

## **ORDINANCE NO. 19-09**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE COASTAL MANAGEMENT ELEMENT OF THE VILLAGE COMPREHENSIVE PLAN BY AMENDING POLICY 5-1.5.6 "STABILIZE NATURAL SHORELINE AND BEACH OR BERM"; POLICY 5-1.6.6 "LIMIT REDEVELOPMENT IN THE CHHA"; AND BY ESTABLISHING POLICY 5-1.12.4 "ENFORCE RESILIENT ACCESS TO SHORELINE"; OBJECTIVE 5-1.17 "MAINTAIN CONSISTENCY WITH FEDERAL, STATE, OR REGIONAL COASTAL INITIATIVES AND PROGRAMS"; POLICY 5-1.17.1 COASTAL CONSTRUCTION CONTROL LINE"; POLICY 5-1.17.2 FLORIDA BUILDING CODE"; POLICY 5-1.17.3 "NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY RATING SYSTEM"; OBJECTIVE 5-2.3: DEVELOPMENT AND REDEVELOPMENT PRINCIPLES, STRATEGIES AND SOLUTIONS TO PROTECT CRITICAL INFRASTRUCTURE FROM FLOOD EVENTS; POLICY 5-2.3.1 INVENTORY OF CRITICAL FACILITIES"; POLICY 5-2.3.2 "STRATEGIES AND SOLUTIONS TO PROTECT CRITICAL FACILITIES"; POLICY 5-2.3.3 "SHORELINE STABILIZATION STRATEGY"; OBJECTIVE 5-2.4: SITE DEVELOPMENT TECHNIQUES AND BEST PRACTICES TO MINIMIZE LOSS DUE TO FLOODING; POLICY 5-2.4.1 "NEW PLANNING, DESIGN AND PERMITTING STANDARDS"; POLICY 5-2.4.2 "MONITOR CHANGES TO ROAD ELEVATION STANDARDS"; POLICY "5-2.4.3 "ADAPTATION ACTION AREAS"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, the Comprehensive Plan of Islamorada, Village of Islands, Florida (the "Village") became effective on December 26, 2001; and

**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"); and

**WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to complete an evaluation of its comprehensive plan to determine if plan amendments are necessary to reflect changes in State requirements; and

**WHEREAS**, Section 163.3178(1), Florida Statutes, directs that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such comprehensive plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster; and

**WHEREAS**, Section 163.3178(2(f), Florida Statutes, directs local governments to adopt a redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise; and

**WHEREAS**, the principles, goals, objectives and policies of the Comprehensive Plan are regulatory in their effect and represent the foundational policy to guide local government decision making-making; and

**WHEREAS**, the Village Local Planning Agency reviewed this Ordinance on December 12, 2016 in accordance with the requirements of Chapter 163, Florida Statutes; and

**WHEREAS**, the Village Council finds that 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

**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 Comprehensive Plan Amendment.** The Islamorada,

Village of Islands Comprehensive Plan is hereby amended to read as follows:<sup>1</sup>

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**Policy 5-1.5.6: STABILIZE NATURAL SHORELINE AND BEACH OR BERM.** Land Development Regulations shall specify criteria for beach re-nourishment projects. Shoreline development shall be restricted in order to preserve natural shorelines, beaches, and berms. Rigid shore protection structures shall not be permitted. When beach re-nourishment projects are needed, the berm system shall be restored, as necessary, utilizing native vegetation. Sand used in beach re-nourishment projects must meet all applicable criteria for maintenance and enhancement of sea turtle nesting habitat, including grain size, color, composition, and percent clay. Restoration to the natural shoreline will be performed using the best science and management practices available, including monitoring which will include characterizing the shoreline's health.

**Policy 5-1.6.5: Identify Areas Particularly Susceptible to Damage within the CHHA.** The Local Mitigation Strategy shall identify areas particularly susceptible to damage within the CHHA, including FEMA designated V-zones within the Village and repetitive loss areas as defined by FEMA's analytical model, and shall specify procedures for relocating or replacing public infrastructure away from these locations, where feasible. Working in coordination with County, State, and Federal agencies and programs, including the Flood Mitigation Assistance Program (FMAP), Repetitive Flood Claims (RFC), and Severe Repetitive Loss (SRL), the Village will continue to work with the State of Florida Division of Emergency Management, the Federal Emergency Management Agency, and the National Flood Insurance Program to mitigate flooding hazards through the acquisition, elevation, or relocation mitigation alternatives.

**Policy 5-1.6.6: Limit Redevelopment in the CHHA.** Islamorada, Village of Islands shall limit redevelopment in areas within the CHHA shown by the Local Mitigation Strategy to be particularly susceptible to repeated damage. Criteria for assessing redevelopment potential for these properties shall be addressed within the Post Disaster Redevelopment Plan, to be prepared pursuant to Policy 5-1.6.3. The Village shall work to reduce population densities within the CHHA upon redevelopment. Structures that are storm damaged over 50% of their most recent appraised value may be reconstructed only when the entire structure will then conform to all applicable regulations, including all land development regulations, and Florida Building Codes and coastal construction codes. The Village will develop and support public and private projects and programs to retrofit, relocate, or acquire properties susceptible to repetitive flooding.

