

After recording return to:
Planning and Development Services Dept.
Islamorada, Village of Islands
86800 Overseas Hwy
Islamorada FL 33036

ORDINANCE NO. 19-10

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ISLANDS OF ISLAMORADA AND WEAVER ASSETS MM82.7 LLC., TO AMEND THE FUTURE LAND USE MAP FROM RESIDENTIAL HIGH (RH) TO MIXED USE (MU) FOR PROPERTY LOCATED AT 82779 OLD HIGHWAY, AT APPROXIMATELY MILE MARKER 82, WITH REAL ESTATE NUMBERS 00404360-000000 AND 00404340-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, the Official Future Land Use Map of Islamorada, Village of Islands (the “Village”) became effective April 30, 2002; and

WHEREAS, the property owner Islands of Islamorada and Weaver Assets MM 82.7, LLC., has requested an Official Future Land Use Map amendment from Residential High (RH) to Mixed Use (MU) for a parcel consisting of approximately 4.6 acres of upland according to the Monroe County Property Appraiser, legally described below; and

WHEREAS, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code, the Village Local Planning Agency publicly considered the Future Land Use Map Amendment during a duly noticed public hearing on May 13, 2019; and

WHEREAS, in accordance with Section 166.041, Florida Statutes, and Section 30-213 of the Village Code, notice of the public hearings has been given for the proposed adoption of this Ordinance; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the “Village Council”) finds that the adoption of the Official Future Land Use Map Amendment is in the best interest of the

Village and does comply with all applicable laws, as well as promotes the general health, safety, and welfare of the Village residents; and

WHEREAS, the maximum density on properties located within the Mixed Use (MU) FLUM is six (6) dwelling units per acre, twelve (12) dwelling units per acre with Transfer of Development Rights (TDRs) or up to fifteen (15) affordable dwelling units per acre; and

WHEREAS, the proposed FLUM Amendment is consistent with the Goals, Objectives, and Policies of the Village Comprehensive Plan; and

WHEREAS, the proposed FLUM Amendment is consistent with Chapter 380 of the Florida Statutes, Principles for Guiding Development.

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

Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Approval/Denial of Future Land Use Map Amendment. The Official Future Land Use Map Amendment is hereby approved as part of the Official Future Land Use Map of the Village. A copy of the Official Future Land Use Map Amendment is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

PROPERTY ONE

TRACTS THIRTY (30) AND THIRTY-ONE (31) OF THE RUSSELL ESTATE ON UPPER MATECUMBE KEY, FLORIDA ACCORDING TO THE PLAT OF THE RUSSELL ESTATE, RECORDED IN PLAT BOOK 2, AT PAGES 14 AND 15 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; AND A PARCEL OF SUBMERGED LAND IN THE STRAITS OF FLORIDA IN SECTION 28-63-37 UPPER MATECUMBE KEY, MONROE COUNTY, FLORIDA FRONTING TRACTS 30 AND 31, RUSSELL ESTATE, PLAT BOOK 2, PAGES 14 AND 15, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE DIVIDING LINE BETWEEN TRACTS 31 AND 32 OF THE RUSSELL ESTATE WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A, AS SHOWN ON PLAT OF SAID RUSSELL ESTATE, RUN SOUTH 56 DEGREES, 36 MINUTES, 30 SECONDS EAST, ALONG SAID DIVIDING LINE BETWEEN TRACTS 31 AND 32, A DISTANCE OF 333.85 FEET TO THE MEAN HIGH TIDE LINE ON THE SHORE OF THE STRAITS OF FLORIDA AT THE MOST NORTHERLY CORNER OF A PARCEL OF SUBMERGED LAND PREVIOUSLY CONVEYED BY TRUSTEES DEED NO. 21802, AND THE POINT OF BEGINNING OF THE PARCEL

HEREINAFTER DESCRIBED; THENCE SOUTH 44 DEGREES, 22 MINUTES EAST AND ALONG THE NORTHEASTERLY SIDE OF SAID PARCEL A DISTANCE OF 200 FEET; THENCE NORTH 50 DEGREES, 52 MINUTES EAST A DISTANCE OF 180.48 FEET; THENCE NORTH 44 DEGREES, 22 MINUTES WEST, A DISTANCE OF 200 FEET TO THE SAID MEAN HIGH TIDE LINE AT THE NORTHEASTERLY BOUNDARY OF SAID TRACT 30 OF THE RUSSELL ESTATE; THENCE SOUTHWESTERLY MEANDERING SAID MEAN HIGH TIDE LINE A DISTANCE OF 180.5 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PROPERTY TWO

