MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Mayté Santamaria, Senior Planning Policy Advisor

Date: September 22, 2021

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

Meeting: DATE 2021

I. REQUEST

The County must complete amendments plan to reflect and satisfy changes in statutory requirements as
Evaluation and Appraisal (EA) amendments which are required to be transmitted to the Department of
Economic Opportunity (DEO) by April 22, 2022. If the County fails to update the comprehensive plan
pursuant to EA requirements, the County cannot amend its comprehensive plan until such time as it complies with the EA requirements.

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

II. BACKGROUND INFORMATION

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

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

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

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

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

Staff conducted a review of Florida Statutes changes (2012-March 2021) and determined two (2) amendments to its comprehensive plan were necessary to reflect changes in state requirements for the Peril of Flood legislation (Section 163.3178(2)(f), F.S.) and the revision of the definition of the term ‘development’ (s. 380.04, F.S.; s. 163.3221, F.S.; and referenced in s. 163.3164(14), F.S.). Excerpts of
the statutory changes are provided below. The associated Laws of Florida (2015-69 and 2018-34) for these updates are attached as exhibit 4.

Section 163.3178, Coastal Management Element (Chapter 2015-69, section 1, Laws of Florida)
- Adds a requirement that the redevelopment component of the Coastal Management Element must:
  - Reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.
  - Encourage removal of coastal real property from FEMA flood zone designations.
  - Be consistent with or more stringent than the flood resistant construction requirements in the Florida Building Code and federal flood plain management regulations.
  - Require construction seaward of the coastal construction control line to be consistent with chapter 161, Florida Statutes.
  - Encourage local governments to participate in the National Flood Insurance Program Community Rating System to achieve flood insurance premium discounts for their residents.

Sections 163.3221(4)(b)(2) and (4)(b)(8), Florida Local Government Development Agreement Act; definitions (Chapter 2018-34, section 1, Laws of Florida)
- Amends the definition of “development” to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors.

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

1) Update the Rule 28-20 references within the comprehensive plan to reflect the recently adopted Administration Commission Rule 28-20.140, F.A.C., with the updated Work Program (mainly canal restoration work program).

2) Update the County’s Coastal High Hazard Area (CHHA) depiction on the Future Land Use Maps with the updated Florida Department of Emergency Management’s SLOSH modeling.

3) Extending the deadlines (or eliminating) within the comprehensive plan (policies stating “within X years after the adoption of the comprehensive plan” where the deadline has already passed);

4) General text updates, corrections to text and removing grammatical errors and clean-up of policies

On April 21, 2021, the Board of County Commissioners authorized the Mayor to sign the County’s Evaluation and Appraisal Notification Letter to DEO (attached as exhibit 3) specifying the necessary plan amendments required to reflect changes in requirements in State Statutes: 1) update comprehensive plan to address the Peril of Flood legislation and 2) update comprehensive plan definition of the term ‘development.’

Pursuant to Section 163.3191, F.S., and Rule 73C-49, F.A.C., Monroe County’s current evaluation and appraisal notification letter deadline to DEO was May 1, 2021. The County transmitted it’s evaluation and appraisal (EA) notification letter to DEO on April 21, 2021.
On July 1, 2021, after the EA Notification Letter was sent to DEO, Chapter 2021-195, Laws of Florida (HB 59) went into effect requiring adoption of a property rights element “by the earlier of the date of its adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.” The proposed County EA amendments will address this additional statutory requirement. The associated Laws of Florida for this update is also included within exhibit 4.

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

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Development Review Committee and Public Input
The Development Review Committee considered the proposed amendment at a regular meeting on ____________, and received public input. In general, the comments provided for the proposed amendment, are summarized below:

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•

•

Planning Commission and Public Input
The Planning Commission considered the proposed amendment at a regular meeting on ____________, provided for public input and recommended ________________.

III. PROPOSED COMPREHENSIVE PLAN AMENDMENTS
Proposed Amendments are shown with deletions stricken through and additions are underlined.

All proposed amendments are included in Exhibit 1 (text amendments) and Exhibit 2 (map amendments), with main or significant or example amendments summarized in the table below.
### Chapter 1
#### Introduction and Background

**Introduction:**
Updated the Rule 28-20 references to reflect the recently adopted Administration Commission Rule 28-20.140, F.A.C., with the updated Work Program (mainly canal restoration work program). Deleted old Work Program.

**Background:**
Minor clarification edits to list of map series and Comp Plan chapters to add the new proposed Private Property Rights Element within Chapter 2.0.

**Example in Introduction:**
Below are the Work Program tasks, as cited directly from the current (November 2020) Rule 28-20.140:

**(5) WORK PROGRAM.....**

**Example in Background:**
In accordance with the requirements of Chapter 163, F.S., Part II, the Policy Document contains the following sections of the Comprehensive Plan adopted by the Board of County Commissioners (BOCC):

1. A Private Property Rights Element, contained in Chapter 2.0
2. The Goals, Objectives and Policies of the plan, as well as the requirements for capital improvements implementation, including the Five-Year Schedule of Capital Improvements, contained in Chapter 3.0;
3. The procedures for monitoring and evaluation of the plan, contained in Chapter 4.0; ....

### Chapter 2
#### General County Element

**General County Element:**
Minor clarification edits to add State Constitution reference and correct Policy references.

**Policy 2.1.1**

_Article VII, Section 18(a) of the State Constitution, provides in part that a county may not be bound by a general law requiring the county to spend funds or take an action that requires the expenditure of funds unless certain exemptions or exceptions are met._

Implementation of this Comprehensive Plan, particularly:

A. Policies 102.4.1 (land acquisition), 102.4.2 (land acquisition for permit allocation system), 102.4.3 (land acquisition), 102.1.1 (wetland 100% open space), 204.2.2 (wetland 100% open space ratio for salt marsh and buttonwood wetlands), and 204.3.1 (wetland acquisition); and

B. Implementation of Objectives 901.3 (sewer master plan) and associated policies and 1001.1 (stormwater master plan) and associated policies; and

C. Policies 2.2.1, 2.2.2 and 2.2.3 (private property rights);

will require funding which exceeds the reasonable budgetary constraints of Monroe County. As an Area of Critical State Concern and site of unique natural resources of national importance, Monroe County should not be expected to bear the sole burden of implementing these policies without substantial financial assistance....
### Chapter 2
**Private Property Rights Element (NEW)**

**Private Property Rights Element:**
Newly added element to comply with Chapter 2021-195, Laws of Florida (HB 59) that went into effect in July 2021, requiring adoption of a property rights element “by the earlier of the date of its adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.” This is a required amendment.

