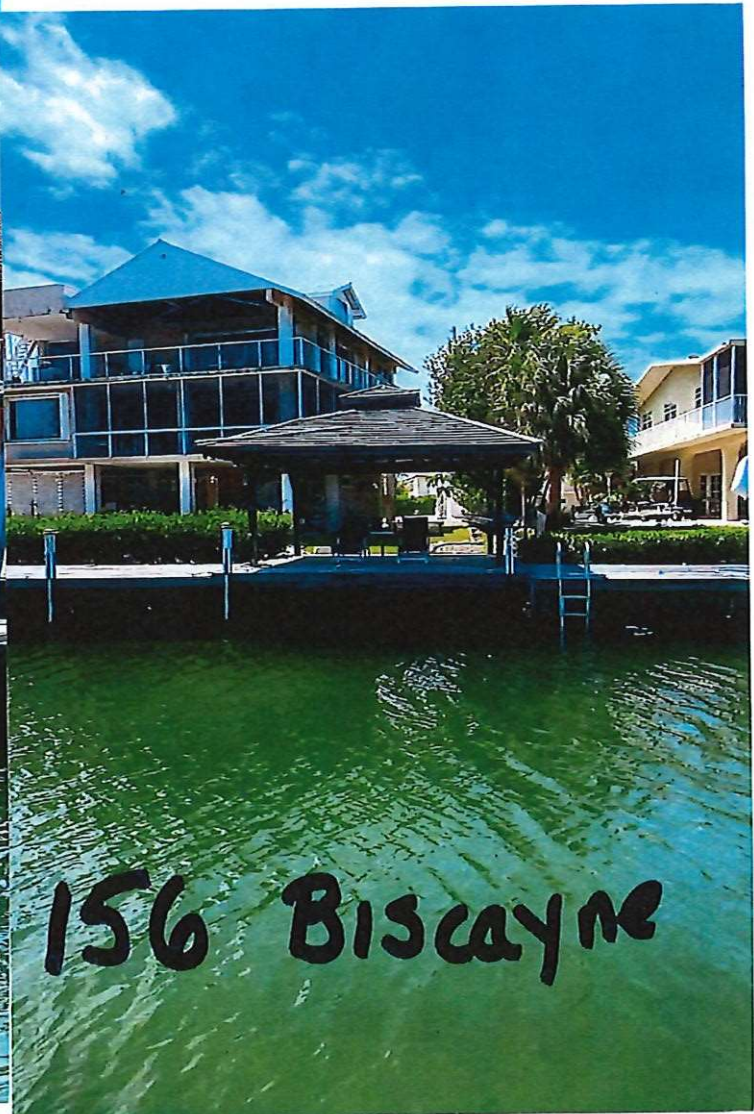


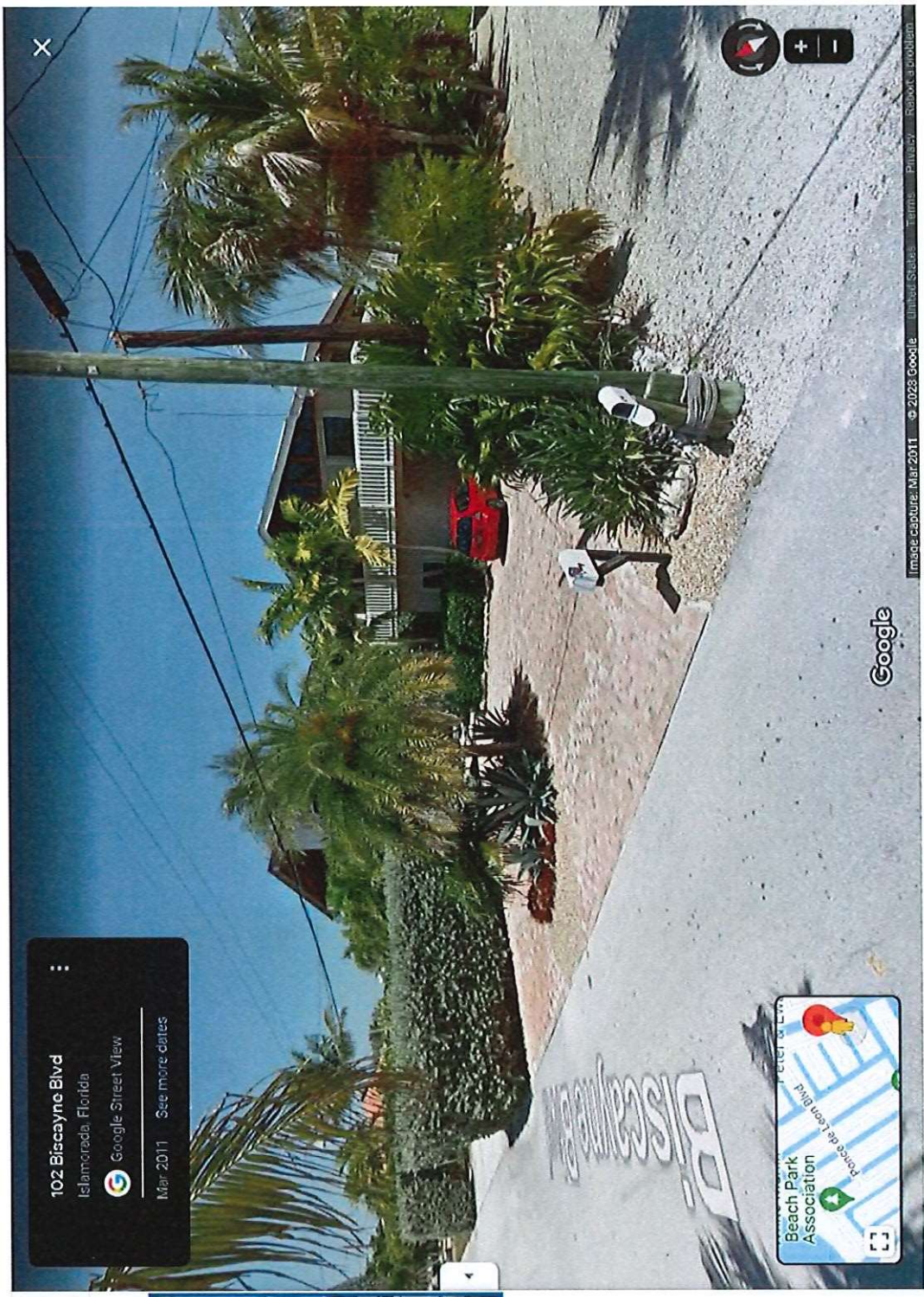


2



1





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

←

222 Biscayne Blvd

Back

All

Street View & 360°





Islamorada, Village of Islands Planning & Development Services

86800 Overseas Highway, Islamorada, FL 33036

T: 305-664-6400, F: 305-664-6467

APPLICATION FOR ADMINISTRATIVE APPEAL

Pursuant to Code Chapter 30, Article IV, Division 4

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

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

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

APPELLANT:

Name: Frederick W. Schmid and Darcy Parker

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

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

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

Name: Joanne Marie Pereira, Esq.

Mailing Address: 88539 Overseas Highway, Tavernier FL 33070

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

PROPERTY OWNER:

Name: Frederick W. Schmid and Darcy Parker

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

Primary Phone: 305-852-8440

Fax: 305-852-8848

Email: jpereira@hlylaw.com

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

Physical Address: 222 Biscayne Blvd. Lower Matecumbe Key

Mile Marker: _____

Lot: 281

Block: Port antigua

Subdivision: _____

☐ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☒ Lower Matecumbe Key

Real Estate (RE) Number: 00394489-008400

Alternate Key: 1486256

Zoning District: R1M

Future Land Use Category: RM

Application for Administrative Appeal

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

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

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

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

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

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

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

Signature of Applicant

Date

Print Name:

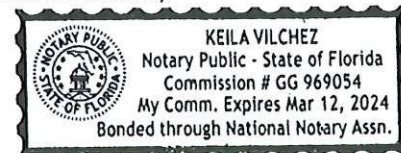
STATE OF

COUNTY OF

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

Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID



AGENT AUTHORIZATION LETTER

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

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

Date: May 4, 2023

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

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

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

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

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

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

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

Property Owner Signature: [Signature]

Printed Name: Darcy Parker

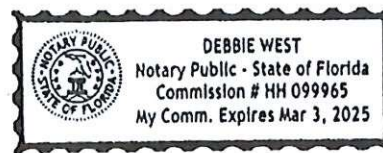
STATE OF Florida

COUNTY OF _____

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

[Signature]
Signature of Notary Public –State of Florida

SEAL:



Personally Known Produced Identification Type of ID Driver license



AGENT AUTHORIZATION LETTER

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

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

Date: 7/16 / 4, 2023

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

(Name, Address and Phone Number of Authorized Agent)

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

(Name of Owner or Person Having Contractual Interest)

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

Application for Variance

(Project Name / Application Type)

Property Address: 222 BISCAYNE Blvd, LOWER MATECUMBE KEY

Real Estate Number(s): 00394489-008400

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

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

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

Property Owner Signature: [Signature]

Printed Name: FREDERICK W. SCHMID, JR

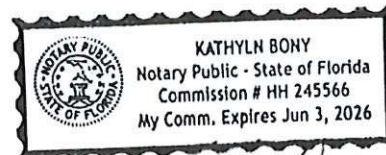
STATE OF Florida

COUNTY OF Broward

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

[Signature]
Signature of Notary Public - State of Florida

SEAL:

