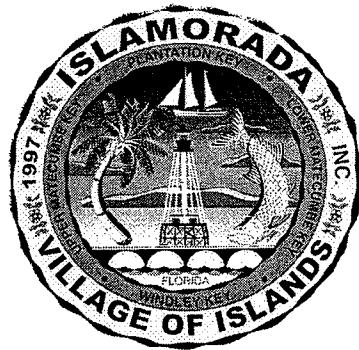


# ***Islamorada, Village of Islands***

## **AFFORDABLE HOUSING BUILDING PERMIT ALLOCATION SYSTEM RESIDENTIAL APPLICATION PACKAGE**



### **UPDATES:**

- **REVISED Application**
- **REVISED Affidavit of Qualifications for Developer(s)**
- **REVISED Affidavit of Qualification for Affordable Housing**
- **REVISED Declaration of Covenants, Conditions, and Restrictions**
- **REVISED IRS Documentation Required**

***REVISED FEBRUARY 2007***

### **QUARTER CLOSING DATES:**

NOON January 31

NOON April 30

NOON July 31

NOON October 31

# **RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) - AFFORDABLE HOUSING**

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# BPAS IN GENERAL

## ■ What is the BPAS?

The BPAS, which stands for Building Permit Allocation System, is a point based competitive system for issuing building permits in Islamorada. Once an application is entered into the BPAS, it is scored by the Village based on points given for meeting certain criteria explained later in this packet and then ranked against all other applications entered into the System. The applications with the highest scores receive allocations the earliest. Once the Village Council approves an allocation award, the building permit can be released for issuance.

## ■ What is the purpose of the BPAS?

- To facilitate implementation of goals, objectives and policies set forth in the Village Comprehensive Plan;
- To manage the rate of growth in order to deter deterioration of public facility service levels, environmental degradation and potential land use conflicts; and
- To encourage redevelopment of residential and non-residential development and to encourage affordable housing.

## ■ What residential development is required to go through the BPAS?

The BPAS applies to all residential development that results in a new residential dwelling unit, and for which a building permit is required by the Village Land Development Regulations.

## ■ What types of residential development are NOT required to go through the BPAS?

- Redevelopment or rehabilitation which replaces, but which does not increase the number of residential dwelling units above that existing on the site prior to redevelopment or rehabilitation.
- Public/governmental uses, including capital improvements and publicly owned buildings.
- Residential development activity by federally tax exempt not-for-profit educational, scientific, religious, social, cultural and recreational organizations which predominately serve the Village's permanent population if approved by the Village Council after review by the Director of Planning and Development Services, based on a finding that such activity is consistent with the goals and objectives of the Comprehensive Plan, provides a needed public service that is not being provided by existing commercial entities, is compatible with surrounding uses, is not located within moderate- or high-quality tropical hardwood hammock, and does not negatively impact level of service standards or increase hurricane evacuation times. Dormitories and other accessory residential structures within Public and Semi-Public Services (PS) Future Land Use category shall require dwelling unit allocations.
- Any other residential use or use accessory to a principal residential use that does not result in a new residential dwelling unit.

# AFFORDABLE RESIDENTIAL BPAS

- **What is the purpose of affordable housing?**

The purpose of the affordable housing program is to help provide an adequate supply of affordable and safe housing to meet current and future residents' needs.

- **What is the difference between affordable housing and market rate applications?**

Affordable residential dwelling unit means a dwelling unit that meets all of the following:

- Is on a lot that does not receive negative points according to criteria specified under habitat protection, threatened or endangered animal species, or critical habitat areas as stated in the Village Code, unless the parcel is located within the RMH, R2, R3, R4, MF, or MH Zoning Districts;
- Occupied by households whose adjusted gross household income is less than 120 percent of the Monroe County median income, including all wages, assets, regular cash and non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by rule of the Department of Community Affairs, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code for households in Monroe County;
- Occupied by households whose monthly rents or monthly mortgage payments (including taxes and insurance) does not exceed 30 percent of that amount which represents 120 percent of the Monroe County median income divided by 12 (months);
- Does not exceed 1,500 square feet of enclosed living area, but may include an additional enclosed patio of no greater than eight (8) feet in width along one (1) side of the dwelling and a walkway of no greater than three (3) feet around the entire dwelling; and
- Has a legally binding Declaration of Covenants, Conditions, and Restrictions limiting the occupants to the income requirements described above running in favor of the Village and enforceable by the Village, effective for twenty (20) years, commencing on the date a Certificate of Occupancy is issued, subject to the approval of the Village Council prior to filing in the Office of the Monroe County Clerk of the Court prior to the issuance of a building permit.

A **market rate residential dwelling unit** is a dwelling unit without the restrictions mentioned above. Market rate dwelling units are awarded under a separate category of the BPAS. Applicants who apply for affordable housing do not compete against Applicants applying for market rate building permits.

- **How do I qualify for affordable housing?**

Qualification is a two-step process.

1. The lot must qualify as acceptable for affordable housing. An affordable housing lot cannot receive negative points according to criteria specified under habitat protection, threatened or endangered animal species, or critical habitat areas **unless** the parcel is located within the RMH, R2, R3, R4, MF, or MH Zoning Districts. To determine whether a property qualifies, a Site Assessment Application may be submitted to the Planning and Development Services Department.

Once the lot is deemed eligible for affordable housing, the second step is qualification based on income. The income qualification always applies to the occupant(s) of the dwelling unit. If the Applicant is not the

intended resident, the income qualification process can be determined using the table below. The table also explains qualification for existing affordable deed restricted units in the event of sale.

New Construction	Applicant	Occupant(s)	Who Qualifies	Income Based Qualification (When to Qualify)
	Owner	Owner	Owner	Prior to submittal of BPAS Application
	Owner	Renter	Renter	Prior to Certificate of Occupancy
	Developer	(Sell to) Owner	Owner	Prior to Owner Purchase
	Developer	(Sell to Owner for) Rental	Renter	Prior to Certificate of Occupancy
Existing Deed Restricted Unit		Proposed Occupant(s)	Who Qualifies	Income Based Qualification (When to Qualify)
		Owner	Owner	Prior to New Owner Purchase
		Renter	Renter	Prior to Occupation

To qualify for affordable housing, the adjusted gross household income of the occupant(s) must be less than 120 percent of the Monroe County median income during the year of application or at the time of occupation of the dwelling unit. The Monroe County median income is produced in the Spring of each year by the Federal Department of Housing and Urban Development (HUD) and furnished by the Village. The adjusted gross household income includes all wages, assets, regular cash and non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by Rule of the Department of Community Affairs, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code for households in Monroe County.

- What if I want to build affordable housing, but I do not qualify for affordable housing, or I do not plan on living in the residence?**

An Applicant may apply for an affordable housing allocation as a Developer if they do not intend on occupying the affordable housing dwelling unit or if the Owner does not qualify. The Applicant is required to fill out separate documents including a Developer Affidavit form stating that they will not occupy the dwelling unit.

- If I choose to build an affordable housing dwelling unit as a developer, how much can I charge in rent or as a sale price for the property?**

The rent or monthly mortgage payments, including taxes and insurance, cannot exceed thirty (30) percent of that amount which represents one hundred twenty (120) percent of the Monroe County median income divided by 12 (months). For example, in 2005, the Monroe County median income is \$58,450. The maximum household income was \$70,140. The maximum rent was  $\$70,140 \times 0.30 = \$21,042 \div 12 \text{ months} = \$1,754$ . Therefore, in 2005, the maximum monthly rent that could be charged was \$1,754.

If the monthly payment is a mortgage, then the monthly payment must include the principal, interest, taxes and insurance. Although the Village does not cap the resale price of an affordable housing unit, in theory, the sale price will be coincident with the amount a lender will provide to a qualified household who has an annual adjusted gross household income less than \$70,140. Therefore, the appraised value of a deed restricted affordable housing unit should not necessarily be used as an indicator of the profit expected from the resale of an affordable housing unit.

- What if I don't want to subject the property to the Declaration?**

The submittal of the executed Declaration of Covenants, Conditions, and Restrictions is required for all applications prior to entering the BPAS. If an Applicant does not want to subject the property to the Declaration they may apply for a dwelling unit through the market rate category of the residential BPAS.

- **Can I place the deed restriction on an existing residence, and build a new market rate residence with the affordable housing allocation?**

No. The affordable housing restriction placed on the deed must apply to the residence for which the allocation is being sought. Market rate dwelling units cannot be constructed with affordable housing allocations.

- **What if I don't qualify for affordable housing after I have built the residence?**

While the affordable housing program is not intended to penalize residents for bettering themselves, the Declaration of Covenants, Conditions, and Restrictions placed on the Property Deed requires that the occupant(s) of the dwelling unit meet(s) the criteria for affordable housing.

- **What if I want to sell the property/purchase a unit after it has been constructed?**

If the unit has been constructed and is being sold to a new Owner who will be the occupant, the new Owner must qualify with the Village prior to the purchase of the property. If the property is being sold to an Owner for the purposes of rental, the tenant who will occupy the unit is required to qualify prior to habitation of the dwelling unit.

- **What if I want to transfer the affordable Deed Restriction to another property after I have built the residence?**

The Deed Restriction runs with the property for a period of twenty years from the Date of the Certificate of Occupancy and is non-transferable.

## APPLICATION PROCEDURES

- **What is required in order for me to submit an application into the BPAS?**

Depending on the nature of the development, Site Plan Approval and Conditional Use Approval may be required prior to the submittal of a building application. Developments proposing more than two (2) affordable housing units on a property and applications for affordable housing units in conjunction with existing businesses may be specifically impacted by additional planning approvals. Applicants proposing development of more than a single detached unit affordable housing unit on a property are encouraged to contact the Planning and Development Services Department to confirm whether additional approvals are necessary.

The following assumes that an Applicant has secured any necessary review approvals.

1. **Lot Approval:** Parcels for the development of affordable housing dwelling units must not receive negative points according to criteria specified under habitat protection, threatened or endangered animal species, or critical habitat areas in Section 4.10.6 (b) (5) or (6) or (7) in the Village Land Development Regulations **unless** the parcel is located within the RMH, R2, R3, R4, MF, or MH Zoning Districts. To determine whether a lot qualifies for affordable housing, a Site Assessment Application may be submitted to the Planning and Development Services Department. For a fee of \$50.00, Staff will conduct a site visit to the property and provide a prospective Applicant with a verbal summary status of the property. For a fee of \$400.00, Staff will provide a written assessment of the property.
2. **Income Qualification:** As previously discussed, it is always the occupant who is required to qualify based on income:
  - **Owner as Occupant.** If the Applicant is the Owner who will reside in the unit, they will be required to provide the Planning and Development Services Department with documentation to demonstrate that they meet the income requirements. If the prospective occupant's taxes for

the previous tax year have been prepared by a Certified Public Accountant, the IRS 1040 forms must be furnished to the Planning and Development Services Department DIRECTLY from the Certified Public Accountant by mail. If the prospective occupant(s) prepared their own taxes, then the IRS 1040 forms must be furnished to the Planning and Development Services Department UNOPENED via the Applicant. Opened copies of IRS forms ARE NOT accepted. Additional documentation outlined in the Forms attached to this application package will be required. Once the prospective occupants have received a Qualification Letter from the Planning and Development Services Department they may proceed with the following steps.