**See Exhibit 1 - Example:**

#### Policy 2.2.2
Monroe County shall consider the following rights in local decision making:

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

### Chapter 3
**3.1 Future Land Use Element**

Proposed updates to:
- To provide clarity, provide for internal consistency, update deadlines within the comprehensive plan, eliminate accomplished or obsolete provisions, make corrections to text and eliminate grammatical errors; and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges.
- Include Comp Plan policies to facilitate the elevation (lifting up) of lawfully-existing residential dwelling units by waiving or reducing certain setback and open space requirements, to allow necessary improvements to provide access (stairs, ramp, etc.) to a house elevated above base flood level to reduce the risk of future flood damage. Directed by the BOCC on July 21, 2021 to help with rebuilding after storm and to utilize federal and state grant funding opportunities (see agenda item K6).
- Amend Admin Relief Policy to address the basis for denial of an administrative relief request (for example: previous private property rights claim or nonconforming)

**List of Policies with proposed changes:**
- Policy 101.2.3
- Policy 101.3.5
- Policy 101.5.22
- Policy 101.5.25
- Policy 101.5.29
- Policy 101.5.32
- Policy 101.5.33
- Policy 101.5.34 allow elevation of houses
- Policy 101.6.4 ROGO
- Policy 101.6.5 NROGO
- Policy 101.6.8
- Policy 101.7.1 Admin Relief
- Policy 101.8.2
- Policy 101.8.3
- Policy 101.8.4
- Policy 101.9.4

**See Exhibit 1 - Examples:**

#### Policy 101.5.34
Notwithstanding the open space provisions set forth in Policy 101.5.25 and Chapter 130 of the Land Development Code and the minimum required setbacks in Chapters 130 and 131 of the Land Development Code, a lawfully-existing residential dwelling unit, not including mobile homes, may be elevated above base flood level to reduce flood damage, pursuant to:

- The lawfully-existing dwelling unit structure is elevated within the original (existing) footprint of the structure.
- Setbacks and open space requirements are waived to allow necessary improvements to a dwelling unit being retrofitted by elevating the unit to meet or exceed flood levels. The necessary improvements are limited to ingress/egress structures (stairs, ramps, landings, elevators, etc.). The waiver provided shall be the minimum necessary to provide access to the structure that is in compliance with fire code requirements.
- Side and rear setback requirements are waived to allow accessory elevated platforms above base flood for equipment (mechanical, plumbing and electrical systems, appliances and components) situated at least two (2) feet from the side yard property line or at least five (5) feet from the rear yard property line. In no event shall the total combined area of all accessory structures occupy more than 80 percent (80%) of the required side yard setback area or 60 percent (60%) of the required rear yard setback area.
- Maximum shoreline setbacks are to be maintained and, in no event shall a shoreline setback be less than ten (10) feet from mean high water.
cause of action or previously received and rejected an offer from the local, state, or federal governmental entity). Amendment concept presented to the BOCC on January 30, 2019 and March 31, 2021 (ROGO buildout workshops).

- Updating Land Acquisition priorities to reflect grant programs County is pursuing and implementing and to be consistent with the interlocal agreement between the County and the Land Authority, which was approved on July 21, 2021 (see agenda item H7).
- Update to policies under Goal 106 to change the deadline of updating habitat data and reviewing tier designations by one year to address the delay in the production of updated aerials and to reflect changes to Section 163.3191, F.S. and Rule 73C-49.001, F.A.C.
  - Note, updates to habitat maps and Tier review delayed due to the 2021 Ortho images failing the Quality Control requirements and being rejected by the Department of Revenue and the Monroe County Property Appraiser’s Office (see September 15, 2021 agenda item K1 to reject all proposals and rebid the RFP for updates of the County’s 2009 Geospatial Land Cover Dataset and Tier Overlay District Maps for the Florida Keys, due to a delay in receiving updated 2021 Aerial Photography).
- Update the information and standards within the MIAI Land Use Table to be internal consistency with Policy 101.5.25

| Structures – allow elevation of houses Policy 101.11.2 Policy 101.12.2 Objective 102.2 Policy 102.4.1 Policy 102.4.2 land acquisition Policy 102.4.6 Policy 102.6.1 Policy 103.2.3 Policy 105.1.1 Policy 105.1.4 Policy 105.2.9 Policy 106.1.1 tier updates Policy 106.1.2 tier updates Policy 106.1.3 tier updates Policy 108.2.6 MIAI land use tables |

- The improvements shall be constructed to avoid off-site discharge of stormwater from the subject parcel, in accordance with Section 114-3 of the Monroe County Land Development Code.
- Development shall maintain compliance to the maximum extent practicable, as determined by the Planning Director.
- This Policy does not waive any required minimum vegetated setbacks adjacent to wetlands (see Policy 203.1.2 and Policy 204.2.5) and does not authorize any encroachments to a conservation easement.
- This Policy does not restrict a property owner from proposing other additions or improvements to the elevated house, as long as the additions, enlargements, expansions, and extensions do not create a nonconformity or cause a further violation to an existing nonconformity.
- Substantial improvement or reconstruction of single-family dwelling units homes shall comply with the setback and open space provisions set forth in Policy 101.5.25 and in Chapters 130 and 131 of the Monroe County Land Development Code.

Policy 102.4.2
The following are the types of lands which shall be considered for acquisition and The Land Authority and the Growth Management Division shall identify the types of lands which shall be considered for acquisition. These shall include the following priorities for acquisition. The County shall support acquisitions utilizing Land Authority resources and funding, Monroe County resources and funding, and or state and federal grant programs.

Priority One*
- Lands designated as Tier I (Natural Areas) with at least one TDR (transferable development right)
- Lands designated as Tier III for the retirement of development rights, reducing hurricane evacuation clearance times and/or with significant habitat or connectivity
- Lands designated as any Tier designation within the Florida Forever project boundary that would fit the Florida Forever mission, as well as eliminate potential takings liability by retiring development rights (focus on parcels with at least one TDR)
- Lands that meet the voluntary program to retire building rights called the “Less than Fee” (LTF) program
- Lands that meet the voluntary program to retire non-conservation parcels called the “Density Reduction” program
- Lands that meet the FEMA Hazard Mitigation Grant Program (HMGP) and Flood Mitigation Assistance (FMA) Program
- Lands that meet the Community Development Block Grant – Disaster Recovery (CDBG-DR) Voluntary Home Buyout Program
- Lower Keys marsh rabbit habitat and buffer area, as adopted with the Big Pine Key & No Name Key (BPK/NNK) Habitat Conservation Plan (Figure 2.2) and Incidental Take Permit
### 3.2 Conservation and Coastal Management Element

