



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: December 20, 2021

Subject: AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE 2030 MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.5.32 TO AMEND THE HEIGHT LIMIT TO 40FT, AFTER THE ADOPTION AND ON THE EFFECTIVE DATE OF UPDATED FEMA FLOOD INSURANCE RATE MAPS, FOR LAWFULLY ESTABLISHED EXISTING RESIDENTIAL BUILDINGS WHICH DO NOT EXCEED THE 35-FOOT HEIGHT LIMIT AND NEW RESIDENTIAL BUILDINGS (INCLUDES SUBSTANTIAL IMPROVEMENTS) IN ORDER FOR THESE BUILDINGS TO ELEVATE TO OR MAINTAIN THE REQUIRED ELEVATION BASED ON THE FLORIDA BUILDING CODE AND UPDATED FEMA FLOOD INSURANCE RATE MAPS; 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.

Meeting: February 22, 2022

I. REQUEST

The Monroe County Planning & Environmental Resources Department is proposing amendments to Policy 101.5.32 in order to further facilitate the protection of property from flooding and reduce flood insurance costs.

The proposed amendment to Monroe County Comprehensive Plan Policy 101.5.32 is to *amend the height limit to 40ft* for lawfully established existing residential buildings which do not exceed the 35-foot height limit and new residential buildings (includes substantial improvements) in order for these buildings to elevate to or maintain the required elevation based on the *Florida Building Code* and updated FEMA Flood Insurance Rate Maps.

The height limit changes would be based on and triggered by the *adoption and effective date* of updated FEMA Flood Insurance Rate Maps. Updated FEMA Flood Insurance Rate Maps are the maps adopted

1 subsequent to FEMA Flood Insurance study and the accompanying Flood Insurance Rate Maps, dated
2 February 18, 2005 (current FIRMs).

3
4 The amendment is proposed to address:

- 5 1. The vertical datum conversions from the National Geodetic Vertical Datum of 1929 (NGVD29)
6 to the North American Vertical Datum of 1988 (NAVD88) with the updated FEMA Flood
7 Insurance Rate Maps. While there is no set conversion factor, as it varies throughout Monroe
8 County, on average there is -1.5 foot conversion.
- 9 2. The potential for flood zone changes and base flood elevation changes within the updated FEMA
10 Flood Insurance Rate Maps.

11 12 **II. BACKGROUND INFORMATION**

13
14 The National Flood Insurance Program (NFIP) is a federally-subsidized flood damage insurance
15 program administered by the Federal Emergency Management Agency (FEMA). Residents and business
16 owners are eligible to purchase NFIP flood insurance policies in communities that agree to regulate
17 development in special flood hazard areas. These special flood hazard areas are delineated by FEMA on
18 Flood Insurance Rate Maps.

19
20 The NFIP makes federally-backed flood insurance available in those states and communities that agree
21 to adopt and enforce floodplain management ordinances to reduce future flood damage. These
22 regulations must meet or exceed the minimum administrative and technical requirements in the NFIP
23 regulations (44 CFR Part 59 and Part 60). FEMA administers the NFIP and provides technical assistance
24 and training on NFIP requirements and mitigation measures. FEMA also has extensive publications on
25 the NFIP, including detailed guidance on mitigation measures that can minimize or eliminate future
26 flood damages.

27
28 Floodplain management is a community-based effort to prevent or reduce the risk of flooding, resulting
29 in a more resilient community. Per FEMA, meeting NFIP requirements is the most cost-effective way to
30 reduce the flood risk to new buildings and infrastructure. FEMA provides tools and resources to help
31 navigate NFIP requirements and implement higher standards of floodplain management.

32
33 Communities must incorporate NFIP requirements into their zoning codes, subdivision ordinances,
34 and/or building codes or adopt special purpose floodplain management ordinances. The NFIP
35 requirements apply to areas mapped as Special Flood Hazard Areas (SFHA) on Flood Insurance Rate
36 Maps (FIRMs) issued by FEMA. The SFHA is the area that would be flooded by the "base flood"
37 (defined as the flood that has a 1 percent chance of occurring in any given year; also known as the "100-
38 year flood").

39
40 The NFIP requirements include, but are not limited to:

- 41 • Elevation of new and substantially improved residential structures above the base flood level.
- 42 • Elevation or dry floodproofing (made watertight) of new or substantially improved non-
43 residential structures.
- 44 • Prohibition of development in floodways, the central portion of a riverine floodplain needed to
45 carry deeper and faster moving water.
- 46 • Additional requirements to protect buildings in coastal areas from the impacts of waves, high
47 velocity, and storm surge.

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2 FIRMs inform communities about the local flood risk and set minimum floodplain standards for
3 communities to build with safety and resiliency in mind. FIRMs also currently determine the cost of
4 flood insurance and the mandatory purchase requirement. As risks change, insurance premiums also
5 change to reflect those risks, but property owners may be able to reduce premiums if they build their
6 home or business to be safer, higher, and stronger.

7
8 As a note, FEMA is updating the NFIP's risk rating methodology through the implementation of a new pricing
9 methodology called Risk Rating 2.0. FEMA's new methodology for determining NFIP policy premiums
10 incorporates variables to reflect a property's individual flood risk, including the frequency and types of flooding,
11 such as storm surge, coastal erosion, and heavy rainfall — and the distance to a water source along with property
12 characteristics, such as elevation and the cost to rebuild. Communities will continue to earn NFIP rate discounts
13 of 5% - 45% based on the Community Rating System classification, including Monroe County (35% discount);
14 however, since Risk Rating 2.0 does not use flood zones to determine flood risk, the discount will be uniformly
15 applied to all policies throughout the participating community, regardless of whether the structure is inside or
16 outside of the Special Flood Hazard Area.

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19 The Florida Division of Emergency Management (DEM) serves as the State Coordinating Agency of the
20 NFIP to work with Florida's municipalities and counties to administer their local flood damage reduction
21 regulations. The State Floodplain Management Program works to promote and ensure sound land use
22 development in floodplain areas in order to promote the health and safety of the public, minimize loss
23 of life and property, and reduce economic losses caused by flood damages.

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25 The State Floodplain Management Office is a unit in the Florida DEM, Bureau of Mitigation. Floodplain
26 Management Specialists work with Florida's communities to help them successfully manage
27 development in flood zones. The State Floodplain Management Office provides/offers technical
28 assistance to improve administration of local floodplain management ordinances and the flood
29 provisions of the *Florida Building Code* and to monitor community performance to ensure compliance
30 with the NFIP development regulations in Special Flood Hazard Areas.

31
32 The State Floodplain Management Office also coordinates and collaborates on the following activities:

- 33 • Map Modernization and FEMA Risk MAP priorities
- 34 • Integration of flood-resistant standards into the Florida Building Code
- 35 • Coordination with Federal flood mitigation grant programs
- 36 • Integration of floodplain management concepts and tasks into multi-jurisdictional local
37 mitigation strategies developed by counties and municipalities
- 38 • Participation in maintaining the State Enhanced Hazard Mitigation Plan and planning process
- 39 • Consultation with State agencies on state-owned facilities in special flood hazard areas
- 40 • Training of local floodplain managers and building officials, in partnership with the Florida
41 Floodplain Managers Association (FFMA)
- 42 • Coordination with the Florida Dam Safety Program
- 43 • Partnerships with federal, state and local organizations pertinent to floodplain management

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46 In 2012, State Floodplain Management Office developed a **Model Floodplain Management Ordinance**
47 for communities, written explicitly to rely on the flood provisions in the *Florida Building Code*. FEMA
48 approved the **Model Floodplain Management Ordinance** in 2013.

