

DEVELOPMENT REVIEW COMMITTEE

-  
Friday, February 15, 2013

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Friday, February 15, 2013, beginning at 10:30 AM at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources  
Mike Roberts, Sr. Administrator, Environmental Resources  
Joe Haberman, Planning & Development Review Manager  
DOT Representative  
Steve Zavalney, Captain, Fire Prevention  
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director  
Jerry Smith, Building Official  
Mayte Santamaria, Assistant Planning Director  
Mitch Harvey, Comprehensive Plan Manager  
Rey Ortiz, Planning & Biological Plans Examiner Supervisor  
Emily Schemper, Sr. Planner  
Steven Biel, Sr. Planner  
Barbara Bauman, Planner  
Tim Finn, Planner  
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

-

New Items:

The DRC will be reviewing the following:

- Housing Element  
[Housing Element - Proposed Amendments - DRC.pdf](#)
- Potable Water Element  
[Potable Water Element - Proposed Amendments - DRC.pdf](#)
- Sanitary Sewer Element  
[Sanitary Sewer Element - Proposed Amendments - DRC.pdf](#)
- Solid Waste Element  
[Solid Waste Element - Proposed Amendments - DRC.pdf](#)
- Drainage Element  
[Drainage Element - Proposed Amendments - DRC.pdf](#)
- Natural Groundwater Aquifer Recharge Element  
[Natural Groundwater-Aquifer Recharge - Proposed Amendments - DRC.pdf](#)
- Glossary (new)  
[Glossary - Proposed Amendments - DRC.pdf](#)

ADJOURNMENT

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

**Monroe County Comprehensive Plan Update**

underline = proposed new text

strike-through = proposed deletions

**3.6 Housing****GOAL 601**

Monroe County shall adopt programs and policies to facilitate access by all current and future residents to adequate and affordable housing that is safe, decent, and structurally sound, and that meets the needs of the population based on type, tenure characteristics, unit size and individual preferences. ~~[9J-5.010(3)(a)]~~ [§163.3177(6)(f)1. and 3., F.S.]

**Objective 601.1**

~~By January 4, 1998,~~ Monroe County shall ~~complete initial implementation of~~ implement the following defined policies, ~~including establishment of a structured monitoring program,~~ to reduce ~~by 50% the current~~ estimated affordable housing need for households in the moderate, median, low, and very low ~~and low~~ income classifications (HUD definitions) ~~2002.~~ ~~[9J-5.010(3)(b).~~ [§163.3177(6)(f)1 and 3]

**Policy 601.1.1**

~~Within one year of the effective date of this Plan, Monroe County shall complete an assessment of affordable and special housing needs utilizing detailed housing data from the 1990 U.S. Census and an assessment of target areas and population segments representing priority affordable housing needs as a basis for establishing specific quantifiable near and long term affordable housing programs. Results of the assessment shall be used to update the Comprehensive Plan's affordable housing policies.]~~

**Policy 601.1.2**

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations which establish a point system in conjunction with the permit allocation system for apportioning future development on an annual basis. The point system shall assign a positive point rating to affordable housing projects.

**Policy 601.1.34**

~~In conjunction with the Monroe County Housing Authority, assign Housing planning responsibilities within the County Planning Department by January 4, 1998. Examples of the Housing planning duties would include providing informational and technical assistance to the public on affordable housing programs, completing housing inventories and assessments, working to increase local utilization of state and federal funding programs, coordinating redevelopment plans, and serving as a liaison to the Monroe County Housing Authority. The County shall develop a Comprehensive Housing Affordability Strategy (CHAS) through the Planning Department in compliance with U.S. HUD guidelines in conjunction with the State of Florida CHAS, no later than January 1997.~~

**Policy 601.1.4**

Expand the County's participation in Federal and State housing assistance programs to rehabilitate owner and rental housing for low and moderate income

residents by seeking grants, loans, and technical assistance in conjunction with the Monroe County Housing Authority by ~~January 4, 1998. [9J-5.010(3)(e)7]~~ May 1, 2021. [§163.3177(6)(f)3., F.S.]

**Policy 601.1.5**

~~By January 4, 1998, Monroe County shall define programs to maximize opportunities for private sector involvement in the formation of community-based non-profit organizations to actively participate in the provision of low and moderate income affordable housing. [9J-5.010(3)(e)1]~~

**Policy 601.1.6**

~~By the effective date of this Plan, the Monroe County Land Authority shall compile a list of buildable properties owned or targeted for acquisition by the Land Authority which potentially could be donated or made available for affordable housing. This list will be updated annually and made available to the public. The guidelines established in Policies 601.1.13 and 601.1.14 shall be considered in the formulation of this list. [9J-5.010(3)(b)1, 3 & 5]~~

**Policy 601.1.7**

All affordable housing projects which receive development benefits from Monroe County, including but not limited to affordable housing points in the Permit Allocation System and donations of land, shall be required to maintain the project as affordable on a long-term basis pursuant to deed restrictions or other mechanisms specified in the ~~Land Development Regulations~~land development regulations, and administered by Monroe County or the Monroe County Housing Authority. For the purposes of developing such ~~Land Development Regulations~~land development regulations, the following guidelines shall apply:

~~“Moderate Income” is the amount which represents one hundred-twenty~~Affordable housing owner occupied, moderate income, means a dwelling unit occupied only by a household whose total household income does not exceed 160 percent (120%) of the median annual/monthly household income for Monroe County.the county

~~“Low Income” is the amount which represents eighty~~Affordable housing owner occupied, low income, means a dwelling unit occupied only by a household whose total household income does not exceed 80 percent (80%) of the median annual/monthly household income for Monroe Countythe county.

~~“Very Low Income” is the amount which represents fifty~~Affordable housing owner occupied, very low income, means a dwelling unit occupied only by a household whose total household income does not exceed 50 percent (50%) of the median annual/monthly household income for Monroe Countythe county.

~~“Cost burdened” describes a household which pays a~~ Affordable rental housing, moderate income, means a dwelling unit whose monthly rent or monthly mortgage payment, not including taxes and insurance that exceeds thirty utilities, does not exceed 30 percent (30%) of the amount that represents 120 percent of the monthly median annual adjusted household income for Monroe County, the county.

Affordable rental housing, low income, means a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of the amount that represents 80 percent of the monthly median adjusted household income for the county.

Affordable rental housing, very low income, means a rental dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of the amount that represents 50 percent of the monthly median adjusted household income for the county.

**Policy 601.1.8**

If Monroe County funding, or if County-donated land is to be used for any affordable housing project, alternative sites shall be assessed according to the following guidelines:

1. The location of endangered species habitat, as specified on the most recent Protected Animal Species maps. Sites within known, probable, or potential threatened or endangered species habitat shall be avoided.
2. The environmental sensitivity of the vegetative habitat. The habitat sensitivity shall be determined according to the ranking specified in the Environmental Design Criteria section of the Land Development Regulations Code. Unless no feasible alternative is available, disturbed sites shall be selected.
3. The level of service provided in the vicinity for all public facilities. Areas which are at or near capacity for one or more public facility should be avoided.
4. Proximity to employment and retail centers. Sites within five miles of employment and retail centers shall be preferred. ~~[9J-5.010(3)(e)(5)]~~

**Policy 601.1.9**

~~The County Growth Management Division and the County Housing Authority~~ Monroe County shall identify funding sources that could be made available to support community-based non-profit organizations such as Habitat for Humanity in their efforts to provide adequate housing at a cost affordable to low-income residents. ~~[9J-5.010(3)(e)(1)]~~

**Policy 601.1.10**

~~The Monroe~~ County shall ~~strive~~continue to participate in the State Housing Incentives Partnership program as specified in the 1992 William Sadowski Affordable Housing Act. ~~By January 4, 1997~~ Monroe County ~~will adopt a Local Housing Assistance Ordinance which establishes a local housing partnership; a local housing trust fund; administrative responsibilities; and a Local Housing Advisory Committee. Thereafter, the County shall write and implement~~also continue to maintain a Local Housing Assistance Plan and ~~a Local Affordable Housing Incentives Plan~~Incentive Strategies as specified in the Act ~~and recommended by the Monroe County Affordable Housing Advisory Committee.~~

**Policy 601.1.11**

~~By the effective date of this Plan,~~ Monroe County shall ~~adopt Land Development Regulations which provide that twenty percent (20%) of residential building permits will allocate~~ at least 71 units, or as may be ~~reserved~~established by the State of Florida, pursuant to Administration Commission Rules, for single or multi-family affordable housing. ~~(See Technical Document, Section 7.2.1 and Future Land Use Policy 101.2.4)~~ Affordable housing eligible for this separate allocation must meet the criteria established in the Land Development ~~Regulations. [9J-5.010(3)(e)5] Code.~~

**Policy 601.1.12**

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~maintain land development regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

**Policy 601.1.13**

The Land Authority ~~will coordinate with developers of~~may acquire land for affordable housing ~~projects when land acquisition proposals or donation requests are submitted to the Land Authority. The Land Authority will acquire and donate land for~~ projects if they are deemed appropriate and acceptable by the Land Authority as meeting the intent of:

1. the affordable housing provisions in the Land Authority's ~~charter~~enabling legislation;
2. the goals, objectives and policies of this Plan; and
3. the land use designations specified on the Future Land Use Map and in the Monroe County Land Development Regulations. ~~[9J-5.010(3)(b)1 & 3]~~

**Policy 601.1.14**

The Land Authority shall not list or ~~donate~~acquire lands as potential affordable housing sites if the lands exhibit any of the following characteristics:

1. Any portion of the land lies within a known, probable, or potential threatened or endangered species habitat, as specified on the most recent Protected Animal Species Maps; or
- ~~2. Any portion of the land within the area to be cleared contains Habitat Type/Habitat Quality Group 3 or 4, as specified in Policy 101.5.4, Section 6. [9J-5.010(3)(b)1 & 3]~~
2. The land has a Tier designation other than Tier III.

**Policy 601.1.15**

Monroe County shall annually monitor the eligibility of the occupants of housing units which have received special benefits, including but not limited to those issued under the affordable housing provisions specified in the Land Development RegulationsCode or those issued through the Permit Allocation System. If occupants no longer meet the eligibility criteria specified in **Policy 601.1.11** and in the Land Development Regulations, and their eligibility period has not expired, then Monroe County may take any one or a combination of the following actions:

1. require the payment of impact fees, if they were waived;
2. proceed with remedial actions through the Department of Code Enforcement, as a violation of the Monroe County Code;
3. take civil court action as authorized by statute, common law, or via agreement between an applicant and the County; and/or
4. require the sale or rental of the unit(s) to eligible occupants.

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**Objective 601.2**

Monroe County shall adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents. ~~[9J-5.010(3)(b)1]~~ [§163.3177(6)(f)1. and 3, F.S.].

**Policy 601.2.1**

Public-private partnerships shall be encouraged to improve coordination among participants involved in housing production. In these efforts, the County will establish a comprehensive central depository for housing information located at the Monroe County Housing Authority and Growth Management Division for the coordination and cooperation among public and private agencies which collect and use housing data. ~~[9J-5.010(3)(e)1]~~

**Policy 601.2.2**

~~By January 4, 1998, Monroe County shall produce a Planning Procedures Manual to ensure the timely dissemination and explanation of land development regulations. Thereafter, the Manual will be revised within three months of the date when subsequent Plan or Land Development Regulations amendments are approved. [9J-5.010(3)(e)4]~~

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**Objective 601.3**

~~By January 4, 1998,~~ Monroe County shall ~~increase~~continue implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites. ~~[9J-5.010(3)(b)2 [§163.3177(6)(f)1. and 3, F.S.]~~

**Policy 601.3.1**

Monroe County will ~~establish ongoing procedures for monitoring housing conditions including coordination~~coordinate with other County agencies to ~~prepare a housing condition update report by 1998. The housing condition reports will identify geographic areas of special concern based on observed conditions including inadequate sanitation, structural hazards, hazardous wiring, plumbing and mechanical equipment or other conditions endangering or potentially endangering the life, health, safety and welfare of the population.~~monitor housing conditions. Standards for evaluation of the structural condition of the housing stock are summarized below: ~~[9J-5.010(3)(e)3]~~

~~4.~~ Sound: Most housing units in this category are in good condition and have no visible defects. However, some structures with slight defects are also included.

~~2.~~ Deteriorating: A housing unit in this category needs more repair than would be provided in the course of regular maintenance, such as repainting. A housing unit is classified as deteriorating when its deficiencies indicate a lack of proper upkeep.

~~3.~~ Dilapidated (Substandard): A housing unit in this category indicates that the unit can no longer provide safe and adequate shelter or is of inadequate original construction.