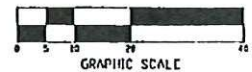
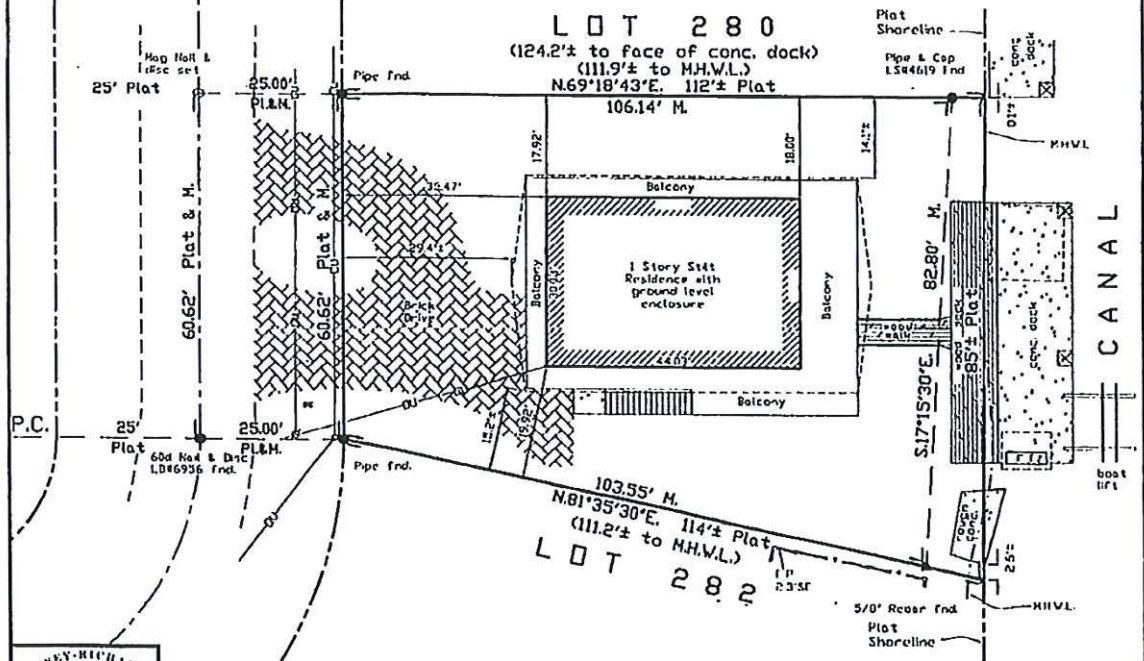


Personally Known ☒ Produced Identification

Type of ID Florida Driver License

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

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

[illegible]

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

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

888HH Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

Client: Schmid

Florida Certificate of Authorization No. LB #7882

Section 21 Township 64 South, Range 36 East

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

Lower Matecumbe Key Monroe County, Florida

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

Surveyed: 2/16/17

Fieldbook No. 199

Drawing No. 14022

Drawn By: AMR Scale: 1" = 20'

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



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

July 18, 2023

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

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

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

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

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

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

Sincerely,

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

Jennifer DeBoisbriand
Planning Director

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLVAR20230083 FILED BY JOANNE M. PEREIRA, ESQ. (AGENT) ON BEHALF OF FREDERICK SCHMID AND DARCY PARKER (APPELLANTS), RELATING TO THE DIRECTOR OF PLANNING'S NOTICE OF INTENT TO DENY AN ADMINISTRATIVE VARIANCE FOR AN AFTER-THE-FACT TIKI HUT CONSTRUCTED WITHIN THE REQUIRED 10' (TEN FOOT) SETBACK FROM MEAN HIGH WATER LINE (MHWL), FOR PROPERTY LOCATED AT 222 BISCAYNE BLVD, HAVING REAL ESTATE NUMBER 00394489-008400, ON LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Frederick Schmid and Darcy Parker, (the "Appellants") filed Administrative Appeal No. PLVAR20230083 (the "Appeal") pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the "Village"); and

WHEREAS, the purpose of the Appeal is to seek the Village Council's review of a determination made by the Director of Planning (the "Director") regarding the request for a variance for an after the fact construction of a Tiki Hut on Appellant's property located at 222 Biscayne Blvd, as legally described in Exhibit "A" attached hereto; and

WHEREAS, the Property is located within the Residential Single Family (R-1M) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on August 24, 2023; and,

WHEREAS, on September 21, 2023, the Village Council held a Public Hearing.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings of Fact.

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

- (1) The Council heard the Appeal on September 21, 2023.
- (2) The hearing was duly noticed pursuant to Section 30-213(j) of the Village Code and all interested parties concerned in the matter were given an opportunity to be heard.
- (3) The Director presented the written recommendation of the Village Staff dated September 21, 2023 to the Village Council.
- (4) The Director's interpretation of the Code (**is / is not**) supported by the facts presented.
- (5) The granting of the appeal for the setback variance (**is / is not**) supported by the facts and documents presented.

Section 3. Conclusions of Law.

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

(1) The Appeal has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, including Section 30-281 of the Village Code; and

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

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

and

(3) In accordance with Sections 30-281(d), (e) and (f) of the Village Code, the Administrative Appeal submitted by Frederick Schmid and Darcy Parker is hereby **[DENIED/GRANTED]**.

Section 4. Effective Date.

This Resolution shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity ("DEO") pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

Motion to adopt by_____, second by_____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III

Vice Mayor Sharon Mahoney

Councilmember Mark Gregg

Councilmember Elizabeth Jolin

Councilmember Henry Rosenthal

PASSED AND ADOPTED THIS 21st DAY OF SEPTEMBER 2023.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

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

Marne McGrath, Village Clerk



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: March 14, 2024
SUBJECT: **Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use Map of Parcel 00405350-000000 - First Reading - TAB E**

Background:

The applicant, Windley Cove LLC, has submitted a map amendment application requesting an approval for a Future Land Use Map (FLUM) Amendment from Residential Medium (RM) to Mixed-Use (MU) designation on the subject property, located at 85327 Overseas Highway (RE #00405350-000000), comprising 13,300 square feet of land area and to be included under Policy 1-2.11.3 Windley Key Mixed Use Area 1 (WKMUA1). It is staff's opinion that the correct sub area is Policy 1-2.11.4 Windley Key Mixed Use Area 2 (WKMUA2). The current use of the property is residential. The applicant/owner intends to pursue acquiring a Vacation Rental license for the subject property. This FLUM amendment has a companion application for a Zoning Map Amendment, which proposes a change from a Residential Single Family (R-1) District to a Highway Commercial (HC) District, and the FLUM amendment cannot be approved without approval of the companion Zoning Map Amendment. The applicant has submitted a letter detailing the map amendment request.

The subject property currently has an existing Residential Medium (RM) Future Land Use designation. The surrounding properties to the South are also designated Residential Medium (RM). To the North the adjacent properties are designated Mixed Use (MU). The properties to the West across Overseas Highway are designated Conservation (C) and to the East is the Atlantic Ocean. The character of the subject property is a single family home with some mangrove wetlands to the east of the property and the surrounding area is mixed-use with a collection of restaurants, marina uses, single family residences, and conservation land.

Analysis:

The proposed FLUM amendment, from Residential Medium (RM) to Mixed-Use (MU), in conjunction with the companion application for a Zoning Map Amendment from a Residential Single Family (R-1) District to a Highway Commercial (HC) District, would allow the applicant/owner to pursue acquiring a Vacation Rental license on the subject property. Allowing the property to be included intoe WKMUA1 limits the commercial density allowed on the property.

Areas designated MU on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU designation shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited

public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities, and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations [Ref. Comprehensive Plan Objective 1-2.4].

The proposed FLUM amendment would alter the development potential of the subject property by allowing one additional market rate unit and 5 affordable housing units. The new FLUM would also allow hotel/motel density as follows: Six (6) rooms/units per acre or twelve (12) hotel or motel rooms/units per acre with TDRs and Non Residential Intensity of 0.25 FAR or 0.35 FAR with TDRs or with Working Waterfronts. However adding the property to WKMUA2 would not alter the development potential.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-1.1.1, Protect Residential Areas from Incompatible Development
- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.4: Residential Uses in the Mixed-Use Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

Comprehensive Plan Policy 1-1.1.1 Protect residential Areas from Incompatible Development; states Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the Land Development Regulations shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses, and standards to ascertain that no negative impacts on adjoining properties result.

The proposed amendment meets Policy 1-1.1.1. It protects residential areas from incompatible development by placing it in the WKMUA2 which only allows the one residential development.

Comprehensive Plan Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments, states that Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the principles for guiding development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors; however, in no event shall an amendment be approved which would result in an adverse community change.

Other than the potential adverse impacts of a Vacation Rental property if a license were obtained, Staff sees no other adverse impacts.

Comprehensive Plan Objective 1-2.4, Recognize Mixed Use Development Patterns, states: "Areas designated Mixed Use (MU) on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU category shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities, and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations."

The proposed map amendment allows for tourist-oriented facilities within the Village.

Comprehensive Plan Policy 1-2.4.4, Residential Uses in the Mixed Use Designation, states, "Residential uses, including residential institutional uses in MU shall not exceed six (6) units per acre, except that up to twelve (12) units per acre may be allowed pursuant to the standards in the Land Development Regulations when used as receiver sites for the transfer of development rights from approved sender sites and fifteen (15) units per acre may be permitted for purposes of providing affordable housing. Notwithstanding the density limitations each parcel of commercially developed land in the Settlers Residential (SR), Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC), Neighborhood Commercial (NC), and Recreation (R) Zoning Districts shall be entitled to construct, subject to the BPAS, one affordable housing unit subject to all other regulations."

The houses have received permits and allocations. Therefore, the proposed amendment is consistent with Policy 1-2.4.4.

