



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: June 12, 2025
SUBJECT: **Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000 - Second Reading**

Background:

The applicant, Windley Isles LLC, has submitted a map amendment application requesting an approval for a Future Land Use Map (FLUM) Amendment from Residential Medium (RM) to Mixed-Use (MU) designation on the subject property, located at 85331 Overseas Highway (RE #00405360-000000), comprising 13,300 square feet of land area and to be included under Policy 1-2.11.3 Windley Key Mixed Use Area 1 (WKMUA1). It is staff's opinion that the correct sub area is Policy 1-2.11.4 Windley Key Mixed Use Area 2 (WKMUA2). The current use of the property is residential. The applicant/owner intends to pursue acquiring a Vacation Rental license for the subject property. This FLUM amendment has a companion application for a Zoning Map Amendment, which proposes a change from a Residential Single Family (R-1) District to a Highway Commercial (HC) District, and the FLUM amendment cannot be approved without approval of the companion Zoning Map Amendment. The applicant has submitted a letter detailing the map amendment request.

The subject property currently has an existing Residential Medium (RM) Future Land Use designation. The surrounding properties to the South are also designated Residential Medium (RM). To the North the adjacent properties are designated Mixed Use (MU). The properties to the West across Overseas Highway are designated Conservation (C) and to the East is the Atlantic Ocean. The character of the subject property is a single family home with some mangrove wetlands to the east of the property and the surrounding area is mixed-use with a collection of restaurants, marina uses, single family residences, and conservation land.

Analysis:

The proposed FLUM amendment, from Residential Medium (RM) to Mixed-Use (MU), in conjunction with the companion application for a Zoning Map Amendment from a Residential Single Family (R-1) District to a Highway Commercial (HC) District, would allow the applicant/owner to pursue acquiring a Vacation Rental license on the subject property. Allowing the property to be included intoe WKMUA1 limits the commercial density allowed on the property.

Areas designated MU on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU designation shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities,

and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations [Ref. Comprehensive Plan Objective 1-2.4].

The proposed FLUM amendment would alter the development potential of the subject property by allowing one additional market rate unit and 5 affordable housing units. The new FLUM would also allow hotel/motel density as follows: Six (6) rooms/units per acre or twelve (12) hotel or motel rooms/units per acre with TDRs and Non Residential Intensity of 0.25 FAR or 0.35 FAR with TDRs or with Working Waterfronts. However adding the property to WKMUA2 would not alter the development potential.

Compatibility with Comprehensive Plan Policies:

- ☐ Policy 1-1.1.1, Protect Residential Areas from Incompatible Development
- ☐ Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments
- ☐ Policy 1-2.4, Recognize Mixed Use Development Patterns
- ☐ Policy 1-2.4.4: Residential Uses in the Mixed-Use Designation
- ☐ Objective 1-4.6: Prevent Proliferation of Urban Sprawl

Comprehensive Plan Policy 1-1.1.1 Protect residential Areas from Incompatible Development; states Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the Land Development Regulations shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses, and standards to ascertain that no negative impacts on adjoining properties result.

The proposed amendment meets Policy 1-1.1.1. It protects residential areas from incompatible development by placing it in the WKMUA2 which only allows the one residential development.

Comprehensive Plan Policy 1-2.1.14, Criteria for Future Land Use Map (FLUM) Amendments, states that Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the principles for guiding development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors; however, in no event shall an amendment be approved which would result in an adverse community change.

Other than the potential adverse impacts of a Vacation Rental property if a license were obtained, Staff sees no other adverse impacts.

Comprehensive Plan Objective 1-2.4, Recognize Mixed Use Development Patterns, states: "Areas designated Mixed Use (MU) on the Future Land Use Map recognizes the prevalent and historical mixed-use pattern of development in the Village. The MU category shall accommodate a mix of commercial and residential uses, which may be located in the same building, limited public and semi-public uses, recreational facilities, schools, marinas, tourist-oriented facilities, and supportive community facilities ancillary to the permitted uses, pursuant to the standards in the Comprehensive Plan and the Land Development Regulations."

The proposed map amendment allows for tourist-oriented facilities within the Village.

Comprehensive Plan Policy 1-2.4.4, Residential Uses in the Mixed Use Designation, states, "Residential uses, including residential institutional uses in MU shall not exceed six (6) units per acre, except that up to twelve (12) units per acre may be allowed pursuant to the standards in the Land Development Regulations when used as receiver sites for the transfer of development rights from approved sender sites and fifteen (15) units per acre may be permitted for purposes of providing affordable housing. Notwithstanding the density limitations each parcel of commercially developed land in the Settlers Residential (SR), Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC), Neighborhood Commercial (NC), and Recreation (R) Zoning Districts shall be entitled to construct, subject to the BPAS, one affordable housing unit subject to all other regulations."

