



Islamorada, Village of Islands

LAND USE VILLAGE COUNCIL MEETING

September 11, 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. **MAYOR / COUNCIL COMMUNICATIONS**
- V. **VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**
- VI. **PUBLIC COMMENT**

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

VII. **RESOLUTIONS**

- A. Resolution to Amend the Schedule of Fees and Deposits for Planning and Development Services Applications **TAB A** Jennifer DeBoisbriand , Planning Director
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; AMENDING THE SCHEDULE OF FEES AND DEPOSITS FOR PLANNING AND DEVELOPMENT SERVICES APPLICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE
- B. Resolution Approving Professional Services Agreement with John J. Hearn to Provide Code Compliance Hearing Officer Services **TAB B** Jennifer DeBoisbriand , Planning Director
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN JOHN J. HEARN AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITTONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO

**EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE
MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING
FOR AN EFFECTIVE DATE**

VIII. QUASI-JUDICIAL

- A.** Administrative Appeal of Dwelling Unit Determination for 82925 and 82929 Overseas Hwy **TAB C** Jennifer DeBoisbriand , Planning Director

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL OF NO. PLPRE20230193 FILED BY JOANNE M. PEREIRA, AGENT FOR GINO AND PIERA BOLOGNA (APPELLANT) RELATING TO A DWELLING UNIT DETERMINATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 82925 OVERSEAS HWY AND 82929 OVERSEAS HWY, HAVING REAL ESTATE NUMBERS 00403630-000000 AND 00403640-000000, 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.** Administrative Relief for 172 Iroquois Drive **TAB D** Jennifer DeBoisbriand , Planning Director

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JOSE A. DOCAMPO AND VIVIAN A. FERNANDEZ FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 172 IROQUOIS DRIVE, LOWER MATECUMBE, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

- C.** Reconsideration of Administrative Appeal - Transfer of Development Rights **TAB E**

Jennifer DeBoisbriand , Planning Director

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RECONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20230026 FILED BY SMITH HAWKS, PL (AGENT) ON BEHALF OF WHAT A GOOD CATCH LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A TRANSFERABLE DEVELOPMENT RIGHT) FOR PROPERTY LOCATED AT 81912 OVERSEAS HWY (REAL ESTATE NUMBER 00399300-000000) AND 82601 OLD HIGHWAY (REAL ESTATE NUMBER 00401260-000000), ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS,

FLORIDA, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Major Conditional Use - Transfer of Development Rights - LAH Islander LLC **TAB F** Jennifer DeBoisbriand , Planning Director**
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR A TRANSFER OF DEVELOPMENT RIGHTS OF FIVE OR MORE HOTEL/MOTEL UNITS FROM THE PROPERTY LOCATED AT 81450 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY WITH REAL ESTATE NUMBER 00404630-000000 AS LEGALLY DESCRIBED HEREIN TO PROPERTY LOCATED AT 82100 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBERS 00400810-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.
- E. Amendment to Major Conditional Use PLCUP20210151 - 90184 Overseas Highway - Crooked Palm Distillery **TAB G** Jennifer DeBoisbriand , Planning Director**
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 OVERSEAS HWY, LLC. FOR AN AMENDMENT TO THE MAJOR CONDITIONAL USE APPROVAL PLCUP20210151 TO ALLOW FOR THE REMOVAL OF SIX CONDITIONS OF APPROVAL UNDER RESOLUTION 22-12-138 FOR PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY, WITH REAL ESTATE NUMBER 00431870-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

IX. 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

[PUBLIC_PARTICIPATION]

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.

[VERBATIM_RECORD]



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Resolution to Amend the Schedule of Fees and Deposits for Planning and Development Services Applications TAB A**

Background:

The Village Manager and Village Attorney spoke about ways to reduce legal expenses for the Village. In the course of that discussion, the idea of cost recovery for legal fees related to planning applications was discussed. Everyone agreed that would be one way to reduce legal costs.

Analysis:

I have reviewed the current required deposits and increased them where I believe we will need additional money for legal services. As a reminder, any money not used as part of the deposit is returned to the applicant after the project is complete.

Budget Impact:

This effort will provide a savings to the budget by passing certain legal costs back to applicants.

Staff Impact:

Staff's impact will include processing the deposits and legal bills through cost recovery.

Recommendation:

Staff recommends adoption of this resolution.

Attachments:

1. Amend deposit Resolution
2. New Deposit Schedule

RESOLUTION NO. 25-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA; AMENDING THE SCHEDULE
OF DEPOSITS FOR PLANNING AND DEVELOPMENT SERVICES
APPLICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") wishes to provide residents and businesses within Islamorada, Village of Islands (the "Village") with the best possible services in the most cost-effective manner; and

WHEREAS, Chapter 30 "Land Development Regulations," Division 2 "Development Review," Section 30-212(d)(1) requires that a fee and a deposit, as established from time to time by the Village Council to defray the actual cost of processing the application, shall accompany all applications for planning and development services; and

WHEREAS, the Village Council finds that it is in the best interests of the Village to charge the true costs for services relating to the review of applications for development approvals and permits within the Village directly upon those persons deriving the benefit of the review; and

WHEREAS, the Village Council desires to establish a permit and development approval cost recovery system to replace the previously adopted Schedule of Development Permit Application Fees through Resolution 15-07-61.

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

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

Section 2. **Deposit Schedule.** The Village Council hereby adopts the following

Deposit Schedule as set forth in the attached Exhibit "A", which is hereby incorporated into this Resolution by this reference.

Section 3. **Effective Date.** This Resolution shall become effective immediately upon adoption of this resolution.

Remainder of this page intentionally left blank.

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 Deb Gillis
Councilman Steve Friedman
Councilwoman Anna Richards

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER 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

SCHEDULE OF DEVELOPMENT PERMIT APPLICATION FEES AND DEPOSITS

Application Type	Current Deposit	Proposed New Deposit
Administrative Appeal		
Residential	\$ 500	\$ 2,000
Nonresidential	\$ 500	\$ 2,000
Administrative Relief	\$ -	\$ 1,000
Administrative Time Extension	\$ -	\$ -
Beneficial Use	\$ -	\$ 2,000
Building Permit Allocation System (BPAS)		
Residential, Affordable	\$ -	\$ 1,000
Residential, Market-rate	\$ -	\$ 1,000
Nonresidential	\$ -	\$ 1,000
Building Permit Allocation System (BPAS) Allocation Award Deferral (per quarter)	\$ -	\$ 1,000
Certificate of Appropriateness		
Regular	\$ -	\$ -
Special	\$ 200	\$ 200
Certificate of Compliance	\$ 250	\$ 250
Conditional Use		
Major	\$ 5,000	\$ 5,000
Minor	\$ 5,000	\$ 5,000
Minor Deviation	\$ 1,000	\$ 2,000
Nonresidential / Residential (greater than 3 units) Docks	\$ 1,000	\$ 2,000
Dog Friendly Restaurant Permit		
Initial	\$ -	\$ -
Renewal	\$ -	\$ -

SCHEDULE OF DEVELOPMENT PERMIT APPLICATION FEES AND DEPOSITS

Application Type	Current Deposit	Proposed New Deposit
Development Agreements	\$ 500	\$ 2,000
Historic Designation	\$ -	\$ 1,000
Lot Line Adjustment	\$ 500	\$ 2,000
Lot Split	\$ 500	\$ 2,000
Lot Combination	\$ 500	\$ 2,000
Lot Exchange	\$ 500	\$ 2,000
Map Amendment		
Future Land Use and Zoning	\$ 1,000	\$ 3,000
Zoning Only	\$ 1,000	\$ 3,000
Plat Approval		
Plat Approval (Preliminary and Final)	\$ 1,250	\$ 3,000
Modification to Plat	\$ 1,250	\$ 3,000
Technical or Minor Change to Plat (Lot Line Adjustment)	\$ -	\$ 3,000
Pre-Application Conference		
Residential	\$ -	\$ 2,000
Nonresidential	\$ -	\$ 2,000
Road Abandonment Application	\$ 1,000	\$ 3,000
Site Assessment		
Letter of Current Site Conditions	\$ -	\$ -
Site Visit	\$ -	\$ -
Site Plan Approval		
Residential	\$ 2,500	\$ 3,000
Nonresidential	\$ 2,500	\$ 3,000

SCHEDULE OF DEVELOPMENT PERMIT APPLICATION FEES AND DEPOSITS

Application Type	Current Deposit	Proposed New Deposit
Minor Correction	\$ 1,000	\$ 2,000
Temporary Storage Units	\$ -	\$ -
Temporary Use Permit	\$ -	\$ -
Text Amendment		
Comprehensive Plan and Land Development Regulations	\$ 1,000	\$ 2,000
Comprehensive Plan only	\$ 1,000	\$ 2,000
Land Development Regulations only	\$ 1,000	\$ 2,000
Transfer of Development Rights		
As a Major Conditional Use	\$ 500	\$ 2,000
As a Minor Conditional Use	\$ 500	\$ 2,000
Vacation Rental License and Annual Registration	\$ -	\$ -
Variances		
Dock Length	\$ 500	\$ 1,500
Nonresidential	\$ 500	\$ 2,000
Residential	\$ 500	\$ 2,000
Sign	\$ 500	\$ 1,000



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Resolution Approving Professional Services Agreement with John J. Hearn to Provide Code Compliance Hearing Officer Services TAB B**

Background:

Section 2-11 of the Village Code requires the appointment of a Code Compliance Hearing Officer. We have had the same hearing officer for approximately 20 years. Over the summer, our current hearing officer indicated that he would no longer be able to serve in that capacity.

Analysis:

After notice from our current hearing officer, he provided a recommendation of Mr. Hearn. We then asked Weiss Serota to confirm Mr. Hearn's qualifications and willingness to do the work. The attached agreement was drafted by Weiss Serota. The rate is the same hourly rate we currently pay.

Budget Impact:

There is no additional impact on the budget as the rate remains the same. The budget will be impacted depending on the number of cases brought to hearing.

Staff Impact:

None

Recommendation:

Staff recommends approval of the attached resolution.

Attachments:

1. Resolution Hearn Code 25-26
2. Code professional services agreement (Final)

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN JOHN J. HEARN AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITTONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2-112 of the Village Code provides for the appointment of a Code Compliance Hearing Officer; and

WHEREAS, Section 2-112 of the Village Code provides that appointments of the Code Compliance Hearing Officer shall be for a term of one (1) year; and

WHEREAS, John J. Hearn has agreed to function as the Village's Code Compliance Hearing Officer and Staff has prepared a Professional Services Agreement (Agreement) outlining the terms related to the continued provision of his services as Code Compliance Hearing Officer; and

WHEREAS, the intent of the Agreement is to acknowledge the Village's acceptance of the services and related fees; and

WHEREAS, Hearn has agreed to provide the services described in the Agreement to the Village; and

WHEREAS, Hearn meets all requisite Code Compliance Hearing Officer qualifications as established in the Village Code; and

WHEREAS, the Village Council finds that approval of the Agreement between Hearn and the Village, attached as Exhibit "A" hereto is in the best interest of the Village and its residents.

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

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

Section 2. Approval of Letter of Engagement. The Village Council of Islamorada, Village of Islands, hereby approves the Professional Services Agreement between John J. Hearn and the Village to provide the services of Code Compliance Hearing Officer, a copy of which is attached hereto as Exhibit "A", together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

Section 5. Execution of Professional Services Agreement. The Village Manager is authorized to execute the Professional Services Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by _____, seconded by Councilman_____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

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

PASSED AND ADOPTED 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

JOHN J QUICK, INTERIM VILLAGE ATTORNEY

**PROFESSIONAL SERVICES AGREEMENT
FOR CODE COMPLIANCE HEARING OFFICER SERVICES**

This professional service agreement for code compliance hearing officer services (the “Agreement”) is entered into this ____ day of _____, 2025 (the “Effective Date”), by and between **ISLAMORADA VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation, (the “Village”) and the **LAW OFFICES OF JOHN J. HEARN, PA**, (the “Contractor”).

WHEREAS, the Village is in need of a code compliance hearing officer to preside over quasi-judicial proceedings to adjudicate alleged violations of the Village Code pursuant to Article 2-III of Chapter 2 of the Village Code (the “Services”); and

WHEREAS, the Contractor has been determined to possess the qualifications to serve as the Village’s code compliance hearing officer; and

NOW THEREFORE, in consideration of the mutual terms and conditions, promises, and covenants hereinafter set forth, the Village and the Contractor agree as follows:

Section 1
Scope of Services

This Agreement is subject to, and Contractor shall provide Services in accordance with the provisions of Article 2-III, “Code Compliance” of Chapter 2 of the Village Code. The Services shall include, but are not limited to, presiding over alleged violations of the Village Code, subpoenaing evidence and alleged violators and witnesses to its hearings, taking testimony under oath, and issuing orders having the force of law to command whatever steps are necessary to bring a violation of the Code into compliance. The Village Clerk shall provide clerical and administrative personnel as may be reasonably required by a code compliance hearing officer for the proper performance of his duties. The Contractor shall have no powers except as provided by this Agreement or by law.

Section 2
Compensation

In consideration for the Services to be provided by the Contractor, the Village agrees to pay the Contractor at a rate of \$210.00 per hour which shall be payable within thirty (30) calendar days following submission of an invoice by the Contractor to the Village. In the event of the Village’s termination of this Contract prior to the end of the Contract Term pursuant to Sections 4 or 7, the Village shall pay the Contractor on a prorated basis for the Services performed by the Contractor prior to the Village’s termination of this Contract.

Section 3

Term of Agreement

This Agreement shall become effective upon the Effective Date and shall remain in effect for two (2) years thereafter, unless terminated earlier in accordance with Section 4. The Village Manager may extend this Agreement for an additional two (2) year renewal period.

Section 4

Termination of Agreement

Either party may terminate this Agreement for convenience by giving the other party thirty (30) calendar days written notice. Either party may terminate this Agreement for cause by giving the other party five (5) calendar days written notice. The termination of this Agreement shall not relieve either party of any liability that accrued prior to such termination and any such accrued liability shall survive the termination of this Agreement.

Section 5

Independent Contractor

Contractor is an independent contractor under this Agreement. Services provided by the Contractor shall be by the Contractor, and not as an officer, employee or agent of the Village. Personnel policies, tax responsibilities, social security, health insurance, employee benefits, travel, per diem policy, and purchasing policies under the Agreement shall be the sole responsibility of the Contractor. Contractor shall have no rights under the Village's worker's compensation, employment, insurance benefits or similar laws or benefits.

Section 6

Indemnification

A) Contractor shall indemnify and hold harmless the Village, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from Contractor's negligent performance or non-performance of any provision of this Agreement. Contractor shall reimburse the Village for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising from Contractor's negligent performance or non-performance of this Agreement, should the Village be the prevailing party.

B) Nothing herein is intended to serve as a waiver of sovereign immunity by the Village nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this Agreement or any other contract. The Village is subject to section 768.28, Florida Statutes, as may be amended from time to time.

C) This provision shall not be construed to require the Contractor to indemnify the Village in situations wherein their rulings are appealed in the ordinary course as provided by law.

D) The provisions of this section shall survive termination of this Agreement.

Section 7
Non-Appropriation of Funds

In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal year for payments due under this Agreement, then the Village, upon written notice to the Contractor of such occurrence, shall have the unqualified right to terminate this Agreement without any penalty or expense to the Village.

Section 8
Audit Rights

The Village may, at reasonable times, and for a period of up to three (3) years following the date of final performance of Services by the Contractor under this Agreement, audit, or cause to be audited, those books and records of the Contractor which are directly related to the Contractor's performance under this Agreement. Contractor agrees to maintain all such books and records at its principal place of business for a period of three (3) years after final payment is made under this Agreement.

Section 9
Amendments and Assignment

A) This Agreement constitutes the entire agreement between the Contractor and the Village and all negotiations and oral understandings between the parties are merged herein. The terms and conditions set forth in this Agreement supersede any and all previous agreements, promises, negotiations or representations. Any other agreements, promises, negotiations or representations not expressly set forth in this Agreement are of no force and effect.

B) No modification, amendment or alteration of the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality as this Agreement.

C) Contractor shall not transfer or assign the performance of Services called for in the Agreement without the prior written consent of the Village, which may be withheld or conditioned in the Village's sole discretion.

Section 10
Governing Law and Venue

This Agreement shall be construed in accordance with, and governed by, the laws of the State of Florida. Venue for any action arising out of or relating to this Agreement shall be in Monroe County, Florida.

Section 11
Public Records

All records, files, documents, plans, and correspondence of the Contractor arising out of this Agreement are public records subject to the provisions of Chapter 119, Florida Statutes. Contractor shall comply with Chapter 119, Florida Statutes (Florida's Public Records Law) and maintain and provide public records as required by law. The Village may terminate this Agreement immediately upon refusal by the Contractor to allow reasonable access by the Village Mayor or his or her designee or by any member of the public to any records pertaining to work performed under this Agreement.

Notice Pursuant to Section 119.0701(2)(a), Florida Statutes. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: VILLAGE CLERK
Mailing address: 86800 Overseas Highway
Islamorada, FL 33036
Telephone number: 305-664-6413
Email: Clerk@Islamorada.fl.us

Section 12
Notices

Whenever either party desires to give notice to the other, it must be given by written notice, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended, at the place last specified in writing, and the place for giving of notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice, to wit:

FOR CONTRACTOR: John J. Hearn, Esquire
Law Offices of John J. Hearn, PA
1001 NW 119th Avenue
Coral Springs, Florida 33071

FOR VILLAGE: Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036
Attention: Ron Saunders, Village Manager

WITH A COPY TO:

Weiss Serota Helfman Cole & Bierman, P.L.
Attn: John J. Quick, Esq.
Village Attorney
2800 Ponce de Leon Blvd, Suite 2800
Coral Gables, FL 33134
jquick@wsh-law.com (email)

Section 13
Miscellaneous

A) Contractor shall, without additional expense to the Village, be responsible for paying any taxes, obtaining any necessary licenses and for complying with all applicable federal, state, county and municipal laws, ordinances, and regulations in connection with the performance of the Services specified herein.

B) The Contractor has complied with the requirements of Section 787.06(13), Florida Statutes, by having an officer or other authorized representative of the Contractor execute the Affidavit attached hereto as exhibit "A", which attests, under penalty of perjury, that it does not use coercion for labor or services, as defined in Section 787.06, Florida Statutes

Section 14
Counterparts

This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterpart shall constitute one and the same instrument.

Remainder of the page intentionally left blank.

IN WITNESS WHEREOF, Contractor has signed and delivered this Agreement, and the Village has caused this Agreement to be signed and delivered by its duly authorized officer or representative, all as of the date first set forth above.

Islamorada, Village of Islands

Law Offices of John J. Hearn, PA

By: _____
Ron Saunders
Village Manager

By: _____
Name:
Title:

Attest:

By: _____
Marne McGrath
Village Clerk

Approved as to form and legal sufficiency
for the exclusive use and reliance of
Islamorada, Village of Islands only

By: _____
Village Attorney

Exhibit “A”

Affidavit Attesting to Noncoercive Conduct for Labor or Services

As a nongovernmental entity executing, renewing, or extending a contract with a government entity, Contractor is required to provide an affidavit under penalty of perjury attesting that Contractor does not use coercion for labor or services in accordance with Section 787.06(13), Florida Statutes.

As defined in Section 787.06(2)(a), coercion means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or service are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of Section 893.03 to any person for the purpose of exploitation of that person.

As an officer or other authorized representative of the Contractor authorized to sign on behalf of Contractor, I certify that Contractor does not use coercion for labor or services in accordance with Section 787.06.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

By: _____

Name: _____

Title: _____

STATE OF FLORIDA)
) ss.:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this __ day of _____, 2025, by _____ (name of person acknowledging) as _____ (type of authority e.g. officer, trustee, attorney in fact) for _____.

Notary Public

State of Florida at Large

My Commission Expires:

My Commission Number:



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Administrative Appeal of Dwelling Unit Determination for 82925 and 82929 Overseas Hwy TAB C**

Background:

The subject properties are located at 82929 and 82925 Overseas Highway with the Real Estate Numbers 00403640-000000 and 00403630-000000 (the "Property"), and are within the Village Center (VC) zoning district.

In December of 2023, the Applicant requested a dwelling unit determination for the three properties he owns. After some research and a couple meetings the Village issued a determination recognizing two (2) legally established market rate dwelling units and 3,456 square feet of non-residential floor area. After the determination was issued the applicant requested reconsideration. The Planning Director was on vacation so to preserve their appeal rights the filed an appeal about a week later. As staff is not able to reconsider its decision, the applicant has asked that the appeal proceed.

Analysis:

Staff's complete analysis of the dwelling unit determination for the three lots owned by the Applicant can be found in the letter dated June 7, 2024. I will highlight some points here. The Village Comprehensive Plan, Chapter 3: Housing Element Data Inventory and Analysis table 3-13: Inventory of Existing Mobile Home Parks did not include or recognize the subject property(s) a lawfully established mobile home park.

The Monroe County zoning regulations did not allow for dwelling units without a primary commercial use. Mobile Homes/Trailer Parks were considered residential under the Monroe County Code.

Village Code Section 30-473 identifies certain criteria used to determine the existence of legally established dwelling units. For property 1 Criteria 1 & 3 have not been met. Property 1 meets the criteria listed in criteria 2 subsections a and b, but not c. The Village does not recognize any legally established dwelling units on Property 1. For property 2 criteria 1 & 3 have not been met. Property 2 meets the criteria listed in criteria 2 subsections a and b, but not c. The Village recognizes one dwelling unit, although the county regulations did not allow it without commercial use, there is some indication a portion of the garage addition was used in conjunction with the auto shop on Property 3. For property 3, Criteria 1 has been met. The Village recognizes one legally established dwelling unit and 3,456 square feet of non-residential floor area on Property 3.

In total the Village recognizes two (2) legally established dwelling units and 3,456 square feet of non-residential floor area.

That Applicant argues that "Howells Trailer Park" was licensed by the Department of Health and FL DBPR as early as 1977. However, our code requires licenses and permits from either Monroe County or the Village and there is a significant lapse in licensing. The licensing stopped sometime in the mid 1980's until about 2013.

The applicant refers to an email from the Florida Keys Electric Cooperative (FKEC) regarding the number of meters on the property. As many of us know, electric meters can be installed on a property for a variety of reasons. Having a meter does not mean there is a separate dwelling unit. That is why the code requires bills/receipts from the utility company.

Finally, the Applicant makes an estoppel argument based on wastewater connections. The number of Equivalent Dwelling Units (EDU's) for wastewater is calculated based on existing usage regardless of permitted uses/structures. Usage is typically calculated by using water records to estimate EDU's. There is no connection between usage and legally established dwelling units.

To succeed on an estoppel claim, the Applicant must show: (1) the Applicant relied in good faith; (2) upon a material act or omission of the Village; and (3) the Applicant made such a substantial change in position or incurred such extensive obligations and expenses in reliance on the act or omission that it would be highly inequitable and unjust to destroy the right the Applicant acquired. Essentially, the Applicant needs to prove that an act or omission by the Village caused the Applicant to expend such a significant amount of funds that not granting them the nine (9) additional dwelling units would be highly inequitable and unjust. The Village is unaware of an act or omission which Applicant relied upon in good faith which would support a claim for equitable estoppel.

After review with legal counsel, staff do not believe that an estoppel argument applies in this case.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Based on the staff analysis and compliance with the Village Code, Staff recommends denial of the appeal.

Attachments:

1. 4BH150802-PLPRE20230193 Bologna Reso Final
2. Bologna Appeal CC Back up

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL OF NO. PLPRE20230193 FILED BY JOANNE M. PEREIRA, AGENT FOR GINO AND PIERA BOLOGNA (APPELLANT) RELATING TO A DWELLING UNIT DETERMINATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 82925 OVERSEAS HWY AND 82929 OVERSEAS HWY, HAVING REAL ESTATE NUMBERS 00403630-000000 AND 00403640-000000, 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, Gino and Piera Bologna, (the "Appellant") filed Administrative Appeal to Application No. PLPRE20230193 (the "Appeal") pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the "Village"); and

WHEREAS, the purpose of the Appeal is to seek the Village Council's review of a determination made by the Director of Planning (the "Director") regarding a pre-application conference requesting a dwelling unit determination of the Appellant's property located at 82925 and 82929 Overseas Highway, as legally described in Exhibit "A" attached hereto; and

WHEREAS, on June 7, 2024, the Planning and Development Services Department issued a determination recognizing two (2) legally established market rate dwelling units and 3,456 square feet of non-residential floor area; and

WHEREAS, on June 25, 2024, the Appellant requested the Director to reconsider the determination; and

WHEREAS, on July 9, 2024, the Appellant filed the Appeal of the Director's decision; and

WHEREAS, thereafter, the Appellant requested that that the Director delay presenting this Appeal to the Village Council; and

WHEREAS, on July 24, 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 July 24, 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 July 24, 2025, to the Village Council.
- (4) The criteria required pursuant to Section 30-473(d)(1) of the Village Code (**has / has not**) been satisfied by the Appellant.
- (5) The criteria required pursuant to Section 30-473(d)(2) of the Village Code (**has / has not**) been satisfied by the Appellant.
- (6) The criteria required pursuant to Section 30-473(d)(3) of the Village Code (**has / has not**) been satisfied by the Appellant.

(7) 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.

Remainder of the page intentionally left blank.

Motion to adopt by_____, second by_____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Sharon Mahoney

Vice Mayor Don Horton

Councilmember Deb Gillis

Councilmember Steve Friedman

Councilmember Anna Richards

PASSED AND ADOPTED THIS 24th DAY OF JULY 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

This Resolution was filed in the Office of the Village Clerk of this ____ day of _____, 2025.



**Islamorada, Village of Islands
Planning & Development Services**

86800 Overseas Highway, Islamorada, FL 33036

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Pursuant to Code Chapter 30, Article IV, Division 4

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

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

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

APPELLANT:

Name: Gino Bologna and Piera Bologna
Mailing Address: Joanne Marie Pereira, Esq. 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 305-852-8440 Fax: 305-852-8848
Email: jpereira@hlylaw.com

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

Name: Joanne Marie Pereira, Esq.
Mailing Address: 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 305-852-8440 Fax: 305-852-8848
Email: jpereira@hlylaw.com

PROPERTY OWNER:

Name: Gino Bologna and Piera Bologna
Mailing Address: Joanne Marie Pereira, Esq. 88539 Overseas Highway, Tavernier FL 33070
Primary Phone: 305-852-8440 Fax: 305-852-8848
Email: jpereira@hlylaw.com

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

Physical Address: 82935 OVERSEAS Hwy, 82929 OVERSEAS Hwy and 82925 OVERSEAS Hwy Mile Marker: 82

Lot: 15 Block: 1 Subdivision: Ocean View

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

Real Estate (RE) Number: 00403650-000000 - 00403640-000000 - 00403630-000000 Alternate Key: 1495964 - 1495956 - 1495948

Zoning District: Village Center (VC) Future Land Use Category: MU

Application for Administrative Appeal

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

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

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

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

Signature of Applicant

Date

Print Name:

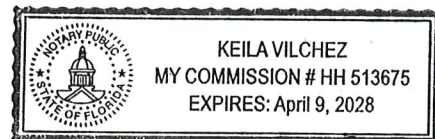
STATE OF

COUNTY OF

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 8th day of July, 2024, by Joanne Marie Pereira (name of person signing the application) as Agent (type of authority e.g. officer, manager / member, trustee, attorney in fact) for Gino Bologna (name of entity or party on behalf of whom application was executed).

Signature of Notary Public

SEAL:



☒ Personally Known ☐ Produced Identification

Type of ID _____



82935 Overseas Hwy



82935 Overseas Hwy



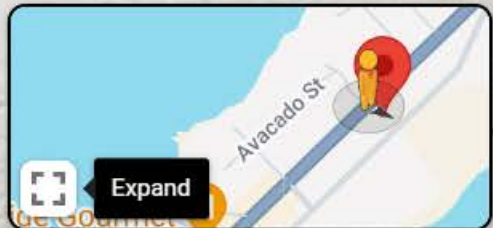
Islamorada, Florida



Google Street View

Jun 2023

[See more dates](#)



Google



A hand-drawn diagram on graph paper showing a rectangular plot. The plot is labeled "FLA-01" in the center. The dimensions are indicated by arrows and numbers: the top side is labeled "12'", the bottom side is labeled "12'", the left side is labeled "38'", and the right side is labeled "38'". A diagonal line is drawn from the top-left corner to the bottom-right corner, with the number "14" written near it. The plot is surrounded by a larger rectangular area, with the number "6" written in the top-left corner of this area. The entire diagram is enclosed in a rectangular border.

[illegible]

BUILDING CHARACTERISTICS									
Building Number 1 of 1	Quality Grade 3 0 0	Improvement Type R1 Single Family R2 Duplex R3 Triplex R4 Quadplex R 1							
Effective Age Group Residential 0 - 4 yrs. 5 - 12 years 13 - 20 years 21 - 40 years 41 - 50 years 51 + years	Actual Year Built 1 9 7 8	Functional Obsolescence % (Explain In Notes)							
Condition G Good A Average P Poor	Mobile Home * 1 2 3 4 5 6	Locational Obsolescence % (Explain In Notes)							
Appraiser 0 0 4	Date of Appraisal MONTH DAY YEAR 0 8 2 0 8 6	Perimeter ,							
SPECIAL ARCHITECTURAL CODES									
Mobile Home 6	Multi Family 1								
BUILDING REFINEMENTS									
Roof Type 1 Flat or Shed 2 Gable or Hip 3 Mansard 4 Irregular - Custom 5 Reinforced Concrete 6 Prestress Concrete 7 Steel Truss	Heating Type/Method 1 None 2 Wall Heaters 3 Floor Furnace 4 Convection 5 Forced Air Non-Ducted 6 Forced Air Ducted 7 Electric Radiant 8 Hot Water/Steam	Foundation 1 Wood Piers 2 Concrete Pads - Wood 3 Concrete Block 4 Concrete Slab 5 Continuous Conc. Footer 6 Conc. Plings - Auger Holes							
Roof Cover 1 Asphalt/Composition Rolled 2 Metal 3 Asphalt/Composition Shingle 4 Tar & Gravel 5 Wood Shingle 6 Concrete/Clay Tile 7 Minimum	Heating Fuel/Source 1 Electric 2 Gas 3 Oil 4 None 5 Solar	Number of Fireplaces Interior Wall/Ceiling 1 Masonry - Minimum 2 Wall Board 3 Dry Wall 4 Plastered 5 Plywood Panel 6 Wood or Custom							
Number of Bedrooms 0 1	Interior Flooring 1 Plywood - Press Board 2 Softwood - Hardwood 3 Concrete Slab 4 Concrete Above Grade 5 Terrazzo 6 Ceramic or Clay Tile 7 Marble	Air Conditioning No							
Baths: 4 Fixtures	3 Fixtures 0 1	Extra Fixture 0 3							
Built-Ins ("Y" if Yes) Range/Oven Dishwasher	Garbage Disposal Intercom	Security Compactor Vacuum System							

(Howells TRAILER PARK)



32'
24'-01"
32'
12'
FAMILY

D.P. Number	Permit Number	Date Completed	Date Issued	Amount	Description of Construction
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BUILDING PERMITS

NOTES

Appraiser

Date of Appraisal

MONTH DAY YEAR



Type Code	X if Notes	Number of Units	Unit Type	Economic Life	Year Built	Grade	Length	Width	Depreciated Value
-----------	------------	-----------------	-----------	---------------	------------	-------	--------	-------	-------------------

MISCELLANEOUS IMPROVEMENTS

FIELD NOTES

List Misc. Improvements	No Existing Misc. Improvements	Add to Misc. Improvements	Delete Existing Misc. Improvements	X Indicates Flat Value	
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$$\begin{array}{r} 32 \\ \times 32 \\ \hline \end{array}$$
Page 36 of 436BUILDING REFINEMENTS

Roof Type 1 Flat or Shed 2 Gable or Hip 3 Mansard 4 Irregular - Custom 5 Reinforced Concrete 6 Prestress Concrete 7 Steel Truss	0 1	Heating Type/Method 1 None 2 Wall Heaters 3 Floor Furnace 4 Convection 5 Forced Air Non-Ducted 6 Forced Air Ducted 7 Electric Radiant 8 Hot Water/Steam	0 1	Foundation 1 Wood Piers 2 Concrete Pads - Wood 3 Concrete Block 4 Concrete Slab 5 Continuous Conc. Footer 6 Conc. Pilings - Auger Holes	3
Roof Cover 1 Asphalt/Composition Rolled 2 Metal 3 Asphalt/Composition Shingle 4 Tar & Gravel 5 Wood Shingle 6 Concrete/Clay Tile 7 Minirnum	0 2	Heating Fuel/Source 1 Electric 2 Gas 3 Oil 4 None 5 Solar	0 1	Number of Fireplaces Interior Wall/Ceiling 1 Masonary - Minimum 2 Wall Board 3 Dry Wall 4 Plastered 5 Plywood Panel 6 Wood or Custom	0 2
Number of Bedrooms 0 1	0 1	Interior Flooring 1 Plywood - Press Board 2 Softwood - Hardwood 3 Concrete Slab 4 Concrete Above Grade 5 Terrazzo 6 Ceramic or Clay Tile 7 Marble	0 1	Air Conditioning Yes ☒ No ☐	(*** if Yes) 4
Baths: 4 1	4 1	Fixtures 3 1 1	4 1	Extra Fixture 4 1	4 1
Built-Ins (** if Yes) Range/Oven 1 1 Dishwasher 1 1	Garbage Disposal 1 1	Intercom 1 1	Compactor 1 1	Vacuum System 1 1	Security 1 1

☐	☐	☐	☐	☐
List Misc. Improvements No Existing Misc.	Add to Misc. Improvements	Delete Existing Misc. Improvements Add New Data	X Indicates Flat Value	

Type	Code	X if Notes	Number of Units	Unit Type	Economic Life	Year Built	Grade	Length	Width	Depreciated Value
No Data										

NOTES
 RECHECK ON THIS ENTIRE PARCEL

BUILDING PERMITS					
D.P. Number	Permit Number	Date Completed	Date Issued	Amount	Description of Construction

FOR REFERENCE ONLY

12
 32
 32
 12
 FLA
 CLASSIC



00403630 4-11-90

LOT 13 Sq. 1 OCEAN VIEW

BUILDING REFINEMENTS									
Roof Type 1 Flat or Shed 2 Gable or Hip 3 Mansard 4 Irregular - Custom 5 Reinforced Concrete 6 Prestress Concrete 7 Steel Truss	0 1	Heating Type/Method 1 None 2 Wall Heaters 3 Floor Furnace 4 Convection 5 Forced Air Non-Ducted 6 Forced Air Ducted 7 Electric Radiant 8 Hot Water/Steam	0	Foundation 1 Wood Piers 2 Concrete Pads - Wood 3 Concrete Block 4 Concrete Slab 5 Continuous Conc. Footer 6 Conc. Pilings - Auger Holes	3				
Roof Cover 1 Asphalt/Composition Rolled 2 Metal 3 Asphalt/Composition Shingle 4 Tar & Gravel 5 Wood Shingle 6 Concrete/Clay Tile 7 Minimum	0 2	Heating Fuel/Source 1 Electric 2 Gas 3 Oil 4 None 5 Solar	0	Number of Fireplaces Interior Wall/Ceiling 1 Masonary - Minimum 2 Wall Board 3 Dry Wall 4 Plastered 5 Plywood Panel 6 Wood or Custom	0 2				
Number of Bedrooms 1	1	Interior Flooring 1 Plywood - Press Board 2 Softwood - Hardwood 3 Concrete Slab 4 Concrete Above Grade 5 Terrazzo 6 Ceramic or Clay Tile 7 Marble	0 1	Air Conditioning No	("Y" if Yes) No				
Baths: 4 Fixtures		3 Fixtures	0 1	2 Fixture					
Built-Ins ("Y" if Yes) Range/Oven Dishwasher		Garbage Disposal Intercom			Compactor Vacuum System				
Security			0 3	Extra Fixture					



12
39
39
FLA
12

FOR RETIREMENT ONLY

D.P. Number	Permit Number	Date Completed	Date Issued	Amount	Description of Construction
-------------	---------------	----------------	-------------	--------	-----------------------------

BUILDING PERMITS

NOTES

MONTH DAY YEAR

Date of Appraisal

Appraiser

Type Code	X If Notes	Number of Units	Unit Type	Economic Life	Year Built	Grade	Length	Width	Depreciated Value
MISCELLANEOUS IMPROVEMENTS									
FIELD NOTES									

List Misc. Improvements No Existing Misc.	Add to Misc. Improvements	Delete Existing Misc. Improvements Add New Data	X Indicates Flat Value
--	------------------------------	---	---------------------------

AK: 1495948

RE: 00403630

PARCEL OR PROPERTY IDENTIFICATION NUMBER

RP
RP
RP
TAG NUMBER

DECLARATION OF MOBILE HOME AS REAL PROPERTY

To the Appraiser and Collector of Monroe County, Florida:

I, the undersigned, request that the mobile home described below be assessed as real property. Said mobile home, of which I am the registered owner, was previously licensed as a motor vehicle.

DESCRIPTION OF MOBILE HOME: SINGLE WIDE ☒ DOUBLE WIDE ☐ TRIPLE WIDE ☐
Does your mobile home have an attachment or utility building? Yes ☐ No ☐

NAME OF MODEL	MANUFACTURER	YEAR MANUFACTURED		
CLAS		83		
IDENTIFICATION NUMBER	SERIAL NUMBER	TITLE NUMBER		
GDOCF150829375		20302886		
YEAR PURCHASED	PRICE NEW	PRICE USED	LENGTH & WIDTH	CONDITION
	\$	\$	36	() NEW () FAIR () () GOOD () POOR REPOSSESSED

The said mobile home was permanently affixed on January 1 of the current year, is now permanently affixed, and it is my intention that the same remain permanently affixed to the following lands owned by me. An assessment for ad valorem taxation has been made on said lands for the current tax year.

DESCRIPTION OF LAND:

Ocean View , Upper Matecumbe
lot 13, Square 1
RP: as 1987

Mobile Home Assessed For Year(s) _____

I hereby make application for the issuance of an "RP" License Plate to identify the above described mobile home as real property.

The statements contained are true to the best of my knowledge and belief.

DATE 3-16-90

Gino D. Bologna
SIGNATURE OF APPLICANT

Gino Bologna
P. O. Box 451
Islamorada, Fl. 33036

PROPERTY APPRAISER TO COMPLETE THIS PORTION

Owner has presented Registration Certificate at time of application. () YES () NO
Owner has presented Bill of Sale at time of application. () YES () NO

I certify that the foregoing return was filed in the office of the property appraiser addressed, and that the above described mobile home is included in an assessment for ad valorem taxation of the property of the person described above as the registered owner of such mobile home.

DATE 3-16-90

Jeannie N. Johnson
PROPERTY APPRAISER Deputy

PROPERTY APPRAISER'S COPY

AK:

DR-402
R. 6/83

AK: 1495948

RE: 00403630

PARCEL OR PROPERTY IDENTIFICATION NUMBER

RP
RP
RP
TAG NUMBER

DECLARATION OF MOBILE HOME AS REAL PROPERTY

To the Appraiser and Collector of Monroe County, Florida:

I, the undersigned, hereby request that the mobile home described below be assessed as real property. Said mobile home, of which I am the registered owner, was previously licensed as a motor vehicle.

DESCRIPTION OF MOBILE HOME: SINGLE WIDE ☒ DOUBLE WIDE ☐ TRIPLE WIDE ☐
Does your mobile home have an attachment or utility building? Yes ☐ No ☐

NAME OF MODEL	MANUFACTURER	YEAR MANUFACTURED
Marathon		1955
IDENTIFICATION NUMBER	SERIAL NUMBER	TITLE NUMBER
E493252		8694605
YEAR PURCHASED	PRICE NEW	PRICE USED
	\$	\$
LENGTH & WIDTH	CONDITION	
	() NEW () FAIR ()	
	() GOOD () POOR REPOSSESSED	

The said mobile home was permanently affixed on January 1 of the current year, is now permanently affixed, and it is my intention that the same remain permanently affixed to the following lands owned by me. An assessment for ad valorem taxation has been made on said lands for the current tax year.

DESCRIPTION OF LAND:

Ocean View, Upper Matecumbe

Lot 13, Square 1

RP: as of 1990

Mobile Home Assessed For Year(s) _____

I hereby make application for the issuance of an "RP" License Plate to identify the above described mobile home as real property.

The statements contained herein are true to the best of my knowledge and belief.

3-16-90
DATE

Gino D. Bologna
SIGNATURE OF APPLICANT

Gino Bologna

P. O. Box 451

Islamorada, Fl. 33036

PROPERTY APPRAISER TO COMPLETE THIS PORTION

Owner has presented Registration Certificate at time of application. () YES () NO

Owner has presented Bill of Sale at time of application. () YES () NO

I hereby certify that the foregoing return was filed in the office of the property appraiser addressed, and that the above described mobile home is included in an assessment for ad valorem taxation of the property of the person described above as the registered owner of such mobile home.

3-16-90
DATE

Jeanne N. Johnson
PROPERTY APPRAISER

Deputy

APPRaiser's COPY

00

2000/00

LOT 13 SQR 1

OR 732-374

LAND COMPUTATIONS

LAND COMPUTATIONS						
QUAN - TYPE - DESC.	SIZE - AREA	UNIT PRICE	D.F.	C.F.	PRICE PER FRONT FOOT	VALUE
Lot 13	50x150					5800
						6400
						9950
TOTAL						16-4000

AK 1495948
RZ 04103630
PHOTO
IMP #42
- 000000

IMP-2
P1014

PHOTO
MAP # 3

2-11-54
Photo

REAL PROPERTY RECORD CARD

MONROE COUNTY, FLORIDA

VALUATION TOTALS	
1966	LAND
	IMPROVEMENTS
	TOTAL
	LAND
1971	IMPROVEMENTS
	TOTAL
	LAND
	IMPROVEMENTS
1971	TOTAL
	LAND
	IMPROVEMENTS
	TOTAL
1974	LAND
	IMPROVEMENTS
	TOTAL
	LAND
1974	IMPROVEMENTS
	TOTAL
	LAND
	IMPROVEMENTS
1974	TOTAL
	LAND
	IMPROVEMENTS
	TOTAL
1974	LAND
	IMPROVEMENTS
	TOTAL
	LAND
1974	IMPROVEMENTS
	TOTAL
	LAND
	IMPROVEMENTS
1974	TOTAL
	LAND
	IMPROVEMENTS
	TOTAL

— NOTES —

TRAILERS SIT ON THIS
LOT 7/8/77

47500/77 08
265
Re 40363 & 40364

61,500/77 26ab
Re 40363, 40364

CONSTRUCTION DATA				
IMPROVEMENT	1	2	3	4
TYPE OF STRUCTURE	IMPROVEMENT			
	INTERIOR FINISH			
YEAR BUILT	IMPROVEMENT			
	INTERIOR FINISH			
ROOMS	IMPROVEMENT			
	INTERIOR FINISH			
FLOORS	IMPROVEMENT			
	INTERIOR FINISH			
FOUNDATION	IMPROVEMENT			
	INTERIOR FINISH			
ADJUSTMENTS	IMPROVEMENT			
	INTERIOR FINISH			
EXTERIOR WALLS	IMPROVEMENT			
	INTERIOR FINISH			
ROOF TYPE	IMPROVEMENT			
	INTERIOR FINISH			
ROOF MATERIAL	IMPROVEMENT			
	INTERIOR FINISH			
ELECTRICITY	IMPROVEMENT			
	INTERIOR FINISH			
HEATING	IMPROVEMENT			
	INTERIOR FINISH			
PLUMBING	IMPROVEMENT			
	INTERIOR FINISH			
CLASS & SCALE	IMPROVEMENT			
	INTERIOR FINISH			
CONST. UNITS	IMPROVEMENT			
	INTERIOR FINISH			
CLASS UNITS	IMPROVEMENT			
	INTERIOR FINISH			
TOTAL UNITS	IMPROVEMENT			
	INTERIOR FINISH			
BASE RATE	IMPROVEMENT			
	INTERIOR FINISH			
ADJ. RATE	IMPROVEMENT			
	INTERIOR FINISH			
AREA	IMPROVEMENT			
	INTERIOR FINISH			
E.F.	IMPROVEMENT			
	INTERIOR FINISH			
E.F.	IMPROVEMENT			
	INTERIOR FINISH			
REP. COST NEW	IMPROVEMENT			
	INTERIOR FINISH			
CONDITION	IMPROVEMENT			
	INTERIOR FINISH			
DEP. REP. VALUE	IMPROVEMENT			
	INTERIOR FINISH			
NO.	IMPROVEMENT			
	INTERIOR FINISH			
PHY.	IMPROVEMENT			
	INTERIOR FINISH			
ADJUSTMENT	IMPROVEMENT			
	INTERIOR FINISH			
COND.	IMPROVEMENT			
	INTERIOR FINISH			

CARD		SCALE 1" =	LAND USE CODE
PLOTTED	RANDOM	FLDK. BY	DATE
		CLASSED BY	DATE

CONSTRUCTION DATA				
IMPROVEMENT	1	2	3	4
TYPE OF STRUCTURE	Res	Addition		
		9x26		
YEAR BUILT		1966		
ROOMS				
Total Rooms				
Eff. Apts.				
— Rm. Apts.				
No. of Baths				
No. of Rest Rms.	3			
— Fict. R. Rms.				
— Fict. R. Rms.				
Total Fixtures				
FOUNDATION				
Continuous Wall				
Piers				
Piling				
ADJUSTMENTS				
Frame				
Height				
Front & Interior				
Apt. Equiv.				
Partitions				
Special Use				
EXTERIOR WALLS				
Wallboard				
Corr. Metal				
Corr. Asbestos				
Wd. Fr. Stucco				
Wd. Fr. Asbestos				
C.B. Plain				
C.B. Stucco				
Wd. Fr. Siding				
Tile Stucco				
Brick				
Reinf. Conc.				
Panel, Glass, Mtl.				
ROOF TYPE				
Flat, Shed				
Hip, Gable				
Bar Joist				
Wood Truss				
Prestressed				
Steel Truss				
ROOF MATERIAL				
Sht. Mtl. Roll				
T. & G. B.U.				
Shing., Wd., Etc.				
Shing., Asbestos				
Tile, Cement				
Tile, Clay				
Bermuda				
Slate				
Gypsum				
IMPROVEMENT				
Unfinished				
Wd. or Cell. Bds.				
Wallboard				
Plaster, No Furring				
Plaster, Furring				
Drywall				
Wood Panel				
FLOORS				
None				
Single Pine				
Concrete				
Conc., Asph. Tile				
Conc., Terrazzo				
Double Pine				
Double Hardwood				
Precast Conc.				
Parquet				
Conc. Q. Tile				
Conc. Car. Tile				
Marble				
PLUMBING				
None				
Poor				
Good, Plain				
Good, Tile				
HEATING				
None				
Unit Heat				
Centrl. Heating				
Centrl. Cooling				
Centrl. Cool & Heat				
ELECTRICITY				
None				
Poor				
Average				
Good				
CLASS & SCALE				
CONST. UNITS				
CLASS UNITS				
TOTAL UNITS				
BASE RATE				
ADJ. RATE				
AREA				
E.F.				
E.F.				
REP. COST NEW				
CONDITION				
DEP. REP. VALUE				
DEPRECIATION ADJUSTMENT				
NO.	PHY.	ADJUSTMENT	%	COND.
1				
2				
3				
4				

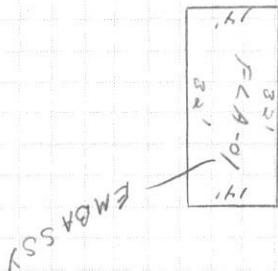
CARD P5 /		SCALE 1" =	LAND USE CODE
PLOTTED		FLDWK. BY	DATE
RANDOM		CLASSIFIED BY	DATE

BUILDING REFINEMENTS											
Roof Type 1 Flat or Shed 2 Gable or Hip 3 Mansard 4 Irregular - Custom 5 Reinforced Concrete 6 Prestress Concrete 7 Steel Truss		Heating Type/Method 1 None 2 Wall Heaters 3 Floor Furnace 4 Convection 5 Forced Air Non-Ducted 6 Forced Air Ducted 7 Electric Radiant 8 Hot Water/Steam		Foundation 1 Wood Piers 2 Concrete Pads - Wood 3 Concrete Block 4 Concrete Slab 5 Continuous Conc. Footer 6 Conc. Pilings - Auger Holes		Number of Fireplaces Interior Wall/Ceiling 1 Masonary - Minimum 2 Wall Board 3 Dry Wall 4 Plastered 5 Plywood Panel 6 Wood or Custom		Number of Bedrooms Air Conditioning		Baths: 4 Fixtures	
0 1		0 0		3		0 5		No		Extra Fixture 0 3	
Roof Cover 1 Asphalt/Composition Rolled 2 Metal 3 Asphalt/Composition Shingle 4 Tar & Gravel 5 Wood Shingle 6 Concrete/Clay Tile 7 Minimum		Heating Fuel/Source 1 Electric 2 Gas 3 Oil 4 None 5 Solar		Interior Flooring 1 Plywood - Press Board 2 Softwood - Hardwood 3 Concrete Slab 4 Concrete Above Grade 5 Terrazzo 6 Ceramic or Clay Tile 7 Marble		Garage Disposal Intercom		Security Compactor Vacuum System		Built-Ins ("Y" if Yes) Range/Oven Dishwasher	
0 2		0 1		1		1		1		1	

Roof Cover		1 Asphalt/Composition Rolled 2 Metal 3 Asphalt/Composition Shingle 4 Tar & Gravel 5 Wood Shingle 6 Concrete/Clay Tile 7 Minimum		0 2							
Heating Fuel Source		1 Electric 2 Gas 3 Oil 4 None 5 Solar		0		Interior Flooring 1 Plywood - Press Board 2 Softwood - Hardwood 3 Concrete Slab 4 Concrete Above Grade 5 Terrazzo 6 Ceramic or Clay Tile 7 Marble		0 1		Number of Bedrooms 0 1	
Number of Fireplaces		Interior Wall/Ceiling 1 Masonary - Minimum 2 Wall Board 3 Dry Wall 4 Plastered 5 Plywood Panel 6 Wood or Custom		0 5		Air Conditioning <i>No</i>		("Y" if Yes) 			
Baths:				0 1		3 Fixtures 0 1		2 Fixture 		Extra Fixture 0 3	
Built-Ins ("Y" if Yes)		Range/Oven 		Dishwasher 		Garbage Disposal 		Intercom 		Security 	
								Compactor 		Vacuum System 	

Appraiser	Date of Appraisal

D.P. Number	Permit Number	Date Completed	Date Issued	Amount	Description of Construction
BUILDING PERMITS					



(Howells' TRAILER PARK)

Appraiser	Date of Appraisal			
	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">MONTH</td> <td style="width: 33%; padding: 5px;">DAY</td> <td style="width: 33%; padding: 5px;">YEAR</td> </tr> </table>	MONTH	DAY	YEAR
MONTH	DAY	YEAR		

NOTES

D.P. Number	Permit Number	Date Completed	Date Issued	Amount	Description of Construction

FOR REFERENCE ONLY



#1-1132(a) Alum. Sheel
C. X 41

(HOWELLS TRAILER PARK)

FACE MAKER

Key Dicit

FIELD NOTES

BUILDING CHARACTERISTICS									
Building Number	4 of 4	Quality Grade	3 0 0	Improvement Type	R 1				
Effective Age Group	Residential	Mobile Home *	Actual Year Built	Functional Obsolescence	%				
0 - 4 years	1	0 - 3 yrs.	1 9 7 8	Locational Obsolescence	%				
5 - 12 years	2	4 - 6 yrs.							
13 - 20 years	3	7 - 9 yrs.							
21 - 40 years	4	10 - 12 yrs.							
41 - 50 years	5	13 - 15 yrs.							
51 + years	6	16 - 20 yrs.							
Condition	A	Mobile Home	6	Multi Family	1				
G Good									
A Average									
P Poor									
Appraiser	0 0 4	Date of Appraisal							
		MONTH	DAY	YEAR					
		0 8	2 0	8 6					
BUILDING REFINEMENTS									
Roof Type	0 1	Heating Type/Method	0	Foundation	3				
1 Flat or Shed		1 None		1 Wood Piers					
2 Gable or Hip		2 Wall Heaters		2 Concrete Peds - Wood					
3 Mansard		3 Floor Furnace		3 Concrete Block					
4 Irregular - Custom		4 Convection		4 Concrete Slab					
5 Reinforced Concrete		5 Forced Air Non-Ducted		5 Continuous Conc. Footer					
6 Prestress Concrete		6 Forced Air Ducted		6 Conc. Pillings - Auger Holes					
7 Steel Truss		7 Electric Radiant							
		8 Hot Water/Steam							
Roof Cover	0 2	Heating Fuel/Source	0	Number of Fireplaces					
1 Asphalt/Composition Rolled		1 Electric		Interior Wall/Ceiling					
2 Metal		2 Gas		1 Masonry - Minimum					
3 Asphalt/Composition Shingle		3 Oil		2 Wall Board					
4 Tar & Gravel		4 None		3 Dry Wall					
5 Wood Shingle		5 Solar		4 Plastered					
6 Concrete/Clay Tile				5 Plywood Panel					
7 Minimum				6 Wood or Custom					
Number of Bedrooms	0 1	Interior Flooring	0 1	Air Conditioning	No				
		1 Plywood - Press Board							
		2 Softwood - Hardwood							
		3 Concrete Slab							
		4 Concrete Above Grade							
		5 Terrazzo							
		6 Ceramic or Clay Tile							
		7 Marble							
Baths:	4	3	0 1	2	0 3				
Built-Ins ("Y" if Yes)		Range/Oven		Garbage Disposal					
		Dishwasher		Intercom					
				Compactor					
				Vacuum System					
				Security					

FIELD NOTES

NOTES

BUILDING PERMITS					
D.P. Number	Permit Number	Date Completed	Date Issued	Amount	Description of Construction



(Howells Trailer Park)

Handwritten: 12' 0-47 = 8'

DR-402
R. 6/83

RE:00403640-000000 Alt. 1495956

PARCEL OR PROPERTY IDENTIFICATION NUMBER

RP

RP

RP

TAG NUMBER

DECLARATION OF MOBILE HOME AS REAL PROPERTYTo the Appraiser and Collector of Monroe County, Florida:

I, the undersigned, hereby request that the mobile home described below be assessed as real property. Said mobile home, of which I am the registered owner, was previously licensed as a motor vehicle.

DESCRIPTION OF MOBILE HOME: SINGLE WIDE ☐ DOUBLE WIDE ☐ TRIPLE WIDE ☐
Does your mobile home have an attachment or utility building? Yes ☐ No ☐

NAME OF MODEL	MANUFACTURER	YEAR MANUFACTURED
FAMI		1980 1981
IDENTIFICATION NUMBER	SERIAL NUMBER	TITLE NUMBER
FH5268		21161358
YEAR PURCHASED	PRICE NEW	PRICE USED
	\$	\$
		LENGTH & WIDTH
		38 L
CONDITION		
() NEW () FAIR ()		
() GOOD () POOR REPOSSESSED		

The said mobile home was permanently affixed on January 1 of the current year, is now permanently affixed, and it is my intention that the same remain permanently affixed to the following lands owned by me. An assessment for ad valorem taxation has been made on said lands for the current tax year.

DESCRIPTION OF LAND:

OCEAN VIEW Square 1 Lot 14

Mobile Home Assessed For Year(s) RP as of 1/1/87

I hereby make application for the issuance of an "RP" License Plate to identify the above described mobile home as real property.

The statements contained herein are true to the best of my knowledge and belief.

Jan. 14, 1987
DATE

X Anna M Howells
SIGNATURE OF APPLICANT
Anna M. Howells
P.O. Box 451 (Howells Jct.)
Islamorada, Fla. 33036

PROPERTY APPRAISER TO COMPLETE THIS PORTION

Owner has presented Registration Certificate at time of application. () YES () NO

Owner has presented Bill of Sale at time of application. () YES () NO

I hereby certify that the foregoing return was filed in the office of the property appraiser addressed, and that the above described mobile home is included in an assessment for ad valorem taxation of the property of the person described above as the registered owner of such mobile home.

Jan. 14, 1987
DATE

E. Hanson Dep. Appr.
PROPERTY APPRAISER

APPRAISER'S COPY

DR 402
R. 7/81

RE:403640-000000 Alt. 1495956

RP

PARCEL OR PROPERTY IDENTIFICATION NUMBER

TAG NUMBER

DECLARATION OF MOBILE HOME AS REAL PROPERTY

To the Appraiser and Collector of Monroe County, Florida:

I, the undersigned, hereby request that the mobile home described below be assessed as real property. Said mobile home, of which I am the registered owner, was previously licensed as a motor vehicle.

DESCRIPTION OF MOBILE HOME:

NAME OF MODEL	MANUFACTURER	YEAR MANUFACTURED		
EMBA		XX 1984		
IDENTIFICATION NUMBER	SERIAL NUMBER	TITLE NUMBER		
GDOCFL418310178		20954555		
YEAR PURCHASED	PRICE NEW	PRICE USED	LENGTH & WIDTH	CONDITION
	\$	\$	32 L	() NEW () FAIR () () GOOD () POOR REPOSSESSED

The said mobile home was permanently affixed on January 1 of the current year, is now permanently affixed, and it is my intention that the same remain permanently affixed to the following lands owned by me. An assessment for ad valorem taxation has been made on said lands for the current tax year.

DESCRIPTION OF LAND:

OCEAN VIEW SQUARE 1 Lot 14

Mobile Home Assessed For Year(s) ~~XXXXXX~~ Jan. 1, 1987

I hereby make application for the issuance of an "RP" License Plate to identify the above described mobile home as real property.

The statements contained herein are true to the best of my knowledge and belief.

Jan. 14, 1987

DATE

Anna M. Howells
SIGNATURE OF APPLICANT

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P.O. Box 451 (Howells Jct.)
Islamorada, Fla. 33036

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Jan. 14, 1987

DATE

E. Hanson Dep. Appr.
PROPERTY APPRAISER

APPRAISER'S COPY

DR-402
R. 6/83

00403640-000000

Alt. 1495956

PARCEL OR PROPERTY IDENTIFICATION NUMBER

RP
RP
RP

TAG NUMBER

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DESCRIPTION OF MOBILE HOME: SINGLE WIDE ☐ DOUBLE WIDE ☐ TRIPLE WIDE ☐
Does your mobile home have an attachment or utility building? Yes ☐ No ☐

XXXX

NAME OF MODEL	MANUFACTURER	YEAR MANUFACTURED
PACE		1982

IDENTIFICATION NUMBER	SERIAL NUMBER	TITLE NUMBER
GDOCFL45818369		21681706

YEAR PURCHASED	PRICE NEW	PRICE USED	LENGTH & WIDTH	CONDITION
	\$	\$	32 L	() NEW () FAIR () () GOOD () POOR REPOSSESSED

The said mobile home was permanently affixed on January 1 of the current year, is now permanently affixed, and it is my intention that the same remain permanently affixed to the following lands owned by me. An assessment for ad valorem taxation has been made on said lands for the current tax year.

DESCRIPTION OF LAND:

OCEAN VIEW Square 1 Lot 14

Mobile Home Assessed For Year(s) Jan. 1, 1987

I hereby make application for the issuance of an "RP" License Plate to identify the above described mobile home as real property.

The statements contained herein are true to the best of my knowledge and belief.

DATE Jan. 14, 1987

Anna M Howells
SIGNATURE OF APPLICANT

Annma M. Howells
P.O. Box 451 (Howells Jct.)
Islamorada, Fla. 33036

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DATE Jan. 14, 1987

E. Hanson Dep. Appraiser
PROPERTY APPRAISER

APPRAISER'S COPY

DR 402
R. 7/81
MM

Alt. 1495956
RE;00403640-000000

PARCEL OR PROPERTY IDENTIFICATION NUMBER

RP

TAG NUMBER

DECLARATION OF MOBILE HOME AS REAL PROPERTY

To the Appraiser and Collector of Monroe County, Florida:

I, the undersigned, hereby request that the mobile home described below be assessed as real property. Said mobile home, of which I am the registered owner, was previously licensed as a motor vehicle.

DESCRIPTION OF MOBILE HOME:

NAME OF MODEL		MANUFACTURER		YEAR MANUFACTURED	
XXX Family				1980	
IDENTIFICATION NUMBER		SERIAL NUMBER		TITLE NUMBER	
FH4416				17577687	
YEAR PURCHASED	PRICE NEW	PRICE USED	LENGTH & WIDTH	CONDITION	
	\$	\$	38C	() NEW () FAIR () () GOOD () POOR REPOSSESSED	

The said mobile home was permanently affixed on January 1 of the current year, is now permanently affixed, and it is my intention that the same remain permanently affixed to the following lands owned by me. An assessment for ad valorem taxation has been made on said lands for the current tax year.

DESCRIPTION OF LAND:

OCEAN VIEW Square 1 ~~XXXX~~ Lot 14

Mobile Home Assessed For Year(s) RP as of 1/1/87

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The statements contained herein are true to the best of my knowledge and belief.

Jan. 14, 1987
DATE

Anna M Howells
SIGNATURE OF APPLICANT

Anna M. Howells

P.O. Box 451 (Howells Jct.)
Islamorada, Fla. 33036

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Jan. 14, 1987
DATE

S. Hanson
PROPERTY APPRAISER

Dep. Appr.

APPRAISER'S COPY

MONROE COUNTY
OFFICIAL RECORDSFILE #1 1 2 3 8 7 7
BK#1 5 7 6 PG#6 6 2RCD May 13 1999 03:37PM
DANNY L KOLHAGE, CLERKDEED DOC STAMP 490.00
05/13/1999 DEP CLKRETURN TO:
This Document prepared by:
WILLIAM S. WOOD, ESQ.
Attorney at Law
P.O.Box 3365,
Tampa, FL 33469

TITLE TO DEMISED PROPERTY HAS NOT BEEN EXAMINED AT REQUEST OF SELLER AND BUYER

WARRANTY DEEDTHIS WARRANTY DEED made and executed the 28th day of April, 19 99, by
MARION T. BOLOGNA, a single person, also known as MARIAN T. BOLOGNA,
hereinafter called the Grantor*,
to GINO S. BOLOGNA and PIERA BOLOGNA, Husband and Wife,whose Social Security Numbers are [REDACTED] and [REDACTED],
respectively; and
whose address is: 451 HARS WAY JUNO BEACH, FL, 33408
hereinafter called the Grantee*:

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

TAX ID NO.

Lot 15, Block 1, OCEAN VIEW SUBDIVISION, according to the Plat thereof, recorded in Plat Book 1, Page 193, of the Public Records of Monroe County, Florida.

SUBJECT TO: restrictions, reservations, easements of record and taxes levied subsequent to December 31, 1998.

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

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

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

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

Signed, sealed and delivered by all in our presence:

Sign Name

Print Name

Sign Name

Print Name

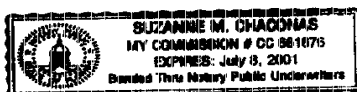
MARION T. BOLOGNA, a/k/a MARIAN T. BOLOGNA

900 Juno Ocean Walk, No. A-83,
Juno Beach, FL 33408
AddressSTATE OF FLORIDA
COUNTY OF PALM BEACH

I CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared MARION T. BOLOGNA, a single person, a/k/a MARIAN T. BOLOGNA, who is personally known to me or who has produced a driver's license as identification, to be the person(s) described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of April, 19 99.

(NOTARY SEAL)



Sign Name

Print Name

Notary Public, State of Florida at Large

RECEIVED 5/2/99 ALK
SENT TO KEY WEST FOR RECORDINGMONROE COUNTY
OFFICIAL RECORDS

524920

REC 1040 PAGE 2477

This instrument was prepared by:

600
825.00

ANDREW M. TOBIN
Attorney at Law
P.O. Box 620
TAVERNIER, FLORIDA 33070

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 3rd day of February 19 88, Between

ANNA M. HOWELLS, an unmarried widow,

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

GINO S. BOLOGNA,

whose post office address is P.O. Box 46, Islamorada, Florida 33036

of the County of Monroe, State of Florida, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of Ten and no/100 Dollars-----
----- (\$10.00) ----- Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lots 13 and 14, Block 1, OCEAN VIEW, a subdivision of Upper Matecumbe, Florida, the same being part of Lots 2 and 3, in Section 28, Township 63 South, Range 37 East, according to the Plat thereof, as recorded in Plat Book 1, at Page 193, of the Public Records of Monroe County, Florida.

Subject to taxes for the current and subsequent years, easements for public utilities, restrictions of record, if any, and a purchase money first mortgage.

825.00 2-8-88
DANNY L. BOLOGNA, Clerk
By *Anna M. Howells*

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

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

In Witness Whereof,

Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Marlene S. Weeks
Witness
[Signature]
Witness

Anna M. Howells
ANNA M. HOWELLS (Seal)

MONROE CLERK
DANNY L. BOLOGNA
FEB - 8 1988
NO 415
FILED AND RECORDED
(Seal)

STATE OF Florida

COUNTY OF Monroe

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared:

Anna M. Howells

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of February, 19 88.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 5, 1991
BONDED THRU GENERAL INS. UND.

Recorded in Official Records Book
in the County of Monroe
Florida
DANNY L. BOLOGNA
Notary Public

Marlene S. Weeks
Notary Public
(SEAL)

Monroe County, FL

****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 00403650-000000
 Account# 1495964
 Property ID 1495964
 Millage Group 50VI
 Location Address 82935 OVERSEAS Hwy, UPPER MATECUMBE KEY
 Legal Description BK 1 LT 15 OCEAN VIEW PB1-193 UPPER MATECUMBE OR591-34 OR1556-1807D/C OR1576-662
 (Note: Not to be used on legal documents.)
 Neighborhood 10024
 Property Class STORE COMBO (1200)
 Subdivision OCEAN VIEW
 Sec/Twp/Rng 28/63/37
 Affordable No
 Housing

**Owner**

[BOLOGNA GINO S](#)
 PO Box 451
 Islamorada FL 33036

[BOLOGNA PIERA](#)
 PO Box 451
 Islamorada FL 33036

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$216,245	\$216,245	\$216,245	\$243,276
+ Market Misc Value	\$9,695	\$9,695	\$9,695	\$9,695
+ Market Land Value	\$325,238	\$325,238	\$325,238	\$325,238
= Just Market Value	\$551,178	\$551,178	\$551,178	\$578,209
= Total Assessed Value	\$534,534	\$485,940	\$441,764	\$401,604
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$551,178	\$551,178	\$551,178	\$578,209

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$325,238	\$216,245	\$9,695	\$551,178	\$485,940	\$0	\$551,178	\$0
2021	\$325,238	\$216,245	\$9,695	\$551,178	\$441,764	\$0	\$551,178	\$0
2020	\$325,238	\$243,276	\$9,695	\$578,209	\$401,604	\$0	\$578,209	\$0
2019	\$278,775	\$194,621	\$9,695	\$483,091	\$365,095	\$0	\$483,091	\$0
2018	\$215,625	\$180,377	\$8,855	\$404,857	\$331,905	\$0	\$404,857	\$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)	7,500.00	Square Foot	50	150

Buildings

Building ID	43015	Exterior Walls	C.B.S.	
Style		Year Built	1975	
Building Type	APTS-D / 03D	EffectiveYearBuilt	1975	
Building Name		Foundation		
Gross Sq Ft	5610	Roof Type		
Finished Sq Ft	3312	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	FAIR	Heating Type		
Perimeter	328	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	60	Grade	250	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	3,312	3,312	0
OUF	OP PRCH FIN UL	498	0	0
PTO	PATIO	1,800	0	0
TOTAL		5,610	3,312	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CH LINK FENCE	1975	1976	6 x 400	1	2400 SF	2
ASPHALT PAVING	1975	1976	15 x 50	1	750 SF	2
CONC PATIO	1980	1981	0 x 0	1	1400 SF	2

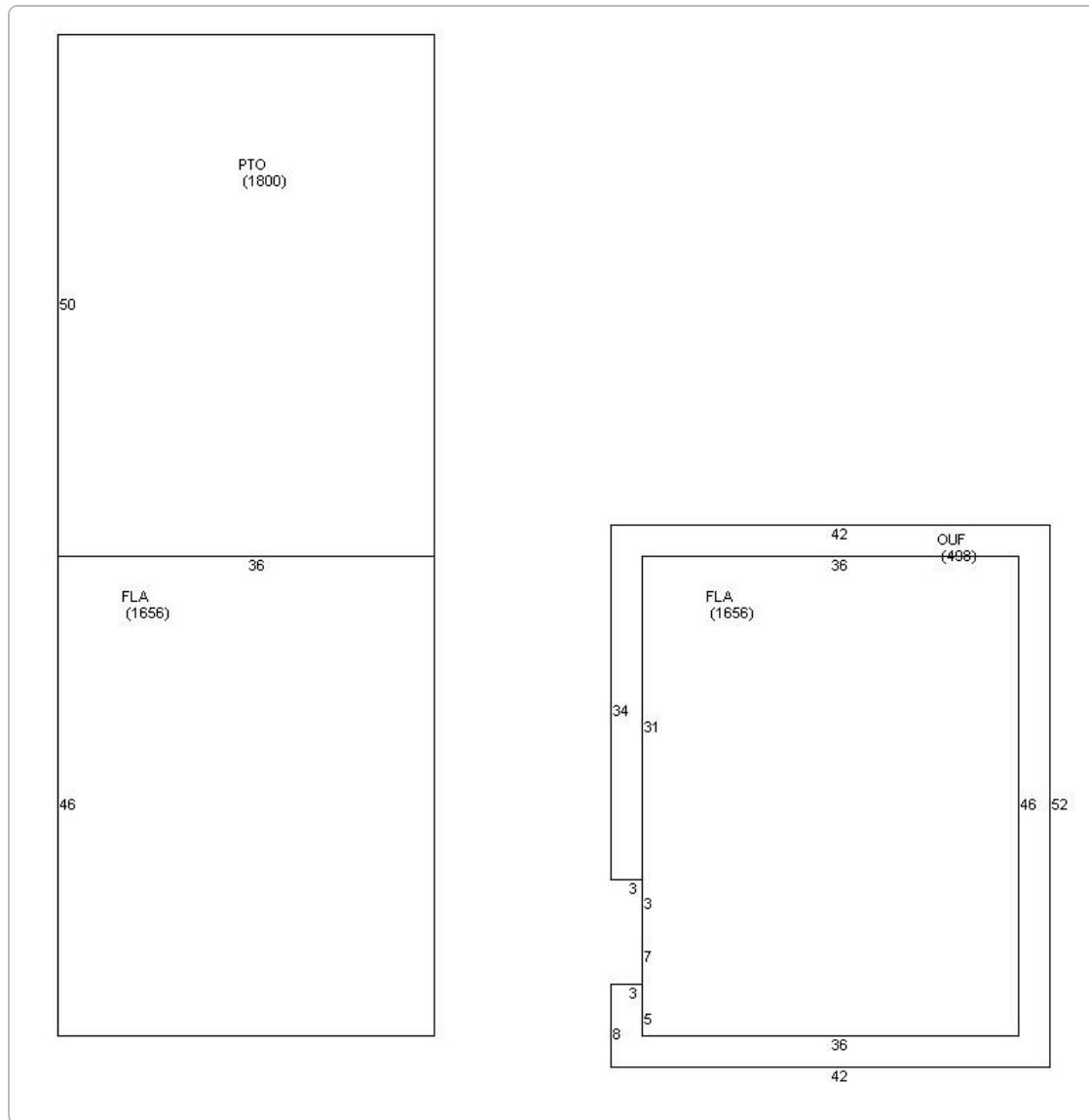
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
4/28/1999	\$70,000	Warranty Deed		1576	662	K - Unqualified	Improved		
2/1/1974	\$16,000	Conversion Code		591	34	Q - Qualified	Improved		

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Sketches (click to enlarge)



Photos



Map



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No data available for the following modules: Permits.

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Summary

Parcel ID 00403640-000000
 Account# 1495956
 Property ID 1495956
 Millage Group 50VI
 Location 82929 OVERSEAS Hwy, UPPER MATECUMBE KEY
 Address
 Legal BK 1 LT 14 OCEAN VIEW PB1-193 UPPER MATECUMBE OR425-866/867 OR472-735/736 OR727-484 OR732-374 UNRECORDED D/C ON FILE OR928-15/17
 Description CASE#84-365-CP-23 OR1040-2477 OR1127-654
 (Note: Not to be used on legal documents.)
 Neighborhood 4450
 Property Class MULTI-FAMILY 5 UNITS (0805)
 Subdivision OCEAN VIEW
 Sec/Twp/Rng 28/63/37
 Affordable No
 Housing

**Owner**

[BOLOGNA GINO S](#)
 PO Box 451
 Islamorada FL 33036

[BOLOGNA PIERA](#)
 PO Box 451
 Islamorada FL 33036

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$241,765	\$245,939	\$181,722	\$185,218
+ Market Misc Value	\$5,059	\$5,059	\$7,099	\$7,099
+ Market Land Value	\$190,369	\$158,194	\$131,381	\$131,381
= Just Market Value	\$437,193	\$409,192	\$320,202	\$323,698
= Total Assessed Value	\$387,444	\$352,222	\$320,202	\$323,698
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$437,193	\$409,192	\$320,202	\$323,698

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$158,194	\$245,939	\$5,059	\$409,192	\$352,222	\$0	\$409,192	\$0
2021	\$131,381	\$181,722	\$7,099	\$320,202	\$320,202	\$0	\$320,202	\$0
2020	\$131,381	\$185,218	\$7,099	\$323,698	\$323,698	\$0	\$323,698	\$0
2019	\$130,463	\$193,717	\$7,147	\$331,327	\$331,327	\$0	\$331,327	\$0
2018	\$123,375	\$196,719	\$6,814	\$326,908	\$326,908	\$0	\$326,908	\$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
MULTI RES HWY (080H)	7,500.00	Square Foot	50	150

Buildings

Building ID	21741	Exterior Walls	C.B.S. with 2% WD FRAME
Style	MANUFACTURED HOME	Year Built	1963
Building Type	M.F. - R2 / R2	EffectiveYearBuilt	1980
Building Name		Foundation	CONCRETE SLAB
Gross Sq Ft	1896	Roof Type	FLAT OR SHED
Finished Sq Ft	1362	Roof Coverage	ASPHALT SHINGL
Stories	2 Floor	Flooring Type	CERM/CLAY TILE
Condition	POOR	Heating Type	FCD/AIR NON-DC with 0% NONE
Perimeter	252	Bedrooms	4
Functional Obs	0	Full Bathrooms	2
Economic Obs	0	Half Bathrooms	0
Depreciation %	42	Grade	500
Interior Walls	DRYWALL	Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
EPB	ENCL PORCH BLK	160	0	52
FLA	FLOOR LIV AREA	1,362	1,362	236
OUF	OP PRCH FIN UL	168	0	52
PTO	PATIO	60	0	33
PUF	SC PRCH FIN UL	50	0	30
SBF	UTIL FIN BLK	96	0	56
TOTAL		1,896	1,362	459

Building ID	21742	Exterior Walls	METAL/ALUM	
Style		Year Built	1980	
Building Type	S.F.R. - M1 / M1	EffectiveYearBuilt	1980	
Building Name		Foundation	CONC BLOCK	
Gross Sq Ft	448	Roof Type	FLAT OR SHED	
Finished Sq Ft	448	Roof Coverage	METAL	
Stories	1 Floor	Flooring Type		
Condition	POOR	Heating Type	NONE with 0% NONE	
Perimeter	92	Bedrooms	1	
Functional Obs	0	Full Bathrooms	1	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	71.4	Grade	250	
Interior Walls	DRYWALL	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	448	448	0
TOTAL		448	448	0

Building ID	21743	Exterior Walls	METAL/ALUM	
Style		Year Built	1980	
Building Type	S.F.R. - M1 / M1	EffectiveYearBuilt	1980	
Building Name		Foundation	CONC BLOCK	
Gross Sq Ft	448	Roof Type	FLAT OR SHED	
Finished Sq Ft	448	Roof Coverage	METAL	
Stories	1 Floor	Flooring Type		
Condition	POOR	Heating Type	NONE with 0% NONE	
Perimeter	92	Bedrooms	1	
Functional Obs	0	Full Bathrooms	1	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	71.4	Grade	250	
Interior Walls	DRYWALL	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	448	448	0
TOTAL		448	448	0

Building ID	21744	Exterior Walls	METAL/ALUM	
Style		Year Built	1978	
Building Type	S.F.R. - M1 / M1	EffectiveYearBuilt	1978	
Building Name		Foundation	CONC BLOCK	
Gross Sq Ft	456	Roof Type	FLAT OR SHED	
Finished Sq Ft	456	Roof Coverage	METAL	
Stories	1 Floor	Flooring Type		
Condition	POOR	Heating Type	NONE with 0% NONE	
Perimeter	100	Bedrooms	1	
Functional Obs	0	Full Bathrooms	1	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	74.8	Grade	250	
Interior Walls	DRYWALL	Number of Fire PI	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	456	456	0
TOTAL		456	456	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CONC PATIO	1977	1978	12 x 38	1	456 SF	1
CONC PATIO	1990	2010	0 x 0	1	318 SF	1
ASPHALT PAVING	1995	2010	0 x 0	1	340 SF	2
FENCES	2000	2010	3 x 28	1	84 SF	2
WALL AIR COND	1998	2010	0 x 0	1	9 UT	1

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/1/1988	\$150,000	Warranty Deed		1040	2477	M - Unqualified	Improved		

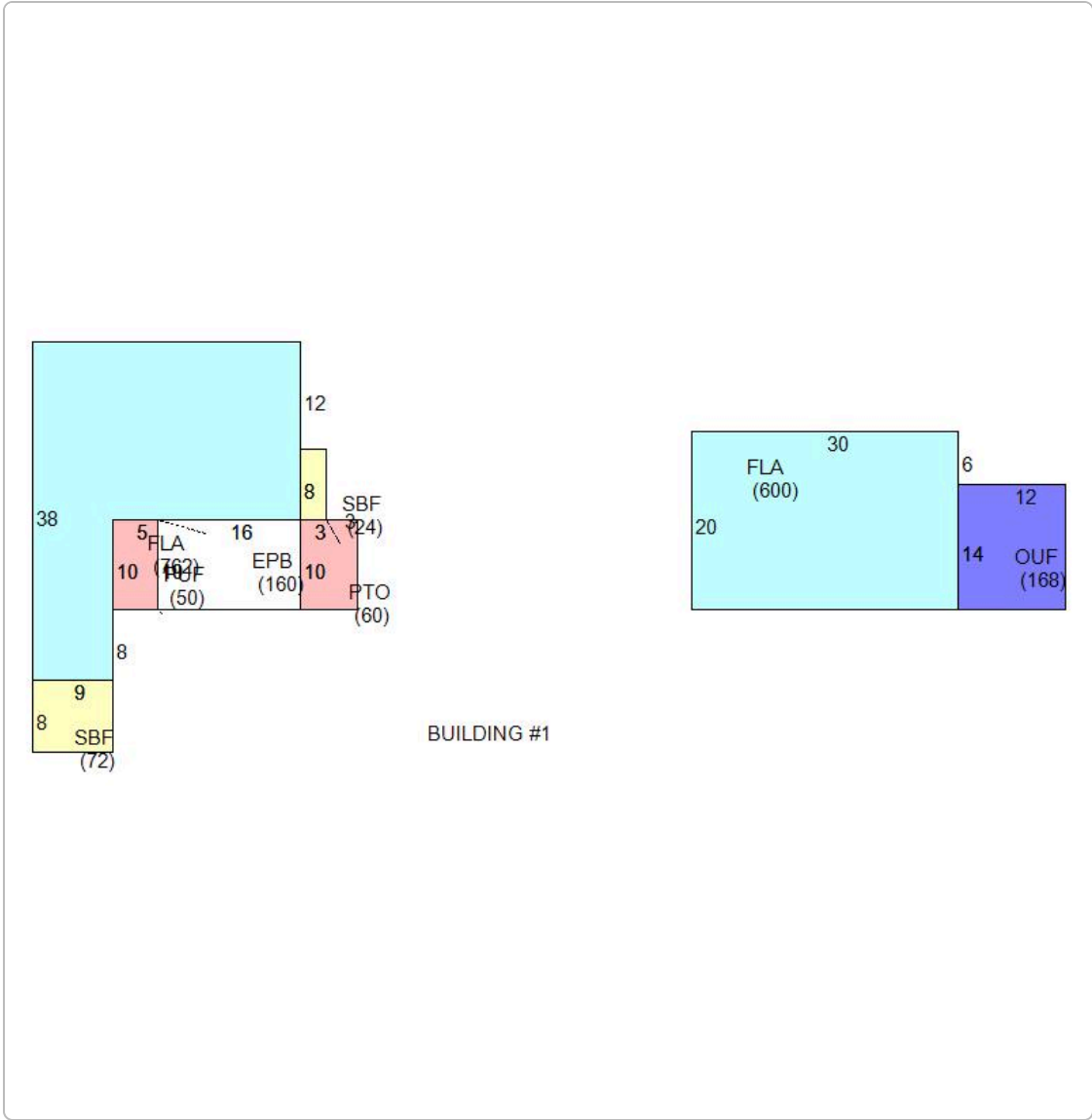
Permits

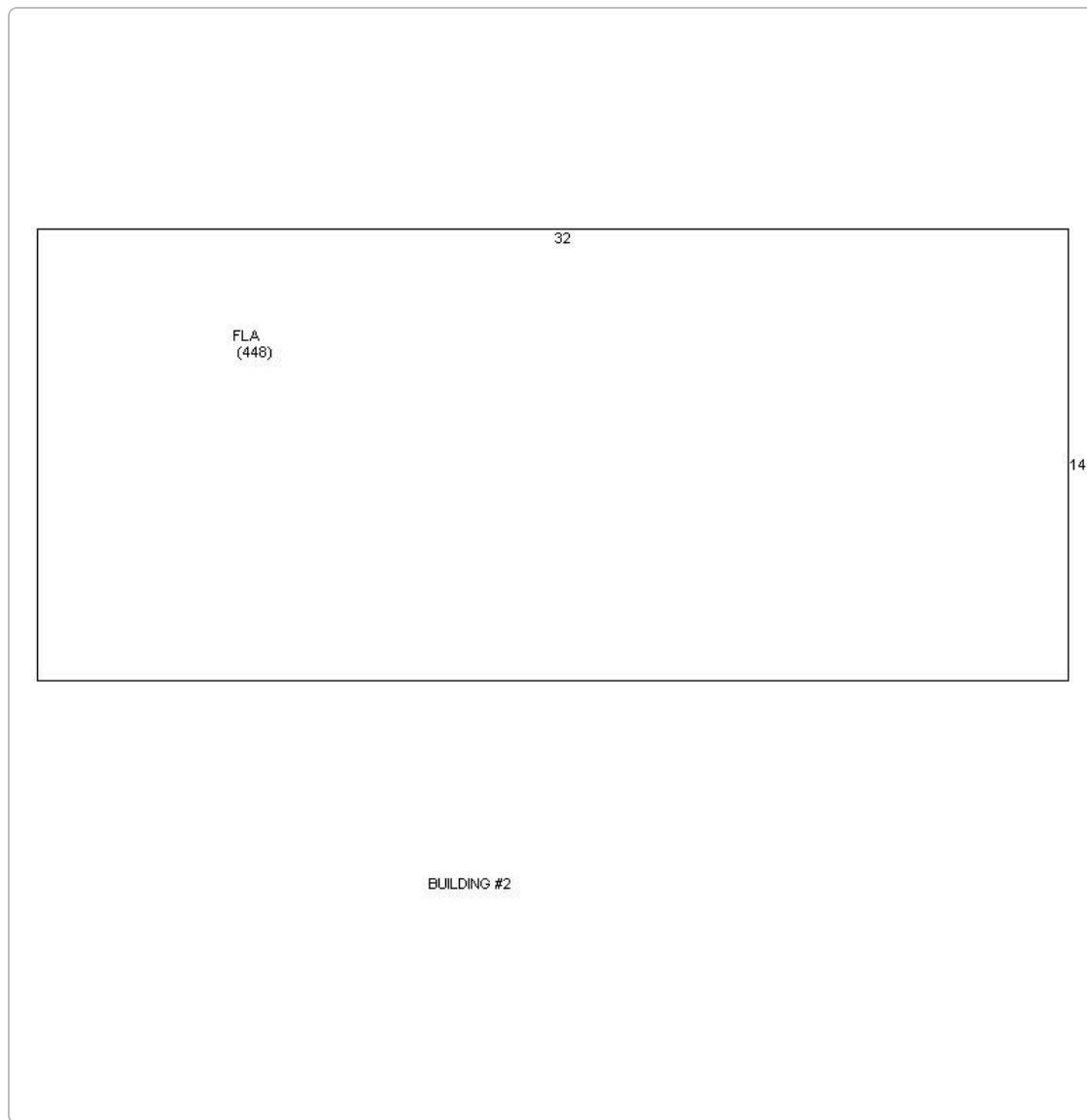
Number	Date Issued	Date Completed	Amount	Permit Type	Notes
PRBLD202300817	9/18/2023		\$400	Residential	DEMO 3 RV ELECTRIC HOOK-UP POLES, REMOVE WATER & ELECTRIC FROM SITES, CAPPING OFF THE WASTEWATER BACK AT THE MAILIN LINE OF THE RV SPOTS
200800387	4/14/2008	1/21/2009	\$1		INTERIOR RENOVATIONS