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2 Since the 2010 edition, the flood provisions of the *Florida Building Code (FBC)* meet or exceed the
3 minimum NFIP requirements for buildings and structures. Nearly all Florida communities administer
4 local floodplain management ordinances that are written to rely on the *FBC* to meet the NFIP
5 requirements.
6

7 Over the past 10 years, DEM has worked with nearly all of Florida’s 468 NFIP communities to transition
8 to the **Model Floodplain Management Ordinance**, providing assistance, to tailor the model as
9 appropriate for each community. At this time, 10 communities, including Monroe County, are still
10 preparing the required amendments to their existing regulations.
11

12 Amendments to the County’s Floodplain Management Ordinance (Ch. 122 of the Land Development
13 Code) are necessary to be consistent with FEMA provisions, incorporate DEM’s **Model Floodplain**
14 **Management Ordinance** and to continue to fulfill the NFIP requirements. Additionally, the update will
15 allow the County to continue to meet and improve the requirements and activities of the Community
16 Rating System.
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20 The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages
21 communities to establish sound programs that recognize and encourage floodplain management
22 activities that *exceed* the minimum NFIP requirements. By conducting mitigation and outreach activities
23 that increase safety and resilience, including CRS credits for regulating to higher standards, communities
24 can earn credits and discounts (up to 45 percent within the Special Flood Hazard Area) on flood insurance
25 premiums for property owners.
26

27 In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk
28 resulting from the community’s efforts that address the three goals of the program:

- 29 1. Reduce and avoid flood damage to insurable property
 - 30 2. Strengthen and support the insurance aspects of the National Flood Insurance Program
 - 31 3. Foster comprehensive floodplain management
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33 A community accrues points to improve its CRS Class rating and receive increasingly higher discounts.
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35 The CRS uses a Class rating system that is similar to fire insurance rating to determine flood insurance
36 premium reductions for residents. CRS Classes are rated from 9 to 1. Today, most communities enter
37 the program at a CRS Class 9 or Class 8 rating, which entitles residents in Special Flood Hazard Areas
38 (SFHAs) to a 5% discount on their flood insurance premiums for a Class 9 or a 10% discount for Class
39 8. As a community engages in additional mitigation activities, its residents become eligible for increased
40 NFIP policy premium discounts. Each CRS Class improvement produces a 5% greater discount on flood
41 insurance premiums for properties in the SFHA. CRS Class changes occur on April 1 and October 1 of
42 each year.
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44 Monroe County has achieved a Class 3 rating in the CRS that provides a 35% discount on flood insurance
45 premium and in April 2022, will increase annual savings to flood insurance for 14,400 policyholders in
46 unincorporated Monroe County to \$7.5 million dollars annually. This is an annual average savings per
47 policyholder of \$522. Cumulatively to date, Monroe County has saved policyholders over \$24 million.
48

Year	CRS Class/%Discount	Avg Savings NFIP Policy	Total Savings Annual	Cumulative Savings
10/1/2017	Class 6/20%	\$233	\$3,629,670	\$3,629,670
10/1/2018	Class 5/25%	\$350	\$5,135,345	\$8,765,015
10/1/2019	Class 5/25%	\$350	\$5,135,345	\$13,900,360
10/1/2020	Class 5/25%	\$350	\$5,135,245	\$19,035,605
10/1/2021	Class 5/25%	\$373*	\$5,393,148	\$24,428,753
10/2/2021-3/31/2022 (6 months)	Class 5/25%	\$373	\$2,696,574	\$27,125,327
GRAND TOTAL				
PROJECTED ANNUAL SAVINGS				
4/1/2022-3/31/2023	CRS Class 3/35%	\$522	\$7,542,268	\$34,667,595

*Increase due to increase cost of NFIP Policies.

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Class 5 or better communities go through the full verification process every 3 years, and Monroe County’s next verification is anticipated in 2023. For CRS purposes, FEMA and the FEMA CRS contractor (ISO/Verisk) rely on DEM to advise whether local regulations are compliant. It is critical for DEM to deem the County’s Floodplain Management Ordinance compliant in the future.

FEMA Flood Maps

On December 27, 2019, FEMA issued Preliminary Flood Insurance Rate Maps (FIRMs) and a Flood Insurance Study (FIS) report for Monroe County, FL. The preliminary FIRMs were released after a multi-year study of Monroe County’s coastal flood risks. The current County FIRMs are based on 30-plus-year-old studies.

The Preliminary FIRMs can be viewed here: <https://www.monroecounty-fl.gov/1151/New-Preliminary-Coastal-Flood-Maps>.

Coastal Flood Maps, otherwise known as Flood Insurance Rate Maps (FIRMs) are used to determine the minimum elevation needed for construction to reduce the chances of flooding, as well as construction methods required in certain zones.

The County hired a consultant, Woods Hole Group, to analyze how flood risks are changing in Unincorporated Monroe County based on the FEMA provided studies using updated information and the best available science and technology.

During the week of January 27, 2020, FEMA held Community meetings throughout the Florida Keys, offering the public an opportunity to view and comment in person on the proposed preliminary FIRMs. Following this, Monroe County, through its consultant, examined the maps and the accompanying Flood Insurance Studies.

The consultant, Woods Hole Group, completed a review of FEMA’s December 2019 RiskMap study for Monroe County. The review identified the following primary areas of concern identified with FEMA’s Risk Map study:

- 1) Storm Climatology and Selection for Florida Keys,
- 2) Statistical Analysis of Storm Sets, Low-Frequency Water Levels and Waves,

- 3) Wave Model Validation,
- 4) Hydrodynamic/Wave Model Mesh Resolution,
- 5) Hydrodynamic/Wave Model Parameterization of Reefs, and
- 6) Number and Location of Coastal Transects.

These areas of concern were identified because of (a) the use of a non-standard approach, (b) inconsistencies in methodology with other FEMA Coastal Risk Map studies, (c) discrepancies between the study’s documentation and the analyses, or (d) errors made in the analysis.

Information on the consultant’s review can accessed here: <https://www.monroecounty-fl.gov/1151/New-Preliminary-Coastal-Flood-Maps>.

FEMA issued the required notices in the Federal Register and local newspapers for the FIRMs and a Flood Insurance Study (FIS) report for Monroe County, Florida. The 90-day appeal period for Monroe County commenced on March 19, 2021 and ended on June 17, 2021.

Monroe County submitted its appeal of the preliminary FEMA Flood Insurance Rate Maps and Flood Insurance Study on June 11, 2021. ***The appeal is ongoing.***

Once FEMA reviews and processes all appeals, the agency will issue a Letter of Final Determination (LFD) and publish the final FIRMS. The County anticipates the appeal process may take until December 2022 to complete and, if necessary, the Scientific Resolution Panel may process may take until 2024 to complete.

