

**RESOLUTION NO. 21-01-05**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,  
VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY  
TY AND MARY BETH HARRIS FOR ADMINISTRATIVE RELIEF  
FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM  
(BPAS) FOR PROPERTY LOCATED AT 190 FONTAINE DRIVE,  
PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; 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"), Ty and Mary Beth Harris (the "Property Owner" / "Applicant") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Building Permit Allocation System (the "BPAS") for property located at 190 Fontaine Drive, Plantation Key at approximately Mile Marker 90, as legally described in Exhibit "A" , and

**WHEREAS**, on January 14, 2021, 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 Applicant.

**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 opportunity to be heard.

(2) The Application, based on the evaluation **DOES** meet the standards set forth in Sections 30-477 and 30-553 of the Village Code to require remedial action to provide for administrative relief in the form of one (1) BPAS allocation award. The award is conditioned upon verification that the mitigation plan requirements associated with permit number TRM201802071 are met. This allocation award shall be awarded pursuant to Village Code Section 30-475(g) from previous market rate roll-over allocations.

**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/Applicant until forty-five (45) days following the rendition to the Florida Department of Economic Opportunity ("DEO"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DEO 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 Councilman Mark Gregg, seconded by Councilman David Webb.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

**PASSED AND ADOPTED THIS 14<sup>TH</sup> DAY OF JANUARY, 2020.**



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY D. TOTH  
KELLY TOTH, VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY

**Legal Description**

**Lot 3, Block 5, Fontaine Lake Estates, according to the Plat thereof, as recorded in Plat Book 5, Page 8, of the Public Records of Monroe County, Florida.**