**Policy 601.3.2**

The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods. ~~[9J-5.010(3)(e)2 and 4]~~

**Policy 601.3.3**

Monroe County will encourage expanded use of HUD rental rehabilitation programs by the Housing Authority to facilitate increased private reinvestment in housing ~~(including historically significant housing)~~ by providing information, technical assistance in applications for federal and ~~state~~State funding, or provide local public funds for rehabilitation purposes. ~~[9J-5.010(3)(e)4 and 7]~~

**Policy 601.3.4**

~~Identification and improvement of historically significant housing will be encouraged by the Planning Department through the coordination of public~~

~~information programs (See Policies 601.1.3, 601.2.2) defining benefits and improvement funding sources. [9J-5.010(3)(e)3]~~

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**Objective 601.4**

~~By January 4, 1998, Monroe County shall implement~~maintain implementation~~ efforts to ensure that the Land Development Regulations~~land development regulations~~ do not prohibit sites in residential areas for the location of group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services. ~~(9J-5.010(3)(b)4)(DOH).~~~~

**Policy 601.4.1**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations~~maintain land development regulations~~ which permit group homes and foster care facilities (homes of six or fewer residences which otherwise meet the definition of Community Residential Home pursuant to §419.001(1)(a), F.S.) licensed or funded by the Florida Department of Health and Rehabilitative Services~~DOH~~ in all land use categories which permit residential development where consistent with other goals, objectives, and policies of this Comprehensive Plan. ~~[9J-5.010(3)(e)6]~~~~

**Policy 601.4.2**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which include locational criteria for the establishment of housing for the elderly and institutional housing such as proximity to health care facilities and services, accessibility to public transportation and proximity to facilities providing essential goods and services as well as compatibility with adjacent land uses. ~~[9J-5.010(3)(e)6]~~~~

**Policy 601.4.3**

The County shall identify and evaluate alternative strategies to expand subsidized housing programs for elderly in Monroe County through coordination with the Monroe County Housing Authority, and encourage their development by private, community-based non-profit, or public entities, as well as public/private partnerships. ~~[9J-5.010(3)(e)1]~~

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**Objective 601.5**

The County shall provide uniform and equitable treatment for persons and businesses displaced by state and local government programs, consistent with F.S. 421.55. ~~[9J-5.010(3)(b)6]~~

**Policy 601.5.1**

By ~~January 4, 1997~~ May 1, 2014, Monroe County shall adopt uniform relocation standards for displaced households. ~~[9J-5.010(3)(e)8]~~

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**Objective 601.6**

~~By January 4, 1998, Monroe County shall formulate housing implementation programs corresponding to each of the specific objectives defined within this element, including:~~

- ~~1. the expansion of public information assistance;~~
- ~~2. incentive programs, to be implemented in conjunction with the Permit Allocation System, to promote the development of affordable and elderly housing; and~~
- ~~3. the elimination of substandard housing. [9J-5.010(3)(b)7]~~

**Policy 601.6.1**

~~By January 4, 1998, Monroe County shall establish monitoring criteria and procedures for housing implementation programs to be formulated as a result of the various objectives and policies set forth in this plan. [9J-5.010(3)(b)7]~~

underline = proposed new text  
 strike-through = proposed deletions

### 3.7 POTABLE WATER

#### **GOAL 701**

Monroe County shall support FCAA in the fulfillment of their statutory obligation and authority to provide for a safe, high quality and adequate supply, treatment, distribution, and conservation of potable water to meet the needs of present and future residents. ~~[9J-5.011(2)(a)]~~ [§163.3177(6)(c), F.S., §163.3177(6)(c)2., F.S.]

#### **Objective 701.1**

Monroe County shall ensure that at the time a development permit is issued, adequate potable water supply, treatment, and distribution facilities are available to support the development at the adopted level of service standards concurrent with the impacts of such development. ~~[9J-5.011(2)(b)2]~~ [§163.3177(6)(c), F.S.,]

#### **Policy 701.1.1**

Monroe County hereby adopts the following level of service standards to achieve Objective 701.1 and shall use these standards as the basis for determining facility capacity and the demand generated by a development. ~~[9J-5.011(2)(e)2d]~~, [§163.3180(1)(b)., F.S., §163.3180(2)., F.S., §163.3177(3)(a)3., F.S.]

#### **Level of Service Standards**

1. Quantity:
 

<del>Residential LOS</del>	<u>66.50 gal./capita/day</u>
<del>Non-Residential LOS</del>	<u>0.35 gal./sq. ft./day</u>
<del>Overall LOS</del>	<u>132.00100 gal./capita/day*</u> (Ord. 021-2009)

Equivalent Residential Unit                      149.00 gallons per day  
 (2.24 average persons per household x 66.5 gallons/capita/day)

\*Note: Based on historical data provided by FCAA, December 2013
  
2. Minimum Pressure:  
 20 PSI at customer service
  
3. Minimum Potable Water Quality:  
 Shall be as defined by ~~the U.S. Environmental Protection Agency. (Part 143 National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)Chapter 62-528 F.A.C.~~

**Policy 701.1.23**

~~Monroe County will encourage FKAA to pursue a goal of decreasing unaccounted for water to 13 percent or lower by replacing deficient transmission and distribution lines and implementing meter improvements by the year 2005. Obtaining this goal will result in the following projected potable water consumption: [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]~~

<del>Residential Consumption</del>	<del>57.00 gal./capita/day</del>
<del>Non-Residential Consumption</del>	<del>0.29 gallons/sq ft/day</del>
<del>Overall Consumption</del>	<del>86.00 gal./capita/day</del>

**Policy 701.1.3**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations~~maintain land development regulations which provide a Concurrency Management System (See Capital Improvements **Policy 1401.4.5**). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate potable water supply, treatment, and distribution facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. ~~[9J-5.011(2)(c)1],~~ [§163.3180(1)(b)., F.S., §163.3180(2)., F.S., §163.3177(3)(a)3., F.S., §163.3177(6)(c)., F.S.]

**Policy 701.1.4**

The Concurrency Management System adopted in accordance with **Policy 701.1.3** shall specify procedures for updating facility demand and capacity information, utilizing data provided by the FKAA as potable water facilities are installed or upgraded. ~~[9J-5.011(2)(c)1]~~[§163.3180(2)., F.S.]

**Policy 701.1.5**

Monroe County shall amend the potable water quantity level of service upon attainment of the goal level of service as indicated in **Policy 701.1.2**.

**Policy 701.1.6**

Monroe County shall implement a concurrency management system that is consistent with the South Florida Water Management District Lower East Coast Regional Water Supply Plan and Florida Keys Aqueduct Authority 20-year Water System Capital Improvement Master Plan. (Ord. 022-2009)

**Policy 701.1.7**

Monroe County shall prepare and maintain a 10-year Water Supply Work Plan that identifies alternative water supply projects, traditional water supply projects, conservation, and reuse necessary to meet the Monroe County Unincorporated Area water supply needs, consistent with the South Florida Water Management District Lower East Coast Regional Water Supply Plan and the Florida Keys

Aqueduct Authority 20-year Water System Capital Improvement Master Plan.  
(Ord. 022-2009) [\[§163.3177\(6\)\(c\)3., F.S.\]](#)

**Policy 701.1.8**

Monroe County shall update the 10-year Water Supply Work Plan every 5 years or within 18 months after the governing board of the South Florida Water Management District approves an updated regional water supply plan. (Ord. 022-2009) [\[§163.3177\(6\)\(c\)3., F.S.\]](#)

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**Objective 701.2**

In coordination with Monroe County, the FCAA shall:

1. ~~maintain a five year schedule of capital improvement needs for potable water supply, treatment and distribution, as identified through and in accordance with Policy 701.2.2;~~
2. ~~identify responsible parties and agencies; and~~
3. ~~identify time frames for completion.~~
4. ~~The schedule will be updated annually consistent with Capital Improvements Policy 1401.1.2, and in accordance with the FCAA's annual budget process. [9J-5.011(2)(b)1 and 2]~~

**Policy 701.2.1**

~~The Florida Keys Aqueduct Authority (FCAA) shall continue to address the future needs of potable water supply, treatment and distribution facilities and evaluate options to satisfy these needs. FCAA and Monroe County shall evaluate and rank proposed capital improvement projects, on the basis of delivery cost and other factors, considered for inclusion in the five year schedule of capital improvement needs in accordance with the criteria contained in Policy 701.2.2 as well as the Goals, Objectives, and Policies of the Comprehensive Plan. [9J-5.011(2)(c)1 and 2]~~

**Policy 701.2.2**

~~Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines: [9J-5.011(2)(c)1 and 2]~~

~~**Level One** – Whether the project is consistent with the FCAA's enabling legislation.~~

~~**Level Two** – Whether the project is needed to protect public health and safety, provide facilities and services, or to preserve or achieve full use of existing facilities.~~

~~**Level Three** – Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service, or promotes in-fill development.~~

~~**Level Four** – Whether the project represents a logical extension of facilities and services within a designated service area.~~

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**Objective 701.3**

Monroe County ~~and the FKAA~~ shall work cooperatively with the FKAA, South Florida Water Management District (SFWMD), Miami-Dade County, and the Cities of Layton, Key Colony Beach ~~and, Marathon~~, Key West ~~and the Village of Islamorada~~ to ensure the protection and availability of an adequate raw water supply at the Florida City Wellfield to meet the needs of Monroe County through the year 2010. ~~[§163.3177(6)(h)1., F.S.]~~

**Policy 701.3.1**

~~In coordination with~~ Monroe County, ~~the~~ shall work closely with FKAA ~~shall, as necessary, renew in their renewal of~~ the Florida City Wellfield consumptive use permit issued by SFWMD. ~~Alternative~~ The County shall also encourage the use of alternative water sources such as reverse osmosis, cisterns and water re-use shall be evaluated and ~~the most feasible solution~~ implemented in the event that the necessary withdrawals from the Biscayne Aquifer are limited. ~~[9J-5.011(2)(c)1; 9J-5.013(2)(c)4].~~

**Policy 701.3.2**

~~The~~ Monroe County ~~Growth Management Division shall provide technical assistance to~~ shall coordinate with the FKAA for the consumptive use permitting process. This ~~technical assistance~~ coordination shall include providing information regarding future land use growth patterns, population trends, growth management policies and demand projections to ensure consistency between the FKAA permitting process and the Monroe County Comprehensive Plan. ~~[9J-5.011(2)(c)1; 9J-5.013(2)(c)4]~~

**Policy 701.3.3**

~~The~~ Monroe County ~~Growth Management Division~~ shall annually supply FKAA and SFWMD with the Concurrency Management Report prepared in accordance with Capital Improvements **Policy 1401.4.9**. These annual 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. ~~[9J-5.011(2)(c)1; 9J-5.013(2)(c)4].~~

**Policy 701.3.4**

Monroe County shall ~~continue to reserve the right to review~~ coordinate and comment provide comments on the SFWMD plans, such as water supply, cost, needs and sources, and water conservation plans, as they are developed.

**Policy 701.3.5**

Monroe County shall continue to coordinate with the Cities of Layton, Key Colony Beach ~~and, Marathon~~, Key West, the Village of Islamorada, and FKAA as necessary to facilitate ~~systemwide~~ system-wide compatibility on such potable water-related issues as potable water levels of service, consumption projections, water conservation programs, and emergency management.

**Objective 701.4**

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.—~~[9J-5.011(2)(b)5; 9J-5.013(2)(b)2]~~ [§163.3177(6)(c)., F.S., §163.3177(6)(h)1., F.S.]

**Policy 701.4.1**

Protection of the Florida City Wellfield shall be accomplished through ~~continued implementation of the~~ Miami-Dade County Wellfield Protection Ordinance and the SFWMD Water Supply Policy Document. ~~[9J-5.011(3)(e)1 and 4; 9J-5.013(2)(e)9]~~

**Policy 701.4.2**

~~By January 4, 1998,~~ Monroe County shall ~~seek~~maintain an interlocal agreement with FCAA and Miami-Dade County. This agreement shall provide Monroe County with an opportunity to comment on land use and regulatory issues related to the Florida City Wellfield, aquifer and aquifer recharge area. It shall set forth procedures for review of land use and regulatory activities identified as having potentially significant impacts on the aquifer recharge and water supply systems especially concerning hazardous waste generation. Criteria for determination of significant impacts shall be included in the interlocal agreement. ~~[9J-5.011(3)(e)1 and 4; 9J-5.013(2)(e)9]~~

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**Objective 701.58**

~~FKAA shall supply adequate operating pressures in the transmission and distribution system to meet the adopted level of service standard specified in Policy 701.1.1(2) for the customer service connection. [9J-5.011(2)(b)1]~~

**Policy 701.5.1**

~~FKAA shall continue to maintain the transmission network and construct improvements to continue to provide a minimum operating pressure of 20 PSI at customer service. [9J-5.011(2)(e)2]~~

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**Objective 701.6**

~~The FKAA shall continue to implement provisions to increase potable water storage through the Aquifer Storage Recovery System. [9J-5.011(2)(b)2]~~

**Policy 701.6.1**

~~By January 4, 1997, Monroe County shall, by resolution, support the development by FKAA of a total system storage capacity equal to 10 days of treated water flow at 50% of the annual average daily flow by the year 2005. [9J-5.011(2)(c)2d]~~

**Policy 701.6.2**

~~By January 4, 1997 Monroe County shall, by resolution, support the FKAA in their efforts to continue to develop an Aquifer Storage Recovery System, to aid in the provision of adequate storage capacity for emergency purposes. [9J-5.011(2)(c)1 and 2]~~

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**Objective 701.7**

~~The FKAA shall continue to provide emergency service during electric power outages to the greatest extent feasible. [9J-5.011(2)(b)1]~~

**Policy 701.7.1**

~~In the event of a power outage, the emergency diesel pumps will deliver 15.6 MGD at 125 PSI during emergency conditions while the treatment plant will be operated by a 1,000 KVA diesel generator. [9J-5.011(2)(c)(2)d]~~

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**Objective 701.8**

~~FKAA shall improve its capacity coordinate with FKAA to ensure adequate capacity is available to provide for fire flows in the areas outlined in Policy 701.8.1 to ensure the for protection of the public health, welfare and safety. [9J-5.011(2)(b)-1][§163.3177(3)(a)3., F.S.]~~

**Policy 701.8.1**

~~By the year 2000, Monroe County shall coordinate with the FKAA, in accordance with its Capital Improvements Program, shall to continue to upgrade upgrading the distribution system toward the goal of providing fire flow capabilities in the following areas as funds are available:~~

Proposed Fire Flow Areas:

1. Key West and Stock Island (current fire flow areas)
2. Everywhere on USU.S. 1, except non-developable areas
3. Ocean Reef
4. Key Colony Beach
5. Layton
6. Marathon
7. Duck Key
8. Tavernier