Comprehensive Plan Objective 1-4.6: PREVENT PROLIFERATION OF URBAN SPRAWL AND COORDINATE THE TIMING AND STAGING OF PUBLIC AND PRIVATE DEVELOPMENT. Land Development Regulations shall ensure that the location, scale, timing and design of development is coordinated with public facilities and services in order to prevent the proliferation of urban sprawl and achieve cost effective land development patterns. Consistent with policies in the Intergovernmental Coordination Element, the Village shall pursue resolution of development and growth management issues with impacts transcending the Village's political jurisdiction, by participating in forums with the Florida Department of Community Affairs, the South Florida Regional Planning Council and other forums convened to coordinate such issues.

The proposed FLUM amendment would assist in limiting additional development on vacant land to achieve the goals of the applicant/owner.

Compatibility with the Principles for Guiding Development:

The following shall be the principles with which any plan amendments must be consistent pursuant to the Florida Keys Area of Critical State Concern designation as set out in Chapter 380.0552(7), Florida Statutes.

Please note, the criterion is provided in italics and staff response is provided immediately below. The Applicant has provided her responses to the criteria in the analysis attached.

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

Village Staff Response:

The proposed FLUM is consistent with Principle (a) of the Principles for Guiding Development as it is not anticipated to negatively impact local government capability for managing land use and development.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations,

seagrass beds, wetlands, fish and wildlife, and their habitat.

Village Staff Response:

The proposed FLUM is consistent with Principle (b) of the Principles for Guiding Development. The house has been permitted and any environmental concerns have been addressed through that process. Any new development would be required to adhere to all applicable land development regulations including the implementation of stormwater regulations which aid in protecting marine resources by protecting near shore water quality.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

Village Staff Response:

The proposed FLUM is consistent with Principle (c) of the Principles for Guiding Development. Any future redevelopment proposed on the subject property is required to meet environmental setback criteria, meet local Comprehensive Plan and Land Development Regulation requirements, and obtain appropriate permits from state and federal agencies as necessary.

(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

Village Staff Response:

The proposed FLUM is consistent with Principle (d) of the Principles for Guiding Development. Allowing tourist-oriented activities in existing building is sound economic development.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (e) of the Principles for Guiding Development. Any development would be required to adhere to all applicable land development regulations including the implementation of stormwater regulations which aid in protecting near shore water quality.

(f) Enhancing natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (f) of the Principles for Guiding Development. The proposed FLUM amendment, from Residential Medium (RM) to Mixed Use (MU), in conjunction with the companion application for a Zoning Map Amendment from Residential Single Family to Highway Commercial, will ensure that the subject property meets the standards of review of the Comprehensive Plan and the Land Development Regulations (LDRs), including but not limited to: requirements for minimum open space; habitat preservation, concurrency management and level of service (LOS) standards for transportation, infrastructure, wastewater, stormwater and other public services; off-street parking and internal circulation; required setbacks; landscaping, dedicated conservation easements for existing habitat; on-site and off-site improvements and design amenities

required to achieve land use compatibility for the surrounding land uses and zoning districts.

(g) Protecting the historical heritage of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (g) of the Principles for Guiding Development as there are no known archaeological or historical artifacts on the Property.

(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment and disposal facilities;
3. Solid waste treatment, collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

Village Staff Response:

The proposed FLUM is consistent with Principle (h) of the Principles for Guiding Development. The proposed FLUM amendment would not adversely impact the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

Village Staff Response:

The proposed FLUM is consistent with Principle (i) of the Principles for Guiding Development. The proposed FLUM amendment would not adversely affect storm water management facilities, central sewage collection, treatment and disposal facilities, or the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(1) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

Village Staff Response:

The proposed FLUM is consistent with Principle (j) of the Principles for Guiding Development. Any proposed development as a result of the proposed FLUM amendment would be required to be consistent with the requirements of § 381.0065(4)(1) and 403.086(10), Florida Statutes, and the Village's Comprehensive Plan and Wastewater Master Plan.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (k) of the Principles for Guiding Development. The proposed FLUM amendment is not anticipated to create adverse impacts on the environmental resources of the Florida Keys.

(l) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (l) of the Principles for Guiding Development. The proposed FLUM amendment will not impact affordable housing within the Florida Keys.

(m) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

Village Staff Response:

The proposed FLUM is consistent with Principle (m) of the Principles for Guiding Development. The proposed FLUM amendment would not affect the provision of adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan. Furthermore, all structures built within the Village must meet the requirements of the Village's Code of Ordinances and the Florida Building Code.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Village Staff Response:

The proposed FLUM is consistent with Principle (n) of the Principles for Guiding Development. The proposed FLUM amendment would not negatively affect the health, safety, or welfare of the citizens of the Florida Keys.

The LPA heard this request on January 8, 2024 and voted 6-1 to approve the requested amendment.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for a Future Land Use Map Amendment from Residential Medium (RM) to Mixed Use (MU) and determined that the request meets the criteria for approval. Therefore, Staff recommends that the Village Council APPROVE the FLUM Amendment with amendment to sub area WKMUA2.

Attachments: 1. WC FLUM ORD

ORDINANCE NO. 24-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; 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, the Official Future Land Use Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

WHEREAS, the applicant, Windley Cove LLC, has requested an official Future Land Use Map amendment from Residential Medium (RM) to Mixed Use (MU) for a parcel consisting of approximately 13,300 square feet of land, with Real Estate number 00405350-000000, as legally described below and to allow the parcel to be included in Policy 1-2.11.4:Windley Key Mixed Use Area 2; and

WHEREAS, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code of Ordinances (the "Code"), the Village Local Planning Agency publicly considered the Future Land Use Map Amendment during a duly noticed public hearings held on January 8, 2024 and March 11, 2024; and

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

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") finds that the adoption of the Official Future Land Use Map Amendment is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents; and

WHEREAS, the Village Council has determined that the proposed Future Land Use Map Amendment is consistent with the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to adopt the proposed Future Land Use Map Amendment in accordance with State law.

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

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

Section 2. Approval/Denial of Future Land Use Map Amendment. The Official Future Land Use Map Amendment is hereby [**approved / denied**] as part of the Official Future Land Use Map of the Village. A copy of the Official Future Land Use Map Amendment is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

**85327 Overseas HWY or W1/2 LOT 4 GALEN BEACH WINDLEY ISLAND PB2-110
OR3-417 OR6-35 OR438-1087 OR438-1088 OR1456-2427 OR1895-1263
OR2604-404 OR2835-2427 OR2835-2431 OR3070-0608 OR3070-610 OR3158-
1301 OR3158-1304**

Section 3. Transmittal. The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Commerce ("Commerce") for approval in accordance with Section 380.05(6), Florida Statutes.

Section 4. Effective Date. This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Commerce (Commerce) pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

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 _____, 2024.

[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 _____, 2024.

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: March 14, 2024
SUBJECT: **Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Zoning Map of Parcel 00405350-000000 - First Reading - TAB F**

Background:

The applicant, Windley Cove LLC, has submitted a map amendment application requesting an approval for a Zoning Map Amendment from Residential Single Family (R-1) District to a Highway Commercial (HC) District on the subject property, located at 85327 Overseas Highway (RE #00405350-000000), comprising 13,300 square feet of land area. The current use of the property is residential. The applicant/owner intends to pursue acquiring a Vacation Rental license for the subject property. This Zoning Map amendment has a companion application for a Future Land Use Map (FLUM) Amendment, which proposes a change from a Residential Medium (RM) to Mixed-Use (MU) designation, and the Zoning Map amendment cannot be approved without approval of the companion FLUM Amendment. The applicant has submitted a letter detailing the map amendment request.

The subject property currently has an existing Residential Single Family (R-1) Zoning District designation. The surrounding properties to the South are also designated Residential Single Family (R-1). To the North the adjacent properties are designated Highway Commercial (HC). The properties to the West across Overseas Highway are designated as Conservation (C) and to the East is the Atlantic Ocean. The character of the subject property is a single-family home and the surrounding area is mixed-use with a collective restaurants, marina uses, single family residences, and conservation land.

Analysis:

The proposed Zoning Map amendment, from a Residential Single Family (R-1) District to a Highway Commercial (HC) District in conjunction with the companion application for a FLUM Amendment from a Residential Medium (RM) designation to Mixed-Use (MU) designation, would allow the applicant/owner to pursue acquiring a Vacation Rental license on the subject property.

Pursuant to Section 30-696 the purpose of the Highway Commercial (HC) zoning district is accommodate existing businesses along U.S. 1 and to provide opportunities for new commercial retail shops and services that typically are auto dependent and are used by people on less than a weekly basis, or to accommodate the building and service trades. Single-family or multifamily residential uses and educational uses are an option to commercial use. Any future development of the subject property would require site plan application

approval, this will ensure that the subject property meets the standards of review of the Comprehensive Plan and the Land Development Regulations (LDRs), including but not limited to: requirements for minimum open space; habitat preservation, concurrency management and level of service (LOS) standards for transportation, infrastructure, wastewater, stormwater and other public services; off-street parking and internal circulation; required setbacks; landscaping, dedicated conservation easements for existing habitat; on-site and off-site improvements and design amenities required to achieve land use compatibility for the surrounding land uses and zoning districts. Any application for a Vacation Rental License would have to meet all the criteria of Division 6 of the Village Code.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-1.1.1, Protect Residential Areas from Incompatible Development
- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.4: Residential Uses in the Mixed-Use Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

Comprehensive Plan Policy 1-1.1.1 Protect residential Areas from Incompatible Development; states Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the Land Development Regulations shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses, and standards to ascertain that no negative impacts on adjoining properties result.

The proposed amendment meets Policy 1-1.1.1. It protects residential areas from incompatible development by placing it in the WKMUA2 which only allows the one residential development.

Comprehensive Plan Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments, states that Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the principles for guiding development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors; however, in no event shall an amendment be approved which would result in an adverse community change.

