



# Islamorada, Village of Islands LOCAL PLANNING AGENCY MEETING

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February 10, 2025 - 5:30 PM  
Founders Park Community Center  
87000 Overseas Highway  
Islamorada, FL 33036

## AGENDA

**I. CALL TO ORDER / ROLL CALL**

**II. PLEDGE OF ALLEGIANCE**

**III. PLANNING DIRECTOR / VILLAGE MANAGER**

A. Election of Chair and Vice Chair

**IV. AGENDA: Requests for Deletion / Emergency Additions**

**V. PUBLIC COMMENT**

This is general public comment. It provides an opportunity for the public to speak about matters that are pertinent to the Village but not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)

**VI. CONSENT AGENDA**

A. Approval of the meeting minutes from Monday, June 10, 2024. ( )

**VII. PUBLIC HEARINGS**

A. Ordinance Amending Code Sections 30-504 and 30-506 - Transfer of Development Rights (Jennifer DeBoisbriand , Planning Director, Daniel Parobok, Environmental Planner, Rebecca Jetton, Village Consultant)

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING VILLAGE CODE SECTIONS 30-504, TRANSFER PROCEDURE AND SECTION 30-506, TRANSFER OF DEVELOPMENT RIGHTS FOR RESIDENTIAL DWELLING UNITS AND DENSITY; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

B. Ordinance Amending Policy 1-3.1.3: Institute a Program for Transfer of Development Rights (Jennifer DeBoisbriand , Planning Director,

Daniel Parobok, Environmental Planner, Rebecca Jetton, Village Consultant)

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.3: INSTITUTE A PROGRAM FOR TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

- VIII. CHAIR AND LOCAL PLANNING AGENCY MEMBERS
- IX. FUTURE AGENDA ITEMS
- X. VILLAGE ATTORNEY
- XI. MOTIONS
- XII. OTHER BUSINESS
- XIII. ADJOURNMENT

**Options for Viewing the Local Planning Agency 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://islamoradafl.portal.civicclerk.com/>

**Option 1: Email your comments.**

1. Public comment should be submitted via email to: [public.comment@islamorada.fl.us](mailto: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 LPA members 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: **966 8605 3458** followed by #. When the Chair 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/96686053458> and follow the prompts to join the webinar. When the Chair 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](mailto:ADA@islamorada.fl.us) at least 48 hours before the scheduled meeting



# Local Planning Agency Communication

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**To:** Local Planning Agency Chair and Agency Members  
**From:**  
**Date:** February 10, 2025  
**Subject:** Election of Chair and Vice Chair

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**Background:**

**Analysis:**

**Budget Impact:**

**Staff Impact:**

**Recommendation:**

**Attachments:** None



# Local Planning Agency Communication

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**To:** Local Planning Agency Chair and Agency Members  
**From:**  
**Date:** February 10, 2025  
**Subject:** Election of Chair and Vice Chair

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**Background:**

**Analysis:**

**Budget Impact:**

**Staff Impact:**

**Recommendation:**

**Attachments:** None



# Islamorada, Village of Islands LOCAL PLANNING AGENCY MEETING

June 10, 2024 - 5:30 PM  
Founders Park Community Center  
87000 Overseas Highway  
Islamorada, FL 33036

## MINUTES

### I. CALL TO ORDER / ROLL CALL

Chair Deb Gillis called the meeting to order at 5:00 PM. Present were Cheryl Culberson, Patrick Foley, Tony Hammon, Susan Raffanello, James Rhyne, Vice Chair Lorie Lalonde and Chair Deb Gillis.

### II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bart Smith.

### III. AGENDA: Requests for Deletion / Emergency Additions

None.

### IV. PUBLIC COMMENT

(This is general public comment. It provides an opportunity for the public to speak about matters not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)

Van Cadenhead provided public comment.

### V. CONSENT AGENDA

#### A. Approval of Minutes from the May 13, 2024 Meeting. ( )

Cheryl Culberson made a motion to approve the minutes of the May 13, 2024 meeting with changes. Tony Hammon seconded the motion. A vote was taken and the motion passed 7 - 0.

### VI. PUBLIC HEARINGS

- A. An Ordinance Amendment to the Future Land Use Map for Parcel 00404730-000000. (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.**

Acting Village Attorney Roger Pou read the Future Land Use Map and Zoning Map amendment titles. Director of Planning Jennifer DeBoisbriand presented the proposed amendments on behalf of staff. The applicant is requesting a future land use map change from Residential Medium (RM) to Mixed Use (MU) and a Zoning Map amendment change from Settlers Residential (SR) to Highway Commercial (HC). Staff is recommending approval of the proposed amendments.

Agent for the applicant, Don Horton, made himself available for questions from the LPA members.

Cheryl Culberson indicated she is familiar with the property and the request makes sense.

Susan Rafenello asked if this was a single platted lot. Vice Chair Lorie Lalonde stated that the legal description was in metes and bounds.

Chair Deb Gillis indicated that she found the request straight forward and that the neighboring properties are commercial.

Tony Hammon made a motion to approve the amendment as presented. Cheryl Culberson seconded the motion. A vote was taken and the motion passed 7 - 0.

- B. An Ordinance Amendment to the Official Zoning Map for Parcel 00404730-000000. (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.**

Tony Hammon made a motion to approve the zoning map amendment. Cheryl Culberson seconded the motion. A vote was taken and the motion was approved 7 - 0.

