

**ORDINANCE NO. 13-20**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY MODIFYING PROVISIONS TO THE TRANSPORTATION ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, Islamorada, Village of Islands, Florida (the “Village”) proposes to amend (the “Amendment”) the Village Comprehensive Plan (the “Comprehensive Plan”) as provided for in Exhibit “A”; and

**WHEREAS**, the Village’s Comprehensive Plan became effective on December 26, 2001; and

**WHEREAS**, the Village has conducted duly noticed public hearings for the Comprehensive Plan Amendment pursuant to Section 163.3184(15), Florida Statutes; and

**WHEREAS**, the Village Local Planning Agency reviewed this Ordinance on January 14, 2013 in accordance with the requirements of Chapter 163, *Florida Statutes*, and recommended approval to the Village Council; and

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

**WHEREAS**, the Village Council finds that the adoption of this Ordinance 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.

**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, correct and incorporated herein by this reference.

**Section 2.**     **Adoption of the Amendment.** The proposed Amendment to the Comprehensive Plan, attached as Exhibit “A,” is hereby approved.

**Section 3.**     **Transmittal.** Pursuant to Sections 163.3184 and 163.3187, Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance, along with the supporting data and analysis, to the Florida Department of Economic Opportunity (“DEO”) within ten days after its adoption.

**Section 4.**     **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this 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.**     **Effective Date.** This Ordinance shall become effective pursuant to a Notice of Intent issued by DEO finding the Amendment to be in compliance as defined in Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Amendment shall not become effective until DEO or the Administration Commission enters a final order determining the adopted Amendment to be in compliance.

The foregoing Ordinance was offered by Councilwoman Deb Gillis, who moved its adoption on first reading. This motion was seconded by Vice Mayor Ted Blackburn, and upon being put to a vote, the vote was as follows:

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED on first reading this 24th day of January, 2013.

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

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on second reading this 22<sup>nd</sup> day of August, 2013.

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KEN PHILIPSON, MAYOR

ATTEST:

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ARIANA S. LAWSON, VILLAGE CLERK

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

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VILLAGE ATTORNEY

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**CHAPTER 2: TRANSPORTATION ELEMENT**(References Chapter 163, Part II, F.S. and 9J-5.019, F.A.C.)

**2.1 TRANSPORTATION GOALS, OBJECTIVES AND IMPLEMENTING POLICIES.** This section specifies goals, objectives and implementing policies for the Transportation Element pursuant to the requirements of Chapter 163, Part II, F.S. and Rule 9J-5.019, F.A.C.

**GOAL 2-1: ENSURE PROVISION OF AN INTEGRATED MULTI-MODAL TRANSPORTATION SYSTEM.** Islamorada, Village of Islands shall develop and maintain an integrated multi-modal transportation system in the Village, which promotes mobility and accessibility and moves people and goods in a manner consistent with the local land use and environmental protection goals of the Village. The system shall be coordinated with proposed residential and commercial infill, redevelopment and revitalization efforts and stress multi-modal mobility and transportation choice for Village residents.

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**OBJECTIVE 2-1.2: ESTABLISH LEVEL OF SERVICE (LOS) STANDARDS FOR TRANSPORTATION FACILITIES.** Islamorada, Village of Islands shall establish daily level of service standards for highway and roadway facilities, and shall coordinate with other government agencies to ensure that these standards are maintained.

**Policy 2-1.2.1: Adopt Level of Service (LOS) Standards Pursuant to the U.S. 1 Level of Service Task Force.**– Islamorada, Village of Islands hereby adopts the following level of service (LOS) standards for roadways, pursuant to the methodology developed by the U.S. 1 Level of Service Task Force for analyzing LOS in Monroe County:

1. ~~For U.S. 1, the Village hereby adopts a level of service standard of C.~~ The level of service on U.S. 1 shall be maintained within 5% of LOS C as measured on an overall countywide basis not dependent on any single road segment, using the measured median travel speed from the annual report of public facilities capacity.
2. For all other roadways for which the Village is responsible, the Village hereby adopts a minimum ~~peak hour level of service~~ LOS standard of D as measured by peak hour traffic volumes at all intersections, including but not limited to all intersections with U.S. 1. ~~The Village shall maintain the level of service of these roadways within 5% (five percent) of LOS D.~~