<table>
<thead>
<tr>
<th>Proposed updates to:</th>
<th>List of Policies with proposed changes:</th>
<th>See Exhibit 1 - Examples:</th>
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| o To provide clarity, provide for internal consistency, update deadlines within the comprehensive plan, eliminate accomplished or obsolete provisions, make corrections to text and eliminate grammatical errors; and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges. | Policy 201.1.2  
Policy 202.2.2  
Policy 202.3.1  
Policy 202.3.2  
Policy 202.3.4  
Policy 202.3.5  
Policy 203.1.1  
Policy 204.2.2  
Policy 204.2.3  
Policy 204.2.4  
Policy 204.2.6  
Policy 204.2.7  
Policy 204.2.8  
Policy 205.4.1  
Policy 206.6.6  
Objective 207.1  
Objective 207.2  
Objective 207.3  
Policy 209.3.1  
Policy 210.1.8  
Policy 211.1.2  
Objective 212.1  
Policy 212.1.1  
Policy 212.2.1  
Policy 212.2.2  
Objective 213.1  | Policy 202.3.5  
Within one (1) year after the adoption of the 2030 Comprehensive Plan, Monroe County will evaluate if there is a need to develop a plan for providing pump-out services at county-owned facilities, beyond the mobile vessel pumpout program.  
Policy 204.2.6  
Within one (1) year after the adoption of the 2030 Comprehensive Plan, the County shall evaluate revising the LDC to modify the definition of disturbed wetlands to include those wetlands that receive a KEYWEP total functional index of 5.5 or less.  
Policy 204.2.7  
Within one (1) year after the adoption of the 2030 Comprehensive Plan Update, Monroe County shall maintain revising the LDC to provide a definition of wetlands that is consistent with the State definition contained in Rule 62-340.200, F.A.C. (373.019(17) F.S.).  
Policy 206.6.6  
Monroe County shall continue to protect manatees and their habitat by maintaining the adopted docking facility and new marina siting criteria and supporting the established Monroe County Boating Restricted Areas (see Rule 68D-24.144, F.A.C.).  
Policy 215.3.2  
As provided by Section 252.385, F.S., public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management. Monroe County shall continue to maintain an intergovernmental agreement with Miami-Dade County and other appropriate agencies (e.g., Board of Regents, American Red |
| o To incorporate the state requirements for the Peril of Flood (POF) legislation (Section 163.3178(2)(f), F.S.). |  
Policy 163.3178(2)(f)  
A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:  
Draft POF amendments were presented to the BOCC May 20, 2020 (see agenda item H5).  
POF are required amendments:  
Policy 204.2.6  
Within one (1) year after the adoption of the 2030 Comprehensive Plan Update, Monroe County shall maintain revising the LDC to provide a definition of wetlands that is consistent with the State definition contained in Rule 62-340.200, F.A.C. (373.019(17) F.S.). |  
Policy 202.3.5  
Within one (1) year after the adoption of the 2030 Comprehensive Plan, Monroe County will evaluate if there is a need to develop a plan for providing pump-out services at county-owned facilities, beyond the mobile vessel pumpout program.  
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- Acquisition of privately owned lands within the boundaries of the Habitat Conservation Plan and Incidental Take Permit.  
- Property eligible for Administrative relief…..

**Policy 106.1.1**

Monroe County shall update habitat data and the Land Development Code Tier (Zoning) Overlay District Maps to **generally** coincide with the State comprehensive plan evaluation and appraisal schedule, **beginning one year after the evaluation and appraisal notification schedule deadline of May 1, 2021**.

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**DRC Staff Report**  
**File #2021-129**
1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

Policy 213.1.1
Policy 213.1.2
Policy 215.1.2
Policy 215.1.6
Policy 215.1.10
Policy 215.1.13
Policy 215.3.2
Policy 216.1.3
Policy 216.1.4
Policy 216.1.5
Policy 216.1.6

Goal 218 Peril of Flood
Objective 218.1
Policy 218.1.1
Policy 218.1.2
Policy 218.1.3
Policy 218.1.4
Policy 218.2
Objective 218.2
Policy 218.2.1
Policy 218.2.2
Policy 218.2.3
Policy 218.2.4
Policy 218.2.5
Policy 218.2.6
Objective 218.3
Policy 218.3.1
Policy 218.3.2
Policy 218.3.3
Objective 218.4
Policy 218.4.1
Objective 218.5
Policy 218.5.1
Policy 218.5.2
Policy 218.5.3

Cross) in an attempt to provide sufficient approved spaces outside of Monroe County for all county residents who will seek shelter from a Category 3 or greater hurricane. (See Policy 1301.7.4) [F.S. § 163.3178(2)(d)]

GOAL 218 [POF]
Monroe County shall consider the peril of flooding impact to eliminate inappropriate and unsafe development in redevelopment plans in coastal areas when opportunities arise. [F.S. § 163.3178(2)(f)]

Objective 218.1
Monroe County shall include in its planning efforts development and redevelopment principles, strategies, and engineering solutions that reduce flood risk in coastal areas across the community, which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. [F.S. § 163.3178(2)(f)1.]

Policy 218.1.1
The County shall develop by 2023, a short, medium and long-term Roads and Stormwater Capital Plan informed by future growth, design levels of service for flooding, future sea level rise projections and other legal and policy analyses.

Policy 218.1.2
Within two years of completing the Roads and Stormwater Capital Plan, the County shall review and update its ordinances, regulations and infrastructure design criteria, to include development and redevelopment principles and strategies that reduce current and future flood risk. Principles shall be based upon considering the ecological, engineering, disaster risk reduction and social elements of resiliency. Strategies may include best practices that prioritize elevation and floodproofing, protection of building mechanical systems, onsite retention and pervious surfaces, shoreline protection and accommodation, site-specific flood management techniques, green infrastructure, maintaining access to services and managed relocation.

Policy 218.1.3
Based upon a Shoreline Stabilization Strategy, to be completed pursuant to Policy 1503.1.8, the County shall identify locations to protect and enhance the built and natural environments from erosion and sea level rise impacts, prioritizing natural green infrastructure approaches. The County shall also identify locations for new or enhanced natural or living shorelines including strategies for funding, restoring, permitting, and constructing such projects.
### 3.3 Traffic Circulation Element

#### Proposed updates to:
- To provide clarity and provide for internal consistency
- To incorporate the concepts from BOCC Resolution 292-2021, adopted on September 15, 2021, to support traffic flow improvement projects that would alleviate congestion on U.S. 1 and assist in improving the Level of Service on U.S. 1, and requesting FDOT support U.S. 1 improvement projects that accomplish these goals and allocate funding within the five-year work program (see agenda item N1).

#### List of Policies with proposed changes:
- Policy 301.1.2
- Policy 301.2.3
- Policy 301.4.1
- Policy 301.5.2
- Policy 301.7.2
- Policy 301.7.3

See Exhibit 1 - Examples:

**Policy 301.4.1**
Monroe County shall **review the recommendations within the completed 2021 Transportation Strategy Master Plan**, through its Long Range Transportation Plan, by May 2021, incorporating an intermodal transportation system and considerations of climate change implications to develop a coordinated partnership with the Florida Department of Transportation and the municipalities on prioritizing comprehensive solutions to improve traffic flow, reduce congestion, provide for intermodal transportation facilities, and ensure safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys. This date coincides with the Evaluation and Appraisal review which follows the adoption of the revised Comprehensive Plan.

**Policy 301.5.2**
By May 2021, Monroe County shall **review the recommendations within the completed 2021 Transportation Strategy Master Plan** (Long Range Transportation Plan) to develop a coordinated partnership with the Florida Department of Transportation and the municipalities on prioritizing comprehensive solutions to improve traffic flow/circulation, reduce congestion, and ensure safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys. The County shall request the support of U.S. 1 improvements that also further County’s road elevation and stormwater projects, which incorporating the considerations of climate change implications to address the Roads Vulnerability Analysis and Capital Plan for County-maintained roads.

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### 3.4 Mass Transit Element

#### Proposed updates to:
- To provide clarity and provide for internal consistency
- To incorporate the concepts from BOCC Resolution 292-2021, adopted on September 15, 2021, to support traffic flow improvement projects that would alleviate congestion on U.S. 1 and assist in improving the Level of Service on U.S. 1, and requesting FDOT support U.S. 1 improvement projects that accomplish these goals and allocate funding within the five-year work program (see agenda item N1).