- C. An Ordinance Amending Section 30 -816 Relating to Bufferyard Standards. (Daniel Parabok, Environmental Planner)**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS”, DIVISION 6 “LANDSCAPE STANDARDS”, SECTION 30-816 TO SPECIFICALLY AMEND BUFFERYARD STANDARDS RELATING TO ZONING DISTRICT BUFFERYARDS; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF COMMERCE.**

Acting Village Attorney Roger Pou read the title. Senior Environmental Planner Daniel Parabok presented on behalf of staff.

Daniel Parabok explained that this amendment to the code of ordinances was a Council directed initiative. When a residential property abuts a commercial property, you can reduce the amount of landscaping required.

Tony Hammon asked if staff agreed with the change. Mr. Parabok indicated it is the job of staff to do the will of the Council. This is a recommendation to address the Council concerns.

Van Cadenhead and Don Horton provided public comment.

Lorie Lalonde stated that the commercial property should have enough of a buffer to address buffer issues.

Chair Deb Gillis indicated that the setback requirements have not been eliminated and are still intact.

Cheryl Culberson made a motion to approve the proposed amendment. Lorie Lalonde seconded the motion. A vote was taken and the motion passed 5 - 2.

- D.** An Ordinance Amending SECTION 30-1542 Shoreline Setbacks.  
(Jennifer DeBoisbriand , Planning Director)

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE VII “ENVIRONMENTAL REGULATIONS”, DIVISION 2 “DOCKS AND SHORELINE USES”, SECTION 30-1542 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

Acting Village Attorney Roger Pou read the title. Director of Planning Jennifer DeBoisbriand presented on behalf of staff. Ms. DeBoisbriand indicated that this

amendment is a Council directed initiative.

Van Cadenhead and Don Horton provided public comment.

Cheryl Culberson thinks that the roof line should not extend into the canal. James Rhyne said that the County allows the drip edge to extend one foot.

Planning Director Jennifer DeBoisbriand stated the applicant did a tour of the surrounding waterways and indicated there were more than 50 properties with structures on their docks.

Lorie Lalonde made a motion to approve the amendment. Cheryl Culberson seconded the motion. A vote was taken and the motion passed 6 - 1.

- E. An Ordinance Establishing a Temporary Moratorium on the Acceptance of New Administrative Relief Applications (John Quick, Interim Village Attorney)

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW ADMINISTRATIVE RELIEF APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

Acting Village Attorney Roger Pou read the title. Planning Director Jennifer DeBoisbriand presented on behalf of staff. Ms. DeBoisbriand stated that the Village Council had asked staff to come up with a plan to address administrative relief allocations. Legal has drafted the temporary moratorium ordinance in the interim.

Van Cadenhead and Don Horton provided public comment.

Susan Raffanello indicated the Village needs a moratorium to allow staff time to develop a plan for the administrative relief allocations.

Cheryl Culberson said that this may be a necessity now but she would not like to see a moratorium go past 6 months.

Chair Deb Gillis said that she would not like to see a moratorium as this would be "kicking the can" down the road. Ms. Gillis mentioned that the Council is reviewing the BPAS moratorium and possibly extending it another 6 months.

Ms. DeBoisbriand indicated that there are 2 administrative relief applications in progress. The moratorium does not apply to them.

Cheryl Culberson made a motion to approve the ordinance. Susan Rafanello

seconded the motion. A vote was taken and the motion passed 6 - 1.

- F. An Ordinance Amendment to the Zoning Map for Parcel Numbers 00437590-000000, 00437610-000000 and 00437640-000000.  
(Jennifer DeBoisbriand , Planning Director)

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH CREEKSIDE LLC, TO AMEND THE OFFICIAL ZONING MAP FROM VILLAGE CENTER (VC) TO NEIGHBORHOOD COMMERCIAL (NC) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000 AND 00437640-000000, 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.**

Acting Village Attorney Roger Pou read the title. Planning Director Jennifer DeBoisbriand presented on behalf of staff. Staff recommends approval of the Zoning Map amendment.

Agent for the applicant, Bart Smith, explained that the Islander Resort wants to transfer the transient units from the Creekside Inn to their property. The plan is to convert the units at the Creekside Inn into affordable housing units. This conversion can not take place in a Village Center zoning designation, which is why the change is being requested. The proposed zoning amendment does not increase the allocated density, maximum net density or affordable housing density. Mr. Smith explained that the zoning amendment is consistent with the Comprehensive Plan. The map amendment is the first approval needed among a set of other approvals.

Tom Raffanello provided public comment.

Cheryl Culberson asked if the applicant was aware of Made to Order being a historical property. Ms. Culberson also stated she would like to see that none of the hotel units transferred to the Islander until the hotel units at the Creekside Inn are converted to affordable housing.

Further discussion ensued.

Cheryl Culberson made a motion approving the amendment with the stipulation that no construction of the hotel units can begin until the affordable housing building permits are issued for Creekside Inn. Susan Raffanello seconded the motion. A vote was taken and the motion was approved 7 - 0.

## **VII. CHAIR AND LOCAL PLANNING AGENCY MEMBERS**

None.

## **VIII. FUTURE AGENDA ITEMS**

None.

**IX. PLANNING DIRECTOR / VILLAGE MANAGER**

**A.** Next meeting date.

The next Local Planning Agency meeting will be held on Monday, August 12, 2024.

**X. VILLAGE ATTORNEY**

None.

**XI. MOTIONS**

None.