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**Policy 2-1.2.4: Prevent Development Resulting in Additional Trips on Deficient U.S. 1 Highway Segments Without Mitigation.** ~~The Village shall deny development permits for development that would result in additional trips on a deficient segment of U.S. 1 upon such segments exhausting the 5% below LOS C allowance authorized by the U.S. 1 Task Force Methodology as measured on an overall countywide basis not dependent on any single U.S. 1 segment; however, permits shall be denied only on the key where the deficient segment exists and if unless the impacts of the proposed development permit cannot be mitigated pursuant to Transportation Fair for its proportionate Share share Mitigation of required transportation concurrency improvements pursuant to (F.S. Section 163.3180(16)). F.S.~~

**Policy 2-1.2.5: Consider Reducing Speed Limits on Deficient Highway Segments.** Upon receipt of the annual U.S. 1 Arterial Travel Time and Delay study, and upon a finding that a

U.S. 1 highway segment within Islamorada has dropped below ~~the adopted level of service standard 5% of LOS C~~ for ~~any three subsequent consecutive years as of after~~ December 31, 1997, the Village Council ~~shall~~ may consider, in consultation with affected citizens, reducing the maximum speed limits established for said deficient highway segments within the Village. Any such proposed changes shall first be analyzed by a consulting engineer to predict the impact on LOS and shall be coordinated with the Florida Department of Transportation, and brought to the attention of the U.S. 1 Level of Service Task Group, and other Keys jurisdictions prior to any decision.

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## **CHAPTER 9: CAPITAL IMPROVEMENTS ELEMENT**

(Reference ~~§9J-5.016(3), F.A.C.~~ Chapter 163.3177(3), F.S.)

**§9-1: CAPITAL IMPROVEMENTS GOALS, OBJECTIVES AND IMPLEMENTING POLICIES.** This section specifies goals, objectives, and implementing policies for the Capital Improvements Element pursuant to Chapter 163.3177(3)(a), F.S., ~~and Rule 9J-5.016(3), F.A.C.~~

**GOAL 9-1: PROGRAM CAPITAL IMPROVEMENTS TO ENSURE ADEQUATE FACILITIES AND SERVICES ARE PROVIDED.** Islamorada, Village of Islands shall undertake actions necessary to ensure that adequate public facilities and services are provided within the Village jurisdiction, in keeping with the goals, objectives and policies contained within the Comprehensive Plan.

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**OBJECTIVE 9-1.2: IMPLEMENT A CONCURRENCY MANAGEMENT SYSTEM.** Pursuant to Ch. 163, F.S., ~~and Rule 9J-5.0055 F.A.C.~~, the Village shall implement a Concurrency Management System, which shall ensure that facilities and services needed to support development are available concurrent with the impacts of new development and redevelopment.

**Policy 9-1.2.1: Maintain a Concurrency Management System.** Islamorada, Village of Islands hereby adopts a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impact of development. The Concurrency Management System shall ensure that no development order is issued that will result in a reduction in the level of service (LOS) below the adopted LOS standard for those public facilities that are subject to the system. The Concurrency Management System shall by reference, incorporate all the applicable concurrency mitigation options allowed by ~~9J-5.0055, F.A.C.~~ Chapter 163.3180, F.S. The following guidelines identify the stages in the development review process when the test for concurrency must be met:

1. **Preliminary Development Order Stage.** A preliminary development order is a development order that precedes the issuance of a building permit, such as subdivision plat, development plan, certificate of compliance, conditional use permit, or development of regional impact development order. A proposed development must receive a conditional concurrency determination prior to receiving a preliminary development order.
2. **Final Development Order Stage.** A final development order is a building permit or any other development permit authorizing the construction or expansion of a building, an increase in development intensity, or a change of use requiring a new certificate of occupancy. With the exception of development resulting from Policy 1-2.1.3 and the replacement of existing development, a proposed development must receive a final concurrency determination prior to receiving a final development order.

The following guidelines identify the effect of a concurrency determination:

1. **Conditional Concurrency Determination.** Such determination shall indicate that adequate public facilities are available at the time the determination is issued, but shall not guarantee the adequacy or availability of public facilities at subsequent stages of development review.
2. **Final Concurrency Determination.** Such determination shall indicate that adequate facilities will be available at all subsequent stages of development review, subject to certain limitations such as elapsed time and payment of fees.