- **Owner as Developer.** If the Applicant is the Owner who is applying as a Developer, income qualification will be required for the tenant prior to obtaining the Certificate of Occupancy for the dwelling unit. No income qualification is required to submit an application into the BPAS.
- 3. **Submit Building Permit Application:** Prior to submitting the BPAS application, you must have approval from the Planning and Development Services and the Building Services Departments confirming that your proposed application meets all of the requirements of the Village Code (development standards for the specific zoning district, including but not limited to setbacks, open space ratio, parking, landscaping, etc.) and the Florida Building Code (building, structural, electrical, mechanical, plumbing requirements, etc.). If your development involves the transfer of development rights, you will be required to conduct a pre-application conference AND obtain conditional use approval for the sender and receiver sites prior to submitting the application. The Building Official and the Planning and Development Services Director must certify that the completed building permit application is "allocation-ready" or ready to enter the BPAS. Once the application is "allocation-ready" the Applicant will be contacted to submit the BPAS application as indicated under Step 4.
- 4. **Submit BPAS Application and Fee:** Upon completion of Steps 1 through 3 above, the Applicant may submit their BPAS Application. Each BPAS application must be accompanied by a one-time non-refundable processing fee of \$150.00 and any required forms. Additional fees are not required for an application that remains in the queue for consideration in future quarters.
- 5. **Village Council Approval.** Two weeks prior to the Village Council public hearing, the Applicant recommended for an affordable housing award must provide an Opinion of Title to the Planning and Development Services Department to be approved by the Village Attorney. In addition to confirming the ownership, the Opinion of Title ensures that the property is free and clear of any liens or encumbrances. The Opinion is valid for a period of two weeks following the Council approval. If the building permit is pulled within two weeks following the Council approval, an updated Opinion of title is NOT required. If the building permit is pulled later than two weeks following the Council approval, an updated Opinion of Title will be required dated within 30 days prior to the permit issuance.

- **What if I want to build more than one affordable residential dwelling unit on the property?**

Each affordable dwelling unit requires a separate BPAS application and processing fee. If more than one affordable housing allocation is applied for, a unique Affordable Housing Declaration will be prepared and provided to the Applicant for execution.
- **What if I want to build a residential dwelling unit in conjunction with an existing commercial business?**

The number of applications for any given parcel shall not be for more dwelling units than are permitted by the Zoning District particular to that property pursuant to the Village Code. Additionally, the property must have enough land to support the new units if more than one unit is proposed - the first deed restricted affordable unit constructed in conjunction with an existing business is exempt from the density

requirements of the Village Code. However, for each consecutive affordable housing unit, enough land must be available to support the additional affordable housing units.

- **What if I want to build an affordable residential dwelling unit in addition to an existing residence on a property?**

The number of applications for any given parcel shall not be for more dwelling units than are permitted by the Zoning District particular to that property pursuant to the Village Code.

Currently, only the Native Residential (NR) and Residential Estate (RE) Zoning Districts allow a second unit (caretaker's cottage) provided the additional unit is deed restricted as an affordable housing unit, is limited to 1,200 square feet, and the additional unit meets all other applicable provisions of the Village Code.

- **How many applications may I submit?**

You may submit only one (1) BPAS application per residential dwelling unit. The number of applications for any given parcel shall not be for more dwelling units than are permitted by the Zoning District particular to that property pursuant to the Village Code.

## **EVALUATION CRITERIA**

- **What are the point criteria for applications?**

The point criteria are listed in Appendix A for reference purposes. The Village Council, at a duly noticed public hearing, approves the final point rankings and awards following the close of each quarter.

Unlike market rate housing applications, affordable housing dwelling unit applications may not use lot dedications in order to increase the number of points for the application.

- **What if my application is incomplete, or there is another problem with the application?**

After a Building Permit Application is submitted, the Building and Planning and Development Services Departments determine that the application is complete and includes all the necessary information to evaluate the application. If an application is incomplete, or based upon incomplete or inaccurate information or misstatements of fact, notice is delivered to the Applicant specifying the deficiencies. The Departments shall take no further action on the application until the deficiencies are remedied. Once an application is deemed complete, it is reviewed for compliance with the applicable provisions of the Village Code and Florida Building Code.

After the BPAS Application is submitted, the Planning and Development Services Department shall review the application for completeness. If determined to be incomplete, the Director shall reject the allocation application and notify the Applicant of such rejection, and the reasons therefore, within ten (10) working days.

- **Can I be requested to submit additional information after my application has been submitted?**

At any time during the allocation review and approval process, you may be requested by the Planning and Development Services Department to submit additional information clarifying the relationship of the BPAS application, or any elements thereof, to the evaluation criteria. If such a request is made, the Director will identify the specific evaluation criteria at issue and the specific information needed and communicate such request to you.

Upon receiving a request from the Department for such additional information, you may provide such information or decline to provide such information and allow your BPAS application to be evaluated as submitted.

- **What happens if two applications have the same ranking?**

If two or more applications receive an identical evaluation and all cannot be granted awards within the allocation period, then the Village will award allocations to the completed BPAS application(s) first submitted into the BPAS system, based on time and date of submission, NOT the date and time the Building Permit Application began the Codes review process.

## ALLOCATIONS

- **How are residential dwelling unit permits issued?**

Residential BPAS awards are approved quarterly. Completed and Code compliant BPAS applications must be entered into the BPAS no later than noon on the application acceptance deadline date - NOT the date and time a Building Permit Application was submitted to the Village for compliance review with the Village Code and Florida Building Code.

Quarterly allocation periods end at noon on the last day of January, April, July, and October of each year (or the following business day in the event of a weekend). Rankings and awards are approved quarterly by the Village Council at a public hearing the month following the close of the allocation period.

- **How many affordable residential dwelling unit allocations will be issued?**

The following chart provides a breakdown of the residential dwelling unit allocations from 2005 forward.

### RESIDENTIAL PHASING SCHEDULE

YEAR		RESIDENTIAL UNITS			COMMERCIAL SPACE
Program Year	Calendar Year	Maximum Market Housing	Minimum Affordable Housing	Total Units	Square Feet
5	2005	21	21	42	1,434
6	2006	14	39	53	1,434
7	2007	14	14	28	1,434
8	2008	14	14	28	1,434
9	2009	14	14	28	1,375
10	2010	14	14	28	1,363
11	2011	14	14	28	1,363
12	2012	14	14	28	1,363
13	2013	14	14	28	1,363
14	2014	14	14	28	1,363
15	2015	14	14	28	1,363
16	2016	14	14	28	1,363
17	2017	14	14	28	1,363
18	2018	14	14	28	1,363
19	2019	14	14	28	1,363

20	2020	14	14	28	1,363
<b>TOTAL</b>		<b>231</b>	<b>256</b>	<b>487</b>	<b>22,104</b>

- **How are the residential dwelling unit allocations distributed between the quarterly allocation periods?**

The Village Council adopts the distribution of allocations at the end of each calendar year for the following year by resolution. This resolution is mailed to all Applicants in the BPAS queue at that time. Beginning in 2006 (Program Year 6), the Village Council will have the ability to adjust not only the distribution between market rate allocations between the “with” and “without land dedication” categories, but also the total number of market rate and affordable housing allocations without requiring a lengthy Comprehensive Plan change. In no event however, shall the maximum number of market rate allocations exceed fourteen (14) annually and the number of affordable housing allocations be less than fourteen (14) annually.

- **How will I know when I receive an award?**

After the Village Council finalizes the evaluation rankings and awards, the Planning and Development Services Department sends a certified notice of the rankings and awards to each award recipient.

- **What happens if I do not receive an allocation award in one period?**

If you do not receive an allocation award, you will be notified by mail. Without any further action or the payment of any additional fee, your application will remain in the BPAS for reconsideration in the next succeeding allocation period.

- **How do I find out where I am ranked?**

Draft rankings are prepared at the close of a quarterly allocation period. Rankings and awards are approved quarterly at a public hearing the month following the close of the allocation period. Rankings may change based on the comparative points of any allocation applications submitted for the next quarterly allocation period.

## **AFTER RECEIVING AN ALLOCATION**

- **What is a nutrient reduction credit, and how do I obtain one?**

Nutrient reduction credits, previously known as cesspit credits, are managed by the Monroe County Health Department. **No building permit for new residential construction may be issued unless a nutrient reduction credit has been assigned to the property by the Monroe County Health Department. Each new residential unit requires a credit.**

A nutrient reduction credit is generated when an existing cesspit or cesspool is replaced with an approved OSTDS or a Florida Department of Environmental Protection (FDEP) permitted wastewater treatment facility. Under either scenario, the cesspit must be properly abandoned pursuant to the requirements of Chapter 64E-6, Florida Administrative Code.

After an award has been approved by the Village Council, the award letter will indicate whether a nutrient reduction credit has been assigned to your property. This is also normally included on the ranking sheet prior to Village Council approval.

There are two ways to obtain a nutrient reduction credit:

- **General Pool.** A credit may be obtained from the general pool. Twenty (20) percent of the general pool is reserved for affordable housing allocations. Credits from the general pool are assigned in the priority sequence as allocations are awarded without any action on the part of the Applicant.
- **Reserve Letter.** Alternatively, an Applicant may “reserve” a nutrient reduction credit by purchasing one from a property owner within the Village who generates a credit that has not been placed into the general pool. The Applicant is responsible for securing the nutrient reduction credit with the Monroe County Health Department before any cesspit or cesspool abandonment inspection is conducted by them.

Upon receipt of certified notice of an approved allocation award, an Applicant has one hundred eighty (180) days to secure a nutrient reduction credit (if one is not available) and to pick up the building permit. Failure to obtain the building permit within this timeframe results in the expiration of the allocation award and building permit. In order to receive a building permit, the Applicant must then re-enter the BPAS with a new application resulting in a new date and time.

- **What if a nutrient reduction credit is not available at the time of my allocation award?**

Applicants unable to obtain their OSTDS permits due to an unavailability of nutrient reduction credits will retain their allocation award and nutrient reduction credit priority rank for future credits that may become available, ahead of allocation award recipients in subsequent quarters. The Village notifies the award recipient when a cesspit credit is available. However, if a nutrient reduction credit does not become available prior to the close of the BPAS Program Year in which it was awarded, the allocation award expires.

- **Once I have received an allocation award, how long do I have to make changes and/or pick up the building permit?**

Upon receipt of certified notification of an allocation award, an Applicant has one hundred eighty (180) days to provide any additional paperwork (as identified in the award letter), obtain the Monroe County Health Department permit and pull the Building Permit to commence construction. Failure to obtain the building permit within this timeframe results in the expiration of the allocation award and building permit. In order to receive a building permit, the Applicant must then re-enter the BPAS with a new application resulting in a new date and time.

- **Can my allocation award expire?**

An allocation award expires when its corresponding building permit is deemed to expire pursuant to the Village Code or after one hundred eighty (180) days of certified mailing notification that an allocation has been awarded. An allocation award may also expire if a nutrient reduction credit is not obtained before the end of the BPAS Program Year in which the award is issued.

## REVISIONS

- **What happens if I am not able to follow through with my plans for the new residential dwelling unit while my application is still in the system?**

An Applicant may elect to withdraw an application from the BPAS queue at any time without prejudice. If an affordable housing application is transferred to a new Owner, the Village must be notified prior to the time of sale since a change in ownership for an affordable housing application may affect the status of the application. If the new Owner is the intended occupant of the affordable housing unit, the new Owner must qualify with the Village prior to purchasing the property.

- **Can I make revisions to my application after it has been submitted into the system?**

Upon submission of an application into the BPAS, an application may only be revised if it is withdrawn in writing. If the application is resubmitted into the BPAS, the application will have a new date and time although any perseverance points will be retained from the original application. Resubmitted applications are considered "new", requiring payment of appropriate fees.

- **Can I make revisions to my application after I have received an approved award from the Village Council but before I have received a Certificate of Occupancy?**

After receipt of an allocation award, and either before or after receipt of a building permit but prior to receipt of a Certificate of Occupancy or final inspection, revisions shall only be made to proposed development providing the revision does not modify the application so that it results in a change to the original points. If the application proposes to remove any aspect of the approved plans that results in a change in points from the original application, the application must increase the score by one (1) point.

- **Can I make revisions to my application after I have received a building permit and a Certificate of Occupancy?**

After receipt of an allocation award, a building permit and a Certificate of Occupancy or final inspection, revisions shall only be made to proposed development providing the revision does not modify the application so that it results in a decrease in the number of points which formed the basis of the application score and ranking. All revisions must be processed through a new building permit. The size limits for the affordable housing dwelling unit shall also apply to any revision.

- **Can I apply for other development permits for the property while I wait for my allocation award?**

Permits can be issued for fences and the clearing of invasive exotic vegetation on undeveloped lots. Other permits must wait until a building permit for the allocation award is issued. While the Village cannot issue permits for docks until the building permit for the dwelling unit is issued, an Applicant may apply to the Army Corps of Engineers (ACOE) and FDEP for dock approvals while an application is awaiting an allocation in the BPAS queue. Army Corps of Engineers and FDEP permit approvals must accompany all dock permit applications in order to receive a permit through the Village.