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<sup>1</sup> Additional text is shown as underlined; deleted text is shown as ~~strikethrough~~.

**Policy 5-1.12.4: Enforce Resilient Access to Shoreline.** Islamorada, Village of Islands hosts a fragile ecosystem, and in order to protect this ecosystem, the Village will allow access to the shoreline only using public access pathways and right-of-ways, reducing the degradation of the local ecosystem and protection it offers.

**OBJECTIVE 5-1.17: MAINTAIN CONSISTENCY WITH FEDERAL, STATE, OR REGIONAL COASTAL INITIATIVES AND PROGRAMS.** The Village will maintain Federal, State, and regional programs that will assist in reducing flood risk to a level that is at minimum consistent with the required program, and where possible and in the best interest of the Village, more stringent than the program.

**Policy 5-1.17.1 Coastal Construction Control Line.** The Village shall enforce all regulations pertaining to the State's Coastal Construction Control Line as established pursuant to State Statutes 161.053 to be consistent with Chapter 161.

**Policy 5-1.17.2: Florida Building Code.** Ensure the Village remains either consistent with, or more stringent than, the building construction techniques, and additional flood resistant construction requirements within the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

**Policy 5-1.17.3: National Flood Insurance Program, Community Rating System.** The Village will continue to participate in the Community Rating System administered by the National Flood Insurance Program. The Village shall continue to strengthen their sea-level rise adaptation strategies and work to reduce flood risk and losses, to improve their Community Rating Score.

**Policy 5-2.2.1 Evaluate Implement Updated FEMA Maps.** Islamorada, Village of Islands shall ~~review the most~~ implement the revised and updated FEMA flood maps within one (1) year of their release upon receipt of the Final Map Determination by FEMA and evaluate floor elevation requirements, as necessary, for all new construction in vulnerable areas.

**OBJECTIVE 5-2.3: DEVELOPMENT AND REDEVELOPMENT PRINCIPLES, STRATEGIES AND SOLUTIONS TO PROTECT CRITICAL INFRASTRUCTURE FROM FLOOD EVENTS.** The Village shall update data of critical facilities and create new strategies related to climate change impacts to infrastructure and shoreline protection.

**Policy 5-2.3.1: Inventory of Critical Facilities.** The Village will maintain a list of critical facilities within areas vulnerable to repeat flooding and analyze the facilities' capacity to accommodate sea-level rise over the life expectancy of the infrastructure.

**Policy 5-2.3.2: Strategies and Solutions to Protect Critical Facilities.** The Village shall develop strategies that identify how the Village will respond to impacts on critical facilities located in flood areas, considering the potential need and cost to maintain or relocate critical facilities from the areas expected to be affected.

**Policy 5-2.3.3: Shoreline Stabilization Strategy.** The Village will enforce a shoreline stabilization strategy to protect and enhance the built and natural environments from erosion and sea-level rise impacts, prioritizing natural green infrastructure approaches. The Village shall assure shoreline stabilization strategies are found to be in the public interest while taking into consideration the Village's vulnerability to climate change impacts. The Village shall consider public access to beaches, impacts to neighboring properties and the values and functions of beaches and coastal/marine systems relative to shoreline stabilization strategies.

**OBJECTIVE 5-2.4: SITE DEVELOPMENT TECHNIQUES AND BEST PRACTICES TO MINIMIZE LOSS DUE TO FLOODING.** In compliance with Florida Statutes 163.3178(2)(f)3, during this short-term planning period the Village will implement site development techniques and best practices that reduce losses due to flooding.

**Policy 5-2.4.1: New Planning, Design and Permitting Standards.** The Village will incorporate a planning, design and permitting standard for infrastructure and public facilities that includes a sea-level rise assumption as developed by the Southeast Regional Climate Compact. The Village shall review and update sea-level rise projections when new and pertinent data is available.

**Policy 5-2.4.2: Monitor Changes to Road Elevation Standards.** The Village shall coordinate with appropriate agencies to monitor changes to minimum road elevation standards which may be specific to areas within Monroe County due to its unique exposure to climate change and sea-level rise impacts. Best science available will influence the management technique(s) to be utilized.

**Policy 5-2.4.3 Adaptation Action Areas.** The Village shall consider designation of "Adaptation Action Areas" with specific site development techniques and best practices to minimize losses due to flooding and claims made under flood insurance policies. New site development techniques could include living shorelines, bio-retention swales, permeable pavement and green roofs.

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**Section 3. Transmittal.** Pursuant to Sections 163.3184 and 163.3187(6)(a), Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the "DEO").

**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 not be effective immediately upon adoption. However, the Amendment shall not take effect until the date the final order is issued by the Department of Economic Opportunity to be in compliance in accordance with Chapter 163.3184, Florida Statutes. The Department of Economic Opportunity (“DEO”) notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

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

Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

**PASSED** on first reading this 5<sup>th</sup> day of January, 2017.

The foregoing Ordinance was offered by Councilman Ken Davis, who moved for its adoption. This motion was seconded by Councilwoman Cheryl Meads, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

**PASSED AND ADOPTED** on second reading this 30<sup>th</sup> day of May, 2019.



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