The houses have received permits and allocations. Therefore, the proposed amendment is consistent with Policy 1-2.4.4.

Comprehensive Plan Objective 1-4.6: PREVENT PROLIFERATION OF URBAN SPRAWL AND COORDINATE THE TIMING AND STAGING OF PUBLIC AND PRIVATE DEVELOPMENT. Land Development Regulations shall ensure that the location, scale, timing and design of development is coordinated with public facilities and services in order to prevent the proliferation of urban sprawl and achieve cost effective land development patterns. Consistent with policies in the Intergovernmental Coordination Element, the Village shall pursue resolution of development and growth management issues with impacts transcending the Village's political jurisdiction, by participating in forums with the Florida Department of Community Affairs, the South Florida Regional Planning Council and other forums convened to coordinate such issues.

The proposed FLUM amendment would assist in limiting additional development on vacant land to achieve the goals of the applicant/owner.

Compatibility with the Principles for Guiding Development:

The following shall be the principles with which any plan amendments must be consistent pursuant to the Florida Keys Area of Critical State Concern designation as set out in Chapter 380.0552(7), Florida Statutes.

Please note, the criterion is provided in italics and staff response is provided immediately below. The Applicant has provided her responses to the criteria in the analysis attached.

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

Village Staff Response:

The proposed FLUM is consistent with Principle (a) of the Principles for Guiding Development as it is not anticipated to negatively impact local government capability for managing land use and development.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

Village Staff Response:

The proposed FLUM is consistent with Principle (b) of the Principles for Guiding Development. The house has been permitted and any environmental concerns have been addressed through that process. Any new development would be required to adhere to all applicable land development regulations including the implementation of stormwater regulations which aid in protecting marine resources by protecting near shore water quality.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

Village Staff Response:

The proposed FLUM is consistent with Principle (c) of the Principles for Guiding Development. Any future redevelopment proposed on the subject property is required to meet environmental setback criteria, meet local Comprehensive Plan and Land Development Regulation requirements, and obtain appropriate permits from state and federal agencies as necessary.

(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

Village Staff Response:

The proposed FLUM is consistent with Principle (d) of the Principles for Guiding Development. Allowing tourist-oriented activities in existing building is sound economic development.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (e) of the Principles for Guiding Development. Any development would be required to adhere to all applicable land development regulations including the implementation of stormwater regulations which aid in protecting near shore water quality.

(f) Enhancing natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (f) of the Principles for Guiding Development. The proposed FLUM amendment, from Residential Medium (RM) to Mixed Use (MU), in conjunction with the companion application for a Zoning Map Amendment from Residential Single Family to Highway Commercial, will ensure that the subject property meets the standards of review of the Comprehensive Plan and the Land Development Regulations (LDRs), including but not limited to: requirements for minimum open space; habitat preservation, concurrency management and level of service (LOS) standards for transportation, infrastructure, wastewater, stormwater and other public services; off-street parking and internal circulation; required setbacks; landscaping, dedicated conservation easements for existing habitat; on-site and off-site improvements and design amenities required to achieve land use compatibility for the surrounding land uses and zoning districts.

(g) Protecting the historical heritage of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (g) of the Principles for Guiding Development as there are no known archaeological or historical artifacts on the Property.

(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment and disposal facilities;
3. Solid waste treatment, collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

Village Staff Response:

The proposed FLUM is consistent with Principle (h) of the Principles for Guiding Development. The proposed FLUM amendment would not adversely impact the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

Village Staff Response:

The proposed FLUM is consistent with Principle (i) of the Principles for Guiding Development. The proposed FLUM amendment would not adversely affect storm water management facilities, central sewage collection, treatment and disposal facilities, or the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(1) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

Village Staff Response:

The proposed FLUM is consistent with Principle (j) of the Principles for Guiding Development. Any proposed development as a result of the proposed FLUM amendment would be required to be consistent with the requirements of § 381.0065(4)(1) and 403.086(10), Florida Statutes, and the Village's Comprehensive Plan and Wastewater Master Plan.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (k) of the Principles for Guiding Development. The proposed FLUM amendment is not anticipated to create adverse impacts on the environmental resources of the Florida Keys.

(l) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

Village Staff Response:

The proposed FLUM is consistent with Principle (l) of the Principles for Guiding Development. The proposed FLUM amendment will not impact affordable housing within the Florida Keys.

(m) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

Village Staff Response:

The proposed FLUM is consistent with Principle (m) of the Principles for Guiding Development. The proposed FLUM amendment would not affect the provision of adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan. Furthermore, all structures built within the Village must meet the requirements of the Village's Code of Ordinances and the Florida Building Code.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Village Staff Response:

The proposed FLUM is consistent with Principle (n) of the Principles for Guiding Development. The proposed FLUM amendment would not negatively affect the health, safety, or welfare of the citizens of the Florida Keys.

