



# Council Communication

**To:** Mayor and Village Council

**Through:** Edward Koconis, AICP, Village Manager

**From:** Kevin Bond, AICP, LEED Green Associate, Senior Planner

**Date:** August 22, 2013

**SUBJECT: SECOND READING – COMPREHENSIVE PLAN TEXT AMENDMENT  
REGARDING PROPORTIONATE SHARE MITIGATION FOR  
TRANSPORTATION CONCURRENCY**

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## **Background:**

Currently, the Village's Comprehensive Plan provides the conditions by which the impacts of development on transportation facilities can be satisfied in order to comply with the Village's Concurrency Management System requirements. Pursuant to the 2011 Florida Community Planning Act (the "CPA"), significant revised statutory requirements for local government comprehensive plans and related concurrency requirements were adopted by the state legislature. The conditions under which local governments must allow development applicants to satisfy transportation concurrency have changed considerably. Therefore, an amendment to the Village's policies regarding the Concurrency Management System is necessary in order to be consistent with the CPA.

On February 11, 2013, the Islamorada Local Planning Agency reviewed the proposed Ordinance and, with a 6-0 vote, unanimously recommended approval to the Village Council.

On March 28, 2013, the Islamorada Village Council reviewed the proposed Ordinance and, with a 5-0 vote, unanimously passed the proposed Ordinance on first reading.

On June 4, 2013, the Florida Department of Economic Opportunity (DEO) completed its state coordinated review of the proposed Ordinance as set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), and issued an Objections, Recommendations and Comments (ORC) report (**Attachment A**). According to the ORC report, DEO did not identify any objections to the proposed Ordinance..

The proposed Ordinance is unchanged since first reading, and is being presented to the Village Council concurrently with the associated amendment to the Village's Land Development Regulations.

**Analysis:**

The proposed Comprehensive Plan text amendment (see Exhibit “A” of the proposed Ordinance) would revise the Capital Improvements Element in order to be consistent with Section 163.3180, F.S.. Specifically, Policy 9-1.2.1 would be amended to provide for the minimum criteria necessary to meet the concurrency requirements for roadways/transportation facilities. The policy would be amended to add two additional options by which roadway concurrency may be satisfied, including a proportionate share mitigation option.

The Village is also currently amending the Comprehensive Plan to establish a countywide level of service (LOS) for U.S. 1 that would not be dependent on any single roadway segment. Under the proposed amendment, the transportation concurrency mitigation options would only come into effect in the event that U.S. 1, on an overall basis, is found to have inadequate or marginally adequate capacity.

**Budget Impact:**

None.

**Staff Impact:**

None.

**Recommendations:**

It is recommended that the Islamorada Village Council **PASS AND ADOPT** the proposed Ordinance (**Attachment B**) amending the Comprehensive Plan on second reading.

Rick Scott  
GOVERNOR



Attachment A  
Jesse Panuccio  
EXECUTIVE DIRECTOR

June 4, 2013

The Honorable Ken Philipson  
Mayor, Village of Islamorada  
86800 Overseas Highway  
Islamorada, Florida 33036

Dear Mayor, Philipson:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Village of Islamorada (Amendment No. 13-5 ACSC), which was received and determined complete on May 28, 2013. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. The Department of Economic Opportunity does not identify any objections to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by the Department of Economic Opportunity from the appropriate reviewing agencies are enclosed.

The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of the Department of Economic Opportunity comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions related to this review, please contact Chris Wiglesworth, at (850) 717-8515, or by email at [chris.wiglesworth@deo.myflorida.com](mailto:chris.wiglesworth@deo.myflorida.com).

Sincerely,

William B. Killingsworth  
Director, Division of Community Development

WBK/caw

Enclosure(s): Agency Comments  
Procedures for Adoption

cc: Edward Koconis, Village Manager, Islamorada Planning Department  
James F. Murley, Executive Director, South Florida Regional Planning Council

SUBMITTAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, (one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy each to the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the proposed amendment:

\_\_\_\_\_ A statement indicating the amendment is related to 1) an area of critical state concern designated pursuant to Section 380.05, F.S.; 2) a rural land stewardship area pursuant to Section 163.3248, F.S.; 3) a sector plan pursuant to Section 163.3245, F.S.; 4) an update a comprehensive plan based on an evaluation and appraisal report pursuant to Section 163.3191, F.S.; or 5) a new plan for a newly incorporated municipality adopted pursuant to Section 163.3167, F.S.;

\_\_\_\_\_ The date(s) the local planning agency and the commission held public hearings;

\_\_\_\_\_ A statement certifying that the proposed amendment(s) have been submitted to the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request. Certification means that the letter must state that a copy of a complete amendment package including supporting data and analysis has been mailed to these agencies and the date it was mailed;

\_\_\_\_\_ A summary of the plan amendment(s) including that the amendment is being submitted under the state coordinated review process;

