



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

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

Virtual participation is available to the public. Please see the last page of the agenda for participation details.

AGENDA

I. CALL TO ORDER / ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. AGENDA: Requests for Deletion / Emergency Additions

IV. PUBLIC COMMENT

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

V. MAYOR / COUNCIL COMMUNICATIONS

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

VII. RESOLUTIONS

- A. 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.

- B. Approval of 1st Quarter 2025 Residential Market Rate Building Permit System Allocations (BPAS) **TAB B** (Jennifer DeBoisbriand , Planning Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (“BPAS”) RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2025; AND PROVIDING AN EFFECTIVE DATE
- C. Approval of 1st Quarter 2025 Nonresidential Building Permit Allocations **TAB C** (Jennifer DeBoisbriand , Planning Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (“BPAS”) RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2025; AND PROVIDING FOR AN EFFECTIVE DATE

VIII. QUASI-JUDICIAL

- A. Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use Map of Parcel 00405350-000000 - **Second Reading TAB D** Jennifer DeBoisbriand , Planning Director
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE VILLAGE’S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.
- B. Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Zoning Map of Parcel 00405350-000000 - **Second Reading TAB E** Jennifer DeBoisbriand , Planning Director
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

- C. Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000 - **Second Reading TAB F** Jennifer DeBoisbriand , Planning Director

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

- D. Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000 - **Second Reading TAB G** Jennifer DeBoisbriand , Planning Director

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

IX. MOTIONS

- A. Motion Approving Final Selection of Village Manager

X. ADJOURNMENT

Options for Viewing the Village Council Meeting:

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

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

Option 1: Email your comments.

1. Public comment should be submitted via email to: public.comment@islamorada.fl.us

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

Option 2: Call in During the Meeting.

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

ADA Assistance:

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



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: April 10, 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 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 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		

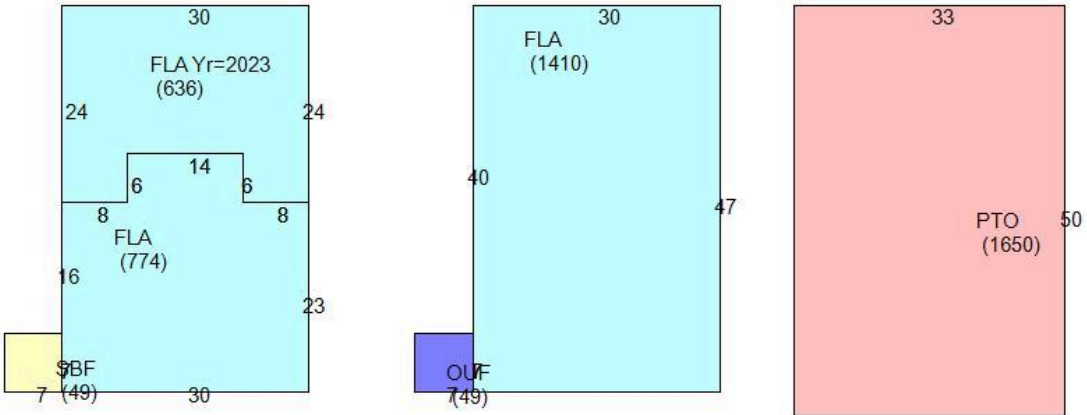
Permits

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

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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

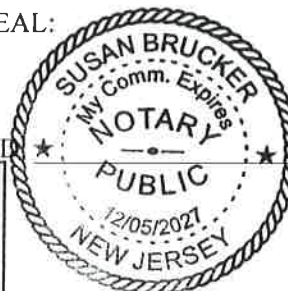
STATE OF NJ

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~~

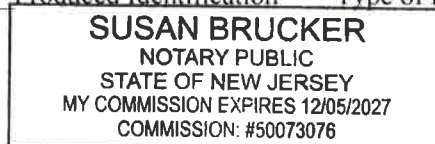
SEAL:



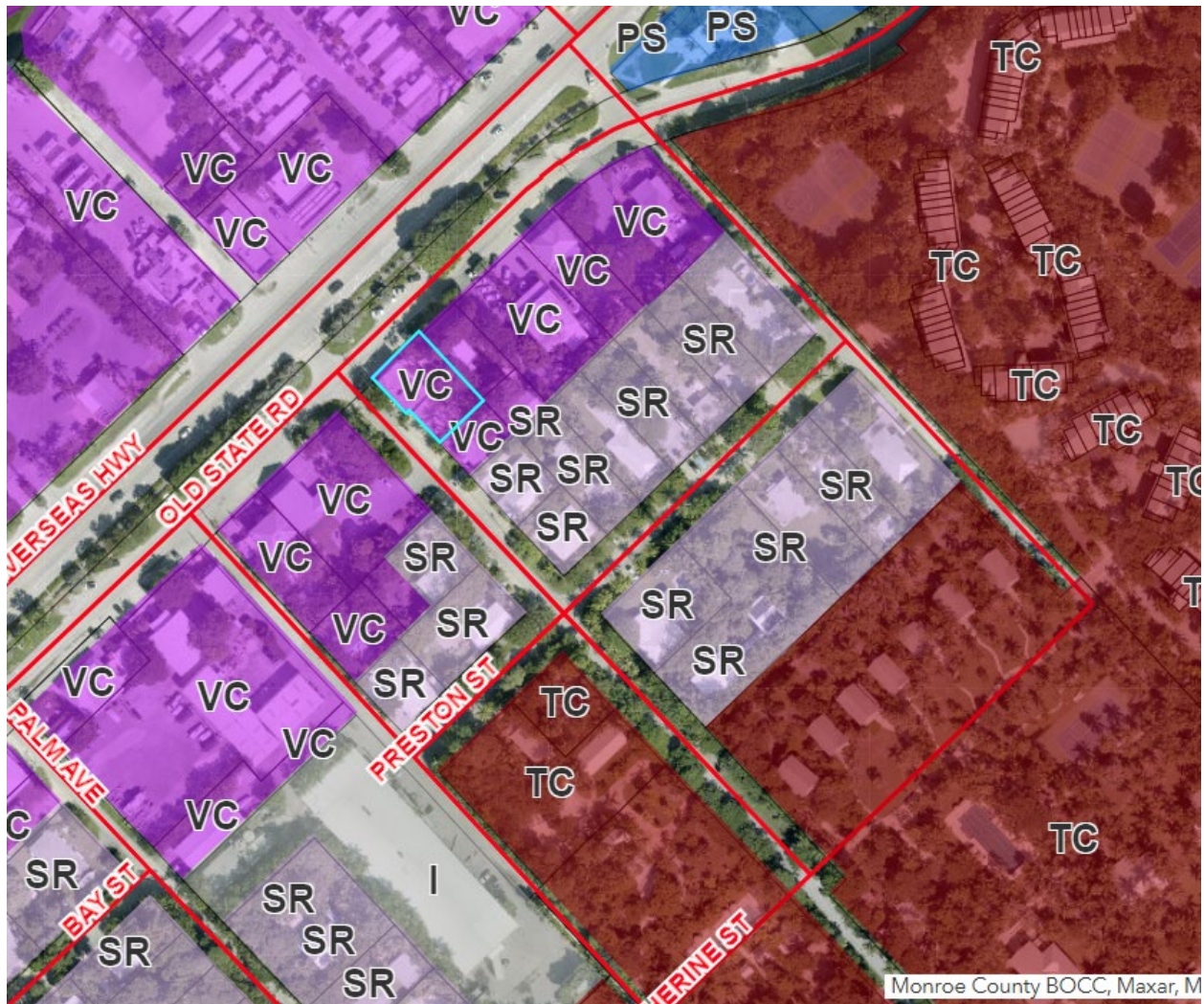
☒ Personally Known

☐ 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

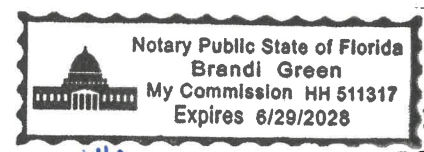
Print Name: Jess Miles Goodall

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 01641 ISLAMORADA (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



