



Islamorada, Village of Islands

LAND USE VILLAGE COUNCIL MEETING

January 9, 2025 - 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. MAYOR / COUNCIL COMMUNICATIONS

V. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

VI. 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.)

VII. MOTIONS

- A.** Discussion and appointment of Interim Village Manager ()

VIII. RESOLUTIONS

- A.** Administrative Appeal relating to a Denial of a Vacation Rental License **TAB A** (Jennifer DeBoisbriand , Planning Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20240251 FILED BY BARTON W SMITH, AGENT FOR 81641 ISLAMORADA LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A VACATION RENTAL LICENSE) FOR PROPERTY LOCATED AT 81641 OLD HWY, HAVING REAL ESTATE NUMBER 00401660-000000, ON UPPER MATECUMBE KEY; AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF COMMERCE AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS

**RESOLUTION FROM THE STATE DEPARTMENT OF
COMMERCE.**

IX. ORDINANCES

- A. Extending the Moratorium on Building Permit Allocations (BPAS) TAB B (John Quick, Interim Village Attorney)**
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED PURSUANT TO ORDINANCE NO. 23-10 RELATING TO THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT LAND DEDICATIONS); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

X. QUASI-JUDICIAL

- A. Ordinance Amendment to the Future Land Use Map for Parcel 00404730-000000 - First Reading TAB C (Jennifer DeBoisbriand , Planning Director)**
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, 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.
- B. Ordinance Amendment to the Official Zoning Map for Parcel 00404730-000000 - First Reading TAB D (Jennifer DeBoisbriand , Planning Director)**
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL, TO AMEND THE OFFICIAL ZONING MAP FROM SETTLERS RESIDENTIAL (SR) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, 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.
- C. Administrative Relief - 169 Hibiscus Street TAB E (Jennifer DeBoisbriand , Planning Director)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY NATIVE RENTAL PROPERTIES FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 169 HIBISCUS STREET, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Administrative Relief - 171 Hibiscus Street TAB F (Jennifer DeBoisbriand , Planning Director)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 171 HIBISCUS STREET, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. Administrative Relief - 267 Hibiscus Street TAB G (Jennifer DeBoisbriand , Planning Director)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 267 HIBISCUS STREET, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

XI. ADJOURNMENT

Options for Viewing the Village Council Meeting:

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

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

Option 1: Email your comments.

1. Public comment should be submitted via email to: public.comment@islamorada.fl.us
2. The email should contain “Public Comment” in the subject line.
3. The name and address of the submitter shall be included in the email.
4. Public comment should be submitted by 9 a.m. the day before the meeting. Public comment

will be sent to the Village Councilmembers for consideration prior to the meeting. Public comments will not be read during the meeting.

Option 2: Call in During the Meeting.

1. If phoning in, dial 305-224-1968 and enter the webinar **ID: 911 0656 4166** followed by #. When the Mayor opens public comment pertaining to the agenda item you are interested in dial *9 to be recognized by the Zoom meeting monitor. The Monitor will call you by the last four digits of your phone number. **Please be sure to unmute your phone when you are called upon.**

2. If watching online via Zoom: Open the Zoom webinar link <https://zoom.us/j/91106564166> and follow the prompts to join the webinar. When the Mayor opens public comment use the “raise your hand” feature to be recognized by the meeting monitor. Public comments will be heard in the order in which they are received.

ADA Assistance:

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



Council Communication

To: Mayor and Village Council
From:
Date: January 9, 2025
SUBJECT: Discussion and appointment of Interim Village Manager

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments: None



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: January 9, 2025
SUBJECT: **Administrative Appeal relating to a Denial of a Vacation Rental License TAB A**

Background:

The subject property located at 81641 Old Highway with the Real Estate Number 00401660-000000 (the "Property"), is within the Village Center (VC) zoning district and the Mixed Use (MU) Future Land Use Map (FLUM).

The Property is currently houses commercial space on the first floor and residential space on the second floor. On September 25, 2024, the owner applied for a Vacation Rental License. The Village immediately denied the application for a license as the Code states that vacation rental properties shall be in single family, multi family or mobile home properties. The Code does not identify mixed use and or commercial properties as available for Vacation Rental licenses.

It should be noted that the original denial that went to the property owner identified the property as commercial and not mixed use. We corrected that error and sent an amended denial.

The applicant has appeal the denial and submitted a memorandum outlining the arguments for appeal.

Analysis:

The applicant argues that the property is within the MU FLUM which allows for Vacation Rental properties. That is factual however the applicant ignores the definition in section 30-1292 of the Village Code that states: Vacation rental unit means a single-family or multi-family residential dwelling unit or mobile home that operates for vacation rental use. While dwelling unit means one or more rooms in a building used for occupancy by one family for living and sleeping quarters and containing one kitchen only, including a mobile home per the Code, when single-family or multi-family is added to it, Staff's interpretation is that it must be a single-family home or a multi-family building. The Village Code does not define these items.

It has been and continues to be staff's position that the Code does not allow Vacation Rental uses in mixed use or commercial buildings.

Budget Impact:

Budget impact is dependent on any Council decision.

Staff Impact:

Staff impact is dependent on any council decision.

Recommendation:

Staff recommend the denial of the appeal.

- Attachments:**
1. 20240251 Appeal CC Backup
 2. PLADA20240251_81641 Islamorada

PROPERTY RECORD CARD

Disclaimer

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

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

Summary

Parcel ID 00401660-000000
 Account# 1493996
 Property ID 1493996
 Millage Group 50VI
 Location 81641 OLD Hwy, UPPER MATECUMBE KEY
 Address
 Legal Description MATECUMBE BEACH PB 1-133 UPPER MATECUMBE PT LOT 7 SQR 1 & PT OVERSEAS HWY & PT BEACH RD OR144-433 OR590-532 OR945-2482 OR948-2412 OR1520-1504 (PROB #98-20047-CP-10) OR1613-507 OR2092-173 OR2154-530 OR2154-533 OR2154-536 OR2952-1486 OR3274-0596
 (Note: Not to be used on legal documents.)
 Neighborhood 10024
 Property Class STORE COMBO (1200)
 Subdivision MATECUMBE BEACH
 Sec/Twp/Rng 32/63/37
 Affordable No
 Housing



Owner

81641 ISLAMORADA LLC
 91 Falmouth St
 Short Hills NJ 07078

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$521,467	\$430,692	\$430,692	\$440,826
+ Market Misc Value	\$7,905	\$810	\$810	\$810
+ Market Land Value	\$318,623	\$318,623	\$318,623	\$318,623
= Just Market Value	\$847,995	\$750,125	\$750,125	\$760,259
= Total Assessed Value	\$847,995	\$750,125	\$750,125	\$760,259
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$847,995	\$750,125	\$750,125	\$760,259

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$318,623	\$521,467	\$7,905	\$847,995	\$847,995	\$0	\$847,995	\$0
2023	\$318,623	\$430,692	\$810	\$750,125	\$750,125	\$0	\$750,125	\$0
2022	\$318,623	\$430,692	\$810	\$750,125	\$750,125	\$0	\$750,125	\$0
2021	\$318,623	\$440,826	\$810	\$760,259	\$760,259	\$0	\$760,259	\$0
2020	\$318,623	\$440,826	\$810	\$760,259	\$760,259	\$0	\$760,259	\$0
2019	\$273,105	\$238,779	\$810	\$512,694	\$414,065	\$0	\$512,694	\$0
2018	\$209,525	\$233,018	\$810	\$443,353	\$376,423	\$0	\$443,353	\$0

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

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
(1200)	7,225.00	Square Foot	67	100

Buildings

Building ID	42984	Exterior Walls	C.B.S. with 35% CUSTOM	
Style		Year Built	1955	
Building Type	COM/RES B / 12B	EffectiveYearBuilt	2010	
Building Name		Foundation		
Gross Sq Ft	4568	Roof Type		
Finished Sq Ft	2820	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	AVERAGE	Heating Type		
Perimeter	272	Bedrooms	2	
Functional Obs	0	Full Bathrooms	2	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	19	Grade	400	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	2,820	2,820	392
OUF	OP PRCH FIN UL	49	0	28
PTO	PATIO	1,650	0	166
SBF	UTIL FIN BLK	49	0	28
TOTAL		4,568	2,820	614

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
BRICK PATIO	2019	2024	3 x 120	1	360 SF	2
BRICK PATIO	2019	2024	18 x 18	1	324 SF	2
CUSTOM PATIO	2019	2024	9 x 9	1	81 SF	4
ASPHALT PAVING	2014	2024	0 x 0	1	120 SF	1
CONC PATIO	2014	2024	0 x 0	1	35 SF	1

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
5/1/2024	\$1,600,000	Warranty Deed	2460212	3274	0596	01 - Qualified	Improved		
3/6/2019	\$1,050,000	Warranty Deed	2209987	2952	1486	03 - Qualified	Improved		
9/8/2005	\$800,000	Warranty Deed		2154	536	Q - Qualified	Improved		
12/3/1999	\$225,000	Warranty Deed		1613	507	Q - Qualified	Improved		

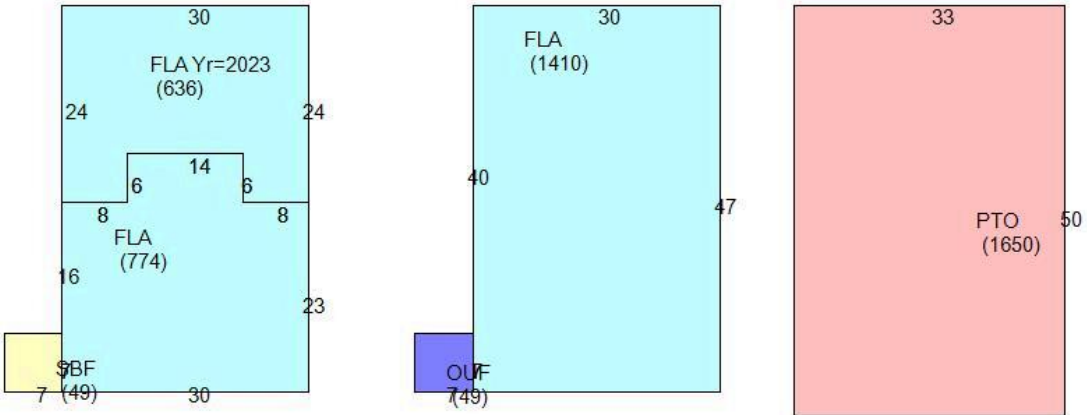
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
PRBLD202100523	10/14/2021	7/21/2023	\$35,000	Commercial	ENCLOSING EXISTING CARPORT, ADDING HALF BATH WITH ELECTRIC AND OUTSIDE RAILING. 150 If,607 SF
PRBLD201900962	8/19/2019	1/9/2020	\$3,900	Commercial	
PRBLD201900874	8/12/2019	3/31/2021	\$35,000	Commercial	REMODEL BEDROOM, BATHROOM AND KITCHEN.
PRBLD201900866	6/28/2019	9/9/2019	\$3,500	Commercial	CONCRETE REPAIRS PER ENGINEERED DRAWINGS BY CAMPBELL ENGINEERING CONSULTANTS LLC
PRBLD201900514	5/15/2019	9/9/2019	\$35,000	Commercial	INSTALL NEW BATHROOM FIXTURES AND SOME NEW PLUMBING. NEW ELECTRICAL SWITCHES, LIGHTS, RECEPTACLES AND NEW WIRING AS NEEDED NEW 8E SURFACE MOUNTED. NEW WATER HEATER, SOME NEW WINDOWS AND DOORS. ADD HADICAP/ADA PARKING SPOT AND ASSOCIATED PATH WITH PAVERS NEW MINI SPLIT *** (SPALLING REPAIR IS GOING TO BE ON A SEPARATE PERMIT)***
INC201300823	1/6/2014	12/11/2018	\$1	Commercial	REPLACE 2 WINDOWS, REMOVE INTERIOR WALL (UPDATE)

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)



Photos





TRIM Notice



[User Privacy Policy](#) [GDPR Privacy Notice](#)
Last Data Upload: 10/29/2024, 6:58:42 AM



Islamorada, Village of Islands

Planning and Development Services Department

86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400

October 03, 2024

81641 ISLAMORADA LLC
91 FALMOUTH ST
SHORT HILLS, NJ 07078

RE: Notice of Application Denial - PLVR20240185

Location: 81641 OLD HWY

Parcel ID: 00401660-000000

Dear Applicant,

This notice is to inform you of the denial of your planning application for Vacation Rental License, PLVR20240185.

The reason(s) for this denial are as follows:

The property is commercial and vacation rentals are not permitted in commercial structures.

Should you have any questions regarding this denial, please feel free to contact me.

A handwritten signature in blue ink that reads "Anita Muxo".

Anita Muxo
Planning & Zoning Technician
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6498
E-mail: anita.muxo@islamorada.fl.us

SMITH/HAWKS
ATTORNEYS AT LAW

Barton W. Smith, Esq.
Jess Miles Goodall, Esq.
Telephone: (305) 296-7227
Facsimile: (305) 296-8448
E-mail: Bart@SmithHawks.com

UPLOADED TO CITYVIEW ePORTAL

October 30, 2024

Jennifer DeBoisbriand, Planning Director
Islamorada, Village of Islands Planning & Development Services
86800 Overseas Highway
Islamorada, FL 33036
Email: Jennifer.DeBoisbriand@Islamorada.FL.US

**RE: NOTICE OF APPEAL: DENIAL OF THE APPLICANT'S APPLICATION FOR
THE VACATION RENTAL LICENSE - [FILE NO. PLVR20240185]**

Dear Jennifer,

Please allow this correspondence to serve as a formal appeal application ("Appeal"), by **81641 ISLAMORADA LLC** ("Applicant") as required in Islamorada, Village of Islands' ("Village") Code of Ordinances ("Code"). Pursuant to Code Sec. 30-281, Applicant is appealing the Village's Letter of Denial of the Applicant's Application for the Vacation Rental License ("Application") requesting a Vacation Rental License for the Applicant's real Property located at the property located at 81641 Old Highway, Upper Matecumbe Key, Florida 33036, having Monroe County Parcel ID No. 00401660-000000. Uploaded with this Notice of Appeal, please find the following: 1) Appeal application, and 2) payment in the amount of \$2,300.00 for the fees and cost related to the Appeal.

Applicant is appealing the Village's Letter of Denial received by Applicant on October 3, 2024, attached hereto as **Exhibit A**. Applicant will supplement this Appeal with a memorandum of law and witness list within the required time frame prior to the planning commission hearing.

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

Sincerely,



Barton W. Smith

BWS/JG/bg



Islamorada, Village of Islands

Planning and Development Services Department

86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400

October 03, 2024

81641 ISLAMORADA LLC
91 FALMOUTH ST
SHORT HILLS, NJ 07078

RE: Notice of Application Denial - PLVR20240185

Location: 81641 OLD HWY

Parcel ID: 00401660-000000

Dear Applicant,

This notice is to inform you of the denial of your planning application for Vacation Rental License, PLVR20240185.

The reason(s) for this denial are as follows:

The property is commercial and vacation rentals are not permitted in commercial structures.

Should you have any questions regarding this denial, please feel free to contact me.

A handwritten signature in blue ink that reads "Anita Muxo".

Anita Muxo
Planning & Zoning Technician
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6498
E-mail: anita.muxo@islamorada.fl.us

EXHIBIT A



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: 10/30/24

I hereby authorize SMITH HAWKS, PL / Barton W. Smith / Jess Miles Goodall
(Name, Address and Phone Number of Authorized Agent)

to be listed as authorized agent on behalf of 81641 ISLAMORADA LLC
(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:

Any/All Planning Department Applications

(Project Name / Application Type)

Property Address: 81641 Old Highway, Upper Matecumbe Key, Florida 33036

Real Estate Number(s): 00401660-000000

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: IAN MOUNT, as Manager of 81641 ISLAMORADA LLC

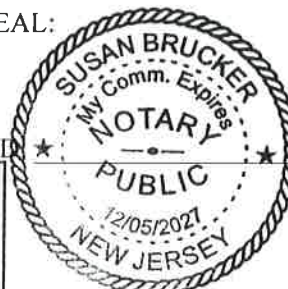
STATE OF NJ

COUNTY OF ESSEX

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 30th day of OCTOBER, 2024, by IAN MOUNT (name of person signing the application) as MANAGER (type of authority e.g. officer, manager / member, trustee, attorney in fact) for 81641 ISLAMORADA, LLC (name of entity or party on behalf of whom application was executed).

[Signature: Susan Brucker]
Signature of Notary Public - ~~State of Florida~~

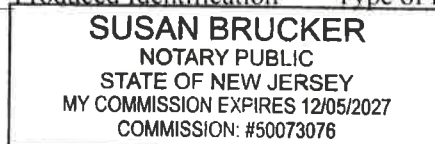
SEAL:



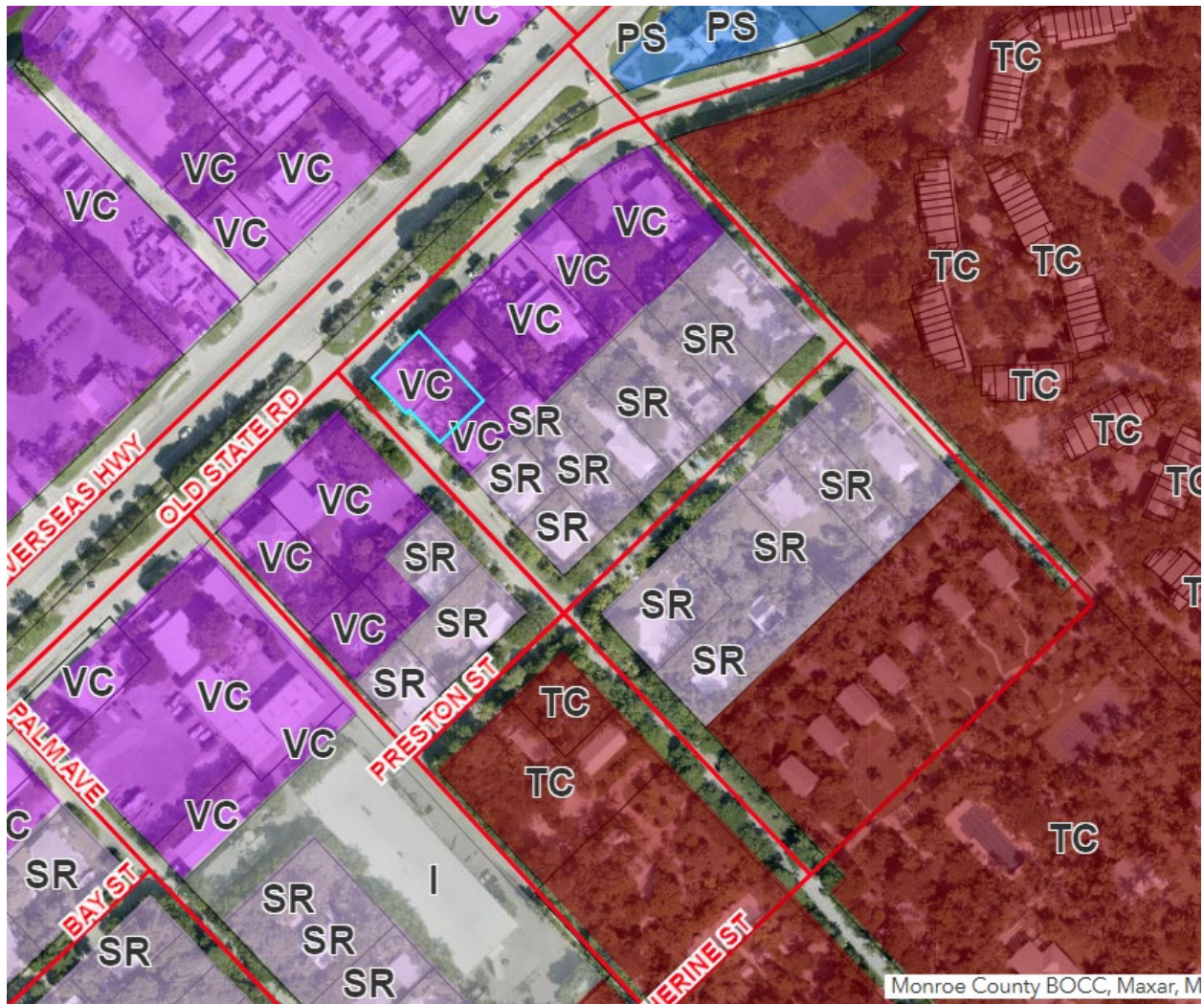
☒ Personally Known

☐ Produced Identification

Type of ID



Zoning:



FLUM:





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.