TRACT 29, LESS THE NORTHEASTERLY 4 FEET EXTENDING FROM OLD STATE ROAD (OVERSEAS HIGHWAY) TO THE ATLANTIC OCEAN, AND BEING ADJACENT TO THE SOUTHWESTERLY SIDE OF TRACT 28 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 14-15 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

A PARCEL OF SUBMERGED LAND FRONTING A PART OF TRACT 29 ACCORDING TO THE PLAT OF THE RUSSELL ESTATE, AS RECORDED IN PLAT BOOK 2, AT PAGES 14 & 15 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWESTERLY CORNER OF TRACT 29 OF SAID PLAT OF THE RUSSELL ESTATE; THENCE PROCEEDS SOUTH 44 DEGREES 16 MINUTES EAST ALONG THE SOUTHWESTERLY SIDE OF SAID TRACT 29, A DISTANCE OF 342 FEET, MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE STRAITS OF FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 44 DEGREES 16 MINUTES EAST ALONG THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY SIDE OF SAID TRACT 29, 200 FEET; THENCE PROCEED NORTH 70 DEGREES 34 MINUTES 50 SECONDS EAST, 271.14 FEET; THENCE PROCEED NORTH 44 DEGREES 16 MINUTES WEST PARALLEL TO THE SOUTHWESTERLY SIDE OF SAID TRACT 29, 199.20 FEET TO THE MEAN HIGH TIDE LINE OF THE STRAITS OF FLORIDA; THENCE MEANDER SAID MEAN HIGH TIDE LINE NORTHWESTERLY 275 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

PROPERTY THREE

A PORTION OF A ROADWAY FORTY FEET IN WIDTH, BEING BOUNDED ON THE SOUTHWESTERLY SIDE BY TRACT 30 AND ON THE NORTHEASTERLY SIDE BY TRACT 29, ALL AS SHOWN ON THE PLAT OF THE RUSSELL ESTATE, RECORDED IN PLAT BOOK 2, AT PAGE 15 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF SAID TRACT 30 WITH THE SOUTHEASTERLY LINE OF THE OVERSEAS HIGHWAY, (OLD STATE ROAD 4A), AS SHOWN ON SAID PLAT; THENCE RUN N 45° 39' 30" E ALONG THE SOUTHEASTERLY LINE OF THE OVERSEAS HIGHWAY, (OLD STATE ROAD 4A) FOR A DISTANCE OF 40.00 FEET TO THE NORTHWESTERLY CORNER OF SAID TRACT 29; THENCE RUN S 44° 17' 30" E ALONG THE SOUTHWESTERLY LINE OF TRACT 29 FOR A DISTANCE OF 342 FEET, MORE OR LESS TO THE SHORELINE OF THE ATLANTIC OCEAN AS SHOWN ON SAID PLAT; THENCE MEANDER SAID PLATTED SHORELINE IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 40 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF SAID TRACT 30; THENCE RUN N 44° 17' 30" W ALONG THE NORTHEASTERLY LINE OF TRACT 30 FOR A DISTANCE OF 340 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

Section 3. Transmittal. The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO") for approval in accordance with Section 380.05(6), Florida Statutes.

Section 4. Effective Date. This Ordinance shall not become effective until approved pursuant to Final Order by the Florida Department of Economic Opportunity (DEO) pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged, until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

The foregoing Ordinance was offered by Councilman Ken Davis, who moved its passage on first reading. This motion was seconded by Mayor Deb Gillis, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilwoman Cheryl Meads	ABSTAINED
Councilman Jim Mooney	ABSTAINED
Councilman Ken Davis	YES

PASSED on this 30th day of May, 2019.

The foregoing Ordinance was offered by Councilman Ken Davis , who moved its passage on second reading. This motion was seconded by Vice Mayor Mike Forster, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	ABSTAINED
Councilman Ken Davis	YES

PASSED on this 27th day of June, 2019.

The foregoing Ordinance was offered by Councilwoman Deb Gillis, who moved its passage and adoption. This motion was seconded by Vice Mayor Ken Davis, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Mike Forster	YES
Vice Mayor Ken Davis	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES

PASSED AND ADOPTED THIS 12th DAY OF DECEMBER, 2019.