The LPA heard this request on January 8, 2024 and voted 6-1 to approve the requested amendment.

This was first heard at the Council's meeting on April 9th. At that time there was some discussion about compliance monitoring for Vacation Rental properties and parking enforcement on the right of way on Windley Key. The Village has begun parking enforcement in conjunction with the FKAA project and will maintain the right of way with landscaping after the project is complete. In regard to the Vacation Rental compliance, the Planning Department drafted the attached monitoring checklist. These are the items that the Village can monitor for compliance. Between the Code Compliance officers and Fire Department we should be able to complete compliance checks on a regular basis.

At its December 12, 2024, meeting, the Village Council adopted this ordinance at first reading. The Department of Commerce has sent a letter with no objection. I have attached that letter for your review.

The Village Council approved this on Second Reading at it April 10, 2025, meeting. An error in the title of the resolution was discovered and, out of an abundance of caution, we decided to rehear second reading on this item. Nothing has changed.

Budget Impact:

None

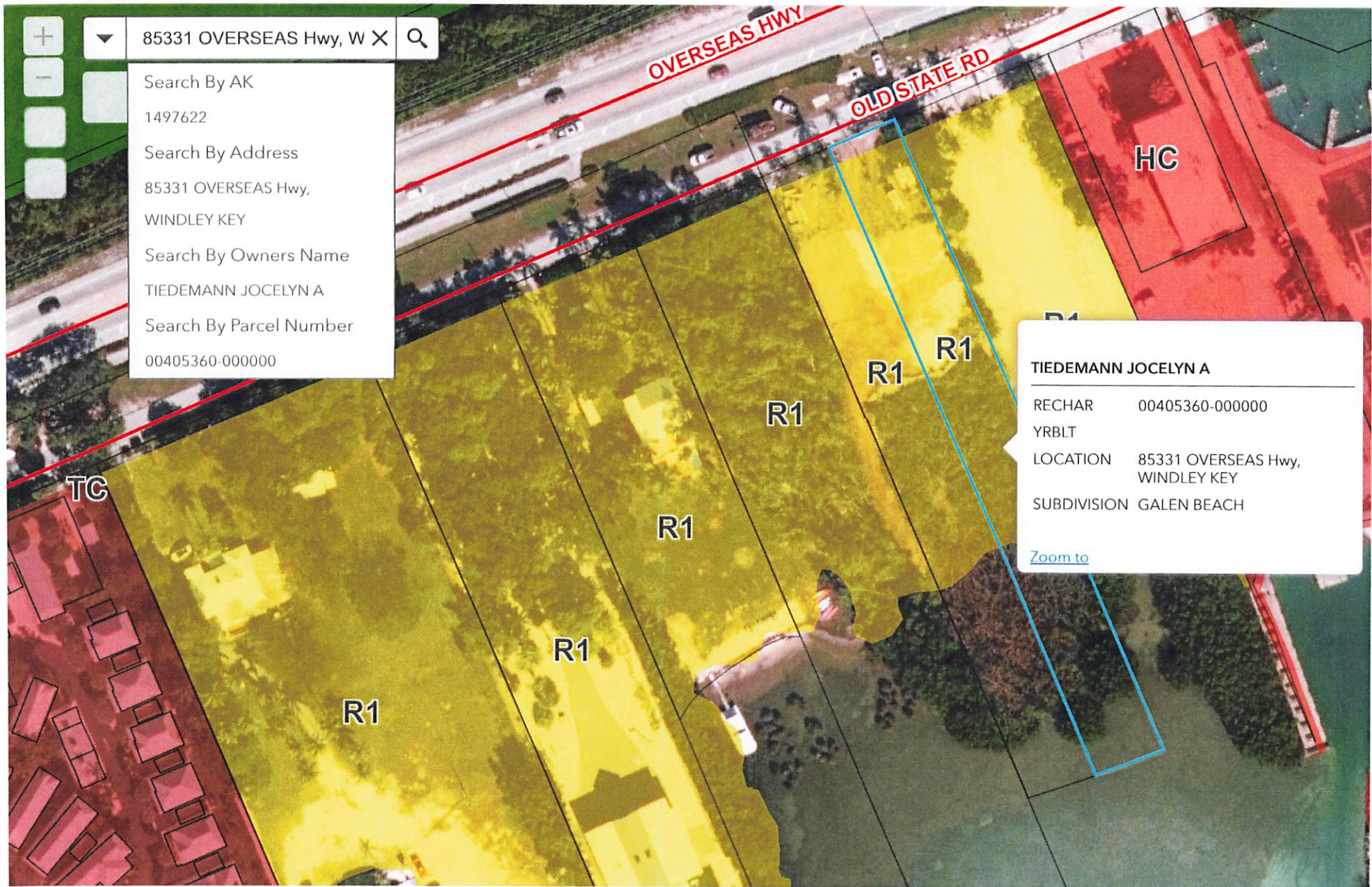
Staff Impact:

None

Recommendation:

Staff has reviewed the request for a Future Land Use Map Amendment from Residential Medium (RM) to Mixed Use (MU) and determined that the request meets the criteria for approval. Therefore, Staff recommends that the Village Council APPROVE the FLUM Amendment with amendment to sub area WKMUA2.