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

APPELLANT:

Name: 81641 ISLAMORADA LLC
Mailing Address: c/o Agent
Primary Phone: c/o Agent Fax: c/o Agent
Email: c/o Agent

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: SMITH HAWKS, PL / Barton W. Smith, Esq./ Jess Miles Goodall, Esq.
Mailing Address: 138 Simonton Street, Key West, Florida 33040
Primary Phone: (305) 296-7227 Fax: (305) 296-8448
Email: Bart@SmithHawks.com; Jess@SmithHawks.com; Brandi@SmithHawks.com

PROPERTY OWNER:

Name: 81641 ISLAMORADA LLC
Mailing Address: c/o Agent
Primary Phone: c/o Agent Fax: c/o Agent
Email: c/o Agent

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

Physical Address: 81641 Old Highway, Upper Matecumbe Key, Florida 33036 Mile Marker: ~82

Lot: _____ Block: _____ Subdivision: _____

☐ Plantation Key ☐ Windley Key ☒ Upper Matecumbe Key ☐ Lower Matecumbe Key

Application for Administrative Appeal

Real Estate (RE) Number: 00401660-000000 Alternate Key: 1536555
Zoning District: (VC) - Village Center Future Land Use Category: (MU) - Mixed Use
Are there any pending codes violations on the property? ☐ Yes (Case # _____) ☒ 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 (check or money order to "Islamorada, Village of Islands")
- ☒ 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.

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]
Signature of Applicant

October 30, 2024

Date

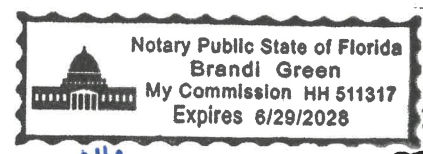
Print Name: Jess Miles Goodall

STATE OF FLORIDA
COUNTY OF MONROE

Sworn to and subscribed before me by means of ☒ physical appearance or _____ online notarization, this 30th day of OCTOBER, 20 24, by JESS MILES GOODALL (name of person signing the application) as AGENT (type of authority e.g. officer, manager / member, trustee, attorney in fact) for 61641 ISLAMORADA LLC (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID N/A



Google





Barton W. Smith, Esq.
Jess Miles Goodall, Esq.
Telephone: (305) 296-7227
E-mail: Bart@SmithHawks.com
Jess@SmithHawks.com
Brandi@SmithHawks.com

UPLOADED TO CITYVIEW ePORTAL

November 22, 2024

Jennifer DeBoisbriand, Planning Director
Village of Islamorada | Planning & Development Services
86800 Overseas Highway
Islamorada, Florida 33036
Email: Jennifer.DeBoisbriand@Islamorada.FL.US

RE: AMENDED APPEAL APPLICATION MEMORANDUM: PLANNING AND DEVELOPMENT SERVICES' DENIAL OF APPLICATION FOR A VACATION RENTAL LICENSE (PLVR20240185) FOR THE MIXED-USE PROPERTY LOCATED AT 81641 OLD HIGHWAY, WITH MONROE VILLAGE REAL ESTATE NUMBER 00401660-000000.

Dear Jennifer,

Please allow this correspondence to serve as Memorandum supplementing the formal appeal application filed October 31, 2024 ("Appeal"), pursuant to Chapter 30, Article IV, Division 4 of the Village of Islamorada Code ("Code"). The owner of the property, 81641 ISLAMORADA LLC (the "Appellant") is appealing the Village of Islamorada Planning and Development Service's (the "Village") decision to deny their application for a vacation rental license application (PLVR20240185) for the existing single-family residential dwelling unit located on the real property located at 81641 Old Highway, Upper Matecumbe Key, Islamorada, Florida (the "Property").

Appellant provides the following in support of the Appeal:

I. FACTS

1. On October 3, 2024, the Village issued a Notice of Application Denial for Vacation Rental License number PLVR20240185, providing that "the Property is commercial, and vacation rentals are not permitted in commercial structures,¹" as the sole reason for the denial (the "Initial Denial").

¹ See Village of Islamorada Notice of Application Denial – PLVR20240185

2. On October 31, 2024, the Appellant filed a notice of appeal contesting the denial of the vacation rental license.
3. On November 3, 2024, the Appellant supplemented the Appeal with an Appeal Application Memorandum, substantively disproving the Village's reasoning for denying the vacation rental application.
4. Despite a formal appeal having been filed, on November 22, 2024, the Village provided a Revised Notice of Application Denial – PLVR20240185 (the "Revised Denial"), in which the Village contradicts the reasoning contained in the Initial Denial by admitting that the "property consists of a multi-use store combo," and provides Sec 30-1292 Definitions states "Vacation rental unit means a single-family or multi-family residential unit or mobile home that operates for vacation rental use" as the sole reason for denial.

II. BASIS OF APPEAL

Receipt of the Village's Revised Denial renders the reasoning contained in the Initial Denial moot, based on the Village's admission that the Property is a mixed-use property. The Appellant therefore hereby amends this memorandum to appeal the denial of the vacation rental permit for the existing single-family residential dwelling unit located on the Property, provided via the Revised Notice of Application Denial, drafted, and executed by Anita Muxo, Planning and Zoning Technician for Islamorada, Village of Islands, and dated November 22, 2024, attached hereto as **Exhibit A**. The Appellant contends that the Revised Denial is legally unsound for the following reasons:

1. The Revised Denial fail to identify that the Property is located within the Mixed Use Future Land Use Map Designation, which designation permits vacation rental licenses under the Code; and
2. The Revised Denial incorrectly fails to identify that the structure on the Property is a mixed use structure, housing both commercial and residential uses, specifically housing a single-family dwelling unit; and 3) the Revised Denial's attempted application of the definition of a Vacation Rental unit, as contained in Village of Islamorada Code Section 30-1292, is legally incorrect and unsound.

Jennifer DeBoisbriand, Planning Director

RE: APPEAL MEMORANDUM - *Vacation Rental License PLVR20240185* [Parcel ID 00401660-000000]

December 5, 2024

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III. THE PROPERTY IS LOCATED WITHIN THE MIXED-USE FLUM DESIGNATION, WHICH IS A DESIGNATION THAT PERMITS VACATION RENTALS UNDER THE CODE.

Properties located within the Mixed-Use Future Land Use Map designation are permitted to receive vacation rental licenses. The Property is located within the Village Center (VC) zoning category and is designated as Mixed-Use on the Future land use maps.

Zoning:



Jennifer DeBoisbriand, Planning Director

RE: APPEAL MEMORANDUM - *Vacation Rental License PLVR20240185* [Parcel ID 00401660-000000]

December 5, 2024

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FLUM:



Properties within the VC zoning district are permitted both commercial and residential uses². Properties with the MU FLUM designation are permitted both commercial and residential uses³. Pursuant to the provisions of the Property's zoning and FLUM designations, mixed use developments are permitted thereon.

Furthermore, pursuant to Code Section 30-1291 and Section 30-1293, vacation rental licenses are permitted in specified FLUM designations, one of which is the Mixed-Use FLUM designation⁴.

Based upon this, the properties that are developed as mixed-use properties containing both single-family or multi-family residential dwelling units and commercial use are permitted to receive vacation rental licenses for the residential units. Nothing contained in the Code provided that mixed-use properties are prohibited from the vacation rental license program. In fact, the inclusion of the Mixed-Use FLUM designation within Sections 30-1291 and 30-1293, which permits mixed use developments, is a clear indication of the intent to permit residential dwelling units located in mixed use developments to utilize vacation rental licenses.

² See Village of Islamorada Code Section 30-692(a)(1), "The purpose of the village center (VC) zoning district is to recognize and enhance the vitality of the core, mixed use business centers. **In this zoning district, integrated business and residential uses shall be permitted**, while requiring bufferyards and other mitigation techniques to ensure a smooth transition where these parcels interface with residential land uses. Businesses in this district promote walk-up traffic and are conducive to enhancing pedestrian-related facilities."

³ See Islamorada Comprehensive Plan Policy 1-2.4.1, "Mixed Use (MU) is the only FLUM category in which commercial uses shall be permitted," and Policy 1-2.4.4, "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."

⁴ See Village of Islamorada Code Section 30-1291, "The intent and purpose of this division is to protect single family homes and residential neighborhoods from the adverse impacts of vacation rental uses; to limit new vacation rental properties to residential conservation, residential low, residential high, **mixed use** and airport future land use map category areas where vacation rental uses are compatible; and to provide a reasonable period of time for the amortization of existing vacation rental uses within residential areas where the continuation of such uses are not compatible with the character of the neighborhoods and the quiet enjoyment of residential properties therein." See also Section 30-1293, "The vacation rental use of single-family and multifamily residential properties within the village shall be allowed, including properties located within the residential conservation (RC), residential low (RL), residential medium (RM), residential high (RH), **mixed use (MU)** and airport (A) future land use map categories. Vacation rental use allowed under this policy shall not be considered as part of the cap on transient units contained in policy 1-2.1.10 of the comprehensive plan."

Based on the above, it is clear that the reasoning contained in the Revised Denial is not only factually incorrect, but directly contradicts the intent of the Village of Islamorada Code. The Property falls within the Mixed-Use FLUM designation, which FLUM specifically permits vacation rental license, is a mixed use structure (Residential dwelling unit and commercial), which is permitted in the Mixed-Use FLUM, and contains a lawfully established single-family residential unit, which is permitted to receive a vacation rental license.

IV. PERMITTING HISTORY SHOWS THAT THE PROPERTY AND STRUCTURE ARE MIXED USE, CONTAINING BOTH COMMERCIAL AND A SINGLE-FAMILY RESIDENTIAL DWELLING UNIT:

Although the Revised Denial identifies that the Property is a Mixed-Use property, it fails to correctly identify that the Property contains both a single-family residential dwelling unit and a commercial use. It is important to note that nothing contained in the code prevents or precludes a single-family residential dwelling unit within a mixed-use development from utilizing a vacation rental license. In fact, as provided above, properties within the Mixed-Use FLUM, which permit mixed use developments, are specifically included in the vacation rental provisions of the Code.

The Appellant previously provided clear, indisputable evidence that a single-family residential unit is established on the Property, and re-states the same below for purposes of this Appeal Memorandum. The Appellant has reviewed and does hereby provide its findings regarding the existing permit history and information from the Monroe County Property Appraiser, which clearly show that the structure has been developed with commercial uses on the first floor and a single-family residential dwelling unit on the second floor.

The Monroe County Property Appraiser clearly identifies the property as containing both a commercial use and a residential use, as shown below and on the Property Record Card attached hereto as **Exhibit B**.

Jennifer DeBoisbriand, Planning Director

RE: APPEAL MEMORANDUM - *Vacation Rental License PLVR20240185* [Parcel ID 00401660-000000]

December 5, 2024

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☐ Buildings

Building ID	42984	Exterior Walls	C.B.S. with 35% CUSTOM	
Style		Year Built	1955	
Building Type	COM/RES B / 12B	EffectiveYearBuilt	2010	
Building Name		Foundation		
Gross Sq Ft	4568	Roof Type		
Finished Sq Ft	2820	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	AVERAGE	Heating Type		
Perimeter	272	Bedrooms	2	
Functional Obs	0	Full Bathrooms	2	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	19	Grade	400	
Interior Walls		Number of Fire PI	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	2,820	2,820	392
OUF	OP PRCH FIN UL	49	0	28
PTO	PATIO	1,650	0	166
SBF	UTIL FIN BLK	49	0	28
TOTAL		4,568	2,820	614

Based on this, the then current Property owner engaged the Village in a pre-application conference, and a formal determination was presented, *See* Pre-Application letter dated April 1, 2019 (“Pre-App 1”), attached hereto as **Exhibit C**. Specifically, Sections 1, 2, 3, 4, and 5 of the Pre-App 1, identifies that the Property has an existing single-family residential dwelling unit:

Pre-Application Conference Questions:

1. The current use on the building is non-residential occupancy at the ground level and residential on second floor, with an open carport area at the ground elevation, as shown on

1

Pre-Application Conference {PLPRE20190042}

the attached plan, can the applicant enclose the existing carport area for additional non-residential uses or can the applicant enclose this area for an additional residential unit?

The subject property is currently located within an X (0.2% annual chance) FEMA Flood Zone pursuant to FIRM Panel 12087C0992K effective date 2/18/2005. Pursuant to the existing FIRM maps there are currently no additional flood requirements to enclose the carport under the footprint of the structure. If the proposed enclosure is added to **the existing residential use**, only a building permit application will be required with impact fees associated with the enclosed additional square footage. If the proposed enclosure is for additional non-residential/commercial square footage then that additional square footage must be applied for and allocated through the Building Permit Allocation System (BPAS) pursuant to Division 11. BPAS Pursuant to Village Resolution No. 18-11-120 the current total amount of nonresidential floor area for allocation for 2019 is 48,600 square feet (2,500 square feet available for 2019 plus 46,100 square feet rolled over from 2018).

2. The applicant desires to seek a vacation rental license for the **residential use on the second floor**. Will the Planning Department recognize the value of the entire building or only the value of the residential portion in order to demonstrate compliance with the assessed value for the vacation approval?

The applicant must meet all of the requirements of Division 6, Vacation Rentals to be able to obtain a Vacation Rental registration. In addition to the other requirements, the total assessed value of the subject property must be in excess of 600 percent of the median adjusted gross annual income for households within Monroe County, pursuant to Section 30-1295(b)(2). The FY 2018 Median Family Income is \$84,400. As calculated, 600 percent of the FY 2018 Median Family Income is \$506,400. The median adjusted gross annual income for households within Monroe County can be located at the United States Department of Housing and Urban Development (HUD) Office of Policy Development and Research (PD&R) website.

https://www.huduser.gov/portal/datasets/il/il2018/select_Geography.odn

3. As the building currently exists how many parking spaces are required for the residential and non-residential existing uses?

Currently, **the only active use at the subject property is a single residential use**, which requires a minimum of 2.0 parking spaces. The non-residential/commercial use is currently vacant. Dependent upon the non-residential/commercial use that is proposed for the subject property, the specific use and its associated intensity determine the required number of parking spaces. Section 30-852 Off Street Parking is the applicable section of the Code to consult, specifically Section 30-852(d) Shared Parking where two or more uses on the same lot share parking spaces because their peak parking demands do not occur at the same time.

4. **(Additional Question from the April 1st 2019 Pre-application Conference)**

The ground floor of the building currently has 616 square feet proposing a Dress Shop and an Art Gallery, how many parking spaces are required for these non-residential/commercial uses?

Pursuant to Section 30-852(c)(2) Required Number of Parking Spaces there is a minimum of 2.0 required parking spaces for the **single residential use** and a minimum of 2.0 required parking spaces for the 616 square feet of Retail, the proposed Dress Shop and Art gallery, with the sum of 4.0 required parking spaces with one parking space being an ADA Handicap parking space. Yet as discussed and referenced in question number 8, pursuant to Section 30-852(c)(1)(a)(b), *For every*

5. **If the applicant were approved for a second market rate residential unit, how many additional parking spaces would be required?**

Pursuant to Section 30-852 Off Street Parking, multifamily developments require 2.0 parking spaces per dwelling unit, in addition to any non-residential/commercial use that is proposed for the subject property and its required parking.

Pursuant to Code Section 30-32, a dwelling unit is defined as “one or more rooms in a building used for occupancy by one family for living and sleeping quarters and containing one kitchen only, including a mobile home.”

Throughout Pre-App 1, there is indisputable evidence that a single-family residential dwelling unit exists on the Property, specifically on the second floor of the structure.

Jennifer DeBoisbriand, Planning Director

RE: APPEAL MEMORANDUM - *Vacation Rental License PLVR20240185* [Parcel ID 00401660-000000]

December 5, 2024

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Additionally, the Property Record Card clearly shows the permitting history, including the development associated with a residential unit that meets the definition of a dwelling unit under the Code, specifically identifying the “remodel of a bedroom, bathroom and kitchen”:

Permits

Columns ▼							
Number ↕	Date Issued ↕	Date Completed ↕	Amount ↕	Permit Type ↕	Notes ↕		
PRBLD202100523	10/14/2021	7/21/2023	\$35,000	Commercial	ENCLOSING EXISTING CARPORT, ADDING HALF BATH WITH ELECTRIC AND OUTSIDE RAILING. 150 lf, 607 SF		
PRBLD201900962	8/19/2019	1/9/2020	\$3,900	Commercial			
PRBLD201900874	8/12/2019	3/31/2021	\$35,000	Commercial	REMODEL BEDROOM, BATHROOM AND KITCHEN.		
PRBLD201900866	6/28/2019	9/9/2019	\$3,500	Commercial	CONCRETE REPAIRS PER ENGINEERED DRAWINGS BY CAMPBELL ENGINEERING CONSULTANTS LLC		
PRBLD201900514	5/15/2019	9/9/2019	\$35,000	Commercial	INSTALL NEW BATHROOM FIXTURES AND SOME NEW PLUMBING. NEW ELECTRICAL SWITCHES, LIGHTS, RECEPTACLES AND NEW WIRING AS NEEDED NEW 8E SURFACE MOUNTED. NEW WATER HEATER, SOME NEW WINDOWS AND DOORS. ADD HADICAP/ADA PARKING SPOT AND ASSOCIATED PATH WITH PAVERS NEW MINI SPLIT *** (SPALLING REPAIR IS GOING TO BE ON A SEPARATE PERMIT)***		
INC201300823	1/6/2014	12/11/2018	\$1	Commercial	REPLACE 2 WINDOWS, REMOVE INTERIOR WALL (UPDATE)		

Additionally, in reviewing the permitting history of the Property, it is evident that the Property has an existing single-family residential dwelling unit. Specifically, permit number PRBLD201900874 was issued on August 12, 2019, attached hereto as **Exhibit D**, for an “Interior/exterior remodel of the *bedroom, bathroom, and kitchen* (*Emphasis added*). The above referenced permit was finalized and closed on March 31, 2023, evidencing that the Village conducted all required reviews and inspections, found the Property to be in compliance with all required Code Sections for the residential remodel and the commercial aspects of the structure.

Finally, as part of the permitting process, the applicant submitted permitting plans identifying a residential unit on the second floor and commercial uses on the first floor (the “Plans”), attached hereto as **Exhibit E**. The Plans were submitted as part of permit #PRBLD201900514. The Plans were reviewed and approved by the Village, again clearly identifying the lawful existence of a single-family residential dwelling unit on the Property.

Based on the above, it is clear that a single-family residential dwelling unit is lawfully present on the Property. The residential unit is located on the second floor of the structure, while the commercial component of the structure is located on the first floor. Single-family residential dwelling units located on properties within the Mixed-Use FLUM are permitted to utilize vacation rental licenses pursuant to the Code, and it is indisputable that a single-family residential dwelling unit lawfully exists on the Property, and that the Property is located within the Mixed-Use FLUM Designation.

V. THE LAWFULLY ESTABLISHED RESIDENTIAL DWELLING UNIT ON THE PROPERTY IS A SINGLE-FAMILY RESIDENTIAL DWELLING UNIT PURSUANT TO THE DEFINITION UNDER THE CODE AND IS THEREFORE PERMITTED TO BE UTILIZED AS A VACATION RENTAL UNIT UNDER SECTION 30-1292:

Contrary to the intent of Code Section 30-1292, the Revised Denial incorrectly asserts that a single-family residential dwelling unit contained within a mixed development within the Mixed-Use FLUM designation is not permitted to utilize a vacation rental license.

Based on the above, it is undisputed that a residential dwelling unit lawfully exists on the Property. Pursuant to Code Section 30-32, a dwelling unit is defined as “one or more rooms in a building used for occupancy by one family for living and sleeping quarters and containing one kitchen only, including a mobile home.” Additionally, according to Chapter 30, Article 30, Section 30-31, the definition of a Residential dwelling unit is a dwelling unit as that term is defined in this chapter and expressly includes hotel and motel rooms, recreational vehicle spaces, mobile homes, transient residential units, and institutional-residential use, except hospitals.

As discussed above, it is exceptionally clear that one (1) residential dwelling unit has been lawfully developed and recognized on the Property. Pursuant to Chapter 30, Article 30, Section 30-31, the definition of a family is an individual or two or more people related to each other by blood, marriage, or adoption; or no more than six unrelated individuals living together as a single housekeeping unit. This definition does not apply to a group occupying a boardinghouse, hotel, or motel. The existing residential dwelling unit on the Property was developed and intended for one (1) family unit, making it a single family residential dwelling unit.

Additionally, pursuant to Chapter 30, Article 30, Section 30-32, the definition of a Residential Use, as applied to any lot, plat, parcel, tract, **area, or building**, mean used or intended for use exclusively for residential dwelling purposes. For the purposes of the building permit allocation system and transfer of development rights only, hotel and motel units are included. The **area** identified as the second floor of the existing structure is used exclusively for residential dwelling purposes. Properties located within the Mixed-Use FLUM designation are permitted to develop residential dwelling units, making the property a residential property, regardless of the mixed-use development.

Jennifer DeBoisbriand, Planning Director

RE: APPEAL MEMORANDUM - *Vacation Rental License PLVR20240185* [Parcel ID 00401660-000000]

December 5, 2024

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Finally, pursuant to Chapter 30, Article 30, Section 30-31, the definition of a Vacation Rental unit is a **single-family** or multifamily residential dwelling unit or mobile home that operates for vacation rental use, additionally a Vacation Rental Use is defined as a use of a **single-family** or multifamily residential dwelling unit or mobile home that is rented, leased, or exchanged for a period of less than 28 days.