Proposed Fire Flow Requirements by Land Use Zone:

- |   |           |
|---|-----------|
| 1. Suburban Residential   | 750 GPM   |
| 2. Mobile Home, Recreational Vehicle  | 1,500 GPM |
| <del>3.</del> <u>3.</u> Urban Commercial, Suburban Commercial, and Commercial | 2,000 GPM |

All commercial facilities not along USU.S. 1 shall provide "on site" fire abatement, as currently required. In all other areas the FKAA aqueduct system shall not be considered even as a future primary fire abatement source. However, all line upgrades shall be designed and constructed so as to provide approximately 250 GPM to extreme locations. ~~[9J-5.011(2)(e)-1 and 2]~~

**Policy 701.8.2**

~~By January 4, 1997, the Monroe County Office of the Fire Marshall, in accordance with the FKAA, shall develop fire districts for subsequent implementation if feasible. [9J-5.011(2)(e)-1]~~

**Policy 701.8.3**

~~Since fire flow improvements in the areas identified by Policies 701.8.1 and 701.8.2 will result in significant fire insurance premium reductions for affected areas, charges for fire flow improvements in these areas shall be charged to these~~

areas only, as opposed to general system absorption of such charges. [9]-  
5.011(2)(e)1]

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**Objective 701.9**

Monroe County shall continue to assist the FKAA with water conservation efforts and assist in implementing the FKAA's Water Conservation Plan consistent with SFWMD's Water Shortage Plan and Water Conservation Program. The County shall implement **Policies 701.9.1** to further conserve potable water use. ~~[9J-5.011(2)(b)4; 9J-5.013(2)(b)2]~~

**Policy 701.9.1**

~~By January 4, 1997, the Monroe County Growth Management Division, with input from the FKAA and SFWMD, and other affected organizations shall adopt Land Development Regulations, which implement a xeriscape landscape ordinance, a permanent irrigation ordinance, and plumbing fixture efficiency standards consistent with the mandatory elements of the FKAA Water Conservation Plan and the SFWMD Model Landscape Code for South Florida. Prior to the adoption of the xeriscape landscape ordinance, permanent irrigation ordinance and plumbing efficiency standards, drafts of these ordinances and standards will be submitted to the SFWMD for review and comment, and when applicable the recommendations will be incorporated in the water conservation measures. [9J-5.011(2)(e)3; 9J-5.013(2)(e)4]~~ May.1.2014 Monroe County shall implement a landscape ordinance consisting of water conservation measures which may include Florida Friendly provisions.

**Policy 701.9.2**

During the development of updated ~~Land Development Regulations~~land development regulations in accordance with **Policy 701.9.1**, ~~the Monroe County Growth Management Division and shall coordinate with the FKAA~~ shall to evaluate building codes, utility regulations, landscaping ordinances, and public education programs for implementation of water conservation measures. ~~[9J-5.011(2)[§163.3177(6)(c)3; 9J-5.013(2)(e)4], F.S.]~~

**Policy 701.9.3**

~~In Monroe County shall coordinate with the FKAA in~~ accordance with its~~their~~ Water Conservation Plan, ~~the FKAA shall, with input from Monroe County,~~ continue to implement a leak detection program and a conservation rate structure. Monroe County ~~and shall coordinate with~~ the FKAA, ~~with input from~~ the SFWMD, and other affected organizations, shall to formulate and initiate implementation of a joint public education program for water conservation. ~~[9J-5.011(2)(e)3; 9J-5.013(2)(e)4]~~

**Policy 701.9.4**

Monroe County ~~and the FKAA~~ shall continue to comply with SFWMD water use restrictions including all Phase I and Phase I (modified) water use restrictions when water shortages are declared by the SFWMD. ~~[9J-5.011(2)(e)3; 9J-5.013(2)(e)4]~~

**Policy 701.9.5**

Monroe County shall coordinate with the Florida Department of Health and Rehabilitative Services (HRS(DOH)) to permit utilization of greyreclaimed water storage systems and utilization for all exterior irrigation and flushing purposes. Upon receipt of authorization ~~from HRS~~, policies shall be developed to implement the use of greyreclaimed water storage systems where economically feasible. ~~[9J-5.011(2)(e)3; 9J-5.013(2)(e)4]~~

**Policy 701.9.6**

Monroe County shall permit and encourage rainwater storage facilities for all household uses such as irrigation, car, patio, and boat washing, at a minimum. ~~[9J-5.011(2)(e)3; 9J-5.013(2)(e)4]~~ [§163.3177(6)(c), F.S.]

**Policy 701.9.7**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (See Future Land Use Objectives 101.2, 101.3, and 101.5 and supporting policies). In developing the Point System, Monroe County shall~~ By May 1, 2015 Monroe County shall evaluate the permit allocation and point system to consider assigning a positive point rating to developments utilizing alternative water collection systems ~~such as cisterns, grey water reuse systems and wastewater treatment plant effluent reuse~~ which conserve potable water supply. ~~[9J-5.011(2)(e)3; 9J-5.013(2)(e)4]~~

**Policy 701.9.8**

As the water conservation measures set forth in **Policies 701.9.1** through **701.9.7** are implemented, Monroe County shall re-evaluate the adopted potable water levels of service through the evaluation and appraisal report process ~~as set forth in Chapter 163.3191 F.S.~~

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**Objective 701.10**

In coordination with the FKAA, Monroe County shall continue to maximize the use of existing facilities and discourage urban sprawl through implementation of Potable Water Policies 701.10.1 through 701.10.5. ~~[9J-5.011(2)(b)3][§163.3177(6)(c)2., F.S.]~~

**Policy 701.10.1**

~~By January 4, 1998, Monroe County shall annually evaluate existingproposed FKAA policies related to identification and adoption of capital improvements. Improvements consistent with achieving Objective 701.10 shall be incorporated into Monroe County's annual Concurrency Management Report prepared in accordance with Capital Improvements Policy 1401.4.9. [9J-5.011(2)(c)1]~~

**Policy 701.10.2**

~~All FKAA facility expansions shall be consistent with the Future Land Use Map, the Goals, Objectives, and Policies of the Comprehensive Plan, and adopted levels of service. [9J-5.011(2)(c)1]~~

**Policy 701.10.3**

~~Monroe County shall review and comment on the FKAA Capital Improvements Plan\_ for Comprehensive Plan consistency prior to inclusion in the annual Concurrency Management Report prepared in accordance with Capital Improvements Policy 1401.4.9. [9J-5.011(2)(c)1]update of the County's CIE Schedule.~~

**Policy 701.10.4**

~~The FKAA, through its fee schedule, shall continue to assess charges for new units for meter fees, tapping fees, service charges and water main extension costs in order to promote maximizing the use of existing facilities and discouraging urban sprawl. [9J-5.011(2)(c)1]~~

**Policy 701.10.5**

~~The FKAA shall continue its policy of not providing for water connection services in National Wildlife Refuge areas or hardwood hammock areas within its jurisdiction as specified in FKAA's enabling legislation and the FKAA Policy and Procedure Handbook, Chapter 48-7. [9J-5.011(2)(c)1]~~

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**Monroe County Comprehensive Plan Update**

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**3.9 SANITARY SEWER**

**GOAL 901**

Monroe County shall provide for the adequate, economically sound collection, treatment, and disposal of sewage which meets the needs of present and future residents while ensuring the protection of public health, and the maintenance and protection of ground, nearshore, and offshore water quality. ~~[9J-5.011(2)(a)]~~ [\[§163.3177\(6\)\(c\), F.S., §163.3180\(2\), F.S.\]](#)

**Objective 901.1**

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. ~~[9J-5.011(2)(b)1 and 2]~~ [and annually update the five-year schedule of capital needs accordingly. \[§163.3180\(1\)\(b\), F.S., §163.3180\(2\), F.S., §163.3177\(6\)\(c\), F.S.\]](#)

**Policy 901.1.1**

Monroe County shall ensure that at a time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. ~~[9J-5.011(2)(e)2]~~ [\[§163.3180\(1\)\(b\), F.S., §163.3180\(2\), F.S., §163.3177\(6\)\(c\)2., F.S.\]](#)

**Permanent Level of Service Standards**

- (A) The permanent level of service standards for wastewater treatment in Monroe County are as ~~provided in House Bill 1993 adopted by the 1999 Legislature follows:~~

	Mg/L			
	BOD	TSS	TN	TP
On-site Systems (BAT) Community Wastewater Collection and Treatment Systems	10	10	10	1
Design flows less than or equal to 100,000 gpd (BAT)	10	10	10	1
Design flows greater than 100,000 gpd (AWT)	5	5	3	1

Source: Monroe County Sanitary Wastewater Master Plan, 2000.

BOD: Biochemical Oxygen Demand  
 TSS: Total Suspended Solids  
 TN: Total Nitrogen  
 TP: Total Phosphorus  
 BAT: Best Available Technology  
 AWT: Advanced Wastewater Technology

- (B) The County and the State shall actively engage in an educational program to reduce demand for phosphate products.

- (C) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper septage disposal.

**Policy 901.1.2**

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~maintain land development regulations which provide a Concurrency Management System (See Capital Improvements **Policy 1401.4.5**). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate sanitary wastewater treatment and disposal facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. ~~[9J-5.011(2)(e)2]~~ §163.3180(2), F.S., F.S., §163.3177(6)(c), F.S.]

**Policy 901.1.3**

All improvements for replacement, expansion, or increase in capacity of sanitary wastewater treatment and disposal facilities shall be compatible with the adopted level of service standards for the facilities. ~~[9J-5.011(2)(b)1]~~ [§163.3177(6)(c)2., F.S.]

**Policy 901.1.4**

Issuance of development permits shall be contingent upon the submission of permits demonstrating compliance with applicable federal, state, and local permit regulations for wastewater treatment and disposal facilities. ~~[9J-5.011(2)(e)]~~

**Policy 901.1.5**

The Permit Allocation and Point System shall award positive points for development proposed to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and **Policy 901.1.1.**

**Policy 901.1.6**

~~By January 4, 1998,~~ Monroe County shall ~~adopt permanent~~ maintain and update as necessary level of service standards for package treatment plants and OSDS based on the findings of the Monroe County Sanitary Wastewater Master Plan and shall amend the ~~Land Development Regulations~~ land development code (LDC) to include these standards. ~~[9J-5.011(2) [§163.3177(6)(c)2], F.S.]~~

**Policy 901.1.7**

Monroe County shall maintain a five-year schedule of capital needs for wastewater treatment and disposal as part of the County Capital Improvements Program. This program shall be updated annually consistent with Capital Improvements **Policy 1401.1.2** and in conjunction with the County's annual budget process to ensure economic feasibility.

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**Objective 901.2**

Monroe County, in conjunction with ~~HRS~~, Florida Department of Health (DOH), shall correct existing facility deficiencies by requiring the elimination of cesspools and the improvement of failing septic tanks and package treatment plants as necessary to meet ~~state~~State and county standards.

**Policy 901.2.1**

~~By the effective date of this Plan, HRS, in coordination with Monroe County and possibly private service providers, shall develop and initiate an inspection/compliance program for On-Site Disposal Systems (OSDS). The inspection/compliance program will correct facility deficiencies in two phases. Phase I shall address illegal OSDS (cesspools and unpermitted septic tanks.) Phase II shall address the ongoing inspection of legally permitted OSDS. An OSDS shall be considered deficient if it does not meet or exceed the level of service standards set forth in Policy 901.1.1, or does not meet the applicable state standards set forth in Rules 10D-6 and 17-600, F.A.C. [9J-5.011(2)(e)1]~~

**Policy 901.2.2**

Monroe County shall develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to reduce pollutant discharges into surface waters from moored/anchored vessels (liveaboards) in nearshore waters. (See Conservation and Coastal Management **Objective 202.4** and supporting policies.) [9J-5.011(2)(e)1]

**Policy 901.2.7**

Property owners shall be required to have septic tanks pumped out by a licensed service provider at the time of each inspection.