- Attachments:**
1. Windley Isles CC Attachments
 2. Compliance Monitoring Checklist
 3. VIL. ISLAMORADA 24-05ACSC (P) WI
 4. WI FLUM ORD 1st read with correction



100ft

80 590 24 9.1 Degrees





**Islamorada, Village of Islands,
Planning and Development Services Department**

APPLICATION FOR MAP AMENDMENT

Pursuant to Chapter 30, Article IV, Divisions 8 & 9

<input type="checkbox"/>	Application Type	Application Fee	Deposit	Total Fee Due
<input checked="" type="checkbox"/>	Future Land Use and Zoning	\$5,120.00	\$1,000.00	\$6,120.00
<input type="checkbox"/>	Zoning Only	\$2,500.00	\$1,000.00	\$3,500.00

☐ Request concurrent Future Land Use and Zoning Hearings pursuant to 163.3184(12), Florida Statutes

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

An application must be deemed complete and in compliance with the Village Code by Staff prior to the items being scheduled for review. See the Submittal Requirements below for a list of required submittals and documents.

APPLICANT / AGENT (if applicable): Property owner must submit a notarized letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: _____
 Mailing Address: _____
 Primary Phone: _____ Fax: _____
 Email: _____

PROPERTY OWNER:

Name: Windley Isles, LLC
 Mailing Address: 127 Coconut Row Tavernier, Florida 33070
 Primary Phone: 305.522.3652; 305.394.0425 Fax: _____
 Email: jl.keys@att.net; brian.tiedemann@fkec.com

LEGAL DESCRIPTION OF PROPERTY: If in metes and bounds, attach legal description on separate sheet.

Physical Address: 85331 Overseas Highway Islamorada Florida 33036 Mile Marker: 85.3
 Lot: 4 Block: _____ Subdivision: Galen Beach
☐ Plantation Key ☒ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key
 Real Estate (RE) Number: 00405360-000000 Alternate Key: 1497622

PROPERTY DESCRIPTION:

Total Land Area: _____ 13,300 Square Feet _____ 0.305 Acres
 Existing Use of Property: Single family dwelling and accessories under construction
 Has an Application for Map Amendment been submitted for this site within the past two (2) years? ☐ Yes ☒ No
 If yes, provide name and date of application: _____

PROPOSED MAP AMENDMENT:

Current Future Land Use Map Category: RM Current Zoning District: R1
 Proposed Future Land Use Map Category: MU Proposed Zoning District: HC

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Office 305-664-6400 • Fax 305-664-6467 • www.islamorada.fl.us

** to be included under Village Com Plan 1-2.11 and policy 1-2.11.3 to be created a sub area on Windley Key.*

- ☐ **Correct application fee** (Total Fee Due)
- ☐ **Notarized agent authorization letter**, if applicable, including the agent's name, address and phone number authorizing the applicant/agent to act on all property owners' behalf.
- ☐ **Proof of ownership** e.g. warranty deed, lease or pending sale contract.
- ☐ **Property record card** from the Monroe County Property Appraiser.
- ☐ **Copy of current Future Land Use Map** clearly marking the boundaries of the property. Map may be request from Planning and Development Service Department prior to application submittal.
- ☐ **Copy of current Official Zoning Map** clearly marking the boundaries of the property. Map may be request from Planning and Development Service Department prior to application submittal.
- ☐ **Photographs** of the site taken from adjacent streets.
- ☐ **Signed and sealed survey** prepared by a Florida registered surveyor. The survey shall include elevations and location of all existing structures, paved areas, location of all utility structures, all easements, all bodies of water on and adjacent to the site, docks, piers, mean high water line and total acreage by habitat (**please provide a digital copy in addition to the signed and sealed survey**).
- ☐ **Data and analysis (including a land use need analysis)** pursuant to Comprehensive Plan Policy 1-2.1.13, demonstrating there is a need for the amount of development allowed by the proposed FLUM designations in order to accommodate the Comprehensive Plan's projected population growth within the planning timeframe of the Comprehensive Plan.
- ☐ **Explanation** of how the application satisfies each of the applicable criteria in the Land Development Regulations, Comprehensive Plan and Principles for Guiding Development pursuant to § 380.0552(7), Florida Statutes. See **Attachment A** for list of criteria.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a “verifiable digital signature”, print this document and have it notarized.