**XII. OTHER BUSINESS**

None.

**XIII. ADJOURNMENT**

Cheryl Culberson made a motion to adjourn. Susan Raffanello seconded the motion. All ayes and the meeting adjourned at 7:33 PM.



# Local Planning Agency Communication

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**To:** Local Planning Agency Chair and Agency Members  
**From:** Jennifer DeBoisbriand , Planning Director, Daniel Parobok, Environmental Planner, Rebecca Jetton, Village Consultant  
**Date:** February 10, 2025  
**Subject: Ordinance Amending Code Sections 30-504 and 30-506 - Transfer of Development Rights**

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## **Background:**

Section 30-504 and 30-506 implements Policy 1-3.1.1 of the Village Comprehensive Plan which regulates the transfer of development rights from one parcel to another location. The code and plan provides for three types of transfers:

1. The transfer of density from vacant non-residential and residential lots of record to vacant non-residential and residential lots of record that are non-conforming as to density, to permit the development of the non-conforming receiver site.
2. The off-site transfer of existing non-residential floor area from any property to any property located in either the Mixed Use (commercial) Future Land Use Map Category and zoned for non-residential uses or Industrial Future Land Use Map Category; and
3. The off-site transfer of existing residential dwelling units, Transferable ROGO Building Rights Exemptions Certificates and of building permits for residential dwellings to residential property.

Recently the Council has asked staff to look at the types of transfers and having the ability to transfer within in land use categories as long as the use is permitted and to provide some flexibility in the habitat section so that parcels that have multiple habitats have more ability to be developed in the disturbed areas. Finally, staff has created a banking program for people with TDR's that have no receiver site immediately.

**Analysis:**

The current supply of allocations for new residential dwellings in the Village will be exhausted in 2026. While a plan is being developed to potentially allocate new dwelling units to the Florida Keys, it is unlikely this will occur prior to January 2026. As the staff collects data and analyzes new perspectives for addressing future development of the remaining vacant parcels, it is important to make available mechanisms to allow limited development utilizing existing development rights.

Recently, there have been requests for transfer of existing building rights to offsite locations where there has been debate regarding the classes of habitat. The attached amendment is proposed to facilitate transfer of building rights while maintaining the protection of Class 1 Habitat which includes low, moderate, and high-quality hardwood hammocks.

Staff proposes a code amendment which will allow the transfer of existing buildings rights from Class I, II, and III parcels to area(s) of receiver parcels containing Class II or Class III habitat classifications provided that the receiver site meets the following criteria:

1. Lawfully scarified areas of receiver parcel are large enough to accommodate the principal use and accessory uses, along with sufficient access to the site may be developed provided that no Class I habitat is altered or removed; and
2. Transfer shall not result in the alteration, removal, or decrease of Class I habitat. Removal of native vegetation within Class I habitat classifications is strictly prohibited.

The proposed ordinance:

- Requires that an applicant provides a recorded Declaration of Restrictions and Grant of Conservation Easement prior to issuance of a Certificate of Occupancy;
- Prohibits transfer to Conservation Land Use District;
- Eliminates the detailed list of sender/receiver zoning districts and allows transfer between residential districts and non-residential districts provided the residential use is a permitted use.
- Creates the ability to “bank” residential dwelling units with the Village through the TDR process.

Consistency with Comprehensive Plan

Policy 1-1.1.3: Ensure Orderly Transition In Residential Densities And Intensities

Residential densities and intensities shall be transitioned in a manner compatible with available public services and level of service standards, natural features, and existing and anticipated future development.

Policy 1-4.2.1: Implement Comprehensive Plan Through Land Development Regulations

Land Development Regulations shall contain at a minimum, the following:

1. Procedures for site plan review including criteria for considering minor and major conditional uses;
2. Administrative procedures by which to manage key programs to implement the goals, objectives and policies of this Comprehensive Plan;
3. Details regarding the application and award process for the Non-Residential Building Permit Allocation System;
4. A program including criteria and procedures for the consideration of all residential and non-residential Transferable Development Rights, plus development of mechanisms for tracking and coordinating recordation of TDRs with relevant agencies;
5. Criteria and procedures for considering beneficial uses and vested rights;
6. Zoning District Maps, as well as permitted uses, bulk regulations and site plan

requirements for each Zoning District;

7. Regulations for the outdoor storage and use of property;
8. Landscape standards;
9. Off-street parking, loading and driveway standards;
10. Signage regulations;
11. Special use regulations including adult uses, home occupations, wireless communications facilities, excursion boats, vacation rentals, group homes, liveaboard vessels, outdoor uses, seaplanes and helistop landing areas;
12. Environmental regulations including docks and shoreline uses, turtle nesting protection, creation of a habitat analysis, stormwater management, wastewater, floodplain management, and historical and archaeological sites; and
13. Procedures for the consideration of proposed changes to the Future Land Use Map or text of the Comprehensive Plan.

#### **OBJECTIVE 1-4.3: COASTAL AREA POPULATION DENSITIES AND HURRICANE EVACUATION PLANS**

Islamorada, Village of Islands shall enforce Land Development Regulations which ensure that future land uses shall be compatible with the Future Land Use Element and the character of the Village. The Land Development Regulations shall include administrative procedures which ensure that Village land use decisions impacting population density within the coastal high hazard area are coordinated with the Monroe County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

#### **Budget Impact:**

None

#### **Staff Impact:**

Staff impact will be limited to processing applications.

