



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Cheryl Cioffari, AICP, Assistant Director of Planning

Date: January 7, 2022

Subject: An ordinance by the Monroe County Board of County Commissioners adopting amendments to the Monroe County Year 2030 Comprehensive Plan to create Goal 112, Objectives 112.1 and 112.2, and Policies 112.1.1 and 112.2.1 establishing site-specific development standards and deviations as well as exemptions from adopted land use and development standards for Ocean Reef (File #2019-142)

Meeting: **January 25, 2022**

I. REQUEST

On July 24, 2019, the Planning and Environmental Resources Department received an application from Smith Hawks PL, on behalf of Ocean Reef Club, Inc. and Ocean Reef Community Association, Inc., (the “Applicant”) to amend the Monroe County Year 2030 Comprehensive Plan to create Goal 112, Objectives 112.1 and 112.2, and Policies 112.1.1 and 112.2.1 establishing site-specific development standards, deviations and exemptions. The Applicant has revised the proposed text with the most recent submission received on October 19, 2021.

The Applicant is requesting a text amendment “to create a site-specific Goal, Objectives, and Policies within the Monroe County Year 2030 Comprehensive Plan (the “Comp Plan”) that shall permit exemptions, reductions, and deviations from development standards and other provisions contained within the Comp Plan for the Ocean Reef site specific area, which consists of the properties identified for inclusion in the Ocean Reef Overlay district in the corresponding Land Use District (zoning) Map amendment (“LUD”) and corresponding Land Development Code amendment, *See* attached Monroe County Real Estate numbers.”

The Applicant states, “The Amendment seeks to amend the text of the Comp Plan, as provided below by adding Goal 112; Objectives 112.1 and 112.2; and Policies 112.1.1, and 112.2.1, which shall permit exemptions, reductions, and deviations from development standards and other provisions contained within the Comp Plan for the properties included in the Ocean Reef Overlay District, which consists of the non-residential properties owned by Ocean Reef Club, Inc. (“Ocean Reef Club”), and the residential property owned by Golf Manor I Condominium Association (“Torchwood”). This will allow Ocean Reef Club and Torchwood to self-govern such exempted items.”

The Applicant’s full explanation and justification of the proposed amendment is included in the file for the application (File No. 2019-142).

Related Applications

LDC Text Amendment

On February 19, 2019, the Applicant applied for a text amendment to the Land Development Code (File 2019-025). On October 19, 2021, the Applicant submitted revisions to the application, replacing the previously submitted amendment language, data and analysis. The revised application for File 2019-025 establishes to propose the Ocean Reef Overlay District.

Land Use District (LUD) Map Amendment

On June 5, 2020, the Applicant submitted a proposed land use district (zoning) map amendment to apply the proposed Ocean Reef Overlay District to a defined area (File 2020-088).

II. BACKGROUND INFORMATION

In 1977, the Monroe County Zoning Board approved the “overall conception of the Master Plan of Ocean Reef” as a major development project in accordance with Ordinance No. 21-75. This approval was memorialized by an unnumbered resolution dated August 25, 1977.

In 1997, the Master Plan for Ocean Reef was vested under Monroe County Board of County Commissioners (“BOCC”) Resolution No. 70-1997. The Master Plan for Ocean Reef was formerly vested under BOCC Resolution Nos. 478-1988 and 539-1988.

Concept Meeting and Community Meeting

In accordance with LDC Section 102-158(d)(3), a Concept Meeting for the Comprehensive Plan text amendments was held April 1, 2019. It was determined that the proposed amendment would not have a County-wide impact and a Community Meeting would not be required in accordance with LDC Section 102-158(d)(4).

Community Meeting and Public Participation

A community meeting is not required because the proposed amendment does not to have a County-wide impact.

Development Review Committee and Public Input

The Development Review Committee considered the proposed amendment at a regular meeting on January 25, 2022 and received public input.

III. PROPOSED MONROE COUNTY YEAR 2030 COMPREHENSIVE PLAN TEXT AMENDMENT

The Applicant’s proposed text, as submitted, is shown as additions in [blue underline](#) and deletions are ~~stricken through~~.

[GOAL 112](#)

Ocean Reef is a gated 100+ acre master planned community where public access is restricted and the community is operated and maintained by the Ocean Reef Master Planned Community including the provision of comprehensive private utilities, transportation facilities and services, and an association or similar entity which regulates development standards and monitors development requests by its members. Monroe County recognizes the distinct nature of the Ocean Reef Planned development based on its distinct character, internal development standards and shall provide exemptions and reductions to County development standards for the Ocean Reef master planned community.

The standards, exemptions, reductions provided within Goal 112 and its objectives and policies, shall only be available to properties within the Ocean Reef Master Planned Community that obtain an Ocean Reef overlay district amendment (LDC Section 130-141) to the Official Land Use (Zoning) District Map.

Objective 112.1

Monroe County shall exempt or minimize its development standards for nonresidential structures and uses within the Ocean Reef Master Planned Community, which self-governs its internal land development in order to provide uniform development standards and architectural guidelines to protect the distinct community character within the Ocean Reef Master Planned Community.

Policy 112.1.1

The following provisions shall control and supersede existing provisions of the Monroe County Comprehensive plan relating to nonresidential structures and uses within the Ocean Reef Master Planned Community:

1. To maintain the distinct and existing character within the Ocean Reef Master Planned Community, lawfully established nonconforming nonresidential structures and uses may continue and may be permitted to be rebuilt, even if 100 percent destroyed, provided that they are rebuilt to preexisting use and that the nonconformity is not expanded or further violated. Accessory uses or structures associated with a lawfully established nonconforming nonresidential principal use may be permitted.
 - a. Notwithstanding Objective 101.9, Policy 101.9.4, and Policy 105.1.4, lawfully established nonconforming nonresidential principal structures that are destroyed, substantially damaged or substantially improved may be repaired, restored and/or replaced within the existing footprint of the lawfully established nonconforming nonresidential structure.
 - b. Notwithstanding Objective 101.8.2, 101.8.3, 101.8.4, 101.9, Policy 101.9.4, and Policy 105.1.4, lawfully established nonconforming **nonresidential accessory uses and structures** within the Ocean Reef Master Planned Community that are destroyed, substantially damaged or substantially improved may repaired, restored and/or replaced without expansion. The nonconforming nonresidential accessory use or structure may continue if its principal use or structure is discontinued or removed for redevelopment, provided that the owner is moving forward with continual development and with active concurrent permits for redevelopment of a principal use or structure.

In the absence of an active concurrent permit for redevelopment of a principal use or structure on the site, the lawfully established nonconforming accessory structure and use may remain for up to five years from the date of a disaster event. The Board of County Commissioners may extend the five- year time limit within the Ocean Reef Master Planned Community by resolution, if needed.

2. Lawfully established nonresidential structures and uses may be repaired, restored and/or replaced using the previously approved open space ratio, provided stormwater management is in compliance with the Policy 101.10.1 and LDC Section 114-2 (5):
 - a. Lawfully existing nonresidential principal structures and uses, which are nonconforming as to open space, may remain, be repaired, substantially improved, restored, or replaced without expansion and the maximum shoreline setback is maintained.
 - b. Lawfully existing nonresidential accessory structures and uses, which are nonconforming as to open space, may remain, be repaired, substantially improved, restored, or replaced without expansion and the shoreline setback is consistent with subsection 6 of this Policy.
 - c. New nonresidential principal and accessory structures development shall have an open space requirement of five percent (5%), provided the clearing limits in Policy 101.5.27 are not exceeded and development is not proposed within a wetland area identified in Policies 102.1.1 or 204.2.2.
3. Nonresidential structures may receive variances for front, side, and rear yard non-shoreline setbacks; bufferyards; off-street parking; loading spaces; landscaping, as approved by the Ocean Reef master planned community. Variances for nonresidential structures on property owned by Ocean Reef Club, Inc., with the non-for-profit amenities identified in the master planned community association documents, shall be the only property exempt from front, side, and rear yard non-shoreline setbacks; bufferyards; off-street parking; loading spaces; landscaping, and will not be required to provide evidence it has been approved by the Ocean Reef master planned community, based on its exemption under the Ocean Reef gated master planned community's governing documents. The County shall recognize variances for properties not owned by Ocean Reef Club, Inc., upon evidence submitted that a variance has been approved by the Ocean Reef master planned community or Ocean Reef Club based on criteria established for granting a variance by the Ocean Reef Master Planned Community.
4. The development and redevelopment of nonresidential structures and uses within Ocean Reef Master Planned Community are exempt from the below listed Goals, Objectives, and Policies related to **concurrency**, because the Ocean Reef Master Planned Community is responsible for providing, financing, operating, and regulating its facilities and services needed to serve development within the Ocean Reef community:
 - a. Policy 301.1.1 - County Road LOS
 - b. Objective 301.2 - Road LOS
 - c. Policy 701.1.1 - Potable Water LOS
 - d. Policy 801.1.1 - Solid waste LOS
 - e. Policy 1001.1.5 – Stormwater standards

