

**RESOLUTION NO. 23-04-40**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2023; AND PROVIDING AN EFFECTIVE DATE**

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

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

**WHEREAS**, the Village Council previously adopted Resolution No. 22-11-131, establishing a total of 33,964 square feet of nonresidential floor area available for allocation in 2023; and

**WHEREAS**, on April 11, 2023, the Village Council conducted a public hearing regarding the Nonresidential Allocation Evaluation Report (the "Report") submitted by the Director of Planning and Development Services (the "Director") pursuant to the applicable provisions of the Village Code and Village Comprehensive Plan; and

**WHEREAS**, the Village Council desires to approve the Nonresidential BPAS rankings and award for Quarter 1 of 2023.

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

**Section 1. Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows:

The Village Council approves the ranking and recommendation of the Director to award one (1) allocation for 447 square feet of nonresidential floor area to 89210 LLC with fifteen (15) points having Real Estate Parcel ID 00422200-000000; and one (1) allocation for 607 square feet of nonresidential floor area to Oak Street Properties LLC with 13 points having Real Estate Parcel ID 00401660-000000, as set forth in the Report attached hereto as Exhibit "A".

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

- (1) The Building Permit Allocation System (the "BPAS") applications for Quarter 1 of 2023 of the BPAS has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations;
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
  - (a) Accorded procedural due process; and
  - (b) Observed the essential requirements of the law; and
  - (c) Supported its decision by competent substantial evidence of record.

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

Motion to adopt by Vice Mayor Sharon Mahoney, seconded by Council Member Mark Gregg.

**FINAL VOTE AT ADOPTION**

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilmember Mark Gregg	Yes
Councilmember Elizabeth Jolin	Yes
Councilmember Henry Rosenthal	Yes

**PASSED AND ADOPTED THIS 11TH DAY OF APRIL, 2023.**

  
JOSEPH B. PINDER III, MAYOR

ATTEST:

  
MARNE MCGRATH, VILLAGE CLERK

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

  
JOHN QUICK, INTERIM VILLAGE ATTORNEY



This Resolution was filed in the Office of the Village Clerk of this 14 day of April, 2023.

**DRAFT Ranking of Nonresidential BPAS Applications for 2023 Quarter 1 (closed March 31, 2023 @ 12:00 PM)**

Applications													RECOMMENDED FOR ALLOCATION		Exhibit "A"	
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE #	Floor Area Requested					
1	PRCOB202200177	89210 LLC	3/21/2023	12:30 PM	15	Plantation Key	Indian Harbor	44	9	00422200-000000	447					
1	PRBLD202100523	Oak Street Properties LLC	2/1/2023	1:00 PM	10	Upper Matecumbe Key	MATECUMBE BEACH	7		00401660-000000	607					
Total Allocation											1,054					
Total Available 2023											33,964					
Total Remaining											32,910					