

ORDINANCE NO. 07-16

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS TO AMEND THE *FUTURE LAND USE MAP* FROM RESIDENTIAL CONSERVATION (RC) TO CONSERVATION (C) FOR PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, Islamorada, Village of Islands (the "Applicant") is requesting a Future Land Use Map (the "FLUM") amendment from Residential Conservation (RC) to Conservation (C) for property legally described in Exhibit "A", with the Real Estate Numbers 00095970-000000, 00095990-000000 and 00397800-000000; and

WHEREAS, the Islamorada, Village of Islands (the "Village") Comprehensive Plan became effective December 6, 2001; and

WHEREAS, the Comprehensive Plan establishes the FLUM and FLUM categories to allow for uses, densities, and intensities for development within the Village; and

WHEREAS, the maximum density within the Residential Conservation (RC) FLUM category is one (1) dwelling units per four (4) acres; and

WHEREAS, the Conservation (C) FLUM category does not allow for nonresidential intensity or residential density; and

WHEREAS, the Florida Communities Trust grant used to purchase the property further restricts the development of the property; and

WHEREAS, the FLUM Amendment is consistent with the Goals, Objectives, and Policies of the Village Comprehensive Plan; and

WHEREAS, the FLUM Amendment is consistent with Chapter 380 of the Florida Statutes, Principles for Guiding Development; and

WHEREAS, pursuant to Section 30-152 of the Village Code (the "Code"), the Development Review Committee reviewed the FLUM Amendment on January 26, 2007; and

WHEREAS, pursuant to Chapter 163.3174, Florida Statutes, and Sections 30-101 and 30-213 of the Village Code, the Local Planning Agency publicly considered the FLUM category amendment during a duly noticed public hearing on February 12, 2007, and recommends the proposed FLUM Amendment; and

WHEREAS, in accordance with Sections 163.3184 and 166.041, Florida Statutes and Section 30-213 of the Village Code, public notice has been given of the public hearings for the proposed adoption of this ordinance; and

WHEREAS, the Village Council finds that the adoption of this ordinance is in the best interest of the Village and complies with all applicable laws and promotes the general health, safety, and welfare of the Village's Citizens; and

WHEREAS, the Village Council desires to adopt the requested FLUM Amendment, in accordance with State law.

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

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

Section 2. Adoption of Plan Amendment. The FLUM Amendment is hereby adopted as part of the Comprehensive Plan of the Village. A copy of the FLUM Amendment is attached as Exhibit "B" and incorporated herein by this reference.

Section 3. Transmittal. Pursuant to Section 163.3184, Florida Statutes, the Village Clerk shall timely transmit this amendment to the Village's FLUM to the Florida Department of Community Affairs (the "Department") in its capacity as the State Land Planning Agency, and all other government entities as may be required by statute.

Section 4. Effective Date. This Ordinance shall be effective upon the date of a final order issued by the Department finding the FLUM Amendment in compliance with the Comprehensive Plan in accordance with Section 163.3184, Florida Statutes.

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

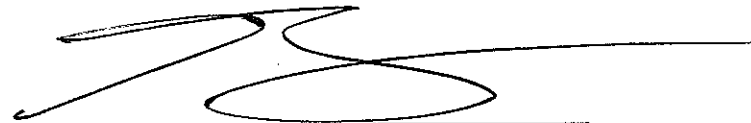
Mayor Chris Sante	YES
Vice Mayor Michael Reckwerdt	YES
Councilman Don Achenberg	YES
Councilman Dave Boerner	YES
Councilwoman Cathi Hill	YES

The foregoing Ordinance was offered by Councilman Sante, who moved for its adoption. This motion was seconded by Councilman Reckwerdt, and upon being put to a vote, the vote was as follows:

Mayor Dave Boerner	YES
Vice Mayor Cathi Hill	YES
Councilman Don Achenberg	YES
Councilman Michael Reckwerdt	YES
Councilman Chris Sante	YES

PASSED on first reading this 8th day of March, 2007.

PASSED AND ADOPTED on second reading this 12th day of July, 2007.



DAVE BOERNER, MAYOR



ATTEST:


VILLAGE CLERK

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

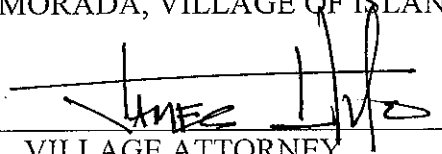

VILLAGE ATTORNEY

EXHIBIT "A"