- f. [Policy 1201.1.1 - Recreation LOS](#)
5. [The development and redevelopment standards for nonresidential structures and uses within Ocean Reef Master Planned Community are exempt from the below listed Goals, Objectives, and Policies because the Ocean Reef master planned community has developed its own community development standards to maintain and implement its community character and vision:](#)
- a. [Policy 101.16.1 – Parking, traffic flow, pedestrian ways, etc.](#)
 - b. [Goal 211 - Potable water conservation](#)
 - c. [Objective 211.1 - Water conservation strategies](#)
 - d. [Policy 301.3.2 - Bicycle or pedestrian facility requirements](#)
 - e. [Policy 301.6.1 - Scenic Highway Corridor landscaping and setbacks](#)
 - f. [Policy 301.9.1 – Parking, traffic flow, interconnectivity, etc.](#)
 - g. [Policy 401.1.1 - Mass transit requirements](#)
 - h. [Policy 701.5.1 - Landscape water conservation](#)
6. [Notwithstanding Policy 212.2.4, nonresidential accessory structures will be permitted in shoreline setbacks within the Ocean Reef Master Planned Community as follows:](#)
- a. [Along lawfully altered shorelines adjacent to manmade canals, channels, and basins:](#)
 - i. [The combined area of all accessory structures may occupy up to ninety percent \(90%\) of the upland area of the required 20-foot shoreline setback.](#)
 - ii. [Accessory structures, including, but not limited to, pools, spas, and any screen enclosure over pools or spas shall be set back a minimum of five \(5\) feet from the MHW line. With the exception of docks and erosion control structures, an accessory structure other than those listed above not exceeding 18 inches in height as measured from grade may be permitted within the 20-foot shoreline setback if constructed to avoid any off-site discharge of stormwater from the subject parcel.](#)
 - b. [Along unaltered or unlawfully altered shorelines located along natural non-dredged waterways and open water:](#)
 - i. [The combined area of all accessory structures may occupy up to seventy percent \(70%\) of the upland area of the required 50-foot shoreline setback.](#)
 - ii. [Accessory structures, including, but not limited to, pools, spas, and any screen enclosure over pools or spas shall be set back a minimum of ten \(10\) feet from the MHW line or the landward extent of the mangroves, whichever is farther landward, and shall be located in upland areas. With the exception of docks and erosion control structures, an accessory structure other than those listed above not exceeding 18 inches in height as measured from grade may be permitted within the 50-foot shoreline setback if constructed to avoid any off-site discharge of stormwater from the subject parcel.](#)
 - c. [All other shoreline setback provisions for principal and accessory structures within Policy 212.2.4 shall apply.](#)
7. [The development and redevelopment of nonresidential structures and uses within Ocean Reef Master Planned Community shall adhere to:](#)
- a. [the upland native vegetation clearing limits established in Policy 101.5.27; and](#)

- b. mitigation for the removal upland native vegetation, requiring payment to the Monroe County Environmental Land Management and Restoration Fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis; and
 - c. shall not impact wetland areas identified in Policies 102.1.1 or 204.2.2; and
 - d. shall require “required” landscaping material to be native species to Monroe County free of disease, invasive pests, and invasive fungi; and require the removal of and, not include the planting of, invasive exotic plant species. The landscape material size and quantity, installation standards, irrigation and maintenance criteria shall be based on criteria established by the Ocean Reef Master Planned Community. Landscape plans submitted must indicate what is “required” landscaping by Ocean Reef Master Planned Community.
8. The development and redevelopment of nonresidential structures shall be subject to the height limit and exceptions included within Policies 101.5.30 and 101.5.31.