Other than the potential adverse impacts of a Vacation Rental property if a license were obtained, Staff sees no other adverse impacts.

Comprehensive Plan Objective 1-2.4, Recognize Mixed Use Development Patterns, states: "Areas designated Mixed Use (MU) on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU category shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities, and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations."

The proposed map amendment allows for tourist-oriented facilities within the Village.

Comprehensive Plan Policy 1-2.4.4, Residential Uses in the Mixed Use Designation, states, "Residential uses, including residential institutional uses in MU shall not exceed six (6) units per acre, except that up to twelve (12) units per acre may be allowed pursuant to the standards in the Land Development Regulations when used as receiver sites for the transfer of development rights from approved sender sites and fifteen (15) units per acre may be permitted for purposes of providing affordable housing. Notwithstanding the density limitations each parcel of commercially developed land in the Settlers Residential (SR), Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC), Neighborhood Commercial (NC), and Recreation (R) Zoning Districts shall be entitled to construct, subject to the BPAS, one affordable housing unit subject to all other regulations."

The houses have received permits and allocations. Therefore, the proposed amendment is consistent with Policy 1-2.4.4.

Comprehensive Plan Objective 1-4.6: PREVENT PROLIFERATION OF URBAN SPRAWL AND COORDINATE THE TIMING AND STAGING OF PUBLIC AND PRIVATE DEVELOPMENT. Land Development Regulations shall ensure that the location, scale, timing and design of development is coordinated with public facilities and services in order to prevent the proliferation of urban sprawl and achieve cost effective land development patterns. Consistent with policies in the Intergovernmental Coordination Element, the Village shall pursue resolution of development and growth management issues with impacts transcending the Village's political jurisdiction, by participating in forums with the Florida Department of Community Affairs, the South Florida Regional Planning Council and other forums convened to coordinate such issues.

The proposed FLUM amendment would assist in limiting additional development on vacant land to achieve the goals of the applicant/owner.

Procedures for Amendments to Zoning Map:

Pursuant to Section 30-411(d)(4)(b) of the Code of Ordinances, the Village Council must find that the application is consistent with the Comprehensive Plan, that the applicant has complied with all procedural requirements of this section, and that the maintenance of the existing zoning on the property does not accomplish a legitimate public purpose. The Village Council shall make its determination on a finding of legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed Zoning District in the Village in relation to the amount of land currently zoned and available to accommodate that demand.

Currently the Village has approximately 140 lots zoned Highway Commercial. About 20 of those are vacant lots. Windley Key has 4 lots zoned Highway Commercial and none of those are vacant.

2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed Zoning designation.

The lot is already underconstruction as a single family house.

3. Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan.

There is no evidence that there are any errors in the Villages GIS data, records and other resources.

4. New Issues.

There are no new issues to be addressed.

5. Recognition of a need for additional detail or comprehensiveness.

6. Compatibility of the proposed district with the property surrounding the site of the requested rezoning and any applicable neighborhood or redevelopment plan.

The proposed zoning would be compatible with the property surrounding the site as the properties to the North are also zoned Highway Commercial.

The LPA heard this request on January 8, 2024 and voted 6-1 to approve the requested amendment.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for an Official Zoning Map Amendment from Residential Single Family (R-1) to Highway Commercial (HC) and determined that the request meets criteria. Therefore, Staff recommends the Village Council approve of the request for a map amendment.

Attachments: 1. Windley Cove CC Attachments
2. WC Zoning ORD







**Islamorada, Village of Islands,
Planning and Development Services Department**

APPLICATION FOR MAP AMENDMENT

Pursuant to Chapter 30, Article IV, Divisions 8 & 9

	Application Type	Application Fee	Deposit	Total Fee Due
☒	Future Land Use and Zoning	\$5,120.00	\$1,000.00	\$6,120.00
☐	Zoning Only	\$2,500.00	\$1,000.00	\$3,500.00
☐	Request concurrent Future Land Use and Zoning Hearings pursuant to 163.3184(12), Florida Statutes			

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 the Submittal Requirements below for a list of required submittals and documents.

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: _____ Fax: _____
 Email: _____

PROPERTY OWNER:

Name: Windley Cove, LLC
 Mailing Address: 127 Coconut Row Tavernier, Florida 33070 n
 Primary Phone: 305.522.3652; 305.394.0425 Fax: _____
 Email: jt.keys@att.net; brian.tiedemann@fkec.com

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

Physical Address: 85327 Overseas Highway Islamorada FL 33036 Mile Marker: 85.3
 Lot: 4 Block: _____ Subdivision: Galen Beach
☐ Plantation Key ☒ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
 Real Estate (RE) Number: 00405350-000000 Alternate Key: 1497614

PROPERTY DESCRIPTION:

Total Land Area: _____ 13,300 Square Feet _____ 0.305 Acres
 Existing Use of Property: Single Family dwelling and accesories under construction
 Has an Application for Map Amendment been submitted for this site within the past two (2) years? ☐ Yes ☒ No
 If yes, provide name and date of application: _____

PROPOSED MAP AMENDMENT:

Current Future Land Use Map Category: RM Current Zoning District: R1
 Proposed Future Land Use Map Category: MU Proposed Zoning District: HC

86800 Overseas Highway • Islamorada, Florida 33036-3162
 Office 305-664-6400 • Fax 305-664-6467 • www.islamorada.fl.us

** to be included under Village C Plan 1-2.11 and policy 1-2.11 page 3 of 201*
to create a sub area on Windley Key

SUBMITTAL REQUIREMENTS:

- ☐ **Correct application fee** (Total Fee Due)
- ☐ **Notarized agent authorization letter**, if applicable, including the agent's name, address and phone number authorizing the applicant/agent to act on all property owners' behalf.
- ☐ **Proof of ownership** e.g. warranty deed, lease or pending sale contract.
- ☐ **Property record card** from the Monroe County Property Appraiser.
- ☐ **Copy of current Future Land Use Map** clearly marking the boundaries of the property. Map may be request from Planning and Development Service Department prior to application submittal.
- ☐ **Copy of current Official Zoning Map** clearly marking the boundaries of the property. Map may be request from Planning and Development Service Department prior to application submittal.
- ☐ **Photographs** of the site taken from adjacent streets.
- ☐ **Signed and sealed survey** prepared by a Florida registered surveyor. The survey shall include elevations and location of all existing structures, paved areas, location of all utility structures, all easements, all bodies of water on and adjacent to the site, docks, piers, mean high water line and total acreage by habitat (**please provide a digital copy in addition to the signed and sealed survey**).
- ☐ **Data and analysis (including a land use need analysis)** pursuant to Comprehensive Plan Policy 1-2.1.13, demonstrating there is a need for the amount of development allowed by the proposed FLUM designations in order to accommodate the Comprehensive Plan's projected population growth within the planning timeframe of the Comprehensive Plan.
- ☐ **Explanation** of how the application satisfies each of the applicable criteria in the Land Development Regulations, Comprehensive Plan and Principles for Guiding Development pursuant to § 380.0552(7), Florida Statutes. See **Attachment A** for list of criteria.

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

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

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

Jocelyn Tiedemann
Signature of Applicant
Print Name: Jocelyn Tiedemann

11-15-2023
Date

STATE OF Florida
COUNTY OF Monroe

Sworn to and subscribed before me by means of X physical appearance or _____ online notarization, this 15th day of November, 20 23, by Jocelyn Tiedemann (name of person signing the application) as _____ (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

Shannon L. McClurg
Signature of Notary Public

SEAL:



SHANNON L. MCCLURG
Commission # HH 389286
Expires April 20, 2027

☐ Personally Known ☒ Produced Identification

Type of ID License



Islamorada, Village of Islands, Planning and Development Services Department

ATTACHMENT A

Future Land Use Map (FLUM) Amendment Criteria. The applicant shall submit all information required to adequately address the filing requirements adopted by the Florida Department of Economic Opportunity ("DEO"). In addition, the applicant shall submit all other information necessary to address the comprehensive planning criteria of the Village.

Pursuant to the DEO State Coordinated Review Submittal Guidelines, in the case of FLUM amendments, the following information must be provided:

1. A description of the availability of and the demand on the following public facilities: sanitary sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation, as appropriate; and
2. Information regarding the compatibility of the proposed land use amendments with the Comprehensive Plan future land use element objectives and policies, and those of other affected elements.

All proposed FLUM amendments must be consistent with the Principles for Guiding Development within the Florida Keys Area of Critical State Concern, pursuant to § 380.0552(7), Florida Statutes. The Principles are listed below.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection, treatment, and disposal facilities;
 3. Solid waste treatment, collection, and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.

- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed FLUM category in the village in relation to the amount of land currently assigned the FLUM designation and available to accommodate that demand;
2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed FLUM category;
3. Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan;
4. New issues;
5. Recognition of a need for additional detail or comprehensiveness

However, in no event shall an amendment be approved which will result in an adverse community change.

Official Zoning Map Amendment Criteria. The purpose of this application is to provide a means for changing the Official Zoning Map. It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Village Council shall consider the factors set forth below and the consistency of the proposed amendment with the provisions and intent of the Comprehensive Plan.

The Village Council must find that the application is consistent with the Comprehensive Plan, that the applicant has complied with all procedural requirements of the Code and that the maintenance of the existing zoning on the property does not accomplish a legitimate public purpose. The Village Council shall make its determination on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed zoning district in the Village in relation to the amount of land currently zoned and available to accommodate that demand;
2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed zoning district;
3. Data errors, including errors in mapping, vegetative types and natural features described in the Comprehensive Plan;
4. New issues;
5. Recognition of a need for additional detail or comprehensiveness; or
6. Compatibility of the proposed district with the property surrounding the site of the requested rezoning and any applicable neighborhood or redevelopment plan.