APPEAL PROCESS TIMELINE (approximated)			MAP ADOPTION			
APPEAL	May 2021 (Starts)	April 2022 (Ends)	December 2022			
				COUNTY NOT SATISFIED WITH APPEAL RESULTS	SRP PROCESS TIMELINE (approximated)	MAP ADOPTION
	SRP	June 2022 (Starts)	May 2023 (Ends)		January 2024	

The County anticipates the Final FIRMs will most likely become effective sometime in 2022-2024. **When FEMA issues a Letter of Final Determination (LFD), which is a letter to the County that the updated FIRM will become effective in 6 months, the County must formally adopt the FIRMs and must adopt a compliant floodplain management ordinance by the map effective date to remain a participant in good standing in the NFIP.**

Along with the adoption of the Final FIRMs, the County will need make updates to both the Comprehensive Plan and Land Development Code and Code or Ordinances to adopt and implement the maps and ensure compliance with the DEM Model Floodplain Ordinance. **The County must begin processing County amendments to the Comprehensive Plan and Land Development Code in advance, due to the County’s public noticing and meeting requirements as well as the required State review and approval process for Areas of Critical State Concerns, to meet the 6-month deadline.**

1 Additionally, when the Final FIRMs are effective, the County will use the FIRMs to review building
2 permits; establish what a finished floor elevation needs to be and determine building and site design
3 requirements to reduce future risk of flooding. New lender requirements may go into effect along with
4 flood insurance requirements, as well as changes in flood insurance rates as a result of map changes.
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6 **It should be noted that the County’s proposed amendments to Ch. 122 of the Land Development
7 Code (the County’s Floodplain Management Ordinance) do not “automatically adopt” any revised
8 FIS and/or FIRMs when FEMA issues the Final effective products. The County will have to take
9 legislative action when the LFD is issued to formally adopt the FIRMs, FIS and any necessary
10 amendments to ensure a compliant floodplain management ordinance.**
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12 In summary, the County is proposing the following connected amendments:
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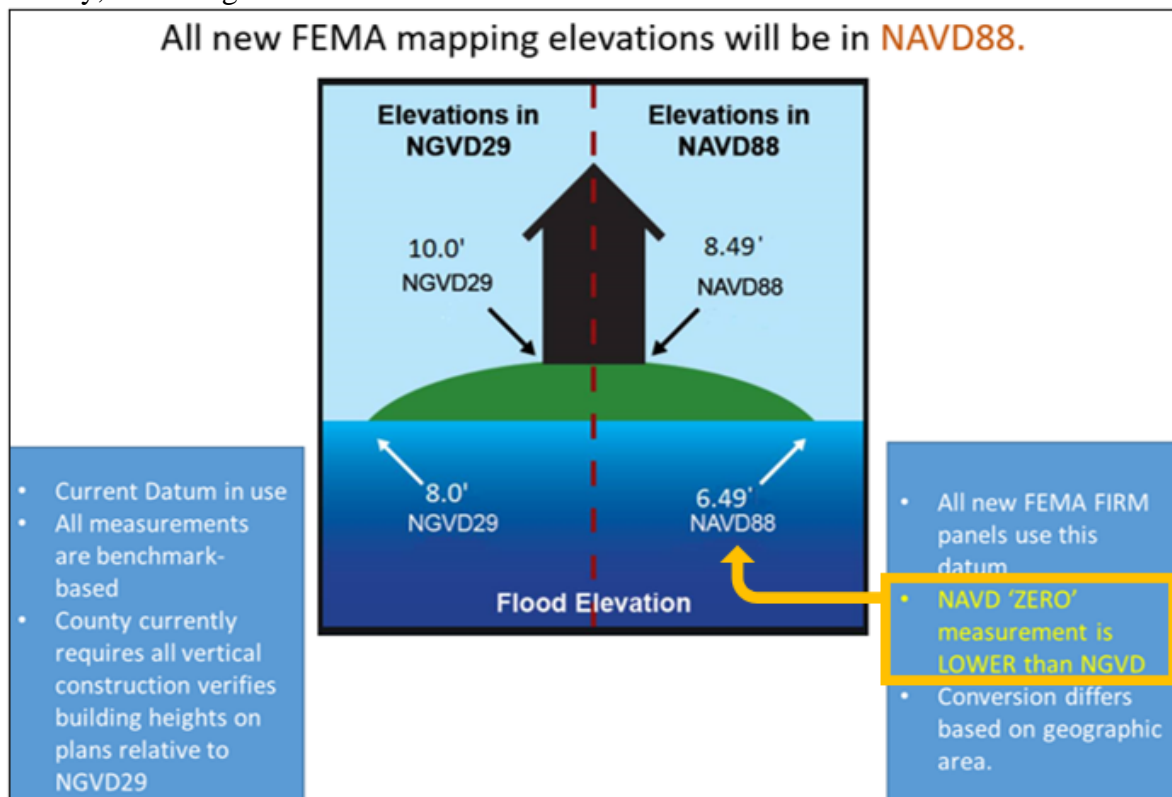
- 14 • Update Land Development Code Chapter 122 to be consistent with the State of Florida (DEM)
15 Model Floodplain Management Ordinance, include updated FEMA policies, explicitly to rely on
16 the flood provisions in the *Florida Building Code* and to eliminate obsolete or unnecessary
17 regulations.
 - 18 ○ Amendments does not include any updated FIRM maps. Maintains the 2005 FIRMs.
 - 19 ○ Amendments to Land Development Code Chapter 122 are critical for DEM to deem the
20 County’s Floodplain Management Ordinance compliant with NFIP requirements and for
21 the County’s next CRS verification.
- 22 • Update Code of Ordinances Chapter 6 to be consistent with the *Florida Building Code* and adopt
23 amendments for local higher floodplain standards, including:
 - 24 ○ Shifting local higher floodplain standards from Chapter 122 to Chapter 6 (for example:
25 299SF downstairs enclosure limitation and foundation requirements [anchoring to rock]).
 - 26 ○ Including technical amendments to the *Florida Building Code* for additional local higher
27 floodplain standards (for example: elevation certificate requirements)
 - 28 ○ Amendments to Code of Ordinances Chapter 6 are critical for DEM to deem the County’s
29 Floodplain Management Ordinance compliant with NFIP requirement and for the
30 County’s next CRS verification.
- 31 • Amend the Comprehensive Plan and Land Development Code to provide for an increase to the
32 maximum height of residential buildings, which would be available on the adoption and effective
33 date of updated FEMA Flood Insurance Rate Maps.
 - 34 ○ The County is considering a maximum height limit of 40 feet (exception of up to a
35 maximum of five (5) feet above the 35-foot height limit) in order to elevate to or maintain
36 the required elevation based on the *Florida Building Code*, (exception of up to a
37 maximum of five (5) feet above the 35-foot height limit). Exception shall not result in a
38 new building or a substantially improved building or a lawfully existing building to
39 exceed a maximum height of 40 feet.
 - 40 ○ Amendment intended to address additional difference in elevation due to a change in the
41 updated FIRMs requiring the use of North American Vertical Datum of 1988 or NAVD88
42 (on average there is -1.5 foot conversion), potential increased base flood elevation
43 requirements with the updated FIRM maps, and changes in construction requirements
44 based on revised base flood elevations.
- 45 • Amend Land Development Code Chapter 138 to require applicants to submit plan revisions to
46 prior to permit issuance, demonstrating full compliance with the current *Florida Building Code*
47 and the updated FIRM maps, for permits requiring an ROGO/NROGO allocation.