Objective 112.2

Monroe County shall exempt or minimize its development standards for lawfully established residential dwelling units within the Ocean Reef master planned community, which self-governs its internal land development in order to provide uniform development standards and architectural guidelines to protect the distinct community character within the Ocean Reef Master Planned Community.

Policy 112.2.1

The following provisions shall control and supersede existing provisions of the Monroe County Year 2030 Comprehensive Plan for lawfully established residential dwelling units’ properties within the Ocean Reef master planned community:

- 1. In recognition of residential dwelling units previously permitted prior to the adoption of any Monroe County Comprehensive Plan, notwithstanding Policy 101.5.25, parcels–designated Residential Low (RL) on the Future Land Use Map (FLUM) with a lawfully established residential dwelling unit, shall have a minimum land use open space requirement of fifty percent (50%).

IV. ANALYSIS OF PROPOSED AMENDMENT

The proposed text amendment establishes a goal, objectives and policies in the Comprehensive Plan that identifies the distinguishing characteristics of Ocean Reef and indicates that an overlay obtained the land use district amendment is required to receive the standards and exemptions provided therein. Ocean Reef regulates development standards and monitors development requests by its members. Monroe County recognizes the distinct nature of the Ocean Reef Planned development based on its distinct character and internal development standards.

The proposed amendment specifies which provisions shall control and supersede specific provisions for nonresidential uses and structures within Ocean Reef. It also provides an amendment to the required open space for residential properties within the Residential Low (RL) future land use map category.

The proposed amendment has undergone multiple revisions in response to Staff's comments and analysis since the initial submission of the application to ensure consistency with the County's Comprehensive Plan. Additionally, the remaining recommended changes are for clarity.

The proposed amendment with staff recommended changes, as shown in Section VI of this staff report.

V. STAFF-RECOMMENDED CHANGES TO PROPOSED AMENDMENT

As noted above, the Applicant's proposed text is shown with additions in blue underline and deletions are ~~stricken through~~.

Based on the analysis provided in the table on the previous page, staff's recommended changes to the proposed text amendment are as follows: deletions with a ~~red strikethrough~~, and additions in red and underlined).

GOAL 112

Ocean Reef is a gated 100+ acre master planned community where public access is restricted and the community is operated and maintained by the Ocean Reef Master Planned Community including the provision of comprehensive private utilities, transportation facilities and services, and an association or similar entity which regulates development standards and monitors development requests by its members. Monroe County recognizes the distinct nature of the Ocean Reef Planned development based on its distinct character, internal development standards and shall provide exemptions and reductions to County development standards for the Ocean Reef master planned community.

The standards, exemptions, reductions provided within Goal 112 and its objectives and policies, shall only be available to properties within the Ocean Reef Master Planned Community that obtain an Ocean Reef overlay district amendment (LDC Section 130-141) to the Official Land Use (Zoning) District Map.

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continue and may be permitted to be rebuilt, even if 100 percent destroyed, provided that they are rebuilt to preexisting use and that the nonconformity is not expanded or further violated. Accessory uses or structures associated with a lawfully established nonconforming nonresidential principal use may be permitted, consistent with subsection b.

- a. Notwithstanding Objective 101.9, Policy 101.9.4, and Policy 105.1.4, lawfully established nonconforming **nonresidential principal structures** that are destroyed, substantially damaged or substantially improved may be repaired, restored and/or replaced within the existing footprint of the lawfully established nonconforming nonresidential structure.
- b. Notwithstanding Objective 101.8.2, 101.8.3, 101.8.4, 101.9, Policy 101.9.4, and Policy 105.1.4, lawfully established nonconforming **nonresidential accessory uses and structures** within the Ocean Reef Master Planned Community that are destroyed, substantially damaged or substantially improved may repaired, restored and/or replaced without expansion. The nonconforming nonresidential accessory use or structure may continue if its principal use or structure is discontinued or removed for redevelopment, provided that the owner is moving forward with continual development and with active concurrent permits for redevelopment of a principal use or structure.

In the absence of an active concurrent permit for redevelopment of a principal use or structure on the site, the lawfully established nonconforming accessory structure and use may remain for up to five years from the date of a disaster event. The Board of County Commissioners may extend the five- year time limit within the Ocean Reef Master Planned Community by resolution, if needed.