## **MISCELLANEOUS**

- Once my application is in the system, can anything prevent my proposed development?**

The annual allocation process will continue so long as hurricane evacuation clearance time does not exceed 24 hours. The Village will cease issuing permits under the annual allocation if the hurricane evacuation clearance time is exceeded, provided that Monroe County, Key West and Marathon also cease issuing permits.

- My application has been in the system and has not been awarded. What relief is available to me?**

You are eligible for administrative relief if you meet the following criteria:

1. You have complied with all requirements of the BPAS; and
2. Your BPAS application has not been withdrawn; and
3. Your BPAS application has been considered in at least four (4) consecutive annual allocation periods and has failed to receive an allocation award.

- How do I apply for administrative relief?**

You will need to file an application for administrative relief with the Planning and Development Services Department no earlier than the conclusion of the fourth annual allocation period and no later than one hundred twenty (120) days following the close of the fourth annual allocation period.

- What happens once I apply for administrative relief?**

Upon the filing of an application for administrative relief, the Planning and Development services Director will forward to the Village Council all relevant files and records relating to your application. Failure to file an application shall constitute a waiver of any rights under this section to assert that the subject property has been taken by the Village without payment of just compensation as a result of the BPAS.

Upon receipt of your application for administrative relief, the Village Council will notice and hold a public hearing at which you will be given an opportunity to be heard. The Village Council will consider the application under the procedures established in the Village Code.

At the conclusion of the public hearing, the Village Council may take any or a combination of the following actions:

1. Grant the Applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period or extended pro rata over several succeeding allocation periods.
2. Offer to purchase the property at its fair market value.
3. Suggest such other relief as may be necessary and appropriate.

## APPENDIX A – RESIDENTIAL BPAS POINT CRITERIA

Applications shall be evaluated and ranked by the Village according to the following point values that are to be applied cumulatively. The following is a worksheet with criteria of available points, followed by a text description explaining each criterion. The worksheet is NOT intended to replace information otherwise detailed in the text of the Code.

# RESIDENTIAL BUILDING PERMIT ALLOCATION EVALUATION CRITERIA AND TABLE

Applications are evaluated and ranked according to the following point values, which are applied cumulatively.

(1) **Platted subdivision infill.** The following points are intended to encourage the infill of legally platted subdivisions served by existing infrastructure.

Point assignment: +10

Criteria: An application which proposes a dwelling unit within a legally platted, recorded subdivision on lot(s) served by existing infrastructure, including at a minimum, potable water, electricity, and roadways which the operations director determines is paved. In order to be considered served, the necessary infrastructure must be both located along the same street as the lot or parcel proposed for development and in place since December 31, 1997.

(2) **Infrastructure availability.** The following points are intended to encourage the infill of lots or parcels served by existing infrastructure.

Point Assignment: +5

Criteria: An application which proposes a dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including at a minimum, potable water, electricity, and roadways which the operations director determines is paved. In order to be considered served, the necessary infrastructure must be both located along the same street as the lot or parcel proposed for development and in place since December 31, 1997.

(3) **Lot aggregation.** The following points are intended to encourage the voluntary reduction of density through aggregation of contiguous, vacant, legally platted, buildable lots with density allocation by lot.

Point Assignment: +3 per contiguous, vacant, legally platted, buildable lot.

Criteria: An application which proposes aggregation of a contiguous vacant, legally platted, buildable R1, R1M, RMH, R2, R3, R4 or SR lot(s) together with the parcel proposed for development. The application shall include but shall not be limited to an affidavit of ownership of all affected parcels, acreage or land and a legally binding restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of the Village and enforceable by the Village, subject to the approval of the Village Council prior to filing in the office of the clerk of the County and such covenant must be approved by the Village Council before any development approval may be issued pursuant to an award.

(4) **Land dedication.** The following points are intended to encourage the voluntary reduction of vacant, buildable land in the Village within those areas proposed for acquisition by governmental agencies for the purposes of conservation, resource protection or for affordable housing within the Village.

Point Assignment: +2 per vacant, legally platted buildable lot or entire acre of unplatted buildable land.

+2 additional per vacant, legally platted buildable lot or entire acre of unplatted buildable land within those areas proposed for acquisition by governmental agencies.

Criteria: An application which proposes the dedication to the Village of one (1) or more vacant, legally platted buildable lots or at least one (1) acre of unplatteable buildable land, including those located within areas proposed for acquisition by governmental agencies for the purposes of conservation, resource protection or for affordable housing within the Village. Buildable means construction of a dwelling unit could be permitted pursuant to this chapter, as determined by the Director of Planning and Development Services. The application shall include but not be limited to an affidavit of ownership of all affected lots, parcels, acreage or land and a statutory warranty deed, subject to the approval of the Village Council prior to filing in the office of the clerk of the County, which conveys the dedicated property to the Village. Such deed must be approved by the Village Council before any development approval may be issued pursuant to an award. Applications including land dedication shall be evaluated in a category separate from applications without land dedication. A survey shall accompany all dedications of unplatteable buildable lands or partial platted lots.

(5) **Habitat protection.** The following points are intended to discourage the clearing of significant habitat and are based on the type and quality of the existing vegetation located within an area approved for clearing or development as shown on the approved site plan.

### Point Assignment:

-10 per application which proposes to clear an area of habitat type and quality from Group 4, which includes high quality tropical hardwood hammock, unscarified beach/berm, and saltmarsh and buttonwood wetlands.

-7 per application which proposes to clear an area of habitat type and quality from Group 3, which includes moderate quality tropical hardwood hammock.

-2 per application which proposes to clear an area of habitat type and quality from Group 2, which includes low quality tropical hardwood hammock, disturbed land with saltmarsh and buttonwood, disturbed with tropical hardwood hammock and disturbed land with beach/berm.

+1 per application which proposes to develop in an area of habitat type and quality from Group 1, which includes disturbed, disturbed with exotics, and scarified.

Additional criteria: If the approved clearing area includes more than one habitat type/habitat quality group, points shall be assigned to the application for development on the basis of the following formula: (area of clearing in Group 1/area in parcel of land to be cleared) x (+1) + (area of clearing in Group 2/area in parcel of land to be cleared) x (-2) + (area of clearing in Group 3/area in parcel of land to be cleared) x (-7) + (area of clearing in Group 4/area in a parcel of land to be cleared) x (-10). The determination of the quality of a tropical hardwood hammock shall be made through the utilization of the habitat analysis applied pursuant to division 7.3 Environmental Standards.

(6) **Threatened or endangered animal species.** The following points are based on probable impacts of a proposed development on the successful protection and recovery of a threatened or endangered animal species in its natural habitat.

### Point Assignment:

-10 per application which proposes a dwelling unit within a known habitat of a documented threatened/endangered animal species.

-10 per application which proposes a dwelling unit within one hundred (100) feet of any known Sea Turtle

nesting area, as described in division 7.2 Sea Turtle Nesting Protection.

-10 per application which proposes a dwelling unit within five hundred (500) feet of any known nesting or resting area of the piping plover.

-5 per application which proposes a dwelling unit within a probable or potential habitat of a threatened/endangered animal species.

-2 per application which proposes a dwelling unit within the habitat of a wide-ranging threatened/endangered animal species or an animal species of special concern.

(7) **Critical habitat areas.** The following points are intended to discourage development in critical habitat areas.

Point Assignment: -10 per application which proposes a dwelling unit within a Florida Forever acquisition area.

(8) **Perseverance points.** The following points are intended to reward an application based upon the number of years spent in the building permit allocation system without receiving an allocation award.

Point Assignment: +1 A point shall be awarded on the anniversary date of the submittal date for each year that the application remains in the building permit allocation system up to four (4) years.

+2 Points shall be awarded on the anniversary of the submittal date for each year over four (4) that the application remains in the building permit allocation system.

Additional criteria: If, after gaining a perseverance point or points, an application is withdrawn for any reason, the perseverance point or points gained shall be retained; however a new submittal date and time shall be established.

(9) **Coastal high hazard area.** The following points are intended to discourage development in a coastal high hazard area.

Point Assignment: -2 per application which proposes development within an "AE" zone as shown on the most recent Federal Emergency Management Agency (FEMA) flood insurance rate map.

-7 per application which proposes development within a "VE" zone as shown on the most recent FEMA flood insurance rate map.

(10) **Coastal Barrier Resources System (CBRS).** The following points are intended to discourage development of the CBRS.

Point Assignment: -10 per application which proposes development within units of the CBRS as shown on the most recent FEMA flood insurance rate map.

(11) **Energy conservation.** The following points are intended to encourage the use of energy conservation measures.

Point Assessment: +1 per application which includes a dwelling unit with any installed air conditioning units must have an energy efficient rating of 12 or better.

+1 per application which proposes a dwelling unit with a heat recovery unit which provides supplemental heating of domestic hot water.

(12) **Structural integrity of construction.** The following points are intended to encourage high standards of structural integrity.

Point Assignment: +1 per application which proposes a dwelling unit designed to meet a minimum peak wind speed of one hundred sixty (160) miles per hour as certified by a qualified engineer or architect.

+1 additional point per application which proposes a dwelling unit designed to meet a minimum peak wind speed of one hundred seventy-five (175) miles per hour as certified by a qualified engineer or architect.

+1 per application which proposes a dwelling unit with a concrete cistern with a capacity of no less than 2,500 gallons, gutters along the entire roof channeling into the cistern, and a pump-out system for recovery of the water.

(13) **Affordable Housing.** The following points are intended to encourage the development of multifamily affordable housing units.

Point assignment: +3 per application which proposes affordable housing development with four (4) or more new units within the same structure.

**Building Permit Allocation System (BPAS) Scoring Worksheet (Residential)**  
**This worksheet is NOT intended to replace the text information detailed above.**

<b>APPLICATION SCORE</b>	<b>POINT ASSIGNMENT</b>	<b>CRITERIA</b>
	+10	Platted subdivision infill. The following points are intended to encourage the infill of legally platted subdivisions served by existing infrastructure
	+5	Infrastructure availability. The following points are intended to encourage the infill of lots or parcels served by existing infrastructure not within a platted subdivision
	+3 per contiguous, vacant, legally platted, buildable lot	Lot aggregation. The following points are intended to encourage the voluntary reduction of density through aggregation of contiguous, vacant, legally platted, buildable lots with density allocation by lot
	+2 per vacant, legally platted buildable lot or entire acre of unplatte buildable land, additional +2 for lots targeted for acquisition by governmental agencies	Land dedication (ONLY APPLIES TO APPLICATIONS IN THE MARKET RATE CATEGORY WITH LAND DEDICATION). The following points are intended to encourage the voluntary reduction of vacant, buildable land within those areas proposed for acquisition by governmental agencies for the purposes of conservation, or resource protection or affordable housing within the Village
	Between -2 and -10 depending on habitat type/ quality	Habitat protection. The following points are intended to discourage the clearing of significant habitat and are based on the type and quality of the existing vegetation located within an area approved for clearing or development as shown on the approved site plan
	Between -1 and -15. The determination of the quality of a tropical hardwood hammock shall be made through the utilization of the habitat analysis applied pursuant to division 7.3 Environmental Standards	Development clears an area of multiple habitat types/quality types
	-10	Development is within a known habitat of a documented threatened/endangered animal species
	-5	Development is within a probable or potential habitat of a threatened/endangered animal species
	-2	Development is within the habitat of a wide-ranging threatened/endangered animal species or an animal species of special concern
	-10	Development is within one hundred (100) feet of any known Sea Turtle nesting area, as described in division 7.2 Sea Turtle Nesting Protection
	-10	Development is within five hundred (500) feet of any known nesting or resting area of the piping plover
	-10	Development is within a Florida Forever acquisition area
	+1	One (1) point per year during the first four (4) successive years an application has spent in the BPAS without receiving an allocation award
	+2	Two (2) points per year after the fourth year an application has spent in the BPAS without receiving an allocation award
	-2	Development is within an "AE" zone as shown on the most recent Federal Emergency Management Agency (FEMA) flood insurance rate map
	-7	Development is within a "VE" zone as shown on the most recent FEMA flood insurance rate map
	-10	Coastal Barrier Resources System (CBRS). The following points are intended to discourage development of the CBRS
	+1	Installed air conditioning units have an energy efficient rating of 12 or better
	+1	Heat recovery unit provides supplemental heating of domestic hot water
	+1	A concrete cistern with a minimum 2,500 gallons in conjunction with the development