Date _____

Sworn to and subscribed before me by means of X physical appearance or _____ online notarization, this 15th day of November, 20 23, by Joceline Tichmann (name of person signing the application) as _____ (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

SEAL:



SHANNON L. MCCLURG
Commission # HH 389286
Expires April 20, 2027

☒ Personally Known ☒ Produced Identification

Type of ID License



Islamorada, Village of Islands, Planning and Development Services Department

ATTACHMENT A

Future Land Use Map (FLUM) Amendment Criteria. The applicant shall submit all information required to adequately address the filing requirements adopted by the Florida Department of Economic Opportunity ("DEO"). In addition, the applicant shall submit all other information necessary to address the comprehensive planning criteria of the Village.

Pursuant to the DEO State Coordinated Review Submittal Guidelines, in the case of FLUM amendments, the following information must be provided:

1. A description of the availability of and the demand on the following public facilities: sanitary sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation, as appropriate; and
2. Information regarding the compatibility of the proposed land use amendments with the Comprehensive Plan future land use element objectives and policies, and those of other affected elements.

All proposed FLUM amendments must be consistent with the Principles for Guiding Development within the Florida Keys Area of Critical State Concern, pursuant to § 380.0552(7), Florida Statutes. The Principles are listed below.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection, treatment, and disposal facilities;
 3. Solid waste treatment, collection, and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.

- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of § 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed FLUM category in the village in relation to the amount of land currently assigned the FLUM designation and available to accommodate that demand;
2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed FLUM category;
3. Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan;
4. New issues;
5. Recognition of a need for additional detail or comprehensiveness

However, in no event shall an amendment be approved which will result in an adverse community change.

Official Zoning Map Amendment Criteria. The purpose of this application is to provide a means for changing the Official Zoning Map. It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Village Council shall consider the factors set forth below and the consistency of the proposed amendment with the provisions and intent of the Comprehensive Plan.

The Village Council must find that the application is consistent with the Comprehensive Plan, that the applicant has complied with all procedural requirements of the Code and that the maintenance of the existing zoning on the property does not accomplish a legitimate public purpose. The Village Council shall make its determination on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed zoning district in the Village in relation to the amount of land currently zoned and available to accommodate that demand;
2. Compatibility of the site's physical, geological, hydrological and other environmental features, with the uses permitted in the proposed zoning district;
3. Data errors, including errors in mapping, vegetative types and natural features described in the Comprehensive Plan;
4. New issues;
5. Recognition of a need for additional detail or comprehensiveness; or
6. Compatibility of the proposed district with the property surrounding the site of the requested rezoning and any applicable neighborhood or redevelopment plan.

However, in no event shall an amendment be approved which will result in an adverse community change.

Needs Analysis

The owner of the properties identified as RE #00405350-000000 and 00405360-000000 (subject property) is proposing to amend the current FLUM of the subject properties from Residential Medium (RM) to Mixed Use (MU) and the current zoning from Residential Single-family (R-1) to Highway Commercial (HC) **for the sole purpose of obtaining a vacation rental license approval, without any increase in density or intensity, and without any allowed non-residential uses or structures.** Vacation rental license approval from the Village of Islamorada.

RE #00405350-000000, contains 13300 SF of land area, with a single-family house under construction.

RE #00405360-000000 contains 13,300 SF of land area, with a single-family house under construction.

In the R-1 zoning district, a single-family residence or multifamily attached affordable housing of up to four units could be constructed as a permitted use by right. This is not the intention of the owner of this property. The property owner simply wishes to change the FLUM and zoning in order to apply and receive a Vacation Rental license and to have a vacation rental unit on each lot. **The owner is not requesting an increase in density or intensity and is proposing that no non-residential structures would be allowed. The owner is requesting a site specific FLUM change, as provided in Village Comprehensive Land Use Plan Objective 1-2.11 and Policy 1-2.11.3 to create a sub area on Windley Key.**

The proposed development and ongoing development will not exceed the FAR or OSR allowed in the code. The proposed use would be allowable in the HC zoning district as a permitted use. Although none is anticipated, any expansion or redevelopment of the property would have to meet all requirements of the land development code and comprehensive plan through the application review process. The existing single-family residences on two of the sites are permitted and recognized by village staff in the HC zoning district. The owner does not contemplate increasing to more than one residential unit per property, thus this change does not increase density on the property.