However, in no event shall an amendment be approved which will result in an adverse community change.

Needs Analysis

The owner of the properties identified as RE #00405350-000000 and 00405360-000000 (subject property) is proposing to amend the current FLUM of the subject properties from Residential Medium (RM) to Mixed Use (MU) and the current zoning from Residential Single-family (R-1) to Highway Commercial (HC) **for the sole purpose of obtaining a vacation rental license approval, without any increase in density or intensity, and without any allowed non-residential uses or structures.** Vacation rental license approval from the Village of Islamorada.

RE #00405350-000000, contains 13300 SF of land area, with a single-family house under construction.

RE #00405360-000000 contains 13,300 SF of land area, with a single-family house under construction.

In the R-1 zoning district, a single-family residence or multifamily attached affordable housing of up to four units could be constructed as a permitted use by right. This is not the intention of the owner of this property. The property owner simply wishes to change the FLUM and zoning in order to apply and receive a Vacation Rental license and to have a vacation rental unit on each lot. **The owner is not requesting an increase in density or intensity and is proposing that no non-residential structures would be allowed. The owner is requesting a site specific FLUM change, as provided in Village Comprehensive Land Use Plan Objective 1-2.11 and Policy 1-2.11.3 to create a sub area on Windley Key.**

The proposed development and ongoing development will not exceed the FAR or OSR allowed in the code. The proposed use would be allowable in the HC zoning district as a permitted use. Although none is anticipated, any expansion or redevelopment of the property would have to meet all requirements of the land development code and comprehensive plan through the application review process. The existing single-family residences on two of the sites are permitted and recognized by village staff in the HC zoning district. The owner does not contemplate increasing to more than one residential unit per property, thus this change does not increase density on the property.

The Village Comprehensive Plan notes that the functional population of the Village will increase from 10,354 in 2010 to 10,653 in 2020, an increase of approximately 3%. The figures are not accurate as the increase has already exceeded 11,000 per the most recent figures. Although these figures and the actual figures do not provide the distribution of age, there will be a need for additional tourist-based facilities to serve an increasing population. Additionally, as currently documented by the TDC, transient room occupancies have increased in the last few years thus adding to the need for added Tourist based facilities. The Village Code limits the number of allowable Vacation Rental (VR) licenses. The Village has never reached or exceeded the maximum limit of VR Licenses, yet the demand is still there. This request will not bring the anticipated number of VR's over the allowable number. We should note that the Village underwent an extensive study and had many meetings in order to determine the maximum number of VR licenses it should allow. During the anticipated code changes the community came together to come up with an acceptable number of VR units. Meetings between hoteliers, residents, the Chamber, as well as professionals in the real estate community had multiple workshops to find the right balance.

Access to the subject properties would not impact traffic flow directly on US 1. Access to this property is off the Old Road with several areas to ingress and egress to and from US-1. 63 of the 74 HC/MU properties are directly on US 1 and most of them do not have curb cuts off the highway. Utilization of this property would minimize the traffic consequences to US 1, unlike many of the existing HC properties in the Village.

The request will not increase the demand for parking as the ongoing and proposed development was already calculated at two (2) spaces per unit. The ongoing and proposed development will closely comply with the regulations in the event of a catastrophic event such as fire or hurricane.

The proposed development and on-going development will not further increase the previously anticipated water or sewage use and would not add additional vehicular trips, beyond what is already factored into the Comp Plan and LDR's. There should be no increase in impacts on public facilities of services, than what was already anticipated.

Policy 1-1.1.1 Protect Residential Areas from Incompatible Development.

This amendment would steer vacation rental uses to an Island that is dominated by commercial and transient uses. Windley Key is bookended by two major marinas and is infilled with hotels and motels, as well as several developments that allow for Vacation Rental licenses.

Policy 1-2.1.14 Criteria for Future Land Use Map (FLUM) Amendments. Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the Principles for Guiding Development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed FLUM category in the Village in relation to the amount of land currently assigned the FLUM designation and available to accommodate the demand.

Answer: It appears that there is .01% of HC properties compared to other zonings throughout the Village. This seems to be a disproportionate amount. There are only 74 vacant HC/MU properties in the entire Village, there are none on Windley Key. Of the 74 vacant HC/MU parcels the comp plan suggests the Village steer development away from the 12 due to the Hammock designation of the properties. Many of the HC/MU properties on other islands do not have direct access VIA DOT approved curb-cuts and most do not have access to US-1 Via the Old Highway.

2. Compatibility of the sites physical, geological, hydrological and other environmental features, with uses permitted in the proposed FLUM.

Answer: This site has no unique features as it relates to physical, geological, hydrological or environmental features. There is ongoing development that is

recently permitted that is in compliance with all factors in the LDC.

3. Data errors, including errors in Mapping, vegetative types and natural features described in the comprehensive plan.

Answer: There are no data errors recorded, yet there are, to the immediate east several properties that are zoned either MU or HC.

4. New issues.

Answer: This request will better serve the properties in this request. There are currently no transitional zonings between HC and R-1. This property is located immediately next to a locally famous restaurant and bar. This amendment will create an acceptable transition between the residential uses to the west and the non-residential uses to the east.

5. Recognition of the need for additional detail or comprehensiveness.

Answer: Currently there are no other undeveloped HC zoned properties on Windley Key. There are also no undeveloped MU FLUM properties on Windley Key. This request will allow the subject properties to be compatible with most of the properties on this island.

Policy 1-2.1.13 Future Land Use Map Amendments. "Islamorada, Village of Islands shall not sponsor private applications for Future Land Use Map amendments that would increase the allowable density/intensity of the properties affected."

Answer: There will be no increase in density, as the two houses are currently permitted and under construction.

Due to these factors and the desire for redevelopment instead of new development we feel this request is justified and in keeping with the goals and objectives in the Villages' Comprehensive Plan.

After recording return to:
Planning and Development Services Dept.
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada Florida 33036

ORDINANCE NO.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN; 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, the Official Zoning Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

WHEREAS, the property owner, Windley Cove LLC, has requested an Official Zoning Map amendment from the Residential Single Family (R-1) District to the Highway Commercial (HC) Zoning District for a parcel consisting of approximately 13,300 square feet of land with the Parcel ID Number 00405350-000000 (the "Property"), as legally described below; and

WHEREAS, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code of Ordinances (the "Code"), the Village Local Planning Agency publicly considered the Zoning Map Amendment during a duly noticed public hearings held on January 8, 2024 and March 11, 2024; and

WHEREAS, in accordance with Section 166.041, Florida Statutes, and Section 30-213 of the Village Code, notice of the public hearing(s) has been given for the proposed adoption of this Ordinance; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") finds that the adoption of the Official Zoning Map Amendment is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents; and

WHEREAS, the Village Council has determined that the proposed Zoning Map Amendment is consistent with the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to consider the proposed Zoning Map Amendment in accordance with State law.

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

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

Section 2. Approval/Denial of Zoning Map Amendment. The Official Zoning Map Amendment is hereby **[approved / denied]** as part of the Official Zoning Map of the Village. A copy of the Official Zoning Map Amendment is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

**85327 Overseas HWY or W1/2 LOT 4 GALEN BEACH WINDLEY ISLAND PB2-110
OR3-417 OR6-35 OR438-1087 OR438-1088 OR1456-2427 OR1895-1263 OR2604-
404 OR2835-2427 OR2835-2431 OR3070-0608 OR3070-610 OR3158-1301
OR3158-1304**

Section 3. Transmittal. The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Commerce ("Commerce") for approval in accordance with Section 380.05(6), Florida Statutes.

Section 4. Effective Date. This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Commerce (Commerce) pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

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 _____, 2024.

[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 _____, 2024.

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: March 14, 2024
SUBJECT: **Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000 - First Reading - TAB G**

Background:

The applicant, Windley Isles LLC, has submitted a map amendment application requesting an approval for a Future Land Use Map (FLUM) Amendment from Residential Medium (RM) to Mixed-Use (MU) designation on the subject property, located at 85331 Overseas Highway (RE #00405360-000000), comprising 13,300 square feet of land area and to be included under Policy 1-2.11.3 Windley Key Mixed Use Area 1 (WKMUA1). It is staff's opinion that the correct sub area is Policy 1-2.11.4 Windley Key Mixed Use Area 2 (WKMUA2). The current use of the property is residential. The applicant/owner intends to pursue acquiring a Vacation Rental license for the subject property. This FLUM amendment has a companion application for a Zoning Map Amendment, which proposes a change from a Residential Single Family (R-1) District to a Highway Commercial (HC) District, and the FLUM amendment cannot be approved without approval of the companion Zoning Map Amendment. The applicant has submitted a letter detailing the map amendment request.

The subject property currently has an existing Residential Medium (RM) Future Land Use designation. The surrounding properties to the South are also designated Residential Medium (RM). To the North the adjacent properties are designated Mixed Use (MU). The properties to the West across Overseas Highway are designated Conservation (C) and to the East is the Atlantic Ocean. The character of the subject property is a single family home with some mangrove wetlands to the east of the property and the surrounding area is mixed-use with a collection of restaurants, marina uses, single family residences, and conservation land.

Analysis:

The proposed FLUM amendment, from Residential Medium (RM) to Mixed-Use (MU), in conjunction with the companion application for a Zoning Map Amendment from a Residential Single Family (R-1) District to a Highway Commercial (HC) District, would allow the applicant/owner to pursue acquiring a Vacation Rental license on the subject property. Allowing the property to be included intoe WKMUA1 limits the commercial density allowed on the property.

Areas designated MU on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU designation shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities,

and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations [Ref. Comprehensive Plan Objective 1-2.4].