- Establishing that all applications in or entering into the ROGO system on or after the effective date of the updated FIRMs, shall have the application scores reevaluated and updated based on the updated FIRMs.

The subject of this staff report is the proposed amendment to Monroe County Comprehensive Plan Policy 101.5.32 to amend the height limit to 40ft for lawfully established existing residential buildings which do not exceed the 35-foot height limit and new residential buildings (includes substantial improvements) in order for these buildings to elevate to or maintain the required elevation based on the Florida Building Code. The amendment is based on and will be triggered by the adoption and effective date of updated FEMA Flood Insurance Rate Maps. Updated FEMA Flood Insurance Rate Maps are the maps adopted subsequent to FEMA Flood Insurance study and the accompanying Flood Insurance Rate Maps, dated February 18, 2005 (current FIRMs).

The amendment is proposed to address:

1. The **vertical datum conversions** from the National Geodetic Vertical Datum of 1929 (NGVD29) to the North American Vertical Datum of 1988 (NAVD88) with the updated FEMA Flood Insurance Rate Maps. While there is no set conversion factor, as it varies throughout Monroe County, on average there is -1.5 foot conversion.



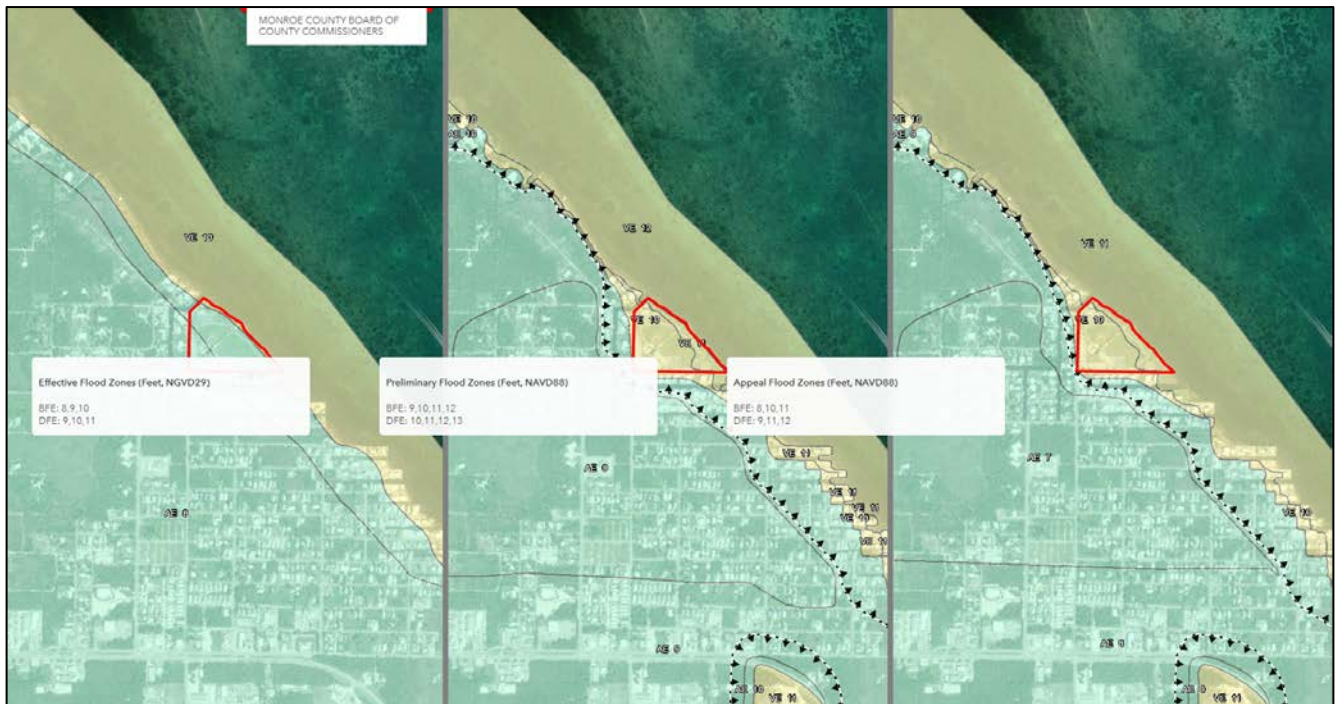
2. The potential for **flood zone changes and base flood elevation changes** within the updated FEMA Flood Insurance Rate Maps, including the new boundary for the *Limit of Moderate Wave Action* (LiMWA) with the requirement that properties within the boundary be built to VE Zone construction standards.

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Examples: Note, LIMWA = black-and-white hashed line with triangles



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7 On September 10, 2017, Hurricane Irma made landfall near Cudjoe Key as a Category 4 Hurricane with
 8 maximum sustained winds of 130 mph and flooding occurred in various neighborhoods. Hurricane Irma
 9 caused significant damage throughout the Florida Keys, particularly to structures built prior to the
 10 upgraded Florida Building Code adopted after Hurricane Andrew, to non-elevated structures and to
 11 mobile homes.

12
 13 To provide additional protection to residents that reside in mobile homes in flood hazard areas, reduce
 14 the repeated impacts by flooding, and enhance public health, safety and welfare, the County already

1 adopted an amendment to eliminate the ability for a mobile home to be placed at an elevation below base
2 flood elevation.

3
4 Further, the County has embarked on proactively assisting property owners with voluntary elevations
5 through FEMA funded grant programs. Property owners may self-fund improvements to their homes to
6 elevate above base flood levels and there may be additional funding opportunities with the County
7 participating in several grant programs to provide for the mitigation of flood risks, such as:

- 8 • FEMA Hazard Mitigation Grant Program (HMGP) for mitigation measures
- 9 • Flood Mitigation Assistance (FMA) Grant Program to reduce or eliminate the long-term risk of
10 flood damage
- 11 • Rebuild Florida Program to demo, repair, reconstruct and elevate primary homes

