



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: June 12, 2025
SUBJECT: **Ordinance to Amend Sec 30-476 Building Permit Allocation Evaluation Criteria and Award of the Village Code.**

Background:

The Village has specific criteria for the construction of the "affordable early-evacuation" allocation pool. This criteria was established when the 300 early evacuation allocations were given to the Village. One of the criteria is that the units "shall not be placed in the V-zone or within the Coastal Barrier Resource System".

Analysis:

Given the standards of construction required in Islamorada, it was asked that we consider removing this restriction from the criteria. The Local Planning Agency reviewed this amendment at its meeting on April 14, 2025. It was recommended for adoption unanimously.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Planning Staff recommends approval of this ordinance.

Attachments: 1. V Zone Code Ordinance

ORDINANCE NO. 25- ____

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING VILLAGE CODE SECTIONS 30-476, BUILDING PERMIT ALLOCATION EVALUATION CRITERIA AND AWARD; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

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, Section 163.3202, Florida Statutes, directs local governments to update land development regulations to be consistent with the adopted comprehensive plan; and

WHEREAS, Section 163.3202, Florida Statutes, encourages the use of innovative land development regulations which include provisions such as transfer of development rights, incentives, and inclusionary zoning, planned-unit development, impact fees, and performance zoning; and

WHEREAS, the Village desires to facilitate the construction of Workforce-Affordable Housing; and

WHEREAS, the Village Council desires to amend the Village's Land Development Regulations in order to amend the Building permit Allocation Evaluation Criteria and

Award; and

WHEREAS, the Village has conducted duly noticed public hearings for the Land Development Regulation Amendment pursuant to Section 163.3184(11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3171, Florida Statutes and Sections 30-101 of the Village Code, the Local Planning Agency publicly considered this Ordinance during a duly noticed public hearing; 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, this Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act; 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. Amendment to the Code. That Division 11, "Building Permit Allocation System," of Article IV, "Administrative Procedures," of Chapter 30, "Land Development Regulations," of the Village Code is hereby amended as follows:¹

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE IV – ADMINISTRATIVE PROCEDURES

* * *

DIVISION 11 – BUILDING PERMIT ALLOCATION SYSTEM

* * *

Sec 30-476 Building Permit Allocation Evaluation Criteria And Award

(f) Affordable-Early Evacuation Pool.

(1) Early Evacuation residential units built under this program shall:

- a. be multifamily structures;
- b. be rental units;
- c. require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- d. ~~not be placed in the V-Zone or within the Coastal Barrier Resource Systems;~~ require on-site property management;
- e. comply with applicable habitat and other locational criteria and densities for multifamily affordable housing units;
- f. shall not be placed in any habitat defined as mangroves, saltmarsh & buttonwood, tropical hardwood hammock or fresh water wetlands (except for disturbed categories);
- g. incorporate sustainable and resilient design principles into the overall site design;
- h. ensure accessibility to employment centers and amenities;

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

- i. require deed-restrictions ensuring that:
 - 1. the property remains workforce-affordable housing in perpetuity;
 - 2. tenants evacuate during the period in which transient units are required to evacuate;
 - 3. rental agreements contain a separate disclosure requiring renters to acknowledge that failure to adhere to the evacuation requirement could result in severe penalties, including eviction, to the resident;
 - 4. onsite property managers are formally trained in evacuation procedures.
- (2) Evacuation exemptions. Persons living in workforce-affordable housing who are exempt from evacuation requirements of Comprehensive Plan Policy 2-1.2.9 includes all first responders, correction officers, health care professionals, or other first-response workers required to remain during an emergency, provided that the person claiming exemption under this policy has faithfully certified their status with property management.

* * *

Section 3. Transmittal. Pursuant to Sections 380.05(6), Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce.

Section 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall not become effective until a final Order has been issued by the State Land Planning Agency finding the Land Development Regulation in compliance with the Comprehensive Plan and the Principles for Guiding Development. If timely challenged, the Land Development Regulation does not become effective until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

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

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____
Vacant	_____

PASSED on first reading this ____ day of _____, 2025.

[Remainder of the page intentionally left blank.]

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

Mayor Sharon Mahoney	_____
Vice Mayor Don Horton	_____
Councilwoman Deb Gillis	_____
Councilman Steve Friedman	_____
Vacant	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2025.

SHARON MAHONEY, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

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

JOHN J. QUICK, VILLAGE ATTORNEY