The Village Comprehensive Plan notes that the functional population of the Village will increase from 10,354 in 2010 to 10,653 in 2020, an increase of approximately 3%. The figures are not accurate as the increase has already exceeded 11,000 per the most recent figures. Although these figures and the actual figures do not provide the distribution of age, there will be a need for additional tourist-based facilities to serve an increasing population. Additionally, as currently documented by the TDC, transient room occupancies have increased in the last few years thus adding to the need for added Tourist based facilities. The Village Code limits the number of allowable Vacation Rental (VR) licenses. The Village has never reached or exceeded the maximum limit of VR Licenses, yet the demand is still there. This request will not bring the anticipated number of VR's over the allowable number. We should note that the Village underwent an extensive study and had many meetings in order to determine the maximum number of VR licenses it should allow. During the anticipated code changes the community came together to come up with an acceptable number of VR units. Meetings between hoteliers, residents, the Chamber, as well as professionals in the real estate community had multiple workshops to find the right balance.

Access to the subject properties would not impact traffic flow directly on US 1. Access to this property is off the Old Road with several areas to ingress and egress to and from US-1. 63 of the 74 HC/MU properties are directly on US 1 and most of them do not have curb cuts off the highway. Utilization of this property would minimize the traffic consequences to US 1, unlike many of the existing HC properties in the Village.

The request will not increase the demand for parking as the ongoing and proposed development was already calculated at two (2) spaces per unit. The ongoing and proposed development will closely comply with the regulations in the event of a catastrophic event such as fire or hurricane.

The proposed development and on-going development will not further increase the previously anticipated water or sewage use and would not add additional vehicular trips, beyond what is already factored into the Comp Plan and LDR's. There should be no increase in impacts on public facilities of services, than what was already anticipated.

Policy 1-1.1.1 Protect Residential Areas from Incompatible Development.

This amendment would steer vacation rental uses to an Island that is dominated by commercial and transient uses. Windley Key is bookended by two major marinas and is infilled with hotels and motels, as well as several developments that allow for Vacation Rental licenses.

Policy 1-2.1.14 Criteria for Future Land Use Map (FLUM) Amendments. Islamorada, Village of Islands, shall maintain specific criteria for amending the Future Land Use Map that are consistent with the general procedures delineated in Chapter 163.3177, 163.3184 and 163.3189, Florida Statutes and the Principles for Guiding Development in areas of critical state concern. The Village Council shall make its determination on proposed FLUM amendments on legitimate public purpose based on one or more of the following factors:

1. Demand for the proposed FLUM category in the Village in relation to the amount of land currently assigned the FLUM designation and available to accommodate the demand.

Answer: It appears that there is .01% of HC properties compared to other zonings throughout the Village. This seems to be a disproportionate amount. There are only 74 vacant HC/MU properties in the entire Village, there are none on Windley Key. Of the 74 vacant HC/MU parcels the comp plan suggests the Village steer development away from the 12 due to the Hammock designation of the properties. Many of the HC/MU properties on other islands do not have direct access VIA DOT approved curb-cuts and most do not have access to US-1 Via the Old Highway.

2. Compatibility of the sites physical, geological, hydrological and other environmental features, with uses permitted in the proposed FLUM.

Answer: This site has no unique features as it relates to physical, geological, hydrological or environmental features. There is ongoing development that is

recently permitted that is in compliance with all factors in the LDC.

3. Data errors, including errors in Mapping, vegetative types and natural features described in the comprehensive plan.

Answer: There are no data errors recorded, yet there are, to the immediate east several properties that are zoned either MU or HC.

4. New issues.

Answer: This request will better serve the properties in this request. There are currently no transitional zonings between HC and R-1. This property is located immediately next to a locally famous restaurant and bar. This amendment will create an acceptable transition between the residential uses to the west and the non-residential uses to the east.

5. Recognition of the need for additional detail or comprehensiveness.

Answer: Currently there are no other undeveloped HC zoned properties on Windley Key. There are also no undeveloped MU FLUM properties on Windley Key. This request will allow the subject properties to be compatible with most of the properties on this island.

Policy 1-2.1.13 Future Land Use Map Amendments. "Islamorada, Village of Islands shall not sponsor private applications for Future Land Use Map amendments that would increase the allowable density/intensity of the properties affected."

Answer: There will be no increase in density, as the two houses are currently permitted and under construction.

Due to these factors and the desire for redevelopment instead of new development we feel this request is justified and in keeping with the goals and objectives in the Villages' Comprehensive Plan.

Vacation Rental Compliance Monitoring Checklist

Monitoring pursuant to Sec 30-1297 Vacation Rental Use And Occupancy Restrictions

Advertisements/Rentals

- No vacation rental use in a residential subdivision shall be for less than seven days, unless otherwise permitted in a tourist commercial zoning district.
- All advertising of vacation rental units shall require identification of state and village license numbers. Any advertising of vacation rental units that are not lawfully licensed by the village shall constitute a violation of these regulations.

