

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE WATER SUPPLY ELEMENT OF THE 2013 COMPREHENSIVE PLAN BY AMENDING CHAPTER 1: FUTURE LAND USE ELEMENT, CHAPTER 4: PUBLIC FACILITIES ELEMENT, CHAPTER 5: COASTAL MANAGEMENT ELEMENT, CHAPTER 6: CONSERVATION ELEMENT, CHAPTER 8: INTERGOVERNMENTAL COORDINATION ELEMENT, AND CHAPTER 9: CAPITAL IMPROVEMENTS ELEMENT, IN ORDER TO ADDRESS DEVELOPMENT OF TRADITIONAL AND ALTERNATIVE WATER SUPPLIES AND MANAGEMENT STRATEGIES, INCLUDING CONSERVATION AND REUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the adopted and effective City of Key West Comprehensive Plan of 2013 contains the Water Supply Work Plan required by Florida Statutes 163, Part II. This statute requires local governments to prepare and adopt 10-Year Water Supply Facilities Work Plans into their comprehensive plans within 18 months after the South Florida Water Management District (SFWMD) approves a regional water supply plan or its update; and

WHEREAS, the State of Florida requires that the 10-year Water Supply Facilities Work Plan - 2014 Update address the development of traditional and alternative water supplies and management strategies, including conservation and reuse; and

WHEREAS, the data and analyses, including population projections, water demands and service areas must cover at least a 10-year planning period and be consistent to the LECWSP and the updated comprehensive plan amendment; and

WHEREAS, the State of Florida requires that the 10-year Water Supply Facilities Work Plan - 2014 Update address the development of traditional and alternative water supplies and management strategies, including conservation and reuse. The data and analyses, including population projections, water demands and service areas must cover at least a 10-year planning period and be consistent to the LECWSP and the updated comprehensive plan amendment; and

WHEREAS, because the City of Key West does not have its own water utility, it relies entirely on the Florida Keys Aqueduct Authority for all its water production and distribution throughout the City. Therefore as updated by the 2013 Lower East Coast Region Water Supply Plan (LECWSP), the FKAA projections of water supply, water demand and management strategies are those that form the basis of the amendments to the City's Comprehensive Plan in order to implement the City Water Supply plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 1: That the following modifications and/or additions of Goals, Objectives and Policies to the 2013 City of Key West Comprehensive Plan are hereby modified as follows*:

CHAPTER 1: FUTURE LAND USE ELEMENT

OBJECTIVE 1-1.7: IMPLEMENT WATER SUPPLY PLANNING IN ACCORDANCE WITH STATE GROWTH MANAGEMENT REQUIREMENTS.

Adoption and Update of Water Supply Plan ~~by 2014~~
every five years after 2015.

OBJECTIVE 1-1.12: CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT, CLIMATE ADAPTATION, AND ENERGY CONSERVATION CONCEPTS.

Policy 1.1.12.6: Water Efficiency in Building and Construction. The City shall set and enforce progressive water efficient building codes and retrofits, including but not limited to retrofit at resale, mandatory reuse areas, conservation tier rates, irrigation pump pressure control reduction, and the International Green Construction Code. The City shall explore regulatory and/or incentive programs and timelines to increase submetering, fixed interval metering, irrigation audits, rain/moisture sensor retrofits, The City shall promote attendance at regional training workshops in water

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conservation in construction and continue to foster cooperative relationships between building trades, architects, engineers and building officials.

Policy 1.1.12.7: Conservation Tier Rates. The City shall coordinate with the FCAA and other local governments on a conservation rate structure, as per Monroe County's Water Supply Plan.

Policy 1.1.12.8: Stormwater Mitigation. The City shall research and adopt new methodologies for rainwater retention in order to increase fresh water recharge as well as reduce stormwater flooding and nonpoint pollution. These new methodologies could include but are not limited to percolation tanks, green infrastructure, and stormwater mitigation fees.

CHAPTER 4: PUBLIC FACILITIES ELEMENT

Objective 4-1.2: Adoption of the Key West Water Supply Facilities Work Plan.

The City of Key West shall comply with its Water Supply Facilities Work Plan 2012-2025 (Work Plan) adopted March 19, 2013, as required by section 163.3177(6)(c), F.S. ~~within 18 months after the governing board of~~ and the South Florida Water

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Management District approved ~~its~~ Lower East Coast Water Supply Plan Update ~~on February 15, 2007~~ dated September 12, 2013. The Work Plan will be updated, at a minimum, every 5 years. The City's Work Plan is designed to: assess current and projected potable water demands; evaluate the sources and capacities of available water supplies; and identify those water supply projects, using all available technologies, necessary to meet the City's water demands for the planning period.

Monitoring Measure:

The Work Plan shall remain consistent with the Florida Keys Aqueduct Authority 20-Year Water System Capital Improvement Master Plan, which is compatible with the FKAA Water Use Permit renewals and with the projects listed in the South Florida Water Management District's Lower East Coast Regional Water Supply Plan Update adopted September 12, 2013. The Work Plan will be updated, at a minimum, every 5 years and within 18 months after the South Florida Water Management District's approval of an updated Lower East Coast Regional Water Supply Plan.

Policy 4-1.2.1: Compliance with the Adopted Water Supply Facilities Work Plan.