#### See Exhibit 1 - Examples:

**Policy 401.1.1**
Within one (1) year of the adoption of the 2030 Comprehensive Plan, Monroe County shall maintain adopt land development regulations requiring retail shopping facilities, offices and similar uses generating over two thousand (2,000) trips per day be built to accommodate mass transit by being designed to include such features as adequate turning radii for large vehicles, direct access to sheltered areas with seating that can serve as a bus stop and pedestrian access to adjacent properties.

**Policy 401.3.1**
By May 2021, Monroe County shall **review the recommendations within the completed 2021 Transportation Strategy Master Plan**, through its Long Range Transportation Plan to enhance mass transit for all residents and visitors, in coordination with the municipalities and Miami-Dade County and the Florida Department of Transportation.
3.5 Ports, Aviation and Related Facilities Element

Proposed updates to:
- To provide clarity and reflect accomplished provisions.

See Exhibit 1 - Example:

**Policy 502.1.5**
By May 1, 2017, Monroe County Emergency Management shall maintain a list of all marinas for potential use during emergencies and shall consider further study for their use as emergency ports.

3.6 Housing Element

Proposed updates to:
- Updates to reflect grant programs County is pursuing and implementing
- To provide clarity and reflect accomplished provisions.

See Exhibit 1 – Examples:

**Policy 601.1.2**
Monroe County shall expand its participation in Federal and State housing assistance programs to rehabilitate owner and rental housing for very low, low, median, and moderate income residents by seeking grants, loans, and technical assistance in conjunction with the Monroe County Housing Authority. By May 1, 2021, Monroe County shall also participate, as appropriate, in FEMA Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) Program and Community Development Block Grant – Disaster Recovery (CDBG-DR) grant programs to support the completion of flood mitigation projects, such as the elevation of homes above base flood level to reduce the risk of future flood damage.

**Policy 601.1.13**
Monroe County shall maintain land development regulations on inclusionary housing for both residential and shall evaluate expanding the inclusionary housing requirements to include or address nonresidential and transient development and redevelopment based on specific data and analysis.

3.7 Potable Water Element

Proposed updates to:
- To provide clarity and reflect accomplished provisions.

See Exhibit 1 – Examples:

**Policy 701.2.4**
Monroe County shall coordinate with annually supply FKAA and SFWMD on updating with the Biennial Public Facilities Capacity Report (PFCR) prepared in accordance with Capital Improvements Policy 1401.4.9. These annual PFCR 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.

**Policy 701.5.7**
Within one (1) year of adoption of the 2030 Comprehensive Plan, Monroe County shall evaluate the permit allocation and point system to consider assigning a positive point rating to developments utilizing alternative water collection systems which conserve potable water supply.
### 3.8 Solid Waste Element

**Proposed updates to:**
- To provide clarity, reflect statutory requirements and language, eliminate obsolete provisions, and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges.
  - Due to economic changes domestically and internationally, the demand for recyclable material specifically, plastic and glass has declined. Due to this decline and the cost associated with the changes, at this time mandatory recycling is not being pursued.
  - Monroe County does continue to strongly encourage businesses and residents to recycle. All Franchise haulers, provide commercial business recycling service containers, and all residents receive a weekly recycling collection.

See Exhibit 1 – Examples:

**Objective 801.4**

_Pursuant to Sections 403.7032(2) and 403.706(2)(a), F.S., Monroe County shall continue to strive to achieve a 75 percent diversion rate of the municipal solid waste stream by 2020 through recycling. The long-term goal for the recycling efforts is to recycle at least 75 percent of the municipal solid waste that would otherwise be disposed of in waste management facilities, landfills, or incineration facilities; however, any solid waste used for the production of renewable energy shall count toward the long-term recycling goal. As provided in 403.706(4)(c), F.S., a county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the 75 percent goal set forth. Accordingly, Monroe County shall continue to provide a system for separating and collecting recyclable materials and a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials._

**Policy 801.4.1**

Monroe County shall continue to assess collection practices, net material recovery, program costs and public participation, and rates of curbside collection pilot programs. The results of this assessment shall be considered in the design and improvements to the implementation of a subsequent, county-wide, mandatory-recycling program for residential and commercial locations.

**Policy 801.4.2**

Within three (3) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall encourage implement a county-wide, mandatory-recycling program for residential and commercial locations, including programs implemented with funds other than County tax dollars.

### 3.9 Sanitary Sewer Element

**Proposed updates to:**
- To provide clarity and reflect accomplished provisions.

See Exhibit 1 – Example:

**Objective 901.2**

_Monroe County shall fulfill the goals of follow-up on the recommendations to overcome fiscal impacts suggested in the Monroe County Sanitary Wastewater Master Plan and implement central wastewater systems called for by the master plan by 2015._

### 3.10 Drainage Element

**Proposed updates to:**
- To provide clarity and reflect accomplished provisions.
  - Updated to be consistent with the updated County stormwater manual and reference Rule 62-302.500, Surface Waters: Minimum Criteria, General Criteria.

See Exhibit 1 – Examples:

**Policy 1001.1.1**

_Water Quality Level of Service Standards - Minimum Water Quality:_

All projects shall be designed so that the precipitation-based discharges will meet the design and performance standards established in Rule 62-302.500, F.A.C., and the County’s Manual of Stormwater Management Practices and either demonstrate that post development total nitrogen and total phosphorus loads are less than pre-development loads to the receiving water body (net improvement) or demonstrate a ninety-five percent (95%) reduction in stormwater total nitrogen load and total phosphorus.
Updated County stormwater manual and guidance developed pursuant to a DEO Community Planning Technical Assistance Grant #P0363. Draft amendments and updates to the stormwater Manual and Brochure were presented to the BOCC June 17, 2020 (see agenda item H5). Amendments adopted September 15, 2021 (see agenda item R3).

### 3.11 Natural Groundwater Aquifer Recharge Element

**Proposed updates to:**
- To provide clarity

**See Exhibit 1 – Example:**

**Objective 1101.1**
Monroe County shall work cooperatively with Miami-Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination, saltwater intrusion from sea level rise and over-extraction. (See Potable Water Objective 701.4 and related policies.)

### 3.12 Recreation And Open Space Element

**Proposed updates to:**
- To provide clarity and update deadlines within the comprehensive plan.

**See Exhibit 1 – Examples:**

**Objective 1201.6**
*By 2025.* Within two (2) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall update and adopt a parks and recreation master plan.