#### **Recommendation:**

Staff recommends that the Local Planning Agency recommend approval of the proposed Ordinance to the Village Council.

#### **Attachments:**

1. TDR Code LPA Final

**ORDINANCE NO. 25- \_\_\_\_**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING VILLAGE CODE SECTIONS 30-504, "TRANSFER PROCEDURE," AND 30-506, "TRANSFER OF DEVELOPMENT RIGHTS FOR RESIDENTIAL DWELLING UNITS AND DENSITY," TO AMEND PROCEDURES AND ELIGIBILITY CRITERIA FOR THE TRANSFER OF DEVELOPMENT RIGHTS (TDRS); PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

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

**WHEREAS,** Section 163.3202, Florida Statutes, directs local governments to update land development regulations to be consistent with the adopted comprehensive plan; and

**WHEREAS,** Section 163.3202, Florida Statutes, encourages the use of innovative land development regulations which include provisions such as transfer of development rights, incentives, and inclusionary zoning, planned-unit development, impact fees, and performance zoning; and

**WHEREAS,** the Village desires to facilitate the transfer of development rights between parcels with compatible habitats and/or habitat areas and the transfer of

existing residential dwelling unit development rights, as delineated under Section 30-503(c), by permitting banking such rights with the Village; and

**WHEREAS**, the Village Council desires to amend the Village’s Land Development Regulations in order to amend procedures and eligibility criteria for the transfer of development rights; and

**WHEREAS**, the Village has conducted duly noticed public hearings for the Land Development Regulation Amendment pursuant to Section 163.3184(11), Florida Statutes; and

**WHEREAS**, pursuant to Section 163.3171, Florida Statutes and Sections 30-101 of the Village Code, the Local Planning Agency publicly considered this Ordinance during a duly noticed public hearing; and

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

**WHEREAS**, this Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act; and

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

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

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

**Section 2. Amendment to the Code.** That Division 12, "Transfer of Development Rights," of Article IV, "Administrative Procedures," of Chapter 30, "Land Development Regulations," of the Village Code is hereby amended as follows:<sup>1</sup>

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

\* \* \*

ARTICLE IV – ADMINISTRATIVE PROCEDURES

\* \* \*

DIVISION 12 – TRANSFER OF DEVELOPMENT RIGHTS

\* \* \*

**Section 30-504 Transfer Procedure.**

- (a) The applicant(s) must provide documentation of ownership of sender and receiver sites through the form of a deed or other legal documentation as approved by the village attorney. For the purposes of this division, sender site and receiver site shall mean those parcels of land as they legally existed on November 29, 2007.
- (b) The receiver site shall be the same or less environmentally sensitive than the sender site, according to a vegetation survey and/or a habitat analysis conducted by a certified biologist, and verified unless otherwise exempted or limited by the director of planning and development services or his designee, pursuant to habitat

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

classifications described in subsection 30-1616(b)(2) of this Code, whereby the following conditions additionally apply:

- (1) Transfer shall be permitted from Class I parcels to Class II or Class III parcels;
- (2) Transfer shall be permitted from Class II parcels to Class II or Class III parcels and

(3) Transfer shall be permitted from Class III parcels to Class III parcels.

~~(3)~~(4) Transfer shall be permitted from Class I,II and III parcels to area(s) of receiver parcels containing Class I or Class II habitat classifications;

Notwithstanding the habitat classification, lawfully existing Class II, Class III, and scarified areas of receiver parcels which are large enough to accommodate the principal use and accessory uses, along with sufficient drive-way access may be developed provided that no Class I habitat is altered or removed. The transfer of development rights shall not result in the alteration, removal, or decrease of Class I habitat. Removal of native vegetation within Class I habitat classifications is strictly prohibited.

\* \* \*

(g) Transfer of development rights for residential dwelling unit rights may be banked with the Village pursuant to the following procedures and requirements:

- (1) An application for banking transfer of residential unit development rights shall be submitted to the director of planning and development services.
- (2) A habitat analysis and vegetation survey approved by the Village biologist shall accompany all applications.
- (3) Existing residential dwelling unit development rights may be banked with the Village for a period not to exceed three (3) years. An applicant may file an application to extend the time limitations herein with the director of planning and development services.
- (4) The director of planning and development services shall approve, approve with conditions, or deny an application to bank existing residential dwelling unit development rights with the Village in accordance with the procedures, standards, and limitations of this chapter.

- (5) The application to bank existing residential dwelling unit development rights with the Village must identify the removal of such TDR(s) from the sender site and that such development rights have been banked with the Village pursuant to a specific agreement with the Village, which shall be recorded in the chain of title of the sending site.
- (6) A grant of conservation easement agreement (GOCEA), as approved by the Village attorney, shall be placed by the owner of the sender site on all areas of the sender site determined to be tropical hardwood hammock.
- (7) All allowable development on the sender site shall be subject to all applicable development criteria set forth in Village Code of Ordinances.
- (8) The sender site shall be maintained free of all invasive exotic vegetation for the duration of which the TDR is banked with the Village. The Village maintains the right to inspect for compliance for the duration of which the TDR is banked with the Village.
- (9) Existing residential dwelling unit development rights that are banked with the Village are subject to all applicable criteria set forth in the Village Code.

An applicant may appeal the decision of the Village planning and development services director as to any application, including an extension application, to the City Council pursuant to Section 30-281 of the Village Code. Existing residential dwelling unit development rights banked with the Village shall revert to the Village if they remain banked beyond the time limitations approved by the director of planning and development services.