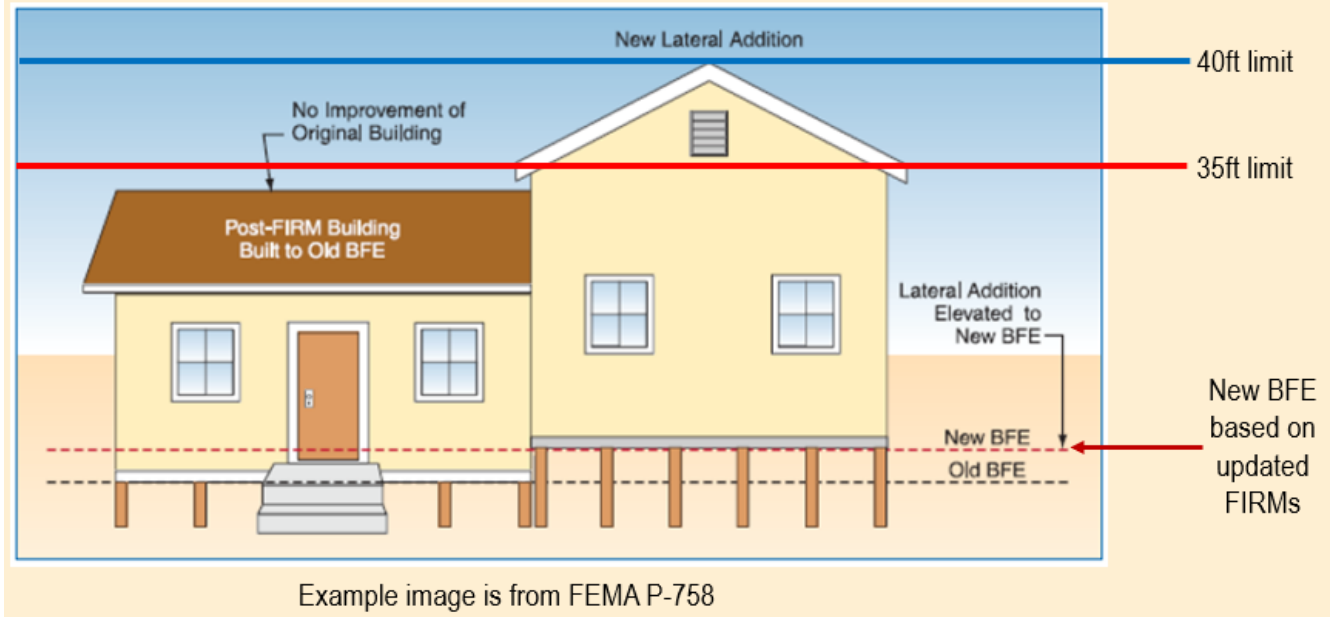
12
13 When participating in some of these grant programs for elevation projects, the Florida Division of
14 Emergency Management (DEM) is encouraging at least three feet above Base Flood Elevation (a 3-foot
15 freeboard for residential buildings and structures). The grant scope of work reviews and the County's
16 ongoing efforts to utilize these grant programs, including the additional elevation, further facilitates
17 reducing the risk of future damage, hardship, loss, or flood damage within the community.

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21 **HEIGHT**: In unincorporated Monroe County, height and grade are defined as follows:

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23 **HEIGHT** means *the vertical distance between grade and the highest part of any structure,*
24 *including mechanical equipment, but excluding the following: chimneys; spires and/or steeples on*
25 *structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles;*
26 *solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures*
27 *with attached antenna and/or collocations as permitted in Chapter 146. However, in no event shall*
28 *any of the exclusions enumerated in this definition be construed to permit any habitable or usable*
29 *space to exceed the applicable height limitations. In the case of airport districts, the height*
30 *limitations therein shall be absolute and the exclusions enumerated in this definition shall not apply.*

31
32 **GRADE** means *the highest natural elevation of the ground surface, prior to construction, next to*
33 *the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the*
34 *structure, whichever is higher. To confirm the natural elevation of the ground surface, prior to*
35 *construction, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe*
36 *County prepared in 2007 and other best available data, including, but not limited to, pre-*
37 *construction boundary surveys with elevations, pre-construction topographic surveys, elevation*
38 *certificates and/or other optical remote sensing data.*

Example scenario of amendment:



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Note, the Florida Legislature adopted Chapter 2021-201, Laws of Florida (HB 401), which became effective on July 1, 2021. This law amended Section 163.3202(5)(a), F.S., specifying that certain land development regulations relating to *building design elements* may not be applied to a single-family or two-family dwelling. “Building design elements” is defined as the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; *the number and type of rooms; and the interior layout of rooms.* The term does not include the **height**, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

Community Meeting and Public Participation

In accordance with LDC Section 102-159(b)(3), a Community Meeting was held on December 2, 2021, at 5:05pm, to provide for public input. There were six (6) attendees and five (5) County staff members. In general, the comments provided for the proposed amendment, are summarized below:

- Question regarding substantial improvements and the scenario/types of improvements that required elevation to the new design flood.
- Concerns regarding requiring 3ft of freeboard and this requiring a substantial number of properties to be reviewed for substantial improvement/substantial damage concerns.
- Question of how the 35% insurance discount, derived from CRS participation, is applied.
- Question regarding the establishment of buoyancy calculation requirements for swimming pools.
- Question regarding the 299ft enclosure limit.

1 A supplemental Community Meeting was held on January 20, 2022, at 3:00pm, to provide for public
2 input. There were six (6) attendees and five (5) County staff members. In general, the comments provided
3 for the proposed amendment, are summarized below:

- 4 •
- 5 •
- 6 •

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8 A second supplemental Community Meeting was held on February 3, 2022, at 5:05pm, to provide for
9 public input. There were six (6) attendees and five (5) County staff members. In general, the comments
10 provided for the proposed amendment, are summarized below:

- 11 •
- 12 •
- 13 •

14
15 **Development Review Committee and Public Input**

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

- 19 •
- 20 •
- 21 •
- 22 •

23
24 **Planning Commission and Public Input**

25 The Planning Commission considered the proposed amendment at a regular meeting
26 on _____, provided for public input and recommended _____.

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28
29 **Previous County Action**

30 On September 27, 2017, the Board of County Commissioners adopted Ordinance 016-2017, amending
31 Monroe County Comprehensive Plan Policy 101.5.30 to include the definition of height; and creating
32 Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect
33 property from flooding and reduce flood insurance costs by establishing standards when a structure can
34 elevate above FEMA base flood elevation (BFE) and including a maximum height limit (40ft for
35 lawfully existing buildings to voluntarily elevate up to three (3) feet above FEMA BFE and 38ft for new
36 (new construction or substantially improved) buildings to voluntarily elevate up to three (3) feet above
37 FEMA BFE).

38
39 On September 27, 2017, the Board of County Commissioners adopted Ordinance 017-2017, amending
40 Monroe County Land Development Code Section 101-1 to create definitions related to flood protection
41 height exceptions; and amending Section 131-2 to provide certain exceptions to the height limit in order
42 to protect property from flooding and reduce flood insurance costs by establishing standards when a
43 structure can elevate above FEMA base flood elevation (BFE) and including a maximum height limit
44 (40ft for lawfully existing buildings to voluntarily elevate up to three (3) feet above FEMA BFE and
45 38ft for new (new construction or substantially improved) buildings to voluntarily elevate up to three (3)
46 feet above FEMA BFE).

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2 **III. PROPOSED COMPREHENSIVE PLAN AMENDMENTS**
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4 Proposed Amendments are shown with deletions ~~stricken through~~ and additions are underlined.
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6 **Policy 101.5.32**

7 ~~Within 1 year of the effective date of this policy,~~ Monroe County shall maintain adopt Land
8 Development Regulations which provide a Flood Protection Height Exception to Policy 101.5.30 to
9 promote public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and
10 other hazards; protect property from flooding and minimize damages; minimize public and private losses
11 due to flooding; minimize future expenditures of public funds for flood control projects and for recovery
12 from flood events; and mitigate rising flood insurance premiums.
13

14 A Flood Protection Height Exception of up to a maximum of five (5) feet above the 35-foot height limit
15 shall be provided to allow lawfully existing buildings to be voluntarily elevated up to three (3) feet above
16 FEMA base flood elevation; and a flood protection height exception of a maximum of three (3) feet
17 above the 35-foot height limit shall be provided to allow new (new construction or substantially
18 improved) buildings to voluntarily elevate up to three (3) feet above FEMA base flood elevation. These
19 exceptions are in order to promote flood protection, minimize flood damage, reduce flood insurance
20 premiums and minimize future expenditures of public funds for recovery from flood events. In no case
21 shall a Flood Protection Height Exception result in a new building exceeding a maximum height of 38
22 feet or a lawfully existing building exceeding a maximum height of 40 feet. (Ord. No. 016-2017 , § 1,
23 9-27-2017)
24