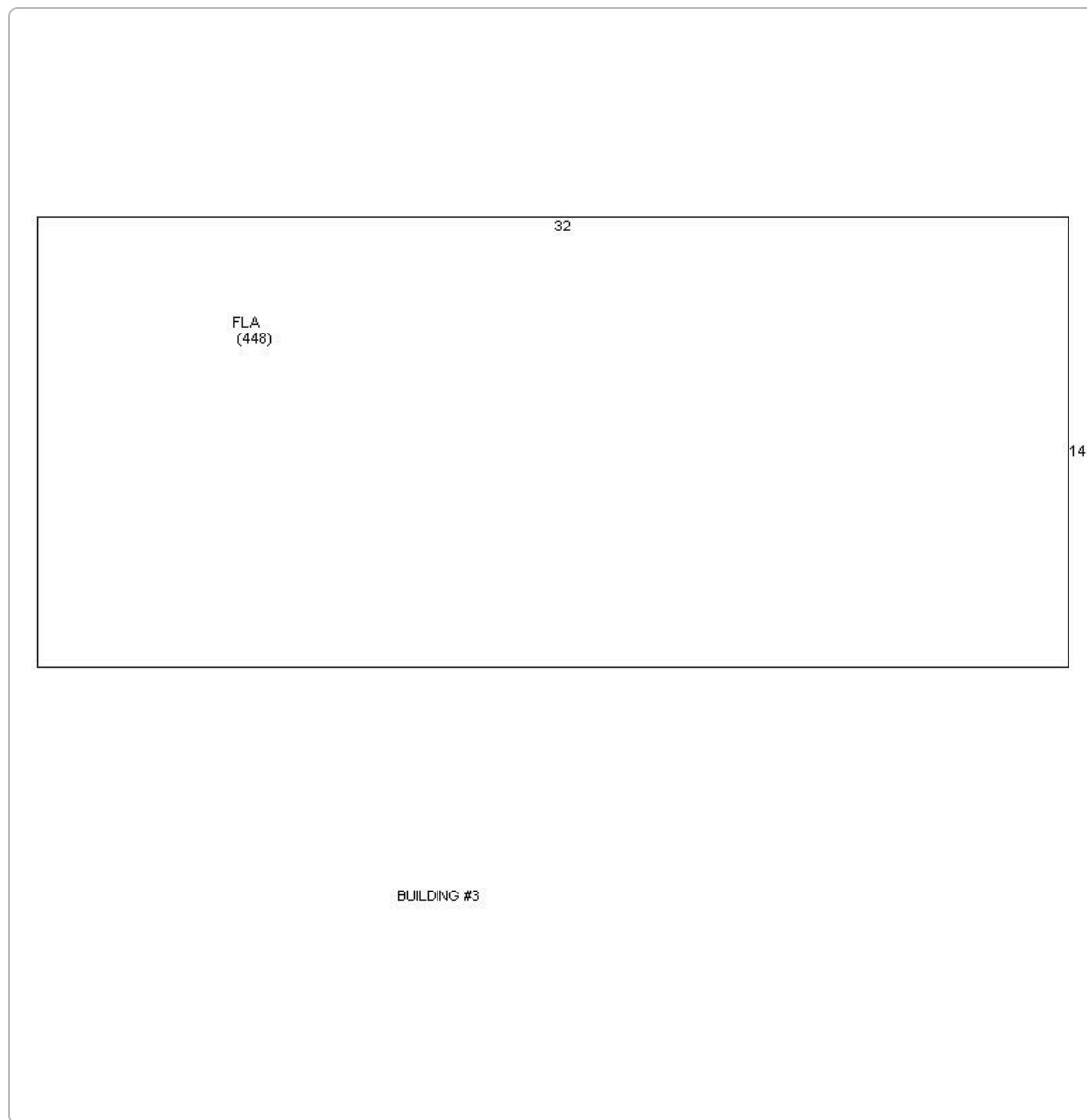
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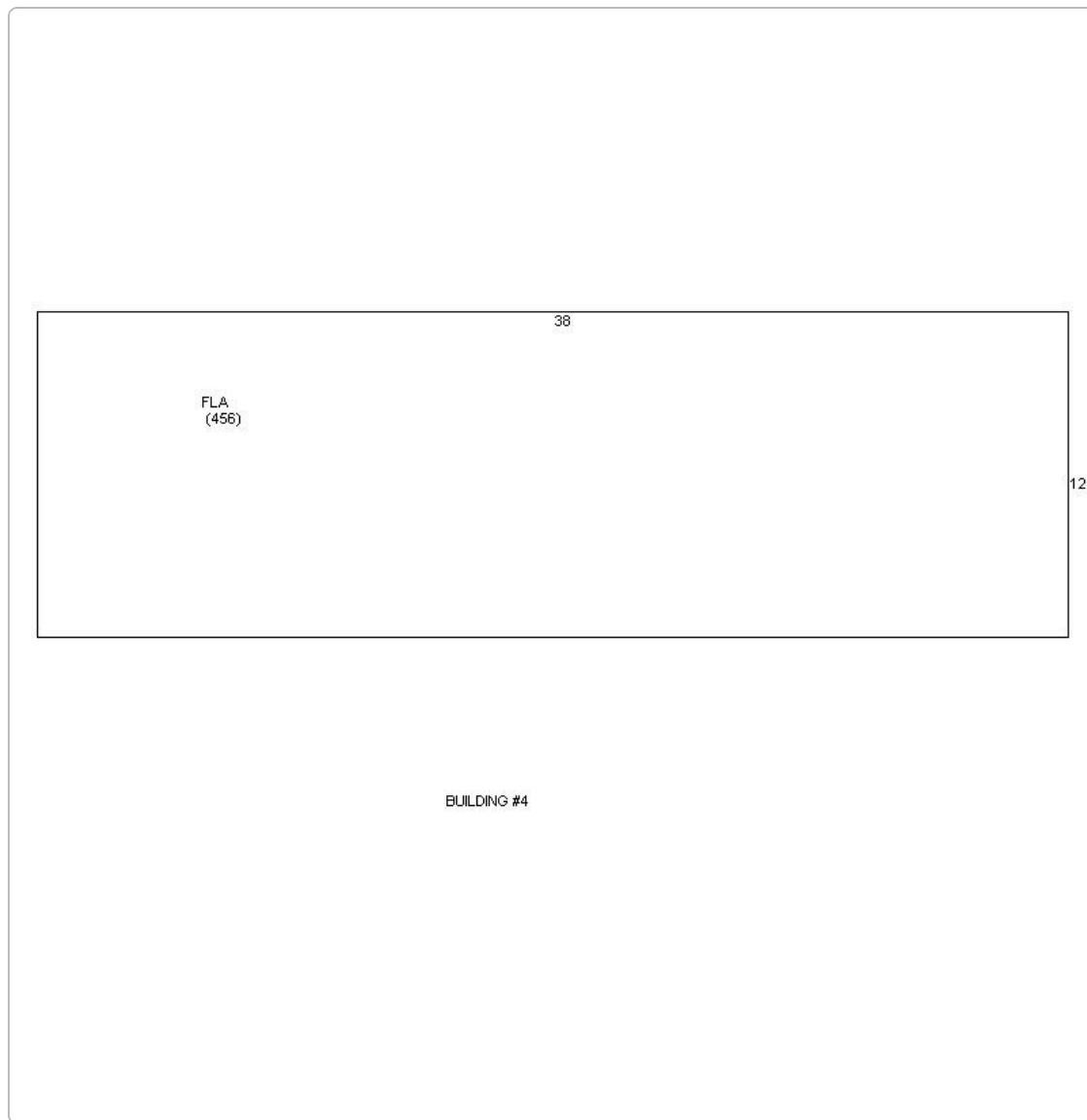
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Sketches (click to enlarge)









Photos





Map



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Summary

Parcel ID 00403630-000000
 Account# 1495948
 Property ID 1495948
 Millage Group 50VI
 Location 82925 OVERSEAS Hwy, UPPER MATECUMBE KEY
 Address
 Legal BK 1 LT 13 OCEAN VIEW PB1-193 UPPER MATECUMBE
 Description OR425-866/867 OR472-735/736 OR727-484 OR732-374
 OR928-15/17 CASE84-365-CP-23 OR1040-2477 OR1127-654
 (Note: Not to be used on legal documents.)
 Neighborhood 4450
 Property Class MULTI-FAMILY TRIPLEX (0803)
 Subdivision OCEAN VIEW
 Sec/Twp/Rng 28/63/37
 Affordable No
 Housing



Owner

[BOLOGNA GINO S](#)

PO Box 451
 Islamorada FL 33036

[BOLOGNA PIERA](#)

PO Box 451
 Islamorada FL 33036

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$86,461	\$87,479	\$67,822	\$69,068
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$190,369	\$158,194	\$131,381	\$131,381
= Just Market Value	\$276,830	\$245,673	\$199,203	\$200,449
= Total Assessed Value	\$241,035	\$219,123	\$199,203	\$200,449
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$276,830	\$245,673	\$199,203	\$200,449

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$158,194	\$87,479	\$0	\$245,673	\$219,123	\$0	\$245,673	\$0
2021	\$131,381	\$67,822	\$0	\$199,203	\$199,203	\$0	\$199,203	\$0
2020	\$131,381	\$69,068	\$0	\$200,449	\$200,449	\$0	\$200,449	\$0
2019	\$130,463	\$69,846	\$0	\$200,309	\$200,309	\$0	\$200,309	\$0
2018	\$123,375	\$70,211	\$0	\$193,586	\$193,586	\$0	\$193,586	\$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
MULTI RES HWY (080H)	7,500.00	Square Foot	50	150

Buildings

Building ID	21738	Exterior Walls	METAL/ALUM	
Style	MANUFACTURED HOME	Year Built	1978	
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	1998	
Building Name		Foundation	CONC BLOCK	
Gross Sq Ft	304	Roof Type	FLAT OR SHED	
Finished Sq Ft	304	Roof Coverage	METAL	
Stories	1 Floor	Flooring Type	CERM/CLAY TILE	
Condition	POOR	Heating Type	FCD/AIR DUCTED with 0% NONE	
Perimeter	92	Bedrooms	1	
Functional Obs	0	Full Bathrooms	1	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	32	Grade	350	
Interior Walls	DRYWALL	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	304	304	0
TOTAL		304	304	0

Building ID	21739			Exterior Walls	METAL/ALUM
Style				Year Built	1983
Building Type	S.F.R. - R1 / R1			EffectiveYearBuilt	1983
Building Name				Foundation	CONC BLOCK
Gross Sq Ft	384			Roof Type	FLAT OR SHED
Finished Sq Ft	384			Roof Coverage	METAL
Stories	1 Floor			Flooring Type	SFT/HD WD
Condition	POOR			Heating Type	NONE with 0% NONE
Perimeter	88			Bedrooms	1
Functional Obs	0			Full Bathrooms	1
Economic Obs	0			Half Bathrooms	0
Depreciation %	40			Grade	350
Interior Walls	MASONRY/MIN			Number of Fire Pl	0
Code	Description	Sketch Area	Finished Area	Perimeter	
FLA	FLOOR LIV AREA	384	384	0	
TOTAL		384	384	0	

Building ID	21740	Exterior Walls	METAL/ALUM	
Style		Year Built	1960	
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	1960	
Building Name		Foundation	CONC BLOCK	
Gross Sq Ft	468	Roof Type	FLAT OR SHED	
Finished Sq Ft	468	Roof Coverage	METAL	
Stories	1 Floor	Flooring Type	SFT/HD WD	
Condition	POOR	Heating Type	NONE with 0% NONE	
Perimeter	102	Bedrooms	1	
Functional Obs	0	Full Bathrooms	1	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	57	Grade	350	
Interior Walls	MASONRY/MIN	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	468	468	0
TOTAL		468	468	0

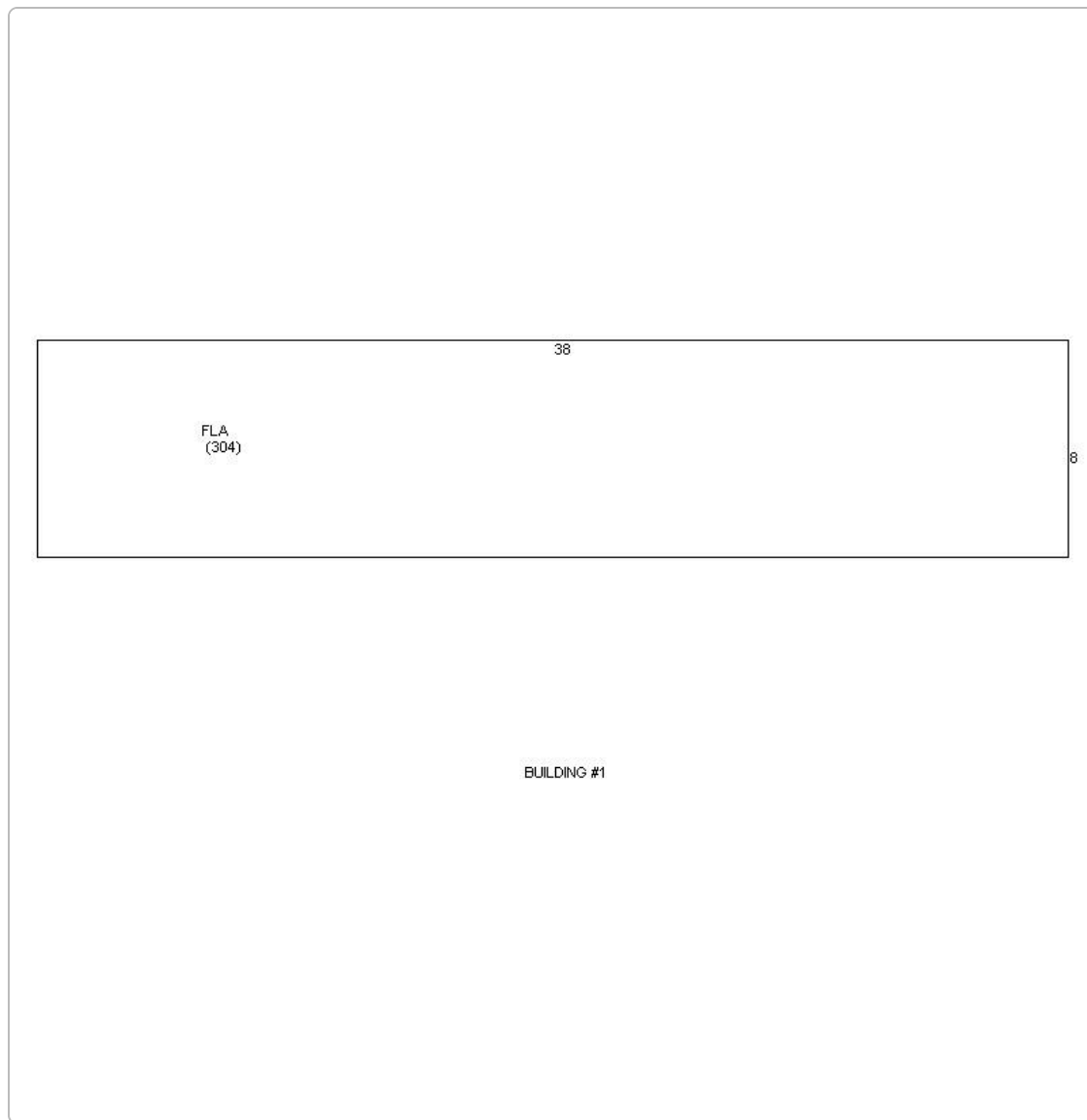
Sales

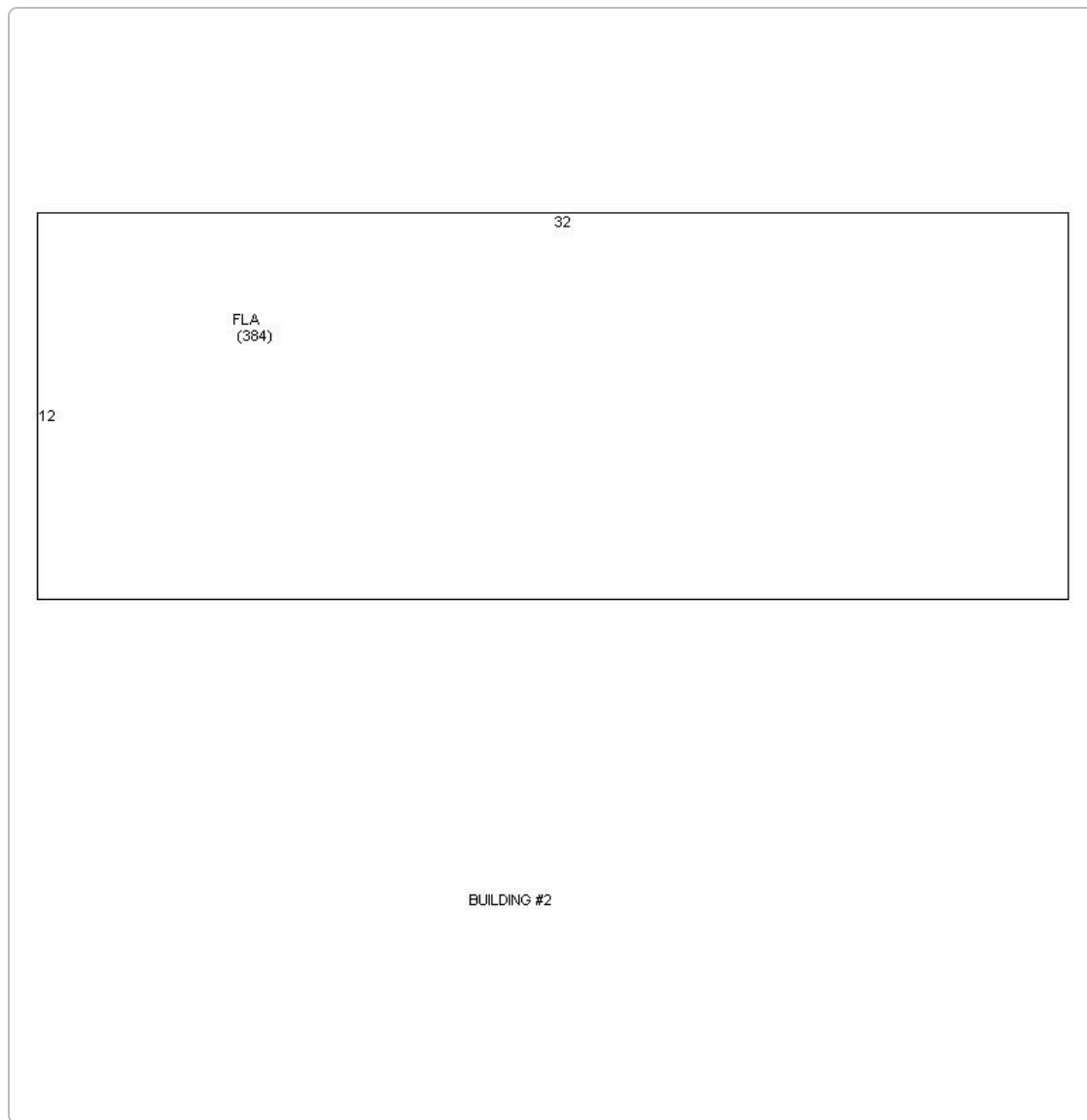
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/1/1988	\$1	Warranty Deed		1040	2477	M - Unqualified	Improved		

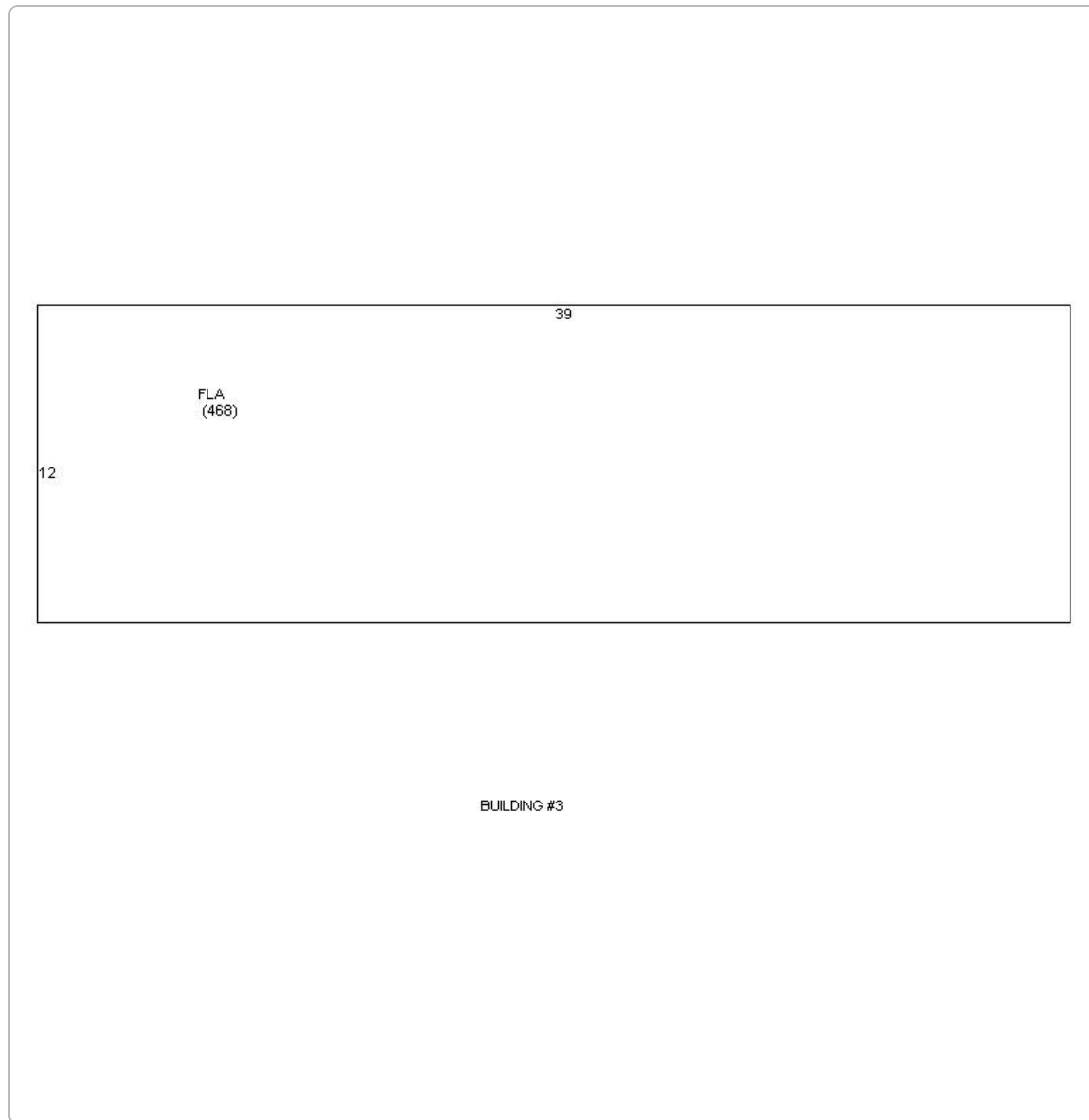
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Sketches (click to enlarge)







Photos



Map



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No data available for the following modules: Yard Items, Permits.

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PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
86800 Overseas Highway ♦ Islamorada, Florida 33036 ♦ 305-664-6400 ♦
www.islamorada.fl.us

June 7, 2024

Russell Yagel, Esq.

Sent via CityView Portal

Subject: Pre-Application (File No. PLPRE20230193)

Dear Mr. Yagel,

Thank you for your Application for a Pre-Application Conference ("Application"). The following is the Planning and Development Services Department's ("Staff") analysis of your questions and a summary of the meeting held on January 3, 2024. 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"), the processes required to determine the lawfully established dwelling unit rights on the subject property(s).

For the purposes of this dwelling unit determination, each property will be individually assessed and discussed.

Parcel # 00403630-000000, Lot 13 located on Upper Matecumbe Key, FL ("Property 1").

Parcel # 00403640-000000, Lot 14, located on Upper Matecumbe Key, FL ("Property 2").

Parcel # 00403650-000000, Lot 15, located on Upper Matecumbe Key, FL ("Property 3").

The subject Properties are categorized within the Future Land Use Map (FLUM) as Mixed Use (MU) and are within the Village Center (VC) Zoning District.

Background Zoning:

1963 Zoning: BU-2 (Medium Business District) Commercial use as a primary use – living quarters for watchmen and caretakers only permitted as an accessory use. Prohibited any residential use.

1986 Zoning: SC (Sub Urban Commercial District) Commercial uses as a primary use – apartments involving less than six dwelling units in conjunction with a permitted commercial use.

The Village Comprehensive Plan, Chapter 3: Housing Element Data Inventory and Analysis table 3-13: Inventory of Existing Mobile Home Parks did not include or recognize the subject property(s) a lawfully established mobile home park.

TABLE 3-13: INVENTORY OF EXISTING MOBILE HOME PARKS

MOBILE HOME PARK	LOCATION	NUMBER OF MOBILE HOME SPACES
Vacation Village	Plantation Key	26
Plantation Tropical Park	Plantation Key	52
Harris Ocean Park Estates 1 st Addition	Plantation Key	45
San Pedro Trailer Park	Plantation Key	41
Seabreeze Trailer Park	Plantation Key	101
Windley Key Mobile Home Park	Windley Key	42
Peaceful Palms Mobile Home Park	Windley Key	15
Coral Bay	Upper Matecumbe Key	17
Key Lantern Motel and Trailer Park	Upper Matecumbe Key	21
Village Mobile Park	Upper Matecumbe Key	32
Pelican Palms Mobile Home Park	Upper Matecumbe Key	35
Total		427

Source: Florida Department of Health, 1999

Additional Documentation/Evidence Provided by Applicant:

The applicant provided the following permits from the State of Florida Department of Health and Rehabilitative Services:

- 1977 operating permit for six (6) independent mobile homes
- Approved application for mobile home park in 2013 for five (5) mobile homes and (3) Recreational Vehicles (RV).
- Mobile Home Park operating permit in 2014 for five (5) mobile homes and (3) Recreational Vehicles (RV).
- Mobile Home Park operating permit in 2015 for five (5) mobile homes and (3) Recreational Vehicles (RV).
- Mobile Home Park operating permit in 2015 for five (5) mobile homes and (3) Recreational Vehicles (RV) – expiration date 9/30/2016.

The applicant provided State of Florida Department of Business Regulations License for Lodging of four (4) units – expiration date 10/1/1983.

The applicant provided Monroe County Occupational License for “trailer park serv” for five (5) employees – expiration date of 9/30/1987.



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The following questions were presented by the applicant:

What is the number of lawfully established dwelling units associated with the property?

See Dwelling Unit Analysis provided.

What is the character of those lawfully established dwelling units (e.g. residential market rate or transient)?

There are no transient units on the property. See Dwelling Unit Analysis provided.

What is the current allowed density on the property?

Each lot is 7500 square feet. The maximum FAR for each lot is .35.

The allowed use density is up to six dwelling units per acre, or up to 12 dwelling units per acre with TDRs or up to 15 deed restricted affordable housing dwelling units per acre; however, on commercially developed parcels of land, the density requirements for affordable housing provided herein shall not exceed 15 deed restricted affordable housing dwelling units per acre, regardless of any nonresidential floor area or FAR, or market rate residential dwelling units.

If the number of lawfully established dwelling units exceeds the current allowed density, is the historical non-conforming density preserved?

As defined in Village LDRs section 30-732:

Nonconforming use means any use lawfully being made of any land, water or structure (other than a sign) on the effective date of the regulations in this chapter (or of any amendment which renders such use nonconforming), which does not comply with all of the requirements of this chapter as they may be amended. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

Nonconforming structure means any structure (other than a sign) lawfully existing on the effective date of the regulations in this chapter (or of any amendment which renders such structure nonconforming), which does not comply with restrictions on lot area, lot coverage, height, setbacks, location on the lot, or any such requirements of this chapter as they may be amended (other than use regulations).

The Monroe County zoning regulations did not allow for dwelling units without a primary commercial use.

Property 1 and Property 2 have no evidence of existing commercial use, and therefore were not lawful under 1963 or 1986 zoning regulations.

Property 3 had a commercial use and dwelling unit above it allowed by the 1963 and 186 zoning regulations. The current Village LDRs allow for a single-family dwelling unit without commercial use, the building with on market rate (upstairs) and commercial square footage (downstairs) is conforming use of the property. However, a determination by the Building Official must be made as to the conformity of building codes in the existing building.

If the owner obtains affordable allocations for some of the dwelling units on the property and retains some units as market rate units, what is the maximum number of units allowed on the property?

Each lot individually has less density than if the lots were to be unified. Individually each of the lots could accommodate one market rate dwelling unit. Unified, the property can accommodate up to seven (7) deed restricted affordable units.

Dwelling Unit Analysis:

Property 1

Sec 30-473(d) *Criteria*. Criteria for determining the existence of a legally established residential dwelling unit or nonresidential floor area. A dwelling unit or an amount of nonresidential floor area shall be determined to legally exist if the parcel meets at a minimum all of the criteria of either (1) or (2) below:

1. A permit or other official approval was issued by the village or Monroe County for the unit(s) or floor area for residential dwelling units or nonresidential floor area and the unit(s) or floor area was accounted for in the village comprehensive plan building permit allocation system and ROGO [Rate of Growth Ordinance (Monroe County Ordinance 016-1992 as amended)], which shall be proof that the residential units(s) or amount of floor area was in existence and included in the April 1990 Census or was issued a certificate of occupancy subsequent to April 1990.

The Village does not have any building permits for Property 1 for residential or commercial use. There are no official approvals from Monroe County indicating the units were accounted for in Monroe County Ordinance 016-1992 as amended. **Criteria 1 has not been met.**



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2. If a permit or other official approval is not available, for residential dwelling units or nonresidential floor area, the criteria listed below shall be used to establish proof that the residential dwelling unit or nonresidential floor area was legally established:
 - a. The structure in which the unit or nonresidential floor area is located is currently habitable as determined by the building official, or utility invoices/receipts from Florida Keys Electric Cooperative or Florida Keys Aqueduct Authority are provided that clearly indicate by separate meter that the unit or nonresidential building was being served during April 1990, or Monroe County property record card showing the existence of the unit or nonresidential floor area in 1990, or occupational license or other state license for 1990 for a nonresidential use of a property, or insurance policy records for the building for a nonresidential use of a property that clearly delineate the amount of floor area; and

The Monroe County Property Appraisers property record card from 1986 shows one mobile home on Property 1. The property record card in 1990 shows two mobile homes on Property 1.

The applicant provided a copy of a "Declaration of Mobile Home As Real Property" form submitted to the Property Appraisers office dated 3/16/1990 for two mobile homes.

The applicant provided a copy of an FKAA work order to replace water meter servicing "9 units" dated 1/29/1993. Does not provide detail of how many units were serviced by the water meter on Property 1.

The applicant submitted an email from FKEC stating there was a valid FKEC account dating back to 1988 with 10 meters – this has not been verified and does not designate how many meters were serving units on Property 1.

- b. Aerial photograph(s) or signed and sealed survey(s) clearly showing existence of the dwelling unit or nonresidential structure either in 1990, or if not available for 1990 then both prior to and subsequent to 1990; and
 - 1985 aerial shows two mobile homes, and the 1986 property record card states one.
 - 1997 aerial shows one, possibly two mobile homes.
 - 2000 & 2003 aerial shows one clearly visible in the same location as the 1985 aerial. The lot is mostly covered with vegetation obstructing the view of the aerial.
 - 2006 aerial shows possibly three mobile homes on the lot.
 - 2009 aerial shows one clearly, however the aerial photo is obstructed by vegetation.

- 2018 aerial shows three units on the lot.

Aerial photographs show the existence of dwelling units on Property 1. There is clear evidence of two mobile homes prior to 1990 and just after.

- c. A determination by the village that the use could have been legally permitted under the zoning and building codes in effect for the parcel at the time the structure was constructed, or the business was established. This not only refers to the type of use but also to the parameters of the building construction;

The zoning from 1963 through incorporation of the Village did not allow residential use of the property without commercial use as the primary use of the property. There are no records of permitted commercial use of Property 1.

The current zoning allows for residential use; however, it does not allow construction type of mobile homes or recreational vehicles.

3. Additional information shall be required to establish the number of units for mobile homes or recreational vehicles ("RVs") if such units are located in either a mobile home park or RV park; including:
 - a. The number of mobile homes and RVs approved by the State of Florida Department of Health as shown on the approved prospectus or any other documents on file with the State of Florida Department of Health for either the mobile home park or RV park;
 - b. Notwithstanding the number of mobile homes and RVs provided in subsection a., the total units recognized shall not exceed the number of mobile home spaces as shown in chapter 3 of the village comprehensive plan data inventory and analysis; and
 - c. A demolition permit(s) for each mobile that has been removed.

The units are not recognized in the data inventory and analysis of the village comprehensive plan. **Criteria 3 has not been met.**

Property 1 meets the criteria listed in criteria 2 subsections a and b, but not c. The Village does not recognize any legally established dwelling units on Property 1.

Property 2

Sec 30-473(d) *Criteria*. Criteria for determining the existence of a legally established residential dwelling unit or nonresidential floor area. A dwelling unit or an amount of nonresidential floor



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area shall be determined to legally exist if the parcel meets at a minimum all of the criteria of either (1) or (2) below:

1. A permit or other official approval was issued by the village or Monroe County for the unit(s) or floor area for residential dwelling units or nonresidential floor area and the unit(s) or floor area was accounted for in the village comprehensive plan building permit allocation system and ROGO [Rate of Growth Ordinance (Monroe County Ordinance 016-1992 as amended)], which shall be proof that the residential units(s) or amount of floor area was in existence and included in the April 1990 Census or was issued a certificate of occupancy subsequent to April 1990.

The following building permit records were found:

- Permit #4024, dated 1962 for an addition to an existing structure – the file is incomplete and does not include approved plans.
- Permit #1020, not dated, is a site drawing for at 40'x10' concrete slab, the file is incomplete.
- Permit #10051, dated 1965, electrical permit replacing two metered trailer outlets damaged by the storm – incomplete file.

It is unclear from the permit records exactly how many, if any, units were accounted for in the 1990 census. **Criteria 1 has not been met.**

2. If a permit or other official approval is not available, for residential dwelling units or nonresidential floor area, the criteria listed below shall be used to establish proof that the residential dwelling unit or nonresidential floor area was legally established:
 - a. The structure in which the unit or nonresidential floor area is located is currently habitable as determined by the building official, or utility invoices/receipts from Florida Keys Electric Cooperative or Florida Keys Aqueduct Authority are provided that clearly indicate by separate meter that the unit or nonresidential building was being served during April 1990, or Monroe County property record card showing the existence of the unit or nonresidential floor area in 1990, or occupational license or other state license for 1990 for a nonresidential use of a property, or insurance policy records for the building for a nonresidential use of a property that clearly delineate the amount of floor area; and

The Monroe County Property Appraisers property record card from 1961 shows a two-story building on Property 2 indicating a Single-Family Residence (SFR) with three rooms (there were no records of the original building permit to verify the number of rooms).

The property record card from 1966 shows the permitted 9'x26' addition (permit #4024).

The property record card from 1986 shows a two-story building, garage addition, and two mobile homes on Property 2.

The applicant provided a copy of a "Declaration of Mobile Home As Real Property" form submitted to the Property Appraisers office dated 3/16/1990 for four mobile homes.

The applicant provided a copy of an FCAA work order to replace water meter servicing "9 units" dated 1/29/1993. Does not provide detail of how many units were serviced by the water meter on Property 2.

The applicant submitted an email from FKEC stating there was a valid FKEC account dating back to 1988 with 10 meters – this has not been verified and does not designate how many meters were serving units on Property 2.

b. Aerial photograph(s) or signed and sealed survey(s) clearly showing existence of the dwelling unit or nonresidential structure either in 1990, or if not available for 1990 then both prior to and subsequent to 1990; and

- 1975 aerial shows the 1961-1966 building, garage addition, and three mobile homes.
- 1985 aerial shows the building, garage addition, and three mobile homes – the property record card confirms the building, the garage addition and two mobile homes.
- 1997 aerial shows the building, the garage addition and three mobile homes.
- 2000, 2003, 2006, 2009, 2012 aerials show the building, the garage addition, and three mobile homes.
- 2015 aerial shows the building, the garage addition, and four mobile homes and a smaller unit (possibly an RV).
- 2018 aerial shows the building, the garage addition, four mobile homes and an RV.

Aerial photographs show the existence of dwelling units on Property 2. There is clear evidence of one SFR, one garage addition and three mobile homes prior to and just after 1990.

c. A determination by the village that the use could have been legally permitted under the zoning and building codes in effect for the parcel at the time the structure was constructed, or the business was established. This not only refers to the type of use but also to the parameters of the building construction;



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The zoning from 1963 through incorporation of the Village did not allow residential use of the property without commercial use as the primary use of the property. There are no records of permitted commercial use of Property 1.

The current zoning allows for residential use; however, it does not allow construction type of mobile homes or recreational vehicles.

3. Additional information shall be required to establish the number of units for mobile homes or recreational vehicles ("RVs") if such units are located in either a mobile home park or RV park; including:
 - a. The number of mobile homes and RVs approved by the State of Florida Department of Health as shown on the approved prospectus or any other documents on file with the State of Florida Department of Health for either the mobile home park or RV park;
 - b. Notwithstanding the number of mobile homes and RVs provided in subsection a., the total units recognized shall not exceed the number of mobile home spaces as shown in chapter 3 of the village comprehensive plan data inventory and analysis; and
 - c. A demolition permit(s) for each mobile that has been removed.

The units are not recognized in the data inventory and analysis of the village comprehensive plan. **Criteria 3 has not been met.**

Property 2 meets the criteria listed in criteria 2 subsections a and b, but not c. The Village recognizes **one dwelling unit**, although the county regulations did not allow it without commercial use, there is some indication a portion of the garage addition was used in conjunction with the auto shop on Property 3.

Property 3

Sec 30-473(d) *Criteria*. Criteria for determining the existence of a legally established residential dwelling unit or nonresidential floor area. A dwelling unit or an amount of nonresidential floor area shall be determined to legally exist if the parcel meets at a minimum all of the criteria of either (1) or (2) below:

1. A permit or other official approval was issued by the village or Monroe County for the unit(s) or floor area for residential dwelling units or nonresidential floor area and the unit(s) or floor area was accounted for in the village comprehensive plan building permit allocation system and ROGO [Rate of Growth Ordinance (Monroe County Ordinance 016-1992 as amended)], which shall be proof that the residential units(s) or amount of floor area was in existence and included in the April 1990 Census or was issued a certificate of occupancy subsequent to April 1990.

The following building permit records were found:

- Permit #C-233, issued in 1974 permitted a two-story building with a two-bedroom SFR on the top and garage/storage on the ground level.
- Permit #C-1895 issued in 1976 permitted a covered porch on the 2nd floor of the existing building.
- Permit #C-9330, issued in 1981 permitted an addition to the existing ground floor for "Tony's Body Shop" – commercial use.
- Permit #0005131, issued in 2000, permitted a change of copy for commercial use on the lower level for an art gallery.

Criteria 1 has been met. The Village recognizes **one legally established dwelling unit and 3,456 square feet of non-residential floor area** on Property 3.

In summary, the Village recognizes **two (2)** legally established market rate dwelling units and **3,456 square feet** of non-residential floor area.

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 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



ISLAMORADA, VILLAGE OF ISLANDS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

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decision or interpretation of the applicable policies and regulations cannot be made until the applicant submits a complete development application for review.

Pursuant to Section 30-281(a) of the Code of Ordinances: 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 this chapter may appeal such decision or interpretation. The appeal shall be initiated within 30 days of the date of receipt by the aggrieved person of mailed, or posted, or published notice of the administrative decision or interpretation by filing an appeal with the director in a form specified by the planning and development services department for reviewing the application, and shall be accompanied by an application fee that is established by the village council from time to time to defray the actual cost of processing the appeal. Failure to file an appeal within the timeframe specified, and exhaust all administrative remedies provided for in this chapter, shall constitute a waiver of all rights to appeal any interpretation or determination made by the village.

If you require additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jamie Terry".

Jamie Terry
Planning & Zoning Technician
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6426
E-mail: jamie.terry@islamorada.fl.us

**APPEAL TO THE GOVERNING COUNCIL OF ISLAMORADA, VILLAGE OF
ISLANDS, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**

**APPELANTS: Gino Bologna &
Piera Bologna**

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STATEMENT OF APPEAL AND INITIAL BRIEF

This appeal arises out of a pre-application letter submitted on June 7, 2024 (“LOU”) issued by Ms. Jamie Terry - Planning & Zoning Technician following a pre-application conference held on January 3, 2024. For the reasons explained more fully below, such LOU makes an incorrect dwelling unit determination on the following properties:

- Parcel # 00403630-000000, Lot 13 located on Upper Matecumbe Key, FL (“Property 1”).
- Parcel # 00403640-000000, Lot 14, located on Upper Matecumbe Key, FL (“Property 2”).
- Parcel # 00403650-000000, Lot 15, located on Upper Matecumbe Key, FL (“Property 3”).

A. The Elements of the Village Islamorada Code Sec. 30-473 (d) (2)(a) and (b) have been met

First, it is noted that Sec 30-473 (b)1 provides as follows:

Type of residential development not affected.

1. Redevelopment or rehabilitation which replaces, but which does not increase the number of legally established residential dwelling units above

the number existing **on the site** prior to redevelopment or rehabilitation as determined pursuant to the criteria contained in subsection (d) below.

In this instance, the **site** consists, collectively, of Lots 13 and 14 of Ocean View and should be analyzed as such. Anna M. Howell, the former owner/operator of Howells Trailer Park operated both of such lots as Howells Trailer Park, and we have demonstrated, unequivocally, Howells was licensed to operate as such by the Department of Health and Rehabilitative Services (“Dept. of Health”) as early as 1977 (copy enclosed). That license also reveals that the park was authorized to have six (6) mobile homes on the site. We also know that the six (6) mobile home units are separate from the four (4) apartments being operated in the structure located on Lot 14 as the operation of those units had to be and were licensed by the State of Florida, Department of Business and Professional Regulation, Division of Hotels and Restaurants (“DPBR”). A copy of the license issued for the apartment units dated 10/01/1983 is also enclosed¹. Thus, the evidence is clear at that the time the current owner purchased the site, there were 10 units on the **site** (Lots 13 and 14): six (6) mobile homes and four (4) apartments, and these units were undeniably established no later than 1983². This is confirmed by the billing records research provided by the Florida Keys Electric Cooperative (copy enclosed) which revealed there has been a total of ten (10) individual electric meters in service at the above site since at least 1988, the year the current owner purchased the property³.

Although the LOU states “there is clear evidence of two (2) mobile homes on Lot 13 prior to 1990 (pg. 6 of 11), we respectfully submit the provided property card and other documents clearly reflect three (3) mobile homes existed on that

¹ The subdivision of the building into multiple smaller dwelling units did not require any “allocations” or “development rights” since it pre-dated the establishment of ROGO and was an allowable use in the zoning district as an accessory use to the commercial operation, Howells Junction.

² This is not to say the units were not licensed prior to this date; however, records related to this period are not available. The enclosed record was in possession of the current owner.

³ As noted above, Property 3 was not acquired until 1999, and the Florida Keys Electric Co-Op has confirmed that property is separately metered. A copy of the confirming e-mail is enclosed.

site prior to 1990. The 1990 property card for Lot 13 (copy enclosed) reflects there were three (3) “buildings” on the property (the data sheet for building 1 of 3 was not provided by the property appraiser’s office and is not otherwise available). Additionally, the 1985 aerial photograph (copy enclosed) reveals there were three (3) mobile homes on Property 1 in 1985.

With respect to Property 2, which is also part of the Howells Trailer Park, as noted in the LOU (p. 8 of 11), “[t]here is clear evidence of one SFR, one garage addition and 3 mobile homes prior to and just after 1990”.

In short, the property cards taken for the 1990 tax roll confirm the existence of three (3) mobile homes on Property 1 as do the aerial photographs. Additionally, the aerial photographs of Property 2 taken in 1975, 1985 and post 1990 (1997) confirm the building, garage and three (3) mobile homes existed on Property 2 as early as 1975. This evidence is corroborated by the total units set forth in the licenses issued to Howells Junction by the Department of Health (six (6) mobile homes), and DBPR (license for the operation of four (4) apartments). These conclusions are further substantiated by the billing data provided by the Florida Keys Electric Co-Operative which stated there were ten (10) separately metered electric connections as early as 1988 (the year the current owner purchased the property).

Clearly, the elements of Sec 30-473 (d) (2)(a) and (b) have been met.

B. The Operations Held At The Site Were Allowed Under Both The 1963 1986 Zoning In Compliance With The Village Islamorada Code Sec. 30-473(d)(2)(c)

With respect to Sec 30-473(d)(2)(c), such section requires a determination by the Village that the use could have been permitted under the zoning and building codes in effect at the time the structure was constructed or the business established. Per the LOU, the zoning history for the site is as follows:

1963 Zoning: BU-2 (Medium Business District) Commercial use as a primary use – living quarters for watchmen and caretakers only permitted as an accessory use. Prohibited any residential use.

1986 Zoning: SC (Sub Urban Commercial District) Commercial uses as a primary use – apartments involving less than six dwelling units in conjunction with a permitted commercial use.

As noted earlier, the evidence provided included a 1977 license to operate Howells Junction, a trailer park, issued by the Florida Dept. of Health, and a Monroe County occupational license issued in 1983 for the operation of Howells Junction. The Monroe County license reflects *the business* employed some 5 persons (see enclosed copy). Accordingly, it is clear the **site** and both parcels which make up the **site** were used for a commercial purpose: the operation of Howells Junction, a trailer park licensed by the State of Florida. This commercial operation was an allowable commercial use under both the 1963 zoning and the 1986 zoning. Likewise, because the parcels were both used for a commercial purpose, the apartments licensed by the State of Florida were also an allowable use under both the 1963 zoning and the 1986 zoning.

C. The Village Islamorada Code Sec. 30-473 (d) (3) Does Not Apply To The Instant Case

The requirements of subsection (3) do not apply to the applicant. Specifically, subsection (3) provides in pertinent part:

(3) Additional information shall be required to establish the number of units for mobile homes or recreational vehicles ("RVs") *if such units are located in either a mobile home park or RV park*; including:

- a. The number of mobile homes and RVs approved by the State of Florida Department of Health as shown on the approved prospectus or any other documents on file with the State of Florida Department of Health for either the mobile home park or RV park;
- b. Notwithstanding the number of mobile homes and RVs provided in subsection a., the total units recognized shall not exceed the number of mobile home spaces as shown in chapter 3 of the village comprehensive plan data inventory and analysis; and
- c. A demolition permit(s) for each mobile home that has been removed.

In 1990, Howells Junction apparently did not have a current license to operate as a mobile home or RV park which is precisely why it was not recognized in the inventory of mobile home spaces as contained in chapter 3 of the Village Comprehensive Plan. Furthermore, since it was not licensed as such for that year, the provision has no application since it's apparent that requirement only related to then licensed mobile home and RV parks.

This does not change the outcome, however, since all of the mobile homes were and/or "could have been permitted under the zoning and building codes in effect for the parcel at the time ***the structure was constructed or the business established***". Sec. 30-473 (d)(2)(c). As demonstrated by all of the above, there is no doubt the operation of Howells Junction, which consisted of both Property 1 and Property 2, was a lawful and permissible use under the applicable zoning when the mobile homes and structure were constructed and the business (Howells Junction) was established and had existed there for many years prior to 1990.

D. The Village Of Islamorada Is Estopped From Pursuing With The Determinations Contained In The LOU

In addition to the foregoing, the Village is estopped from taking enforcement action against the Appellant and/or acknowledging the long established development on the site. The elements of estoppel are: (1) the party against whom estoppel is sought must have made a representation about a material fact that is contrary to a position it later asserts; (2) the party claiming estoppel must have relied on that representation; and (3) the party seeking estoppel must have changed his position to his detriment based on the representation and his reliance on it. *Lewis v. Dep't of Health & Rehab. Servs.*, 659 So.2d 1255, 1256–57 (Fla. 4th DCA 1995).

As stated in *Castro v. Miami-Dade County Code Enforcement*:

Stripped of the legal jargon which lawyers and judges
have obfuscated it with, the theory of estoppel amounts

to nothing more than an application of the rules of fair play. One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances or commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds....

Castro v. Miami-Dade Cnty. Code Enforcement, 967 So. 2d 230, 234 (Fla. 3rd DCA 2007), quoting *Coral Springs St. Sys.*, 371 F.3d at 1334-35 (quoting *Imperial Homes*, 309 So.2d at 573)(applying Florida law); *Equity Res.*, 643 So.2d at 1119-20 (quoting *Imperial Homes*, 309 So.2d at 573).

In this instance, the rules of fair play mandate the Village recognize the lawfully established development rights of the Appellant since it lulled the Appellants into believing the development on the property was lawful through its conduct, specifically, on August 30, 2018, the building official specifically approved a site plan for the property. Such site plan, which is attached for your reference, explicitly designates (seven) 7 trailers and a separate apartment building as part of the approved layout. In reliance on that approval from the Village, the Appellants spent significant funds of money to add the required wastewater connections to the Village wastewater system; money it would never have expended has it known the Village would later claim the units serviced by the wastewater connections were not lawful and had to be removed. Additionally, the Wastewater Utility Department has historically collectively 17.21 EDUs for all three (3) properties and has assessed (and continues to assess) over \$177,000.00 based upon occupancy.

By refusing to recognize the historical development rights associated with the subject site, the Village is trying to do precisely what the Third District said it was prohibited from doing in the *Castro* decision: it invited the Appellants onto the welcome mat by demanding and approving the Appellants connect to the Village wastewater system, only to now try and snatch the mat away after the

Appellants expended significant funds complying with the Village's prior mandate.

CONCLUSION

Based upon the foregoing, we respectfully request the LOU be reversed to allow for the following:

- (1) Property 1 (Lot 13): three (3) legally established market rate residential dwelling units;
- (2) Property 2 (Lot 14): seven (7) legally established market rate residential dwelling units (four (4) apartments and three (3) mobile homes); and
- (3) Property 3: two (2) legally established market rate dwelling units on and 3456 square feet of non-residential floor area

Dated: July 8, 2024

Respectfully Submitted,

Hershoff, Lupino & Yagel, LLP

90130 Old Highway

Tavernier, FL 33070

(305) 852-8440 B

By: /s/ Joanne Marie Pereira

JOANNE M. PEREIRA, ESQ

Florida Bar No. 1015381

RUSSELL A. YAGEL

Florida Bar No. 727090



State of Florida
Department of Health and Rehabilitative Services

TALLAHASSEE, FLORIDA

OPERATING PERMIT

County: **Monroe**
Permit No. **44-90-77**

This certifies that **Trailer Park**

Name **Howells Jct.**
Address of Location **M.M. 83, Islamorada, Fl. 33036**
Owner or Operator **Charles & Anna M. Howells**
Address **P.O. Box 451, Islamorada, Fl. 33036**
STREET AND NO. P.O. BOX OR ROUTE

has been inspected by the undersigned, a duly authorized representative of the Department of Health and Rehabilitative Services and found to conform to the Health Laws and Regulations promulgated under authority of Chapters 381 and 513, Florida Statutes, where applicable.

This permit grants authority to operate the establishment as long as the Health Laws and Regulations of the Department of Health and Rehabilitative Services are observed. This permit is revokable at any time by any authorized representative of this Department for failure to properly operate the same.

6-Independent Mobile Homes

Approval shall be obtained from the County Health Department and Dept. of Health & Rehabilitative Services prior to any increase in number of spaces or other extensions or alterations of this trailer park. (Ref: 513.05 FS and 10D-26.33 F.A.C.)

Granted this **4th** day of **November** 19 **77**.

Monroe County Health Department

per

Mae P. Bottineau
District Administrator

THIS PERMIT IS NOT TRANSFERABLE AND IT MUST BE DISPLAYED CONSPICUOUSLY.

DBR 203003294

STATE OF FLORIDA DEPARTMENT OF BUSINESS REGULATION
DIVISION OF HOTELS AND RESTAURANTS TALLAHASSEE, FLORIDA 32301

LICENSE

ISSUED
TO

HOWELLS CHARLES & ANNA M
HOWELLS JCT
ISLAMORADA OVERSEAS HWY
FL 33036

MAILED
TO

CHARLES & ANNA M HOWELLS
PO BOX 451
ISLAMORADA FL 33036

DISPLAY IN A CONSPICUOUS PLACE
THIS LICENSE IS NOT TRANSFERABLE FROM PLACE OR INDIVIDUAL TO ANOTHER



LICENSE NUMBER

54 00102H

LODGING	
CLASS	UNITS
APT	4

FOOD SERVICE	
SEATS	SERVICES

HEP FEE \$ 3.00
LICENSE FEE \$ 30.00
LATE RENEWAL \$.00

TOTAL FEE PAID \$ 33.00

EXPIRATION DATE 10/01/83

Sherman S. Winn
Sherman S. Winn, Director

AUDIT CONTROL NO 23654



013776

471-147-07

NUMBER OF EMPLOYEES: 5
ENTER CURRENT NBR OF EMPLOYEES HERE: -----

COUNTY OCCUPATIONAL LICENSE 1986-1987
MONROE COUNTY-STATE OF FLORIDA
THIS LICENSE EXPIRES SEPTEMBER 30, 1987

TAX 22.00
COST AND PENALTY
TRANSFER FEE
TOTAL DUE 22.00

MAKE
CHECKS
PAYABLE
TO

STATE CERTIFICATE NUMBER
HARRY F. KNIGHT
TAX COLLECTOR 294-8403
P.O. BOX 1129
KEY WEST, FL 33041-1129

LICENSEE:
HOWELLS JCT
HOWELLS CHARLES & ANNA M
BOX 451
ISLAMORADA, FL 33036

PLEASE SEE BACK OF FORM

LOCATION: US #1 MM 83

THE ABOVE LICENSEE IS HEREBY LICENSED TO ENGAGE IN THE BUSINESS
PROFESSION OR OCCUPATION OF :
TRAILER PARK SERV

HFK/gkb

ACCOUNT NUMBER IS 02441

PAIDHARRY F. KNIGHT***

22.00 CK 09/03/86 19*0C*06*000000*016609

THIS LICENSE MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

From: [Veronica Ornelas](#)
To: [Vicky Velunza](#)
Subject: Billing Records Research
Date: Tuesday, August 11, 2020 12:33:50 PM
Attachments: [image001.jpg](#)

**Re: FKEC Billing Records Research Request
82929 Overseas Hwy (Ocean View B1L14)**

Good afternoon,

Please find this email as verification that our billing records indicate there is a total of ten (10) individual electric meters in service at the above referenced location dating back 1988.

Feel free to contact me if you need any additional assistance.

Sincerely,

Veronica Ornelas

Member Service Representative

Florida Keys Electric Cooperative Assoc., Inc.
P.O. Box 377
Tavernier FL 33070
305.852.2431 x 216
www.fkec.com



$$\begin{array}{r} \text{FLA} \\ \hline 32 \end{array}$$
[illegible]

BUILDING REFINEMENTS					
Roof Type 1 Flat or Shed 2 Gable or Hip 3 Mansard 4 Irregular - Custom 5 Reinforced Concrete 6 Prestress Concrete 7 Steel Truss	0 1	Heating Type/Method 1 None 2 Wall Heaters 3 Floor Furnace 4 Convection 5 Forced Air Non-Ducted 6 Forced Air Ducted 7 Electric Radiant 8 Hot Water/Steam	0 1	Foundation 1 Wood Piers 2 Concrete Pads - Wood 3 Concrete Block 4 Concrete Slab 5 Continuous Conc. Footer 6 Conc. Pilings - Auger Holes	3
Roof Cover 1 Asphalt/Composition Rolled 2 Metal 3 Asphalt/Composition Shingle 4 Tar & Gravel 5 Wood Shingle 6 Concrete/Clay Tile 7 Minimum	0 2	Heating Fuel/Source 1 Electric 2 Gas 3 Oil 4 None 5 Solar	0 1	Number of Fireplaces 0 2	
Number of Bedrooms	0 1	Interior Flooring 1 Plywood - Press Board 2 Softwood - Hardwood 3 Concrete Slab 4 Concrete Above Grade 5 Terrazzo 6 Ceramic or Clay Tile 7 Marble		Interior Wall/Ceiling 1 Masonary - Minimum 2 Wall Board 3 Dry Wall 4 Plastered 5 Plywood Panel 6 Wood or Custom	
Baths:		4 Fixtures	1	3 Fixtures	1
Built-Ins ("Y" if Yes)		Range/Ovsn Dishwasher	Garbage Disposl Intercom	Compactor Vacuum System	Security

12	<u>FLA</u>	39	12
		39	

[illegible]Page 97 of 436



From: [Member Service](#)
To: [Theresa Davis](#)
Cc: [Veronica Ornelas](#)
Subject: FKEC - Property records request 82935 Overseas Highway
Date: Monday, June 24, 2024 11:19:08 AM
Attachments: [image003.png](#)

Hi Theresa,

I can confirm that there is a singular separate meter located on the property at 82935 Overseas Highway, Islamorada FL.

If you require more information, we can access our archived records as we clear our software system every couple of years.

Sincerely,

Alie Garcia

Member Service Representative

Florida Keys Electric Cooperative Assoc., Inc.

P.O. Box 377

Tavernier, FL 33070

(305) 852-2431 ext. 217

(305) 433-9316 Direct

(305) 853-8381 Fax

www.fkec.com



From: Theresa Davis <tdavis@hlylaw.com>
Sent: Monday, June 24, 2024 10:11 AM
To: Alie Garcia <alie.garcia@fkec.com>
Subject: [External]82935 Overseas Highway

You don't often get email from tdavis@hlylaw.com. [Learn why this is important](#)

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.

Good morning Alie,

I left you a voicemail about this request as well.

We would like to make a public records request as follows:

We need something in writing from FKEC confirming the property at 82935 Overseas Highway, Islamorada, FL is on a separate account or has separate meters from 82929 Overseas Hwy and further we would like to know how many separate meters there are for the 82935 property?

Please let me know if you need anything else.

Thank you.

Theresa L. Davis

Legal Assistant to
Russell A. Yagel, Esq.



Attorneys at Law
88539 Overseas Highway
Tavernier, FL 33070
(305) 852-8440
tdavis@hlylaw.com

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Russell A. Yagel, Esq.

ryagel@hlylaw.com

Hershoff, Lupino & Yagel, LLP

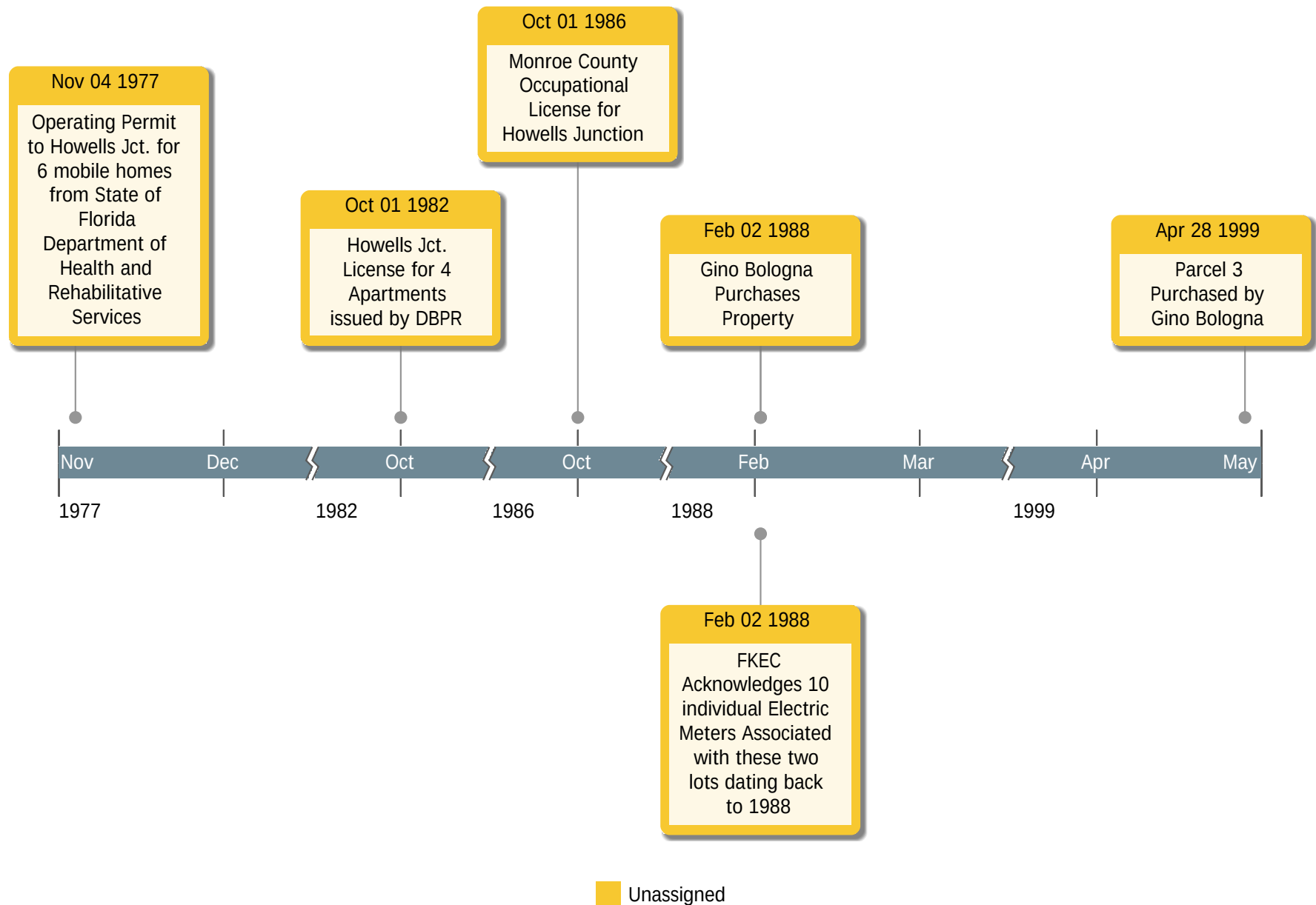
88539 Overseas Highway

Tavernier, Fl. 33070

Phone: 305-852-8440

Fax: 305-852-8848

Untitled



PROPERTY OWNER / ADDRESS:
BOLOGNA GINO S AND PIERA
PO BOX 451
ISLAMORADA, FL 33036

PROJECT LOCATION:
82929 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

RE# - 00403640-000000
ALTERNATE KEY - 1495956

LEGAL DESCRIPTION:
OCEAN VIEW UPPER MATECUMBE LOT 14 SQR 1,
ACCORDING TO THE PLAT THEREOF RECORDED
IN PLAT BOOK 1, PAGE 193, AS RECORDED IN THE
PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

FLOOD ZONE CRITERIA:
FLOOD ZONE - AE
BASE FLOOD ELEVATION - 10.0 (NGVD 29)

SCOPE OF WORK:
1. CENTRAL SEWER TIE IN CONNECTION

LOCATION OF PUBLIC WATER SYSTEM MAINS
IN ACCORDANCE WITH F.A.C. RULE 62-555.31

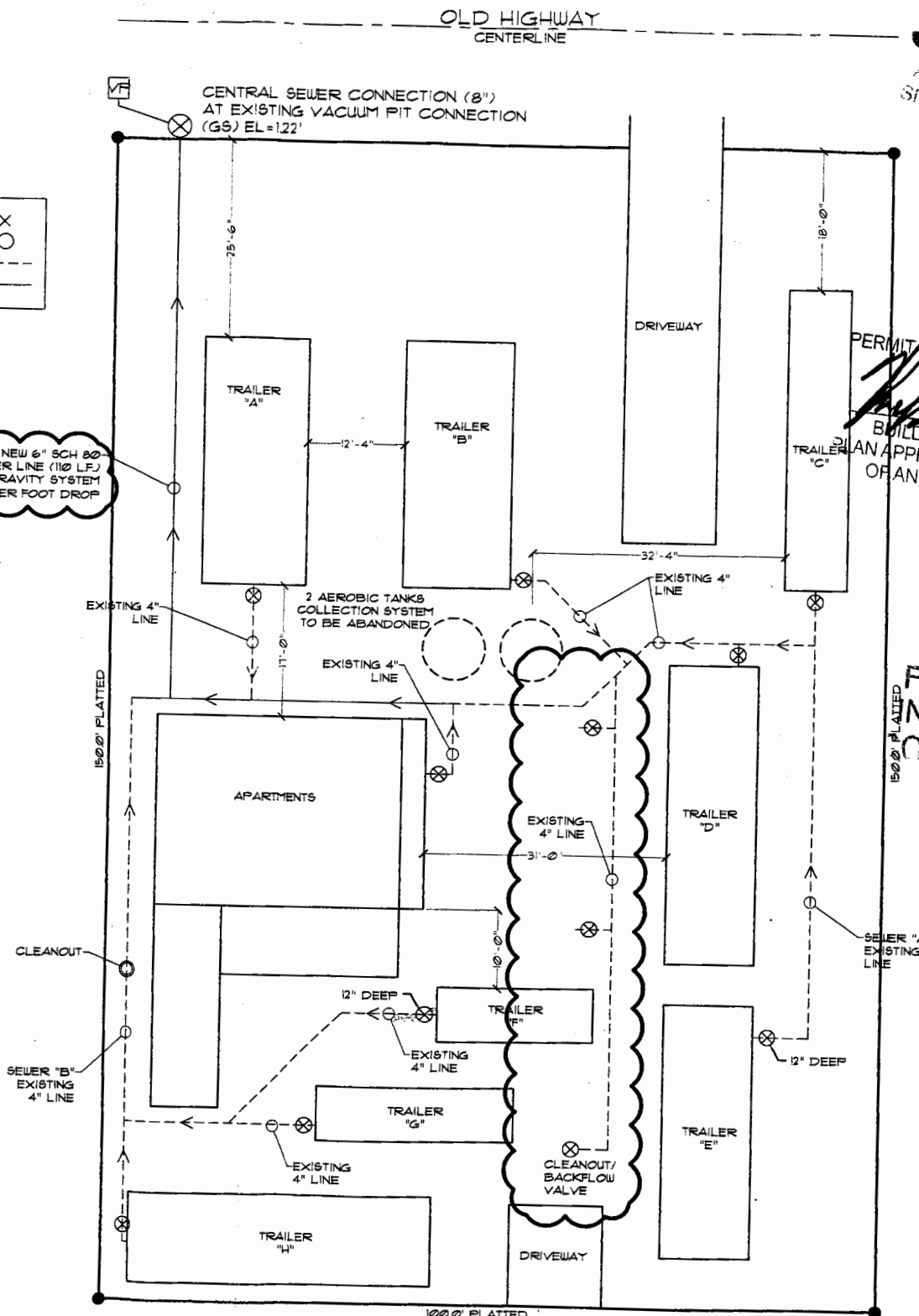
OTHER PIPE	HORIZONTAL SEPARATION	CROSSING (1)	JOINT SPACING @ CROSSING (FULL JOINT CENTERED)
STORM SEWER, STORMWATER FORCE MAIN, RECLAIMED WATER (2)	WATER MAIN 12" MIN.	WATER MAIN 12" IS THE MIN. EXCEPT FOR STORM SEWER, THEN 6" IS MIN. 12" IS PREFERRED	WATER MAIN 3" MIN.
VACUUM SANITARY SEWER	WATER MAIN 12" PREFERRED 6" MIN.	WATER MAIN 12" PREFERRED 6" MIN.	WATER MAIN 3" MIN.
GRAVITY OR PRESSURE SANITARY SEWER, SANITARY SEWER FORCE MAIN, RECLAIMED WATER (4)	WATER MAIN 12" PREFERRED 6" MIN. (5)	WATER MAIN 12" IS THE MIN. EXCEPT FOR GRAVITY SEWER, THEN 6" IS MIN. 12" IS PREFERRED	WATER MAIN 3" MIN.
ON-SITE SEWAGE TREATMENT & DISPOSAL SYSTEM	10" MIN.		

NOTES:
1. WATER MAIN SHOULD CROSS ABOVE OTHER PIPE WHEN MAIN MUST BE BELOW OTHER PIPE, THE MIN SEPARATION IS 12".
2. RECLAIMED WATER REGULATED UNDER PART II OF CHAPTER 62-610 F.A.C.
3. THREE FEET FOR GRAVITY SANITARY SEWER WHERE THE BOTTOM OF THE WATER MAIN IS LAID AT LEAST 6" ABOVE THE TOP
OF GRAVITY SEWER LINE.
4. RECLAIMED WATER NOT REGULATED UNDER PART III OF CHAPTER 62-610 F.A.C.
5. ADDITIONAL INFORMATION UNDER PARAGRAPH 3g OF 62-604.600 F.A.C.

LEGEND:

BACKFLOW VALVE: X
CLEANOUT: O
EXISTING 4" SEWER LINE: ---
NEW 6"/8" SEWER LINE: —

NEW 6" SCH 80
SEWER LINE (110 LF)
GRAVITY SYSTEM
• 1/8" PER FOOT DROP



SITE PLAN

SCALE @ 1" = 20'-0"

JOB COPY

APPROVED PLANS TO BE AT JOB
SITE FOR REQUIRED INSPECTIONS.

APPROVED

PERMIT NO. 1801801691
DATE 10/30/18
BUILDING OFFICIAL
PLAN APPROVAL DOES NOT AUTHORIZE VIOLATION
OF ANY TECHNICAL CODES, LOCAL, STATE,
OR FEDERAL LAWS

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

KEYS ENGINEERING
DARYLE L. OSBORN
P.E. NO. FL 71428

9100 SUITE 11 OVERSEAS HIGHWAY
TAVENNER, FLORIDA 33070 - PH. (305) 852-0262

DATE	REVISION	NO.	AS SHOWN	SCALE
5/10/2016	READY FOR PERMITTING	0	5/10/2016	DATE:
10/20/2016	REVISION 1	1	A.S.	DWG BY:
11/19/2016	REVISION 2	2	J.A.	REVISOR:
10/22/2018	REVISION 3	3		BIDS DATE:
				ACAD FILE:

TITLE: SITE PLAN
PROJECT: BOLOGNA RESIDENCE
82929 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

DRAWING No.:
C-1
PROJECT No.:
D-16-108

10/24/18



PROPERTY OWNER / ADDRESS:
BOLOGNA GINO S AND PIERA
PO BOX 451
ISLAMORADA, FL. 33036

PROJECT LOCATION:
82929 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

RE# - 00403640-000000
ALTERNATE KEY - 1495956

LEGAL DESCRIPTION:
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FLOOD ZONE - AE
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SCOPE OF WORK:
1. CENTRAL SEWER TIE IN CONNECTION

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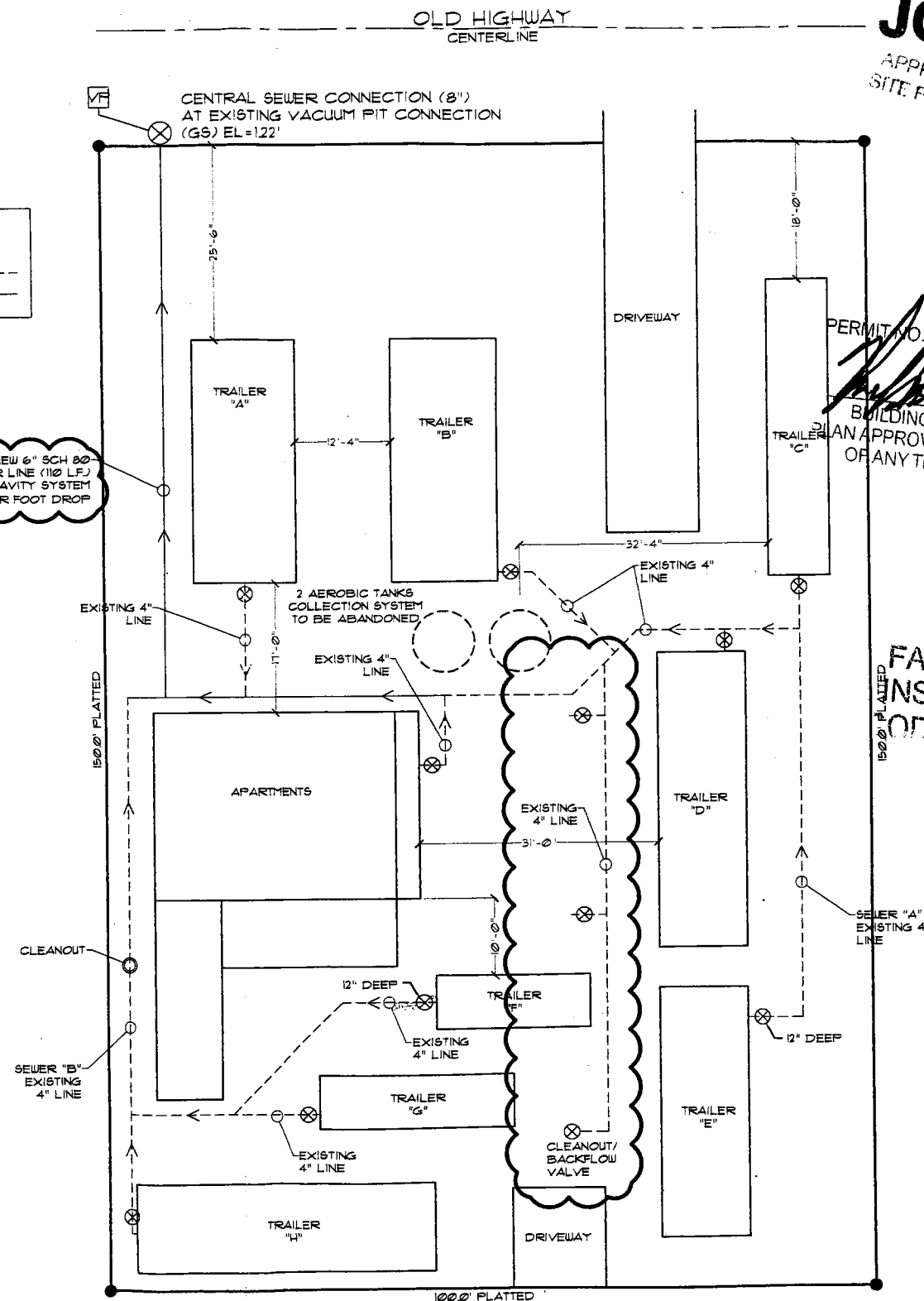
OTHER PIPE	HORIZONTAL SEPARATION	CROSSING (1)	JOINT SPACING @ CROSSING (FULL JOINT CENTERED)
STORM SEWER, STORMWATER FORCE MAIN, RECLAIMED WATER (2)	WATER MAIN 12" MIN.	WATER MAIN 12" IS THE MIN EXCEPT FOR STORM SEWER, THEN 6" IS MIN. 12" IS PREFERRED	WATER MAIN 5' MIN.
VACUUM SANITARY SEWER	WATER MAIN 12" PREFERRED 5' MIN.	WATER MAIN 12" PREFERRED 5' MIN.	WATER MAIN 5' MIN.
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LEGEND:

BACKFLOW VALVE: X
CLEANOUT: O
EXISTING 4" SEWER LINE: ---
NEW 6" 8" SEWER LINE: —

NEW 6" SCH 80
SEWER LINE (110 LF.)
GRAVITY SYSTEM
• 1/4" PER FOOT DROP



SITE PLAN

SCALE @ 1" = 20'-0"

US-1 OVERSEAS HIGHWAY
CENTERLINE

JOB COPY

APPROVED PLANS TO BE AT JOB
SITE FOR REQUIRED INSPECTIONS.

APPROVED
PERMIT NO. 1801801691
DATE 10/27/18
BUILDING OFFICIAL
AN APPROVAL DOES NOT AUTHORIZE VIOLATION
OF ANY TECHNICAL CODES, LOCAL, STATE,
OR FEDERAL LAWS

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

KEYS ENGINEERING
DARYLE L. OSBORN
P.E. No. FL 21428

3100 SUITE 11 OVERSEAS HIGHWAY
TAVERNER, FLORIDA 33070 - FL (305) 852-0262

DATE	REVISION	NO.	AS SHOWN	SCALE:
5/19/2016	READY FOR PERMITTING	0	5/10/2016	DATE:
10/20/2016	REVISION 1	1	A.S.	DWG BY:
12/13/2016	REVISION 2	2	J.A.	REVISED:
10/22/2018	REVISION 3	3		BDS DATE:
				ACAD FILE:

TITLE: SITE PLAN
PROJECT: BOLOGNA RESIDENCE
82929 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

DRAWING No:
C-1
PROJECT No:
D-16-108

From: [Veronica Ornelas](#)
To: [Vicky Velunza](#)
Subject: Billing Records Research
Date: Tuesday, August 11, 2020 12:33:50 PM
Attachments: [image001.jpg](#)

**Re: FKEC Billing Records Research Request
82929 Overseas Hwy (Ocean View B1L14)**

Good afternoon,

Please find this email as verification that our billing records indicate there is a total of ten (10) individual electric meters in service at the above referenced location dating back 1988.

Feel free to contact me if you need any additional assistance.

Sincerely,

Veronica Ornelas

Member Service Representative

Florida Keys Electric Cooperative Assoc., Inc.
P.O. Box 377
Tavernier FL 33070
305.852.2431 x 216
www.fkec.com



From: [Veronica Ornelas](#)
To: [Vicky Velunza](#)
Subject: Billing Records Research
Date: Tuesday, August 11, 2020 12:33:50 PM
Attachments: [image001.jpg](#)

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Sincerely,

Veronica Ornelas

Member Service Representative

Florida Keys Electric Cooperative Assoc., Inc.
P.O. Box 377
Tavernier FL 33070
305.852.2431 x 216
www.fkec.com



524920

REC 1040 PAGE 2477

This instrument was prepared by:

600
825.00

ANDREW M. TOBIN
Attorney at Law
P.O. Box 620
TAVERNIER, FLORIDA 33070

Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 3rd day of February 19 88, Between
ANNA M. HOWELLS, an unmarried widow,
of the County of Monroe, State of Florida, grantor*, and
GINO S. BOLOGNA,
whose post office address is P.O. Box 46, Islamorada, Florida 33036
of the County of Monroe, State of Florida, grantee*,
Witnesseth, That said grantor, for and in consideration of the sum of Ten and no/100 Dollars-----
----- (\$10.00) ----- Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following
described land, situate, lying and being in Monroe County, Florida, to-wit:

Lots 13 and 14, Block 1, OCEAN VIEW, a subdivision of Upper
Matecumbe, Florida, the same being part of Lots 2 and 3, in
Section 28, Township 63 South, Range 37 East, according to
the Plat thereof, as recorded in Plat Book 1, at Page 193,
of the Public Records of Monroe County, Florida.

Subject to taxes for the current and subsequent years,
easements for public utilities, restrictions of record, if
any, and a purchase money first mortgage.

825.00 2-8-88
DANNY L. BOGARDY, Clerk
By *India Madala*

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

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

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Marlene S. Weeks
Witness
[Signature]
Witness

Anna M. Howells
ANNA M. HOWELLS (Seal)

STATE OF Florida
COUNTY OF Monroe

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared:

Anna M. Howells

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that
she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of February,
19 88.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 5, 1991
BONDED THRU GENERAL INS. UND.

Recorded in Official Records Book
in the County of Monroe
Florida
DANNY L. BOGARDY
Notary Public

Marlene S. Weeks
Notary Public
(SEAL)

[Search for Permits](#)**Search:**

bologna

GO!

Begin typing a permit number, address, Parcel number or name/address of a contact on the permit and we will search existing permits. If the item you are searching for appears, please select it from the list.

[Permit Applications](#)**Permit Number:** PRBLD202300817**Permit Type:** BUILDING**Status:** Issued**Locations:** 82929 OVERSEAS HWY
00403640-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: PRBLD202300562**Permit Type:** BUILDING**Status:** Returned for Correction**Locations:** 82929 OVERSEAS HWY
00403640-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: PRELT201801796**Permit Type:** ELECTRICAL**Status:** Closed**Locations:** 82929 OVERSEAS HWY
00403640-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: PRPLB201801691**Permit Type:** PLUMBING**Status:** Closed**Locations:** 82929 OVERSEAS HWY
00403640-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: PRELT201701676**Permit Type:** ELECTRICAL**Status:** Closed**Locations:** 82929 OVERSEAS HWY
00403640-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: PRSCP201601591**Permit Type:** SEWER CONNECTION**Status:** Closed**Locations:** 82929 OLD HWY
00403640-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: PRSCP201601587**Permit Type:** SEWER CONNECTION**Status:** Closed**Locations:** 82935 OVERSEAS HWY
00403650-000000

Permit Status

Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: ERE200800504
Permit Type: ELECTRICAL RESIDENTIAL
Status: Closed
Locations: 82929 OVERSEAS HWY
00403640-000000

Permit Status
Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: INR200800387
Permit Type: INTERIOR & EXTERIOR RENOVATION/RES
Status: Closed
Locations: 82929 OVERSEAS HWY
00403640-000000

Permit Status
Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

Permit Number: BRE200800329
Permit Type: BUILDING RESIDENTIAL
Status: Cancelled
Locations: 82929 OVERSEAS HWY
00403640-000000

Permit Status
Inspections can only be requested online for this permit application by contacts who are on the application. Please sign in if you are a contact on the application and want to request an inspection.

#003263

INITIATED BY _____

FKAA WORK ORDER

28408

WORK ORDER NO.

DP 01 06 93
ORIG. MO DAY YR

DATE TO WORK _____

WORK DESCRIPTION

ACCOUNT 03263 30

AREA 04

BOOK 066-4

PAGE 0465

9
NO. UNITS

GINO BOLOGNA/DBA/HOWELLS JCT

NAME L13414 B1 TRAILER PK MM82.9 O/S

LOT BLK SUB-DIVISION
OCEANVIEW, ISLAMORADA

STREET APT

CITY/KEY

MOVED TO OLD ROAD

LOCATION CODE

- ☐ New Installation
☐ Turn-On
☐ Unhook Mtr
☐ Drop-In
☐ Tap No
☐ Read Mtr
☐ Reconnect Mtr
☐ Transfer to

DELIVERED JAN 29 1993

- ☐ Turn-Off
☐ Refund Deposit
☐ Turn-Off
☐ Read-Active
☐ Lock Mtr
☐ Remove Mtr
☐ Read Only

- ☐ Correct Tap-Off
☐ Water Used Not Disposed
☐ Tap-Off
☐ Turn-Off
☐ Deling Turn-On
☐ Meter Test - Random
☐ Meter Test - Field

DC

- ☐ Install Master Meter
☐ Change Tap Master Meter
☐ Repair Master Meter
☐ Repair Service Meter
☐ Other

- ☐ Change Service Meter
☐ Service Relocation
☐ Replace Meter Box
☐ Replace Meter Lid

- ☐ Reconnect Customer Master Meter
☐ Remove Customer Master Meter
☐ Change Customer Master Meter
☐ Meter Test - Random
☐ Meter Test - Field

METER DATA

Removed Meter

Maker: RK Size: 5/8" Type: SR

Reading: 185316 Meter No.: 348200510
Customer Master Meter Pointer: NONE

Installed Meter

Maker: XARK Size: 5/8" Type: SR

Reading: 957756 Meter No.: 33962848-9

NEW INSTALLATION

- ☐ Locate Meter Left Side ☐ Right Side ☐ Where Staked
☐ Septic Tank Located Left Side ☐ Right Side ☐ Other

CONSUMPTION DATA

Date _____ Reading _____ Consumption _____
Final Bill Date _____ Final Bill Reading _____

- ☐ Line Installation ☐ Hydrant Installation ☐ Distribution Line Reading
☐ Line Repair ☐ Hydrant Repair ☐ Special Inspection ☐ Service Line Repair

LEAK INVESTIGATION HISTORY

Pipe Size: _____ Pipe Type: ☐ PVC ☐ CI ☐ AC ☐ Galv ☐ Copp ☐ TT ☐ DI ☐ Steel
Break Type: ☐ Hole ☐ Vertical Crack ☐ Lateral Crack

MAINTENANCE

- ☐ Transmission ☐ Distribution Code: _____
☐ Preventative ☐ Daily ☐ Weekly ☐ Monthly ☐ Semi-Annual ☐ Annual
☐ Unscheduled

- ☐ Leak Survey ☐ Locate Pipe ☐ Street Patch ☐ Sidewalk Patch ☐ Trouble Call ☐ Other

Work Description _____

PROCESSING

REMARKS ROUTINE METER CHANGE PS

WORK ASSIGNMENT SUMMARY

ASSIGNED TO: _____
☐ Locked ☐ Sealed
 L 27 93
 MO DAY YEAR
 DATE COMPLETED



Monroe County Health Department
102050 Overseas Hwy Key Largo, FL 33037

PAYING ON: PERMIT #: 44-54-1459064 BILL DOC #: 44-BID-3251660

RECEIVED FROM: Gino S Bologna AMOUNT PAID: \$ 100.00

PAYMENT FORM: CREDIT CARD PAYMENT DATE: 08/30/2016

MAIL TO: **Gino Bologna**
571 Ocean Dr
Juno Beach, FL 33408

FACILITY NAME : Howells Junction Trailer Park

PROPERTY LOCATION:

82929 Overseas Hwy
Islamorada, FL 33036

Lot: _____ Block: _____

Property ID: _____

<u>EXPLANATION or DESCRIPTION:</u>	<u>QUANTITY</u>	<u>FEE</u>
1170 - MHP - Operating Permit	1	\$ 100.00

RECEIVED BY: CoxCX

AUDIT CONTROL NO. 44-PID-3059488

Note: GINO BOLOGNA



STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

44-54-1459064

Mobile Home Parks - Mobile Home Park

44-BID-2902864

Issued To: Howells Junction Trailer Park
82929 Overseas Highway
Islamorada, FL 33036

County: **Monroe**
Amount Paid: \$100.00
Date Paid: 01/22/2016
Issued Date: 10/01/2015

Permit Expires On: 09/30/2016

Mail To: Gino Bologna
571 Ocean Drive
Juno Beach, FL 33408

Issued By:
Department of Health in Monroe County

(305) 453-8750

Owner: Bologna, Gino

Mobile Home Spaces: 5

Recreational Vehicle Spaces: 3

Migrant Spaces: 0

Tent Spaces: 0

Total Beds: 0

Total Spaces for Billing: 8

Original Customer: Howells Junction Trailer Park (NON-TRANSFERABLE)

DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE



STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

44-54-1459064

Mobile Home Parks - Mobile Home Park

44-BID-2902864

Issued To: Howells Junction Trailer Park
82929 Overseas Highway
Islamorada, FL 33036

County: **Monroe**
Amount Paid: \$100.00
Date Paid: 01/22/2016
Issued Date: 10/01/2015

Permit Expires On: 09/30/2016

Mail To: Gino Bologna
571 Ocean Drive
Juno Beach, FL 33408

Issued By:
Department of Health in Monroe County

(305) 453-8750

Owner: Bologna, Gino



Monroe County Health Department
P.O. Box 6193 Key West, FL 33041

PAYING ON: PERMIT #: 44-54-1459064 BILL DOC #: 44-BID-2902864

RECEIVED FROM: Gino S Bologna AMOUNT PAID: \$ 100.00

PAYMENT FORM: CREDIT CARD PAYMENT DATE: 01/22/2016

MAIL TO: **Gino Bologna**
571 Ocean Dr
Juno Beach, FL 33408

FACILITY NAME : Howells Junction Trailer Park

PROPERTY LOCATION:

82929 Overseas Hwy
Islamorada, FL 33036

Lot: _____ Block: _____

Property ID: _____

EXPLANATION or DESCRIPTION:	QUANTITY	FEE
1170 - MHP - Operating Permit	1	\$ 100.00

RECEIVED BY: Whitel

AUDIT CONTROL NO. 44-PID-2881363



STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

44-54-1459064

Mobile Home Parks - Mobile Home Park

44-BID-2620097

Issued To: Howells Junction Trailer Park
82929 Overseas Highway
Islamorada, FL 33036

County: **Monroe**
Amount Paid: \$100.00
Date Paid: 08/28/2014
Issued Date: 10/01/2014

Permit Expires On: 09/30/2015

Mail To: Gino Bologna
571 Ocean Drive
Juno Beach, FL 33408

Issued By:
Department of Health in Monroe County

(305) 453-8750

Owner: Bologna, Gino

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Recreational Vehicle Spaces: 3

Migrant Spaces: 0

Tent Spaces: 0

Total Beds: 0

Total Spaces for Billing: 8

Original Customer: Howells Junction Trailer Park (NON-TRANSFERABLE)

DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE



STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

44-54-1459064

Mobile Home Parks - Mobile Home Park

44-BID-2620097

Issued To: Howells Junction Trailer Park
82929 Overseas Highway
Islamorada, FL 33036

County: **Monroe**
Amount Paid: \$100.00
Date Paid: 08/28/2014
Issued Date: 10/01/2014

Permit Expires On: 09/30/2015

Mail To: Gino Bologna
571 Ocean Drive
Juno Beach, FL 33408

Issued By:
Department of Health in Monroe County

(305) 453-8750

Owner: Bologna, Gino



STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

44-54-1459064

Mobile Home Parks - Mobile Home Park

44-BID-2254179

Issued To: Howells Junction Trailer Park
82929 Overseas Highway
Islamorada, FL 33036

County: **Monroe**
Amount Paid: \$100.00
Date Paid: 09/16/2013
Issue Date: 10/01/2013

Permit Expires On: 09/30/2014

Mail To: Gino Bologna
571 Ocean Drive
Juno Beach, FL 33408

Issued By:
Department of Health in Monroe County
102050 Overseas Highway Box 10
Key Largo, FL 33037
(305) 453-8750

Owner: Bologna, Gino

Mobile Home Spaces: 5

Recreational Vehicle Spaces: 3

Migrant Spaces: 0

Tent Spaces: 0

Total Beds: 0

Total Spaces for Billing: 8

Original Customer: Howells Junction Trailer Park (NON-TRANSFERABLE)

DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE



STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

44-54-1459064

Mobile Home Parks - Mobile Home Park

44-BID-2254179

Issued To: Howells Junction Trailer Park
82929 Overseas Highway
Islamorada, FL 33036

County: **Monroe**
Amount Paid: \$100.00
Date Paid: 09/16/2013
Issue Date: 10/01/2013

Permit Expires On: 09/30/2014

Mail To: Gino Bologna
571 Ocean Drive
Juno Beach, FL 33408

Issued By:
Department of Health in Monroe County
102050 Overseas Highway Box 10
Key Largo, FL 33037
(305) 453-8750

Owner: Bologna, Gino



Key Largo Environmental Health Office
102050 Overseas Hwy Key Largo, FL 33037

PAYING ON: PERMIT #: 44-54-1459064 BILL DOC #: 44-BID-2254179

RECEIVED FROM: Gino S Bologna AMOUNT PAID: \$ 100.00

PAYMENT FORM: CHECK 525 PAYMENT DATE: 09/16/2013

MAIL TO: **Gino Bologna**
571 Ocean Dr
Juno Beach, FL 33408

FACILITY NAME : Howells Junction Trailer Park

PROPERTY LOCATION:

82929 Overseas Hwy
Islamorada, FL 33036

Lot: _____ Block: _____

Property ID: _____

EXPLANATION or DESCRIPTION:	QUANTITY	FEE
-1 - MHP - Operating Permit	1	\$ 100.00

RECEIVED BY: DensonBX

AUDIT CONTROL NO. 44-PID-2259035



STATE OF FLORIDA
DEPARTMENT OF HEALTH
APPLICATION FOR MOBILE HOME PARK, MOBILE HOME PARK HOUSING MIGRANT FARMWORKERS,
LODGING PARK, RECREATIONAL VEHICLE PARK AND RECREATIONAL CAMP

Authority: Chapter 513 & 381, FS, Chapter 64E-15, FAC

DATE 3-4-13

Current Permit Number 44-54-1459064

Check type of permit for which application is made. Application is hereby made to the Department of Health for a () mobile home park, () *mobile home park with farmworkers, () recreational vehicle park, () lodging park, or () recreational camp permit.

*A mobile home park which houses 5 or more migrant farmworkers.

PERMIT IS REQUIRED AS FOLLOWS:		☐ Ownership change: From _____ to below	
☒ Annual Renewal <u>2 quarters</u>		☐ Park or Camp Name Change: From _____ to below	
☐ Capacity Change: From _____ to _____ spaces		☒ New or Modified Park or Camp	

Name of Park or Camp Howells Junction TRAIL PARK (561) 317-2507
Location of Park or Camp 82929 Overseas Hwy ISLAND ROAD K1 53036
Owner's Name & Address Gino Bologna 571 Ocean Drive JUNE BEACH FL 33408 Telephone
Manager's Name & Address (same)

NUMBER OF SPACES		RECREATIONAL VEHICLE		RECREATIONAL CAMPS				
MOBILE HOME	Migrant Spaces	LODGING	RV	Tent	Barracks	Cabins	Tents	Total Occupants
<u>5</u> <u>86</u>			<u>3</u>					

SANITARY FACILITIES AT RECREATIONAL VEHICLE PARK OR RECREATIONAL CAMP
TOILETS LAVATORIES SHOWERS URINALS WATER SUPPLY STATIONS SEWAGE DUMP STATIONS

MALE _____
FEMALE _____

EACH MOBILE HOME/RV HAS ITS OWN TOILET/SHOWER

It is hereby certified that the water supply system and the sewage system have been installed in accordance with the plans and specifications approved by the Department of Environmental Protection and/or the Department of Health. It is agreed that the undersigned owner and manager is familiar with and will adhere to the provisions of Chapter 513, Florida Statutes, as well as Chapter 64E-15, Florida Administrative Code.

Gino Bologna
Signature of Owner, Manager or Agent

FOR COMPLETION BY HEALTH DEPARTMENT STAFF

INSTRUCTIONS: Circle the appropriate number that applies to the water system and sewage system being used.

WATER SUPPLY	SEWAGE DISPOSAL
☐ 1 Community Offsite	☐ 1 Municipal
☒ 2 Community/Public Drinking Water System Onsite	☐ 2 Central System Serving Only Park or Camp
☐ 3 Non-Community Public Drinking Water System	☒ 3 Septic Tanks or (Other Individual System) <u>Atu</u>
☐ 4 Non-Transient Non-Community	☐ 4 Combination of Central System & Septic Tank
☐ 5 Other Public Drinking Water Systems (10D-4)	☐ 5 Combination of Municipal and Septic Tank

RECOMMENDATION: Approval ☒
Disapproval ☐

[Signature]
Signature of Health Official



Monroe County Health Department
102050 Overseas Hwy Key Largo, FL 33037

PAYING ON: PERMIT #: 44-54-1459064 BILL DOC #:44-BID-2149883

RECEIVED FROM: Gino S Bologna AMOUNT PAID: \$ 112.50

PAYMENT FORM: CHECK 515 PAYMENT DATE: 03/04/2013

MAIL TO: **Gino Bologna**
451 Mars Way
North Palm Beach, FL 33408

FACILITY NAME : Howells Junction Trailer Park

PROPERTY LOCATION:

82929 Overseas Hwy
Islamorada, FL 33036

Lot: _____ Block: _____

Property ID: _____

EXPLANATION or DESCRIPTION:	QUANTITY	FEE
-1 - MHP - Operating Permit (2Qtr)	1	\$ 50.00
-1 - Mobile Home County Fee (2Qtr)	1	\$ 62.50

RECEIVED BY: GivenBM

AUDIT CONTROL NO. 44-PID-2098922



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PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
86800 Overseas Highway ♦ Islamorada, Florida 33036 ♦ 305-664-6400 ♦
www.islamorada.fl.us

June 7, 2024

Russell Yagel, Esq.

Sent via CityView Portal

Subject: Pre-Application (File No. PLPRE20230193)

Dear Mr. Yagel,

Thank you for your Application for a Pre-Application Conference ("Application"). The following is the Planning and Development Services Department's ("Staff") analysis of your questions and a summary of the meeting held on January 3, 2024. 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"), the processes required to determine the lawfully established dwelling unit rights on the subject property(s).

For the purposes of this dwelling unit determination, each property will be individually assessed and discussed.

Parcel # 00403630-000000, Lot 13 located on Upper Matecumbe Key, FL ("Property 1").

Parcel # 00403640-000000, Lot 14, located on Upper Matecumbe Key, FL ("Property 2").

Parcel # 00403650-000000, Lot 15, located on Upper Matecumbe Key, FL ("Property 3").

The subject Properties are categorized within the Future Land Use Map (FLUM) as Mixed Use (MU) and are within the Village Center (VC) Zoning District.

Background Zoning:

1963 Zoning: BU-2 (Medium Business District) Commercial use as a primary use – living quarters for watchmen and caretakers only permitted as an accessory use. Prohibited any residential use.

1986 Zoning: SC (Sub Urban Commercial District) Commercial uses as a primary use – apartments involving less than six dwelling units in conjunction with a permitted commercial use.

The Village Comprehensive Plan, Chapter 3: Housing Element Data Inventory and Analysis table 3-13: Inventory of Existing Mobile Home Parks did not include or recognize the subject property(s) a lawfully established mobile home park.

TABLE 3-13: INVENTORY OF EXISTING MOBILE HOME PARKS

MOBILE HOME PARK	LOCATION	NUMBER OF MOBILE HOME SPACES
Vacation Village	Plantation Key	26
Plantation Tropical Park	Plantation Key	52
Harris Ocean Park Estates 1 st Addition	Plantation Key	45
San Pedro Trailer Park	Plantation Key	41
Seabreeze Trailer Park	Plantation Key	101
Windley Key Mobile Home Park	Windley Key	42
Peaceful Palms Mobile Home Park	Windley Key	15
Coral Bay	Upper Matecumbe Key	17
Key Lantern Motel and Trailer Park	Upper Matecumbe Key	21
Village Mobile Park	Upper Matecumbe Key	32
Pelican Palms Mobile Home Park	Upper Matecumbe Key	35
Total		427

Source: Florida Department of Health, 1999

Additional Documentation/Evidence Provided by Applicant:

The applicant provided the following permits from the State of Florida Department of Health and Rehabilitative Services:

- 1977 operating permit for six (6) independent mobile homes
- Approved application for mobile home park in 2013 for five (5) mobile homes and (3) Recreational Vehicles (RV).
- Mobile Home Park operating permit in 2014 for five (5) mobile homes and (3) Recreational Vehicles (RV).
- Mobile Home Park operating permit in 2015 for five (5) mobile homes and (3) Recreational Vehicles (RV).
- Mobile Home Park operating permit in 2015 for five (5) mobile homes and (3) Recreational Vehicles (RV) – expiration date 9/30/2016.

The applicant provided State of Florida Department of Business Regulations License for Lodging of four (4) units – expiration date 10/1/1983.

The applicant provided Monroe County Occupational License for “trailer park serv” for five (5) employees – expiration date of 9/30/1987.



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The following questions were presented by the applicant:

What is the number of lawfully established dwelling units associated with the property?

See Dwelling Unit Analysis provided.

What is the character of those lawfully established dwelling units (e.g. residential market rate or transient)?

There are no transient units on the property. See Dwelling Unit Analysis provided.

What is the current allowed density on the property?

Each lot is 7500 square feet. The maximum FAR for each lot is .35.

The allowed use density is up to six dwelling units per acre, or up to 12 dwelling units per acre with TDRs or up to 15 deed restricted affordable housing dwelling units per acre; however, on commercially developed parcels of land, the density requirements for affordable housing provided herein shall not exceed 15 deed restricted affordable housing dwelling units per acre, regardless of any nonresidential floor area or FAR, or market rate residential dwelling units.

If the number of lawfully established dwelling units exceeds the current allowed density, is the historical non-conforming density preserved?

As defined in Village LDRs section 30-732:

Nonconforming use means any use lawfully being made of any land, water or structure (other than a sign) on the effective date of the regulations in this chapter (or of any amendment which renders such use nonconforming), which does not comply with all of the requirements of this chapter as they may be amended. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

Nonconforming structure means any structure (other than a sign) lawfully existing on the effective date of the regulations in this chapter (or of any amendment which renders such structure nonconforming), which does not comply with restrictions on lot area, lot coverage, height, setbacks, location on the lot, or any such requirements of this chapter as they may be amended (other than use regulations).

The Monroe County zoning regulations did not allow for dwelling units without a primary commercial use.

Property 1 and Property 2 have no evidence of existing commercial use, and therefore were not lawful under 1963 or 1986 zoning regulations.

Property 3 had a commercial use and dwelling unit above it allowed by the 1963 and 186 zoning regulations. The current Village LDRs allow for a single-family dwelling unit without commercial use, the building with on market rate (upstairs) and commercial square footage (downstairs) is conforming use of the property. However, a determination by the Building Official must be made as to the conformity of building codes in the existing building.

If the owner obtains affordable allocations for some of the dwelling units on the property and retains some units as market rate units, what is the maximum number of units allowed on the property?

Each lot individually has less density than if the lots were to be unified. Individually each of the lots could accommodate one market rate dwelling unit. Unified, the property can accommodate up to seven (7) deed restricted affordable units.

Dwelling Unit Analysis:

Property 1

Sec 30-473(d) *Criteria*. Criteria for determining the existence of a legally established residential dwelling unit or nonresidential floor area. A dwelling unit or an amount of nonresidential floor area shall be determined to legally exist if the parcel meets at a minimum all of the criteria of either (1) or (2) below:

1. A permit or other official approval was issued by the village or Monroe County for the unit(s) or floor area for residential dwelling units or nonresidential floor area and the unit(s) or floor area was accounted for in the village comprehensive plan building permit allocation system and ROGO [Rate of Growth Ordinance (Monroe County Ordinance 016-1992 as amended)], which shall be proof that the residential units(s) or amount of floor area was in existence and included in the April 1990 Census or was issued a certificate of occupancy subsequent to April 1990.

The Village does not have any building permits for Property 1 for residential or commercial use. There are no official approvals from Monroe County indicating the units were accounted for in Monroe County Ordinance 016-1992 as amended. **Criteria 1 has not been met.**



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2. If a permit or other official approval is not available, for residential dwelling units or nonresidential floor area, the criteria listed below shall be used to establish proof that the residential dwelling unit or nonresidential floor area was legally established:
 - a. The structure in which the unit or nonresidential floor area is located is currently habitable as determined by the building official, or utility invoices/receipts from Florida Keys Electric Cooperative or Florida Keys Aqueduct Authority are provided that clearly indicate by separate meter that the unit or nonresidential building was being served during April 1990, or Monroe County property record card showing the existence of the unit or nonresidential floor area in 1990, or occupational license or other state license for 1990 for a nonresidential use of a property, or insurance policy records for the building for a nonresidential use of a property that clearly delineate the amount of floor area; and

The Monroe County Property Appraisers property record card from 1986 shows one mobile home on Property 1. The property record card in 1990 shows two mobile homes on Property 1.

The applicant provided a copy of a "Declaration of Mobile Home As Real Property" form submitted to the Property Appraisers office dated 3/16/1990 for two mobile homes.

The applicant provided a copy of an FKAA work order to replace water meter servicing "9 units" dated 1/29/1993. Does not provide detail of how many units were serviced by the water meter on Property 1.

The applicant submitted an email from FKEC stating there was a valid FKEC account dating back to 1988 with 10 meters – this has not been verified and does not designate how many meters were serving units on Property 1.

- b. Aerial photograph(s) or signed and sealed survey(s) clearly showing existence of the dwelling unit or nonresidential structure either in 1990, or if not available for 1990 then both prior to and subsequent to 1990; and
 - 1985 aerial shows two mobile homes, and the 1986 property record card states one.
 - 1997 aerial shows one, possibly two mobile homes.
 - 2000 & 2003 aerial shows one clearly visible in the same location as the 1985 aerial. The lot is mostly covered with vegetation obstructing the view of the aerial.
 - 2006 aerial shows possibly three mobile homes on the lot.
 - 2009 aerial shows one clearly, however the aerial photo is obstructed by vegetation.

- 2018 aerial shows three units on the lot.

Aerial photographs show the existence of dwelling units on Property 1. There is clear evidence of two mobile homes prior to 1990 and just after.

- c. A determination by the village that the use could have been legally permitted under the zoning and building codes in effect for the parcel at the time the structure was constructed, or the business was established. This not only refers to the type of use but also to the parameters of the building construction;

The zoning from 1963 through incorporation of the Village did not allow residential use of the property without commercial use as the primary use of the property. There are no records of permitted commercial use of Property 1.

The current zoning allows for residential use; however, it does not allow construction type of mobile homes or recreational vehicles.

3. Additional information shall be required to establish the number of units for mobile homes or recreational vehicles ("RVs") if such units are located in either a mobile home park or RV park; including:
 - a. The number of mobile homes and RVs approved by the State of Florida Department of Health as shown on the approved prospectus or any other documents on file with the State of Florida Department of Health for either the mobile home park or RV park;
 - b. Notwithstanding the number of mobile homes and RVs provided in subsection a., the total units recognized shall not exceed the number of mobile home spaces as shown in chapter 3 of the village comprehensive plan data inventory and analysis; and
 - c. A demolition permit(s) for each mobile that has been removed.

The units are not recognized in the data inventory and analysis of the village comprehensive plan. **Criteria 3 has not been met.**

Property 1 meets the criteria listed in criteria 2 subsections a and b, but not c. The Village does not recognize any legally established dwelling units on Property 1.

Property 2

Sec 30-473(d) *Criteria*. Criteria for determining the existence of a legally established residential dwelling unit or nonresidential floor area. A dwelling unit or an amount of nonresidential floor



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area shall be determined to legally exist if the parcel meets at a minimum all of the criteria of either (1) or (2) below:

1. A permit or other official approval was issued by the village or Monroe County for the unit(s) or floor area for residential dwelling units or nonresidential floor area and the unit(s) or floor area was accounted for in the village comprehensive plan building permit allocation system and ROGO [Rate of Growth Ordinance (Monroe County Ordinance 016-1992 as amended)], which shall be proof that the residential units(s) or amount of floor area was in existence and included in the April 1990 Census or was issued a certificate of occupancy subsequent to April 1990.

The following building permit records were found:

- Permit #4024, dated 1962 for an addition to an existing structure – the file is incomplete and does not include approved plans.
- Permit #1020, not dated, is a site drawing for at 40'x10' concrete slab, the file is incomplete.
- Permit #10051, dated 1965, electrical permit replacing two metered trailer outlets damaged by the storm – incomplete file.

It is unclear from the permit records exactly how many, if any, units were accounted for in the 1990 census. **Criteria 1 has not been met.**

2. If a permit or other official approval is not available, for residential dwelling units or nonresidential floor area, the criteria listed below shall be used to establish proof that the residential dwelling unit or nonresidential floor area was legally established:
 - a. The structure in which the unit or nonresidential floor area is located is currently habitable as determined by the building official, or utility invoices/receipts from Florida Keys Electric Cooperative or Florida Keys Aqueduct Authority are provided that clearly indicate by separate meter that the unit or nonresidential building was being served during April 1990, or Monroe County property record card showing the existence of the unit or nonresidential floor area in 1990, or occupational license or other state license for 1990 for a nonresidential use of a property, or insurance policy records for the building for a nonresidential use of a property that clearly delineate the amount of floor area; and

The Monroe County Property Appraisers property record card from 1961 shows a two-story building on Property 2 indicating a Single-Family Residence (SFR) with three rooms (there were no records of the original building permit to verify the number of rooms).

The property record card from 1966 shows the permitted 9'x26' addition (permit #4024).

The property record card from 1986 shows a two-story building, garage addition, and two mobile homes on Property 2.

The applicant provided a copy of a "Declaration of Mobile Home As Real Property" form submitted to the Property Appraisers office dated 3/16/1990 for four mobile homes.

The applicant provided a copy of an FCAA work order to replace water meter servicing "9 units" dated 1/29/1993. Does not provide detail of how many units were serviced by the water meter on Property 2.

The applicant submitted an email from FKEC stating there was a valid FKEC account dating back to 1988 with 10 meters – this has not been verified and does not designate how many meters were serving units on Property 2.

b. Aerial photograph(s) or signed and sealed survey(s) clearly showing existence of the dwelling unit or nonresidential structure either in 1990, or if not available for 1990 then both prior to and subsequent to 1990; and

- 1975 aerial shows the 1961-1966 building, garage addition, and three mobile homes.
- 1985 aerial shows the building, garage addition, and three mobile homes – the property record card confirms the building, the garage addition and two mobile homes.
- 1997 aerial shows the building, the garage addition and three mobile homes.
- 2000, 2003, 2006, 2009, 2012 aerials show the building, the garage addition, and three mobile homes.
- 2015 aerial shows the building, the garage addition, and four mobile homes and a smaller unit (possibly an RV).
- 2018 aerial shows the building, the garage addition, four mobile homes and an RV.

Aerial photographs show the existence of dwelling units on Property 2. There is clear evidence of one SFR, one garage addition and three mobile homes prior to and just after 1990.

c. A determination by the village that the use could have been legally permitted under the zoning and building codes in effect for the parcel at the time the structure was constructed, or the business was established. This not only refers to the type of use but also to the parameters of the building construction;



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The zoning from 1963 through incorporation of the Village did not allow residential use of the property without commercial use as the primary use of the property. There are no records of permitted commercial use of Property 1.

The current zoning allows for residential use; however, it does not allow construction type of mobile homes or recreational vehicles.

3. Additional information shall be required to establish the number of units for mobile homes or recreational vehicles ("RVs") if such units are located in either a mobile home park or RV park; including:
 - a. The number of mobile homes and RVs approved by the State of Florida Department of Health as shown on the approved prospectus or any other documents on file with the State of Florida Department of Health for either the mobile home park or RV park;
 - b. Notwithstanding the number of mobile homes and RVs provided in subsection a., the total units recognized shall not exceed the number of mobile home spaces as shown in chapter 3 of the village comprehensive plan data inventory and analysis; and
 - c. A demolition permit(s) for each mobile that has been removed.

The units are not recognized in the data inventory and analysis of the village comprehensive plan. **Criteria 3 has not been met.**

Property 2 meets the criteria listed in criteria 2 subsections a and b, but not c. The Village recognizes **one dwelling unit**, although the county regulations did not allow it without commercial use, there is some indication a portion of the garage addition was used in conjunction with the auto shop on Property 3.

Property 3

Sec 30-473(d) *Criteria*. Criteria for determining the existence of a legally established residential dwelling unit or nonresidential floor area. A dwelling unit or an amount of nonresidential floor area shall be determined to legally exist if the parcel meets at a minimum all of the criteria of either (1) or (2) below:

1. A permit or other official approval was issued by the village or Monroe County for the unit(s) or floor area for residential dwelling units or nonresidential floor area and the unit(s) or floor area was accounted for in the village comprehensive plan building permit allocation system and ROGO [Rate of Growth Ordinance (Monroe County Ordinance 016-1992 as amended)], which shall be proof that the residential units(s) or amount of floor area was in existence and included in the April 1990 Census or was issued a certificate of occupancy subsequent to April 1990.

The following building permit records were found:

- Permit #C-233, issued in 1974 permitted a two-story building with a two-bedroom SFR on the top and garage/storage on the ground level.
- Permit #C-1895 issued in 1976 permitted a covered porch on the 2nd floor of the existing building.
- Permit #C-9330, issued in 1981 permitted an addition to the existing ground floor for "Tony's Body Shop" – commercial use.
- Permit #0005131, issued in 2000, permitted a change of copy for commercial use on the lower level for an art gallery.

Criteria 1 has been met. The Village recognizes **one legally established dwelling unit and 3,456 square feet of non-residential floor area** on Property 3.

In summary, the Village recognizes **two (2)** legally established market rate dwelling units and **3,456 square feet** of non-residential floor area.

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 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



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decision or interpretation of the applicable policies and regulations cannot be made until the applicant submits a complete development application for review.

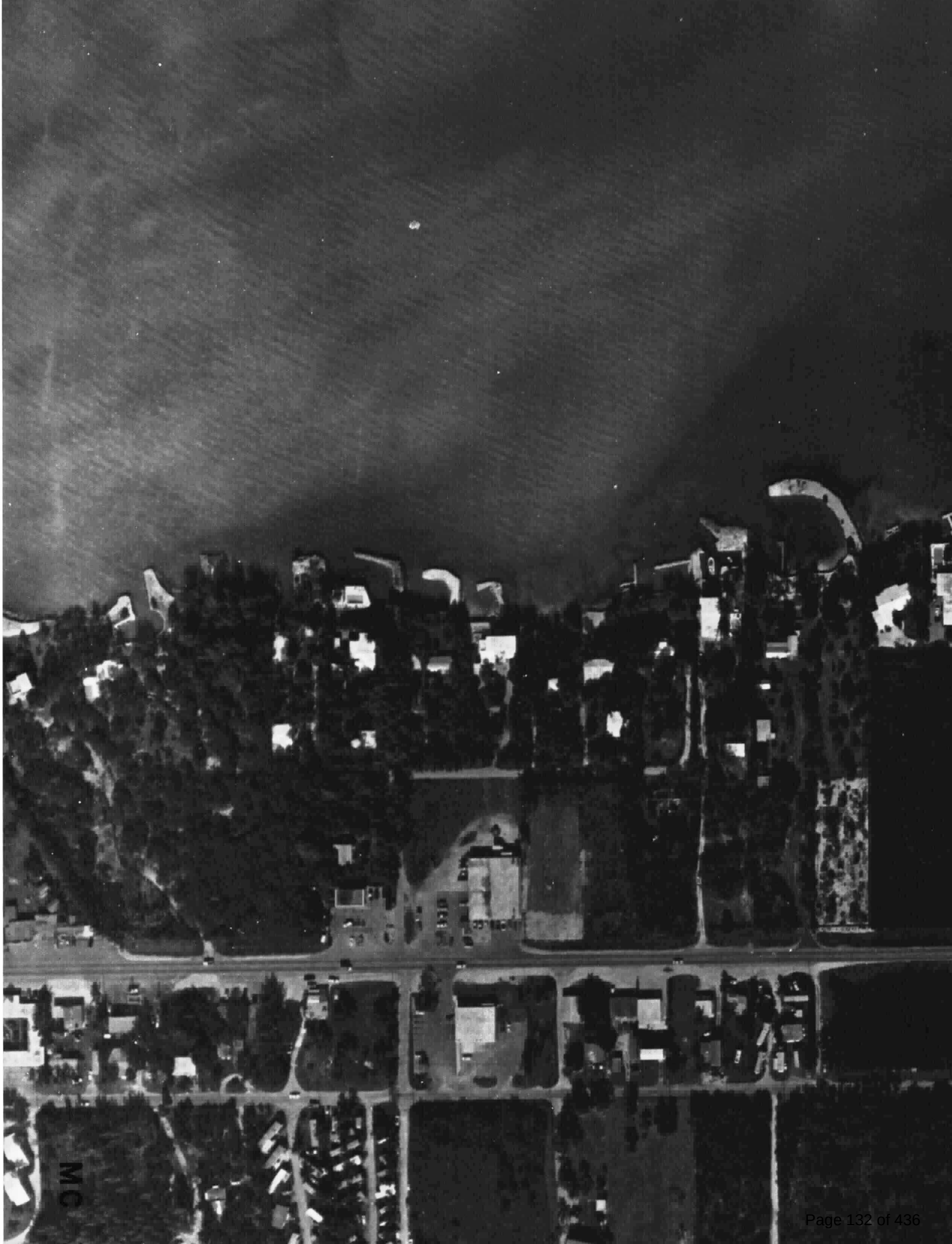
Pursuant to Section 30-281(a) of the Code of Ordinances: Any person aggrieved by an administrative decision or interpretation of the director of planning and development services, the building official or other village administrative official regarding the provisions of this chapter may appeal such decision or interpretation. The appeal shall be initiated within 30 days of the date of receipt by the aggrieved person of mailed, or posted, or published notice of the administrative decision or interpretation by filing an appeal with the director in a form specified by the planning and development services department for reviewing the application, and shall be accompanied by an application fee that is established by the village council from time to time to defray the actual cost of processing the appeal. Failure to file an appeal within the timeframe specified, and exhaust all administrative remedies provided for in this chapter, shall constitute a waiver of all rights to appeal any interpretation or determination made by the village.

If you require additional information, please feel free to contact me.

Sincerely,

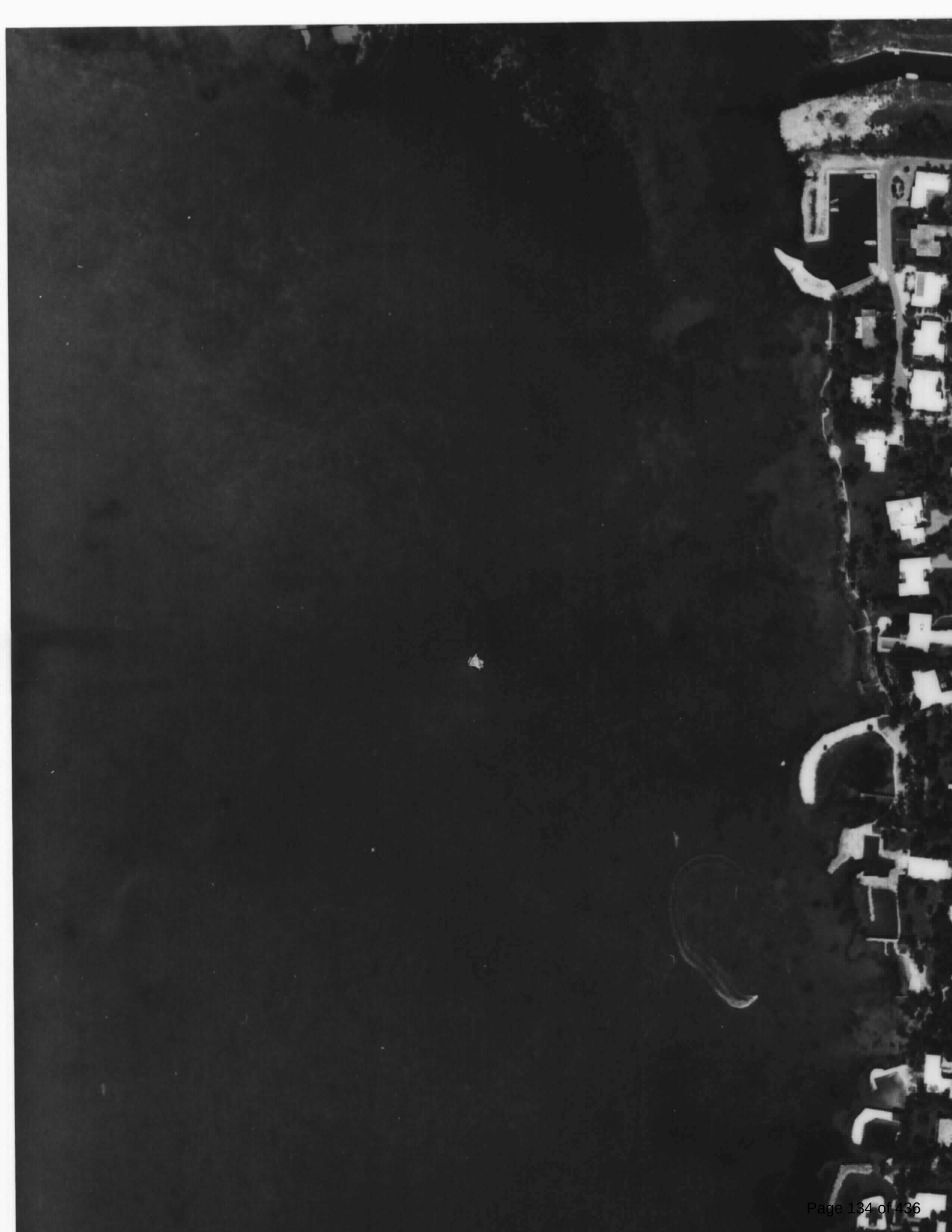
A handwritten signature in blue ink that reads "Jamie Terry".

Jamie Terry
Planning & Zoning Technician
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6426
E-mail: jamie.terry@islamorada.fl.us



MC















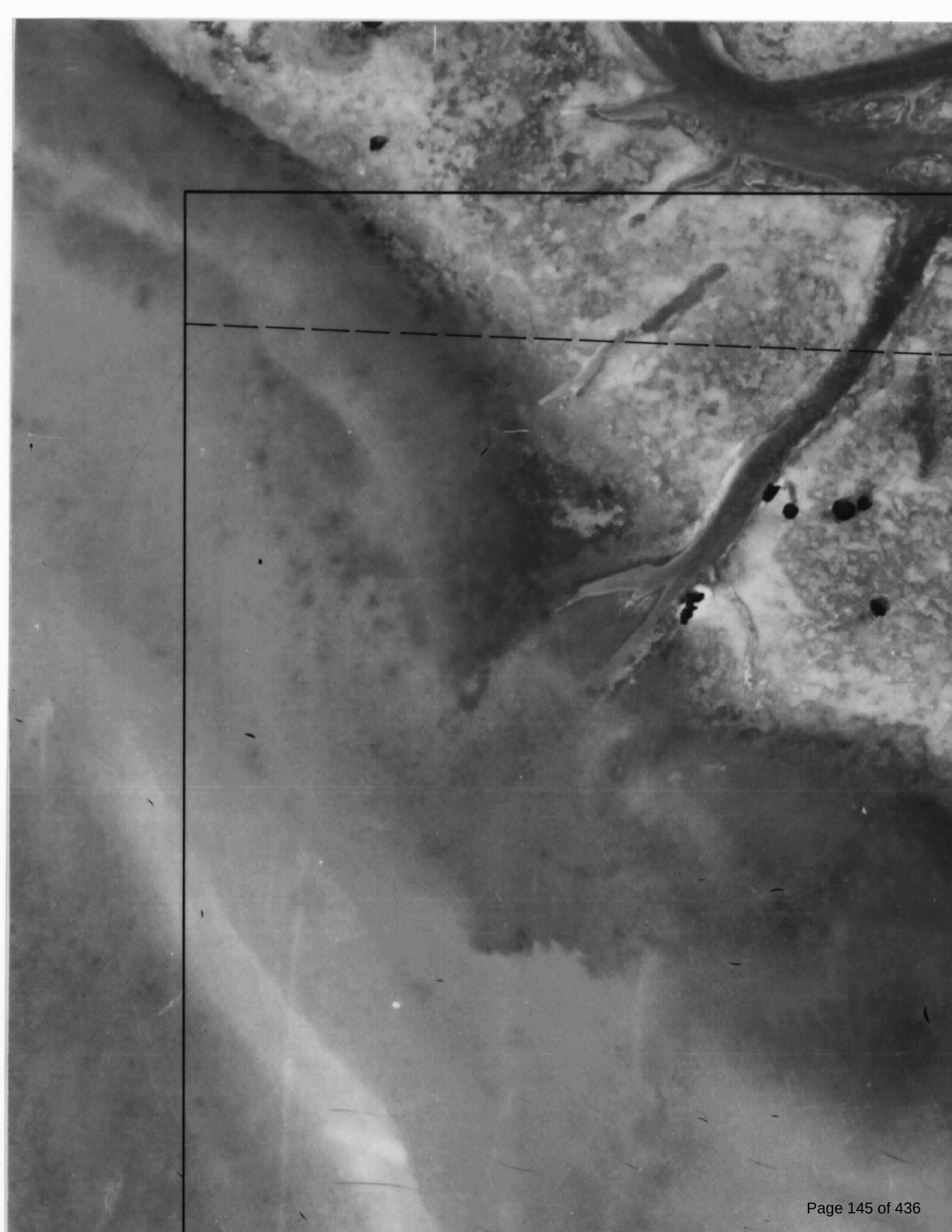










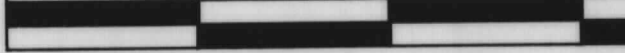




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82/
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SCALE 1"=200'

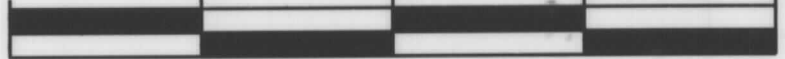




SCALE 1"=200'

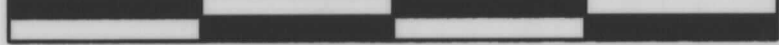






SCALE 1"=200'

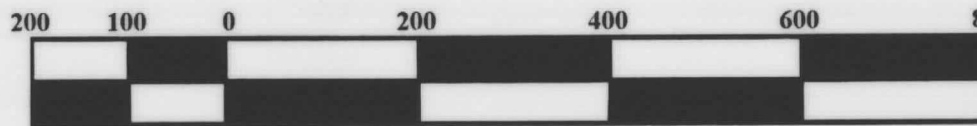


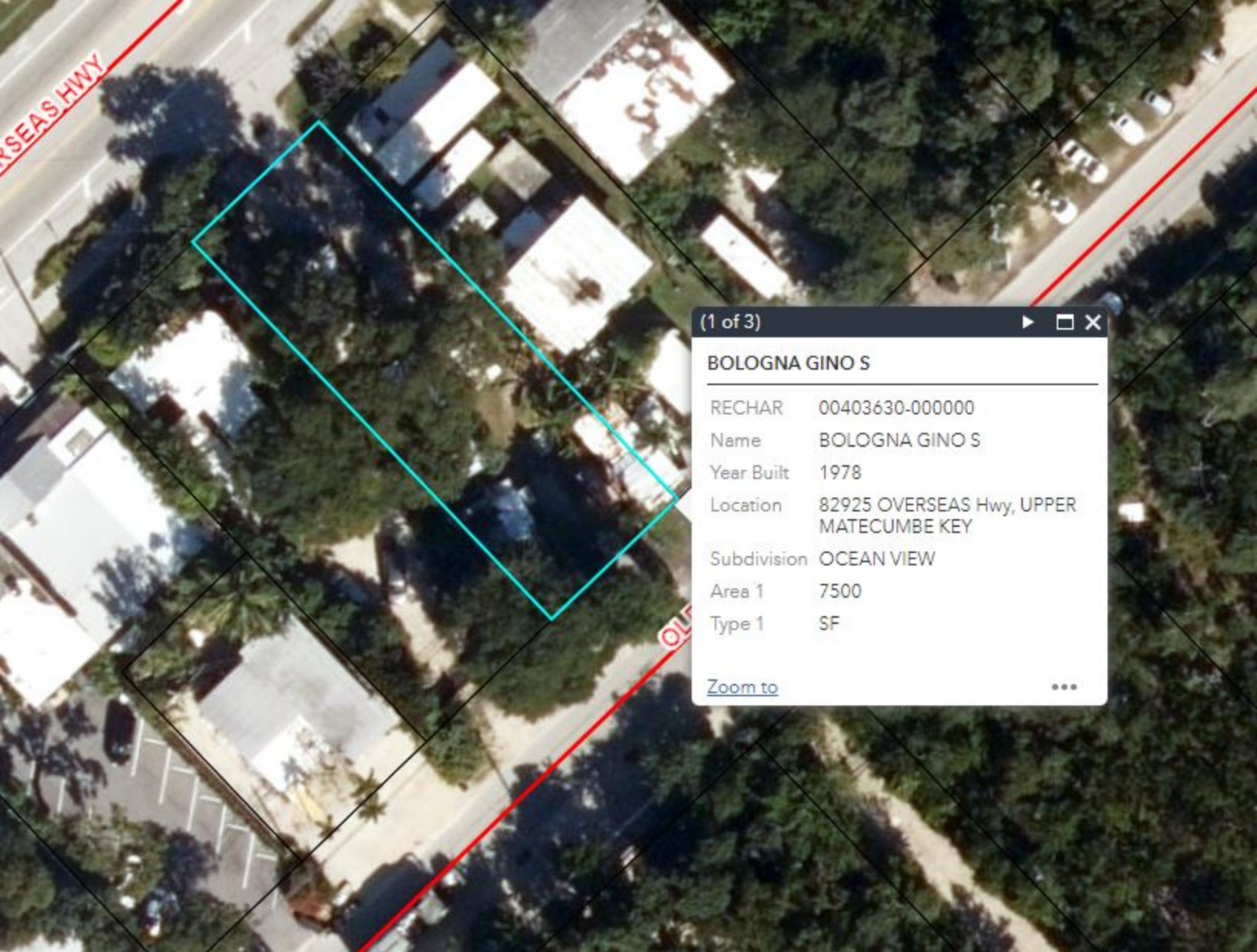


SCALE 1"=200'



Prepared by: **KUCERA SOUTH INC.**
Lakeland, Florida
Phone: (813) 646-9661 Fax: (813) 647-5471
A DIVISION OF
KUCERA INTERNATIONAL INC.
Headquarters - Willoughby, Ohio
Phone: (216) 975-4230 Fax: (216) 975-4238



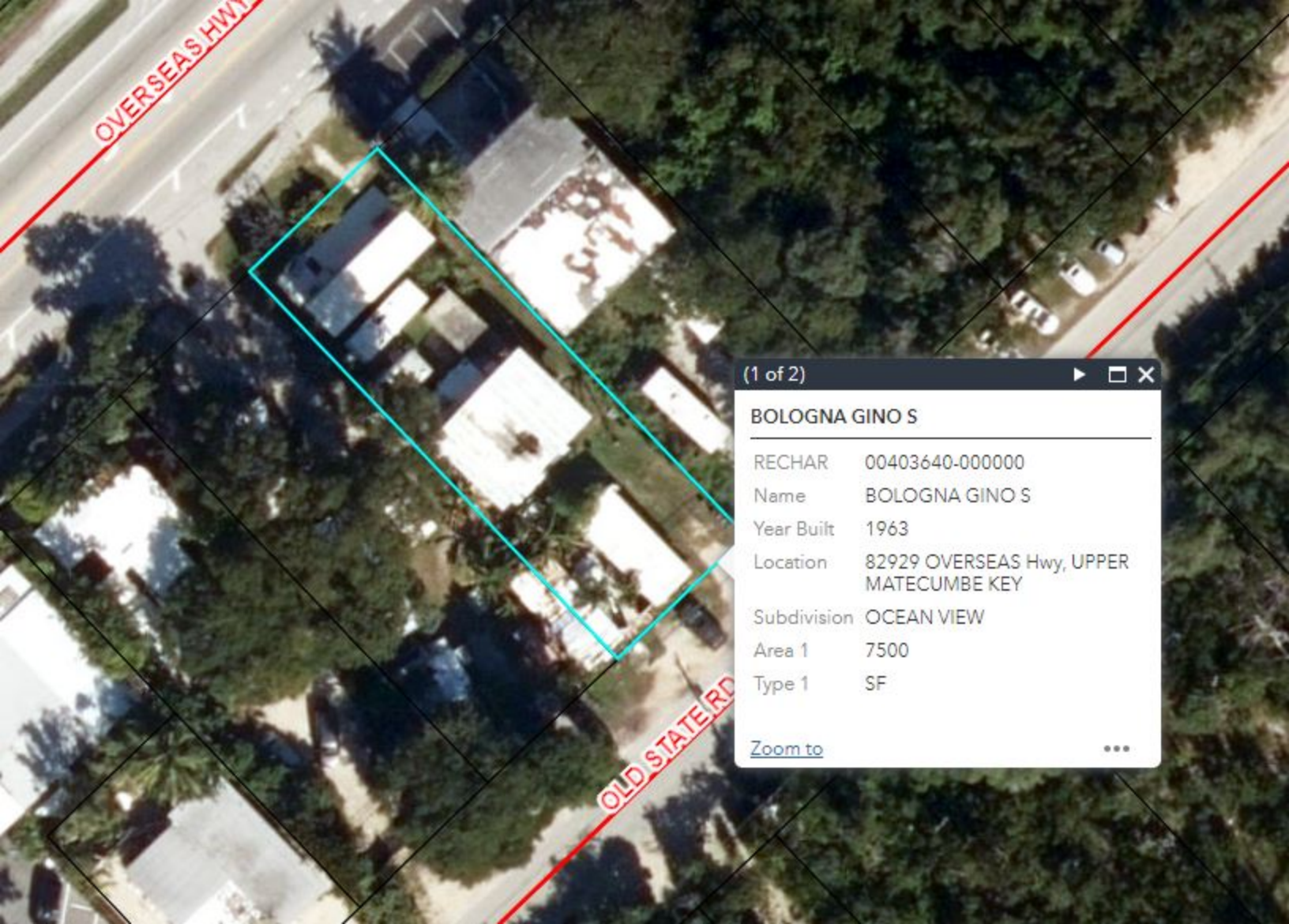


(1 of 3) ▶ □ ✕

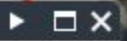
BOLOGNA GINO S

RECHAR	00403630-000000
Name	BOLOGNA GINO S
Year Built	1978
Location	82925 OVERSEAS Hwy, UPPER MATECUMBE KEY
Subdivision	OCEAN VIEW
Area 1	7500
Type 1	SF

[Zoom to](#) ...



(1 of 2)



BOLOGNA GINO S

RECHAR	00403640-000000
Name	BOLOGNA GINO S
Year Built	1963
Location	82929 OVERSEAS Hwy, UPPER MATECUMBE KEY
Subdivision	OCEAN VIEW
Area 1	7500
Type 1	SF

[Zoom to](#)





Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Administrative Relief for 172 Iroquois Drive TAB D**

Background:

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

The subject property (the “Property”) is located at 172 Iroquois Drive and legally described in Exhibit “A” of the proposed Resolution (Attachment A). The Application was entered into the Building Permit Allocation System (the “BPAS”) on May 13, 2021. The Application has been considered in four (4) consecutive annual allocation periods and has failed to receive an allocation award. At the close of Quarter 2 of 2025, the Application was ranked 14 with eighteen (18) points. Pursuant to the requirements set forth in Code Section 30-477(a), the Applicant was eligible to apply for Administrative Relief between 12:01 PM on July 1, 2025, and 12:00 PM on October 29, 2025. The Applicant submitted the Application for Administrative Relief on July 2, 2025.

The proposed development is one single-family, three-bedroom, three-and one-half bathroom home, approximately 2,611 square feet.

The site is approximately 6,475 square feet with allowed clearing and mitigation based on habitat.

Analysis:

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

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

The Comprehensive Plan of Islamorada, Village of Islands (the “Village”) dictates through

Comprehensive Plan Policy 1-2.3.3 Residential Medium (RM) that:

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

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

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

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

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

(3) Relevant parcel.

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

1. The “physical contiguity” of the lots;
2. The “unity of ownership” of the lots (i.e., does the applicant own all of the lots in question);

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

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

Factor 3a. is not applicable to the Property.

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

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

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

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

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

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

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

The Property was purchased for \$100,000.00 via Warranty Deed on September 29, 2015 and is currently developed with a fence, a wood dock and boat lift. The Property is 6,475 square feet and has no habitat map.

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

The Property is in a legally platted subdivision recorded in Plat Book 3, Page 34. The Property is minimally developed, and infrastructure is available to serve the Property; both electricity and potable water are available.

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

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

4. How development changed when title was passed;

In November 2015, a wood fence was placed on the property.

In March 2018, a boat lift and wood dock were added to the property.

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

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

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

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

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

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

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

TAX YEAR	Total Assessed Value (Before & After Date of Purchase)
2014 (Before Purchase)	\$78,648
2015 (After Purchase)	\$81,925
2016	\$109,779
2017	\$111,968
2018	\$123,164

2019	\$135,480
2020	\$149,028
2021 (Entered BPAS)	\$163,931
2022 (In BPAS)	\$180,324
2023 (In BPAS)	\$198,356
2024 (In BPAS)	\$218,192

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

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

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

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

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

The total assessed value of the Property in 2015 was \$81,925 when the current property owner purchased the property.

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

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

The total assessed value of the Property in 1997 was \$39,900. In 2024, the just market value of the Property, according to the Monroe County Property Appraiser's Office, is \$457,231.

Additional Information provided by the Applicant:

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

market value.

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

(1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.

(2) Offer to purchase the property at its fair market value. The applicant has provided an appraisal in the amount of \$965,000.00 as a possible form of administrative relief.

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

The Village currently has eighteen allocations available for administrative relief.

Budget Impact:

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

Staff Impact:

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

Recommendation:

Staff recommends awarding the administrative relief allocation.

- Attachments:**
1. Reso 172 Iroquois Dr. (2)
 2. Appraisal Report of 172 Iroquois Drive
 3. Administrative Relief File 172 Iroquois DR

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JOSE A. DOCAMPO AND VIVIAN A. FERNANDEZ FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 172 IROQUOIS DRIVE, LOWER MATECUMBE, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Jose A. Docampo and Vivian M. Fernandez (the "Property Owner") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for property located at 172 Iroquois Drive, having parcel ID number 00388710-000000 located in the Lower Matecumbe Beach subdivision on Lower Matecumbe Key, as legally described in Exhibit "A", and

WHEREAS, on September 11, 2025, a duly noticed public hearing was held by the Village Council to consider the application for administrative relief; and

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

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

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

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

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

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

Section 2. Conclusions of Law.

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

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

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilwoman Deb Gillis _____

Councilman Steve Friedman _____

PASSED AND ADOPTED THIS 11th DAY OF SEPTEMBER 2025.

SHARON MAHONEY, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this ____ day of _____, 2025.

EXHIBIT "A"
(LEGAL DESCRIPTION)

Parcel ID: 00388710-000000

BK 1 LOT 4 LOWER MATECUMBE BEACH LOWER MATECMBE KEY PB3-34 , of the Public Records of
Monroe County, Florida.

**APPRAISAL REPORT
OF**



172 Iroquois Dr
Islamorada, FL 33036

PREPARED FOR

Jose Docampo
11825 SW 112th Avenue Cir
Miami, FL 33176

AS OF

07/25/2025

PREPARED BY

Brandvold Appraisal of the FL Keys
P. O. Box 501524
Marathon, FL 33050

Brandvold Appraisal of the FL Keys
LAND APPRAISAL REPORT

File No. K11928
Case No.

IDENTIFICATION	Borrower <u>N/A</u>		Census Tract <u>9709.00</u>		Map Reference <u>64 36 20</u>		
	Property Address <u>172 Iroquois Dr</u>						
	City <u>Islamorada</u>		County <u>Monroe</u>	State <u>FL</u>	Zip Code <u>33036</u>		
	Legal Description <u>BK 1 LOT 4 LOWER MATECUMBE BEACH LOWER MATECUMBE KEY PB3-34</u>						
NEIGHBORHOOD	Sale Price \$ <u>n/a</u>		Date of Sale <u>n/a</u>	Loan Term <u>n/a</u>	yrs. Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PUD		
	Actual Real Estate Taxes \$ <u>2,515</u>		(yr) Loan Charges to be paid by seller \$ <u>n/a</u>		Other Sales Concessions <u>n/a</u>		
	Lender/Client <u>Jose Docampo</u>		Address <u>11825 SW 112th Avenue Cir, Miami, FL 33176</u>				
	Occupant <u>Vacant Land</u>		Appraiser <u>Maria Brandvold</u>		Instructions to Appraiser <u>Determine Market Value</u>		
	Current Owner: <u>DOCAMPO JOSE A and FERNANDEZ VIVIAN M</u>						
	Location	☐ Urban	☒ Suburban	☐ Rural	Good Avg. Fair Poor		
	Built Up	☐ Over 75%	☒ 25% to 75%	☐ Under 25%	Employment Stability ☒ ☐ ☐ ☐		
	Growth Rate ☐ Fully Dev.	☐ Rapid	☒ Steady	☐ Slow	Convenience to Employment ☒ ☐ ☐ ☐		
	Property Values	☐ Increasing	☒ Stable	☐ Declining	Convenience to Shopping ☒ ☐ ☐ ☐		
	Demand/Supply	☐ Shortage	☒ In Balance	☐ Oversupply	Convenience to Schools ☒ ☐ ☐ ☐		
Marketing Time	☐ Under 3 Mos.	☒ 3-6 Mos.	☐ Over 6 Mos.	Adequacy of Public Transportation ☒ ☐ ☐ ☐			
SITE	Present Land Use <u>100% 1 Family</u>		<u>%2-4 Family</u>	<u>% Apts</u>	<u>% Condo</u>	<u>% Commercial</u>	
	<u>% Industrial</u>		<u>% Vacant</u>				
	Change In Present Land Use ☒ Not Likely ☐ Likely(*) ☐ Taking Place (*)						
	Predominate Occupancy ☒ Owner ☐ Tenant ☐ % Vacant						
	Single Family Price Range \$ <u>250</u> to \$ <u>1 million</u>		Predominant Value \$ <u>650</u>				
	Single Family Age <u>new</u> yrs to <u>40</u> yrs.		Predominant Age <u>10</u> yrs				
	Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): <u>The subject property is located in the Lower Matecumbe area of the Florida Keys at MM 74.5. Lower Matecumbe is part of an area called Islamorada (the incorporated Village of Islands) that stretches from Lower Matecumbe to Plantation Key. This area experiences adequate marketability for both first and second home buyers as well as investors.</u>						
	Dimensions <u>see map</u> = <u>6,475 sf</u> ☐ Corner Lot						
	Zoning Classification <u>IS - Improved Subdivision</u> Present Improvements ☒ do ☐ do not conform to zoning regulations						
	MARKET DATA ANALYSIS	Highest and best use ☐ Present use ☒ Other (specify) <u>to be improved with a single-family home</u>					
Public ☒ Other (Describe) _____		OFF SITE IMPROVEMENTS		Topo <u>Level to Canal</u>			
Elec. ☒		Street Access ☒ Public ☐ Private	Size <u>Typical</u>		Shape <u>Rectangular</u>		
Gas ☒		Surface <u>asphalt</u>	View <u>Good Canal</u>		Drainage <u>Appears Adequate (FEMA #12087C1201 K Zone AE)</u>		
Water ☒		Maintenance ☒ Public ☐ Private	Is the property located in a HUD identified Special Flood Hazard Area? ☐ No ☒ Yes				
San. Sewer ☒		☒ Storm Sewer ☐ Curb/Gutter	Based on a review of the county plat map available, no adverse easements or encroachments were noted. The lot is level, cleared, has a wood dock and boat lift that was installed in 2018.				
☐ Sidewalk ☒ Street Lights							
Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): <u>Based on a review of the county plat map available, no adverse easements or encroachments were noted. The lot is level, cleared, has a wood dock and boat lift that was installed in 2018.</u>							
The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.							
SUBJECT PROPERTY		COMPARABLE NO.1		COMPARABLE NO.2		COMPARABLE NO.3	
Address <u>172 Iroquois Dr</u> <u>Islamorada, FL 33036</u>		Address <u>972 Shaw Dr</u> <u>Key Largo, FL 33037</u>		Address <u>322 E Seaview Dr</u> <u>Marathon, FL 33050</u>		Address <u>130 Palermo Dr</u> <u>Islamorada, FL 33036</u>	
Proximity to Subject		<u>27.73 miles NE</u>		<u>12.49 miles SW</u>		<u>11.69 miles NE</u>	
Sales Price \$ <u>n/a</u>		\$ <u>1,056,000</u>		\$ <u>1,005,000</u>		\$ <u>1,350,000</u>	
Price / \$ <u>0.00</u>		\$ <u>106.27</u>		\$ <u>134.00</u>		\$ <u>192.86</u>	
Data Source		Inspection/County/MLS # <u>614777</u>		Inspection/County/MLS # <u>611339</u>		Inspection/County/MLS # <u>609941</u>	
Date of Sale and Time Adjustment		DESCRIPTION <u>07/21/2025</u>		DESCRIPTION <u>01/01/2025</u>		DESCRIPTION <u>08/29/2024</u>	
Location		<u>Waterfront</u>		<u>Waterfront</u>		<u>Waterfront</u>	
Site/View		<u>6,475 sf</u>		<u>7,500 sf</u>		<u>7,000 sf</u>	
View		<u>canal</u>		<u>canal</u>		<u>canal</u>	
Building Right		<u>Yes, per Village</u>		<u>Yes, per County</u>		<u>Yes, per County</u>	
Cleared		<u>cleared</u>		<u>cleared</u>		<u>cleared</u>	
Seawall/Dock		<u>20' wood dock/boat lift</u>		<u>75' conc dock/no lift</u>		<u>40' conc dock/no lift</u>	
Sales or Financing		<u>Prior Sales</u>		<u>Prior Sales</u>		<u>Prior Sale</u>	
Concessions		<u>10/2015 - \$100,000</u>		<u>05/2024 - \$770,000</u>		<u>02/1969 - \$6,300</u>	
Net Adj. (Total)		<u>Plus X Minus</u> \$ <u>-203,100</u>		<u>Plus X Minus</u> \$ <u>-51,250</u>		<u>Plus X Minus</u> \$ <u>-75,000</u>	
Indicated Value of Subject		Net=-19% Gross=19% \$ <u>852,900</u>		Net=-5% Gross=5% \$ <u>953,750</u>		Net=-6% Gross=6% \$ <u>1,275,000</u>	
Comments on Market Data <u>Few vacant lots exist, therefore, few sell. However, three vacant lot sales were found on canals with building rights in the Middle and Upper Keys with one in Islamorada. The subject is cleared, with a wood dock and separate boat lift. The subject has been on the BPAS/ROGO system for years and is being given a building right through the Administrative Relief Program through the Village of Islands.</u>							
This appraisal is being completed with the Extraordinary Assumption that a Building Right has been issued.							
Comments and Conditions of Appraisal: <u>The subject and all three of the comparable sales have building permits included. Sale #1 just closed last week, it is larger with superior concrete dock but no lift. Sale #2 is also larger in size, has a superior conc dock but no lift. Sale #3 is similar in size has 70' of concrete dock and two lifts.</u>							
<u>No current sales were found on the island of Lower Mate. None are exactly similar, so I will give all of them equal weight</u>							
Final Reconciliation: <u>The Sales Comparison Approach is the only viable approach in this analysis. Three sales in the past year, two in 2025, all on similar ocean access canal within typical neighborhoods in the FL Keys. Seaview and Palermo appear to have had homes on those lots before, giving them an automatic building right. Shaw appears to have gone through the BPAS/ROGO system or purchased a building right. Adjustments were made at \$50/sf for difference in lot size, \$1000 per linear foot for difference in dock length and \$25,000 for difference in boat lift.</u>							
I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF <u>07/25/2025</u> to be \$ <u>965,000</u>							
RECONCILIATION	Appraiser(s) <u>Maria Brandvold</u>		Review Appraiser (if applicable) ☐ Did ☐ Did Not Physically				
	Date Report Signed <u>07/29/2025</u>		Inspect Property				
	State Certification # <u>RZ2054</u> State <u>FL</u>		Date Report Signed				
	Or State License # State <u>FL</u>		State Certification #				
	Expiration Date of License or Certification <u>11/30/2026</u>		Or State License # State				

Brandvold Appraisal of the FL Keys
COMMENT ADDENDUM

File No. K11928
Case No.

Borrower N/A

Property Address 172 Iroquois Dr

City Islamorada County Monroe State FL Zip Code 33036

Lender/Client Jose Docampo Address 11825 SW 112th Avenue Cir, Miami, FL 33176

Neighborhood Description - The subject property is located in the Lower Matecumbe area of the Florida Keys at MM 74. The Lower Matecumbe area is part of an area called Islamorada that stretches from Lower Matecumbe to Plantation Key. This area experiences good marketability for both first and second home buyers as well as investors. The subject is located in White Marlin Beach where most homes are situated on good boat access canals and a few homes on direct open water.

Market Conditions - General market conditions and availability of financing appear to be average. It appears that there are few if any sales concessions in the immediate neighborhood at this time. Cash buyers, conventional and private financing appears to be the norm.

The market parameters covered the island of Lower Matecumbe and the search was expanded throughout the FL Keys for vacant canal front lots with Building Rights. This market segment of the waterfront market is showing stabilization, no adjustments were made for time to older sales.

Conditions of Appraisal - This opinion of value may change if conditions, or problems, not disclosed or discovered by the appraiser using due diligence, in the normal course of the inspection are discovered or if information furnished the appraiser is found to be inaccurate.

The Intended User of this appraisal report is the Client, **Jose Docampo**. The Intended Use is to evaluate the property that is the subject of this appraisal for a personal decision making transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional intended Users are identified by the appraiser.

No services regarding the subject property were performed by the appraiser within the prior three years of this report and as appraiser or in any other capacity.

EXPOSURE TIME: estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. Comment: Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market. Estimated exposure time is 3-6 months.

COMMENT ON DISTANCE OF THE COMPARABLES

The FL Keys are composed of islands connected by bridges, our geography is linear. If you take a compass and place it at the subject, one mile in every direction would be about 90% under water. This is a very limited market and none of the three comps are within the immediate neighborhood. In order to find the more similar comparables, the search was extended beyond the immediate neighborhood. There are neighborhoods throughout the island that compete with each other with similar land values and utility. US1 runs through the center of the island in an east/west fashion. There are neighborhoods on both sides that are similar. This highway does not pose a market division in such a small community. All three of the comparables are located over one mile distance, this is typical of such a limited market.

ANTI-DISCRIMINATION POLICY: The Appraiser is committed to supporting fair practices in the appraisal process. We strictly prohibit discrimination or discriminatory references in any form. By accepting this assignment, we acknowledge and agree that we are fully aware of and ascribe to the current Federal and State anti-discrimination statutes and regulations that prohibit discrimination on any prohibited basis, including race, color, national origin, sex, marital status, age, familial status and/or handicap. We further agree not to use any prohibited basis to discriminate in our valuation of the property or our preparation of the appraisal report.

LISTED: The subject is not listed for sale.

Brandvold Appraisal of the FL Keys
SUBJECT PHOTO ADDENDUM

File No. K11928
Case No.

Borrower N/A

Property Address 172 Iroquois Dr

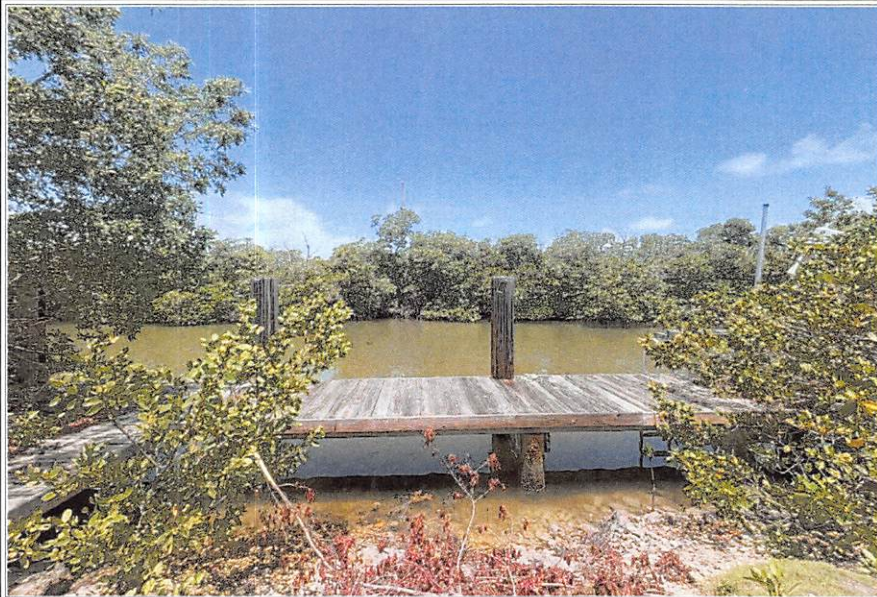
City Islamorada County Monroe State FL Zip Code 33036

Lender/Client Jose Docampo Address 11825 SW 112th Avenue Cir, Miami, FL 33176



**FRONT OF
SUBJECT PROPERTY**

172 Iroquois Dr
Islamorada, FL 33036



**REAR OF
SUBJECT PROPERTY**
canal



STREET SCENE

Brandvold Appraisal of the FL Keys
SUBJECT PHOTO ADDENDUM

File No. K11928
Case No.

Borrower	N/A						
Property Address	172 Iroquois Dr						
City	Islamorada	County	Monroe	State	FL	Zip Code	33036
Lender/Client	Jose Docampo	Address		11825 SW 112th Avenue Cir, Miami, FL 33176			



Interior side view



View from rear



Canal view and boat lift

Borrower N/A

Property Address 172 Iroquois Dr

City Islamorada

County

Monroe

State

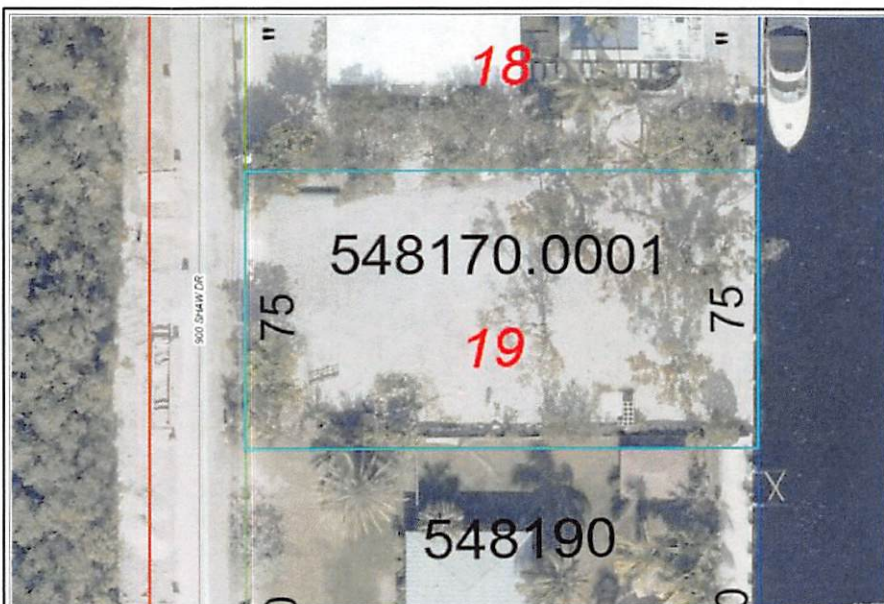
FL

Zip Code

33036

Lender/Client Jose Docampo

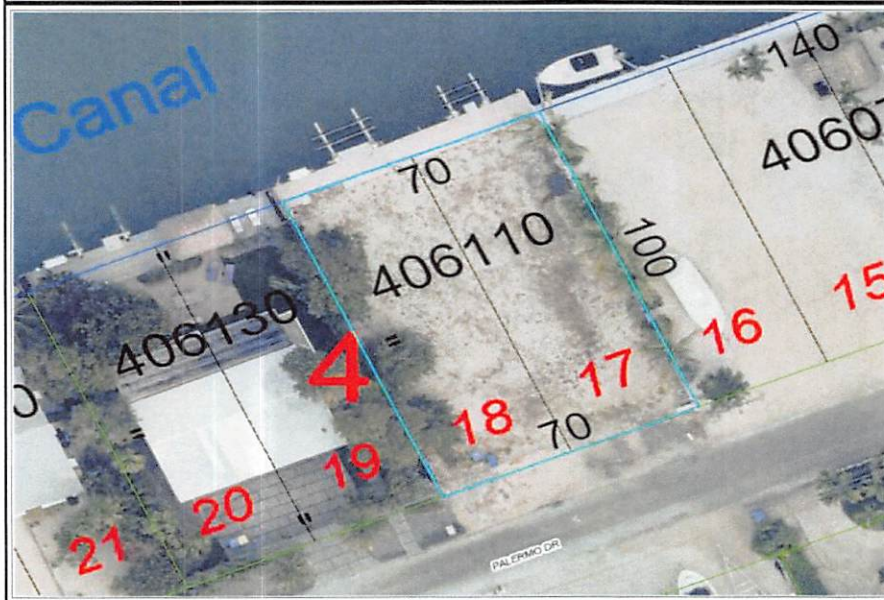
Address 11825 SW 112th Avenue Cir, Miami, FL 33176



COMPARABLE # 1
972 Shaw Dr
Key Largo, FL 33037



COMPARABLE # 2
322 E Seaview Dr
Marathon, FL 33050



COMPARABLE # 3
130 Palermo Dr
Islamorada, FL 33036

Brandvold Appraisal of the FL Keys
PLAT MAP

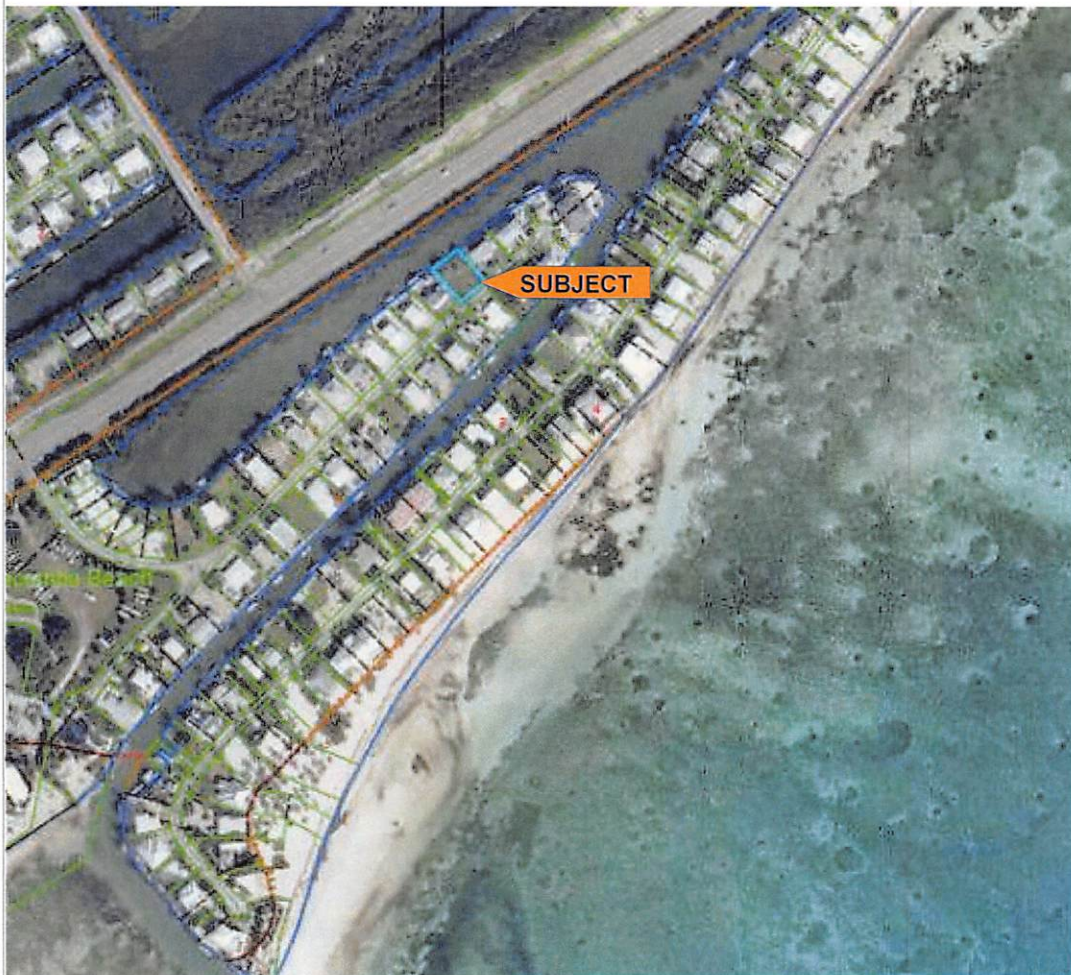
File No. K11928
Case No.

Borrower N/A

Property Address 172 Iroquois Dr

City Islamorada County Monroe State FL Zip Code 33036

Lender/Client Jose Docampo Address 11825 SW 112th Avenue Cir, Miami, FL 33176



Brandvold Appraisal of the FL Keys
Aerial Map

File No. K11928
Case No.

Borrower	N/A						
Property Address	172 Iroquois Dr						
City	Islamorada	County	Monroe	State	FL	Zip Code	33036
Lender/Client	Jose Docampo	Address	11825 SW 112th Avenue Cir, Miami, FL 33176				



Brandvold Appraisal of the FL Keys
FLOOD MAP ADDENDUM

File No. K11928
Case No.

Borrower	N/A						
Property Address	172 Iroquois Dr						
City	Islamorada	County	Monroe	State	FL	Zip Code	33036
Lender/Client	Jose Docampo	Address 11825 SW 112th Avenue Cir, Miami, FL 33176					



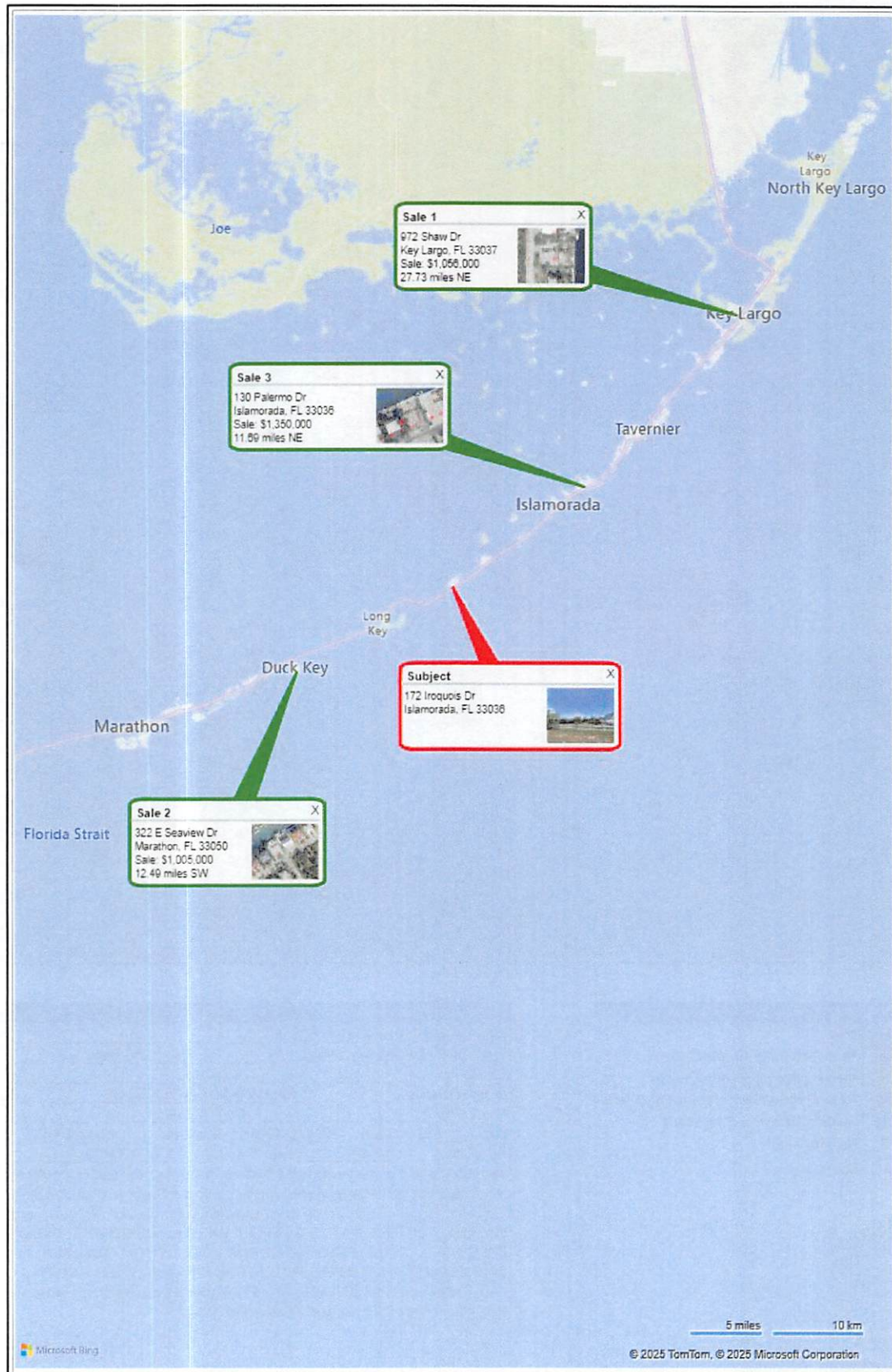
Flood Map Legends	
Flood Zones	
	Areas inundated by 100-year flooding
	Areas inundated by 500-year flooding
	Areas of undetermined but possible flood hazards
	Floodway areas with velocity hazard
	Floodway areas
	COBRA zone

Flood Zone Determination			
In Special Flood Hazard Area (Flood Zone):	In		
Within 250 ft. of multiple flood zones?	Within 250 feet		
Community:	120424		
Community Name:	ISLAMORADA, VILLAGE OF		
Map Number:	12087C1201K		
Zone:	AE	Panel: 12087C 1201K	Panel Date: 02/18/2005
FIPS Code:	12087	Census Tract:	9709.00
This Report is for the sole benefit of the Customer that ordered and paid for the Report and is based on the property information provided by that Customer. That Customer's use of this Report is subject to the terms agreed to by that Customer when accessing this product. THE SELLER OF THIS REPORT MAKES NO REPRESENTATIONS OR WARRANTIES TO ANY PARTY CONCERNING THE CONTENT, ACCURACY, OR COMPLETENESS OF THIS REPORT INCLUDING ANY WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The seller of this Report shall not have any liability to any third party for any use or misuse of this Report.			

Brandvold Appraisal of the FL Keys
LOCATION MAP ADDENDUM

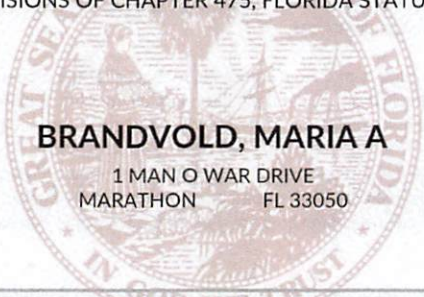
File No. K11928
Case No.

Borrower	N/A					
Property Address	172 Iroquois Dr					
City	Islamorada	County	Monroe	State	FL	Zip Code 33036
Lender/Client	Jose Docampo	Address 11825 SW 112th Avenue Cir, Miami, FL 33176				



Appraiser License Certificate

File No. K11928
Case No.

	Ron DeSantis, Governor	Melanie S. Griffin, Secretary	
STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION			
FLORIDA REAL ESTATE APPRAISAL BD			
THE CERTIFIED GENERAL APPRAISER HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 475, FLORIDA STATUTES			
 BRANDVOLD, MARIA A 1 MAN O WAR DRIVE MARATHON FL 33050			
LICENSE NUMBER: RZ2054 EXPIRATION DATE: NOVEMBER 30, 2026			
Always verify licenses online at MyFloridaLicense.com			
ISSUED: 10/04/2024			
Do not alter this document in any form.			
This is your license. It is unlawful for anyone other than the licensee to use this document.			



This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
5. If the appraiser has based his or her appraisal report and valuation conclusion for an appraisal subject to certain conditions, it is assumed that the conditions will be met in a satisfactory manner.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property. I reported the site characteristics in factual, specific terms.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

21. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

22. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

I certify that the digital signature that appears below is my signature and it has not been altered in any way.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature Maria Brandvold
 Name Maria Brandvold
 Company Name Brandvold Appraisal of the FL Keys
 Company Address P. O. Box 501524
Marathon, FL 33050
 Telephone Number 305-289-7220
 Email Address keysappr@gmail.com
 Date of Signature and Report 07/29/2025
 Effective Date of Appraisal 07/25/2025
 State Certification # RZ2054
 or State License # _____
 or Other (describe) _____ State # _____
 State FL
 Expiration Date of Certification or License 11/30/2026

ADDRESS OF PROPERTY APPRAISED

172 Iroquois Dr
Islamorada, FL 33036

APPRAISED VALUE OF SUBJECT PROPERTY \$ 965,000

LENDER/CLIENT

Name _____
 Company Name Jose Docampo
 Company Address 11825 SW 112th Avenue Cir
Miami, FL 33176
 Email Address tony_docampo@hotmail.com

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

SUBJECT PROPERTY

- ☐ Did not inspect subject property
☐ Did inspect exterior of subject property from street
 Date of Inspection _____
☐ Did inspect interior and exterior of subject property
 Date of Inspection _____

COMPARABLE SALES

- ☐ Did not inspect exterior of comparable sales from street
☐ Did inspect exterior of comparable sales from street
 Date of Inspection _____



**Islamorada, Village of Islands
Planning & Development Services**

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

APPLICATION FOR ADMINISTRATIVE RELIEF

Pursuant to Code Section 30-477

Application Fee: \$1,500.00

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

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

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

Name: N/A

Mailing Address: _____

Primary Phone: _____

Fax: _____

Email: _____

PROPERTY OWNER:

Name: Jose A Docampo / Vivian M Fernandez

Mailing Address: 11825 SW 112 Ave Cirlce, Miami, FL 33176

Primary Phone: (305) 310 2972

Fax: _____

Email: tony_docampo@hotmail.com

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

Physical Address: 172 IROQUOIS DR

Mile Marker: 74

Lot: 4

Block: 1

Subdivision: LOWER MATECUMBE BEACH

☐ Plantation Key

☐ Windley Key

☐ Upper Matecumbe Key

☒ Lower Matecumbe Key

Real Estate (RE) Number: _____

Alternate Key: _____

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

Comments: BPAS allocation #30 (Q1-2025) REF 00388710-000000

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

Comments: _____

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

Date of most recent BPAS application: 5/13/2021

Permit Number: PRSFC202001406

Application for Administrative Relief

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

☒ Allocation award

☐ Purchase of property at fair market value

☐ Other (please specify): _____

Please provide responses to the following:

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

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

No, they are not. _____

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

No, they are not. _____

3. Relevant parcel. (IF APPLICABLE)

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

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

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

N/A _____

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

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

N/A _____

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

N/A _____

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

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

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

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

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

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

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

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

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

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

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?): The lot was purchased in September of 2015 for \$100,000. Located in 172 Iroquois Drive, Lower Matecumbe Key.

Classified as Vacant Res (0000) and always use for RESIDENTIAL CANAL UNPERMITTED (01CM).

it was purchased to be developed as a personal retirement home.

2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?): In November 2015, a wooden fence was installed by the current owner

under permit PRBLD201502061. In March 2018, a wooden dock with a boat lift was constructed under permit PRBLD201701662

Application for Administrative Relief

also by the current owner.

3. The history of zoning and regulation (i.e., How and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?):
Initially classified as Vacant Res (0000) and always use for RESIDENTIAL CANAL UNPERMITTED (01CM).
Never change its classifications.
4. How development changed when title was passed:
Never changed.
5. What is the present nature and extent of the use of the parcel:
They are not in use at the moment due to the lack of utilities such as water and electricity.
6. What were the reasonable expectations of the landowner under Florida common law:
Develop it as a personal residence for retirement.
7. What were the reasonable expectations of the neighboring landowners under Florida common law:
Develop it as a personal residence.
8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation:
There was never a diminution.
9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation:
after: \$600,000, before: \$650,000, actual: \$950,000, after house is built over \$3,000,000.00

Please submit the following with all applications:

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

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

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

Application for Administrative Relief

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

Joe S. Domingo
Signature of Applicant

July, 2nd / 2025
Date

Print Name: _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me by means of X physical appearance or _____ online notarization, this 2nd day of July 20 25, by Jose A. Doramayo (name of person signing the application) as Owner (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public

SEAL:

☒ Personally Known ☐ Produced Identification

Type of ID _____



Jessica Estopinan
Comm.: HH 646444
Expires: Mar. 9, 2029
Notary Public - State of Florida

Prepared by and return to:
Magda Marcelo-Robaina
Attorney at Law
Marquez & Marcelo-Robaina, P.A.
6505 Blue Lagoon Drive Suite 130
Miami, FL 33126
305-262-2206
File Number: 6111.04
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 29th day of September, 2015 between SAC Investments LLC, a Florida limited liability company whose post office address is 6415 West 18th Avenue, Hialeah, FL 33012, grantor, and Jose A. Docampo and Vivian M. Fernandez, husband and wife whose post office address is 11825 SW 112th Avenue Circle, Miami, FL 33176, grantee:

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

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

Lot 4, Block 1, Lower Matecumbe Beach, a subdivision of Lower Matecumbe Key, according to the plat record in Plat Book 3, Page 34, of the Public Records of Monroe County, Florida.