\* \* \*

**Section 30-506 Transfer of Development Rights (TDRs) For Residential Dwelling Units and Density.**

Off-site redevelopment of all residential TDRs, including Transferable ROGO Exemption (TRE) Certificates and building permit allocations for residential dwelling units, shall, at a minimum, be subject to the following transfer conditions:

(a) Dwelling units and density.

(1) The transfer of four or less dwelling units shall be reviewed using the

procedures for minor conditional use review pursuant to section 30-217 and shall be noticed pursuant to the procedures in subsection 30—213(i), except that hotels and motels shall not be considered a residential use;

(2) The transfer of five or more dwelling units shall be reviewed using the procedures for major conditional use review pursuant to section 30-218 and shall be noticed pursuant to the procedures in subsection 30-213(i), except that hotels and motels shall not be considered a residential use; and

(3) Both sender and receiver sites shall be in zoning districts that permit dwelling units and shall be subject to the following restrictions for the transfer of dwelling units:

a. Residential dwelling units may be transferred from any land use district to any land use district in which residential dwelling units are a permitted use, provided that the transfer of residential dwelling units would not otherwise make the property nonconforming under the existing zoning district regulations;

b. A Grant of Conservation Easement Agreement (GOCEA), as approved by the village attorney, shall be placed by the owner of the sender site, prohibiting any future development on all hammock areas of the property; and

c. No transfer shall be allowed into the Conservation Land Use District.

Residential Sender Sites	Zoning Districts Eligible as Receiver Sites
Conservation (C)	NR, RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Native Residential (NR)	NR, RE, R1, R1M, RMH, R2, R3, R4, MF, MH,SR, VC, TC, NC, I*,TA, M*
Residential Estate (RE)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Residential Single Family (R1) and (R1M)	R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Residential Mobile Home (RMH)	R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Residential Duplex (R2)	R2, R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Residential Triplex (R3)	R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Residential Fourplex (R4)	R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Multifamily (MF)	R1**, R1M**, R2**, R3**, R4**, MF, MH, SR, VC, TC, NC, I*,TA, M*
Mobile Home Park (MH)	R1**, R1M**, R2**, R3**, R4**, MH**, SR**, VC**, TC**, HC**, NC**, I*, M*
Settlers Residential (SR)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, I*, TA,M*
Village Center (VC)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, NC, I*,TA, M*
Tourist Commercial (TC)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, NC, I*, TA, M*
Commercial Fishing (CF)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, CF, MR, NC, I*, TA, M*
Marine Use (MR)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, MR, NC, I*, M*
Highway Commercial (HC)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, TC, HC, NC, I*, M*
Neighborhood Commercial (NC)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, VC, NC, I*, M*
Industrial (I)*	I*, M*
Tavernaero Airstrip (TA)	MF, MH, SR, , I*,TA, M*

Public and Semi-Public Services (PS)	R1**, R1M**, R2**, R3**, R4**, MH**, SR**, VC**, TC**, HC**, NC**, I*, M*
Mariculture (M)	M*

\*Limited to a caretaker's cottage.

\*\*Limited to affordable residential dwelling unit

(4) The transfer of residential density off-site shall be in the amount of 0.25 per acre

and in conformance with the permitted zoning districts in the following table:

Residential Sender Sites	Zoning Districts Eligible as Receiver Sites
Conservation (C)	NR, RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, TA, VC,TC,CF,MR,HC,NC
Native Residential (NR)	NR, RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, TA, VC,TC,CF,MR,HC,NC
Residential Estate (RE)	RE, R1, R1M, RMH, R2, R3, R4, MF, MH, SR, TA, VC, TC, CF, MR, HC, NC
Residential Single Family (R1) and (R1M)	R1, R1M, RMH, R2, R3, R4, MF, MH, SR, TA, VC, TC, CF, MR, HC, NC
Residential Mobile Home (RMH)	R1, R1M, RMH, R2, R3, R4, MF, MH, SR, TA, VC, TC, CF, MR, HC, NC
Residential Duplex (R2)	R2, R3, R4, MF, MH, SR, TA, VC, TC, CF, MR, HC, NC
Residential Triplex (R3)	R3, R4, MF, MH, SR, TA, VC, TC, CF, MR, HC, NC
Residential Fourplex (R4)	R4,MF,MH,SR,TA,VC,TC,CF,MR,HC,NC
Multifamily (MF)	R1**, R1M**, R2**, R3**, R4**, MF, MH, SR, TA, VC, TC, CF,

	MR, HC, NC
Mobile Home Park (MH)	R1**, R1M**, R2**, R3**, R4**, MH**, SR**, VC**, TC**, CF**, MR**, HC**, NC**
Settlers Residential (SR)+	R1, R1M, RMH, R2, R3, R4, MF, MH, SR, TA, VC, TC, CF, MR, HC, NC
Tavernaero Airstrip (TA)	MF, MH, SR, TA, VC, TC, CF, MR, HC, NC

\*\*Limited to affordable residential dwelling unit.

+ Limited to lots of record within Residential Medium Use FLUM.

Note: Receiver sites within mixed-use zoning districts are only permitted to apply off-site residential density to the residential component of a development.