\_\_\_\_\_ The month the local government anticipates the amendment will be adopted;

\_\_\_\_\_ The name, title, address, telephone, FAX number, and e-mail of the local contact person;

**PROPOSED AMENDMENT PACKAGE:** Please include the following information in the proposed amendment package:

\_\_\_\_\_ All proposed text, in a strike-through/underline format (or similar easily identifiable format);

\_\_\_\_\_ Staff, local planning agency and local governing body recommendations;

\_\_\_\_\_ Support documents or summaries of the support documents on which the recommendations regarding the proposed plan amendment(s) are based;

\_\_\_\_\_ For Future Land Use Map amendments please include all maps in **color format** depicting:

\_\_\_\_\_ The proposed future land use designation of the subject property;

\_\_\_\_\_ The boundary of the subject property and its location in relation to the surrounding street and thoroughfare network;

\_\_\_\_\_ The present future land use map designations of the subject properties and abutting properties.

\_\_\_\_\_ An Existing Land Use Map depicting:

\_\_\_\_\_ The existing land use(s) of the subject property and abutting properties and

\_\_\_\_\_ The size of the subject property in acres or fractions thereof.

\_\_\_\_\_ A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools (if local government has adopted school concurrency), and recreation, as appropriate;

\_\_\_\_\_ Information regarding the consistency of the proposed land use amendments with the Future Land Use Element goals, objectives and policies, and those of other affected elements.

\_\_\_\_\_ If a local government relies on original data, or data and analysis from a previous amendment, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment;

\_\_\_\_\_ If previous data and analysis is no longer the best available existing data or no longer supports the plan, then copies of updated and reanalyzed data and analysis to support the proposed amendment.



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

1000 NW 111 Avenue  
Miami, Florida 33172-5800

ANANTH PRASAD, P.E.  
SECRETARY

May 1, 2013

Ray Eubanks, Plan Processing Administrator  
Department of Economic Opportunity  
Community Planning and Development  
107 East Madison Street  
Caldwell Building, MSC 160  
Tallahassee, Florida 32399

5/1/13

**Subject: Comments for the Proposed Comprehensive Plan Amendment, Islamorada #13-5ACSC**

Dear Mr. Eubanks:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Islamorada #13-5ACSC*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and has found no impacts to transportation resources and facilities of state importance.

Please contact Ken Jeffries at 305-470-5445 if you have any questions concerning our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Steinmiller".

Phil Steinmiller  
District Planning Manager

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6  
Aileen Boucle, AICP, Florida Department of Transportation, District 6  
Edward Koconis, AICP, Islamorada, Village of Islands  
Mayte Santamaria, Monroe County

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Commissioner of Education



4/22/13

April 19, 2013

Mr. D. Ray Eubanks, Plan Processing Administrator  
Division of Community Development  
Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, Florida 32399-4120

Dear Mr. Eubanks:

Re: Islamorada 13-5 ACSC

Thank you for the opportunity to review the Islamorada 13-5 ACSC amendment package. According to the department's responsibilities under Section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have potential to create adverse effects on public school facilities.

The package proposes amendments related to transportation concurrency. Because the proposed amendment does not appear to have the potential to create adverse effects on public school facilities or sites, I offer no comment.

Again, thank you for the opportunity to review and comment. If I may be of assistance, please contact me at (850) 245-9312 or [Tracy.Suber@fldoe.org](mailto:Tracy.Suber@fldoe.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy D. Suber".

Tracy D. Suber  
Growth Management & Facilities Policy Liaison

TDS/

cc: Mr. Jeff Barrow, Monroe County School District  
Ms. Rebecca Jetton, DEO/State Land Planning Agency

THOMAS H. INSERRA  
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325 W. GAINES STREET • SUITE 1014 • TALLAHASSEE, FLORIDA 32399-0400 • (850) 245-0494 • FAX (850) 245-9304  
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# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Herschel T. Vinyard, Jr.  
Secretary

April 23, 2013

Mr. Ray Eubanks  
Plan Review Administrator  
Department of Economic Opportunity  
Bureau of Community Planning  
Caldwell Building  
107 East Madison Street MSC 160  
Tallahassee, FL 32399-6545

4/23/13

**Re: Islamorada 13-5 ACSC Proposed; Comprehensive Plan Amendment Review**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, *Florida Statutes (F.S.)*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; water and wastewater treatment; and, where applicable, the Everglades ecosystem.

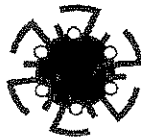
Based on our review of the proposed amendment, the Department has found no provision that requires comment under the laws that form the basis of the Department's jurisdiction.