	+1	Meets a minimum peak wind speed of one hundred sixty (160) miles per hour as certified by a qualified engineer or architect
	+1 additional point	Meets a minimum peak wind speed of one hundred seventy-five (175) miles per hour as certified by a qualified engineer or architect
	+3	Affordable housing development with four (4) or more new units within the same structure
	<b>TOTAL POINTS</b>	

## **APPENDIX B – SITE ASSESSMENT APPLICATION**



**ISLAMORADA, VILLAGE OF ISLANDS  
DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES  
SITE ASSESSMENT APPLICATION**

Letter of Current Site Conditions \$250 Deposit  
Shoreline Determination \$50 Flat Fee  
Site Visit \$50 Flat Fee

A site assessment may be requested to determine the environmental conditions of a property or to discuss the general applicability of the Village Land Development Regulations to a specific property.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER (HOME): (\_\_\_\_\_) \_\_\_\_\_ (OFFICE): (\_\_\_\_\_) \_\_\_\_\_

MY PROPERTY IS ON \_\_\_\_\_ KEY \_\_\_\_\_

ADDRESS or STREET (if address is unknown) \_\_\_\_\_

IDENTIFIED AS LOT # \_\_\_\_\_ BLOCK \_\_\_\_\_,

SUBDIVISION, \_\_\_\_\_

PARCEL REAL ESTATE (RE) NO. \_\_\_\_\_

All information on this application **must** be completed in order to process. I have included a check or money order in the amount specified payable to Islamorada, Village of Islands. I understand that I must remit fees in advance with this application for all letters of current site conditions.

I understand that the letter of current site conditions is for informational purposes only. It does not guarantee or officially assign any building or development rights or timing of such rights, nor does it officially deny any such rights. The information contained therein will be true and accurate as of the date of issuance of the letter and is subject to change.

NOTE: Please list any specific information you want to know about the property on the back of this application. In order to help us locate and evaluate your property please provide copies of any engineer's surveys or vegetation surveys that you may already have.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ RECEIPT # \_\_\_\_\_

## **APPENDIX C – BUILDING PERMIT APPLICATION AND PROCEDURES**

## **Building Permit Application Outline BPAS Single Family Residence (Market and Affordable)**

### **Applications will NOT be accepted without the following items:**

- 1. The current Building Permit Application *completely filled out*.** This includes all phone numbers, all items in Property Description, actual physical street address (contact the Post Office if unknown), and the contractor or Owner/Builder listed (see below). If an area on the application is not applicable to this project, please mark N/A on the application. The application, including the second page, must be signed and notarized by the owner and the contractor.
  - a. If using a contractor,** please complete all of the contractor information, and confirm with the Building Department *prior to application* that the contractor is registered with Islamorada. The application must be signed and notarized by the owner and contractor.
    - i. An agent may be utilized with a contractor.** If using an agent, please complete all information for the agent including address and all phone numbers. The application is still to be signed and notarized by the owner and contractor. An agent letter, signed and notarized by the contractor, must be brought in with the application that is specific to the BPAS project and property.
  - b. If applying as an Owner/Builder,** please mark Owner/Builder in the contractor section and N/A in the agent section. Owner/Builders, under State Law, must apply for and pick up permits *in person*. An agent may not be utilized. Additionally, please sign and have witnessed the Owner/Builder disclosure statement at the top of the second page of the application.
- 2. The Fish & Wildlife Services (FWS) checklist with exemption page number written on it or your review letter from FWS authorizing your proposed construction.** *Prior to application*, please phone or come to the Building Dept. with the Real Estate number of the property and the FWS checklist (second page of document titled "Fact Sheet: Endangered Species in Monroe County"). Check the FWS exemption book for the real estate number. If the number is in the book, please write the page number of the book on the checklist (item 1) and you do NOT have to consult FWS. If the number is not in the book, you MUST consult FWS for review of the project prior to making any application to the Building Department.
- 3. Completed Electrical, Plumbing and Mechanical worksheets.**
- 4. Completed Energy Efficiency Calculations** on the most recent form (600A-2001).
- 5. Complete Property Record Card (PRC)** obtained from the Property Appraisers Office within the last month. If the property was recently purchased and the name on the PRC is different than current owner, a copy of the recorded Warranty Deed must *also* be provided.
- 6. Monroe County Department of Health (DOH) letter of review.** Additionally, plans must be stamped and signed by DOH.
- 7. Florida Keys Aquaduct Authority's water main inquiry letter.**

**8. Florida Keys Electric Co-op's (FKEC) review letter.** Additionally, plans must be stamped and signed by FKEC.

**9. One (1) copy of the legal survey.**

**10. Three (3) sets of signed and sealed code compliant plans.** Plans must be a minimum of 24" x 36" and include the following:

- a. Cover Sheet including the following:
  - i. Name of the project, owner's name and address of the project.
  - ii. Flood zone information including the flood zone, base flood elevation (BFE), proposed elevation of the ground slab (if utilized), and the proposed elevation of the grade immediately adjacent to the structure.
  - iii. All required BPAS information, including estimated points.
- b. Plans must include:
  - i. Site plan including stormwater calculations and placement of swales or berm. (Stormwater calculations worksheets are available as needed.)
  - ii. The square footage of the habitable or conditioned area of each floor.
  - iii. The square footage of all porch, balcony, stairs and other impervious areas.
  - iv. The square footage of any proposed enclosed area below base flood elevation (BFE).
  - v. The square footage of all roof areas.
  - vi. Proposed front, side, rear and environmental (i.e. wetlands, shoreline) setbacks.
  - vii. Proposed structure height from existing grade, proposed finished elevation, amount of fill and number of stories.
  - viii. Open space ratios.
  - ix. Location of electrical service entrance conductors.
  - x. Electrical drawings.
  - xi. Plumbing drawings.
  - xii. Mechanical drawings.
  - xiii. All windload calculations, product approvals or comparative analysis (structure, roofing, windows, doors) per ASCE 7-98.

**11. Non-Refundable building permit filing fee (applicable to permit fees), amount as follows:**

- a. Conventional Single Family Residence \$1,500.00
- b. Modular Single Family Residence \$750.00
- c. Multi-Family or Duplex \$3,000.00

**12. If applying for a dock as part of the project, a copy of the Army Corps of Engineers permit and Department of Environmental Protection permit must accompany application.**

**NOTE – Please refer to Planning Checklist for additional requirements.**

ISLAMORADA, VILLAGE OF ISLANDS  
BUILDING DEPARTMENT

APPLICATION FOR A PERMIT  
(305) 664-2345

INSTRUCTIONS:

1. Complete ALL of this application including contact information and signatures of owner and contractor. Both signatures must be notarized. Please print.
2. Submit completed application with ALL necessary documentation to the Building Department. During the review process, you may be asked to submit additional information.

PROPERTY OWNER:

Name: \_\_\_\_\_  
MAILING Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
**AGENT or CONTRACTOR'S CONTACT PERSON** (if applicable):  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

CONTRACTOR:

Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
**SUBCONTRACTORS** (if applicable):  
Roofing \_\_\_\_\_  
Electrical \_\_\_\_\_  
Mechanical \_\_\_\_\_  
Plumbing \_\_\_\_\_

PROPERTY DESCRIPTION:

**NUMBER OF DWELLING UNITS:** \_\_\_\_\_  
(MUST BE COMPLETED)

Plantation Key \_\_\_\_\_ Windley Key \_\_\_\_\_  
Upper Matecumbe \_\_\_\_\_ Lower Matecumbe \_\_\_\_\_

PHYSICAL Street Address (MUST HAVE): \_\_\_\_\_

RE# \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Zoning: \_\_\_\_\_ Flood Zone Elevation: \_\_\_\_\_ Panel: \_\_\_\_\_  
Current Use of Property: \_\_\_\_\_ Name of Business if Property is Commercial: \_\_\_\_\_

PERMIT TYPE:

Building  Electrical  Plumbing  Mechanical  Roofing  Demolition  Other: \_\_\_\_\_

Description of Proposed Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Value of Work: \$ \_\_\_\_\_ Square/Lineal Feet of construction: \_\_\_\_\_

Change Requested (if applicable):  Contractor

Revision

Renew Expired Permit

AFFIDAVIT (please read carefully)

I hereby certify I have read and examined this application and know the same to be true and correct. I certify that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction, whether they are specified herein or not. I understand that individual permits are required for Pool, Fence, Driveway, Sign(s), Dock, Seawall, and Landclearing, and there may be additional permits required from other governmental agencies.

**WARNING TO OWNER: Failure to record a Notice of Commencement may result in your paying twice for the improvement to your property. If you intend to obtain financing, consult with your lender or attorney before recording your Notice of Commencement. Once recorded, the Notice of Commencement MUST BE POSTED AT THE JOB SITE.**

I, the OWNER of the property, have disclosed all information related to any work at the property performed in the prior twelve months to the Building Official. Further, I am aware that if the cumulative cost of work to my home or business under this and other permits equals or exceeds fifty percent (50%) of the fair market value of the replacement cost of the structure then the entire structure must conform to current code requirements. All work must comply with Florida Building Code.

Signature of Owner

Signature of Contractor Qualifier

Print Name \_\_\_\_\_  
Sworn to and subscribed \_\_\_\_\_ SEAL: \_\_\_\_\_  
before me this \_\_\_\_\_ day  
Of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
\_\_\_\_\_

Print Name \_\_\_\_\_  
Sworn to and subscribed \_\_\_\_\_ SEAL: \_\_\_\_\_  
before me this \_\_\_\_\_ day  
Of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Notary Public

Signature of Notary Public

Personally Known/Produced Identification  
Type of ID Produced \_\_\_\_\_

Personally Known/Produced Identification  
Type of ID Produced \_\_\_\_\_

AUTHORITY HAVING JURISDICTION, APPROVED FOR ISSUANCE OF PERMIT

DATE: \_\_\_\_\_

DEVELOPMENT (DCA) \_\_\_\_\_ / EXEMPT \_\_\_\_\_

**FLORIDA LAW REQUIRES THAT THE VILLAGE OF ISLAMORADA PROVIDE OWNER-BUILDERS WITH THE FOLLOWING DISCLOSURE STATEMENT.**

“State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$25,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that the people working for you have licenses required by State law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means you must deduct F.I.C.A. and withholding tax and provide workers’ compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.” **489.103(7) F.S.**

I am applying for a permit as an Owner and have read the above disclosure statement.

X

Owner-Builder

X

Witness

Date

Application is hereby made to do the work and installation as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRIC, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, AIR CONDITIONERS, FIRE SPRINKLERS, FIRE ALARMS, ETC.

I also acknowledge the following:

- A Permit is conditional and subject to time limitations.
- Issuance of a Permit is not authorization to violate code or restrictions, public or private.
- Failure to comply with applicable codes may result in the withholding of future Permits.
- Submission of any false information or misrepresentation is a violation of law and may result in revocation of your Permit(s).

**OWNER'S AFFIDAVIT:** I certify that the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Signature: \_\_\_\_\_

Owner or Agent

Sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Personally known to me \_\_\_\_ OR produced  
\_\_\_\_\_ as Identification.

Signature: \_\_\_\_\_

Contractor

Sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Personally known to me \_\_\_\_ OR produced  
\_\_\_\_\_ as Identification.

NOTARY PUBLIC (As to Owner or Agent)  
My Commission Expires:

Seal:

NOTARY PUBLIC (As to Contractor)  
My Commission Expires:

Seal:

## Fact Sheet:

# Endangered Species In Monroe County

### Background Information

#### *The Key Deer Lawsuit against FEMA, Consultation with FWS*

In 1990, the National Wildlife Federation sued the Federal Emergency Management Agency (FEMA), asserting that the availability of flood insurance in Monroe County adversely impacted the Key Deer. In 1994, the Federal Court in Miami directed the Federal Emergency Management Agency (FEMA) to consult with the U.S. Fish and Wildlife Service (FWS) pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 et seq.) to determine whether the implementation of the National Flood Insurance Program in Monroe County was likely to jeopardize the continued existence of the endangered Florida Key Deer.