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The City of Key West shall comply with its Water Supply Facilities Work Plan (2012-2025), which ~~is incorporated by reference into the Comprehensive Plan.~~

Policy 4-1.2.2: Intergovernmental Coordination with Water Supply Planning

Coordinate appropriate aspects of its Comprehensive Plan with the South Florida Water Management District's regional Water Supply Plan Update adopted September 12, 2013 ~~February 15, 2007~~, with the Florida Keys Aqueduct Authority (FKAA) 20-Year Water System Capital Improvement Master Plan adopted December 2006 as updated by the agency's 2015 fiscal and subsequent budgets and with the Monroe County Water Supply Plan adopted November 25, 2008 (as necessary). The City shall amend its Comprehensive Plan and Work Plan, as required to provide consistency with the District, County and FKAA plans.

CHAPTER 5: COASTAL MANAGEMENT ELEMENT

Policy 5-1.2.2: Limit Impacts of Development and Redevelopment Upon Water Quality and Quantity, Wildlife Habitat and Living Marine Resources and Implement Policies for Shoreline Land Uses.

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6. Ocean, Gulf, and Estuarine Water Quality.

In order to protect the water quality of the Atlantic Ocean and the Gulf of Mexico, no new point source pollution shall be permitted to discharge into these waters or into ditches or canals flowing into these waters. In addition, in order to reduce nonpoint source pollutants the City shall require the following:

f. By 2017, ~~the~~ City shall incorporate and encourage ~~evaluation of~~ rainwater collection, distribution and percolation systems into stormwater management planning.

g. The City shall research certification and licensing programs which encourage responsible business practices. This includes, but is not limited to the Green Industries - Best Management Program and a Florida certified irrigation specialty contractor's license.

CHAPTER 6: CONSERVATION ELEMENT

Policy 6-1.2.5: Protection and Conservation of Potable Water Supply.

The City of Key West has no wellfields and has no need for a wellfield protection ordinance. In order to

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comply with policies of the South Florida Water Management District directed toward conservation of potable water supply, reduce irrigation needs and to achieve a reduction in the current rates of water consumption, Land Development Regulations shall be amended to incorporate the following performance standards:

~~3. In order to reduce demand for irrigation water (which in turn often places greater demand upon potable water sources),~~ At least fifty (50%) percent of all landscaping material obtained from offsite sources for use on any site should be native plant material adapted to soil and climatic conditions existing on the subject site. Further, at least thirty (30%) percent of all trees used in landscaping shall be native species adapted to soil and climatic conditions existing on-site in order to lessen water demand.

6. At least 75% of the landscape must utilize 'right plant, right place' practices, as defined by Florida-Friendly Landscaping Design Standards.

Policy 6-1.2.8: Water Supply Demand.

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Implementation of the Work Plan shall ensure that adequate water supplies and public facilities are available to serve the water supply demands of any population growth that the City may experience. The City shall also work to reduce the water supply demand through efficiencies and conservation.

Policy 6-1.2.9: Coordinated Water Supply Planning.

The City shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the FCAA, South Florida Water Management District, and through the Lower East Coast Water Supply Plan Update adopted September 12, 2013, as necessary.

Policy 6-1.2.12: Efficient Equipment and Appliances.

The City will require the use of high efficiency/ultra-low volume toilets, showerheads, faucets, clothes washers and dishwashers that are Energy Star rated and WaterSense certified in all new residential and commercial projects, including major and minor development plans.

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Policy 6-1.2.14: Landscape Guidelines.

The City will adopt Florida-Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of cisterns, rain barrels and directing runoff to landscaped areas; drip irrigation or micro- sprinklers; rain or moisture sensor irrigation controllers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios.

Policy 6-1.2.19: Proactive Building Codes

The City shall research and adopt sections of the International Green Construction Code that increase efficiency without substantially increasing cost or complexity.

CHAPTER 8: INTERGOVERNMENTAL COORDINATION ELEMENT

Policy 8-1.3.5: Coordinated Facility Planning.

The City shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the FCAA, South Florida Water Management

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District and through the Lower East Coast Water Supply Plan Update adopted September 12, 2013, as necessary.

Policy 8-1.3.7: Inter-Local Agreements.

Negotiate or renew inter-local agreements with water supply providers, ensuring contractual agreement of the adopted level of service standards, service area, populations and times for services provided. Seek an interlocal with Miami-Dade County providing the City of Key West with an opportunity to comment on land use and regulatory issues related to the Florida City Wellfield, aquifer and aquifer recharge area; setting forth procedures for review of land use and regulatory activities identified as having potentially significant impacts on the aquifer recharge and water supply systems especially concerning hazardous waste generation. Criteria for determination of significant impacts shall be included in the interlocal agreement.

CHAPTER 9: CAPITAL IMPROVEMENTS ELEMENT

Policy 9-1.6.1: Level of Service Standards.

Potable Water Level of Service

Residential

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~~100 gal/capita/day~~

1. Quantity: 100 gal/capita/day
2. Minimum Pressure: 20 PSI at customer service
3. Minimum Potable Water Quality: Shall be defined by Chapter 62-550 F.A.C.

Policy 9-4.1.1: Coordination of Land Use and Water Service and Delivery Systems.

The City will ensure the financial feasibility of the public water infrastructure system by coordinating its land development practices with the FKAA water service production and delivery systems.

Policy 9-4.1.3: Capital Improvement Schedules of Other Agencies.

The City shall incorporate capital improvements affecting City levels of service by referencing the Capital Improvements Schedules of the FKAA (~~2011/2012~~ 2015/2016 through 2020/2021 ~~2015/2016~~), state agencies and other units of government providing services, but not having regulatory authority over the use of land, into its Five-Year Schedule of Capital Improvements

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(Fiscal Years 2011/2012 through 2015/2016). The City Schedule shall be maintained and updated annually.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

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Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2015.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2015.

Filed with the Clerk _____, 2015.

Mayor Craig Cates _____

Commissioner Samuel Kaufmann _____

Commissioner Clayton Lopez _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK