



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Development Review Committee and
Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Senior Planning Policy Advisor

Date: September 22, 2021

Subject: An Ordinance By Monroe County Board Of County Commissioners Adopting Evaluation And Appraisal Amendments To The Monroe County 2030 Comprehensive Plan To Amend Chapter 1.0, Introduction And Background; Amend Chapter 2.0, Including 2.1 General County Element And Creating 2.2 Private Property Rights Element; Amend Chapter 3.0, Including 3.1 Future Land Use Element, 3.2 Conservation And Coastal Management Element, 3.3 Traffic Circulation Element, 3.4 Mass Transit Element, 3.5 Ports, Aviation And Related Facilities Element, 3.6 Housing Element, 3.7 Potable Water Element, 3.8 Solid Waste Element, 3.9 Sanitary Sewer Element, 3.10 Drainage Element, 3.11 Natural Groundwater Aquifer Recharge Element, 3.12 Recreation And Open Space Element, 3.13 Intergovernmental Coordination Element, 3.14 Capital Improvements Element, And 3.15 Energy, Resiliency And Climate Element; And To Amend Definitions Within The Glossary; To Update The Text Of The Comprehensive Plan To Reflect Changes In Statutory And Rule Requirements; To Update Deadlines Within The Comprehensive Plan, To Eliminate Accomplished Or Obsolete Provisions, To Make Corrections To Text And Eliminate Grammatical Errors; And To Amend Provisions To Reflect Changes In Local Conditions And Recent Data, Trends, Issues And Challenges; And To Update Map Atlas Map Series 3-7 (Coastal High Hazard Area) To Be Consistent With The Florida Division Of Emergency Management's Update To The SLOSH Model For Monroe County; Providing For Severability; Providing For Repeal Of Conflicting Provisions; Providing For Transmittal To The State Land Planning Agency And The Secretary Of State; Providing For Amendment To And Incorporation In The Monroe County Comprehensive Plan; Providing For An Effective Date. (File 2021-129)

Meeting: DATE 2021

I. REQUEST

The County must complete amendments plan to reflect and satisfy changes in statutory requirements as Evaluation and Appraisal (EA) amendments which are required to be transmitted to the Department of Economic Opportunity (DEO) by April 22, 2022. If the County fails to update the comprehensive plan

1 pursuant to EA requirements, the County cannot amend its comprehensive plan until such time as it
2 complies with the EA requirements.

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4 The Monroe County Planning & Environmental Resources Department is proposing Evaluation and
5 Appraisal (EA) amendments to the 2030 Comprehensive Plan to update the comprehensive plan to reflect
6 changes in statutory and rule requirements; to update deadlines within the comprehensive plan, to
7 eliminate accomplished or obsolete provisions, to make corrections to text and eliminate grammatical
8 errors; and to amend provisions to reflect changes in local conditions and recent data, trends, issues and
9 challenges.

10 11 **II. BACKGROUND INFORMATION**

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13 The County's previous Evaluation and Appraisal Report (EAR) was adopted by the BOCC on May 22,
14 2012 via Resolution 150-2012. The County prepared Comprehensive Plan amendments in accordance
15 with the 2012 EAR.

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17 After statutory updates to Section 163.3191, F.S., DEO revised the Monroe County evaluation and
18 appraisal notification letter deadline to May 1, 2014, in Rule 73C-49, F.A.C. On April 23, 2014, the
19 BOCC approved the EAR Notification Letter to DEO which specified the necessary plan amendments
20 required to reflect changes in requirements in State Statutes. The County prepared Comprehensive Plan
21 amendments in accordance with the 2014 EAR notification letter.

22
23 The BOCC adopted the 2030 Comprehensive Plan in April 2016, pursuant to Ordinance 005-2016, which
24 included the County's EAR-based amendments. The Monroe County Year 2030 Comprehensive Plan
25 became effective upon the posting of the Notice of Intent on the DEO Website on June 20, 2016.

26
27 The County must evaluate its comprehensive plan every 7 years and determine if plan amendments are
28 necessary to reflect changes in state requirements (i.e., does the County need to update its comprehensive
29 plan to satisfy statute requirements).

30 31 ***163.3191 Evaluation and appraisal of comprehensive plan.—***

- 32 (1) *At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if*
33 *plan amendments are necessary to reflect changes in state requirements in this part since the last update*
34 *of the comprehensive plan, and notify the state land planning agency as to its determination.*
35 (2) *If the local government determines amendments to its comprehensive plan are necessary to reflect changes*
36 *in state requirements, the local government shall prepare and transmit within 1 year such plan amendment*
37 *or amendments for review pursuant to s. 163.3184.*
38 (3) *Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive*
39 *plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall*
40 *be reviewed pursuant to s. 163.3184(4).*
41 (4) *If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to*
42 *subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.*
43 (5) *The state land planning agency may not adopt rules to implement this section, other than procedural rules*
44 *or a schedule indicating when local governments must comply with the requirements of this section.*

45
46 Staff conducted a review of Florida Statutes changes (2012-March 2021) and determined two (2)
47 amendments to its comprehensive plan were necessary to reflect changes in state requirements for the
48 **Peril of Flood legislation** (Section 163.3178(2)(f), F.S.) and the **revision of the definition of the term**
49 **'development'** (s. 380.04, F.S.; s. 163.3221, F.S.; and referenced in s. 163.3164(14), F.S.). Excerpts of

1 the statutory changes are provided below. The associated Laws of Florida (2015-69 and 2018-34) for
2 these updates are attached as exhibit 4.
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Section 163.3178, **Coastal Management Element** (Chapter 2015-69, section 1, Laws of Florida)

- Adds a requirement that the redevelopment component of the Coastal Management Element must:
 - Reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.
 - Encourage removal of coastal real property from FEMA flood zone designations.
 - Be consistent with or more stringent than the flood resistant construction requirements in the Florida Building Code and federal flood plain management regulations.
 - Require construction seaward of the coastal construction control line to be consistent with chapter 161, Florida Statutes.
 - Encourage local governments to participate in the National Flood Insurance Program Community Rating System to achieve flood insurance premium discounts for their residents.

Sections 163.3221(4)(b)(2) and (4)(b)(8), **Florida Local Government Development Agreement Act; definitions** (Chapter 2018-34, section 1, Laws of Florida)

- Amends the definition of “development” to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors.

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8 At the February 17, 2021 BOCC meeting, the Board of County Commissioners discussed the draft
9 evaluation and appraisal notification letter to the DEO with the two identified required updates and other
10 potential updates to the comprehensive plan, which were not required and do not get included in the
11 notification letter to DEO, but have been found by staff to be needed, such as:

- 12 1) Update the Rule 28-20 references within the comprehensive plan to reflect the recently adopted
13 Administration Commission Rule 28-20.140, F.A.C., with the updated Work Program (mainly
14 canal restoration work program).
- 15 2) Update the County’s Coastal High Hazard Area (CHHA) depiction on the Future Land Use Maps
16 with the updated Florida Department of Emergency Management’s SLOSH modeling.
- 17 3) Extending the deadlines (or eliminating) within the comprehensive plan (policies stating “*within*
18 *X years after the adoption of the comprehensive plan*” where the deadline has already passed);
19 and
- 20 4) General text updates, corrections to text and removing grammatical errors and clean-up of policies
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22 On April 21, 2021, the Board of County Commissioners authorized the Mayor to sign the County’s
23 Evaluation and Appraisal Notification Letter to DEO (attached as exhibit 3) specifying the necessary
24 plan amendments required to reflect changes in requirements in State Statutes: 1) update comprehensive
25 plan to address the Peril of Flood legislation and 2) update comprehensive plan definition of the term
26 ‘development.’
27

28 Pursuant to Section 163.3191, F.S., and Rule 73C-49, F.A.C., Monroe County’s current evaluation and
29 appraisal notification letter deadline to DEO was May 1, 2021. The County transmitted it’s evaluation
30 and appraisal (EA) notification letter to DEO on April 21, 2021.

1
2 On July 1, 2021, after the EA Notification Letter was sent to DEO, Chapter 2021-195, Laws of Florida
3 (HB 59) went into effect requiring adoption of a property rights element “by the earlier of the date of its
4 adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next
5 scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida
6 Statutes.” The proposed County EA amendments will address this additional statutory requirement. The
7 associated Laws of Florida for this update is also included within exhibit 4.
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11 **Community Meeting and Public Participation**

12 In accordance with LDC Section 102-159(b)(3), a Community Meeting was held on **October 14, 2021,**
13 to provide for public input. There were ___ attendees, and, in general, the comments provided for the
14 proposed amendment, are summarized below:
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- 16 •
- 17 •
- 18 •
- 19 •
- 20 •

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23 **Development Review Committee and Public Input**

24 The Development Review Committee considered the proposed amendment at a regular meeting on
25 _____ and received public input. In general, the comments provided for the proposed
26 amendment, are summarized below:
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- 28 •
- 29 •
- 30 •
- 31 •

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33 **Planning Commission and Public Input**

34 The Planning Commission considered the proposed amendment at a regular meeting
35 on _____, provided for public input and recommended _____.
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39 **III. PROPOSED COMPREHENSIVE PLAN AMENDMENTS**

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41 Proposed Amendments are shown with deletions ~~stricken through~~ and additions are
42 underlined.
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44 All proposed amendments are included in Exhibit 1 (text amendments) and Exhibit 2
45 (map amendments), with main or significant or example amendments summarized in
46 the table below.

Comp Plan provision	Amendment Summary Purpose/Notes/Comments	Proposed Amendments (Proposed additions are in <u>underline</u> , deletions are stricken through .)
<p>Chapter 1 Introduction and Background</p>	<p>Introduction: Updated the Rule 28-20 references to reflect the recently adopted Administration Commission Rule 28-20.140, F.A.C., with the updated Work Program (mainly canal restoration work program). Deleted old Work Program.</p> <p>Background: Minor clarification edits to list of map series and Comp Plan chapters to add the new proposed Private Property Rights Element within Chapter 2.0.</p>	<p>See Exhibit 1</p> <p>Example in Introduction: Below are the Work Program tasks, as cited directly from the current (November 2020 July, 2014) Rule <u>28-20.140</u>: <u>(5) WORK PROGRAM.....</u></p> <p>Example in Background: In accordance with the requirements of Chapter 163, F. S., Part II, the Policy Document contains the following sections of the Comprehensive Plan adopted by the Board of County Commissioners (BOCC):</p> <ol style="list-style-type: none"> 1. <u>A Private Property Rights Element, contained in Chapter 2.0</u> 2. The Goals, Objectives and Policies of the plan, as well as the requirements for capital improvements implementation, including the Five-Year Schedule of Capital Improvements, contained in Chapter 3.0; 3. The procedures for monitoring and evaluation of the plan, contained in Chapter 4.0;
<p>Chapter 2 General County Element</p>	<p>General County Element: Minor clarification edits to add State Constitution reference and correct Policy references.</p>	<p>See Exhibit 1 -Example:</p> <p>Policy <u>2.1.1</u> <u>Article VII, Section 18(a) of the State Constitution, provides in part that a county may not be bound by a general law requiring the county to spend funds or take an action that requires the expenditure of funds unless certain exemptions or exceptions are met.</u></p> <p>Implementation of this <u>Comprehensive Plan</u>, particularly:</p> <ol style="list-style-type: none"> A. Policies 102.4.1(<u>land acquisition</u>), 102.4.2 (land acquisition for permit allocation system), <u>102.4.3 (land acquisition)</u>, 102.1.1 (<u>wetland 100% open space</u>), 204.2.2 (<u>wetland</u> 100% open space ratio for salt marsh and buttonwood wetlands), and 204.3.1 (wetland acquisition); and B. Implementation of Objectives 901.3 (sewer master plan) and associated policies and 1001.1 (stormwater master plan) <u>and associated policies; and</u> C. <u>Policies 2.2.1, 2.2.2 and 2.2.3 (private property rights);</u> <p>will require funding which exceeds the reasonable budgetary constraints of Monroe County. As an Area of Critical State Concern and site of unique natural resources of national importance, Monroe County should not be expected to bear the sole burden of implementing these policies without substantial financial assistance....</p>

<p>Chapter 2 Private Property Rights Element (NEW)</p>	<p>Private Property Rights Element: Newly added element to comply with Chapter 2021-195, Laws of Florida (HB 59) that went into effect in July 2021, requiring adoption of a property rights element “by the earlier of the date of its adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.” This is a required amendment.</p>	<p>See Exhibit 1 - Example:</p> <p><u>Policy 2.2.2</u> <u>Monroe County shall consider the following rights in local decision making:</u></p> <ol style="list-style-type: none"> <u>1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.</u> <u>2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.</u> <u>3. The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.</u> <u>4. The right of a property owner to dispose of his or her property through sale or gift.</u> 	
<p>Chapter 3</p>			
<p>3.1 Future Land Use Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity, provide for internal consistency, update deadlines within the comprehensive plan, eliminate accomplished or obsolete provisions, make corrections to text and eliminate grammatical errors; and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges. ○ Include Comp Plan policies to facilitate the elevation (lifting up) of lawfully-existing residential dwelling units by waiving or reducing certain setback and open space requirements, to allow necessary improvements to provide access (stairs, ramp, etc.) to a house elevated above base flood level to reduce the risk of future flood damage. Directed by the BOCC on July 21, 2021 to help with rebuilding after storm and to utilize federal and state grant funding opportunities (see agenda item K6). ○ Amend Admin Relief Policy to address the basis for denial of an administrative relief request (for example: previous private property rights claim or 	<p>List of Policies with proposed changes:</p> <p>Policy 101.2.3 Policy 101.3.5 Policy 101.5.22 Policy 101.5.25 Policy 101.5.29 Policy 101.5.32 Policy 101.5.33 Policy 101.5.34 allow elevation of houses Policy 101.6.4 ROGO Policy 101.6.5 NROGO Policy 101.6.8 Policy 101.7.1 Admin Relief Policy 101.8.2 Policy 101.8.3 Policy 101.8.4 Policy 101.9.4 nonconforming</p>	<p>See Exhibit 1 - Examples:</p> <p><u>Policy 101.5.34</u> <u>Notwithstanding the open space provisions set forth in Policy 101.5.25 and Chapter 130 of the Land Development Code and the minimum required setbacks in Chapters 130 and 131 of the Land Development Code, a lawfully-existing residential dwelling unit, not including mobile homes, may be elevated above base flood level to reduce flood damage, pursuant to:</u></p> <ul style="list-style-type: none"> <u>• The lawfully-existing dwelling unit structure is elevated within the original (existing) footprint of the structure.</u> <u>• Setbacks and land use open space requirements are waived to allow necessary improvements to a dwelling unit being retrofitted by elevating the unit to meet or exceed flood levels. The necessary improvements are limited to ingress/egress structures (stairs, ramps, landings, elevators, etc.). The waiver provided shall be the minimum necessary to provide access to the structure that is in compliance with fire code requirements.</u> <u>• Side and rear setback requirements are waived to allow accessory elevated platforms above base flood for equipment (mechanical, plumbing and electrical systems, appliances and components) situated at least two (2) feet from the side yard property line or at least five (5) feet from the rear yard property line. In no event shall the total combined area of all accessory structures occupy more than 80 percent (80%) of the required side yard setback area or 60 percent (60%) of the required rear yard setback area.</u> <u>• Maximum shoreline setbacks are to be maintained and, in no event shall a shoreline setback be less than ten (10) feet from mean high water.</u>

	<p>cause of action or previously received and rejected an offer from the local, state, or federal governmental entity). Amendment concept presented to the BOCC on January 30, 2019 and March 31, 2021 (ROGO buildout workshops).</p> <ul style="list-style-type: none"> ○ Updating Land Acquisition priorities to reflect grant programs County is pursuing and implementing and to be consistent with the interlocal agreement between the County and the Land Authority, which was approved on July 21, 201(see agenda item H7). ○ Update to policies under Goal 106 to change the deadline of updating habitat data and reviewing tier designations by one year to address the delay in the production of updated aerials and to reflect changes to Section 163.3191, F.S. and Rule 73C-49.001, F.A.C. <ul style="list-style-type: none"> ○ Note, updates to habitat maps and Tier review delayed due to the 2021 Ortho images failing the Quality Control requirements and being rejected by the Department of Revenue and the Monroe County Property Appraiser's Office (see September 15, 2021 agenda item K1 to reject all proposals and rebid the RFP for updates of the County's 2009 Geospatial Land Cover Dataset and Tier Overlay District Maps for the Florida Keys, due to a delay in receiving updated 2021 Aerial Photography). ○ Update the information and standards within the MIAI Land Use Table to be internal consistency with Policy 101.5.25 	<p>structures – allow elevation of houses Policy 101.11.2 Policy 101.12.2 Objective 102.2 Policy 102.4.1 Policy 102.4.2 land acquisition Policy 102.4.6 Policy 102.6.1 Policy 103.2.3 Policy 105.1.1 Policy 105.1.4 Policy 105.2.9 Policy 106.1.1 tier updates Policy 106.1.2 tier updates Policy 106.1.3 tier updates Policy 108.2.6 MIAI land use tables</p>	<ul style="list-style-type: none"> • The improvements shall be constructed to avoid off-site discharge of stormwater from the subject parcel, in accordance with Section 114-3 of the Monroe County Land Development Code. • Development shall maintain compliance to the maximum extent practicable, as determined by the Planning Director. • This Policy does not waive any required minimum vegetated setbacks adjacent to wetlands (see Policy 203.1.2 and Policy 204.2.5) and does not authorize any encroachments to a conservation easement. • This Policy does not restrict a property owner from proposing other additions or improvements to the elevated house, as long as the additions, enlargements, expansions, and extensions do not create a nonconformity or cause a further violation to an existing nonconformity. • Substantial improvement or reconstruction of single-family dwelling units homes shall comply with the setback and open space provisions set forth in Policy 101.5.25 and in Chapters 130 and 131 of the Monroe County Land Development Code. <p>Policy 102.4.2 The following are the types of lands which shall be considered for acquisition and The Land Authority and the Growth Management Division shall identify the types of lands which shall be considered for acquisition. These shall include the following priorities for acquisition: The County shall support acquisitions utilizing Land Authority resources and funding, Monroe County resources and funding, and/or state and federal grant programs.</p> <p>Priority One*</p> <ul style="list-style-type: none"> • Lands designated as Tier I (Natural Areas) with at least one TDR (transferable development right) • Lands designated as Tier III for the retirement of development rights, reducing hurricane evacuation clearance times and/or with significant habitat or connectivity • Lands designated as any Tier designation within the Florida Forever project boundary that would fit the Florida Forever mission, as well as eliminate potential takings liability by retiring development rights (focus on parcels with at least one TDR) • Lands that meet the voluntary program to retire building rights called the “Less than Fee” (LTF) program • Lands that meet the voluntary program to retire non-conservation parcels called the “Density Reduction” program • Lands that meet the FEMA Hazard Mitigation Grant Program (HMGP) and Flood Mitigation Assistance (FMA) Program • Lands that meet the Community Development Block Grant – Disaster Recovery (CDBG-DR) Voluntary Home Buyout Program • Lower Keys marsh rabbit habitat and buffer area, as adopted with the Big Pine Key & No Name Key (BPK/NNK) Habitat Conservation Plan (Figure 2.2) and Incidental Take Permit
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			<ul style="list-style-type: none"> • Acquisition of privately owned lands within the boundaries of the Habitat Conservation Plan and Incidental Take Permit. • Property eligible for Administrative relief... <p>Policy 106.1.1 Monroe County shall update habitat data and the Land Development Code Tier (Zoning) Overlay District Maps to generally coincide with the State comprehensive plan evaluation and appraisal schedule, (beginning one year after the evaluation and appraisal notification schedule deadline of May 1, 2021).</p>
<p>3.2 Conservation and Coastal Management Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity, provide for internal consistency, update deadlines within the comprehensive plan, eliminate accomplished or obsolete provisions, make corrections to text and eliminate grammatical errors; and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges. ○ To incorporate the state requirements for the Peril of Flood (POF) legislation (Section 163.3178(2)(f), F.S.). <ul style="list-style-type: none"> ○ Added new Goal 218 and associated Objective and Polices ○ Amendments for the Peril of Flood were developed pursuant to a DEP Resilience Planning Grant (R1915) ○ Draft POF amendments were presented to the BOCC May 20, 2020 (see agenda item H5). ○ POF are required amendments: 163.3178(2)(f) <i>A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:</i> 	<p>List of Policies with proposed changes:</p> <ul style="list-style-type: none"> Policy 201.1.2 Policy 202.2.2 Policy 202.3.1 Policy 202.3.2 Policy 202.3.4 Policy 202.3.5 Policy 203.1.1 Policy 204.2.2 Policy 204.2.3 Policy 204.2.4 Policy 204.2.6 Policy 204.2.7 Policy 204.2.8 Policy 205.4.1 Policy 206.6.6 Objective 207.1 Objective 207.2 Objective 207.3 Policy 209.1.1 Policy 210.1.8 Policy 211.1.2 Objective 212.1 Policy 212.1.1 Policy 212.2.1 Policy 212.2.2 Objective 213.1 	<p>See Exhibit 1 - Examples:</p> <p>Policy 202.3.5 Within one (1) year after the adoption of the 2030 Comprehensive Plan, Monroe County will evaluate if there is a need to develop a plan for providing pump-out services at county-owned facilities, beyond the mobile vessel pumpout program.</p> <p>Policy 204.2.6 Within one (1) year after the adoption of the 2030 Comprehensive Plan, the County shall evaluate revising the LDC to modify the The definition of disturbed wetlands to include those wetlands that receive a KEYWEP total functional index of 5.5 or less.</p> <p>Policy 204.2.7 Within one (1) year after the adoption of the 2030 Comprehensive Plan Update, Monroe County shall maintain revise the LDC to provide a definition of wetlands that is consistent with the State definition contained in Rule 62-340.200, F.A.C. (373.019(17) F.S.).</p> <p>Policy 206.6.6 Monroe County shall continue to protect manatees and their habitat by maintaining the adopted docking facility and new marina siting criteria and supporting the established Monroe County Boating Restricted Areas (see Rule 68D-24.144, F.A.C.) and the Monroe County Boating Restricted Zones within Section 26-71 of the Code of Ordinances.</p> <p>Policy 215.3.2 As provided by Section 252.385, F.S., public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management. Monroe County shall continue to maintain an intergovernmental agreement</p>

	<p>1. <i>Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.</i></p> <p>2. <i>Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.</i></p> <p>3. <i>Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.</i></p> <p>4. <i>Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.</i></p> <p>5. <i>Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.</i></p> <p>6. <i>Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.</i></p>	<p>Policy 213.1.1 Policy 213.1.2 Policy 215.1.2 Policy 215.1.6 Policy 215.1.10 Policy 215.1.13 Policy 215.3.2 Policy 216.1.3 Policy 216.1.4 Policy 216.1.5 Policy 216.1.6 Goal 218 Peril of Flood Objective 218.1 Policy 218.1.1 Policy 218.1.2 Policy 218.1.3 Policy 218.1.4 Objective 218.2 Policy 218.2.1 Policy 218.2.2 Policy 218.2.3 Policy 218.2.4 Policy 218.2.5 Policy 218.2.6 Objective 218.3 Policy 218.3.1 Policy 218.3.2 Policy 218.3.3 Objective 218.4 Policy 218.4.1 Objective 218.5 Policy 218.5.1 Policy 218.5.2 Policy 218.5.3</p>	<p>with Miami-Dade County and other appropriate agencies (e.g., Board of Regents, American Red Cross) in an attempt to provide sufficient approved spaces outside of Monroe County for all county residents who will seek shelter from a Category 3 or greater hurricane. (See Policy 1301.7.4) [F.S. § 163.3178(2)(d)]</p> <p><u>GOAL 218 [POF]</u> <u>Monroe County shall consider the peril of flooding impact to eliminate inappropriate and unsafe development in redevelopment plans in coastal areas when opportunities arise. [F.S. § 163.3178(2)(f)]</u></p> <p><u>Objective 218.1</u> <u>Monroe County shall include in its planning efforts development and redevelopment principles, strategies, and engineering solutions that reduce flood risk in coastal areas across the community, which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. [F.S. § 163.3178(2)(f)1.]</u></p> <p><u>Policy 218.1.1</u> <u>The County shall develop by 2023, a short, medium and long-term Roads and Stormwater Capital Plan informed by future growth, design levels of service for flooding, future sea level rise projections and other legal and policy analyses.</u></p> <p><u>Policy 218.1.2</u> <u>Within two years of completing the Roads and Stormwater Capital Plan, the County shall review and update its ordinances, regulations and infrastructure design criteria, to include development and redevelopment principles and strategies that reduce current and future flood risk. Principles shall be based upon considering the ecological, engineering, disaster risk reduction and social elements of resiliency. Strategies may include best practices that prioritize elevation and floodproofing, protection of building mechanical systems, onsite retention and pervious surfaces, shoreline protection and accommodation, site-specific flood management techniques, green infrastructure, maintaining access to services and managed relocation.</u></p> <p><u>Policy 218.1.3</u> <u>Based upon a Shoreline Stabilization Strategy, to be completed pursuant to Policy 1503.1.8, the County shall identify locations to protect and enhance the built and natural environments from erosion and sea level rise impacts, prioritizing natural and nature-based features. The County shall also identify locations for new or enhanced natural or living shorelines including strategies for funding, restoring, permitting, and constructing such projects.</u></p>
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<p>3.3 Traffic Circulation Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and provide for internal consistency ○ To incorporate the concepts from BOCC Resolution 292-2021, adopted on September 15, 2021, to support traffic flow improvement projects that would alleviate congestion on U.S. 1 and assist in improving the Level of Service on U.S. 1. and requesting FDOT support U.S. 1 improvement projects that accomplish these goals and allocate funding within the five-year work program (see agenda item N1). 	<p>List of Policies with proposed changes:</p> <p>Policy 301.1.2 Policy 301.2.3 Policy 301.4.1 Policy 301.5.2 Policy 301.7.2 Policy 301.7.3</p>	<p>See Exhibit 1 - Examples:</p> <p>Policy 301.4.1 Monroe County shall review the recommendations within the completed 2021 a Transportation Strategy Master Plan, through its Long Range Transportation Plan, by May 2021, incorporating an intermodal transportation system and considerations of climate change implications to develop a coordinated partnership with the Florida Department of Transportation and the municipalities on prioritizing comprehensive solutions to improve traffic flow, reduce congestion, provide for intermodal transportation facilities, and ensure safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys. This date coincides with the Evaluation and Appraisal review which follows the adoption of the revised Comprehensive Plan.</p> <p>Policy 301.5.2 By May 2021, Monroe County shall review the recommendations within the completed 2021 the County's Transportation Strategy Master Plan (Long Range Transportation Plan) to develop a coordinated partnership with the Florida Department of Transportation and the municipalities on prioritizing comprehensive solutions to improve traffic flow/circulation, reduce congestion, and ensure safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys. The County shall request the support of U.S. 1 improvements that address flood resiliency and also further County's road elevation and stormwater projects, which incorporateing the considerations of climate change implications to address the Roads Vulnerability Analysis and Capital Plan for County-maintained roads.</p>
<p>3.4 Mass Transit Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and provide for internal consistency ○ To incorporate the concepts from BOCC Resolution 292-2021, adopted on September 15, 2021, to support traffic flow improvement projects that would alleviate congestion on U.S. 1 and assist in improving the Level of Service on U.S. 1. and requesting FDOT support U.S. 1 improvement projects that accomplish these goals and allocate funding within the five-year work program (see agenda item N1). 	<p>See Exhibit 1 - Examples:</p> <p>Policy 401.1.1 Within one (1) year of the adoption of the 2030 Comprehensive Plan, Monroe County shall maintain adopt land development regulations requiring retail shopping facilities, offices and similar uses generating over two thousand (2,000) trips per day be built to accommodate mass transit by being designed to include such features as adequate turning radii for large vehicles, direct access to sheltered areas with seating that can serve as a bus stop and pedestrian access to adjacent properties.</p> <p>Policy 401.3.1 By May 2021, Monroe County shall review the recommendations within the completed 2021 a Transportation Strategy Master Plan, through its Long Range Transportation Plan to enhance mass transit for all residents and visitors, in coordination with the municipalities and Miami-Dade County and the Florida Department of Transportation.</p>	