In June, 1997, as a result of that consultation, the Service issued a final Biological Opinion that determined that the program was likely to jeopardize the Key deer, as well as eight other species that also occur in the Florida Keys. To provide protection for the Key deer and the other species, while allowing the County and its residents to continue to receive Federal flood insurance, FEMA and the FWS developed a Reasonable and Prudent Alternative (RPA) to the proposed program. This RPA set up a process to allow the FWS to provide technical assistance to Monroe County concerning building permit applications that may affect the species.

The County currently requires that a prospective permit applicant obtain review by 13 local, county, state, and federal agencies. The FWS coordination process will provide recommendations to protect threatened and endangered species for consideration by the County in its evaluation of your building permit. These recommendations could range from minor modifications of the proposed action to a request for application for an Incidental Take Permit. The County is implementing this FWS coordination procedure in compliance with community eligibility requirements of the National Flood Insurance Program. Of course, other federal, state, and local permits may be required, and the County will provide permit approval subject to review of all other requirements.

### How to Find Out if You Need to Consult with FWS

#### *Using the List of RE Numbers and the Checklist*

When you apply to Monroe County for a building permit, you will first determine two things regarding endangered species:

1. Is the property in an area that the U.S. Fish and Wildlife Service has determined to be habitat for threatened or endangered species?
2. Is the proposed activity one that may affect the threatened or endangered species?

You will find two tools to help you. The first is the list of RE numbers for lots in the County. The second is the checklist on page two.

### The List of RE Numbers

A list of RE numbers for all lots in the County would run to hundreds of pages. To make it easier for you to search the list, it includes only properties that are not in areas that FWS has identified as habitat of threatened or endangered species.

A County staff person will show you the list. Read through it to find the RE number for your property. If you find your RE number, write down the page number where you found it on the checklist and turn it in to a staff person. You do not need to consult with FWS and you are done with this process. If you do not find your RE number on the list, go to the second step.

### The Checklist

If your property is not within threatened and endangered species habitat, no additional coordination with the FWS is required. If your property is within one of the areas determined to be habitat for threatened and endangered species, then the checklist will help you determine if the action you are proposing requires FWS coordination and technical assistance. The County requires building permits for a wide variety of actions, most of which the FWS considers minor in scope. The County will refer applicants to the FWS for coordination and technical assistance only for

actions that:

1. Involve new construction
2. involve construction that modifies the footprint of existing structures; or
3. Activities that increase the use intensity (such as the categories of low, medium and high as defined by DCA).

If your proposed activity meets any one of these criteria, or more than one, then the County will require you to submit the following information to the FWS for its recommendation:

### Material You Need to Submit to FWS:

1. Your name, address, and telephone number;
2. The location of property — include as much information as possible so the FWS will be able to locate the property on the ground (include Key, subdivision, block and lot number);
3. A description of the property — include

information about any previous land clearing, types of vegetation present and other pertinent information including photographs of the site, if available, that may assist the FWS in evaluating the habitat, and;

4. Any project plans that may have been prepared that describe the size (in square feet) and location on the property.

This information should be mailed to:

U.S. Fish and Wildlife Service  
Attn: Ecological Services  
P.O. Box 430510  
Big Pine Key, FL 33040  
(305) 872-5563

### FAX- (305) 872-3469 The FWS Response

Within 30 days of receipt of the requested information, the FWS will provide written notification to you detailing its recommendation, if any. This letter will also be forwarded to the County for its consideration in its evaluation of your building permit.

### CHECKLIST

		YES	NO
1.	Is the property's RE number on the list of properties <i>not</i> in habitat of threatened or endangered species?		
If yes, write down, in this box, the page number where you found the RE number. You do not have to consult with FWS.			
2.	Does your project involve new construction?		
3.	Will the project modify the footprint of an existing structure (the outline of the building at ground level)?		
4.	Will the finished project involve activities that change the use intensity from low to medium or high or from medium to high? (Refer to the categories defined by the Florida Department of Community Affairs.)		

If the answer to Question 1 is No AND the answer to Question 2 OR 3 OR 4 is Yes, then you need to consult with the U.S. Fish and Wildlife Service. See the directions above.

**VILLAGE OF ISLAMORADA**  
**Building Department**  
**Electrical Permit Worksheet (Attach to Permit Application)**

**ELECTRICAL PORTION OF PROJECT COST \$ \_\_\_\_\_**

<b>SITE WORK</b>			
Per \$1,000 cost or part thereof	_____ X \$50.00 (Residential) _____ X \$60.00 (Commercial)	=	\$ _____ \$ _____

<b>OUTLETS</b>			
Per 100 Square Feet of Project Area	_____ X \$11.00 (Residential) _____ X \$12.00 (Commercial)	=	\$ _____ \$ _____
Appliance Outlets & Ceiling Fans EACH	_____ X \$11.00 (Residential) X \$12.00 (Commercial)	=	\$ _____
Exterior Light EACH (exclusive of sign lighting)	_____ X \$10.00 (Residential) x \$15.00 (Commercial)	=	\$ _____ \$ _____

<b>TEMPORARY SERVICE</b>	_____ X \$100.00 (Residential) x \$200.00 (Commercial)	=	\$ _____ \$ _____

<b>SINGLE PHASE SERVICE &amp; SUB-FEEDS</b> (Panels)			
0 TO 300 AMP	_____ X \$80.00 (Residential) _____ x \$100.00 (Commercial)	=	\$ _____ \$ _____
300+ TO 400 AMP	_____ X \$95.00 (Residential) x \$110.00 (Commercial)	=	\$ _____ \$ _____
400+ TO 600 AMP	_____ X \$120.00 (Residential) x \$135.00 (Commercial)	=	\$ _____ \$ _____
OVER 600 AMP	_____ X \$300.00 (Residential) x \$400.00 (Commercial)	=	\$ _____ \$ _____

<b>THREE PHASE SERVICE &amp; SUB-FEEDS</b> (Panels)			
0 TO 300 AMP	_____ X \$95.00 (Residential) x \$150.00 (Commercial)	=	\$ _____ \$ _____
300+ TO 400 AMP	_____ X \$110.00 (Residential) x \$135.00 (Commercial)	=	\$ _____ \$ _____
400+ TO 600 AMP	_____ X \$160.00 (Residential) x \$195.00 (Commercial)	=	\$ _____ \$ _____
OVER 600 AMP	_____ X \$250.00 (Residential) x \$350.00 (Commercial)	=	\$ _____ \$ _____

<b>MOTORS (SEE SWIMMING &amp; HOT TUBS)</b>			
0 - 10 HP	_____ X \$60.00 (Residential) x \$75.00 (Commercial)	=	\$ _____ \$ _____
10+ - 25 HP	_____ X \$125.00 (Residential) x \$145.00 (Commercial)	=	\$ _____ \$ _____
OVER 25 HP	_____ X \$165.00 (Residential) x \$180.00 (Commercial)	=	\$ _____ \$ _____

<b>GENERATORS, TRANSFORMERS &amp; TRANSFER SWITCHES</b> (Each)			
0 - 25 KW	_____ X \$60.00 (Residential) x \$75.00 (Commercial)	=	\$ _____ \$ _____

25+ - 50 KW	X \$120.00 (Residential) x \$130.00 (Commercial)	=	\$ _____
OVER 50 KW	X \$160.00 (Residential) x \$180.00 (Commercial)	=	\$ _____

<b>X-RAY MACHINES</b> (Each)	X \$500.00	=	\$ _____
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<b>WELDING MACHINES</b> (Each)	X \$300.00	=	\$ _____
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<b>AIR CONDITIONING</b> (Each)			
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Window or Wall (new service req.)	X \$70.00 (Residential) x \$95.00 (Commercial)	=	\$ _____
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<b>CENTRAL SYSTEM</b>			
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Up to 20 TONS	X \$60.00 (Residential) x \$85.00 (Commercial)	=	\$ _____
Over 20 TONS	X \$85.00 (Residential) x \$120.00 (Commercial)	=	\$ _____
Refrigeration (up to 20 TONS) (over 20 TONS)	X \$95.00 X \$5.00 PER TON	=	\$ _____
Heat Pump	X \$60.00	=	\$ _____

<b>ELEVATORS</b> (Each)	X \$200.00	=	\$ _____
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<b>DUMBWAITERS, WHEELCHAIR LIFTS &amp; STAIR LIFTS</b> (Each)	X \$200.00	=	\$ _____
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<b>SIGNS</b>			
1 <sup>st</sup> Sign Connection	X \$60.00	=	\$ _____
Each Additional Sign	X \$30.00	=	\$ _____

<b>PLUG MOULD/ TRACK LIGHTING</b>			
Per 100 linear foot or part thereof	X \$60.00 (Residential) x \$85.00 (Commercial)	=	\$ _____

<b>ALARM SYSTEMS (HARD WIRED) (LOW VOLTAGE SYSTEM)</b>			
Residential (each)	X \$100.00	=	\$ _____
Commercial per \$1,000 or part thereof	X \$35.00	=	\$ _____

<b>COMMERCIAL KITCHEN VENT HOOD (SEE MOTORS - PER HP)</b>			
<b>REPAIRS/REMODEL (SAME AS NEW) (SEE MINIMUM FEE)</b>			

<b>SWIMMING POOL, HOT TUBS, SPA</b>			
Lights, Pump, Bonding & Timer	X \$200.00 (Residential) x \$300.00 (Commercial)	=	\$ _____

<b>MISCELLANEOUS</b> (Any electrical work not included in schedule)			
per \$1,000 or part thereof	X \$30.00 (Residential) x \$45.00 (Commercial)	=	\$ _____

<b>TOTAL</b>			\$ _____
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<b>PERMIT FEES</b>			
<b>CONTINUING EDUCATION FEE</b>	\$4.00	=	\$ 4.00

NOTE: MINIMUM PERMIT FEE

\$75.00 (+ \$4.00 Continuing Education Fee)

**VILLAGE OF ISLAMORADA**  
**Building Department**  
**Mechanical Permit Worksheet (Attach to Permit Application)**

MECHANICAL PORTION OF PROJECT COST \$ \_\_\_\_\_

<b>AIR CONDITIONING SYSTEMS</b> (Excluding Window Units and Refrigeration)			
0 - 2 TON	_____ X \$55.00	=	\$ _____
2+ TON - 5 TON	_____ X \$70.00	=	\$ _____
5+ TON - 10 TON	_____ X \$85.00	=	\$ _____
10+ TON - 25 TON	_____ X \$100.00	=	\$ _____
25+ TON - 50 TON	_____ X \$130.00	=	\$ _____
50+ TON - 100 TON	_____ X \$210.00	=	\$ _____
OVER 100 TON	_____ X \$320.00	=	\$ _____

<b>DUCT WORK</b>			
Per each drop, opening or diffuser	_____ X \$10.00 (Residential) _____ x \$12.00 (Commercial)	=	\$ _____

<b>VENT HOOD</b>			
	_____ X \$50.00 (Residential) _____ x \$100.00 (Commercial)	=	\$ _____

<b>HEAT PUMP</b>			
	_____ X \$50.00 (Residential) _____ x \$70.00 (Commercial)	=	\$ _____

<b>GAS EQUIPMENT &amp; PIPING</b>			
Per Fixture Unit inclusive of all required piping	_____ X \$45.00 (Residential) _____ x \$60.00 (Commercial)	=	\$ _____

<b>ELEVATORS</b>			
2 Floors	_____ \$150.00 (Flat Fee)	=	\$ _____
Over 2 Floors	_____ X \$75.00 per Floor	=	\$ _____

<b>MISCELLANEOUS</b> (Any mechanical work not included above)			
Per \$1,000 or part thereof	_____ X \$35.00 (Residential) _____ x \$70.00 (Commercial)	=	\$ _____