PARCEL 3

That portion of the following described property: That part of Lot 5 according to the Plat of part of Government Lot 1, all of Lots 2 and 3 of Section 32-63-37 and all of Lot 1 of Section 5-64-37 as surveyed for Lee Pinder by G. L. MacDonald and recorded in Plat Book 1 at Page 41 Public Records of Monroe County, Florida, described as follows; Commencing at a point on the shoreline of the Atlantic Ocean 465 feet Northeasterly from the dividing line between Lots 5 & 6 of said subdivision, running thence in a Northeasterly direction along said shoreline 75 feet; thence in a Northwesterly direction to the shore of the Bay of Florida; thence in a Southwesterly direction along said shoreline, 75 feet; thence in a Southeasterly direction to the Point of Beginning; which lies between the Northwesterly right-of-way line of State Road No. 5 (Overseas Highway) and the outer edge of mangrove in the Bay of Florida, said parcel being shown as Parcel "C" on a map prepared by G. A. Crawshaw, Reg. Surveyor No. 198 on January 24, 1947 and revised on March 3, 1960. The above described tract also being described as: A portion of Lot 5 according to a Plat of part of Government Lot 1, all of Lots 2 & 3 of Section 32-63-37 and all of Lot 1 of Section 5-64-37 as surveyed for Lee Pinder by G. L. Mac Donald and recorded in Plat Book 1 at Page 41 Public Records of Monroe County, Florida, described as follows; from an iron pipe set in the ground at the intersection of the Northeasterly line of said Lot 5 with the Northwesterly right-of-way line of State Road No. 5 (Overseas Highway); thence proceed Southwesterly along said Northwesterly right-of-way line 337.01 feet to an iron pipe marking the Point of Beginning of the tract hereinafter described; thence proceed Northwesterly with a deflection angle of 104 degrees 21 minutes 45 seconds to the right, 886 feet more or less, to the shoreline of Florida Bay; thence meander the shoreline in a Southwesterly direction to a line which is parallel to, and 73.41 feet Southwesterly of, as measured at right angles to the previously described course; thence proceed Southeasterly along said line, 800 feet, more or less, to an iron pipe set in the ground at the said Northwesterly right-of-way line; thence proceed Northeasterly, with a deflection angle of 104 degrees 21 minutes 45 seconds to the left along said Northwesterly right-of-way line 75.78 feet, more or less, to the Point of Beginning.

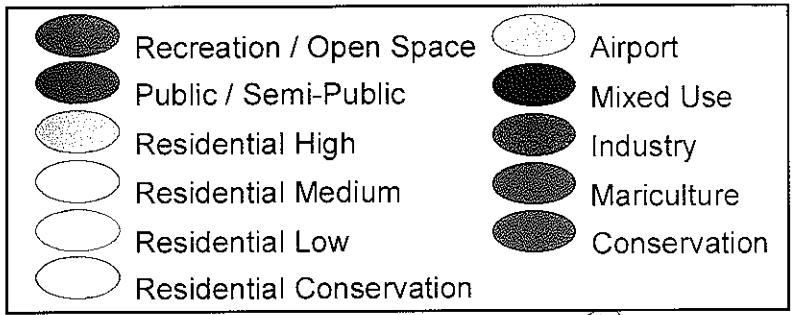
PARCEL 4

All of that portion of the following described land situated, lying and being North of the Northwesterly right-of-way line of U.S. No. 1, Overseas Highway (State Road No. 5) Monroe County, Florida. On the Island of Upper Matecumbe and being a part of Government Lot 3, in Section 32, Township 63 South, of Range 37 East, and a part of Government Lot 1, in Section 5, Township 64 South, of Range 37 East; but better known and described as being a part of Lot 5, according to a Map or Plat of a subdivision of Government Lots 1, 2 and 3, Section 32, Township 63 South, of Range 37 East, all of Government Lot 1, Section 5, Township 64 South, of Range 37 East, made by George L. MacDonald, Civil Engineer, and recorded in Plat Book 1, Page 41, Monroe County Records of Florida; Commencing at a point on the shore of the Atlantic Ocean distant 540 feet from the dividing line of Lots 5 and 6 and running thence in a Northeasterly direction seventy-five feet along the shore of the Atlantic Ocean; thence at right angles in a Northwesterly direction to the shores of the Bay; thence at right angles in a Southwesterly direction along the shore of the Bay seventy-five feet; thence at right angles in a Southeasterly direction to the shore of the Atlantic Ocean at the Point of Beginning.

