



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, Planner II, AICP-C

Meeting Date: Sept 16th, 2021

Agenda Item: **Text Amendment of the Comprehensive Plan** - A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission creating or amending Comprehensive Plan sections – II. Glossary of Terms, Chapter 1: Future Land Use Element Policies 1-1.1.1, 1-1.1.16, 1-1.10.4, and 1-1.10.5; Chapter 1A Historic Preservation Element, Policies 1A-1.3.1, and 1A-1.5.3; Chapter 3 Housing Element Objective 3-1.2.1, and Policy 3-1.2.2; Chapter 4 Public Facilities Element Policies 4-3.1.5, and 4-3.1.6; Chapter 5 Coastal Management Element Objective 5-1.7 and Policies 5-1.1.3, 5-1.3.2, 5-1.5.2, 5-1.5.3, 5-1.7.1, 5-1.7.2, and 5-1.7.4; Chapter 6 Conservation Element Policies 6-1.2.1, 6-1.2.19, and 6-1.3.1; Chapter 8 Intergovernmental Element Objective 8-1.6, and Policies 8-1.6.1, and 8-1.6.2; Pursuant to Chapter 90, Article VI, Division 3; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Request: To implement the City's first Post-Disaster Recovery and Reconstruction Plan (PDRRP) to address the risk of Climate Change, resiliency, and post disaster recovery on the Island. The PDRRP is proposed to amend the City's Comprehensive Plan to establish initial steps for long-range climate planning and post disaster recovery by creating a framework to protect the City from existing and projected hazards/threats.

Applicant: City of Key West

Background:

The proposed Post-Disaster Recovery and Reconstruction Plan (PDRRP) will amend the City's Comprehensive Plan in order to create a framework for resiliency, address the risks of climate change, and develop critical steps for City-wide post disaster recovery and reconstruction. Precisely, the PDRRP is a comprehensive framework for managing recovery efforts and a consolidated reference to guide action and decision-making in order to expedite the city's recovery process. It is a framework to successfully achieve pre-determined recovery and redevelopment objectives that align with the City's vision and goals. It is not a tactical plan, but rather a flexible and scalable decision-making tool to support various post event needs.

The creation of the PDRRP was funded through a grant from the State of Florida Department of Economic Opportunity (DEO). The City's PDRRP is a response to the Federal Emergency Management Agency's (FEMA) National Disaster Recovery Framework (NDRF), and the National Response Framework (NRF), which outline effective recovery post disaster and incident. The PDRRP is intended to incorporate best practices from these frameworks and community and local initiatives/plans to effectively build preparedness for emergency recovery and reconstruction in Key West.

The PDRRP is a living document to be updated yearly and completely reviewed and amended accordingly every five years. The proposed amendments to the Comprehensive Plan are associated with both immediate and long-term response to a disaster, but also building resiliency across the island to mitigate the effects a disaster would have on the Island's natural and built environments, economic sector, and social networks.

These proposed PDRRP amendments to the Comprehensive Plan are aligned with the City's recently adopted Strategic Plan and begin implementation of concepts associated with one of the plan's mayor priorities: resilience with respect to risks associated with climate change.

Request / Proposed Amendment:

Coding: Added language is **underlined; deleted language is ~~struck through~~ at first reading; planning analysis is italicized*

Glossary Section Amendments

Analysis: The PDRRP describes the City's vision and plan for overcoming risks and vulnerabilities. To respond to these hazards, shocks, and stresses, it is imperative the City define these vulnerabilities and mitigative techniques to respond to them. Per FDEO Guidance, the City has added the following seven terms.

II. Glossary of Terms

Coastal High Hazard Flooding – A condition of flooding subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis. Coastal high hazard flooding is mapped as a Zone V or “limit of moderate wave action” on a Flood Insurance Rate Map. Coastal flooding without the high velocity hazard is mapped as a Zone A.

Floodproofing – Protective measures added to or incorporated in a building that is not elevated above the base flood elevation to prevent or minimize flood damage. “Dry floodproofing” measures are designed to keep water from entering a building. “Wet floodproofing” measures minimize damage to a structure and its contents from water that is allowed into a building.

Repetitive Loss Property - A property for which two or more National Flood Insurance Program losses of at least \$1,000 each have been paid within any 10-year rolling period since 1978.