Parcel Identification Number: 00388710000000206436

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2014

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

Signed, sealed and delivered in our presence:

Witness Name: *Michelle Armstrong*
Witness Name: *Beth Caldwell*

SAC Investments LLC, a Florida limited liability company

By: *Sara A Cuellar*
Sara A Cuellar, Managing Member

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 29th day of September, 2015 by Sara A Cuellar of SAC Investments LLC, a Florida limited liability company, on behalf of the corporation. He/she [] is personally known to me or [X] has produced a driver's license as identification

[Notary Seal]



Michelle Armstrong
Notary Public

Printed Name: *Michelle Armstrong*

My Commission Expires: *4/16/2017*

Monroe County, FL

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 00388710-000000
Account# 1477028
Property ID 1477028
Millage Group 50V1
Location 172 IROQUOIS Dr, LOWER MATECUMBE KEY
Address
Legal Description BK 1 LOT 4 LOWER MATECUMBE BEACH LOWER MATECUMBE KEY PB3-34 OR421-68 OR765-466 OR952-2346 OR1133-1611/12 OR2641-398 OR2763-1780
(Note: Not to be used on legal documents.)
Neighborhood 1459
Property Class VACANT RES (0000)
Subdivision LOWER MATECUMBE BEACH
Sec/Twp/Rng 20/64/36
Affordable No
Housing



Owner

DOCAMPO JOSE A
11825 SW 112th Avenue Cir
Miami FL 33176

FERNANDEZ VIVIAN M
11825 SW 112th Avenue Cir
Miami FL 33176

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$30,839	\$32,351	\$33,864	\$35,375
+ Market Land Value	\$426,392	\$418,544	\$444,703	\$295,924
= Just Market Value	\$457,231	\$450,895	\$478,567	\$331,299
= Total Assessed Value	\$218,192	\$198,356	\$180,324	\$163,931
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$457,231	\$450,895	\$478,567	\$331,299

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$426,392	\$0	\$30,839	\$457,231	\$218,192	\$0	\$457,231	\$0
2023	\$418,544	\$0	\$32,351	\$450,895	\$198,356	\$0	\$450,895	\$0
2022	\$444,703	\$0	\$33,864	\$478,567	\$180,324	\$0	\$478,567	\$0
2021	\$295,924	\$0	\$35,375	\$331,299	\$163,931	\$0	\$331,299	\$0
2020	\$323,718	\$0	\$32,388	\$356,106	\$149,028	\$0	\$356,106	\$0
2019	\$199,462	\$0	\$2,260	\$201,722	\$135,480	\$0	\$201,722	\$0
2018	\$137,335	\$0	\$2,344	\$139,679	\$123,164	\$0	\$139,679	\$0

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

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL UNPERMITTED (01CM)	6,475.00	Square Foot	0	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
FENCES	2016	2017	4 x 142	0	568 SF	2
BOAT LIFT	2018	2020	0 x 0	1	1 UT	4
WOOD DOCKS	2019	2020	5 x 72	1	360 SF	3

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
9/29/2015	\$100,000	Warranty Deed		2763	1780	30 - Unqualified	Vacant		
4/17/2013	\$45,000	Quit Claim Deed		2641	398	11 - Unqualified	Vacant		
5/1/1990	\$50,000	Warranty Deed		1133	1611	Q - Qualified	Vacant		
9/1/1985	\$10,000	Warranty Deed		952	2346	U - Unqualified	Vacant		
6/1/1978	\$11,500	Conversion Code		765	466	Q - Qualified	Vacant		

Permits

Number	Date Issued	Status	Amount	Permit Type	Notes
PRBLD201701662	03/01/2018	Completed	\$25,000	Residential	DOCK 5' X 60' W/ 14 PILES, 2 USED BOAT LIFTS
PRBLD201502061	11/18/2015	Completed	\$1,500	Residential	WOOD FENCE

View Tax Info

[View Taxes for this Parcel](#)

Photos



Map



TRIM Notice

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

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

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to assess 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 our fair year may not be applicable in prior or subsequent years. Its responsibility such data was hereby understood and agree that the:

[User Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Upload: 6/3/2025, 1:48:52 AM

Contact Us

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 SCHNEIDER
GEOSPATIAL



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Reconsideration of Administrative Appeal - Transfer of Development Rights TAB E**

Background:

The subject application involved an Appeal of an Administrative Determination pursuant to Sec. 30-281 of the Village Code. Specifically, the applicant sought an appeal of the determination of the Planning Director to deny the transfer of a development right (TDR) from 81912 Overseas Highway (sender site) to 82601 Old Highway (receiver site). Both properties are located on Upper Matecumbe Key.

The sender site is located on the west side of Overseas Highway, Upper Matecumbe Key. The sender site is zoned Village Center (VC). The receiver site is located on the east side of Old Highway on Upper Matecumbe Key just over a half of a mile north of the sender site. The site is currently vacant and has single-family homes on either side. Across Old Highway are a variety of uses on properties zoned Village Center (VC). The receiver site maintains a lot area of approximately 2 acres. Both the sender and receiver sites are shoreline properties.

An application requesting a Transfer of Development Rights was filed with the Department of Planning and Development Services on January 4, 2023. After review, it was determined that the "proposed TDR does not meet the criteria set forth in Sec. 30-504(b). The proposed receiver site contains Class I habitat (hammock) and Class II habitat (disturbed hammock and disturbed beach or berm), and the proposed sender site contains Class III habitat (disturbed). Based upon the habitat analysis, on January 27, 2023, a denial of the proposed transfer of development rights was issued by the Department of Planning and Development Services. On April 13, 2023, the village Council overturned the Planning Director's denial and approved the transfer with conditions. All the conditions were proffered by the applicant's representative.

Analysis:

It is the staff's understanding that the condition of concern is Condition #4, which states "The proposed single-family residence will be consistent with the plans submitted to the Village in connection with the pending Building Permit Allocation System (BPAS) application." We would refer Council to the video recording of the April 13, 2023, Council meeting at about 1 hour 15 minutes and 27 seconds. At that time, there began a discussion of habitat protection. The applicant's representative discusses the design of the house and the entrance being on the opposite side of the hammock to avoid it. At approximately 1 hour 26 minutes and 54 seconds, Councilwoman (now Mayor) Mahoney asked the applicant's representative

what size home they were going to build. He referenced the plans in BPAS and stated it was around 4,00 sf and joked that "it's not 10. I can tell you that much". At approximately 2 hours 17 minutes and 43 seconds, Councilman Gregg asked if they were intending to proceed with construction along the lines of the BPAS application. The applicant's representative stated yes. Councilman Gregg then said that this would have the effect of a "BPAS" approval with conditions. It is staff's belief that this was a proffered condition of approval.

A reconsideration of the prior approval would be a reconsideration of the entire previously approved resolution. In addition, any change in the prior approval would result in (1) a new resolution superseding the previous one; and (2) require rendition of the new resolution of the Department of Commerce.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Based on the review of the record, staff recommends no change to the recorded resolution.

- Attachments:**
1. PLADA20230026_Staff Report_w_Attachments
 2. 04132023_RVCM Minutes
 3. Recorded_Resolution
 4. Reso_PLADA20230026 Reconsideration



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: March 2, 2023
SUBJECT: **Administrative Appeal - Transfer of Development Rights**

Background:

The subject application involves an Appeal of an Administrative Determination pursuant to Sec. 30-281 of the Village Code. Specifically, the applicant is seeking an appeal of the determination of the Planning Director to deny the transfer of a development right (TDR) from 81912 Overseas Highway (sender site) to 82601 Old Highway (receiver site). Both properties are located on Upper Matecumbe Key.

The sender site is located on the west side of Overseas Highway, Upper Matecumbe Key. The sender site is zoned Village Center (VC). The receiver site is located on the east side of Old Highway on Upper Matecumbe Key just over a half of a mile north of the sender site. The site is currently vacant and has single-family homes on either side. Across Old Highway are a variety of uses on properties zoned Village Center (VC). The receiver site maintains a lot area of approximately 2 acres. Both the sender and receiver sites are shoreline properties.

An application requesting a Transfer of Development Rights was filed with the Department of Planning and Development Services on January 4, 2023. After review, it was determined that the “proposed TDR does not meet the criteria set forth in Sec. 30-504(b). The proposed receiver site contains Class I habitat (hammock) and Class II habitat (disturbed hammock and disturbed beach or berm), and the proposed sender site contains Class III habitat (disturbed).” Based upon the habitat analysis, on January 27, 2023, a denial of the proposed transfer of development rights was issued by the Department of Planning and Development Services.

Analysis:

The Transfer of Development Rights is guided by Chapter 30, Article IV, Division 12 (Transfer of Development Rights) of the Village Code. It establishes specific standards which both limit and guide the transfer of development rights. The Code contains standards that limit the transfer of development rights based upon zoning, habitat classification and the adjacency to shoreline. In this instance, the question involves whether the transfer violates the standards pertaining to the sender and receiver parcels’ habitat classification. Specifically, whether the development right can be transferred from a lot containing Class III Habitat (disturbed) to a lot containing Class I Habitat (hammock) and Class II Habitat (disturbed hammock and disturbed beach or berm).

Village Code Sec. 30-501 establishes the purpose and intent of the TDR program. It states:

“The intent and purpose of this division is to permit and regulate the transfer of development rights (TDRs) between properties within the village in order to ensure that all development is consistent with the goals, objectives, and policies of the comprehensive plan. Transfer of development rights will aid in the preservation of environmentally sensitive lands through the removal of existing dwelling units or rights based on permitted densities, the redistribution of existing residential dwelling units to achieve planned densities, the retirement of development rights without increasing the overall amount of development, the encouragement of the placement of conservation easements on environmentally sensitive and flood-prone lands, the facilitation of appropriate redevelopment and revitalization of the village center (VC) zoning district by the concentration of mixed use activities, the preservation of existing affordable housing and encouragement of additional affordable housing, and a reduction of negative environmental impacts from development in balance with protection of private property rights.”

Transfer of development rights include the transfer of residential development credits, non-residential development rights and the transfer of lot intensity or lot area. In this instance, the application is seeking to transfer a residential development credit. Single family residential development is a permitted use in both Village Center (VC) and Residential Estate (RE).

However, the Code also provides restrictions on the transfer of development rights between different Habitat Classifications. Specifically, the Code prohibits the transfer of development rights from less environmentally sensitive properties to more environmentally sensitive properties. Sec. 30-504 (b) specifically states:

The receiver site shall be less environmentally sensitive than the sender site, according to a vegetation survey and/or a habitat analysis conducted by a certified biologist, and verified unless otherwise exempted or limited by the director of planning and development services or his designee, pursuant to habitat classifications described in subsection 30-1616(b)(2) of this Code, whereby the following conditions additionally apply:

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

The sender site associated with the subject application is classified as Class III Habitat or “disturbed.” However, the receiver site has been classified as a Class I (hammock) and Class II property (disturbed hammock and disturbed with beach or berm). The applicant provide the Village with Environmental Assessment and Vegetation Surveys for both sites completed by the same environmental consultant. As a result, the request for a transfer of development rights was denied by the Department of Planning and Development Services.

Administrative Appeals are governed by Village Code Sec. 30-281 (Administrative Appeals). According to the Code, “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 this chapter may appeal such decision or interpretation. The appeal shall be initiated within 30 days of the date of receipt by the aggrieved person of mailed, or posted, or published notice of the administrative decision or interpretation by filing an appeal with the director in a form specified by the planning and development services department for reviewing the application, and shall be accompanied by an application fee that is established by the village council from time to time to defray the

actual cost of processing the appeal. Failure to file an appeal within the timeframe specified, and exhaust all administrative remedies provided for in this chapter, shall constitute a waiver of all rights to appeal any interpretation or determination made by the village.”

According to Sec. 30-281 (d), “The village council in reviewing the appeal under this section shall presume the original decision of the director, building official or other administrative official was correct and shall only overturn such decision where there has been an error of fact or law.”

The code also establishes three (3) factors to be considered by the Village Council when reviewing an appeal. In no event, however, shall an appeal be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest. A review of these factors follows:

(1) The appeal is consistent with the purposes, goals, objectives and policies of the comprehensive plan;

The purpose and intent of the prohibition on the transfer of development rights from less environmentally sensitive properties to more environmentally sensitive properties is to protect the region’s invaluable environmental resources. The need to protect the region’s environmental resources is reflected throughout the purpose and intent of the state-designated Area of Critical State Concern. This includes, but is not limited to, the following:

- ☐ Establish a land use management system that protects the natural environment of the Florida Keys.
- ☐ Promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Florida Keys.
- ☐ Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11), as applicable.

The protection of the environmental resources within the Village is also contained within several areas of the Village Comprehensive Plan. This includes, but is not limited to, the following:

1-1 Future Land Use Goals, Objectives and Implementing Policies.

- ☐ That the Village incorporated to create a Comprehensive Plan to reclaim the Keys by conserving, preserving, and retaining our remarkable assets — our waters and natural environment — and our quality of life;
- ☐ That the Village is and must continue to be synonymous with sport fishing, diving, the Everglades National Park, the living coral reef, Indian Key, Lignumvitae Key, Shell Key, Windley Quarry, and many species of fish and fowl;
- ☐ That the Comprehensive Plan must further understanding of the ecological limits of our Keys and prohibit any further degradation of our natural resources by incompatible land and marine activities such as casino boats, sea planes, personal watercraft, and other watercraft

that are operated improperly; and

- That the Comprehensive Plan must describe public and private actions needed to protect and retain the Village's waterways and natural resources comprising our unique ecosystem as well as preserve the quiet solitude of the backcountry.
- Provides a sound basis for developing land use controls that ensure acceptable levels of service for hurricane evacuation, protect coastal resources, including nearshore waters, wetlands, grassbed flats, mangroves, as well as hammocks, and establish a basis for managing landscaping, signage, parking, drainage, and water quality;
- Relies on ecological constraints to establish limits for growth and create standards and criteria to ensure that human induced activities do not diminish assets of our unique coastal environment; and
- Ensures that the character and location of land uses incorporate best management practices and principles of resource conservation, promote orderly land use transition, and minimize threats to health, safety, and welfare which may be caused by incompatible land uses, environmental degradation, hazards and nuisances.

The transfer of a development right from a Class III disturbed lot (sender site) to a receiver lot with Class I (hammock) and Class II Habitat (disturbed hammock and disturbed with beach or berm) is inconsistent with the purpose and intent of both the Area of Critical State Concern and the Village Comprehensive Plan. It is also specifically prohibited by the TDR guidelines contained in Sec. 30-504 (b).

(2) The appeal complies with all relevant and appropriate portions of this chapter; and

The Administrative Appeal has been submitted in compliance with the guidelines contained within this Chapter.

(3) There was an error of fact or law in the decision of the director, building official or other administrative official.

The applicant provided the environmental assessments for both sites and therefore has not challenged the basic Habitat Classification of either site. The applicant is challenging that because the Receiver site has multiple classifications, it should not be classed as a Class I or Class II. However, I refer you back to Section 30-504 (b) of the Village Code. This section specifically calls out the types of parcels which qualify for transfer. Not portions of a parcel, not areas of habitat. Therefore, it is the belief of this Department that the Habitat Classification of the receiver site is accurate and does not represent an error of fact or law.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Based upon the above, it is the belief of this Department that the proposed TDR is inconsistent with the guidelines contained in Division 12 – Transfer of Development Rights. Specifically, the proposed TDR seeks to transfer a development right from a less environmentally sensitive property Class III habitat (disturbed) to a more environmentally sensitive property (Class I (hammock) and Class II Habitat [disturbed hammock and disturbed with beach or berm]).

In addition, the proposed request for an Administrative Appeal of the denial of the proposed TDR, fails to meet the standards contained within Division 4 – Administrative Appeals. Specifically, the applicant has failed to establish an error of fact or law that would support the overturning of the determination of the Department. As noted previously, the failure to meet any of the factors contained in Sec. 30-281 (e) shall result in the denial of the appeal. “In no event, however, shall an appeal be approved which fails to meet any standard” contained in the code.

The Department of Planning and Development Services respectfully recommends DENIAL of the proposed Administrative Appeal.

Attachments:

1. Reso_PLADA20230026
2. Receiver_Habitat
3. Sender_Habitat1
4. Appeal_Doc

Vegetation Survey & Restoration Plan

Legal

Strattons Subdivision
Block 12, Lot 6

Address

82601 Old Highway
Islamorada

Real Estate Number

00401260-000000

October 25, 2020

71 Tingler Lane, Marathon, FL 33050
julie_cheon@hotmail.com
Phone (305) 395-1985

Background:

The following report was completed to document the habitat and vegetation for the proposed development of a single family residence on above referenced property. The report includes a site description, a vegetation map indicating the location and size of protected species in the construction footprint and 20' buffer area, a species list and site photos. It also identifies species that will be impacted by the proposed development and provides a mitigation table and replanting map.

A site visit was completed on October 17, 2020.

Site Description:

The property is bordered on the east and west by developed parcels, on the south by open water and on the north by a paved road, Old Highway. For purposes of this report the front of the parcel is considered that which borders the Old Highway.

The existing habitat onsite was previously delineated in a report by others. A copy of the report is provided in Attachment H. The report notes that the approximately 76,345 sf parcel contains Hammock, Disturbed Hammock, Disturbed and Disturbed with Beach Berm habitats. A delineation by others is included on the site plan.

The Hammock and the Disturbed Hammock is located along the front of the property. This area transitions into a disturbed area that is heavily infested with exotic and invasive exotic vegetation. The disturbed area then transitions to a disturbed beach berm.

The house, swale and drive have been situated to utilize the most disturbed areas of the parcel. The house and swale have been located to avoid impacting all protected vegetation. The drive is situated to cross the disturbed hammock area. Due to the extensive amount of vegetation onsite that will be avoided, the vegetation survey was completed along the construction footprint and a twenty-foot buffer area.

Species of Note:

The dominant native vegetation in the construction footprint and twenty-foot buffer includes Buttonwood, Jamaican Dogwood, Blackbead and Florida Thatch Palm.

A complete list of species located onsite can be found in Attachment F – Species Table. Attachment D – Mitigation Table, lists the protected species to be impacted and provides the required replanting numbers.

Mitigation Requirements:

All listed species require mitigation if impacted by development and have been tagged with orange tape. A vegetation map (Attachment C) showing the locations of all listed species, all species greater than 3.5" dbh, and all relevant features is attached. Please note that locations are approximate.

Appropriate permits must be obtained from the Village of Islamorada prior to removal of any vegetation. Please consult the Islamorada Environmental Planning Department for specific requirements.

The following criteria are required to be met on parcels classified as Disturbed with Tropical Hardwood Hammock.

- All listed threatened, endangered, commercially exploited, and regionally important native plant species shall be preserved, protected, relocated or replaced with the same species or equally rare species suitable to the site in accordance with [section 30-1615](#);
- All specimen and champion trees shall be preserved in their natural condition;
- All non-invasive or native trees greater than 3 ½ dbh shall be preserved, protected, relocated or replaced in accordance with [section 30-1615](#);
- All areas of disturbance shall be managed to avoid the introduction and/or establishment of invasive exotic species; and
- All invasive exotic species shall be removed from the parcel proposed for development.

Mitigation/Planting Plan Notes:*General Notes*

- Species listed as endangered, threatened or regionally important must be replaced at a minimum ratio of 1:1 of similar size and maturity.
- Replacement trees shall be at least eight feet in height, three inches dbh, and consist of non-invasive species pursuant to the standards contained in this division. The director of planning and development services may reduce the height requirement up to 50 percent for rare native plant species.
- All native palms and shrubs replaced shall be of the same size and species, or similar species, as the plants removed.

- Nursery stock of 24 inches in height may be substituted at the ratio of three plants for every one plant proposed for removal as may be approved by the director of planning and development services.
- Nursery stock shall be of the same species whenever possible, or equally rare species as approved by the director of planning and development services.
- All conditions of Section 30-1615 of the Village of Islamorada Code must be adhered to.

Please feel free to direct any questions regarding this report to the author at the above referenced contacts.

Attachment A – Location Aerial

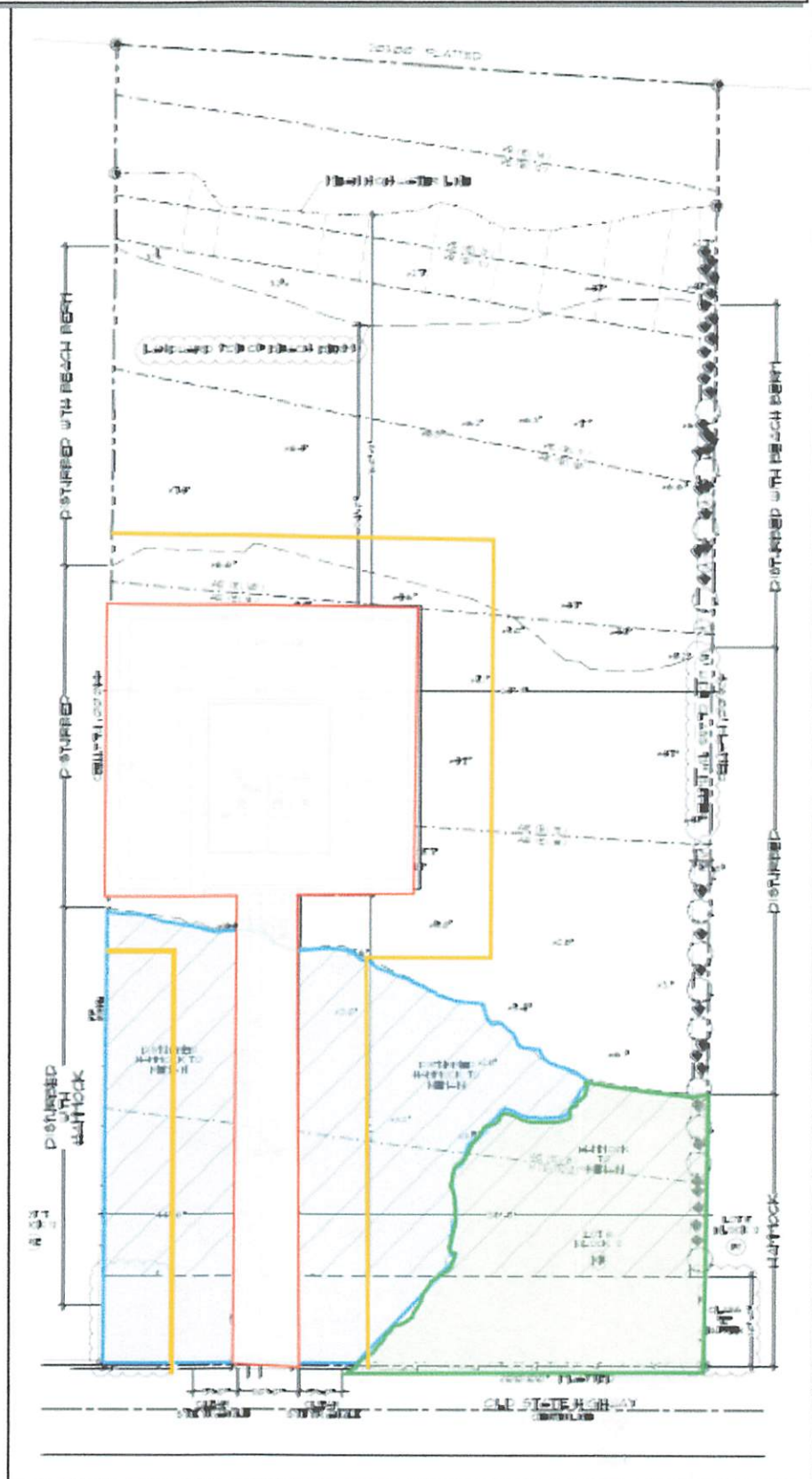


Attachment B – Site Plan Showing Survey Area

Key

- = Construction Footprint
- = 20' Survey Buffer

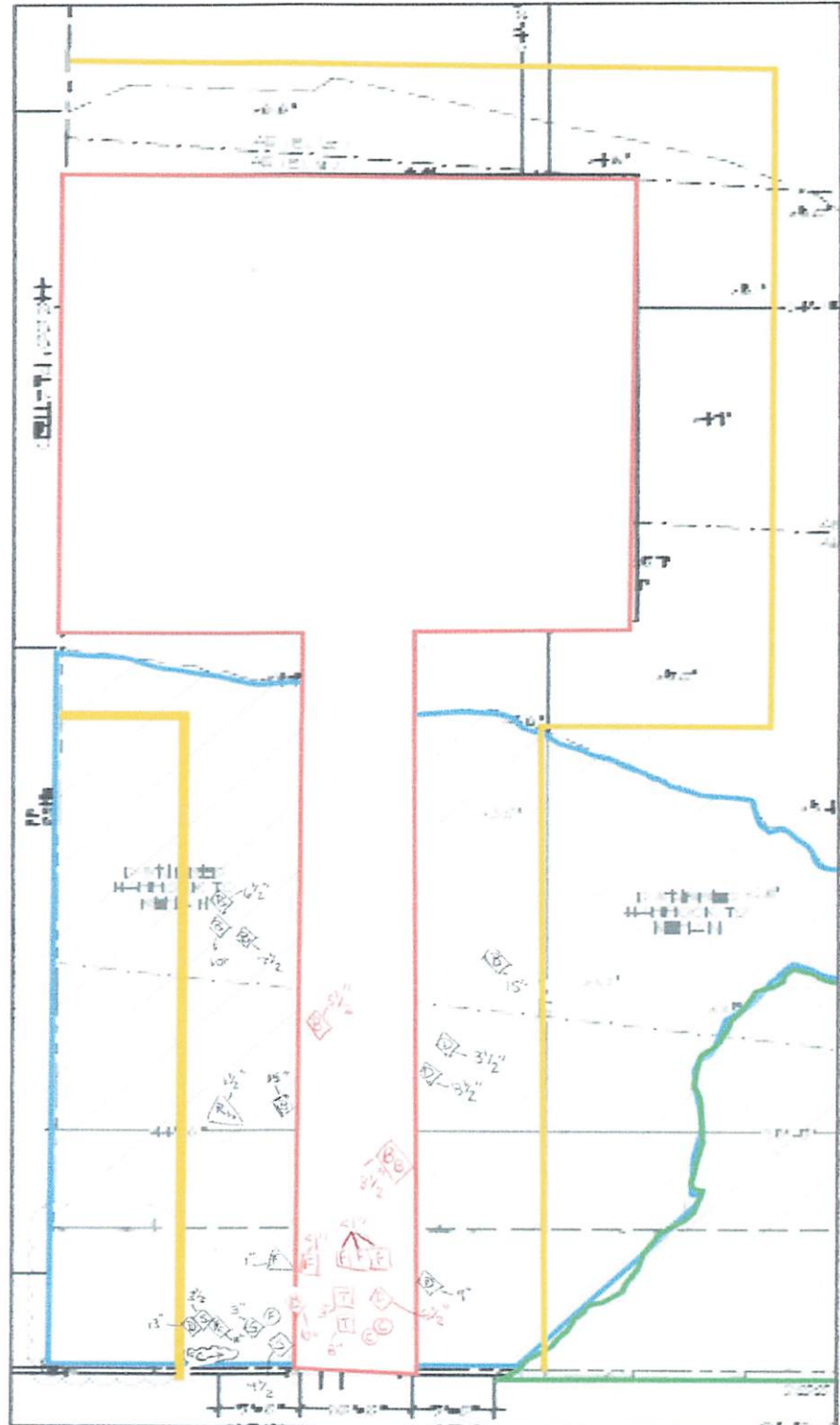
Not to Scale



Attachment C - Vegetation Map / Survey Area

Not to Scale

See Species List
for Specimen
Key



Old Highway

Attachment D – Impacted Non-Invasive/Native Species Greater than 3.5" dbh.

<u>Symbol</u>	<u>Scientific Name</u>	<u>Common Name</u>	<u>Status</u>	<u>Diameter</u>	<u>Replacement</u>	<u>Size</u>
B	<i>Conocarpus erectus</i>	Buttonwood - Green	N>3.5"	5.5"	1	
		TOTAL	Buttonwood		1	8' Min Height
B _B	<i>Pithecellobium guadalupense</i>	Blackbead	N>3.5"	3.5"	1	
		TOTAL	Blackbead		1	8' Min Height
C	<i>Jacquemontia pentanthos</i>	Sky Blue Clustervine	END	1 vine	1	
C	<i>Jacquemontia pentanthos</i>	Sky Blue Clustervine	END	1 vine	1	
		TOTAL	Cluster Vine		2	1-gallon pot
D	<i>Piscidia piscipula</i>	Jamaican Dogwood	N>3.5"	8.5"	2	
D	<i>Piscidia piscipula</i>	Jamaican Dogwood	N>3.5"	10"	2	
		TOTAL	Dogwood		4	8' Min Height
F	<i>Piscidia piscipula</i>	Florida Privet	RI	<1"	1	
F	<i>Piscidia piscipula</i>	Florida Privet	RI	<1"	1	
F	<i>Piscidia piscipula</i>	Florida Privet	RI	<1"	1	
F	<i>Piscidia piscipula</i>	Florida Privet	RI	<1"	1	
		TOTAL	Florida Privet		4	5-gallon pot
T	<i>Thrinax radiata</i>	FI Thatch Palm	END	3" clear trunk	1	
T	<i>Thrinax radiata</i>	FL Thatch Palm	END	8" cleat trunk	1	
		TOTAL	FI Thatch Palm		2	15-gallon pot
		TOTAL Specimen to be Planted			14	

Attachment E - Replanting Plan



Attachment F - Species List

Scientific Name	Common Name	Status	Map Symbol
<i>Abutilon perfoliate</i>	Coastal Indian Mallow	N	
<i>Bidens Alba</i>	Beggar Ticks	N	
<i>Bourreria succulenta</i>	Strongback/Strongbark	END	
<i>Bumelia celastrina</i>	Saffron Plum	N	
<i>Bursera simaruba</i>	Gumbo Limbo	N	
<i>Canavalia rosea</i>	Beach Pea / Bay Bean	N	
<i>Capparis cynophallophora</i>	Jamaica Caper	SR	
<i>Capparis flexuosa</i>	Limber Caper	SR	
<i>Capraria biflora</i>	Goatweed	N	
<i>Casuarina equisetifolia</i>	Australian Pine	IEX	
<i>Cenchrus spp</i>	Sandspur	N	
<i>Coccoloba diversifolia</i>	Pigeon Plum	N	
<i>Coccoloba uvifera</i>	Seagrape	N	
<i>Cocos nucifera</i>	Coconut Palm	ex	
<i>Commelina erecta</i>	Whitemouth Dayflower	N	
<i>Conocarpus erectus</i>	Green Buttonwood	N	B
<i>Crossopetalum rhacoma</i>	Rhacoma	END	R _h
<i>Cyperus ligularis</i>	Bull Rush/ Swamp Flat Sedge	N	
<i>Dactyloctenium aegyptium</i>	Crowfootgrass	ex	
<i>Delonix regia</i>	Royal Poinciana	ex	
<i>Dioscorea bulbifera</i>	Air-potato	IEX - Cat 1	
<i>Distichlis spicata</i>	Salt Grass	N	
<i>Eugenia foetida</i>	Spanish Stopper	N/SR	S
<i>Exothea paniculata</i>	Inkwood	RI	
<i>Ficus aurea</i>	Strangler Fig	N	F _c
<i>Ficus citrifolia</i>	Shortleaf Fig	N	
<i>Forestiera segregata</i>	Florida Privet	RI	F
<i>Galactia regularis</i>	Eastern Milkpea	N	
<i>Guapira discolor</i>	Blolly	N	
<i>Heliotropium Angiospermum</i>	Scorpiontail	N	
<i>Heliotropium gnaphalodes</i>	Sea Lavender	E	
<i>Herissantia crispa</i>	Bladder Mallow	N	
<i>Ipomoea cordatotriloba</i>	Tie Vine	N	
<i>Ipomoea indica</i>	Oceanblue Morning Glory	N	
<i>Ipomoea pes-caprae</i>	Railroad Vine	N	
<i>Jacquemontia pentanthos</i>	Skyblue Cluster Vine	END	C
<i>Melanthera nivea</i>	Snow Squarestem	N	
<i>Metopium toxiferum</i>	Poisonwood	N	
<i>Morinda royoc</i>	Mouse's Pineapple	N	

<i>Myriopus volubilis</i>	Soldier Vine	N	
<i>Passiflora suberosa</i>	Corkstem Passionflower	N	
<i>Phyla nodiflora</i>	Matchweed	N	
<i>Piscidia piscipula</i>	Jamaican Dogwood	N	D
<i>Pithecellobium guadalupense</i>	Blackbead	N	B ₈
<i>Pluchea spp.</i>	Elebane	N	
<i>Randia aculeata</i>	Randia/White Indigo Berry	SR	
<i>Reynosa septentrionalis</i>	Darling Plum/Red Ironwood	T	
<i>Ricinus communis</i>	Castor Bean	IEX - Cat 2	
<i>Rivina humilis</i>	Rouge Plant	N	
<i>Sansevieria hyacinthoides</i>	Mother-in-Law Tongue	ex	
<i>Schinus terebinthifolia</i>	Brazilian Pepper		
<i>Sesbania herbacea</i>	Danglepod	N	
<i>Sesuvium portulacastrum</i>	Seapurslane	N	
<i>Sida ciliaris</i>	Fringed Fanpetals	N	
<i>Sideroxylon foetidissimum</i>	Mastic	RI	
<i>Smilax havenensis</i>	Cat Brier	T	
<i>Solanum americanum</i>	American Black Nightshade	N	
<i>Solanum bahamense.</i>	Bahama Nightshade	N	
<i>Suriana maritima</i>	Bay Cedar	N	
<i>Swietenia Mahagoni</i>	Mahogany	END	
<i>Thespesia populnea</i>	Portia Tree	ex	
<i>Thrinax radiata</i>	Florida Thatch Palm	END	T
<i>Waltheria indica</i>	Sleepy Morning	N	
<i>Zanthoxylum fagara</i>	Wild Lime	N	
	Exotic landscape palms	ex	
	Misc. Grass & herbs		

Key ~ Status

CE	Commercially Exploited	All Protected
ex	Exotic	non-native (may be naturalized)
END	Endangered	All Protected
IEX	Invasive Exotic	Removal Prior to CO Required
N	Native	> 4" dbh protected
RI	Regionally Important	All protected
T	Threatened	All Protected

Attachment G - Site Photos



House Location – Center Looking East



House Location – Center Looking West



Shoreline



Hammock – West Side of Property

Attachment H - Vegetation survey By Others



environmental
CONSULTING SYSTEMS, inc.
biological assessments • land use planning • impact analysis

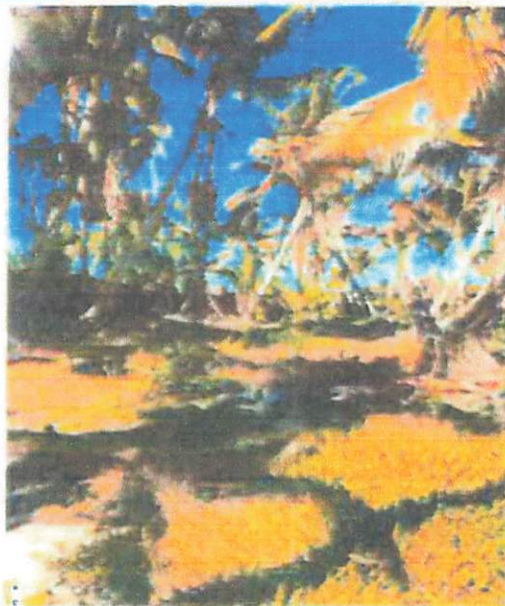
VEGETATION SURVEY

PURSUANT TO SECTION 30-1614 (c) & SECTION 30-1615
ISLAMORADA, VILLAGE OF ISLANDS LAND DEVELOPMENT CODE

Legal Description of Parcel:					
Block	Lot	Subdivision	Key (island)	Plat Book/Page	Re #
12	6	Stratton's	Plantation Key	2/38	00401260-000000
Location: Vacant: Old Highway MM 82.6 Oceanside					
Islamorada Building Permit Application Number:				NA	
Property Owner (Last Name, First Name):			Address (Mailing address for Owner):		
[REDACTED]			[REDACTED]		
Report Date:			Date(s) of site visit(s):		
22 January 2019			21 & 22 January 2019		
Name of Biologist:		Affiliation:	Phone:	(305) 852-1920	
Susan V. Sprunt		E.C.S., Inc.	E-mail:	susan@susansprunt.com	
Signature:		[Handwritten Signature: Susan V. Sprunt]			

I. SUMMARY

This vegetation survey was conducted on a vacant parcel located along the Old Highway on Upper Matecumbe Key, Oceanside, Mile Marker 82.6. The site had three major areas of habitat with varying degrees of disturbance. First, from the Mean High-Water Line (MHWL) into the parcel approximately 140 feet was a solid stand of coconut trees. Sparse non-native vegetation was found ranging in height from 3-4 feet throughout this area. Australian pine (*Casuarina equisetifolia*) was the primary non-native found with some scattered portia (*Thespesia populnea*). The majority of vegetation was native, with the exception of the coconut palms.



Coconut palms - looking N/NE

Directly behind and adjacent to the coconut palm area a sparse opening of vegetation was found consisting mostly of the non-native castor bean (*Ricinus communis*). However, in and among the castor bean was a large amount of the native beach pea vine (*Canavalia rosea*). This vine was growing on the ground and up and around the castor bean. On the Southern perimeter there were more coconut trees and scattered native canopy trees such as Jamaica dogwood and green buttonwood. In addition, a sand path was found that merged into a lime rock fill/gravel driveway that appears to be utilized by the adjacent property (see Vegetation Site Plan, Pages 5 & 6). The pathway appears to have been man-made some time ago with fill and debris visible on either side of the opening. A few non-native canopy trees of Brazilian pepper (*Schinus terebinthifolia*) were found on either side of the man-made pathway that appeared to be in distress or completely dead. The majority of the vegetation just beyond the fill/debris appeared to be native with very little non-native species found (see Vegetation Site Plan, Page 6).

The vegetation in the southwestern portion of the site adjacent to the Old Highway consisted mostly of native habitat with very little non-native species present. The only disturbance appeared to be the open areas adjacent to the Old Highway as well as a thin strand of non-native snake plant (*Dracaena hyacinthoides*) approximately 3-4 feet wide (see Vegetation Site Plan, Page 6). Three large native canopy trees have been blown down, likely during Hurricane Irma, two of which are still living. The removal of the large canopy trees has created an opening and many native species have begun to grow, namely the sky blue clustervine (*Jacquemontia pentanthes*).

The northeastern corner adjacent to the Old Highway and the entire northern perimeter contain the majority of the non-native species (see Vegetation Site Plan, Pages 5 & 6). Two very large Australian Pine trees were found in this area along with several native canopy trees (see Vegetation Site Plan, Page 6). A solid stand of mostly dead Brazilian pepper (*Schinus terebinthifolia*) was found along the northern perimeter. Directly behind the dead pepper there were more native canopy trees seen mostly of green buttonwood (*Conocarpus erectus*). The green buttonwood was entangled within the dead vegetation.

Locations of all areas and plants on the Vegetation Site Plan were estimations only and exact locations should be verified by a boundary survey.

II. Plant Species List

Common Name	Scientific Name	Status	Location
Air-potato	<i>Dioscorea bulbifera</i>	INV - Cat 1	
Australian Pine	<i>Casuarina equisetifolia</i>	INV - Cat 1	
American Black nightshade	<i>Solanum americanum</i>	N	
Bahama nightshade	<i>Solanum bahamense</i>	N	
Bay cedar	<i>Suriana maritima</i>	N	Berm area
Beach Pea/ BayBean	<i>Canavalia rosea</i>	N	Berm area
Blackbead	<i>Pithecellobium guadalupense</i>	RI	throughout
Bladder Mallow	<i>Herissantia crispa</i>	N	
Blolly	<i>Guapira discolor</i>	N	
Blood berry	<i>Rivina humilis</i>	N	
Buttonwood, Green	<i>Conocarpus erectus</i>	N	
Caper, Jamaica	<i>Quadralla cynophallophora</i>	N	
Castor Bean	<i>Ricinus communis</i>	INV-Cat 2	Berm area
Creeping Charlie	<i>Phyla nodiflora</i>	N	
Darling Plum	<i>Reynosa septentrionalis</i>	T	Native area
Day Flower	<i>Commelina erecta</i>	N	
Dogwood, Jamaican	<i>Piscidia piscipula</i>	N	
Fig, Shortleaf	<i>Ficus citrifolia</i>	N	
Fig, Strangler	<i>Ficus aurea</i>	N	
Galactia vine	<i>Galactia spp.</i>	N	
Goatweed	<i>Capraria biflora</i>	N	
Grass, Crowsfoot	<i>Dactyloctenium aegyptium</i>	EX	
Grass, Sandspur	<i>Cenchrus echinatus</i>	N	
Greenbriar	<i>Smilax spp.</i>	N	
Gumbo Limbo	<i>Bursera simaruba</i>	N	
Inkwood	<i>Exothea paniculata</i>	RI	Native area
Lima, Wild	<i>Zanthoxylum fagara</i>	N	

Mahogany	<i>Swietenia mahagoni</i>	T	Native area
Mastic	<i>Sideroxylon foetidissimum</i>	RI	Native area
Melanthra	<i>Melanthra repens</i>	N	
Palm, Coconut	<i>Cocos nucifera</i>	EX	Berm area
Palm, Christmas	<i>Adonidia merrillii</i>	EX	
Palm, Florida thatch	<i>Thrinax radiata</i>	E	Native area
Passion Vine	<i>Passiflora suberosa</i>	N	
Pluchea	<i>Pluchea odorata</i>	N	
Poisonwood	<i>Metopium toxiferum</i>	RI	Native area
Portia	<i>Thespesia populnea</i>	INV-Cat 1	Berm area
Railroad vine	<i>Ipomoea pes-caprae</i> subsp. <i>brasiliensis</i>	N	
Randi	<i>Ranida aculeata</i>		Native area
Royal Poinciana	<i>Delonix regia</i>	EX	
Saffron Plum	<i>Sideroxylon celastrinum</i>	N	Native area
Sea Grape	<i>Coccoloba uvifera</i>	N	
Sea Lavender	<i>Heliotropium gnaphalodes</i>	E	Berm area
Scorpion Tail	<i>Heliotropium angiospermum</i>	N	
Sesuvium	<i>Sesuvium portulacastrum</i>	N	Berm area
Sky vine Blue clustervine	<i>Jacquemontia pentanthos</i>	E	Native area
Snake Plant	<i>Dracaena hyacinthoides</i>	INV-Cat 2	
Spanish needles	<i>Bidens spp.</i>	N	
Soldier Vine	<i>Myriopus volubilis</i>	N	
Strongbark	<i>Bouyeria succulenta</i>	E	
Stopper, Spanish	<i>Eugenia foetida</i>	N	
Yellow Root	<i>Morinda royoc</i>	N	

KEY: T = Listed as Threatened by the State of Florida

N = Native species

EX = Non-native species

E = Listed as Endangered by the State of Florida

RI = Listed as Regionally Important by Islamorada, Village of Islands

Cat 1 & 2 = Category 1 & 2 Invasive Plant species: FLEPPC 2017

Vegetation Site Plan

Scale: 1" = 30'

For:

RE: 00401260-000000

By:

ECS, Inc.

21 January 2019

Page 6 of 6

JAM. DOGWOOD + COCONUT PALM

OLD TURBIDITY
SCREENS

(396.92 to 400.00) Plot

47

metal cargo containers

x4.8"

File
Page

94.7°

Source:

Boundary Survey

Massy-Richards Surveying

Dwg No: 15419

Date: 1/2,3/19

AREA OF
SANSEVERINA
(TP.)

2 HUMBLE
AUSTRALIAN
PINES

DEPRESSION
AREA WITH
SAFRON PLUM

~~18300000~~
 (360" DBH)
 18300000 (10' HGT)
~~18300000~~ 18300000

2. MASTIC (10' HT)

WHITE
MANHOLE
(4' HT)

-2 GUMBO LIMBO

0.9746

BRAZILIAN PEPPER

DEAD

8.1.16 AF
P16

DOWN

DOWN

DOWN
DOWN

WILD x2.0

15.4
2.77

NATIVE

REF: 12/11/2000
12/11/2000 - 12/11/2000

3. THREAX PALMS

3 LARGE GREEN
BUTTERNUT TREES

В.Л.О.С.К.

Source:

Boundary Survey

Massy-Richards Surveying

Dwg. No: 15419

Date: 1/2,3/19









Environmental Assessment & Vegetation Survey

Location

Strattons Subdivision
Block 3, Lot 4

Address

81912 Overseas

Real Estate Number

00399300-000000

December 26, 2022

71 TINGLER LANE, MARATHON, FL 33050
JULIE_CHEON@HOTMAIL.COM
PHONE (305) 395-1985
FAX (305) 743-4587

Background:

The following report was completed to document the existing conditions and the Listed species onsite. The report was required by the Village of Islamorada, as the parcel is being proposed as a sender site in a Transferable Development Right (TDR) transaction. The report includes a site description, a vegetation map, a species list, and site photos.

Site visits were performed on the above referenced property on December 24, and December 26, 2022.

Site Description:

The developed property is approximately 24,250 sf and located on Florida Bay. The parcel contains two habitable structures, two sheds, a pool, a dock, and other accessory structures. Both native and exotic vegetation is located on site, including mature native canopy species. Numerous landscape plants and palms were observed. Native species on site consisted primarily of pockets of large canopy trees but understory trees were also present. As shown in Attachment B, a pocket of mature Red Mangroves are present in the northwest corner of the property. Outside of the mangrove edge, the shoreline is armored.

Species of Note:

Two invasive exotic species regulated by the Village of Islamorada were located on site, *Schinus terebinthifolia* (Brazilian Pepper) and *Eugenia uniflora* (Surinam Cherry). These species are listed as Category I and Category II invasive exotic species, respectively. All are required to be removed prior to a certificate of occupancy being issued. There are also several mature *Manilkara zapote* (Sapodilla) on site. While listed as an invasive exotic species by the Florida Keys Environmental Restoration Task Force, they are not classified as invasive by the Village of Islamorada.

Bursera simaruba (Gumbo Limbo), *Guapira discolor* (Blolly) and *Eugenia foetida* (Spanish Stopper) were the most common native species on site.

A complete species list is located in Table 1.

Mitigation Requirements:

The property would be classified as disturbed. As such the following conditions are required to be adhered to, should any development be proposed:

- All listed threatened, endangered, commercially exploited, and regionally important native plant species shall be preserved, protected, relocated or replaced with the same species or equally rare species suitable to the site in accordance with [section 30-1615](#).
- All specimen and champion trees shall be preserved in their natural condition;
- All non-invasive or native trees greater than six-inch dbh shall be preserved, protected, relocated or replaced in accordance with [section 30-1615](#).

- All areas of disturbance shall be managed to avoid the introduction and/or establishment of invasive exotic species; and
- All invasive exotic species shall be removed from the parcel proposed for development.

Appropriate permits must be obtained from the Village of Islamorada prior to removal of any vegetation. Please consult the Islamorada Environmental Planning Department for specific requirements.

Table 1 – Species List

<u>Scientific Name</u>	<u>Common Name</u>	<u>Map Key</u>	<u>Status</u>	<u>Notes</u>
<i>Bursera simaruba</i>	Gumbo Limbo	G	N	
<i>Capparis cynophallophora</i>	Jamaica Caper	-	N	
<i>Capparis flexuosa</i>	Limber Caper	-	N	
<i>Chrysobalanus icaco</i>	Coco Plum	-	N	
<i>Coccoloba diversifolia</i>	Pigeon Plum	Pp	N	
<i>Coccoloba uvifera</i>	Seagrape	-	N	
<i>Conocarpus erectus</i>	Green Buttonwood	B	N	
<i>Cordia sebestena</i>	Geiger Tree	Gg	N	
<i>Eugenia foetida</i>	Spanish Stopper	S	N	
<i>Eugenia uniflora</i>	Surinam Cherry	-	IEX	Cat II
<i>Guapira discolor</i>	Blolly	By	N	
<i>Ixora spp.</i>	Ixora	-	ex	
<i>Krugiodendron ferreum</i>	Black Ironwood	Bi	Ri	
<i>Manilkara zapota</i>	Sapodilla	Sd	ex	
<i>Pithecellobium unguis-cati</i>	Catclaw Blackbead	-	N	
<i>Rhizophora mangle</i>	Red Mangrove	-	N	State Protected
<i>Schinus terebinthifolia</i>	Brazilian Pepper	-	IEX	Cat I
<i>Thrinax radiata</i>	Florida Thatch Palm	Tr	END	
	Misc. Landscape Plants/Palms	-	ex	

See Status Key Below

Key ~ Status

CE	Commercially Exploited	All Protected
ex	Exotic	non-native (may be naturalized)
END	Endangered	All Protected
IEX	Invasive Exotic	Removal Prior to CO Required
N	Native	> 4" dbh protected
RI	Regionally Important	All protected
T	Threatened	All Protected

Please feel free to direct any questions regarding this report to the author at the above referenced contacts.

Attachment A
Location Map

Subject Property



Attachment B - Vegetation Map – Inset B (page 3 of 5)



Please note locations are approximate due to the limitations of the measuring

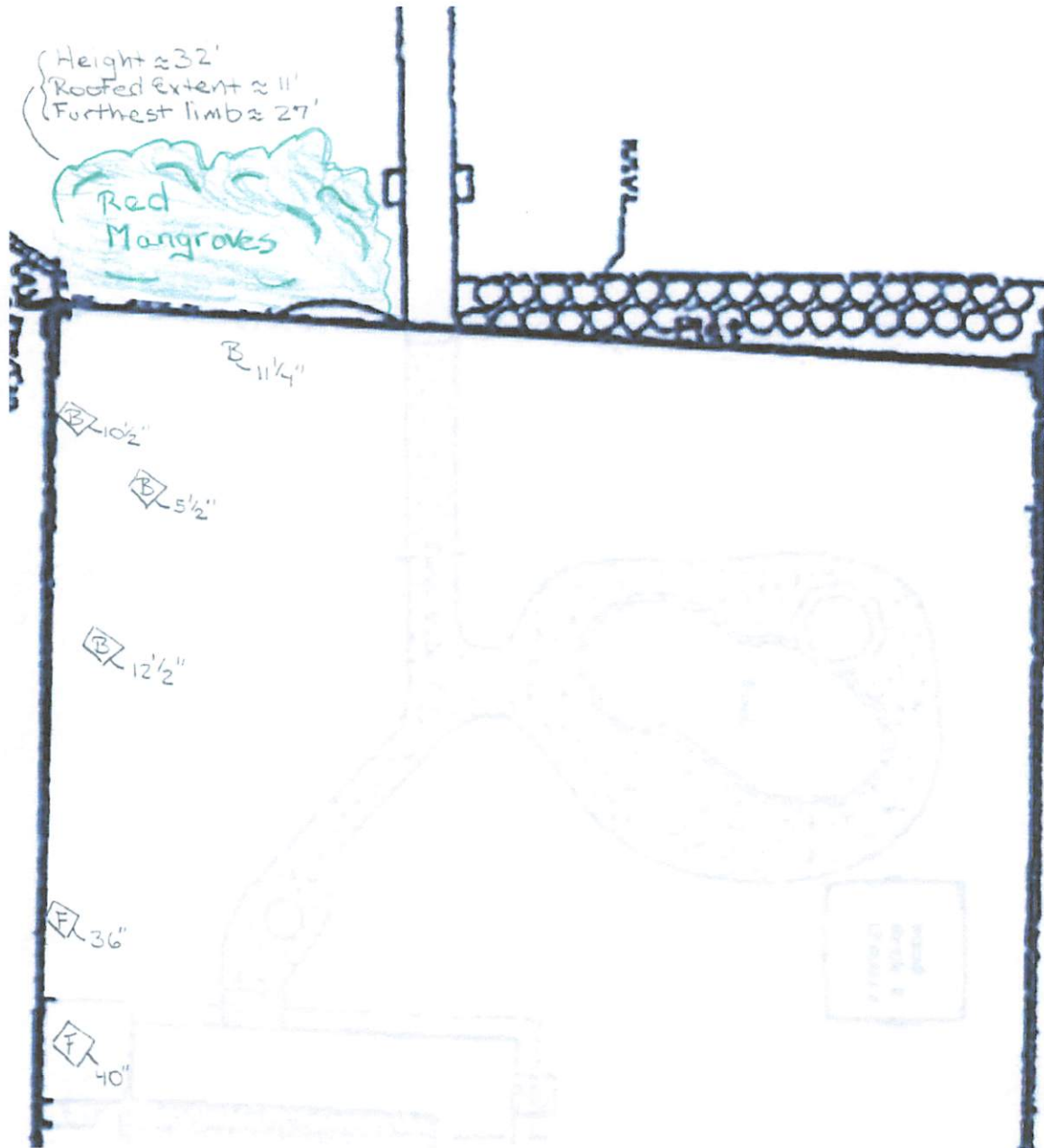
Measurements indicate trunk specified.

Not to Scale

Please see Species Key in Plant List - Table 1



Attachment B - Vegetation Map – Inset C (page 5 of 5)

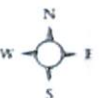


Please note locations are approximate due to the limitations of the measuring

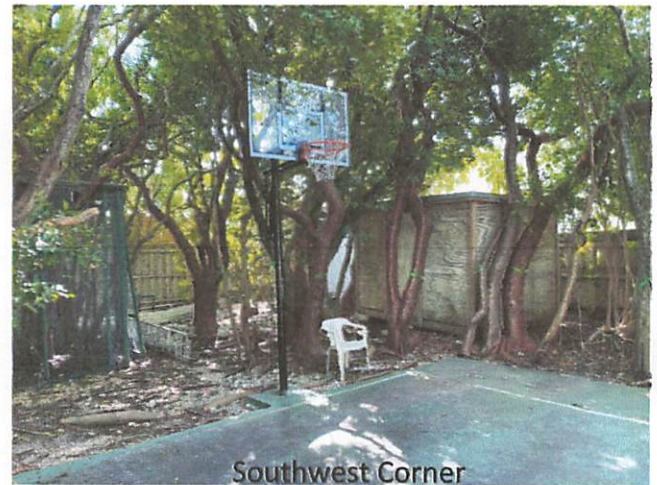
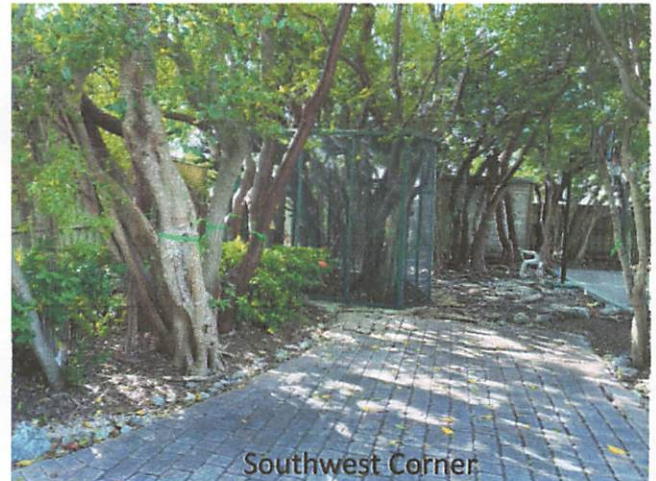
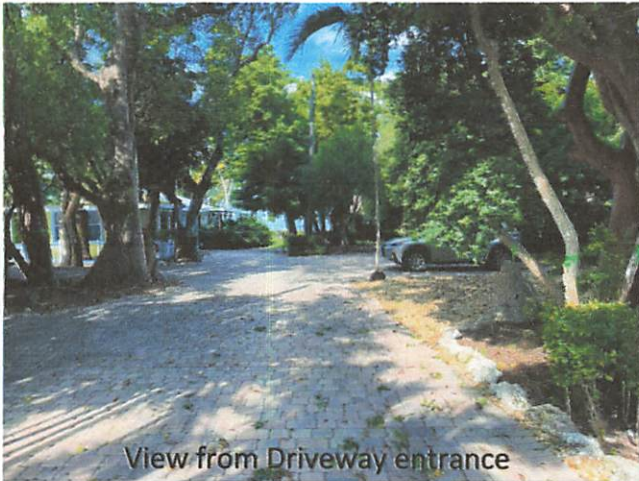
Measurements indicate trunk specified.

Not to Scale

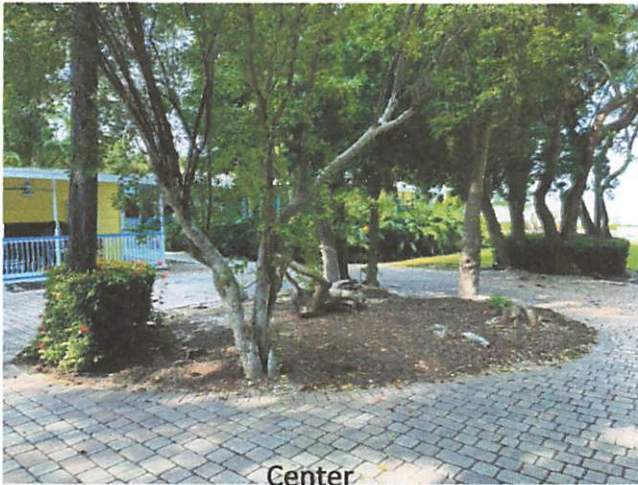
Please see Species Key in Plant List - Table 1



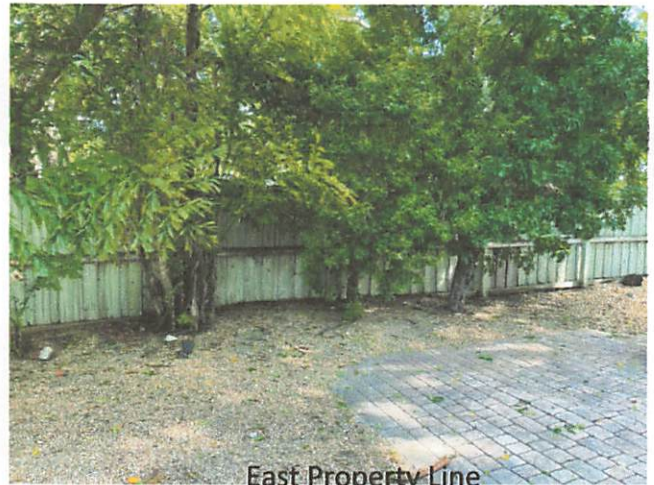
Attachment C Site Photos (Page 1 of 2)



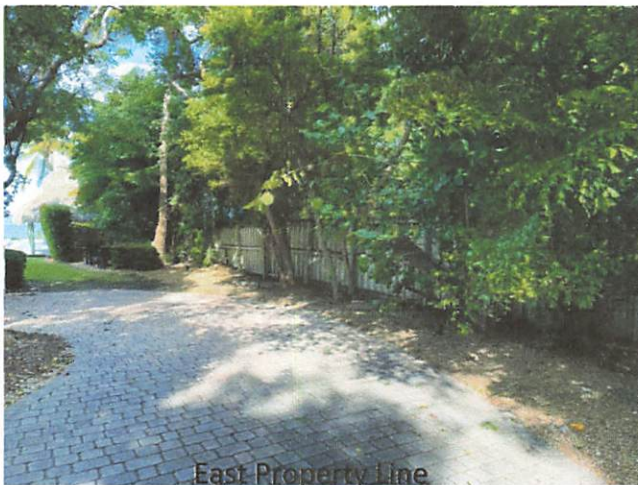
Attachment C Site Photos (Page 2 of 2)



Center



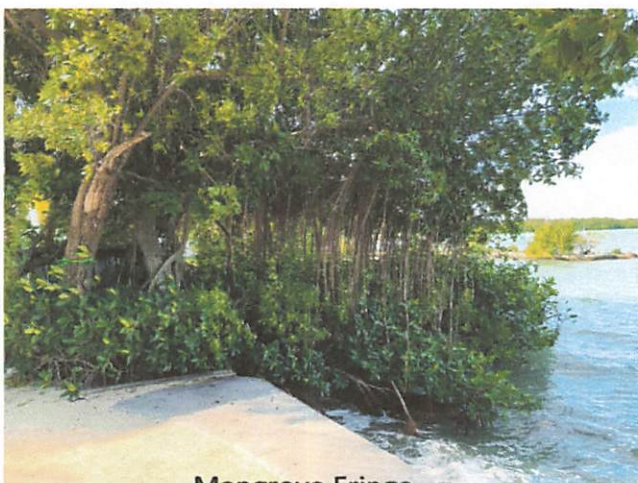
East Property Line



East Property Line



Rear



Mangrove Fringe



Mangrove Fringe

SMITH / HAWKS

ATTORNEYS AT LAW

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

UPLOADED TO CITYVIEW ePORTAL

February 7, 2023

Daniel Gulizio, Planning and Development Director
Islamorada, Village of Islands Planning & Development Services
86800 Overseas Highway
Islamorada, FL 33036
Email: PlanningDirector@Islamorada.FL.US

Re: APPEAL APPLICATION: APPLICATION FOR TRANSFER OF DEVELOPMENT RIGHTS –WHAT A GOOD CATCH, LLC [FILE NO. PLADA20230026]

Dear Daniel,

Please allow this correspondence to serve as a supplemental memorandum (“Memorandum”) to the formal appeal application submitted on February 3, 2023 (“Application”), by and WHAT A GOOD CATCH, 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 a Minor Conditional Use Permit for the Transfer of Development Right (“TDR”) (“Application”) requesting a TDR from the real property located at 81912 Overseas Highway, Upper Matecumbe Key, Florida 33036, having Monroe County Parcel ID No. 00399300-000000 (“Sender Site”) to the real property located at 82601 Old Highway, Upper Matecumbe Key, Florida 33036, having Monroe County Parcel ID No.: 00401260-000000 (the “Receiver Site”).

Applicant is appealing the Village’s Letter of Denial (the “Denial”), and Applicant provides the following in support of the Appeal:

APPEAL GROUNDS

The Village’s denial of the requested minor conditional use permit for the transfer of TDR, as described below, is based upon an interpretation of the Village Code which errantly conflates habitat classification with parcel classification, is contrary to the public good, and inconsistent with the purposes and policies of the Village’s Comprehensive Plan (“Comp Plan”). Applicant has provided the following in support of this appeal:

I. The Denial

The Denial states that: “The proposed TDR does not meet the criteria set forth in Sec. 30-504(b). The proposed site contains Class I habitat (hammock) and Class II habitat (disturbed hammock and disturbed beach or berm), and the proposed Sender Site contains Class III habitat (disturbed).”

It appears from the Denial that the Village has taken a position on how to classify mixed-habitat parcels—that the presence of *any* amount of Class I habitat on a parcel will result in the parcel being considered a Class I parcel. This interpretation is misguided, and conflates habitat classification with parcel classification. The Denial is based on reasoning that is inconsistent with the Code, and contrary to the goals and policies in the Comp Plan.

II. TDR Transfer Procedure

Section 30-504(b) of the Code, the TDR transfer procedure, states:

The receiver site shall be less environmentally sensitive than the Sender Site, according to a vegetation survey and/or a habitat analysis conducted by a certified biologist, and verified unless otherwise exempted or limited by the director of planning and development services or his designee, pursuant to habitat classifications described in subsection 30-1616(b)(2) of this Code, whereby the following conditions additionally apply:

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

While this Section seems rather straightforward, it is woefully ambiguous. The Code fails to define any of the three classes of parcels. Instead, Section 30-504(b) directs us to Section 30-1616(b)(2), which simply defines the classes of habitats. While it is clear from the Code how *habitats* are classified, the classification of *parcels* is not. Obviously, the class of habitat present on a parcel provides insight into how the parcel should be classified; if the only habitat on a parcel is a Class I habitat, then the parcel should be classified as a Class I parcel. But, as the case is here, many parcels contain more than one habitat, each of which may have a different classification. Another consideration is the amount of habitat on a given parcel, i.e., what percentage of the parcel’s area is comprised of each habitat, and whether the habitats will be impacted by development.

As the Code fails to define parcel classifications and Section 30-504(b) requires the receiver site to be less environmentally sensitive “pursuant to habitat classifications described in subsection 30-1616(b)(2)”, then subsection 30-1616 needs to be taken into consideration to understand what is permissible through the TDR transfer procedure.

Section 30-1616 requires that all development be located on the least environmentally sensitive portions of a parcel, known as clustering. When a parcel contains multiple habitat types/classes, the development must be clustered on the least sensitive habitat. Based on these provisions, when classifying a parcel it is necessary to consider which habitats within the parcel are being proposed for development through a TDR, not simply which habitats are present on the parcel. This is especially true when proposed development through a TDR makes special provisions to guarantee that environmentally sensitive habitats will be preserved from development, through, i.e., conservation easements. The entire purpose behind the restrictions found in Section 30-504(b) is to protect environmentally sensitive habitats. Clearly, those habitats are within parcels—but as shown through clustering, parcels can be developed while specific habitats on those parcels are still protected and preserved.

Based on the provisions of section 30-1616, which are incorporated into the TDR transfer procedure, a parcel containing some amount of sensitive habitat does not make the entire parcel environmentally sensitive. Therefore, to determine the environmental sensitivity of a parcel (and its corresponding class), the specific habitats that will be impacted by the development proposed under the TDR should control; not the habitats that will be protected and preserved.

Here, the Receiver Site has four separate habitats on the parcel: hammock (Class I); disturbed hammock (Class II); disturbed with beach berm (Class II); and disturbed (Class III). This is outlined in the Vegetation Survey for the Receiver Site submitted with the Application. Also included in the Application was the Grant of Conservation Easement proposed to be placed on the Class I hammock habitat, which would guarantee that habitat's protection and remove it from any development on the Receiver Site. The entire development proposed on the Receiver Site through the Application is to be clustered on the least sensitive habitats within the Site—the home is to be located in the disturbed habitat within the parcel, with the drive for access to the home being through the disturbed hammock. As the proposed development through the TDR would only impact Class II and III habitats, it is contrary to the Code to classify the Receiver Site as a Class I parcel.

III. The Comp Plan

The Village's Comprehensive Plan also supports the reasoning provided above. Section 30-504(b) of the Code was created pursuant to Policy 1-3.1.3 of the Comp Plan—"the Village shall maintain a program to facilitate the transfer of a variety of development rights within the Village's boundaries[.]" That Policy further states that the TDR program shall achieve, *inter alia*, the following: "protect environmental resources in balance with protection of property rights;" "[e]ncourage the placement of conservation easements on environmentally sensitive . . . parcels of land; and [f]urther the public good and the goals, objectives and policies of the Comprehensive Plan."

When determining a parcel's classification, considering which habitats within the parcel will remain protected and undeveloped through a TDR transfer is the only way to protect environmental resources in balance with protecting property rights. Determining that the presence of any amount of environmentally sensitive habitat on a parcel makes that parcel have the same corresponding environmental classification will certainly protect environmental resources, but at great expense to the parcel owners' property rights. This reasoning is supported by the next objective of Policy 1-3.1.3: encouraging the placement of conservation easements on environmentally sensitive parcels of land.

To encourage the placement of conservation easements, the TDR transfer process must take into account the effect that such an easement will have on a parcel proposed for development through a TDR. If the placement of a conservation easement on a parcel's sensitive habitat (which would guarantee that habitat's protection and preservation) still results in that parcel being as environmentally sensitive as the habitat being excluded from development, then the TDR transfer process does nothing to promote placement of such conservation easements. This is exemplified by the fact that a conservation easement would not be required for the same development pursuant to a BPAS allocation. The only way for the TDR process to promote the placement of conservation easements on sensitive parcels and the habitat(s) therein is to have that easement act as effectively "removing" the habitat subject to easement from consideration in the parcel's classification during a TDR application.

Finally, the TDR transfer process is intended to promote the public good and the goals, objectives, and policies of the Comp Plan. This cannot be accomplished through the reasoning used in the Denial. As discussed above, that reasoning will result in the failure to balance property rights against protecting environmental resources.

In this case, ironically, this failure to balance property rights also leads to the Receiver Site not having a conservation easement placed on the sensitive habitat thereon. The reasoning in the Denial actually discourages the placement of conservation easements. Aside from the reasoning being antithetical to Policy 1-3.1.3 and the goals therein, it is also contrary to the public good. The Denial here will result in eliminating all economic value on the Receiver Site, effecting a regulatory taking through inverse condemnation. As outlined in the Applicant's correspondence to the Village regarding BPAS Application PRSFC202000634, dated August 26, 2022, attached hereto as **Exhibit A**, the lack of market rate allocations available through the BPAS, in conjunction with Code Section 30-476(a)(4), makes it impossible for the Receiver Site to obtain building rights except through the TDR process. For reference, the Village's response to that correspondence, dated December 20, 2022, is attached hereto as **Exhibit B**. The reasoning in the Denial would make the Receiver Site a Class I parcel, and thus entirely ineligible for a TDR, as Section 30-504(b) does not allow for any transfer to a Class I parcel. As the reasoning in the Denial results in the Receiver Site being undevelopable, the Site will lose all economic value. This harms the public good as the Village will be liable for the taking effected on the Receiver Site, the cost of which will be borne, at least in part, by the Village's residents and taxpayers.

Daniel Gulizio, Planning and Development Director
RE: Appeal Application – What a Good Catch, LLC - [File No. PLADA20230026]
February 7, 2023
Page 5 of 5

IV. Conclusion

The Denial is improper, should be rescinded, and the Receiver Site should not be classified as a Class I parcel. The Denial is based on reasoning that is inconsistent with the Code, and contrary to the goals and policies in the Comp Plan. The reasoning for the Denial conflates habitat classification with parcel classification, as it fails to consider Section 30-1616 of the Code, which is directly referenced in the Code's TDR transfer process. Additionally, the reasoning for the Denial is contrary to the Comp Plan's policies and goals, as well as the public good. The reasoning fails to balance property rights against the protection of environmental resources, and actually discourages the placement of a conservation easement on the environmentally sensitive hammock habitat within the Receiver Site. Were the Applicant to receive a BPAS allocation, the Applicant would be able to develop the parcel as intended, without the conservation easement. Further, the public good is harmed as the Denial forecloses all possibility for the Receiver Site to receive building rights through a TDR, which, as discussed above, will eliminate all economic value on the Receiver Site and effect a regulatory taking through inverse condemnation. The Denial should be reversed.

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/JCM/JG/bg

Enclosures

EXHIBIT A

SMITH/HAWKS

ATTORNEYS AT LAW

Barton W. Smith, Esq.
Telephone: (305) 296-7227
Facsimile: (305) 296-8448
Email: Bart@SmithHawks.com

ELECTRONIC MAIL & FEDEX
7777 7682 2993

August 26, 2022

Daniel J. Gulizio, Director
Planning and Development Services
86800 Overseas Highway
Islamorada, Florida 33036
Email: PlanningDirector@Islamorada.FL.US

RE: 82601 OLD HIGHWAY, ISLAMORADA, FLORIDA 33036
BPAS APPLICATION PRSFC202000634

Dear Daniel,

Please be advised that this law firm represents What A Good Catch, LLC ("Applicant"), the owner of the property located at 82601 Old Highway, Islamorada, Florida 33036, having Monroe County Parcel ID No.: 00401260-000000, Alternate ID No.: 1493601 (the "Property") and Applicant in the Village of Islamorada Building Permit Allocation System ("BPAS").

BACKGROUND

On or about June 26, 2020, the former owner of the Property applied to the BPAS to acquire single-family residential building rights for the Property—permit number PRSFC202000634. Applicant purchased the Property on December 22, 2020, for \$1,575,000.00 and assumed the former owner's BPAS application. Prior to closing on the Property, Applicant met with staff from the Village of Islamorada's ("Islamorada") Planning and Building Departments on or about December 14, 2020 to discuss the Property's ranking in the Islamorada BPAS and were advised that upon dedicating a lot, the Property would rank 1st in the BPAS rankings and that neither a cistern, nor solar capture system would be necessary to obtain a building permit allocation. Thereafter, in order to secure a top position in the BPAS application rankings, and in reliance on statements made by Islamorada staff, Applicant purchased the lot at 106 Palm Lane, Islamorada, Florida 33036, on January 27, 2021, for \$165,000.00 to be dedicated

00267439 - v2

Page 1 of 4

138 SIMONTON STREET, KEY WEST, FLORIDA 33040 U.S.A.
T. 305-296-7227 F. 305-296-8448 SMITHHAWKS.COM

to Islamorada. In addition to the statements referenced above, the decision to make said dedication was based on Islamorada Code Section 30-476(a)(4), which provides that such land dedications would give BPAS applications ten additional points in the competitive ranking system.

Applicant's land dedication was accepted at the regular Islamorada Council Meeting on June 23, 2022. The resulting additional points for land dedication increased the Property's ranking on the BPAS list substantially; however, to date, Applicant has been unsuccessful in obtaining a permit allocation through the Islamorada BPAS.

Further, it has become readily apparent that Applicant is now wholly unable to obtain a building permit through the Islamorada BPAS due to Applicant's ranking, the remaining number of permits available for allocation, and by operation of Islamorada regulations and resolutions that cap the number of building permits to be allocated to applicants with land dedications.

More specifically, there are eleven (11) remaining market rate building permits available for allocation through the Islamorada BPAS. Applicant is currently ranked 8th out of 80 pending BPAS applications. Like Applicant, the seven (7) applicants ranked above Applicant have all dedicated land to Islamorada in order to increase their respective rankings. Islamorada Code Section 30-476(d)(1)a requires that at least eight (8) of the remaining eleven (11) market rate permits be allocated to those applicants without a land dedication. Islamorada Code Section 30-476(d)(1)b limits the number of market rate permits to be allocated to those applicants with a land dedication to a maximum of six (6).

As a result, despite being ranked number 8 on the BPAS application ranking for the second quarter of 2022, the Property will not receive an allocation. Of the eleven (11) remaining market rate building permits available, eight (8) are required to be allocated to non-land-dedicating applicants, regardless of their ranking. Therefore, a maximum of three (3) market rate building permits are available to be allocated to those applicants with land dedications (assuming the Village Council decides to allocate any at all per its discretion under Islamorada Code Section 30-474(e)). Given that Applicant ranks number eight (8) behind seven (7) other land dedicating applicants, it is impossible that Applicant will receive a BPAS allocation.

Despite Applicant's due diligence and substantial investments, due to the above, it has become apparent that there are not enough permits in the BPAS allocation pool for the Property to ever be developed. The practical result is that Applicant has expended nearly two million dollars, purchased and dedicated an additional lot to Islamorada to be left with an unbuildable parcel of real property with no viable economic use.

REGULATORY TAKING

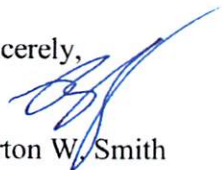
As you are likely aware, where regulations restrict property rights to such a degree that it eliminates all or essentially all economically viable uses of a piece of property, a taking has occurred. Islamorada's implementation of the regulations regarding the BPAS will result in the substantial deprivation of Applicant's economic use of the Property and reasonable investment-backed expectations. Applicant purchased the Property, and the additional property that was dedicated to Islamorada in good-faith reliance on representations made by Islamorada staff and Islamorada Code provisions related to BPAS in effect at the time. On the Draft Ranking of BPAS Applications for 2022 Quarter 2, Applicant is ranked number eight; however, because of the BPAS regulations, as applied by Islamorada, the applications ranked nine through fourteen are recommended for allocation due to the fact that those applications did not include land dedication. Applicant made its substantial investments in the Property and the dedicated property in reliance on the BPAS allocations being made according to the applications' rankings, which would enable Applicant to receive an allocation. Islamorada's decision to award allocations not based on the applications' rankings, but upon whether an application does or does not include land dedication, will result in the Property being deprived of its ability to receive a market rate allocation. Islamorada, through its application of the BPAS regulations, will effectively take the Property, as such application of the regulations will eliminate essentially all economically viable uses of the Property.

Daniel J. Gulizio, Planning Director
RE: BPAS Application PRSFC202000634
August 26, 2022
Page 4 of 4

DEMAND

Applicant respectfully demands that Islamorada grant market rate allocations based on BPAS applications rankings, and not erroneously deny allocations simply based on the fact that an application makes the additional investment in land to dedicate to Islamorada. Should Applicant be granted an allocation in accordance with its BPAS ranking before all allocations are granted, then the Property's economically viable use will not be deprived, and regulatory takings litigation can be avoided. Should Applicant's application be denied any future market rate allocation, despite its high ranking demonstrating that it should receive an allocation over lower ranked applications that do not dedicate land, then Islamorada will have affected a regulatory taking and Applicant will pursue all remedies available at law. Applicant wishes to avoid any unnecessary litigation in this matter and would prefer to amicably resolve this issue. To that end, Applicant, through the undersigned, requests that you confirm receipt of this correspondence and respond to coordinate a meeting within the next two weeks to discuss alternatives to litigation available to address the concerns raised herein. We look forward to your response and working to preserve all parties' interests in a fair manner.

Sincerely,



Barton W. Smith

BWS/jcm/lsl/bg

Cc: *(Electronically)*: Client/file

Jamie Terry, Senior *Administrative Assistant (Planning Department)*

EXHIBIT B



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

December 20, 2022

Mr. Barton Smith, Esq.
Smith/Hawks Attorneys at Law
138 Simonton Street
Key West, Florida 33040

RE: 82601 Old Highway, Upper Matecumbe Key
Islamorada, Village of Islands
Building Permit Allocation System (BPAS) Application: PRSFC202000634

Dear Mr. Smith,

I am writing in response to your correspondence dated August 26, 2022, and as a follow-up to the recent meeting with the Village Manager on December 5, 2022, in connection with the above-referenced property. Specifically, you have requested that the Village *"grant market rate allocations based on BPAS application rankings, and not erroneously deny allocations simply based on the fact that an application makes the additional investment in land to dedicate to Islamorada."*

As discussed, Village Code Sec. 30-476 (a)(4) states that *"Applications including land dedication shall be evaluated in a category separate from applications without land dedication."*

Additionally, Sec. 30-476 (d)(1) states: *"There shall be a minimum of eight market rate dwelling units annually available in this category. In quarterly allocation periods where market rate applications with land dedications do not rank higher than those applications without land dedications, the applications which rank highest shall be awarded the allocation(s)."*

Accordingly, the Village will continue to issue allocations in accordance with the guidelines contained within the Land Development Regulations – Article IV, Division 11 (Building Permit Allocation System).

Thank you for the opportunity to provide clarity on these issues.

Sincerely,

A handwritten signature in blue ink, which appears to read "Daniel J. Gulizio".

Daniel J. Gulizio, Director
Planning and Development Services



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

Mr. Ty Harris, PA
110 Plantation Shores Drive
Tavernier, Florida 33070

SUBJECT: Application for Transfer of Development Rights – After Hours INC. & What A Good Catch LLC (File No.: PLTDR20230001)

Dear Mr. Harris,

You submitted an application for the Transfer of Development Rights Approval of one (1) Market Rate Residential Dwelling Unit from property located at 81912 Overseas Highway on Upper Matecumbe Key with Shoreline within the VC (Village Center) Zoning District, with RE Parcel#: 00399300-000000 (the "Sender Site") to property located at 82601 Old Highway on Upper Matecumbe Key with Shoreline within the RE (Residential Estate) Zoning District, with RE Parcel#: 00401260-000000 (the "Receiver Site").

I have reviewed the above application in regard to the Islamorada, Village of Islands Code of Ordinances, Chapter 30, Article IV, Division 12 Transfer of Development Rights. After reviewing the entire application including the Environmental Assessment & Vegetation Survey prepared by Julie Cheon, Environmental Consultant, Inc. dated December 26, 2022, for the Sender Site and the Vegetation Survey & Restoration Plan prepared by Julie Cheon, Environmental Consultant, Inc. dated October 25, 2020 for the Receiver Site I have made the following determination:

The proposed TDR does not meet the criteria set forth in Sec. 30-504(b). The proposed receiver site contains Class I habitat (hammock) and Class II habitat (disturbed hammock and disturbed beach or berm), and the proposed sender site contains Class III habitat (disturbed).

Therefore, this letter shall serve as official notice that the above referenced Transfer of Development Rights application does not comply with the provisions of Chapter 30, Article IV, Division 12 – Transfer of Development Rights. Accordingly, your request to transfer development rights from 81912 Overseas Highway, RE Parcel #00399300-000000 to property located at 82601 Old Highway, RE Parcel #00401260-000000 is denied.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Jennifer L. DeBoisbriand
Planning Director



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

April 13, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

Mayor Joseph B. Pinder III called the meeting to order at 05:30 PM

II. PLEDGE OF ALLEGIANCE

Phil led the Pledge of Allegiance and Pastor Brian Neal started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Consent Item B was removed to the next agenda. Director of Development Services Dan Gulizio provided an overview of the proposed resolution regarding floor area ratio standards. Discussion ensued and Council requested more information before considering the request.

Mayor Joseph B. Pinder III added a conversation regarding a storage warehouse on Monte Green's property.

Vice Mayor Sharon Mahoney added a discussion on donated lots and bus shelters.

Council Member Henry Rosenthal added a discussion of the manager's contract.

The Quasi-judicial hearing was moved to be considered before the other action items on the agenda.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Council Member Henry Rosenthal read a proclamation on the 30th anniversary of the Leadership Monroe program and announced the upcoming Class XXX Graduation on April 29. Leadership Monroe Vice President Adriana Cuomo and Sheriff Rick Ramsay promoted the program.

A. Presentation by Monroe County Sheriff Rick Ramsay

Monroe County Sheriff Rick Ramsay returned funds to the Village. Mayor Joseph B. Pinder III thanked Sheriff Ramsay for the funds and his service to the community.

V. PUBLIC COMMENT

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

Speakers included:
Carlos G of Islamorada Social
Sue Miller
Van Cadenhead
Joe Wischmeier
Deb Gillis

VI. MAYOR / COUNCIL COMMUNICATIONS

Mayor Joseph B. Pinder III called a recess at 8:20 p.m.

The meeting reconvened at 8:38 p.m.

Council Member Henry Rosenthal discussed the Village Manager's contract, and noted the need to schedule Mr. Yates' review.

Council Member Henry Rosenthal noted his preference that the sheriff's funds be set aside for enforcement of the Fills. Finance Director Maria Bassett noted that the sheriff's services were part of the general fund and that the monies were required to be a credit to that expense.

Council Member Mark Gregg suggested bringing some of the non-controversial ordinances to the agenda soon.

Mayor Joseph B. Pinder III initiated the Monte Green discussion. Mayor Pinder noted Mr. Green had been granted a major conditional use and had been advised he needed to apply for a minor conditional use for storage containers he proposed to place on his property.

Director of Development Services Dan Gulizio noted the process requires Mr. Green to complete the application and pay the fees. He noted there was no opposition, it was required by code. Village Manager Ted Yates noted that Mr. Gulizio had spoken with Mr. Green and offered to help him through the process.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Manager Ted Yates addressed Vice Mayor Sharon Mahoney's question about the bus program that Monroe County is working on. There were no updates, but the current Freebee contract runs from July 2023 to June 2024. Mr. Yates noted there would be an opportunity for substantive discussion.

The charitable contribution policy and application were passed by the Council. The application had recently been published and would remain active for 60 days. Mr. Yates' office had been communicating with past organizations and had a press release in the paper. He had been working on a memorandum for the Committees with details on each committee, members, and roles.

Mr. Yates asked for the Council's thoughts on proposing a moratorium on BPAS. He discussed potential dates for Fills workshop and code amendments - 2 hour Fills workshop on May 16 and proposed a May 4 strategic planning session prior to the Regular Council Meeting.

VIII. CONSENT AGENDA

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

ACTION: Motion to item VIII. by None second by None;
Motion with a 0:0

AYES: None

NAYS: None

ABSTAIN: None

- A.** Minutes of the Regular Village Council Meeting held March 30, 2023
- **TAB 1** (Marne McGrath, Village Clerk)

Mayor Joseph B. Pinder III opened public comment at 6:34 p.m.
As there was no one wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.A. by Mark Gregg second by Henry Rosenthal;
Motion passed with a 5:0

AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III

NAYS: None

ABSTAIN: None

- B.** Resolution Approving Work Authorization No. 2 with Cyriacks Environmental Consulting Services ("Cecos") - **TAB 2** (Daniel Gulizio, Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 2 WITH CYRIACKS ENVIRONMENTAL CONSULTING SERVICES INC. FOR A FLOOR AREA RATIO MAPPING PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was removed from the agenda.

IX. QUASI-JUDICIAL

- A.** Continued from March 2nd Meeting -- Administrative Appeal - Transfer of Development Rights - **TAB 3**

(Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20230036 FILED BY SMITH HAWKS, PL (AGENT) ON BEHALF OF WHAT A GOOD

CATCH LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A TRANSFERABLE DEVELOPMENT RIGHT) FOR PROPERTY LOCATED AT 81912 OVERSEAS HWY (REAL ESTATE NUMBER 00399300-00000) AND 82601 OLD HIGHWAY (REAL ESTATE NUMBER 00401260-000000), ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney John Quick noted this item was continued from the March 2, 2023 Regular Village Council Meeting and that the previous discussion was entered into the record for this item.

Ex parte communications were disclosed:

Council Member Elizabeth Jolin had none.

Council Member Henry Rosenthal spoke to the applicant a few times.

Mayor Joseph B. Pinder III spoke to Rep. Jim Mooney.

Vice Mayor Sharon Mahoney had none.

Council Member Mark Gregg spoke to Attorney Smith.

Planning Director Jennifer DeBoisbriand briefly summarized the request and noted that her presentation from March 2 had not changed.