25 After the adoption and on the effective date of updated FEMA Flood Insurance Rate Maps (FIRMs),
26 lawfully established existing residential buildings which do not exceed the 35-foot height limit and new
27 residential buildings (includes substantial improvements) located within the Special Flood Hazard Area
28 shall have a maximum height limit of 40 feet in order to elevate to or maintain the required elevation
29 based on the Florida Building Code, as specified in R322.2.1 and R322.3.2 (elevation requirements).
30

31 Additions to lawfully established existing residential buildings within the Special Flood Hazard Area
32 that are substantial improvements shall have a maximum height limit of 40 feet in order to elevate the
33 addition to the Florida Building Code required flood elevation.
34

35 Additions to lawfully established existing residential buildings within the Special Flood Hazard Area
36 that are not substantial improvements shall have a maximum height limit of 40 feet, if the addition meets
37 the Florida Building Code flood elevation requirements in R322.2.1 and R322.3.2, the remaining
38 lawfully established existing building shall not receive the flood height exception of 40 feet.
39

40 Any portion of the building within the Special Flood Hazard Area that meets the required flood elevation
41 of the updated FEMA FIRMs shall be given a height limit of 40 feet. In no case shall this height limit
42 for flood protection result in a new residential building or a lawfully existing residential building
43 exceeding a maximum height of 40 feet.
44

45 Updated FEMA FIRMs are the maps adopted subsequent to FEMA Flood Insurance study and the
46 accompanying Flood Insurance Rate Maps, dated February 18, 2005.
47

1
2 **IV. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE**
3 **PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.**
4

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

8 **GOAL 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of
9 County residents and visitors, and protect valuable natural resources.
10

11 **Policy 101.5.30:** In order to preserve the existing community character and natural environment, Monroe
12 County shall limit the height of structures including landfills to 35 feet. Height is defined as the vertical
13 distance between grade and the highest part of any structure, including mechanical equipment, but excluding
14 spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or
15 television antennas; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna
16 supporting structures with attached antennas and/or collocations. However, in no event shall any of the
17 exclusions enumerated above be construed to permit any habitable or usable space to exceed the applicable
18 height limitations, except as specifically permitted in Policies 101.5.31, 101.5.32 and 101.5.33. In the case of
19 airport districts, there shall be no exceptions to the 35-foot height limitation.
20

21 **Policy 101.5.32:** Within 1 year of the effective date of this policy, Monroe County shall adopt Land
22 Development Regulations which provide a Flood Protection Height Exception to Policy 101.5.30 to promote
23 public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and other hazards;
24 protect property from flooding and minimize damages; minimize public and private losses due to flooding;
25 minimize future expenditures of public funds for flood control projects and for recovery from flood events;
26 and mitigate rising flood insurance premiums. A Flood Protection Height Exception of up to a maximum of
27 five (5) feet above the 35-foot height limit shall be provided to allow lawfully existing buildings to be
28 voluntarily elevated up to three (3) feet above FEMA base flood elevation; and a flood protection height
29 exception of a maximum of three (3) feet above the 35-foot height limit shall be provided to allow new (new
30 construction or substantially improved) buildings to voluntarily elevate up to three (3) feet above FEMA base
31 flood elevation. These exceptions are in order to promote flood protection, minimize flood damage, reduce
32 flood insurance premiums and minimize future expenditures of public funds for recovery from flood events.
33 In no case shall a Flood Protection Height Exception result in a new building exceeding a maximum height
34 of 38 feet or a lawfully existing building exceeding a maximum height of 40 feet.
35

36 **Policy 101.5.33:** Within 1 year of the effective date of this policy, Monroe County shall adopt Land
37 Development Regulations which provide a Flood Protection Height Exception for lawfully established
38 existing buildings which exceed the 35-foot height limit, to promote public health, safety and general welfare;
39 allow adaptation to coastal flooding, storm surge and other hazards; protect property from flooding and
40 minimize damages; minimize public and private losses due to flooding; minimize future expenditures of
41 public funds for flood control projects and for recovery from flood events; and mitigate rising flood insurance
42 premiums. A lawfully established existing building may be repaired, improved, redeveloped and/or elevated
43 to meet required FEMA base flood elevation (BFE) provided the building does not exceed a total maximum
44 building height of 40 feet, and the building is limited to the existing lawfully established intensity, floor area,
45 building envelope (floor to floor height), density and type of use. For lawfully established existing buildings
46 that are proposed to exceed a total height of 40 feet, a public hearing before the Planning Commission and the
47 Board of County Commissioners shall be required to review and specify the maximum approved height prior
48 to issuance of any county permit or development approval. The Planning Commission shall provide a
49 recommendation to the BOCC on the maximum height of a building. The BOCC shall adopt a resolution
50 specifying the maximum approved height.
51

1 **Policy 101.9.5:** Existing manufactured homes which are damaged or destroyed so as to require substantial
2 improvement shall be required to meet the most recent HUD standards, and the floodplain management
3 standards set forth by FEMA.
4

5 **Objective 101.10:** Monroe County shall provide for drainage and stormwater management so as to protect
6 real and personal property and to protect and improve water quality.
7

8 **Policy 101.12.3:** Monroe County shall coordinate the siting of new public facilities with the appropriate local,
9 state and federal agencies to resolve potential regulatory conflicts and ensure compliance with all applicable
10 state and federal regulations.
11

12 **Objective 101.14:** Monroe County shall maintain land development regulations which direct future growth
13 away from areas within the Coastal High Hazard Area (CHHA).
14

15 **GOAL 102:** Monroe County shall direct future growth to lands which are most suitable for development and
16 shall encourage conservation and protection of environmentally sensitive lands (wetlands, beach berm and
17 tropical hardwood hammock).
18

19 **Policy 102.1.1:** The County shall protect submerged lands and wetlands. The open space requirement shall
20 be one hundred (100) percent of the following types of wetlands:

- 21 1. submerged lands
- 22 2. mangroves
- 23 3. salt ponds
- 24 4. fresh water wetlands
- 25 5. fresh water ponds
- 26 6. undisturbed salt marsh and buttonwood wetlands

27 Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh
28 and buttonwood wetlands only for use as transferable development rights (TDRs) away from these habitats.
29 Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity.
30

31 **Objective 102.3:** Monroe County shall maintain land development regulations which will direct new
32 development to areas having appropriate topography and soil conditions and to where site disturbance and
33 man's activities will have fewer adverse effects on natural vegetation, terrestrial wildlife, natural landforms
34 and marine resources.
35

36 **Objective 102.7:** Monroe County shall take actions to discourage new private development in areas
37 designated as units of the Coastal Barrier Resources System (CBRS).
38

39 **Objective 105.1:** Monroe County shall continue to implement smart growth initiatives in conjunction with its
40 Livable CommuniKeys and Land Acquisition Programs which promote innovative and flexible development
41 processes to preserve the natural environment, maintain and enhance the community character and quality of
42 life, redevelop blighted commercial and residential areas, remove barriers to design concepts, reduce sprawl,
43 and direct future growth to appropriate infill areas.
44

45 **GOAL 202:** The environmental quality of Monroe County's estuaries, nearshore waters (canals, harbors, bays,
46 lakes and tidal streams,) and associated marine resources shall be maintained and, where possible, improved
47 or restored.
48