Retrofitting - Modifications made to an existing building or nearby grounds to protect it from flood damage. Retrofitting techniques include elevation, dry and wet floodproofing, protection from sewer backup.

Severe Repetitive Loss Property - As defined in the Flood Insurance Reform Act of 2004, those 1-4 family properties that have had four or more claims of more than \$5,000 or two to three claims that cumulatively exceed the building's value. Non-residential buildings that meet the same criteria as the 1-4 family properties are considered Severe Repetitive Loss properties.

Substantial Damage - Refer to Ordinances, Chapter 34, Sec. 34-132 Definitions, specific.

Substantial Improvement – Refer to Ordinances, Chapter 34, Sec. 34-132 Definitions, specific.

Future Land Use Element Amendments:

Analysis:

Policy 1-1.1.1 establishes long term planning horizons for disasters related to sea level rise. This change will guide development and redevelopment standards. The amendment was in response to the Southeast Florida Regional Climate Compact Unified SLR Projections and is related to the PDRRP Goal Area of Land Use.

Policy 1-1.1.16 places importance on creating more resilient standards, especially within higher risk areas. The amendment specifically ensures that the City complies with mandatory "Peril of Flood" legislation, F.S. 163.3178(2)(f) and is related to PDRRP Goals: Land Use & Buildings and Housing.

Policy 1-1.1.1: Planning Horizons. The City's short-term planning horizon shall be 5 years, and the long term shall be 20 years, and climate change planning horizons shall be 50 and 100 years. The Future Land Use Map shall contain an adequate supply of land in each district to meet the demands of the existing and future population, and the City shall ensure that infrastructure and services are or will be made available to meet the needs of this projected population. In the event that the City's land area increases through annexation or decreases, the projected population will be adjusted accordingly.

Policy 1-1.1.16: - Enact Resilient Standards. As also noted in Policy 5-1.5.2, the City shall endeavor to develop and periodically amend more stringent development and redevelopment standards and Historic Architectural Regulations within certain higher risk coastal areas. These areas are established in part through local coastal construction control lines, and other methods, to require more resilient techniques and materials. These standards will be designed to regulate and to incentivize property owners to elevate structures, select materials, and adopt techniques in order to minimize risk to wind, flood, and storm surge damages.

Establishment of an Adaptation Action Area

Analysis:

Policy 1-10.1.4 creates the City's first Adaptation Action Area: The Key West Historic District. The District is regulated by the State of Florida and through policy language in the City of Key West's Comprehensive Plan Future Land Use Element and the Historic Preservation Element. These policies are further implemented through the adopted Historic District Guidelines and Land Development Regulations, including historic zoning districts, established to recognize the

importance of these unique historic structures and sites to the culture and economy of the City of Key West.

Historical maps indicate that the historic district was selected by early Key West residents as optimal land for development given higher elevations. This high elevation and the unique nature of the district's structures and sites, in addition to the importance of commercial corridors such as Duval Street to the island's tourism economy, provide the basis for a protective adaptation strategy for this unique area.

Furthermore, local historic preservationists with architectural and construction science expertise have established that wood frame structures in this district must be protected from hurricane threats differently from other structures. Most of the historic Key West frame vernacular buildings that have survived more than a hundred years were constructed by ship builders; craftsmanship and particular construction techniques contributed to their longevity. Not all modern adaptation techniques would be appropriate for this important historic District. Pertinent historic wood frame structures located outside of the Key West Historic District will also be included by reference into the adaptation framework for the historic district.

Policy 5-1.10.5 ensures that the AAA boundaries are included in the City's Future Land Use Map series, which assists in compliance with mandatory "Peril of Flood" legislation, F.S. 163.3178(2)(f).

Policy 1-1.10.4: - Establishing the Key West Historic District Adaptation Action Area. The City shall endeavor to develop and adopt programs and procedures to minimize risk of climate change impacts to the Key West Historic District, with particular emphasis on protecting historic structures and sites from storm surge, tidal flooding, sea level rise, and wind hazards. Adaptative techniques shall include strategies of site protection, such as development of compact open space corridors, and accommodation, such as structure elevations and stormwater management techniques. The City shall endeavor to develop financial strategies to support program implementation for both public and private properties. The City shall develop an adaptation plan to protect historic structures and sites within the District based on vulnerability analyses, and shall incorporate public input, and provide technical assistance to property owners.

Policy 1-1.10.5: - Amending Future Land Use Maps to incorporate Adaptation Action Areas and other Resilience Strategies. The boundaries of the Key West Historic District Adaptation Action Area shall be identified and included in the Future Land Use map series.

Historic Preservation Element Amendments:

Analysis:

Policy 1A-1.3.1 Identifies future actions to incentivize preservation inside the AAA.

Changes to Policy 1A-1.5.3 update the term Hurricane Recovery to Disaster Recovery Task Force. It is imperative that the City continue to strive for rehabilitation and adaptive re-use of historic properties to both preserve the historical significance of the property and ensure the longevity of the structures.

Policy 1A-1.3.1: Rehabilitation and Adaptive Re-Use. The City shall continue to ensure the sensitive rehabilitation and compatible adaptive re-use of historic properties through technical assistance and economic incentive programs. The City shall explore programs to incentivize future rehabilitation and adaptive re-use projects to incorporate strategies to reduce risks associated with climate change, as established through the Historic District's Adaptation Action Area.

Policy 1A-1.5.3: - Activities of the Disaster Hurricane Recovery Task Force. The Hurricane Disaster Recovery Task Force, which shall be activated following a hurricane disaster event, shall encourage repair to historic structures according to the Secretary of the Interior's Standards for Rehabilitations and the Guidelines of HARC.

Housing Element Amendments:

Analysis:

Policies 3-1.2.1 & 3-1.2.2 have been updated to minimize inappropriate and unsafe development and to 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. The 2002 Florida Building Code was the first statewide building code and marks a strong shift toward storm resilient homes. The amendments better align existing floodplain management policies and are directly related to PDRRP Goal Areas of Housing and Procurement.

OBJECTIVE 3-1.2: MAINTAIN HOUSING STOCK FREE OF SUBSTANDARD UNITS.

Policy 3-1.2.1: Elimination of Substandard Housing Conditions and Structural and Aesthetic Improvement of Housing. The City shall continue to implement code enforcement provisions designed to enforce the housing code and the Florida Building Code in order to protect and preserve the structural integrity and aesthetics of the City's housing stock and eliminate inappropriate and unsafe development, per F.S 163.3178(2)(f).

Substandard housing units shall continue to be identified and programs will be pursued to help older homes to at least meet 2002 Florida Building Code, especially for lower income residents. The City shall contact owners of substandard housing units in order to communicate necessary corrective actions and assist by informing owners of available federal, state, and local housing assistance programs. Similarly, the City shall use the Community Development Block Grant program to attract funds for necessary improvements. The City shall endeavor to continue to pursue actions which maintain current ratings and gain points for a higher-class tier as part of FEMA's Community Rating System, which reduces community flood risk.

To protect the "100-year floodplain", the City shall encourage best practices development and redevelopment principles, strategies and engineering solutions that will result in the removal of coastal improved property from Special Flood Hazard Areas established by FEMA.

Policy 3-1.2.2: Pursue Opportunities to acquire Repetitive Loss and Severe Repetitive Loss Properties. The City shall continue to collaborate with Monroe County and property owners on mutually voluntary acquisitions of Repetitive Loss and Severe Repetitive Loss properties through Monroe County's Mitigation

Program. The City shall continue to update the Repetitive Loss Area Analysis regularly for use in FEMA grant-funded mitigation solutions and public education.

Public Facilities Element Amendments:

Analysis:

Policies 4-3.1.5 and 4-3.1.6 strengthen our Protective Floodplain Management Policies to create a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise (Peril of Flood, F.S. 163.3178(2)(f)1-6). This amendment is taken from the PDRRP Goal Area of Land Use & Building.

Goal 4-3: Provide Adequate Drainage:

Policy 4-3.1.5: Buffer Zone Requirements. ~~The City shall continue to enforce its Land Development Regulations to include performance criteria which shall require that new development provide buffer zones adjacent to natural drainage ways and retention areas.~~ utilize best practices to incorporate buffer overlay zones adjacent to natural drainage ways and establish retention areas to protect the “100-year floodplain” and increase the level of flood protection provided to developed areas. To mitigate long-range climate hazards, City shall explore the benefits of utilizing Monroe County’s Mitigation program to establish connected retention areas that provide ecosystem functions in addition to stormwater management benefits.