**Policy 1201.7.1**
*By 2027.* Within five (5) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall prepare a Parks and Recreation Master Maintenance and Management Plan (MMP). The MMP shall evaluate and incorporate, among other factors, the following:
1. Proper management techniques consistent with the updated Future Land Use, Recreation and Open Space and Conservation and Coastal Management Elements;
2. Restoration of disturbed wetland areas;
3. The removal of exotic species;
4. Regular evaluation of recreation sites including planting and maintenance of native species;
5. Regular evaluation of recreation facilities including recreational equipment and amenities; and
6. General maintenance requirements and costs.
### 3.13 Intergovernmental Coordination Element

**Proposed updates to:**
1. To provide clarity, reflect statutory requirements and language, eliminate obsolete provisions, and to amend provisions to reflect changes in local conditions and recent data, trends, issues and challenges.
2. To incorporate the concepts from BOCC Resolution 292-2021, adopted on September 15, 2021, to support traffic flow improvement projects that would alleviate congestion on U.S. 1 and assist in improving the Level of Service on U.S. 1, and requesting FDOT support U.S. 1 improvement projects that accomplish these goals and allocate funding within the five-year work program (see agenda item N1).
3. See Exhibit 1 – Examples:
   - **Policy 1301.1.6**
     Monroe County will continue to coordinate with FKAA on the evaluation and appraisal of the Monroe County Comprehensive Plan, adopted levels of service, annual public facility capacity analysis, water supply plan and the Consumptive Use Permit.
   - **Policy 1301.1.12**
     Monroe County shall continue to coordinate and collaborate with the municipalities of Key West, Key Colony Beach, Islamorada, Layton and Marathon, regional, State, and federal government agencies, nongovernmental organizations and private organizations to exchange data and develop coordinated strategies to address resiliency and potential vulnerabilities, including impacts from sea level rise.
   - **Policy 1301.3.4**
     Within one (1) year after the adoption of the Plan, Monroe County shall continue to coordinate with Miami-Dade County and the Florida Department of Transportation to evaluate the impact of development on levels of service within one mile of County borders, and ensure concurrency and assess impacts on existing and proposed land use.
   - **Policy 1301.4.11**
     Monroe County shall coordinate with FDOT on future U.S.1 roadway projects as they relate to the existing visions and goals of this Plan and the Livable Communities Plans. Monroe County shall coordinate with FDOT to review the recommendations within the completed 2021 Transportation Strategy Master Plan to prioritize comprehensive solutions to improve traffic flow, reduce congestion, provide for intermodal transportation facilities, and ensure safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys.
   - **Policy 1301.7.4**
     As provided by Section 252.385, F.S., public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management. Within one (1) year after the adoption of the Plan, further, Monroe County shall continue to maintain existing interlocal agreement with Miami-Dade County and other appropriate agencies (e.g., the Board of Regents), as necessary, to provide sufficient additional approved spaces outside of Monroe County capable of withstanding Category 3 or stronger hurricanes and their associated surges for all county residents who will require shelter from a Category 3 or greater hurricane.

### 3.14 Capital Improvements Element

**Proposed updates to:**
1. To provide clarity and provide for internal consistency
2. To reflect the updated FY22-26 Five-Year Schedule of Capital Improvements Tables

See Exhibit 1
3.15 Energy, Resiliency and Climate Element

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

See Exhibit 1 – Examples:

Policy 1501.1.1
Monroe County shall maintain existing mechanisms for the exchange of ideas and data, and participate in new forums, to facilitate comprehensive and coordinated strategies promoting energy conservation and addressing climate change impacts. Monroe County will continue to seek support and funding sources to update its vulnerability planning efforts, incorporate new data generated by, or available to the County, and to exchange data, as necessary.

Policy 1502.1.5
By 2025 within five (5) years after the adoption of the 2020 Comprehensive Plan, Monroe County shall initiate an inventory of existing and planned infrastructure up to the 2045 horizon, based upon the vulnerability mapping, updated elevation data, the Countywide Roads and Stormwater Vulnerability Assessment, the Watershed Management Plan, the GreenKeys Plan and other appropriate vulnerability information identified in Policy 1502.1.4, for capacity to accommodate projected sea-level rise over the life expectancy of that infrastructure. Monroe County shall identify the infrastructure within those areas, its useful life and any retrofits or capital projects necessary to address the impacts of sea level rise. These strategies may include defense, accommodation, or relocation projects, or not building planned infrastructure in vulnerable locations, to address the impacts of sea level rise. Monroe County will consider developing design criteria, in conjunction with a broader asset management planning process.

Policy 1502.1.6
Within five (5) years after the adoption of the 2020 Comprehensive Plan, Monroe County shall consider incorporating a planning, design and permitting standard for infrastructure and public facilities that may include a sea level rise (SLR) assumption of 10” - 17” by 2040, based on a year 2000 baseline, 3” - 7” by 2030 as developed by the Southeast Regional Climate Compact (2019 update). Adaptation and resiliency planning strategy development shall also consider this sea level rise projection. The County shall continue to review and update sea level rise projections when new and pertinent data is available. (The 3” - 7” by 2030 is based on a 2010 baseline — if adjusted to a 1992 baseline it would result in 6” to 10” by 2030 above the 1992 mean sea level)

Policy 1503.2.1
Within one (1) year five (5) years after the adoption of the 2030 Comprehensive Plan, Monroe County shall evaluate the need and opportunities for additional strategies policies to reduce vehicle miles traveled (“VMT”) by 2030 to address energy and climate issues as well as improve traffic flow and reduce congestion. Monroe County will coordinate with the Florida Department of Transportation and the municipalities to consider strategies which could include offering a range of transportation choices in new development or redevelopment projects, incentivizing connectivity between differing modes of transportation to increase modal split and linking residential and employment center land uses to reduce the need for single vehicle trips, and ensure safety, resiliency and efficient access and travel within the Florida Keys.
<table>
<thead>
<tr>
<th>Glossary</th>
<th>Proposed updates to update the definition of “development” to be consistent with Section 380.04, F.S. This is a required amendment.</th>
<th>See Exhibit 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal High Hazard Area Map</td>
<td>Update Map Atlas Map Series 3-7 (coastal high hazard area) to be consistent with the Florida Division of Emergency Management’s update to the SLOSH model for Monroe County. This is a required amendment.</td>
<td>See Exhibit 2</td>
</tr>
</tbody>
</table>

**Policy 1503.2.4**
Monroe County shall maintain a coordinated partnership with the Florida Department of Transportation and the municipalities on prioritizing comprehensive solutions to improve traffic flow, reduce congestion, and address the feasibility of alternative modes of transportation to address the inundation impacts on roadways from sea level rise, and maintain the safety, resiliency and efficient access and travel along U.S. 1 within the Florida Keys.

**Policy 1503.3.5**
Monroe County shall communicate and inform the community on the impacts of climate change and increase the understanding of future vulnerabilities through the dissemination of information to the public regarding the future impacts of climate change including but not limited to, sea level rise, flooding, extreme heat, ocean acidification and coral reef threats, changes in vector borne diseases, severe weather events, shifting habitats and other stressors.
**IV. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.**

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

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

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

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

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

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

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

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

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

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

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

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

**GOAL 1501:** Monroe County shall coordinate with the municipalities of Key West, Key Colony Beach, Islamorada, Layton and Marathon; regional, State, and federal government agencies, nongovernmental organizations and private organizations to exchange data and develop coordinated strategies to address energy conservation and impacts from climate change.
B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(g) Protecting the historical heritage of the Florida Keys.

(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.

(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.
C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

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

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

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

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

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

The following rights shall be considered in local decision-making:
1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.
163.3178(2)(f), F.S. – A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:
1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

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

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

V. PROCESS

Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.
The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the State Land Planning Agency. The amendment is transmitted to State Land Planning Agency, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

VI. STAFF RECOMMENDATION

Approval

VIII. EXHIBITS

Exhibit 1 - proposed EA text amendments (all proposed amendments)
Exhibit 2 - proposed update Map Atlas Map Series 3-7 (coastal high hazard area)
Exhibit 3 - County’s Evaluation and Appraisal Notification Letter, as required by Section 163.3191, F.S., to the Florida Department of Economic Opportunity (DEO)
Exhibit 4 - Laws of Florida 2015-69 (POF) and 2018-34 (development definition)
Exhibit 5 - Compilation of the Data & Analysis for the Evaluation and Appraisal amendments
April 21, 2021

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

Re: Monroe County Year 2030 Comprehensive Plan Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

In accordance with Section 163.3191, F.S., the purpose of this letter is to notify the Florida Department of Economic Opportunity (DEO) that Monroe County has evaluated its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements.

The County’s previous Evaluation and Appraisal Report (EAR) was adopted by the Monroe County Board of County Commissioners on May 22, 2012 via Resolution 150-2012. The County’s previous evaluation and appraisal notification letter was approved by the BOCC on April 23, 2014 and sent to DEO. The County adopted Comprehensive Plan amendments in accordance with these EAR documents.

The current Monroe County Evaluation and Appraisal Notification Letter is due on May 1, 2021, per the DEO Evaluations and Appraisal Notification Schedule.

A thorough review of the Florida Statutes (2012-current) has been conducted and the County has determined two (2) amendments to its comprehensive plan are necessary to reflect changes in state requirements for the Peril of Flood legislation (Section 163.3178(2)(f), F.S.) and the revision of the definition of the term ‘development’ (s. 380.04, F.S.; s. 163.3221, F.S.; and referenced in s. 163.3164(14), F.S.)

Additionally, Monroe County will update the Rule 28-20 references within the comprehensive plan to reflect the recently adopted Administration Commission Rule 28-20.140, F.A.C., with the County’s updated Work Program.

As required by County’s former Work Program, which required the County to adopt Policies establishing that with each evaluation and appraisal report, the County will include an analysis and recommendations on the Tier (Zoning) Overlay District Maps, the County will be contracting with the Monroe County Property Appraisers Office to acquire access to current aerials and the County will prepare Request for Proposals (RFPs) to contract with a consultant to update habitat data (GIS mapping & dataset: types and boundaries of habitats) for the tier overlay district maps and to evaluate listed, threatened, and endangered species as of 2021. Once this updated
information is available, the County will be forming a tier designation review committee to review adopted tier criteria, changes in habitat, updates to listed species, and lands acquired by public entities to determine if amendments are needed to the tier overlay district maps to further protect and enhance native upland vegetation.

Further, Monroe County will review its comprehensive plan to evaluate if changes will be processed to reflect changes in local conditions and recent trends, issues and challenges (including but not limited to, Hurricane Irma, Tropical Storm Eta, flooding events, the Covid-19 pandemic, and related budgetary impacts) which have impacted the County.

The County anticipates transmitting the required amendments, pursuant to Section 163.3184(4), F.S., in May 2022.

Please direct any questions to Mayte Santamaria, Senior Planning Policy Advisor at 305-393-5556 or via email at Santamaria-mayte@monroecounty-fl.gov.

Sincerely,

Michelle Coldiron
Mayor of Monroe County

cc: Board of County Commissioners
Roman Gastesi, County Administrator
Christine Hurley, Assistant County Administrator
Emily Schenper, Senior Director of Planning & Environmental Resources
Bob Shillinger, County Attorney
April 23, 2021

The Honorable Michelle Coldiron
Mayor of Monroe County
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

RE: Monroe County Evaluation and Appraisal Notification Letter

Dear Mayor Coldiron:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on May 1, 2021, and received by the Department on April 22, 2021.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by April 22, 2022, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Mr. Justin Stiell of the Department’s staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8523.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me
April 21, 2021

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

Re: Monroe County Year 2030 Comprehensive Plan Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

In accordance with Section 163.3191, F.S., the purpose of this letter is to notify the Florida Department of Economic Opportunity (DEO) that Monroe County has evaluated its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements.

The County’s previous Evaluation and Appraisal Report (EAR) was adopted by the Monroe County Board of County Commissioners on May 22, 2012 via Resolution 150-2012. The County’s previous evaluation and appraisal notification letter was approved by the BOCC on April 23, 2014 and sent to DEO. The County adopted Comprehensive Plan amendments in accordance with these EAR documents.

The current Monroe County Evaluation and Appraisal Notification Letter is due on May 1, 2021, per the DEO Evaluations and Appraisal Notification Schedule.

A thorough review of the Florida Statutes (2012-current) has been conducted and the County has determined two (2) amendments to its comprehensive plan are necessary to reflect changes in state requirements for the Peril of Flood legislation (Section 163.3178(2)(f), F.S.) and the revision of the definition of the term ‘development’ (s. 380.04, F.S.; s. 163.3221, F.S.; and referenced in s. 163.3164(14), F.S.).

Additionally, Monroe County will update the Rule 28-20 references within the comprehensive plan to reflect the recently adopted Administration Commission Rule 28-20.140, F.A.C., with the County’s updated Work Program.

As required by County’s former Work Program, which required the County to adopt Policies establishing that with each evaluation and appraisal report, the County will include an analysis and recommendations on the Tier (Zoning) Overlay District Maps, the County will be contracting with the Monroe County Property Appraisers Office to acquire access to current aerials and the County will prepare Request for Proposals (RFPs) to contract with a consultant to update habitat data (GIS mapping & dataset: types and boundaries of habitats) for the tier overlay district maps and to evaluate listed, threatened, and endangered species as of 2021. Once this updated
information is available, the County will be forming a tier designation review committee to review adopted tier
criteria, changes in habitat, updates to listed species, and lands acquired by public entities to determine if
amendments are needed to the tier overlay district maps to further protect and enhance native upland vegetation.

Further, Monroe County will review its comprehensive plan to evaluate if changes will be processed to reflect
changes in local conditions and recent trends, issues and challenges (including but not limited to, Hurricane Irma,
Tropical Storm Eta, flooding events, the Covid-19 pandemic, and related budgetary impacts) which have impacted
the County.

The County anticipates transmitting the required amendments, pursuant to Section 163.3184(4), F.S., in May
2022.

Please direct any questions to Mayte Santamaria, Senior Planning Policy Advisor at 305-393-5556 or via email at
Santamaria-mayte@monroecounty-fl.gov.

Sincerely,

Michelle Coldiron
Mayor of Monroe County

cc: Board of County Commissioners
Roman Gastesi, County Administrator
Christine Hurley, Assistant County Administrator
Emily Schemper, Senior Director of Planning & Environmental Resources
Bob Shillinger, County Attorney
AGENDA ITEM WORDING: Authorization for the Mayor to sign the County’s Evaluation and Appraisal Notification Letter, as required by Section 163.3191, F.S., to the Florida Department of Economic Opportunity (DEO), specifying the necessary plan amendments required to reflect changes in requirements in State Statutes: 1) update comprehensive plan to address the Peril of Flood legislation, 2) update comprehensive plan definition of the term ‘development’, and 3) to inform DEO on the County’s plan to address Rule 28-20 Work Program requirements to analyze and provide recommendations on Tier (Zoning) Overlay District Maps updates.