The reason provided in the Revised Denial is legally flawed. Based on the definition of a vacation rental unit, single-family and multi-family residential units are permitted to operate as vacation rental units. As clearly provided above, the Property indisputably contains a lawfully existing single-family dwelling unit, and the Property is located within the Mixed-Use FLUM, which permits vacation rental units, and fall directly within the definition and intent of the Code.

VI. CONCLUSION

Based on the foregoing, the Appellant requests that the Village's Revised Denial of the Appellants application for a vacation rental license for the single-family residential unit located on the second floor of the structure be overturned and the vacation rental license be correctly approved and issued.

Sincerely,



Barton W. Smith

BWS/JG/bg

Enclosures

EXHIBIT A



Islamorada, Village of Islands

Planning and Development Services Department

86800 Overseas Highway • Islamorada, Florida 33036 • 305-664-6400

November 22, 2024

81641 Islamorada, LLC
91 Falmouth Street
Short Hills, NJ 07078

RE: Revised Notice of Application Denial - PLVR20240185

Location: 81641 OLD HWY

Parcel ID: 00401660-000000

Dear Applicant,

This notice is to inform you of the denial of your planning application for Vacation Rental License, PLVR20240185.

The reason(s) for this denial are as follows:

The property consists of a multi-use store combo. Sec 30-1292 Definitions states "Vacation rental unit means a single-family or multi-family residential unit or mobile home that operates for vacation rental use."

Should you have any questions regarding this denial, please feel free to contact me.

A handwritten signature in blue ink that reads "Anita Muxo".

Anita Muxo
Planning & Zoning Technician
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6498
E-mail: anita.muxo@islamorada.fl.us

Cc: Jess Miles Goodall Esq., Smith Hawks PL jess@smithhawks.com

EXHIBIT A

EXHIBIT B

PROPERTY RECORD CARD

Disclaimer

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

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

Summary

Parcel ID 00401660-000000
 Account# 1493996
 Property ID 1493996
 Millage Group 50VI
 Location 81641 OLD Hwy, UPPER MATECUMBE KEY
 Address
 Legal Description MATECUMBE BEACH PB 1-133 UPPER MATECUMBE PT LOT 7 SQR 1 & PT OVERSEAS HWY & PT BEACH RD OR144-433 OR590-532 OR945-2482 OR948-2412 OR1520-1504 (PROB #98-20047-CP-10) OR1613-507 OR2092-173 OR2154-530 OR2154-533 OR2154-536 OR2952-1486 OR3274-0596
 (Note: Not to be used on legal documents.)
 Neighborhood 10024
 Property Class STORE COMBO (1200)
 Subdivision MATECUMBE BEACH
 Sec/Twp/Rng 32/63/37
 Affordable No
 Housing



Owner

81641 ISLAMORADA LLC
 91 Falmouth St
 Short Hills NJ 07078

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$521,467	\$430,692	\$430,692	\$440,826
+ Market Misc Value	\$7,905	\$810	\$810	\$810
+ Market Land Value	\$318,623	\$318,623	\$318,623	\$318,623
= Just Market Value	\$847,995	\$750,125	\$750,125	\$760,259
= Total Assessed Value	\$847,995	\$750,125	\$750,125	\$760,259
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$847,995	\$750,125	\$750,125	\$760,259

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$318,623	\$521,467	\$7,905	\$847,995	\$847,995	\$0	\$847,995	\$0
2023	\$318,623	\$430,692	\$810	\$750,125	\$750,125	\$0	\$750,125	\$0
2022	\$318,623	\$430,692	\$810	\$750,125	\$750,125	\$0	\$750,125	\$0
2021	\$318,623	\$440,826	\$810	\$760,259	\$760,259	\$0	\$760,259	\$0
2020	\$318,623	\$440,826	\$810	\$760,259	\$760,259	\$0	\$760,259	\$0
2019	\$273,105	\$238,779	\$810	\$512,694	\$414,065	\$0	\$512,694	\$0
2018	\$209,525	\$233,018	\$810	\$443,353	\$376,423	\$0	\$443,353	\$0

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

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
(1200)	7,225.00	Square Foot	67	100

EXHIBIT B

Buildings

Building ID	42984	Exterior Walls	C.B.S. with 35% CUSTOM	
Style		Year Built	1955	
Building Type	COM/RES B / 12B	EffectiveYearBuilt	2010	
Building Name		Foundation		
Gross Sq Ft	4568	Roof Type		
Finished Sq Ft	2820	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	AVERAGE	Heating Type		
Perimeter	272	Bedrooms	2	
Functional Obs	0	Full Bathrooms	2	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	19	Grade	400	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	2,820	2,820	392
OUF	OP PRCH FIN UL	49	0	28
PTO	PATIO	1,650	0	166
SBF	UTIL FIN BLK	49	0	28
TOTAL		4,568	2,820	614

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
BRICK PATIO	2019	2024	3 x 120	1	360 SF	2
BRICK PATIO	2019	2024	18 x 18	1	324 SF	2
CUSTOM PATIO	2019	2024	9 x 9	1	81 SF	4
ASPHALT PAVING	2014	2024	0 x 0	1	120 SF	1
CONC PATIO	2014	2024	0 x 0	1	35 SF	1

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
5/1/2024	\$1,600,000	Warranty Deed	2460212	3274	0596	01 - Qualified	Improved		
3/6/2019	\$1,050,000	Warranty Deed	2209987	2952	1486	03 - Qualified	Improved		
9/8/2005	\$800,000	Warranty Deed		2154	536	Q - Qualified	Improved		
12/3/1999	\$225,000	Warranty Deed		1613	507	Q - Qualified	Improved		

Permits

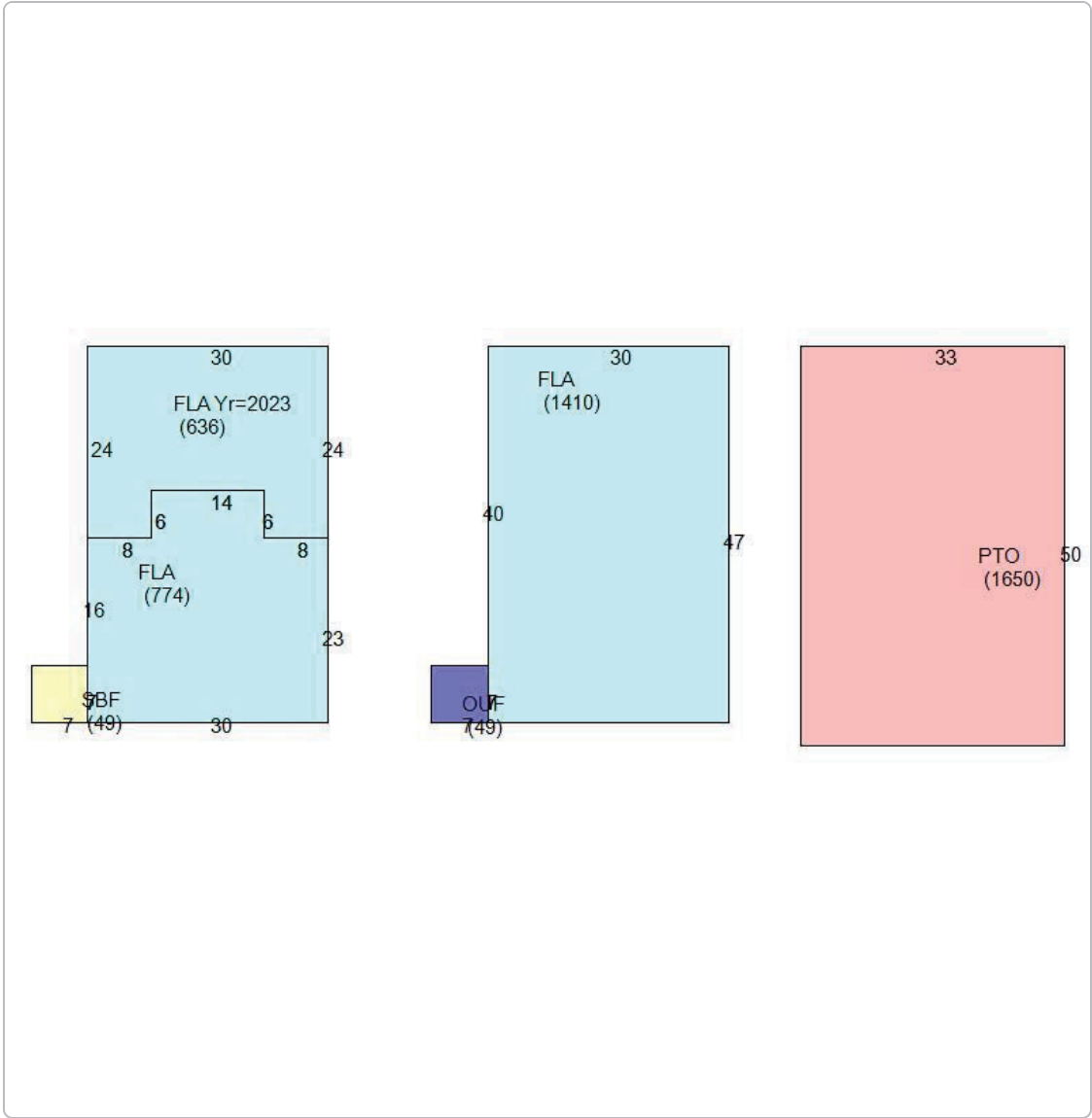
Number	Date Issued	Date Completed	Amount	Permit Type	Notes
PRBLD202100523	10/14/2021	7/21/2023	\$35,000	Commercial	ENCLOSING EXISTING CARPORT, ADDING HALF BATH WITH ELECTRIC AND OUTSIDE RAILING. 150 If,607 SF
PRBLD201900962	8/19/2019	1/9/2020	\$3,900	Commercial	
PRBLD201900874	8/12/2019	3/31/2021	\$35,000	Commercial	REMODEL BEDROOM, BATHROOM AND KITCHEN.
PRBLD201900866	6/28/2019	9/9/2019	\$3,500	Commercial	CONCRETE REPAIRS PER ENGINEERED DRAWINGS BY CAMPBELL ENGINEERING CONSULTANTS LLC
PRBLD201900514	5/15/2019	9/9/2019	\$35,000	Commercial	INSTALL NEW BATHROOM FIXTURES AND SOME NEW PLUMBING. NEW ELECTRICAL SWITCHES, LIGHTS, RECEPTACLES AND NEW WIRING AS NEEDED NEW 8E SURFACE MOUNTED. NEW WATER HEATER, SOME NEW WINDOWS AND DOORS. ADD HADICAP/ADA PARKING SPOT AND ASSOCIATED PATH WITH PAVERS NEW MINI SPLIT *** (SPALLING REPAIR IS GOING TO BE ON A SEPARATE PERMIT)***
INC201300823	1/6/2014	12/11/2018	\$1	Commercial	REPLACE 2 WINDOWS, REMOVE INTERIOR WALL (UPDATE)

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)

EXHIBIT B



Photos



EXHIBIT B



TRIM Notice



[User Privacy Policy](#) [GDPR Privacy Notice](#)
Last Data Upload: 10/29/2024, 6:58:42 AM

EXHIBIT B

EXHIBIT C



**ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
PLANNING AND DEVELOPMENT DEPARTMENT**

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

April 1, 2019

applicant e-mail:
amie_owens@bellsouth.net
don@icm.build

Don Horton
Island Construction Management, Inc.
88888 Overseas Highway
Tavernier, FL 33070

Project: Pre-Application Conference | Oak Street Properties, LLC (PLPRE20190042) Summary Letter
Location: 81641 Old Highway | Upper Matecumbe Key | Islamorada, FL 33036
Parcel #: 00401660-000000

Dear Mr. Horton:

Thank you for your application for a pre-application conference ("Application"). The following is the Planning and Development Department's ("Staff") analysis of your questions and a summary of the discussion held on April 1, 2019 between Bill Bell, you (Don Horton), Shelia Denoncourt, Terry Abel and I, (Craig Southern, CFM, Senior Planner). The purpose of the Pre-Application Conference is to familiarize the applicant with the applicable provisions of Chapter 30, Land Development Regulations (LDRs), of the Code of Ordinances ("Code") of Islamorada, Village of Islands, Florida (the "Village"), and the processes required to permit the proposed development.

Background:

The subject property is located at 81641 Old Highway, Islamorada, FL 33036 (Parcel ID 00401660-000000) within Upper Matecumbe Key containing 0.16 acres and single-family residence that was constructed in 1975 with 2,934 gross square feet and 2,184 habitable square footage. The subject property has a Village Center (VC) Zoning District designation and a Future Land Use designation of Mixed Use (MU). Attached to this letter is copy of [Section 30-692](#) of the Village Land Development Regulations (LDR) that pertains to the Village Center (VC) Zoning District and [Objective 1-2.4](#) of the Village Comprehensive Plan that pertains to the Future Land Use designation of Mixed Use (MU).

Analysis:

Based upon the information provided in the application, information obtained from the Monroe County Property Appraiser's office and the provisions of the LDRs in effect at the time of the application, this summary shall serve as a description of, in general, what provisions of the LDR and Comprehensive Plan apply to the proposed development and shall serve as an overview of the development review process. The following provides a written response to the questions/topics posed in the application and as previously discussed.

Pre-Application Conference Questions:

1. The current use on the building is non-residential occupancy at the ground level and residential on second floor, with an open carport area at the ground elevation, as shown on

EXHIBIT C

the attached plan, can the applicant enclose the existing carport area for additional non-residential uses or can the applicant enclose this area for an additional residential unit?

The subject property is currently located within an X (0.2% annual chance) FEMA Flood Zone pursuant to FIRM Panel 12087C0992K effective date 2/18/2005. Pursuant to the existing FIRM maps there are currently no additional flood requirements to enclose the carport under the footprint of the structure. If the proposed enclosure is added to the existing residential use, only a building permit application will be required with impact fees associated with the enclosed additional square footage. If the proposed enclosure is for additional non-residential/commercial square footage then that additional square footage must be applied for and allocated through the Building Permit Allocation System (BPAS) pursuant to Division 11, BPAS Pursuant to Village Resolution No. 18-11-120 the current total amount of nonresidential floor area for allocation for 2019 is 48,600 square feet (2,500 square feet available for 2019 plus 46,100 square feet rolled over from 2018).

- 2. The applicant desires to seek a vacation rental license for the residential use on the second floor. Will the Planning Department recognize the value of the entire building or only the value of the residential portion in order to demonstrate compliance with the assessed value for the vacation approval?**

The applicant must meet all of the requirements of Division 6, Vacation Rentals to be able to obtain a Vacation Rental registration. In addition to the other requirements, the total assessed value of the subject property must be in excess of 600 percent of the median adjusted gross annual income for households within Monroe County, pursuant to Section 30-1295(b)(2). The FY 2018 Median Family Income is \$84,400. As calculated, 600 percent of the FY 2018 Median Family Income is \$506,400. The median adjusted gross annual income for households within Monroe County can be located at the United States Department of Housing and Urban Development (HUD) Office of Policy Development and Research (PD&R) website.

https://www.huduser.gov/portal/datasets/il/il2018/select_Geography.odn

- 3. As the building currently exists how many parking spaces are required for the residential and non-residential existing uses?**

Currently, the only active use at the subject property is a single residential use, which requires a minimum of 2.0 parking spaces. The non-residential/commercial use is currently vacant. Dependent upon the non-residential/commercial use that is proposed for the subject property, the specific use and its associated intensity determine the required number of parking spaces. Section 30-852 Off Street Parking is the applicable section of the Code to consult, specifically Section 30-852(d) Shared Parking where two or more uses on the same lot share parking spaces because their peak parking demands do not occur at the same time.

- 4. (Additional Question from the April 1st 2019 Pre-application Conference)**

The ground floor of the building currently has 616 square feet proposing a Dress Shop and an Art Gallery, how many parking spaces are required for these non-residential/commercial uses?

Pursuant to Section 30-852(c)(2) Required Number of Parking Spaces there is a minimum of 2.0 required parking spaces for the single residential use and a minimum of 2.0 required parking spaces for the 616 square feet of Retail, the proposed Dress Shop and Art gallery, with the sum of 4.0 required parking spaces with one parking space being an ADA Handicap parking space. Yet as discussed and referenced in question number 8, pursuant to Section 30-852(c)(1)(a)(b), For every

EXHIBIT C

three bicycle parking spaces installed as a bicycle rack in accordance with this subsection, the number of required vehicular parking spaces shall be reduced by one space. Hence the total required parking spaces would be 3 spaces with one parking space being an ADA Handicap parking space, and a minimum of four (4) separate bicycle racks are required to be installed or at least a single large bicycle parking rack is required to be installed to hold four (4) bicycles.

Pursuant to [Section 30-852\(d\) Shared Parking](#) the following Shared Parking calculation was derived:

A	B	C	D	E	F	G	H	I	J	K	L
Min Req	Specific Use Category	NIGHTTIME		WEEKDAY				WEEKEND			
		Midnight - 6:00 am		Day 9:00 AM - 4:00 PM		Evening 6:00 PM - Midnight		Day 9:00 AM - 4:00 PM		Evening 6:00 PM - Midnight	
		Percent	Value	Percent	Value	Percent	Value	Percent	Value	Percent	Value
0	Marinas	5%	0	70%	0	10%	0	100%	0	20%	0
2	Residential	100%	2	60%	1	90%	2	80%	2	90%	2
	Office/Industrial	5%	0	100%	0	10%	0	10%	0	5%	0
0	Churches	5%	0	25%	0	50%	0	100%	0	50%	0
2	Commercial Retail	5%	0	60%	1	90%	2	100%	2	70%	1
	Drinking/Eating	10%	0	40%	0	100%	0	80%	0	100%	0
0	Hotel	75%	0	75%	0	100%	0	75%	0	100%	0
1	All Other	100%	0	100%	0	100%	0	100%	0	100%	0
2	4 Totals		2.1		2.4		3.6		3.6		3.2
3											
4	Minimum shared parking requirement:		3.6	4							
5											
6											
7	Bike Credit		0.18	1							
8	Total		3.42	1							

As indicated in the Excel matrix above, 3.6 parking spaces rounded up to 4.0 parking spaces are required with one parking space being an ADA Handicap parking space. Yet as discussed and referenced in question number 8, pursuant to [Section 30-852\(c\)\(1\)\(a\)\(b\)](#), *For every three bicycle parking spaces installed as a bicycle rack in accordance with this subsection, the number of required vehicular parking spaces shall be reduced by one space.* Hence the total required parking spaces would be 3 spaces with one parking space being an ADA Handicap parking space, and a minimum of four (4) separate bicycle racks are required to be installed or at least a single large bicycle parking rack is required to be installed to hold four (4) bicycles.

5. If the applicant were approved for a second market rate residential unit, how many additional parking spaces would be required?

Pursuant to [Section 30-852 Off Street Parking](#), multifamily developments require 2.0 parking spaces per dwelling unit, in addition to any non-residential/commercial use that is proposed for the subject property and its required parking.

6. If the applicant were approved for additional non-residential floor area, in the existing ground level areas, what would be the increased number of parking spaces?

As previously stated, dependent upon the non-residential/commercial use that is proposed for the subject property, the specific use and its associated intensity determine the required number of parking spaces. [Section 30-852 Off Street Parking](#) is the applicable section of the Code to consult, specifically [Section 30-852\(d\) Shared Parking](#) where two or more uses on the same lot share parking spaces because their peak parking demands do not occur at the same time.

EXHIBIT C

7. Can the applicant utilize the village supplied parking on the old road as part of its required parking?

Pursuant to Section 30-852(a)(1) Location of Required Parking, parking spaces shall be located on the same lot as the building, structure, or use which they serve, and within the same zoning district, except where the director of planning and development services may, by means of a covenant or other acceptable means, allow part of the off-street parking spaces for nonresidential purposes to be located on a lot other than the lot occupied by the building, structure, or use.

8. Can the applicant obviate any required parking with bicycle racks?

Pursuant to Section 30-852(c)(1)(a) Bicycle Spaces The minimum requirement is that one (1) bicycle rack for parking bicycles shall be provided by all nonresidential development projects. Credit for required parking spaces. To encourage the use of bicycles by providing safe and convenient places to park, racks for parking bicycles may substituted for up to five percent of vehicular parking spaces required pursuant to Section 30-852(c)(1)(a)(b). For every three bicycle parking spaces installed as a bicycle rack in accordance with this subsection, the number of required vehicular parking spaces shall be reduced by one space, up to a maximum of ten vehicular parking spaces. The minimum credit shall be rounded up to at least one vehicular parking space, even if five percent of required vehicular parking spaces would result in less than one vehicular space. A minimum of three vehicular parking spaces shall be required to qualify for the credit. Bicycle parking shall not be substituted for ADA accessible spaces, loading spaces, boat ramp spaces, or oversized vehicle parking spaces. Existing vehicular parking spaces may be converted to take advantage of this provision. The bicycle parking credit may be utilized in combination with the shared parking and parking demand study options in Section 30-852(d), in order to further reduce the amount of required parking without the need for a variance

As indicated in question number 4, a minimum of four (4) separate bicycle racks are required to be installed or at least a single large bicycle parking rack is required to be installed to hold four (4) bicycles, to subtract one required parking space. When submitting for building permit, please indicate within the Site Plan the location of the proposed bicycle rack(s) and provide a detail within the plans that indicates there will be a permanent foundation that is securely anchored in the ground detailing how the bicycle rack(s) are anchored. If installing more than one (1) bicycle rack, it is recommended that they be a minimum of thirty-six (36) inches apart and be a minimum forty-eight (48) inches from a wall, pedestrian access aisle, and when placed perpendicular to a curb or vehicular parking area.

9. It appears that all of the immediately adjacent properties have the same zoning category, please confirm.

Currently, all adjacent properties to the subject property have a Village Center (VC) Zoning District designation and a Future Land Use designation of Mixed Use (MU).

10. If the immediate adjacent zoning categories are Village Center (VC), is any future development exempt from the buffering requirements?

Pursuant to Table 30-816 Zoning District Bufferyards, Village Center adjacent to Village Center does not require any additional bufferyards than what are required pursuant to Division 6. Landscape Standards

11. Is it necessary for the applicant to seek any variances due to the nonconforming setbacks?

Pursuant to Section 30-739 Nonconforming Structure

- (1) Enlargement or extensions to nonconforming structures shall be allowed, provided that:
 - a. The improvement complies with chapter 6, article III, Floodplain Management Standards;
 - b. A nonconforming use is not located in the nonconforming structure; and
 - c. The nonconformity is not further increased.

12. At what point would the Building Official or Fire Chief require the building to be sprinkled?

According to Fire Chief Terry Abel, all renovations must be compliant with International Fire Code 43, as long as there is no change in use the building will not need to be sprinkled yet if there is a change in use, no building permit application shall be issued until plans for an alarm and sprinkler system have been submitted, reviewed, and approved.

In addition to the LDRs, the proposed development must be found consistent with the purposes, goals, objectives and policies of the Islamorada Comprehensive Plan. If you have any further questions or need additional clarification, please feel free to contact me at 305-664-6424 or craig.southern@islamorada.fl.us

Conclusion:

This pre-application letter is based solely upon the information provided by the applicant and is only intended to familiarize the applicant with the provisions of the Land Development Regulations (LDR) and the Comprehensive Plan currently in effect that may be applicable to the development project proposed by the applicant. The information provided herein is subject to change based upon the adoption of new policies or regulations, the repeal of existing policies or regulations, submission of additional information, or a determination that incomplete/inaccurate information or misstatements of fact were provided by the applicant. This letter is not a development approval, order or permit, and nothing contained herein shall be construed or interpreted as conveying, conferring, granting or denying any building, development or vested rights. This is not an administrative decision or interpretation regarding the provisions of the comprehensive plan or land development regulations. A final decision or interpretation of the applicable policies and regulations cannot be made until the applicant submits a complete development application for review.

Sincerely,

Craig Southern, CFM
Senior Planner

EXHIBIT D

Permit Application Status

PRBLD201900874

You will only be able to view fees or schedule inspections if you are a contact on the permit application.

Expand All | Collapse All

Note: You can collapse and expand individual sections by clicking the header of the section you wish to collapse/expand.

Summary

Application Number: PRBLD201900874
Application Type: BUILDING
Application Status: Closed
Property Owner's Full Name: OAK STREET PROPERTIES LLC
Category of Work: INTERIOR/EXTERIOR REMODELING
Description of Work: INTERIOR/EXTERIOR REMODEL BEDROOM, BATHROOM AND KITCHEN. REMOVE AND REPLACE WINDOWS AND DOORS TO IMPACT.
TOTAL OPENINGS---11
Application Date: 06/19/2019
Issued Date: 08/12/2019
Expiration Date: 08/19/2020
Date Finalled: 03/31/2021

Locations

Locations: Property
00401660-000000
Address
81641 OLD HWY

Contacts

Property Owner/Owner of Record: OAK STREET PROPERTIES LLC, Address:1504 SAVANNAH RD, Phone:(302) 542-3747
Primary Contractor: LANDMARK JOHANSSON INC, Address:PO BOX 782, Phone:(305) 619-3771 Ext:LEX
License Status
Electrical Contractor: WIRE NUTS ELECTRIC OF SOUTH FLORIDA INC, Address:237 LA PALOMA RD, Phone:(305) 451-0939
License Status
Mechanical Contractor: ISLAND AIR CONTROL LLC, Address:903 REDBIRD RD, Phone:(305) 852-4042
License Status
Plumbing Contractor: WINDY DAY PLUMBING CO INC, Address:PO BOX 569, Phone:(305) 664-9701
License Status

Permits

Permit Number: PRBLD201900874

Permit Type: BUILDING
Permit Status: Closed

Permit Number: PRBLD201900874

Permit Type: ELECTRICAL
Permit Status: Closed

Permit Number: PRBLD201900874

Permit Type: MECHANICAL
Permit Status: Closed

Permit Number: PRBLD201900874

Permit Type: PLUMBING
Permit Status: Closed

EXHIBIT D

—Reviews

Review Type	Outcome	Est. Completion Date	Completed
Building Review	Approved	08/21/2019	07/24/2019
Reviewer:	Sheila Denoncourt ((305) 664-6430) Send Email		
Electrical Review	Approved	08/21/2019	07/24/2019
Reviewer:	Sheila Denoncourt ((305) 664-6430) Send Email		
Mechanical Review	Approved	07/19/2019	07/17/2019
Reviewer:	Sheila Denoncourt ((305) 664-6430) Send Email		
Electrical Review	Failed	07/19/2019	07/17/2019
Reviewer:	Plans Examiner ((305) 664-6432) Send Email		
Corrections:	<u>Correction 1:</u> Miscellaneous/Other <u>Status:</u> Resolved <u>Date Status Changed:</u> 07/24/2019 <u>Comments:</u> Provide a GFCI protected 15 or 20 amp, 125 volt receptacle for servicing the new mini-split condenser per 210.63. <u>Correction 2:</u> Miscellaneous/Other <u>Status:</u> Resolved <u>Date Status Changed:</u> 07/24/2019 <u>Comments:</u> Provide a note on the plan that any receptacle within 6' of the outside edge of the bar sink will be GFCI protected per 210.8(A) (7).		
Flood Review	Approved	07/19/2019	07/08/2019
Reviewer:	Terri Sullivan ((305) 664-6432) Send Email		
Building Review	Failed	07/19/2019	07/01/2019
Reviewer:	Plans Examiner ((305) 664-6432) Send Email		
Corrections:	<u>Correction 1:</u> Miscellaneous/Other <u>Status:</u> Resolved <u>Date Status Changed:</u> 07/24/2019 <u>Comments:</u> Provide the required design pressures for the openings. <u>Correction 2:</u> Miscellaneous/Other <u>Status:</u> Resolved <u>Date Status Changed:</u> 07/24/2019 <u>Comments:</u> Drawings for the railings must be signed and sealed by the engineer or provide NOA.		
Plumbing Review	Approved w/ Conditions	07/19/2019	06/28/2019
Reviewer:	Plans Examiner ((305) 664-6432) Send Email		
Corrections:	<u>Correction 1:</u> Miscellaneous/Other <u>Status:</u> Outstanding <u>Date Status Changed:</u> 06/28/2019 <u>Comments:</u> DAN WALSH JR PROVIDE AS BUILTS. ISOMETRIC DOES NOT MATCH FLOOR PLAN, AS ISOMETRIC SHOWS PLUMBING WITH NO GROUND LEVEL FLOOR PLAN.		
Planning Review	Approved w/ Conditions	07/05/2019	06/25/2019
Reviewer:	Christina Neel ((305) 664-6421) Send Email		

—Inspections

Inspection	Outcome	Requested	Scheduled	Date Inspected
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EXHIBIT D

NOC Required	Received	8/19/2019	08/12/2019
	Inspector: Laurie Posttron ((305) 664-6433) Send Email		
PLUMBING: ROUGH	Passed	8/23/2019	08/23/2019
	Inspector: Kim Stevenson ((305) 664-6443) Send Email		
MECHANICAL: FINAL	Passed	9/10/2019	09/11/2019
	Inspector: Kim Stevenson ((305) 664-6443) Send Email		
MECHANICAL: OTHER	VOID/Not Required		09/11/2019
	Inspector: Kim Stevenson ((305) 664-6443) Send Email		
BUILDING: FRAMING	Failed	9/13/2019	09/13/2019
	Inspector: Philip Morretta ((305) 664-6425) Send Email		
BUILDING: FRAMING	Passed	9/17/2019	09/17/2019
	Inspector: Philip Morretta ((305) 664-6425) Send Email		
BUILDING: INSULATION	Passed	9/20/2019	09/20/2019
	Inspector: Philip Morretta ((305) 664-6425) Send Email		
BUILDING: DRYWALL	Passed	9/20/2019	09/20/2019
	Inspector: Philip Morretta ((305) 664-6425) Send Email		
PLUMBING: FINAL	Failed	1/14/2020	01/14/2020
	Inspector: Kim Stevenson ((305) 664-6443) Send Email		
	Corrections:	<u>Correction 1:</u> Miscellaneous/Other <u>Status:</u> Outstanding <u>Date Status Changed:</u> 01/14/2020 <u>Comments:</u> Shock arrestor for dish washer	
PLUMBING: FINAL	Partial Pass	1/16/2020	01/16/2020
	Inspector: Kim Stevenson ((305) 664-6443) Send Email		
ELECTRICAL: FINAL	Passed	1/16/2020	01/16/2020
	Inspector: Terri Sullivan ((305) 664-6432) Send Email		
ELECTRICAL: OTHER	VOID/Not Required		01/16/2020
	Inspector: Terri Sullivan ((305) 664-6432) Send Email		
PLUMBING: OTHER	VOID/Not Required		01/16/2020
	Inspector: Terri Sullivan ((305) 664-6432) Send Email		
PLUMBING: FINAL	Passed	2/20/2020	02/20/2020
	Inspector: Kim Stevenson ((305) 664-6443) Send Email		
BUILDING: FINAL	Passed	2/21/2020	02/21/2020
	Inspector: Terri Sullivan ((305) 664-6432) Send Email		
BUILDING: OTHER	VOID/Not Required		02/21/2020
	Inspector: Terri Sullivan ((305) 664-6432) Send Email		
ELECTRICAL: ROUGH	Passed	9/10/2019	02/21/2020
	Inspector: Terri Sullivan ((305) 664-6432) Send Email		
PLANNING FINAL INSPECTION	VOID/Not Required		02/21/2020
	Inspector: Christina Neel ((305) 664-6421) Send Email		

Conditions

There are no conditions for this permit application.

Portal Home

EXHIBIT D

EXHIBIT D

EXHIBIT E

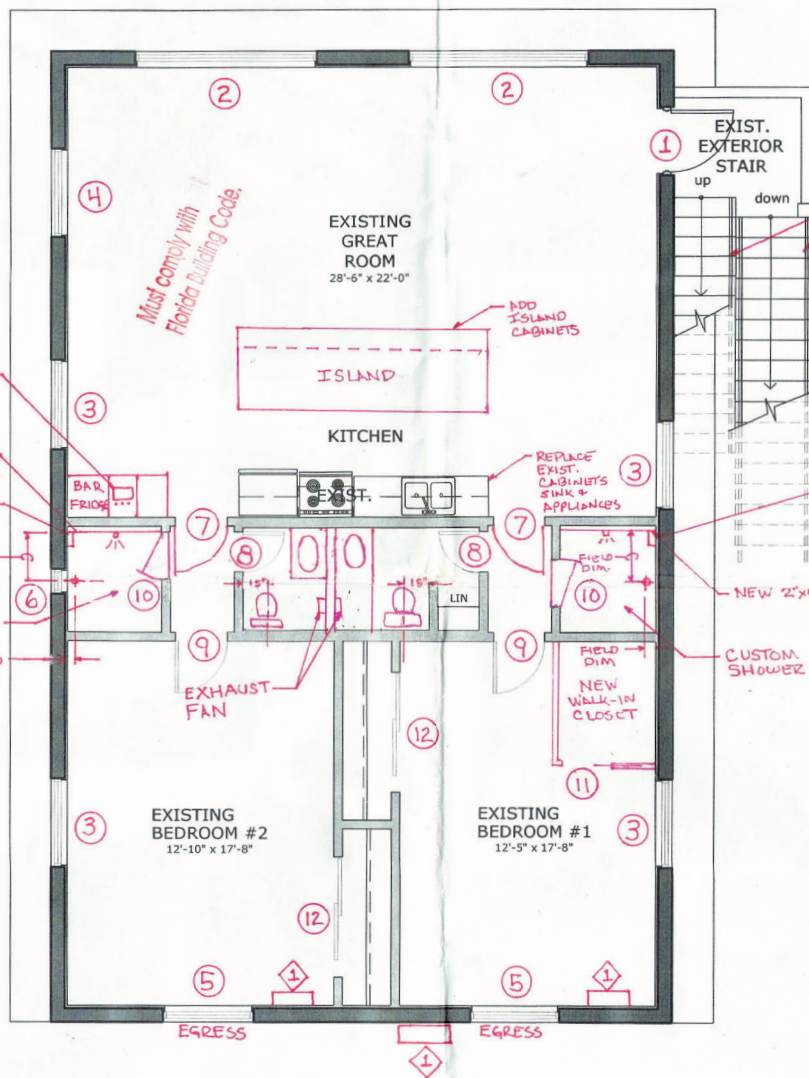
JOB COPY

APPROVED

PERMIT NO. 2019-000000000-74
DATE 11/11/19
PLANNING & DEVELOPMENT SERVICES

PLANNING & DEVELOPMENT SERVICES
NOT AUTHORIZED TO VIOLATE
OF ANY TECHNICAL CODES, LOCAL, STATE,
OR FEDERAL LAWS

NOTICE
ALL PERMITS REQUIRE
A FINAL INSPECTION.
FAILURE TO OBTAIN A FINAL
INSPECTION WILL RESULT IN
CODE ENFORCEMENT ACTION.



APPROVED WITH CONDITIONS
[Signature]
Planner Date 11/11/19
Materials Planning & Development Services
SEE PERMIT CARD FOR CONDITIONS

EXISTING SECOND FLOOR PLAN

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



EXHIBIT E

EXHIBIT E



A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20240251 FILED BY BARTON W SMITH, AGENT FOR 81641 ISLAMORADA LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A VACATION RENTAL LICENSE) FOR PROPERTY LOCATED AT 81641 OLD HWY, HAVING REAL ESTATE NUMBER 00401660-000000, ON UPPER MATECUMBE KEY; AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF COMMERCE AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS RESOLUTION FROM THE STATE DEPARTMENT OF COMMERCE.

WHEREAS, Barton W. Smith, (the "Agent") filed Administrative Appeal No. PLADA20240251 (the "Appeal") pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the "Village") on behalf of 81641 Islamorada LLC (the "Appellant"); 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 application for a Vacation Rental License at the Appellant's property located at 81641 Old Hwy, as legally described in Exhibit "A" attached hereto; and

WHEREAS, on October 3, 2024, the Director issued a notice of denial for vacation rental license citing that the property is commercial and vacation rentals are not permitted in commercial structures; and

WHEREAS, November 22, 2024, the Director issued an amended denial clarifying that the property was mixed use and that the Code states " Vacation rental unit means a single-family or multifamily residential unit or mobile home that operates for vacation rental use"; and

WHEREAS, on October 31, 2024, the Agent filed the Appeal of the Director's decision with an amendment to the appeal file on December 5, 2024; and

WHEREAS, on January 9, 2025, a public hearing was held before the Village Council pursuant to Section 30-281 of the Village Code of Ordinances (the "Code").

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 January 9, 2025.
- (2) The hearing was duly noticed pursuant to Section 30-213(j) of the 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 January 9, 2025, 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 (**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 the Appellant is hereby **[DENIED/GRANTED]**.

Section 4. 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_____, second by_____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilman Joseph B. Pinder III _____

Councilwoman Deb Gillis _____

Councilman Steve Friedman _____

PASSED AND ADOPTED THIS 9th DAY OF JANUARY 2025.

SHARON MAHONEY, 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 _____, 2025.



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: January 9, 2025
SUBJECT: **Extending the Moratorium on Building Permit Allocations (BPAS) TAB B**

Background:

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

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

Currently, there remain fifty-four (54) market rate applications remaining in the queue. There are currently no additional market rate BPAS applicants, with or without land dedication. Due to the number of pending market rate applications in the queue and the immediate uncertainty of the availability of additional allocations, Council adopted a moratorium in September 2023 and extended it in early 2024. The current moratorium is set to expire in February 2025. Council requested we consider further extending the moratorium.

Analysis:

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

During the time that this Ordinance is in effect, there shall be a temporary moratorium on the acceptance of new Market Rate Residential BPAS applications (with or without land dedications), and new BPAS land dedications. There will be two (2) exceptions and the Ordinance shall not prohibit the acceptance of the new Affordable Residential BPAS applications and new transfer of development right applications. In addition, the Ordinance does not prohibit the continuation of applicants that are currently in any part of the approval

process.

It is important to note that Bert J. Harris Act provides for an express exemption to the Act for matters which are less than one (1) year. Specifically, section 70.001(3)(e)2., Fla. Stat. states as follows:

“The terms ‘inordinate burden’ and ‘inordinately burdened’ . . . [d]o not include temporary impacts to real property; impacts to real property occasioned by governmental abatement, prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner under this section. However, a temporary impact on development, as defined in s. 380.04, that is in effect for longer than 1 year may, depending upon the circumstances, constitute an “inordinate burden” as provided in this paragraph. In determining whether reasonable, investment-backed expectations are inordinately burdened, consideration may be given to the factual circumstances leading to the time elapsed between enactment of the law or regulation and its first application to the subject property.”

If this item is approved by Council, it will extend the current market rate moratorium beyond one (1) year. As a result, there is a slight risk to the Village that it could be subject to a viable claim under the Act.

This item was approved by the Council on first reading on December 12, 2024.

Budget Impact:

No impact on the current budget.

Staff Impact:

The approval of the moratorium would not impact current staff.

Recommendation:

Attachments: 1. 48N798703-Second Ordinance Extending Moratorium Established Pursuant to Ordinance 23-10 with vote

ORDINANCE NO. 24-____

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED PURSUANT TO ORDINANCE NO. 23-10 RELATING TO THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT LAND DEDICATIONS); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

WHEREAS, in 1972, the Florida Legislature adopted the Environmental Land and Water Management Act, which provided the basis for the state to designate an Area of Critical State Concern ("ACSC"); and

WHEREAS, in 1975, the Florida Legislature designated the Florida Keys, which encompasses Monroe County and its municipalities, including Islamorada, Village of Islands (the "Village"), as an ACSC due to the area's environmental sensitivity and mounting development pressures; and

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

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

WHEREAS, a system of managed growth was developed to ensure, among other things, the ability to evacuate within the 24-hour evacuation clearance time as required by Section 380.0552(9)(a)2., Florida Statutes; and

WHEREAS, access to and from the Keys is primarily by U.S. Highway 1, and Evacuation of the Florida Keys' population in advance of a hurricane strike is essential for public safety, especially because no hurricane shelters are available in the Florida Keys that are suited to withstand Category 3 to 5 hurricane storm events; and

WHEREAS, as part of the overall evacuation strategy, the Florida Administration Commission adopted a building permit allocation system that caps the number of permits that can be issued for new residential structures and based on existing infrastructure and evacuation strategies, computer modeling indicates that the projected maximum build out for the Florida Keys is the development of an additional 3,550 allocations beginning July 2013, with a portion of these allocations set aside for affordable housing; and

WHEREAS, the ten-year building permit allocation expired in July 2023, and the Florida Division of Emergency Management ("DEM") is currently working to update the hurricane evacuation model for the entire state, including for the work program tasks for the Florida Keys ACSC; and

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

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

WHEREAS, the Village Council desires to ensure that during the pendency of the necessary study activity for the formulation and implementation of more comprehensive regulations of future residential development, that the acceptance of new Market Rate Residential BPAS applications (with or without land

dedications) are not initiated, so that the regulations produced by the Village's study activity would be fully effective; and

WHEREAS, on September 21, 2023, the Village Council adopted Ordinance No. 23-10, imposing a temporary moratorium on the acceptance of new Market Rate Residential BPAS applications (with or without land dedications) (the "Moratorium") to protect the public health, safety, and welfare of the residents of the Village; and

WHEREAS, on or about January 12, 2024, the State Department of Commerce ("DOC") issued Final Order No. COM-24-001, approving Ordinance No. 23-10 and allowing it to go into effect; and

WHEREAS, the effective date of the DOC Final Order was February 6, 2024; and

WHEREAS, on June 13, 2024, the Village Council adopted Ordinance No. 24-12, extending the temporary moratorium set forth in Ordinance No. 23-10 for an additional six (6) months; and

WHEREAS, on or about August 22, 2024, the DOC issued Final Order No. COM-24-033 ("Second DOC Final Order"), approving Ordinance No. 24-12 and allowing it to go into effect; and

WHEREAS, the effective date of the Second DOC Final Order was September 12, 2024]; and

WHEREAS, DEM still has not finalized its hurricane evacuation models, and accordingly, the Village desires to temporarily extend the Moratorium for an additional six (6) months pursuant to Section 7 of Ordinance No. 23-10 from February 6, 2025, through August 6, 2025, unless dissolved earlier by the Village Council; and

WHEREAS, the Village's planning staff has diligently worked towards the analysis of potential new regulations to address the market rate residential BPAS provisions; however, a possibility exists that any new regulations adopted by the Village Council may not be legally effective prior to the expiration of the existing Moratorium; and

WHEREAS, pursuant to Resolutions Nos. 24-09-102 and 24-10-121, the Village selected a consultant to prepare an updated Comprehensive Plan and revise the Village Land Development Regulations pursuant to RFP 24-10; and

WHEREAS, in order to continue with the process of review and adoption of potential new regulations, and to additionally ensure that except for applications that are exempt from the Moratorium, no applications for new market rate residential BPAS allocations are submitted, the Village is extending the Moratorium.

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

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

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

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

Section 2. **Moratorium Extended.** Pursuant to Section 7 of Ordinance No. 23-10, the Village Council hereby extends the moratorium on the acceptance of new market rate residential BPAS applications (with or without land dedications) for an additional six months from February 6, 2025, through August 6, 2025, unless dissolved earlier by the Village Council.

Section 3. **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 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Transmittal. The provisions of this Ordinance constitute a "land development regulation," as defined by Section 380.031, Florida Statutes. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the DOC for approval pursuant to section 380.05(6) and (11), Florida Statutes.

Section 6. 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 Vice Mayor Horton, who moved for its adoption on first reading. This motion was seconded by Councilwoman Gillis, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	YES
Councilman Joseph B. Pinder III	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	YES

PASSED on the first reading this 12th day of December 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 Sharon Mahoney ___
Vice Mayor Don Horton ___
Councilman Joseph B. Pinder III ___
Councilwoman Deb Gillis ___
Councilman Steve Friedman ___

PASSED AND ADOPTED on the second reading this ____ day of _____, 2025.

SHARON MAHONEY, 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: January 9, 2025
SUBJECT: **Ordinance Amendment to the Future Land Use Map for Parcel 00404730-000000 - First Reading TAB C**

Background:

The applicant, Lynn L Bell, 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 81213 Overseas Highway (RE #00404730-000000), comprising 18,385 square feet. The current use of the property is vacant land. This FLUM amendment has a companion application for a Zoning Map Amendment, which proposes a change from a Settlers Residential (SR) District to a Highway Commercial (HC) District, and the FLUM amendment cannot be approved without approval of the companion Zoning Map Amendment. The applicant's agent has submitted a needs analysis detailing the map amendment request.

The subject property currently has an existing Residential Medium (RM) Future Land Use designation. The property to the north is designated Mixed Use (MU). The property to the south is designated Public/Semi-Public (PS). The properties to the East are designated Residential Medium (RM) and the properties to the West across Overseas Highway are designated Residential High (RH) and Mixed Use (MU). The character of the surrounding area is mixed use with residential uses, commercial uses and institutional uses.

The property is scarified. The property is not recognized as habitat to any state or federal listed animal species, and it is not within the state conservation recreation lands' boundary or critical habitat area. Pursuant to the Village's GIS data and records, the parcel is defined as scarified.

Analysis:

Areas designated MU on the Future Land Use Map recognize 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. The following table is a comparison of the maximum residential density and non-residential intensity [or floor area ratio (FAR)] between the existing RM FLUM and the

proposed MU FLUM.

Existing FLUM Category Maximum
Residential Density Maximum Non-Residential
Intensity (FAR)
Residential Medium (RM)
 Single Family 1 Units per lot -
 Duplex 2 Units per lot -
 Triplex for Affordable Housing 3 Units per lot -
 Fourplexes for Affordable Housing 4 Units per lot -
Proposed FLUM Category Maximum
Residential Density Maximum Non-Residential
Intensity (FAR)
Mixed Use (MU) Residential
Residential Density Allowance 6 units per acre -
With TDRs 12 units per acre -
Affordable Housing 15 units per acre -
Mixed Use (MU) Nonresidential
Outside Village Activity Centers - .25
Outside Village Activity Centers with TDRs - .35
Inside Village Activity Centers - .35
Working Waterfronts - .35

Maximum Residential Density: The proposed MU FLUM designation would allow market-rate residential density based on acreage (6 units per acre); and therefore, the minimal lot size to support one (1) market-rate residential unit would be 7,260 square feet or 0.16 acre. The MU FLUM category allows affordable housing at an allocated density of 15 units per acre, which requires a minimum of 2,904 square feet to support one unit. If approved, the proposed FLUM amendment would result in an increase of either two (2) market-rate residential dwelling units or up to six (6) deed-restricted affordable residential dwelling units on the property.

Maximum Non-Residential Intensity (FAR): The proposed MU FLUM category would allow nonresidential intensity of 0.25 FAR for areas outside of the Village Activity Centers, and up to 0.35 FAR for areas inside the Village Activity Centers, Working Waterfronts and through utilizing the transfer of development rights (TDRs).

Impact on Public Facilities:

Wastewater: The Village has adopted level of service (LOS) standards for wastewater management systems as required by Federal and State regulations. Currently, any permitted or replacement on-site wastewater treatment facility with a design flow less than or equal to 100,000 gallons per day (GPD) within the Village must comply with the 10/10/10/1 Best Available Technology (BAT) standard, as well as require approval from the Monroe County Health Department and/or the Florida Department of Environmental Protection.

Finding: Any new development associated with the proposed FLUM amendment would be subject to this provision or would be mandated to hook up to a central sewer system.

Potable Water: The Village has adopted LOS standards for potable water. The LOS standard for the Village are 371.7 gallons per equivalent residential unit (ERU) per day. Based on water use data provided by FKA and 2010 Census population data, the current amount of water

consumed by an ERU in Monroe County is 219.42 gallons per day (GPD). Therefore, the actual demand is lower than the Village's LOS standard for ERUs of 371.7 GPD.

Finding: At this time it is not apparent if the proposed FLUM amendment is projected to increase the existing potable water LOS below the adopted standard, as provided in Comprehensive Plan Policies 4-1.1.3 and 9-1.2.3.

Solid Waste: The Village has adopted LOS standards for solid waste management. Pursuant to Comprehensive Plan Policies 4-1.1.4 and 9-1.2.3, minimum disposal quantity is 12.2 pounds per day per equivalent residential unit (ERU). The Village's solid waste LOS also requires that sufficient capacity shall be available at a solid waste disposal site to accommodate all existing and approved development for a period of three years from the projected date of completion of the proposed development or use. Islamorada has no facilities within its jurisdiction for the disposal of solid waste.

Finding: solid waste generated from the Village is currently managed through a contract with Island Disposal and disposed of through existing authorized Monroe County and Miami-Dade County solid waste facilities.

Stormwater: The Village has adopted LOS standards for stormwater management as currently mandated by State agencies, as defined in the Village's adopted Stormwater Management Master Plan, and as implemented in the Village's LDRs and Stormwater Design Criteria Technical Manual.

Finding: Delopment associated with the proposed FLUM amendment would be subject to these standards and is required to meet or exceed them as a condition of development approval.

Recreation and Open Space: The Village has adopted a minimum LOS standard for recreation and open space of 3.79 acres per 1,000 population, pursuant to Comprehensive Plan Policy 9-1.2.3. According to the Village's most recent Public Facilities Capacity Assessment, there is an estimated functional population of 11,280 persons in 2012. Therefore, 42.75 acres of recreation and open space are required to meet the adopted LOS.

Finding: The existing supply of recreation and open space area in the Village is 132.3 acres, which exceeds the adopted LOS standard and provides for 11.73 acres per 1,000 persons. Therefore, the proposed FLUM amendment is not projected to decrease the existing recreation and open space LOS below the adopted standards, as provided in Comprehensive Plan Policy 9-1.2.3.

Roadways: The Village has adopted minimum LOS standards for roadways, pursuant to Comprehensive Plan Policy 9-1.2.3.

Finding: The Property is located adjacent to Overseas Highway which shall have sufficient available capacity to operate at or above LOS as measured by peak hours volumes at all intersections including but not limited to all intersections of U.S.1.

Schools: The Comprehensive Plan does not establish a LOS standard for schools, but Monroe County and state law require that school classroom capacity be available to accommodate all school-age children generated by proposed development or use.

Finding: According to the 2012 Monroe County Public Facilities Capacity Assessment Report, all schools have adequate capacity to serve the growth anticipated in 2012 at the County's adopted LOS standard. The FLUM Amendment will not impact the Level of Service in the Schools.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.1, Guide The Location of Commercial uses and Revitalize Commercial Areas
- ☐ Policy 1-2.4.5: Standards Applicable to Non-Residential Uses in the MU Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

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.

Comprehensive Plan Objective 1-2.4, Recognize Mixed Use Development Patterns, states: "Areas designated Mixed Use (MU) on the Future Land Use Map recognize 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."

Finding: The proposed map amendment would be consistent with the historical trend of a mixed-use development pattern within the Village. The properties along Overseas Highway contain mixed uses, including commercial, recreation and residential uses.

Comprehensive Plan Policy 1-2.4.1, Guide The Location Of Commercial Uses And Revitalize Commercial Areas, states Mixed Use (MU) is the only FLUM category in which commercial uses shall be permitted. The general pattern of commercial land uses in MU shall:

1. Prevent negative impacts on the fragile coastal ecosystem by directing commercial development away from environmentally sensitive lands and critical habitat;
2. Revitalize all existing commercial areas and further distinguish Village Activity Centers;
3. Restrict the scale and intensity of commercial development outside of the Village Activity Centers and other appropriate areas in the Village;
4. Promote safe and efficient vehicle, cyclist and pedestrian movement;
5. Prevent or minimize Village costs to provide infrastructure;
6. Avoid encroachment of incompatible commercial activity into established residential neighborhoods;
7. Enhance the unique character of the Village's commercial land uses through incentives for bufferyards and landscaping; and
8. Facilitate within the Village Activity Centers, the creation of aesthetically pleasing commercial spaces outdoors, as places for social leisure and interaction, while limiting light

industrial uses, outdoor storage and sales as a primary use of land, and outdoor retail sales as an accessory use of land.

Finding: The proposed amendment would be consistent with this policy in that it guides redevelopment to the scarified area.

Comprehensive Plan Policy 1-2.4.5, Standards Applicable to Non-Residential Uses in the MU Designation, states, "The Floor Area Ratio (FAR) for MU designated parcels outside of the Village Activity Centers shall not exceed 0.25, except that an FAR up to 0.35 may be allowed on designated receiver sites through the transfer of development rights and for Working Waterfronts parcels, as provided for in the Land Development Regulations. FAR within the Village Activity Centers and on Working Waterfronts parcels shall not exceed 0.35 FAR. The Land Development Regulations shall establish criteria governing the appropriate mass and scale of structures, trip generation, design and location of access and egress facilities, off-street parking and safe pedestrian facilities in MU. Design techniques such as landscaping, screening and buffering shall be applied to ensure land use compatibility within MU areas."

Finding: Any possible future development associated with the proposed FLUM amendment would be required to comply with all applicable portions of the Land Development Regulations, including but not limited to landscaping, buffering and off-street parking. Therefore, the proposed amendment is consistent with Policy 1-2.4.5.

Comprehensive Plan Objective 1-4.6: Prevent proliferation of Urban Sprawl and Coordinate the Timing and Staging of Public and Private Development states, "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."

Finding: The proposed FLUM amendment would assist in limiting additional development on already scarified vacant land.

Future Land Use Map (FLUM) Amendment Criteria

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

Explanation of how the application satisfies the applicable criteria in the Land Development Regulations, Comprehensive Plan, and Principles for Guiding Development:

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,

Applicant's Response:

There is no anticipated increase on demand of public facilities such as sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation.

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.

Applicant's Response:

Please see statements in application with information regarding the compatibility of this proposal with the Village's Comprehensive Plan policies and objectives.

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.

The Applicant has provided his responses to the criteria in his 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 any redevelopment would be limited to an already scarified area.

(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 as there would be no negative impact on shoreline or marine resources.

(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 as no impact to upland resources. The property is scarified and has no upland resources.

(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. Any potential future redevelopment of the subject property would support the maximum well-being of the Florida Keys citizens and the economic health of the area.

(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 as there is no impact to the quality of water throughout the Florida Keys. 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 Settlers Residential 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. Coordination with all utilities will be required during the permitting process.

(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 would allow for development of workforce/affordable housing or affordable housing impact fees.

(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 reviewed this proposed amendment at their meeting on June 10, 2024 and unanimously recommended approval of this ordinance. This item was previously before the Council on August 8, 2024 and deferred until this meeting.

Budget Impact:

None

Staff Impact:

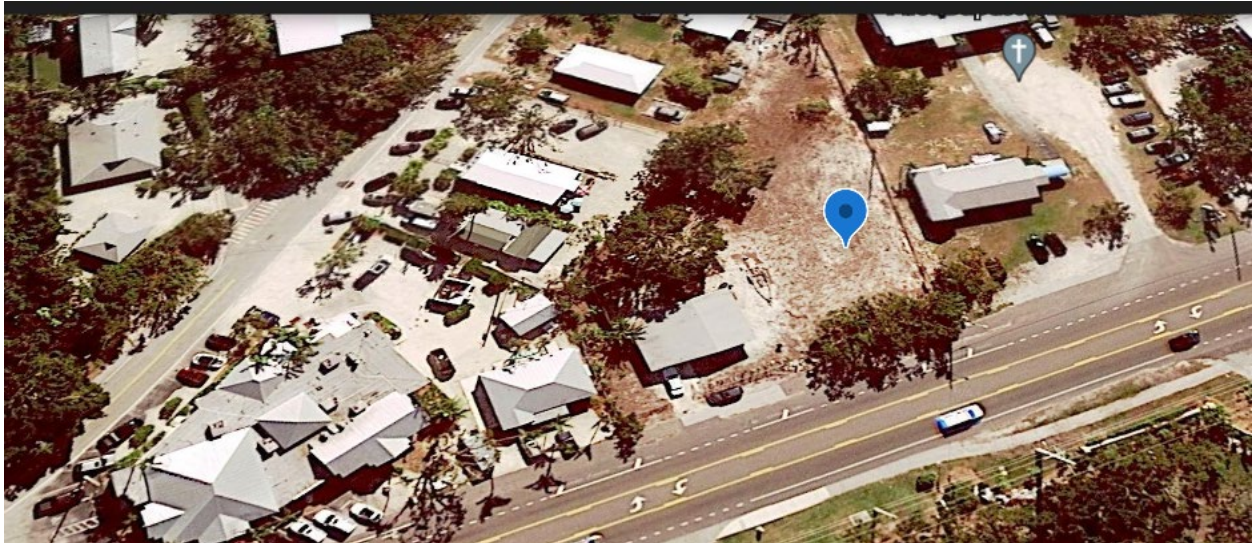
None

Recommendation:

Staff has reviewed the request for FLUM Amendment from Residential Medium to Mixed Use and determined that the request meets the criteria. Therefore, staff recommends approval of the map amendment.

Attachments:

1. Bell CC Attachments
2. Bell FLUM ORD





Overview



Legend

- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- [] Condo Building
- Key Names
- [] Subdivisions
- [] Parcels

Parcel ID	00404730-000000	Alternate ID	1497011	Owner Address	BELL LYNN L
Sec/Twp/Rng	32/63/37	Class	COMMERCIAL		158 Milano Dr
Property Address	81213 OVERSEAS Hwy				Islamorada, FL 33036
	UPPER MATECUMBE KEY				
District	50VI				
Brief Tax	SUBDIVISION OF LOTS 3-4 UPPER MATECUMBE PB2-59 PT TR 16 OR466-60 OR676-696 OR838-725 OR1251-2389/2396				
Description	OR1276-1503/04 OR2988-2235 OR3048-0379 OR3209-2423				
	(Note: Not to be used on legal documents)				

Date created: 1/19/2024

Last Data Uploaded: 1/19/2024 6:28:58 AM

Developed by  Schneider
GEOSPATIAL

Needs Analysis & Justifications

The owner of the property identified as RE #00404730-000000 (subject property) is proposing to amend the current FLUM from Residential Medium (RM) to Mixed Use (MU) and the current zoning from Settlers Residential (SR) to Highway Commercial (HC). Since the application for a change in the FLUM and Zoning is requested to run concurrently, we shall address both the FLUM and zoning change in this one document.

RE #00404730-000000, contains 18385 SF of land area, and is scarified.

In the SR zoning district, single-family residences or Multi Family attached dwelling units are permitted uses. Homeowners' parks and municipal facilities are allowed under minor conditional uses and there are no allowed uses under a major conditional use. In the proposed HC district multi-family uses are not allowed, unless they are deed restricted affordable housing units. Since this property lies in a commercial corridor, we maintain the zoning and FLUM for this property should be amended.

Policy 1-2.4.6 1. States the following: ... "In general, residential Zoning Districts shall be established where there are existing residential neighborhoods within the Village Activity Centers. Policy. This area is not in an existing "Neighborhood".

Policy 1-2.4.6 2. states the following: ... "In general, commercial Zoning Districts shall be established where there are existing commercial uses, including single vacant parcels of land located between two (2) existing commercial uses. Although this property has one residential use immediately to the west the majority of the remaining properties are non-residential uses.

It is easy to see that of the two sections, this property should have likely been zoned either PS or HC. The fact it is next to a house on the commercial corridor is no reason to have zoned it SR. The adjacent property is zoned PS and the remaining Zoning Districts in the immediate area are HC. Policy 1-2/4/6 2. Should prevail. Additionally, included in this application is a "pre-86" Zoning Map from Monroe County. The zoning for that property was BU-1 (Business Use). Lastly, the Pre-incorporation of the Village, the county zoning was Suburban Commercial (SC), circa 1986-1997.

Additionally, **Policy 1-2.1. 13 and 14** allow for justification in amending the Future Land Use Maps based on certain criteria. The applicant believes that the demand for HC Zoned, MU FLUM properties will fill the need for additional services including parking and storage for surrounding areas as well as non-residential uses such as professional offices or non-disruptive uses compatible with the flanking residential property. We believe the request is compatible with the surrounding uses.

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 non-residential facilities to serve an increasing population. It should be assumed that utilization of scarified properties on a commercial corridor should receive priority when zoning and FLUM changes are being requested.

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 used facilities such as parking, storage, or other support facilities.

Per policy 4-1 of the Villages' Comprehensive plan, the proposed development and on-going development will not further increase the previously anticipated Level of Service for public facilities such as; potable water systems, stormwater management systems, solid waste or wastewater system use.

Per Policy 2-1.2 of the Villages' Comprehensive plan, there should be no increase in impacts on the transportation element, above what was already anticipated or allowed in the Comp Plan. Non-residential uses, although they may affect traffic flows, they do not necessarily create additional trips like additional residential uses might.

Policy 1-1.1.1 Protect Residential Areas from Incompatible Development.

This amendment is consistent with the surrounding uses as the subject property is in a commercial corridor.

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 only 2 vacant HC/MU properties on Upper Matecumbe Key. Both vacant HC/MU parcels on Upper Matecumbe have a Hammock designation. The comprehensive plan recommends that the Village steer development away from these two due to the hammock designation. Many of the HC/MU properties on this and other islands in the incorporated area of Islamorada do not have direct access to US-1 by an existing curb-cut. The two vacant HC/MU properties on Upper Matecumbe do not have

existing curb-cuts to the Old Road or US-1. The property we are seeking a text amendment and code change already has a curb-cut.

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. This site has been well utilized and maintained by the current and previous owners and is surrounded by developed properties.

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

Answer: There are no obvious data errors recorded, yet there are, to the immediate east and west several properties that are zoned either MU or HC. In fact, practically the entire US-1 frontage properties from the lower end of Upper Matecumbe to the Green Turtle Restaurant are commercial in nature and most of them are zoned HC with a MU designation.

4. New issues.

Answer: This request will better serve the property and surrounding area. This property is located one lot away from a locally famous restaurant and bar. This amendment is more in line with the 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 only two other undeveloped HC zoned properties on Upper Matecumbe Key. There are also only two undeveloped MU FLUM properties on Upper Matecumbe Key. This request will allow the subject property to be compatible with most of the properties in this one-mile-long stretch of this area of the 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: Currently SR/RM allows for multi-family units on vacant parcels. HC/MU does not allow for multi-family uses (exclusive of deed restricted affordable units); thus, this request will result in a market rate residential decrease in density.

As a response to Attachment A, please find the following:

1. There is no anticipated increase on demand on public facilities such as sewer, solid waste drainage potable water traffic circulation schools or recreation.
2. Please see previous statements with information regarding the compatibility of this proposal with the Village's Comprehensive plan policies and objectives.

(a). It is the responsibility of local government to maintain a healthy stock of mixed commercial and residential properties. As previously stated, there is a gross lack of vacant HC properties in Upper Matecumbe, that are scarified, located in a commercial corridor, located on US-1 and has established curb-cut access to US-1.

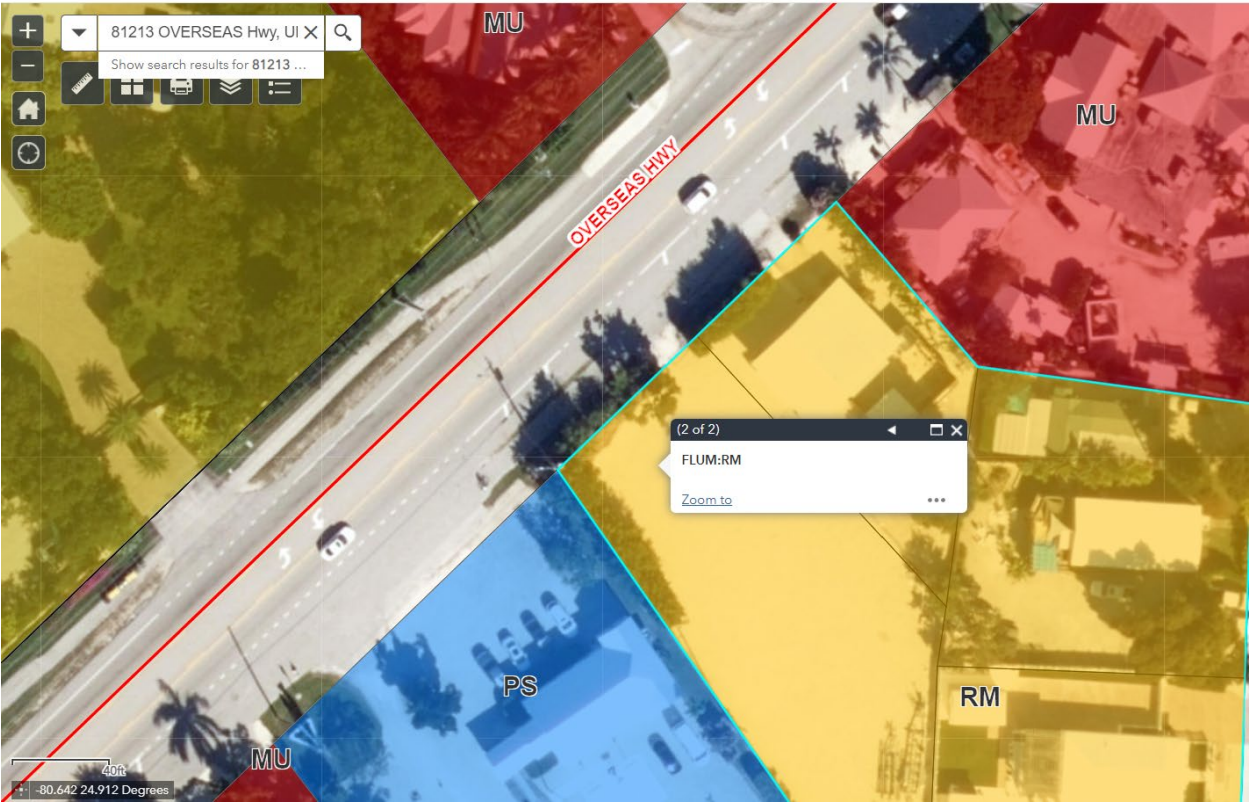
- (b) The proposed amendment is on a property that is landlocked on all four side with development on all four sides and as such there is no impact on shoreline or marine resources.
- (c) This property is scarified and located in a area that is dominated by developed properties on three sides and US-1 on the other. There will be no impact of tropical hammocks, wetlands, or other upland resources.
- (d) As stated, the Village has the responsibility to maintain a healthy mix of residential and commercially zoned properties for future development. Upper Matecumbe has a shortage of HC/MU zoned properties. This amendment will ensure the maximum wellbeing of the citizens through sound economic development.
- (e) There are no anticipated adverse impacts on water quality with this request.
- (f) The Village code would require a scenic highway buffer to be installed if there were future development as a result of this amendment. Surely an enhancement would take place in the future.
- (g) There will be zero impact with regards to the historic heritage of the Florida Keys.
- (h) There is no anticipated devaluation on the efficiency, cost-effectiveness, or amortized life of existing or proposed major public investments including numbers 1 through 9 of section (h).
- (i) Although there are no development plans associated with this application, if improvements were to take place on this property the Village Code has strict guidelines that will protect and improve water quality through a stormwater management plan.
- (j) Although there are no development plans associated with this application, if improvements were to take place on this property the Village Code has strict guidelines that will require connection to, and maintenance of a Village approved Wastewater system.
- (k) There be no adverse impacts to the environmental resources of the Florida Keys.
- (l) Any future development could include affordable housing on the property or could result in affordable housing impact fees that could go towards Village sponsored affordable housing.
- (m) Although there are no development plans associated with this application, if improvements were to take place on this property the Village Code has strict guidelines that will require protection of public safety in the event of a natural or manmade disaster.
- (n) Although there are no development plans associated with this application, if improvements were to take place on this property the Village Code has strict guidelines that will insure the protection of the public health, safety and welfare of the citizens of the Florida Keys.

Due to the statements herein, we believe this request is justified and in keeping with the goals and objectives in the Villages' Comprehensive Plan, and the proposed amendment is consistent with the Principals of Guiding Development within the Florida Keys Area of Critical Concern pursuant to FS. 308.0552 (7).

81213 Zoning Map (Source: Village of Islamorada GIS Web Map Application)



81213 FLUM Map (Source: Village of Islamorada GIS Web Map Application)





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

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: _____

Email: _____

Fax: _____

PROPERTY OWNER:

Name: _____

Mailing Address: _____

Primary Phone: _____ Fax: _____

Email: _____

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

Physical Address: _____ Mile Marker: _____

Lot: _____ Block: _____ Subdivision: _____

☐ Plantation Key ☐ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key

Real Estate (RE) Number: _____ Alternate Key: _____

PROPERTY DESCRIPTION:

Total Land Area: _____ Square Feet _____ Acres

Existing Use of Property: _____

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: _____ Current Zoning District: _____

Proposed Future Land Use Map Category: _____ Proposed Zoning District: _____

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.

[Signature]
Signature of Applicant

1.19.24
Date

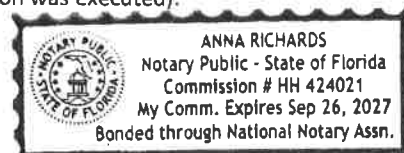
Print Name: Amie Owens

STATE OF Florida
COUNTY OF Monroe

Sworn to and subscribed before me by means of X physical appearance or _____ online notarization, this 19 day of January, 2024, by Amie Owens (name of person signing the application) as member (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Island Construction, Inc. (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID _____



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)(I) 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.

ORDINANCE NO. 24-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, 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 Future Land Use Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

WHEREAS, the applicant, Lynn L Bell, has requested an official Future Land Use Map amendment from Residential Medium (RM) to Mixed Use (MU) for a parcel consisting of approximately 18,385 square feet of land, with Real Estate number 00404730-000000, 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 Future Land Use Map Amendment during a duly noticed public hearing held on June 10, 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:

SUBDIVISION OF LOTS 3-4 UPPER MATECUMBE PB2-59 PT TR 16

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 Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilman Joseph B. Pinder III	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____

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 Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilman Joseph B. Pinder III	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

SHARON MAHONEY, 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: January 9, 2025
SUBJECT: **Ordinance Amendment to the Official Zoning Map for Parcel 00404730-000000 - First Reading TAB D**

Background:

The applicant, Lynn L Bell, has submitted a map amendment application requesting an approval for a Zoning Map Amendment from Settlers Residential (SR) District to Highway Commercial (HC) District on the subject property, located at 81213 Overseas Highway (RE #00404730-000000), comprising 18,385 square feet. The current use of the property is vacant land. 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 a 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 of Intent detailing the map amendment request.

The subject property is a 18,385 square foot parcel in Upper Matecumbe Key. The property is vacant land and scarified. The property is not recognized as habitat to any state or federal listed animal species, and it is not within the state conservation recreation lands' boundary or critical habitat area. Pursuant to the Village's GIS data and records the parcel is defined as scarified.

The subject property currently has an existing Settlers Residential (SR) Zoning District designation. The adjacent property to the South is designated Public/Semi-Public (PS). To the North the adjacent property is designated as Settlers Residential (SR). The properties to the West across Overseas Highway are designated as Multi-Family (MF) and Tourist Commercial (TC) and to the East is Settlers Residential (SR). The character of the surrounding area is mixed-use with a collective of commercial uses, institutional (public) uses, and single family residences.

Analysis:

Pursuant to Section 30-696 the purpose of the Highway Commercial (HC) zoning district is to 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. Though not proposed, 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.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.1, Guide The Location of Commercial uses and Revitalize Commercial Areas
- ☐ Policy 1-2.4.5: Standards Applicable to Non-Residential Uses in the MU Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

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.

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."

Finding: The proposed map amendment would be consistent with the historical trend of a mixed-use development pattern within the Village. The properties along Overseas Highway contain mixed uses, including commercial, recreation and residential uses.

Comprehensive Plan Policy 1-2.4.1, Guide The Location Of Commercial Uses And Revitalize Commercial Areas, states Mixed Use (MU) is the only FLUM category in which commercial uses shall be permitted. The general pattern of commercial land uses in MU shall:

1. Prevent negative impacts on the fragile coastal ecosystem by directing commercial development away from environmentally sensitive lands and critical habitat;
2. Revitalize all existing commercial areas and further distinguish Village Activity Centers;
3. Restrict the scale and intensity of commercial development outside of the Village Activity Centers and other appropriate areas in the Village;
4. Promote safe and efficient vehicle, cyclist and pedestrian movement;
5. Prevent or minimize Village costs to provide infrastructure;
6. Avoid encroachment of incompatible commercial activity into established residential neighborhoods;
7. Enhance the unique character of the Village's commercial land uses through incentives for bufferyards and landscaping; and
8. Facilitate within the Village Activity Centers, the creation of aesthetically pleasing

commercial spaces outdoors, as places for social leisure and interaction, while limiting light industrial uses, outdoor storage and sales as a primary use of land, and outdoor retail sales as an accessory use of land.

Finding: The proposed amendment would be consistent with this policy in that it guides redevelopment to the scarified area.

Comprehensive Plan Policy 1-2.4.5, Standards Applicable to Non-Residential Uses in the MU Designation, states, "The Floor Area Ratio (FAR) for MU designated parcels outside of the Village Activity Centers shall not exceed 0.25, except that an FAR up to 0.35 may be allowed on designated receiver sites through the transfer of development rights and for Working Waterfronts parcels, as provided for in the Land Development Regulations. FAR within the Village Activity Centers and on Working Waterfronts parcels shall not exceed 0.35 FAR. The Land Development Regulations shall establish criteria governing the appropriate mass and scale of structures, trip generation, design and location of access and egress facilities, off-street parking and safe pedestrian facilities in MU. Design techniques such as landscaping, screening and buffering shall be applied to ensure land use compatibility within MU areas."

Finding: Any possible future development associated with the proposed FLUM amendment would be required to comply with all applicable portions of the Land Development Regulations, including but not limited to landscaping, buffering and off-street parking. Therefore, the proposed amendment is consistent with Policy 1-2.4.5.

Comprehensive Plan Objective 1-4.6: Prevent proliferation of Urban Sprawl and Coordinate the Timing and Staging of Public and Private Development, states, 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.

Finding: The proposed FLUM amendment would assist in limiting additional development on already scarified vacant land.

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.

Finding: Pursuant to the Village's GIS data and records, there are approximately 538 parcels that are designated within the HC Highway Commercial District, which represents approximately 7.56 percent of the 7,108 total parcels within Islamorada, Village of Islands. Of

the 538 parcels within the HC Highway Commercial District, 85 parcels are vacant, which equates to approximately 15.79 percent of the total parcels.

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

Finding: The Site is currently scarified and vacant. The uses permitted in the proposed zoning district are compatible with the site's features.

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

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

4. New Issues.

Finding: The Village has accepted 300 additional affordable housing units. According to the Department of Commerce, there is an additional need for commercial space in conjunction with those units.

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

Finding: At this time there is no need for additional detail because there are no proposed changes to the subject property.

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

Finding: As previously indicated, the subject property currently has an existing Settlers Residential (SR) Zoning District designation. The adjacent property to the south is designated Public/Semi-Public (PS). To the north, the adjacent property is designated as Settlers Residential (SR). The properties to the West across Overseas Highway are designated as Multi-Family (MF) and Tourist Commercial (TC) and to the East is Settlers Residential (SR). The character of the surrounding area is mixed-use with a collective of commercial uses, institutional (public) uses, and single-family residences.

The LPA reviewed this item at its meeting on June 10, 2024, and unanimously recommended approval. This item was before the Council on August 8, 2024 and deferred to this meeting.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for Zoning Map Amendment from Settlers Residential to Highway Commercial and determined that the request meets the criteria. Therefore, staff recommends approval of the map amendment.

Attachments: 1. Bell Zoning ORD

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 LYNN L BELL, TO AMEND THE OFFICIAL ZONING MAP FROM SETTLERS RESIDENTIAL (SR) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Official Zoning Map of Islamorada, Village of Islands (the "Village") became effective April 30, 2002; and

WHEREAS, the property owner, Lynn L Bell, has requested an Official Zoning Map amendment from the Settlers Residential (SR) District to the Highway Commercial (HC) Zoning District for a parcel consisting of approximately 18,385 acres of land with the Parcel ID Number 00404730-000000 (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 hearing held on June 10, 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:

SUBDIVISION OF LOTS 3-4 UPPER MATECUMBE PB2-59 PT TR 16

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 Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilman Joseph B. Pinder III	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____

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 Sharon Mahoney	___
Vice Mayor Don Horton	___
Councilman Joseph B. Pinder III	___
Councilwoman Deb Gillis	___
Councilman Steve Friedman	___

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

SHARON MAHONEY, 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: January 9, 2025
SUBJECT: **Administrative Relief - 169 Hibiscus Street TAB E**

Background:

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

The subject property (the "Property") is located at 169 Hibiscus Street and legally described in Exhibit "A" of the proposed Resolution (Attachment A). The Application was entered into the Building Permit Allocation System (the "BPAS") on July 31, 2020. The Application has been considered in four (4) consecutive annual allocation periods and has failed to receive an allocation award. At the close of Quarter 4 of 2024, the Application was ranked 12 with eighteen (18) points. Pursuant to the requirements set forth in Code Section 30-477(a), the Applicant was eligible to apply for Administrative Relief between 12:01 PM on September 30, 2024, and 12:00 PM on January 28, 2025. The Applicant submitted the Application for Administrative Relief on October 23, 2024.

The proposed development is one single-family, three-bedroom, two-bathroom home, approximately 2,154 square feet.

The site is approximately 5,250 square feet with allowed clearing and mitigation based on habitat.

Analysis:

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

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

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

"Policy 1-2.3.3: Residential Medium (RM). This designation is intended to provide stable, single-family neighborhoods and allow for uses which further the peaceful enjoyment and high-quality residential character valued by Village residents. Areas designated Residential Medium (RM) on the Future Land Use Map shall include one (1) single family unit on one lot of record, and duplexes. Duplexes shall only be permitted in Zoning Districts where legally permitted duplexes currently exist. Notwithstanding the density limitations, duplexes, triplexes and fourplexes shall be permitted on RM lots fronting U.S. 1, pursuant to the Building Permit Allocation System, if approved as affordable housing. The RM Future Land Use Map designation shall allow home occupations. Supportive community facilities ancillary to the residential uses may be located within areas designated RM. The Land Development Regulations shall provide regulatory procedures for considering the above-noted uses."

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

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

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

At the time of the filing, the Application currently had a score of eighteen (18) points. Staff estimates that if the Application were to remain in the BPAS, the Property Owner may never receive an allocation based on the number of available allocations remaining within the Village.

(3) Relevant parcel.

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

1. The "physical contiguity" of the lots;
2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question);
3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered

as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:

- i. Was it the intent of the landowner to use the lots for a single use?
- ii. What is the suitability of the lots for a single or separate use versus a combined use?
- iii. Are the lots dependent on each other for the ability to have a single use?
- iv. Is there a reasonable economic use of the lots if unified?
- v. What is the current zoning of each lot?
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed?
- vii. What is the actual current use of the lots?
- viii. What is the possibility of the lots being used together in the next ten years?

Factor 3a. is not applicable to the Property.

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

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

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

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

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

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

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

The Property was purchased for \$250,000.00 via Warranty Deed on February 4, 2020 and is currently undeveloped. The Property is 5,250 square feet and has a habitat classification of "Disturbed with Hammock".

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

The Property is in a legally platted subdivision recorded in Plat Book 3, Page 182. The Property remains undeveloped, and infrastructure is available to serve the Property; both electricity and potable water are available.

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

Between 1963 and 1986, the Property was zoned RU-1 (Single-Family Residential). After the effective date of the 1986 Monroe County Comprehensive Plan, the Property was zoned "Improved Subdivision" (IS) which established areas of low to medium density residential uses characterized principally by single-family detached dwellings.; the referenced zoning district permitted detached residential dwellings, along with accessory structures. Since 2002, the Property has been zoned Residential Single Family - Masonry (R1M), which permits the development of one (1) single-family dwelling unit.

4. How development changed when title was passed;

The Property has remained undeveloped since the Property Owner purchased it.

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

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

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

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

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

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

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

TAX YEAR Total Assessed Value (Before & After Date of Purchase)	
2018 (Prior to Purchase)	\$37,187
2019 (Prior to Purchase)	\$40,906
2020 (After Purchase and Entered BPAS)	\$44,997
2021 (In BPAS)	\$98,146
2022 (In BPAS)	\$107,961
2023 (In BPAS)	\$118,757
2024 (In BPAS)	\$130,633

The Comprehensive Plan regulations confer a public benefit by maintaining the character of

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

Given that the Property has been undeveloped since its purchase by the Property Owner, there is nothing to indicate the owner had any investment-backed expectations when the Property was purchased other than the submission of an application into the BPAS.

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

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

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

The total assessed value of the Property in 2019 was \$40,906 and has increased in value steadily yearly and has a current assessed value of \$130,633.

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

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

The total assessed value of the Property in 1997 is unknown. The Property value has fluctuated up and down. In 2024, the just market value of the Property, according to the Monroe County Property Appraiser's Office, is \$154,655.

Additional Information provided by the Applicant:

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

Remedies offered under Code Section 30-477(f): At the conclusion of the public hearing, the Village Council may take any or a combination of the following actions:

- (1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.
- (2) Offer to purchase the property at its fair market value.

(3) Suggest such other relief as may be necessary and appropriate.

The Village currently has twenty-two (22) allocations available for administrative relief.

Budget Impact:

Budget impact will be determined by the council's decision.

Staff Impact:

Staff impact will be determined by the council's decision.