49 **Policy 202.4.1:** Monroe County shall support state and federal policies and regulations concerning the
50 permitting of dredge and fill activity, except in those instances where more stringent regulations adopted by
51 Monroe County shall be maintained.
52

1 **GOAL 203:** The health and integrity of living marine resources and marine habitat, including mangroves,
2 seagrasses, coral reefs, other hard bottom communities and fisheries, shall be protected and, where possible,
3 restored and enhanced.
4

5 **Objective 203.1:** Monroe County shall protect its mangrove wetlands by continuing to implement regulations
6 which will further reduce disturbances to mangroves and which will mitigate the direct and indirect impacts
7 of development upon mangroves.
8

9 **GOAL 204:** The health and integrity of Monroe County's marine and freshwater wetlands shall be protected
10 and, where possible, restored and enhanced.
11

12 **Policy 204.2.2:** To protect submerged lands and wetlands, the open space requirement shall be 100 percent of
13 the following types of wetlands:

- 14 1. submerged lands;
- 15 2. mangroves;
- 16 3. salt ponds;
- 17 4. fresh water wetlands;
- 18 5. fresh water ponds; and
- 19 6. undisturbed salt marsh and buttonwood wetlands.

20 Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh
21 and buttonwood wetland only for use as transferable development rights away from these habitats. Submerged
22 lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. Within one
23 (1) year after the adoption of the 2030 Comprehensive Plan, the County shall revise the LDC to include a
24 prohibition of development in salt ponds.
25

26 **GOAL 205:** The health and integrity of Monroe County's native upland vegetation shall be protected and,
27 where possible, enhanced.
28

29 **GOAL 206:** Monroe County shall protect and conserve existing wildlife and wildlife habitats.
30

31 **Policy 206.1.4:** Monroe County shall implement a "Permit Referral Process" for review of all development
32 that occurs within areas designated as "Species Focus Areas (SFAs)" or "Species Buffer Areas (SBAs)". The
33 SFAs or SBAs are areas identified by the U.S. Fish and Wildlife Service (USFWS) which contain potentially
34 suitable habitat for nine federally protected species including: Eastern Indigo Snake, Key Deer, Key Largo
35 Cotton Mouse, Key Largo Woodrat, Key Tree-Cactus, Lower Keys Marsh Rabbit, Schaus Swallowtail
36 Butterfly, Silver Rice Rat, and Stock Island Tree Snail.
37

38 Monroe County shall work cooperatively with USFWS and the Federal Emergency Management Agency
39 (FEMA) to review permit applications for compliance with the Federal Endangered Species Act through the
40 "Permit Referral Process" within the floodplain regulations. The purpose of the "Permit Referral Process" is
41 to implement regulations that will assure, consistent with the 10th Amendment to the U.S. Constitution, state
42 and county regulations, proper record retention, coordination, and notification of FEMA and USFWS
43 regarding permit applications filed with or issued by Monroe County.
44

45 **Policy 206.1.5:** Monroe County shall work cooperatively with USFWS in requiring any development permit
46 application within Critical Habitat or designated potentially suitable habitat for federally listed threatened and
47 endangered species that are not included in the USFWS April 30, 2010 Biological Opinion, and/or are not
48 included in the species addressed under the "Permit Referral Process" in Policy 206.1.4 above, to consult
49 directly with USFWS and provide authorization from USFWS to Monroe County before commencement of
50 development.
51

1 **Objective 206.2:** Monroe County shall provide guidance to private landowners to reduce disturbances to
2 wildlife species designated by the FWS as threatened or endangered.

3
4 **GOAL 208:** Monroe County shall discourage private land uses on its mainland, offshore islands and
5 undeveloped coastal barriers, and shall protect existing conservation lands from adverse impacts associated
6 with private land uses on adjoining lands.

7
8 **GOAL 210:** The health and integrity of Monroe County's beach/berm resources shall be protected and, when
9 possible, restored and enhanced.

10
11 **Objective 212.5:** Monroe County shall maintain land development regulations pertaining to shoreline
12 stabilization.

13
14 **GOAL 216:** Monroe County shall maintain a program of hazard mitigation and post-disaster redevelopment
15 to increase public safety and reduce damages and public expenditures.

16
17 **Objective 216.1:** Monroe County shall maintain a program of hazard mitigation in the Coastal High Hazard
18 Area (CHHA) which reduces floodplain alteration and damage or loss due to natural disasters.

19
20 **Policy 216.1.4:** Monroe County shall continue its policy of reviewing the current Building Code and, as
21 appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum
22 FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The
23 recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to
24 the Code.

25
26 **Policy 216.1.5:** Monroe County shall continue to participate in the National Flood Insurance Program(NFIP)
27 Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS
28 Class rating.

29
30 **Policy 216.1.6:** Monroe County shall continue to enforce federal, state and local setback and elevation
31 requirements to promote the protection and safety of life and property. Revisions to the existing setback
32 requirements contained in the land development regulations shall be considered as a means of reducing
33 property damage caused by storms.

34
35 **Policy 216.1.7:** Monroe County shall consider floodplain management and CHHA issues in making public
36 acquisition decisions.

37
38 **Policy 216.1.8:** Monroe County shall require that, to the greatest extent practicable, development activity,
39 such as land clearing, grading and filling will not disturb natural drainage patterns.

40
41 **Policy 216.2.2:** Monroe County shall maintain a Post-Disaster Redevelopment Plan which specifies
42 procedures for implementing programs for immediate repair, replacement, and cleanup, and long-term
43 rebuilding and redevelopment. The plan shall also include procedures for the identification of damaged
44 infrastructure and consideration of alternatives to its repair or replacement in the CHHA.

45
46 **Policy 216.2.3:** The Post-Disaster Redevelopment Plan shall identify areas particularly susceptible to damage
47 within the CHHA such as the FEMA designated V-zones and repetitive loss areas as defined by FEMA and
48 shall specify procedures for relocating or replacing public infrastructure away from them, where feasible.

49
50 **Policy 216.2.4:** Monroe County shall update the Post-Disaster Redevelopment Plan and coordinate with
51 Emergency Management to include in the Local Mitigation Strategy considerations for repetitive loss and

1 severe repetitive loss structures and limits to redevelopment in areas within the CHHA particularly susceptible
2 to repeated damage.

3
4 **Objective 216.3:** Monroe County shall maintain land development regulations which directs future growth
5 away from the Coastal High Hazard Area (CHHA).

6
7 **Objective 601.3:** Monroe County shall continue implementation efforts to eliminate substandard housing and
8 to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

9
10 **Policy 601.3.1:** Monroe County shall coordinate with other County agencies to monitor housing conditions.
11 Standards for evaluation of the structural condition of the housing stock are summarized below:

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

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

17 Dilapidated (Substandard): A housing unit in this category indicates that the unit can no longer provide
18 safe and adequate shelter or is of inadequate original construction including being constructed below the
19 minimum required elevation by FEMA or the County's Floodplain Regulations.

20
21 **Policy 601.3.2:** The County Code Compliance Office and Building Department will enforce building code
22 regulations and County ordinances governing the structural condition of the housing stock, to ensure the
23 provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

24
25 **GOAL 1501:** Monroe County shall coordinate with the municipalities of Key West, Key Colony Beach,
26 Islamorada, Layton and Marathon; regional, State, and federal government agencies, nongovernmental
27 organizations and private organizations to exchange data and develop coordinated strategies to address energy
28 conservation and impacts from climate change.