*(b) Hotel/motel units.*

- (1) The transfer of four or less hotel or motel unit(s) shall be reviewed using the procedures for minor conditional use review pursuant to section 30-217 and shall be noticed pursuant to the procedures in subsection 30-213(h).
- (2) The transfer of five or more hotel or motel units shall be reviewed using the procedures for major conditional use review pursuant to section 30-218 and shall be noticed pursuant to the procedures in subsection 30-213(i).
- (3) The receiver site shall be located in either the village center (VC), Tourist

commercial (TC), ~~or~~ Highway Commercial (HC) Zoning District, or  
Neighborhood Commercial (NC) Zoning District.

\* \* \*

(d) The structure cannot be placed in a VE (velocity) flood zone on the receiver site.

\* \* \*

(g) A grant of conservation easement agreement (GOCEA), as approved by the village attorney, shall be placed by the owner of the sender site on all areas of the sender site determined to be tropical hardwood hammock and restricting further residential development rights. The sender site shall be required to comply with the landscaping standards pursuant to a restoration plan consistent with article V, division 6 of this chapter and approved by the director of planning and development services. Documentation of the recorded GOCEA must be submitted prior to the issuance of a Certificate of Occupancy on the receiver site.

\* \* \*

**Section 3. Transmittal.** Pursuant to Sections 380.05(6), Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce.

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

**Section 6. Inclusion in the Code.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 7. Effective Date.** This Ordinance shall not become effective until a final Order has been issued by the State Land Planning Agency finding the Land Development Regulation in compliance with the Comprehensive Plan and the Principles for Guiding Development. If timely challenged, the Land Development Regulation does not become effective until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

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

Mayor Sharon Mahoney \_\_\_\_\_  
Vice Mayor Don Horton \_\_\_\_\_  
Councilwoman Deb Gillis \_\_\_\_\_  
Councilman Steve Friedman \_\_\_\_\_  
Vacant \_\_\_\_\_

**PASSED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**[Remainder of the page intentionally left blank.]**

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

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____
Vacant	_____

**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 SOLE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

\_\_\_\_\_  
JOHN J. QUICK, VILLAGE ATTORNEY



# Local Planning Agency Communication

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**To:** Local Planning Agency Chair and Agency Members  
**From:** Jennifer DeBoisbriand , Planning Director, Daniel Parobok, Environmental Planner, Rebecca Jetton, Village Consultant  
**Date:** February 10, 2025  
**Subject: Ordinance Amending Policy 1-3.1.3: Institute a Program for Transfer of Development Rights**

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## **Background:**

Section 30-504 and 30-506 implements Policy 1-3.1.1 of the Village Comprehensive Plan which regulates the transfer of development rights from one parcel to another location. The code and plan provides for three types of transfers:

1. The transfer of density from vacant non-residential and residential lots of record to vacant non-residential and residential lots of record that are non-conforming as to density, to permit the development of the non-conforming receiver site.
2. The off-site transfer of existing non-residential floor area from any property to any property located in either the Mixed Use (commercial) Future Land Use Map Category and zoned for non-residential uses or Industrial Future Land Use Map Category; and
3. The off-site transfer of existing residential dwelling units, Transferable ROGO Building Rights Exemptions Certificates and of building permits for residential dwellings to residential property.

Recently the Council has asked staff to look at the types of transfers and having the ability to transfer within in land use categories as long as the use is permitted and to provide some flexibility in the habitat section so that parcels that have multiple habitats have more ability to be developed in the disturbed areas. Finally, staff has created a banking program for people with TDR's that have no receiver site immediately.

This is the companion Comp Plan change to the code amendment.

## **Analysis:**

The current supply of allocations for new residential dwellings in the Village will be exhausted in 2026. While a plan is being developed to potentially allocate new dwelling units to the Florida Keys, it is unlikely this will occur prior to January 2026. As the staff collects data and analyzes new perspectives for addressing future development of the remaining vacant parcels, it is important to make available mechanisms to allow limited development utilizing existing development rights.

Recently, there have been requests for transfer of existing building rights to offsite locations where there has been debate regarding the classes of habitat. The attached amendment is proposed to facilitate transfer of building rights while maintaining the protection of Class 1 Habitat which includes low, moderate, and high-quality hardwood hammocks.

Staff proposes a code amendment which will allow the transfer of existing buildings rights from Class I, II, and III parcels to area(s) of receiver parcels containing Class II or Class III habitat classifications provided that the receiver site meets the following criteria:

1. Lawfully scarified areas of receiver parcel are large enough to accommodate the principal use and accessory uses, along with sufficient access to the site may be developed provided that no Class I habitat is altered or removed; and
2. Transfer shall not result in the alteration, removal, or decrease of Class I habitat. Removal of native vegetation within Class I habitat classifications is strictly prohibited.

The proposed ordinance:

- Requires that an applicant provides a recorded Declaration of Restrictions and Grant of Conservation Easement prior to issuance of a Certificate of Occupancy;
- Prohibits transfer to Conservation Land Use District;
- Eliminates the detailed list of sender/receiver zoning districts and allows transfer between residential districts and non-residential districts provided the residential use is a permitted use.
- Creates the ability to “bank” residential dwelling units with the Village through the TDR process.

### Consistency with Comprehensive Plan

#### Policy 1-1.1.3: Ensure Orderly Transition In Residential Densities And Intensities

Residential densities and intensities shall be transitioned in a manner compatible with available public services and level of service standards, natural features, and existing and anticipated future development.