Policy 4-3.1.6: Managing Land Use in the Floodplain. The City shall continue to enforce its Land Development Regulations to include performance criteria regulating development within floodplain areas.

New development and redevelopment within the floodplain shall incorporate sufficient flood protection measures, promote adaptive design and techniques for existing, new, and substantially remodeled structures to improve resilience to flooding, and follow the Federal Emergency Management Agency’s (FEMA) flood elevation guidelines 44-CFR Part 60, Florida Building Code, and local flood damage protection ordinances.

The City shall endeavor to pursue the following criteria in order to protect the “100-year floodplain”:

- a) Within the floodplain, incentivize development or redevelopment that is balanced by an equal increase in floodplain functionality or permanent protection.
- b) Create Adaptation Action Areas with incentives and barriers to shift redevelopment and population density to areas with less risk of climate related hazards.
- c) Minimum standards for drainage for developments within the “100-year floodplain” to reduce the impacts on adjoining properties and the degradation of the quality of the receiving surface water bodies
- d) Increases to minimum first floor elevations for habitable space in residential and commercial buildings.

e) Habitable buildings must be supported on piles, caissons, or stemwall foundations,

f) Continue to collaborate with Monroe County and property owners on mutually voluntary acquisitions of severe repetitive loss properties through the Monroe County Mitigation Program for use as public open space and water retention, shall be considered as procurement opportunities arise, such as through the use of grants or tax deed sales.

g) Expand the use of green infrastructure and other Low Impact Development (LID) in the built environment

Coastal Management Element Amendments:

Analysis:

Policy 5-1.1.3 also strengthens our Protective Floodplain Management Policies to create a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise (163.3178(2)(f)1-6). Related to PDRRP Environmental Goal Area.

Amendments to Policy 5-1.3.2 correct previous misalignments with our Local Construction Control Line.

Policy 5-1.1.3: Protect, Stabilize, and Enhance the Coastal and Wetland Shorelines. The City shall continue to enforce Land Development Regulations which stipulate that no native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit. Similarly, the City shall continue to enforce criteria in the Land Development Regulations which require that applicants for development along the shoreline shall be required to revegetate, stabilize, and enhance damaged vegetative shorelines by planting native vegetation, including mangrove and/or other native plant species which:

1. Contribute to fish and wildlife habitat, marine productivity, and water quality;
2. Offer protection from erosion and flooding; and
3. Contribute to the natural soil building process.

Hardening of the shoreline with riprap, bulkheads or other similar devices be discouraged unless the use of vegetation has failed to stabilize the shoreline over a five-year period; non-riprap and natural shorelines are encouraged when feasible.

The City shall endeavor to develop a shoreline stabilization strategy to protect and enhance the built and natural environment from erosion and sea level rise impacts.

Policy 5-1.3.2 Natural Shoreline and Beach/Dune Stabilization. To protect natural rock outcrops which form most of the City's shoreline as well as the limited beach, shoreline development and access shall continue to be restricted in order to preserve the shoreline and the limited beach. Rigid shore protection structures are not permitted, except when used as part of a comprehensive plan for beach restoration and when non-structural alternatives are not acceptable. When beach renourishment projects are

needed, the dune system should be restored, as necessary, utilizing natural, indigenous vegetation. The shoreline setback from natural shorelines shall be 30 to 50 feet dependent upon the particular shoreline characteristic defined in Sec. 122-1148 of identified in the Land Development Regulations.

Analysis:

Policy 5-1.5.2 Establishes more stringent standards in coastal areas at risk of storm surge, tidal flooding, sea level rise and wind hazards. This amendment further supports the concept of minimizing inappropriate and unsafe development in coastal areas (Peril of Flood, F.S. 163.3178(2)(f) by adding policies in the Comprehensive Plan but modifies the “no construction” approach in Section 122-1148 of the City of Key West’s Land Development Regulations.

Policy 5-1.5.3 follows the recommendations from South Florida Regional Planning Council’s Policy Options for Adaptive Planning for Rising Sea Levels, which was written collaboratively with FDEO, FDEP, NOAA, Broward County and Fort Lauderdale as a guide for local governments seeking to address Adaptation Action Areas (F.S. 163.3164(1)). While the City had included Adaptation Action Area policy language in early 2013, it did so before the Planning Councils guidance came out.

Policy 5-1.5.2: Local Coastal Construction Control Line and Coastal Construction Zones. The City of Key West established a Local Coastal Construction Control Line in 1997 and shall endeavor to develop additional local code requirements applicable to land seaward of Coastal Construction Control Lines to provide additional resilience for man-made structures in these higher-risk areas of the island. These Coastal Construction Zones shall not preclude all new construction but shall endeavor to minimize inappropriate and unsafe development in coastal areas. Land development, site plan review and permit review for work in these areas may also require compliance with more stringent standards to reduce risk from wind, storm surge, tidal flooding, and sea level rise.

Policy 5-1.5.3: Adaptation Action Areas. For hazard mitigation purposes, the City ~~may~~ will create Adaptation Action Areas which identify one or more areas that experience coastal flooding due to extreme high tides, and storm surge, and that are vulnerable to the related impacts of sea level rise and climate change. ~~rising sea levels~~ Establishments of AAAs will improve the resilience of built and natural area and help ~~for the purpose of~~ prioritizing funding for infrastructure needs and adaptation planning.

Criteria for identifying Adaptation Action Areas may include vulnerability related to geography, topology, demography, future scenarios, history of risk, habitat type, building type or infrastructure type.

The City shall collaborate and coordinate with local, regional, state, and national governmental agencies, toward the implementation of AAA adaptation strategies and to identify risks, vulnerabilities, and opportunities associated with coastal hazards and the impacts from sea level rise. Strategies and opportunities include, but are not limited to, areas with several repetitive loss properties, build back standards, elevating, hardening or relocating structures, increasing green and blue infrastructure and corridors, amending City code, elevating or abandoning right of ways.

Post Disaster Redevelopment Planning Amendments

Analysis:

Objective 5-1.7, as well as Policies 5-1.7.1, 5-1.7.2 and 5-1.7.4 flesh out the very meager Post Disaster Redevelopment Section of the City's Comprehensive Plan. Apart from this mention, the City did not have a Post Disaster Redevelopment Plan codified. Utilizing model language from Post Disaster Recovery Plan guidance documents from APA and FDEO, the following amendments were chosen for their ability to fulfill PDRRP Objectives under Communication, Procurement Transportation and Economic Recovery, Infrastructure, and Land Use & Building. These amendments ensure review of the PDRRP and requires an Annual Workplan to advance the PDRRP recommendations.

OBJECTIVE 5-1.7: - POST-DISASTER REDEVELOPMENT

~~The City's shall continue to maintain 2021 Ppost-Disaster Recovery and Redevelopment Pplan (2021 PDRRP) aims to~~ These plans shall be directed towards protect human life and public and private property by reducing or eliminating exposure of human life and public and private property to natural hazards. In addition, the City shall continue to enforce local plan components including managing recovery operations through a Recovery Task Force as elaborated in Policy 5-1.7.5.

The City shall implement Pre-Disaster PDRRP components through the City's Adaptation Planning Team in consultation with the Emergency Manager:

- Compile an Annual Disaster Mitigation Workplan
- Coordinate Post Disaster Recovery and Redevelopment Plan Update every 5 years or after analysis of a major disaster.

Post disaster, if the disaster scope warrants, the City Commission may implement the PDRRP by activation of the Recovery Task Force. The Recovery Task Force will be responsible interfacing with the City's Incident Management Team to create and monitor the implementation of an Incident Recovery Management Plan.

The City Manager shall appoint the Recovery Task Force, which could be comprised of, but not limited to the following roles, depending on the disaster: Communications, Redevelopment of Land Use & Buildings, Economic Recovery, Transportation, Hazard Mitigation, and Environment.

Monitoring Measure: ~~Adopted post-disaster redevelopment plans or policies.~~ Coordinate a Post Disaster Recovery and Redevelopment Plan update every 5 years or after analysis of a major disaster

Policy 5-1.7.1: - Recovery Operations.