<p>3.5 Ports, Aviation and Related Facilities Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and reflect accomplished provisions. 	<p>See Exhibit 1 - Example:</p> <p>Policy 502.1.5 By May 1, 2017, Monroe County <u>Emergency Management</u> shall maintain <u>prepare</u> a list of all marinas for potential use during emergencies and shall consider further study for their use as emergency ports.</p>
<p>3.6 Housing Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ Updates to reflect grant programs County is pursuing and implementing ○ To provide clarity and reflect accomplished provisions. 	<p>See Exhibit 1 – Examples:</p> <p>Policy 601.1.2 Monroe County shall expand its participation in Federal and State housing assistance programs to rehabilitate owner and rental housing for very low, low, median, and moderate income residents by seeking grants, loans, and technical assistance in conjunction with the Monroe County Housing Authority by May 1, 2021. <u>Monroe County shall also participate, as appropriate, in FEMA Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) Program and Community Development Block Grant – Disaster Recovery (CDBG-DR) grant programs to support the completion of flood mitigation projects, such as the elevation of homes above base flood level to reduce the risk of future flood damage.</u></p> <p>Policy 601.1.13 Monroe County shall maintain land development regulations on inclusionary housing <u>for both residential</u> and shall evaluate expanding the inclusionary housing requirements to include or address nonresidential and transient development and redevelopment based on specific data and analysis.</p>
<p>3.7 Potable Water Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and reflect accomplished provisions. 	<p>See Exhibit 1 – Examples:</p> <p>Policy 701.2.4 Monroe County shall <u>coordinate with annually supply</u> FCAA and SFWMD <u>on updating with the</u> <u>Biennial</u> Public Facilities Capacity Report (<u>PFCR</u>) prepared in accordance with Capital Improvements Policy 1401.4.9. These annual <u>PFCR</u> reports shall include the latest information on land use, population trends, and growth management policies as well as facility capacity analyses using data supplied by service providers.</p> <p>Policy 701.5.7 Within one (1) year of adoption of the 2030 Comprehensive Plan, Monroe County shall evaluate the permit allocation and point system to consider assigning a positive point rating to developments utilizing alternative water collection systems which conserve potable water supply.</p>

<p>3.8 Solid Waste Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity, reflect statutory requirements and language, eliminate obsolete provisions, and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges. <ul style="list-style-type: none"> ○ Due to economic changes domestically and internationally, the demand for recyclable material specifically, plastic and glass has declined. Due to this decline and the cost associated with the changes, at this time mandatory recycling is not being pursued. ○ Monroe County does continue to strongly encourage businesses and residents to recycle. All Franchise haulers, provide commercial business recycling service containers, and all residents receive a weekly recycling collection. 	<p>See Exhibit 1 – Examples:</p> <p>Objective 801.4 <u>Pursuant to Sections 403.7032(2) and 403.706(2)(a), F.S., Monroe County shall continue to strive to achieve a 75 percent diversion rate of the municipal solid waste stream by 2020 through recycling. The long-term goal for the recycling efforts is to recycle at least 75 percent of the municipal solid waste that would otherwise be disposed of in waste management facilities, landfills, or incineration facilities; however, any solid waste used for the production of renewable energy shall count toward the long-term recycling goal. As provided in 403.706(4)(c), F.S., a county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the 75 percent goal set forth. Accordingly, Monroe County shall continue to provide a system for separating and collecting recyclable materials and a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.</u></p> <p>Policy 801.4.1 Monroe County shall continue to assess collection practices, net material recovery, program costs and public participation, and rates of curbside collection pilot programs. The results of this assessment shall be considered in the design and <u>improvements to the implementation of a subsequent, county-wide, mandatory</u> recycling program for residential and commercial locations.</p> <p>Policy 801.4.2 Within three (3) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall <u>encourage implement</u> a county-wide, mandatory recycling <u>and waste reduction program</u> for residential and commercial locations, including programs implemented with funds other than County tax dollars.</p>
<p>3.9 Sanitary Sewer Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and reflect accomplished provisions. 	<p>See Exhibit 1 – Example:</p> <p>Objective 901.2 Monroe County shall <u>fulfill the goals of follow-up on the recommendations to overcome fiscal impacts suggested in</u> the Monroe County Sanitary Wastewater Master Plan and implement central wastewater systems called for by the master plan by 2015.</p>
<p>3.10 Drainage Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and reflect accomplished provisions. ○ Updated to be consistent with the updated County stormwater manual and reference Rule 62-302.500, Surface Waters: Minimum Criteria, General Criteria. 	<p>See Exhibit 1 – Examples:</p> <p>Policy 1001.1.1 Water Quality Level of Service Standards - Minimum Water Quality:</p> <p>All projects shall be designed so that the <u>precipitation-based</u> discharges will meet <u>the design and performance standards established in Rule 62-302.500, F.A.C., and the County’s Manual of Stormwater Management Practices and either demonstrate that post development total nitrogen and total phosphorous loads are less than pre-development loads to the receiving water body (net improvement) or demonstrate a ninety five percent (95%) reduction in stormwater total nitrogen load and total phosphorus</u></p>