<b>TOTAL PERMIT FEES</b>			
<b>CONTINUING EDUCATION FEE</b>	_____ \$4.00	=	\$ 4.00

**NOTE: MINIMUM PERMIT FEE**      **\$75.00 (+ \$4.00 Continuing Education Fee)**

**VILLAGE OF ISLAMORADA**  
 Building Department  
**Plumbing Permit Worksheet (Attach to Permit Application)**

PLUMBING PORTION OF PROJECT COST \$ \_\_\_\_\_

<b>FIXTURES</b> - Sinks, Tubs, Water Closets, Bidets, Etc.	X \$25.00 (Residential) X \$35.00 (Commercial)	=	\$ _____
<b>SEWER</b> (Building) – Interior Lines & Connection	X \$70.00 (Residential) X \$80.00 (Commercial)	=	\$ _____
<b>EXTERIOR SANITARY &amp; STORMLINES</b> – Per \$1,000 or part thereof	X \$70.00 (Residential) X \$90.00 (Commercial)	=	\$ _____
<b>MANHOLES</b> (Each)	X \$70.00	=	\$ _____
<b>SEWAGE TREATMENT PLANT</b> Per \$1,000 or part thereof	X \$50.00 (Residential) X \$75.00 (Commercial)	=	\$ _____
<b>WATERPIPING</b> Connection to Supply System (Water Service)	X \$35.00 (Residential) X \$55.00 (Commercial)	=	\$ _____
<b>MISC. CONNECTION</b> - to any fixture or appliance not listed in the above fixture counts	X \$35.00 (Residential) X \$45.00 (Commercial)	=	\$ _____
<b>IRRIGATION SYSTEM</b> Per \$1,000 or part thereof	X \$25.00 (Residential) X \$40.00 (Commercial)	=	\$ _____
<b>FIRE PROTECTION SYSTEM</b> Per \$1,000 or part thereof	X \$25.00 (Residential) X \$35.00 (Commercial)	=	\$ _____
<b>WATER MAIN DISTRIBUTION LINES</b> Per \$1,000 or part thereof	X \$30.00 (Residential) X \$40.00 (Commercial)	=	\$ _____
<b>SWIMMING POOL, SPA, HOT TUB</b> (Each)	X \$60.00 (Residential) X \$200.00 (Commercial)	=	\$ _____
<b>WELLS</b> (Where approved by DEP)	X \$50.00 (Residential) X \$80.00 (Commercial)	=	\$ _____
<b>SOAKAGE PITS, FRENCH DRAINS &amp; TRENCHES</b> Per 100 lineal feet or part thereof	X \$30.00 (Residential) X \$55.00 (Commercial)	=	\$ _____
<b>SOLAR WATER HEATER</b> (New & Repairs)	X \$50.00 (Residential) X \$85.00 (Commercial)	=	\$ _____
<b>JOBSITE TEMPORARY TOILETS</b> (Each)	X \$45.00 (Residential) X \$60.00 (Commercial)	=	\$ _____

<b>MISCELLANEOUS</b> (Any plumbing work not included above)			
Per \$1,000.00 or part thereof	X \$30.00 (Residential) X \$45.00 (Commercial)	=	\$ _____

<b>TOTAL PERMIT FEES</b>	\$ _____		
<b>CONTINUING EDUCATION FEE</b>	\$4.00	=	\$ 4.00

**NOTE:** MINIMUM PERMIT FEE

\$75.00 (+ \$4.00 Continuing Education Fee)

## **APPENDIX D – BPAS APPLICATION**

# ***Islamorada, Village of Islands***

## **AFFORDABLE HOUSING APPLICATION FORMS**

### **BUILDING PERMIT ALLOCATION SYSTEM**



#### **INCLUDES:**

- REVISED OPINION OF TITLE INSTRUCTIONS**

***REVISED AUGUST 2005***

Please direct any questions regarding this application package to the Planning and Development Services Department at (305)664-2345

1. THE **APPLICATION FORM** MUST BE FILLED OUT IN ITS ENTIRETY BY ALL APPLICANTS IN THE AFFORDABLE HOUSING PROGRAM.



# ISLAMORADA VILLAGE OF ISLANDS



## BUILDING PERMIT ALLOCATION SYSTEM AFFORDABLE HOUSING APPLICATION

**Please print. This application must be filled completely. Incomplete applications will be returned.**

OWNER'S NAME \_\_\_\_\_ PH.(W) \_\_\_\_\_ (H) \_\_\_\_\_ FAX \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY/STATE/ZIP CODE \_\_\_\_\_

AGENT'S NAME (if applicable) \_\_\_\_\_ PH.(W) \_\_\_\_\_ (H) \_\_\_\_\_ FAX \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY/STATE/ZIP CODE \_\_\_\_\_

PROPERTY DESCRIPTION (if metes & bounds, attach legal description on separate sheet):

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ Key \_\_\_\_\_

Street Name \_\_\_\_\_ Mile Marker \_\_\_\_\_ RE# \_\_\_\_\_

Type of Applicant: a) Owner Occupant \_\_\_\_\_, b) Tenant \_\_\_\_\_, c) Developer \_\_\_\_\_

Total Adjusted Gross Household Income: \$ \_\_\_\_\_ Total Monthly Housing Costs: \$ \_\_\_\_\_

Please submit the following information. All forms must be completed in their entirety. If you have questions, please call 664-6400 to talk to a Village Planner.

- 1) Copy of latest IRS Form 1040 showing gross adjusted income for each household member. Copies must be sent DIRECTLY to the Department of Planning and Development Services from a Certified Public Accountant or received unopened from the IRS.
- 2) Copies of all notes securing liens on the property
- 3) Copies of all mortgages given on the property
- 4) Letter of employment (or unemployment) for each household member
- 5) Completed Affordable Housing Affidavit and Deed Restriction\*\*
- 6) An Opinion of Title prepared by an attorney within the State of Florida two weeks prior to recommended Council approval of an award.

**\*\*Do not record any document in public records at this time.** Once the award has been allocated, the Village will record the approved Declaration of Covenants, Conditions, and Restrictions in the chain of title of the property.

*I hereby certify that (1) I have read and examined this application including the attachments and know the same to be true and correct; (2) all provisions of laws and ordinances governing this type of work are complied with whether specified herein or not, including provisions of Local, State and Federal requirements regulating construction or the performance of construction; and (3) time periods for Village action set forth in Section 30-212 of the Village Code are hereby waived.*

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, he/she is personally known to me

or has produced \_\_\_\_\_ as identification.

STAFF ONLY: Received by _____	Date _____	Time _____	Permit # _____
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2. THE **AFFIDAVIT FOR QUALIFICATION FOR DEVELOPER(S)** AND THE **DEVELOPER(S) AFFIDAVIT** MUST BE FILLED OUT BY THE DEVELOPER(S) WISHING TO PROVIDE AFFORDABLE HOUSING FOR OTHERS.



# Islamorada, Village of Islands



## AFFIDAVIT OF QUALIFICATION FOR DEVELOPER(S)

*Before me, the undersigned authority, the Owner(s)/Developer(s) personally appeared:*

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ FAX: \_\_\_\_\_

*Who are sworn under oath, and attest to the fact that the following statement(s) of qualification for the Affordable Housing Program of the Village of Islamorada, Florida, under Division 11 of Article IV of the Land Development Regulations, will be followed:*

- 1) This affidavit is part of a building permit application and a request for waiver of payment of the required impact fees, for a dwelling unit located on certain real property, lying and being in Islamorada, Village of Islands, Florida, and described as follows:

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

RE: \_\_\_\_\_ Key: \_\_\_\_\_

If in metes and bounds, attach a separate sheet.

- 2) The use of the dwelling is restricted for a period of thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years, to owner/occupied households whose yearly mortgage payments, including PRINCIPAL, INTEREST, TAXES and INSURANCE, will not exceed forty (40) percent each month of that which represents one hundred (100) percent of the monthly median household income for Monroe County, and to employee housing/tenant households whose monthly rent, not including utilities, will not exceed thirty (30) percent each month of that which represents one hundred (100) percent of the monthly median household income for Monroe County (Ordinance 06-16).
- 3) The sales price shall not exceed three and three-quarters (3.75) times the annual median household income for Monroe County for a one (1) bedroom or efficiency unity, four and one-quarter (4.25) times the annual median household income for Monroe County for a two (2) bedroom unit and four and three-quarters (4.75) times the annual median household income for Monroe County for a three (3) or more bedroom unit (Ordinance 06-16).

INITIALS \_\_\_\_\_



# Islamorada, Village of Islands



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- 4) The dwelling unit shall not exceed 1,500 square feet of enclosed living area, but may include an additional enclosed patio of no greater than ten (10) feet in width along one (1) side of the dwelling and a walkway of no greater than three (3) feet around the entire dwelling so long as the affordable housing restrictions are in effect (Ordinance 06-16).
- 5) The Applicant authorizes Islamorada, Village of Islands to file, at the time of approval, the Declaration of Covenants Conditions and Restrictions on the chain of title to said real property described above, with the Clerk of Court for Monroe County giving notice that the dwelling unit shall be bound by the affordable housing criteria for thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years each.
- 6) The developers ensure that the occupants of the dwelling unit will file with Islamorada, Village of Islands a copy of income tax forms for all members of the household showing adjusted gross income for the previous year either through a Certified Public Accountant or through the IRS.
- 7) The developers understand and agree that each year from the date of issuance of the Certificate of Occupancy, the occupants of the dwelling unit must submit to Islamorada, Village of Islands an Affidavit of Qualification for Affordable Housing and the IRS 1040 income tax forms for all members of the household occupying the dwelling unit either through a Certified Public Accountant or through the IRS.
- 8) The developers understand that the residence will be restricted by the affordable housing covenants for a period of thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years each. Therefore, the sale, transfer, inheritance, assignment or rental of the unit shall only be to persons who qualify under the Village's current affordable housing eligibility requirements as established and amended from time to time. All of the restrictions herein shall be binding upon any transfers, lessees, heirs or assignees.

**I certify that I am familiar with the information contained in this application, and to the best of my knowledge, such information is true, complete and accurate.**

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Signature

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Signature

Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_ 200\_ AD.

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Notary Public  
My Commission Expires



# Islamorada, Village of Islands



## DEVELOPER(S) AFFIDAVIT

Before me, the undersigned authority, the Owners/Developer(s), personally appeared:

NAME(S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: Home: \_\_\_\_\_ Work: \_\_\_\_\_ FAX: \_\_\_\_\_

We, the Developers, do not intend to move into the dwelling unit, nor do we have prospective tenants at this time who will move into the dwelling unit located on certain real property, lying and being in Islamorada, Village of Islands, Florida, and described as follows:

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Subdivision: \_\_\_\_\_

Key: \_\_\_\_\_ MM: \_\_\_\_\_ RE#: \_\_\_\_\_

If in metes and bounds, attach separate sheet.

We, the Developers understand that the Certificate of Occupancy will not be issued for the house to be located at the above premises until the requirements of Affordable Housing are met by either 1) a new affidavit 2) no prospective tenant(s) or 3) tenant(s) pursuant to the affordable housing criteria.

**I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.**

Signature of Applicant or Agent

Signature

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_ AD.

\_\_\_\_\_  
Notary Public  
My Commission Expires

3. IF THERE IS MORE THAN ONE OWNER OF THE PROPERTY TO BE DEVELOPED, EACH OWNER MUST PROVIDE A **SELLER'S NO LIEN AND FIRPTA AFFIDAVIT** AND A **JOINDER, CONSENT AND SUBORDINATION** FORM. THESE FORMS SHOW THAT THERE ARE NO LIENS ON THE PROPERTY, AND THAT ALL PARTNERS ARE AWARE THAT AN AFFORDABLE HOUSING DECLARATION WILL BE PLACED ON THE PROPERTY FOR A TERM OF THIRTY (30) YEARS FROM THE DATE OF RECORDING, AFTER WHICH TIME THE RESTRICTION SHALL BE EXTENDED AUTOMATICALLY FOR SUCCESSIVE PERIOD OF TEN (10) YEARS EACH.