Director of Development Services Daniel J. Gulizio provided an overview of the TDR process, noting the ordinance has not yet been considered by Council.

Attorney Bart Smith noted that the applicant removed their request from March 2, 2023 to this meeting in hopes that movement would have occurred to amend the TDR ordinance. He summarized his previous request for the edification of the Council and noted the applicant would return the condition of the receiver site hammock area to the satisfaction of the Village Biologist.

The applicant is currently 11th in the queue for BPAS, and noted the future of development in the Village would be through TDRs. Council Member Elizabeth Jolin asked Director of Development Services Daniel J. Gulizio to summarize how the pulled consent agenda item FAR data set would tie into this request. Mayor Joseph B. Pinder III asked if there was a way to see the footprints of several TDR properties and asked for clarification on how the floor area ratio standards would affect future development.

Vice Mayor Sharon Mahoney asked Attorney Smith how to ensure that the replaced hammock area stays intact in case of a storm. Mr. Smith noted there is a certain survival rate for hammock areas and that they should be monitored for five years. Council Member Mark Gregg noted the conservation easement is a contract between the Village and the property owner and he applauded the applicant's offer to add this enhancement.

Council Member Elizabeth Jolin noted that 80% of our hammock areas have been lost and that they should be preserved. She noted this should be a jumping off point for a conversation on how to preserve our environment.

Deb Gillis spoke in favor.

Sue Miller and Van Cadenhead spoke in opposition.

Vice Mayor Sharon Mahoney noted this is a good example of what is wrong with our code and consistency of regulation. Public comment was closed at 7:15 p.m.

Deliberation of Council:

Council Member Mark Gregg suggested making this an opportunity to guide how the village handles future development and encouraged creation of a template for a TDR ordinance with built-in environmental protections. He noted if this request was in BPAS rather than a TDR there would be no mechanism to protect hammock areas and the environment. He suggested approval of the conditions proffered by the applicant.

Council Member Henry Rosenthal noted the severity of the consequence of not following through should be drastic to encourage compliance. Mr. Smith noted the condition of non-compliance could be foreclosure. Mayor Joseph B. Pinder III noted it was similar to a surety bond to ensure compliance. Council Member Mark Gregg noted during their first term there was a property they considered that was procured through that process.

X. RESOLUTIONS

- A.** Resolution Ratifying FY 2021-2022 Payments to Page Excavating for Wastewater-Related Capital Project and Repair and Maintenance Expenses Incurred - **TAB 4**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXPENDITURES INCURRED FROM PAGE EXCAVATING, INC., IN FY 2021-2022; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Village Manager Ted Yates noted that the next three tabs would be reported on together, but that public comment would be done for each tab. Finance Director Maria Bassett summarized that the three items were housekeeping items. It was noted that Page was the only contractor to fulfill the requirements for a continuing service agreement after the bid process. Ms. Bassett noted the reimbursement was obtained from the U.S. Corps of Engineers and the item was being submitted to Council to ratify last year's expenses for transparency and reimbursement requirements.

Public comment:

Van Cadenhead and Deb Gillis

- B. Resolution Approving a First Amendment to Continuing Services Agreement between the Village and Page Excavating, Inc.- **TAB 5** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CONTINUING SERVICES AGREEMENT BETWEEN PAGE EXCAVATING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE PROFESSIONAL CONTRACTOR SERVICES TO THE WASTEWATER DEPARTMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Finance Director Maria Bassett reported that the continuing service agreement was to extend the current services until the completion of the bid process, which would begin in May.

- C. Resolution Approving Work Authorization No. 4 with Page Excavating, Inc. for FY 2022-2023 Services - **TAB 6** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 4 BETWEEN PAGE EXCAVATING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO REPLACE CONCRETE RINGS AROUND VACUUM PIT LIDS AND TO PROVIDE OTHER WASTEWATER SUPPORT SERVICES AS NEEDED; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF WORK AUTHORIZATION NO. 4; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

Finance Director Maria Bassett noted the work was required to maintain the wastewater system. She indicated that Council approval keeps rates from being raised and that it has been the same since 2019. She further noted the Village was at risk of forfeiting grant funding if the item was not approved.

Village Manager Ted Yates noted this contract extension holds the Village over until a new contractor can be procured through the bid process.

There were no additional speakers for public comment.

- D. Resolution Establishing Auditor Selection Committee - **TAB 7** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF AN AUDITOR SELECTION COMMITTEE; DEFINING THE TERMS AND COMPOSITION; DEFINING THE MEETINGS AND DISQUALIFICATION; DEFINING THE STAFF

**PARTICIPATION; DEFINING THE GOALS AND OBJECTIVES;
DEFINING THE DUTIES AND RESPONSIBILITIES; DEFINING
THE SUNSET DATE; AND PROVIDING FOR AN EFFECTIVE
DATE**

Finance Director Maria Bassett noted that the Council asked to go out to bid for a new audit firm, and there are statutory guidelines that must be followed. She summarized the composition of the Auditor Selection Committee could be one council member and two citizen members who do not need to be residents but should have the appropriate qualifications. Ms. Bassett asked for a determination of who would be the council member of the selection committee.

Council Member Henry Rosenthal didn't think any of them have the background, but it was statutorily required. Finance Director Bassett noted their experience on Council leaves them all in a favorable position to serve.

After further discussion, Council Member Elizabeth Jolin was nominated to serve and she accepted the appointment.

There was no public comment.

XI. ADJOURNMENT

The meeting was adjourned at 9:24 p.m.

RESOLUTION NO. 23-04-45

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20230026 FILED BY SMITH HAWKS, PL (AGENT) ON BEHALF OF WHAT A GOOD CATCH LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A TRANSFERABLE DEVELOPMENT RIGHT) FOR PROPERTY LOCATED AT 81912 OVERSEAS HWY (REAL ESTATE NUMBER 00399300-00000) AND 82601 OLD HIGHWAY (REAL ESTATE NUMBER 00401260-000000), ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ty Harris, PA ("Representative") on behalf of After Hours Inc ("Owner") applied for Minor Conditional Use Permit for the Transfer of Development Right ("TDR") ("Application") pursuant to Section 30-503 of the Code of Ordinances Islamorada, Village of Islands, Florida on January 4, 2023, to transfer one (1) TDR from the real property located at 81912 Overseas Highway, Upper Matecumbe, Florida, having Parcel ID 00399300-000000 ("Sender Site") to the real property located at 82601 Old Highway, Upper Matecumbe, Florida, having Parcel ID 0040126-000000 (the "Receiver Site"); and

WHEREAS, the Director of Planning sent notice of denial for TDR application PLTDR20230001 to the owner's representative via email on January 27, 2023; and

WHEREAS, on February 3, 2023, Barton W. Smith ("Agent") submitted an Administrative Appeal on behalf of What a Good Catch ("Applicant"), appealing the Planning Director's decision to deny the application for Transfer of Development Rights; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights on March 2, 2023; and

WHEREAS, the Village Council tabled the hearing on March 2, 2023 to a date certain hearing date for April 13, 2023; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights on April 13, 2023; and

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

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

Section 2. Findings of Fact.

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

(1) The Application for a Transfer of Development Rights meets the requirements set forth in the Village Code, Chapter 30, Article IV, Division 12 – Transfer of Development Rights and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met.; and

(2) The applicant has met the standards for an Administrative Appeal of the denial of the proposed Transfer of Development Rights contained within Sec. 30-281 (Administrative Appeals) of the Village Code.; and

(3) The Village Council approves the Request submitted by the Agent on behalf of the Applicant.

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 Request has been processed in accordance with the Village Comprehensive
Plan and the 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 contained within
the record; and
- (d) Imposed the following conditions:
 - 1. The property owner shall enhance the existing hammock on the receiver site
subject to the satisfaction of the Village biologist.
 - 2. The final footprint of the restored hammock on the receiver site shall be
placed into a conservation easement subject to the satisfaction of the Village
biologist. The restored hammock will be monitored for 5 years and shall
remain intact based on survival rates to the satisfaction of the Village.
 - 3. If the restored hammock on the receiver site is destroyed, it shall be replanted
to the satisfaction of the Village biologist and subject to all of the
enforcement mechanisms of the Village.
 - 4. The proposed single-family residence will be consistent with the plans
submitted to the Village in connection with the pending Building Permit
Allocation System (BPAS) application.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Economic Opportunity (DEO), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Councilmember Mark Gregg, second by Mayor Joseph B. Pinder.

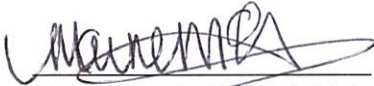
FINAL VOTE AT ADOPTION

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

PASSED AND ADOPTED on the second reading this 13th day of April, 2023.

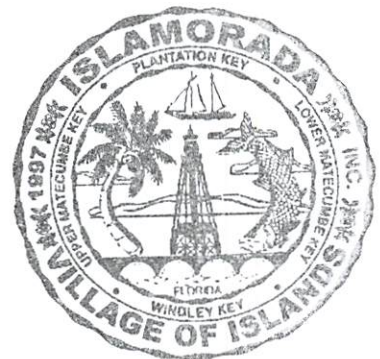

JOSEPH B. PINDER III, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RECONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20230026 FILED BY SMITH HAWKS, PL (AGENT) ON BEHALF OF WHAT A GOOD CATCH LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A TRANSFERABLE DEVELOPMENT RIGHT) FOR PROPERTY LOCATED AT 81912 OVERSEAS HWY (REAL ESTATE NUMBER 00399300-000000) AND 82601 OLD HIGHWAY (REAL ESTATE NUMBER 00401260-000000), ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ty Harris, PA ("Representative") on behalf of After Hours Inc ("Owner") applied for Minor Conditional Use Permit for the Transfer of Development Right ("TDR") ("Application") pursuant to Section 30-503 of the Code of Ordinances Islamorada, Village of Islands, Florida on January 4, 2023, to transfer one (1) TDR from the real property located at 81912 Overseas Highway, Upper Matecumbe, Florida, having Parcel ID 00399300-000000 ("Sender Site") to the real property located at 82601 Old Highway, Upper Matecumbe, Florida, having Parcel ID 0040126-000000 (the "Receiver Site"); and

WHEREAS, the Director of Planning sent notice of denial for TDR application PLTDR20230001 to the owner's representative via email on January 27, 2023; and

WHEREAS, on February 3, 2023, Barton W. Smith ("Agent") submitted an Administrative Appeal on behalf of What a Good Catch ("Applicant"), appealing the Planning Director's decision to deny the application for Transfer of Development Rights; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights on March 2, 2023; and

WHEREAS, the Village Council tabled the hearing on March 2, 2023 to a date certain hearing date for April 13, 2023; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights on April 13, 2023; and

WHEREAS, the Village Council approved with conditions the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights on April 13, 2023; and

WHEREAS, Resolution 23-04-45 was recorded in Monroe County Clerk of Courts on April 27, 2023; and

WHEREAS, no appeals were filed within the time allowed; and

WHEREAS, on July 24, 2025 the Agent requested reconsideration by the Village Council on Resolution 23-04-45 approving the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights; and

WHEREAS, on July 24, 2025 the Village Council voted to waive its procedures to allow for the reconsideration; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the reconsideration of Resolution 23-04-45 approving the Request to Appeal the Planning Director's decision to deny the application for Transfer of Development Rights on September 11, 2025; and

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

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

Section 2. **Findings of Fact.**

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

(1) The Application for a Transfer of Development Rights [meets/does not meet] the requirements set forth in the Village Code, Chapter 30, Article IV, Division 12 – Transfer of Development Rights and [has/has not] demonstrated through competent substantial evidence that the criteria for granting the Request [have/have not] been met.; and

(2) The applicant has met the standards for an Administrative Appeal of the denial of the proposed Transfer of Development Rights contained within Sec. 30-281 (Administrative Appeals) of the Village Code.; and

(3) The Village Council [approves/denies] the Request submitted by the Agent on behalf of the Applicant.

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 Request has been processed in accordance with the Village Comprehensive Plan and the 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 contained within the record; and
- (d) Imposed the following conditions:
 - 1. The property owner shall enhance the existing hammock on the receiver site subject to the satisfaction of the Village biologist.
 - 2. The final footprint of the restored hammock on the receiver site shall be placed into a conservation easement subject to the satisfaction of the Village biologist. The restored hammock will be monitored by 5 years and shall remain intact based on survival rates to the satisfaction of the Village.
 - 3. If the restored hammock on the receiver site is destroyed, it shall be replanted and subject to all of the enforcement mechanisms of the Village.
 - 4. The proposed single-family residence will be consistent with the plans submitted to the Village in connection with the pending Building Permit Allocation System (BPAS) application.

Section 4. **Approval.** The Village Council hereby approves this Resolution, which repeals Resolution No. 23-04-45 and any further amendments thereto.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by _____, second by _____.

FINAL VOTE AT ADOPTION

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

PASSED AND ADOPTED on the second reading this 11th day of September, 2025.

SHARON MAHONEY

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Major Conditional Use - Transfer of Development Rights - LAH Islander LLC TAB F**

Background:

LAH ISLANDER, LLC, has submitted an application for the transfer of six (6) hotel/motel units, pursuant to Chapter 30, Article IV, Division 12, Transfer of Development Rights, of the Village Code of Ordinances (the "Code"). The Applicant is represented by Smith Hawks, PL.

The Sender Site is located at 81450 Overseas Hwy on Upper Matecumbe Key with Real Estate Number 00404630-000000 (the "Sender Site") and is located within the Tourist Commercial (TC) Zoning District. The Sender Site contains a shoreline and is previously developed with a mix of uses.

The Receiver Site is located at 82100 Overseas Hwy on Upper Matecumbe Key with Real Estate Number 00400810-000000 (the "Receiver Site") and is located within the Tourist Commercial (TC) Zoning District. The Receiver Site contains a shoreline and is previously developed with a resort hotel and amenities.

The Applicant proposes the transfer of six (6) hotel/motel units from the Sender Site to the Receiver Site. This proposal requires the Application be reviewed pursuant to the Major Conditional Use procedures outlined in Section 30-218 of the Code. The Applicant has filed a Declaration of Covenants and Restrictions removing the proposed rights from the Sender Site. The Declaration is attached to your packet. If approved twenty-five (25) hotel/motel units will remain on the sender site. The Receiver Site has received a Major Conditional Use Approval pursuant to Resolution No. 24-12-140 for the development of an additional fifty (56) hotel/motel units to the existing one hundred and fourteen (114) hotel/motel units. This application is a companion to that approval. The applicant had previously received approval to transfer fifty (50) hotel/motel unit from Creekside Inn pursuant to Resolution No. 24-12-124.

Analysis:

Pursuant to Code Section 30-504 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village"), the following criteria apply to all applications for the transfer of development rights:

(a) The applicant(s) must provide documentation of ownership of sender and receiver sites through the form of a deed or other legal documentation as approved by the village attorney. For the purposes of this division, sender site and receiver site shall mean those parcels of land

as they legally existed on November 29, 2007.

The Applicant has provided documented ownership of the sender and receivers sites through Quitclaim Deeds. Both the sender and receiver parcels exist as they legally existed on November 29, 2007.

(b) The receiver site shall be less environmentally sensitive than the sender site, according to a vegetation survey and/or a habitat analysis conducted by a certified biologist, and verified unless otherwise exempted or limited by the director of planning and development services or his designee, pursuant to habitat classifications described in subsection 30-1616(b)(2) of this Code, whereby the following conditions additionally apply:

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

Staff has determined that the properties contain similar environmental characteristics and are both Class III parcels. Neither the Sender Site nor the Receiver Site contain any protected habitat.

(c) Eligible receiver sites shall demonstrate compliance with all applicable criteria set forth in this chapter.

The Receiver Site satisfies the density requirements established within the Tourist Commercial (TC) Zoning District. Any resulting development will be required to comply with setbacks, open space, or other restrictions as set forth in Code Section 30-693.

(d) An application for transfer of development rights shall be submitted to the director of planning and development services, in accordance with the provisions of this section, accompanied by a cost recovery fee as established, and may be amended by resolution, by the village council. The application shall contain the information required on a form provided by the director of planning and development services.

The Applicant has submitted a complete application with the correct application fee.

(e) No application for transfer of development rights (TDRs) shall be processed if the sender or receiver site has any open permits or active code violations; all bonds, assessments, back village taxes, fees and liens (other than mortgages) affecting the lot(s) shall be paid in full prior to approval of transfer of development rights.

A search of applicable Village records did not indicate the existence of any open code violations. The only open permits are related to the redevelopment of this project at the Islander. There appear to be some fees owed the Village regarding Fire Inspections. Any approval received could be conditioned on payment of those fees.

(f) After receipt of a complete application for transfer of development rights, the director of planning and development services shall initiate a review of the application to determine compliance with this division and chapter. The director of planning and development services and/or the village council, in accordance with the procedures, standards, and limitations of this chapter, shall approve, approve with conditions, or deny an application for transfer of development rights (TDRs).

After review of the Application, Staff recommends APPROVAL.

Pursuant to Code Section 30-506 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village"), the transfer of five (5) or more hotel or motel units shall be reviewed using the procedures for major conditional use review pursuant to Code Section 30-218 and shall be noticed pursuant to the procedures in Code Section 30-213(i). Additionally, according to Code Section 30-506(b)3, the receiver site shall be located in either the Village Center (VC), Tourist Commercial (TC) or Highway Commercial (HC) zoning district.

Pursuant to Code Section 30-216(d), when considering an application for a transfer of

development rights utilizing the conditional use review process as required by Code Section 30-506, the Director of Planning (the "Director") and the Village Council shall consider the following factors, and no conditional use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.

(1) The proposed conditional use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

The Applicant proposes the transfer of six (6) hotel/motel units. The Sender Site has a Mixed Use (MU) FLUM designation. The Receiver Site has a Mixed Use (MU) FLUM designation. The density (with TDRs) for MU has a maximum density of 12 units per acre; the Property will not exceed the allowable density with the transfer of six hotel/motel units. The Application is consistent with Comprehensive Plan Policy 1-2.1.4: Restrict Density and Intensity of Development.

IN COMPLIANCE

(2) The proposed conditional use complies with all relevant and appropriate portions of the LDRs.

The Applicant is proposing the transfer of six (6) hotel/motel units from a Sender Site in the Tourist Commercial (TC) Zoning District to a Receiver Site in the Tourist Commercial (TC) Zoning District. Per Code Section 30-506, parcels that are within the TC Zoning District are eligible receiver sites for hotel/motel units located on sender sites within the TC Zoning District.

The TC Zoning District, per Code Section 30-693(e)(6), may have up to twelve (12) dwelling units per acre with TDRs. The resulting density from the proposed TDRs will not exceed the allowable density for the TC Zoning District.

Any development resulting from the proposed TDRs would be required to comply with all regulations set forth in the Village's Code and Comprehensive Plan.

IN COMPLIANCE

(3) The proposed conditional use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

The surrounding land is characterized within the Future Land Use Maps (FLUM) as mostly Mixed Use (MU), a pocket of Residential Medium (RM), and a pocket of Residential Low (RL), with Zoning Districts including Tourist Commercial, Village Center, Settlers Residential, and Residential Estate. The Receiver Site is adjacent to other Properties with existing transient and commercial uses as well as some single-family residences. The proposed TDRs are consistent with the uses and character of the surrounding land.

The Property and the adjacent lands are mixed use in nature. The proposed transfer of development rights would comply with Comprehensive Plan Objective 1-2.4: Recognize Mixed Use Development Patterns.

IN COMPLIANCE

(4) The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

Any development resulting from the proposed transfer of development rights would be required to follow all necessary guidelines set forth in the Village's Land Development Regulations and Comprehensive Plan governing intensity, bufferyards, open space, setbacks, and shoreline development.

IN COMPLIANCE

(5) The Proposed Development complies with Division 30-IV-5 (Concurrency Management) of Village Code;

A traffic study and letters of coordination had been provided with the Major Conditional Use application which the approval of this Application is a companion to. Staff does not anticipate that the resulting development from the TDRs will negatively impact to LOS standards for other public facilities.

IN COMPLIANCE

(6) The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and

The Proposed TDR is for the transfer of six (6) hotel/motel units. Any development resulting from the proposed transfer of development rights would be required to follow all necessary guidelines set forth in the Village's Land Development Regulations and Comprehensive Plan governing intensity, bufferyards, open space, setbacks, and shoreline development.

IN COMPLIANCE

(7) The proposed conditional use will result in logical, timely and orderly development patterns.

The proposed TDRs is companion to the Approved Major Conditional Use. Staff notes the request proposes an increase of fifty-six (56) hotel units from the one hundred and fourteen (114) hotel units that exist on the Receiver Site. After the transfer twenty-five (25) vested hotel/motel rights remain on the Sender Site.

IN COMPLIANCE

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff recommends that the Village Council approve with conditions the Applicant's request for Transfer of Development Rights through adoption of the attached Resolution with the following conditions:

1. Prior to issuance of any building permits the Applicant shall record the executed Declaration of Covenants, Conditions, and Restrictions provided herein, removing the six (6) hotel/motel development rights from the Sender Site.

- Attachments:**
1. Islander TDR CC Back up
 2. Reso 24-12-140 rerecorded 031825
 3. Resolution No. 24-12-142 TDR Islander Creekside
 4. Islander TDR Reso

Monroe County, FL

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 00400810-000000
 Account# 1493112
 Property ID 1493112
 Millage Group 50VI
 Location 82100 OVERSEAS Hwy, UPPER MATECUMBE KEY
 Address
 Legal Description BK 8 LTS 10-12 BK 9 LTS 11-12 BK 10 NE 1/2 LT 4 AND LTS 5-9 AND BAY BOTTOM SLY AND ADJ TO BK 10 NE 1/2 LT 4 AND LTS 5-9 BLK STRATTONS SUBD PB2-38 UPPER MATECUMBE G24-94 G45-384 G53-60 G53-227 G53-229 G53-250 G53-539 OR75-457(II DEED 21327) OR75-458(II DEED 21326) OR94-116(II DEED 21496) OR106-397(II DEED 21619) OR299-335/36 OR300-329/31 OR424-679/81 OR1607-23/27 OR1607-56/60 OR1909-2471/77 OR2081-1461/67DEC/REST OR2347-255 OR2465-1169/73 OR2686-1408 (RES NO.14-05-30) OR2703-225/28 OR3075-1032 OR3075-1038
 (Note: Not to be used on legal documents.)
 Neighborhood 10024
 Property Class HOTEL - PRIVATE (3902)
 Subdivision STRATTON'S SUBD
 Sec/Twp/Rng 28/63/37
 Affordable No
 Housing



Owner

[LAH ISLANDER LLC](#)
 510 Walnut St
 Fl 9
 Philadelphia PA 19106

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$18,857,424	\$18,284,495	\$15,950,000	\$8,684,930
+ Market Misc Value	\$8,672,325	\$2,826,027	\$2,403,944	\$964,992
+ Market Land Value	\$27,796,320	\$30,112,325	\$28,200,000	\$9,649,923
= Just Market Value	\$55,326,069	\$51,222,847	\$46,553,944	\$19,299,845
= Total Assessed Value	\$55,326,069	\$51,209,338	\$46,553,944	\$16,871,482
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$55,326,069	\$51,222,847	\$46,553,944	\$19,299,845

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$27,796,320	\$18,857,424	\$8,672,325	\$55,326,069	\$55,326,069	\$0	\$55,326,069	\$0
2023	\$30,112,325	\$18,284,495	\$2,826,027	\$51,222,847	\$51,209,338	\$0	\$51,222,847	\$0
2022	\$28,200,000	\$15,950,000	\$2,403,944	\$46,553,944	\$46,553,944	\$0	\$46,553,944	\$0
2021	\$9,649,923	\$8,684,930	\$964,992	\$19,299,845	\$16,871,482	\$0	\$19,299,845	\$0
2020	\$7,115,148	\$8,015,373	\$901,683	\$16,032,204	\$15,337,711	\$0	\$16,032,204	\$0
2019	\$13,040,581	\$1,173,623	\$1,304,058	\$15,518,262	\$13,943,374	\$0	\$15,518,262	\$0
2018	\$10,903,048	\$9,812,743	\$1,090,305	\$21,806,096	\$12,675,795	\$0	\$21,806,096	\$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
(3900)	920,050.00	Square Foot	0	0
(9500)	28.70	Acreage	0	0

Buildings

Building ID	42917	Exterior Walls	C.B.S.	
Style		Year Built	1973	
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	4467	Roof Type		
Finished Sq Ft	2184	Roof Coverage		
Stories	1 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	230	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,138	0	0
SPX	EXEC SC PORCH	1,020	0	0
FLA	FLOOR LIV AREA	2,184	2,184	0
SBF	UTIL FIN BLK	125	0	0
TOTAL		4,467	2,184	0

Building ID	42926	Exterior Walls	C.B.S.	
Style		Year Built	1951	
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	4669	Roof Type		
Finished Sq Ft	2280	Roof Coverage		
Stories	1 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	238	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire PI	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,165	0	0
SPX	EXEC SC PORCH	1,140	0	0
FLA	FLOOR LIV AREA	2,280	2,280	0
SBF	UTIL FIN BLK	84	0	0
TOTAL		4,669	2,280	0

Building ID	42927	Exterior Walls	C.B.S.	
Style		Year Built	1951	
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	4522	Roof Type		
Finished Sq Ft	2112	Roof Coverage		
Stories	1 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	236	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire PI	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,198	0	0
SPX	EXEC SC PORCH	1,080	0	0
FLA	FLOOR LIV AREA	2,112	2,112	0
SBF	UTIL FIN BLK	132	0	0
TOTAL		4,522	2,112	0

Building ID	42928	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4763	Roof Type	
Finished Sq Ft	2328	Roof Coverage	

Stories	1 Floor				Flooring Type	
Condition	GOOD				Heating Type	
Perimeter	242				Bedrooms	0
Functional Obs	0				Full Bathrooms	0
Economic Obs	0				Half Bathrooms	0
Depreciation %	6				Grade	500
Interior Walls					Number of Fire Pl	0
Code	Description	Sketch Area	Finished Area	Perimeter		
OPX	EXC OPEN PORCH	776	0	0		
SPX	EXEC SC PORCH	1,044	0	0		
FLA	FLOOR LIV AREA	2,328	2,328	0		
OPF	OP PRCH FIN LL	435	0	0		
SBF	UTIL FIN BLK	180	0	0		
TOTAL		4,763	2,328	0		

Building ID	42929				Exterior Walls	C.B.S.
Style					Year Built	1951
Building Type	HOTELS/MOTEL A / 39A				EffectiveYearBuilt	2020
Building Name					Foundation	
Gross Sq Ft	6758				Roof Type	
Finished Sq Ft	5652				Roof Coverage	
Stories	1 Floor				Flooring Type	
Condition	GOOD				Heating Type	
Perimeter	467				Bedrooms	0
Functional Obs	0				Full Bathrooms	0
Economic Obs	0				Half Bathrooms	0
Depreciation %	6				Grade	500
Interior Walls					Number of Fire Pl	0
Code	Description	Sketch Area	Finished Area	Perimeter		
OPX	EXC OPEN PORCH	272	0	0		
SPX	EXEC SC PORCH	408	0	0		
FLA	FLOOR LIV AREA	5,652	5,652	0		
PTO	PATIO	378	0	0		
SBF	UTIL FIN BLK	48	0	0		
TOTAL		6,758	5,652	0		

Building ID	42931				Exterior Walls	C.B.S.
Style					Year Built	1951
Building Type	HOTELS/MOTEL A / 39A				EffectiveYearBuilt	2020
Building Name					Foundation	
Gross Sq Ft	4724				Roof Type	
Finished Sq Ft	2304				Roof Coverage	
Stories	1 Floor				Flooring Type	
Condition	GOOD				Heating Type	
Perimeter	240				Bedrooms	0
Functional Obs	0				Full Bathrooms	0
Economic Obs	0				Half Bathrooms	0
Depreciation %	6				Grade	500
Interior Walls					Number of Fire Pl	0
Code	Description	Sketch Area	Finished Area	Perimeter		
OPX	EXC OPEN PORCH	1,198	0	0		
SPX	EXEC SC PORCH	1,080	0	0		
FLA	FLOOR LIV AREA	2,304	2,304	0		
SBF	UTIL FIN BLK	142	0	0		
TOTAL		4,724	2,304	0		

Building ID	42932				Exterior Walls	C.B.S.
Style					Year Built	1951
Building Type	HOTELS/MOTEL A / 39A				EffectiveYearBuilt	2020
Building Name					Foundation	
Gross Sq Ft	4301				Roof Type	
Finished Sq Ft	2136				Roof Coverage	
Stories	1 Floor				Flooring Type	
Condition	GOOD				Heating Type	
Perimeter	226				Bedrooms	0
Functional Obs	0				Full Bathrooms	0
Economic Obs	0				Half Bathrooms	0
Depreciation %	6				Grade	500
Interior Walls					Number of Fire Pl	0
Code	Description	Sketch Area	Finished Area	Perimeter		
OPX	EXC OPEN PORCH	1,107	0	0		
SPX	EXEC SC PORCH	936	0	0		
FLA	FLOOR LIV AREA	2,136	2,136	0		

Code	Description	Sketch Area	Finished Area	Perimeter
SBF	UTIL FIN BLK	122	0	0
TOTAL		4,301	2,136	0

Building ID	42933	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4232	Roof Type	
Finished Sq Ft	2208	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	232	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,330	0	0
SPX	EXEC SC PORCH	644	0	0
FLA	FLOOR LIV AREA	2,208	2,208	0
SBF	UTIL FIN BLK	50	0	0
TOTAL		4,232	2,208	0

Building ID	42918	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4446	Roof Type	
Finished Sq Ft	2256	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	236	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,340	0	0
SPX	EXEC SC PORCH	752	0	0
FLA	FLOOR LIV AREA	2,256	2,256	0
SBF	UTIL FIN BLK	98	0	0
TOTAL		4,446	2,256	0

Building ID	42919	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4446	Roof Type	
Finished Sq Ft	2256	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	236	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,340	0	0
SPX	EXEC SC PORCH	752	0	0
FLA	FLOOR LIV AREA	2,256	2,256	0
SBF	UTIL FIN BLK	98	0	0
TOTAL		4,446	2,256	0

Building ID	42920	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4306	Roof Type	
Finished Sq Ft	2134	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	

Perimeter	238	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,400	0	0
SPX	EXEC SC PORCH	679	0	0
FLA	FLOOR LIV AREA	2,134	2,134	0
SBF	UTIL FIN BLK	93	0	0
TOTAL		4,306	2,134	0

Building ID	42921	Exterior Walls	C.B.S.	
Style		Year Built	2004	
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020	
Building Name	BUILDING #510	Foundation		
Gross Sq Ft	3629	Roof Type		
Finished Sq Ft	2560	Roof Coverage		
Stories	3 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	406	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	321	0	0
SPX	EXEC SC PORCH	676	0	0
FLA	FLOOR LIV AREA	2,560	2,560	0
OPF	OP PRCH FIN LL	72	0	0
TOTAL		3,629	2,560	0

Building ID	42922	Exterior Walls	C.B.S.	
Style		Year Built	2004	
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	2728	Roof Type		
Finished Sq Ft	1900	Roof Coverage		
Stories	1 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	202	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
SPX	EXEC SC PORCH	608	0	0
FLA	FLOOR LIV AREA	1,900	1,900	0
OPF	OP PRCH FIN LL	220	0	0
TOTAL		2,728	1,900	0

Building ID	42923	Exterior Walls	C.B.S.	
Style		Year Built	2004	
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	3324	Roof Type		
Finished Sq Ft	2508	Roof Coverage		
Stories	1 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	218	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	500	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
SPX	EXEC SC PORCH	608	0	0
FLA	FLOOR LIV AREA	2,508	2,508	0
OPF	OP PRCH FIN LL	104	0	0
SPF	SC PRCH FIN LL	32	0	0
SBF	UTIL FIN BLK	72	0	0
TOTAL		3,324	2,508	0

Building ID	42924	Exterior Walls	AVE WOOD SIDING
Style		Year Built	2004
Building Type	NIGHT CLUBS, BARS C / 33C	EffectiveYearBuilt	2020
Building Name	TIDES BEACHSIDE BAR	Foundation	
Gross Sq Ft	1600	Roof Type	
Finished Sq Ft	1040	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	132	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,040	1,040	0
SBF	UTIL FIN BLK	560	0	0
TOTAL		1,600	1,040	0

Building ID	42925	Exterior Walls	C.B.S.
Style		Year Built	2004
Building Type	HOTEL/MOTEL D / 39D	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	792	Roof Type	
Finished Sq Ft	682	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	106	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	110	0	0
FLA	FLOOR LIV AREA	682	682	0
TOTAL		792	682	0

Building ID	806	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4175	Roof Type	
Finished Sq Ft	2231	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	240	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,215	0	0
SPX	EXEC SC PORCH	679	0	0
FLA	FLOOR LIV AREA	2,231	2,231	0
SBF	UTIL FIN BLK	50	0	0
TOTAL		4,175	2,231	0

Building ID	807	Exterior Walls	C.B.S.
Style		Year Built	1951
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4275	Roof Type	
Finished Sq Ft	2231	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	240	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,305	0	0
SPX	EXEC SC PORCH	679	0	0
FLA	FLOOR LIV AREA	2,231	2,231	0
SBF	UTIL FIN BLK	60	0	0

Code	Description	Sketch Area	Finished Area	Perimeter
TOTAL		4,275	2,231	0

Building ID	927	Exterior Walls	C.B.S.
Style		Year Built	2004
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	13085	Roof Type	
Finished Sq Ft	4568	Roof Coverage	
Stories	3 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	793	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPX	CARPORT LATTIC	728	0	0
OPX	EXC OPEN PORCH	5,952	0	0
SPX	EXEC SC PORCH	1,705	0	0
FLA	FLOOR LIV AREA	4,568	4,568	0
SBF	UTIL FIN BLK	132	0	0
TOTAL		13,085	4,568	0

Building ID	943	Exterior Walls	C.B.S.
Style		Year Built	2004
Building Type	HOTELS/MOTEL A / 39A	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	9765	Roof Type	
Finished Sq Ft	6693	Roof Coverage	
Stories	3 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	699	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	6	Grade	500
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	756	0	0
SPX	EXEC SC PORCH	2,316	0	0
FLA	FLOOR LIV AREA	6,693	6,693	0
TOTAL		9,765	6,693	0

Building ID	67050	Exterior Walls	C.B.S.
Style	2 STORY ON GRADE	Year Built	2013
Building Type	TOURIST ATTRAC-D- / 35D	EffectiveYearBuilt	2015
Building Name	FLORIDA KEYS HISTORY AND DISCOVERY CENTER	Foundation	
Gross Sq Ft	21485	Roof Type	FLAT OR SHED with 0% MANSARD
Finished Sq Ft	17927	Roof Coverage	ROLLED COMPOS with 0% METAL
Stories	2 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	0	Bedrooms	
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	13	Grade	350
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	2,520	0	504
FLA	FLOOR LIV AREA	17,927	17,927	771
OPF	OP PRCH FIN LL	1,038	0	466
TOTAL		21,485	17,927	1,741

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
BRICK PATIO	1975	1976	0 x 0	1	13458 SF	2
CONC PATIO	1975	1976	0 x 0	1	2184 SF	3
CONC PATIO	1975	1976	0 x 0	1	9288 SF	5
WROUGHT IRON	2013	2014	6 x 50	1	300 SF	4
ASPHALT PAVING	2014	2025	0 x 0	1	17042 SF	2
BRICK PATIO	2014	2025	0 x 0	1	5254 SF	2
CUSTOM POOL	2004	2025	0 x 0	1	1284 SF	1
CUSTOM POOL	2004	2025	0 x 0	1	2570 SF	1

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
WATER FEATURE	2019	2025	25 x 20	1	500 UT	5
WATER FEATURE	2020	2025	0 x 0	1	220 UT	5
TIKI	2020	2025	15 x 14	1	210 SF	5
TIKI	2020	2025	15 x 18	1	270 SF	2
TIKI	2020	2025	26 x 18	1	468 SF	2
ASPHALT PAVING	1975	1976	0 x 0	1	5780 SF	3
ASPHALT PAVING	1975	1976	0 x 0	1	87208 SF	3
FENCES	1975	1976	0 x 0	1	3270 SF	3
FENCES	2020	2025	6 x 370	1	2220 SF	2
FENCES	2020	2025	6 x 86	1	516 SF	2
WOOD DOCKS	2020	2025	20 x 30	1	600 SF	3
WOOD DOCKS	2020	2025	5 x 220	1	1100 SF	3
SEAWALL	1999	2025	9 x 1400	1	12600 SF	1

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
1/28/2021	\$100	Quit Claim Deed	2303860	3075	1038	11 - Unqualified	Improved		
1/28/2021	\$57,000,000	Warranty Deed	2303859	3075	1032	05 - Qualified	Improved		
8/25/2014	\$0	Warranty Deed		2703	225	11 - Unqualified	Improved		
1/1/2010	\$0	Warranty Deed		2465	1169	11 - Unqualified	Improved		
12/2/1999	\$1	Warranty Deed		1607	56	M - Unqualified	Improved		
12/2/1999	\$1	Warranty Deed		1607	23	M - Unqualified	Improved		

Permits

Number	Date Issued	Status	Amount	Permit Type	Notes
PRBLD202400961	12/12/2024	Completed	\$95,000	Commercial	COMM'L POOL RENO (TILE, REMOVE WATERFEATURE, & NEW INT FINISH)
PRPLB202400863	10/18/2024	Completed	\$192,000	Commercial	IRRIGATION INSTALLATION (LAWN SPRINKLERS) PHASE 2
PRPLB202400668	07/31/2024	Completed	\$13,250	Commercial	Irrigation Installation (Lawn Sprinklers) Master Permit PRBLD202301110
PRBLD202400536	07/29/2024	Completed	\$27,173	Commercial	Renovation of selected guestrooms, public restrooms and meeting areas. Replacement in kind of light fixtures and ceiling fans, replacement of bathroom vanities and accessories. New interior finishes. The exterior renovations are limited to the installation of privacy screens, decorative posts and picket fences at the selected exterior guestroom corridors.
PRBLD202301110	01/09/2024	Active	\$550,000	Commercial	CONSTRUCTION OF NEW TIKI HUT AND STAIRS ADJACENT TO EXISTING POOL BAR BUILDING. SELECTIVE RENOVATION OF EXISTING POOL BAR BUILDING INCLUDING MINOR DEMOLITION, REPLACEMENT OF FINISHES AND LIGHT FIXTURES. NEW LANDSCAPE AND HARDSCAPE ASSOCIATED WITH NEW TIKI HUT.
PRBLD202201065	11/14/2023	Active	\$600,000	Commercial	CONSTRUCTION OF (2) SOUTH POOLS PER ATTACHED PLANS HARDSCAPE AND LANDSCAPE INCLUDED.
PRPLB202301079	11/08/2023	Completed	\$82,000	Commercial	INSTALL AUTOMATIC IRRIGATION SYSTEM
PRBLD202300545	09/29/2023	Completed	\$200,000	Commercial	INTERIOR DEMO OF 2 GUESTROOMS & STORAGE SPACE TO BE CONVERTED TO A COVERED BREEZEWAY, NEW PUBLIC RESTROOMS & HOUSEKEEPING AREA
PRBLD202300730	09/25/2023	Completed	\$861,000	Commercial	RECONFIGURATION OF PARKING AREAS & WALKWAYS, MISC SITE WORK & LANDSCAPING
PRBLD202300716	08/15/2023	Completed	\$1,200,000	Commercial	RENOVATION OF ROOM INTERIORS, LIGHTING FIXTURES & CEILING FANS, REPLACE BATHROOM VANITIES, NEW INT FINISHES, INSTALL PRIVACY SCREENS, ORNAMENTAL COLUMNS & PICKET FENCES AT EXT COVERED CORRIDOR.
PRBLD202200953	11/01/2022	Completed	\$25,000	Commercial	REVISION #1 PRE-EXCAVATION TO A DEPTH OF 12"-18" AND BACKFILL AS PER ATTACHED PLANS. Demolition of Splash pad and accessories per attached plans.
PRPLB202101609	12/30/2021	Completed	\$243,000	Commercial	REPLACEMENT OF EXISTING STORMWATER PIPING 1070 LF.
PRBLD201900232	03/20/2020	Completed	\$15,000	Commercial	SUPPLY AND INSTALL NEW CONCRETE SLAB AND PREFABRICATED STEEL BUS SHELTER ON SOUTH SIDE OF US1 RESORT MAIN ENTRANCE 8X14 CONCRETE SLAB 12-8'X6-8" BUS SHELTER
PRELT201901404	10/16/2019	Completed	\$3,000	Commercial	ELETRICAL MISC-RELOCATION OF SERVICE METER SOCKET BUILDINGS 110, 120, 130, AND 140.
PRELT201901058	09/05/2019	Completed	\$1,570,000	Commercial	#1 REV. 1/27/2020 SOLAR PV GRID-TIED SYSTEM. REVISION- NO PANELS ON BUILDINGS 530 & 520. PANELS ADDED TO BUILDING 120 AND ADDITIONAL PANELS ON BUILDINGS 410 & 420. SAME TOTAL KW OVERALL. CHANGES REVIEWED/APPROVED BY FKEC.1/27/2020
PRELT201900666	06/10/2019	Completed	\$3,500	Commercial	INSTALL KOHLER GENERATER FOR CONFERENCE CENTER/MUSEUM AND INSTALL NEW ELECTRICAL FOR MUSEUM AQUARIUMS
PRMCH201900357	04/11/2019	Completed	\$8,000	Commercial	INSTALL KITCHEN HOOD SYSTEM **ATF**
PRMCH201900651	04/11/2019	Completed	\$2,500	Commercial	HOOK UP OF UL 300 FIRE SUPPRESSION SYSTEM FOR HOOD
PRBLD201900344	04/04/2019	Completed	\$7,500	Commercial	NEW VINYLE CHAIN LINK FENCE AROUND EXISTING RECLAIM WATER TANKS. 6' X 400 LF
PRBLD201900345	04/04/2019	Completed	\$7,500	Commercial	FENCE IN DOG AREA WITH GREEN VINYL CHAIN LINK FENCE 6' TALL X 300 LF
PRBLD201802085	03/08/2019	Completed	\$20,000	Commercial	INSTALL NEW 6' HIGH CHAIN LINK FENCE WITH THREE GATE ACCESS POINTS, APPROX 1200 LF OF FENCE.
PRBLD201802370	01/11/2019	Completed	\$15,000	Commercial	4 CHICKEE HUTS 1-10 X10, 1-12 X12 AND 2-16 X24
prelt201802431	12/11/2018	Completed	\$75,000	Commercial	ATF - NEW FIRE ALARM SYSTEM

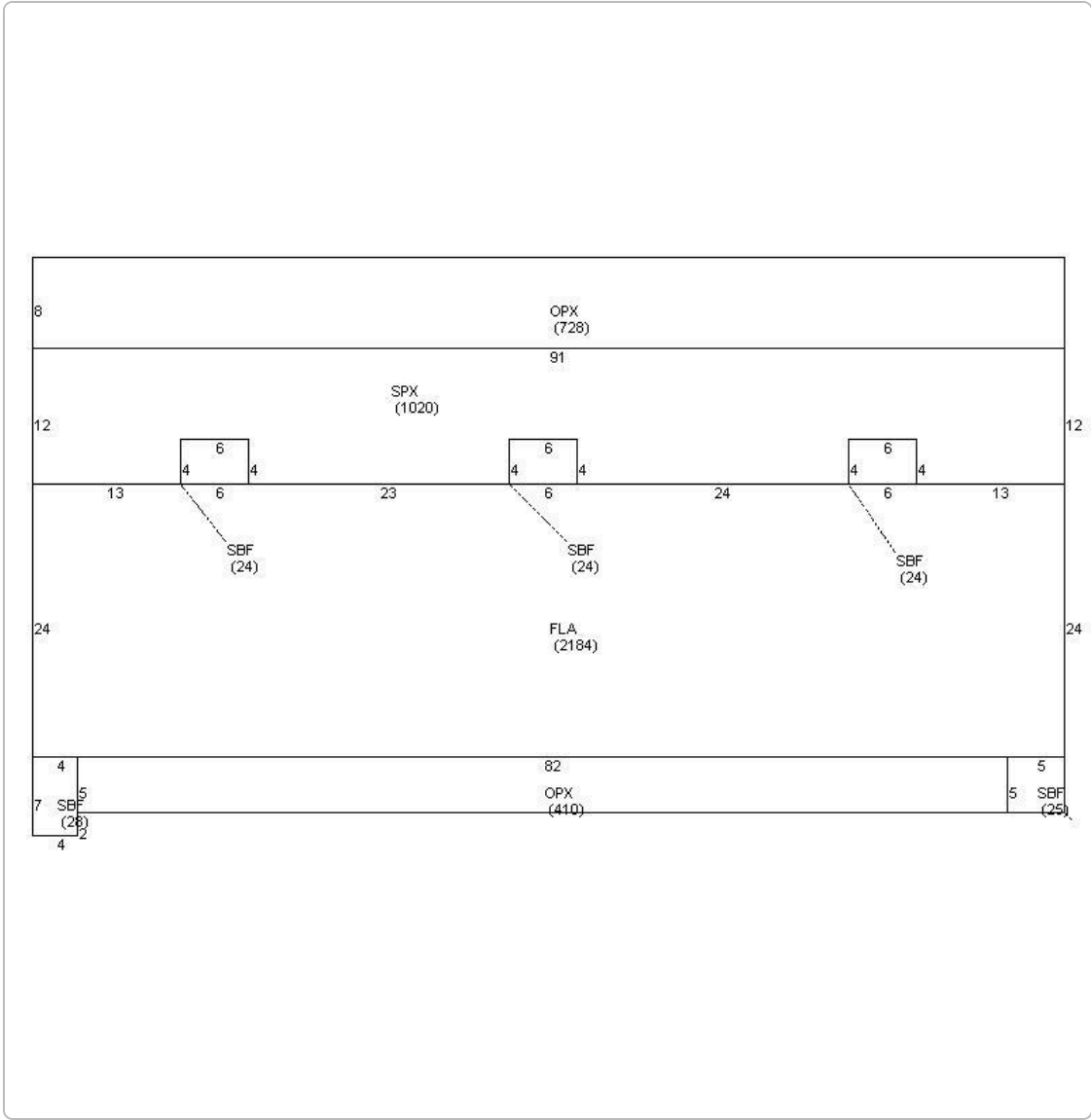
Number	Date Issued	Status	Amount	Permit Type	Notes
PRBLD201801312	08/13/2018	Completed	\$485,000	Commercial	REV. #1 TO SHOW ADDITIONAL GRADING DETAILS, JERSEY BARRIER RETAINING WALL, LOCATION OF POTTED PLANT NURSEY AND GRAVEL LOCATIONS SLOPED TOWARDS CATCH BASIN. NEW WATER RECLAMATION SYSTEM
PRBLD201801497	07/27/2018	Completed	\$75,000	Commercial	SECURITY PAVILION / DRIVEWAY
PRBLD201801381	07/18/2018	Completed	\$30,000	Commercial	NEW FOUNTAIN
PRBLD201801484	07/03/2018	Completed	\$50,000	Commercial	REST ROOMS FOR NEW SPLASH PAD
PRBLD201801336	06/13/2018	Completed	\$200,000	Commercial	WATER FEATURE FOR POOL
PRBLD201800575	06/11/2018	Completed	\$103,000	Commercial	REVISION 1 - 1/28/19 CHANGE IN DOOR LOCATIONS DINNING RM REMODEL NO INCREASE IN FOOTPRINT TOTAL SEATS TO STAY THE SAME. BAR AREA WITH NEW CABINETS AND U SHAPED BAR SEATING REWORK PLUMBING AND ELECTRICAL
PRBLD201800577	06/11/2018	Completed	\$98,000	Commercial	INT/EXT REMODEL - BAR, COOLER, PLUMBING, ELECTRIC
PRBLD201801200	05/30/2018	Completed	\$10,000	Commercial	CONSTRUCT CONCRETE SLAB 16 X 20
PRBLD201800576	05/15/2018	Completed	\$53,000	Commercial	REVISION 1 1/28/19 INTERIOR WALL LAYOUT - CHANGE TO TANKLESS WATER HEATERS, CHANGE ELECTRIC SERVICE.
PRBLD201800571	03/06/2018	Completed	\$24,800	Commercial	REVISION 1 1/2/19 - LOBBY REVISION INSTALL NEW IMPACT STORE FRONT FIXED WINDOWS AND NEW IMPACT FRENCH DOOR. EXTEN NEW PARTITION WALL AND ADD 3-0 DOOR FOR NEW SALES OFFICE. BUSINESS CENTER CONVERT LOBBY AREA TO NEW OFFICES NO INCREASE IN FOOTPRINT NEW FRAME WALLS AND INTERIOR DOOR. DRYWALL, PAINT, 19 NEW RECEPTACLES, IT LINES ISW AND 4 NEW CELING LITES.
PRBLD201800571	03/06/2018	Completed	\$4,800	Commercial	INT REMODEL - CONVERT LOBBY TO OFFICES
PRBLD201701593	01/29/2018	Completed	\$3,285,000	Commercial	INT/EXT REPAIRS OF HURRICANE DAMAGE
PRBLD201701573	10/02/2017	Completed	\$215,000	Commercial	DOCK, DECKING, STRINGERS, PILINGS
PRRFG201700112	01/26/2017	Completed	\$0	Commercial	ROOF
PRRFG201603120	12/22/2016	Completed	\$45,712	Commercial	ROOF/PORTOCHERE, BLDG 440 (RECEPTION)
PRRFG201603016	12/02/2016	Completed	\$21,100	Commercial	ROOF, BLDG 340
PRRFG201602886	11/09/2016	Completed	\$30,000		R/R ROOF WITH 5V CRIMP METAL (BONEFISH BLDG [RESTAURANT, MAINT., FITNESS]). GALVALUME EAVE DROP.
PRRFG201602477	09/21/2016	Completed	\$16,086		RE-ROOF W/5V CRIMP METAL. INSTALL CUSTOM 3"X3" EAVE DRIP.
PRRFG201602363	09/07/2016	Completed	\$18,146		REPLACE EXISTING METAL ROOF WITH 5V CRIMP METAL GALVALUME. INSTALL CUSTOM 3"X3" EAVE DRIP.
PRRFG201602364	09/07/2016	Completed	\$16,880		R/R METAL ROOF WITH 5V CRIMP. INSTALL CUSTOM 3"X3" EAVE DRIP.
PRRFG201602365	09/07/2016	Completed	\$16,880		RE-ROOF TO 5V CRIMP METAL OF BLDG 140. INSTALL CUSTOM 3"X3" EAVE DRIP.
PRBLD201602193	08/18/2016	Completed	\$1,443		INSTALL (18X3) RAILING ON RAMP. METAL?
PRRFG201501268	08/06/2015	Completed	\$15,086		R/R ROOF - METAL (BLDG 420)
PRRFG201500937	07/06/2015	Completed	\$15,880		R/R ROOF - METAL (BLDG 130)
PRRFG201500938	07/06/2015	Completed	\$15,086		R/R ROOF - METAL (BLDG 410)
PRRFG201500939	07/06/2015	Completed	\$15,086		R/R ROOF - METAL (BLDG 410)
PRRFG201500820	06/18/2015	Completed	\$17,071		R/R ROOF - METAL (BLDG 320)
PRRFG201500821	06/18/2015	Completed	\$15,880		R/R ROOF - METAL (BLDG 120)
PRRFG201500776	06/04/2015	Completed	\$15,880		R/R ROOF - METAL (BLDG 110)
INC201300904	10/24/2013	Completed	\$4,200	Commercial	R/R EXT DOOR & WINDOW/ INSTALL MINI SPLIT A/C
FWC201200957	05/02/2013	Completed	\$2,400	Commercial	FENCE (PROTECT A/C CHILLER)
COB201300014	01/25/2013	Completed	\$50,000	Commercial	EXT RENOVATION - RAISE ROOF, ADD WINDOW, & PAVERS
ACC201200693	09/07/2012	Completed	\$3,500	Commercial	REMOVE A/C UNITS FOR ROOF REPAIRS
RFG201200712	08/19/2012	Completed	\$1,500	Commercial	ROOF REPAIRS
TTR201200185	03/13/2012	Completed	\$4,843	Commercial	INTSALL TEMPORARY 60 FT MOBILE OFFICE
ELC201100710	10/10/2011	Completed	\$1	Commercial	ELECTRICAL
COB201100711	10/03/2011	Completed	\$1	Commercial	ELECTRICAL
COB201100529	09/28/2011	Completed	\$1	Commercial	MUSEUM AND CONVENTION CENTER
COB201100529	09/28/2011	Completed	\$1	Commercial	NEW - IRVING EYSTER MUSEUM AND CONVENTION CENTER. BPAS-COMMERCIAL.
20052267	10/14/2005	Completed	\$1	Commercial	REP DECKING AND STRINGERS ON DOCK
900348	09/12/2005	Completed	\$1	Commercial	DEMOLITION OF HOUSEKEEPING AND 2 STORY RENTAL UNITS
20054677	06/07/2005	Completed	\$1	Commercial	FIRE SUPRESSION SYSTEM IN KITCHEN HOOD TIKI POOL BAR
200474	01/16/2004	Completed	\$1	Commercial	POOL,SPA,TIKI,BAR,BATH
0201774	09/11/2003	Completed	\$1	Commercial	REMODEL EMPLOYEE HSING
0300750	09/04/2003	Completed	\$1	Commercial	POOL/SPA/POOL BTH HOUSE
0300427	06/06/2003	Completed	\$1	Commercial	CL FENCE AROUND LIFT STA
0200200	04/11/2003	Completed	\$1	Commercial	NEW BLDG UNIT 510
0300285	04/11/2003	Completed	\$1	Commercial	NEW BLDG UNIT 520
0300286	04/11/2003	Completed	\$1	Commercial	NEW BLGD UNIT 530
0300167	03/20/2003	Completed	\$1	Commercial	NEW DRIVEWAY US1 TO ISLA
0300012	03/14/2003	Completed	\$1	Commercial	REMODEL
0300013	03/14/2003	Completed	\$1	Commercial	REMODEL
0300014	03/14/2003	Completed	\$1	Commercial	REMODEL
0300015	03/14/2003	Completed	\$1	Commercial	REMODEL
0300016	03/14/2003	Completed	\$1	Commercial	REMODEL
0202081	02/25/2003	Completed	\$1	Commercial	REM UNITS 150 & MTG RM
0300159	02/12/2003	Completed	\$1	Commercial	DEMO RF & INT MTG RM/BLD

Number	Date Issued	Status	Amount	Permit Type	Notes
0201003	08/29/2002	Completed	\$1	Commercial	REMODEL UNIT 210
0200846	07/23/2002	Completed	\$1	Commercial	REMOD BLDG 430, LAUNDRY
0200966	07/23/2002	Completed	\$1	Commercial	REMOD BLDG 330 & LOBBY
0101074	09/21/2001	Completed	\$1	Commercial	REMODEL
0101631	09/11/2001	Completed	\$1	Commercial	RELOCATE METER
0101075	09/10/2001	Completed	\$1	Commercial	REMODEL
0101071	08/08/2001	Completed	\$1	Commercial	REMODEL
0101076	08/08/2001	Completed	\$1	Commercial	REMODEL
0101270	07/24/2001	Completed	\$1	Commercial	RIP RAP/SWIM AREA
0101072	07/11/2001	Completed	\$1	Commercial	REMODEL
0006153	03/27/2001	Completed	\$1	Commercial	SEWER TREATMENT PLANT
9905164	05/26/1999	Completed	\$1	Commercial	DOCK

View Tax Info

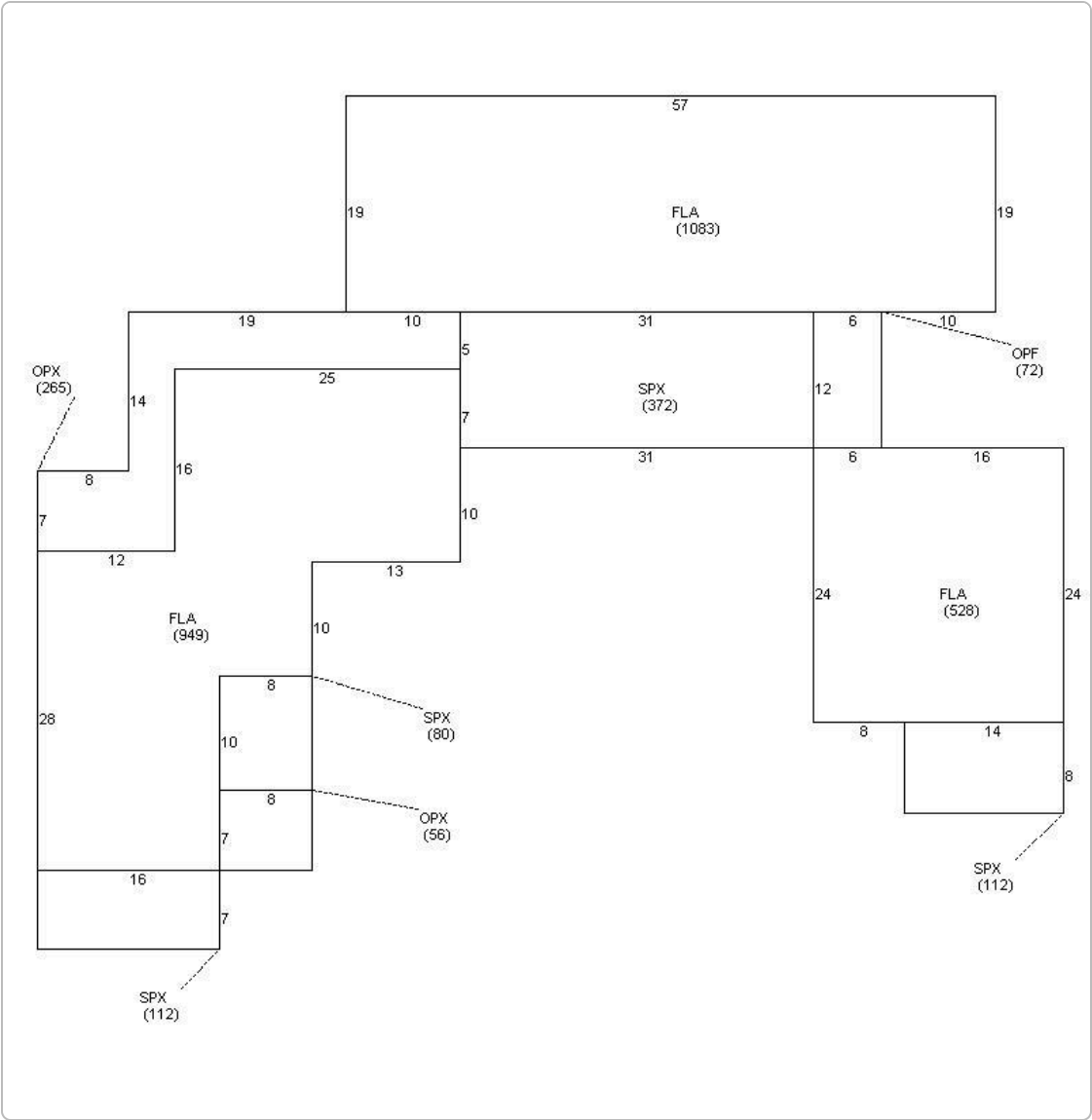
[View Taxes for this Parcel](#)

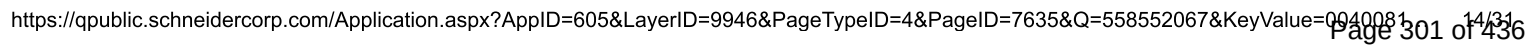
Sketches (click to enlarge)

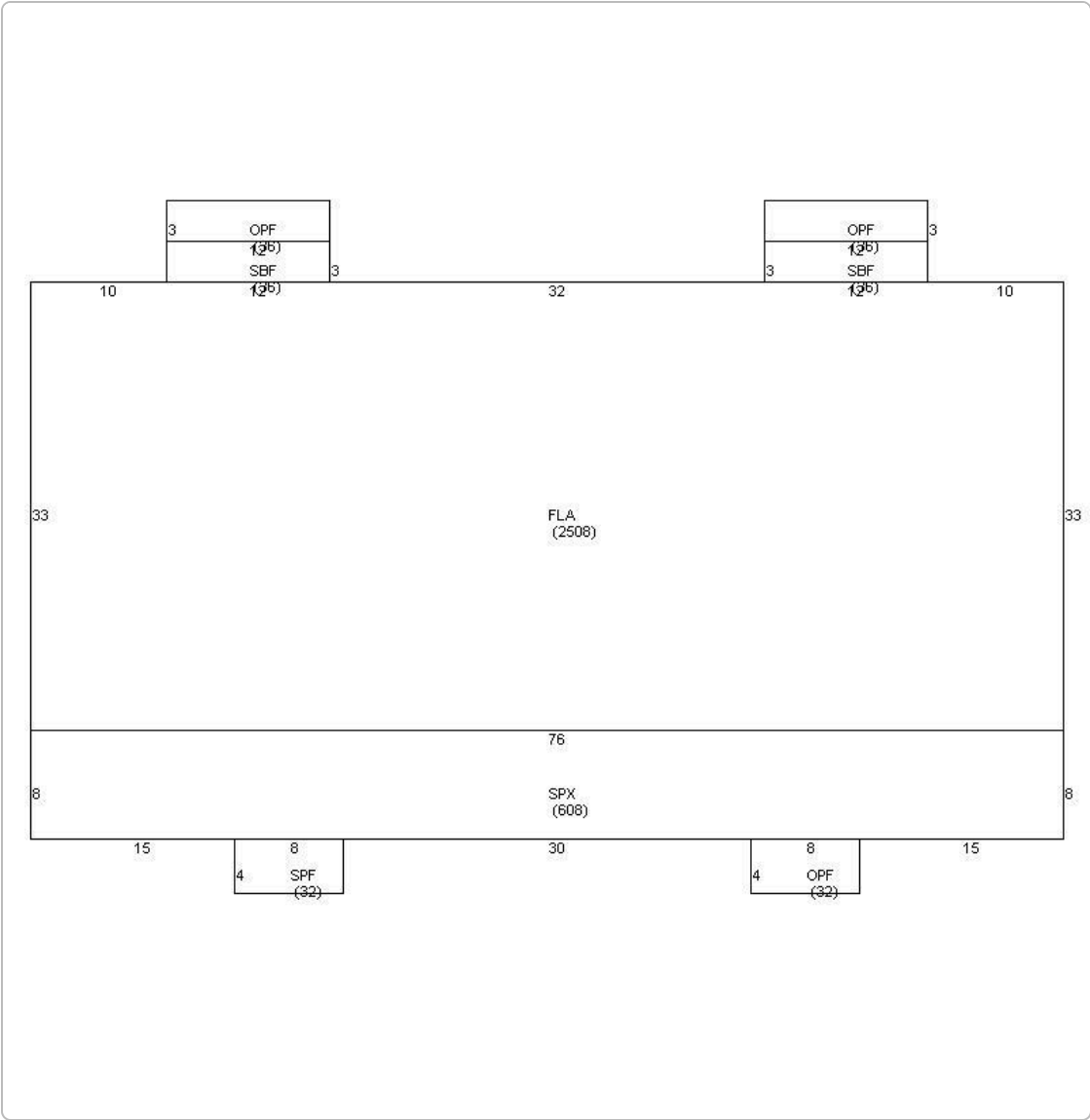


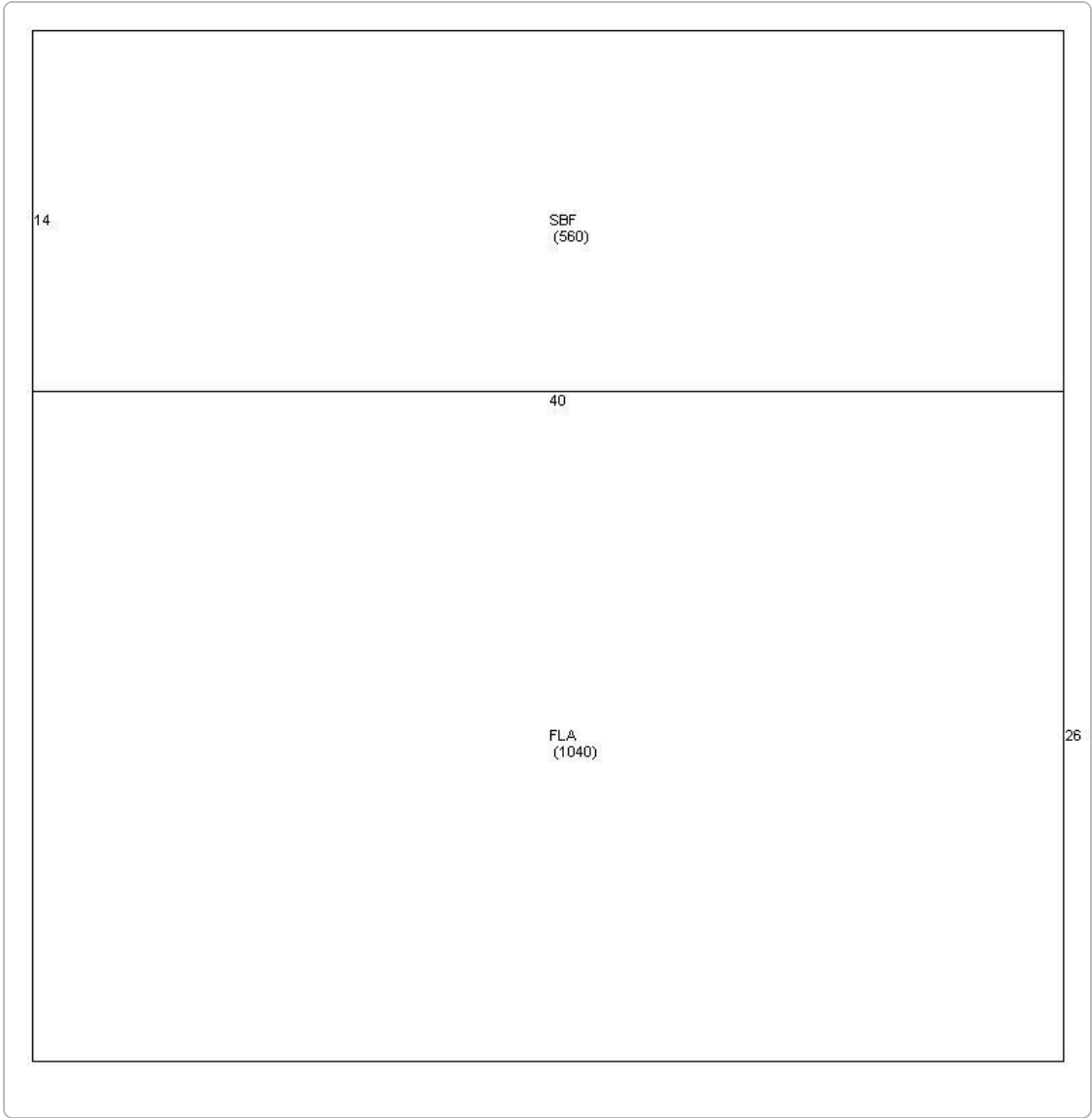
https://qpublic.schneidercorp.com/Application.aspx?AppID=605&LayerID=9946&PageTypeID=4&PageID=7635&Q=558552067&KeyValue=0040081 11/31/2023 11:31 AM Page 298 of 436

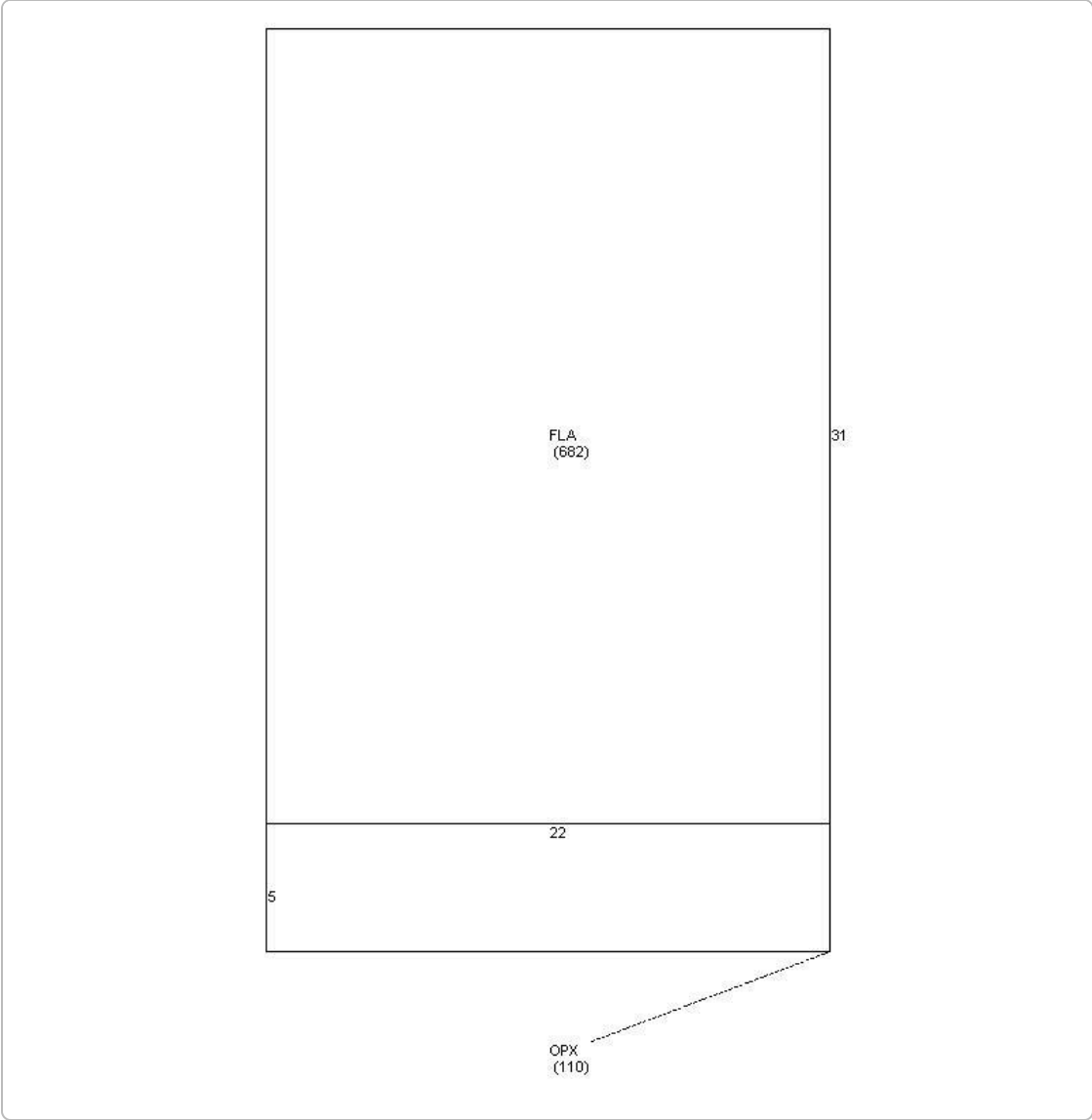
10	OPX (970)				
	97				
7	SPX (679)				
	97				
	FLA (2134)				
22					22
7	7	86			4
7	SBF (49)	OPX (430)			5
	2				6
7					4