	<ul style="list-style-type: none"> ○ Updated County stormwater manual and guidance developed pursuant to a DEO Community Planning Technical Assistance Grant #P0363 ○ Draft amendments and updates to the stormwater Manual and Brochure were presented to the BOCC June 17, 2020 (see agenda item H5). ○ Amendments adopted September 15, 2021 (see agenda item R3). 	<p><u>load. Treatment and disposal facilities must be designed and operated so that off-site discharges meet</u> Florida State Water Quality/Quantity Standards as set forth in <u>Rule 62-302.500, F.A.C. Chapters 62-3 and 62-302.530, F.A.C., incorporated herein by reference.</u> All projects should be designed in accordance with the Florida Department of Transportation and South Florida Water Management District standards and taking into account projections for <u>sea level riseclimate change.</u></p>
<p>3.11 Natural Groundwater Aquifer Recharge Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity 	<p>See Exhibit 1 – Example:</p> <p>Objective 1101.1 Monroe County shall work cooperatively with Miami-Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination, saltwater intrusion <u>from sea level rise</u> and over-extraction. (See Potable Water Objective 701.4 and related policies.)</p>
<p>3.12 Recreation And Open Space Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and update deadlines within the comprehensive plan. 	<p>See Exhibit 1 – Examples:</p> <p>Objective 1201.6 <u>By 2025, Within two (2) years after the adoption of the 2030 Comprehensive Plan,</u> Monroe County shall update and adopt a parks and recreation master plan.</p> <p>Policy 1201.7.1 <u>By 2027, Within five (5) years after the adoption of the 2030 Comprehensive Plan,</u> Monroe County shall prepare a Parks and Recreation Master Maintenance and Management Plan (MMP). The MMP shall evaluate and incorporate, among other factors, the following:</p> <ol style="list-style-type: none"> 1. Proper management techniques consistent with the updated Future Land Use, Recreation and Open Space and Conservation and Coastal Management Elements; 2. Restoration of disturbed wetland areas; 3. The removal of exotic species; 4. Regular evaluation of recreation sites including planting and maintenance of native species; 5. Regular evaluation of recreation facilities including recreational equipment and amenities; and 6. General maintenance requirements and costs.

<p>3.13 Intergovernmental Coordination Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity, reflect statutory requirements and language, eliminate obsolete provisions, and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges. ○ To incorporate the concepts from BOCC Resolution 292-2021, adopted on September 15, 2021, to support traffic flow improvement projects that would alleviate congestion on U.S. 1 and assist in improving the Level of Service on U.S. 1. and requesting FDOT support U.S. 1 improvement projects that accomplish these goals and allocate funding within the five-year work program (see agenda item N1). ○ 	<p>See Exhibit 1 – Examples:</p> <p>Policy 1301.1.6 Monroe County will continue to coordinate with FKAA on the evaluation and appraisal of the Monroe County Comprehensive Plan, adopted levels of service, annual public facility capacity analysis, water supply plan and the Consumptive Use Permit.</p> <p>Policy 1301.1.12 Monroe County shall continue to coordinate and collaborate with the municipalities of Key West, Key Colony Beach, Islamorada, Layton and Marathon; regional, State, and federal government agencies, nongovernmental organizations and private organizations to exchange data and develop coordinated strategies to address resiliency and potential vulnerabilities, including impacts from sea level rise.</p> <p>Policy 1301.3.4 Within one (1) year after the adoption of the Plan, Monroe County shall continue to coordinate with Miami-Dade County and the Florida Department of Transportation to evaluate the impact of development on levels of service within one mile of County borders, and ensure concurrency and assess impacts on existing and proposed land use.</p> <p>Policy 1301.4.11 Monroe County shall coordinate with FDOT on future U.S.1 roadway projects as they relate to the existing visions and goals of this Plan and the Livable CommuniKeys Plans. Monroe County shall coordinate with FDOT to review the recommendations within the completed 2021 Transportation Strategy Master Plan to prioritize comprehensive solutions to improve traffic flow, reduce congestion, provide for intermodal transportation facilities, and ensure safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys.</p> <p>Policy 1301.7.4 As provided by Section 252.385, F.S., public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management. Within one (1) year after the adoption of the Plan, Further, Monroe County shall continue to maintain existing enter into interlocal agreement with Miami-Dade County and other appropriate agencies (e.g., the Board of Regents), as necessary, to provide sufficient additional approved spaces outside of Monroe County capable of withstanding Category 3 or stronger hurricanes and their associated surges for all county residents who will require shelter from a Category 3 or greater hurricane.</p>
<p>3.14 Capital Improvements Element</p>	<p>Proposed updates to:</p> <ul style="list-style-type: none"> ○ To provide clarity and provide for internal consistency ○ To reflect the updated FY22-26 Five-Year Schedule of Capital Improvements Tables 	<p>See Exhibit 1</p>

3.15 Energy, Resiliency and Climate Element

Proposed updates to:

- To provide clarity, reflect statutory requirements, update deadlines, eliminate obsolete provisions, and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges.
- To incorporate recommended edits developed with the draft Peril of Flood amendments pursuant to a DEP Resilience Planning Grant (R1915)
- To incorporate the updated Unified Regional Sea Level Rise Projections (2019) of the Southeast Florida Regional Climate Change Compact, adopted via BOCC Resolution 226-2021 on June 21, 2021 (see agenda item C1).
- To incorporate and be consistent with work completed for the Countywide Roads and Stormwater Vulnerability Assessment, the Watershed Management Plan, the GreenKeys Plan and other appropriate vulnerability information.

See Exhibit 1 – **Examples:**

Policy 1501.1.1

Monroe County shall maintain existing mechanisms for the exchange of ideas and data, and participate in new forums, to facilitate comprehensive and coordinated strategies promoting energy conservation and addressing climate change impacts. Monroe County will continue to seek support and funding sources to update its vulnerability planning efforts, incorporate new data generated by, or available to the County, and to exchange data, as necessary.