#### Policy 1-4.2.1: Implement Comprehensive Plan Through Land Development Regulations

Land Development Regulations shall contain at a minimum, the following:

1. Procedures for site plan review including criteria for considering minor and major conditional uses;
2. Administrative procedures by which to manage key programs to implement the goals, objectives and policies of this Comprehensive Plan;
3. Details regarding the application and award process for the Non-Residential Building Permit Allocation System;
4. A program including criteria and procedures for the consideration of all residential and non-residential Transferable Development Rights, plus development of mechanisms for tracking and coordinating recordation of TDRs with relevant agencies;
5. Criteria and procedures for considering beneficial uses and vested rights;
6. Zoning District Maps, as well as permitted uses, bulk regulations and site plan requirements for each Zoning District;

7. Regulations for the outdoor storage and use of property;
8. Landscape standards;
9. Off-street parking, loading and driveway standards;
10. Signage regulations;
11. Special use regulations including adult uses, home occupations, wireless communications facilities, excursion boats, vacation rentals, group homes, liveaboard vessels, outdoor uses, seaplanes and helistop landing areas;
12. Environmental regulations including docks and shoreline uses, turtle nesting protection, creation of a habitat analysis, stormwater management, wastewater, floodplain management, and historical and archaeological sites; and
13. Procedures for the consideration of proposed changes to the Future Land Use Map or text of the Comprehensive Plan.

#### **OBJECTIVE 1-4.3: COASTAL AREA POPULATION DENSITIES AND HURRICANE EVACUATION PLANS**

Islamorada, Village of Islands shall enforce Land Development Regulations which ensure that future land uses shall be compatible with the Future Land Use Element and the character of the Village. The Land Development Regulations shall include administrative procedures which ensure that Village land use decisions impacting population density within the coastal high hazard area are coordinated with the Monroe County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

#### **Budget Impact:**

None

#### **Staff Impact:**

Staff impact is limited to processing applications.

#### **Recommendation:**

Staff recommends that the Local Planning Agency recommend approval of the proposed Ordinance to the Village Council.

#### **Attachments:**

1. TDR CompPlan Amend LPA Final

**ORDINANCE NO. 25- \_\_**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.3: INSTITUTE A PROGRAM FOR TRANSFER OF DEVELOPMENT RIGHTS OF THE ISLAMORADA COMPREHENSIVE PLAN BY AMENDING PROCEDURES AND ELIGIBILITY CRITERIA FOR THE TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, on December 6, 2001, Islamorada, Village of Islands, Florida (the "Village") adopted the Village Comprehensive Plan (the "Comprehensive Plan"); and

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

**WHEREAS**, the Village desires to facilitate the transfer of development rights between parcels with compatible habitats and/or habitat areas and the transfer of existing residential dwelling unit development rights by creating a banking framework; and

**WHEREAS**, the Village Council desires to amend the Comprehensive Plan in order to revise procedures and eligibility criteria for the transfer of development rights from and to properties within the Village ("Amendment"); and

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

**WHEREAS**, pursuant to Section 163.3174, Florida Statutes and Sections 30-101 of the Village Code, the Local Planning Agency publicly considered this Ordinance during a duly noticed public hearing; and

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

**WHEREAS** this Ordinance is enacted to conduct the purpose and intent of, and exercise the authority set out in, the Community Planning Act; and

**WHEREAS** the Village Council finds that finds this Ordinance is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:<sup>1</sup>**

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

**Section 2. Comprehensive Plan Amendments Adopted.** The Village Council hereby adopts the amendments to the Comprehensive Plan attached hereto as Exhibit "A."

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

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

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

**Section 5. 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 6. Effective Date.** This Ordinance shall not become effective until a Notice of Intent has been issued by the State Department of Commerce finding the Comprehensive Plan Amendment to be "in compliance" as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until Department of Commerce or the Administration Commission enters a final order determining the adopted Comprehensive Plan Amendments to be "in compliance."

**[Remainder of the page intentionally left blank.]**

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

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____
Vacant	_____

**PASSED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____
Vacant	_____

**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 SOLE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

\_\_\_\_\_  
JOHN J. QUICK, VILLAGE ATTORNEY

# COMPREHENSIVE PLAN OF ISLAMORADA, FLORIDA

## CHAPTER 1 – FUTURE LAND USE ELEMENT

\* \* \*

### Section 1-1: Future Land Use Goals, Objectives and Implementing Policies

\* \* \*

#### Objective 1-1.1: Plan and Design for Residential Quality

\* \* \*

#### Policy 1-3.1.3: Institute a Program for Transfer of Development Rights (TDRs).

Islamorada, Village of Islands, shall through Land Development Regulations maintain a program to facilitate the transfer of a variety of development rights within the Village's boundaries, to achieve the following:

1. Protect environmental resources in balance with protection of property rights;
2. Facilitate redevelopment and revitalize the Village Activity Centers by concentrating mixed use activities;
3. Encourage redevelopment of commercial enterprises and permit limited new commercial development;
4. Protect housing affordability and encourage provision of new affordable housing units throughout the Village;
5. Redistribute existing residential units to achieve planned densities and retire development rights without increasing the overall amount of development.