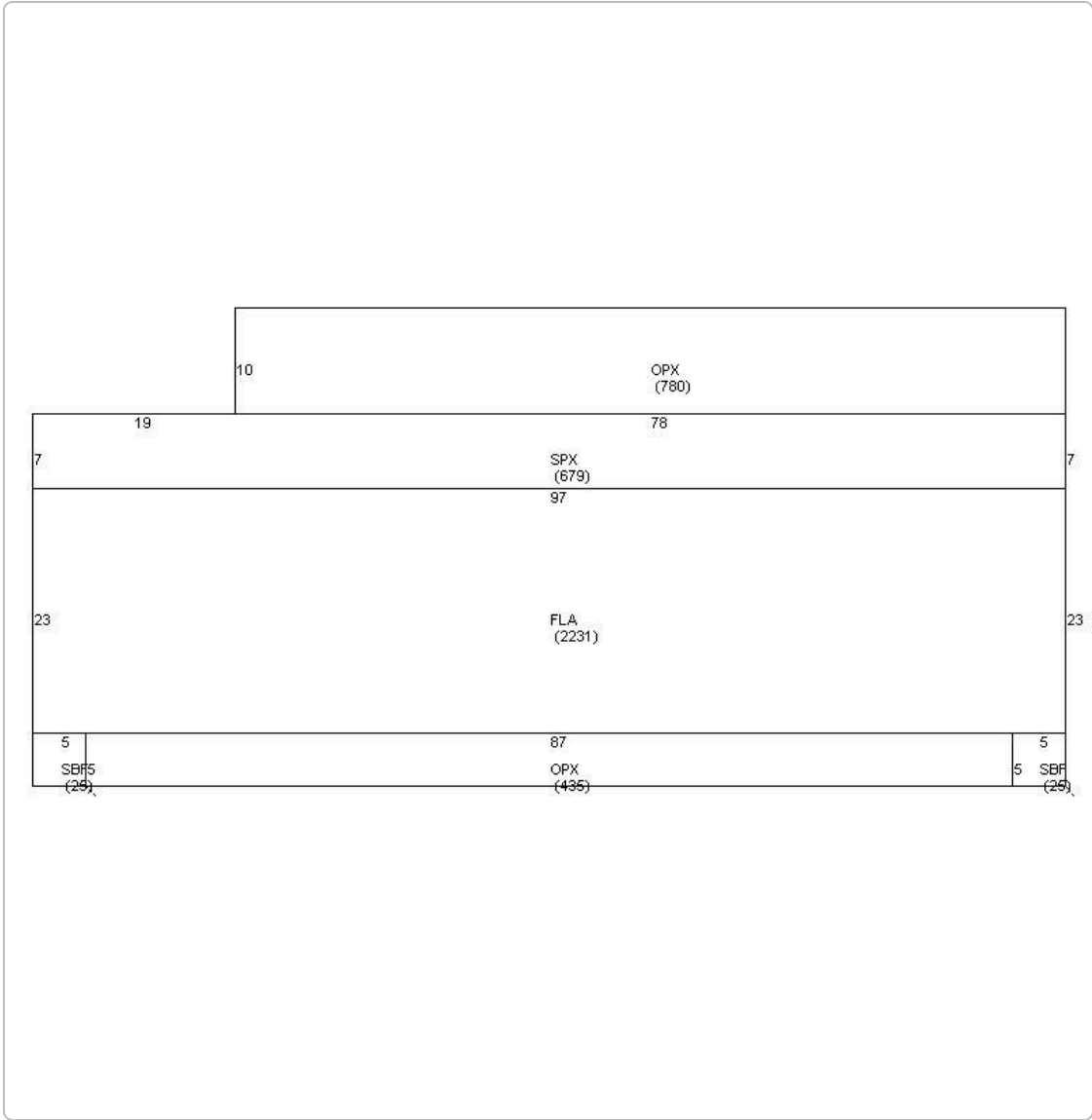


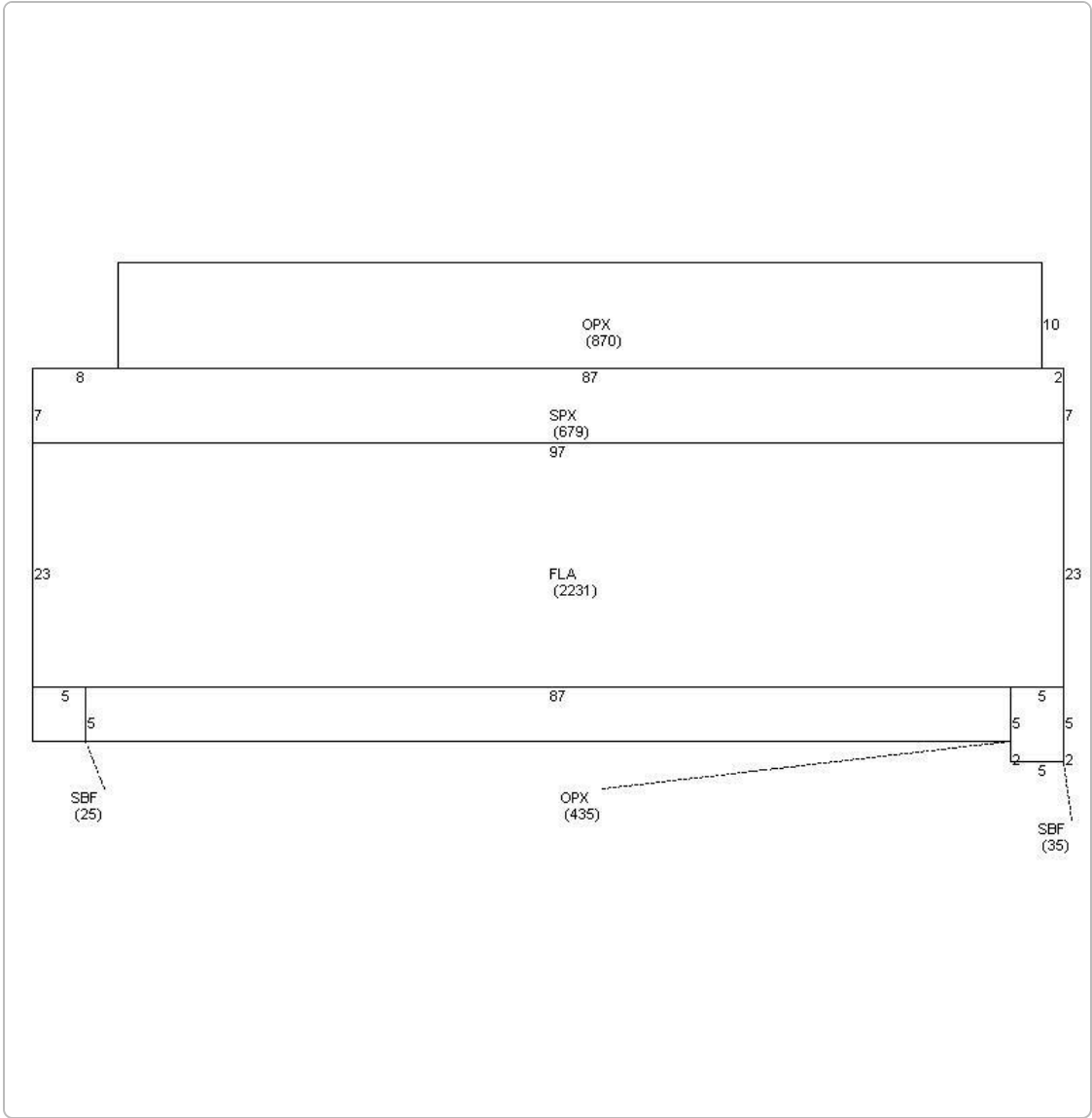


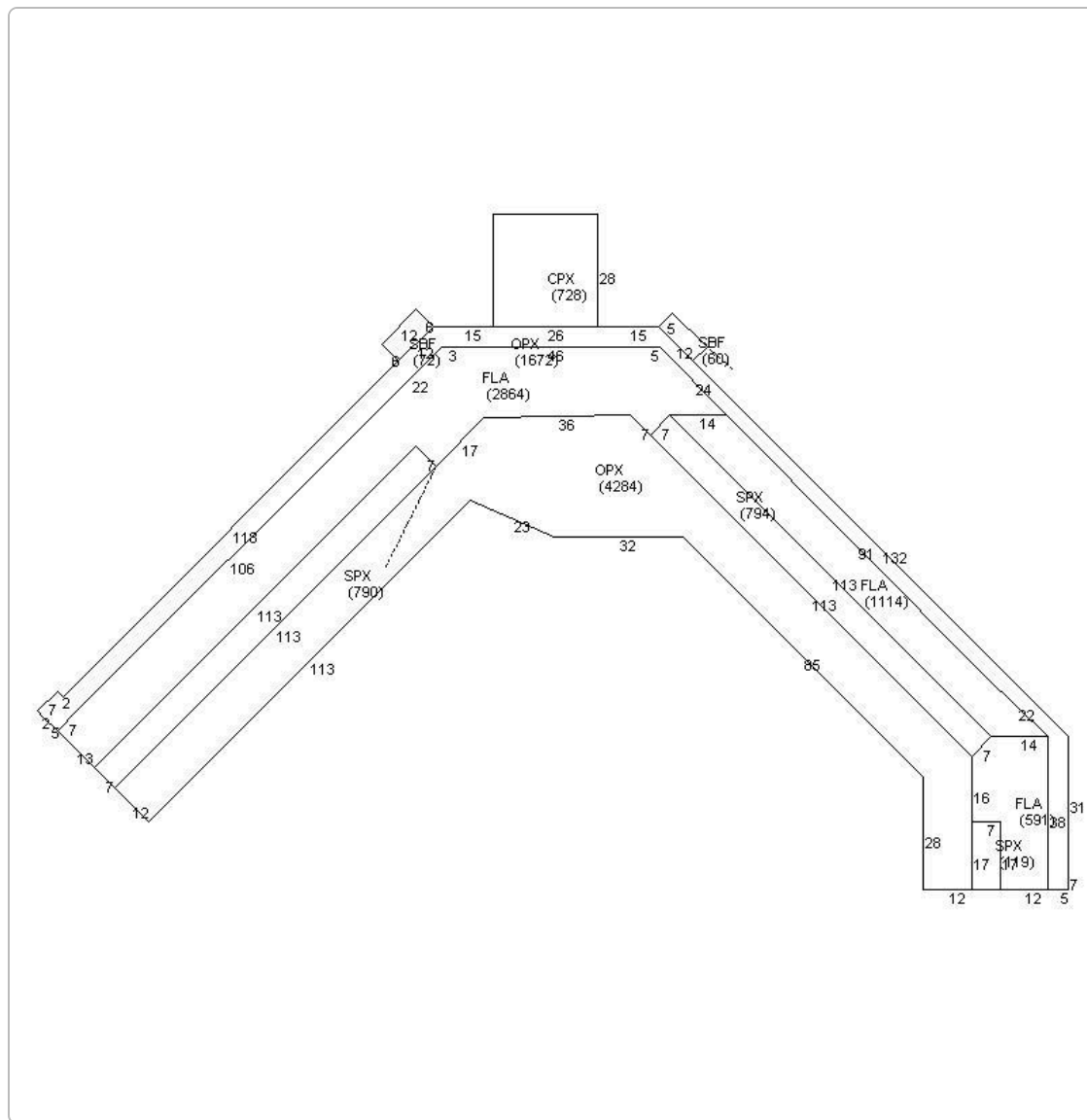


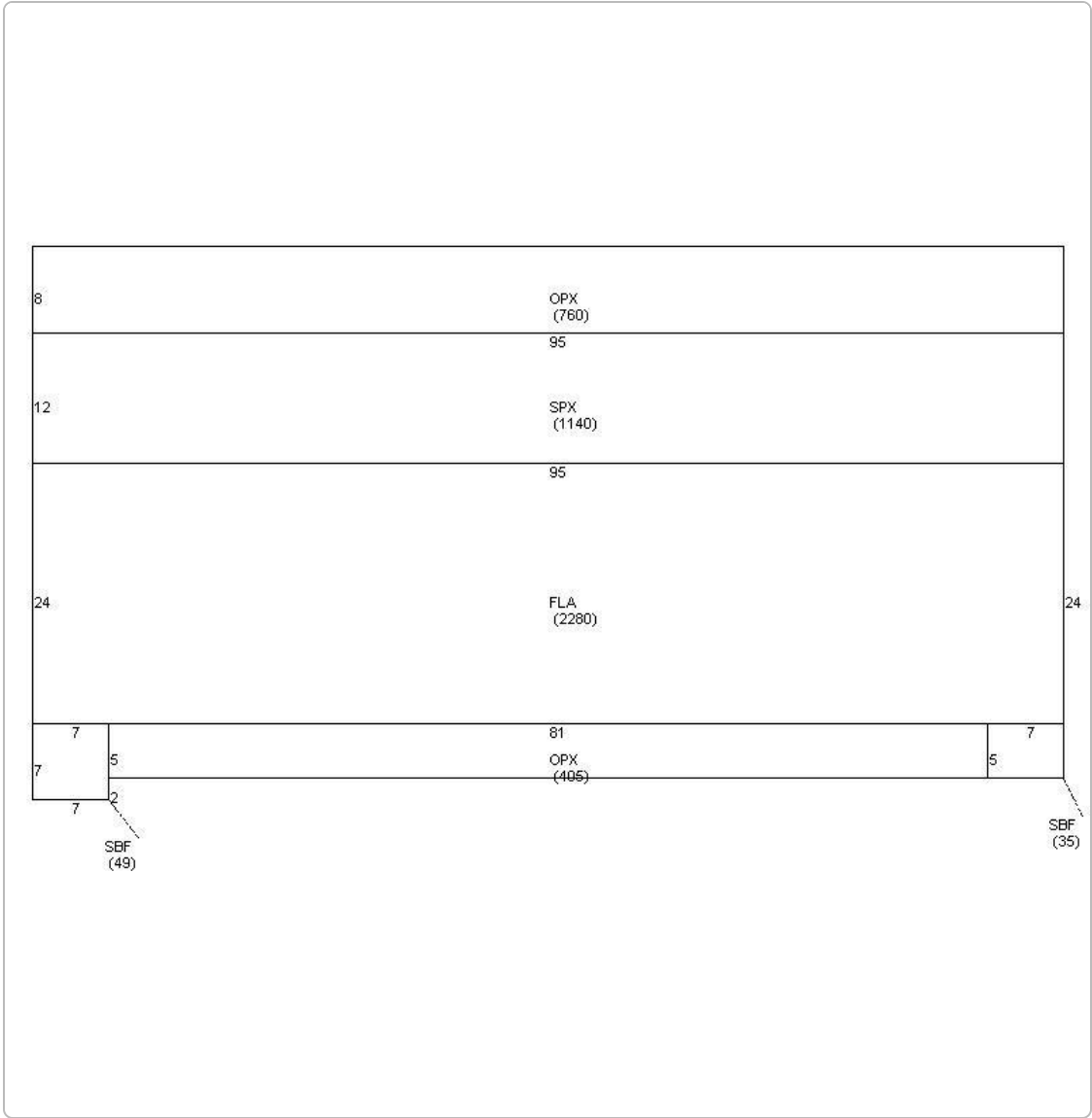


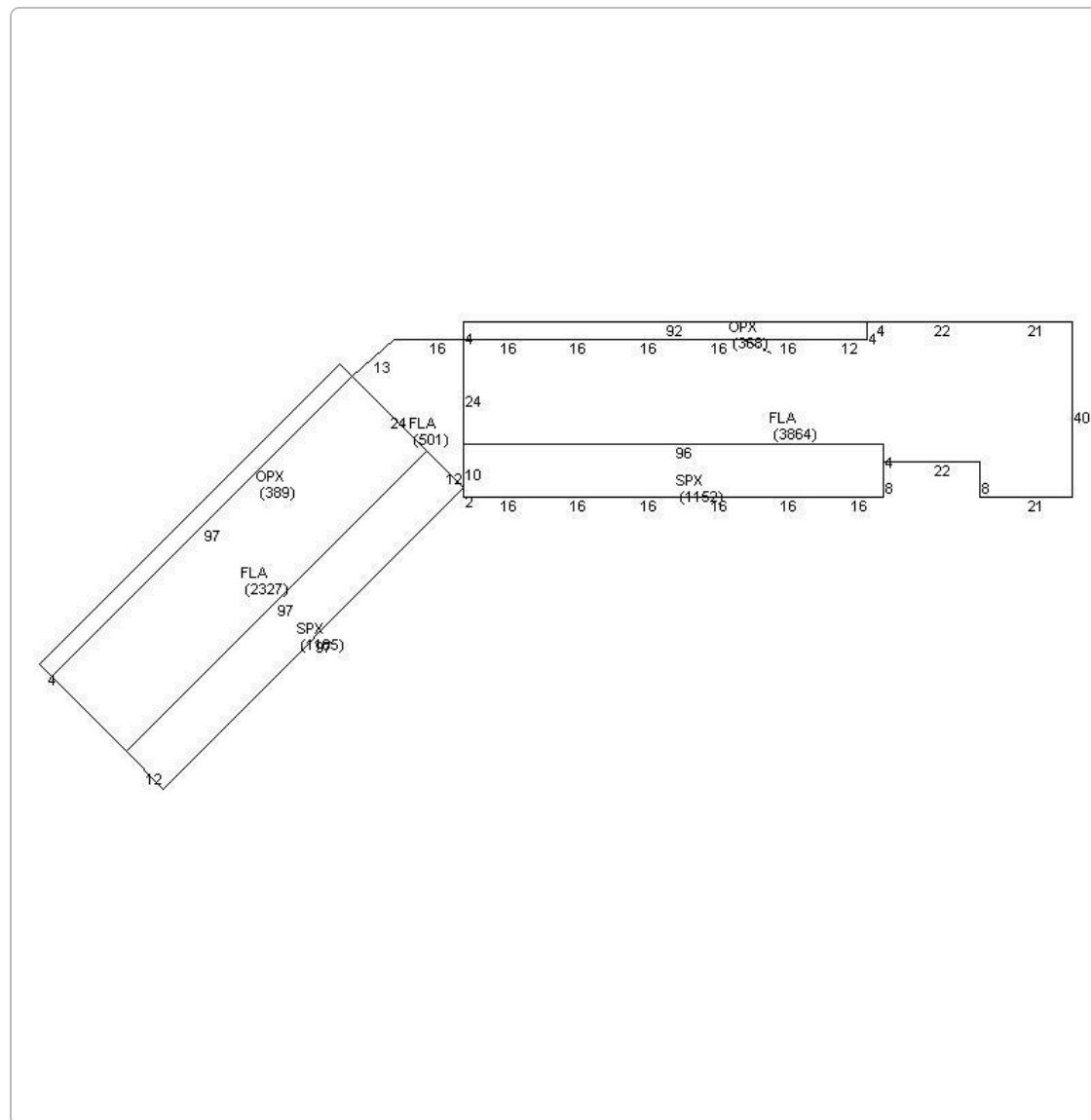


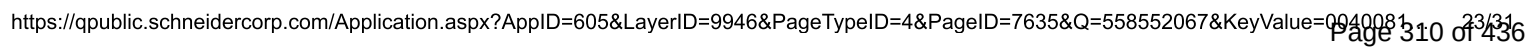


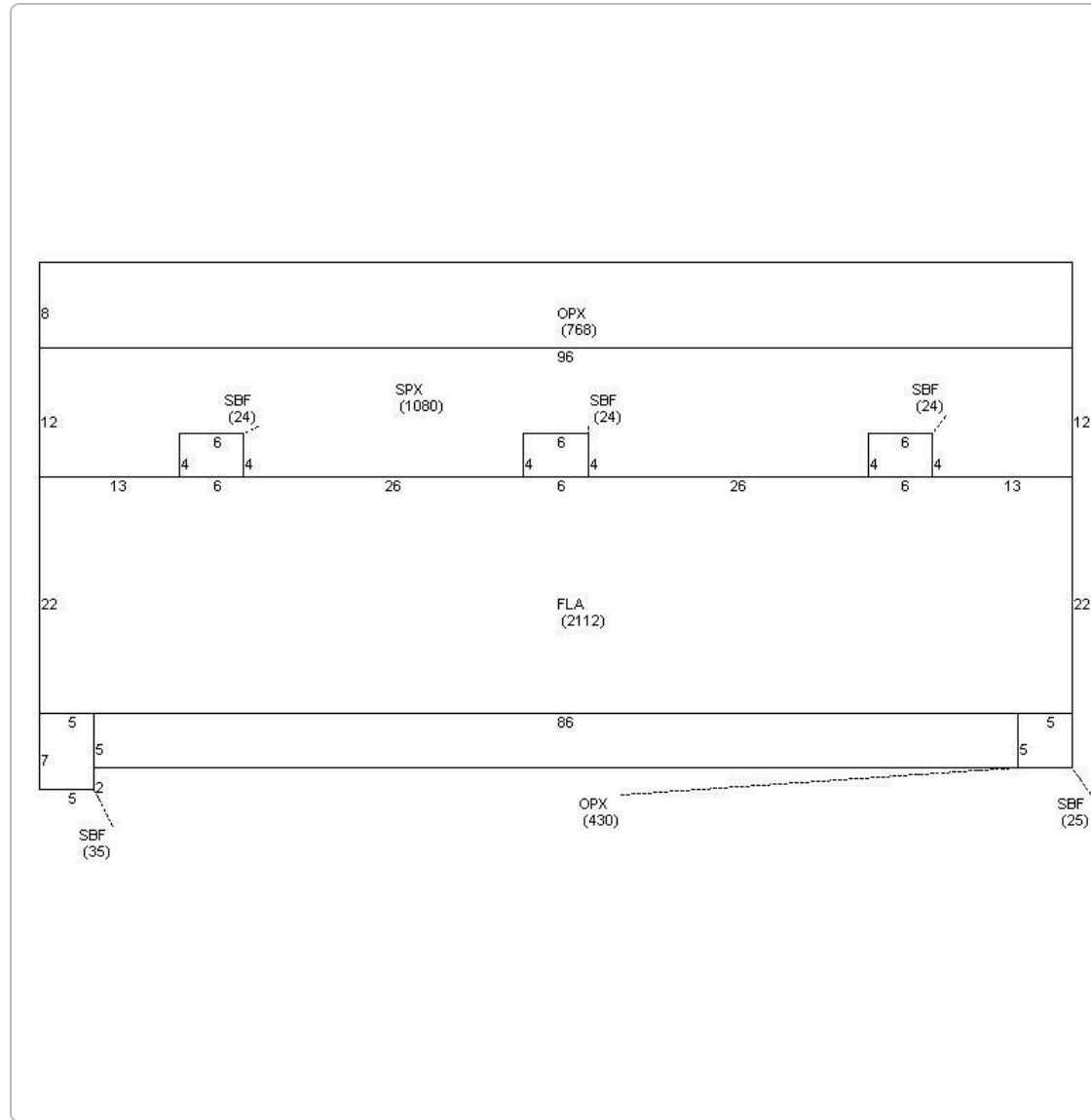


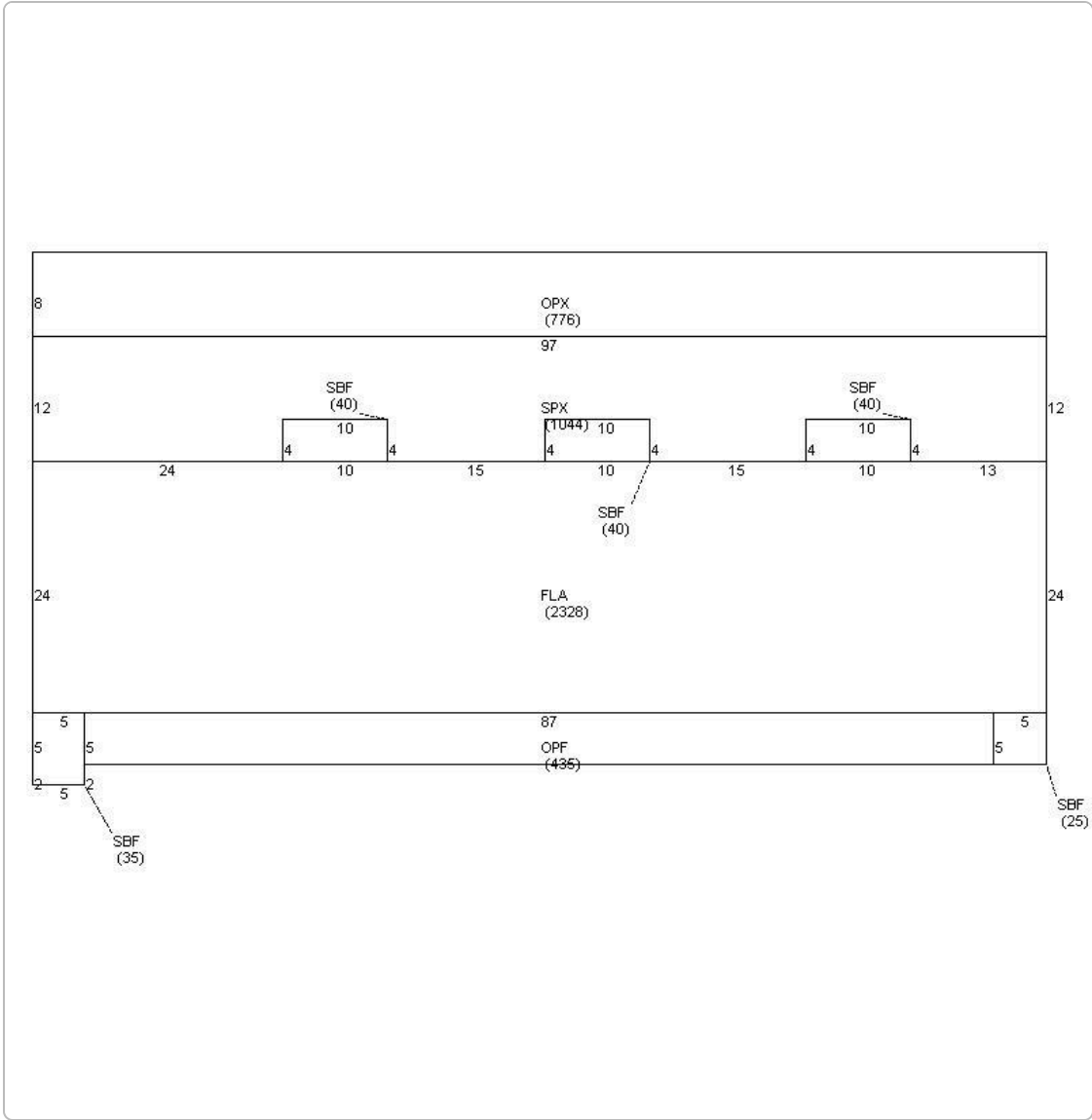


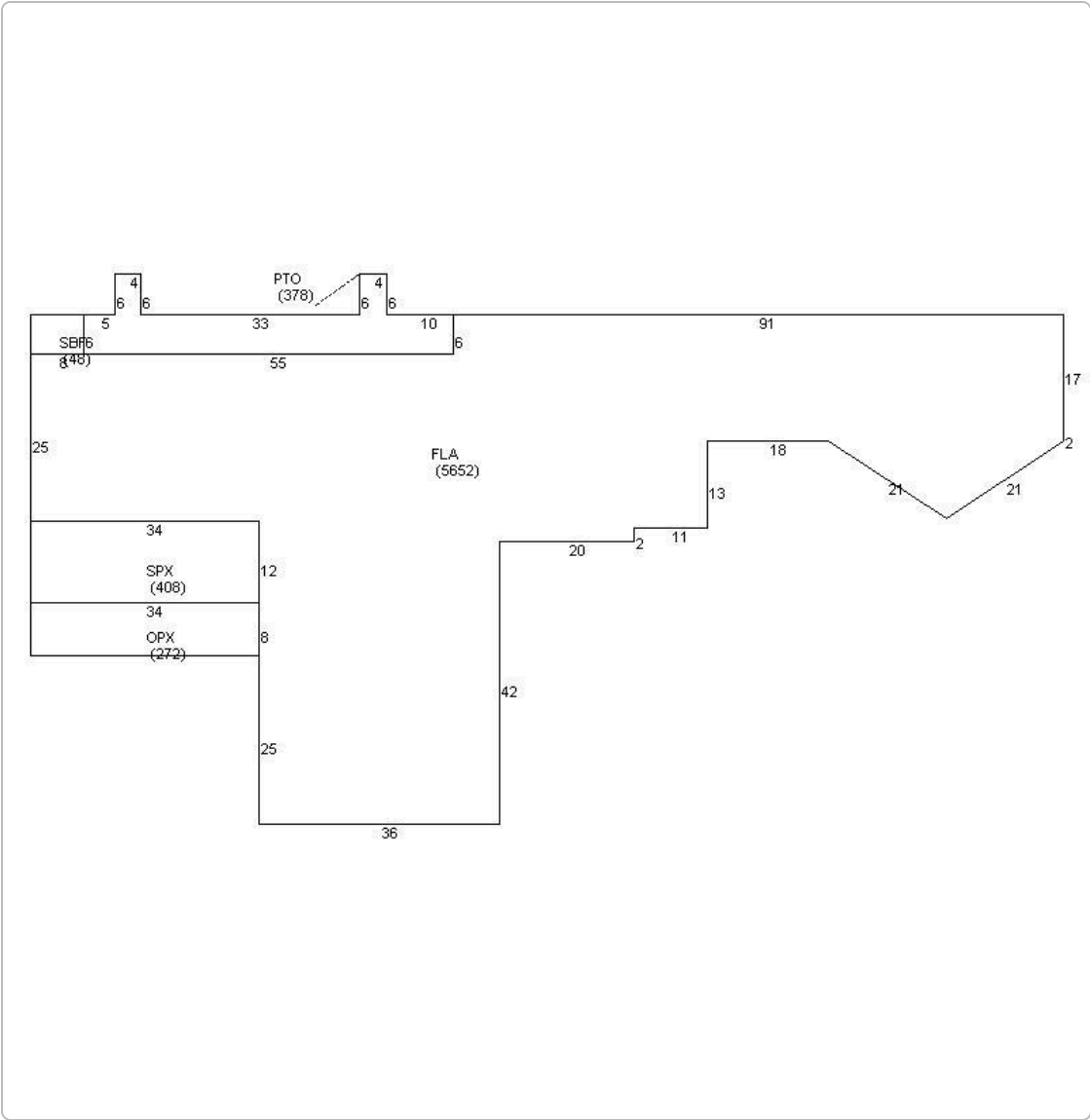


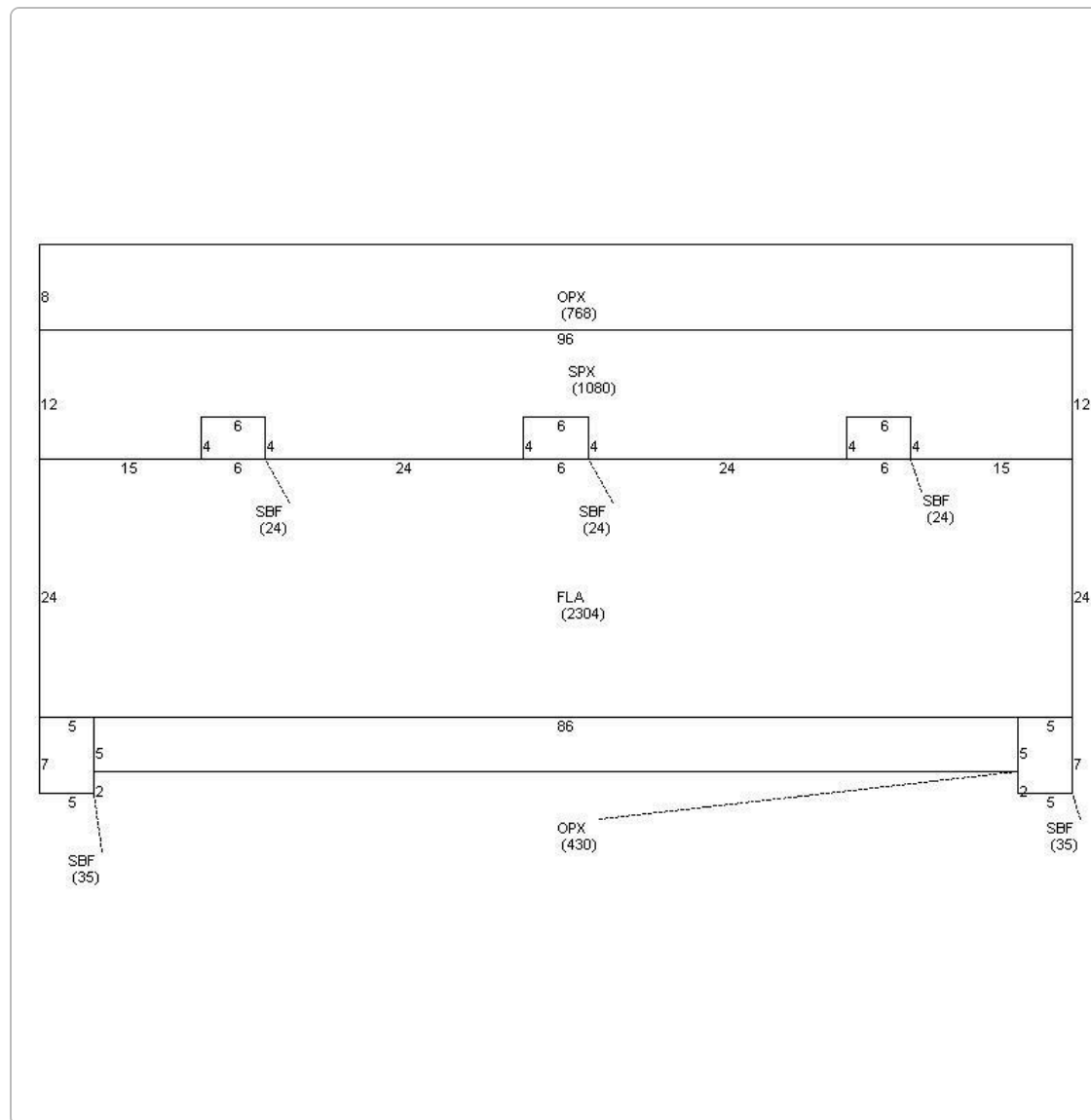


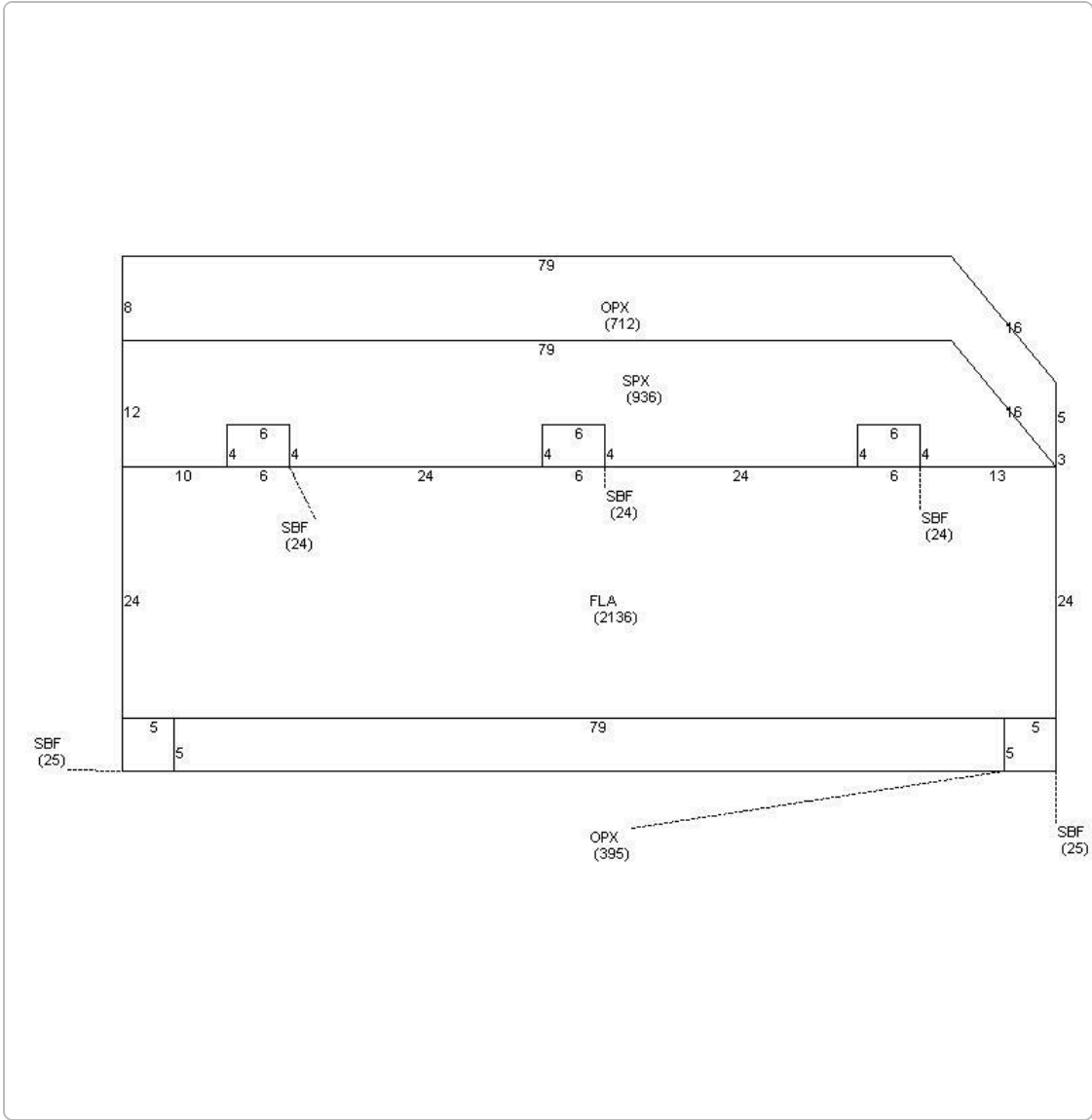




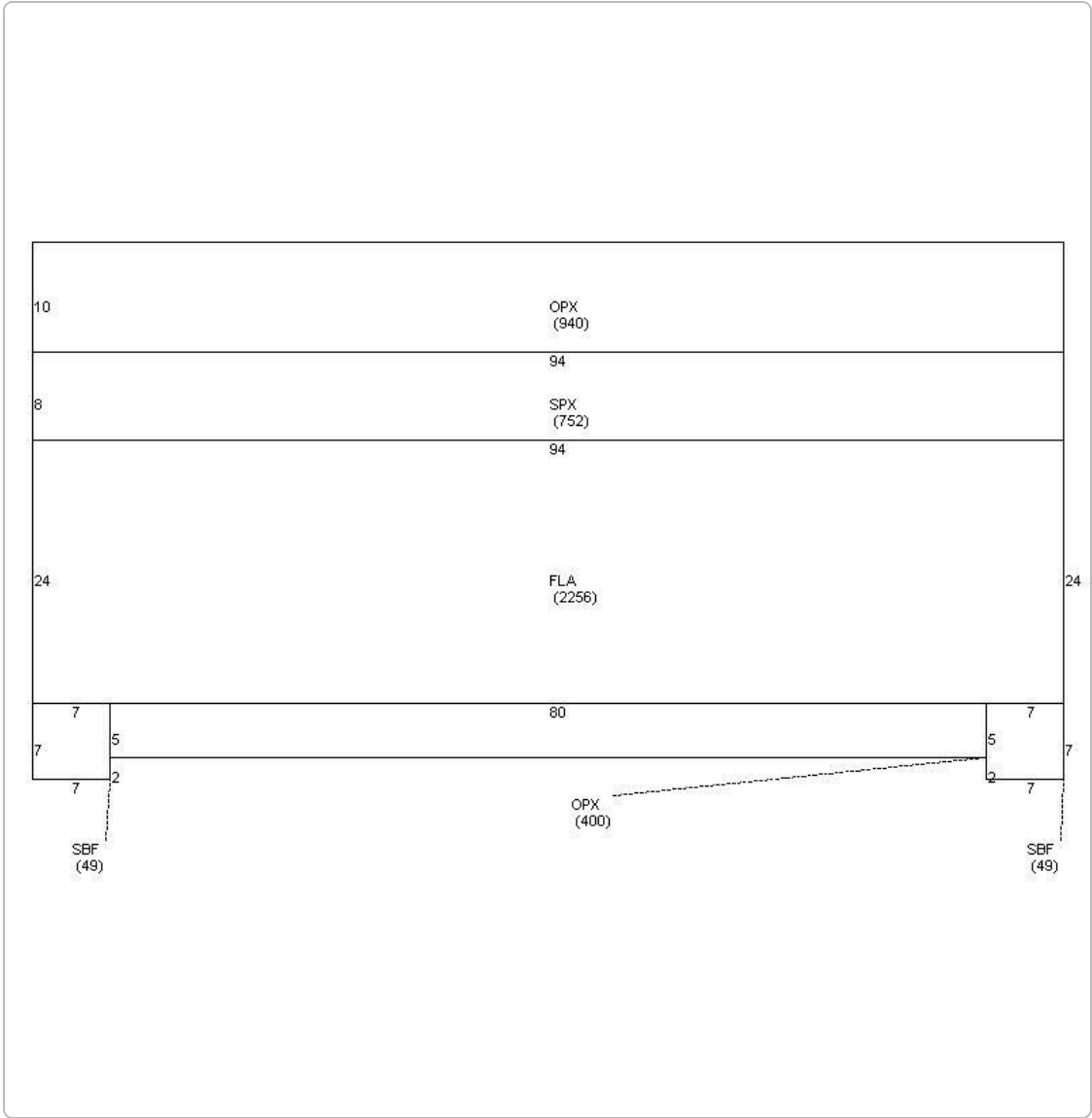








10	OPX (920)	
7	92	
	SPX (644)	
24	92	
	FLA (2208)	
5	82	5
SBF (25)	OPX (410)	SBF (25)



Photos



Map



TRIM Notice

2024 TRIM Notice (PDF)

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

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Contact Us



Monroe County, FL

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

Account#

Property ID

Millage Group

Location

Address

Legal

Description

00404630-000000

1496880

1496880

50VI

81450 OVERSEAS Hwy, UPPER MATECUMBE KEY

SUBDIVISION OF LOTS 3-4 UPPER MATECUMBE PB2-59 TRACTS 7 AND PART OF TRACT 8 ADJ BAY BTM OR251-52(II DEED 23077) OR362-468(II DEED 24126) OR560-76-77 OR614-124 OR614-856 OR631-545/46 OR653-371 OR656-482 OR662-723 OR697-539CT OR724-285 OR825-567/68 OR867-2089/90 OR918-516 OR933-400/02 OR947-1266 OR955-2280/81 OR1169-1449/50 OR1169-1451/52 OR1961-1899/1902 OR2432-2097/2100 OR2454-1342/45 OR2454-1346/49 OR2454-1352/440 (CERT) OR2506-157/58 OR3075-0915 OR3075-919

(Note: Not to be used on legal documents.)

Neighborhood

Property Class

Subdivision

Sec/Twp/Rng

Affordable

Housing

10024

HOTEL - PRIVATE (3902)

MATECUMBE SUB LOTS 3 & 4

32/63/37

No

No



Owner

[LAH ISLANDER LLC](#)
510 Walnut St
Fl 9
Philadelphia PA 19106

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$4,073,997	\$5,283,697	\$4,788,429	\$2,448,461
+ Market Misc Value	\$1,760,284	\$754,814	\$684,061	\$272,051
+ Market Land Value	\$6,298,628	\$8,057,766	\$8,208,735	\$2,720,513
= Just Market Value	\$12,132,909	\$14,096,277	\$13,681,225	\$5,441,025
= Total Assessed Value	\$12,132,909	\$14,096,277	\$13,681,225	\$4,994,482
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$12,132,909	\$14,096,277	\$13,681,225	\$5,441,025

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$6,298,628	\$4,073,997	\$1,760,284	\$12,132,909	\$12,132,909	\$0	\$12,132,909	\$0
2023	\$8,057,766	\$5,283,697	\$754,814	\$14,096,277	\$14,096,277	\$0	\$14,096,277	\$0
2022	\$8,208,735	\$4,788,429	\$684,061	\$13,681,225	\$13,681,225	\$0	\$13,681,225	\$0
2021	\$2,720,513	\$2,448,461	\$272,051	\$5,441,025	\$4,994,482	\$0	\$5,441,025	\$0
2020	\$2,368,940	\$1,886,061	\$285,438	\$4,540,439	\$4,540,439	\$0	\$4,540,439	\$0
2019	\$2,880,267	\$2,592,241	\$288,027	\$5,760,535	\$4,461,138	\$0	\$5,760,535	\$0
2018	\$2,656,630	\$2,390,967	\$265,663	\$5,313,260	\$4,055,580	\$0	\$5,313,260	\$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
(3900)	82,330.00	Square Foot	0	0
(9500)	0.70	Acreage	0	0

Buildings

Building ID	4673	Exterior Walls	AB AVE WOOD SIDING	
Style		Year Built	2010	
Building Type	OFF BLDG-1 STY-B / 17B	EffectiveYearBuilt	2010	
Building Name		Foundation		
Gross Sq Ft	719	Roof Type		
Finished Sq Ft	544	Roof Coverage		
Stories	1 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	100	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	19	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	544	544	0
PTO	PATIO	175	0	0
TOTAL		719	544	0

Building ID	4672	Exterior Walls	AB AVE WOOD SIDING	
Style		Year Built	2010	
Building Type	HOTEL/MOTEL B / 39B	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	13085	Roof Type		
Finished Sq Ft	7109	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	1394	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
ELF	ELV FIN FD	4,340	0	0
OPX	EXC OPEN PORCH	1,636	0	0
FLA	FLOOR LIV AREA	7,109	7,109	0
TOTAL		13,085	7,109	0

Building ID	4674	Exterior Walls	AB AVE WOOD SIDING	
Style		Year Built	2010	
Building Type	HOTEL/MOTEL B / 39B	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	4146	Roof Type		
Finished Sq Ft	2220	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	416	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
ELF	ELV FIN FD	1,398	0	0
OPX	EXC OPEN PORCH	480	0	0
FLA	FLOOR LIV AREA	2,220	2,220	0
OPF	OP PRCH FIN LL	48	0	0
TOTAL		4,146	2,220	0

Building ID	4676	Exterior Walls	AB AVE WOOD SIDING
Style		Year Built	2010
Building Type	HOTEL/MOTEL B / 39B	EffectiveYearBuilt	2020
Building Name		Foundation	
Gross Sq Ft	4146	Roof Type	
Finished Sq Ft	2220	Roof Coverage	
Stories	2 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	416	Bedrooms	0
Functional Obs	0	Full Bathrooms	0

Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
ELF	ELV FIN FD	1,398	0	0
OPX	EXC OPEN PORCH	480	0	0
FLA	FLOOR LIV AREA	2,220	2,220	0
OPF	OP PRCH FIN LL	48	0	0
TOTAL		4,146	2,220	0

Building ID	4678	Exterior Walls	AB AVE WOOD SIDING	
Style		Year Built	2010	
Building Type	HOTEL/MOTEL B / 39B	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	11196	Roof Type		
Finished Sq Ft	6106	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	1198	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
ELF	ELV FIN FD	3,694	0	0
OPX	EXC OPEN PORCH	1,396	0	0
FLA	FLOOR LIV AREA	6,106	6,106	0
TOTAL		11,196	6,106	0

Building ID	4684	Exterior Walls	AB AVE WOOD SIDING	
Style		Year Built	2010	
Building Type	HOTEL/MOTEL B / 39B	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	9273	Roof Type		
Finished Sq Ft	5016	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	982	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
ELF	ELV FIN FD	3,057	0	0
OPX	EXC OPEN PORCH	1,200	0	0
FLA	FLOOR LIV AREA	5,016	5,016	0
TOTAL		9,273	5,016	0

Building ID	4687	Exterior Walls	AB AVE WOOD SIDING	
Style		Year Built	2010	
Building Type	HOTEL/MOTEL B / 39B	EffectiveYearBuilt	2020	
Building Name		Foundation		
Gross Sq Ft	2707	Roof Type		
Finished Sq Ft	2182	Roof Coverage		
Stories	2 Floor	Flooring Type		
Condition	GOOD	Heating Type		
Perimeter	464	Bedrooms	0	
Functional Obs	0	Full Bathrooms	0	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	6	Grade	350	
Interior Walls		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	525	0	0
FLA	FLOOR LIV AREA	2,182	2,182	0
TOTAL		2,707	2,182	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
COMM POOL	2010	2011	22 x 47	1	1034 SF	1
DET CABANA	2010	2011	12 x 12	1	144 SF	3
CONCRETE DOCK	2010	2011	4 x 400	1	1600 SF	5
BRICK PATIO	2010	2011	75 x 255	1	19125 SF	2
WROUGHT IRON	2010	2011	5 x 40	1	200 SF	2

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
SEAWALL	2010	2011	10 x 250	1	2500 SF	1
WROUGHT IRON	2010	2011	2 x 160	1	320 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
WOOD DOCKS	2010	2011	3 x 14	1	42 SF	5
FENCES	2010	2011	4 x 160	1	640 SF	4
CUSTOM PATIO	2010	2011	4 x 185	1	740 SF	4
RW2	2010	2011	2 x 400	1	800 SF	4
UTILITY BLDG	2014	2025	10 x 10	1	100 SF	3
GARAGE	2006	2025	18 x 42	1	756 SF	3

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
1/28/2021	\$100	Quit Claim Deed	2303842	3075	919	11 - Unqualified	Improved		
1/28/2021	\$16,000,000	Warranty Deed	2303841	3075	0915	01 - Qualified	Improved		
2/23/2011	\$6,180,000	Warranty Deed		2506	157	01 - Qualified	Improved		
2/18/2010	\$0	Quit Claim Deed		2454	1346	11 - Unqualified	Vacant		
2/18/2010	\$4,800,000	Warranty Deed		2454	1342	19 - Unqualified	Vacant		
6/22/2009	\$5,000,000	Quit Claim Deed		2432	2097	19 - Unqualified	Vacant		
12/22/2003	\$4,950,000	Warranty Deed		1961	1899	Z - Unqualified	Improved		
6/1/1985	\$500,000	Warranty Deed		947	1266	Q - Qualified	Improved		
2/1/1970	\$160,000	Conversion Code		662	723D	Q - Qualified	Improved		

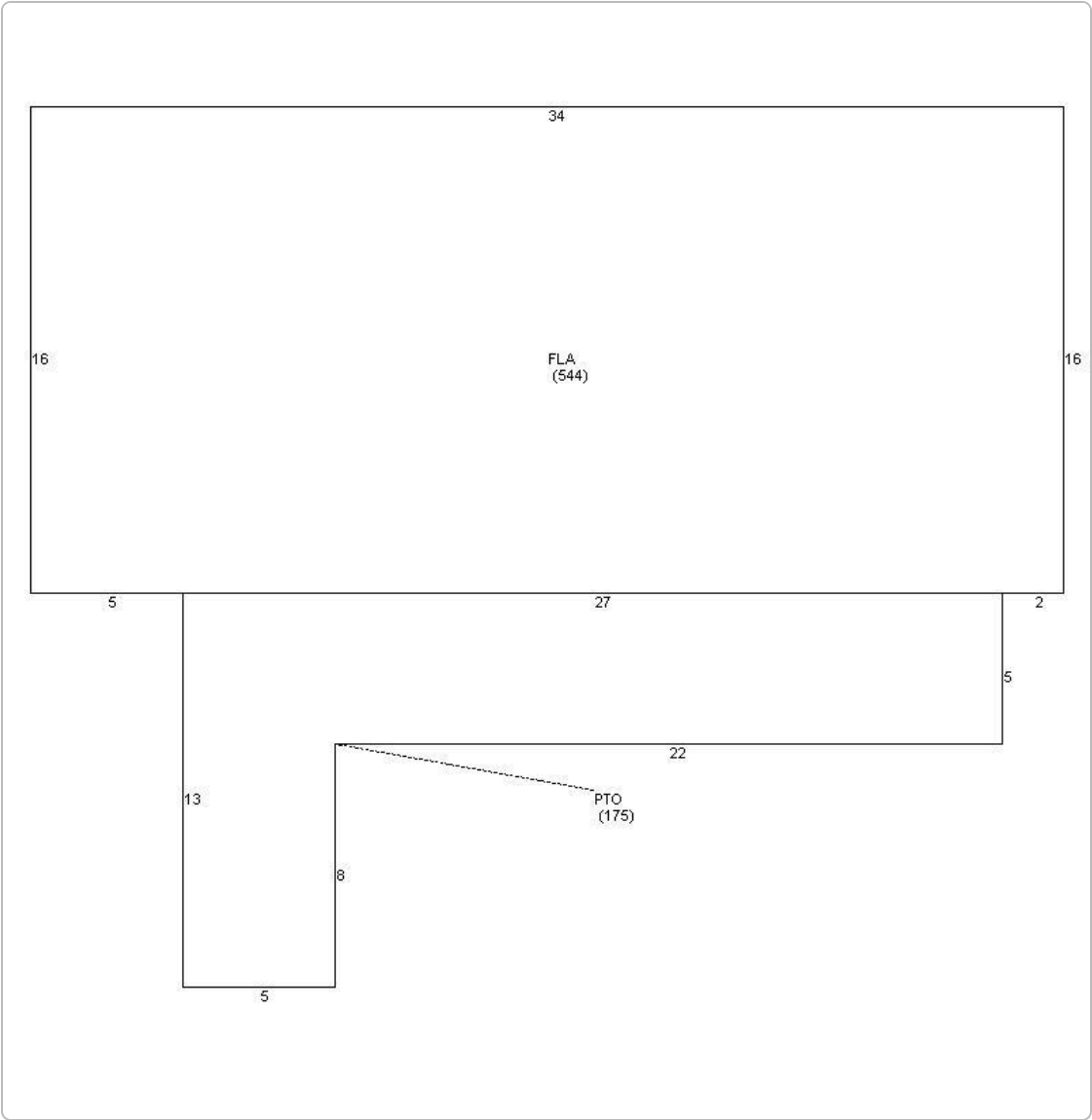
Permits

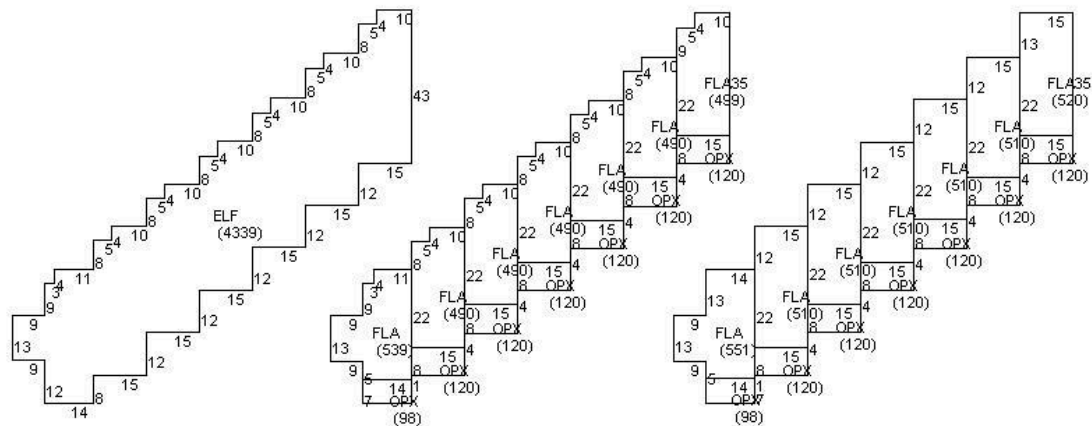
Number	Date Issued	Status	Amount	Permit Type	Notes
PRBLD202300748	09/12/2023	Completed	\$1,400,000	Commercial	RENOVATION OF ROOM INTERIORS; REPLACEMENT OF LIGHT FIXTURES, CEILING FANS, AND BATHROOM VANITIES. CONVERT BATH TUBS TO SHOWERS. NEW INT FINISHES.
PRBLD201801243	12/10/2020	Completed	\$15,000	Commercial	ELOCATING WASTE WATER TREATMENT PLANT
PRBLD201901272	11/14/2019	Completed	\$25,000	Commercial	NEW TRUSS ROOF W/ 5 V CRIMP METAL, 1- NEW GARAGE DOOR, AND 1- SIDE ENTRY DOOR.
PRMCH201801837	08/22/2018	Completed	\$4,500	Commercial	REPLACE A/C
PRMCH201801667	08/02/2018	Completed	\$4,500	Commercial	REPLACE A/C
PRMCH201800966	04/26/2018	Completed	\$4,166	Commercial	REPLACE A/C
PRMCH201702324	12/04/2017	Completed	\$4,456	Commercial	REPLACE A/C (UNIT 116)
PRMCH201702269	11/29/2017	Completed	\$4,455	Commercial	REPLACE A/C (UNIT 121)
FWC20100473	06/01/2010	Completed	\$1		160 ft of fence along south side of property line
2007321	05/13/2008	Completed	\$1		Install New Pool
2007321	05/13/2008	Completed	\$1		POOL
20061099	06/19/2006	Completed	\$1		Revision to Office #20051122
20051892	02/01/2006	Completed	\$1		Dock Only
20052370	11/16/2005	Completed	\$1		REVISIONS TO BLDG #1 AND #5 SLAB AND BEAM
2005912	08/29/2005	Completed	\$1		INFRASTRUCTURE
20051111	08/18/2005	Completed	\$1		BLDG #1 (7 UNITS @ 934 SF AND 1 UNIT @ 1040 SF)
20051112	08/18/2005	Completed	\$1		NEW BLDG # 2 (2 UNITS @ 1092 SF)
20051114	08/18/2005	Completed	\$1		NEW BLDG # 3 (2 UNITS @ 1092 SF)
20051116	08/18/2005	Completed	\$1		NEW BLDG #4 (5 UNITS @ 934 SF) (1 UNIT @ 1040 SF)
20051117	08/18/2005	Completed	\$1		BLDG 5 (5 UNITS @ 934 SF)
20051122	08/18/2005	Completed	\$1		NEW OFFICE BLDG
20051123	08/09/2005	Completed	\$1		POOL PAVILLION WITH HANDICAP RAMP AND BATH
20051120	08/08/2005	Completed	\$1		NEW BLDG #6 (1 UNIT @ 934 SF AND ADA UNIT WITH ELEVATOR AND ADA RAMP AT 1006 SF)
2005842	05/12/2005	Completed	\$1		REPLACE SEAWALL
2004566	03/23/2004	Completed	\$1		DEMO BLDGS & REM ROADS
2004111	01/22/2004	Completed	\$1		FENCE

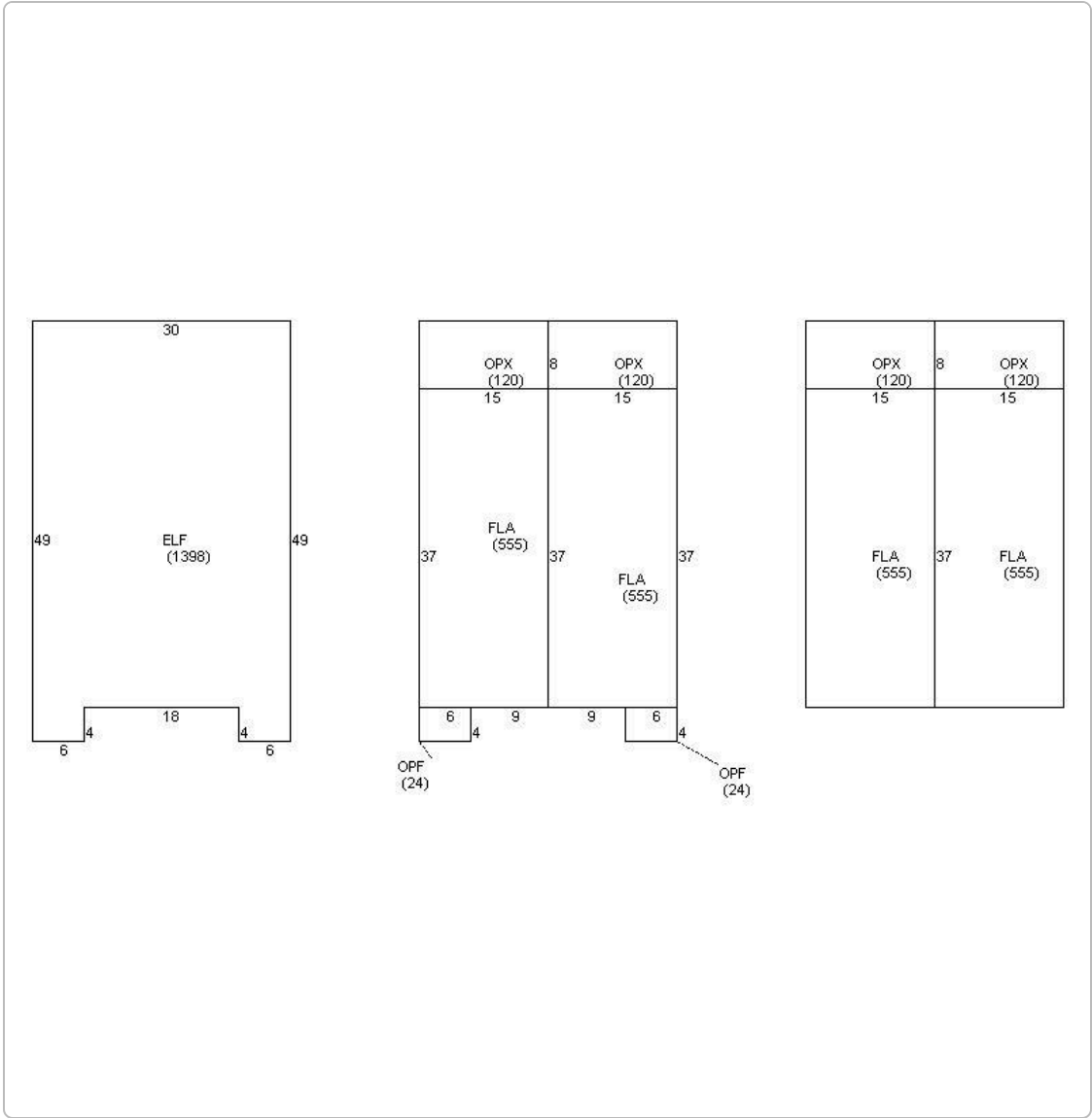
View Tax Info

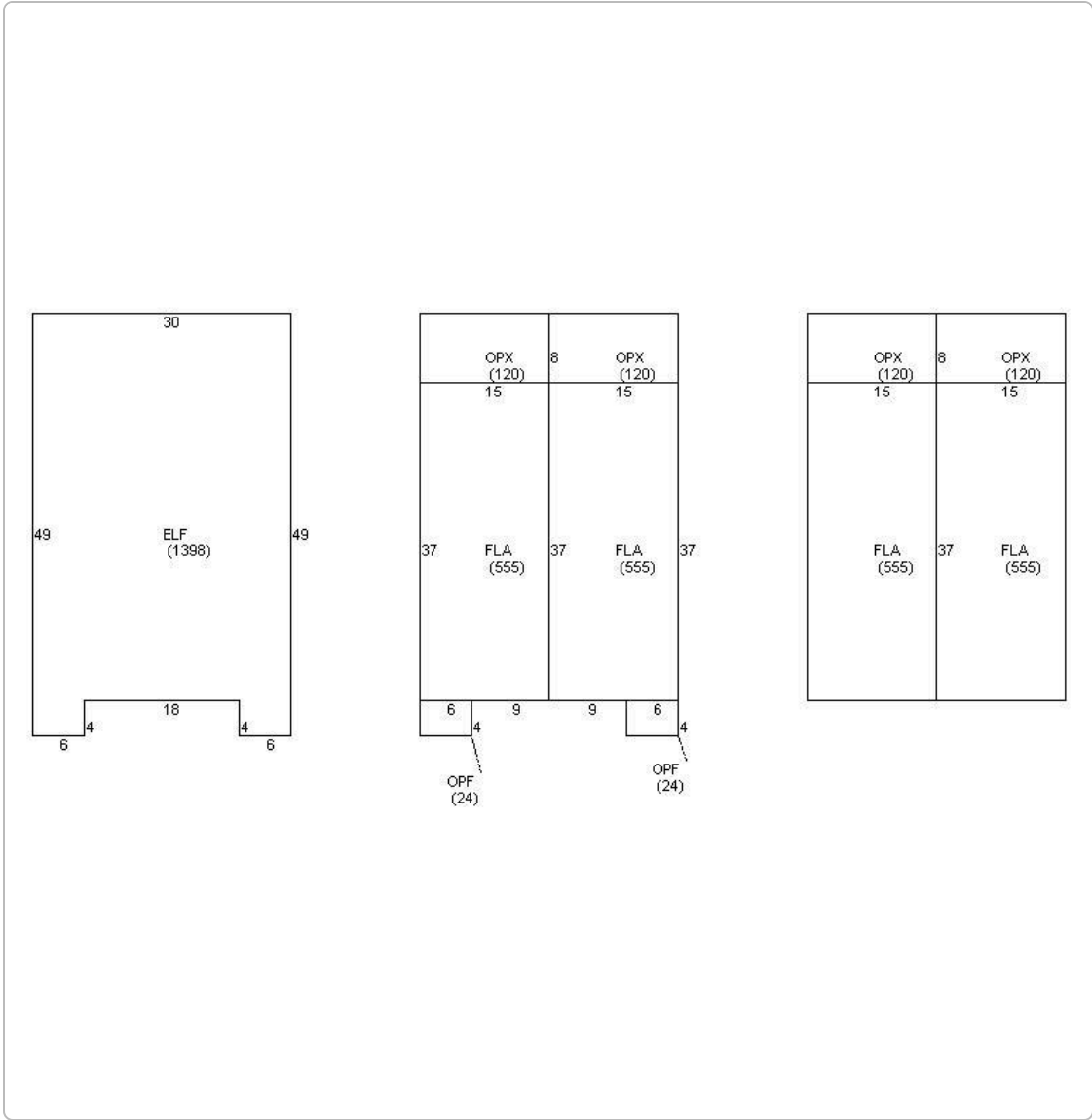
[View Taxes for this Parcel](#)

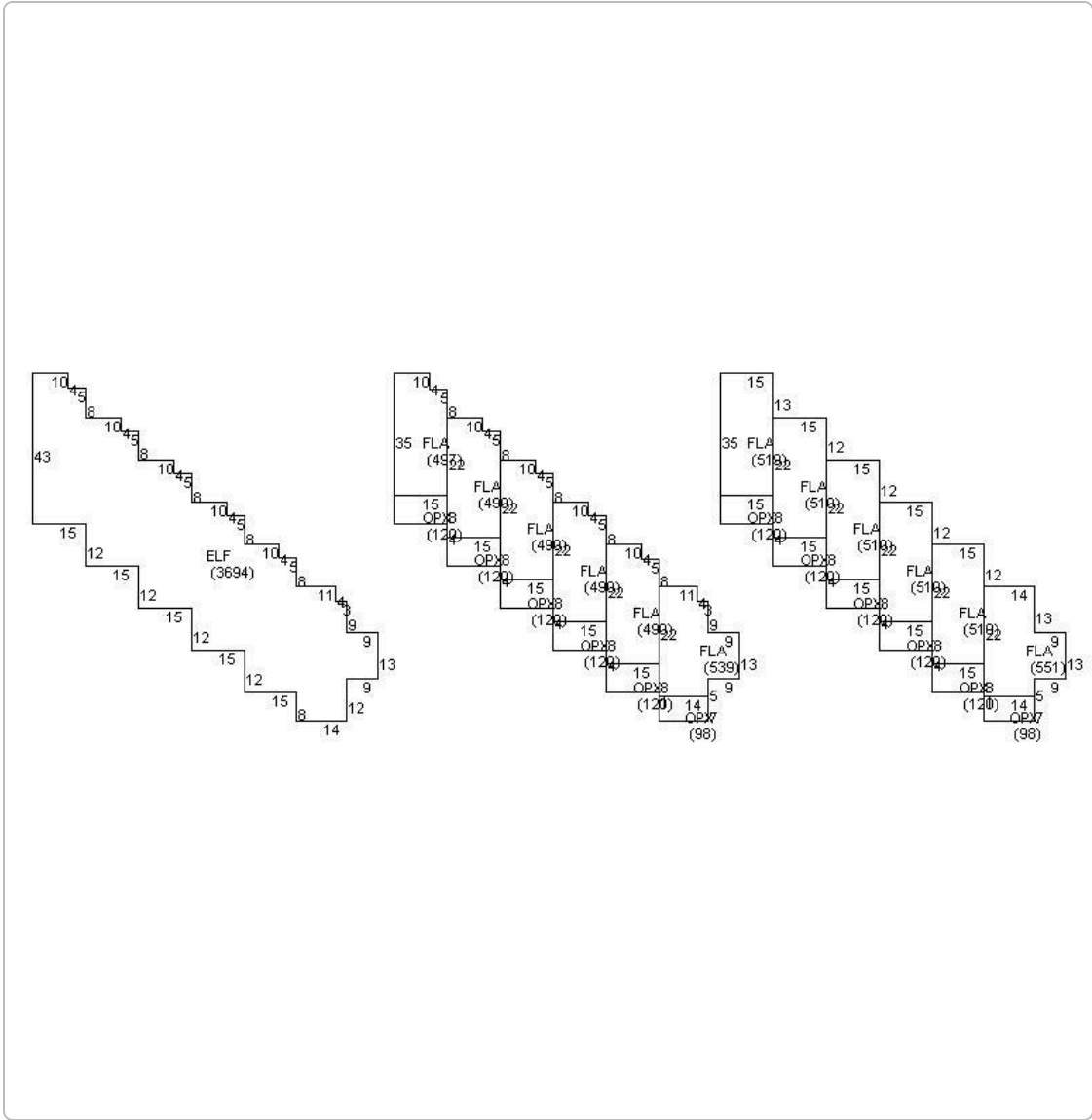
Sketches (click to enlarge)

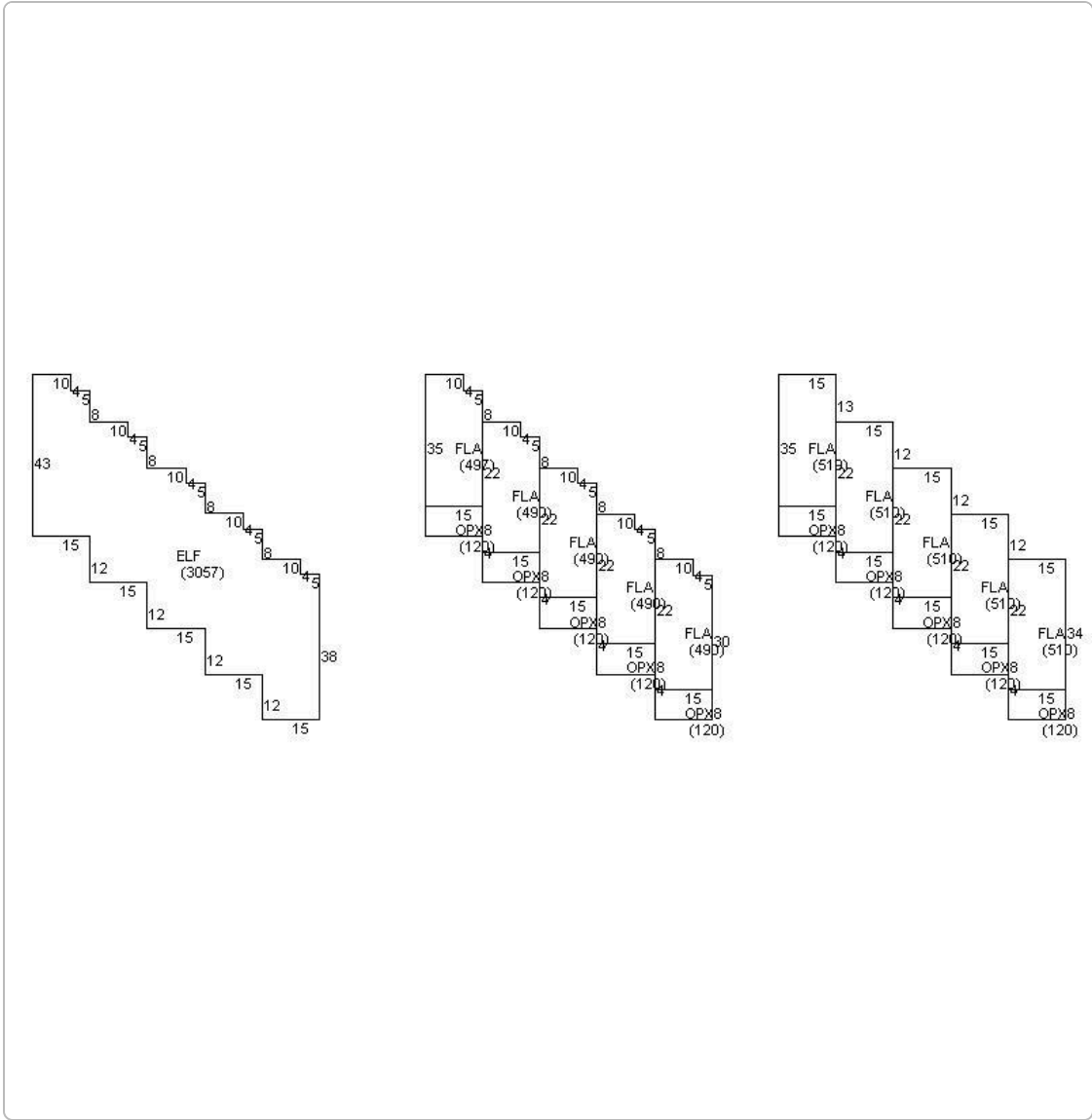


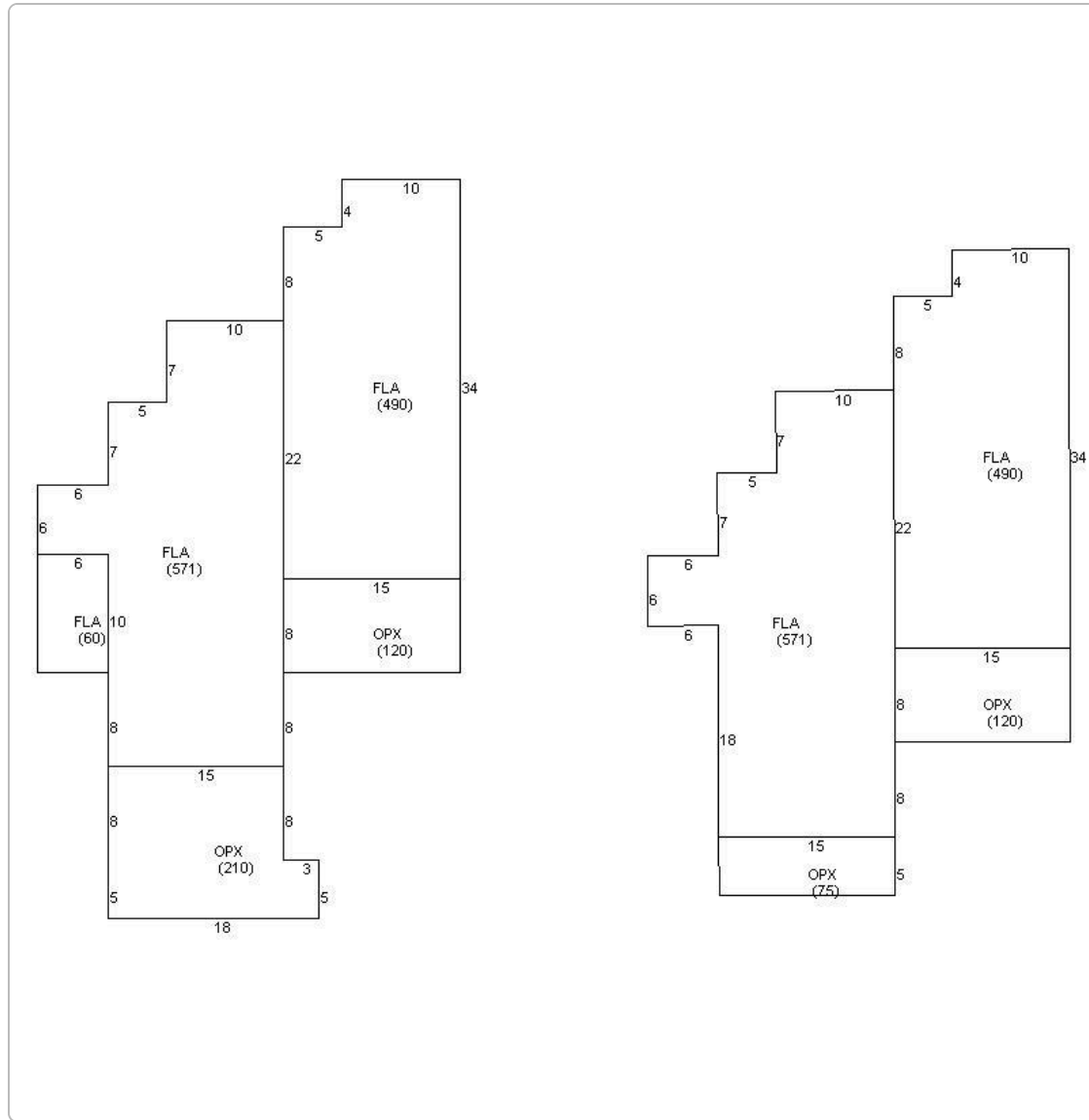








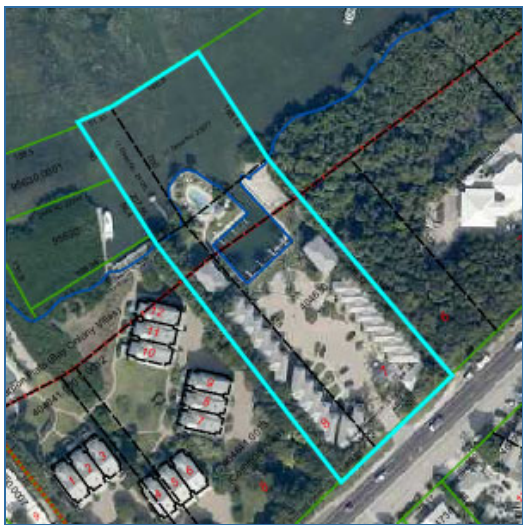




Photos



Map



TRIM Notice

2024 TRIM Notice (PDF)

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

[User Privacy Policy](#) | [GDPR Privacy Notice](#)
[Last Data Upload: 20/05/2025, 01:52:55](#)

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SMITH / HAWKS

ATTORNEYS AT LAW

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

July 1, 2025

Jennifer DeBoisbriand, *Planning Director*
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036
Email: PlanningDirector@islamorada.fl.us

**RE: APPLICATION FOR A MAJOR CONDITIONAL USE APPROVAL –
TRANSFERABLE ROGO EXEMPTION TRANSFER – [LAH ISLANDER LLC's]**

Dear Jennifer,

Please allow this correspondence to serve as the background letter in support of our clients, LAH ISLANDER LLC's ("Applicant") application for a Major Conditional Use Approval for the transfer of six (6) lawfully recognized Transferable ROGO exemptions (TRES) ("Application"), in accordance with the Code of Ordinances Islamorada, Village of Islands, Florida ("Code") Section 30-506 from the sender site located at 81450 Overseas Hwy, Upper Matecumbe Key, Village Of Islamorada, Florida 33036, having Monroe County Parcel Identification Number 00404630-000000 ("Sender Site") to a receiver site located at 82100 Overseas Hwy, Upper Matecumbe Key, FL 33036, having Monroe County Parcel Identification Number 00400810-000000 ("Receiver Site") as part of the redevelopment of the Receiver Site pursuant to an amendment to a Major Conditional Use Permit approved by the Village of Islamorada City Council Resolution No. 24-12-140.

I. BACKGROUND INFORMATION:

- | | |
|---|---|
| a. Location: | MM 81/82, Village of Islamorada, Florida |
| b. Address: | 81450 Overseas Hwy, Upper Matecumbe Key, Village of Islamorada, Florida 33036 |
| c. Real Estate (RE) Number: | 00404630-000000 |
| d. Property Owner/Applicant: | LAH ISLANDER LLC |
| e. Total Property Area: | Approximately 1.89 upland acres |
| f. Land Use District: | Tourist Commercial (TC) |
| g. Future Land Use Map (FLUM) Designation: | Mixed Use (MU) |
| h. Flood Zone: | Multiple on site: AE8, AE9, VE 12 |
| i. Existing Uses: | Motel/Hotel |

- j. **Community Character of Immediate Vicinity:** Adjacent land uses include residential; vacant land; and commercial.

II. **SENDER SITE**

The Sender Site is located is located 81450 OVERSEAS Hwy, UPPER MATECUMBE KEY, Village of Islamorada, Florida 33036, at approximate mile marker 82. Site Boundaries are shown on the Bayside Survey uploaded simultaneously with the Application. The Sender Site has a Land Use District designation of Tourist Commercial (“TC”) and a Future Land Use Map (FLUM) designation of Mixed use (“MU”). The Sender Site has a gross acreage of approximately 2.87 acres, consisting of approximately 1.89 acres of upland and 0.98 acres of submerged land.



Existing land use on the Sender Site consists of a mix of uses including but not limited to hotels, commercial retail, office space, residential uses, and restaurants.

- a. Zoning: RE: 00404630-000000 (Tourist Commercial):



- b. FLUM: RE: 00404630-000000 (Mixed Use):



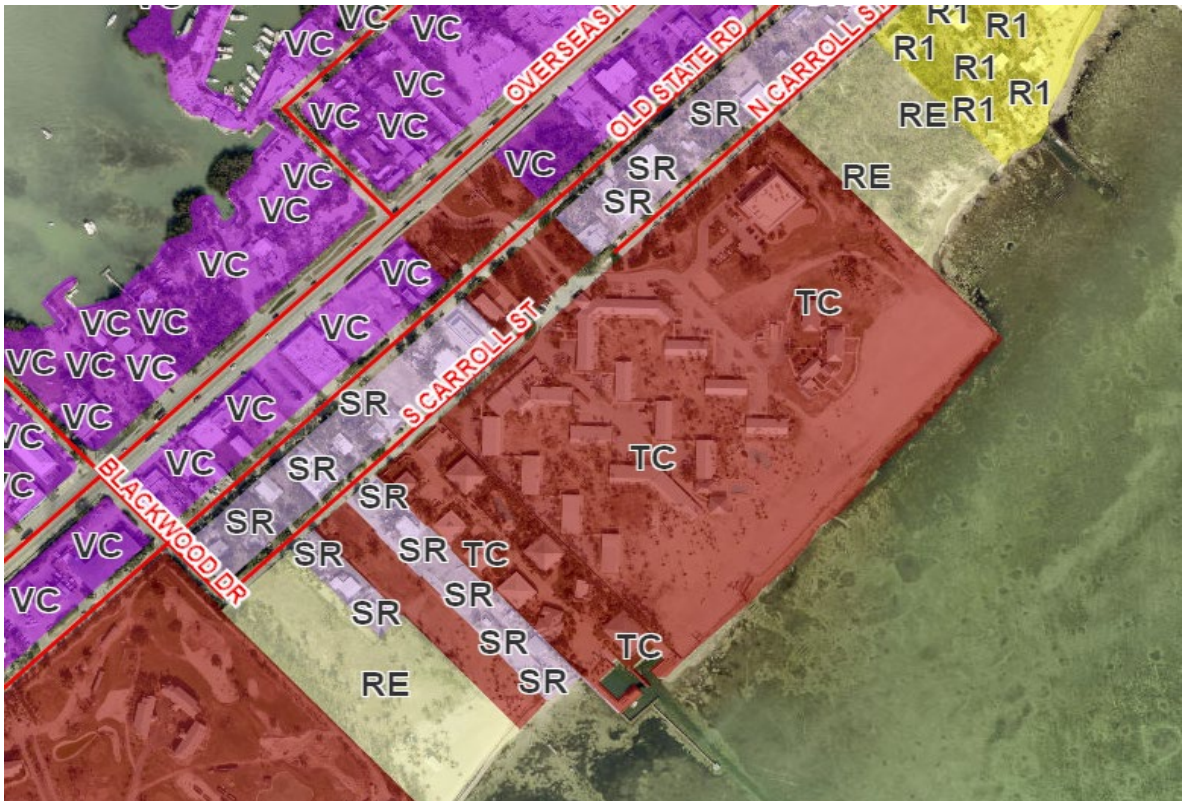
III. RECEIVER SITE

The Receiver Site is located at 82100 Overseas Highway Village of Islamorada, Florida 33036, at approximate mile marker 82 (Atlantic side of U.S. 1). Site Boundaries are shown on the Islander survey uploaded simultaneously with the Application.

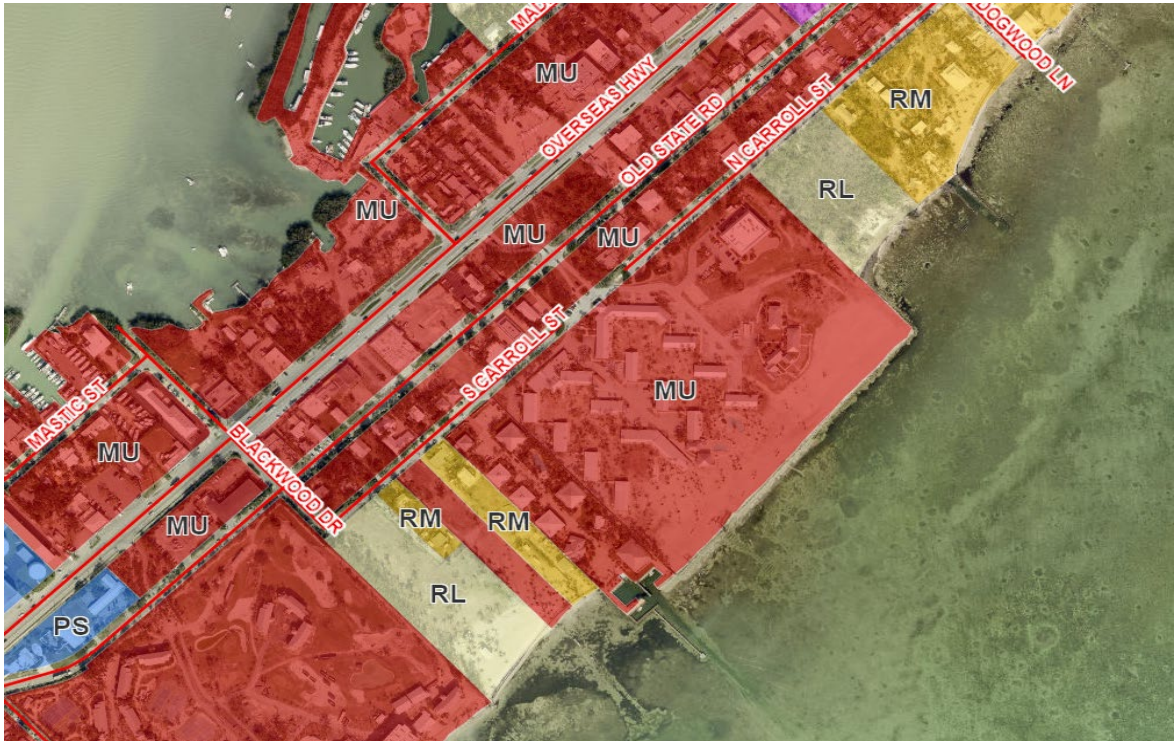
The Receiver Site has a Land Use District designation of Tourist Commercial (“TC”) and Settlers Residential (SR) and a Future Land Use Map (FLUM) designation of Mixed use (“MU”). The Receiver Site has a gross acreage of approximately 50.55 acres, consisting of approximately 22.08 acres of upland and 28.48 acres of submerged land.

The Receiver Site is a resort hotel with amenities including meeting facilities; 1,100 feet of white coral sand beach; a lighted fishing pier; two (2) heated pools; shuffleboard; volleyball; and coin operated laundry facilities. The Receiver Site is developed as a hotel and contains a 15,336 sf, museum, and conference center.

- a. Zoning: RE: 00404630-000000 (Tourist Commercial):



- b. FLUM: RE: 00404630-000000 (Mixed Use):



The Receiver Site has received approval for redevelopment pursuant to the Major Conditional Use Permit approved by the Village of Islamorada City Council Resolution No. 24-12-140 (the “MCUP”). Pursuant to the MCUP, the Receiver Site is approved for the construction of fifty-six (56) additional hotel units and is in compliance with all required Village Code provisions relating to the approved development. The Village of Islamorada Village Council approved the transfer of fifty (50) hotel/motel units from the real property located at 90611, 90655, 90691, and 90701 Old State Highway, Tavernier, Florida to the Receiver Site, pursuant to Village of Islamorada City Council Resolution 24-12-142. This Application is to transfer the remaining six (6) hotel/motel units, from the Sender Site to the Receiver Site, contemplated under the approved MCUP.

Pursuant to the MCUP, the Receiver Site has sufficient density to receive the six (6) hotel/motel units, and the approved development of the fifty-six (56) hotel/motel units is compliant with all required Village code.

IV. RELEVANT PRIOR CITY ACTIONS

Receiver Site:

- a. On January 9, 2001, the Village Council of Islamorada granted with conditions a waiver from the commercial moratorium imposed by the Village Ordinance to apply for conditional use approval for development at the Receiver Site (Resolution No. 01-05-31).

- b. On July 26, 2001, the Village Planning Commission approved Resolution No. 01-07-60 granting S&H, Inc. a Major Conditional Use Approval with conditions for development at the Receiver Site.
- c. On June 25, 2002, the Village Council approved Resolution No. 02-05-29 granting S&H Inc. an amendment to major conditional use approval for deleting the previously approved thirty (30) transient units to be transferred from Sunset Inn; deleting the previously approved transfer of 11,252 sf of commercial square footage from Sunset Inn; removing three (3) affordable housing units; remodeling existing development; replacing six (6) existing transient units; and reconfiguring existing commercial square footage to accommodate both a beach/pool restaurant/bar facility and a small retail shop approximately 262 sf in area.
- d. On September 9, 2011, the Village Council approved Resolution No. 11-06-33 granting H&C Islander Resort, LLC an amendment to major conditional use to allow for the construction of a museum and conference center and required affordable residential dwelling units on property located at 82100 Overseas Hwy.
- e. On June 23, 2011, the Village Council executed Resolution No. 11-06-34 approving an affordable housing mitigation agreement with H&C Islander Resort, LLC; authorizing the appropriate Village Officials to execute the affordable housing mitigation agreement and to take all actions necessary to implement the terms and conditions of the affordable housing mitigation agreement.
- f. On April 25, 2013, the Village Council granted Resolution No. 13-04-18 approving the first amendment to an affordable housing mitigation agreement with H&C Islander Resort, LLC, authorizing the appropriate Village Officials to execute the affordable housing mitigation agreement and to take all actions necessary to implement the terms and conditions of the affordable housing mitigation agreement.
- g. On December 12, 2024, the Village Council granted Resolution No. 24-12-140 approving an amendment to a Major Conditional Use Approval for the expansion of the existing hotel for property located at 82100 and 81998 Overseas Highway within the TC district.
- h. On December 12, 2025, the Village Council granted Resolution No. 24-12-142 approving the transfer of fifty (50) development rights from the property located at 90611, 90655, 90691 and 90701 Old Highway in Tavernier with Real Estate numbers 00437590-000000; 00437610-000000; 00437630-000000; and 00437640-000000 to property located at 82100 and 81998 Overseas Highway with real estate number 00400810-000000.

Sender Site:

- i. On March 24, 2005, the Planning Director granted with conditions a site plan approval (SP 05-04) approving the redevelopment of a 25 Room Hotel, by redeveloping a portion of the existing 31 transient motel units and accessory structures in the Tourist Commercial (TC) Zoning District.
- j. The Site Plan Approval References a Site Plan Approved that is stamped and dated March 25, 2005. The Site Plan approval table lists 26 units as follows:
 1. 19 A units consisting of 2-bedroom 1.5-bathroom, 4 B units consisting of 2-bedroom 2-bathroom, 2 C units consisting of 2-bedroom 1.5 bathroom and 1 D unit consisting of 2 bedroom 2 baths. The site plan depicts 25 units consisting of the A, B and C units. There appears to be no D unit on the site plan. The height data table only provides for 25 units, missing 1 C unit.

V. TRANSFER REQUEST:

The Applicant is requesting the transfer of six (6) Transferable Development Rights from the Sender Site to the Receiver Site pursuant to Village of Islamorada Code of Ordinance Section. The Sender Site is located at 81450 OVERSEAS Hwy, UPPER MATECUMBE KEY, Village of Islamorada, Florida 33036, at approximate mile marker 82. Site Boundaries are shown on the Bayside Survey included with the application package. The Sender Site has a Property Land Use District designation of Tourist Commercial (“TC”) and a Future Land Use Map (FLUM) designation of Mixed use (“MU”). The Sender Site has a gross acreage of approximately 2.87 acres, consisting of approximately 1.89 acres of upland and 0.98 acres of submerged land.

The Sender Site is legally recognized as having 31 transient hotel/motel units that was redeveloped as twenty-five (25) 2-bedroom hotel rooms serving as dwelling units. Section 30-506 of the LDRs permits the transfer of 5 or more hotel/motel units with the use of a major conditional use approval.

On March 24, 2005, the Planning Director, granted with conditions a site plan approval (SP 05-04) approving the redevelopment of a 25 Room Hotel, by redeveloping a portion of the existing 31 transient motel units and accessory structures in the Tourist Commercial (TC) Zoning District (“Site Plan Approval”).

The Site Plan Approval contains an approved Site Plan that is stamped and dated March 25, 2005. The Site Plan Approval table lists 26 units as follows:

1. 19 A units consisting of 2-bedroom 1.5-bathroom, 4 B units consisting of 2-bedroom 2-bathroom, 2 C units consisting of 2-bedroom 1.5 bathroom and 1 D unit consisting of 2 bedroom 2 baths.
2. The site plan depicts 25 units consisting of the A, B and C units. There appears to be no D unit on the site plan. The height data table only provides 25 units, missing 1 C unit.

The following Density analysis will be for the Property:

Upland Acres = 1.89 acres

Buildable Acres = 1.512 acres (Upland acres x 0.8)

	<u>Number of Units or SF</u>	<u>Allocated</u>	<u>Max Net per Buildable Acre</u>	<u>Intensity</u>	<u>Square Feet</u>	<u>Percent Used</u>
Residential	31	11.34	18.144			170%
<u>Non-Residential</u>				25%		
Office Building	408					
Pool Pavilion	61					
Beach hut	510					
Total	2,050				20,582.1	9.9%

The Sender Site is currently nonconforming as to density pursuant to the LDRs. However, pursuant to Comp. Plan policy 1-2.2.4 and the LDRs, even though it is non-conforming as to Density, it is legally permitted to redevelop, repair, or replace the same density, provided the development is brought into compliance with all other code. Comp. Plan Policy 1.-2.2.4 specifically provides: “Legally permitted uses that exceed the density requirements of the Future Land Use Map category and the Land Development Regulations, and the structure in which the use is located is damaged, destroyed or redeveloped so as to require substantial improvement, may be repaired, replaced or restored to the same density, provided that the development is brought into compliance with all other applicable codes and regulations. The Land Development Regulations shall provide a process by which the Director of Planning and Development Services may consider a reduction of any of the applicable regulations upon a finding that the reduction is consistent with the intent of the Plan. Uses that are non-conforming as to density may be expanded as long as the non-conformity is not further increased and the expansion is consistent with all other applicable codes and regulations”.

Pursuant to the Site Plan Approval, the Sender Site was redeveloped utilizing twenty-five (25) of the recognized thirty-one (31) transient motel units. The Site Plan Approval approved the redevelopment of the Sender Site pursuant to Comp. Plan Policy 1-2.2.4, which permits Legally permitted uses that exceed the density requirements of the Future Land Use Map category and the Land Development Regulations, and the structure in which the use is located is damaged, destroyed or redeveloped so as to require substantial improvement, may be repaired, replaced or restored **to the same density**, provided that the development is brought into compliance with all other applicable codes and regulations. The Site Plan Approval approved the redevelopment utilizing twenty-five (25) of the recognized non-conforming transient units into two story two (2) bedroom and up to two (2) bathroom hotel units, leaving six (6) lawfully recognized transient motel units associated with the Sender Site, which can be redeveloped on site or transferred off-site pursuant to the requirements of the LDR.

Jennifer DeBoisbriand, *Planning Director*
Major Conditional Use Approval – TRE Transfer
July 1, 2025
Page 9 of 9

VI. TRANSFER REQUEST:

Based on the above, the Applicant is requesting the transfer of the six (6) remaining transient motel units from the Sender site to the Receiver Site.

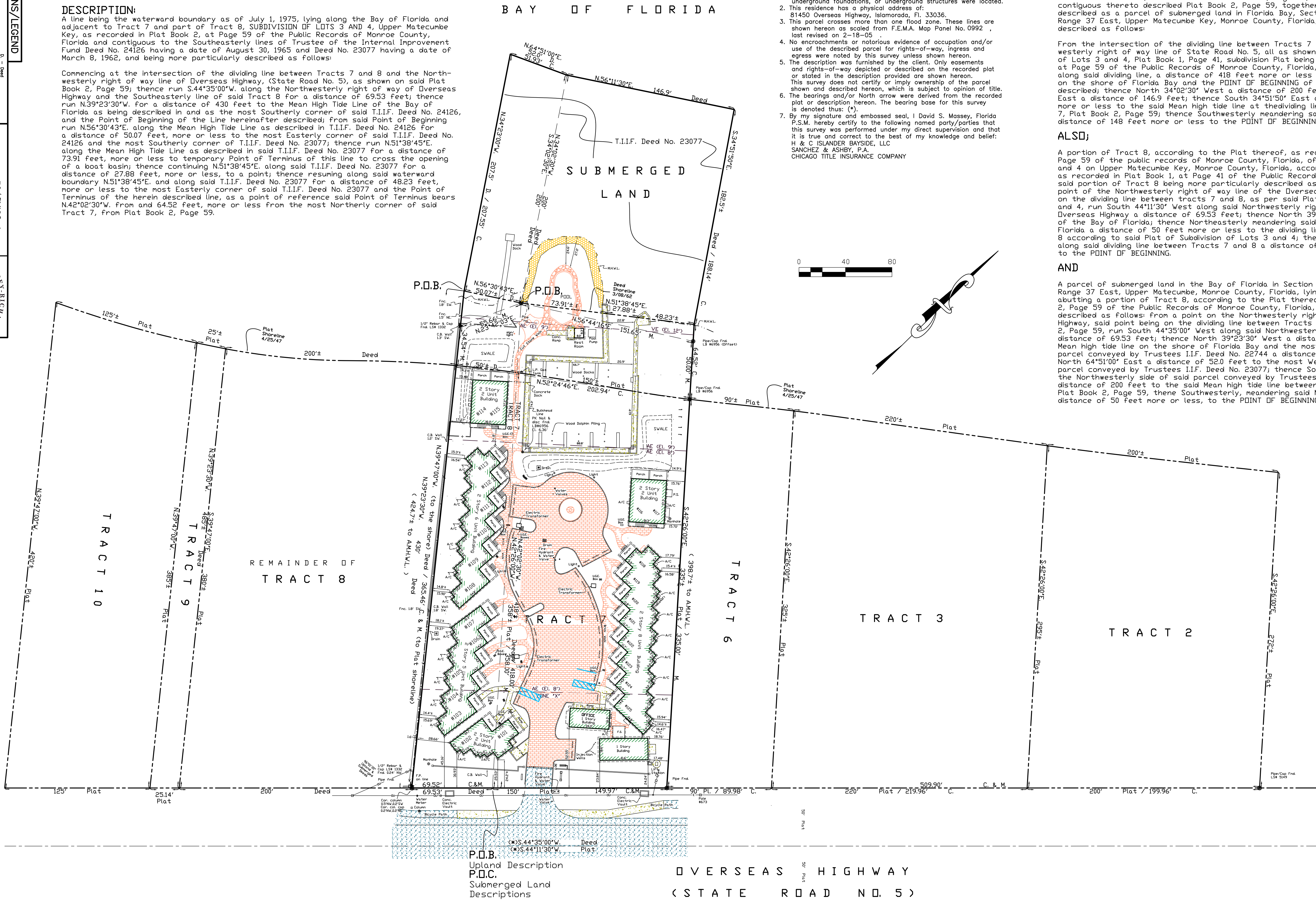
If you require anything further, or have any questions and/or concerns, please do not hesitate to contact our office.