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

Page 3 of 11

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

Page 4 of 11

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

Page 7 of 11

☐ 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

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

Page 9 of 11

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

Page **11** of **11**

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

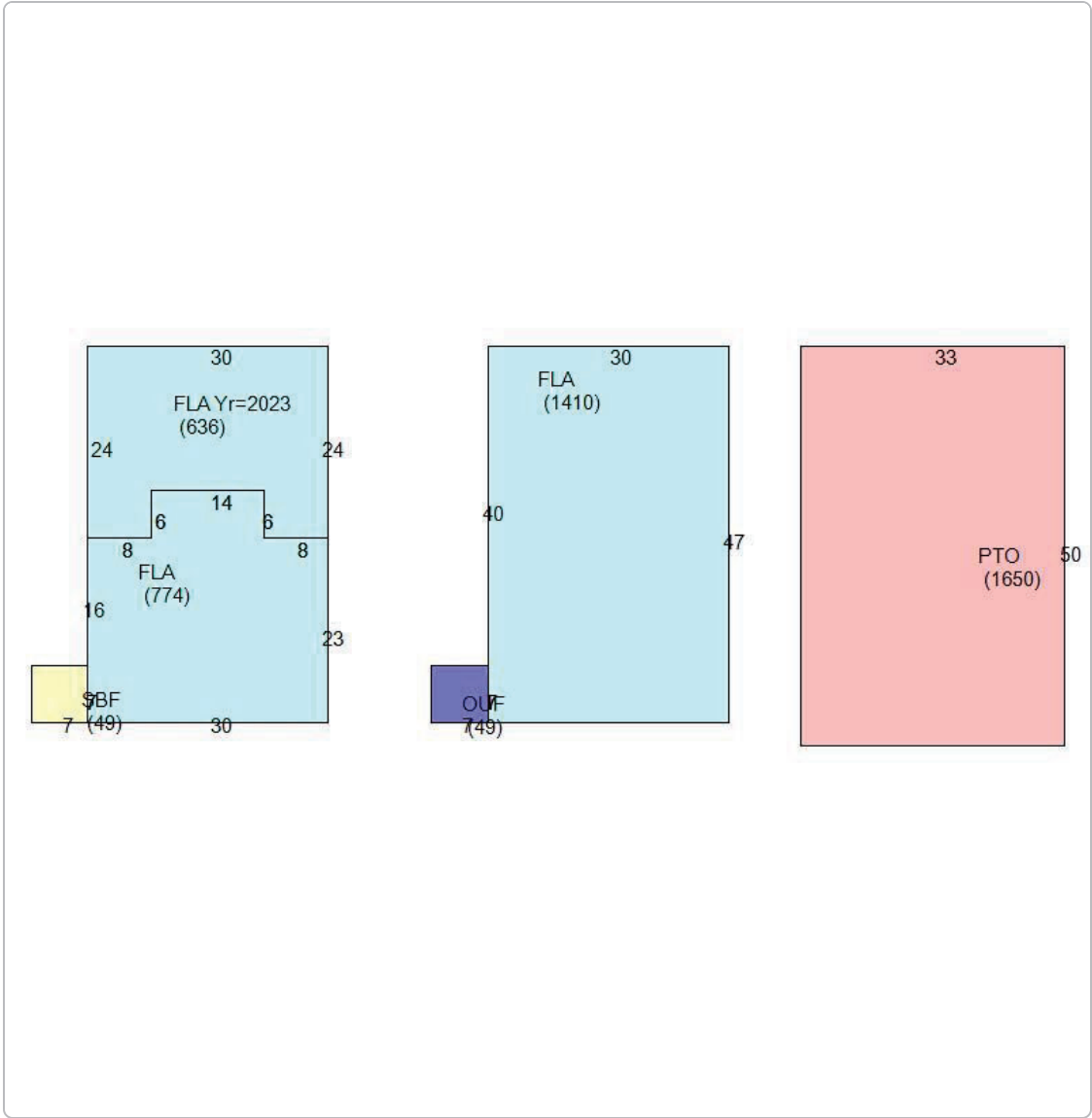
Number	Date Issued	Date Completed	Amount	Permit Type	Notes
PRBLD202100523	10/14/2021	7/21/2023	\$35,000	Commercial	ENCLOSING EXISTING CARPORT, ADDING HALF BATH WITH ELECTRIC AND OUTSIDE RAILING. 150 If,607 SF
PRBLD201900962	8/19/2019	1/9/2020	\$3,900	Commercial	
PRBLD201900874	8/12/2019	3/31/2021	\$35,000	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 Postron ((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:	Correction 1: Miscellaneous/Other Status: Outstanding Date Status Changed: 01/14/2020 Comments: 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

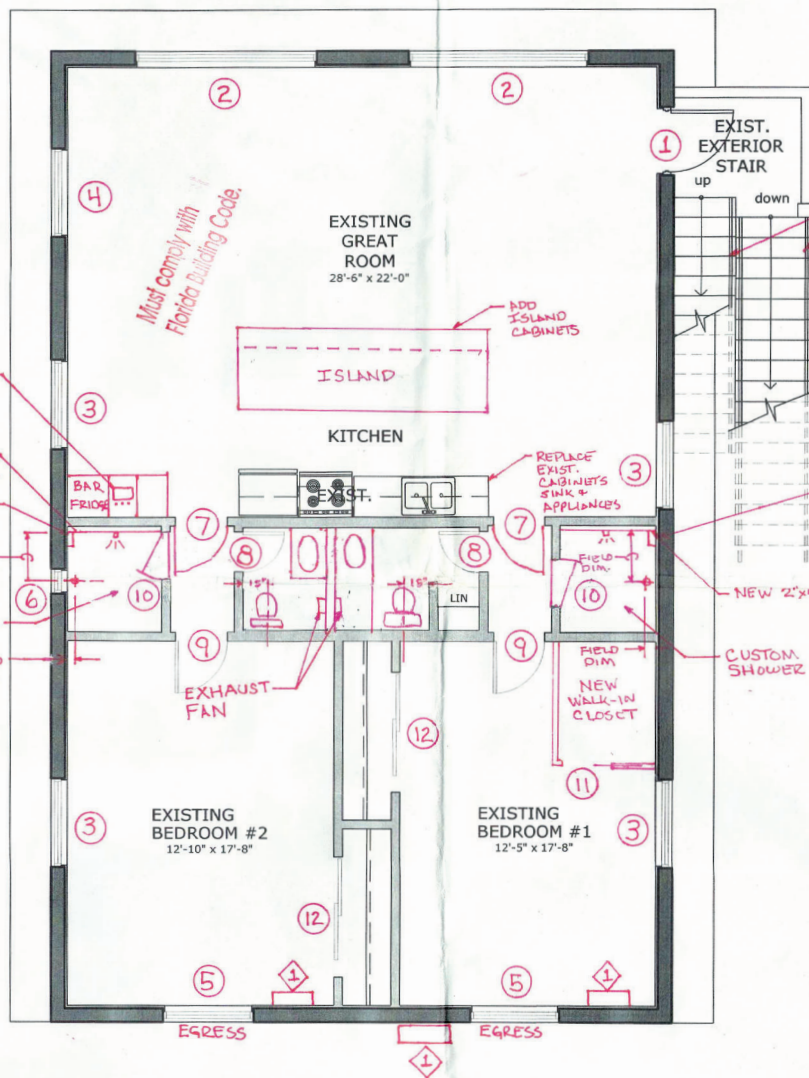
JOB COPY

APPROVED

PERMIT NO. 2019-000000000-74
DATE 08/11/19
PLANNING & DEVELOPMENT SERVICES

PLANNING & DEVELOPMENT SERVICES
PLANNING & DEVELOPMENT SERVICES
PLANNING & DEVELOPMENT SERVICES

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



APPROVED WITH CONDITIONS
Planner Date
Materials Planning & Development Services

**SEE PERMIT CARD
FOR CONDITIONS**

EXISTING SECOND FLOOR PLAN

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



EXHIBIT E

EXIST. EXTERIOR STAIR
up down

EXISTING GREAT ROOM
28'-6" x 22'-0"