The proposed FLUM amendment would alter the development potential of the subject property by allowing one additional market rate unit and 5 affordable housing units. The new FLUM would also allow hotel/motel density as follows: Six (6) rooms/units per acre or twelve (12) hotel or motel rooms/units per acre with TDRs and Non Residential Intensity of 0.25 FAR or 0.35 FAR with TDRs or with Working Waterfronts. However adding the property to WKMUA2 would not alter the development potential.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-1.1.1, Protect Residential Areas from Incompatible Development
- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.4: Residential Uses in the Mixed-Use Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

Comprehensive Plan Policy 1-1.1.1 Protect residential Areas from Incompatible Development; states Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the Land Development Regulations shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses, and standards to ascertain that no negative impacts on adjoining properties result.

The proposed amendment meets Policy 1-1.1.1. It protects residential areas from incompatible development by placing it in the WKMUA2 which only allows the one residential development.

Comprehensive Plan Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments, states that Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the principles for guiding development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors; however, in no event shall an amendment be approved which would result in an adverse community change.

Other than the potential adverse impacts of a Vacation Rental property if a license were obtained, Staff sees no other adverse impacts.

Comprehensive Plan Objective 1-2.4, Recognize Mixed Use Development Patterns, states: "Areas designated Mixed Use (MU) on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU category shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities, and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations."

The proposed map amendment allows for tourist-oriented facilities within the Village.

Comprehensive Plan Policy 1-2.4.4, Residential Uses in the Mixed Use Designation, states, "Residential uses, including residential institutional uses in MU shall not exceed six (6) units per acre, except that up to twelve (12) units per acre may be allowed pursuant to the standards in the Land Development Regulations when used as receiver sites for the transfer of development rights from approved sender sites and fifteen (15) units per acre may be permitted for purposes of providing affordable housing. Notwithstanding the density limitations each parcel of commercially developed land in the Settlers Residential (SR), Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC), Neighborhood Commercial (NC), and Recreation (R) Zoning Districts shall be entitled to construct, subject to the BPAS, one affordable housing unit subject to all other regulations."

The houses have received permits and allocations. Therefore, the proposed amendment is consistent with Policy 1-2.4.4.

Comprehensive Plan Objective 1-4.6: PREVENT PROLIFERATION OF URBAN SPRAWL AND COORDINATE THE TIMING AND STAGING OF PUBLIC AND PRIVATE DEVELOPMENT. Land Development Regulations shall ensure that the location, scale, timing and design of development is coordinated with public facilities and services in order to prevent the proliferation of urban sprawl and achieve cost effective land development patterns. Consistent with policies in the Intergovernmental Coordination Element, the Village shall pursue resolution of development and growth management issues with impacts transcending the Village's political jurisdiction, by participating in forums with the Florida Department of Community Affairs, the South Florida Regional Planning Council and other forums convened to coordinate such issues.

The proposed FLUM amendment would assist in limiting additional development on vacant land to achieve the goals of the applicant/owner.

Compatibility with the Principles for Guiding Development:

The following shall be the principles with which any plan amendments must be consistent pursuant to the Florida Keys Area of Critical State Concern designation as set out in Chapter 380.0552(7), Florida Statutes.

Please note, the criterion is provided in italics and staff response is provided immediately below. The Applicant has provided her responses to the criteria in the analysis attached.

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

Village Staff Response:

The proposed FLUM is consistent with Principle (a) of the Principles for Guiding Development as it is not anticipated to negatively impact local government capability for managing land use and development.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

Village Staff Response:

The proposed FLUM is consistent with Principle (b) of the Principles for Guiding Development. The house has been permitted and any environmental concerns have been addressed through that process. Any new development would be required to adhere to all applicable land development regulations including the implementation of stormwater regulations which aid in protecting marine resources by protecting near shore water quality.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

Village Staff Response:

The proposed FLUM is consistent with Principle (c) of the Principles for Guiding Development. Any future redevelopment proposed on the subject property is required to meet environmental setback criteria, meet local Comprehensive Plan and Land Development Regulation requirements, and obtain appropriate permits from state and federal agencies as necessary.

(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

Village Staff Response:

The proposed FLUM is consistent with Principle (d) of the Principles for Guiding Development. Allowing tourist-oriented activities in existing building is sound economic development.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (e) of the Principles for Guiding Development. Any development would be required to adhere to all applicable land development regulations including the implementation of stormwater regulations which aid in protecting near shore water quality.

(f) Enhancing natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (f) of the Principles for Guiding Development. The proposed FLUM amendment, from Residential Medium (RM) to Mixed Use (MU), in conjunction with the companion application for a Zoning Map Amendment from Residential Single Family to Highway Commercial, will ensure that the subject property meets the standards of review of the Comprehensive Plan and the Land Development Regulations (LDRs), including but not limited to: requirements for minimum open space; habitat preservation, concurrency management and level of service (LOS) standards for transportation, infrastructure, wastewater, stormwater and other public services; off-street parking and internal circulation; required setbacks; landscaping, dedicated conservation easements for existing habitat; on-site and off-site improvements and design amenities required to achieve land use compatibility for the surrounding land uses and zoning districts.

(g) Protecting the historical heritage of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (g) of the Principles for Guiding Development as there are no known archaeological or historical artifacts on the Property.

(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment and disposal facilities;
3. Solid waste treatment, collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

Village Staff Response:

The proposed FLUM is consistent with Principle (h) of the Principles for Guiding Development. The proposed FLUM amendment would not adversely impact the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

Village Staff Response:

The proposed FLUM is consistent with Principle (i) of the Principles for Guiding Development. The proposed FLUM amendment would not adversely affect storm water management facilities, central sewage collection, treatment and disposal facilities, or the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(1) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

Village Staff Response:

The proposed FLUM is consistent with Principle (j) of the Principles for Guiding Development. Any proposed development as a result of the proposed FLUM amendment would be required to be consistent with the requirements of § 381.0065(4)(1) and 403.086(10), Florida Statutes, and the Village's Comprehensive Plan and Wastewater Master Plan.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (k) of the Principles for Guiding Development. The proposed FLUM amendment is not anticipated to create adverse impacts on the environmental resources of the Florida Keys.

(l) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (l) of the Principles for Guiding Development. The proposed FLUM amendment will not impact affordable housing within the Florida Keys.

(m) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

Village Staff Response:

The proposed FLUM is consistent with Principle (m) of the Principles for Guiding Development. The proposed FLUM amendment would not affect the provision of adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan. Furthermore, all structures built within the Village must meet the requirements of the Village's Code of Ordinances and the Florida Building Code.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Village Staff Response:

The proposed FLUM is consistent with Principle (n) of the Principles for Guiding Development. The proposed FLUM amendment would not negatively affect the health, safety, or welfare of the citizens of the Florida Keys.

The LPA heard this request on January 8, 2024 and voted 6-1 to approve the requested amendment.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for a Future Land Use Map Amendment from Residential Medium (RM) to Mixed Use (MU) and determined that the request meets the criteria for approval. Therefore, Staff recommends that the Village Council APPROVE the FLUM Amendment with amendment to sub area WKMUA2.

Attachments: 1. WI FLUM ORD

ORDINANCE NO. 24-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA 1; 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, the Official Future Land Use Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

WHEREAS, the applicant, Windley Isles LLC, has requested an official Future Land Use Map amendment from Residential Medium (RM) to Mixed Use (MU) for a parcel consisting of approximately 13,300 square feet of land, with Real Estate number 00405360-000000, as legally described below and to allow the parcel to be included in Policy 1-2.11.4:Windley Key Mixed Use Area 2; and

WHEREAS, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code of Ordinances (the "Code"), the Village Local Planning Agency publicly considered the Future Land Use Map Amendment during a duly noticed public hearings held on January 8, 2024 and March 11, 2024; and

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

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") finds that the adoption of the Official Future Land Use Map Amendment is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents; and

WHEREAS, the Village Council has determined that the proposed Future Land Use Map Amendment is consistent with the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to adopt the proposed Future Land Use Map Amendment in accordance with State law.

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

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

Section 2. Approval/Denial of Future Land Use Map Amendment. The Official Future Land Use Map Amendment is hereby [**approved / denied**] as part of the Official Future Land Use Map of the Village. A copy of the Official Future Land Use Map Amendment is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

**85331 Overseas HWY or E 1/2 LT 4 GALEN BEACH WINDLEY ISLAND PB2-110
OR3-417 OR5-7 OR423-509/10 OR2604-404 OR2709-951/52 OR2835-2429/30
OR2835-2435/38 OR3070-0595 OR3070-0597 OR3158-1318 OR3158-1321**

Section 3. Transmittal. The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Commerce ("Commerce") for approval in accordance with Section 380.05(6), Florida Statutes.

Section 4. Effective Date. This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Commerce (Commerce) pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

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 _____, 2024.

[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 _____, 2024.

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: March 14, 2024
SUBJECT: **Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000 - First Reading - TAB H**

Background:

The applicant, Windley Isles LLC, has submitted a map amendment application requesting an approval for a Zoning Map Amendment from Residential Single Family (R-1) District to a Highway Commercial (HC) District on the subject property, located at 85331 Overseas Highway (RE #00405360-000000), comprising 13,300 square feet of land area. The current use of the property is residential. The applicant/owner intends to pursue acquiring a Vacation Rental license for the subject property. This Zoning Map amendment has a companion application for a Future Land Use Map (FLUM) Amendment, which proposes a change from a Residential Medium (RM) to Mixed-Use (MU) designation, and the Zoning Map amendment cannot be approved without approval of the companion FLUM Amendment. The applicant has submitted a letter detailing the map amendment request.