Recommendation:

Attachments:

1. 169 Hibiscus CC
2. Attachment A 169 HIBISCUS RESO

PROPERTY RECORD CARD

Disclaimer

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

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

Summary

Parcel ID 00429010-000000
 Account# 1527017
 Property ID 1527017
 Millage Group 50VI
 Location Address 169 HIBISCUS St, PLANTATION KEY
 Legal Description BK 11 LT 28 PLANTATION KEY COLONY PLANTATION KEY PB3-182 OR405-559 OR3007-825AFF OR3007-0828
 (Note: Not to be used on legal documents.)
 Neighborhood 1641
 Property Class VACANT RES (0000)
 Subdivision PLANTATION KEY COLONY
 Sec/Twp/Rng 05/63/38
 Affordable Housing No

Owner

ISLAMORADA REALTY INVESTMENT TRUST
 03/24/2017
 100 Wrenn St
 Tavernier FL 33070

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$154,655	\$154,655	\$139,784	\$98,146
= Just Market Value	\$154,655	\$154,655	\$139,784	\$98,146
= Total Assessed Value	\$130,633	\$118,757	\$107,961	\$98,146
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$154,655	\$154,655	\$139,784	\$98,146

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2023	\$154,655	\$0	\$0	\$154,655	\$118,757	\$0	\$154,655	\$0
2022	\$139,784	\$0	\$0	\$139,784	\$107,961	\$0	\$139,784	\$0
2021	\$98,146	\$0	\$0	\$98,146	\$98,146	\$0	\$98,146	\$0
2020	\$98,146	\$0	\$0	\$98,146	\$44,997	\$0	\$98,146	\$0
2019	\$47,316	\$0	\$0	\$47,316	\$40,906	\$0	\$47,316	\$0
2018	\$47,316	\$0	\$0	\$47,316	\$37,187	\$0	\$47,316	\$0

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

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY UNPERMITTED (01DM)	5,250.00	Square Foot	50	105

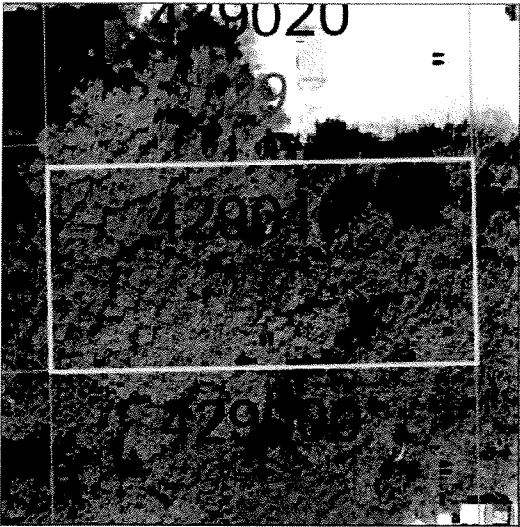
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/4/2020	\$250,000	Warranty Deed	2254806	3007	0828	05 - Qualified	Vacant		

View Tax Info

[View Tax Information](#)

Map



TRIM Notice



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

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Prepared by and return to:

Lesley A. Rhyne
Attorney at Law
Cunningham Miller Rhyne, PA
10075 Overseas Highway PO BOX 500938
Marathon, FL 33050
305-743-9428
File Number: 24-RE-088
Parcel Identification No. 004291010-000000

_____[Space Above This Line For Recording Data]_____

Warranty Deed

This Warranty Deed made this 14 day of October, 2024 between Jacquelyn B. Ekblom, Individually and as Trustee of the Islamorada Realty Investment Trust March 24, 2017 whose address is 100 Wrenn St, Tavernier, FL 33070, grantor, and Native Rental Properties, LLC, a Florida limited liability company, whose address is 100 Wrenn Street, Tavernier, FL 33070 grantee,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Monroe County, Florida**, to-wit:

Lot 28, Block 11, Plantation Key Colony, accordingly to the plat thereof, as recorded in Plat Book 3, Page 182, of the Public Records of Monroe County, Florida.

Street Address: 169 Hibiscus Street, Plantation Key FL 33070

Subject to taxes for the current year and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Jacquelyn B. Ekblom, as trustee, has the full power and authority to protect, conserve, sell, convey, lease, encumber, and to otherwise manage and dispose of said real property pursuant to F.S. 689.073.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

This deed prepared without the benefit of title examination or the issuance of a title insurance policy and pursuant to agreement by and between the parties herein. Should an undisclosed defect in title exist that renders title to the conveyance unmarketable Grantee's sole recourse is limited to a claim against the Grantor for breach of warranty provided under this instrument.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

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

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence as to both:

K Garcia
Witness Name: Kelley Garcia
Witness Address: 281 Woods Ave #3 Tall FL 33070

The Islamorada Realty Investment Trust March 24, 2017

Jacquelyn B. Ekblom
Jacquelyn B. Ekblom, Trustee

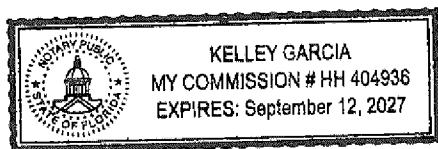
Tom Wrenn
Witness Name: TOM WRENN
Witness Address: 201 Ojibway Ave
TAVERNIER, FL 33070

State of Florida

County of Monroe

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of October, 2024 by **Jacquelyn B. Ekblom, Individually and as Trustee of the Islamorada Realty Investment Trust March 24, 2017**, who ☒ are personally known to me or ☐ have produced a driver's license as identification.

[Notary Seal]



K Garcia
Notary Public

Printed Name: Kelley Garcia

My Commission Expires: 9/12/27



Islamorada, Village of Islands Planning & Development Services

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

APPLICATION FOR ADMINISTRATIVE RELIEF

Pursuant to Code Section 30-477

Application Fee: \$1,500.00

An application for administrative relief shall be filed with the Planning and Development Services Department **no earlier than the conclusion of the fourth annual allocation period and no later than 120 days following the close of the fourth annual allocation period.**

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: Native Rental Properties

Mailing Address: 100 Wrenn St Tavernier FL 33070

Primary Phone: 305-852-3116

Fax: _____

Email: jacquelyn@nativeconstruction.com

PROPERTY OWNER:

Name: Native Rental Properties

Mailing Address: 100 Wrenn St Tavernier FL 33070

Primary Phone: 305-852-3116

Fax: _____

Email: jacquelyn@nativeconstruction.com

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

Physical Address: 169 Hibiscus St Tavernier FL 33070

Mile Marker: _____

Lot: 28

Block: 11

Subdivision: Plantation Key Colony

☒ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☐ Lower Matecumbe Key

Real Estate (RE) Number: 00429010-000000

Alternate Key: 1527017

CRITERIA FOR ADMINISTRATIVE RELIEF: Has the applicant complied with all requirements of the building permit allocation system (BPAS)?

☒ Yes

☐ No

Comments: _____

Has the subject application been withdrawn at any time?

☐ Yes

☒ No

Comments: _____

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

Date of most recent BPAS application: 6/10/20

Permit Number: 202000659

Application for Administrative Relief

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

☒ Allocation award

☐ Purchase of property at fair market value

☐ Other (please specify): _____

Please provide responses to the following:

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

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

The lot is residential.

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

Yes, the property is zoned R1M and can't be used for its intended purpose (SFR) without an allocation.

3. Relevant parcel. (IF APPLICABLE)

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

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

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

N/A

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

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

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

The suitability of the lots are for a single and separate use.

- iii. Are the lots dependent on each other for the ability to have a single use? NO
- iv. Is there a reasonable economic use of the lots if unified? N/A
- v. What is the current zoning of each lot? R1M
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed? The lot is vacant, 5,250 sq ft. SFR's are to the North, East, and West. A Vacant lot is South.
- vii. What is the actual current use of the lots? Vacant Residential
- viii. What is the possibility of the lots being used together in the next ten years? N/A

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

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

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

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?): The land was purchased on 2/4/2020 for \$250,000 and is located in Plantation Key. The land was and still is vacant.
2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?): The land is vacant and no prior building history. The water sewer, and electric utilities are currently available to service this property.

3. The history of zoning and regulation (i.e., How and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?): The land is zoned R1M.
4. How development changed when title was passed: The property has been unchanged sense purchased.
5. What is the present nature and extent of the use of the parcel: The parcel is vacant.
6. What were the reasonable expectations of the landowner under Florida common law: _____
The expectations, given the property zoning and taxable value, is the buiding of a SFR.
7. What were the reasonable expectations of the neighboring landowners under Florida common law: _____
Same as above.
8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation: N/A
9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation: In 2019 the Value was \$47,316 and in 2021 it was \$98,146.

Please submit the following with all applications:

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

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

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

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]
Signature of Applicant

10/15/24
Date

Print Name: Jacquelyn Ekblom

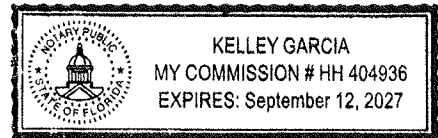
STATE OF FLORIDA
COUNTY OF MONROE

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 15 day of Oct 2024, by Jacquelyn Ekblom (name of person signing the application) as Trustee owner (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Native Rental Properties (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public

☒ Personally Known ☐ Produced Identification

SEAL:



Type of ID _____

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY NATIVE RENTAL PROPERTIES FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 169 HIBISCUS STREET, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Islamorada Realty Investment Trust (the "Applicant") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for property located at 169 Hibiscus Street, having parcel ID number 00429010-000000 located in the Plantation Key Colony subdivision on Plantation Key, as legally described in Exhibit "A", and

WHEREAS, on January 9, 2025, a duly noticed public hearing was held by the Village Council to consider the applications for administrative relief; and

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

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

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

- (1) The hearing was properly noticed, the Application and the supporting documents and materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given the opportunity to be heard.

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

Section 2. Conclusions of Law.

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

Section 3. Effective Date. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the rendition to the Florida Department of Commerce ("DOC"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this Ordinance to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilman Joseph B. Pinder III _____

Councilwoman Deb Gillis _____

Councilman Steve Friedman _____

PASSED AND ADOPTED THIS 9TH DAY OF JANUARY 2025.

SHARON MAHONEY, 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 _____, 2025.

EXHIBIT "A"
(LEGAL DESCRIPTION)

Parcel ID: 00429010-000000

LOT 28 OF PLANTATION KEY COLONY SUBDIVISION, PLAT BOOK 3 PAGE 182 OF THE PUBLIC
RECORDS OF MONROE COUNTY, FLORIDA.



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: January 9, 2025
SUBJECT: **Administrative Relief - 171 Hibiscus Street TAB F**

Background:

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

The subject property (the "Property") is located at 171 Hibiscus Street and legally described in Exhibit "A" of the proposed Resolution (Attachment A). The Application was entered into the Building Permit Allocation System (the "BPAS") on July 31, 2020. The Application has been considered in four (4) consecutive annual allocation periods and has failed to receive an allocation award. At the close of Quarter 4 of 2024, the Application was ranked 13 with eighteen (18) points. Pursuant to the requirements set forth in Code Section 30-477(a), the Applicant was eligible to apply for Administrative Relief between 12:01 PM on September 30, 2024, and 12:00 PM on January 28, 2025. The Applicant submitted the Application for Administrative Relief on October 23, 2024.

The proposed development is one single-family, three-bedroom, two-bathroom home, approximately 2,154 square feet.

The site is approximately 5,250 square feet with allowed clearing and mitigation based on habitat.

Analysis:

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

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

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

"Policy 1-2.3.3: Residential Medium (RM). This designation is intended to provide stable, single-family neighborhoods and allow for uses which further the peaceful enjoyment and high-quality residential character valued by Village residents. Areas designated Residential Medium (RM) on the Future Land Use Map shall include one (1) single family unit on one lot of record, and duplexes. Duplexes shall only be permitted in Zoning Districts where legally permitted duplexes currently exist. Notwithstanding the density limitations, duplexes, triplexes and fourplexes shall be permitted on RM lots fronting U.S. 1, pursuant to the Building Permit Allocation System, if approved as affordable housing. The RM Future Land Use Map designation shall allow home occupations. Supportive community facilities ancillary to the residential uses may be located within areas designated RM. The Land Development Regulations shall provide regulatory procedures for considering the above-noted uses."

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

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

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

At the time of the filing, the Application currently had a score of eighteen (18) points. Staff estimates that if the Application were to remain in the BPAS, the Property Owner may never receive an allocation based on the number of available allocations remaining within the Village.

(3) Relevant parcel.

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

1. The "physical contiguity" of the lots;
2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question);
3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered

as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:

- i. Was it the intent of the landowner to use the lots for a single use?
- ii. What is the suitability of the lots for a single or separate use versus a combined use?
- iii. Are the lots dependent on each other for the ability to have a single use?
- iv. Is there a reasonable economic use of the lots if unified?
- v. What is the current zoning of each lot?
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed?
- vii. What is the actual current use of the lots?
- viii. What is the possibility of the lots being used together in the next ten years?

Factor 3a. is not applicable to the Property.

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

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

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

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

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

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

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

The Property was purchased for \$250,000.00 via Warranty Deed on February 4, 2020 and is currently undeveloped. The Property is 5,250 square feet and has a habitat classification of "Disturbed with Hammock".

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

The Property is in a legally platted subdivision recorded in Plat Book 3, Page 182. The Property remains undeveloped, and infrastructure is available to serve the Property; both electricity and potable water are available.

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

Between 1963 and 1986, the Property was zoned RU-1 (Single-Family Residential). After the effective date of the 1986 Monroe County Comprehensive Plan, the Property was zoned "Improved Subdivision" (IS) which established areas of low to medium density residential uses characterized principally by single-family detached dwellings.; the referenced zoning district permitted detached residential dwellings, along with accessory structures. Since 2002, the Property has been zoned Residential Single Family - Masonry (R1M), which permits the development of one (1) single-family dwelling unit.

4. How development changed when title was passed;

The Property has remained undeveloped since the Property Owner purchased it.

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

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

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

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

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

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

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

TAX YEAR Total Assessed Value (Before & After Date of Purchase)	
2018 (Prior to Purchase)	\$37,187
2019 (Prior to Purchase)	\$40,906
2020 (After Purchase and Entered BPAS)	\$44,997
2021 (In BPAS)	\$98,146
2022 (In BPAS)	\$107,961
2023 (In BPAS)	\$118,757
2024 (In BPAS)	\$130,633

The Comprehensive Plan regulations confer a public benefit by maintaining the character of

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

Given that the Property has been undeveloped since its purchase by the Property Owner, there is nothing to indicate the owner had any investment-backed expectations when the Property was purchased other than the submission of an application into the BPAS.

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

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

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

The total assessed value of the Property in 2019 was \$40,906 and has increased in value steadily yearly and has a current assessed value of \$130,633.

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

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

The total assessed value of the Property in 1997 is unknown. The Property value has fluctuated up and down. In 2024, the just market value of the Property, according to the Monroe County Property Appraiser's Office, is \$156,156.

Additional Information provided by the Applicant:

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

Remedies offered under Code Section 30-477(f): At the conclusion of the public hearing, the Village Council may take any or a combination of the following actions:

- (1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.
- (2) Offer to purchase the property at its fair market value.

(3) Suggest such other relief as may be necessary and appropriate.

The Village currently has twenty-two (22) allocations available for administrative relief.

Budget Impact:

Budget impact will be determined by the council's decision.

Staff Impact:

Staff impact will be determined by the council's decision.

Recommendation:

Attachments:

1. 171 Hibiscus CC
2. Attachment A 171 HIBISCUS RESO

This Document Prepared By and Return to:
Anthony A. Velardi, Esq.
Patricia Gessel, PL
99530 Overseas Highway, #2
Key Largo, FL 33037

Certified True Copy of the Original

Parcel ID Number: 00429000-000000/00429010-000000

Warranty Deed

This Indenture, Made this 4th day of February, 2020 A.D., **Between**

Patty J. Ligis a/k/a Patty J. Ligas, a single woman

of the County of Collier, State of Florida, **grantor**, and

Jacquelyn B. Ekblom, as Trustee of the Islamorada Realty Investment Trust dated March 24, 2017

whose address is: **154 Fontaine Drive, Tavernier, FL 33070** of the County of Monroe, State of Florida, **grantee.** *

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,

and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe State of Florida to wit:

Lots 27 and 28, Block 11, Plantation Key Colony, according to the plat thereof, as recorded in Plat Book 3, Page 182, of the Public Records of Monroe County, Florida.

This Conveyance is subject to the following:

1. Conditions, restrictions, limitations, and easements of record, if any, but this provision shall not operate to re-impose the same.
2. Zoning and other governmental regulations.
3. Taxes and assessments for 2020 and subsequent years.

*The Grantee as Trustee of that certain trust has full power and authority to protect, to conserve, to sell, to lease, to encumber and otherwise to manage and dispose of the real property described in this deed, in accordance with the provisions of Section 689.071, Florida Statutes.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

[SIGNATURE APPEARS ON THE FOLLOWING PAGE]

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Cecilia Somogy
Printed Name: Patty J. Ligis

Witness #1

Printed Name: Randal A. Bozarth

Witness #2

Patty J. Ligis (Seal)
Patty J. Ligis a/k/a Patty J. Ligas

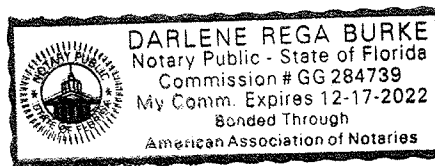
P.O. Address: 8254 Key Royal Cir. Apt. 724, Naples, FL 34119

STATE OF Florida
COUNTY OF Collier

30 day of January, 2020 by
Patty J. Ligis a/k/a Patty J. Ligas, a single woman
[] who is personally known to me or [] who has produced Driver's license as identification.

Darlene Rega Burke
Printed Name: Darlene Rega Burke
Notary Public

My Commission Expires: 12/17/22



****PROPERTY RECORD CARD****

Disclaimer

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

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

Summary

Parcel ID 00429000-000000
 Account# 1527009
 Property ID 1527009
 Millage Group 50VI
 Location Address 171 HIBISCUS St, PLANTATION KEY
 Legal Description BK 11 LT 27 PLANTATION KEY COLONY PLANTATION KEY PB3-182
 OR405-560 OR3007-825AFF OR3007-0828
 (Note: Not to be used on legal documents.)
 Neighborhood 1641
 Property Class VACANT RES (0000)
 Subdivision PLANTATION KEY COLONY
 Sec/Twp/Rng 05/63/38
 Affordable No
 Housing



Owner

ISLAMORADA REALTY INVESTMENT TRUST
 03/24/2017
 100 Wrenn St
 Tavernier FL 33070

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$156,156	\$154,655	\$139,784	\$98,146
= Just Market Value	\$156,156	\$154,655	\$139,784	\$98,146
= Total Assessed Value	\$130,633	\$118,757	\$107,961	\$98,146
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$156,156	\$154,655	\$139,784	\$98,146

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2023	\$154,655	\$0	\$0	\$154,655	\$118,757	\$0	\$154,655	\$0
2022	\$139,784	\$0	\$0	\$139,784	\$107,961	\$0	\$139,784	\$0
2021	\$98,146	\$0	\$0	\$98,146	\$98,146	\$0	\$98,146	\$0
2020	\$98,146	\$0	\$0	\$98,146	\$44,997	\$0	\$98,146	\$0
2019	\$52,047	\$0	\$0	\$52,047	\$40,906	\$0	\$52,047	\$0
2018	\$52,047	\$0	\$0	\$52,047	\$37,187	\$0	\$52,047	\$0

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

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY UNPERMITTED (01DM)	5,250.00	Square Foot	50	105

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/4/2020	\$250,000	Warranty Deed	2254806	3007	0828	05 - Qualified	Vacant		

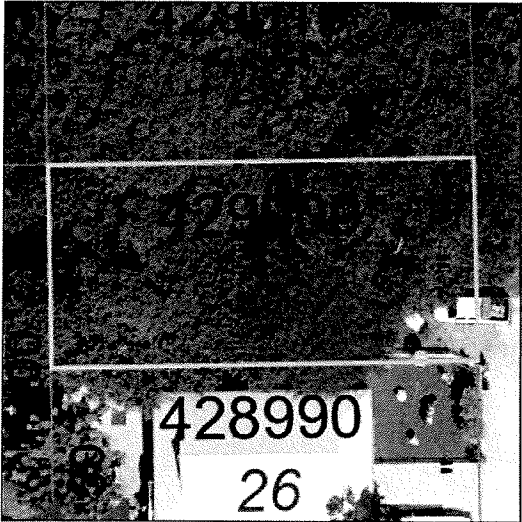
View Tax Info

[View Taxes on this Record](#)

Photos



Map



TRIM Notice



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

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Islamorada, Village of Islands Planning & Development Services

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

APPLICATION FOR ADMINISTRATIVE RELIEF

Pursuant to Code Section 30-477

Application Fee: \$1,500.00

An application for administrative relief shall be filed with the Planning and Development Services Department **no earlier than the conclusion of the fourth annual allocation period and no later than 120 days following the close of the fourth annual allocation period.**

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: Islamorada Realty Investment Trust

Mailing Address: 100 Wrenn St Tavernier FL 33070

Primary Phone: 305-852-3116

Fax: _____

Email: jacquelyn@nativeconstruction.com

PROPERTY OWNER:

Name: Islamorada Realty Investment Trust

Mailing Address: 100 Wrenn St Tavernier FL 33070

Primary Phone: 305-852-3116

Fax: _____

Email: jacquelyn@nativeconstruction.com

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

Physical Address: 171 Hibiscus St Tavernier FL 33070

Mile Marker: _____

Lot: 27

Block: 11

Subdivision: Plantation Key Colony

☒ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☐ Lower Matecumbe Key

Real Estate (RE) Number: 00429000-000000

Alternate Key: 1527009

CRITERIA FOR ADMINISTRATIVE RELIEF: Has the applicant complied with all requirements of the building permit allocation system (BPAS)?

☒ Yes

☐ No

Comments: _____

Has the subject application been withdrawn at any time?

☐ Yes

☒ No

Comments: _____

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

Date of most recent BPAS application: 6/11/20

Permit Number: 202000667

Application for Administrative Relief

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

☒ Allocation award

☐ Purchase of property at fair market value

☐ Other (please specify): _____

Please provide responses to the following:

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

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

The lot is residential.

