

RESOLUTION NO. 23-08-87

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY
ISLAND CONSTRUCTION MANAGEMENT, FOR ADMINISTRATIVE
RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION
SYSTEM (BPAS) FOR PROPERTIES HAVING PARCEL ID NUMBERS
00394480-001100, 00394480-001200, 00394480-001400,
00394480-001600 LOCATED IN LOWER MATECUMBE KEY, AS
LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR
TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC
OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Island Construction Management ("Applicant") on behalf of Sojourn Inc (the "Property Owner") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for properties having parcel ID numbers 00394480-001100, 00394480-001200, 00394480-001400, 00394480-001600 located in the Sojourn Property subdivision on Lower Matecumbe Key, as legally described in Exhibit "A", and

WHEREAS, on August 17, 2023, a duly noticed public hearing was held by the Village Council to consider the applications for administrative relief; and

WHEREAS, following the public hearing, upon review and examination of the record, the Village Council finds that pursuant to the requirements of the Village Code and existing case law, the Applications demonstrate a beneficial use providing economic benefit to the Property Owner.

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

Section 1. Findings. The Village Council, having considered the testimony and evidence

presented by all parties, including the Applicant, does hereby find and determine that:

- (1) The hearing was properly noticed, the Applications and the supporting documents and materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given the opportunity to be heard.
- (2) The Applications, based on the evaluation meet the standards set forth in Sections 30-477 and 30-533 of the Village code to require remedial action to provide for administrative relief in the form of building permit allocations.

Section 2. Conclusions of Law.

- (1) That granting of the Applications is consistent with the Village Code and will not be detrimental to the community as a whole.
- (2) That in rendering its decision as reflected in this Resolution, the Village Council has:
 - a. Accorded procedural due process;
 - b. Observed the essential requirements of the law; and
 - c. Supported its decision by competent substantial evidence of record.

(3) Approval of administrative relief is hereby granted.

Section 3. Effective Date. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the rendition to the Florida Department of Economic Opportunity ("DEO"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Ordinance to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Councilman Mark Gregg, seconded by Mayor Buddy Pinder.

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 17th DAY OF AUGUST, 2023.



JOSEPH B. PINDER III, MAYOR

ATTEST:



Stephanie Conde
STEPHANIE CONDE, DEPUTY 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 24th day of August, 2023.

EXHIBIT "A"
(LEGAL DESCRIPTIONS)

Parcel ID: 00394480-001100

LOT 1 OF THE SOJOURN PROPERTY, PLAT BOOK 7, PAGE 99 (A REPLAT OF PT TRACT 5 MATECUMBE SANDY BEACH PB3-127 LOWER MATECUMBE KEY) OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

Parcel ID: 00394480-001200

LOT 2 OF THE SOJOURN PROPERTY, PLAT BOOK 7, PAGE 99 (A REPLAT OF PT TRACT 5 MATECUMBE SANDY BEACH PB3-127 LOWER MATECUMBE KEY) OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

Parcel ID: 00394480-001400

LOT 4 OF THE SOJOURN PROPERTY, PLAT BOOK 7, PAGE 99 (A REPLAT OF PT TRACT 5 MATECUMBE SANDY BEACH PB3-127 LOWER MATECUMBE KEY) OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

Parcel ID: 00394480-001600

LOT 6 OF THE SOJOURN PROPERTY, PLAT BOOK 7, PAGE 99 (A REPLAT OF PT TRACT 5 MATECUMBE SANDY BEACH PB3-127 LOWER MATECUMBE KEY) OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.