ITEM BACKGROUND: Attached is the evaluation and appraisal comprehensive plan notification letter to DEO that indicates that two amendments are necessary to reflect changes in requirements in State Law (see below) and informs DEO on the County’s plan to address Rule 28-20 Work Program requirements to analyze and provide recommendations on Tier (Zoning) Overlay District Maps updates.

The February 17, 2021 BOCC meeting included an agenda item providing an update on the Florida Statute requirement to evaluate a comprehensive plan every seven years, including review of the County’s draft evaluation and appraisal notification letter to the DEO which is required to be sent to DEO by May 1, 2021, outlining the three minimum requirements:

1) update comprehensive plan to address the Peril of Flood legislation,
2) update comprehensive plan to update definition of the term ‘development’, and
3) to inform DEO on the County’s plan to address Rule 28-20 Work Program requirements to analyze and provide recommendations on Tier (Zoning) Overlay District Maps updates.

The agenda item included other potential updates to the comprehensive plan, which are not required and do not get included in the letter to DEO, but have been found by staff to be needed, such as:

1) update the newly adopted Rule 28-20 references within the comprehensive plan;
2) update the County’s Coastal High Hazard Area (CHHA) depiction on the Future Land Use Maps;
At the February 17, 2021 meeting, the BOCC agreed that staff should evaluate and work on the other potential updates to the comprehensive plan when drafting the future EAR-based amendments.

Pursuant to Section 163.3191, F.S., the County’s previous Evaluation and Appraisal Report (EAR) was adopted by the BOCC on May 22, 2012 via Resolution 150-2012. The County prepared Comprehensive Plan amendments in accordance with the 2012 EAR.

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

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

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

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to s. 163.3184(4).

(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.

(5) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

The County must notify the Florida Department of Economic Opportunity (DEO) of the County’s determination of necessary amendments by May 1, 2021. The proposed EAR-based
amendments will need to be transmitted to DEO by May 1, 2022 and the adoption of amendments is anticipated to be around March 2023.

Staff conducted a thorough review of current Florida Statutes (2012-current) and the County has determined two (2) amendments to its comprehensive plan are necessary to reflect changes in state requirements for the Peril of Flood legislation (Section 163.3178(2)(f), F.S.) and the revision of the definition of the term ‘development’ (s. 380.04, F.S.; s. 163.3221, F.S.; and referenced in s. 163.3164(14), F.S.). Excerpts of the statutory changes are provided below. Additionally, The associated Laws of Florida (2015-69 and 2018-34) for these updates are attached.

As a reminder, the County received a Florida Department of Environmental Protection Resilient Coastlines Program Grant to address the "Peril of Flood" Legislation by preparing draft comprehensive plan amendments. These draft amendments were presented to the BOCC on May 20, 2020 (agenda item H5) and are anticipated to address the EAR-based amendment requirement. The previous agenda item is attached.

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Tier Maps:
Pursuant to Section 163.3191, F.S., the County is only required to notify DEO of comprehensive plan updates required by statutory updates; however, the County’s former Rule 28-20 Work Program also required the County adopt Policies establishing that with each evaluation and appraisal report, the County will include an analysis and recommendations on the Tier (Zoning) Overlay District Maps. An excerpt of the work program on tier map update is included below, as well as the comprehensive plan provisions adopted by the County pursuant to the work program.
To address this requirement, the County is contracting with the Monroe County Property Appraisers Office to acquire access to current aerials and the County is preparing Request for Proposals (RFPs) to update habitat data (GIS mapping & dataset: types and boundaries of habitats) for the tier overlay district maps and to evaluate listed, threatened, and endangered species as of 2021. Once this updated information is available, the County will be forming a tier review committee to review tier criteria, habitat, species, and lands acquired by public entities to determine if amendments are needed to the tier overlay district maps to further protect and enhance native upland vegetation.

This summary of County actions on the tier map update is proposed to be included in the County’s EAR notification letter to DEO to address the former Work Program provisions.

(5) WORK PROGRAM
(a) Carrying Capacity Study Implementation

1. By July 1, 2012, Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System) into the Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee with the adjusted Tier boundaries.

2. By July 1, 2012, Monroe County shall adjust the Tier I and Tier IIIA (SPA) boundaries to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166 and implement the Florida Keys Carrying Capacity Study, utilizing the updated habitat data, and based upon the recommendations of the Tier Designation Review Committee Work Group.

3. By July 1, 2012, Monroe County shall create Goal 106 to complete the 10 Year Work Program found in Rule 28-20.110, F.A.C., and to establish objectives to develop a build-out horizon in the Florida Keys and adopt conservation planning mapping into the Comprehensive Plan.

4. By July 1, 2012, Monroe County shall create Objective 106.2 to adopt conservation planning mapping (Tier Maps) into the Monroe Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee Work Group.

5. By July 1, 2012, Monroe County shall adopt Policy 106.2.1 to require the preparation of updated habitat data and establish a regular schedule for continued update to coincide with evaluation and appraisal report timelines.

6. By July 1, 2012, Monroe County shall adopt Policy 106.2.2 to establish the Tier Designation Work Group Review Committee to consist of representatives selected by the Florida Department of Economic Opportunity from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. This Committee shall be tasked with the responsibility of Tier designation review utilizing the criteria for Tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.

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

Objective 106.1
Monroe County shall adjust the tier boundaries and implement the Florida Keys Carrying Capacity Study, utilizing updated habitat data and recommendations of the Tier Designation Review Committee (TDRW) Work Group. [Note: As amended by Final Order DCA07-GM166, parcels included in the challenge with Tier I and Tier IIIA (SPA) boundaries have been adjusted to reflect the amended Tier Criteria resulting from the DOAH Case 06-2449(GM)].

Policy 106.1.1
Monroe County shall update habitat data and the Land Development Code Tier (Zoning) Overlay District Maps to coincide with the State comprehensive plan evaluation and appraisal schedule (May 1, 2021).
Policy 106.1.2
Monroe County shall establish a Tier Designation Review Committee (TDRC) Work Group to consist of representatives selected by the Florida Department of Economic Opportunity (DEO) from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. The TDRC shall be tasked with the responsibility of tier designation review utilizing the criteria for tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed Land Development Code Tier (Zoning) Overlay District Map amendments shall coincide with the State comprehensive plan evaluation and appraisal schedule (May 1, 2021). Each comprehensive plan evaluation and appraisal submitted shall also include an analysis and recommendations based upon the TDRC review process.

Policy 106.1.3
Prior to Monroe County processing updates to the Land Development Code Tier (Zoning) Overlay District Map, the County shall evaluate the listed threatened and endangered species (as of 2021) and the criteria included in Policy 205.1.1 to determine if amendments are required to further protect and enhance native upland vegetation. Any Tier (Zoning) Overlay District Map amendment completed prior to May 1, 2021 shall be processed according to state law and the Land Development Code.

Other Updates:
Again, pursuant to Section 163.3191, F.S., the County is only required to notify DEO of comprehensive plan updates required by statutory updates; however, the BOCC may want to also update comprehensive plan to reflect changes in local conditions and recent trends, issues and challenges (including but not limited to, Hurricane Irma, Tropical Storm Eta, flooding events, the Covid-19 pandemic, and related budgetary impacts) which have impacted the County.