~~As part of the post-disaster recovery planning process the City Commission shall appoint and maintain a Recovery Task Force comprised of the City Manager, the Assistant City Manager, the Planning Director and others as determined by the City Commission and as amended as needed. The Recovery Task Force shall be responsible for assessing the conditions following a hurricane or other similar disaster and shall propose strategic actions necessary to establish order and reestablish communication and basic service~~

~~delivery systems necessary for health, safety and welfare. Within 90 days after appointment of the Recovery Task Force, and at regularly scheduled intervals thereafter, the Task Force shall meet to determine and update a management framework for resolving issues confronted in times of a natural disaster.~~

Once activated post disaster, the Recovery Task Force will be mobilized to determine and update a management framework for resolving issues confronted in times of disaster and shall present that Incident Recovery Management Plan to the City Commission for review and approval.

Policy 5-1.7.2: - ~~Post-Hurricane Assessments.~~ Incident Recovery Management Plan

The Incident Recovery Management Plan should provide a basis for executing the following activities post disaster activities, during times of natural disaster, including assessing the conditions and shall propose strategic actions to the Incident Management Team. Possible actions are outlined in the Post Disaster Recovery and Redevelopment Plan.

The Recovery Task Force shall continue to coordinate its Incident Recovery Management Plan with the County's the Local Peacetime Emergency Plan recovery efforts, and shall present the management plan to the City Commission for review and approval.

Policy 5-1.7.4: - Annual Disaster Mitigation Workplan ~~Hazard Mitigation and Comprehensive Plan Amendments~~

The City's Adaptation Planning Team, in consultation with the Emergency Manager, shall create an Annual Disaster Mitigation Workplan to address pre-disaster hazard mitigation activities. The Adaptation Planning Team shall present the Annual Disaster Mitigation Workplan to the City Commission for review as part of the budget process. Possible pre disaster hazard mitigation activities are listed in the Post Disaster Recovery and Reconstruction Plan.

The Annual Disaster Mitigation Workplan Recovery Task Force shall propose any needed Comprehensive Plan amendments which reflect the recommendations- updates to related plans, including, but not limited to, the Comprehensive Plan, the City and County Comprehensive Emergency Management Plans and Monroe County Local Mitigation Strategy. The Adaptation Planning Team will stay abreast of new recommendations contained in any inter-agency hazard mitigation reports or other reports prepared pursuant to Section 406, Disaster Relief Act of 1974 (PL 93-288).

Conservation Element Amendments:

Analysis:

Policy 6-1.2.1: These amendments address many issues with stormwater retention and funding and fulfill PDRRP Environmental Goal Objectives.

Policy 6-1.2.19 instructs the City to plan for one of our most vulnerable needs, potable water. Hurricane Irma toppled many trees and broke so many lateral lines that only a third of the water

from our Utilities emergency storage tanks reached its destination. Because of this, water delivery was rationed. This policy amendment fulfills PDRRP Infrastructure Goal Objectives.

Policy 6-1.3.1 amendments strengthen our Protective Floodplain Management Policies and make them more consistent with Policy 3-1.2.1, as per FDEO request. Amendments outline the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise (Peril of Flood, F.S. 163.3178(2)(f)1-6).

Policy 6-1.2.1: Water Quality, Surface Water Management and Land Use. The City shall continue to create and enforce standards in order to protect the quality of the City's nearshore waters water resources and to conform to policies of the City of Key West Critical Area of State Concern Program. These standards will include the expansion of site specific and neighborhood-wide green infrastructure features. Fee and funding models for adaptation projects that incentivize on-site water retention/detention and water quality improvements will be pursued by the City.

Policy 6-1.2.19: Disaster Readiness. In order to decrease reliance on mainland potable water sources following major disasters, the City will work with partners to investigate a strategy and timeline to create potable water locally, through desalinization, reverse osmosis, and other sustainable means.

Policy 6-1.3.1: Enforce Policies to Maintain Floodplain. The City shall continue to maintain its surface water management and flood damage prevention regulations. New development encroaching into the floodplain shall incorporate sufficient flood protection measures. The City's Stormwater Management and Flood Protection Ordinances shall maintain consistency with program policies of the National Flood Insurance Program (NFIP) Federal Emergency Management Agency (FEMA). The City shall encourage the protection of appropriate floodplain areas by continuing to collaborate with Monroe County and property owners on mutually voluntary acquisitions of properties through Monroe County's Mitigation Program

The City shall endeavor to create policies, projects and sites that create a co-benefit related to decreasing flood-related risks and shall continue to monitor new cost-effective programs for minimizing flood damage.

Proposed developments in Special Flood Hazard Areas will be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with applicable codes.