KITCHEN
ADD ISLAND CABINETS
REPLACE EXIST. CABINETS SINK & STOVE

EXISTING BEDROOM #2
12'-10" x 17'-8"

EXISTING BEDROOM #1
12'-5" x 17'-8"

BATH
NEW 2"x4" WALL
CUSTOM SHOWER PAN

NEW WALK-IN CLOSET

EXHAUST FAN

BAR
FRIDGE

EGRESS

240V 20amp CKT

new Ac

JOB COPY

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 _____

Councilwoman Anna Richards _____

Councilwoman Deb Gillis _____

Councilman Steve Friedman _____

PASSED AND ADOPTED THIS 10th DAY OF APRIL 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: Jennifer DeBoisbriand , Planning Director
Date: April 10, 2025
SUBJECT: **Approval of 1st Quarter 2025 Residential Market Rate Building Permit System Allocations (BPAS) TAB B**

Background:

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

Pursuant to Resolution 24-11-131, adopted on November 19, 2024, two (2) market rate residential allocations were made available for 2025 through BPAS, and one (1) market rate "without land dedication" is available for distribution in Quarter 1 of 2025. At the close of Quarter 1, 2025, fifty-four (54) applications for market-rate residential permit allocations were in the BPAS queue awaiting building permit allocation awards.

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

Permit #PRSFC202100428 with 19 points was submitted by Ruiz Jorge Alberto on June 21, 2021, at 12:53 PM for parcel ID 00394486-001100.

The proposed Resolution approves the Residential BPAS Rankings and Awarding market rate building permit allocation for Quarter 1 of 2025, pursuant to Village Code Section 30-476.

Analysis:

The Residential BPAS applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476 and are identified in the table below:

Market Rate Dwelling Units Recommended for Award

Rank	Permit #	Name	Date of Application	Time of Application	Score	Real Estate Number
1	PRSFC202100428	Ruiz Jorge Alberto	6/21/21	12:53:00 PM	19	00394486-001100

Budget Impact:

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

Staff Impact:

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

Recommendation:

It is recommended that the Village Council adopt the proposed Resolution, thereby approving the Residential BPAS Rankings and Awarding one (1) market rate residential building permit allocations for Quarter 1 of 2025.

- Attachments:**
1. Resolution Market Rate BPAS Qtr 1 2025 JD edits
 2. Exhibit A

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2025, AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, the Village Council adopted Resolution No. 24-11-131, thereby establishing a total of one (1) market rate residential dwelling units for allocation in 2025 "without land dedication", available for Quarter 1 of 2025; and

WHEREAS, on April 10, 2025, the Village Council conducted a public hearing regarding the Residential Dwelling Unit Allocation Evaluation Report (the "Report") submitted by the Planning Director (the "Director") pursuant to the applicable provisions of the Village Code and Village Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the Residential BPAS rankings and awarding a residential building permit allocation for Quarter 1 of 2025.

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

Section 1. **Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows: The Village Council hereby approves the ranking and recommendation of the Director to award one (1) allocation for a market rate dwelling unit as follows: One (1) allocation without land dedication to Real Estate Number 00394486-001100, property owner Ruiz Jorge Alberto with 19 points as set forth in the Report attached hereto as Exhibit "A".

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

- (1) The Building Permit Allocation System (the "BPAS") Residential Market Rate applications for Quarter 1 of 2025 have been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, and
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

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

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilmember Steve Friedman	_____
Councilmember Deb Gillis	_____
Councilmember Anna Richards	_____

PASSED AND ADOPTED THIS 10th DAY OF APRIL 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

BPAS

Residential Dwelling Unit Allocation Evaluation Report (the "Report")

Exhibit A
BPAS
Residential Dwelling Unit Allocation Production Report (The Report)

Q1-2025	Market Rate Applications (with & without Land Dedication Points)					RECOMMENDED FOR ALLOCATION: 1			DRAFT
Rank	Permit #	Name	Date of Application	Time of Application	Score	Subdivision	Lot	Block	RE No.
1	PRSFC202100428	RUIZ JORGE ALBERTO	6/16/2021	12:53:00 PM	19	Port Antigua Plat No. 1	11		00394486-001100
2	PRSFC202001015	NICHOLS GARY & BETH	6/25/2021	10:36:00 AM	19	Lower Matecumbe Beach	9	2	00388960-000100
3	PRSFC202001254	Burstyn, Samuel	8/2/2021	12:00:00 PM	19	Port Antigua Plat 5&6 PB6-25	317		00394489-012000
4	PRSFC202100688	Jaquelyn Wrenn Ekblom	8/5/2021	2:07:00 PM	19	Fontaine Lake Estates	11	5	00433080-000000
5	PRSFC201901572	Morejon, Orlando and Annmarie	8/23/2021	2:20:00 PM	19	Russell Estates			00404060-000100
6	PRSFC202100572	Morejon, Orlando and Annmarie	9/24/2021	11:00:00 AM	19	Russell Estates			00404060-000300
7	PRSFC202100850	Lindback, Craig	10/12/2021	1:06:00 PM	19	Plantation Key Colony	43	3	00426140-000200
8	PRSFC202100433	Makulu LLC	10/29/2021	11:44:00 AM	19	Tavernero	19	1	00437493-002001
9	PRSFC202101234	Morales Rev Living Trust	11/22/2021	2:17:00 PM	19	Sunshine Estates	7	1	00434630-000000
10	PRSFC202101237	Tiedemann, Jocelyn	12/1/2021	11:59:00 AM	19	Key Heights Sect 2	21	4	00416180-000000
11	PRSFC202101049	Ferguson, James	1/14/2022	9:54:00 AM	19	Indian Waterways	33	2	00422920-000000
12	PRSFC202101339	RCM of Florida LP	1/31/2022	10:33:00 AM	19	Mat Ocean Bay	9	3	00395240-000000
13	PRSFC202101553	Egret Investments Limited Partnership	8/30/2022	10:40:00 AM	19	Lower Matecumbe Beach	27-28	3	00389440-000000
14	PRSFC202100240	Gode, A.J and P.J.	9/27/2021	3:18:00 PM	18	Lower Matecumbe Beach	3	3	00389160-000000
15	PRSFC202100571	Morejon, Orlando and Annmarie	10/29/2021	11:50:00 AM	18	Russell Estates			00404060-000200
16	PRSFC202100954	Vaughn, Ray	11/1/2021	11:45:00 PM	18	Edenair	8	1	00433470-000000
17	PRSFC202101286	Whitehill, Doria, Gregory, Alligood, Simpson	2/22/2022	10:20:00 AM	18	Venetian Shores No 2	4	18	00408320-000000
18	PRSFC202200068	Islamorada Realty Investment Trust	3/30/2022	12:32:00 PM	18	Matecumbe Ocean Bay Sec 2			00397120-000000
19	PRSFC202000300	4 KEYS INVESTMENTS AND DEVELOPMENTS CORP	6/10/2022	11:00:00 AM	18	WHITE MARLIN BEACH SEC 1	16	I	00393270-000000
20	PRSFC202200149	Villamil Carlos and Vicente Sonia	9/1/2022	2:00:00 PM	18	Plantation Key Colony	20	15	00431260-000100
21	PRSFC202101283	Martin, Akalia	9/16/2022	10:40:00 AM	18	Tropical Atlantic Shores 1 Add	25	6	00436950-000000
22	PRSFC202100967	Schrader, Kathleen	9/16/2022	10:41:00 AM	18	Tavernero	11	1	00437493-001100
23	PRSFC202200170	Sanders Charles Revocable Living Trust	9/23/2022	2:00:00 PM	18	WHITE MARLIN BEACH SEC 1	23	G	00393580-000000
24	PRSFC202100988	162 Sunset Dr LLC	10/20/2022	12:50:00 PM	18	Lower Matecumbe Beach	16	3	00389310-000000
25	PRSFC202201313	McKeown, James	1/23/2023	1:05:00 PM	18	Tavernero	7	2	00437493-003700
26	PRSFC202200812	Weber, Craig	3/30/2023	10:00:00 AM	18	Venetian Shores Plat No 2	8	10	00407150-000100
27	PRSFC201800860	LAZZERI JEFF & JULIE	4/2/2020	2:15:00 PM	17	Plantation Lakes Estates	39	-	00093420-003801
28	PRSFC201801827	Paulo & Kellen Paiva	2/4/2021	12:15:00 PM	17	Bay Hammock Community	20	-	00403041-000100
29	PRSFC201801826	Paulo & Kellen Paiva	2/5/2021	8:00:00 AM	17	Bay Hammock Community	1	-	00403041-002000
30	PRSFC202001406	FERNANDEZ VIVIAN M & DOCAMPO JOSE A	5/13/2021	8:19:00 AM	17	Lower Matecumbe Beach	4	1	00388710-000000