The subject property currently has an existing Residential Single Family (R-1) Zoning District designation. The surrounding properties to the South are also designated Residential Single Family (R-1). To the North the adjacent properties are designated Highway Commercial (HC). The properties to the West across Overseas Highway are designated as Conservation (C) and to the East is the Atlantic Ocean. The character of the subject property is a single-family home and the surrounding area is mixed-use with a collective restaurants, marina uses, single family residences, and conservation land.

Analysis:

The proposed Zoning Map amendment, from a Residential Single Family (R-1) District to a Highway Commercial (HC) District in conjunction with the companion application for a FLUM Amendment from a Residential Medium (RM) designation to Mixed-Use (MU) designation, would allow the applicant/owner to pursue acquiring a Vacation Rental license on the subject property.

Pursuant to Section 30-696 the purpose of the Highway Commercial (HC) zoning district is accommodate existing businesses along U.S. 1 and to provide opportunities for new commercial retail shops and services that typically are auto dependent and are used by people on less than a weekly basis, or to accommodate the building and service trades. Single-family or multifamily residential uses and educational uses are an option to commercial use. Any future development of the subject property would require site plan application

approval, this will ensure that the subject property meets the standards of review of the Comprehensive Plan and the Land Development Regulations (LDRs), including but not limited to: requirements for minimum open space; habitat preservation, concurrency management and level of service (LOS) standards for transportation, infrastructure, wastewater, stormwater and other public services; off-street parking and internal circulation; required setbacks; landscaping, dedicated conservation easements for existing habitat; on-site and off-site improvements and design amenities required to achieve land use compatibility for the surrounding land uses and zoning districts. Any application for a Vacation Rental License would have to meet all the criteria of Division 6 of the Village Code.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-1.1.1, Protect Residential Areas from Incompatible Development
- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.4: Residential Uses in the Mixed-Use Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

Comprehensive Plan Policy 1-1.1.1 Protect residential Areas from Incompatible Development; states Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the Land Development Regulations shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses, and standards to ascertain that no negative impacts on adjoining properties result.

The proposed amendment meets Policy 1-1.1.1. It protects residential areas from incompatible development by placing it in the WKMUA2 which only allows the one residential development.

Comprehensive Plan Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments, states that Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the principles for guiding development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors; however, in no event shall an amendment be approved which would result in an adverse community change.

Other than the potential adverse impacts of a Vacation Rental property if a license were obtained, Staff sees no other adverse impacts.

Comprehensive Plan Objective 1-2.4, Recognize Mixed Use Development Patterns, states: "Areas designated Mixed Use (MU) on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU category shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities, and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations."

The proposed map amendment allows for tourist-oriented facilities within the Village.

Comprehensive Plan Policy 1-2.4.4, Residential Uses in the Mixed Use Designation, states, "Residential uses, including residential institutional uses in MU shall not exceed six (6) units per acre, except that up to twelve (12) units per acre may be allowed pursuant to the standards in the Land Development Regulations when used as receiver sites for the transfer of development rights from approved sender sites and fifteen (15) units per acre may be permitted for purposes of providing affordable housing. Notwithstanding the density limitations each parcel of commercially developed land in the Settlers Residential (SR), Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC), Neighborhood Commercial (NC), and Recreation (R) Zoning Districts shall be entitled to construct, subject to the BPAS, one affordable housing unit subject to all other regulations."

The houses have received permits and allocations. Therefore, the proposed amendment is consistent with Policy 1-2.4.4.

Comprehensive Plan Objective 1-4.6: PREVENT PROLIFERATION OF URBAN SPRAWL AND COORDINATE THE TIMING AND STAGING OF PUBLIC AND PRIVATE DEVELOPMENT. Land Development Regulations shall ensure that the location, scale, timing and design of development is coordinated with public facilities and services in order to prevent the proliferation of urban sprawl and achieve cost effective land development patterns. Consistent with policies in the Intergovernmental Coordination Element, the Village shall pursue resolution of development and growth management issues with impacts transcending the Village's political jurisdiction, by participating in forums with the Florida Department of Community Affairs, the South Florida Regional Planning Council and other forums convened to coordinate such issues.

The proposed FLUM amendment would assist in limiting additional development on vacant land to achieve the goals of the applicant/owner.

Procedures for Amendments to Zoning Map:

Pursuant to Section 30-411(d)(4)(b) of the Code of Ordinances, the Village Council must find that the application is consistent with the Comprehensive Plan, that the applicant has complied with all procedural requirements of this section, and that the maintenance of the existing zoning on the property does not accomplish a legitimate public purpose. The Village Council shall make its determination on a finding of legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed Zoning District in the Village in relation to the amount of land currently zoned and available to accommodate that demand.

Currently the Village has approximately 140 lots zoned Highway Commercial. About 20 of those are vacant lots. Windley Key has 4 lots zoned Highway Commercial and none of those are vacant.

2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed Zoning designation.

The lot is already underconstruction as a single family house.

3. Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan.

There is no evidence that there are any errors in the Villages GIS data, records and other resources.

4. New Issues.

There are no new issues to be addressed.

5. Recognition of a need for additional detail or comprehensiveness.

6. Compatibility of the proposed district with the property surrounding the site of the requested rezoning and any applicable neighborhood or redevelopment plan.

The proposed zoning would be compatible with the property surrounding the site as the properties to the North are also zoned Highway Commercial.

The LPA heard this request on January 8, 2024 and voted 6-1 to approve the requested amendment.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for an Official Zoning Map Amendment from Residential Single Family (R-1) to Highway Commercial (HC) and determined that the request meets criteria. Therefore, Staff recommends the approval of the request for a map amendment.

Attachments: 1. Windley Isles CC Attachments
2. WI Zoning ORD





100ft

80 590 24 75.1 Degrees



**Islamorada, Village of Islands,
Planning and Development Services Department**

APPLICATION FOR MAP AMENDMENT

Pursuant to Chapter 30, Article IV, Divisions 8 & 9

☐	Application Type	Application Fee	Deposit	Total Fee Due
☒	Future Land Use and Zoning	\$5,120.00	\$1,000.00	\$6,120.00
☐	Zoning Only	\$2,500.00	\$1,000.00	\$3,500.00

☐ Request concurrent Future Land Use and Zoning Hearings pursuant to 163.3184(12), Florida Statutes

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 the Submittal Requirements below for a list of required submittals and documents.

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: _____ Fax: _____
 Email: _____

PROPERTY OWNER:

Name: Windley Isles, LLC
 Mailing Address: 127 Coconut Row Tavernier, Florida 33070
 Primary Phone: 305.522.3652; 305.394.0425 Fax: _____
 Email: jl.keys@att.net; brian.tiedemann@fkec.com

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

Physical Address: 85331 Overseas Highway Islamorada Florida 33036 Mile Marker: 85.3
 Lot: 4 Block: _____ Subdivision: Galen Beach
☐ Plantation Key ☒ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
 Real Estate (RE) Number: 00405360-000000 Alternate Key: 1497622

PROPERTY DESCRIPTION:

Total Land Area: _____ 13,300 Square Feet _____ 0.305 Acres
 Existing Use of Property: Single family dwelling and accessories under construction
 Has an Application for Map Amendment been submitted for this site within the past two (2) years? ☐ Yes ☒ No
 If yes, provide name and date of application: _____

PROPOSED MAP AMENDMENT:

Current Future Land Use Map Category: RM Current Zoning District: R1
 Proposed Future Land Use Map Category: MU Proposed Zoning District: HC

86800 Overseas Highway • Islamorada, Florida 33036-3162

Office 305-664-6400 • Fax 305-664-6467 • www.islamorada.fl.us

** to be included under Village Com Plan 1-2.11 and policy 1-2.11.3 to be created a sub area on Windley Key.*

- ☐ **Correct application fee** (Total Fee Due)
- ☐ **Notarized agent authorization letter**, if applicable, including the agent's name, address and phone number authorizing the applicant/agent to act on all property owners' behalf.
- ☐ **Proof of ownership** e.g. warranty deed, lease or pending sale contract.
- ☐ **Property record card** from the Monroe County Property Appraiser.
- ☐ **Copy of current Future Land Use Map** clearly marking the boundaries of the property. Map may be request from Planning and Development Service Department prior to application submittal.
- ☐ **Copy of current Official Zoning Map** clearly marking the boundaries of the property. Map may be request from Planning and Development Service Department prior to application submittal.
- ☐ **Photographs** of the site taken from adjacent streets.
- ☐ **Signed and sealed survey** prepared by a Florida registered surveyor. The survey shall include elevations and location of all existing structures, paved areas, location of all utility structures, all easements, all bodies of water on and adjacent to the site, docks, piers, mean high water line and total acreage by habitat (**please provide a digital copy in addition to the signed and sealed survey**).
- ☐ **Data and analysis (including a land use need analysis)** pursuant to Comprehensive Plan Policy 1-2.1.13, demonstrating there is a need for the amount of development allowed by the proposed FLUM designations in order to accommodate the Comprehensive Plan's projected population growth within the planning timeframe of the Comprehensive Plan.
- ☐ **Explanation** of how the application satisfies each of the applicable criteria in the Land Development Regulations, Comprehensive Plan and Principles for Guiding Development pursuant to § 380.0552(7), Florida Statutes. See **Attachment A** for list of criteria.

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.

Date _____

Sworn to and subscribed before me by means of X physical appearance or _____ online notarization, this 15th day of November, 20 23, by Joceline Tichmann (name of person signing the application) as _____ (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

SEAL:



SHANNON L. MCCLURG
Commission # HH 389286
Expires April 20, 2027

☒ Personally Known ☒ Produced Identification

Type of ID License



Islamorada, Village of Islands, Planning and Development Services Department

ATTACHMENT A

Future Land Use Map (FLUM) Amendment Criteria. The applicant shall submit all information required to adequately address the filing requirements adopted by the Florida Department of Economic Opportunity ("DEO"). In addition, the applicant shall submit all other information necessary to address the comprehensive planning criteria of the Village.