Verification: Check via searches on all websites, databases, Rental Scape, etc.

Vehicles/Watercraft

- Motor vehicles and vessel trailers shall only be parked in driveways or other areas designed and designated for parking on the vacation rental unit property, and not on the street or extending over the right-of-way or sidewalk.
- The number of motor vehicles and vessel trailers parked on a vacation rental use unit property shall not exceed the maximum number of permitted parking spaces identified in the application.
- Only motor vehicles of registered occupants may be parked overnight.
- No recreational vehicle, sport utility vehicle or any other motor vehicle or vessel parked or moored at the vacation rental unit property shall be used for sleeping, liveaboard use or other overnight accommodations.
- For vacation rental units that contain dock area, the total length of moored vessels shall not exceed the length of the shoreline and no vessel shall be moored against another vessel or create a navigational obstruction or hazard.

Verification: For parking, check the Site Plan filed with the VR application for the approved location and number of parking spaces for the unit.

Trash/Debris

- All trash and debris shall be kept in covered trash containers. Each vacation rental unit shall be equipped with adequate covered trash containers for such purposes.
- Occupants shall comply with all trash provisions and recycling provisions that are applicable to the vacation rental unit.
- Schedules of garbage pick-up and recycling pickup shall be posted with the rental agreement.

Verification: Is the schedule for trash pick up posted?

Occupancy

- The maximum occupancy load of any vacation rental unit shall not exceed two adults per bedroom (children over six shall be considered adults for purposes of this section), or the lesser of such other maximum occupancy load level as may be set by either the Florida Fire Prevention Code for the particular residential dwelling unit pursuant to its administration rule making authority or the village building official.
- All vacation rental units shall comply with all building and fire safety codes for public lodging establishments as required by state law or this Code.

Verification: Spot checks?

Written/Posted Restrictions

- Prior to occupancy of a vacation rental unit, the occupants of each unit shall be provided with a written copy of the use and occupancy restrictions contained herein in the form of a copy of these regulations and a written rental agreement.
- Each owner or property manager shall have a written agreement requiring an occupant who agrees to be responsible for all occupants during the rental term to comply with such restrictions as a condition of the agreement, signed by such occupant prior to occupancy.
- A copy of these use and occupancy restrictions shall also be prominently displayed in each vacation rental unit in no less than 16-point type, along with a warning in bold type, that any violation thereof shall constitute grounds for immediate termination of the rental agreement, eviction from the vacation rental unit by the owner or property manager and appropriate fines levied.
- All lease and rental agreements shall contain in bold type, the following:
 - Each occupant's (by family) home address and phone number;
 - Property manager's address and 24-hour phone number(s); and
 - The phone number at the vacation rental unit.
- A copy of the rental agreement must be maintained on the property at all times and made available for review at the request of any village code compliance officer, fire safety inspector, law enforcement officer or other designated village representative. Failure to maintain a copy of the rental agreement and to make it available upon request shall constitute a violation of these regulations.
- Lease agreements shall disclose village regulatory requirements regarding vacation rental use, noise ordinances and parking regulations. Lease agreements shall also include a provision that authorizes access by code enforcement personnel for purposes of determining compliance with the village Code.

Verification: Check for posted rules, ask occupants to supply rental agreement.

Property Posting

- A sign no smaller than 12 inches by 12 inches and measuring between two and four feet in height shall be prominently displayed, as determined by the planning and development services director, on each property indicating an effective annual permit and permit number.

Verification: Posted license on the unit visible.

Enforcement

Operation of any vacation rental unit without a license or in violation of these regulations shall be punishable as to the owner, occupant, and/or property manager in accordance with the village code enforcement procedures, or as authorized by state law, or by a fine established by separate resolution.

Resolution 09-06-43

Schedule of Violations and Fines

Violation	Reduced Fine	Maximum Fine	Mandatory Fine for 2 nd Offense	Mandatory Fine for 3 rd Offense
Violation of Vacation Rental Ordinance	\$400.00	\$500.00	\$500.00	\$500.00

An accumulation of a second violation of these regulations within any 12-month period for the same property shall be punishable by a fine in accordance with this Code and as may be established by separate resolution, **and the revocation** of the vacation rental license for that property.

Vacation rental unit owners shall lose their privileges and their license shall be revoked for a vacation rental property if the property has been found by non-appealable final order on two occasions to have violated the Village Code regarding vacation rental units. The owner may apply for a new license after one year from the date of revocation, but shall have no priority based on past use for purposes of the 331 unit cap, and an additional vacation rental license fee shall be paid to reinstate such license after revocation.