Exhibit A
BPAS

Residential Dwelling Unit Allocation Production Report (The Report)

Q1-2025	Market Rate Applications (with & without Land Dedication Points)					RECOMMENDED FOR ALLOCATION: 1			DRAFT
Rank	Permit #	Name	Date of Application	Time of Application	Score	Subdivision	Lot	Block	RE No.
31	PRSFC202100804	Island Investment Partners Inc.	10/12/2021	11:08:00 AM	17	Ventetian Shores Plat No 2	1	13	00407550-000000
32	PRSFC202101379	Lonnborg, Ronald	5/11/2022	3:00:00 PM	17	Plantation Beach	4	8	00414060-000000
33	PRSFC202101424	Venezia Land Trust Number Two	8/19/2022	8:40:00 AM	17	Plantation Key Colony	2	7	00427330-000100
34	PRSFC202300511	Craig & Cheryl McBay	7/19/2023	10:30:00 AM	17	Plantation Ridge	17 & 18	2	00412030-000100
35	PRSFC202200369	SCHAFER BRYANNA LEIGH	12/20/2023	10:00:00 AM	17	Plantation Beach	27	7	00414000-000100
36	PRSFC202000351	Keys Basin LLC	10/7/2020	10:30:00 AM	16	Vacation Village	1	1	00417470-000000
37	PRSFC202000352	Keys Basin LLC	10/7/2020	10:31:00 AM	16	Vacation Village	1	1	00417470-000000
38	PRSFC202100795	MAZAL 233 LLC	9/27/2021	11:05:00 AM	16	Key Heights Sect 2	5	7	00416500-000000
39	PRSFC202100796	MAZAL 233 LLC	9/27/2021	11:22:00 AM	16	Key Heights Sect 2	6	7	00416510-000000
40	PRSFC202200078	Rodriquez, Robert	4/26/2022	12:00:00 PM	16	Plantation Key Colony	11	7	00427430-000000
41	PRSFC202201342	Weidler Thomas	1/23/2023	12:30:00 PM	15	Plantation Shores	18	3	00418621-004600
42	PRSFC202000057	LINDBACK CARL ESTATE	6/29/2023	4:00:00 PM	15	Tavernero	24	1	00437493-002400
43	PRSFC202000794	Hopman, Andreas	9/16/2020	10:30:00 AM	14	Lower Matecumbe Beach	19	4	00389820-000100
44	PRSFC202200455	Lesko, Brian and Jodi Lynn	9/8/2022	3:00:00 PM	14	Bay Hammock Community	25		00403041-002500
45	PRSFC202201031	MEDINA DELIO I REVOCABLE TRUST	6/12/2023	12:00:00 PM	14	Port Antigua	144		00394488-004700
46	PRSFC202000555	Ewald, Nicholas	4/30/2021	11:30:00 AM	12	Plantation Beach	7	2	00413760-000000
47	PRSFC202200496	Cockerham, Mark	8/4/2022	9:48:00 AM	11		6(9)		00096220-000300
48	PRSFC202001140	Gregg, Mark	1/31/2022	10:15:00 AM	9	Toners Nautical Shores			00412230-000000
49	PRSFC202000130	Rosa Maria Z Walchli REV Trust 11/5/2008	10/20/2020	9:27:00 AM	4	Fontaine Lake Estates	2	5	00432990-000000
50	PRSFC202200154	102 Bayview LLC	5/2/2023	11:30:00 AM	4	Safety Harbor	22	7	0039211-000000



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: April 10, 2025
SUBJECT: **Approval of 1st Quarter 2025 Nonresidential Building Permit Allocations TAB C**

Background:

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

The available total of non-residential square feet for allocation in 2025 is 43,104 square feet. This is the first allocation for 2025. There is one (1) application for nonresidential BPAS in the queue awaiting an award in Quarter 1. The proposed Resolution approves the Nonresidential Building Permit Allocation System (“BPAS”) Rankings and Awards pursuant to Comprehensive Plan Policy 1-3.1.1(1) and Village Code Section 30-476.

Analysis:

Nonresidential applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476. One (1) application from the nonresidential BPAS category is recommended for approval and identified below. The total nonresidential floor area requested by the application is 1,478 square feet. If approved, 41,626 square feet of nonresidential floor area would remain in the BPAS for allocation.

Permit #	Applicant	Date of Application	Score	Parcel #	Floor Area Requested
PRBLD202400516	Castaways of Florida LLC	1/16/25		00405380-000000	1,478

Budget Impact:

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

Staff Impact:

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

Recommendation:

It is recommended that the Village Council adopt the proposed resolution, thereby approving the nonresidential building permit allocation ranking and awarding nonresidential allocations for Quarter 1 of 2025 of the Building Permit Allocation System.

- Attachments:**
1. Hog Heaven BPAS Application0
 2. Nonresidential BPAS Resolution_Q1_2025 rEV JD edits
 3. Q1_DRAFT NON-RES



ISLAMORADA, VILLAGE OF ISLANDS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION

Pursuant to Code Chapter 30, Article IV, Division 11

☐ Residential Market Rate \$300.00
☒ Non- Residential \$300.00

An application must be deemed complete and in compliance with Village Code prior to the items being scheduled for review. Incomplete applications will be returned.