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**Objective 901.3**

~~By January 4, 1997, Monroe County, through adoption of Land Development Regulations including a Permit Allocation System for new residential and non-residential development, shall ensure follow up on the maximum use of existing wastewater treatment facilities recommendations to discourage overcome fiscal impacts suggested in the proliferation of urban sprawl. [9J-5.011(2)(b)3]~~

**Policy 901.3.1**

~~The Permit Allocation and Point System for new residential and non-residential development shall award positive points for development proposed to be connected to a central wastewater system that meets BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.~~

**Policy 901.3.2**

~~The priorities for the extension and replacement of wastewater collection, treatment and disposal facilities shall be based upon the following priority level guidelines:~~

~~**Level One** – Whether the project is needed to protect public health and water quality, provide facilities and services, or to preserve or achieve full use of existing facilities.~~

~~**Level Two** – Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes infill development.~~

~~**Level Three** – Whether the project represents a logical extension of facilities and services within a designated service area. [9J-5.011(2)(c)2]~~

**Policy 901.3.3**

~~Monroe County shall maintain a five-year schedule of capital needs for wastewater treatment and disposal as part of the County Capital Improvements Program. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2 and in conjunction with the County's annual budget process to ensure economic feasibility. [9J-5.011(2)(e)1]~~

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**Objective 901.4**

~~Monroe County shall implement findings of the Sanitary Wastewater Master Plan, the County shall use the adopted Sanitary Wastewater Master Plan as a guide for implementation of central sewer projects.~~

**Policy 901.4.3**

~~By January 4, 1997, Monroe County shall initiate a program of testing alternative OSDS and implement central wastewater systems under actual operating conditions called for in order to ascertain the feasibility of widespread application of such systems with nutrient removal capabilities higher than standard septic systems. [9J-5.011(2)(e)1]this master plan by 2016.~~

**Policy 901.4.4**

~~By the effective date of this Plan,By May 1, 2014,~~ Monroe County shall enter into an agreement with EPA, ~~DERFDEP~~, SFWMD and NOAA regarding the scope of studies required to document pollutant loads from OSDS, cesspits, package treatment plants, and other point and non-point sources on the Florida Keys into surrounding waters. These studies shall be executed according to the terms of the agreement, in coordination with the Water Quality Protection Program for the Florida Keys National Marine Sanctuary. Upon execution of this agreement, the scope of the *Monroe County Sanitary Wastewater Master Plan* shall be adjusted accordingly.- (See Conservation and Coastal Management **Policy 202.1.1.**) [9J-5.011(2)(e)1]

**Policy 901.4.5**

~~By January 4, 1998, Monroe County shall adopt Land Development Regulations which establish density criteria for OSDS based on site specific constraints and prescribe the types of systems to be utilized based upon the results of the Sanitary Wastewater Master Plan. [9J-5.011(2)(e)1]~~

**Policy 901.4.6**

~~Upon adoption of the Sanitary Wastewater Master Plan by January 4, 1998, the minimal operational standards for package plants, collection systems, pump stations, and disposal wells shall be those contained in the adopted Master Plan. [9J-5.011(2)(e)2]~~

**Policy 901.4.7**

~~As part of the Sanitary Wastewater Master Plan, an inventory of all wastewater treatment plants and OSDS areas shall be completed which identifies:~~

- ~~1. the entity having operational responsibility;~~
- ~~2. current rated plant capacity;~~
- ~~3. existing treatment status (number and type of hookups);~~

4. ~~all future committed capacity (number and type of hookups);~~
5. ~~all facilities which fall below level of service standards identified in the Master Plan;~~
6. ~~costs associated with improving those facilities to meet minimum level of service standards;~~
7. ~~funding sources and construction schedules for those improvements; and~~
8. ~~average and peak flow design capacity for sanitary sewer facilities. [9J-5.011(2)(c)2a]~~

**Policy 901.4.8**

~~Upon adoption of the Sanitary Wastewater Master Plan, the County shall seek legislative action to amend the Florida Administrative Code Chapter 10D-6 to require HRS to administer and enforce the adopted standard for wastewater treatment. [9J-5.011(2)(c)1]~~

**Policy 901.4.9**

~~In the event Central Sewer Service becomes available (as defined by Chapter 10D-6) to areas served by OSDS, owners of OSDS within such areas shall have 365 days to connect to the central system. [9J-5.011(2)(c)1]~~

**Policy 901.4.10**

In coordination with ~~FKAA, DER, EPA, NOAA, or other~~the appropriate agencies, Monroe County shall prepare and distribute annual reports indicating the status of the Monroe County Sanitary Wastewater Master Plan. [9J-5.011(2)(c)1]

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**Objective 901.5**

Monroe County shall regulate land use and development to conserve potable water, and protect the functions of natural drainage features and groundwater from the impacts of sewer systems. ~~[9J-5.011(2)[§163.3177(6)(c)4]2., F.S.]~~

**Policy 901.5.1**

~~By January 4, 1997, in conjunction with the development of the Sanitary Wastewater Master Plan, the County shall initiate an interlocal agreement with the DER and other state and federal agencies to develop a water quality monitoring program. The program shall identify and analyze the individual and cumulative impacts of development, especially wastewater treatment systems, and establish remedial actions to correct identified deficiencies which degrade nearshore water quality. Monroe County shall consider and utilize to the furthest extent possible, the management plan being developed by NOAA under the direction of DER and EPA. All monitoring procedures shall be approved by the DER and EPA for compliance with Quality Assurance requirements (F.A.C., 17-160 and 40 CFR Part 136), to ensure that proper quality control guidelines are followed during data collection and reporting. [9J-5.011(2)(c)1]~~

**Policy 901.5.2**

~~By January 4, 1998, the existing and/or available results of the comprehensive water quality monitoring program shall be analyzed and reported to document specific problem areas which may be in violation of federal or state standards or which may be defined through scientific study, as a threat to the continued maintenance of high levels of water quality or to specified biotic communities. Upon confirmation of any problem areas, priorities for the construction of alternate wastewater facilities shall be reevaluated, within the context of the Monroe County Sanitary Wastewater Master Plan, with those areas in greatest need given highest priority. [9J-5.011(2)(c)1]~~

**Policy 901.5.3**

~~Monroe County shall implement the findings of the Sanitary Wastewater Master Plan, the The County shall use ~~the~~this adopted ~~Sanitary Wastewater Master Plan~~master plan, as amended, as a guide for implementation of central sewer projects. [9J-5.011(2)(c)2]~~

**Policy 901.5.4**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which ensure that sewage disposal facilities shall be designed and located in a manner that in the event of power failure, untreated effluent will not be discharged into any surface body of water, groundwater or any wetland. [9J-5.011(2)(c)1]~~

**Policy 901.5.5**

~~By January 4, 1997, Monroe County, in cooperation with the appropriate State permitting agencies, shall adopt Land Development Regulations which ensure that~~

~~sewage disposal facilities are sited such that any discharge point, whether by shallow or deep well, is located as far as possible from any surface body of water and any FCAA Aquifer Storage Recovery area while still adhering to other setback requirement established by Chapter 10D-6, F.A.C. [9J-5.011(2)(c)1]~~

**Policy 901.5.6**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which require that OSDS drainfields be located on the least environmentally sensitive portion of a parcel proposed for development when more than one habitat type is found within the parcel, the criteria for which shall be defined within the adopted Land Development Regulations.~~

**Policy 901.5.7**

~~Pending the completion and implementation of the ADID or other similar functional analysis,~~ Monroe County shall continue to prohibit the use of OSDS in buttonwood, salt marsh or wetland area and require the provision of a buffer between OSDS and wetlands. ~~Following the completion of the ADID or other similar revised functional analysis, but no later than January 4, 1999, By May 1, 2014,~~ Monroe County shall determine whether OSDS may be used in disturbed wetlands based on functional assessment and shall adopt Land Development Regulations~~land development regulations~~ to further implement this policy.

**Policy 901.5.8**

Monroe County shall ensure that wastewater treatment facilities are designed and constructed in accordance with the adopted levels of service, so as to limit the discharge or introduction of pollutants into nearshore waters. ~~[9J-5.011(2)(e)2]~~

**Policy 901.5.9**

~~By January 4, 1998, Monroe County, as part of the Sanitary Wastewater Master Plan shall continually investigate the potential for reuse/recycling of treated wastewater. The Master Plan shall set forth the requirements for the types and locations of developments which shall be required to utilize a water reuse system. [9J-5.011(2)(c)1]~~

**Policy 901.5.10**

Monroe County, in conjunction with appropriate federal, state and regional agencies, shall continue to minimize or eliminate the use of products which contain phosphorous in the County. ~~[9J-5.011(2)(c)1]~~

**Policy 901.5.11**

~~By January 4, 1998, Monroe County, during the development of the Sanitary Wastewater Master Plan shall consider and evaluate advanced wastewater treatment as a first option for sewage treatment in the construction, expansion, or replacement of central sewer systems including package treatment. Monroe County shall require the consideration and evaluation of effluent reuse consistent with F.A.C. Rule 17-610 as a first option for effluent disposal. [9J-5.011(2)(c)2]~~

**Policy 901.5.12**

~~By January 4, 1998, all public and privately owned upland areas shall be inventoried and evaluated to determine the feasibility of these lands for effluent reuse. [9J-5.011(2)(c)1]~~

**Policy 901.5.13**

~~By January 4, 1997, Monroe County, in coordination with DER, shall begin to evaluate the use of hazardous household products including herbicides and pesticides to assess their impacts on sewer facilities and adjacent natural resources, and shall seek, through educational programs, to eliminate the use of any such products identified as creating adverse impacts. [9J-5.011(2)(c)1]~~

**Policy 901.5.14**

Monroe County shall revise the Land Development RegulationsCode to incorporate the conclusions and recommendations of the EPA's water quality protection program as those findings become available.

**Policy 901.5.15**

~~The Florida Department of Environmental Regulation and the HRS shall continue their inspection and monitoring program for sewage treatment plants, including package treatment plants. DER shall enforce current state regulations and require the timely improvement or replacement of those systems which do not comply with current regulations as specified in Rule 17-600 F.A.C.~~

**Policy 901.5.16**

~~The following facility design and siting standards~~Monroe County shall ~~apply to~~encourage all sewage treatment plants:

- ~~1. All new and expanding plants shall set the discharge point back from surface water a minimum of one hundred feet. This shall apply to plants utilizing either injection wells or drainfields.~~
- ~~2. All Class V injection wells (as defined by Florida Statutes and the Florida Administrative Code) shall be drilled to a minimum open hole of ninety feet in depth and cased and grouted to a minimum of sixty feet in depth.~~
- ~~3. All sewage plants except aerobic plants shall to provide for wastewater reuse whenever feasible and in compliance with Rule 17-610, F.A.C.,~~

**Policy 901.5.17**

The minimum required setbacks for zoning districts, as specified in the Land Development RegulationsCode, may be waived to accommodate wastewater treatment plant expansion where it can be demonstrated that:

1. the expansion is required to bring an existing plant up to current state and county standards or is required to resolve a violation of either of these standards; and
2. there is no other practical alternative such as construction of a new plant.

**Policy 901.5.18**

As specified in the Land Development Code, all existing development shall connect to public treatment plants where available within ~~one year~~30 days of the ~~date of actual~~ plant ~~start-up~~availability.

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**3.8 SOLID WASTE**

**GOAL 801**

Monroe County shall provide for the adequate collection, disposal and resource recovery of solid waste in an environmentally sound and economically feasible manner to meet the needs of present and future County residents. ~~[9J-5.011(2)(a)]~~ [§163.3180(1)(b), F.S.], [§163.3177(6)(c), F.S.]

**Objective 801.1**

Monroe County shall ensure that solid waste collection service and disposal capacity is available to serve development at the adopted level of service standards, concurrent with the impacts of such development. ~~[9J-5.011(2)(b)2]~~ [§163.3180(1)(b), F.S.], [§163.3180(2), F.S.]

**Policy 801.1.1**

Monroe County hereby adopts the following level of service standards to achieve Objective 801.1, and shall use these standards as the basis for determining facility capacity and the demand generated by a development. ~~[9J-5.011(2)(e)2]~~ [§163.3180(1)(b), F.S.], [§163.3180(2), F.S.]

**Level of Service Standards:**

~~1. Collection Frequency:~~

~~Residential: a minimum of one time per two weeks—  
 domestic refuse  
 a minimum of one time per two weeks—yard trash  
 Commercial: by contract~~

~~2. Disposal Quantity:~~

~~5.44 11.41 pounds per capita per day or 12.2 pounds per day per ERU  
 (Equivalent Residential Unit)~~

~~3. Haul Out Capacity:~~

~~95,000 tons per year or 42,668 ERUs.~~

~~3. Duration of Capacity:~~

~~Sufficient capacity shall be available at a solid waste disposal site to accommodate all existing and approved development for a period of at three from the projected date of completion of the proposed development or use~~

**Policy 801.1.2**

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations which provide a Concurrency Management System (See Capital Improvements Policy **1401.4.5**). The Concurrency Management System shall ensure that no permits will be issued for

new development unless adequate solid waste collection and disposal facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. ~~[9J-5.011(2)(c)1]~~  
~~[\§163.3180(1)(b)., F.S.], [\§163.3180(2)., F.S.]~~

**Policy 801.1.3**

All improvements for replacement, expansion or increase in capacity of solid waste collection and disposal facilities shall be compatible with the adopted level of service standards for the facilities. ~~[9J-5.011(2)(c)2]~~

**Policy 801.1.4**

~~Monroe County shall rely upon public and/or private solid waste collection systems, with the County providing for solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County excluding the City of Key West. [9J-5.011(2)(c)1]~~

**Objective 801.2**

Monroe County shall maintain a five-year schedule of capital needs for solid waste collection and disposal as part of the County Capital Improvements Program, identify responsible parties and agencies, and identify time frames for improvement/completion. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2 and in conjunction with the County's annual budget process to ensure economic feasibility. ~~{9J-5.011(2)(b)1 and 2}~~

**Policy 801.2.1**

Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines:

**Level One** - whether the project is needed to protect public health and safety, to fulfill the County's commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.

**Level Two** - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service, or promotes infill development.

**Level Three** - whether the project represents a logical extension of facilities and services within a designated service area. ~~{9J-5.011(2)(e)1}~~

**Policy 801.2.2**

Projects to correct existing deficiencies shall be undertaken in accordance with the Five-Year Schedule of Capital Improvements provided in the Capital Improvements Element, and shall be given priority in the formulation and implementation of the annual work programs of the County. ~~{9J-5.011(2)(e)1}~~

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**Objective 801.3**

~~By January 4, 1998,~~ Monroe County shall continue to implement solid waste disposal methods which meet the projected demands for disposal. These disposal demands shall be met either by continuation of the County's current haul out contract ~~with Waste Management, Inc. (WMI),~~ or by other means as determined by the Monroe County ~~Department of Environmental Management.~~ [9J-5.011(2)(b)2].

