PLANNING COMMISSION RESOLUTION NO. P -08

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 9.5-258 TO ALLOW THE PROVISION OF WASTEWATER SERVICE TO PROPERTIES LOCATED WITHIN THE COASTAL BARRIER RESOURCES SYSTEM

WHEREAS, the Coastal Barrier Resources Act (CBRA) of 1982 established the Coastal Barrier Resources System (CBRS) to restrict the federally subsidized development of coastal barrier areas and specifically prohibited the "construction or purchase of any structure, appurtenance, facility, or related infrastructure" 16 U.S.C. 3504(a)(1) in said areas; and

WHEREAS, Monroe County has 15 designated units of the CBRS which can be found listed in table 3.21 of the Monroe County Year 2010 Comprehensive Plan Technical Document and illustrated on the Existing Land Use Maps of the Comprehensive Plan Map Atlas; and

WHEREAS, Objective 102.8 of Monroe County Year 2010 Comprehensive Plan states: "Monroe County shall take actions to discourage private development in areas designated as units of the Coastal Barrier Resources System [9J-5.006(3)(b)4]"; and

WHEREAS, Policy 102.8.5 of Monroe County Year 2010 Comprehensive Plan states: "Upon adoption of the Comprehensive Plan, Monroe County shall initiate efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone services to CBRS units"; and

WHEREAS, Current Flood Insurance Rate Maps published for the National Flood Insurance Program by the Federal Emergency Management Agency, indicates there are five developed residential areas (with five structures or less per acre) and one commercial area that fall within the CBRS designation; and

WHEREAS, on December 18, 2001, the Board of County Commissioners adopted Ordinance No. 043-2001, creating Section 9.5-258 of the Monroe County Code which established a Coastal Barrier Resources System Overlay District, the purpose of which is to implement the policies of the comprehensive plan by prohibiting the extension and expansion of specific types of public utilities to or through lands designated as a unit of the Coaster Barrier Resources System.

WHEREAS, pursuant to Chapter 99-395, Laws of Florida, Monroe County has been mandated to provide a centralized sewer system by 2010 as a means of improving near shore water quality within the Florida Keys; and

WHEREAS, on June 18, 2008, the Growth Management Staff was directed by the Board of County Commissioners to amend the comprehensive plan and land development regulations to reword the prohibition on utilities such that the focus and priority be placed on wastewater first and any discussion of electric or any other utility be deferred until the wastewater goal is accomplished; and

WHEREAS, the Development Review Committee on July 22, 2008 reviewed the legal authority and the proposed text, and recommended approval of the proposed text; and

WHEREAS, during a regular meeting held on July 23, 2008, the Monroe County Planning Commission conducted a public hearing on the proposed text.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of Monroe County, Florida, that the preceding findings of fact support its decision to recommend **APPROVAL** to the Board of County Commissioners of the amendment to the text of the Monroe County Land Development Regulations, Section 9.5-258 "Coastal Barrier Resources System Overlay District" as follows:

9.5-258 Coastal Barrier Resources System Overlay District

(b) *Application.* The Coastal Barrier Resources System Overlay District shall be overlaid on all areas, except for Stock Island, within federally designated boundaries of a Coastal Barrier Resources System Unit on current Flood Insurance Rate Maps approved by the Federal Emergency Management Agency, which are hereby adopted by reference and declared part of this chapter. Within this overlay district, the transmission and/or collection lines of the following types of public utilities shall be prohibited from extension or expansion: ~~**central wastewater treatment collection systems;**~~ potable water; electricity; and telephone and cable. This prohibition shall not preclude the maintenance and upgrading of existing public utilities in place on the effective date of this ordinance and shall not apply to wastewater nutrient reduction cluster systems.

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida, at a regular meeting held on the 23rd day of July 2008.

Chair Wall ____
Vice-Chair Cameron ____
Commissioner Hale ____
Commissioner Martson ____
Commissioner Windle ____

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY _____
Randolph D. Wall, Chair

Signed this _____ day of _____, 2008

 Initials _____