RESOLUTION NO. 16-02-11

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS FOR A VARIANCE FROM CODE SECTION 30-814 TO ALLOW A REDUCTION OF THE REQUIRED MAJOR STREET BUFFERYARD LANDSCAPING ADJACENT TO THE OVERSEAS HIGHWAY ON THE KEY TREE CACTUS PRESERVE PROPERTY LOCATED AT 80700 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY WITH ALTERNATE KEY NUMBERS 1111970 & 1111872 AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village” and the “Applicant”) submitted an application for a variance from Section 30-184 of the Village Code of Ordinances (the “Code”), to allow a reduction of the required bufferyard landscaping adjacent to the Overseas Highway from seventy-five feet (75’) to ten feet (10’) feet adjacent to the Overseas Highway on the Key Tree Cactus Preserve, Upper Matecumbe Key (the “Variance Request”), for property located at 80700 Overseas Highway, with alternate key numbers 1111970 and 1111872 as legally described in Exhibit “A”; and

WHEREAS, the Property is located within Conservation (C) Zoning District; and

WHEREAS, on February 25, 2016, a duly noticed public hearing was held by the Village Council to consider the application for a variance; and

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 Village Staff, does hereby find and determine:

(1) The Application complies with the requirements set forth in Section 30-221(d) of the Village Code.

(2) The Applicant has demonstrated through competent substantial evidence the criteria for the granting of the Variance Request.

(3) The Request is consistent with the purposes, goals, objectives and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

Section 2. Conclusions of Law.

Based upon the above Findings, the Village Council does hereby make the following Conclusions of Law:

(1) The Variance Request has been processed in accordance with the Village Comprehensive Plan and Village Code and will not be detrimental to the community as a whole.

(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 substantial competent evidence contained within the record; and

(3) The Variance Request is hereby APPROVED.
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 Village Code.

Motion to adopt by Councilman Chris Sante, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Deb Gillis YES
Vice Mayor Jim Mooney YES
Councilman Chris Sante YES
Councilman Dennis Ward YES
Councilman Mike Forster YES

PASSED AND ADOPTED this 25TH day of February, 2016.

DEB GILLIS, 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 Resolution was filed in the Office of the Village Clerk of this 29th day of February, 2016.

KELLY TOTH, VILLAGE CLERK
Exhibit A

SOURCE:
David Massey Land Surveying, Inc.
Surveyed: 5-04-09
Drawing No.: 10107
Field Book: L-129

PARCEL 1 - A.K.#1111870
A part of Lot 6 of a subdivision of a part of Government Lot 1, and all of Government Lots 2 and 3, Section 32, Township 63 South, Range 37 East, and all of Government Lot 1, of Section 5, Township 64 South, Range 37 East, on Upper Matecumbe Key, made by George L. MacDonald, C.E., the plat of which is recorded in Plat Book 1, at Page 41, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commencing at the intersection of the dividing line between Lots 6 and 7 with the Southeast Shore of the Island of Upper Matecumbe, according to a diagram of part of said Island, as made by George L. MacDonald and recorded in the office of the Clerk of Circuit Court of Monroe County, in Plat Book 1, Page 41, and running from said point of intersection, in a Northwesterly direction, along said dividing line between Lots 6 and 7 to the bay shore of said island; thence along said bay shore, in a northeasterly direction, 214 feet, and thence in a southeasterly direction, and parallel with said dividing line, 1320 feet, more or less, to the Southeasterly Shore of said island; and thence along said Southeasterly Shore, 214 feet, more or less, to the Point of Beginning; excepting therefrom all that portion of the above described parcel lying Southeasterly of the existing Northwesterly Right-of-Way line of U.S. Highway No. 1 (State Road No. 5).

PARCEL 2 - A.K.#1111872
A part of Lot 6 of a subdivision of part of Government Lot 1 and all of Government Lots 2 and 3, of Section 32, Township 63 South, Range 37 East, and all of Government Lot 1, of Section 5, Township 64 South, Range 37 East, on Upper Matecumbe Key, made by George L. MacDonald, C.E. the Plat of which is recorded in Plat Book 1, at Page 41, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commencing at a point on the Northwest side of the Florida East Coast Railway Company's right of way, (the same being the Northwesterly right of way line of U.S. Highway No. 1 as presently existing) where said right of way is intersected by the dividing line between Lots 5 and 6; MacDonald's Plat, Plat Book 1, Page 41, of the Public Records of Monroe County, Florida, for a point of reference, thence proceed South 44 degrees 55 minutes West along said Northwesterly right of way line 334 feet to the Point of Beginning of the property to be described herein; thence continue South 44 degrees 55 minutes West along said right of way for a distance of 309.77 feet; thence proceed North 25 degrees West for a distance of 742.5 feet to an iron pipe set in concrete; thence continue North 25 degrees West for a distance of 10 feet, more or less, to the Mean High Water line of the Florida Bay thence meander Northwesterly along said Mean High Water line a distance of 310 feet, more or less, to the intersection of said meander line with a line which runs North 25 degrees West from the point of beginning, thence proceed South 25 degrees East along said intersecting line a distance of 30 feet, more or less, to an iron pipe set in concrete, thence, continue South 25 degrees East along said intersecting line a distance of 746.6 feet to the point of beginning.