## **NO-LIEN, POSSESSION GAP AND FIRPTA AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

1. That the Affiant is the owner of fee simple title to the real property located in Monroe County, Florida, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof ("Property").
2. That there are no construction, mechanics', materialmans' or laborers' liens filed against the Property or any portion thereof; that there have been no repairs, improvements or other work done to or labor, materials or services bestowed upon the Property or any portion thereof for which any or all of the cost of the same remains unpaid; and that no person, firm or corporation is entitled to a construction lien against the Property or any portion thereof under Chapter 713 of the Florida Statutes.
3. That no person, firm or corporation has any interest, claim of possession, or contract right with respect to the Property or any portion thereof, and there are no facts known to Affiant which would give rise to such a claim being asserted against the Property or any portion thereof.
4. That there are no unsatisfied judgments or any federal, state or county tax deficiencies, which are a lien against the Property or any portion thereof.
5. That the Property is free and clear of all mortgages, liens, taxes, assessments, fees, and encumbrances whatsoever, except for real estate taxes for \_\_\_\_\_.
6. That there is no pending litigation or dispute involving or concerning the location of the boundaries of the Property or any portion thereof.
7. There are no actions or proceedings now pending in any state or federal court to which the Affiant is a party that would affect the Affiant and/or title to the Property or any portion thereof.
8. There are no matters which may affect the marketability of title to the Property, or which may interfere with the use of the Property for conservation purposes.
9. That to the best of Affiant's knowledge there is no unrecorded easements or claims of easements affecting the Property or any portion thereof.
10. That the Property does not constitute all or substantially all of the assets of the Affiant.
11. Section 1445 of the Internal Revenue Code provides that a transferee (buyer) of a U.S. real property interest must withhold tax if the transferor (seller) is a foreign person. To inform the

Buyer that withholding of tax is not required upon the disposition of a U.S. real property interest by Affiant, Affiant hereby certifies the following:

- 11.1 The Affiant is not a foreign person, foreign corporation, foreign partnership, foreign trust, or foreign estate for the purposes of U.S. income taxation (as those terms are defined in the Internal Revenue Code and Income Tax Regulations).
- 11.2 The Affiant's taxpayer identification number is \_\_\_\_\_.
- 11.3 The Affiant's address is \_\_\_\_\_.
- 11.4 Affiant understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

12. That there are no matters pending against the Affiant that could give rise to a lien that would attach to the Property or any portion thereof between \_\_\_\_\_, and the recording of the warranty deed from the Affiant to Islamorada, Village of Islands, Florida, a Florida municipal corporation ("Grantee"), and that the Affiant has not and will not execute any instrument that would adversely affect the title to or transfer of the Property or any portion thereof from the Affiant to Grantee.
13. Affiant recognizes that Grantee is materially relying on the veracity of the contents of this Affidavit, and that this Affidavit is being given for the purpose of inducing Grantee to part with valuable consideration and consummate the conveyance of the Property from the Affiant.

FURTHER AFFIANT SAYETH NAUGHT.

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Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, who (check one) [ ] is personally known to me or [ ] has produced \_\_\_\_\_ as identification.

---

Notary Public, State of Florida

My commission expires:

---

Print or Type Name of Notary Public

(Seal)

## **JOINDER, CONSENT AND SUBORDINATION**

The undersigned hereby certifies that \_\_\_\_\_, is the holder of a mortgage, lien or other encumbrance upon the above-described property, and that the undersigned hereby joins in and consents to the foregoing instrument by the owner thereof and agrees that its mortgage, lien or other encumbrance, which is recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Monroe County, Florida, shall be subordinated to the foregoing instrument.

**Signed, sealed and delivered**  
**in the presence of:** \_\_\_\_\_

Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

**(CORPORATE SEAL)**

STATE OF \_\_\_\_\_ )  
 )ss:  
COUNTY OF \_\_\_\_\_ )

**THIS IS TO CERTIFY**, that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, who [ ] is personally known to me or [ ] produced \_\_\_\_\_ as identification.

NOTARY PUBLIC STATE OF \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Commission No.: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**4. THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS MUST BE PLACED ON THE TITLE OF THE PROPERTY WHERE THE AFFORDABLE HOUSING UNIT WILL BE CONSTRUCTED. THIS DOCUMENT WILL BE FULLY EXECUTED UPON A RECOMMENDATION OF APPROVAL BY THE VILLAGE COUNCIL AT AN ADVERTISED PUBLIC HEARING. THE DECLARATION MUST BE RECORDED BY ISLAMORADA, VILLAGE OF ISLANDS PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.**

**This instrument prepared by:**

Weiss Serota Helfman  
Pastoriza Guedes Cole & Boniske, P.A.  
2525 Ponce de Leon Boulevard  
Suite 700  
Coral Gables, Florida 33134  
Telephone 305-854-0800

**After recording return to:**

Planning and Development Services Department  
Islamorada, Village of Islands  
81990 Overseas Highway  
Second Floor  
P.O. Box 568  
Islamorada, Florida 33036

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**  
("Declaration") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_  
\_\_\_\_\_, whose principal mailing address is \_\_\_\_\_  
\_\_\_\_\_, ("Declarant").

**R E C I T A L S:**

1. Declarant is the fee simple title owner to certain real property (the "Property") located in Islamorada, Village of Islands, Monroe County, Florida (the "Village") which is more particularly described as:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

2. Declarant is the recipient of an affordable housing dwelling unit allocation award on the Property pursuant to the Building Permit Allocation System (the "Building Permit"):

3. In connection with the allocation award and issuance by the Village of the Building Permit, Declarant desires to subject the Property to the restrictions, covenants, and conditions hereinafter set forth, each and all of which is and are for the benefit of the Property.

**NOW, THEREFORE**, in order to assure the Village that the Declarant will comply with the terms and conditions of the allocation award and Building Permit, the Declarant freely, voluntarily and without duress, hereby declares that the Property shall be held and conveyed subject to the following restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. **Restrictions; Covenant Running With The Land.** Declarant hereby covenants, agrees and certifies, in so far as the rights, powers, interests and authority of the

Declarant is concerned, that development of the Property shall comply with all requirements and conditions set forth in the affordable housing provisions under Division 11 of Article IV of the Land Development Regulations as may be amended from time to time. All restrictions herein are binding upon any transferees, lessees, heirs or assigns of the Declarant, and all parties having any right, title or interest in the Property or any part thereof, and their heirs, successors and assigns. This Declaration shall constitute a covenant running with the land.

2. **Village.** This Declaration is intended to benefit and run in favor of the Village.
3. **Enforcement.** The Village, its successors or assigns, shall have the right to enforce, all restrictions, conditions and covenants imposed by the provisions of this Declaration. This Declaration may be enforced by the Village against any party or person violating, or attempting to violate, any of the covenants and restrictions contained herein. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, reasonable attorneys' fees and costs as well as attorneys' fees and cost incurred in enforcing this prevailing parties attorneys' fees provision. This enforcement provision shall be in addition to any other remedies available at law or in equity.
4. **Term.** The restrictions, covenants and conditions of this Declaration shall run with and bind the Property, the Declarant and all subsequent owners of the Property, for a term of thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years each, for the Property to which the covenants, conditions and restrictions apply.
5. **Amendments.** All amendments hereto shall be in writing and must be signed by the Declarant, or its respective successors or assigns, and the Village. All amendments hereto shall be recorded in the Public Records of Monroe County, Florida, and shall not be valid until recorded.
6. **Paragraph Headings.** Paragraph headings, where used herein, are inserted for convenience only and are not intended to be a part of this Declaration or in any way defined, limited or describe the scope and intent of the particular paragraph to which they refer.
7. **Effective Date.** This Declaration will become effective upon the issuance of a Certificate of Occupancy for the dwelling units on the Property by the Village Building Official and recordation of this Declaration in the Public Records of Monroe County, Florida.
8. **Governing Law.** This Declaration and the enforcement of the rights and obligations established hereby shall be subject to and governed by the laws of the State of Florida.
9. **Recordation.** The Village shall, at the Declarant's sole cost and expense, record this Declaration in the Public Records of Monroe County, Florida, after receipt of an Opinion

of Title from the Declarant or its attorney and approval of same by the Village Attorney, and prior to the issuance of the Building Permit.

10. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges. Declarant or the Village shall be entitled to pursue all actions at law or in equity including, but not limited to, injunctive relief.
11. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions, which shall remain in full force and effect.

**IN WITNESS WHEREOF**, Declarant, has caused these presents to be executed on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

**DECLARANT**

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

STATE OF FLORIDA        )  
                                  SS:  
COUNTY OF MONROE        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, by, \_\_\_\_\_, who (check one) [ ] are personally known to me or [ ] have produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

My Commission Expires:

## **JOINDER, CONSENT AND SUBORDINATION**

The undersigned hereby certifies that \_\_\_\_\_, is the holder of a mortgage, lien or other encumbrance upon the above-described property, and that the undersigned hereby joins in and consents to the foregoing instrument by the owner thereof and agrees that its mortgage, lien or other encumbrance, which is recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Monroe County, Florida, shall be subordinated to the foregoing instrument.

Signed, sealed and delivered \_\_\_\_\_  
in the presence of:

Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

(CORPORATE SEAL)

STATE OF FLORIDA        )  
                                  SS:  
COUNTY OF MONROE        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, by, \_\_\_\_\_, who (check one) [ ] are personally  
known to me or [ ] have produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_

My Commission Expires:

5. ALL OCCUPANTS (OWNER OR TENANT) WHO WILL RESIDE IN AN AFFORDABLE HOUSING UNIT MUST QUALIFY WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND MEET THE QUALIFICATION CRITERIA INDICATED IN THE **AFFIDAVIT OF QUALIFICATION FOR AFFORDABLE HOUSING**, AND THE **APPLICATION**. LETTERS OF EMPLOYMENT /UNEMPLOYMENT AND A PHOTOCOPY OF THE **IRS 1040** FOR EACH MEMBER OF THE HOUSEHOLD ARE REQUIRED. INFORMATION ON OBTAINING A PHOTOCOPY OF THE IRS 1040 IS ENCLOSED.



# Islamorada, Village of Islands



## AFFIDAVIT OF QUALIFICATION FOR AFFORDABLE HOUSING

*Before me, the undersigned authority personally appeared:*

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ FAX: \_\_\_\_\_

*herein after referred to as the Applicant(s) are sworn under oath, and attest to the fact that the following statement(s) of qualification for the Affordable Housing Program of the Village of Islamorada, Florida, under Division 11 of Article IV of the Land Development Regulations, will be followed:*

- 1) This affidavit is part of a building permit application and a request for waiver of payment of the required impact fees, for an owner-occupied dwelling unit located on certain real property, lying and being in Islamorada, Village of Islands, Florida, and described as follows:

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

RE: \_\_\_\_\_ Key: \_\_\_\_\_

If in metes and bounds, attach a separate sheet.

- 2) The use of the dwelling is restricted for a period of thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years, to owner/occupied households whose yearly mortgage payments, including PRINCIPAL, INTEREST, TAXES and INSURANCE, will not exceed forty (40) percent each month of that which represents one hundred (100) percent of the monthly median household income for Monroe County, and to employee housing/tenant households whose monthly rent, not including utilities, will not exceed thirty (30) percent each month of that which represents one hundred (100) percent of the monthly median household income for Monroe County (Ordinance 06-16).

