

**VILLAGE OF ISLAMORADA  
ORDINANCE 24-04**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,  
AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE IV  
"ADMINISTRATIVE PROCEDURES", DIVISION 10 "PLATTING", SECTION 30-  
431 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Islamorada, Village of Islands (the "Village") has established Land Development Regulations ("LDRs") to properly guide development and protect the health, safety, and welfare of the public; and

**WHEREAS**, The Village has recently become aware of some lot-line adjustments being recorded with the property appraiser's office which have not been approved by the Village; and

**WHEREAS**, the Village Council desires to amend existing provisions under Division 10, "Platting" of Article IV of the Village's LDRs relating to provisions generally governing platting approval; and

**WHEREAS**, specifically, the Village Council desires to amend Section 30-431, "Plat approval and recording required", of the Village Code to ensure that lot-line modifications are not recorded with the property appraiser until such modification has been approved by the Village; and

**WHEREAS**, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area of Critical State Concern; and

**WHEREAS**, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

**NOW THEREFORE**, be it ordained by the Village Council of the Village of Islamorada, in the State of Florida, as follows:

**SECTION 1:**           **RECITALS.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2:**           **AMENDMENT.** "Sec 30-431 Plat Approval And

Recording Required" of the Islamorada Village Code is hereby *amended* as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>strikethrough</del>
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AMENDMENT

Sec 30-431 Plat Approval And Recording Required

- (a) Except as provided in subsections (b) and (c) of this section, plat approval shall be required for:
  - (1) The division of land into three or more parcels; or
  - (2) The division of land into two or more parcels where the land involved in the division was previously divided without plat approval within the prior two years; or
  - (3) The division of land into two parcels where the disclosure statement required under subsection (f) of this section is not attached to the conveyance.
- (b) No building permit shall be issued for the construction of any building, structure or improvement unless a final plat has been approved in accordance with the provisions of this division and recorded for the lot on which the construction is proposed or unless the building, structure or improvement qualifies for an exemption pursuant to this division.
- (c) No plat approval is required if the subdivision involved consists only of:
  - (1) A governmentally required dedication and the director of planning and development services finds that it is not necessary that a plat be recorded. In lieu of recording a plat, the dedication shall be required by deed and shall be subject to compliance with the submission of a grading, paving and drainage plan which will meet the requirements of this chapter and the posting of an improvement guarantee or bond as required under section 30-435 before the acceptance of the dedication by the village council.
  - (2) The proposed subdivision is for the purpose of conveying ownership of real property with a single-family unit in a townhouse-type development when such conveyance of real property is the space beneath the unit, plus an area surrounding the unit, which is no greater than the gross ground floor area of the unit. Prerequisites for exceptions to platting in this case are as follows:
    - a. The minimum overall development size shall be the same as

- required in the zoning district assigned to the property.
- b. The average building length within the townhouse development shall not exceed 160 feet. However, no such building shall contain more than eight units.
  - c. The proposed subdivision is part of a development project for which the village has granted site plan approval, the proposed subdivision is less than five acres in size, and the lots or parcels from which the proposed subdivision is created have been specifically delineated in a recorded plat.
- (3) The combination of two or more previously platted lots to form a single unified building site. However, such combination must be accompanied by a unity of title, in a form approved by the village attorney and recorded in the public records of the clerk of the circuit court of the county.
  - (4) A subdivision of land legally recorded prior to September 15, 1986.
  - (5) A change in ownership which would result in the formation of a Condominium Association, pursuant to Florida Statute Chapter 718, however in such a case, review of the proposed condominium documents shall be required by the village at the sole cost of the applicant.
- (d) No plat of any subdivision shall be entitled to be recorded in the office of the clerk of the circuit court until it shall have been approved by the village council in the manner prescribed herein and certified by the village clerk.
  - (e) If a plat has been previously approved and recorded, technical or minor changes to the plat may be approved by the director of planning and development services. All other changes shall be considered in accordance with the provisions of this division.
  - (f) No division of land through a lot-line modification shall be recorded in the county property appraiser's office until after the village has approved the application.
  - (g) The conveyance of land that involves the division of the land into two or more parcels may result in the creation of lots that do not meet the minimum building requirements of this chapter, and thus are not buildable lots. For example, the assignment of a tax parcel number by the county appraiser's office does not signify that a parcel is buildable under this chapter. Therefore, to ensure that the public is provided disclosure additional to that which is otherwise required by law of the possible creation of such unbuildable lots by conveyance of property without platting, whenever land is conveyed that involves the division of land into two or more parcels and where plat

approval is not obtained pursuant to this division, such conveyance shall include the following disclosure statement: "The parcel of land described in this instrument is located in incorporated Islamorada, Village of Islands. The use of the parcel of land is subject to and restricted by the goals, policies and objectives of the Islamorada, Village of Islands, Comprehensive Plan and Development Regulations adopted as a part of, and in conjunction with and as a means of implementing the Islamorada, Village of Islands Comprehensive Plan. The land development regulations provide that no building permit shall be issued for any development of any kind unless the proposed development complies with each and every requirement of the regulations, including minimum area requirements for residential development. You are hereby notified that under the Islamorada, Village of Islands land development regulations, the division of land into parcels of land that are not approved as platted lots under the regulations confers no right to develop a parcel of land for any purpose."

**SECTION 3: REPEALER CLAUSE.** The provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4: SEVERABILITY CLAUSE.** The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses, or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5: INCLUSION IN THE CODE.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**SECTION 6: TRANSMITTAL.** The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce (the "DOC") for approval pursuant to section 380.05, Florida Statutes.

**SECTION 7: EFFECTIVE DATE.** This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DOC. The DOC notice of intent to find this Ordinance in

compliance shall be deemed to be the final order if no timely petition challenging this Ordinance is filed.

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

Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilwoman Elizabeth Jolin	<u>Yes</u>
Councilman Henry Rosenthal	<u>Yes</u>

**PASSED** on the first reading this 14th day of December, 2023.

**[Remainder of this page intentionally left blank]**

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

- Mayor Joseph B. Pinder III Yes
- Vice Mayor Sharon Mahoney Yes
- Councilman Mark Gregg Yes
- Councilwoman Elizabeth Jolin Yes
- Councilman Henry Rosenthal Yes

**PASSED AND ADOPTED** on the second reading this 11th day of January, 2024.

DocuSigned by:  
*Joseph B. Pinder III*  
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JOSEPH B. PINDER III, MAYOR

ATTEST:

DocuSigned by:  
*Marne K. McGrath*  
 008BA9A9B2704D6...

MARNE MCGRATH, VILLAGE CLERK

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

DocuSigned by:  
*[Signature]*  
 362BFAA7FD4417...

JOHN J. QUICK, VILLAGE ATTORNEY

