

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

ORDINANCE NO. 19-13

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ISLANDS OF ISLAMORADA AND WEAVER ASSETS MM82.7 LLC., TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL ESTATE (RE) ZONING DISTRICT TO TOURIST COMMERCIAL (TC) ZONING DISTRICT FOR PROPERTY LOCATED AT 82885 OLD HIGHWAY, AT APPROXIMATELY MILE MARKER 82, WITH REAL ESTATE NUMBER 00404330-000000, 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 Zoning 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 Zoning Map amendment from the Residential Estate (RE) Zoning District to the Tourist Commercial (TC) Zoning District for a parcel consisting of approximately 1.17 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 Zoning 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 Zoning 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 Village Council has determined that the proposed Zoning Map Amendment is consistent with the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to adopt the proposed Zoning Map Amendment in accordance with State law.

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 Zoning Map Amendment. The Official Zoning Map Amendment is hereby approved as part of the Official Zoning Map of the Village. A copy of the Official Zoning Map Amendment is attached as Exhibit “A” and incorporated herein by this reference, for the following described property:

DESCRIPTION:

Tract 28 and the Northeasterly 4 feet of Tract 29, THE RUSSELL ESTATE, according to the Plat thereof, as recorded in Plat Book 2, Pages 14 and 15, of the Public Records of Monroe County, Florida.

TOGETHER WITH:

A parcel of submerged land in the Atlantic Ocean according to Trustees of the Internal Improvement Fund of the State of Florida, Deed No. 21561, more particularly described as follows:

Commencing at the most Northerly corner of Tract 28 of THE RUSSELL ESTATE, according to the Plat thereof as recorded in Plat Book 2, Pages 14 and 15, of the Public Records of Monroe County, Florida; thence run Southeasterly along the dividing line between Tracts 27 and 28 according to said Plat of THE RUSSELL ESTATE, a distance of 483 feet, more or less, to the mean high tide line on the shore of the Atlantic Ocean and the Point of Beginning of the parcel hereinafter described; thence continue Southeasterly along the prolongation of last described course, a distance of 200 feet; thence with an interior angle of 74°29' run Westerly a distance of 93.4 feet to a point of intersection with the Southeasterly prolongation of the dividing line between Tracts 28 and 29 according to said Plat of THE RUSSELL ESTATE; thence run Northwesterly along the Southeasterly prolongation of the dividing line between Tracts 28 and 29 a distance of 200 feet to the said mean high tide line; thence Easterly meandering said mean high tide line a distance of 93.4 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 Mayor Deb Gillis, who moved its passage on first reading. This motion was seconded by Councilman Ken Davis, 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 first reading this 30th day of May, 2019.

The foregoing Ordinance was offered by Councilman Ken Davis, who moved its passage and adoption 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 AND ADOPTED this 27th day of June, 2019.



DEB GILLIS, MAYOR

ATTEST:



KELLY S. 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 Resolution was filed in the Office of the Village Clerk of this 1st day of July, 2019.





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Islamorada, FL
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Created by C. Southern, CFM

Islamorada, Village of Islands

Zoning Map
82885 Old Highway

Map
1.0