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: Island Construction Management
Mailing Address: 88888 Overseas Highway
City: Tavernier State: FL Zip: 33070
Primary Phone: 305.852.9607 Fax: N/A
Email: amie@icm.build; don@icm.build

PROPERTY OWNER:

Name: CASTAWAYS OF FLORIDA LLC
Mailing Address: PO Box 101494
City: Fort Lauderdale State: FL Zip: 33310
Primary Phone: _____ Fax: NA
Email: _____

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

Physical Address: 85361 OVERSEAS Hwy, WINDLEY KEY Mile Marker: 85
Lot: 6 Block: _____ Subdivision: GALEN BEACH
☐ Plantation Key ☒ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
Real Estate (RE) Number: 00405380-000000 Alternate Key: 1497649

PROPERTY DESCRIPTION:

Zoning District: HC Future Land Use Category: MU
Total Land Area: 53,766 Square Feet: 1.234 Acres
Existing Use of Property: Restaurant/ Bar
Proposed Use of Property: _____

Associated building permit number: PRBLD202400516

PROPOSED BPAS ALLOCATION:	Existing	Proposed	Change
Number market-rate residential dwelling units:	0	0	0
Total non-residential floor area (square feet):	0	1478	1478
Number of transient units (hotel/motel rooms, recreational vehicles):	0	0	0

Have any applications been submitted for this property within the past three years? ☒ Yes ☐ No

If yes, provide name of the applicant and date of application: PRBLD202400516; PRELT202300444

PLEASE CHECK ANY OF THE FOLLOWING STATEMENTS THAT APPLY TO YOUR PROPOSAL AND ATTACH ALL REQUIRED DOCUMENTS:

☐ The proposal includes dedication of vacant, buildable land. Please attach a letter from the Planning and Development Services Department testifying to the suitability of the lot(s) to be dedicated, and enclose the existing Warranty Deed indicating that the BPAS Applicant is the current owner of the property and proposed Warranty Deed running in favor of Islamorada, Village of Islands conveying the land. Please note that quit claim deeds will not be accepted.

☐ The proposal includes the transfer of off-site existing non-residential floor area. If you check this box, you are required to conduct a pre-application conference and obtain conditional use approval for the sender and receiver sites prior to submitting this application. No building permit shall be issued for non-residential floor area until the sending site structure is demolished pursuant to a demolition permit and a final inspection for the demolished floor area has been completed by the Building Services Department. A copy of the final Building Services demolition inspection report must be attached with this application.

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.

[Signature]
Signature of Applicant or Agent

1.15.25
Date

Print Name: Anna Owens

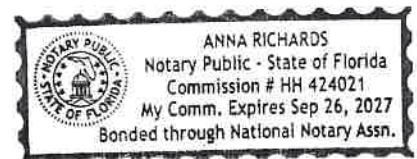
Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

STATE OF Florida
COUNTY OF Honolulu

Sworn to and subscribed before me by means of physical appearance or online notarization, this 15th day of January, 2025, by Anna Owens (Name of person signing the application) as Managing Member (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Islamorada Village of Islands (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of Florida

SEAL:



☒ Personally Known ☐ Produced Identification Type of ID

STAFF ONLY: Received by _____ Date _____ Time _____ Permit # _____

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2025; AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, the Village Council previously adopted Resolution No. 24-11-131, establishing the total amount of nonresidential floor area available for allocation in 2025; and

WHEREAS, the Village Council desires to approve the Nonresidential BPAS rankings and awards for Quarter 1 of 2025.

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

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

The Village Council approves the ranking and recommendation of the Director to award one (1) allocation for 1,478 square feet of nonresidential floor area to Castaways of Florida LLC having

Real Estate Parcel ID 00405380-000000; as set forth in the Report attached hereto as Exhibit "A".

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

- (1) The Building Permit Allocation System (the "BPAS") applications for Quarter 1 of 2025 of the BPAS has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations;
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

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

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney	___
Vice Mayor Don Horton	___
Councilmember Steve Friedman	___
Councilmember Deb Gillis	___
Councilmember Anna Richards	___

PASSED AND ADOPTED THIS 10TH DAY OF APRIL 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

GALEN BEACH PB2-110 PT LOT 6 & ADJ BAY BTM

DRAFT Ranking of Nonresidential BPAS Applications for 2025 Quarter 1 (closed March 31, 2025 @ 12:00 PM)											
Applications									RECOMMENDED FOR ALLOCATION		
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE #	Floor Area Requested
1	PRBLD202400516	Castaways of Florida LLC	1/16/2025	11:00 AM		Windley Key	Galen Beach	6	N/A	00405380-000000	1,478
											0
										Total Allocation	1,478
										Total Available 2025	43,104
										Total Remaining	41,626

Previously Allocated Nonresidential Square Footage							
Applications							
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision
1	COB20130043	Glory of the A	7/31/2013	10:45 AM	11	Upper Matecumbe	Strattons

RECOMMENDED FOR ALLOCATION			
Lot	Block	RE #	Floor Area Requested
3	11	00401010-000	2,443

Allocation Information

Quarter
Allocated

Year
Allocated

Remaining SqFt

3

2013

203



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: April 10, 2025
SUBJECT: **Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use Map of Parcel 00405350-000000 - Second Reading TAB D**

Background:

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

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

Analysis:

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

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

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

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

Compatibility with Comprehensive Plan Policies:

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

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

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

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

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

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

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

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

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

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

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

Compatibility with the Principles for Guiding Development:

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

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

The LPA heard this request on January 8, 2024 and voted 6-1 to approve the requested amendment. This was first heard at the Council's meeting on April 9th. At that time there was some discussion about compliance monitoring for Vacation Rental properties and parking enforcement on the right of way on Windley Key. The Village has begun parking enforcement in conjunction with the FCAA project and will maintain the right of way with landscaping after the project is complete. In regard to the Vacation Rental compliance, the Planning Department drafted the attached monitoring checklist. These are the items that the Village can monitor for compliance. Between the Code Compliance officers and Fire Department we should be able to complete compliance checks on a regular basis.

At its December 12, 2024 meeting, the Village Council adopted this ordinance at first reading. The Department of Commerce has sent a letter with no objection. I have attached that letter for your review.

Budget Impact:

None

Staff Impact:

None

Recommendation:

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

- Attachments:**
1. Compliance Monitoring Checklist
 2. VIL. ISLAMORADA 24-04ACSC (P) WC
 3. WC FLUM ORD 1st read

Vacation Rental Compliance Monitoring Checklist

Monitoring pursuant to Sec 30-1297 Vacation Rental Use And Occupancy Restrictions

Advertisements/Rentals

- No vacation rental use in a residential subdivision shall be for less than seven days, unless otherwise permitted in a tourist commercial zoning district.
- All advertising of vacation rental units shall require identification of state and village license numbers. Any advertising of vacation rental units that are not lawfully licensed by the village shall constitute a violation of these regulations.

Verification: Check via searches on all websites, databases, Rental Scape, etc.

Vehicles/Watercraft

- Motor vehicles and vessel trailers shall only be parked in driveways or other areas designed and designated for parking on the vacation rental unit property, and not on the street or extending over the right-of-way or sidewalk.
- The number of motor vehicles and vessel trailers parked on a vacation rental use unit property shall not exceed the maximum number of permitted parking spaces identified in the application.
- Only motor vehicles of registered occupants may be parked overnight.
- No recreational vehicle, sport utility vehicle or any other motor vehicle or vessel parked or moored at the vacation rental unit property shall be used for sleeping, liveaboard use or other overnight accommodations.
- For vacation rental units that contain dock area, the total length of moored vessels shall not exceed the length of the shoreline and no vessel shall be moored against another vessel or create a navigational obstruction or hazard.

Verification: For parking, check the Site Plan filed with the VR application for the approved location and number of parking spaces for the unit.

Trash/Debris

- All trash and debris shall be kept in covered trash containers. Each vacation rental unit shall be equipped with adequate covered trash containers for such purposes.
- Occupants shall comply with all trash provisions and recycling provisions that are applicable to the vacation rental unit.
- Schedules of garbage pick-up and recycling pickup shall be posted with the rental agreement.

Verification: Is the schedule for trash pick up posted?

Occupancy

- The maximum occupancy load of any vacation rental unit shall not exceed two adults per bedroom (children over six shall be considered adults for purposes of this section), or the lesser of such other maximum occupancy load level as may be set by either the Florida Fire Prevention Code for the particular residential dwelling unit pursuant to its administration rule making authority or the village building official.
- All vacation rental units shall comply with all building and fire safety codes for public lodging establishments as required by state law or this Code.