Sincerely,



Jess Miles Goodall

BWS/JG/bg

[illegible]

SURVEY NOTES

1. This sketch of survey represents a boundary survey with existing above ground improvements located. No underground utilities, easements or encroachments of any kind or other structures were located.
2. This residence has a physical address of:
81450 Overseas Highway, Islamorada, FL 33036.
3. This parcel crosses more than one flood zone. These lines are shown herein as solid lines from F.E.M.A. Map Panel No. 0992 , and are not revised on 05
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for rights-of-way, ingress and egress were noted by this survey unless shown herein.
5. The description of the property is based on the bearings and rights-of-way depicted or described on the recorded plat or stated in the description provided are shown herein. This survey does not certify or imply ownership of the parcel or any interest therein, except as may be shown by title.
6. The bearings and/or North arrow were derived from the recorded plat or description herein. The bearing base for this survey is denoted thus: (*)
7. This instrument is attested, sealed, and embossed seal, I David S. Massey, Florida P.S.M. hereby certify to the following named party/parties that this survey was performed under my direct supervision and that it is true and correct to the best of my knowledge and belief:
H & C ISLANDER BAYSIDE, LLC
SANCHEZ & ASSOCIATES, P.C.
CHICAGO TITLE INSURANCE COMPANY

DESCRIPTION:

Tract 7, according to the Subdivision of Lots 3 and 4, Upper Matecumbe Key, according to the Plat thereof, as recorded in Plat Book 2, Page 59, together with baybottom contiguous thereto described Plat Book 2, Page 59, together with baybottom thereto described as a parcel of submerged land in Florida Bay, Section 32, Township 63 South, Range 37 East, Upper Matecumbe Key, Monroe County, Florida, more particularly described as follows:

From the intersection of the dividing line between Tracts 7 and 8, and the Northwesterly right of way line of State Road No. 5, all as shown on Plat of Subdivision of Lots 3 and 4, Plat Book 1, Page 41, subdivision Plat being recorded in Plat Book 2 at Page 59 of the Public Records of Monroe County, Florida, run North 42°02'30" West along said dividing line, a distance of 418 feet more or less to the Mean High Tide Line of the Gulf of Mexico, BEGINNING; then along the Mean High Tide Line, the line described being North 12°02'30" West a distance of 200 feet, thence North 56°11'30" East a distance of 146.9 feet, thence South 34°51'50" East a distance of 182.5 feet, more or less to the said Mean High tide line at the dividing line between Tracts 6 and 7, Plat Book 2, Page 59; thence Southwesterly meandering said Mean high tide line a distance of 148 feet more or less to the POINT OF BEGINNING.

ALSO;

A portion of Tract 8, according to the Plat thereof, as recorded in Plat Book 2, at Page 59 of the public records of Monroe County, Florida, of a subdivision of Lots 3 and 4 on Upper Matecumbe Key, Monroe County, Florida, according to MacDonalds Plat as recorded in Plat Book 1, at Page 41 of the Public Records of Monroe County, Florida, as a portion of the same, and particularly, as follows: Beginning at the intersection of the Northwesterly right of way line of the Overseas Highway, said plat being on the dividing line between Tracts 7 and 8, as per said Plat of Subdivision of Lots 3 and 4, run South 44°11'30" West along said Northwesterly right of way line of the Overseas Highway a distance of 69.53 feet; thence North 39°47' West to the shore of the Bay of Florida; thence Northwesterly meandering said shore of the Bay of Florida a distance of 50 feet more or less to the dividing line between Tracts 7 and 8, according to said Plat of Subdivision of Lots 3 and 4; thence South 42°22' East along said dividing line between Tracts 7 and 8 a distance of 358 feet more or less to the POINT OF BEGINNING.

AND

A parcel of submerged land in the Bay of Florida in Section 32, Township 63 South, Range 37 East, Upper Matecumbe, Monroe County, Florida, lying Northwesterly of and abutting a portion of Tract 8, according to the Plat thereof recorded in Plat Book 2, Page 59 of the Public Records of Monroe County, Florida, and being more particularly described as follows: from a point on the Northwesterly right of way line of Overseas Highway, thence South 44°35'00" East along said Northwesterly right of way line a distance of 69.53 feet; thence North 39°23'30" West a distance of 430 feet to the Mean High tide line on the shore of Florida Bay and the most Easterly corner of a parcel conveyed by Trustees I.I.F. Deed No. 22744 a distance of 207.5 feet; thence North 64°51'00" East a distance of 52.0 feet to the most Westerly corner of a parcel conveyed by Trustees I.I.F. Deed No. 23077; thence South 34°02'30" East along the Northwesterly right of way line of Overseas Highway, I.F. Deed No. 23777 a distance of 200 feet to the said Mean High tide line between Tracts 7 and 8 per said Plat Book 2, Page 59, then Southwesterly, meandering said Mean high tide line a distance of 50 feet more or less, to the POINT OF BEGINNING.

This Instrument Was Prepared By:

Jess Miles Goodall, Esq.
Smith Hawks, PL
138 Simonton Street,
Key West, FL 33040

After Recording Return To:

Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Sender Site - Parcel Identification Number: 00404630-000000

Receiver Site - Parcel Identification Number: 00400810-000000

[Space Above This Line For Recording Data]

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

(SENDER SITE)

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (“Declaration”) is made this _____ day of _____ 2025, by **LAH ISLANDER LLC**, a Delaware limited liability company, whose address is 510 Walnut Street, 9th Floor, Philadelphia, Florida 19106 (“Owner”) to and in favor of **LAH ISLANDER LLC**, a Delaware limited liability company, whose principal address is 510 Walnut Street, 9th Floor, Philadelphia, Florida 19106.

R E C I T A L S

1. The Owner holds fee simple title to real property located in Islamorada, Village of Islands (“Village”), Monroe County, Florida, as more particularly legally described as follows:

See Exhibit A (“Property”);

2. The Property consists of approximately 1.89 acres of upland with thirty-one (31) Hotel/Motel development rights, disturbed land, zoned Tourist Commercial (TC).
3. Pursuant to the Village Land Development Regulations, Chapter 30, Article IV, Division 12, and Section 30-506(1)(a), and Chapter 30, Article IV, Division 2, Owner has applied for an off-site Transfer of Development Rights (“TDR”) from the Property to the Receiver Site (as hereinafter described), which off-site transfer consists of six (6) Hotel/Motel units to the Receiver Site located at 82100 Overseas Highway, Upper Matecumbe Key, Florida, and legally described as follows:

See Exhibit B (“Receiver Site”);

4. The Owner has agreed to a TDR in the form of an off-site transfer of six (6) Hotel/Motel Units from the Property to the Receiver Site, which would allow for the development of six (6) Hotel/Motel units as part of the re-development of the existing resort on the Receiver Site;

5. The TDR of six (6) Hotel/Motel Units from the Property to the Receiver Site reduces the remaining units on the Property to twenty-five (25) remaining development rights for the Property; and
6. As a condition of approval of the TDR from the Property to the Receiver Site, and in order to document and restrict the remaining density or acreage on the Property, and as condition for the issuance of permits on the Receiver Site, the Village requires that the Owner execute this Declaration.

NOW, THEREFORE, in order to assure the Village that the representations made by the Owner during the TDR process from the Sender Site to the Receiver Site will be abided by, and as a condition to the issuance of a permit to the Receiver Site, the Owner freely, voluntarily and without duress, hereby declares, covenants, and agrees that the Property shall be held and conveyed subject to the following restrictions, covenants and conditions, which shall run with the Property and be binding upon all persons having any right, title or interest in the Property or any part thereof.

1. **Recitals Adopted.** Each of the above recitals is hereby confirmed and adopted.
2. **Village's Right to Inspect Property.** The Owner hereby acknowledges and agrees that any official Village inspector or duly authorized agent of the Village has the right to enter upon and inspect the use of the Property at any time during normal working hours to determine whether the Owner is in compliance with the conditions of this Declaration.
3. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the Public Records of Monroe County, Florida. This Declaration shall remain in full force and effect and be binding upon the Owner, and all parties having any right, title or interest in the Property or any part thereof, and their heirs, successors, and assigns, until such time as the same is modified, amended, or released pursuant to paragraph 5 herein below.
4. **Term.** This Declaration shall be binding on the Owner and all subsequent owners of the Property for a period of thirty (30) years from the date this Declaration is recorded, after which time the Declaration shall be extended automatically for successive periods of ten (10) years each.
5. **Modification, Amendment Release.** This Declaration may only be modified, amended, or released by a written instrument executed by the Director of the Village's Planning and Development Services Department, or his/her designee.
6. **Enforcement.** This Declaration may be enforced by the Village against any party or person violating, or attempting to violate, any of the covenants and restrictions contained herein. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, reasonable attorneys' fees and costs as well as attorneys' fees and cost incurred in enforcing this

prevailing parties' attorneys' fees provision. This enforcement provision shall be in addition to any other remedies available at law or in equity.

7. **Authorization for Village to Withhold Permits and Inspections.** If the terms of this Declaration are not being complied with, in addition to any other remedies available at law or in equity, the Village is hereby authorized to withhold any permits regarding the Property or any portion thereof, and to refuse to make any inspections or grant any approvals for the Property or any portion thereof, until such time as the Owner is in compliance with the covenants of this Declaration.
8. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges. The Owner or the Village shall be entitled to pursue all actions at law or in equity including, but not limited to, injunctive relief.
9. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions, which shall remain in full force and effect.

**[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK -
SIGNATURE PAGE TO FOLLOW]**

Signed, witnessed, executed, and acknowledged on this day of _____, 2025.

Signed, Sealed and Delivered in
the presence of:

WITNESSES:

OWNER:

LAH ISLANDER, LLC,
a Delaware limited liability company

Witness Name: _____
Address: _____

By: _____
Name: _____
Title: _____
Address: _____

Witness Name: _____
Address: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or
☐ online notarization, this _____ day of _____, 2025, by _____,
as _____ for LAH ISLANDER, LLC, a Delaware limited liability company,
who is ☐ personally known to me or ☐ produced _____ as Identification.

[Notary Seal]

Notary Public
Printed Name: _____
My Commission Expires: _____

EXHIBIT A

Legal Description of Sender Site

The Land referred to herein below is situated in the County of Monroe, State of Florida, and is described as follows:

Beginning at the intersection of the dividing line between Tracts 6 and 7, as recorded in Plat Book 2, Page 59 of the Monroe County Records with the northwest right-of-way of Overseas Highway and a 1" iron pipe; thence South 44°35'00" West, along said northwest right-of-way of Overseas Highway, passing through a 5/8" iron rebar at a distance of 150.03 feet, a total distance of 219.51 feet to a 1/2" iron rebar; thence North 39°31'11" West, passing through a 1/2" rebar at a distance of 401.67 feet, a total distance of 430.00 feet to a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence North 34°30'41" West, passing through a a distance of 207.55 feet; thence North 64°43'19" East, a distance of 51.93 feet; thence North 56°09'26" East, a distance of 149.35 feet; thence South 34°45'49" East, a distance of 188.14 feet to a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence South 41°56'29" East, passing through a 2" iron pipe at a distance of 16.79 feet, and passing through a 1/2" iron rebar at an additional distance of 46.93 feet, a total distance of 399.52 feet to the Point of Beginning.

EXHIBIT B

Legal Description of Receiver Site

A PARCEL OF LAND AND SUBMERGED LAND IN A PART OF SECTION 32, TOWNSHIP 63 SOUTH, RANGE 37 EAST, UPPER MATECUMBE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN TRACTS 6 AND 7, WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF OVERSEAS HIGHWAY (STATE ROAD NO. 5), AS SHOWN ON PLAT OF SUBDIVISION OF LOTS 3 AND 4, UPPER MATECUMBE KEY, RECORDED IN PLAT BOOK 2, PAGE 59, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE RUN SOUTH 44° 35' 00" WEST ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF OVERSEAS HIGHWAY AND THE SOUTHEASTERLY LINES OF TRACTS 7 AND 8 FOR A DISTANCE OF 219.53 FEET; THENCE RUN NORTH 39° 23' 30" WEST FOR A DISTANCE OF 430 FEET MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE BAY OF FLORIDA AND THE MOST SOUTHERLY CORNER OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND DEED NO. 24126; THENCE RUN NORTH 34° 23' 00" WEST FOR A DISTANCE OF 207.55 FEET TO THE MOST WESTERLY CORNER OF SAID T.I.I.F. DEED NO. 24126; THENCE RUN NORTH 64° 51' 00" EAST FOR A DISTANCE OF 51.93 FEET TO THE MOST NORTHERLY CORNER OF SAID T.I.I.F. DEED NO. 24126 AND THE MOST WESTERLY CORNER OF T.I.I.F. DEED NO. 23077; THENCE RUN NORTH 56° 11' 30" EAST FOR A DISTANCE OF 146.9 FEET TO THE MOST NORTHERLY CORNER OF SAID T.I.I.F. DEED NO. 23077; THENCE RUN SOUTH 34° 51' 50" EAST ALONG THE NORTHEASTERLY LINE OF SAID T.I.I.F. DEED NO. 23077 FOR A DISTANCE OF 188.14 FEET TO A POINT ON THE MEAN HIGH TIDE LINE OF THE BAY OF FLORIDA AND THE NORTHWESTERLY PROJECTION OF THE NORTHEASTERLY LINE OF SAID TRACT 7; THENCE RUN SOUTH 42° 02' 30" EAST ALONG THE NORTHWESTERLY PROJECTION OF AND ALONG THE NORTHEASTERLY LINE OF SAID TRACT 7 FOR A DISTANCE OF 399.52 FEET MORE OR LESS BACK TO THE POINT OF BEGINNING.



Islamorada, Village of Islands Planning & Development Services

86800 Overseas Highway, Islamorada, FL 3303

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

Application for Transfer of Development Rights

Pursuant to Code Chapter 30, Article IV, Division 12

Application Type: Nonresidential Floor Area	Fee	Deposit*	Total Fee
☐ Transfer of 4,999 square feet of nonresidential floor area or less:	\$1,500	\$500	\$2,000
☐ Transfer of 5,000 square feet of nonresidential floor area or more:	\$2,500	\$500	\$3,000

Application Type: Residential dwelling units and density or hotel/motel units	Fee	Deposit	Total Fee
☐ Transfer of four or less dwelling units or hotel/motel units:	\$1,500	\$500	\$2,000
☒ Transfer of five or more dwelling units or hotel/motel units:	\$2,500	\$500	\$3,000

* 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.

An application must be deemed complete and in compliance with the Village Code by Staff prior to the items being scheduled for review.

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: Smith Hawks, PL - Barton W. Smith/Jess Miles Goodall

Mailing Address: 138 Simonton Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305 296 7227 Office: 305 296 7227 Fax: N/A

Email: Bart@SmithHawks.com/Jess@SmithHawks.com/Brandi@SmithHawks.com

Sender Site Property Owner: If multiple sender sites, please provide details of such on separate page.

Name: LAH ISLANDER LLC

Mailing Address: c/o Agent

City: c/o Agent State: c/o Agent Zip: c/o Agent

Home/Mobile Phone: c/o Agent Office: c/o Agent Fax: c/o Agent

Email: c/o Agent

Sender Site Legal Description: If in metes and bounds, attach legal description on separate page.

Physical Address: 81450 OVERSEAS Hwy, UPPER MATECUMBE KEY Mile Marker: 81

Lot: _____ Block: _____ Subdivision: _____

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

Real Estate (RE) Number: 00404630-000000 Alternate Key: 1496880

Zoning District: Tourist Commercial (TC)

Future Land Use Category: Mixed Use (MU)

Total Land Area: 82,328.4

Square Feet 1.89 acres of upland acres

Proposed TDR Sender Site:	Existing Development Rights	Proposed Transfer to Receiver Site(s)	Remaining Development Rights
Amount of nonresidential floor are in square feet (SF):			
Number of residential Market Rate dwelling units:			
Number of residential Affordable dwelling units:			
Amount of residential density in acres (AC):			
Number of hotel/motel units:	31	6	25

Receiver Site Property Owner: If multiple sender sites, please provide details of such on separate page.

Name: LAH ISLANDER LLC

Mailing Address: 510 Walnut St

City: Philadelphia State: PA Zip: 19106

Home/Mobile Phone: c/o Agent Office: c/o Agent Fax: c/o Agent

Email: c/o Agent

Receiver Site Legal Description: If in metes and bounds, attach legal description on separate page.

Physical Address: 82100 OVERSEAS Hwy, UPPER MATECUMBE KEY Mile Marker: 82

Lot: _____ Block: _____ Subdivision: _____

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

Real Estate (RE) Number: 00400810-000000 Alternate Key: 1493112

Zoning District: Tourist Commercial (TC) Future Land Use Category: Mixed Use (MU)

Total Land Area: 2,419,758 Square Feet 55.55 acres

Please submit the following documents for all applications:

☒ **Correct application fee:** Check or money order made payable to "Islamorada, Village of Islands".

☒ **Notarized agent authorization letter** from all owners of sender and receiver sites.

☒ **Proof of ownership** of sender and receiver sites (i.e. warranty deeds).

☒ **Signed and sealed survey** prepared by a Florida registered surveyor.

N/A **Vegetation survey and/or a habitat analysis** prepared by a qualified biologist of all sites.

☒ **Declaration of Covenants, Conditions and Restrictions** on the sender site indicating the recorded amount of nonresidential floor area, residential dwelling units or hotel/motel units remaining.

N/A **Grant of Conservation Easement Agreement** on the sender site prohibiting any future development on all hammock areas of the property.

N/A **Restoration plan** prepared by a qualified biologist in accordance with Code Section 30-1615.

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

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

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

Signature of Applicant or Agent: [Signature] Date: 07/01/2025
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 1st day of July, 20 25, 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 LAT ISLANDER LLC (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: N/A

Prepared By:

Akerman LLP
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Attn: Jennifer Kramer

After Recording, Return To:

LAH Islander LLC
510 Walnut Street, 9th Floor
Philadelphia, PA 19106
Attn: Shawn Tuli and Legal Department

QUITCLAIM DEED

THIS QUITCLAIM DEED is made as of January 28, 2021, by **H&C ISLANDER RESORT LLC**, a Florida limited liability company, whose address is 4119 Massard Road, Fort Smith, Arkansas, 72903 ("**Grantor**"), to **LAH ISLANDER LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 510 Walnut Street, 19th Floor, Philadelphia, Pennsylvania 19106. (Whenever used herein, the terms "Grantor" and "Grantee" include the parties to this instrument, and their successors and assigns.)

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, remised, released and quitclaimed, and by these presents does grant, remise, release and quitclaim, to Grantee, and Grantee's successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Monroe, State of Florida (the "**Property**"), to wit:

**SEE EXHIBIT A ATTACHED HERETO AND MADE A PART
HEREOF.**

TO HAVE AND TO HOLD the Property with all and singular the rights, tenements, hereditaments, easements, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its heirs, successors and assigns forever.

Grantee, by the acceptance of this Quitclaim Deed, acknowledges that in giving this Quitclaim Deed that Grantor makes no representations or warranties, expressed or implied, with

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respect to title to the Property, which is being conveyed subject to (a) any and all easements, covenants, conditions, restrictions and reservations of record affecting the Property, reference to which shall not operate to reimpose same, (b) all real estate taxes and all assessments for the year 2021 and subsequent years, which are not yet due and payable and (c) all zoning ordinances and other municipal, state and Federal laws as may be applicable.

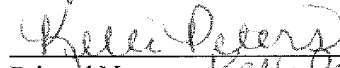
[Signatures on Next Page]

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESSES:


Printed Name: Jamie Gough


Printed Name: Kelli Peters

GRANTOR:

H&C ISLANDER RESORT LLC,
a Florida limited liability company

By: 
Name: Leslie Kimes
Title: Authorized Signatory

STATE OF ARKANSAS)

COUNTY OF SEBASTIAN)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of January, 2021, by Leslie Kimes, as Authorized Signatory of H&C ISLANDER RESORT LLC, a Florida limited liability company, on behalf of the limited liability company.

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____


(Signature of Notary Public)
Kelli Peters
(Print, Type, or Stamp Commissioned Name of Notary Public)

My Commission expires: 04/01/2028

Affix Notary SEAL

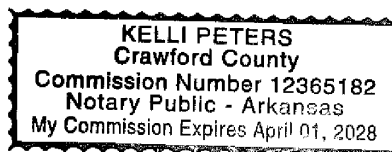


EXHIBIT A

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Monroe, State of Florida, and is described as follows:

TRACT 1:

Beginning at the southwest corner of Lot 8, Square 9, Stratton's Subdivision, as recorded in Plat Book 2, Page 38 of Monroe County Records and the northwest right-of-way of Carroll Street and a 5/8" iron rebar with cap stamped 'LS 1332'; thence North 43°50'45" West, a distance of 150.00 feet to the southeast right-of-way of Old State Road and a mag nail with tag stamped 'MRSM'; thence North 45°41'00" East, along said southeast right-of-way of Old State Road, a distance of 100.01 feet to a 1/2" iron rebar; thence South 43°50'45" East, a distance of 150.00 feet to said northwest right-of-way of Carroll Street and a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence South 45°41'00" West, along said northwest right-of-way of Carroll Street, a distance of 100.01 feet to the Point of Beginning.

TRACT 2:

PARCEL A:

Beginning at the southwest corner of Lot 10, Square 8, Stratton's Subdivision, as recorded in Plat Book 2, Page 38 of Monroe County Records and the northwest right-of-way of Old State Road and a 1" iron pipe; thence North 43°50'45" West, a distance of 167.46 feet to the southeast right-of-way of Overseas Highway and a 1/2" iron rebar; thence North 45°41'00" East, along said southeast right-of-way of Overseas Highway, passing through a mag nail with tag stamped 'FDOT ROW' at a distance of 124.34 feet, a total distance of 300.03 feet to a 1" iron pipe; thence South 43°50'45" East, a distance of 167.46 feet to said northwest right-of-way of Old State Road and a 1" iron pipe; thence South 45°41'00" West, along said northwest right-of-way of Old State Road, a distance of 300.03 feet to the Point of Beginning.

PARCEL B:

Beginning at the southwest corner of Lot 11, Square 9, Stratton's Subdivision, as recorded in Plat Book 2, Page 38 of Monroe County Records and the northwest right-of-way of Carroll Street and a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence North 43°50'45" West, a distance of 150.00 feet to the southeast right-of-way of Old State Road and 5/8" iron rebar with cap stamped 'PSM 7351' set; thence North 45°41'00" East, along said southeast right-of-way of Old State Road, a distance of 200.03 feet to a 5/8" iron rebar with cap stamped 'LB 24'; thence South 43°50'45" East, a distance of 150.00 feet to said northwest right-of-way of Carroll Street and a 1" iron pipe; thence South 45°41'00" West, along said northwest right-of-way of Carroll Street, a distance of 200.03 feet to the Point of Beginning.

PARCEL C:

Beginning at the northeast corner of Lot 9, Square 10, Stratton's Subdivision, as recorded in Plat Book 2, Page 38 of Monroe County Records and the southeast right-of-way of Carroll Street and a mag nail; thence South 43°50'45" East, passing through mag nail on stone at a distance of 150.48 feet, a total distance of 485.00 feet to a 1" iron pipe; thence South 43°50'45" East, a distance of 204.04 feet; thence South 43°50'45" East, a distance of 289.00 feet; thence South 46°09'15" West, a distance of 499.96 feet; thence South 43°50'45" East, a distance of 1720.53 feet; thence South 46°09'15" West, a distance of 600.00 feet; thence North 43°50'45" West, a distance of 2016.46 feet; thence North 43°50'45" West, a distance of 2016.46 feet to said southeast right-of-way of Carroll Street and a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence North 45°41'00" East, along said southeast right-of-way of Carroll Street, passing through a 1/2" iron rebar with cap stamped 'DMLSI LB6956' at a distance of 600.00 feet, a total distance of 1100.00 feet to the Point of Beginning and containing.

PARCEL D:

Beginning at the southwest corner of Lot 4, Square 9, Stratton's Subdivision, as recorded in Plat Book 2, Page 38 of Monroe County Records and the northwest right-of-way of Carroll Street, from which point a 2" iron pipe bears South 22°30'28" East, a distance of 1.64 feet; thence North 43°50'45" West, a distance of 150.00 feet to the southeast right-of-way of Old State Road and a 2" iron pipe; thence North 45°41'00" East, along said southeast right-of-way of Old State Road, a distance of 100.01 feet to point, from which a 2" iron pipe bears South 74°52'12" East, a distance of 1.29 feet; thence South 43°50'45" East, a distance of 150.00 feet to said northwest right-of-way of Carroll Street from which point a 5/8" iron rebar with cap stamped 'LB24' bears North 76°35'16" West, a distance of 0.81 feet; thence South 45°41'00" West, along said northwest right-of-way of Carroll Street, a distance of 100.01 feet to the Point of Beginning.

Prepared By:

Akerman LLP
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Attn: Jennifer Kramer

After Recording, Return To:

LAH Islander LLC
510 Walnut Street, 9th Floor
Philadelphia, PA 19106
Attn: Shawn Tuli and Legal Department

QUITCLAIM DEED

THIS QUITCLAIM DEED is made as of January 28, 2021, by **H&C ISLANDER BAYSIDE, LLC**, a Florida limited liability company, whose address is 4119 Massard Road, Fort Smith, Arkansas, 72903 ("**Grantor**"), to **LAH ISLANDER LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 510 Walnut Street, 9th Floor, Philadelphia, Pennsylvania 19106. (Whenever used herein, the terms "Grantor" and "Grantee" include the parties to this instrument, and their successors and assigns.)

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, remised, released and quitclaimed, and by these presents does grant, remise, release and quitclaim, to Grantee, and Grantee's successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Monroe, State of Florida (the "**Property**"), to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the Property with all and singular the rights, tenements, hereditaments, easements, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its heirs, successors and assigns forever.

Grantee, by the acceptance of this Quitclaim Deed, acknowledges that in giving this Quitclaim Deed that Grantor makes no representations or warranties, expressed or implied, with

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respect to title to the Property, which is being conveyed subject to (a) any and all easements, covenants, conditions, restrictions and reservations of record affecting the Property, reference to which shall not operate to reimpose same, (b) all real estate taxes and all assessments for the year 2021 and subsequent years, which are not yet due and payable and (c) all zoning ordinances and other municipal, state and Federal laws as may be applicable.

[Signatures on Next Page]

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESSES:

Jamie Gough
Printed Name: Jamie Gough

Kelli Peters
Printed Name: Kelli Peters

GRANTOR:

H&C ISLANDER BAYSIDE, LLC,
a Florida limited liability company

By: Leslie Kimes
Name: Leslie Kimes
Title: Authorized Signatory

STATE OF ARKANSAS)

COUNTY OF SEBASTIAN)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of January, 2021, by Leslie Kimes, as Authorized Signatory of H&C ISLANDER BAYSIDE, LLC, a Florida limited liability company, on behalf of the limited liability company.

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____

Kelli Peters
(Signature of Notary Public)

Kelli Peters
(Print, Type, or Stamp Commissioned Name of Notary Public)

My Commission expires: 04-01-2028

Affix Notary SEAL

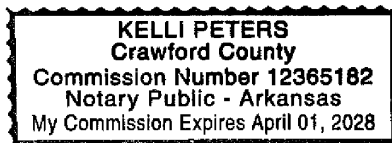
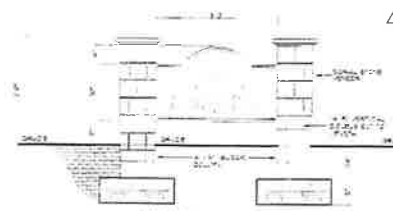


EXHIBIT A

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Monroe, State of Florida, and is described as follows:

Beginning at the intersection of the dividing line between Tracts 6 and 7, as recorded in Plat Book 2, Page 59 of the Monroe County Records with the northwest right-of-way of Overseas Highway and a 1" iron pipe; thence South 44°35'00" West, along said northwest right-of-way of Overseas Highway, passing through a 5/8" iron rebar at a distance of 150.03 feet, a total distance of 219.51 feet to a 1/2" iron rebar; thence North 39°31'11" West, passing through a 1/2" rebar at a distance of 401.67 feet, a total distance of 430.00 feet to a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence North 34°30'41" West, passing through a a distance of 207.55 feet; thence North 64°43'19" East, a distance of 51.93 feet; thence North 56°09'26" East, a distance of 149.35 feet; thence South 34°45'49" East, a distance of 188.14 feet to a 5/8" iron rebar with cap stamped 'PSM 7351' set; thence South 41°56'29" East, passing through a 2" iron pipe at a distance of 16.79 feet, and passing through a 1/2" iron rebar at an additional distance of 46.93 feet, a total distance of 399.52 feet to the Point of Beginning.

[illegible][illegible]

1. RATIO OF REVISIONS PERIOD

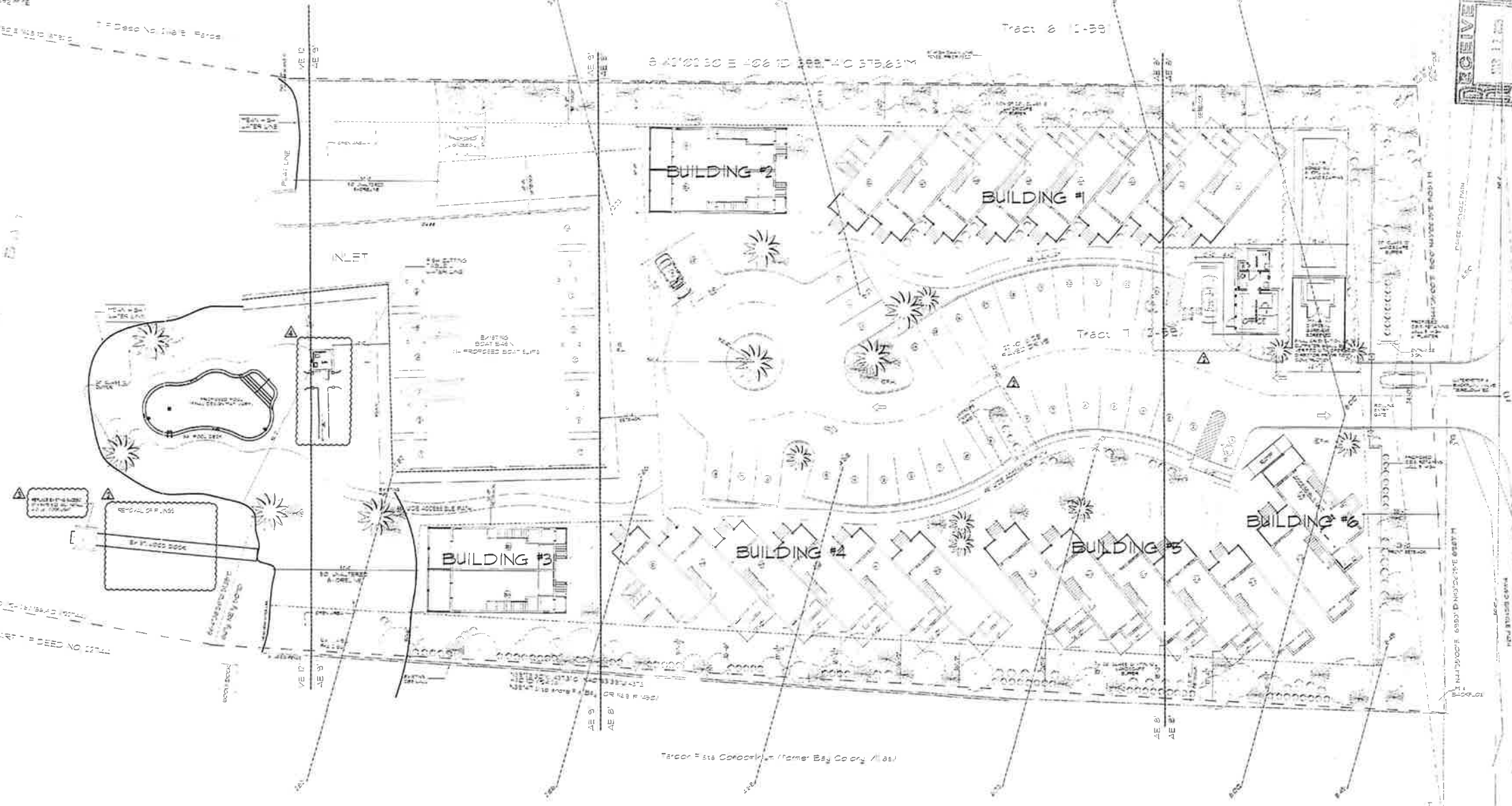
2. CORRECTED WORTHLESS DEBTS TO STANDARD DEBIT AMT

3. CORRECTED SIZE OF POKERS JACKPOT PER

4. REMOVED FROM BOARD PER

5. REJECTED - WORTHLESS DEBTS TO OFFICE

3. **Condominium documents** meeting the requirements of Section 4.9.1(e)(2) "Plating" of the Land Development Regulations shall be submitted and approved by the Village Attorney prior to building permit application.
4. Any outstanding cost recovery fees shall be paid within 60 days of receipt of Cost Recovery Invoice from the Village.
5. Occupancy of the subject property shall be maintained as defined in the Village Land Development Regulations.
6. A Utility of 1/4 inch between Parcel# 60-0404630.000000 and 60-0405660.000000, in a form acceptable to the Village Attorney, shall be submitted to the Village at time of building permit application.
7. FDOT Approval is required prior to permit application for proposed access to US Highway 1.
8. No mooring of vessels shall be allowed on pier. Docking may be approved as a minor deviation if applicant demonstrates that sufficient water depth exists.
9. Scaffolding to be placed around roof shall comply with setback.
10. ACOE/DEP-SF/STWMD approval shall be required prior to application for basins/dock improvements.
11. No development is authorized within 20 feet of existing Atlantic High Water Line. ACOE/DEP-SF/STWMD approval of fill.
12. A Transplantation/Restoration Plan shall be submitted for non-invasive trees in development area at time of application for building permit.
13. All provisions of NFPA 303 for marinas shall apply to the docking facility.
14. 60 days of receipt of the Village Cost Recovery Invoice.
15. Impact fees shall be paid prior to issuance of associated building permits.



PROPOSED SITE PLAN

[illegible]LOCATION MAP
RECORDED LOCATION

BUILDING DATA		LOT AREA TABULATION	
1. TOTAL AREA	2. TOTAL LOT AREA		
3. TOTAL GROUND AREA	4. TOTAL GROUND AREA		
5. TOTAL WATER AREA	6. TOTAL WATER AREA		
7. TOTAL COVERED AREA	8. TOTAL COVERED AREA		
9. TOTAL OPEN AREA	10. TOTAL OPEN AREA		
11. TOTAL PARKING SPACES	12. TOTAL PARKING SPACES		
13. TOTAL DRIVEWAY	14. TOTAL DRIVEWAY		
15. TOTAL DRIVEWAY	16. TOTAL DRIVEWAY		
17. TOTAL DRIVEWAY	18. TOTAL DRIVEWAY		
19. TOTAL DRIVEWAY	20. TOTAL DRIVEWAY		
21. TOTAL DRIVEWAY	22. TOTAL DRIVEWAY		
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27. TOTAL DRIVEWAY	28. TOTAL DRIVEWAY		
29. TOTAL DRIVEWAY	30. TOTAL DRIVEWAY		
31. TOTAL DRIVEWAY	32. TOTAL DRIVEWAY		
33. TOTAL DRIVEWAY	34. TOTAL DRIVEWAY		
35. TOTAL DRIVEWAY	36. TOTAL DRIVEWAY		
37. TOTAL DRIVEWAY	38. TOTAL DRIVEWAY		
39. TOTAL DRIVEWAY	40. TOTAL DRIVEWAY		
41. TOTAL DRIVEWAY	42. TOTAL DRIVEWAY		
43. TOTAL DRIVEWAY	44. TOTAL DRIVEWAY		
45. TOTAL DRIVEWAY	46. TOTAL DRIVEWAY		
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89. TOTAL DRIVEWAY	90. TOTAL DRIVEWAY		
91. TOTAL DRIVEWAY	92. TOTAL DRIVEWAY		
93. TOTAL DRIVEWAY	94. TOTAL DRIVEWAY		
95. TOTAL DRIVEWAY	96. TOTAL DRIVEWAY		
97. TOTAL DRIVEWAY	98. TOTAL DRIVEWAY		
99. TOTAL DRIVEWAY	100. TOTAL DRIVEWAY		

[illegible]

GENERAL NOTES:
1. RACE, RELIGION, SEX AND AGE ARE
DISCRETIONARY. PLEASE SEE GO TO "C" FOR
THE ACTUAL DATA. NAMES AND AGENCY CODES
ARE NOT TO BE CHANGED.
2. INCIDENTS INVOLVING CRIMINALS ARE "CRIMINAL"
INCIDENTS. BY NO MEANS ARE THEY A CONCOMITANT
3. NO. OF VICTIMS STATE "MAJOR CASES" ARE NOT "CONCOMITANT"
AND ARE REPORTED BY BUREAU OF INVESTIGATION. ALL
OTHERS ARE "MINOR CASES".
4. "MAJOR CASES" ARE: (a) BUREAU REPORTED BY THE NEW YORK
OFFICE. (b) "MAJOR CASES" ARE "CRIMINAL" IN THE GOVERNMENT
OR UNLAWFUL MANNER.
5. REFERENCES TO "MAJOR CASES" ARE: (a) BUREAU REPORTED BY
THE NEW YORK OFFICE. (b) "MAJOR CASES" ARE "CRIMINAL"
IN THE GOVERNMENT OR UNLAWFUL MANNER. (c) "MAJOR CASES"
ARE "CRIMINAL" IN THE GOVERNMENT OR UNLAWFUL MANNER.

LAND USE & ZONING CLASSIFICATION	
PROPERTY ACROSS THE STREET SR PROPERTY TO THE SOUTHEAST NR PROPERTY TO THE SOUTHWEST	
LEGEND	
1	RESERVED FOR FUTURE
See 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 2645, 2650, 2655, 2660, 2665, 2670, 2675, 2680, 2685, 2690, 2695, 2700, 2705, 2710, 2715, 2720, 2725, 2730, 2735, 2740, 2745, 2750, 2755, 2760, 2765, 2770, 2775, 2780, 2785, 2790, 2795, 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Part Lot 1 of PG 11

RANDALL
STOFFT
ARCHITECTS

Job No. INDIGO

Date	19/04/20
No. of Encls.	1

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SP-1

Pa

Page 361 of 436

Prepared by and return to:
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

RESOLUTION NO. 24-12-140

*Here recording due to missing
Exhibit "A" and*

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE APPROVAL FOR THE EXPANSION OF THE EXISTING HOTEL FOR PROPERTY LOCATED AT 82100 AND 81998 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC) AND SETTLERS RESIDENTIAL (SR) ZONING DISTRICTS, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LAH Islander LLC, (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for the redevelopment of the existing hotel; for property located at 82100 Overseas Highway, 81998 Old Highway and 132 Carroll Street on Upper Matecumbe Key within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Property is located within the Tourist Commercial (TC) Zoning District and the Settlers Residential (SR) Zoning District; and

WHEREAS, a Notice of Public Hearing was sent to adjacent property owners and posted a sign on the subject properties on or about July 17, 2024; and,

WHEREAS, on August 8, 2024, the Village Council held a Public Hearing.

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



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

Section 2. Findings of Fact.

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

(1) The Application for a Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council approves the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

STRATTONS SUBD PB 2-38 UPPER MATECUMBE LOT 8 SQR 9 and
BK 8 LTS 10-12 BK9 LTS 11-12 BK 10 NE 1/2 LT 4 AND LTS 5-9 AND BAY BOTTOM
SLY AND ADJ TO BK 10 NE 1/2 LT 4 AND LTS 5-9 BLK STRATTONS SUBD PB2-38
UPPER MATECUMBE and
BK 9 LT 4 STRATTONS SUBD PB2-38 UPPER MATECUMBE

(3) The approval is subject to the following Conditions of Approval:

1. Prior to the issuance of a Building permit water quantity calculations along with all applicable rainfall and soil data shall be provided to the planning review engineer to verify exfiltration trench design.
2. During review of Building permit applications, the following Fire Department Conditions shall be met:
 - a. Hydrant required, to be located by AHJ
 - b. Fire Alarm system required
 - c. Aldridge Benge Signage is required where applicable.
 - d. The structure(s) shall be protected throughout by an approved, supervised automatic sprinkler system installed in accordance with NFPA 1-13.3.2.15.2. [101:30.3.5.1].
 - e. All fire lanes must be extended or have landscaping capable of supporting fire apparatus installed.

- f. Current fire lane access off of Carol St cannot be used as construction entrance. Construction traffic must use the main entrance off of Overseas Highway.
 - g. Further conditions may be applied when building permits are applied for.
- 3. Prior to the issuance of a Building Permit provide a copy of the SFWMD ERP Permit for the project
- 4. Project must comply with current Florida Building Code and Village Floodplain Ordinance.
- 5. Prior to the issuance of any Building Permit, the Applicant, their Successors or Assigns, shall have an approved Stormwater Management Plan for the proposed project and submit it to the Planning and Development Services Department.
- 6. Prior to the issuance of any Building Permit, the Applicant, their Successors or Assigns, shall coordinate with the Village's Wastewater consultant for the provision of wastewater services. The project shall comply in all aspects with Village Wastewater requirements.
- 7. No occupancy permits shall be issued until occupancy permits have been issued for Workforce/Affordable housing at Creekside Inn.
- 8. The proposed Major Conditional Use Permit shall allow for the construction of 56 hotel units and associated site improvements as defined in the Code of Ordinances as depicted on the Site Plan, prepared by Weiler Engineering Corporation dated February 7, 2024, and entitled 'Concept Best Management Practices Plan for Islander Resort.' All improvements shall be completed in substantial conformance with said Site Plan pursuant to the direction of the Department of Planning and Development Services.
- 9. Landscaping and buffer improvements shall be completed in substantial conformance with the Landscape Plan submitted as a part of the Application pursuant to the direction of the Department of Planning and Development Services prior to the issuance of any Certificates of Occupancy.
- 10. The Applicant shall meet the requirements of Comprehensive Plan Coastal Element - Policy 5-1.2.13, which requires a Water Quality Monitoring Program.
- 11. A Final Certificate of Occupancy shall not be issued for the proposed construction until all required improvements have been completed to the satisfaction of the Department of Planning and Development Services and the Village Building Official.
- 12. The improvement of the premises, in accordance with the determination of the Village, must commence within thirty-six (36) months after the date of the granting of the Major Conditional Use. If not commenced within this period, the Village reserves the right to revoke any and all approvals associated with the subject property after due public hearing. Thereafter, the operation of the use previously authorized shall be terminated and there shall be no right to non-conformity.
- 13. The Village reserves the right to rescind in whole or part any aspect of this Major Conditional Use in the event violation of these conditions occurs.
- 14. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village reserves the right after due public hearing, to rescind in whole or part this Major Conditional Use, if violation of the conditions persists.

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 Request has been processed in accordance with the Village Comprehensive Plan and the 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 contained within the record.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

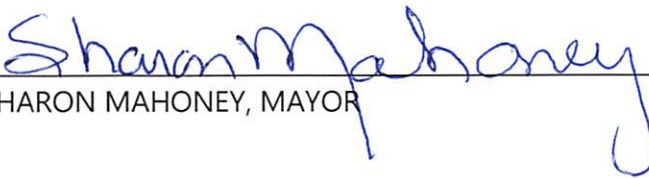
Motion to adopt by Councilwoman Gillis, second by Councilman Pinder.

FINAL VOTE AT ADOPTION

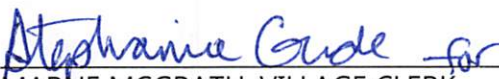
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Sharon Mahoney	NO
Vice Mayor Don Horton	YES
Councilman Joseph B. Pinder III	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	NO

PASSED AND ADOPTED THIS 12th DAY OF DECEMBER 2024.


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



EXHIBIT "A"
LEGAL DESCRIPTION

STRATTONS SUBD PB 2-38 UPPER MATECUMBE LOT 8 SQR 9 and
BK 8 LTS 10-12 BK9 LTS 11-12 BK 10 NE 1/2 LT 4 AND LTS 5-9 AND BAY BOTTOM
SLY AND ADJ TO BK 10 NE 1/2 LT 4 AND LTS 5-9 BLK STRATTONS SUBD PB2-38
UPPER MATECUMBE and BK 9 LT 4 STRATTONS SUBD PB2-38 UPPER
MATECUMBE

RESOLUTION NO. 24-12-142

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR A TRANSFER OF DEVELOPMENT RIGHTS OF FIVE OR MORE HOTEL/MOTEL UNITS FROM THE PROPERTY LOCATED AT 90611, 90655, 90691 AND 90701 OLD HIGHWAY IN TAVERNIER WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000 AS LEGALLY DESCRIBED HEREIN TO PROPERTY LOCATED AT 82100 AND 81998 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LAH Creekside LLC applied for the Transfer of Development Rights pursuant to Section 30-503 of the Code of Ordinances Islamorada, Village of Islands, FL on April 16, 2024, to transfer fifty (50) hotel/motel units from the real property located at 90611, 90655, 90691 AND 90701 Old Highway in Tavernier with Real Estate Numbers 00437590-000000, 00437610-000000, 00437630-000000 and 00437640-000000 (Sender Site) to the real property located at 82100 Overseas Highway and 81998 Old Highway and 132 Carroll Street on Upper Matecumbe Key, with real estate numbers 00400810-000000, 00400400-000000 and 00400450-000000 (Receiver Site); and

WHEREAS, the Staff reviewed the Request and recommended approval with conditions of the Request; and

WHEREAS, pursuant to the applicable provisions of the Code, the Staff Report dated August 8, 2024 recommended to the Village Council that the Request be approved with conditions; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the application for Transfer of Development Rights and has considered the Request, the relevant supporting materials, the Staff's recommendations, public testimony and evidence given.

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

Section 1. Recitals. The above recitals are true, 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 Village Staff, does hereby find and determine:

(1) The Application for a Transfer of Development Rights meets the requirements set forth in Village Code Chapter 30, Article IV, Division 12-Transfer of Development Rights and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met.

(2) The Applicant has furnished the Village with a Declaration of Covenants, Conditions, and Restrictions for the Sender Site on a form acceptable to and approved by the Village Attorney affecting the removal of the fifty (50) development rights proposed for transfer from the Sender Site.

(3) The Request is consistent with the purposes, goals, objectives, and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

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 Request has been processed in accordance with the Village's Comprehensive Plan and 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 contained within

the record; and

(3) Imposed the following Conditions:

- 1. This approval shall not take effect prior to the effective date of the Resolution approving Major Conditional Use Application PLCUP20220131.
- 2. Upon approval of the Major Conditional Use PLCUP20220131, the Village shall record the executed Declaration of Covenants, Conditions, and Restrictions provided herein, removing the fifty (50) hotel/motel development rights from the Sender Site.
- 3. No occupancy permits shall be issued to the transferred units at the Receiver Site until occupancy permits are issued for Workforce/Affordable Housing at the Sender Site.

Section 4. Effective Date.

This approval shall not take effect prior to the effective date of the Resolution approving Major Conditional Use Application PLCUP20220131. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following thirty (30) days, this Resolution shall not be effective or acted upon by the Applicant until forty-five (45)

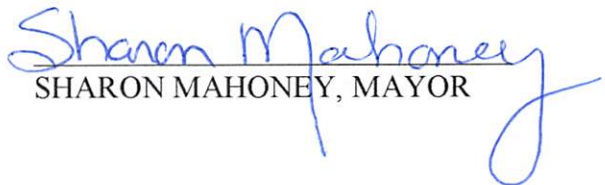
days following the rendition to the Florida Department Of Commerce ("DOC"), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Councilwoman Gillis, second by Councilman Horton.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Sharon Mahoney	NO
Vice Mayor Don Horton	YES
Councilman Joseph B. Pinder III	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	NO

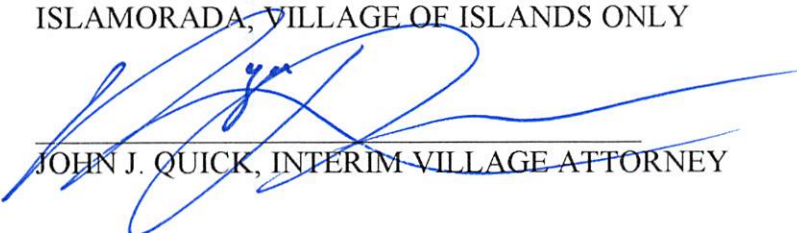
PASSED AND ADOPTED THIS 12th DAY OF DECEMBER, 2024


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR A TRANSFER OF DEVELOPMENT RIGHTS OF FIVE OR MORE HOTEL/MOTEL UNITS FROM THE PROPERTY LOCATED AT 81450 OVERSEAS HIGHWAY IN UPPER MATECUMBE KEY WITH REAL ESTATE NUMBER 00404630-000000 AS LEGALLY DESCRIBED HEREIN TO PROPERTY LOCATED AT 82100 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00400810-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LAH Creekside LLC applied for the Transfer of Development Rights pursuant to Section 30-503 of the Code of Ordinances Islamorada, Village of Islands, FL on July 4, 2025, to transfer six (6) hotel/motel units from the real property located at 81450 Overseas Highway in Upper Matecumbe Key with Real Estate Number 00404630-000000 (Sender Site) to the real property located at 82100 Overseas Highway on Upper Matecumbe Key, with real estate number 00400810-000000 (Receiver Site); and

WHEREAS, the Staff reviewed the Request and recommended approval with conditions of the Request; and

WHEREAS, pursuant to the applicable provisions of the Code, the Staff Report dated September 11, 2025 recommended to the Village Council that the Request be approved with conditions; and

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the application for Transfer of Development Rights and has considered the Request, the relevant supporting materials, the Staff's recommendations, public testimony and evidence given.

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

Section 1. **Recitals.** The above recitals are true, 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 Village Staff, does hereby find and determine:

(1) The Application for a Transfer of Development Rights meets the requirements set forth in Village Code Chapter 30, Article IV, Division 12-Transfer of Development Rights and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met.

(2) The Applicant has furnished the Village with a Declaration of Covenants, Conditions, and Restrictions for the Sender Site on a form acceptable to and approved by the Village Attorney affecting the removal of the six (6) development rights proposed for transfer from the Sender Site.

(3) The Request **is** consistent with the purposes, goals, objectives, and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

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 Request has been processed in accordance with the Village's Comprehensive Plan and 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 contained within the record; and

(3) Imposed the following Conditions:

- 1. Prior to issuance of any building permits the Applicant shall record the executed Declaration of Covenants, Conditions, and Restrictions provided herein, removing the six (6) hotel/motel development rights from the Sender Site.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following thirty (30) days, this Resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Florida Department Of Commerce ("DOC"), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by_____, 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 11th DAY OF SEPTEMBER, 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



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: September 11, 2025
SUBJECT: **Amendment to Major Conditional Use PLCUP20210151 - 90184 Overseas Highway - Crooked Palm Distillery TAB G**

Background:

On May 29, 2025, CBT Construction on behalf of 90184 Overseas Hwy LLC, submitted an application to amend the conditions imposed by a Major Conditional Use permit for the Crooked Palm Distillery located at 90184 Overseas Hwy. The Major Conditional Use permit was approved with conditions on December 6, 2022 under Resolution No. 22-12-138, for the redevelopment of the property for a Brewpub/Restaurant/Distillery on the first floor and the continuation of seven (7) deed restricted residential housing units on the second floor along with outdoor seating.

The amendments to the conditions included removing the following conditions:

6. The hours of operation of the Brewpub/Restaurant/Distillery interior shall be limited to the following:

Sunday through Thursday 11:00 am – 11:00 pm; and Friday, Saturday and Holidays 9:00 am – 1:00 am.

The applicant/owner reserves the right to request a modification of the hours of operation after due public hearing. Any extension of the hours of operation shall be evaluated based upon potential impacts to surrounding residential development, including a review of past noise complaints.

7. The hours of operation of the outdoor seating area shall be limited to 11:00 am to 10:00 pm Sunday through Thursday and 9:00am to 10:00 pm Friday and Saturday. The use of live amplified music shall be limited to 8:00 pm during the week and 9:00 pm on weekends.

9. The Village Council reserves the right to revoke this Major Conditional Use and terminate operation of the Brewpub/Restaurant/Distillery at any time after due notice and a public hearing in the event violation of these conditions occurs. In addition, in the event operation of the Brewpub/Restaurant/Distillery results in noise violations as defined by the Village Noise Ordinance, the Village Council reserves the right to further restrict the hours of operation of the Brewpub/Restaurant/Distillery, including the outdoor seating area, after due notice and a public hearing. Excessive, unnecessary, or unnaturally loud noises shall be determined pursuant to Village Code Chapter 18 (Nuisances), Article IV (Noise) as may be amended from time to time. Noise disturbance means any sound that is unreasonably loud, raucous or jarring; causes an adverse psychological or physiological effect on humans; unreasonably interferes with the enjoyment of life or property, including outdoor recreation; or is a nuisance,

as defined by Chapter 18, as may be amended from time to time. Applicant/owner shall be provided an opportunity to address and remedy or cure any noise complaints prior to a reduction in the hours of operation.

11. Deliveries shall be limited to the curb-cut adjacent to Gardenia Street as shown on the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by dgo Architecture and dated 11-04-22. The Village reserves the right to address any traffic safety concerns associated with the operation of the proposed loading area after due public hearing and testimony provided by a traffic safety expert. The applicant/owner shall be provided an opportunity to address, remedy or otherwise cure any traffic safety concerns associated with the proposed loading area prior to a determination by the Village Council.

16. The applicant/owner agrees not to place live music within 75' of the Gardenia Street property line and maintain compliance with the Village of Islamorada Noise Ordinance as may be amended from time to time.

17. The applicant has proposed a food truck as part of the use. The intention of the food truck is to provide food options that are currently lacking in the Village Activity Center (VAC) and as such is an integral part of the operation. The applicant/owner agrees that during the hours of operation food will be available for sale and consumption onsite or to go. Any interruption to food service will be temporary and shall not continue for more than 2 weeks .

The property is zoned Village Center (VC) and within the Mixed Use (MU) Future Land Use Map designation (FLUM). The property has frontage on Overseas Highway, Gardenia Street, and Palm Drive. The surrounding land is characterized by a mix of residential and commercial uses. Properties along Overseas Highway to the north and south are zoned Village Center (VC). There is a residential neighborhood located to the west/northwest across Gardenia Street. Across Overseas Highway is a large conservation area, a large commercial property, and a church.

Analysis:

In accordance with Section 30-216(j) A development permit for a conditional use may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this chapter. Before any conditional use is amended, extended, varied or altered, the applicant shall demonstrate that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the conditional use. As this was a Major Conditional Use approved by the Village Council it can only be amended by the Village Council.

The applicant provided a letter providing justification for the request.

Conditional uses are those are generally compatible with the other uses permitted in a zoning district, but that require individual review of their location, design, configuration, and intensity and density of use and structures and may require the imposition of conditions pertinent thereto to ensure the appropriateness and compatibility of the use at a particular location.

Pursuant to Sec 30-217(c), at the public hearing, the village council shall consider the application, the relevant support materials, the director's recommendations, and public testimony given at the hearing. If at any time during the public hearing the village council determines that the application is based upon incomplete or inaccurate information or

misstatements of fact, it may deny the application or refer the application back to the director for further review and revised recommendations.

At the close of the public hearing, the village council by not less than a majority of a quorum present shall approve, approve with conditions, or deny the application by resolution, based on the standards in this chapter.

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director and Village Council shall consider the following factors, and no conditional use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest:

(1) The proposed conditional use is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

The Applicant's request meets the general criteria of Objective 1-2.4 of the Comprehensive Plan relating to the type and scope of uses that are permitted within the Mixed Use (MU) FLUM category and Policies 1-2.4.1 and 1-2.4.6 where existing structures, business types and locations lend themselves to compatible coexistence with residential uses.

Policy 1-2.4.1: Guide the Location of Commercial Uses and Revitalize Commercial Areas.

Mixed Use (MU) is the only FLUM category in which commercial uses shall be permitted. The general pattern of commercial land uses in MU shall:

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

Policy 1-2.4.6: Establish Zoning District Criteria for MU.

The following criteria shall be used as guidelines for designating Zoning Districts within the Mixed Use FLUM category:

1. Residential Zoning Districts: In general, residential Zoning Districts shall be established where there are existing residential neighborhoods within the Village Activity Centers.
2. Commercial Zoning Districts: In general, commercial Zoning Districts shall be established where there are existing commercial uses, including single vacant parcels of land located between two (2) existing commercial uses.
3. Integrated Use Zoning Districts: Integrated use Zoning Districts, which encourage commercial and residential uses to co-locate on the same parcel or within the same building shall be established to maintain and promote affordable, workforce and employee housing. Appropriate locations for integrated use zoning shall include, in general, areas where such uses already exist, the core areas of the Village Activity Centers and other select locations along U.S. 1 where existing structures, business types and locations lend themselves to

compatible co-existence with residential uses.

4. School and Recreational Zoning Districts: These Zoning Districts shall be established to accommodate existing or proposed school or recreational uses.

The proposed amendment to the Major Conditional Use is consistent with the above policies. The use is not changing, and the density and intensity is not increasing due to these requests. The project is compatible with the surrounding commercial uses and will not negatively impact level of service standards.

IN COMPLIANCE.

(2) The proposed conditional use complies with all relevant and appropriate portions of the LDRs;

Landscaping Standards:

Met Under Previous Approvals

Parking:

Met Under Previous Approvals

(3) The proposed conditional use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

The proposed amendment is compatible and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. The business has operated for over one year without any noise or parking complaint. All landscaping has matured and provides required buffer yards between Zoning Districts to aid in protection of the residential area.

IN COMPLIANCE

(4) The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

As previously stated the required buffer yards and landscaping has matured to minimize visual impacts and intensity of use.

IN COMPLIANCE

(5) The Proposed Development complies with Division 5 (Concurrency Management) [of Article IV of the LDRs];

The proposed amendment does not entail the further development of any part of the property.

IN COMPLIANCE

(6) The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and,

There are no environmentally sensitive habitats on the subject property.

IN COMPLIANCE

(7) The proposed conditional use will result in logical, timely and orderly development patterns.

The proposed amendment does not involve any new development.
IN COMPLIANCE

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff has reviewed the request for an amendment to the Major Conditional Use and has determined that the application is consistent with the goals, objectives, and policies of the comprehensive plan and complies with applicable provisions of the Code of Ordinances. Staff recommends that the Village Council APPROVE the the requested amendment.

- Attachments:**
1. CP Amendment CC Backup
 2. Resolution No 22-12-138_Corrective
 3. 90184 OVERSEAS - SITE PLAN - 3-14-24 (1) (1)
 4. CP Amendment Resolution
 5. Neighbor Comments



90184 Overseas Highway, Tavernier FL 33070

July 24, 2025

Dear VILLAGE COUNCIL OF ISLAMORADA,

We at Crooked Palm Cabana would like to respectfully ask the Village of Islamorada to consider amending the resolution governing the property at 90184 Overseas Highway, Resolution 22-12-138.

We are requesting these revisions for a few reasons, I will detail the requests by item below, but generally, the conditions were placed on the location in an abundance of caution due to the mis-information that was being spread about the potential impacts of the operation. It has always been our goal to be a benefit to the community and the neighborhood, and now with a year under our belt we've proven it.

Condition #6 & #7: *Hours restricted to 11pm inside and 10pm outside with live music limited to 8pm and 9pm on the weekends.*

We'd like to have the outside hours match the inside hours. The limitation on outside hours has been a burden and is affecting our ability to operate. We have multiple guest walkout daily because they want to dine outside in the evenings. To our knowledge, there are no other restaurants in the immediate area or surrounding areas with such a restriction. The request is to amend Condition to match inside and remove the music restriction. The village sound ordinance is in place to restrict neighborhood disturbance.

Condition #9: *Councils right to revoke.*

This condition creates an undue risk of losing the ability to operate. The condition is arbitrary, unnecessary and subject to being a political pawn. Again to our knowledge no other business has been burdened with such a condition and all businesses are subject to the Village of Islamorada noise ordinance. We've proven ourselves to be a benefit not a burden to the neighborhood and ask that this condition be removed.



90184 Overseas Highway, Tavernier FL 33070

Condition #11: Deliveries limited to curb-cut adjacent to Gardinia Street.

We've found this condition to be contrary to best practices for deliveries. We recognize the importance of managing delivery traffic but have found the need to have some deliveries from at the front of the building which help reduce the disturbance to the neighbors on Gardenia.

Condition #16: Live music within 75' of Gardinia Street.

We ask that this condition be lifted now that a mature hedge of landscaping has been developed along the rear of the property. This would allow our use to better serve customers and offer a more welcoming atmosphere. We are still subject to the Village noise ordinance and any live music would be performed in a manner that respects that ordinance.

Condition #17: Food Truck requirement.

While the food truck remains a part of our business plan for this location, a condition requiring its use is a burden to the property and limits future operations and flexibility we have found may be needed.

Sincerely,

Nikolaus M. Schorth

Co-Founder/Partner

Islamorada Brewery and Distillery



Islamorada, Village of Islands Planning & Development Services

86800 Overseas Highway, Islamorada, FL 3303
T: 305-664-6400, F: 305-664-6467

Application for Conditional Use Approval

Pursuant to Code Chapter 30, Article IV, Division 2

Application Type	Fee	*Deposit	Total Fee Due
☐ Major Conditional Use	\$5,220.00	\$5,000.00	\$10,220.00
☐ Minor conditional Use	\$3,510.00	\$5,000.00	\$ 8,510.00
☒ Minor Deviation	\$1,000.00	\$1,000.00	\$ 2,000.00
☐ Docks (pursuant to Code Section 30-1554)	\$1,900.00	\$1,000.00	\$ 2,900.00
☐ Outdoor Seating (pursuant to Code Section 30-1401)	\$1,900.00	\$1,000.00	\$ 2,900.00

After a second Notice of Deficiencies, an additional fee equal to 10% of the application fee shall be due with each re-submittal.

* 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.

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

A Pre-Application Conference is mandatory prior to submission of an Application for Conditional Use Approval that would be applicable to the Administrative Design Review Standards set forth in Code Section 30-215(d)(20).

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: Casaundra Wood

Mailing Address: PO Box 1057

City: Tavernier State: FL Zip: 33070

Home/Mobile Phone: 305-852-3002

Office: _____

Fax: _____

Email: Casaundra@cbtconstruction.com

PROPERTY OWNER:

Name: 90184 OVERSEAS HWY LLC

Mailing Address: 3200 Saint Lucie Blvd

City: Fort Pierce State: FL Zip: 34946

Home/Mobile Phone: 305-852-3002

Office: _____

Fax: _____

Email: Permits@cbtconstruction.com

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

Physical Address: 90184 OVERSEAS Hwy 100-207, PLANTATION KEY Mile Marker: 90.1

Lot: 1, 2, 3, 26, 27 & 28 Block: 17 Subdivision: PLANTATION KEY COLONY 1ST ADD

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

Real Estate (RE) Number: 00431870-000000 Alternate Key: 1529800

PROPERTY DESCRIPTION:

Zoning District: _____ Future Land Use Category: STORE COMBO (1200)

Total Land Area: _____ Square Feet: _____ Acres: _____

Existing Use of Property: brewery/distillery/tasting room w/sales pkgs

Proposed Use of Property: brewery/distillery/tasting room w/sales pkgs no change in the property we only want to change our hours of operation. We would like to stay open till 2AM. We hope to change conditions 6, 7, 9, 11, 16, & 17 further described in detail in the attached document.

PROPOSED CONDITIONAL USE:

If non-residential or commercial floor area is proposed, please provide:

	Existing	Proposed	Change
Total number of non-residential buildings:	no change	no change	no change
Total non-residential floor area in square feet:	no change	no change	no change

If residential dwelling units are proposed, please provide:

	Existing	Proposed	Change
Total number of residential buildings:			
Total number of permanent, market-rate units:			
Total number of permanent, affordable/ workforce housing units:			
Total number of transient units (hotel/motel rooms, recreational vehicles):			

Have any applications been submitted for this site within the past three (3) years? ☒ Yes ☐ No

If yes, provide name of the applicant and date of applications: PLCUP20210151

Is this an Amendment or a Minor Deviation to a previously approved Conditional Use? ☒ Yes ☐ No

If yes, attach the approved site plan, a revised site plan, and list below all proposed changes. Please provide an explanation of each change: No change in the site plans. We just want to change the hours of operation.

We hope to change conditions 6, 7, 9, 11, 16, & 17 further described in detail in the attached document.

If an Amendment or a Minor Deviation to an approved Conditional Use, please provide prior Project Numbers and/or Resolution Numbers: PLCUP20210151

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director of Planning and Development Services ("Director") and Village Council shall consider the following factors, and no Conditional Use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.

Please attach a statement explaining how the proposed Conditional Use meets each standard below.

- (1) The proposed Conditional Use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

- (2) The proposed Conditional Use complies with all relevant and appropriate portions of Village Code Chapter 30, *Land Development Regulations (LDRs)*;
- (3) The proposed Conditional Use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
- (4) The design of the proposed Conditional Use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
- (5) The proposed Conditional Use complies with Division 5 (Concurrency Management) of Article IV of the LDRs;
- (6) The proposed Conditional Use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and
- (7) The proposed Conditional Use will result in logical, timely and orderly development patterns.

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, as indicated in Attachments A and B, has been provided.

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

Signature of Applicant or Agent: _____

Date: 5/29/25

Print Name: Cassandra Wood

STATE OF Florida

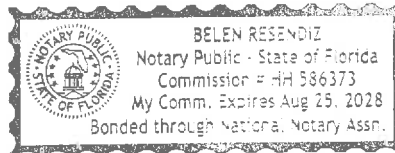
COUNTY OF Monroe

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 29 day of May, 2025, by Cassandra Wood (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).

Belen

Signature of Notary Public – State of Florida

SEAL:



☒ Personally Known ☐ Produced Identification Type of ID: _____

ATTACHMENT A

The following is a list of submittals and documents required for Conditional Use Approval. Data furnished in the application shall be to scale and shall include the following information, unless waived in writing by the Director.

- ☐ **Correct application fee.**
- ☐ **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 recorded notice of approval or resolution** of prior Conditional Use (if submitting an application for an amendment or minor deviation).
- ☐ **Location map** showing where the project is located on the Key.
- ☐ **Photographs** of site from adjacent streets. A recent aerial photograph with property boundaries delineated may be substituted.
- ☐ **Signed and sealed survey** prepared by a Florida registered surveyor. The survey shall include elevations and location of all existing structures, paved areas, location of all utility structures, all easements, all bodies of water on and adjacent to the site, docks, piers, mean high water line and total acreage by habitat.
- ☐ **Site plan** prepared by a professional architect, engineer, or landscape architect. May be either a Site Plan previously approved and still effective by the Village or a new proposed Site Plan. See **Attachment B** for minimum site plan requirements.
- ☐ **Floor plans** of all proposed structures and for any existing structures to be redeveloped or enlarged, drawn at an appropriate standard architectural scale and including handicap accessibility features.
- ☐ **Elevation drawings** of all proposed structures and any existing structures to be modified with the elevations of the following features referenced to NGVD: Existing grade, finished grade, finished floor elevations (lowest supporting beam for V-zone development), roofline and highest point of the structure.
- ☐ **Landscaping plan** (may be combined with site plan or separate plan) drawn to scale, and at a minimum should include open space preservation areas, existing natural features, class and width of required landscape bufferyards (including the species, size and quantity of plants), street trees, and parking area landscaping.
- ☐ **Outdoor lighting plan** pursuant to Code Chapter 30, Article V, Division 5, including a site plan and inventory containing manufacturer's catalog cuts (where available), lamp type and output specification (lumen output) for each proposed fixture, proposed mounting height of all exterior fixtures, and the aiming direction and scope of illumination for any spotlights or floodlights.
- ☐ **Habitat analysis and/or vegetation survey** pursuant to Code Sections 30-1613 and 30-1614(e), prepared by a Village qualified biologist.
- ☐ **Stormwater management plan** pursuant to Code Section 30-1724, signed and sealed by a Florida registered engineer or architect with drainage calculations and at the same scale as the site plan. The plan must show existing and proposed topography, all drainage structures, retention areas and drainage swales, and existing and proposed permeable and impermeable areas.
- ☐ **Affordable housing mitigation plan** pursuant to Code Chapter 30, Article IV, Division 16.
- ☐ **Traffic study** prepared by a licensed traffic engineer pursuant to Monroe County Traffic Report Guidelines Manual.
- ☐ **Construction management plan** stating how impacts on nearshore water and surrounding property will be managed (i.e. construction barrier, hay bales, flagging, etc.).
- ☐ **Construction phasing plan** Phased projects must include 20% of the project's land area in the development of each phase, unless a phasing specifically requested as part of the conditional use.
- ☐ **Letters of coordination** from the following agencies. Applicants must check with the Staff to identify other agencies expected to review the project. These may include, but are not limited to:

- ☐ Florida Department of Environmental Protection (DEP)
- ☐ Florida Department of Health (DOH)
- ☐ Florida Department of State, Division of Historic Resources (DHR)
- ☐ Florida Department of Transportation (FDOT)
- ☐ Florida Fish and Wildlife Conservation Commission (FWC)
- ☐ Florida Keys Aqueduct Authority (FKAA)
- ☐ Florida Keys Electric Cooperative (FKEC)
- ☐ South Florida Water Management District (SFWMD)
- ☐ U.S. Army Corps of Engineers (ACOE)
- ☐ U.S. Fish & Wildlife Service (FWS)

ATTACHMENT B

MINIMUM SITE PLAN REQUIREMENTS: Pursuant to Code Section 30-215(d), the site plan shall be to scale and shall include the following information, unless waived in writing by the Director:

- (1) **Name and address** of the record owner(s), the applicant, and the person preparing the site plan.
- (2) **Location map.**
- (3) **Legal description** of the site.
- (4) **Proposed land uses** with indication of size, location and height of structures with approximate dimensions, setbacks, and landscaped yards.
- (5) **Adjacent area information**, including:
 - a. Existing land use; and
 - b. Zoning classification.
- (6) **Vehicular circulation system**, both on-site and off-site, with proposed access, which shall comply with traffic engineering standards used by the village. The village shall not be required to widen or in any way alter any existing local road, collector road, or arterial road under the village's jurisdiction, or to accept a dedication of additional road right-of-way for the purpose of widening or altering any existing local road, collector road or arterial road under the village's jurisdiction to accommodate new development, unless such road improvement is included in the Capital Improvements Element of the Comprehensive Plan.
- (7) **Pedestrian circulation system.**
- (8) **Lighting plan** for street and development site.
- (9) **The location of existing public utilities**, including:
 - a. Location of closest available water supply system or collection lines and fire hydrants.
 - b. Location of closest available wastewater collection system or collection lines.
 - c. Existing provisions for the collection and discharge of surface drainage.
- (10) **Provider of water and wastewater** facilities.
- (11) **The following computations:**
 - a. Gross acreage.
 - b. Net acreage excluding road easements and right-of-way, if any.
 - c. Number of dwelling units by number of bedrooms in density for residential uses only.
 - d. Square footage of ground covered by buildings or structures.
 - e. Computation of pervious and impervious areas, and square footage and percentage of site.
 - f. Required and provided number of parking spaces.
 - g. Indication of the boundaries of the project within the overall development plan in the case of a phased development.
- (12) **Proposed location of sidewalks**, curves, gutters, water mains, sanitary sewers, storm drains, manholes, inlets, underground conduits, seawalls, and the size and shapes and types thereof, the character, width and depth of pavement in sub base of any roadways, access points or paths located within the proposed development.
- (13) **Indication of existing native vegetation** that would be preserved.
- (14) Location and width of any **proposed permanent utility easements.**
- (15) **All adjacent rights-of-way**, with indication of centerline and width, paved width, existing median cuts and intersections, street light poles and utility company facilities, including easements.

(16) **Design features as follows:**

- a. Building separations and setbacks.
- b. Location of all paved drives and parking areas, including centerlines, dimensions, radius, and elevations, traffic signage and striping.
- c. Schematic elevations of buildings showing concealment of all mechanical or accessory equipment located on the roof.
- d. Building floor plans and proposed building materials. Front, side and rear elevations (with any wall signs) showing height to peak of roof.
- e. Location of trash and garbage disposal system and provisions for accessibility to garbage trucks.
- f. All trash and garbage disposal systems, dumpsters, recycling collection areas, utility equipment, air conditioning units, vending machines and wastewater treatment plants shall have screening to minimize their visibility from all streets, consisting of one or more of the following:
 1. A solid, opaque enclosure (with gate, if necessary) of any material allowed by this code, except chain link fences, with a minimum height of one foot above the structure to be screened and painted to complement the principal building.
 2. Landscaping (e.g., shrubs, canopy and understory trees, continuous hedges); or
 3. Screening of these structures may be accomplished by site design and orientation of buildings.
- g. Loading areas and provisions for accessibility to vehicles of the required type and clearances.
- h. Areas for emergency vehicles and fire engines and provisions for fire lane accessibility for vehicles of the required type.
- i. Entrance features, walls, landscape buffers, and ground signs.
- j. Where the site plan covers only a part of contiguous real property owned by the applicant, master-phasing plan for such additional acreage unless the applicant certifies that the remaining real property shall not be developed.
- k. The proposed treatment of the perimeter of the site, including the material and techniques used, such as screens, landscaping buffers, fences and walls.
- l. The location and size, in acres or square feet, of all areas to be conveyed, dedicated, or reserved as open space, public parks, recreational areas, and similar public or semi-public uses.

(17) **Demonstration of enhanced and preserved scenic views** of the water from public rights-of-way. Structures along the shoreline shall be sited so as to prevent walling-off of waterfront views.

(18) **Appropriate siting of water dependent and water related uses.**

(19) If the application area has been identified as a working waterfront, then the applicant shall integrate into the traffic study an **analysis of the influence of available boat parking** on parking demand.

(20) All nonresidential development projects, which include either development of new structures or substantial improvement of existing structures located on property with frontage on any major street and all property within the Village Center (VC) zoning district, shall adhere to the **Administrative Design Review Standards** set forth below.

- a. **Roof pitch:** The maximum roof pitch of all street-facing facades on principal buildings shall be 8/12, expressed as rise over run. Flat roofs shall be allowed provided they are hidden by a parapet or other architectural feature in a style consistent with the building design as approved by the Director and any roof-top utilities or equipment are screened from view from all adjacent streets.
- b. **Awnings:** Awnings shall not have covers constructed of any transparent, translucent, high gloss or high sheen material and shall not be backlit.

- c. **Building transparency:** In order to create a visual connection between a building's interior activities or retail display windows and people outside of a building, the minimum transparency of the lowest floor of all principal buildings shall be 35% per each 50 linear feet of each street-facing facade. To count as transparency, windows, retail display windows and doors shall not be opaque or tinted with an inside-to-outside light transmittance value of 45% or less. Windows may be operable or non-operable. Doors shall be operable and may include emergency egress doors. All required transparency shall be evenly distributed at pedestrian level across the length of the lowest floor. Transparency is not prohibited from extending higher than seven (7) feet above the bottom of the lowest floor, however the measurement to determine whether this standard is met shall only be between zero (0) feet and seven (7) feet in height above the bottom of the lowest floor. Compliance with the above standard shall be mandatory, unless the Director finds that it is impracticable for all or a portion of a principal building, in which case the development shall comply with one of the following standards:
1. A professional mural, which constitutes art as defined in the LDRs, shall be painted on the entire facade of each street-facing side of a building and be maintained in good condition;
 2. Foundation landscaping shall be installed consisting of a Class G bufferyard pursuant to Code Chapter 30, Article V, Division 6, shall be located entirely within 15 feet of a building and shall adhere to the maintenance requirements in Code Section 30-825; or
 3. Any combination of the above standards, which results in the entire facade of each street-facing side of a building having transparency, a professional mural or foundation landscaping.
- d. **Building articulation:** The facades and roofs of all principal buildings shall be articulated through the following techniques:
1. Facades and roofs shall have no less than one (1) articulation every 50 linear feet.
 2. Minimum horizontal facade articulation shall be five (5) feet in depth and 15 feet in width.
 3. Building facades shall feature some combination of the following elements: arcades, awnings, balconies, canopies, porches, decks, bay windows, recessed entries, retail display windows or other similar features as approved by the Director.
 4. Roof articulation shall be achieved through the use of cornices, dormers, eaves, gables, multi-planed roofs, offsets, parapets, pitched roofs, roof overhangs or other similar features as approved by the Director.
 5. Flat roofs within view from an adjacent street shall be hidden by a parapet or other architectural feature in a style consistent with the building design as approved by the Director and of a sufficient height to screen any rooftop utilities.
 6. A parapet on a flat roof shall not be flat and shall feature cornice treatments.
 7. Boat barns shall be exempt from this standard.
- e. **Building orientation:** Each principal building shall provide an entry that is clearly identifiable from the street. The entry does not necessarily have to face the street. This may be achieved through the architectural design of the building, the use of sidewalks, signage, pavement markings and/or landscaping.
- f. **Drive-throughs and drive-ins:** Any drive-through or drive-in components shall be architecturally compatible with on-site principal structures and shall be located behind or to the side of the street-facing facade of a building. Drive-through or drive-in components shall be designed to be located as far as possible from adjacent residential zoning districts and residential uses. In order to protect the public interest and surrounding land uses, the Director or Village Council, as applicable, may impose conditions such as the installation of landscaping and screening walls, and limiting the hours of operation.
- g. **Car washes:** Openings, bays and entry/exit doors of all car washes shall be oriented away from adjacent residential areas and streets. If oriented to a street, then openings, bays or entry/exit doors shall be screened with an opaque structure and/or landscaping. In order to protect the public interest and surrounding land uses, the Director or Village Council, as applicable, may impose conditions such as the installation of

landscaping and screening walls, limiting the hours of operation, restricting the number and location of driveways, prohibiting the use of outdoor speakers, locating blowers and dryers as far away from residential areas as possible, and limiting the hours of operation.

- h. **Utilities:** All rooftop utilities and mechanical equipment shall be completely screened on all sides in a manner consistent with the architectural design of the building.
- i. **Building location:** For development 10,000 cumulative square feet in gross floor area or greater on one development site, either a majority (e.g., more than 50%) of the facade of each principal building shall be located on the setback line along each major street of the development site, or one of the following alternative standards shall be met:
 - 1. Off-street parking located between principal buildings and any major street shall be limited to one (1) row;
 - 2. A scenic corridor pursuant to Code Section 30-814 shall be installed along all major streets;
 - 3. The development shall be divided up so that no single building exceeds 10,000 square feet in floor area; or
 - 4. Landscaping for off-street parking areas located between the street-facing facades of principal buildings and any major streets shall be provided as follows:
 - a. Parking landscape islands shall be located no further apart than every six (6) parking spaces and at the terminus of all rows of parking.
 - b. Minimum three (3)-foot-wide landscape strips shall be provided at the front of rows of parking spaces and between rows of parking spaces. A minimum of one (1) native shrub per eight (8) linear feet shall be required within the landscape strips.
 - c. Landscaping for the remainder of the off-street parking areas shall be provided as set forth in Code Section 30-818.

These landscaping requirements shall be in addition to the requirements set forth in Code Section 30-818.

- j. **Pedestrian access:** At least one (1) continuous pedestrian walkway shall be provided from the main building entry to the public sidewalk, bike path and/or street edge of pavement. The walkway shall be at least five (5) feet wide and shall meet all applicable ADA Accessibility Guidelines.
- k. **Vehicle access:**
 - 1. When practical, access to off-street parking shall be made from a collector road or a local road rather than a major street. For example, on a property adjacent to Overseas or Old Highway and a local road, access to off-street parking shall be from the local road. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of access locations and to exempt certain high-intensity uses such as gas stations from meeting this standard due to the high volume of traffic typically associated with them, particularly if they would be located adjacent to residential zoning or uses.
 - 2. When practical, access to off-street parking on property adjacent to both U.S. 1 and Old Highway shall be made from U.S. 1. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of access locations.
 - 3. When practical, new driveways shall be aligned with existing driveways or streets adjacent to the property. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of access locations.
- l. **Cross access and parking:** When practical, contiguous off-street parking areas shall be shared or interconnected through the use of driveways, travel lanes, frontage roads and walkways to provide vehicular and pedestrian ingress and egress cross access between separate parcels, without the need to use a street. The property owners involved shall execute a cross access and parking agreement on a form approved by the village attorney. The Director or Village Council, as applicable, shall have the discretion to determine the practicality of cross access locations.

- m. **Oversized vehicle parking:** Additional off-street parking spaces shall be required specifically for oversized vehicles, such as buses, cars towing boats or trailers, recreational vehicles (RVs), travel trailers and similarly large vehicles, as follows:
1. On property developed or proposed to be developed with a drive-in or drive-through component and more than ten (10), but less than 50 required off-street parking spaces, at least one (1) oversized vehicle parking space shall be provided.
 2. On property developed or proposed to be developed with either 10,000 square feet or more of gross floor area and/or 50 or more required off-street parking spaces, at least two (2) oversized vehicle parking spaces shall be provided.
 3. All oversized vehicle parking spaces shall have a minimum length of 40 feet with a minimum width of ten (10) feet.
- n. **Multi-use paths and bicycle paths:** On property served by the Florida Keys Overseas Heritage Trail multi-use path or a village bicycle path according to the Village's Bicycle/Pedestrian Transportation Master Plan, applicants shall be responsible for making one-time improvements to the path, including installation of standard "Share the Road" or "Bike Route" signage, pavement markings, striping, colored asphalt and widening to a minimum standard width where sufficient right-of-way and clearance exists. This requirement is subject to the applicant obtaining all necessary permits from the Florida Department of Transportation, the Florida Department of Environmental Protection and the Village Public Works Department, as applicable.
- o. **Newspaper boxes:** All newspaper boxes visible from any street shall be screened or enclosed on three (3) sides, leaving the front dispensers accessible. The screen or enclosure material shall be architecturally compatible with adjacent buildings and may be of any material allowed by this code, except chain link fences. It shall be the responsibility of the property owner and/or the newspaper box owner to ensure that all newspaper boxes, screens and enclosures are maintained so as to present a neat, clean appearance, kept in safe and good working order.

