

RESOLUTION NO. 22-11-127

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 206 HARBOR DR, 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"), Islamorada Realty Investment Trust (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 206 Harbor Dr, Plantation Key, as legally described in Exhibit "A", and

WHEREAS, on November 17, 2022, 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 does demonstrate 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 30-533 of the Village code to require remedial action to provide for administrative relief in the form of: 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 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 David Webb, seconded by Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Pete Bacheler	<u>Yes</u>
Vice Mayor Henry Rosenthal	<u>No</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Buddy Pinder	<u>Yes</u>
Councilman David Webb	<u>Yes</u>

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 J. QUICK, VILLAGE ATTORNEY



EXHIBIT "A"
(LEGAL DESCRIPTION)

18 63 38 PLANTATION KEY OR LONG ISLAND PT LOTS 6 & 7 PB1-101 PT TR E (LOT 53
UNRECORDED PLANTATION LAKE ESTATES)