Policy 1502.1.5

By 2025 Within five (5) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall initiate an inventory of existing and planned infrastructure up to the 204530 horizon, based upon the vulnerability mapping, updated elevation data, the Countywide Roads and Stormwater Vulnerability Assessment, the Watershed Management Plan, the GreenKeys Plan and other appropriate vulnerability information identified in Policy 1502.1.4, for capacity to accommodate projected sea-level rise over the life expectancy of that infrastructure. Monroe County shall identify the infrastructure within those areas, its useful life and any retrofits or capital projects necessary to address the impacts of sea level rise. These strategies may include defense, accommodation, or and relocationretreat projects, or not building planned infrastructure in vulnerable locations, to address the impacts of sea level rise. Monroe County will consider developing design criteria, in conjunction with a broader asset management planning process.

Policy 1502.1.6

Within five (5) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall utilize consider incorporating a planning, design and permitting standard for infrastructure and public facilities that may includes a sea level rise (SLR) assumption of 10" - 17" by 2040, based on a year 2000 baseline, 3" — 7" by 2030 as developed by the Southeast Regional Climate Compact (2019 update). Adaptation and resiliency planning strategy development shall also consider this sea level rise projection. The County shall continue to review and update sea level rise projections when new and pertinent data is available. (The 3" — 7" by 2030 is based on a 2010 baseline — if adjusted to a 1992 baseline it would result in 6" to 10" by 2030 above the 1992 mean sea level)

Policy 1503.2.1

Within one (1) year five (5) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall evaluate the need and opportunities for additional strategies polieies to reduce vehicle miles traveled ("VMT") by 2030 to address energy and climate issues as well as improve traffic flow and reduce congestion. Monroe County will coordinate with the Florida Department of Transportation and the municipalities to consider strategies which Such polieies could include offering a range of transportation choices in new development or redevelopment projects; additional intermodal transportation facilities, incentivizing connectivity between differing modes of transportation to increase modal split and linking residential and employment center land uses to reduce the need for single vehicle trips, and ensure safety, resiliency and efficient access and travel within the Florida Keys.

		<p><u>Policy 1503.2.4</u> <u>Monroe County shall maintain a coordinated partnership with the Florida Department of Transportation and the municipalities on prioritizing comprehensive solutions to improve traffic flow, reduce congestion, and address the feasibility of alternative modes of transportation to address the inundation impacts on roadways from sea level rise, and maintain the safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys.</u></p> <p><u>Policy 1503.3.5</u> <u>Monroe County shall communicate and inform the community on the impacts of climate change and increase the understanding of future vulnerabilities through the dissemination of information to the public regarding the future impacts of climate change including but not limited to, sea level rise, flooding, extreme heat, ocean acidification and coral reef threats, changes in vector borne diseases, severe weather events, shifting habitats and other stressors.</u></p>
Glossary	Proposed updates to update the definition of “development” to be consistent with Section 380.04, F.S. This is a required amendment.	See Exhibit 1
Coastal High Hazard Area Map	Update Map Atlas Map Series 3-7 (coastal high hazard area) to be consistent with the Florida Division of Emergency Management’s update to the SLOSH model for Monroe County. This is a required amendment.	See Exhibit 2

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2 **IV. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE**
3 **PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.**
4

5 **A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe**
6 **County 2030 Comprehensive Plan. Specifically, it furthers:**
7

8 **GOAL 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of
9 County residents and visitors, and protect valuable natural resources.

10 **GOAL 102:** Monroe County shall direct future growth to lands which are most suitable for development and
11 shall encourage conservation and protection of environmentally sensitive lands (wetlands, beach berm and
12 tropical hardwood hammock).
13

14 **GOAL 106:** Monroe County shall continue to maintain the Tier System to ensure growth initiatives recognize
15 the natural and man-made systems in the Florida Keys, the carrying capacity to accommodate further
16 development, the need for the significant expansion of the public acquisition of vacant developable lands, and
17 to equitably balance the rights and expectations of private property owners.
18

19 **GOAL 108:** The compatibility of lands adjacent to or closely proximate to the Boca Chica airfield of Naval
20 Air Station Key West (NASKW) pursuant to Sections 163.3175 and 163.3177, Florida Statutes, shall be
21 achieved through the implementation of the Objectives and Policies, incorporated herein. Achieved is defined
22 as being consistent with the Objectives and Policies, incorporated herein.
23

24 **GOAL 202:** The environmental quality of Monroe County's estuaries, nearshore waters (canals, harbors, bays,
25 lakes and tidal streams,) and associated marine resources shall be maintained and, where possible, improved
26 or restored.
27

28 **GOAL 203:** The health and integrity of living marine resources and marine habitat, including mangroves,
29 seagrasses, coral reefs, other hard bottom communities and fisheries, shall be protected and, where possible,
30 restored and enhanced.
31

32 **GOAL 204:** The health and integrity of Monroe County's marine and freshwater wetlands shall be protected
33 and, where possible, restored and enhanced.
34

35 **GOAL 205:** The health and integrity of Monroe County's native upland vegetation shall be protected and,
36 where possible, enhanced.
37

38 **GOAL 206:** Monroe County shall protect and conserve existing wildlife and wildlife habitats.
39

40 **GOAL 215:** Monroe County shall provide for hurricane evacuation, shelters and refuges, and communication
41 capabilities to promote safeguarding of the public against the effects of hurricanes and tropical storms.
42

43 **GOAL 301:** To provide a safe, convenient, efficient, and environmentally-compatible motorized and non-
44 motorized transportation system for the movement of people and goods in Monroe County
45

46 **GOAL 1501:** Monroe County shall coordinate with the municipalities of Key West, Key Colony Beach,
47 Islamorada, Layton and Marathon; regional, State, and federal government agencies, nongovernmental
48 organizations and private organizations to exchange data and develop coordinated strategies to address energy
49 conservation and impacts from climate change.
50
51

1 **B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys**
2 **Area, Section 380.0552(7), Florida Statutes.**
3

4 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the
5 principles for guiding development and any amendments to the principles, the principles shall be construed
6 as a whole and no specific provision shall be construed or applied in isolation from the other provisions.
7

- 8 (a) Strengthening local government capabilities for managing land use and development so that local
9 government is able to achieve these objectives without continuing the area of critical state concern
10 designation.
11 (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds,
12 wetlands, fish and wildlife, and their habitat.
13 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical
14 vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and
15 their habitat.
16 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic
17 development.
18 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
19 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and
20 ensuring that development is compatible with the unique historic character of the Florida Keys.
21 (g) Protecting the historical heritage of the Florida Keys.
22 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major
23 public investments, including:
24
25 1. The Florida Keys Aqueduct and water supply facilities;
26 2. Sewage collection, treatment, and disposal facilities;
27 3. Solid waste treatment, collection, and disposal facilities;
28 4. Key West Naval Air Station and other military facilities;
29 5. Transportation facilities;
30 6. Federal parks, wildlife refuges, and marine sanctuaries;
31 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
32 8. City electric service and the Florida Keys Electric Co-op; and
33 9. Other utilities, as appropriate.
34
35 (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and
36 replacement of stormwater management facilities; central sewage collection; treatment and disposal
37 facilities; and the installation and proper operation and maintenance of onsite sewage treatment and
38 disposal systems.
39 (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of
40 wastewater management facilities that meet the requirements of ss. 381.0065(4)(1) and 403.086(10), as
41 applicable, and by directing growth to areas served by central wastewater treatment facilities through
42 permit allocation systems.
43 (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
44 (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
45 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or
46 manmade disaster and for a postdisaster reconstruction plan.
47 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the
48 Florida Keys as a unique Florida resource.
49