The following is a complete list of all employed members of said household at this time and name(s) and address(es) of their respective employer(s):

Household Member Name:

Employers Name and Address:

a. \_\_\_\_\_

a. \_\_\_\_\_

b. \_\_\_\_\_

b. \_\_\_\_\_

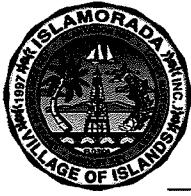
c. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

d. \_\_\_\_\_

INITIALS \_\_\_\_\_



# Islamorada, Village of Islands



- 3) The sales price shall not exceed three and three-quarters (3.75) times the annual median household income for Monroe County for a one (1) bedroom or efficiency unit, four and one-quarter (4.25) times the annual median household income for Monroe County for a two (2) bedroom unit and four and three-quarters (4.75) times the annual median household income for Monroe County for a three (3) or more bedroom unit (Ordinance 06-16).
- 4) The Applicant authorizes Islamorada, Village of Islands to file, at the time of approval, the Declaration of Covenants Conditions and Restrictions on the chain of title to said real property described above, with the Clerk of Court for Monroe County giving notice that the dwelling unit shall be bound by the affordable housing criteria for thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years each..
- 5) The Applicant will file with the Village of Islamorada each year a copy of income tax forms for all members of the household showing adjusted gross income for the previous year either through a Certified Public Accountant or through the IRS.
- 6) The Applicant understands that the dwelling unit will be restricted by the affordable housing covenants for a period of twenty (20) years from the date of issuance of a Certificate of Occupancy thirty (30) years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten (10) years each. Therefore, the sale, transfer, inheritance, assignment or rental of the unit shall only be to persons who qualify under the Village's current affordable housing eligibility requirements as established and amended from time to time. All of the restrictions herein, shall be binding upon any transfers, lessees, heirs or assignees.

**I certify that I am familiar with the information contained in this application, and to the best of my knowledge, such information is true, complete and accurate.**

---

Signature

---

Signature

Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_ AD.

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Notary Public  
My Commission Expires



# Islamorada, Village of Islands



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## LETTER OF EMPLOYMENT

**TO: ISLAMORADA, VILLAGE OF ISLANDS**

**RE: \_\_\_\_\_**  
(Name of Employee)

**SOCIAL SECURITY NUMBER: \_\_\_\_\_**

*This letter is to confirm that the above named person is employed by the undersigned and works approximately \_\_\_\_\_ hours per week.*

**Name of Employer: \_\_\_\_\_**

**Address of Employer: \_\_\_\_\_**

**Phone Number: \_\_\_\_\_**

\_\_\_\_\_  
Signature of Employer

**Instructions:** This form must be submitted for each employed member of the household. Please print legibly or type information.



Islamorada, Village of Islands



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## LETTER OF UNEMPLOYMENT

**TO: ISLAMORADA, VILLAGE OF ISLANDS**

**RE: \_\_\_\_\_**

**SOCIAL SECURITY NUMBER: \_\_\_\_\_**

*This letter is to confirm that the above named person is currently unemployed, and has been so for the following period of time: \_\_\_\_\_.*

*Benefits are/are not (circle one) received from the following agencies: \_\_\_\_\_*

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant/Agent (circle one)

Instructions: This form must be submitted for each unemployed member of the household. Please print legibly or type information.



# Islamorada, Village of Islands



## IRS Documentation Required

The Village uses IRS 1040 forms to qualify perspective Applicants for affordable housing. According to affordable housing provisions under Division 11 of Article IV of the Land Development Regulations, Applicants must demonstrate that the yearly mortgage payments, including PRINCIPAL, INTEREST, TAXES and INSURANCE, of owner/occupied households will not exceed forty (40) percent each month of that which represents one hundred (100) percent of the monthly median household income for Monroe County, including all wages, assets, regular cash and non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by rule of the Department of Community Affairs, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code for households in Monroe County and the monthly rent, not including utilities, of employee housing/tenant households will not exceed thirty (30) percent each month of that which represents one hundred (100) percent of the monthly median household income for Monroe County (Ordinance 06-16) including all wages, assets, regular cash and non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by rule of the Department of Community Affairs, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code for households in Monroe County.

There are two methods to provide the Village with copies of IRS 1040 Forms:

- 1) If taxes were prepared by a Certified Public Accountant, they may be requested from the Accountant and mailed **DIRECTLY TO THE VILLAGE. FAXED COPIES WILL NOT BE ACCEPTED. IN NO INSTANCE WILL THE VILLAGE ACCEPT OPENED MAIL COPIES OF IRS FORMS FROM PERSPECTIVE APPLICANTS.**
- 2) If the taxes were not prepared by a Certified Public Accountant, they may be requested directly from the IRS. The Village will **ONLY** accept photocopies of the actual return that you filed with the IRS. **DO NOT REQUEST A COMPUTER TRANSCRIPT.**

IRS requests can be made by contacting 1-800-829-1040, or by following the directions at the IRS website and selecting **1.6 Copies and Transcripts** under "Frequently Asked Questions by Subcategory" (link subject to change):

**<http://www.irs.gov/faqs/index.html>**

The IRS will **NOT** mail photocopies of transcripts directly to the Village. Perspective Applicants will be required to submit their transcripts to the Village. **DO NOT OPEN THE LETTER FROM THE IRS. IN NO INSTANCE WILL THE VILLAGE ACCEPT OPENED MAIL COPIES OF IRS FORMS FROM PERSPECTIVE APPLICANTS.**

6. THE OPINION OF TITLE FORM PROVIDES TITLE INFORMATION ON THE PROPERTY PROPOSED FOR THE AFFORDABLE HOUSING UNIT. THIS FORM MUST BE DATED AND IS REQUIRED TWO WEEKS PRIOR TO THE COUNCIL APPROVAL DATE OF AN AWARD. THE VILLAGE ATTORNEY MUST APPROVE THE EXECUTED COPY OF THE OPINION OF TITLE.

IF THE PERMIT IS PICKED UP WITHIN TWO WEEKS AFTER COUNCIL APPROVAL OF AN AWARD, AN UPDATED OPINION OF TITLE IS NOT REQUIRED. OTHERWISE, AN UPDATED OPINION DATED WITHIN 30 DAYS PRIOR TO PERMIT ISSUANCE IS REQUIRED.

**DO NOT PROVIDE THIS FORM AS PART OF YOUR SUBMITTAL PACKAGE.**

## OPINION OF TITLE

**To: Islamorada, Village of Islands**

With the understanding that this Opinion of Title is furnished to the Islamorada, Village of Islands, Florida, as inducement for execution of an agreement covering the real property, hereinafter described or for acceptance of a warranty deed, easement, covenant or unity of title, as applicable, it is hereby certified that I have examined a complete Abstract of Title or Policy of Title Insurance issued by \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_ covering the period from the beginning to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hours of \_\_\_\_\_, inclusive, of the following described property:

**See Exhibit "A" attached hereto and by this reference made a part hereof.**

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Subject to the following encumbrances, liens and other exceptions:

**1. RECORDED MORTGAGES:**

**2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

**3. GENERAL EXCEPTIONS:**

- a. Real estate taxes for 20\_\_\_\_ and subsequent years and taxes or special assessments which are not shown as existing liens by the Public Records.
- b. Rights or claims of parties in possession not shown by the Public Records.
- c. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
- d. Easements or claims of easements not shown by the Public Records.
- e. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter

furnished, imposed by law and not shown by the Public Records.

f. Any adverse claim to all or any part of the land which is now under water or which has previously been under water but filled or exposed through the efforts of man.

4. **SPECIAL EXCEPTIONS:**

All of the foregoing recorded in the Public Records of Monroe County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of the encumbrances and/or exceptions listed above will restrict the use of the property for the purposes set forth in the agreement, assignment, warranty deeds, easement, covenant and unity of title, as applicable.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
	Owner	
	Mortgagee	

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
---------------	---------------------------	-----------------------	-----------------------

I HEREBY CERTIFY that the legal description in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned further certify that I am an attorney-at-law duly admitted to practice in the

Opinion of Title  
Page 3

State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Florida Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_

STATE OF FLORIDA )  
COUNTY OF \_\_\_\_\_) SS:

---

Notary Public, State of Florida  
Print Name:

My commission expires:

436032/Forms/Opinion of Title

## APPENDIX E – PLANNING CHECKLIST

## BUILDING PERMIT ALLOCATION SYSTEM RESIDENTIAL CHECKLIST

Property Owner: \_\_\_\_\_ Contractor: \_\_\_\_\_  
 Subdivision: \_\_\_\_\_ Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Real Estate Number(s): \_\_\_\_\_  
 Future Land Use Map Category \_\_\_\_\_ Zoning District \_\_\_\_\_ FEMA Flood Zone \_\_\_\_\_

	Required/Permitted	Indicated on Site Plan
<b>Minimum Lot Area</b>		
<b>TPR Approved</b>		
<b>Maximum Building Height</b>	35 ft.	
<b>Setbacks</b>		
Front Yard		
Side Yards		
Rear Yard		
Dry Lot		
Altered Shoreline		
Unaltered Shoreline		
Sea Turtle Nesting Beach		
<b>Density</b>		
<b>Off-Street Parking</b>		
Number of Spaces		
Paving Material		
Driveway Width	15'-18'	
Distance from Side Yard	5 ft.	
Clear Site Triangles		
Multiple Driveway Distance Separation	≥ 30 ft.	
<b>Fences</b>		
Fence Height (from base of fence)		
Fence Buffer		
Plantings in Rights-of-Way		
Quantity		
FDOT Approval		
Village Approval		
Clear Visibility Triangle		
Adjacent to Roadway		
Fence Material		
Lighting Attachments		
<b>Environmental Regulations</b>		
Docks		
Mangrove Shoreline		
Dock Review Approval		
ACOE Approval	YES	
DEP Approval	YES	
Habitat Analysis/ Vegetation Survey		
Transplantation Plan		
Habitat Class		
Open Space		
Landscaping		
Reduced Front Yard Buffer	5 ft. wide Class "B"	
Reduced Rear Yard Buffer	5 ft. wide Class "B"	
Scenic Corridor Buffer		
Major Street Buffer		
Zoning District Boundary Buffer		
Street Tree	1 memory tree/50 linear ft.	
Off-Street Parking		
Invasive Exotic Vegetation Removal	Removal of trees requires permit	
Tree Replacement		
Stormwater Retention	dry retention must be vegetated	



## COMPLETE SITE PLAN SINGLE FAMILY

1. Name and address of the record owner(s), the applicant, and the person preparing the site plan.
2. Location map.
3. Legal description
4. Pictures of property.
5. Proposed land use with indication of size, location and height of structures, setbacks, and landscaped yards. Each use on the property/structure must be indicated on the site plan.
6. Adjacent area information, including:
  - a) Existing land use; and
  - b) Zoning classification.
7. Vegetation Survey or Habitat Assessment, unless waived or limited by the Director of Planning and Development Services, prepared by a biologist qualified by the Village. These documents should indicate existing native vegetation that would be preserved or removed.
8. Vehicular circulation system parking, with proposed access, which shall comply with traffic engineering standards used by the Village. The Village shall not be required to widen, or in any way alter any existing local road, collector road, or arterial road under the Village's jurisdiction, or to accept a dedication of additional road right-of-way for the purpose of widening or altering any existing local road, collector road or arterial road under the Village's jurisdiction to accommodate new development, unless such road improvement is included in the capital improvements element of the Comprehensive Plan.
9. Outdoor lighting plan for street and development site, if applicable.
10. The location of utilities, including:
  - a) Location of closest available water supply system or collection lines and fire hydrants.
11. The following computations:
  - a) Gross acreage.
  - b) Net acreage excluding road easements and right-of-way, if any.
  - c) Square footage of ground covered by buildings or structures.
  - d) Computation of pervious and impervious areas, and square footage and percentage of site.
  - e) Required number of parking spaces (2).
12. Proposed location of gutters, water mains, storm drains, underground conduits, seawalls, and the size and shapes and types thereof.
13. All adjacent rights-of-way, with indication of centerline and width, paved width, existing median cuts and intersections, including easements at access points.
14. Design features as follows:
  - a) Building separations and setbacks.
  - b) Location of all paved drives and parking areas, including centerlines, dimensions, and radius.

- c) Schematic elevations of buildings showing concealment of all mechanical or accessory equipment located on the roof.
- d) Building floor plans and proposed building materials. Front, side and rear elevations.
- e) Entrance features, walls, landscape buffers.
- f) The location and size, in acres or square feet, of all areas to be conveyed, dedicated, or reserved as open space.

15. Any additional information as may be reasonably required by the Director of Planning and Development Services.

LETTERS OF COORDINATION MAY BE REQUIRED FOR YOUR PROJECT: These may include:

- Florida Keys Aqueduct Authority (FKAA)
- Florida Keys Electric Cooperative (FKEC)
- South Florida Water Management District (SFWMD)
- Florida Department of Environmental Protection (FDEP)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFW)
- Florida Department of Transportation (FDOT)