The items listed below do not get included in the evaluation and appraisal comprehensive plan notification letter to DEO. While not in the letter, staff will begin evaluating the comprehensive plan for updates, and working on the below identified items for the future drafting and processing of EAR-based amendments.

Comprehensive Plan updates to include within the EAR-based amendments:
1. Update the Rule 28-20 references within the comprehensive plan to reflect the recently adopted Administration Commission Rule 28-20.140, F.A.C., with the updated Work Program (mainly canal restoration work program).
2. Updating the County’s Coastal High Hazard Area (CHHA) depiction on the Future Land Use Maps with the updated Florida Department of Emergency Management (2017) SLOSH modeling.
   o Pursuant to Section 163.3178(2)(h), F.S., the CHHA is 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. Pursuant to Section 163.3178(8)(c), F.S., the CHHA must be shown on the Future Land Use Map.
3. Extending the deadlines (or eliminate) within the comprehensive plan (policies with current text stating “within X year after the adoption of the comprehensive plan” where the deadline
has passed) due to changes in local conditions and recent issues and challenges (like Hurricane Irma), for example:

- **Policy 105.1.1** - Monroe County shall create an economic development framework for a sustainable visitor-based economy, not dependent on growth in the absolute numbers of tourists that respects the unique character and outdoor recreational opportunities available in the Florida Keys. *Within three (3) years after the adoption of the 2030 Comprehensive Plan [due 2019]*, the County will, with input from the business community and other stakeholders, develop an Economic Sustainability Element, which focuses upon and promotes redevelopment, considers the increasing cost of climate adaptation and the protection of property.

- **Objective 207.2** - Within one (1) year after adoption of the 2030 Comprehensive Plan [due 2017], Monroe County shall prepare an inventory of active and abandoned mining sites.

- **Policy 210.1.8** - Within one (1) year after the adoption of the 2030 Comprehensive Plan [due 2017], Monroe County shall prepare beach management plans for all publicly-owned beaches (See Recreation and Open Space Objective 1201.7 and related policies). Plans shall be maintained to be consistent with the current County Restoration Plan.

- **Policy 212.1.1** - Within five (5) years after the adoption of the 2030 Comprehensive Plan [due 2021], Monroe County shall develop a Shoreline Use Priorities Plan which shall provide for siting of uses consistent with the following order of priority: 1) water-dependent uses, 2) water-related uses, 3) water-enhanced uses, and 4) uses that are not dependent upon or related to shoreline access....

- **Policy 213.1.1** - Within three (3) years after the adoption of the 2030 Comprehensive Plan [due 2019], Monroe County shall complete a Public Access Plan for unincorporated Monroe County....

- **Objective 1201.6** - Within two (2) years after the adoption of the 2030 Comprehensive Plan [due 2018], Monroe County shall update and adopt a parks and recreation master plan.

4. **Text updates, corrections to text and grammatical errors and minor clean-up of policies, for example:**

- **Policy 102.4.6** - Within one year of the adoption of the 2030 Comprehensive Plan, Monroe County, in cooperation with the Land Authority, shall maintain create a program to provide a monetary incentive to private property owners to deed restrict their privately owned adjacent, vacant parcels to restrict residential development on the vacant parcels.

- **Policy 102.6.1** - Within one (1) year of the adoption of the Plan, Monroe County shall maintain adopt land development regulations which will further restrict the activities permitted on offshore islands...

- **Policy 105.2.9** - By May 2015, the Monroe County shall continue to explore additional funding sources for land acquisition...

- **Policy 204.2.2** - To protect submerged lands and wetlands, the open space requirement shall be 100 percent of the following types of wetlands:...... Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetland only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. *Within one (1) year after the adoption of the 2030 Comprehensive Plan, the County shall revise the LDC to include a prohibition of development in salt ponds.*

- **Policy 204.2.6** - Within one (1) year after the adoption of the 2030 Comprehensive Plan, the County shall evaluate revising the LDC to modify the definition of disturbed wetlands to include those wetlands that receive a KEYWEP total functional index of 5.5 or less.

- **Policy 401.1.1** - Within one (1) year of the adoption of the 2030 Comprehensive Plan, Monroe County shall maintain adopt land development regulations requiring retail shopping facilities, offices and similar uses generating over two thousand (2,000) trips per day be built...
to accommodate mass transit by being designed to include such features as adequate turning radii for large vehicles, direct access to sheltered areas with seating that can serve as a bus stop and pedestrian access to adjacent properties.

- **Policy 701.5.7** - Within one (1) year of adoption of the 2030 Comprehensive Plan, Monroe County shall evaluate the permit allocation and point system to consider assigning a positive point rating to developments utilizing alternative water collection systems which conserve potable water supply. **Reserved.** (ROGO includes positive points for cisterns and gray water reuse system).

- **Policy 1302.1.4** - Within one (1) year after the adoption of the 2030 Comprehensive Plan, Monroe County shall maintain adopt land development regulations creating a required community meeting to emphasize the importance of citizen participation as early as possible in the planning and development review process.

**PREVIOUS RELEVANT BOCC ACTION:**

On April 23, 2014, the BOCC approved the County’s EAR Notification Letter to DEO which specified the necessary plan amendments required to reflect changes in requirements in State Statutes.

On April 13, 2016, the BOCC adopted the 2030 Comprehensive Plan via Ordinance 005-2016 and transmitted the updated Comprehensive Plan to DEO on May 4, 2016. DEO issued a notice of intent to find the amendment “in compliance” on June 20, 2016.

On February 17, 2021, the BOCC reviewed draft evaluation and appraisal of comprehensive plan notification letter to DEO that indicates that two amendments are necessary to reflect changes in requirements in State Law and informs DEO on the County’s plan to address Rule 28-20 Work Program requirements to analyze and provide recommendations on Tier (Zoning) Overlay District Maps updates.

**CONTRACT/AGREEMENT CHANGES:**
N/A

**STAFF RECOMMENDATION:** Approval

**DOCUMENTATION:**

- County EA notification letter to DEO due May 1 2021
- DEO reminder to County of EAR letter deadline_3.3.2021
- DEO list of statutory changes to 163
- Ch_2015-069_LOF_peril of flood
- Ch_2018-34_LOF_definition of development
- BOCC presentation_5_20_2020_H5-draft Peril of Flood amendments
- Feb 17 2021 Agenda Item K-10 (7787) DRAFT EAR letter to DEO
**FINANCIAL IMPACT:**

| **Effective Date:** |  |
| **Expiration Date:** |  |

| **Total Dollar Value of Contract:** |  |
| **Total Cost to County:** |  |
| **Current Year Portion:** |  |
| **Budgeted:** |  |
| **Source of Funds:** |  |
| **CPI:** |  |
| **Indirect Costs:** |  |
| **Estimated Ongoing Costs Not Included in above dollar amounts:** |  |

| **Revenue Producing:** | If yes, amount: |
| **Grant:** |  |
| **County Match:** | n/a |
| **Insurance Required:** | n/a |

**Additional Details:**

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