The City will continue to be consistent with the flood-resistant construction requirements in the Florida Building Code and federal floodplain management requirements.

The City shall protect the natural functions of floodplain areas so that flood carrying, and storage capacity areas are maintained.

Intergovernmental Element Amendments:

Analysis:

The City had no Comprehensive Plan policies on Economic Diversification, which is often identified as a vulnerability. Language is derived from PDRRP Best Management Practices from the American Planning Association and FDEO/FDEM publications. The creation of Objective 8-1.6

creates an avenue for the City to convene multiple stakeholders for long term planning. Fulfills PDRRP Economic Development and Funding Goal Objectives.

Objective: 8-1.6 ECONOMIC DEVELOPMENT

The City will seek to create and support an economic development strategy focused on the retention, expansion and attraction of high wage jobs and targeted business. The City will also seek to diversify the City’s tax and employment base. This shall be accomplished through the preservation of the City’s unique character, historical, cultural and environmental assets and through promotion of sustainable and resilient development, redevelopment and rehabilitation of properties.

Policy 8-1.6.1 – Coordination with Economic Development Entities. The City will encourage existing representative business groups to collaborate towards a more diversified, stable, prepared and connected economic base.

Policy 8-1.6.2 – Collaboration with Economic Development Entities. The City will support collaborative public/private projects that are deemed to have positive impacts on the long-term financial health, sustainability, quality of life and disaster preparedness for its businesses and residents.

PDRRP Comp Plan Language Resources

Recommendations came from the following resources:

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| 1. <i>APA’s Planning for Post Disaster – Next Generation</i> | 10. <i>Post Disaster Needs Assessment PDNA: Lessons from a Decade of Experience</i> |
| 2. <i>APA’s Policies for Guiding Planning for Post Disaster Recovery and Reconstruction</i> | 11. <i>Compact’s PDRP Workshop Materials</i> |
| 3. <i>APA’s Disaster Recovery Guide for Planning Practitioners</i> | 12. <i>Hillsborough PDRP</i> |
| 4. <i>FEMA Recovery and Reconstruction Manual,</i> | 13. <i>Pasco County PDRP</i> |
| 5. <i>FEMA’s Home Builders Guide to Coastal Construction</i> | 14. <i>Pasco County Economic Development Element</i> |
| 6. <i>FDEO’s Post Disaster Redevelopment Planning guide</i> | 15. <i>Sarasota County PDRP</i> |
| 7. <i>FDEO’s Peril of Flood Guidance presentation.</i> | 16. <i>Volusia County PDRP</i> |
| 8. <i>Rockefellers 100 Resilient Cities</i> | 17. <i>Lessons learned from Monroe County</i> |
| 9. <i>South Florida Regional Planning Council’s Adaptation Action Areas: Policy Options for Adaptive Planning for Rising Sea Levels.</i> | 18. <i>City of Miami Beach Comprehensive Plan</i> |
| | 19. <i>City of Miami Beach Buoyant City: Historic District Resiliency & Adaptation Guidelines</i> |
| | 20. <i>Fernandina Beach Economic Development Element</i> |
| | 21. <i>Hallandale Beach Post Disaster Redevelopment Plan</i> |

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Land Development Regulations Text Amendment Process:

Planning Board Meeting:	Sept. 16 th , 2021
City Commission (1st Reading):	Oct. 19 th , 2021
DEO Review:	Up to 45 days
City Commission (2nd Reading / Adoption):	Nov. 3 rd , 2021
Local Appeal Period:	30 days
Render to DEO:	10 working days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO site

Analysis:

The purpose of Chapter 90, Article VI, Division 3 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the text of the Comprehensive Plan. It is not intended to relieve hardships nor to confer special privileges or rights to any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Planning Board and the City Commission shall consider, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-556 the Planning Board, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the Comprehensive Plan to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-555.

Criteria for Approving Amendments to the Comprehensive Plan pursuant to Code Section 90-554 (6) and 90-555. In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

Section 90-554 (6)

- a. ***Comprehensive plan consistency.*** Identifying impacts of the proposed change in the comprehensive plan future land use map on the overall purpose of the comprehensive plan and consistency with applicable policies within the comprehensive plan.
 1. The proposed amendments would be consistent with the overall purpose of the Comprehensive Plan, as well as the FEMA’s National Disaster Recovery Framework and National Response Framework. Each amendment to the Comprehensive Plan from the PDRRP corresponds and complies to specific Comprehensive Plan goals, objectives, and policies.
 2. The future land use map may be updated and additional maps created and proposed for adoption in conjunction with the PDRRP.
- b. ***Impact on surrounding properties and infrastructure.*** The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.