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

Yes, the property is zoned R1M and can't be used for its intended purpose (SFR) without an allocation.

3. Relevant parcel. (IF APPLICABLE)

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

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

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

N/A

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

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

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

The suitability of the lots are for a single and separate use.

- iii. Are the lots dependent on each other for the ability to have a single use? NO
- iv. Is there a reasonable economic use of the lots if unified? N/A
- v. What is the current zoning of each lot? R1M
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed? The lot is vacant, 5,250 sq ft. SFR's are to the South, East, and West. A Vacant lot is North.
- vii. What is the actual current use of the lots? Vacant Residential
- viii. What is the possibility of the lots being used together in the next ten years? N/A

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

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

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

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?): The land was purchased on 2/4/2020 for \$250,000 and is located in Plantation Key. The land was and still is vacant.
2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?): The land is vacant and no prior building history. The water sewer, and electric utilities are currently available to service this property.

3. The history of zoning and regulation (i.e., How and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?): The land is zoned R1M.
4. How development changed when title was passed: The property has been unchanged since purchased.
5. What is the present nature and extent of the use of the parcel: The parcel is vacant.
6. What were the reasonable expectations of the landowner under Florida common law: The expectations, given the property zoning and taxable value, is the building of a SFR.
7. What were the reasonable expectations of the neighboring landowners under Florida common law: Same as above.
8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation: N/A
9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation: In 2019 the Value was \$52,047 and in 2021 it was \$98,146.

Please submit the following with all applications:

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

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

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

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]
Signature of Applicant

10/15/24
Date

Print Name: Jacquelyn Ekblom

STATE OF Florida
COUNTY OF Monroe

Sworn to and subscribed before me by means of ✓ physical appearance or online notarization, this 15 day of Oct 20 24, by Jacquelyn Ekblom (name of person signing the application) as Trustee (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Istemorada Realty Investment Trust (name of entity or party on behalf of whom application was executed).

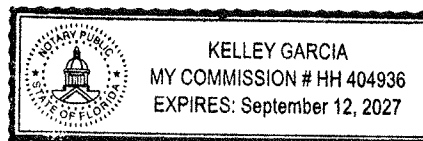
[Signature]
Signature of Notary Public

SEAL:



Type of ID

☒ Personally Known ☐ Produced Identification



RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 171 HIBISCUS STREET, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Islamorada Realty Investment Trust (the "Applicant") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for property located at 171 Hibiscus Street, having parcel ID number 00429000-000000 located in the Plantation Key Colony subdivision on Plantation Key, as legally described in Exhibit "A", and

WHEREAS, on January 9, 2025, a duly noticed public hearing was held by the Village Council to consider the applications for administrative relief; and

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

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

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

- (1) The hearing was properly noticed, the Application and the supporting documents and materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given the opportunity to be heard.

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

Section 2. Conclusions of Law.

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

Section 3. Effective Date. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the rendition to the Florida Department of Commerce ("DOC"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this Ordinance to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilman Joseph B. Pinder III _____

Councilwoman Deb Gillis _____

Councilman Steve Friedman _____

PASSED AND ADOPTED THIS 9TH DAY OF JANUARY 2025.

SHARON MAHONEY, 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 _____, 2025.

EXHIBIT "A"
(LEGAL DESCRIPTION)

Parcel ID: 00429000-000000

LOT 27 OF PLANTATION KEY COLONY SUBDIVISION, PLAT BOOK 3 PAGE 182 OF THE PUBLIC
RECORDS OF MONROE COUNTY, FLORIDA.



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: January 9, 2025
SUBJECT: **Administrative Relief - 267 Hibiscus Street TAB G**

Background:

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

The subject property (the "Property") is located at 267 Hibiscus Street and legally described in Exhibit "A" of the proposed Resolution (Attachment A). The Application was entered into the Building Permit Allocation System (the "BPAS") on August 17, 2020. The Application has been considered in four (4) consecutive annual allocation periods and has failed to receive an allocation award. At the close of Quarter 4 of 2024, the Application was ranked 14 with eighteen (18) points. Pursuant to the requirements set forth in Code Section 30-477(a), the Applicant was eligible to apply for Administrative Relief between 12:01 PM on September 30, 2024, and 12:00 PM on January 28, 2025. The Applicant submitted the Application for Administrative Relief on October 18, 2024.

The proposed development is one single-family, three-bedroom, two-bathroom home, approximately 2,224 square feet.

The site is approximately 5,250 square feet with allowed clearing and mitigation based on habitat.

Analysis:

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

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

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

"Policy 1-2.3.3: Residential Medium (RM). This designation is intended to provide stable, single-family neighborhoods and allow for uses which further the peaceful enjoyment and high-quality residential character valued by Village residents. Areas designated Residential Medium (RM) on the Future Land Use Map shall include one (1) single family unit on one lot of record, and duplexes. Duplexes shall only be permitted in Zoning Districts where legally permitted duplexes currently exist. Notwithstanding the density limitations, duplexes, triplexes and fourplexes shall be permitted on RM lots fronting U.S. 1, pursuant to the Building Permit Allocation System, if approved as affordable housing. The RM Future Land Use Map designation shall allow home occupations. Supportive community facilities ancillary to the residential uses may be located within areas designated RM. The Land Development Regulations shall provide regulatory procedures for considering the above-noted uses."

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

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

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

At the time of the filing, the Application currently had a score of eighteen (18) points. Staff estimates that if the Application were to remain in the BPAS, the Property Owner may never receive an allocation based on the number of available allocations remaining within the Village.

(3) Relevant parcel.

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

1. The "physical contiguity" of the lots;
2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question);
3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered

as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:

- i. Was it the intent of the landowner to use the lots for a single use?
- ii. What is the suitability of the lots for a single or separate use versus a combined use?
- iii. Are the lots dependent on each other for the ability to have a single use?
- iv. Is there a reasonable economic use of the lots if unified?
- v. What is the current zoning of each lot?
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed?
- vii. What is the actual current use of the lots?
- viii. What is the possibility of the lots being used together in the next ten years?

Factor 3a. is not applicable to the Property.

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

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

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

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

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

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

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

The Property was purchased for \$120,000.00 via Warranty Deed on November 13, 2019 and is currently undeveloped. The Property is 5,250 square feet and has a habitat classification of "Disturbed with Hammock".

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

The Property is in a legally platted subdivision recorded in Plat Book 3, Page 182. The Property remains undeveloped, and infrastructure is available to serve the Property; both electricity and potable water are available.

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

Between 1963 and 1986, the Property was zoned RU-1 (Single-Family Residential). After the effective date of the 1986 Monroe County Comprehensive Plan, the Property was zoned "Improved Subdivision" (IS) which established areas of low to medium density residential uses characterized principally by single-family detached dwellings.; the referenced zoning district permitted detached residential dwellings, along with accessory structures. Since 2002, the Property has been zoned Residential Single Family - Masonry (R1M), which permits the development of one (1) single-family dwelling unit.

4. How development changed when title was passed;

The Property has remained undeveloped since the Property Owner purchased it.

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

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

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

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

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

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

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

TAX YEAR	Total Assessed Value (Before & After Date of Purchase)
2018 (Prior to Purchase)	\$39,914
2019 (After Purchase)	\$43,905
2020 (Entered BPAS)	\$98,146
2021 (In BPAS)	\$98,146
2022 (In BPAS)	\$139,784
2023 (In BPAS)	\$154,655
2024 (In BPAS)	\$154,655

The Comprehensive Plan regulations confer a public benefit by maintaining the character of

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

Given that the Property has been undeveloped since its purchase by the Property Owner, there is nothing to indicate the owner had any investment-backed expectations when the Property was purchased other than the submission of an application into the BPAS.

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

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

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

The total assessed value of the Property in 2019 was \$43,905 and has increased in value steadily yearly and has a current assessed value of \$154,655.

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

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

The total assessed value of the Property in 1997 is unknown. The Property value has fluctuated up and down. In 2024, the just market value of the Property, according to the Monroe County Property Appraiser's Office, is \$154,655.

Additional Information provided by the Applicant:

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

Remedies offered under Code Section 30-477(f): At the conclusion of the public hearing, the Village Council may take any or a combination of the following actions:

- (1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.
- (2) Offer to purchase the property at its fair market value.

(3) Suggest such other relief as may be necessary and appropriate.

The Village currently has twenty-two (22) allocations available for administrative relief.

Budget Impact:

Budget impact will be determined by the council's decision.

Staff Impact:

Staff impact will be determined by the council's decision.

Recommendation:

Attachments:

1. 267 Hibiscus CC
2. Attachment A 267 HIBISCUS RESO

PROPERTY RECORD CARD

Disclaimer

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

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

Summary

Parcel ID 00426430-000000
 Account# 1524417
 Property ID 1524417
 Millage Group 50VI
 Location Address 267 HIBISCUS St, PLANTATION KEY
 Legal Description BK 4 LT 25 PLANTATION KEY COLONY PLANTATION KEY PB3-182 OR402-647
 OR2622-1114/15 OR2994-2093
 (Note: Not to be used on legal documents.)
 Neighborhood 1641
 Property Class VACANT RES (0000)
 Subdivision PLANTATION KEY COLONY
 Sec/Twp/Rng 05/63/38
 Affordable No
 Housing



Owner

ISLAMORADA REALTY INVESTMENT TRUST
 03/24/2017
 100 Wrenn St
 Tavernier FL 33070

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$154,655	\$154,655	\$139,784	\$98,146
= Just Market Value	\$154,655	\$154,655	\$139,784	\$98,146
= Total Assessed Value	\$130,633	\$118,757	\$107,961	\$98,146
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$154,655	\$154,655	\$139,784	\$98,146

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$154,655	\$0	\$0	\$154,655	\$130,633	\$0	\$154,655	\$0
2023	\$154,655	\$0	\$0	\$154,655	\$118,757	\$0	\$154,655	\$0
2022	\$139,784	\$0	\$0	\$139,784	\$107,961	\$0	\$139,784	\$0
2021	\$98,146	\$0	\$0	\$98,146	\$98,146	\$0	\$98,146	\$0
2020	\$98,146	\$0	\$0	\$98,146	\$98,146	\$0	\$98,146	\$0
2019	\$52,047	\$0	\$0	\$52,047	\$43,905	\$0	\$52,047	\$0
2018	\$52,047	\$0	\$0	\$52,047	\$39,914	\$0	\$52,047	\$0

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

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY UNPERMITTED (01DM)	5,250.00	Square Foot	50	105

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
11/13/2019	\$120,000	Warranty Deed	2244790	2994	2093	01 - Qualified	Vacant		
3/11/2013	\$0	Other		2622	1114	11 - Unqualified	Vacant		

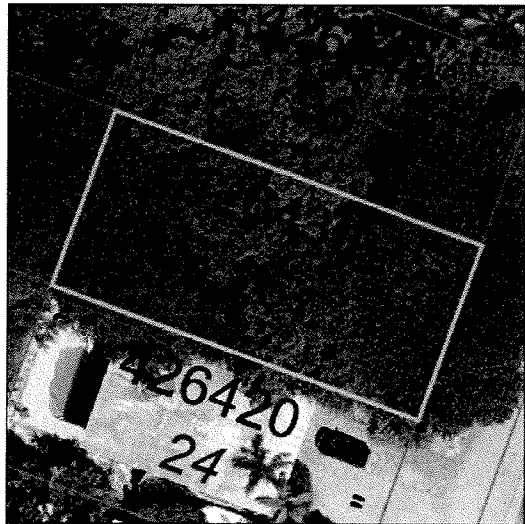
View Tax Info

[View Taxes for this Parcel](#)

Photos



Map



TRIM Notice

[2024 TRIM Notice \(PDF\)](#)

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

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Contact Us

Developed by
 **SCHNEIDER**
GEOSPATIAL



Islamorada, Village of Islands Planning & Development Services

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

APPLICATION FOR ADMINISTRATIVE RELIEF

Pursuant to Code Section 30-477

Application Fee: \$1,500.00

An application for administrative relief shall be filed with the Planning and Development Services Department **no earlier than the conclusion of the fourth annual allocation period and no later than 120 days following the close of the fourth annual allocation period.**

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: Islamorada Realty Investment Trust

Mailing Address: 100 Wrenn St Tavernier FL 33070

Primary Phone: 305-852-3116

Fax: _____

Email: jacquelyn@nativeconstruction.com

PROPERTY OWNER:

Name: Islamorada Realty Investment Trust

Mailing Address: 100 Wrenn St Tavernier FL 33070

Primary Phone: 305-852-3116

Fax: _____

Email: jacquelyn@nativeconstruction.com

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

Physical Address: 267 Hibiscus St Tavernier FL 33070

Mile Marker: _____

Lot: 25

Block: 4

Subdivision: Plantation Key Colony

☒ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☐ Lower Matecumbe Key

Real Estate (RE) Number: 00426430-000000

Alternate Key: 1524417

CRITERIA FOR ADMINISTRATIVE RELIEF: Has the applicant complied with all requirements of the building permit allocation system (BPAS)?

☒ Yes

☐ No

Comments: _____

Has the subject application been withdrawn at any time?

☐ Yes

☒ No

Comments: _____

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

Date of most recent BPAS application: 6/19/20

Permit Number: 202000719

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

☒ Allocation award

☐ Purchase of property at fair market value

☐ Other (please specify): _____

Please provide responses to the following:

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

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

The lot is residential.

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

Yes, the property is zoned R1M and can't be used for its intended purpose (SFR) without an allocation.

3. Relevant parcel. **(IF APPLICABLE)**

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

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

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

N/A

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

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

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

The suitability of the lots are for a single and separate use.

- iii. Are the lots dependent on each other for the ability to have a single use? NO
- iv. Is there a reasonable economic use of the lots if unified? N/A
- v. What is the current zoning of each lot? R1M
- vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed? The lot is vacant, Hammock, 5250 sq ft. SFR's are to the East, West, and South. A Vacant lot is North.
- vii. What is the actual current use of the lots? Vacant Residential
- viii. What is the possibility of the lots being used together in the next ten years? N/A

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

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

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

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?): The land was purchased on 11/13/2019 for \$120,000 and is located in Plantation Key. The land was and still is vacant.
2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?): The land is vacant and no prior building history. The water sewer, and electric utilities are currently available to service this property.

3. The history of zoning and regulation (i.e., How and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?): The land is zoned R1M.
4. How development changed when title was passed: The property has been unchanged sense purchased.
5. What is the present nature and extent of the use of the parcel: The parcel is vacant.
6. What were the reasonable expectations of the landowner under Florida common law: _____
The expectations, given the property zoning and taxable value, is the buiding of a SFR.
7. What were the reasonable expectations of the neighboring landowners under Florida common law: _____
Same as above.
8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation: N/A
9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation: In 2018 the Value was \$52,047 and in 2020 it was \$98,146.

Please submit the following with all applications:

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

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

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

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]
Signature of Applicant

10/15/24
Date

Print Name: Jacquelyn Ekblom

STATE OF Florida
COUNTY OF Monroe

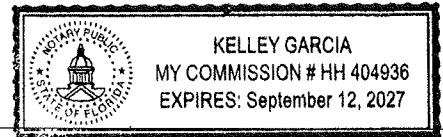
Sworn to and subscribed before me by means of ✓ physical appearance or online notarization, this 15 day of Oct 2024, by Jacquelyn Ekblom (name of person signing the application) as Trustee (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Blamorada Realty Investment Trust (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public

☒ Personally Known ☐ Produced Identification

SEAL:

Type of ID



Prepared by:

Kenneth G. Lancaster, Esq.
KEN LANCASTER, P.A.
5975 Sunset Drive #602
South Miami, FL 33143
305-666-6000

Return to:

PATRICIA GESSEL, P.L.
99530 Overseas Highway #2
Key Largo, FL 33037
305-453-5277

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 14th day of November, 2019 between CYDELLE GREENE and JOSHUA MICHAEL PINES whose post office address is 10330 S.W. 109th St., Miami, FL 33176 and 24 Avenue Mansions, London NW37AX, U.K., grantor, and JACQUELYN B. EKBLOM, AS TRUSTEE OF THE ISLAMORADA REALTY INVESTMENT TRUST DATED MARCH 24, 2017 whose post office address is 154 Fontaine Drive, Tavernier, FL 33070, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

Lot 25, Block 4, PLANTATION KEY COLONY, according to the Plat thereof, recorded in Plat Book 3, Page 182, of the Public Records of Monroe County, Florida.

Parcel Identification Number: 1524417

THE PROPERTY REFERRED TO HEREIN IS VACANT PROPERTY. SAID PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR UNDER THE LAWS AND CONSTITUTION OF THE STATE OF FLORIDA IN THAT NEITHER GRANTOR NOR ANY MEMBERS OF THE HOUSEHOLD OF GRANTOR RESIDE THEREON

THE GRANTEE AS TRUSTEE OF THAT CERTAIN TRUST HAS FULL POWER AND AUTHORITY TO PROTECT, TO CONSERVE, TO SELL, TO LEASE, TO ENCUMBER AND OTHERWISE TO MANAGE AND DISPOSE OF THE REAL PROPERTY DESCRIBED IN THIS DEED, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 689.071, FLORIDA STATUTES.

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 all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2019**.

DoubleTime®

(AS TO CYDELLE GREENE)

Signed, sealed and delivered in our presence:

Michael E. Greene
Witness Name: Michael E. Greene

Cydelle Greene (Seal)
CYDELLE GREENE

Witness Name: Kenneth G. Lancaster

State of Florida
County of Miami-Dade

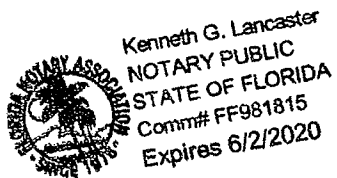
The foregoing instrument was acknowledged before me this 13 day of November, 2019 by CYDELLE GREENE, who
☐ is personally known or ☒ has produced FI as identification.

[Notary Seal]

[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____

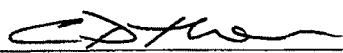


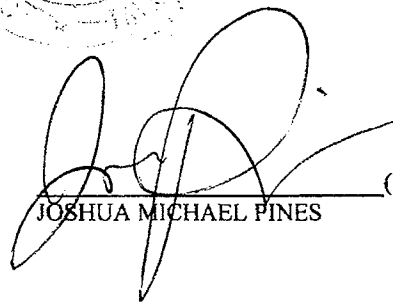


(AS TO JOSHUA MICHAEL PINES)

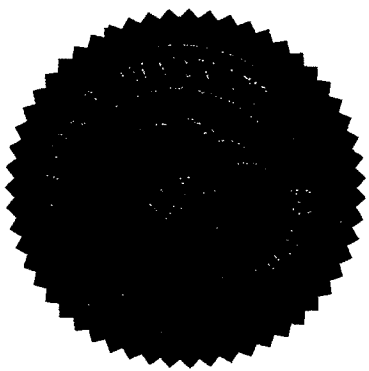
Signed, sealed and delivered in our presence:

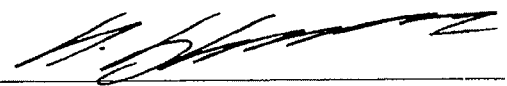

Witness Name: ELENI DANILIDI


Witness Name: CHARMAINE THOMPSON


JOSHUA MICHAEL PINES (Seal)

The foregoing instrument was acknowledged before me this 12th day of November, 2019 by JOSHUA MICHAEL PINES, who ☐ is personally known or ☒ has produced United States passport as identification.




Notary Public **HESHAM SHARKAWI**
Printed Name: NOTARY PUBLIC
My Commission Expires: MY COMMISSION EXPIRES WITH LIFE.

Hesham Sharkawi, Notary Public
4 Palace Court, 250 Finchley Road
London, NW3 6DN, England
Tel: +44 (0) 207 433 3338

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 267 HIBISCUS STREET, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Islamorada Realty Investment Trust (the "Applicant") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for property located at 267 Hibiscus Street, having parcel ID number 00426430-000000 located in the Plantation Key Colony subdivision on Plantation Key, as legally described in Exhibit "A", and

WHEREAS, on January 9, 2025, a duly noticed public hearing was held by the Village Council to consider the applications for administrative relief; and

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

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

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

- (1) The hearing was properly noticed, the Application and the supporting documents and materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given the opportunity to be heard.

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

Section 2. Conclusions of Law.

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

Section 3. Effective Date. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the rendition to the Florida Department of Commerce ("DOC"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this Ordinance to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilman Joseph B. Pinder III _____

Councilwoman Deb Gillis _____

Councilman Steve Friedman _____

PASSED AND ADOPTED THIS 9TH DAY OF JANUARY 2025.

SHARON MAHONEY, 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 _____, 2025.

EXHIBIT "A"
(LEGAL DESCRIPTION)

Parcel ID: 00426430-000000

LOT 25 OF PLANTATION KEY COLONY SUBDIVISION, PLAT BOOK 3 PAGE 182 OF THE PUBLIC
RECORDS OF MONROE COUNTY, FLORIDA.