**Policy 801.3.1**

The Solid Waste Task Force or other appropriate committee shall continue in an advisory capacity to the Board of County Commissioners on all solid waste matters. [9J-5.011(2)(e)1]

**Policy 801.3.2**

~~By January 4, 1998,~~ Monroe County shall support analyze the creation of a Solid Waste and Resource Recovery Authority for the management of the Monroe County solid waste program through either the public sector or privatization system. [9J-5.011(2)(e)1]

**Policy 801.3.3**

The Cudjoe Expansion landfill shall remain open for emergency landfilling capabilities or future use. The Key Largo, Long Key and Old Cudjoe landfills shall continue to undergo the Florida Department of Environmental Regulation (DER) landfill closure process. [9J-5.011(2)(e)1]

**Policy 801.3.4**

~~Monroe County shall continue to support City of Key West's efforts to provide their own solid waste management through the use of the most cost effective and environmentally sound technology.~~ [9J-5.011(2)(e)1]

**Policy 801.3.5**

~~By January 4, 1997, Monroe County, through the Department of Environmental Management, shall complete preliminary engineering and environmental assessments for a sludge, septage and/or leachate treatment and disposal facility on Crawl Key.~~ [9J-5.011(2)(e)1]

**Policy 801.3.6**

~~By January 4, 1998 Monroe County, through the Department of Environment Management, shall construct a sludge, septage, and/or leachate treatment and disposal facility on Crawl Key.~~ [9J-5.011(2)(e)1]

**Policy 801.3.7**

~~Through 1995, and subject to extension, Monroe County shall contract for the haul out disposal of solid waste including wet garbage, yard waste and construction debris (minimum of 75,000 up to a maximum of 95,000 tons per year), with the vendor responsible for processing construction debris.~~ [9J-5.011(2)(e)2b]

**Policy 801.3.8**

~~Monroe County, through the Department of Environmental Management, shall investigate and review for County implementation the latest available technology for resource recovery and other alternative solid waste management technologies to meet the solid waste processing and disposal needs beyond 1995. Particular attention shall be given to the environmental effects and cost of such technologies. [9J 5.011(2)(c)1]~~

**Policy 801.3.9**

~~By January 4, 1997, Monroe County shall select a long term disposal and processing method that will handle the solid waste for the unincorporated county, Key Colony Beach and Layton, and will begin the development process for additional facilities if necessary. [9J 5.011(2)(c)1]~~

**Policy 801.3.10**

~~By January 4, 1998, Monroe County shall implement solid waste disposal methods to meet the projected disposal needs beyond 1995 either through continuation of the WMI haul out contract or through the installation and initiation of alternative solid waste disposal facilities developed in accordance with Policy 801.3.8. [9J 5.011(2)(c)1]~~

**Policy 801.3.11**

~~By January 4, 1997, Monroe County shall update the provisions of Sec. 9.5 494 of the Monroe County Land Development Regulations in order to ensure that sufficient impact fee revenues are available to finance future solid waste facility needs.~~

**Policy 801.3.12**

~~Monroe County shall establish an interim policy to avoid consideration of new facility siting involving incineration technology until current DER public health and environmental impact studies are completed and new DER standards for incineration facilities are adopted.~~

**Policy 801.3.13**

~~Monroe County shall consider the environmental sensitivity of land and the location of coastal high hazard areas in the siting of new solid waste facilities. [9J 5.011(1)(f)3]~~

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**Objective 801.4**

Monroe County shall achieve a 3040 percent diversion rate of the municipal solid waste stream by January 4, ~~1998 and a 40 percent diversion rate by the year 2000~~2014 through recycling. ~~[9J-5.011(2)(b)2]~~

**Policy 801.4.1**

~~By January 4, 1997,~~ 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 implementation of a subsequent, county-wide, mandatory, curbside recycling program for residential and commercial locations. ~~[9J-5.011(2)(e)1]~~

**Policy 801.4.2**

~~By January 4, 1997, Monroe County shall evaluate the Master Recycler Program to determine its success and continued applicability in achieving the state mandated recycling goal.~~ ~~[9J-5.011(2)(e)1]~~

**Policy 801.4.3**

~~By January 4, 1997, Monroe County shall implement~~

**Policy 801.4.3**

Monroe County shall continue to assess implementation of a county-wide mandatory curbside recycling program, unless an alternate method of recycling is put in place ~~in conjunction with the disposal method selected pursuant to policies 801.3.8 and 801.3.9.~~ ~~[9J-5.011(2)(e)1].~~

**Policy 801.4.4**

At select locations, the Department of Environmental Management (DEM) shall continue to implement and expand, as necessary, drop-off collection programs which shall supplement the curbside collection program, and facilitate participation by properties which are not equipped to participate in the curbside collection programs. ~~[9J-5.011(2)(e)1]~~

**Policy 801.4.5**

~~Monroe County, in coordination with any contracted private collection and disposal service providers, shall continue to separate yard waste from the solid waste stream, process the yard waste into mulch, offer the mulched product at a minimum of two sites in the Keys, and market the mulched product.~~ ~~[9J-5.011(2)(e)1]~~

**Policy 801.4.6**

~~Until January 1, 1996, Monroe County, through the provisions of the solid waste haul out contract, shall continue to operate the preprocessing and material recovery facilities which separate yard, wood, construction and demolition debris. After January 1, 1996, when the current haul out contract expires, preprocessing~~

~~and material separation shall be continued or alternative methods shall be implemented. [9J-5.011(2)(e)1 and 2b]~~

**Policy 801.4.7**

Monroe County shall continue to furnish holding areas for abandoned autos and white goods, and contract out for the crushing, baling and transport of abandoned autos and white goods out of the County. ~~[9J-5.011(2)(e)1]~~

**Policy 801.4.8**

Monroe County shall continue to separate construction and demolition debris and shall separate at least ~~50~~40% of the newspaper, aluminum cans, glass, and plastic bottles from the waste stream and offer them for recycling by January 4, ~~1998~~. ~~[9J-5.011(2)(e)1]~~2014.

**Policy 801.4.9**

Monroe County shall strive to create a construction and demolition debris recycling program by January 4, 2014.

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**Objective 801.5**

Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. ~~{9J-5.011(2)(b)1 and 2; 9J-5.012(3)(b)2; 9J-5.013(2)(b)2 and 10}~~

**Policy 801.5.1**

Monroe County shall continue the hazardous materials Amnesty Day Program. ~~{9J-5.011(2)(c)1; 9J-5.013(2)(c)10}~~

**Policy 801.5.2**

The Monroe County Public Safety Division and the Department of Environmental Management shall continue to identify the location of all hazardous materials in the County and shall have plans prepared, such as the Monroe County Peacetime Emergency Plan, for containment, cleanup, public notification, and fire control, consistent with federal, state, and county mandates. ~~{9J-5.011(2)(c)1; 9J-5.013(2)(c)10}~~

**Policy 801.5.3**

Inspection measures shall continue to be utilized at Monroe County ~~landfills and~~ transfer facilities to eliminate household generated hazardous wastes from the waste stream. ~~{9J-5.011(2)(c)1; 9J-5.013(2)(c)10}~~

~~**Policy 801.5.4**~~

~~By January 4, 1997, Monroe County shall amend the Building Code to require storage and containment requirements for those structures utilizing hazardous materials. Containment requirements shall include, but not be limited to, construction of impervious floors, without drains, to insure containment and facilitate the cleanup of any spill or leak. {9J-5.011(2)(c)1; 9J-5.013(2)(c)10}~~

~~**Policy 801.5.5**~~

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which address the location of all hazardous waste "small quantity generators" with respect to adjacent uses. Criteria for the location of hazardous waste small quantity generators will be specifically indicated as allowed/prohibited by individual county zoning designation. {9J-5.011(2)(c)1; 9J-5.013(2)(c)10}~~

**Policy 801.5.6**

~~By January 4, 1998, the~~The Monroe County Building Department ~~shall provide~~will continue to distribute copies of the certificates of occupancy to the Department of Planning and Environmental Management~~Resources~~ and the Monroe County Fire Department to notify them when buildings or sites become occupied by hazardous materials users and potential hazardous waste generators, as identified on the DEM listing, are issued certificates of occupancy. ~~{9J-5.011(2)(c)1; 9J-5.013(2)(c)10}~~

**Policy 801.5.7**

~~By January 4, 1998,~~ Monroe County shall ~~participate~~continue to review potential of inclusion in a Region-wide hazardous waste program consistent with the SFRPC Regional Comprehensive Policy Plan. ~~— [9J 5.011(2)(e)1; 9J 5.013(2)(e)10]~~

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**Objective 801.6**

Monroe County shall increase intergovernmental coordination efforts with the Department of Community Affairs (DCA), the Department of Environmental Regulation (DER), the South Florida Regional Planning Council (SFRPC), and the County's municipalities to develop and implement the most cost-effective and environmentally sound methods of regional solid waste management. ~~[9J-5.011(2)(b)3]~~

**Policy 801.6.1**

Monroe County shall continue to manage the collection, transportation, recycling and disposal of solid waste for the unincorporated areas and cities with the exception of Key Colony Beach West and Lorton the Village of Islamorada, as stipulated in the County's long-term interlocal agreements with these cities. In the event that the City of Key West's waste reduction and on-site disposal facilities no longer fulfill the City's solid waste needs, Monroe County shall negotiate with the City of Key West regarding consolidation of the City and County solid waste management processes. ~~[9J-5.011(2)(e)1]~~

**Policy 801.6.2**

Monroe County shall continue coordination efforts with the Department of Environmental Regulation (DER) and other involved federal and state agencies to pursue funding for the implementation of the goals, objectives, and policies of this element. ~~[9J-5.011(2)(e)1]~~

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**Objective 801.7**

Monroe County shall continue to promote public awareness of the initiatives to recycle and reduce the solid waste stream.

**Policy 801.7.1**

Monroe County shall continue its long-term recycling goals and programs, including public participation and educational programs, ~~under the direction of the Monroe County Environmental Management Director. [9J-5.011(2)(c)1]~~

**Policy 801.7.2**

Monroe County shall continue to promote recycling by the retail sector and hospitality industry by conducting recycling audits and Business Recycling Workshops. ~~[9J-5.011(2)(c)1]~~

**~~Policy 801.7.3~~**

~~Monroe County shall seek to reduce the solid waste stream by 10% by the year 2000 through public awareness efforts.~~

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### 3.10 DRAINAGE

#### **GOAL 1001**

Monroe County shall provide a stormwater management system which protects real and personal properties, and which promotes and protects ground and nearshore water quality. ~~—[9]-5.011(2)(a)]~~ [\[§163.3177\(6\)\(c\), F.S.\]](#)

#### **Objective 1001.1**

Monroe County shall ensure that at the time a development permit is issued, adequate stormwater management facilities are available to support the development at the adopted level of service standards concurrent with the impacts of such development. ~~[9]-5.011(2)(b)]~~ [\[§163.3177\(6\)\(c\), F.S.\]](#)

#### **Policy 1001.1.1**

Water Quality Level of Service Standards - Minimum Water Quality:

1. All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set forth in ~~Chapters 17-25~~[Chapters 62-3 and 1762-302.530](#), F.A.C, incorporated herein by reference. In addition, all projects shall include an additional 50% of the water quality treatment specified below, which shall be calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention Criteria (SFWMD Water Quality Criteria 3.2.2.2): [\[§163.3177\(6\)\(c\), F.S.\]](#)
  - a) Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for one of the three following criteria or equivalent combinations thereof:
    - (1) Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.
    - (2) Dry detention volume shall be provided equal to 75 percent of the above amount computed for wet detention.
    - (3) Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention.
  - b) Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this comprehensive plan must ensure that its post-development stormwater run-off will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.

- c) ~~New~~ ~~Development~~ new development and ~~Redevelopment~~ redevelopment projects which are exempt from the South Florida Water Management District permitting process shall also meet the requirements of Chapter ~~40E-4, 40E-40-4, and 40E-40,14-86~~ F.A.C.

**Policy 1001.1.2**

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations which provide a Concurrency Management System (See Capital Improvements Policy **1401.4.5**). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate stormwater management facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. ~~[9J-5.011(2)(e)2]~~ [§163.3180(1)(b), F.S., §163.3180(2), F.S., §163.3177(3)(a)3., F.S.]

**Policy 1001.1.3**

~~By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance which establishes level of service standards for the quality and quantity of stormwater discharges for single family residential development and redevelopment which utilizes Best Management Practices and Design Guidelines in their implementation (See Natural Groundwater Aquifer Recharge Policy 1101.2.4).~~

**Policy 1001.1.4**

~~By January 4, 1997, in conjunction with the adoption of Monroe County shall~~ maintain, review and update the Stormwater Management Ordinance, ~~all. All~~ improvements for replacement, expansion or increase in capacity of drainage facilities shall conform to the adopted level of service criteria for new development. ~~[9J-5.011(2)(e)1]~~ [§163.3177(3)(a)3., F.S.]

**Policy 1001.1.5**

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations which ensure ~~county~~ County review of all development permits for compliance with adopted stormwater management design criteria prior to approval by the issuing agency. ~~[9J-5.011(2)(e)1]~~ [§163.3177(3)(a)3., F.S.]

**Policy 1001.1.6**

~~By January 4, 1998, in conjunction with the development of the Stormwater Management Master Plan,~~ May 1, 2014 Monroe County shall complete an inventory and analysis of existing public ~~and private~~ drainage facilities within the County. ~~(See Objective 1001.3 and related policies) [9J-5.011(2) and identify flooding issues to resolve common issues. [§163.3177(6)(c)1] Note: Monroe~~

~~County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modifications of agreement date premises.2., F.S.]~~

**Policy 1001.1.78**

~~By January 4, 1997, Monroe County shall work with the SFWMD through the existing interlocal agreement to adopt and implement appropriate stormwater quality evaluation and estimation criteria and techniques for incorporation into the County's Stormwater Management Ordinance and Land Development Regulations. [9J-5.011(2)(c)4]~~

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Water Quantity Level of Service Standards are based upon design storm frequency and duration:

- Residential and commercial building floors- 100 year, 3 day;
- Emergency shelters/service building floors- 100 year, 3 day;
- Evacuation routes and emergency service road- 100 year, 3 day;
- Arterial roads- 100 year, 3 day;
- Collector roads- 25 year, 3 day;
- Neighborhood roads- 5 year, 1 day;
- Urban sites- 5 year, 1 day;
- Rural sites- 3 year, 1 day; and
- Off-site discharge rates are limited to historic, predevelopment conditions or as previously determined by SFWMD or the County.