Nothing contained in these regulations shall prohibit the village from enforcing these regulations by any other means including, but not limited to issuance of a warning, a notice of violation, a civil citation, a summons, a notice to appear in the county court, an arrest, or a civil action for injunctive relief. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed prerequisites to filing suit for the enforcement of these regulations or any section of this Code.

February 21, 2025

The Honorable Sharon Mahoney
Mayor, Village of Islamorada
86800 Overseas Highway
Islamorada, Florida 33070

Dear Mayor Mahoney,

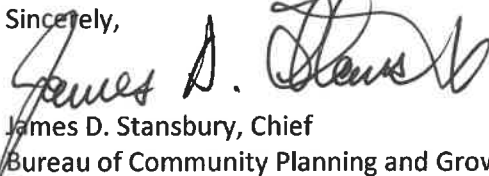
FloridaCommerce has completed its review of the proposed comprehensive plan amendment for the Village of Islamorada (Amendment No. 24-05ACSC), which was received on December 23, 2024. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. FloridaCommerce does not identify any objections or comments to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by FloridaCommerce from the appropriate reviewing agencies, if any, are enclosed.

The Village should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

If you have any questions related to this review, please contact Ana Morales, Planning Analyst, by telephone at (850)-717-8538 or by email via Ana.Morales@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/am

Enclosure: Procedures for Adoption
Reviewing Agency Comments

cc: Jennifer DeBoisbriand, Planning Director, Village of Islamorada
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the FloridaCommerce did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance, and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the FloridaCommerce to the ORC report from the FloridaCommerce.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 N.W. 111 Avenue
Miami, Florida 33172

JARED W. PERDUE, P.E.
SECRETARY

January 2, 2025

Ms. Jennifer DeBoisbriand
Planning Director
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Subject: Comments for the Islamorada, Village of Islands Comprehensive Plan - Amendment FDEO #24-05ACSC

Dear Ms. DeBoisbriand:

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation, District Six, reviewed the proposed amendments to the Islamorada, Village of Islands Comprehensive Plan. The proposed amendments modify the Future Land Use Map.

The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed text amendment would not adversely impact transportation resources and facilities of state importance.

Thank you for coordinating on the review of these proposed amendments with FDOT. If you have any questions, please do not hesitate to contact me by email at shereen.yeefong@dot.state.fl.us or at 305-470-5393.

Sincerely,

DocuSigned by:

A handwritten signature in blue ink, appearing to read "Shereen Yee Fong", is placed over a blue rectangular background.

B06CD08756954DD...

Shereen Yee Fong, MS-CE

Community Planning Coordinator

Ms. Jennifer DeBoisbriand

January 2, 2025

Page 2

Cc: Daniel Iglesias, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Kenneth Jeffries, Florida Department of Transportation, District 6
Isabel Cosio Carballo, South Florida Regional Planning Council
Kathe Lerch, South Florida Regional Planning Council
Donna Harris, Florida Department of Commerce

ORDINANCE NO. 24-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.4:WINDLEY KEY MIXED USE AREA 2; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

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

WHEREAS, the applicant, Windley Isles LLC, has requested an official Future Land Use Map amendment from Residential Medium (RM) to Mixed Use (MU) for a parcel consisting of approximately 13,300 square feet of land, with Real Estate number 00405360-000000, as legally described below and to allow the parcel to be included in Policy 1-2.11.4:Windley Key Mixed Use Area 2; and

WHEREAS, pursuant to Section 166.041, Florida Statutes and Sections 30-101 and 30-213 of the Village Code of Ordinances (the "Code"), the Village Local Planning Agency publicly considered the Future Land Use Map Amendment during a duly noticed public hearings held on January 8, 2024 and March 11, 2024; 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 Village Council has determined that the proposed Future Land Use Map Amendment is consistent with the Village Comprehensive Plan; and

WHEREAS, the Village Council desires to adopt the proposed Future Land Use 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 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:

**85331 Overseas HWY or E 1/2 LT 4 GALEN BEACH WINDLEY ISLAND PB2-110
OR3-417 OR5-7 OR423-509/10 OR2604-404 OR2709-951/52 OR2835-2429/30
OR2835-2435/38 OR3070-0595 OR3070-0597 OR3158-1318 OR3158-1321**

Section 3. Transmittal. The Village Clerk is hereby authorized to forward a copy of this Ordinance to the State Department of Commerce ("Commerce") 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 Commerce (Commerce) 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 Councilwoman Gillis, who moved for its adoption on first reading. This motion was seconded by Councilman Friedman, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	ABSTAIN
Councilman Joseph B. Pinder III	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	YES

PASSED on the first reading this 12th day of December 2024.

[Remainder of this page intentionally left blank]

The foregoing Ordinance was offered by _____, who moved for its adoption on second reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilwoman Anna Richards	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2025.

SHARON MAHONEY, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, VILLAGE ATTORNEY