



Islamorada, Village of Islands LOCAL PLANNING AGENCY MEETING

February 23, 2026 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

AGENDA

- I. **CALL TO ORDER / ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**
- III. **AGENDA: Requests for Deletion / Emergency Additions**
- IV. **PLANNING DIRECTOR / VILLAGE MANAGER**
 - A. Planning Staff Changes
- V. **PUBLIC COMMENT**

This is general public comment. It provides an opportunity for the public to speak about matters that are pertinent to the Village but not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.
- VI. **CONSENT AGENDA**
 - A. Approval of the meeting minutes for the January 12, 2026 meeting.
- VII. **PUBLIC HEARINGS**
 - A. Ordinance to Amend Policy 1-3.1.3 - TDR Banking Jennifer DeBoisbriand , Planning Director
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.3: INSTITUTE A PROGRAM FOR TRANSFER OF DEVELOPMENT RIGHTS OF THE ISLAMORADA COMPREHENSIVE PLAN BY AMENDING PROCEDURES AND ELIGIBILITY CRITERIA FOR THE TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

- B. Ordinance Amending Section 30-504 of the Village Code - TDR
Banking Jennifer DeBoisbriand , Planning Director
**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA, AMENDING VILLAGE CODE SECTIONS 30-504,
“TRANSFER PROCEDURE,” TO AMEND PROCEDURES AND
ELIGIBILITY CRITERIA FOR THE TRANSFER OF
DEVELOPMENT RIGHTS (TDRS); PROVIDING FOR THE
TRANSMITTAL OF THIS ORDINANCE TO THE STATE
DEPARTMENT OF COMMERCE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING
FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN
EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY
THE STATE DEPARTMENT OF COMMERCE.**

VIII. CHAIR AND LOCAL PLANNING AGENCY MEMBERS

IX. VILLAGE ATTORNEY

X. ADJOURNMENT

Options for Viewing the Local Planning Agency Meeting:

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

<https://islamoradafl.portal.civicclerk.com/>

[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 LPA members for consideration prior to the meeting. Public comments will not be read during the meeting.

Option 2: Call in During the Meeting.

1. If phoning in, dial 305-224-1968 and enter the webinar **ID: 966 8605 3458** followed by #. When the Chair opens public comment pertaining to the agenda item you are interested in dial *9 to be recognized by the Zoom meeting monitor. The Monitor will call you by the last four digits of your phone number. **Please be sure to unmute your phone when you are called upon.**
2. If watching online via Zoom: Open the Zoom webinar link <https://zoom.us/j/96686053458> and follow the prompts to join the webinar. When the Chair opens public comment use the

“raise your hand” feature to be recognized by the meeting monitor. Public comments will be heard in the order in which they are received.

ADA Assistance:

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



Local Planning Agency Communication

To: Local Planning Agency Chair and Agency Members
From: Jennifer DeBoisbriand , Planning Director
Date: February 23, 2026
Subject: **Planning Staff Changes**

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments: None



Local Planning Agency Communication

To: Local Planning Agency Chair and Agency Members
From: Jennifer DeBoisbriand , Planning Director
Date: February 23, 2026
Subject: **Planning Staff Changes**

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments: None



Local Planning Agency Communication

To: Local Planning Agency Chair and Agency Members
From:
Date: February 23, 2026
Subject: Approval of the meeting minutes for the January 12, 2026 meeting.

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments:

1. unsigned minutes 011226



Local Planning Agency Communication

To: Local Planning Agency Chair and Agency Members
From:
Date: February 23, 2026
Subject: **Approval of the meeting minutes for the January 12, 2026 meeting.**

Background:

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments:

1. unsigned minutes 011226



Islamorada, Village of Islands LOCAL PLANNING AGENCY MEETING

January 12, 2026 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

The meeting was called to order by Chair, Cheryl Culberson at: 5:32pm

Present were: Chair, Cheryl Culberson

Vice Chair, Lorie Lalonde

Tony Hammon

Roger Young

Corie Mcgraw-Abel

James Rhyne

Additionally, present were: Planning Director, Jennifer DeBoisbriand, Village Attorney, Jamie Myer, Council member, Steve Friedman, Village Manager, Ron Saunders, and Recording Secretary, Angy Rivas

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Rhyne.

The group participated in the Pledge of Allegiance.

III. AGENDA: Requests for Deletion / Emergency Additions

Committee Chair, Cheryl Culberson, requested to do VI. Public Hearings Tab C first and then Tab A & B.

IV. PUBLIC COMMENT

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

None.

V. APPROVAL OF MINUTES

- A. Approval of the minutes from the October 13th, 2025 meeting.

Roger Young motion to approve the October meeting minutes.

Tony Hammon seconded the motion. Motion passed unanimously.

VI. PUBLIC HEARINGS

- A. Ordinance to Amend the Future Land Use Map of Parcel 00402900-000000 Jennifer DeBoisbriand , Planning Director

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM PUBLIC/SEMI-PUBLIC SERVICES (PS) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00402900-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

Village Attorney, Jamie Myers, read the title.