50 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the
51 Principles for Guiding Development as a whole and is not inconsistent with any Principle.
52

1 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.).**
2 **Specifically, the amendment furthers:**
3

4 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance
5 present advantages; encourage the most appropriate use of land, water, and resources, consistent with the
6 public interest; overcome present handicaps; and deal effectively with future problems that may result
7 from the use and development of land within their jurisdictions. Through the process of comprehensive
8 planning, it is intended that units of local government can preserve, promote, protect, and improve the
9 public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention,
10 and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage,
11 schools, parks, recreational facilities, housing, and other requirements and services; and conserve,
12 develop, utilize, and protect natural resources within their jurisdictions.
13

14 163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set
15 out in this act and that no public or private development shall be permitted except in conformity with
16 comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.
17

18 163.3164(14), F.S. – “Development” has the same meaning as in s. 380.04.
19

20 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies
21 for the orderly and balanced future economic, social, physical, environmental, and fiscal development of
22 the area that reflects community commitments to implement the plan and its elements. These principles
23 and strategies shall guide future decisions in a consistent manner and shall contain programs and activities
24 to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the
25 principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local
26 government’s programs, activities, and land development regulations will be initiated, modified, or
27 continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to
28 require the inclusion of implementing regulations in the comprehensive plan but rather to require
29 identification of those programs, activities, and land development regulations that will be part of the
30 strategy for implementing the comprehensive plan and the principles that describe how the programs,
31 activities, and land development regulations will be carried out. The plan shall establish meaningful and
32 predictable standards for the use and development of land and provide meaningful guidelines for the
33 content of more detailed land development and use regulations.
34

35 163.3177(6)(i)1, F.S. – In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3)
36 that governmental entities respect judicially acknowledged and constitutionally protected private property
37 rights, each local government shall include in its comprehensive plan a property rights element to ensure
38 that private property rights are considered in local decision-making. A local government may adopt its
39 own property rights element or use the following statement of rights:

40 The following rights shall be considered in local decision-making:

- 41 1. The right of a property owner to physically possess and control his or her interests in the property,
42 including easements, leases, or mineral rights.
- 43 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal
44 use or for the use of any other person, subject to state law and local ordinances.
- 45 3. The right of the property owner to privacy and to exclude others from the property to protect the
46 owner’s possessions and property.
- 47 4. The right of a property owner to dispose of his or her property through sale or gift.

48 2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of
49 the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date
50 of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a
51 local government adopts its own property rights element, the element may not conflict with the statement
52 of rights provided in subparagraph 1.

1
2 163.3178(2)(f), F.S. – A redevelopment component that outlines the principles that must be used to eliminate
3 inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:
4 1. Include development and redevelopment principles, strategies, and engineering solutions that reduce
5 the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater
6 runoff, and the related impacts of sea-level rise.
7 2. Encourage the use of best practices development and redevelopment principles, strategies, and
8 engineering solutions that will result in the removal of coastal real property from flood zone designations
9 established by the Federal Emergency Management Agency.
10 3. Identify site development techniques and best practices that may reduce losses due to flooding and
11 claims made under flood insurance policies issued in this state.
12 4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida
13 Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
14 5. Require that any construction activities seaward of the coastal construction control lines established
15 pursuant to s. 161.053 be consistent with chapter 161.
16 6. Encourage local governments to participate in the National Flood Insurance Program Community
17 Rating System administered by the Federal Emergency Management Agency to achieve flood insurance
18 premium discounts for their residents.

19
20 163.3191, F.S. – Evaluation and appraisal of comprehensive plan.
21 (1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine
22 if plan amendments are necessary to reflect changes in state requirements in this part since the last update
23 of the comprehensive plan, and notify the state land planning agency as to its determination.
24 (2) If the local government determines amendments to its comprehensive plan are necessary to reflect
25 changes in state requirements, the local government shall prepare and transmit within 1 year such plan
26 amendment or amendments for review pursuant to s. 163.3184.
27 (3) Local governments are encouraged to comprehensively evaluate and, as necessary, update
28 comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this
29 section shall be reviewed pursuant to s. 163.3184(4).
30 (4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant
31 to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.
32 (5) The state land planning agency may not adopt rules to implement this section, other than procedural
33 rules or a schedule indicating when local governments must comply with the requirements of this section.
34

35 163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—
36 It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in
37 part, by the adoption and enforcement of appropriate local regulations on the development of lands and
38 waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of
39 regulations for the development of land or the adoption and enforcement by a governing body of a land
40 development code for an area shall be based on, be related to, and be a means of implementation for an
41 adopted comprehensive plan as required by this act.
42

43 **V. PROCESS**

44
45 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
46 Planning Commission, the Director of Planning, or the owner or other person having a contractual
47 interest in property to be affected by a proposed amendment. The Director of Planning shall review and
48 process applications as they are received and pass them onto the Development Review Committee and
49 the Planning Commission.
50

1 The Planning Commission shall hold at least one public hearing. The Planning Commission shall review
2 the application, the reports and recommendations of the Department of Planning & Environmental
3 Resources and the Development Review Committee and the testimony given at the public hearing. The
4 Planning Commission shall submit its recommendations and findings to the Board of County
5 Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed
6 comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony
7 given at the public hearing. The BOCC may or may not recommend transmittal to the State Land
8 Planning Agency. The amendment is transmitted to State Land Planning Agency, which then reviews
9 the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt
10 of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with
11 changes or not adopt the amendment.
12

13 **VI. STAFF RECOMMENDATION**

14 Approval
15
16

17 **VIII. EXHIBITS**

- 18
19 Exhibit 1 - proposed EA text amendments (all proposed amendments)
20 Exhibit 2 - proposed update Map Atlas Map Series 3-7 (coastal high hazard area)
21 Exhibit 3 - County's Evaluation and Appraisal Notification Letter, as required by Section 163.3191,
22 F.S., to the Florida Department of Economic Opportunity (DEO)
23 Exhibit 4 - Laws of Florida 2015-69 (POF) and 2018-34 (development definition)
24 Exhibit 5 - Compilation of the Data & Analysis for the Evaluation and Appraisal amendments