Verification: Spot checks?

Written/Posted Restrictions

- Prior to occupancy of a vacation rental unit, the occupants of each unit shall be provided with a written copy of the use and occupancy restrictions contained herein in the form of a copy of these regulations and a written rental agreement.
- Each owner or property manager shall have a written agreement requiring an occupant who agrees to be responsible for all occupants during the rental term to comply with such restrictions as a condition of the agreement, signed by such occupant prior to occupancy.
- A copy of these use and occupancy restrictions shall also be prominently displayed in each vacation rental unit in no less than 16-point type, along with a warning in bold type, that any violation thereof shall constitute grounds for immediate termination of the rental agreement, eviction from the vacation rental unit by the owner or property manager and appropriate fines levied.
- All lease and rental agreements shall contain in bold type, the following:
 - Each occupant's (by family) home address and phone number;
 - Property manager's address and 24-hour phone number(s); and
 - The phone number at the vacation rental unit.
- A copy of the rental agreement must be maintained on the property at all times and made available for review at the request of any village code compliance officer, fire safety inspector, law enforcement officer or other designated village representative. Failure to maintain a copy of the rental agreement and to make it available upon request shall constitute a violation of these regulations.
- Lease agreements shall disclose village regulatory requirements regarding vacation rental use, noise ordinances and parking regulations. Lease agreements shall also include a provision that authorizes access by code enforcement personnel for purposes of determining compliance with the village Code.

Verification: Check for posted rules, ask occupants to supply rental agreement.

Property Posting

- A sign no smaller than 12 inches by 12 inches and measuring between two and four feet in height shall be prominently displayed, as determined by the planning and development services director, on each property indicating an effective annual permit and permit number.

Verification: Posted license on the unit visible.

Enforcement

Operation of any vacation rental unit without a license or in violation of these regulations shall be punishable as to the owner, occupant, and/or property manager in accordance with the village code enforcement procedures, or as authorized by state law, or by a fine established by separate resolution.

Resolution 09-06-43

Schedule of Violations and Fines

Violation	Reduced Fine	Maximum Fine	Mandatory Fine for 2 nd Offense	Mandatory Fine for 3 rd Offense
Violation of Vacation Rental Ordinance	\$400.00	\$500.00	\$500.00	\$500.00

An accumulation of a second violation of these regulations within any 12-month period for the same property shall be punishable by a fine in accordance with this Code and as may be established by separate resolution, **and the revocation** of the vacation rental license for that property.

Vacation rental unit owners shall lose their privileges and their license shall be revoked for a vacation rental property if the property has been found by non-appealable final order on two occasions to have violated the Village Code regarding vacation rental units. The owner may apply for a new license after one year from the date of revocation, but shall have no priority based on past use for purposes of the 331 unit cap, and an additional vacation rental license fee shall be paid to reinstate such license after revocation.

Nothing contained in these regulations shall prohibit the village from enforcing these regulations by any other means including, but not limited to issuance of a warning, a notice of violation, a civil citation, a summons, a notice to appear in the county court, an arrest, or a civil action for injunctive relief. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed prerequisites to filing suit for the enforcement of these regulations or any section of this Code.

February 21, 2025

The Honorable Sharon Mahoney
Mayor, Village of Islamorada
86800 Overseas Highway
Islamorada, Florida 33070

Dear Mayor Mahoney,

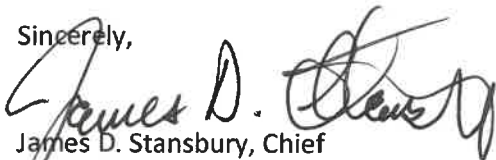
FloridaCommerce has completed its review of the proposed comprehensive plan amendment for the Village of Islamorada (Amendment No. 24-04ACSC), which was received on December 23, 2024. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. FloridaCommerce does not identify any objections or comments to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by FloridaCommerce from the appropriate reviewing agencies, if any, are enclosed.

The Village should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

If you have any questions related to this review, please contact Ana Morales, Planning Analyst, by telephone at (850)-717-8538 or by email via Ana.Morales@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/am

Enclosure: Procedures for Adoption
Reviewing Agency Comments

cc: Jennifer DeBoisbriand, Planning Director, Village of Islamorada
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "[Comprehensive Plan and Amendment Upload](https://fldco.my.salesforce-sites.com/cp/)" (<https://fldco.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the FloridaCommerce did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance, and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the FloridaCommerce to the ORC report from the FloridaCommerce.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 N.W. 111 Avenue
Miami, Florida 33172

JARED W. PERDUE, P.E.
SECRETARY

January 2, 2025

Ms. Jennifer DeBoisbriand
Planning Director
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Subject: Comments for the Islamorada, Village of Islands Comprehensive Plan - Amendment FDEO #24-04ACSC

Dear Ms. DeBoisbriand:

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation, District Six, reviewed the proposed amendments to the Islamorada, Village of Islands Comprehensive Plan. The proposed amendments modify the Future Land Use Map.

The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed text amendment would not adversely impact transportation resources and facilities of state importance.

Thank you for coordinating on the review of these proposed amendments with FDOT. If you have any questions, please do not hesitate to contact me by email at shereen.yeefong@dot.state.fl.us or at 305-470-5393.

Sincerely,

DocuSigned by:

A handwritten signature in blue ink, appearing to read "Shereen Yee Fong", is placed over a blue rectangular background.

B06CD06755954DD...

Shereen Yee Fong, MS-CE

Community Planning Coordinator

Ms. Jennifer DeBoisbriand

January 2, 2025

Page 2

Cc: Daniel Iglesias, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Kenneth Jeffries, Florida Department of Transportation, District 6
Isabel Cosio Carballo, South Florida Regional Planning Council
Kathe Lerch, South Florida Regional Planning Council
Donna Harris, Florida Department of Commerce

Harris, Donna

From: Ragsdale, David <dragsdal@sfwmd.gov>
Sent: Friday, January 17, 2025 4:06 PM
To: Jennifer.deboisbriand@islamorada.fl.us
Cc: Valdez, Yazmin; Stansbury, James; Harris, Donna; DCPexternalagencycomments; Isabel Cosio Carballo; Kathe Lerch; hurley-christine@monroecounty-fl.gov
Subject: [EXTERNAL] - Islamorada, Village of Islands, DOC #24-4ACSC, Comments on Proposed Comprehensive Plan Amendment

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

Dear Ms. Deboisbriand,

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Islamorada, Village of Islands (Village). The package includes a Future Land Use Map amendment to amend the subject property located on Windley Key from Residential Medium (RM) to Mixed Used (MU). The proposed amendment has been reviewed pursuant to Section 163.3184, Florida Statutes (F.S.). The proposed changes do not appear to adversely impact the water resources within the District; therefore, the District has no comments on the proposed amendment package. However, the District offers the following guidance regarding regional water supply planning:

Regional Water Supply Planning

The Village is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the 2023/2024 LEC Water Supply Plan Update on September 24, 2024. Therefore, the Village's Work Plan needs to be updated and adopted by March 24, 2026. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/doing-business-with-us/work-plans>.

District staff are available to meet by teleconference or in person to go over the comments above. Please contact me if you have any questions, need additional information, or would like to arrange a meeting. The District requests that the Village forward a copy of the adopted amendments to the District at the following email mailbox address: SFLOCALGOVPLAN@sfwmd.gov.