1. The City does not identify any potential land use incompatibility or impacts on existing infrastructure at this time.
- c. ***Avoidance of special treatment.*** The proposed change shall not:
1. The proposed PDRRP would not *single out a small piece of land and confer special and privileged treatment not provided to abutting properties with similar characteristics and land use relationships; and*
 2. The proposed PDRRP would not *provide for land use activities which are not in the overall public interest but only for the benefit of the landowner.*
- d. ***Undeveloped land with similar comprehensive plan future land use map designation.*** The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.
1. The City is not requesting a change to the future land use map designations at this time.

Section 90-555

- (1) ***Consistency with plan.*** Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

The City's Comprehensive Plan was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City's Plan:

Protects and maintains its natural, historic and cultural resources;

preserves its community character and quality of life;

ensures public safety, and;

directs development and redevelopment in an appropriate manner.

The proposed amendments would be consistent with the overall purpose of the Comprehensive Plan, as well as the FEMA's National Disaster Recovery Framework and National Response Framework. Each amendment to the Comprehensive Plan from the PDRRP corresponds and complies to specific Comprehensive Plan goals, objectives, and policies.

The amendments would provide additional definitions and work to solidify the City's response to disaster recovery and disaster mitigation. The amendments would further guide development standards to enhance climate resiliency. The proposed policies would

create an adaption action area to immediately respond to some climate related issues and incentivize preservation in that area.

Furthermore, the proposed amendmets would encourage local developement to conform with FEMA regulations, minimize inappropriate and unsafe development establishe more standards in coastal areas at risk of storm surge, tidal flooding, sea level rise and wind hazards. The City intends to update disaster assessments and disaster mitigation workplans and stormwater retention goals. Lastly, the PDRRP proposes economic diversification ensure resiliency and create an avenue for the City and stakeholders to fine pathways for diversification through long term planning.

The proposed Comprehensive Plan amendments are consistent with the adopted infrastructure minimum level of service standards and the concurrency management program

The proposed amendments would be consistent with the adopted infrastructure minimum level of service (LOS) standards and the concurrency management program.

- (2) **Conformance with requirements.** Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposal is in conformance with all applicable requirements of the Code of Ordinances.

- (3) **Changed conditions.** Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations and whether such conditions support or work against the proposed rezoning.

The existing Comprehensive Plan was adopted on March 5th, 2013 through Ordinance No. 13-04 following. Over the years, the Comprehensive Plan and LDRs have been amended from time-to-time.

The proposed text amendments are an effort to more effectively implement Comprehensive Plan Policies of the City of Key West. The proposed text amendment are designed to clarify the City's long-term strides towards resiliency, disaster mitigation, and disaster response and reconstruction.

- (4) **Land use compatibility.** Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

Land use incompatibilities are not anticipated with the proposed text amendment.

- (5) **Adequate public facilities.** Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency

determination, and the applicant will be required to obtain a concurrency determination pursuant to Chapter 94.

The extent to which the proposal would have on demand on public facilities and services cannot be determined at this time as no development plans are a part of this proposal. All applications for development will be required to complete a concurrency determination pursuant to chapter 94 of the Land Development Regulations.

- (6) **Natural environment.** Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The proposed text amendments will not result in adverse impacts on the natural environment. It is the intention of these amendments to have a positive impact on the natural environment, to protect and preserve the current built and unbuilt environments, and ensure that these environments last post disaster and are resilient enough to withstand climate change.

- (7) **Economic effects.** Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The proposal would not adversely affect the property values in the area or the general welfare.

- (8) **Orderly development.** Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposed amendments strive to create a more orderly and compatible land use pattern.

- (9) **Public interest; enabling act.** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposed amendment to the Land Development Regulations would not be in conflict with the public interest and it is in harmony with the purpose and interest of the Land Development Regulations.

- (10) **Other matters.** Other matters which the planning board and the city commission may deem appropriate.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Land Development Regulations and the Land Development Regulations, recommends to the Planning Board that the request to amend the Comprehensive Plan be **APPROVED**.