**Objective 1001.2**

The County shall maintain a five-year schedule of capital improvement needs for drainage facilities as part of the County Capital Improvements Program. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2 and in conjunction with the County's annual budget process to ensure economic feasibility. ~~[9J-5.011(2)(b)1; 9J-5.011(2)(b)2]~~ [\[§163.3177\(3\)\(a\)1., F.S., §163.3177\(3\)\(a\)4., F.S.\]](#)

**Policy 1001.2.1**

Proposed stormwater capital improvements projects shall be evaluated and ranked according to the following priority level guidelines, with special attention to the position of the project in the Monroe County Seven Year Road Plan:

**Level One** - Whether the project is needed to protect public health and safety, to fulfill the County's legal commitment to provide facilities and services, to protect sensitive environmental areas from documented or anticipated adverse impacts, or to preserve or achieve full use of existing facilities.

**Level Two** - Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service, or promotes infill development.

**Level Three** - Whether the project represents a logical extension of facilities and services within a designated service area. ~~[9J-5.011(2)(c)1]~~

**Policy 1001.2.2**

Projects needed to correct existing deficiencies shall be given priority in the formulation and implementation of the annual work program for the responsible County department. Specific priority will be given to those existing drainage problems which are determined to have the greatest adverse effect on groundwater and nearshore waters or areas designated as Outstanding Florida Waters. ~~[9J-5.011(2)(e)1]~~ [\[§163.3177\(3\)\(a\)1., F.S.\]](#)

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**Objective 1001.3**

~~By January 4, 1998, Monroe County, in coordination with SFWMD and DER, shall complete a comprehensive Stormwater Management Master Plan which ensures that stormwater management facilities are developed to attain adopted levels of service for all existing and proposed land uses. [9J 5.011(2)(c)1 and 5] Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modifications of agreement date premises.~~

**Policy 1001.3.1**

~~Monroe County shall implement the findings of the adopted Stormwater Management Master Plan and use the document as a guide for stormwater management to protect personal property and to protect and improve water quality.~~

**Policy 1001.3.2**

~~By the effective date of this Plan, Monroe County shall enter into an agreement with EPA, DER, SFWMD and NOAA regarding the scope of studies required to document pollutant loads from stormwater runoff from the Florida Keys into surrounding waters. These studies shall be executed according to the terms of the agreement, in coordination with the Water Quality Protection Program for the Florida Keys National Marine Sanctuary. Upon execution of this agreement, the scope of the Stormwater Management Master Plan shall be adjusted accordingly. (See Conservation and Coastal Management Policy 202.1.1.) [9J 5.011(2)(c)1,4 and 5; 9J 5.012(3)(c)1,3 and 13; 9J 5.013(2)(c)1]~~

**Policy 1001.3.3**

~~By January 4, 1998, the County shall evaluate the performance of stormwater management systems which are to be installed in accordance with the Stormwater Management Ordinance. This performance evaluation will be based upon physical sampling and analysis of the discharge water of these structures. [9J 5.011(2)(c)4]~~

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**Objective 1001.4**

~~By January 4, 1998, Monroe County shall~~Monroe County shall continue to coordinate with the appropriate regional agencies and adjacent local governments to address regional drainage issues. ~~[9J-5.011(2)(b)2]~~

**Policy 1001.4.1**

Monroe County shall, as necessary, enter into interlocal agreements with Miami-Dade, Broward and Collier Counties, and with agencies having regional oversight over drainage issues, such as SFWMD and the ACOE. These agreements shall be designed to:

1. protect the functions of natural drainage features that impact the quality of the waters surrounding the Florida Keys; and
2. coordinate the extension or increase in capacity of any interjurisdictional drainage facilities which are necessary to meet the future needs of Monroe County. ~~[9J-5.011(2)(c)4]~~

**Policy 1001.4.2**

Prior to any revision of drainage policies and ordinances, Monroe County shall meet with the SFWMD and the SFRPC to ensure that the local regulatory framework is consistent with the planning objectives and regulations of the region.

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**Monroe County Comprehensive Plan Update**

**3.11 Natural Groundwater Aquifer Recharge**

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**GOAL 1101**

Monroe County shall protect the quality and quantity of water in the potable water aquifer and in the freshwater lens systems so as to ensure public health, conserve the public water supply, and preserve ecosystems dependent upon freshwater. ~~[9J-5.011(2)a]~~ [§163.3177(6)(c), F.S.]

**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. (See Potable Water **Objective 701.4** and related policies.) ~~[9J-5.011(2)(b)5]~~ [§163.3177(6)(d), F.S.]

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**Objective 1101.2**

~~By January 4, 1998, Monroe County shall map the freshwater lens systems and associated recharge areas in the Florida Keys and shall adopt regulations which protect the lenses from loss of recharge potential and from threats of groundwater contamination. [9J-5.011(2)(b)5; 9J-5.013(2)(b)2]~~

Monroe County shall provide for the protection of groundwater within the unincorporated areas.

**Policy 1101.2.1**

~~By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance. This ordinance shall establish level of service standards for the quality and quantity of stormwater discharges. The ordinance shall encourage use of site specific natural drainage features to the maximum extent possible before utilizing structural stormwater control. The protection of freshwater lens recharge areas, and associated freshwater wetlands where identified, shall be of primary concern in design of a development project. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]~~

**Policy 1101.2.2**

Monroe County shall undertake activities which shall reduce pollutant entry into groundwater, summarized as follows:

1. Monroe County shall develop and implement permitting, inspection and enforcement procedures designed to reduce pollutant discharges into groundwater from:
  - a) on-site disposal systems (See Sanitary Sewer **Goal 901** and related objectives and policies);
  - b) secondary sewage treatment plants and injection wells (See Sanitary Sewer **Goal 901** and related objectives and policies); and
  - c) stormwater runoff (See Drainage Element **Objective 1001.3** and related policies);
  - d) Monroe County shall ~~immediately take actions~~coordinate with the Florida Keys Mosquito Control District to promote mosquito control techniques which will reduce the entry of pollutants from aerial pesticide applications into groundwater (See Conservation and Coastal Management **Objective 202.11** and related policies);
  - e) Monroe County ~~HRS Unit~~ shall encourage the Department of Health (DOH) to continue ~~to undertake~~undertaking activities designed to reduce pollutant discharges into ground and surface waters from aboveground and underground fuel storage tanks (See

Conservation and Coastal Management **Objective 202.12** and related policies); and

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
f) ~~\_\_\_\_\_~~ f) ~~\_\_\_\_\_~~ Monroe County shall continue to undertake activities which ~~\_\_\_\_\_~~ support existing state and federal laws pertaining to the handling, ~~\_\_\_\_\_~~ transportation and disposal of hazardous wastes (See Solid Waste ~~\_\_\_\_\_~~ **Objective 801.5** and related policies.) ~~{9J-5.011(2)(c)4; 9J-5.012(3)(b)2; 9J-5.013(2)(b)1,2,9 and 10}~~

**Policy 1101.2.34**

~~By January 4, 1997, Monroe County shall initiate an interlocal agreement with the USFWS and SFWMD to map and evaluate the freshwater lenses of the Florida Keys and their associated recharge areas. Previously conducted studies by the National Audubon Society Research Department, Southern Illinois University, and the SFWMD will be utilized to the greatest extent possible. An analysis of the condition of the lenses shall also be completed.~~

~~Mapped data shall be entered into the County's Geographic Information System. {9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9}~~

**Policy 1101.2.4**

~~Pending completion of the freshwater lens study,~~ Monroe County shall continue to restrict the percentage of impervious surfaces on development sites through application of the Open Space Requirements in the Land Development RegulationsCode. These regulations shall be met or exceeded in order to minimize impervious areas and to protect freshwater lens recharge areas. ~~{9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9}~~ [§163.3177(6)(c), F.S.]

**Policy 1101.2.5**

~~Upon completion of the freshwater lens and recharge area mapping and evaluation,~~ the Monroe County shall consider altering the open space ratios, and other development regulations to protect the quantity and quality of groundwater in the freshwater lens systems. The County shall also assign a negative point rating in the Point System for developments proposed in freshwater lens recharge areas. ~~{9J-5.011(2)(c)4; 9J-5.012(3)(b)2; 9J-5.013(2)(b)1,2,9 and 10}~~ [§163.3177(6)(c), F.S.]

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**Objective 1101.3**

~~By the year 2000, the use of well water in the Florida Keys for public consumption and commercial use shall be phased out in order to ensure the health and safety of the public and to ensure the preservation of the existing freshwater lens system. [9J-5.011(2)(b)5; 9J-5.013(2)(b)2]~~

**Policy 1101.3.1**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which prohibit new wells for drawing water from the freshwater lens systems for private residential and private commercial purposes in the Florida Keys. Exceptions shall be allowed for wells for approved periodic water testing. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]~~

**Policy 1101.3.2**

~~By January 4, 1998, in conjunction with the development of the Sanitary Wastewater Master Plan, Monroe County shall identify existing wells used for drawing water for private residential and private commercial purposes. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]~~

**Policy 1101.3.3**

~~The use of existing wells shall be phased out in accordance with the availability of adequate, affordable, alternative potable water sources.~~

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## Definitions

underline = proposed new text  
 strike-through = proposed deletions

### General

If definitions sought are not within this section, the County shall utilize the adopted definitions of its Land Development Code and, secondly, refer to the Florida Statutes. If a definition is not provided in these documents, the County shall utilize the term as commonly used.

### Acronyms

<Under construction>

### Defined Terms

#### A

Abandoned means to stop the use or activity intentionally. When the use of a property has ceased and the property has been vacant for 18 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use. This excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Accessory Use or Accessory Structure means a use or structure that:

- (1) Is subordinate to and serves an existing principal use or principal structure; and
- (2) Is subordinate in area, extent and purpose to an existing principal use or principal structure served; and
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and
- (4) Is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and
- (5) Is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant to section 118-12 of the County's LDC ; and
- (6) Is located in the same land use (zoning) district as the principal use or principal structure, excluding off-site parking facilities pursuant to section 114-67 of the County's LDC.

Adaptation is the adjustment in natural or human systems to actual or expected climatic stimuli or their effects, that exploits beneficial opportunities or moderates negative effects<sup>1</sup>.

<sup>1</sup> IPCC Fourth Assessment Report: Climate Change 2007

Adaptation Action Area or Adaptation Area means one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

Adjacent means land sharing a boundary with another parcel of land at one or more points of intersection. An intervening road, right-of-way, easement or canal shall not destroy the adjacency of the two parcels, except for U.S. 1.

Adjusted Household Income means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

Administrative Relief means actions taken by the County granting the owner of real property relief from the continued application of the Rate of Growth requirements providing they meet the criteria established in Sec. 138-27 and Sec. 138-54 of the Monroe County Code of Ordinances.

Affected Persons includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

Affordable Housing means residential dwelling units that meet the following requirements:

a. Meet all applicable requirements of the United States Department of Housing and Urban Development minimum property standards as to room sizes, fixtures, landscaping and building materials, when not in conflict with applicable laws of the county; and

b. A dwelling unit whose monthly rent or mortgage, including utilities, does not exceed 30 percent of that amount which represents either, 50 percent (very low income) or 80 percent (low income) or 100 percent (median income) or 120 percent (moderate income) of the annual median adjusted household income for the county.

Agriculture means the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal

by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, mariculture/aquaculture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Airport means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. There are both public and private airports, which are differentiated as follows:

(a) A public airport is publicly or privately owned, meets minimum safety and service standards, and is open for use by the public; and

(b) A private airport is publicly or privately owned, and is available for use by invitation of the licensee. Services may be provided if authorized by the Florida Department of Transportation.

Amendment means any action of a local government which has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance, but shall not mean a legislative act which only codifies local legislation or makes corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan.

Archaeological or Historical Site or Property means any prehistoric or historic district, site, building, object or other real or personal property of historical, architectural, or archaeological value; .

Arterial Road means a roadway providing service which is relatively continuous and or relatively high traffic volume, long trip length, and high operating speed.

## **B**

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach," as used in the coastal management and conservation element requirements, is limited to oceanic and estuarine shorelines.

Beach Berm means a bare, sandy shoreline with a mound or ridge of unconsolidated sand that is immediately landward of, and usually parallel to, the shoreline and beach. The sand is calcareous material that is the remains of marine organisms such as corals, algae and mollusks. The berm may include forested, coastal ridges and may be colonized by hammock vegetation.

*Beneficial Use* means the use of property that allows an owner to derive a benefit or profit in the exercise of a basic property right.

*Building* means any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, gasoline pumps, and similar structures, whether stationary or movable.

*Buildable Area (Net)* means that portion of a parcel of land that is developable and is not open space or a required minimum bufferyard or a required setback.

*Buffer/Bufferyard* means a land area of specified minimum width, together with required planting and landscaping consisting of native vegetation or other species included on an approved species list used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances. A bufferyard may also contain a barrier such as a berm, wall, or fence, designed to provide screening.

## C

*Capital Budget* means the portion of each local government's budget which reflects capital improvements scheduled for a fiscal year.

*Capital Improvement* means the physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. Physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements are capital improvements.

*Carbon Sequestration* means the long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer global warming and avoid climate change impacts. It has been proposed as a way to slow the atmospheric and marine accumulation of greenhouse gases released by burning fossil fuels.