Sincerely,

Chris Stahl  
Office of Intergovernmental Programs

/cjs





# MEMORANDUM

AGENDA ITEM #III.D

DATE: MAY 6, 2013

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED  
AMENDMENT CONSENT AGENDA

st/13

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Staff analysis confirms that the proposed and/or adopted amendments identified in the Table below are generally consistent with and supportive of the Goals and Policies of the *SRPP*. Attached are the separate amendment review forms that will be sent to the local government and State Land Planning Agency. Exhibit A, attached, is a general location map of those amendments listed below that includes a Future Land Use Map amendment.

Local Government and Plan Amendment Number	Proposed	Adopted	Attachment	Proposed Council Review Date and Consistency Finding	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Islamorada #13-5ACSC	✓	N/A	1	N/A	March 28, 2013	5-0
Islamorada #13-6ACSC	✓	N/A	2	N/A	April 8, 2013	5-0
Marathon #13-4ER	✓	N/A	3	N/A	April 9, 2013	5-0
Miami #13-2ESR*	N/A	✓	4	March 4, 2013 Consistent	March 28, 2013	3-0
Southwest Ranches #13-1ESR	N/A	✓	5	March 4, 2013 Consistent	Feb. 28, 2013	5-0
Sunrise #13-1ESR	N/A	✓	6	April 1, 2013 Consistent	April 23, 2013	5-0

\*includes FLUM amendment

Attachment 1

FLORIDA REGIONAL COUNCILS ASSOCIATION  
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01

South Florida Regional Planning Council Agenda Item and Date: III.D; May 6, 2013.

Local Government Amendment Number: Islamorada, Village of Islands proposed #13-5ACSC

Date Comments due to Local Government: May 10, 2013.

Date Mailed to Local Government and State Land Planning Agency: Prior to May 10, 2013.

*Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan for South Florida (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.*

**DESCRIPTION OF AMENDMENT**

The proposed amendment package contains text amendments to Capital Improvements Element of the Village's Comprehensive Plan related to transportation concurrency. Policy 9-1.2.1 would be amended to clarify how roadways/transportation facilities and services are to be satisfied. The proposed concurrency requirements would have to meet one or more of the following:

- A. necessary facilities and services are in place at the time a development permit is issued;
- B. the development permit is issued subject to the condition that necessary facilities and services will be in place when the impacts of development occur;
- C. necessary facilities are under construction at the time a permit is issued;
- D. an enforceable development agreement guarantees that the necessary facilities and services will be in place when the impacts of development occur;
- E. the applicant enters into a binding agreement to pay for or construct its proportionate share of the costs of providing the needed facilities; or
- F. the proportionate share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regional significant transportation facility.

**Comment**

Council staff has not identified adverse effects to regional resources and facilities or extrajurisdictional impacts that would result from the text amendment. However, the Florida Legislature provided specific guidelines regarding transportation concurrency in the 2011 Community Planning Act (§ 163.3180 (5)(h), Fla. Stat). The proposed amendment should be revised to include the mandatory components. Council staff is prepared to assist Islamorada to make changes to the amendment prior to addition.

Also, the Village as well as the other municipalities and the County should work with the Council, Florida Departments of Transportation, Florida Department of Economic Opportunity, and Florida Division of Emergency Management to ensure the implementation of the 2011 Community Planning Act concurrency requirements do not lead to a reduction of the hurricane evacuation clearance times as defined in the Florida Keys Clearance Time Memorandum Of Understanding (MOU).

**1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN.**

Not Applicable.

**2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH ANY COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION.**

**Not Applicable.**

**The Council requests the local government please send a copy of the adopted version of the amendment.**



**ORDINANCE NO.**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY MODIFYING PROVISIONS TO 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**, Chapter 2011-139, Laws of Florida, the “Community Planning Act”, made significant changes to Florida’s statutory requirements for local government comprehensive plans and related concurrency requirements; and

**WHEREAS**, the Community Planning Act provides conditions under which local governments must allow development applicants to satisfy transportation concurrency; and

**WHEREAS**, the Village Council desires and is currently amending the comprehensive plan to establish a countywide level of service (LOS) for U.S. 1 not dependent on any single roadway segment as encouraged pursuant to Section 163.3180, Florida Statutes; 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 February 11, 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/denied].

**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 Councilman Purdo, who moved its adoption on first reading. This motion was seconded by Councilman Forster, 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 28th day of March, 2013.

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

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

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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KEN PHILIPSON, MAYOR

ATTEST:

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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 9: CAPITAL IMPROVEMENTS ELEMENT**  
(Reference Chapter 163.3177(3), F.S.)

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**OBJECTIVE 9-1.2: IMPLEMENT A CONCURRENCY MANAGEMENT SYSTEM.** Pursuant to Ch. 163, F.S., 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 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.
3. The concurrency requirements for roadways/transportation 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; or
  - e. The applicant enters into a binding agreement to pay for or construct its proportionate share of the costs of providing the necessary transportation facilities to serve the proposed development; or
  - f. The proportionate share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

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