Both this ordinance and the ordinance amending the Zoning Map are companion items and will be discussed together and voted on separately.

Planning Director, Jennifer DeBoisbriand, presented the staff analysis report.

Members of the committee discussed their views on this ordinance and directed questions to the Planning Director for clarifications.

There were no public comments.

Roger Young motioned to approve an ordinance to amend the Future Land Use Map from Public/Semi-Public Services (PS) to Mixed Use (MU). James Rhyne seconded the motion.

A vote was taken, and the motion passed 6-0.

- B.** Ordinance to Amend the Zoning Map for Parcel 00402900-000000
Jennifer DeBoisbriand , Planning Director

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, TO AMEND THE OFFICIAL ZONING MAP FROM PUBLIC/SEMI-PUBLIC SERVICES (PS) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00402900-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

James Rhyne motioned to approve an ordinance to amend the Official Zoning Map from Public/Semi-Public Services (PS) to Highway Commercial (HC). Roger Young seconded the motion.

A vote was taken, and the motion passed 6-0.

- C.** Ordinance to Amend Chapter 30 Article V Division 2 Section 30-701 of the Village Code
Jennifer DeBoisbriand , Planning Director

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS”, DIVISION 2 “ZONING DISTRICTS”, SECTION 30-701 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE
Village Attorney, Jamie Myers, read the title.

Planning Director, Jennifer DeBoisbriand, presented the staff analysis report.

There were no public comments.

Roger Young motioned to amend Chapter 30 Article V Division 2 Section 30-701 of the Village Code. Corie McGraw- Abel seconded the motion.

A vote was taken, and the motion passed 6-0.

VII. CHAIR AND LOCAL PLANNING AGENCY MEMBERS

None.

VIII. PLANNING DIRECTOR / VILLAGE MANAGER

The Planning Director announced the next meeting is scheduled for February 23rd, 2026 and, as of the current date, there is 1 item on the agenda.

IX. VILLAGE ATTORNEY

None.

X. ADJOURNMENT

The group agreed to adjourned at 5:56pm

Angy Rivas, Recording Secretary

Date

Cheryl Culberson, Chair

Date



Local Planning Agency Communication

To: Local Planning Agency Chair and Agency Members
From: Jennifer DeBoisbriand , Planning Director
Date: February 23, 2026
Subject: Ordinance to Amend Policy 1-3.1.3 - TDR Banking

Background:

Situations have come up where property owners have development rights on a property that they would like to sell but they do not have a receiver site to transfer the development right. The Village Council has expressed an interest in establishing a program to bank TDRs.

Analysis:

The attached resolution provides for the ability of the Village to bank TDRs within the LDRs. The companion ordinance will lay out the specifics.

Budget Impact:

None

Staff Impact:

Staff impact will be limited to processing applications and maintaining the bank.

Recommendation:

Staff recommends adoption of this ordinance.

Attachments:

1. Comp Plan_TDR_Banking_DP_2-11-26

ORDINANCE NO. 26- __

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:¹

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

Section 2. Comprehensive Plan Amendments Adopted. The Village Council hereby adopts the amendments to the Comprehensive Plan set forth in Section 3.

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

Section 3. Amendments to the Comprehensive Plan. Policy 1-3.1.3 entitled “Institute a Program for Transfer of Development Rights (TDRs)”, is hereby amended to create and new subsection and to re-letter the subsequent subsections thereafter in Policy 1-3.1.3, as follows:

COMPREHENSIVE PLAN OF ISLAMORADA, FLORIDA

CHAPTER 1 – FUTURE LAND USE ELEMENT

* * *

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

* * *

Objective 1-1.1: Plan and Design for Residential Quality

* * *

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

* * *

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

1. Protect environmental resources in balance with protection of property rights;
2. Facilitate redevelopment and revitalize the Village Activity Centers by concentrating mixed use activities;

3. Encourage redevelopment of commercial enterprises and permit limited new commercial development;
4. Protect housing affordability and encourage provision of new affordable housing units throughout the Village;
5. Redistribute existing residential units to achieve planned densities and retire development rights without increasing the overall amount of development. Notwithstanding, affordable housing may be provided only through the Building Permit Allocation System on the sender site in instances following the transfer of nonresidential floor area; and affordable housing and/or nonresidential floor area may be provided only through the Building Permit Allocation System on the sender site in instances following the transfer of hotel or motel units; but in neither case may the sender or receiver site exceed the permitted density or intensity;
6. Protect environmentally sensitive sites through removal of existing dwelling units or rights based on allocated densities and intensities;
7. Encourage the placement of conservation easements on environmentally sensitive or flood prone parcels of land; and
8. Further the public good and the goals, objectives, and policies of the Comprehensive Plan.