*Carrying Capacity* means the level of use which can be accommodated and continued without irreversible impairment and degradation of natural resource productivity, the ecosystem, and the quality of air, land, and water resources.

*Coastal High Hazard Area (CHHA)* means the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Collector Road means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

Commercial Recreation Use means a use designed and equipped for the conduct of sports and leisure-time activities (indoor and outdoor).

Commercial Apartment means an attached or detached residential dwelling unit located on the same parcel of land as a nonresidential use that is intended to serve as permanent housing for the owner or employees of that nonresidential use. The term does not include a tourist housing use or vacation rental use.

Commercial Fishing means the catching, landing, processing or packaging of seafood for commercial purposes, including the mooring and docking of boats and/or the storage of traps and other fishing equipment and charter boat uses and sport diving uses.

Commercial Retail Use means an occupation or service providing primarily for the sale of consumer goods, products, merchandise or services

Community Center means a defined geographic development focal area as identified within each of the Livable CommuniKeys Plans.

Community Character means the elements of a community that make it unique, memorable, livable, and inviting.

Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan means the compilation of goals, objectives, policies, and maps for the physical, social, and economic development within the community, adopted by ordinance pursuant to Chapter 163, Part II, Florida Statutes, as amended and containing all statutorily-required elements.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System means the procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Conditional Use means a use of property that is allowed under a zoning ordinance under specified conditions.

Contiguous means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.

County means, as used in this comprehensive plan, unincorporated Monroe County, Florida.

## **D**

Density means an objective measurement of the number of units/spaces allowed per unit of land, such as dwelling units per acre.

Density, Allocated means the number of dwelling units or rooms/spaces which may be permitted to be developed per gross acre of upland without the use of Transferable Development Rights (TDRs).

Density, Maximum Net means the maximum number of dwelling units or rooms/spaces which may be permitted to be developed per unit of upland on the net buildable acre of a site, with the use of Transferable Development Rights (TDRs) or affordable housing incentives.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels, as defined by Section 380.04, F.S.

(1) Except as provided in subsection (3) of this definition, the following activities or uses shall be taken to involve "development":

a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Demolition of a structure.

b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;

c. Alteration of a shore or bank of a seacoast, lake, pond or canal, including any work or activity which is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes;

d. Commencement of drilling (except to obtain soil samples), mining or excavation on a parcel of land;

e. Demolition of a structure;

f. Clearing of land, including clearing or removal of vegetation and, including significant disturbance of vegetation or substrate (soil) manipulation, including the trimming of mangroves to the extent allowed by law; and

g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) The term "development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

(3) The following operations or uses shall not be taken to involve "development":

a. Work involving the maintenance, renewal, improvement or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

b. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as yards and other non-natural planting areas;

c. A change in use of land or structure from a use within a specified category of use to another use in the same category unless the change involves a change from a use permitted as of right to one permitted as a minor or major conditional use or from a minor to a major conditional use;

d. A change in the ownership or form of ownership of any parcel or structure;

e. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law;

f. The clearing of survey cuts or other paths of less than four feet in width and the mowing of vacant lots in improved subdivisions and areas that have been continuously maintained in a mowed state prior to the effective date of the plan, the trimming of trees and shrubs and gardening in areas of developed parcels that are not required open space and the maintenance of public rights-of-way and private accessways existing on the effective date of the ordinance from which this chapter is derived or approved private rights-of-way;

g. Work by a highway or road agency for the maintenance or improvement of a road, if the work is carried out on land within the boundaries of the right-of-way;

- h. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; or
- i. The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(4) The term "development" also means the tourist housing use or vacation rental use of a dwelling unit, or a change to such a use (i.e., conversion of existing dwelling units to vacation rental use). Vacation rental use of a dwelling unit requires building permits, inspections and a certificate of occupancy.

Development Order means any order granting, denying, or granting with conditions an application for a development permit.

Development Permit means any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Disturbed Salt Marsh and Buttonwood Wetland Associations means land that manifests signs of environmental disturbance that has had an observable effect on the structure and function of the natural community that existed on the site prior to the disturbance.

Drainage Facilities means a system of man-made structures designed to collect, convey, hold, divert, or discharge stormwater, and includes stormwater sewer, canals, detention structures, and retention structures.

Dredging means excavation below water level or in wetlands.

Dune means a mound, bluff, or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism.

Dwelling Unit means one or more rooms physically arranged to create a household for occupancy by one family with separate toilet facilities.

## **E**

Easement means a grant of one or more of the property rights by the property owner to and/or for the use by the public, utility, a corporation, another person, or entity.

Element means a major division or chapter of the comprehensive plan. The required elements are: Future Land Use, Transportation, Housing, Infrastructure (Sanitary Sewer, Solid Waste,

Potable Water, and Drainage sub-elements), Coastal Management and Conservation, Recreation/Open Space, Intergovernmental Coordination, and Capital Improvements.

Environmentally Sensitive Lands means areas requiring special management attention to protect important fish and wildlife resources and other natural systems or processes.

## **F**

Family means a person living alone, or any of the following groups living together as a single household and sharing common living, sleeping, cooking, and eating facilities:

- (1) Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;
- (2) three unrelated people;
- (3) two unrelated people and any children related to either of them.

Flood, 100-year means a flood which occurs, on average, once every 100 years or which has a one percent chance of occurring in any one year.

Floodplain means land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff or surface waters from rainfall. Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an “A” Zone or “V” Zone on flood insurance rate maps or flood hazard boundary maps are in the floodplain.

Floor Area means the sum of the gross horizontal areas of each story of the principal building, measured from the exterior walls or from the centerline of party walls, including the floor area of accessory uses and of accessory buildings and structures.

Floor Area Ratio (FAR) means a measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing by the gross land area. For example, the FAR of a 10,000 total square foot structure on a one acre site equals: 10,000 square feet ÷ 43,560 square feet (1 acre) = a FAR of 0.23.

Future Land Use Map (FLUM) means a graphic representation of the land use categories used in the municipality and their placement on the land adopted as part of the comprehensive plan and used as the regulatory map for implementation of the comprehensive plan and land development regulations.

## **G**

Goal means the long-term end toward which programs or activities are ultimately directed.

Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.

Greenhouse Gas Emissions (those regulated under the Kyoto Protocol) include: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Direct GHG emissions are emissions from sources that are owned or controlled by the reporting entity such as energy use for the electricity generation by utilities. Indirect GHG emissions are emissions that are a consequence of the activities of the reporting entity, but occur at sources owned or controlled by another entity.

Green Infrastructure is strategically planned and managed networks of natural lands, working landscapes and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations<sup>2</sup>.

Gross Acre means the total area of a site excluding submerged lands, tidally inundated mangroves, not to exceed mean high tide, and any publicly dedicated rights-of-way.

## **H**

Habitable Structures mean any structure equipped for human habitation such as, but not limited to, office, workshop, kitchen, dining, living, laundry, bathroom, bedroom, den, family or recreational room; professional studio or commercial occupancy including all interior hallways, corridors, stairways and foyers connecting these areas. Garages, exterior stairs and open decks and patios are not considered habitable structures.

Hazardous Waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed or, stored, treated, or otherwise managed.

Height means the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached

<sup>2</sup> Definition from The Conservation Fund; <http://www.conservationfund.org/>

antenna and/or collocations as permitted in Chapter 146 of the Monroe County Code. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.

Historic Resources means all areas, districts, or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the County as historically, architecturally, or archaeologically significant.

Historically Significant Housing means a dwelling unit that is listed in the National Register of Historic Places or the Florida Master Site File.

Hotel means a building containing individual rooms for the purpose of providing overnight lodging facilities for periods not exceeding 30 days to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities and on-site management and reception.

Household means a family living together in a single dwelling unit with common access to and use of all the living and eating areas within the dwelling unit.

Housing Demand means the number of housing units that will be needed to accommodate a projected population (equal to the number of existing housing units plus the projected housing need).

Housing Need means the number of new housing units needed to accommodate a projected population (equal to the projected housing demand minus the number of existing housing units).

## **I**

Impact Fee means charges assessed against new development or redevelopment which partially or wholly cover the cost of providing capital facilities needed to serve the development.

Impervious Surface means a surface that does not allow, or minimally allows, the penetration of water; included as examples are building roofs, normal concrete and asphalt pavements, and some fine-grained soils, such as clays.

Impervious Surface Ratio (ISR) means a measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

Infrastructure means those man-made structures which service the common needs of the population, such as: sewage disposal systems; potable water systems and wells; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. Intensity is expressed as a maximum FAR.

## L

Land means the earth, at or below the surface that lies above high tide for lands subject to tidal inundation and mean high water for freshwater bodies of water.

Land Development Code (LDC) means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land. (aka: Land Development Regulations – LDRs)

Level of Service means an indicator or the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

Local Planning Agency means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the Community Planning Act. (aka: Planning Commission)

Local Road means a road designated and maintained primarily to provide access to abutting property. A local road is of limited continuity and is not for through traffic. A local road is not considered as part of the major road network system.

## M

Marina means a facility for the storage and mooring of vessels or live-aboard vessels together with accessory retail and service uses, and may include restaurants, vessel rentals, charter vessels, vessel repair, sport diving uses, the provision of fuel, and vessel launching . The term marina does not include docks accessory to a land-based dwelling unit limited to the use of owners or occupants of the dwelling unit.

Mean High Water Line or Mean High Tide (MHW) means the point to which water extends onto the shoreline at average daily high tide as indicated by physical evidence on site such as discoloration, vegetative indicators or wrack lines.

Mean Low Water Line or Mean Low Tide (MLW) means the point to which water extends onto a shoreline at average daily low tide as indicated by physical evidence on site such as discoloration, or vegetative indicators

Mitigation (as related to wetlands) means a wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable wetland impacts associated with development.

Mitigation (as related to climate change) is an intervention to reduce the causes of changes in climate, such as through reducing emissions of greenhouse gases in the atmosphere.

Mobile Home means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities. See Subsection 320.01 F.S., for definitions regarding mobile homes and taxation.

Monthly Median Household Income means the median annual household income for the county divided by 12.

**N**

Native Upland Vegetation means native plant species occurring within pinelands or tropical hardwood hammocks. Within pineland habitats, the dominate canopy consists of slash pines (*Pinus elliottii* var. *densa*), along with other understory species such as:

<b><u>Species</u></b>	<b><u>Habitat</u></b>	<b><u>Range</u></b>
<u><i>Argythamnia blodgettii</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Cassia keyensis</i></u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Chamaesyce deltoidea</i> var. <i>serpyllum</i></u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Chamaesyce garberi</i></u>	<u>Pinelands, hammocks, sand dunes</u>	<u>Keys and mainland</u>
<u><i>Chamaesyce porteriana</i> var. <i>keyensis</i></u>	<u>Pinelands, sand dunes</u>	<u>Endemic to Keys</u>
<u><i>Chamaesyce porteriana</i> var. <i>scoparia</i></u>	<u>Pinelands</u>	<u>Keys, possibly Big Cypress</u>
<u><i>Croton arenicola</i></u>	<u>Pinelands, sand dunes</u>	<u>Keys and mainland</u>
<u><i>Evolvulus sericeus</i> var. <i>averyi</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Gerardia keyensis</i> (<i>Agalinis</i>)</u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Linum arenicola</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Melanthera parvifolia</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Phyllanthus pentaphyllus</i> var. <i>floridanus</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Schizachyrium sericatum</i></u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Tragia saxicola</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>

Many of the species normally occurring in hardwood hammocks include:

<u>Common Name</u>	<u>Scientific Name</u>
<a href="#"><u>Torchwood</u></a>	<a href="#"><u><i>Amyris elemifera</i></u></a>
<a href="#"><u>Marlberry</u></a>	<a href="#"><u><i>Ardisia escallanioides</i></u></a>
<a href="#"><u>Crabwood</u></a>	<a href="#"><u><i>Ateramnus lucidus</i></u></a>
<a href="#"><u>Saffon Plum</u></a>	<a href="#"><u><i>Bumelia celastrina</i></u></a>
<a href="#"><u>Willow Busic</u></a>	<a href="#"><u><i>Bumelia salicifolia</i></u></a>
<a href="#"><u>Gumbo Limbo</u></a>	<a href="#"><u><i>Bursera simaruba</i></u></a>
<a href="#"><u>Locustberry</u></a>	<a href="#"><u><i>Brysonima cuneata</i></u></a>
<a href="#"><u>Spicewood</u></a>	<a href="#"><u><i>Calypttranthes pallens</i></u></a>
<a href="#"><u>Wild Cinnamon</u></a>	<a href="#"><u><i>Canella winterana</i></u></a>
<a href="#"><u>Limber Caper</u></a>	<a href="#"><u><i>Capparis flexuosa</i></u></a>
<a href="#"><u>Snowberry</u></a>	<a href="#"><u><i>Chiococca alba</i></u></a>
<a href="#"><u>Pigeon Plum</u></a>	<a href="#"><u><i>Coccoloba diversifolia</i></u></a>
<a href="#"><u>Buttonwood</u></a>	<a href="#"><u><i>Conocarpus erectus</i></u></a>
<a href="#"><u>Milkbark</u></a>	<a href="#"><u><i>Drypetes diversifolia</i></u></a>
<a href="#"><u>Black Torch</u></a>	<a href="#"><u><i>Erithalis fruticosa</i></u></a>
<a href="#"><u>White Stopper</u></a>	<a href="#"><u><i>Eugenia axillaris</i></u></a>
<a href="#"><u>Spanish Stopper</u></a>	<a href="#"><u><i>Eugenia foetida</i></u></a>
<a href="#"><u>Everglades Velvetseed</u></a>	<a href="#"><u><i>Guettarda elliptica</i></u></a>
<a href="#"><u>Black Ironwood</u></a>	<a href="#"><u><i>Krugiodendron ferreum</i></u></a>
<a href="#"><u>Wild Lantana</u></a>	<a href="#"><u><i>Lantana involucrata</i></u></a>
<a href="#"><u>Wild Tamarind</u></a>	<a href="#"><u><i>Lysiloma latisiliquum</i></u></a>
<a href="#"><u>Wild Dilly</u></a>	<a href="#"><u><i>Manilkara bahamensis</i></u></a>
<a href="#"><u>Poisonwood</u></a>	<a href="#"><u><i>Metopium toxiferum</i></u></a>
<a href="#"><u>Myrsine</u></a>	<a href="#"><u><i>Myrsine floridana</i></u></a>
<a href="#"><u>Lancewood</u></a>	<a href="#"><u><i>Nectandrea coriacea</i></u></a>
<a href="#"><u>Jamaican Dogwood</u></a>	<a href="#"><u><i>Piscidia piscipula</i></u></a>
<a href="#"><u>Cockspur</u></a>	<a href="#"><u><i>Pisonia rotundata</i></u></a>
<a href="#"><u>Black Bead</u></a>	<a href="#"><u><i>Pithecellobium guadalupense</i></u></a>
<a href="#"><u>Long Stalked Stopper</u></a>	<a href="#"><u><i>Psidium longipes</i></u></a>
<a href="#"><u>Wild Coffee</u></a>	<a href="#"><u><i>Psychotria nervosa</i></u></a>
<a href="#"><u>Indigo Berry</u></a>	<a href="#"><u><i>Randia aculeata</i></u></a>
<a href="#"><u>Darling Plum</u></a>	<a href="#"><u><i>Reynosia septentrionalis</i></u></a>
<a href="#"><u>Maidenbush</u></a>	<a href="#"><u><i>Savia bahamensis</i></u></a>