MIKE FORSTER, MAYOR

ATTEST:



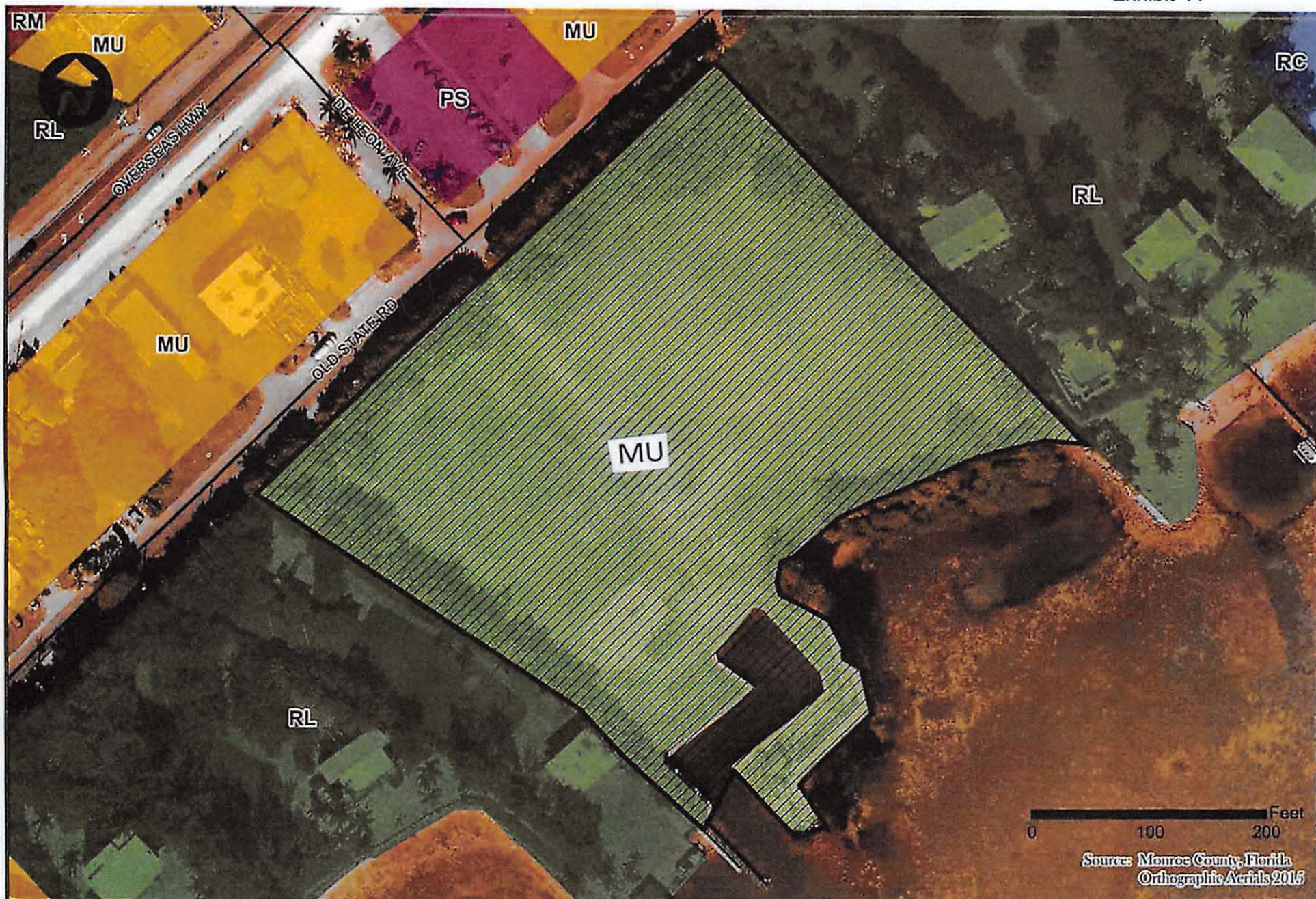
KELLY TOTH, VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY

This Ordinance was filed in the Office of the Village Clerk of this 17 day of December, 2019.



86800 Overseas Highway
Islamorada, FL
Office: 305.664.6424
Fax: 305.664.6467
Created by C. Southern, CFM

Islamorada, Village of Islands

FLUM Map
82779 Old Highway

Map
1.0