Monroe County, FL

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	00431870-000000
Account#	1529800
Property ID	1529800
Millage Group	50VI
Location	90184 OVERSEAS Hwy 100-207, PLANTATION KEY
Address	
Legal	BK 17 LTS 1, 2, 3, 26, 27 & 28 PLANTATION KEY COLONY FIRST ADDITION PB4-4
Description	PLANTATION KEY OR423-614 OR427-238 OR502-815 OR822-643 OR866-724 OR1167-2389/91 OR1523-339/42(UNR ARTICLES OF MERGER) O2913-270/74 OR3210-2058 (Note: Not to be used on legal documents.)
Neighborhood	10020
Property Class	STORE COMBO (1200)
Subdivision	PLANTATION KEY COLONY 1ST ADD
Sec/Twp/Rng	05/63/38
Affordable	No
Housing	



Owner

90184 OVERSEAS HWY LLC
3200 Saint Lucie Blvd
Fort Pierce FL 34946

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$136,499	\$133,454	\$133,454	\$148,282
+ Market Misc Value	\$100,820	\$83,855	\$83,901	\$83,948
+ Market Land Value	\$1,323,830	\$1,255,196	\$684,653	\$684,653
= Just Market Value	\$1,561,149	\$1,472,505	\$902,008	\$916,883
= Total Assessed Value	\$1,561,149	\$992,208	\$902,008	\$916,883
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,561,149	\$1,472,505	\$902,008	\$916,883

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$1,323,830	\$136,499	\$100,820	\$1,561,149	\$1,561,149	\$0	\$1,561,149	\$0
2023	\$1,255,196	\$133,454	\$83,855	\$1,472,505	\$992,208	\$0	\$1,472,505	\$0
2022	\$684,653	\$133,454	\$83,901	\$902,008	\$902,008	\$0	\$902,008	\$0
2021	\$684,653	\$148,282	\$83,948	\$916,883	\$916,883	\$0	\$916,883	\$0
2020	\$684,653	\$149,770	\$83,995	\$918,418	\$918,418	\$0	\$918,418	\$0
2019	\$487,856	\$280,820	\$84,041	\$852,717	\$852,717	\$0	\$852,717	\$0
2018	\$582,750	\$400,068	\$45,829	\$1,028,647	\$1,010,287	\$0	\$1,028,647	\$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)	31,500.00	Square Foot	0	0

Buildings

Building ID	43184	Exterior Walls	C.B.S.
Style	2 STORY ON GRADE	Year Built	1973
Building Type	COM/RES D / 12D	EffectiveYearBuilt	2015
Building Name		Foundation	CONCRETE SLAB
Gross Sq Ft	6560	Roof Type	FLAT OR SHED
Finished Sq Ft	6017	Roof Coverage	MEMBRANE
Stories	2 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	508	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	13	Grade	300
Interior Walls	DRYWALL	Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	135	0	64
FLA	FLOOR LIV AREA	6,017	6,017	508
OUF	OP PRCH FIN UL	48	0	28
PTO	PATIO	304	0	122
SBF	UTIL FIN BLK	56	0	30
TOTAL		6,560	6,017	752

Yard Items

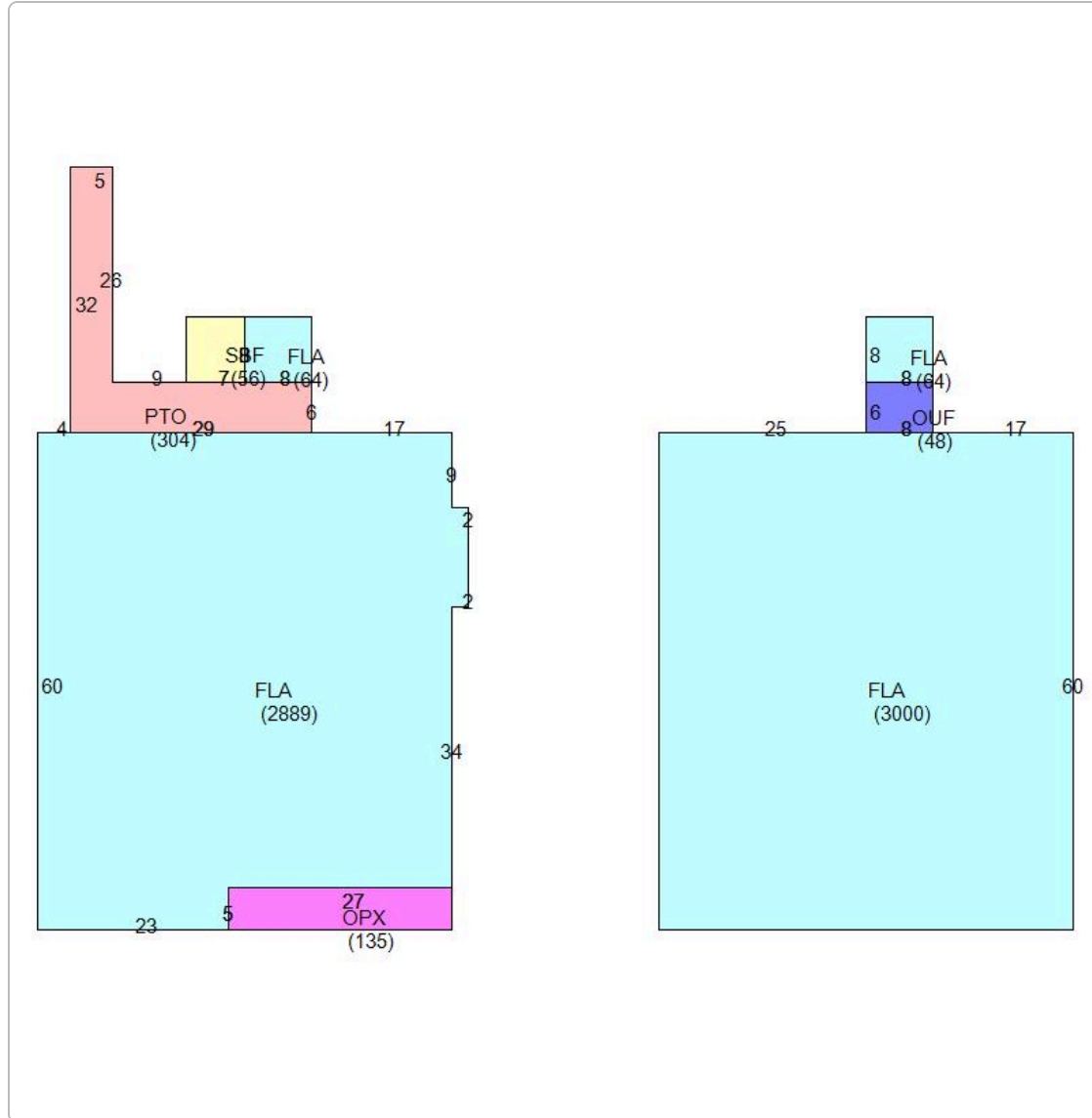
Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CH LINK FENCE	2005	2006	6 x 105	1	630 SF	1
CH LINK FENCE	2021	2024	6 x 146	1	876 SF	1
FENCES	2023	2024	6 x 350	1	2100 SF	5
ASPHALT PAVING	1987	1988	0 x 0	1	34160 SF	2
RW2	2024	2025	2 x 233	1	466 SF	5
TIKI	2024	2025	0 x 80	1	80 SF	3
DET CABANA	2024	2025	9 x 35	1	315 SF	4
CUSTOM PATIO	2024	2025	0 x 0	1	395 SF	4

Sales

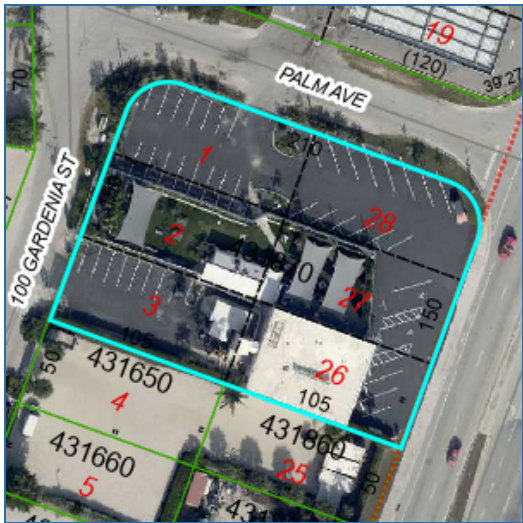
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/1/2023	\$2,290,000	Warranty Deed	2405565	3210	2058	03 - Qualified	Improved		
6/13/2018	\$1,200,000	Warranty Deed	2174698	2913	270	01 - Qualified	Improved		
6/1/1998	\$286,000	Warranty Deed		1523	0339	M - Unqualified	Improved		
10/1/1982	\$0	Warranty Deed		866	724	U - Unqualified	Improved		
12/1/1980	\$40	Warranty Deed		822	643	M - Unqualified	Improved		
2/1/1969	\$3,800	Conversion Code		427	238	Q - Qualified	Improved		

Permits

Number	Date Issued	Status	Amount	Permit Type	Notes
PRBLD202400220	04/08/2024	Completed	\$15,000	Commercial	NEW WOOD DECK. NEW WALK IN COOLER.
PRBLD202400236	04/01/2024	Completed	\$17,500	Commercial	FOUR NEW TESLA ELECCTRIC VEHICLE CHARGING STATIONS ON NEW 50 AMP 240V PANEL. 120 GALLON PROPANE GAS TANK. NEW 240V RECEPTICAL FOR FOOD TRUCK ON EXISTING PANEL. HARDPIPED WATER AND SEWER CONNECTION FOR FOOD TRUCK. 4 UNUSED GREASE TRAPS TO BE CAPPED OFF. SECURITY CAMERAS MOUNTED THROUGHT THE PROPERTY ON BUILDING AND STEEL POLES W. CONC. FOUNDATION.
PRBLD202400191	03/19/2024	Completed	\$15,000	Commercial	INSTALL A NEW LED 97.5 SQ. FT. SIGN ON THE OUTSIDE OF THE BUILDING.
PRBLD202300450	11/16/2023	Completed	\$115,000	Commercial	ADDITIONAL REMODEL (LOWER LEVEL), LANDSCAPING, LOCATIONS OF BREWERY AND DISTILLERY EQUIPMENT.
PRBLD202200217	10/12/2023	Completed	\$35,000	Commercial	INSTALL 6' PVC FENCE 410 LF
PRFIR202300870	09/21/2023	Completed	\$7,691	Commercial	ADD NEW DEVICES IN NEW SPACES TO FIRE ALARM STEM FOR PROPER COVERAGE
PRFIR202200212	01/31/2023	Completed	\$25,000	Commercial	ROTATE EXISTING SPRINKLER LINES AND INSTALL 31 NEW PENDANT FIRE SPRINKLERS
PRBLD202101476	07/19/2022	Completed	\$75,000	Commercial	ARTIAL INTERIOR REMODEL 1ST FLOOR. BREW AND STILL EQUIPMENT TO BE PERMITTED SEPARATELY CHANGE OF USE (B to A-2/F-1)
PRBLD202001061	11/30/2020	Completed	\$2,000	Commercial	338 LF OF 6' TALL GALVANIZED CHAIN LINK FENCE (1) 20' WIDE 6' TALL GALVANIZED CHAIN LINK DBL DRIVE GATE
PRPLB202000765	07/07/2020	Completed	\$2,000	Commercial	FIRE LINE FOR SPRINKLERS
PRPLB201901239	10/01/2019	Completed	\$16,430	Commercial	INSTALL NEW FIRE ALARM & FIRE SPRINKLERS SYSTEMS.
PRBLD201802143	09/05/2019	Completed	\$300,000	Commercial	AFFORDABLE) RENOVATION OF 2ND FL INSTALL NEW WALLS AND INTERIOR DOORS INSTALL NEW MINI SPLIT A/C UNITS (1) PER APARTMENT UNIT INSTALL NEW BATHROOMS (1) PER UNIT. NEW ELECTRIC AND PLUMBING PER UNIT INSTALL FLOOR COVERINGS. REPAIR ELEVATOR INSTALL EGRESS WINDOWS PER UNIT AND INSTALL INSULATION
PRBLD201801519	07/10/2018	Expired	\$20,000	Commercial	REMOVE 2ND FLOOR OFFICE - CEILING & DRYWALL
PRBLD201801533	06/27/2018	Expired	\$17,000	Commercial	INT DEMO - DRYWALL, CEILING, CARPET, TILE
2004757	05/19/2004	Completed	\$1		CHAIN LINK FENCE

View Tax Info[View Taxes for this Parcel](#)**Sketches (click to enlarge)****Photos**

Map



TRIM Notice

2024 TRIM Notice (PDF)

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

[User Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Upload: 5/29/2025, 1:41:51 AM

Contact Us

Developed by
 **SCHNEIDER**
GEOSPATIAL

Prepared by and return to:
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

****CORRECTIVE****

Correction to Section 2, Paragraph (1) of the recorded Resolution dated December 6, 2022 and recorded on December 15, 2022 in the Official Records Book 3205, Pages 90-97, of the Public Records of Monroe County, Florida

RESOLUTION NO. 22-12-138

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 RENTAL, LLC. (CBT CONSTRUCTION & DEVELOPMENT, INC., AGENT) FOR MAJOR CONDITIONAL USE APPROVAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR A BREWPUB/RESTAURANT/DISTILLERY WITH THE CONTINUATION OF SEVEN (7) EXISTING DEED RESTRICTED RESIDENTIAL HOUSING UNITS ON THE SECOND FLOOR; ALONG WITH OUTDOOR SEATING PURSUANT TO CHAPTER 30, ARTICLE VI, DIVISION 9 (OUTDOOR SEATING); ALONG WITH PARKING, LANDSCAPING, AND BUFFER RELAXATIONS FROM THE PROVISIONS OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; FOR PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00431870-000000.

(File No.: PLCUP20210151/PLVAR20220094)

WHEREAS, 90184 Rentals, Inc., (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for the redevelopment of the property for a Brewpub/Restaurant/Distillery on the first floor of an existing two-story building including the continuation of seven (7) existing deed restricted residential housing units on the second floor; along with outdoor seating pursuant to Chapter 30, Article VI, Division 9 (outdoor seating); along with parking, buffer, and landscaping relaxations from the provisions of the Village's land development regulations for property located at 90184 Overseas Highway on Plantation Key within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Property is located within the Village Center (VC) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on November 18, 2022; and,

WHEREAS, on December 6, 2022, the Village Council held a Public Hearing.

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

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

Section 2. **Findings of Fact.**

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

(1) The Application for a Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council approves the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

BLOCK 17, LOTS 1, 2, 3, 26, 27, AND 28 OF PLANTATION KEY COLONY, FIRST ADDITION, AS RECORDED IN PLAT BOOK 4, AT PAGE 4 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

- (3) The approval is subject to the following Conditions of Approval:
1. Use of the property shall be limited to a Brewpub/Restaurant/Distillery with outdoor seating. A maximum of seven (7) deed restricted affordable housing units shall also be permitted on the second floor of the existing structure, as approved by Minor Conditional Use PLCUP20190033.
 2. A Major Conditional Use to allow for the operation of Brewpub/Restaurant/Distillery shall be deemed granted as a part of this application.

1. The first of these is the

fact that the system is not a simple one.

It is a complex one, and it is one that is not easily understood.

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3. The gross floor area of the Brewpub/Restaurant/Distillery shall be limited to the total floor area as shown on the plans prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. The outdoor seating area shall be limited to a maximum of 4,751 Square Feet, in accordance with the site plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22.

4. The outdoor seating area shall be limited to a maximum of thirty-two (32) seats and a maximum area of 4,751 square feet as shown on the site plan and landscaping plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. Seating within the proposed outdoor plaza area may be modified upon application to the Department of Planning and Development Services provided the overall occupancy of the site does not exceed one hundred sixty (160) occupants including both indoor and outdoor space.

The operation of a food truck, as shown on the site plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22, shall be permitted in connection with the outdoor seating area.

5. Landscaping and site improvements shall be completed pursuant to the satisfaction of the Department of Planning and Development Services and in substantial conformance with the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22.

6. The hours of operation of the Brewpub/Restaurant/Distillery interior shall be limited to the following:
Sunday through Thursday 11:00 am – 11:00 pm; and Friday, Saturday and Holidays 9:00 am – 1:00 am.

The applicant/owner reserves the right to request a modification of the hours of operation after due public hearing. Any extension of the hours of operation shall be evaluated based upon potential impacts to surrounding residential development, including a review of past noise complaints.

7. The hours of operation of the outdoor seating area shall be limited to 11:00 am to 10:00 pm Sunday through Thursday and 9:00am to 10:00 pm Friday and Saturday. The use of live amplified music shall be limited to 8:00 pm during the week and 9:00 pm on weekends.

8. Relaxation from the landscaping standards contained within the Village Code shall be deemed granted as a part of this application. All landscaping improvements shall be completed and maintained in conformance with the site plan and landscaping plan approved as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-2022.

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator, who is usually a member of the research team. The investigator will identify the problem by looking at the data and trying to understand what is going on.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

9. The Village Council reserves the right to revoke this Major Conditional Use and terminate operation of the Brewpub/Restaurant/Distillery at any time after due notice and a public hearing in the event violation of these conditions occurs. In addition, in the event operation of the Brewpub/Restaurant/Distillery results in noise violations as defined by the Village Noise Ordinance, the Village Council reserves the right to further restrict the hours of operation of the Brewpub/Restaurant/Distillery, including the outdoor seating area, after due notice and a public hearing. Excessive, unnecessary, or unnaturally loud noises shall be determined pursuant to Village Code Chapter 18 (Nuisances), Article IV (Noise) as may be amended from time to time. Noise disturbance means any sound that is unreasonably loud, raucous or jarring; causes an adverse psychological or physiological effect on humans; unreasonably interferes with the enjoyment of life or property, including outdoor recreation; or is a nuisance, as defined by Chapter 18, as may be amended from time to time. Applicant/owner shall be provided an opportunity to address and remedy or cure any noise complaints prior to a reduction in the hours of operation.

10. A parking relaxation shall be deemed granted as a part of this application. A minimum of forty-one (41) parking spaces shall be provided on site in accordance with the site plan and landscaping plan submitted as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22

In the event adequate parking cannot be provided on site, applicant/owner agrees to maintain a shared parking agreement with an adjacent or nearby property owner pursuant to the satisfaction of the Department of Planning and Development Services. On-street parking shall be prohibited in connection with the subject parcel. Parking for the seven (7) affordable housing units shall be provided on site separate from parking associated with the Brewpub/Restaurant/Distillery.

11. Deliveries shall be limited to the curb-cut adjacent to Gardenia Street as shown on the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22. The Village reserves the right to address any traffic safety concerns associated with the operation of the proposed loading area after due public hearing and testimony provided by a traffic safety expert. The applicant/owner shall be provided an opportunity to address, remedy or otherwise cure any traffic safety concerns associated with the proposed loading area prior to a determination by the Village Council.

12. The maximum permitted occupancy of the Brewpub/Restaurant/Distillery shall be limited to 160 patrons including both indoor space and the outdoor seating area. The Village Council reserves the right to reduce the maximum permitted occupancy after due public hearing in the event adequate parking cannot be provided in connection with the operation of the Major Conditional Use

13. The improvement of the premises, in accordance with the determination of the Village Council, must be completed within twelve (12) months after the date of approval, subject to FS 252.363. If not so commenced and completed within this period, then, the Village reserves the right to revoke

the approval associated with the Major Conditional Use after due public hearing. Thereafter, the operation of the Major Conditional Use shall be terminated.

14. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village Council reserve the right after due public hearing, to rescind the Major Conditional Use issued if violation of the conditions persists.

15. Applicant/owner agrees to record these conditions as a declaration of covenants and restrictions pursuant to the satisfaction of the Village Attorney. These covenants and restrictions shall be and constitute real covenants running with the land and shall be binding upon the declarant and any and all subsequent owners of the said real property or any part thereof, and upon their heirs, executors, and administrators (or their successors and assignees) subject, however, to the right of the Islamorada, Village of Islands Village Council after a public hearing to amend, alter, annul or repeal any or all of the foregoing covenants and/or restrictions at any time with the consent of the owner or owners for the time being of the premises therein described, and such right shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

16. The applicant/owner agrees not to place live music within 75' of the Gardenia Street property line and maintain compliance with the Village of Islamorada Noise Ordinance as may be amended from time to time.

17. The applicant has proposed a food truck as part of the use. The intention of the food truck is to provide food options that are currently lacking in the Village Activity Center (VAC) and as such is an integral part of the operation. The applicant/owner agrees that during the hours of operation food will be available for sale and consumption onsite or to go. Any interruption to food service will be temporary and shall not continue for more than 2 weeks' time.

18. Applicant/owner shall be provided an opportunity to remedy and/or cure any alleged violations of these conditions prior to the revocation of the Major Conditional Use or other enforcement actions referenced above.

19. Applicant/owner reserves any and all legal remedies associated with the enforcement of the above conditions.

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 Request has been processed in accordance with the Village Comprehensive Plan and the Code; and

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- (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 contained within the record.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Economic Opportunity (DEO), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

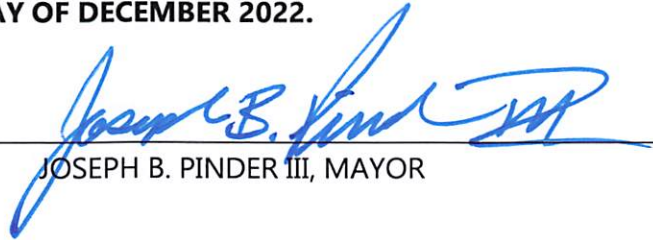
Motion to adopt by Council Member Mark Gregg, second by Mayor Joseph B. Pinder III.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Councilmember Mark Gregg	<u>Yes</u>
Councilmember Elizabeth Jolin	<u>No</u>
Councilmember Henry Rosenthal	<u>No</u>

PASSED AND ADOPTED THIS 6th DAY OF DECEMBER 2022.


JOSEPH B. PINDER III, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



OWNER / MAILING ADDRESS:

90184 RENTALS LLC
PO BOX 373008
KEY LARGO FL 33037

PROPERTY ADDRESS:

90184 OVERSEAS HWY
PLANTATION KEY, FL

PREPARED BY:

DGO ARCHITECTURE
91700 OVERSEAS HIGHWAY
TAVERNIER, FL 33070

RE#:

- 00431870-000000

ALTERNATE KEY:

- 1529800

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 26, 27 AND 28, BLOCK 17, PLANTATION KEY COLONY FIRST
ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4,
AT PAGE 4, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

FLOOD CRITERIA:

FLOOD ZONE - A-E
BASE FLOOD - 7' N.V.D. 29
DESIGN FLOOD - 8' N.G.V.D. 29

ZONING:

VILLAGE CENTER - VC

ADJACENT ZONING:

VILLAGE CENTER - VC
RESIDENTIAL SINGLE FAMILY (M) - R1M
PUBLIC SERVICES - PS

FLUM:

MIXED USE

AUTHORITY HAVING JURISDICTION:

ISLAMORADA, VILLAGE OF ISLANDS
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

CODE SUMMARY INFORMATION:

BUILDING - 2023 FLORIDA BUILDING CODE
PLUMBING - 2023 FLORIDA BUILDING CODE
FUEL / GAS - 2023 FLORIDA BUILDING CODE
ENERGY - 2023 FLORIDA BUILDING CODE
MECHANICAL - 2023 FLORIDA BUILDING CODE
FIRE PROTECTION - N.F.P.A. 70
ELECTRIC - 2020 N.E.C.

STANDARD DESIGN CRITERIA:

WIND SPEED: 180 MPH PER A.S.C.E. - 7-22
FLOOR LIVE LOAD: - 40#/SF
ROOF LIVE LOAD: - 30#/SF
FLOOR DEAD LOAD: - 80#/SF
ROOF DEAD LOAD: - 20#/SF
EXPOSURE CATEGORY: - "D"
IMPORTANCE FACTOR: - 1.0
INTERNAL PRESSURE COEFFICIENT - 0.18

SCOPE OF WORK:

- NEW WOOD DECK.
- NEW WALK IN COOLER.
- THERE WILL NOT BE A CHANGE TO THE BUILDING
FOOTPRINT OR ANY INTERIOR WORK THIS PERMIT.
- NO CHANGE TO EXISTING SECOND FLOOR
APARTMENTS.
- NO CHANGE TO THE EXISTING SITE PARKING.
- NO CHANGE TO THE EXISTING OUTDOOR SEATING.

OCCUPANCY USE AND CLASSIFICATION:

GROUND FLOOR COMMERCIAL (RESTAURANT, TAVERN, BAR) - A-2
SECOND FLOOR RESIDENTIAL - R-2

TABLE 508.4 REQUIRED SEPARATION OF OCCUPANCIES
A-2 TO R-2 EQUALS 2 HOURS (NS)

TYPE OF CONSTRUCTION:

CONSTRUCTION TYPE 2 - NON-COMBUSTIBLE
- ALL EXTERIOR WALLS ARE 8" C.M.U. WITH CONCRETE
- FLOOR SEPARATION IS METAL JOISTS WITH PLYWOOD

MEANS OF EGRESS:

PER TABLE 1004.1.2. - OCCUPANT LOAD

A-2 ASSEMBLY
RESTAURANT UN-CONCENTRATED AREA - 15 NET
OUTDOOR SEATING INCLUDED - 15 NET
160 OCCUPANTS TOTAL BASED ON RESTROOM FACILITY

SECTION 1108 - MEANS OF EGRESS ILLUMINATION:

1108.2 ILLUMINATION REQUIRED.
THE MEANS OF EGRESS SERVING A ROOM OR SPACE SHALL BE ILLUMINATED AT
ALL TIMES THAT THE ROOM OR SPACE IS OCCUPIED.

1108.2.1 ILLUMINATION LEVEL UNDER NORMAL POWER.
THE MEANS OF EGRESS ILLUMINATION LEVEL SHALL BE NOT LESS THAN 1
FOOTCANDLE (11 LUX) AT THE WALKING SURFACE.

1. EXTERNALLY ILLUMINATED WALKING SURFACES SHALL BE PERMITTED TO BE
ILLUMINATED TO NOT LESS THAN 0.2 FOOTCANDLE (2.15 LUX).

2. STEPS, LANDINGS AND THE SIDES OF RAMPS SHALL BE PERMITTED TO BE
MARKED WITH SELF-LUMINOUS MATERIALS IN ACCORDANCE WITH SECTIONS
1025.2.1, 1025.2.2 AND 1025.2.4 BY SYSTEMS LISTED IN ACCORDANCE WITH UL
1994.

1108.3 EMERGENCY POWER FOR ILLUMINATION.
THE POWER SUPPLY FOR MEANS OF EGRESS ILLUMINATION SHALL NORMALLY BE
PROVIDED BY THE PREMISES' ELECTRICAL SUPPLY.

1108.3.1 GENERAL.

IN THE EVENT OF POWER SUPPLY FAILURE IN ROOMS AND SPACES THAT REQUIRE
TWO OR MORE MEANS OF EGRESS, AN EMERGENCY ELECTRICAL SYSTEM SHALL
AUTOMATICALLY ILLUMINATE ALL OF THE FOLLOWING AREAS: AISLES,
CORRIDORS, EXIT ACCESS STAIRWAYS AND RAMPS.

1108.3.2 BUILDINGS.

IN THE EVENT OF POWER SUPPLY FAILURE IN BUILDINGS THAT REQUIRE TWO OR
MORE MEANS OF EGRESS, AN EMERGENCY ELECTRICAL SYSTEM SHALL
AUTOMATICALLY ILLUMINATE ALL OF THE FOLLOWING AREAS:

- INTERIOR EXIT ACCESS STAIRWAYS AND RAMPS.
- INTERIOR / EXTERIOR EXIT STAIRWAYS & RAMPS.
- EXIT PASSAGEWAYS.
- VESTIBULES AND AREAS ON THE LEVEL OF
DISCHARGE USED FOR EXIT DISCHARGE IN
ACCORDANCE WITH SECTION 1028.1.
- EXTERIOR LANDINGS AS REQUIRED BY SECTION
1010.1.6 FOR EXIT DOORWAYS THAT LEAD
DIRECTLY TO THE EXIT DISCHARGE.

PLANNING NOTES:

- PROJECT WILL BE COMPLETED IN ONE PHASE.
- ALL UTILITIES WILL BE SCREENED CONSISTENT
WITH THE VILLAGE CODE SECTION 20-215(D)(16)F.
- ACCORDING TO VILLAGE CODE, SECTION 30-215(N), MULTI-USE PATHS AND
BICYCLE PATHS: APPLICANT SHALL BE RESPONSIBLE FOR MAKING ONE-TIME
IMPROVEMENTS TO THE PATH, INCLUDING INSTALLATION OF STANDARD "SHARE
THE ROAD" OR "BIKE ROUTE" SIGNAGE, PAVEMENT MARKINGS, STRIPING,
COLORED ASPHALT AND WIDENING TO A MINIMUM STANDARD WIDTH WHERE
SUFFICIENT RIGHT-OF-WAY AND CLEARANCE EXISTS. THIS REQUIREMENT IS
SUBJECT TO THE APPLICANT OBTAINING ALL NECESSARY PERMITS FROM THE
FLORIDA DEPARTMENT OF TRANSPORTATION, THE FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND THE VILLAGE PUBLIC WORKS DEPARTMENT,
AS APPLICABLE. FOOT PERMIT MUST BE OBTAINED AND WORK COMPLETED
BEFORE CERTIFICATE OF OCCUPANCY.
- DUMPSTER WITH SCREENING AND LOADING ZONE WILL BE LOCATED ON
SITE.

SETBACKS:

FRONT YARD: MINIMUM 15 FEET.
FRONT YARD SETBACK MAY BE REDUCED TO THE MINIMUM REQUIRED
BUFFERYARD WIDTH PURSUANT TO DIVISION 6 OF THIS ARTICLE ONLY FOR
COVERED UNENCLOSED AREAS, OUTDOOR SEATING AREAS,
BALCONIES, ROOF OVERHANGS, WALKWAYS, STAIRWAYS AND ENTRYWAYS.

STREET SIDE YARD: MINIMUM TEN FEET, OR THE REQUIRED BUFFERYARD WIDTH
PURSUANT TO DIVISION 6 OF THIS ARTICLE, WHICHEVER IS LESS.

INTERIOR SIDE YARD: MINIMUM FIVE FEET.

REAR YARD: MINIMUM TEN FEET.

FIRE AND NOTES:

- A KNOCKBOX WILL BE PROVIDED AT ALL ENTRANCES TO THE BUILDING.
- A FIRE ALARM AND NOTIFICATION SYSTEM WILL BE INSTALLED T
COINCIDE WITH THE QUICK RESPONSE SPRINKLER HEADS.
- ALL EXIT DOORS REQUIRE PANIC HARDWARE.
- PROVIDE HVAC SMOKE DETECTION SYSTEM.
- PLANS WILL COMPLY WITH CURRENT FLORIDA FIRE PREVENTION CODES.
- HARD COPY MOUNTED SIGN CONTAINING THE EVACUATION DIAGRAM WILL
SUBMITTED FOR APPROVAL PRIOR TO C.O.
- EVACUATION MOUNTED DIAGRAM WILL BE MOUNTED AS PER N.F.P.A.

LOCATION MAP:



DAVID G OSBORN
Digitally signed by
DAVID G OSBORN
Date: 2024.03.14
16:04:10 -04'00'

COVER PAGE

CROOKED PALM DISTILLERY
90184 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

CP

DATE

02-15-2024

REVISION

FOR SUBMITTAL

SITE REVISION

No.

0

1

2

3

6

SCALE:

DRAWN BY:

CHECKED BY:

PHASE:

JOB NO:

D.R.

D.G.O.

D.D.

2021018

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THIS ITEM HAS BEEN
DESIGNED BY DAVID G. OSBORN
ON THE DATE ADJACENT TO
OF THIS DOCUMENT ARE NO
CONSIDERED SIGNED AND
MUST BE VERIFIED ON ANY
ELECTRONIC COPIES.

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAVERNIER, FLORIDA 33070
DGOARCHITECTURE.COM

STATE OF FLORIDA
REGISTERED ARCHITECT
DAVID G. OSBORN
AR100348

ARCHITECTURE

GROSS SQUARE FOOTAGE BREAKDOWN:

EXISTING
GROUND FLOOR COMMERCIAL SPACE:
BREW PUB/RESTAURANT/DISTILLERY = 2,889 S.F.
COVERED ENTRY = 135 S.F.
CONC. WALKWAY = 304 S.F.
UTILITY ROOM = 56 S.F.
ELEVATOR = 64 S.F.
OUTSIDE SEATING AREA = 4,751 S.F.

EXISTING
SECOND FLOOR RESIDENTIAL SPACE:

LIVING AREA = 3,000 S.F.
PATIO = 48 S.F.
ELEVATOR = 64 S.F.

NEW
FOOD TRUCK = 276.25 S.F. (SEPARATE PERMIT)
WOOD DECK = 289.75 S.F.
WALK IN COOLER = 253 S.F.

VILLAGE CENTER ZONING DISTRICT F.A.R.:

FLOOR AREA:
MAXIMUM FLOOR AREA FOR PRINCIPAL STRUCTURES: 0.35 FAR

SITE AREA = 31,500 S.F. OR 0.72 ACRES
MAX. F.A.R. (NON-RESIDENTIAL) = 11,025 S.F.
PROPOSED F.A.R. = 4,267 S.F. OR 14%

EXISTING PARKING:

41 SPACES ARE EXISTING
WITH 1 BEING H.C. ACCESSIBLE

1 EXISTING BIKE RACK

OPEN SPACE RATIO
AND IMPERVIOUS AREA:

SITE AREA = 31,500 S.F.
GROSS ACREAGE = 0.72 ACRES

BUILDING = 3,479 S.F.
ASPHALT PARKING = 17,582 S.F.
CONCRETE SERVICE RAMP = 223 S.F.
WALK IN COOLER = 299 S.F.
FOOD TRUCK = 276.25 S.F.
WOOD DECK = 289.75 S.F.

TOTAL IMPERVIOUS = 22,149 S.F. OR 70%

OPEN SPACE = 9,351 S.F. OR 30%

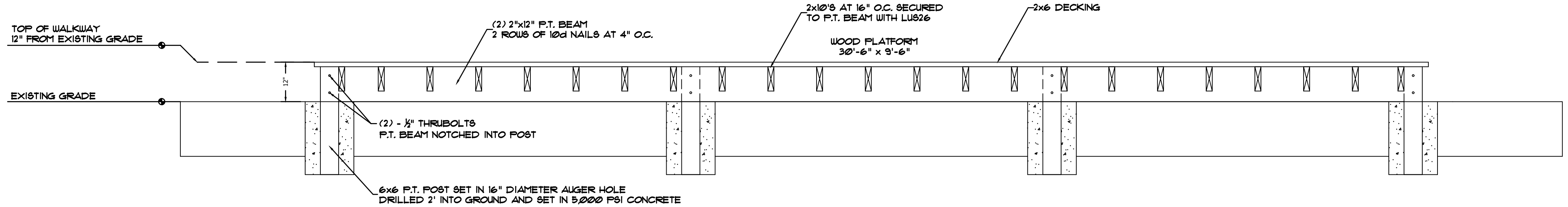
GENERAL NOTES:

INSIDE BREW PUB/RESTAURANT/DISTILLERY 2,889 SQUARE FEET.

THE FLOOR AREA SHALL BE LIMITED TO THE NONRESIDENTIAL FLOOR AREA
DEPICTED ON THE PLANS, PREPARED BY DGO ARCHITECTURE DATED 6-1-22

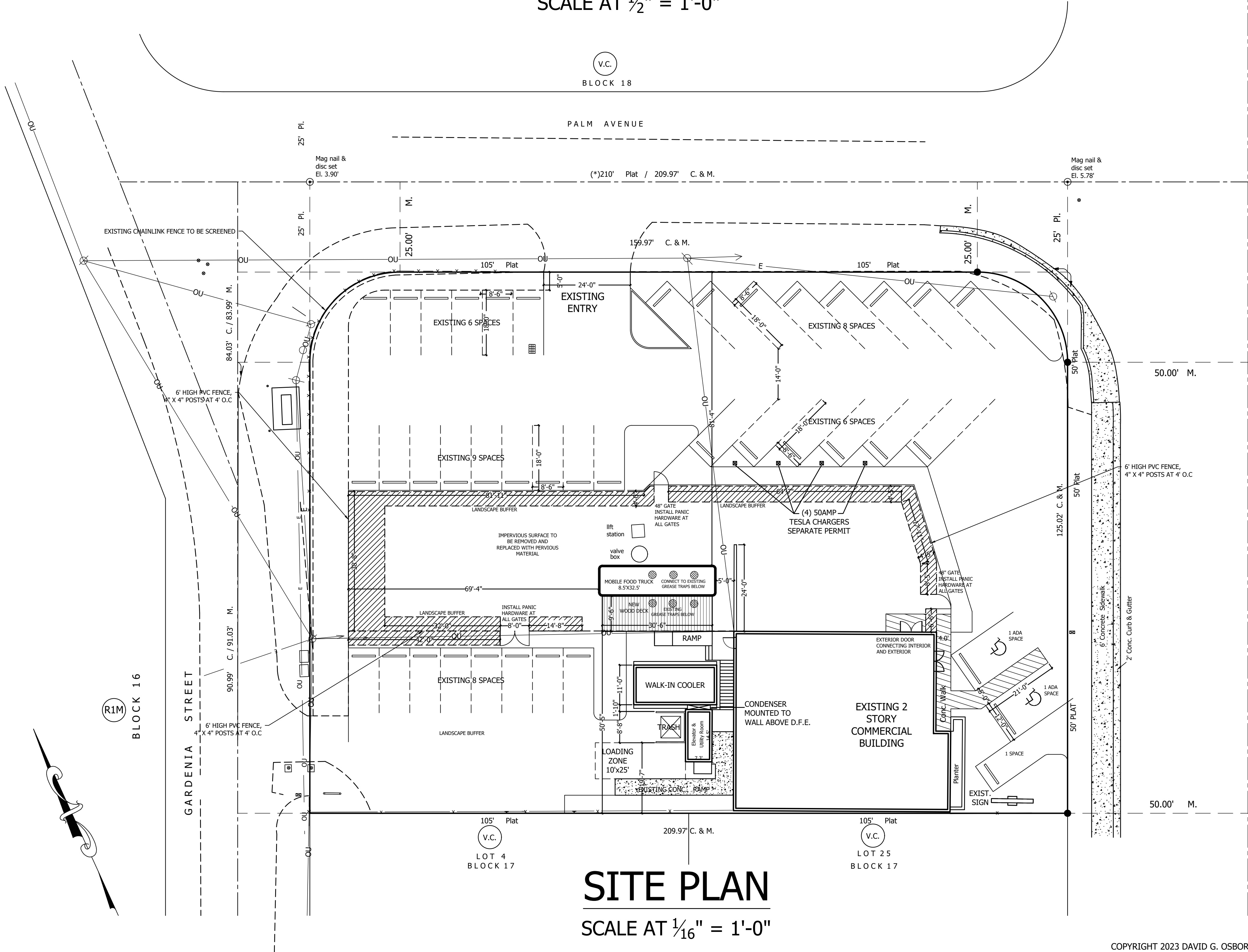
DUMPSTER:
A SOLID OPAQUE WOOD ENCLOSURE WITH A MIN. HEIGHT 1' ABOVE THE
STRUCTURE AND PAINTED THE SAME COLOR AS BUILDING.

STREET BUFFER 1,339 S.F.
SURROUNDING LANDSCAPE BUFFER 1,193 S.F.



WOOD DECK SECTION

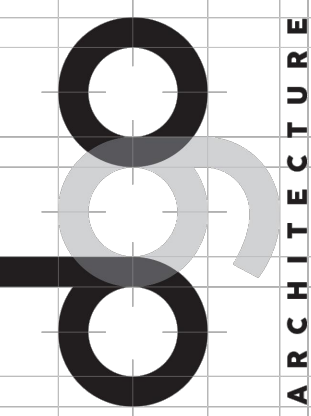
SCALE AT 1/2" = 1'-0"



SITE PLAN

SCALE AT 1/16" = 1'-0"

DAVID G. OSBORN, AIA
91700 OVERSEAS HIGHWAY
TAMERIE, FLORIDA 33070
DAVID G. OSBORN, AIA
REGISTERED ARCHITECT
AR100348



THIS ITEM HAS BEEN
DRAWN BY DAVID G. OSBORN
ON THE DATE ADJACENT TO
OF THIS DOCUMENT ARE NO
CONSIDERED SIGNED AND
SWORN TO BY THE ARCHITECT
ELECTRONIC COPIES.

DATE
02-15-2024
03-14-2024

REVISION
FOR SUBMITTAL
SITE REVISION

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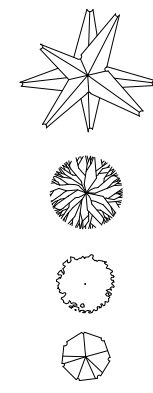
AS SHOWN
D.R.
D.G.O.
D.D.
2021018

SCALE:
DRAWN BY:
CHECKED BY:
PHASE:
JOB NO:

SITE PLAN
CROOKED PALM DISTILLERY
90184 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

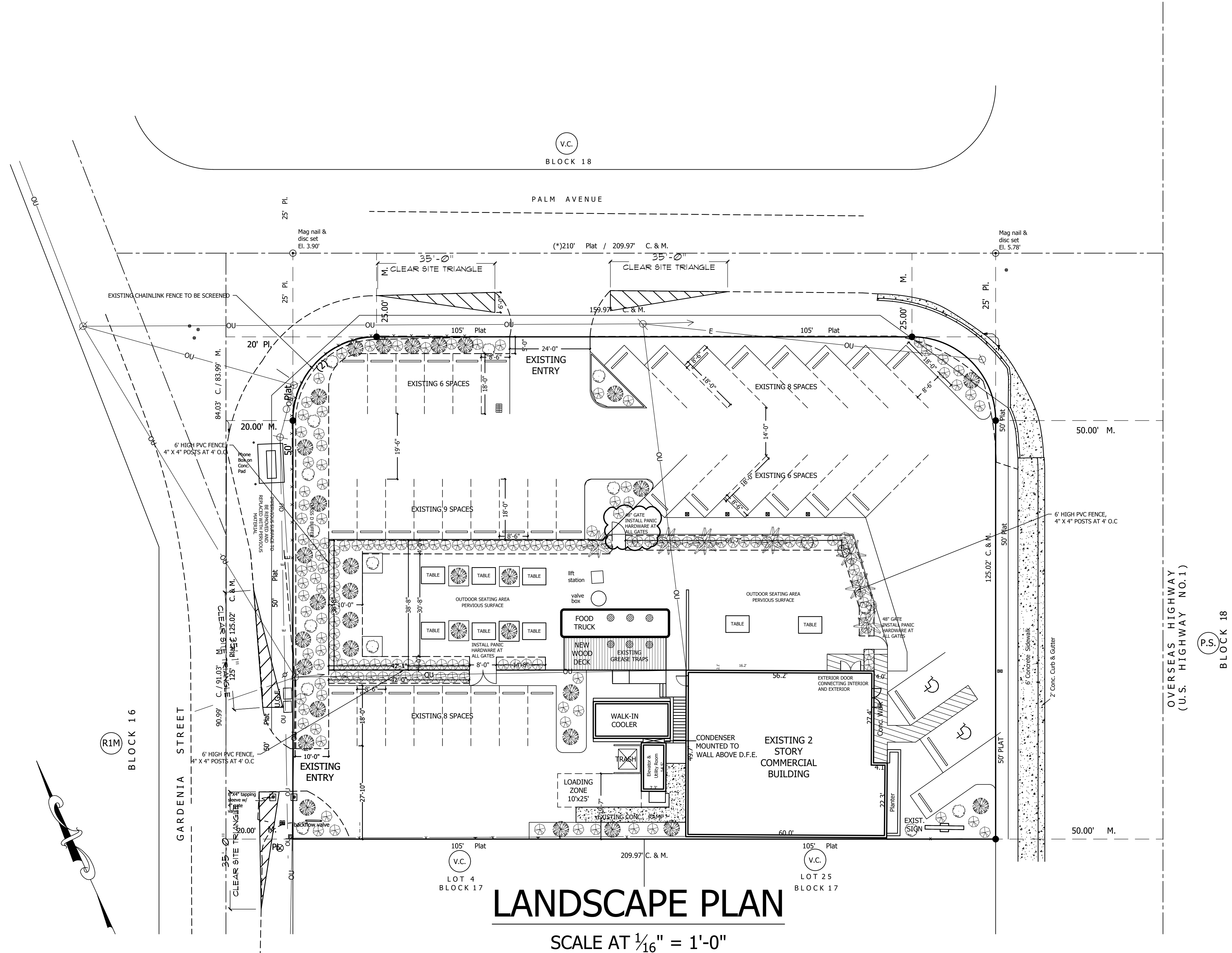
C-1

SHRUBS



TOTALS	REQUIRED (NOT INCLUDING PALM)	PROVIDED
CANOPY TREES	31	32
STREET TREES	7	7
UNDERSTORY TREES	8	20
SHRUBS	57	176

EXTERIOR FENCED IN AREA LANDSCAPING 2,097 SQFT
7 STREET TREES
9 CANOPY TREES
8 UNDERSTORY TREES
92 SHRUBS



LANDSCAPE PLAN

SCALE AT $\frac{1}{16}" = 1'-0"$

COPYRIGHT 2023 DAVID G. OSBORN, AIA - AR100348

SITE PLAN

CROOKED PALM DISTILLERY
90184 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA

L-1

OVERSEAS HIGHWAY
(U.S. HIGHWAY NO.1)

(P.S.)

								DAVID G. OSBORN, AIA 91720 OVERSEAS HIGHWAY SUITE 100 PH: 305.457.8020 DGOARCHITECTURE.COM	
SCALE:	AS SHOWN	No.	DATE	THIS ITEM HAS BEEN REVIEWED AND SEALED BY DAVID G. OSBORN ON THE DATE ADJACENT TO THIS DOCUMENT ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE SEAL AND THE SIGNATURE MUST BE KEPT ON ANY ELECTRONIC COPIES.					
DRAWN BY:	D.R.	0	02-15-2024	FOR SUBMITTAL					
CHECKED BY:	D.G.O.	1	03-14-2024	SITE REVISION					
PHASE:	D.D.	2							
JOB NO:	2021018	3							
		6							

RESOLUTION NO. 25-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 OVERSEAS HWY, LLC. FOR AN AMENDMENT TO THE MAJOR CONDITIONAL USE APPROVAL PLCUP20210151 TO ALLOW FOR THE REMOVAL OF SIX CONDITIONS OF APPROVAL UNDER RESOLUTION 22-12-138 FOR PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY, WITH REAL ESTATE NUMBER 00431870-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 90184 Rentals, Inc., (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for the redevelopment of the property for a Brewpub/Restaurant/Distillery on the first floor of an existing two-story building including the continuation of seven (7) existing deed restricted residential housing units on the second floor; along with outdoor seating pursuant to Chapter 30, Article VI, Division 9 (outdoor seating); along with parking, buffer, and landscaping relaxations from the provisions of the Village's land development regulations for property located at 90184 Overseas Highway on Plantation Key within the Village, as legally described herein (the "Property"); and,

WHEREAS, the Property is located within the Village Center (VC) Zoning District; and

WHEREAS, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on November 18, 2022; and,

WHEREAS, on December 6, 2022, the Village Council held a Public Hearing and approved Resolution No. 22-12-138 approving with conditions the Major Conditional Use.

WHEREAS, on May 29, 2025, CBT Construction on behalf of 90184 Overseas Hwy LLC, submitted an application to amend the conditions imposed by Resolution No. 22-12-138 approving the Major Conditional Use permit.

WHEREAS, the Village Council conducted a duly noticed Public Hearing regarding the request to amend the conditions imposed by Resolution No. 22-12-138 approving with conditions the Major Conditional Use on September 11, 2025; and

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

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

Section 2. **Findings of Fact.**

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

(1) The Application for a Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council approves the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

BLOCK 17, LOTS 1, 2, 3, 26, 27, AND 28 OF PLANTATION KEY COLONY, FIRST ADDITION, AS RECORDED IN PLAT BOOK 4, AT PAGE 4 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

(3) The approval is subject to the following Conditions of Approval:

1. Use of the property shall be limited to a Brewpub/Restaurant/Distillery with outdoor seating. A maximum of seven (7) deed restricted affordable housing units shall also be permitted on the second floor of the existing structure, as approved by Minor Conditional Use PLCUP20190033.

2. A Major Conditional Use to allow for the operation of Brewpub/Restaurant/Distillery shall be deemed granted as a part of this application.

3. The gross floor area of the Brewpub/Restaurant/Distillery shall be limited to the total floor area as shown on the plans prepared by dgo Architecture, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. The outdoor seating area shall be limited to a maximum of 4,751 Square Feet, in accordance with the site plan prepared by dgo Architecture, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22.

4. The outdoor seating area shall be limited to a maximum of thirty-two (32) seats and a maximum area of 4,751 square feet as shown on the site plan and landscaping plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22. Seating within the proposed outdoor plaza area may be modified upon application to the Department of Planning and Development Services provided the overall occupancy of the site does not exceed one hundred sixty (160) occupants including both indoor and outdoor space.

The operation of a food truck, as shown on the site plan prepared by *dgo Architecture*, entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida and dated 11-04-22, shall be permitted in connection with the outdoor seating area.

5. Landscaping and site improvements shall be completed pursuant to the satisfaction of the Department of Planning and Development Services and in substantial conformance with the site plan entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22.

6. Relaxation from the landscaping standards contained within the Village Code shall be deemed granted as a part of this application. All landscaping improvements shall be completed and maintained in conformance with the site plan and landscaping plan approved as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-2022.

7. A parking relaxation shall be deemed granted as a part of this application. A minimum of forty-one (41) parking spaces shall be provided on site in accordance with the site plan and landscaping plan submitted as a part of this application entitled Crooked Palm distillery, 90184 Overseas Highway, Islamorada, Florida, prepared by *dgo Architecture* and dated 11-04-22

In the event adequate parking cannot be provided on site, applicant/owner agrees to maintain a shared parking agreement with an adjacent or nearby property owner pursuant to the satisfaction

of the Department of Planning and Development Services. On-street parking shall be prohibited in connection with the subject parcel. Parking for the seven (7) affordable housing units shall be provided on site separate from parking associated with the Brewpub/Restaurant/Distillery.

8. The maximum permitted occupancy of the Brewpub/Restaurant/Distillery shall be limited to 160 patrons including both indoor space and the outdoor seating area. The Village Council reserves the right to reduce the maximum permitted occupancy after due public hearing in the event adequate parking cannot be provided in connection with the operation of the Major Conditional Use

9. The improvement of the premises, in accordance with the determination of the Village Council, must be completed within twelve (12) months after the date of approval, subject to FS 252.363. If not so commenced and completed within this period, then, the Village reserves the right to revoke the approval associated with the Major Conditional Use after due public hearing. Thereafter, the operation of the Major Conditional Use shall be terminated.

10. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village Council reserve the right after due public hearing, to rescind the Major Conditional Use issued if violation of the conditions persists.

11. Applicant/owner agrees to record these conditions as a declaration of covenants and restrictions pursuant to the satisfaction of the Village Attorney. These covenants and restrictions shall be and constitute real covenants running with the land and shall be binding upon the declarant and any and all subsequent owners of the said real property or any part thereof, and upon their heirs, executors, and administrators (or their successors and assignees) subject, however, to the right of the Islamorada, Village of Islands Village Council after a public hearing to amend, alter, annul or repeal any or all of the foregoing covenants and/or restrictions at any time with the consent of the owner or owners for the time being of the premises therein described, and such right shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

12. Applicant/owner shall be provided an opportunity to remedy and/or cure any alleged violations of these conditions prior to the revocation of the Major Conditional Use or other enforcement actions referenced above.

13. Applicant/owner reserves any and all legal remedies associated with the enforcement of the above conditions.

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 Request has been processed in accordance with the Village Comprehensive Plan and the 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 contained within the record.

Section 4. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by _____, second by _____.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney _____

Vice Mayor Don Horton _____

Councilman Steve Friedman _____

Councilwoman Deb Gillis _____

Councilwoman Anna Richards _____

PASSED AND ADOPTED on the second reading this 11th day of September, 2025.

SHARON MAHONEY

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

To: Village Council members 9-3-25

Fr: Eleanor Quigley

Please note the following:

Estate Number 00431870-000000.

PROPERTY DESCRIPTION:

Zoning District: _____ Future Land Use Category: STORE COMBO (1200)

Total Land Area: _____ Square Feet: _____ Acres: _____

Existing Use of Property: ~~brewery/distillery/tasting room w/sales pkgs~~

BREW PUB / RESTAURANT / DISTILLERY

Proposed Use of Property: ~~brewery/distillery/tasting room w/sales pkgs~~, no change in the property we only want to change our hours of operation. We would like to stay open till 2AM. We hope to change conditions 6, 7, 9, 11, 16, & 17 further described in detail in the attached document.

PROPOSED CONDITIONAL USE:

If non-residential or commercial floor area is proposed, please provide:

	Existing	Proposed	Change
Total number of non-residential buildings:	no change	no change	no change
Total non-residential floor area in square feet:	no change	no change	no change

If residential dwelling units are proposed, please provide:

	Existing	Proposed	Change
Total number of residential buildings:			
Total number of permanent, market-rate units:			
Total number of permanent, affordable/ workforce housing units:			
Total number of transient units (hotel/motel rooms, recreational vehicles):			

Have any applications been submitted for this site within the past three (3) years? ☒ Yes ☐ No

If yes, provide name of the applicant and date of applications: PLCUP20210151 / PLVAR20220094 ADDED "RESTAURANT" ONLY

MAJOR CONDITIONAL USE PLVAR20220092 PLAB20210152 SCOP Change of USE: (B to A-2) E-1

Is this an Amendment or a Minor Deviation to a previously approved Conditional Use? ☒ Yes ☐ No

If yes, attach the approved site plan, a revised site plan, and list below all proposed changes. Please provide an explanation of each change: No change in the site plans. We just want to change the hours of operation.

We hope to change conditions 6, 7, 9, 11, 16, & 17 further described in detail in the attached document.

Applicant agreed to these conditions for approval of his application for BREW PUB / RESTAURANT / DISTILLERY in a residential neighborhood.

These conditions are to protect the adjacent tax paying home owners.

If an Amendment or a Minor Deviation to an approved Conditional Use, please provide prior Project Numbers and/or Resolution Numbers: PLCUP20210151

Pursuant to Code Section 30-216(d), when considering an application for a Conditional Use, the Director of Planning and Development Services ("Director") and Village Council shall consider the following factors, and no Conditional Use shall be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.

Please attach a statement explaining how the proposed Conditional Use meets each standard below.

- (1) The proposed Conditional Use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

- (2) The proposed Conditional Use complies with all relevant and appropriate portions of Village Code Chapter 30, *Land Development Regulations (LDRs)*; ^{NOT} ^{OR}
- (3) The proposed Conditional Use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
- (4) The design of the proposed Conditional Use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands; ^{INTENSIFIES}
- (5) The proposed Conditional Use complies with Division 5 (Concurrency Management) of Article IV of the LDRs;
- (6) The proposed Conditional Use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; and
- (7) The proposed Conditional Use will result in logical, timely and orderly development patterns.

chaos, noise, disrupt sleep for students @ K-8

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, as indicated in Attachments A and B, has been provided.

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

Signature of Applicant or Agent: *[Handwritten Signature]*

Date: 5/29/25

Print Name: Cassandra Wood

STATE OF Florida

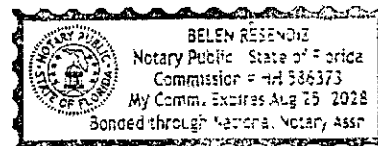
COUNTY OF Monroe

Sworn to and subscribed before me by means of ☒ physical appearance or ☐ online notarization, this 29 day of May, 2025, by Cassandra Wood (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).

[Handwritten Signature]

Signature of Notary Public - State of Florida

SEAL:



☒ Personally Known ☐ Produced Identification Type of ID: _____



90184 Overseas Highway, Tavernier FL 33070

July 24, 2025

Dear VILLAGE COUNCIL OF ISLAMORADA,

We at Crooked Palm Cabana would like to respectfully ask the Village of Islamorada to consider amending the resolution governing the property at 90184 Overseas Highway, Resolution 22-12-138.

We are requesting these revisions for a few reasons, I will detail the requests by item below, but generally, the conditions were placed on the location in an abundance of caution due to the mis-information that was being spread about the potential impacts of the operation. It has always been our goal to be a benefit to the community and the neighborhood, and now with a year under our belt we've proven it.

Condition #6 & #7: Hours restricted to 11pm inside and 10pm outside with live music limited to 8pm and 9pm on the weekends.

We'd like to have the outside hours match the inside hours. The limitation on outside hours has been a burden and is affecting our ability to operate. We have multiple guest walkout daily because they want to dine outside in the evenings. To our knowledge, there are no other restaurants in the immediate area or surrounding areas with such a restriction. The request is to amend Condition to match inside and remove the music restriction. The village sound ordinance is in place to restrict neighborhood disturbance.

Condition #9: Councils right to revoke

This condition creates an undue risk of losing the ability to operate. The condition is arbitrary, unnecessary and subject to being a political pawn. Again to our knowledge no other business has been burdened with such a condition and all businesses are subject to the Village of Islamorada noise ordinance. We've proven ourselves to be a benefit not a burden to the neighborhood and ask that this condition be removed.

If owner continues to abide by conditions he agreed to for approval of this BREWPUB/RESTAURANT/DISTILLERY he shouldn't have anything to worry about.
These conditions are to protect the homeowners in the adjacent neighborhood. Especially if property is sold.



90184 Overseas Highway, Tavernier FL 33070

Condition #11: Deliveries limited to curb-cut adjacent to Gardinia Street.

Village Codes
violation. Not at
resident's request

We've found this condition to be contrary to best practices for deliveries. We recognize the importance of managing delivery traffic but have found the need to have some deliveries from at the front of the building which help reduce the disturbance to the neighbors on Gardinia.

Condition #16: Live music within 75' of Gardinia Street.

We ask that this condition be lifted now that a mature hedge of landscaping has been developed along the rear of the property. This would allow our use to better serve customers and offer a more welcoming atmosphere. We are still subject to the Village noise ordinance and any live music would be performed in a manner that respects that ordinance.

Condition #17: Food Truck requirement.

NO FOOD? can't have a
JUST A BAR? Restaurant in a distillery.

While the food truck remains a part of our business plan for this location, a condition requiring its use is a burden to the property and limits future operations and flexibility we have found may be needed.

you won't need to worry about
your customers "DINING"
OUTSIDE.

Sincerely,

Nikolaus M. Schorth

Co-Founder/Partner

Islamorada Brewery and Distillery

Crooked Palm Cabana Distillery

90184 Overseas Hwy

Closed Mon & Tues. / Closes 9:00 weekdays / 11:00 Fri, Sat, Sun.

*Hours of operation should be governed by the fact that this business was **approved with conditions**, as to not have an adverse affect on the residents in the neighborhood

*Previously BB&T Bank – Hours 9:00 – 5:00 Weekdays

* Keeping 7 Deed Restricted Affordable Housing Units on 2nd Floor

***Houses** literally across the street (30-40 ft away) on adjacent residential Gardenia Street, and Crooked Palm is surrounded by the well developed neighborhood of Plantation Key Colony.

***Entrance/Exits** off US1, Palm Ave, and Gardenia Street. Additional parking near by is a required as one of the conditions for approval, due to lack of required parking spaces on site.

***Not enough parking, short 29 required parking spaces, a relaxation of 52%.** Only 27 parking spaces are provided for the business, 2 of which are handicap, and 4 are EV parking. Neighbors are concerned about patron parking in their front yards, similar to problem at Islamorada Brewing Distillery.

*One of the conditions agreed to for approval of this application was to **maintain a shared parking agreement** with a nearby property owner, for overflow parking. But does not seem to be part of the conditions that applicant wants to get rid of.

*Designated **loading zone** is off residential Gardenia Street. *US1 deliveries do not meet Village Comprehensive Plan safety standards. Not requested by residents

***Restaurants** cannot occupy the same building space as a Distillery, due to fire and explosive concerns from Ethanol vapors (TTB rules), so a Food Truck was approved as part of the application.

***Food Truck** was added for “Restaurant” classification in latest application”, allowing applicant **an additional outdoor seating area** (*which took up much needed parking spaces*).

*Outdoor seating area created an opportunity for **outdoor music in a residential area**. Noise ordinance concerns after 8:30, especially for residents with young children and students in the neighborhood attending K-8 Plantation Key School only ½ mile down adjacent Gardenia St.

* Village Council members who approved this application, assured the residents that **if applicant did not comply with agreed upon conditions**, they could revoke his licensing. This agreement is covenanted with the property, in case of sale of property to another owner.

Crooked Palm Cabana Distillery

90184 Overseas Hwy

K-8

Plantation Key School, 100 Lake Rd, Tave

Crooked Palm Cabana, 90184 Overseas Hwy

Add destination

Options

Send directions to your phone Copy link

via Gardenia St 11 min 0.5 mile

Details Preview

via U.S. Rte 1 S 11 min 0.5 mile

Areas are mostly flat

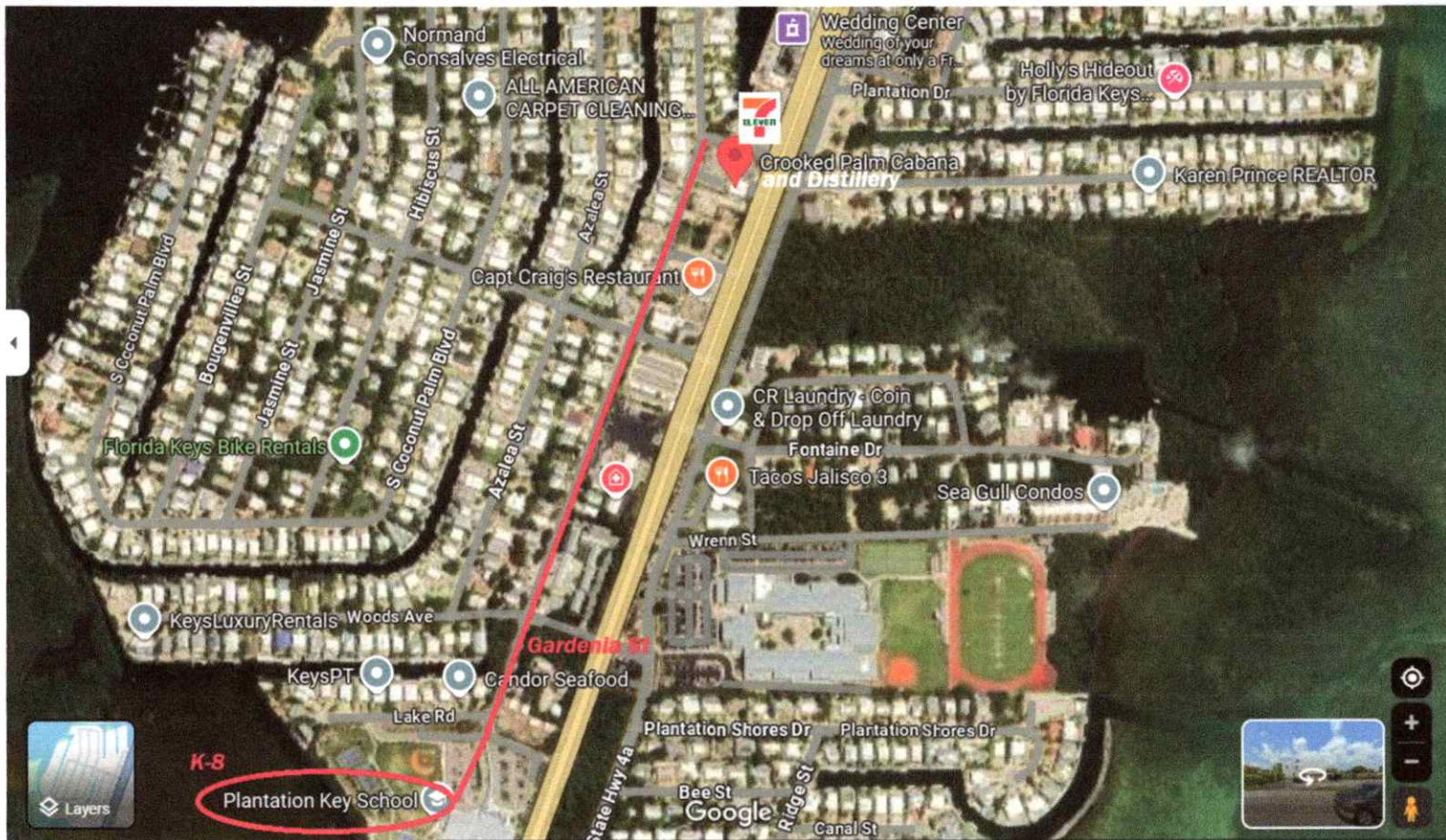


*4/21/22: The Village Council approved a **5COP** Alcoholic Beverage Use Permit File No. PLAB20210152

* 9/8/22: (**Major Conditional Use application** for BREWERY/DISTILLERY/TASTING ROOM (use change request from business to manufacturing/factory 1). PLVAR20220092 failed to meet 5 of the 7 factors contained in Code Section 30-216 (d), no conditional use shall be approved which fails to meet any standard. Further, *failure to comply with any standard shall be deemed adverse to the public interest.* 6 factors contained in Code. Also Section 30-221 applicant failed to meet a majority of the factors needed to support relief for variances.

*11/7/22: (**Major Conditional Use application** for BREWPUB/**RESTAURANT**/DISTILLERY (use change request from business to manufacturing/factory 1) WITH OUTDOOR SEATING File No. PLCUP20210151/PLAVAR20220094) *the word "Restaurant" was added to this application.

*Federal Law prohibits a distillery connected to any dwelling house.



*Residential areas of Plantation Key Colony

Crooked Palm Cabana

Directions Save Nearby Send to phone Share

Dine-in ✓ Takeout ✓ Delivery ✓

90184 Overseas Hwy, Tavernier, FL 33070

Closed today

Tuesday	Closed
Wednesday	11AM - 9PM
Thursday	11AM - 9PM
Friday	11AM - 11PM
Saturday	11AM - 11PM
Sunday	11AM - 9PM
Monday	Closed

Closed
MON & TUES.

Comparable businesses...

Dillon's Pub and Grill

91200 Overseas Hwy Closes 1:00AM

An appropriate location for a late night out, in a mall with a cinema, not in or adjacent to a neighborhood

*Closest house is a 7 minute walk or .3 miles away

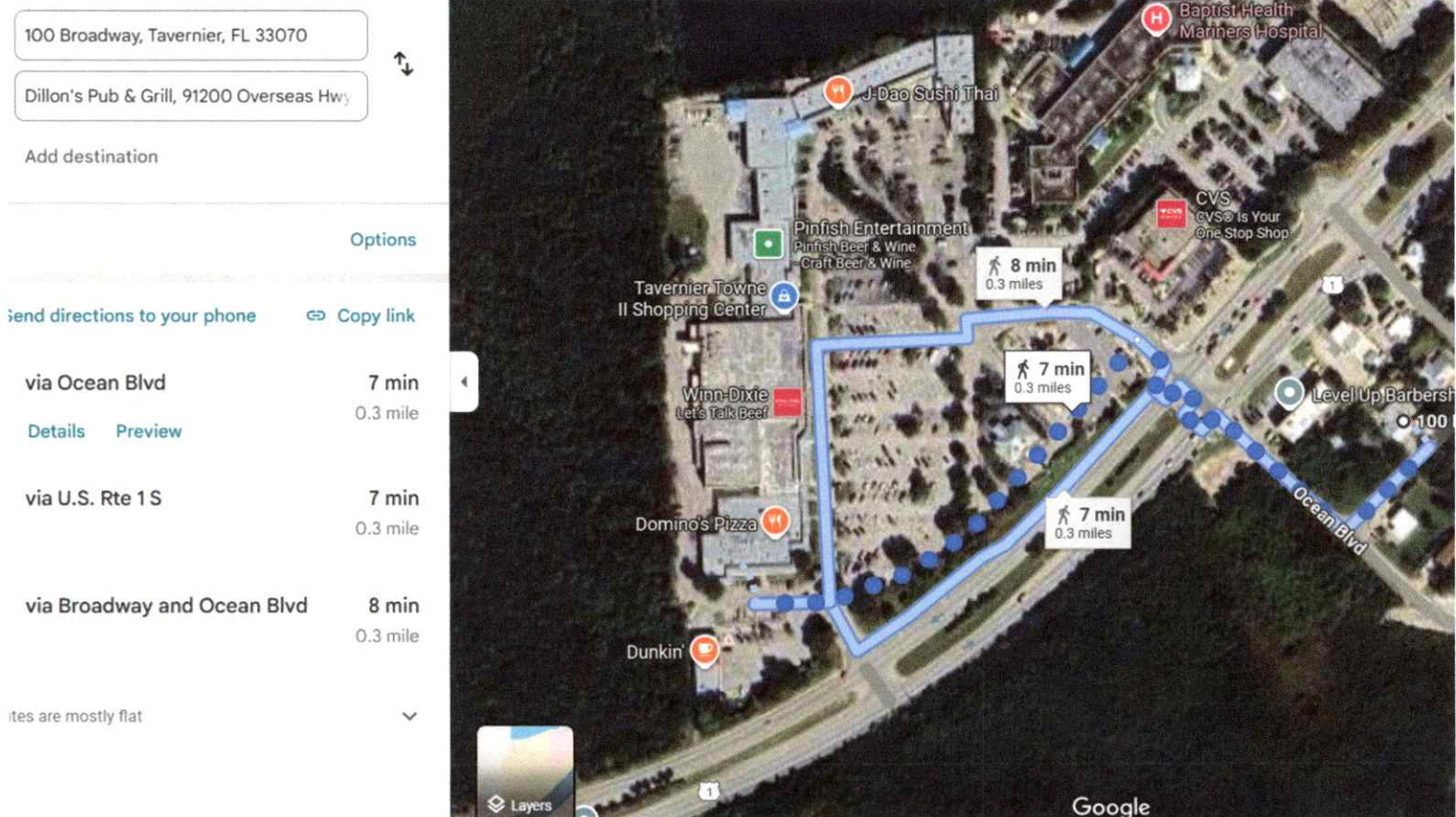
*Entrance has no through traffic into any neighborhood, closes neighbors are mangroves.

*Plenty of parking available, no one needs to worry about bar patrons parking in their front yards

*Designated Loading zones in back of the mall for safety regulations

*Does not have outdoor seating or music, but if it did, would not affect any neighbors

*Distilled Sprints are not produced in the building, so a restaurant inside is not a problem (no need for a food truck)



Old Tavernier Restaurant and Lounge

90311 Overseas Hwy.

Closes 10:00P weekdays / 11:00P Fri & Sat.

*No outdoor music

Old Tavernier Restaurant and Lounge Downstairs Café

90311 Old Hwy.

Closes 10:00P weekdays / 11:00P Fri & Sat.

*No outdoor music or seating

ended at 8:00 weekdays / 9:00 weekends – Neighborhood hours

Old Tavernier ^{1st FL} Cafe

90311 Old Hwy. (Closed)

Closes 10:00P

*Live outdoor music

Captain Craig's Restaurant

90154 Overseas Hwy

Closes 9:00P weekdays / 10:00P Fri & Sat.

11:00P weekends

*No outdoor seating or music

weekdays / 9:00 weekends

Lido 73

90451 Old Highways

Closes 10:00P weekdays /

*Outdoor music ends 8:00P

aligned with neighborhood restrictions

Marker 88

88000 Overseas Hwy

Closes 9:00P weekdays / 10:00P Fri & Sat.

*Outdoor music times are aligned with neighborhood restrictions

Music stops at 8:00 weekdays and 9:00 weekends

*Outdoor music times are

Hog Heaven Sport Bar and Grill

85361 Overseas Hwy

Closes 2:00AM weekdays / 4:00 AM Fri & Sat.

*Not in or adjacent to any neighborhood

Hog Heaven Sports Bar and Grill, 85361

Anglers Reef Vacation Rental, 109 Angle

Add destination

Options

Send directions to your phone Copy link

via State Hwy 4a 6 min 0.3 mile

Details Preview

via U.S. Rte 1 N 7 min 0.3 mile

ates are mostly flat



Hog Heaven Sport Bar and Grill continued

*Closest Anglers Way Resort Rentals are a 6 minute walk or .3 miles away (2 new homes were built after Hog Heaven was established).

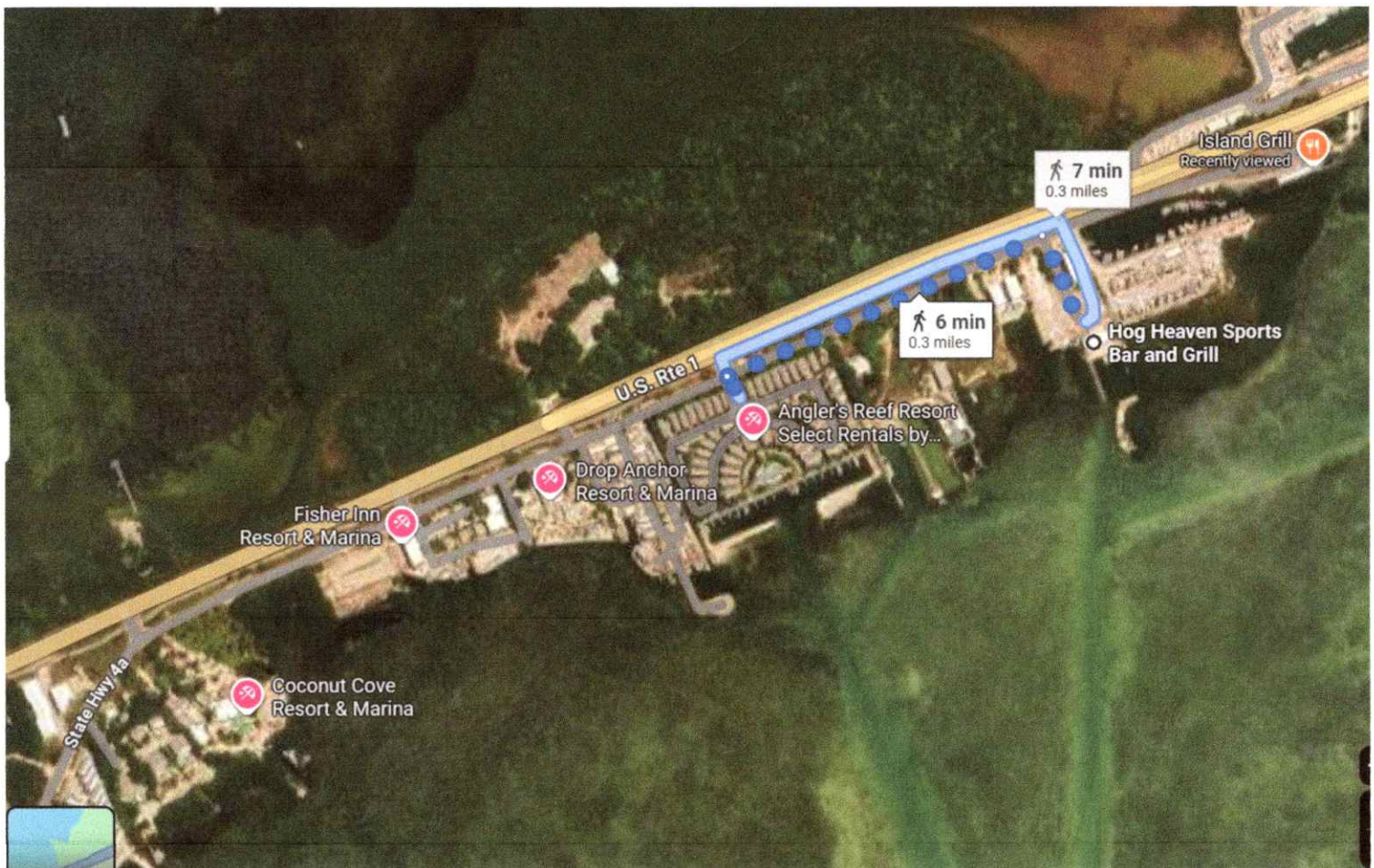
*Entrance to Hog Heaven has no through traffic into any neighborhood

*Plenty of parking available, no one needs to worry about bar patrons parking in their front yards

*Designated Loading zones do not interfere with any highway traffic or resident pedestrians safety concerns

*Distilled Spirits are not produced in the building, so a restaurant inside is not a problem.

Hog Heaven Sport Bar and Grill continued





2 houses built after Existing Hog Heaven

Crooked Palm Cabana Distillery

90184 Overseas Hwy

K-8

Plantation Key School, 100 Lake Rd, Tave

Crooked Palm Cabana, 90184 Overseas

Add destination

Options

end directions to your phone

Copy link

via Gardenia St

Details Preview

via U.S. Rte 1 S

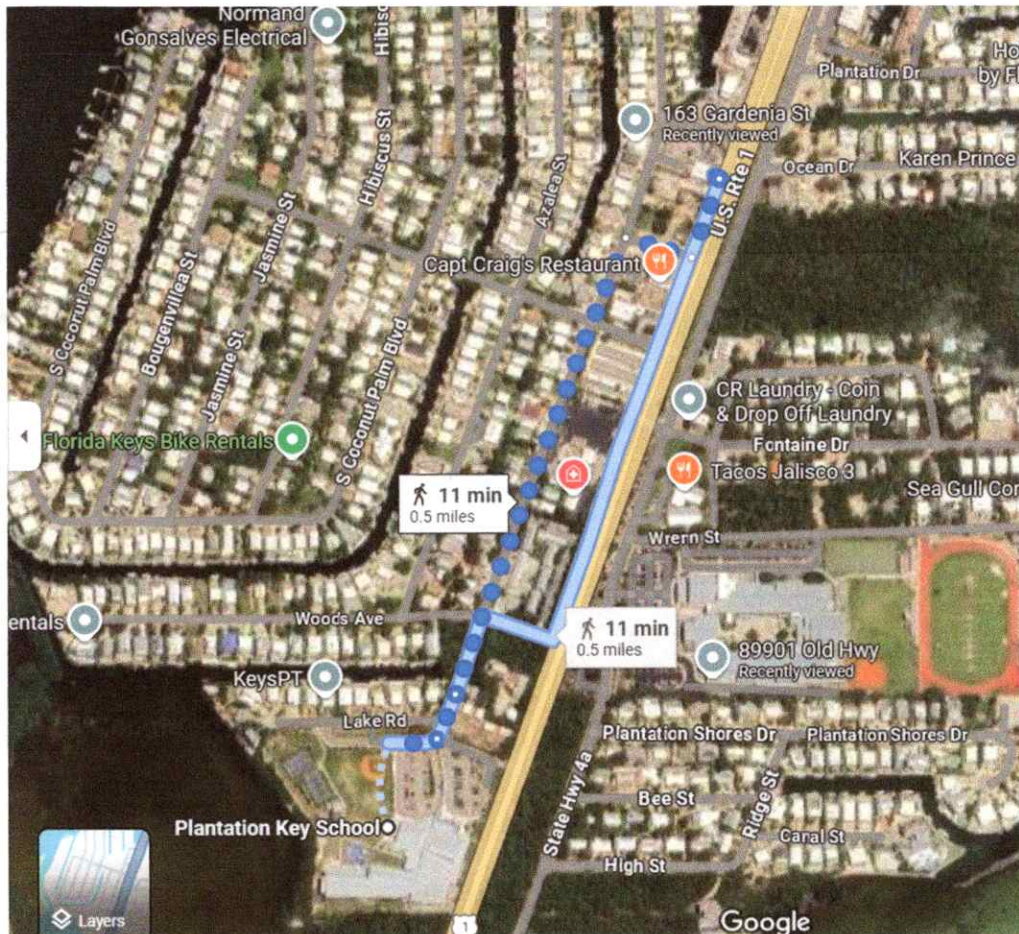
11 min

0.5 mile

11 min

0.5 mile

es are mostly flat



*4/21/22: The Village Council approved a **5COP** Alcoholic Beverage Use Permit File No. PLAB20210152

* 9/8/22: (**Major Conditional Use application** for BREWERY/DISTILLERY/TASTING ROOM (use change request from business to manufacturing/factory 1). PLVAR20220092 failed to meet 5 of the 7 factors contained in Code Section 30-216 (d), no conditional use shall be approved which fails to meet any standard. Further, *failure to comply with any standard shall be deemed adverse to the public interest. 6 factors contained in Code. Also Section 30-221 applicant failed to meet a majority of the factors needed to support relief for variances.*

*11/7/22: (**Major Conditional Use application** for BREWPUB/**RESTAURANT**/DISTILLERY (use change request from business to manufacturing/factory 1) WITH OUTDOOR SEATING File No. PLCUP20210151/PLAVAR20220094) *the word "Restaurant" was added to this application.

*Federal Law prohibits a distillery connected to any dwelling house.

TO: John Quick
FROM: Markenson Pierre
DATE: October 21, 2022
RE: Islamorada Proposed Crooked Palms Distillery

Question Presented

The Islamorada Village Council is considering a development application to place a brewery/distillery/taste room in the old BB&T Bank building that contains seven (7) dwelling units. A citizen opposed the application and argued that it would be in violation of 27 U.S.C. § 19.52. Research whether § 19.52 is applicable as to the Village Council during the application for development approval stage.

Findings & Talking Points

Section 19.52 is likely not applicable as to the Village Council during the application for development approval stage because the Council's approval, which pertains to zoning and land use, does not absolve the applicant from its responsibilities under any federal statutes. Here are some points supporting this position.

- § 19.52 comes directly from 26 U.S.C. §5178
- § 5178(1)(A) states:

The premises of a distilled spirits plant shall be as described in the application required by section 5171(a). The Secretary or his delegate shall prescribe such regulations relating to the location, construction, arrangement, and protection of distilled spirits plants as he deems necessary to facilitate inspection and afford adequate security to the revenue.

- * § 5178(1)(B), which is identical to § 19.52, goes on to state:

No distilled spirits plant for the production of distilled spirits shall be located in any dwelling house, in any shed, yard, or inclosure [sic] connected with any dwelling house...

- A sensible reading of § 5178(1)(A) makes it clear that the Secretary or his delegate, not the Village Council, is charged with both the responsibility and authority to regulate the location of distilled spirit plants.
- § 5171 requires every person, before commencing or continuing the business of a distiller, to make an application to the Secretary.
- In the application to the Secretary, the applicant must identify, *inter alia*, the nature, location and extent of the premises. 26 U.S.C. § 5172.

Misc.

1 of 4

Parking:

- a. The Brewery/Distillery/Tasting Room shall maintain a total of 45 parking spaces for the building, 11 parking spaces for the Outdoor Seating Area, and 14 parking spaces for the Affordable Housing Area of the project for a total of 70. All parking shall be improved in accordance with the Village Code, except as may otherwise be permitted by the Department of Planning and Development Services.

Required
70 spaces total
14 for 7 Tenants
(separate)

56 for Bar

only 27 being made Avail

In the event adequate parking cannot be provided on site, applicant/owner agrees to maintain a shared parking agreement with an adjacent or nearby property owner pursuant to the satisfaction of the Department of Planning and Development Services. On-street parking shall be prohibited in connection with the subject parcel. Parking for the seven (7) affordable housing units shall be provided on site separate from parking associated with the bar/distillery.

only 48% of
what is required
for the bar

shy 29 customer
parking spaces c.

Pursuant to Sec. 30-852 of the Village Code, racks for parking bicycles may be substituted for up to five percent (5%) of required vehicular parking at a ratio of three bicycle parking spaces for every one (1) vehicular parking space. Said bicycle racks shall be depicted on the final site plan pursuant to the direction of the Department of Planning and Development Services.

In the event adequate parking cannot be provided pursuant to the above, Islamorada, Village of Islands (The Village) reserves the right to address any parking shortfalls with the Brewery/Distillery/Tasting Room after a public hearing including, but not limited to, through the establishment of an offsite shared parking agreement through resolution in the maximum permitted occupancy on site. Said agreement shall be executed pursuant to the satisfaction of the Village Attorney.

IN COMPLIANCE

- (4) *The proposed conditional use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;*

FALSE

The proposed use is compatible and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. The project is located in an area of mixed commercial and residential uses.

IN COMPLIANCE

NOT MANUFACTURING
IN THE AREA FACTORIES

- (5) *The design of the proposed conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;*

The proposed project has been designed to minimize adverse effects on adjacent property. Landscaping is being increased with the proposed project adjacent to Gardenia Street. As noted, the applicant has submitted a Variance from several provisions of the Landscape Code. An eight-foot high wall is being proposed along Gardenia Street, as well.

IN COMPLIANCE

6' Required for change of
USE 30-813(c)(3)
include part of PALM AVE.

DIVISION 9. - OUTDOOR SEATING AREASSec. 30-1401. - Intent and purpose.

It is the intent and purpose of this division to allow outdoor seating areas in connection with any lawfully established restaurant, café, bar or similar establishment that sells food and beverages for on-site consumption.

(Ord. No. 02-01, § 2(6.8.1), 1-10-2002)

Sec. 30-1402. - Development standards for new outdoor seating areas.

- (a) The director of the planning and development services department shall review proposed outdoor seating areas in accordance with the applicable provisions of article IV, division 2 of this chapter. The director and village council, as applicable, may approve, approve with conditions (including hours of operation), or deny the application.
- (b) Outdoor seating areas may be authorized in conjunction with a lawfully established commercial business that sells food and beverages for on-site consumption as provided for in article V of this chapter, provided the outdoor seating area complies with each of the development standards set forth herein and in this chapter. The proposed outdoor seating area and maximum number of seats shall be delineated on the required site plan. Failure to comply with any of the standards enumerated below shall be deemed adverse to the public interest:
 - * (1) The maximum number of allowable outdoor seating shall not exceed the allowable intensity of use of the property as provided for in article V of this chapter. Outdoor seating area shall be considered floor area for purposes of calculating allowable intensity of use, floor area ratio, required bufferyards and landscaping, parking, open space, stormwater drainage requirements, and all other applicable regulations;
 - (2) No table, bench, chair, or umbrella shall be placed in any area specified on an approved site plan for on-site traffic circulation, landscaping, parking, loading, setback area, stormwater drainage area, or bufferyard;
 - (3) Outdoor seating areas located on water-dependent structures serving commercial uses shall obtain a special approval and comply with the shoreline environmental and development criteria set forth in article VII, division 2 of this chapter. A Class D bufferyard shall be installed in the setback area if the outdoor seating area is adjacent to an unaltered shoreline to ensure compatibility with adjacent properties. A Class B bufferyard shall be installed in the setback area if the outdoor seating area is adjacent to an altered shoreline to ensure compatibility with adjacent properties. The required bufferyard may be reduced 50 percent if the applicant installs a minimum four-foot solid fence on the perimeter of the outdoor seating area;



Mon 10/3/2022 9:44 PM

FW: Crooked Palm application not transparent - Change of USE from Business to Factory Manufacturing in a residential area

Message

90184 Building Permit Comments & Requirements .ndf (567 KB)



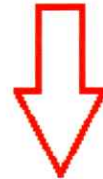
Thu 9/9/2022 3:05 PM

Sheila Denoncourt <sheila.denoncourt@islamorada.fl.us>

RE: CHANGE OF USE (B to A-2/F-1)

To: Quigley

You forwarded this message on 9/13/2022 6:07 PM.



The proposed new use of the first floor of the building is changing from a business occupancy to a mixed use assembly/factory 1.

Permit Application Status - CityView Portal

<https://cvportal.us/CityViewPortal/Permit/StatusReference?referenc...>

Application Type: BUILDING
Application Status: In Plan Check
Property Owner's Full Name: 90184 RENTALS LLC
Category of Work: INTERIOR/EXTERIOR REMODELING
Description of Work: INTERIOR REMODEL 1ST FL
 CHANGE OF USE (B to A-2/F-1)
Application Date: 11/04/2021
Locations:
 Locations: Property
 00431870-000000
 Address
 90184 OVERSEAS Hwy, Unit:100

HANDWRITTEN NOTATIONS:
 - "FACTORY (BREWERY DISTILLERY)" with an arrow pointing to "CHANGE OF USE"
 - "Industrial" with an arrow pointing to "CHANGE OF USE"
 - "AFFORDABLE HOUSING Apartment" with an arrow pointing to "CHANGE OF USE"
 - "BUSINESS" with an arrow pointing to "CHANGE OF USE"
 - "(MIXED USE APPLICATION)" with an arrow pointing to "CHANGE OF USE"

on the first floor of an existing two-story building including the continuation of seven (7) existing deed restricted residential housing units on the second floor; along with outdoor seating pursuant to Chapter 30, Article VI, Division 9 (outdoor seating); along with parking and landscaping relaxations from the provisions of the Village's land development

INDUSTRY IS NOT COMPATABLE WITHIN A RESIDENTIAL COMMUNITY