29
30 **Objective 1501.1:** Monroe County shall coordinate and collaborate with municipalities and other public and
31 private entities to address energy conservation strategies and unique climate change impacts, including
32 adaptation and mitigation strategies.

33
34 **Policy 1501.1.4:** Monroe County shall seek the support of agencies, such as the National Oceanic and
35 Atmospheric Administration (NOAA), U.S. Geological Survey (USGS), Federal Emergency Management
36 Agency (FEMA), the U.S. Department of Interior, the U.S. Army Corps of Engineers (ACOE), as well as
37 universities and not-for-profit organizations to coordinate support for updating, exchanging and analyzing
38 data regarding potential changes in climate change vulnerability.

39
40 **Objective 1502.1:** In conjunction with future updates to the 2030 Comprehensive Plan and land development
41 regulations, the County shall update the data and assumptions related to climate change impacts to
42 infrastructure based on the latest scientific predictions and observed(monitored) impacts. Monroe County
43 shall also consider climate change impacts such as increased temperatures, sea level rise, potentially shifting
44 habitat and ecosystem types and the need to withstand increased storm surge in evaluating public infrastructure
45 decisions.

46
47 **Policy 1503.1.4:** Monroe County shall review the most updated FEMA maps within one (1) year of their
48 release and evaluate floor elevation requirements, as necessary, for all new construction in vulnerable areas.

49
50 **Policy 1503.4.1:** Within five (5) years after the adoption of the 2030 Comprehensive Plan, Monroe County
51 shall review its post-disaster redevelopment plan and land development regulations to include, as appropriate,
52 consideration of climate change impacts, repetitive loss structures and shoreline stabilization needs.

1
2 **Objective 1504.1:** Within five (5) years after the adoption of the 2030 Comprehensive Plan, the County shall
3 revise its land acquisition and preservation policies to consider the climate change-related values of natural
4 areas for sequestering carbon and providing climate adaptation and mitigation benefits such as the resource's
5 strategic capacity to absorb floodwaters and address coastal ecosystem migration.
6

7 **B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area,**
8 **Section 380.0552(7), Florida Statutes.**
9

10 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the
11 principles for guiding development and any amendments to the principles, the principles shall be construed
12 as a whole and no specific provision shall be construed or applied in isolation from the other provisions.
13

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

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

3
4 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the
5 Principles for Guiding Development as a whole and is not inconsistent with any Principle.
6

7 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.).**
8 **Specifically, the amendment furthers:**
9

10 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance
11 present advantages; encourage the most appropriate use of land, water, and resources, consistent with the
12 public interest; overcome present handicaps; and deal effectively with future problems that may result
13 from the use and development of land within their jurisdictions. Through the process of comprehensive
14 planning, it is intended that units of local government can preserve, promote, protect, and improve the
15 public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention,
16 and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage,
17 schools, parks, recreational facilities, housing, and other requirements and services; and conserve,
18 develop, utilize, and protect natural resources within their jurisdictions.
19

20 163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set
21 out in this act and that no public or private development shall be permitted except in conformity with
22 comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.
23

24 163.3164(14), F.S. – “Development” has the same meaning as in s. 380.04.
25

26 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies
27 for the orderly and balanced future economic, social, physical, environmental, and fiscal development of
28 the area that reflects community commitments to implement the plan and its elements. These principles
29 and strategies shall guide future decisions in a consistent manner and shall contain programs and activities
30 to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the
31 principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local
32 government’s programs, activities, and land development regulations will be initiated, modified, or
33 continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to
34 require the inclusion of implementing regulations in the comprehensive plan but rather to require
35 identification of those programs, activities, and land development regulations that will be part of the
36 strategy for implementing the comprehensive plan and the principles that describe how the programs,
37 activities, and land development regulations will be carried out. The plan shall establish meaningful and
38 predictable standards for the use and development of land and provide meaningful guidelines for the
39 content of more detailed land development and use regulations.
40

41 163.3177(6)(d), F.S. –A conservation element for the conservation, use, and protection of natural resources
42 in the area, include ng air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils,
43 beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat,
44 minerals, and other natural and environmental resources, including factors that affect energy conservation.
45

46 163.3178(2)(a), F.S. – A land use and inventory map of existing coastal uses, wildlife habitat, wetland and
47 other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes
48 to beach and shore resources, historic preservation areas, and other areas of special concern to local
49 government.
50

51 163.3178(2)(f), F.S. – A redevelopment component that outlines the principles that must be used to eliminate
52 inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

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

16
17 163.3194(1)(a), F.S. – After a comprehensive plan, or element or portion thereof, has been adopted in
18 conformity with this act, all development undertaken by, and all actions taken in regard to development
19 orders by, governmental agencies in regard to land covered by such plan or element shall be consistent
20 with such plan or element as adopted.

21
22 163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—
23 It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in
24 part, by the adoption and enforcement of appropriate local regulations on the development of lands and
25 waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of
26 regulations for the development of land or the adoption and enforcement by a governing body of a land
27 development code for an area shall be based on, be related to, and be a means of implementation for an
28 adopted comprehensive plan as required by this act.

29
30 163.3202(2), F.S. – Local land development regulations shall contain specific and detailed provisions
31 necessary or desirable to implement the adopted comprehensive plan and shall at a minimum:
32 (a) Regulate the subdivision of land.
33 (b) Regulate the use of land and water for those land use categories included in the land use element and
34 ensure the compatibility of adjacent uses and provide for open space.
35 (c) Provide for protection of potable water wellfields.
36 (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater
37 management.
38 (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.

40 **V. PROCESS**

41
42 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
43 Planning Commission, the Director of Planning, or the owner or other person having a contractual
44 interest in property to be affected by a proposed amendment. The Director of Planning shall review and
45 process applications as they are received and pass them onto the Development Review Committee and
46 the Planning Commission.

47
48 The Planning Commission shall hold at least one public hearing. The Planning Commission shall review
49 the application, the reports and recommendations of the Department of Planning & Environmental
50 Resources and the Development Review Committee and the testimony given at the public hearing. The
51 Planning Commission shall submit its recommendations and findings to the Board of County

1 Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed
2 comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony
3 given at the public hearing. The BOCC may or may not recommend transmittal to the State Land
4 Planning Agency. The amendment is transmitted to State Land Planning Agency, which then reviews
5 the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt
6 of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with
7 changes or not adopt the amendment.
8

9 **VI. STAFF RECOMMENDATION**

10
11 Approval
12

13 **VIII. EXHIBITS**

- 14
15 Exhibit 1 – Monroe County Ordinance 016-2017 – Flood height exceptions
16 Exhibit 2 – FEMA P-758 Substantial Improvement/Substantial Damage Desk Reference
17 Exhibit 3 – Chapter 2021-201, Laws of Florida (HB 401)
18 Exhibit 4 – Marathon Ordinance 2019-12 – Increasing The Maximum Building Height To Forty-Two
19 Feet (42) To Provide Compensation For Increases In Required Elevations For The New
20 FEMA Firm Maps
21 Exhibit 5 – Key West Section 122-1149 Height - Flood Protection Building Height Exception