The following guidelines identify the minimum criteria necessary to meet the concurrency requirements of each public facility type:

1. The concurrency requirements for roads, potable water, solid waste, wastewater, and drainage facilities and services shall be satisfied if one or more of the following conditions are met:
  - a. The necessary facilities and services are in place at the time a development permit is issued; or
  - b. The development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
  - c. The necessary facilities are under construction at the time a permit is issued; or
  - d. An enforceable development agreement guarantees that the necessary facilities and services will be in place when the impacts of the development occur.
2. The concurrency requirements for recreational facilities shall be satisfied if one or more of the following conditions are met:
  - a. Conditions 1(a), 1 (b), or 1(c) listed above; or
  - b. A binding executed contract is in place at the time the development permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services within one year of permit issuance; or
  - c. The payment of fees in lieu of dedication of land, to be used for the acquisition of lands for parks, conservation or open space, in an amount determined by Islamorada, Village of Islands, provided that the facilities to correct the deficiency in LOS must be in place or under construction not more than one year after the issuance of a Certificate of Occupancy and that the improvement is included in the Capital Improvements Schedule or that such an improvement is required through an enforceable development agreement.

**Policy 9-1.2.2: Concurrency Monitoring System.** Islamorada, Village of Islands shall maintain a concurrency monitoring system that ensures adherence to the adopted level of service standards, the schedule of capital improvements, and the availability of public facility capacity and shall include the following components:

1. An updated database of permitting data that includes the amount of development for which final development orders have been issued, development for which final development orders have expired, and development which has been constructed;
2. The database shall also include public facility data that incorporates the capacity of existing facilities, the additional capacity created by facility improvements, the impacts of existing development, and the impacts anticipated due to committed development; and
3. An annual report assessing the capacities of all public facilities within the Village subject to the Concurrency Management System.

**Policy 9-1.2.3: Adopt and Maintain the Following Level of Service Standards.** Islamorada, Village of Islands shall adopt level of service standards for public facilities, for which concurrency is required, as set forth below. Prior to issuing a development order the Village shall review all proposed development to ensure consistency with adopted LOS standards. No development shall be approved that is projected to decrease the existing LOS below the adopted standard, unless mitigation by the developer is approved by the Village Council.

### SUMMARY OF LEVEL OF SERVICE STANDARDS

FACILITIES	LEVEL OF SERVICE STANDARDS
Wastewater	The Village, shall at a minimum, adopt the current level of service standards as provided in Federal and State regulations. The current LOS standards are as follows: <b>FLORIDA STATUTORY TREATMENT STANDARDS in MG/L – BOD / TSS / TN / TP</b> 1. Design flows less than or equal to 100,000 gpd (BAT) in MG/ L – 10 / 10 / 10 / 1 2. Design flows greater than 100,000 gpd (AWT) in MG/ L – 5 / 5 / 3 / 1
Wastewater Supply LOS	70 gal/capita/day
Potable Water	Residential LOS: 66.5 gal/capita/day Non-Residential LOS: 0.35 gal/sq.ft./day Overall LOS: 177 gallons/capita/day ERU: 371.7 gal/day
Solid Waste	Residential Disposal Quantity: 5.44 pounds/capita/day Non-Residential: 6.37 pounds/acre/day
Stormwater	1. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration. 2. Stormwater treatment and disposal facilities shall be designed to meet the design and performance standards established in <del>Chapter 17-25, Section 25.025</del> <u>Rule 62-25.025, FAC</u> , with treatment of the runoff from the first one inch of rainfall on-site to meet the <u>surface</u> water quality standards required by <del>Chapter 17-302, Section 17-302.500</del> <u>Rule 62-302.500, FAC</u> . 3. Stormwater facilities which directly discharge into 'Outstanding Florida Waters' (OFW) shall provide an additional treatment pursuant to <del>Section 17-25.025 – Rule 62-25.025(9), FAC</del> . Stormwater facilities <del>must</del> <u>shall</u> be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter <del>17-302, FAC</del> .
Recreation and Open Space	3.79 acres per 1,000 population
Roadways	<del>U.S. 1 shall be maintained within 5% of LOS C as measured on an overall countywide basis not dependent on any single road segment, using the measured median travel speed from the annual report of public facilities capacity.</del> <del>All Other other Roadways</del> <u>roadways for which the Village is responsible shall be maintained within 5% of have sufficient available capacity to operate at or above LOS D as measured by peak hour volumes at all intersections, including but not limited to all intersections with U.S. 1.</u>

Source: Islamorada, Village of Islands, Planning and Development Services Department

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