2. Lawfully established nonresidential structures and uses may be repaired, restored and/or replaced using the previously approved open space ratio, provided stormwater management is in compliance with the Policy 101.10.1 and LDC Section 114-2(a)(5):
 - a. Lawfully existing nonresidential principal structures and uses, which are nonconforming as to open space, may remain, be repaired, substantially improved, restored, or replaced without expansion and the maximum shoreline setback is maintained.
 - b. Lawfully existing nonresidential accessory structures and uses, which are nonconforming as to open space, may remain, be repaired, substantially improved, restored, or replaced without expansion and **whereas** the shoreline setback **provided** is consistent with subsection 6 of this Policy.
 - c. New nonresidential principal and accessory structures development shall have an open space requirement of five percent (5%), provided the clearing limits in Policy 101.5.27 are not exceeded and development is not proposed within a wetland area identified in Policies 102.1.1 or 204.2.2.
3. Nonresidential structures may receive variances for front, side, and rear yard non-shoreline setbacks; bufferyards; off-street parking; loading spaces; landscaping, as approved by the Ocean Reef master planned community. Variances for nonresidential structures on property owned by Ocean Reef Club, Inc., with the non-for-profit amenities identified in the master

planned community association documents, shall be the only property exempt from front, side, and rear yard non-shoreline setbacks; bufferyards; off-street parking; loading spaces; landscaping, and will not be required to provide evidence it has been approved by the Ocean Reef master planned community, based on its exemption under the Ocean Reef gated master planned community's governing documents. The County shall recognize—variances for properties not owned by Ocean Reef Club, Inc., upon evidence submitted that a variance has been approved by the Ocean Reef master planned community or Ocean Reef Club based on criteria established for granting a variance by the Ocean Reef Master Planned Community.

4. The development and redevelopment of nonresidential structures and uses within Ocean Reef Master Planned Community are exempt from the below listed Goals, Objectives, and Policies related to concurrency, because the Ocean Reef Master Planned Community is responsible for providing, financing, operating, and regulating its facilities and services needed to serve development within the Ocean Reef community:
 - a. Policy 301.1.1 - County Road LOS
 - b. Objective 301.2 - Road LOS
 - c. Policy 701.1.1 - Potable Water LOS
 - d. Policy 801.1.1 - Solid waste LOS
 - e. Policy 1001.1.5 – Stormwater standards
 - f. Policy 1201.1.1 - Recreation LOS

5. The development and redevelopment standards for nonresidential structures and uses within Ocean Reef Master Planned Community are exempt from the below listed Goals, Objectives, and Policies because the Ocean Reef master planned community has developed its own community development standards to maintain and implement its community character and vision:
 - a. Policy 101.16.1 – Parking, traffic flow, pedestrian ways, etc.
 - b. Goal 211 - Potable water conservation
 - c. Objective 211.1 - Water conservation strategies
 - d. Policy 301.3.2 - Bicycle or pedestrian facility requirements
 - e. Policy 301.6.1 - Scenic Highway Corridor landscaping and setbacks
 - f. Policy 301.9.1 – Parking, traffic flow, interconnectivity, etc.
 - g. Policy 401.1.1 - Mass transit requirements
 - h. Policy 701.5.1 - Landscape water conservation

6. Notwithstanding Policy 212.2.4, nonresidential accessory structures will be permitted in shoreline setbacks within the Ocean Reef Master Planned Community as follows:
 - a. Along lawfully altered shorelines adjacent to manmade canals, channels, and basins:
 - i. The combined area of all accessory structures may occupy up to ninety percent (90%) of the upland area of the required 20-foot shoreline setback.
 - ii. Accessory structures, including, but not limited to, pools, spas, and any screen enclosure over pools or spas shall be set back a minimum of five (5) feet from the MHW line. With the exception of docks and erosion control structures, an accessory structure other than those listed above not exceeding 18 inches in height as measured from grade may be permitted within the 20-foot shoreline