PARCEL 5

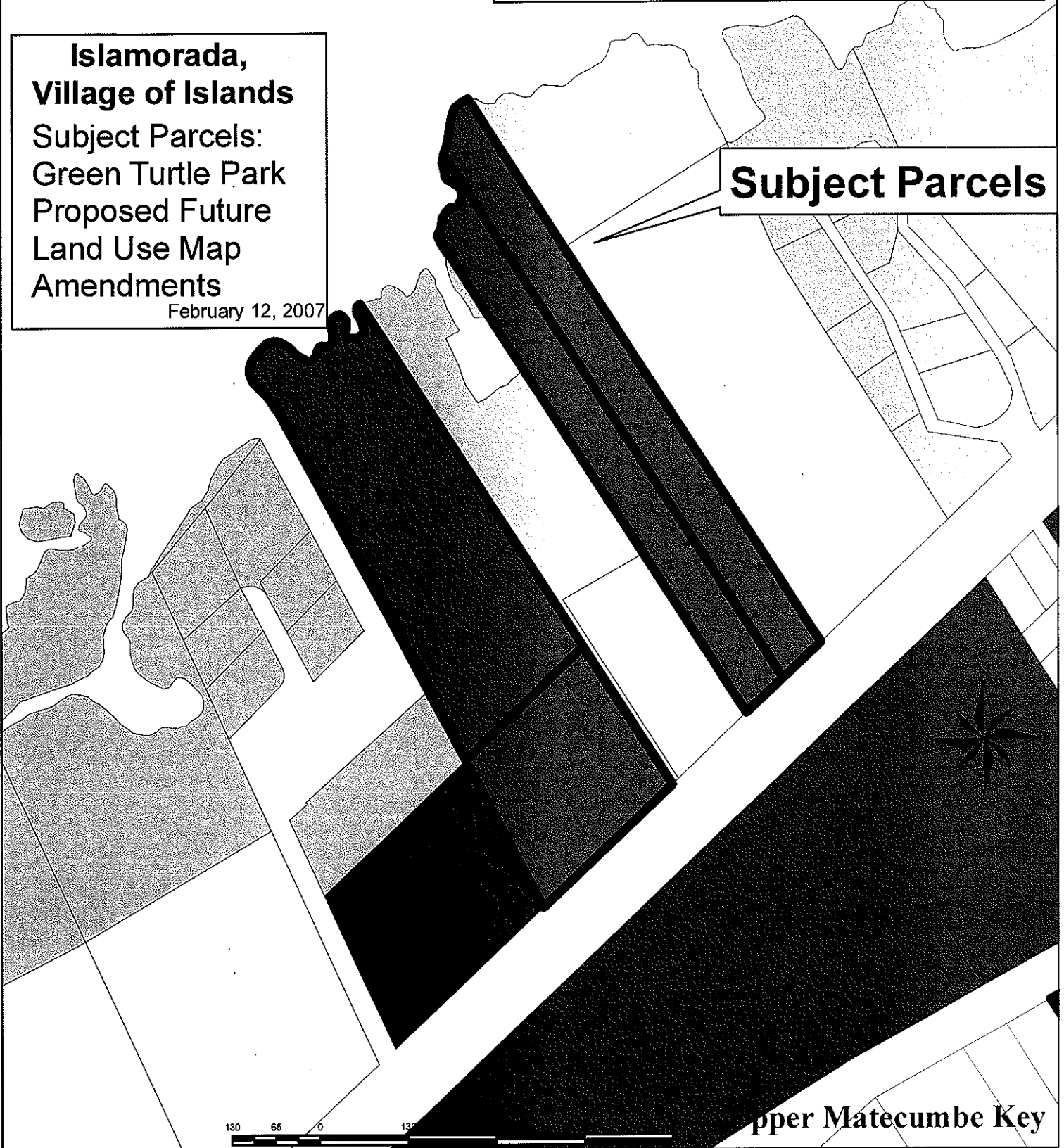
On the Island of Upper Matecumbe, and being a part of Government Lot 3, Section 32, Township 63 South, of Range 37 East and a part of Government Lot 1, Section 5 Township 64 South, of Range 37 East, but being better known as a part of Lot 5, according to a map of the subdivision of a part of Government Lot 1, all of Government Lots 2 and 3, Section 32, Township 63 South of Range 37 East, and all of Government Lot 1, Section 5, Township 64 South of Range 37 East, made by George L. MacDonald, Civil Engineer, and which said map of said subdivision is duly recorded in Plat Book 1, Page 41 of Monroe County, Florida Records. Commencing at a point on the shore line of the Atlantic Ocean where the dividing line between Lots 5 and 6 of said MacDonald's Plat intersects with the waters of the Atlantic Ocean. From said point running in a Northeasterly direction along the shore line of the Atlantic Ocean to a point where a line drawn parallel to and 315 feet Northeasterly of the line dividing said Lots 5 and 6 of said MacDonald's Plat intersects with the waters of the Atlantic Ocean; thence running in a Northwesterly direction along the said last mentioned line 1380 feet, more or less, to the Shore of the Bay of Florida; thence running along the meander shore line of the Bay of Florida in a Southwesterly direction to a point where the line dividing said Lots 5 and 6, according to said MacDonald's Plat intersects with the waters of the Bay of Florida; thence in a Southeasterly direction along the last mentioned line to the point of beginning. Saving and Excepting from the above land the right of way of the Florida East Coast Railway, being a strip of land 100 feet wide, being 50 feet in width on each side of the center line of the Florida East Coast Railway as now constructed on and across said land and running the full width of same. Now subdivided as PALM HARBOR, according to the Plat thereof, recorded in Plat Book 2 at Page 111, of the Public Records of Monroe County, Florida.

EXHIBIT "B"



**Islamorada,
Village of Islands**
Subject Parcels:
Green Turtle Park
Proposed Future
Land Use Map
Amendments
February 12, 2007

Subject Parcels



Upper Matecumbe Key