Sincerely,



David Ragsdale

Policy and Planning Analyst
Water Supply Implementation Unit
South Florida Water Management District

Office: 561-682-6715 **Cell:** 850-572-3176

dragsdale@sfwmd.gov | 3301 Gun Club Road, West Palm Beach, FL 33406



ORDINANCE NO. 24-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	ABSTAIN
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	_____
Councilwoman Anna Richards	_____
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: April 10, 2025
SUBJECT: **Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Zoning Map of Parcel 00405350-000000 - Second Reading TAB E**

Background:

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

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

Analysis:

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

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

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

Compatibility with Comprehensive Plan Policies:

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

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

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

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

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

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

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

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

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

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

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

Procedures for Amendments to Zoning Map:

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

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

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

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

The lot is already underconstruction as a single family house.

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

in the comprehensive plan.

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

4. New Issues.

There are no new issues to be addressed.

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

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

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

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

This was first heard at the Council's meeting on April 9th. At that time there was some discussion about compliance monitoring for Vacation Rental properties and parking enforcement on the right of way on Windley Key. The Village has begun parking enforcement in conjunction with the FKAA project and will maintain the right of way with landscaping after the project is complete. In regard to the Vacation Rental compliance, the Planning Department drafted the attached monitoring checklist. These are the items that the Village can monitor for compliance. Between the Code Compliance officers and Fire Department we should be able to complete compliance checks on a regular basis.

At its December 12, 2024 meeting, the Village Council adopted this ordinance at first reading.

Budget Impact:

None

Staff Impact:

None

Recommendation:

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

- Attachments:**
1. Windley Cove CC Attachments
 2. WC Zoning ORD 1st read







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

APPLICATION FOR MAP AMENDMENT

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

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

☐ Request concurrent Future Land Use and Zoning Hearings pursuant to 163.3184(12), Florida Statutes

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

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

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

Name: _____
 Mailing Address: _____
 Primary Phone: _____ Fax: _____
 Email: _____

PROPERTY OWNER:

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

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

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

PROPERTY DESCRIPTION:

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

PROPOSED MAP AMENDMENT:

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

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

** to be included under Village C Plan 1-2.11 and policy 1-2.14* *to create a sub area on Windley Key* *Page 3 of 152*

SUBMITTAL REQUIREMENTS:

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

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

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

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

Jocelyn Tiedemann
Signature of Applicant
Print Name: Jocelyn Tiedemann

11-15-2023
Date

STATE OF Florida
COUNTY OF Monroe

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

Shannon L. McClurg
Signature of Notary Public

SEAL:



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

☐ Personally Known ☒ Produced Identification

Type of ID License



Islamorada, Village of Islands, Planning and Development Services Department

ATTACHMENT A

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

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

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

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

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

- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(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.

Needs Analysis

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

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

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

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

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

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

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

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

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

Policy 1-1.1.1 Protect Residential Areas from Incompatible Development.

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

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

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

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

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

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

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

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

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

4. New issues.

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

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

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

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

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

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

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

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	ABSTAIN
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	_____
Councilwoman Anna Richards	_____
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: April 10, 2025
SUBJECT: **Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000 - Second Reading TAB F**

Background:

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

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

Analysis:

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

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

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

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

Compatibility with Comprehensive Plan Policies:

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

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

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

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

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

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

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

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

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

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

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

Compatibility with the Principles for Guiding Development:

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

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

Village Staff Response:

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

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

This was first heard at the Council's meeting on April 9th. At that time there was some discussion about compliance monitoring for Vacation Rental properties and parking enforcement on the right of way on Windley Key. The Village has begun parking enforcement in conjunction with the FKAA project and will maintain the right of way with landscaping after the project is complete. In regard to the Vacation Rental compliance, the Planning Department drafted the attached monitoring checklist. These are the items that the Village can monitor for compliance. Between the Code Compliance officers and Fire Department we should be able to complete compliance checks on a regular basis.

At its December 12, 2024 meeting, the Village Council adopted this ordinance at first reading. The Department of Commerce has sent a letter with no objection. I have attached that letter for your review.

Budget Impact:

None

Staff Impact:

None

Recommendation:

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

Attachments:

1. Compliance Monitoring Checklist
2. VIL. ISLAMORADA 24-05ACSC (P) WI
3. WI FLUM ORD 1st read

Vacation Rental Compliance Monitoring Checklist

Monitoring pursuant to Sec 30-1297 Vacation Rental Use And Occupancy Restrictions

Advertisements/Rentals

- No vacation rental use in a residential subdivision shall be for less than seven days, unless otherwise permitted in a tourist commercial zoning district.
- All advertising of vacation rental units shall require identification of state and village license numbers. Any advertising of vacation rental units that are not lawfully licensed by the village shall constitute a violation of these regulations.

Verification: Check via searches on all websites, databases, Rental Scape, etc.

Vehicles/Watercraft

- Motor vehicles and vessel trailers shall only be parked in driveways or other areas designed and designated for parking on the vacation rental unit property, and not on the street or extending over the right-of-way or sidewalk.
- The number of motor vehicles and vessel trailers parked on a vacation rental use unit property shall not exceed the maximum number of permitted parking spaces identified in the application.
- Only motor vehicles of registered occupants may be parked overnight.
- No recreational vehicle, sport utility vehicle or any other motor vehicle or vessel parked or moored at the vacation rental unit property shall be used for sleeping, liveaboard use or other overnight accommodations.
- For vacation rental units that contain dock area, the total length of moored vessels shall not exceed the length of the shoreline and no vessel shall be moored against another vessel or create a navigational obstruction or hazard.

Verification: For parking, check the Site Plan filed with the VR application for the approved location and number of parking spaces for the unit.

Trash/Debris

- All trash and debris shall be kept in covered trash containers. Each vacation rental unit shall be equipped with adequate covered trash containers for such purposes.
- Occupants shall comply with all trash provisions and recycling provisions that are applicable to the vacation rental unit.
- Schedules of garbage pick-up and recycling pickup shall be posted with the rental agreement.

Verification: Is the schedule for trash pick up posted?

Occupancy

- The maximum occupancy load of any vacation rental unit shall not exceed two adults per bedroom (children over six shall be considered adults for purposes of this section), or the lesser of such other maximum occupancy load level as may be set by either the Florida Fire Prevention Code for the particular residential dwelling unit pursuant to its administration rule making authority or the village building official.
- All vacation rental units shall comply with all building and fire safety codes for public lodging establishments as required by state law or this Code.

Verification: Spot checks?

Written/Posted Restrictions

- Prior to occupancy of a vacation rental unit, the occupants of each unit shall be provided with a written copy of the use and occupancy restrictions contained herein in the form of a copy of these regulations and a written rental agreement.
- Each owner or property manager shall have a written agreement requiring an occupant who agrees to be responsible for all occupants during the rental term to comply with such restrictions as a condition of the agreement, signed by such occupant prior to occupancy.
- A copy of these use and occupancy restrictions shall also be prominently displayed in each vacation rental unit in no less than 16-point type, along with a warning in bold type, that any violation thereof shall constitute grounds for immediate termination of the rental agreement, eviction from the vacation rental unit by the owner or property manager and appropriate fines levied.
- All lease and rental agreements shall contain in bold type, the following:
 - Each occupant's (by family) home address and phone number;
 - Property manager's address and 24-hour phone number(s); and
 - The phone number at the vacation rental unit.
- A copy of the rental agreement must be maintained on the property at all times and made available for review at the request of any village code compliance officer, fire safety inspector, law enforcement officer or other designated village representative. Failure to maintain a copy of the rental agreement and to make it available upon request shall constitute a violation of these regulations.
- Lease agreements shall disclose village regulatory requirements regarding vacation rental use, noise ordinances and parking regulations. Lease agreements shall also include a provision that authorizes access by code enforcement personnel for purposes of determining compliance with the village Code.

Verification: Check for posted rules, ask occupants to supply rental agreement.

