

RESOLUTION NO. 22-11-130

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDING RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2022; AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, the Village Council adopted Resolution No. 21-12-127, thereby establishing a total of twenty-two (22) market rate residential units for allocation in 2022, including five (5) market rate allocations "without land dedication" available for Quarter 3 of 2022; and

WHEREAS, the Village Council adopted Resolution No. 22-05-38, thereby approving Residential BPAS rankings and awarding residential building permit allocations for Quarter 1 of 2022, which included three (3) market rate allocations "without land dedication" and two (2) market rate allocations "with land dedication; and

WHEREAS, the Village Council adopted Resolution No. 22-08-91, thereby approving Residential BPAS rankings and awarding residential building permit allocations for Quarter 2 of 2022, which included six (6) market rate allocations "without land dedication"; and

WHEREAS, on November 17, 2022, the Village Council conducted a public hearing regarding the Residential Dwelling Unit Allocation Evaluation Report (the "Report") submitted by the Planning and Development Services Director (the "Director") pursuant to the applicable provisions of the Village Code and Village Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the Residential BPAS rankings and awarding residential building permit allocations for Quarter 3 of 2022.

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

Section 1. **Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows: The Village Council hereby approves the ranking and recommendation of the Director to award five (5) allocations for market rate dwelling units as follows: (i) one (1) allocation to Real Estate Number 00410502-010280, property owners Daniel and Donna Fisher with 18 points; (ii) one (1) allocation to Real Estate Number 00394487-000701, property owner ELLO 213 HOLDINGS LLC 9620 with 18 points; (iii) one (1) allocation to Real Estate Number 00394488-002100, property owners Stephan and Marilyn Hayes with 17 points; (iv) one (1) allocation to Real Estate Number 00400580-000000, property owner Island Elixir LLC with 17 points; and (v) one (1) allocation to Real Estate Number 00391420-000000, property owner Julio Columba with 17 points, as set forth in the Report attached hereto as Exhibit "A".

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

- (1) The BPAS Residential Market Rate applications for Quarter 3 of 2022 have been

processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, and

- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

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

Motion to adopt by Councilman David Webb, seconded by Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

Mayor Pete Bacheler	Yes
Vice Mayor Henry Rosenthal	No
Councilman Mark Gregg	Abstain
Councilman Joseph B. Pinder III	Yes
Councilman David Webb	Yes

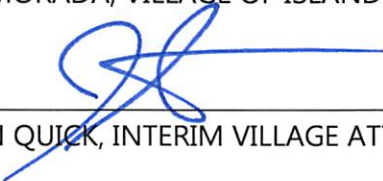
PASSED AND ADOPTED THIS 17th DAY OF NOVEMBER, 2022.


PETE BACHELER, 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 17 day of November, 2022.



EXHIBIT A

BPAS

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