- setback if constructed to avoid any off-site discharge of stormwater from the subject parcel.
- c. Along unaltered or unlawfully altered shorelines located along natural non-dredged waterways and open water:
 - i. The combined area of all accessory structures may occupy up to seventy percent (70%) of the upland area of the required 50-foot shoreline setback.
 - ii. Accessory structures, including, but not limited to, pools, spas, and any screen enclosure over pools or spas shall be set back a minimum of ten (10) feet from the MHW line or the landward extent of the mangroves, whichever is farther landward, and shall be located in upland areas. With the exception of docks and erosion control structures, an accessory structure other than those listed above not exceeding 18 inches in height as measured from grade may be permitted within the 50-foot shoreline setback if constructed to avoid any off-site discharge of stormwater from the subject parcel.
 - c. All other shoreline setback provisions for principal and accessory structures within Policy 212.2.4 shall apply.
7. The development and redevelopment of nonresidential structures and uses within Ocean Reef Master Planned Community shall adhere to:
- a. the upland native vegetation clearing limits established in Policy 101.5.27; and
 - b. mitigation for the removal upland native vegetation, requiring payment to the Monroe County Environmental Land Management and Restoration Fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis; and
 - c. shall not impact wetland areas identified in Policies 102.1.1 or 204.2.2; and
 - d. shall require “required” landscaping material to be native species to Monroe County free of disease, invasive pests, and invasive fungi; and require the removal of and, not include the planting of, invasive exotic plant species. The landscape material size and quantity, installation standards, irrigation and maintenance criteria shall be based on criteria established by the Ocean Reef Master Planned Community. Landscape plans submitted must indicate what is “required” landscaping by Ocean Reef Master Planned Community.
8. The development and redevelopment of nonresidential structures shall be subject to the height limit and exceptions included within Policies 101.5.30 and 101.5.31.

Objective 112.2

Monroe County shall exempt or minimize its development standards for lawfully established residential dwelling units within the Ocean Reef master planned community, which self-governs its internal land development in order to provide uniform development standards and architectural guidelines to protect the distinct community character within the Ocean Reef Master Planned Community as specified in the policies below.

Policy 112.2.1

The following provisions shall control and supersede existing provisions of the Monroe County Year 2030 Comprehensive Plan for lawfully established residential dwelling units’ properties within the Ocean Reef master planned community:

1. In recognition of residential dwelling units previously permitted prior to the adoption of any Monroe County Comprehensive Plan, notwithstanding Policy 101.5.25, parcels–designated Residential Low (RL) on the Future Land Use Map (FLUM) with a lawfully established residential dwelling unit, shall have a minimum land use open space requirement of fifty percent (50%).

VI. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.

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

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

Policy 101.3.1: Monroe County shall maintain a Permit Allocation System for new residential development known as the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall limit the number of permits issued for new residential dwelling units. The ROGO allocation system shall apply within the unincorporated area of the county, excluding areas within the county mainland and within the Ocean Reef planned development (Future development in the Ocean Reef planned development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter recognized and issued by the Department of Community Affairs). New residential dwelling units included in the ROGO allocation system include the following: affordable housing units; market rate dwelling units; mobile homes; and institutional residential units (except hospital rooms)...

Objective 101.5: Monroe County shall regulate future development and redevelopment to maintain and enhance the character of the community and protect natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

Policy 101.5.27: All development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use Tier Overlay Maps and the wetland requirements in Policy 102.1.1. The clearing limits of upland native vegetation for properties in the Ocean Reef planned development shall be limited to 40 percent. Except as defined in Policy 101.11.2, clearing of upland native vegetative areas in the Tiers I, II, III and Tier III-A shall be limited to the following percentages or maximum square footage...

Policy 105.2.1: Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows...

Policy 105.1.4: Within one (1) year after the adoption of the 2030 Comprehensive Plan, Monroe County shall prepare redevelopment standards and within one year afterwards, shall amend the LDC to address the large number of nonconforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted

that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.

Policy 205.1.1: The County shall establish the following criteria, at a minimum, to use when designating Tiers:

* * * * *

5. Lands within the Ocean Reef planned development shall be excluded from any Tier designation.

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

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

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection, treatment, and disposal facilities;
 - 3. Solid waste treatment, collection, and disposal facilities;
 - 4. Key West Naval Air Station and other military facilities;
 - 5. Transportation facilities;
 - 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 8. City electric service and the Florida Keys Electric Co-op; and
 - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

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

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

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

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

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

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

VII. PROCESS

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

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

VIII. STAFF RECOMMENDATION

Staff recommends approval with changes of the proposed amendment.