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

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

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

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

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

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

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

3. Residential dwelling unit TDRs may be transferred to properties within any future land use category where residential development is permitted. A Grant of Conservation Easement Agreement (GOCEA) shall be placed by the owner of the sender site, prohibiting any future development on all hammock areas of

the property. No transfer shall be allowed to areas designated as Conservation (C) on the Future Land Use Map. Non-residential development TDRs may be transferred from properties in any non-residential future land use categories to properties in any non-residential future land use categories.

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

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

~~5-6.~~ Regardless of on-site allocated densities available on a parcel of land, exercising the Transfer of Building Rights TDR-process to remove units, or transfer building permits from a parcel shall, result in a permanent reduction of density, and no additional units to those remaining on the sender site after the transfer takes place shall be permitted on the sender site. Notwithstanding, affordable housing and/or nonresidential floor area may be provided only through the Building Permit Allocation System in instances following the transfer of a hotel or motel unit, but in no case may the sender or receiver site exceed the permitted density or intensity. Each TDR-shall require that a Declaration of Covenants, Conditions and Restrictions be placed on the sender site, restricting densities to the number of units remaining on the sender site

after the transfer takes place. If no density remains, a Declaration of Covenants, Conditions and Restrictions shall be placed by the owner of the sender site on the property, restricting all further development rights; and

~~6-7.~~ The following restrictions on residential transfers shall apply:

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

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

1. All properties designated either Mixed Use (MU) and zoned for non-residential uses or Industrial (I) shall be eligible as sender and receiver sites for transfers of non-residential floor area.
2. As a condition of the transfer, eligible receiver sites shall demonstrate compliance with all applicable criteria set forth in the Land Development Regulations; and

3. A Declaration of Covenants, Conditions and Restrictions shall be placed on the sender site prior to the issuance of a Certificate of Occupancy at the receiver site, indicating the recorded amount of non-residential floor area remaining following the transfer and a Grant of Conservation Easement Agreement (GOCEA) shall be placed by the owner of the sender site, prohibiting any future development on all hammock areas of the property.

Section 4. Transmittal. Pursuant to Sections 163.3184, Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand withstand the invalidity of any part.

Section 6. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall not become effective until a Notice of Intent has been issued by the State Department of Commerce finding the

Comprehensive Plan Amendment to be "in compliance" as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until Department of Commerce or the Administration Commission enters a final order determining the adopted Comprehensive Plan Amendments to be "in compliance."

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

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

PASSED on first reading this ____ day of _____, 2026.

[Remainder of the page intentionally left blank.]

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

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2026.

DON HORTON, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, VILLAGE ATTORNEY



Local Planning Agency Communication

To: Local Planning Agency Chair and Agency Members
From: Jennifer DeBoisbriand , Planning Director
Date: February 23, 2026
Subject: Ordinance Amending Section 30-504 of the Village Code - TDR Banking

Background:

This is the companion ordinance to the Comp plan amendment that establishes a TDR bank.

Analysis:

The proposed bank will require property owners to apply and include a habitat analysis with the application. A GCEA will be required on the sender site and the site shall be maintained free of all invasive exotic vegetation.

Future development of any banked TDR will be in accordance with all applicable Village codes.

Budget Impact:

None

Staff Impact:

Staff impact will be limited to processing applications and maintaining the bank.

Recommendation:

Staff recommends adoption of this ordinance.

Attachments:

1. Code_TDR_Banking_DP_2-11-26

ORDINANCE NO. 26- ____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE IV – ADMINISTRATIVE PROCEDURES

* * *

DIVISION 12 – TRANSFER OF DEVELOPMENT RIGHTS

* * *

Section 30-504 Transfer Procedure.

* * *

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

- (1) An application for banking transfer of residential unit development rights shall be submitted to the director of planning and development services.

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

- (2) A habitat analysis and vegetation survey approved by the Village biologist shall accompany all applications.
- (3) The director of planning and development services shall approve, approve with conditions, or deny an application to bank existing residential dwelling unit development rights with the Village in accordance with the procedures, standards, and limitations of this chapter.
- (4) The application to bank existing residential dwelling unit development rights with the Village must identify the removal of such TDR(s) from the sender site and that such development rights have been banked with the Village pursuant to a specific agreement with the Village, which shall be recorded in the chain of title of the sending site.
- (5) A grant of conservation easement agreement (GOCEA), as approved by the Village attorney, shall be placed by the owner of the sender site on all areas of the sender site determined to be tropical hardwood hammock.
- (6) All allowable development on the sender site shall be subject to all applicable development criteria set forth in Village Code of Ordinances.
- (7) The sender site shall be maintained free of all invasive exotic vegetation for the duration of which the TDR is banked with the Village. The Village maintains the right to inspect for compliance for the duration of which the TDR is banked with the Village.
- (8) Existing residential dwelling unit development rights that are banked with the Village are subject to all applicable criteria set forth in the Village Code.

* * *

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

Section 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of

resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

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

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

PASSED on first reading this _____ day of _____, 2026.

[Remainder of the page intentionally left blank.]

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

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

PASSED AND ADOPTED on the second reading this ____ day of _____, 2026.

Don Horton, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, VILLAGE ATTORNEY