RESOLUTION NO. 15-11-109

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2015; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) has implemented the Building Permit Allocation System (“BPAS”) as codified in Chapter 30, Article IV, Division 11 of the Village’s Code of Ordinances (the “Village Code”); and

WHEREAS, Section 30-474 of the Village Code requires that the Village Council establish the total amount of nonresidential floor area and residential dwelling units that may be made available for the next annual allocation, the quarterly allocations for that year and the distribution of allocations between categories; and

WHEREAS, the Village Council adopted Resolution No. 14-11-92, thereby establishing a total of 26,065 square feet of nonresidential floor area for allocation in 2015; and

WHEREAS, the Village Council adopted Resolution 14-12-99, thereby allocating 1,500 square feet of nonresidential floor area in Quarter 4 of 2014; and

WHEREAS, on November 12, 2015, the Village Council conducted a public hearing regarding the Nonresidential Allocation Evaluation Report (the “Report”) submitted by the Director of Planning and Development Services (the “Director”) pursuant to the applicable provisions of the Village Code and Comprehensive Plan; and

WHEREAS, the total amount of nonresidential floor area available for allocation in 2015 is 24,565 square feet; and
WHEREAS, the Village Council desires to approve the nonresidential building permit allocation rankings and award the allocations for Quarter 4 of 2015.

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

Section 1. Findings of Fact.

The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows:

The Village Council approves the ranking and recommendation of the Director to award one (1) allocation for 523 square feet of nonresidential floor area to Ocean Gardens and Gifts, LLC with ten (10) points, as set forth in the Report attached hereto as Exhibit “A”.

Section 2. Conclusions of Law.

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

(1) The Building Permit Allocation System (the “BPAS”) application for Quarter 4 of 2015 of the BPAS has been processed in accordance with the Village’s Comprehensive Plan and Land Development Regulations; and

(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 competent substantial evidence of record.

Section 3. Effective Date.
This Resolution shall not take effect until after 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; Seconded by Vice Mayor Deb Gillis.

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

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

PASSED AND ADOPTED THIS 12TH DAY OF NOVEMBER, 2015.

ATTEST: MIKE FORSTER, MAYOR

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 12th day of November, 2015.

KELLY TOTH, Village Clerk

cc: Florida Department of Economic Opportunity
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