Pursuant to the DEO State Coordinated Review Submittal Guidelines, in the case of FLUM amendments, the following information must be provided:

1. A description of the availability of and the demand on the following public facilities: sanitary sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation, as appropriate; and
2. Information regarding the compatibility of the proposed land use amendments with the Comprehensive Plan future land use element objectives and policies, and those of other affected elements.

All proposed FLUM amendments must be consistent with the Principles for Guiding Development within the Florida Keys Area of Critical State Concern, pursuant to § 380.0552(7), Florida Statutes. The Principles are listed below.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection, treatment, and disposal facilities;
 3. Solid waste treatment, collection, and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.

- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed FLUM category in the village in relation to the amount of land currently assigned the FLUM designation and available to accommodate that demand;
2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed FLUM category;
3. Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan;
4. New issues;
5. Recognition of a need for additional detail or comprehensiveness

However, in no event shall an amendment be approved which will result in an adverse community change.

Official Zoning Map Amendment Criteria. The purpose of this application is to provide a means for changing the Official Zoning Map. It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Village Council shall consider the factors set forth below and the consistency of the proposed amendment with the provisions and intent of the Comprehensive Plan.

The Village Council must find that the application is consistent with the Comprehensive Plan, that the applicant has complied with all procedural requirements of the Code and that the maintenance of the existing zoning on the property does not accomplish a legitimate public purpose. The Village Council shall make its determination on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed zoning district in the Village in relation to the amount of land currently zoned and available to accommodate that demand;
2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed zoning district;
3. Data errors, including errors in mapping, vegetative types and natural features described in the Comprehensive Plan;
4. New issues;
5. Recognition of a need for additional detail or comprehensiveness; or
6. Compatibility of the proposed district with the property surrounding the site of the requested rezoning and any applicable neighborhood or redevelopment plan.

However, in no event shall an amendment be approved which will result in an adverse community change.

Needs Analysis

The owner of the properties identified as RE #00405350-000000 and 00405360-000000 (subject property) is proposing to amend the current FLUM of the subject properties from Residential Medium (RM) to Mixed Use (MU) and the current zoning from Residential Single-family (R-1) to Highway Commercial (HC) **for the sole purpose of obtaining a vacation rental license approval, without any increase in density or intensity, and without any allowed non-residential uses or structures.** Vacation rental license approval from the Village of Islamorada.

RE #00405350-000000, contains 13300 SF of land area, with a single-family house under construction.

RE #00405360-000000 contains 13,300 SF of land area, with a single-family house under construction.

In the R-1 zoning district, a single-family residence or multifamily attached affordable housing of up to four units could be constructed as a permitted use by right. This is not the intention of the owner of this property. The property owner simply wishes to change the FLUM and zoning in order to apply and receive a Vacation Rental license and to have a vacation rental unit on each lot. **The owner is not requesting an increase in density or intensity and is proposing that no non-residential structures would be allowed. The owner is requesting a site specific FLUM change, as provided in Village Comprehensive Land Use Plan Objective 1-2.11 and Policy 1-2.11.3 to create a sub area on Windley Key.**

The proposed development and ongoing development will not exceed the FAR or OSR allowed in the code. The proposed use would be allowable in the HC zoning district as a permitted use. Although none is anticipated, any expansion or redevelopment of the property would have to meet all requirements of the land development code and comprehensive plan through the application review process. The existing single-family residences on two of the sites are permitted and recognized by village staff in the HC zoning district. The owner does not contemplate increasing to more than one residential unit per property, thus this change does not increase density on the property.

The Village Comprehensive Plan notes that the functional population of the Village will increase from 10,354 in 2010 to 10,653 in 2020, an increase of approximately 3%. The figures are not accurate as the increase has already exceeded 11,000 per the most recent figures. Although these figures and the actual figures do not provide the distribution of age, there will be a need for additional tourist-based facilities to serve an increasing population. Additionally, as currently documented by the TDC, transient room occupancies have increased in the last few years thus adding to the need for added Tourist based facilities. The Village Code limits the number of allowable Vacation Rental (VR) licenses. The Village has never reached or exceeded the maximum limit of VR Licenses, yet the demand is still there. This request will not bring the anticipated number of VR's over the allowable number. We should note that the Village underwent an extensive study and had many meetings in order to determine the maximum number of VR licenses it should allow. During the anticipated code changes the community came together to come up with an acceptable number of VR units. Meetings between hoteliers, residents, the Chamber, as well as professionals in the real estate community had multiple workshops to find the right balance.

Access to the subject properties would not impact traffic flow directly on US 1. Access to this property is off the Old Road with several areas to ingress and egress to and from US-1. 63 of the 74 HC/MU properties are directly on US 1 and most of them do not have curb cuts off the highway. Utilization of this property would minimize the traffic consequences to US 1, unlike many of the existing HC properties in the Village.

The request will not increase the demand for parking as the ongoing and proposed development was already calculated at two (2) spaces per unit. The ongoing and proposed development will closely comply with the regulations in the event of a catastrophic event such as fire or hurricane.

The proposed development and on-going development will not further increase the previously anticipated water or sewage use and would not add additional vehicular trips, beyond what is already factored into the Comp Plan and LDR's. There should be no increase in impacts on public facilities of services, than what was already anticipated.

Policy 1-1.1.1 Protect Residential Areas from Incompatible Development.

This amendment would steer vacation rental uses to an Island that is dominated by commercial and transient uses. Windley Key is bookended by two major marinas and is infilled with hotels and motels, as well as several developments that allow for Vacation Rental licenses.

Policy 1-2.1.14 Criteria for Future Land Use Map (FLUM) Amendments. Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the Principles for Guiding Development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed FLUM category in the Village in relation to the amount of land currently assigned the FLUM designation and available to accommodate the demand.

Answer: It appears that there is .01% of HC properties compared to other zonings throughout the Village. This seems to be a disproportionate amount. There are only 74 vacant HC/MU properties in the entire Village, there are none on Windley Key. Of the 74 vacant HC/MU parcels the comp plan suggests the Village steer development away from the 12 due to the Hammock designation of the properties. Many of the HC/MU properties on other islands do not have direct access VIA DOT approved curb-cuts and most do not have access to US-1 Via the Old Highway.

2. Compatibility of the sites physical, geological, hydrological and other environmental features, with uses permitted in the proposed FLUM.

Answer: This site has no unique features as it relates to physical, geological, hydrological or environmental features. There is ongoing development that is

recently permitted that is in compliance with all factors in the LDC.

3. Data errors, including errors in Mapping, vegetative types and natural features described in the comprehensive plan.

Answer: There are no data errors recorded, yet there are, to the immediate east several properties that are zoned either MU or HC.

4. New issues.

Answer: This request will better serve the properties in this request. There are currently no transitional zonings between HC and R-1. This property is located immediately next to a locally famous restaurant and bar. This amendment will create an acceptable transition between the residential uses to the west and the non-residential uses to the east.

5. Recognition of the need for additional detail or comprehensiveness.

Answer: Currently there are no other undeveloped HC zoned properties on Windley Key. There are also no undeveloped MU FLUM properties on Windley Key. This request will allow the subject properties to be compatible with most of the properties on this island.

Policy 1-2.1.13 Future Land Use Map Amendments. "Islamorada, Village of Islands shall not sponsor private applications for Future Land Use Map amendments that would increase the allowable density/intensity of the properties affected."

Answer: There will be no increase in density, as the two houses are currently permitted and under construction.

Due to these factors and the desire for redevelopment instead of new development we feel this request is justified and in keeping with the goals and objectives in the Villages' Comprehensive Plan.

After recording return to:
Planning and Development Services Dept.
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada Florida 33036

ORDINANCE NO.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN; 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, the Official Zoning Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

WHEREAS, the property owner, Windley Isles LLC, has requested an Official Zoning Map amendment from the Residential Single Family (R-1) District to the Highway Commercial (HC) Zoning District for a parcel consisting of approximately 13,300 square feet of land with the Parcel ID Number 00405360-000000 (the "Property"), as legally described below; and

WHEREAS, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code of Ordinances (the "Code"), the Village Local Planning Agency publicly considered the Zoning Map Amendment during a duly noticed public hearings held on January 8, 2024 and March 11, 2024; and

WHEREAS, in accordance with Section 166.041, Florida Statutes, and Section 30-213 of the Village Code, notice of the public hearing(s) has been given for the proposed adoption of this Ordinance; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") finds that the adoption of the Official Zoning Map Amendment is in the best interest of the Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents; and

WHEREAS, the Village Council has determined that the proposed Zoning Map Amendment is consistent with the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to consider the proposed Zoning Map Amendment in accordance with State law.

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

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

Section 2. Approval/Denial of Zoning Map Amendment. The Official Zoning Map Amendment is hereby [approved / denied] as part of the Official Zoning Map of the Village. A copy of the Official Zoning Map Amendment is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

85331 Overseas HWY or E 1/2 LT 4 GALEN BEACH WINDLEY ISLAND PB2-110 OR3-417 OR5-7 OR423-509/10 OR2604-404 OR2709-951/52 OR2835-2429/30 OR2835-2435/38 OR3070-0595 OR3070-0597 OR3158-1318 OR3158-1321

Section 3. Transmittal. The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Commerce ("Commerce") for approval in accordance with Section 380.05(6), Florida Statutes.

Section 4. Effective Date. This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Commerce (Commerce) pursuant to Section 163.3184,

Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

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_____, 2024.

[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 _____, 2024.

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