<u>Common Name</u>	<u>Scientific Name</u>
<u>Bahama Nightshade</u>	<u><i>Solanum bahamense</i></u>
<u>Mahogany</u>	<u><i>Swietenia mahogoni</i></u>
<u>Tallowwood</u>	<u><i>Ximenia americana</i></u>
<u>Wild Lime</u>	<u><i>Zanthoxylum fagara</i></u>

Natural Drainage Features means the naturally occurring features of an area which accommodate the flow of stormwater, e.g., streams, rivers, lakes, and wetlands.

Natural Resources means the air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources.

Nonconforming Structure means any structure lawfully existing on the effective date of the ordinance from which this chapter is derived other than a sign, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of this chapter or any amendment thereto.

Nonconforming Use means any use lawfully being made of any land, buildings or structure, other than a sign, on the effective date of the ordinance from which this chapter is derived or any amendment thereto, rendering such use nonconforming, which does not comply with all of the regulations of this chapter, or any amendment thereto.

**O**

Objective means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

Open Space means undeveloped lands that are suitable for passive recreation, landscape, preservation, or conservation uses.

**P**

Park means an active or passive or recreational use operated for the benefit of the general public by a public or quasi-public agency

Policy means the way in which programs and activities are conducted to achieve an identified goal.

Principal Use or Structure means the building and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

Public Water Access means any water-dependent or water-oriented facility available to the public in general, either by use of a fee or being a patron of the business that provided the facility; which allows the public access to the beach or shoreline. The term “water-oriented” as used in this herein means any facility that is actually on the water and controls the access to the water.

Public Facilities means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Public Recreation Facility means a publicly owned or leased recreation site or component thereof, used by the public for active or passive recreational pursuits such as a trail, marina, ball court, athletic field or swimming pool. This term includes both Facility-Based Recreation and Resource-Based Recreation, which terms may be distinguished between as to the use characteristics permitted within a given plan category.

Public Recreation Sites means site owned or leased on a long-term basis by a federal, state, regional, or local government agency for purposes of recreational use.

Public Transit means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

## **R**

Reclamation means the filling, backfilling, restructuring, reshaping, and/or revegetation within and around a land excavation or filling area to a safe and aesthetic condition.

Recreational and Working Waterfronts means a parcel or parcels of real property that provide access for water-dependent commercial activities, including hotels and motels as defined in s. 509.242(1), or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water. As used in this section, the term “vessel” has the same meaning as in s. 327.02(39). Seaports are excluded from the definition.

Recycling is minimizing waste generation by recovering and reprocessing usable products that might otherwise become waste (i.e., recycling of aluminum cans, paper and bottles, etc.).

Redevelopment means the proposed removal or demolition of structures and the installing, building, or constructing on the property new replacement structures.

Resident (Permanent) Population means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

Resilience to climate change is the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, the economy and the environment.

Resource-Based Recreation means recreational activities that typically are dependent on natural resources and a natural outdoor environment. These activities have little, if any, adverse impact on a site and are compatible with natural and/or cultural resource protection.

Reuse means the planned activity or activities that are intended for the land excavation or filling area and/or abutting land after the excavation or filling ceases and reclamation is completed.

Right-of-Way means land acquired and owned by the state, a county, a municipality, or utility and reserved, dedicated, or required for public use.

Rip-Rap means a permanent erosion-resistant ground cover consisting of loosely placed pieces of natural stone or clean concrete rubble six (6) inches to three (3) feet in diameter (average dimensions), which is free of attached sediments or reinforcing rods or other similar protrusions.

ROGO Sub-Area means the division of the unincorporated area of the county, outside of the county mainland, for the residential Permit Allocation and Point System (or Rate of Growth Ordinance – ROGO), as follows:

- (1) Upper Keys: the unincorporated area of the county north of Tavernier Creek and corporate limits of the Village of Islamorada (approximately mile marker 90).
- (2) Lower Keys: the unincorporated area of the county from the corporate limits of the Village of Islamorada (approximately mile marker 72) south to the corporate limits of the City of Key West at Cow Key Bridge on U.S. Highway 1 (approximately mile marker 4), excluding Big Pine Key and No Name Key.
- (3) Big Pine Key and No Name Key: the islands of Big Pine Key and No Name Key within unincorporated the county.

Room, Hotel or Motel means a unit in a public lodging establishment as defined by F.S. § 509.013(4)(a) intended for transient lodging only for periods not exceeding 30 days. Transient occupancy shall conform to the definition contained in F.S. § 509.013(12) as to transient occupancy. For the purposes of density restriction under this chapter:

- (1) Hotel or motel room may be a single room or a suite which may include a kitchenette but no more than 1½ bathrooms and one bedroom and one other living area.
- (2) Suites containing more than one bedroom and 1½ baths may be constructed; however, each bedroom/bath combination shall be considered a hotel/motel unit
- (3) All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.

**S**

Salt Marsh and Buttonwood Wetlands means two plant associations that are sometimes collectively or individually referred to as the "transitional wetland zone." The salt marsh community is a wetland area subject to tidal influence, and the vegetation is dominated by nonwoody groundcovers and grasses. The vegetation may include, but is not limited to, the following nonwoody species:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Sporobolus virginicus</u>	<u>Dropseed</u>
<u>Batis maritima</u>	<u>Saltwort</u>
<u>Distichlis spicata</u>	<u>Salt grass</u>
<u>Monanthochloe</u>	<u>Key grass</u>
<u>Salicornia spp.</u>	<u>Glasswort</u>
<u>Sesuvium portulacastrum</u>	<u>Sea purslane</u>
<u>Spartina spartinae</u>	<u>Cordgrass</u>
<u>Fimbristylis castanea</u>	<u>Chestnut sedge</u>

Woody vegetation that may be present includes the three species of mangroves, as well as buttonwood (Conocarpus erectus); however, the salt marsh community is distinguished by the dominance of nonwoody plants, and the woody species have a coverage of less than 40 percent. The salt marsh community may be associated and intermixed with areas of almost bare ground on which the vegetation may be limited to masts of periphyton.

The buttonwood wetland is a wetland that is usually present in the more landward zone of the transitional wetland area, and may intermix with more upland communities. The vegetation may include, but is not limited to, the following species:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Sporobolus virginicus</u>	<u>Dropseed</u>
<u>Borrichia spp.</u>	<u>Sea oxeye daisy</u>
<u>Bumelia celastrina</u>	<u>Saffron plum</u>
<u>Coccoloba uvifera</u>	<u>Sea grape</u>
<u>Conocarpus erectus</u>	<u>Buttonwood</u>
<u>Erithalis fruticosa</u>	<u>Black torch</u>
<u>Scientific Name</u>	<u>Common Name</u>
<u>Fimbristylis castanea</u>	<u>Chestnut sedge</u>
<u>Jacquinia keyensis</u>	<u>Joewood</u>
<u>Lycium Carolinianum</u>	<u>Christmas berry</u>
<u>Maytenus phyllanthoides</u>	<u>Mayten</u>

The buttonwood wetland is distinguished from the salt marsh wetland by the dominance of buttonwood trees, usually occurring as an open stand that permits the growth of an understory of groundcovers and shrubs. The buttonwood wetland is, in turn, distinguished from more upland communities by the presence of graminoids and halophytic groundcovers under its open canopy, and generally by the lack of an appreciable layer of humus and leaf litter. As referenced throughout these regulations, "salt marsh and buttonwood" habitat refers collectively and individually to "salt marsh" and "buttonwood" habitats for the purpose of determining regulatory requirements.

Seasonal Population means the part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population includes longer-term visitors who reside during their stay in owner-occupied or leased/rented accommodations.

Shore or Shoreline means the interface of land and water and, as used in the coastal management and conservation element requirements, is limited to oceanic and estuarine interfaces.

Shoreline Stabilization Strategy means an approach to shore erosion control practices using hardened structures such as bulkheads, rip rap or seawalls or using restoration practices such as plantings to armor, stabilize, protect and enhance the built and natural environments from erosion and sea level rise impacts.

Sink (Greenhouse Gas) means any process, activity or mechanism which removes greenhouse gases from the atmosphere.

Source Reduction or Waste Prevention refers to practices that reduce the amount of materials entering the waste stream, including changes in the design, manufacture, purchase or use of materials.

State Land Planning Agency means the Florida Department of Economic Opportunity (DEO).

Stormwater means the flow of water which results from a rainfall event.

Stormwater Facilities mean manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities.

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable building that can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. The term "structure" also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, off-shore swimming platforms and other accessory construction.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land.

Submerged Land means the area situated below the mean high water line or the ordinary high water line of a standing body of water, including ocean, estuary, lake, pond, river or stream. For the purpose of this definition, drainage detention areas created as a function of development that are recorded on an approved final site plan or other authorized development order action of the local government with jurisdiction, and wetlands landward of the mean and/or ordinary high water line, shall not be considered submerged land, and thus may be included in the computation of net land area for the purpose of determining permitted density/intensity.

Sunset means a statute or provision that will cease to exist by a certain date.

Sustainable Building Rating or National Model Green Building Code means a rating system established by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the International Green Construction Code (IGCC), the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department.

## **T**

Threatened and Endangered Species means plant or animal species listed as such under the provisions of the Endangered Species Act, 16 USC 1531 et seq. and/or F.S. § 581.185, and the Florida Endangered and Threatened Special Act, F.S. § 372.072, as amended.

Tourist means those part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Tourist population includes short-term visitors who reside during their stay in transient accommodations.

Transient Residential Unit means a dwelling unit used for transient housing such as hotel or motel room, seasonal residential unit, or space for parking a recreational vehicle or travel trailer.

## U

Useful Life means the period during which an asset or property is expected to be usable for the purpose it was acquired. It may or may not correspond with the item's actual physical life or economic life.

User-Oriented Recreation means recreational activities which take place in man-made facilities, located for the convenience of users. Examples include football, tennis, baseball, pool swimming, golf, shuffleboard, recreational classes, and community-sponsored festivals.

Utility means facilities such television cable, telephone exchanges, electric generation plants, stormwater collection systems, high power transmission lines and substations, gas distribution lines and sewage treatment collections systems and disposal plants.

## V

Vulnerability to Climate Change means the exposure, sensitivity, and adaptive capacity of systems to climate change.

## W

Wastewater Treatment Collection System means the use of land and its above ground installed appurtenances related to the collection and transmission of wastewater to a treatment facility located on another lot or parcel.

Wastewater Treatment Facility means the use of land and its appurtenances for the treatment of wastewater collected predominately from other lots or parcels.

Water means all water on or beneath the surface of the ground, including the water in any watercourse, water body or wetland.

Water-Dependent Use means a use that must physically be located in, on, over, or adjacent to water in order to conduct its primary purpose and which, therefore, cannot be located inland. e.g., marinas, boat rentals, boat yards, docks, wharfs, lifts, boat ramps, boat hauling, repair, and construction facilities, commercial fishing facilities, and other support structures on, over, or adjacent to navigable bodies of water.

Water-Enhanced Use means a use that is not water-dependent or water-related uses but benefits economically or aesthetically by its location adjacent to or on the waterfront. The term includes dock side bars, restaurants, hotels, motels, and residential uses.

Water-Related use means an activity not dependent on direct access to water in order to conduct its primary purpose, but which provides goods or services directly related to water-dependent uses, e.g., marine supplies, boat dealers, boat maintenance and repair.

Water Supply Infrastructure and Support Facilities means above or below ground structures, including wells, pipes, pumps, buildings, facilities, fixtures, machinery, reservoirs, and appurtenant facilities and structures, required for the provision of high quality potable water.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida Keys wetlands include freshwater marsh, salt marsh, buttonwood, salt ponds, freshwater lenses, mangroves, and some areas of tropical hardwood hammocks and pinelands).

Wetland boundary means the landward extent of wetlands dominated by plant species, soils and other hydrologic evidence indicative of regular and periodic inundation or saturation.

Workforce Housing means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.