Notwithstanding, affordable housing may be provided only through the Building Permit Allocation System on the sender site in instances following the transfer of nonresidential floor area; and affordable housing and/or nonresidential floor area may be provided only through the Building Permit Allocation System on the sender site in instances following the transfer of hotel or motel units; but in neither case may the sender or receiver site exceed the permitted density or intensity

6. Protect environmentally sensitive sites through removal of existing dwelling units or rights based on allocated densities and intensities;

7. Encourage the placement of conservation easements on environmentally sensitive or flood prone parcels of land; and

8. Further the public good and the goals, objectives, and policies of the Comprehensive Plan.

The Land Development Regulations shall provide for the use of TDRs to transfer nonresidential and residential development rights. Three (3) types of development rights may be transferable as conditional uses, as follows:

1. The transfer of density from vacant non-residential and residential lots of record to vacant non-residential and residential lots of record that are non-conforming as to density, to permit the development of the non-conforming receiver site;

2. The off-site transfer of existing non-residential floor area from any property to any property located in either the Mixed Use (MU) Future Land Use Map Category

and zoned for non-residential uses or Industrial (I) Future Land Use Map Category;  
and

3. Off-site redevelopment of existing residential dwelling units, Transferable ROGO Building Rights-Exemptions (TRE) Certificates and of building permits for residential dwelling units.

Off-site redevelopment of all residential building rights, including building permits for residential dwelling units and TREs at a minimum, be subject to the following transfer conditions:

1. Both sender and receiver sites shall be in future land use categories that permit residential uses;

2. The structure cannot be placed in a Velocity ~~VE~~ zone on the receiver site;

3. The receiver site shall be the same or less environmentally sensitive than the sender site, according to a habitat analysis conducted by a certified biologist, unless otherwise exempted or limited by the Planning and Development Services Director and pursuant to habitat classifications described in Policy 6-1.7.8, whereby the following conditions apply:

a. Transfer shall be permitted from Class I parcels to Class II or Class III parcels;

b. Transfer shall be permitted from Class II parcels to Class II or Class III parcels;

and

c. Transfer shall be permitted from Class III parcels to Class III parcels. ;

~~c.d. Transfer shall be permitted from Class I, II, and III parcels to areas of receiver parcels containing Class II and Class III habitat classifications~~

Notwithstanding the foregoing, lawfully existing Class II, Class III, and scarified areas of receiver parcels which are large enough to accommodate the principal use and accessory uses, along with sufficient access may be developed provided that no Class I habitat is altered or removed. The transfer of development rights shall not result in the alteration, removal, or decrease of Class I habitat. Removal of native vegetation within Class I habitat classifications is prohibited.

~~4. The receiver site shall be located in the same or less density restrictive Future Land Use Map category than the sender site, except that affordable residential TDR's located on a Residential High (RH) sender site may be transferable to a lower density Residential Medium (RM) receiver site. Notwithstanding the above residential TDR dwelling unit and density restrictions, existing dwelling units located on a Mixed Use (MU) sender site may be transferable to an Airport (A) or Residential Medium (RM) receiver site provided the subject receiver site does not contain hammock and meets minimum lot area requirements;~~

4. Residential dwelling unit TDRs may be transferred to properties within any future land use category where residential development is permitted. A Grant of Conservation Easement Agreement (GOCEA) shall be placed by the owner of the sender site, prohibiting any future development on all hammock areas of the property. No transfer shall be

allowed to areas designated as Conservation (C) on the Future Land Use Map. Non-residential development TDRs may be transferred from properties in any non-residential future land use categories to properties in any non-residential future land use categories.

5. Eligible receiver sites shall demonstrate compliance with all applicable criteria set forth in the Land Development Regulations.

6. Existing residential dwelling unit development rights may be banked with the Village through a TDR process pursuant to all restrictions and criteria set forth in the land development regulations (LDRs).

6.7. Regardless of on-site allocated densities available on a parcel of land, exercising the Transfer of Building Rights TDR-process to remove units, or transfer building permits from a parcel shall, result in a permanent reduction of density, and no additional units to those remaining on the sender site after the transfer takes place shall be permitted on the sender site. Notwithstanding, affordable housing and/or nonresidential floor area may be provided only through the Building Permit Allocation System in instances following the transfer of a hotel or motel unit, but in no case may the sender or receiver site exceed the permitted density or intensity. Each TDR shall require that a Declaration of Covenants, Conditions and Restrictions be placed on the sender site, restricting densities to the number of units remaining on the sender site after the transfer takes place. If no density remains, a Declaration of Covenants, Conditions and Restrictions shall be placed by the owner of the sender site on the property, restricting all further development rights; and

7.8. The following restrictions on residential transfers shall apply:

- a. Hotel and motel unit ~~TDRs~~-Transfer of Building Rights (TDR) shall be transferable only to hotel and motel units;
- b. Market rate shall be transferable only to market rate units or affordable units;
- c. Affordable TDRs, including mobile homes from approved and mobile home parks, shall be transferable only as ~~an~~ affordable deed restricted units, in accordance with affordability standards to be adopted through the Land Development Regulations.

For all non-residential TDR's, the off-site transfer of legally existing nonresidential floor area shall be subject to the following transfer conditions:

1. All properties designated either Mixed Use (MU) and zoned for non-residential uses or Industrial (I) shall be eligible as sender and receiver sites for transfers of non-residential floor area.
2. As a condition of the transfer, eligible receiver sites shall demonstrate compliance with all applicable criteria set forth in the Land Development Regulations; and
3. A Declaration of Covenants, Conditions and Restrictions shall be placed on the sender site prior to the issuance of a Certificate of Occupancy at the receiver site, indicating the recorded amount~~ed~~ of non-residential floor area remaining following the transfer and a Grant of Conservation Easement Agreement (GOCEA)

shall be placed by the owner of the sender site, prohibiting any future development on all hammock areas of the property.