Property Posting

- A sign no smaller than 12 inches by 12 inches and measuring between two and four feet in height shall be prominently displayed, as determined by the planning and development services director, on each property indicating an effective annual permit and permit number.

Verification: Posted license on the unit visible.

Enforcement

Operation of any vacation rental unit without a license or in violation of these regulations shall be punishable as to the owner, occupant, and/or property manager in accordance with the village code enforcement procedures, or as authorized by state law, or by a fine established by separate resolution.

Resolution 09-06-43

Schedule of Violations and Fines

Violation	Reduced Fine	Maximum Fine	Mandatory Fine for 2 nd Offense	Mandatory Fine for 3 rd Offense
Violation of Vacation Rental Ordinance	\$400.00	\$500.00	\$500.00	\$500.00

An accumulation of a second violation of these regulations within any 12-month period for the same property shall be punishable by a fine in accordance with this Code and as may be established by separate resolution, **and the revocation** of the vacation rental license for that property.

Vacation rental unit owners shall lose their privileges and their license shall be revoked for a vacation rental property if the property has been found by non-appealable final order on two occasions to have violated the Village Code regarding vacation rental units. The owner may apply for a new license after one year from the date of revocation, but shall have no priority based on past use for purposes of the 331 unit cap, and an additional vacation rental license fee shall be paid to reinstate such license after revocation.

Nothing contained in these regulations shall prohibit the village from enforcing these regulations by any other means including, but not limited to issuance of a warning, a notice of violation, a civil citation, a summons, a notice to appear in the county court, an arrest, or a civil action for injunctive relief. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed prerequisites to filing suit for the enforcement of these regulations or any section of this Code.

February 21, 2025

The Honorable Sharon Mahoney
Mayor, Village of Islamorada
86800 Overseas Highway
Islamorada, Florida 33070

Dear Mayor Mahoney,

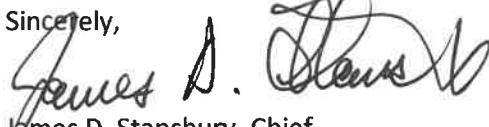
FloridaCommerce has completed its review of the proposed comprehensive plan amendment for the Village of Islamorada (Amendment No. 24-05ACSC), which was received on December 23, 2024. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. FloridaCommerce does not identify any objections or comments to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by FloridaCommerce from the appropriate reviewing agencies, if any, are enclosed.

The Village should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

If you have any questions related to this review, please contact Ana Morales, Planning Analyst, by telephone at (850)-717-8538 or by email via Ana.Morales@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/am

Enclosure: Procedures for Adoption
Reviewing Agency Comments

cc: Jennifer DeBoisbriand, Planning Director, Village of Islamorada
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fideo.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the FloridaCommerce did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance, and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the FloridaCommerce to the ORC report from the FloridaCommerce.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 N.W. 111 Avenue
Miami, Florida 33172

JARED W. PERDUE, P.E.
SECRETARY

January 2, 2025

Ms. Jennifer DeBoisbriand
Planning Director
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Subject: Comments for the Islamorada, Village of Islands Comprehensive Plan - Amendment FDEO #24-05ACSC

Dear Ms. DeBoisbriand:

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation, District Six, reviewed the proposed amendments to the Islamorada, Village of Islands Comprehensive Plan. The proposed amendments modify the Future Land Use Map.

The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed text amendment would not adversely impact transportation resources and facilities of state importance.

Thank you for coordinating on the review of these proposed amendments with FDOT. If you have any questions, please do not hesitate to contact me by email at shereen.yeefong@dot.state.fl.us or at 305-470-5393.

Sincerely,

DocuSigned by:

A handwritten signature in blue ink, appearing to read "Shereen Yee Fong", is placed over a blue rectangular background that is part of the DocuSign verification process.

B06CD08756954DD...

Shereen Yee Fong, MS-CE

Community Planning Coordinator

Ms. Jennifer DeBoisbriand

January 2, 2025

Page 2

Cc: Daniel Iglesias, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Kenneth Jeffries, Florida Department of Transportation, District 6
Isabel Cosio Carballo, South Florida Regional Planning Council
Kathe Lerch, South Florida Regional Planning Council
Donna Harris, Florida Department of Commerce

ORDINANCE NO. 24-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	ABSTAIN
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	_____
Councilwoman Anna Richards	_____
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: April 10, 2025
SUBJECT: **Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000 - Second Reading TAB G**

Background:

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

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

Analysis:

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

Pursuant to Section 30-696 the purpose of the Highway Commercial (HC) zoning district is 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. Any future development of the subject property would require site plan application approval. This will ensure that the subject property meets the standards of review of the

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

Compatibility with Comprehensive Plan Policies:

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

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

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

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

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

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

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

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

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

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

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

Procedures for Amendments to Zoning Map:

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

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

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

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

The lot is already underconstruction as a single family house.

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

in the comprehensive plan.

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

4. New Issues.

There are no new issues to be addressed.

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

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

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

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

This was first heard at the Council's meeting on April 9th. At that time there was some discussion about compliance monitoring for Vacation Rental properties and parking enforcement on the right of way on Windley Key. The Village has begun parking enforcement in conjunction with the FKAA project and will maintain the right of way with landscaping after the project is complete. In regard to the Vacation Rental compliance, the Planning Department drafted the attached monitoring checklist. These are the items that the Village can monitor for compliance. Between the Code Compliance officers and Fire Department we should be able to complete compliance checks on a regular basis.

At its December 12, 2024 meeting, the Village Council adopted this ordinance at first reading.

Budget Impact:

None

Staff Impact:

None

Recommendation:

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

- Attachments:**
1. Windley Isles CC Attachments
 2. WI Zoning ORD 1st read



100ft

80 590 24 9.1 Degrees



100ft

80 590 24 75.1 Degrees



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

APPLICATION FOR MAP AMENDMENT

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

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

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

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

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

Name: _____
 Mailing Address: _____
 Primary Phone: _____ Fax: _____
 Email: _____

PROPERTY OWNER:

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

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

Physical Address: 85331 Overseas Highway Islamorada Florida 33036 Mile Marker: 85.3
 Lot: 4 Block: _____ Subdivision: Galen Beach
☐ Plantation Key ☒ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
 Real Estate (RE) Number: 00405360-000000 Alternate Key: 1497622

PROPERTY DESCRIPTION:

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

PROPOSED MAP AMENDMENT:

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

86800 Overseas Highway • Islamorada, Florida 33036-3162

Office 305-664-6400 • Fax 305-664-6467 • www.islamorada.fl.us

** to be included under Village Com Plan 1-2.11 and policy 1-2.11.3 to be created a sub area on Windley Key.*

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

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

Date _____

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

SEAL:



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

☒ Personally Known ☒ Produced Identification

Type of ID License



Islamorada, Village of Islands, Planning and Development Services Department

ATTACHMENT A

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

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

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

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

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

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

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

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

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

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

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

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

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

Needs Analysis

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

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

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

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

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

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

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

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

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

Policy 1-1.1.1 Protect Residential Areas from Incompatible Development.

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

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

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

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

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

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

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

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

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

4. New issues.

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

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

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

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

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

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

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

ORDINANCE NO.

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

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

WHEREAS, the property owner, Windley Isles LLC, has requested an Official Zoning Map amendment from the Residential Single Family (R-1) District to the Highway Commercial (HC) Zoning District for a parcel consisting of approximately 13,300 square feet of land with the Parcel ID Number 00405360-000000 (the "Property"), as legally described below; and

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

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

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

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

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

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

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

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

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

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

Section 4. Effective Date. This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Commerce (Commerce) pursuant to Section 163.3184,

Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

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

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	ABSTAIN
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	_____
Councilwoman Anna Richards	_____
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:
Date: April 10, 2025
SUBJECT: Motion Approving Final Selection of Village Manager

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments: None