

Staff Report
Draft Resolution
Proposed Ordinance



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

Through: Nicole Malo, Planner II

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: February 28, 2013 – Planning Board Adoption hearing
August 30, 2012 – 1st Planning Board reading

Agenda Item: **EAR Amendments** - Consideration of an ordinance amending the Key West Comprehensive Plan by adopting a new Future Land Use Map in its entirety; by amending the Goals, Objectives and Policies of the Land Use Element, the Historic Preservation Element, the Traffic Circulation Element, the Housing Element, the Public Facilities Element, the Coastal Management Element, the Port Master Plan Sub Element, the Conservation Element, the Recreation and Open Space Element, the Intergovernmental Coordination Element, the Capital Improvements Element, and the General Monitoring and Review Criteria; by updating the Appendices; by amending the Data and Analysis supportive of the Plan but not a part of the Comprehensive Plan; by inserting the City's Strategic Plan in the Introduction to the Comprehensive Plan; by adopting a Water Supply Facilities Work Plan, as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon recommendations from the City adopted 2005 and 2007 Evaluation and Appraisal reports; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.

Attachments

- Attachment 1: 2005 Evaluation and Appraisal Report
- Attachment 2: 2007 Evaluation and Appraisal Report
- Attachment 3: Evaluation and Appraisal Notification letter, December 29, 2011
- Attachment 4: State Coordinated Review and Adoption Process and Project Timeline

Attachment 5: Key West Area of Critical State Concern, Section 380.05, Florida Statutes and FAC Rule 28-36.003 Principals for Guiding Development;

Attachment 6: Objections, Recommendations and Comments report

Background

On August 30, 2012 the Planning Board reviewed the EAR based Comprehensive Plan amendments for the first time and recommended approval to the City Commission. Subsequently, on October 2, 2012, the City Commission adopted the Comprehensive Plan amendments and recommended the documents for transmittal with two changes:

1. That the consideration of an annexation study for Stock Island be included in Policy 1-1.8.1 for Annexation Studies; and
2. That a Bicycle Master Plan be required to be completed by 2015 (Policy 2-1.1.10); and
3. That a water quality study be completed for the of the City's Fresh water lens (Policy 4-4.1.1).

Those changes were made and the Planning Department transmitted the amendments to the State Department of Economic Opportunity (DEO) and the required State Reviewing Agencies on October 9, 2012.

On December 18, 2012 the Planning Department received the Objections, Recommendations and Comments (ORC) report (**Attachment 6**) summarizing all reviewing agency comments. The ORC had one (1) objection and eight (8) technical advisory comments to the proposed amendment. The City's response and proposed corrective actions to the ORC report for the proposed Comprehensive Plan amendments No. 12-3ER are as follows:

Objection 1. Water Supply Amendments – Policies proposed in the Water Supply Plan were not incorporated into the Conservation and Intergovernmental Coordination elements.

Response: Inclusion of policies 6-1.2.8 through 6-1.2.18 in the Conservation Element (pp. 6-8 – 6-10) and 8-1.3.4 – 8- 1.3.7 in the Intergovernmental Coordination Element (pp. 8-10 – 8-11).

Technical Assistance Comment 1 – Zoning Districts – Future Land Use Element policies 1-1.1.8 and 1-1.1.9 reference zoning instead of Future Land Use Districts.

Response: References to the Future Land Use District as well as the zoning districts were added to Future Land Use Element policies 1-1.1.8 (P. 1-11) and 1-1.1.9 (P. 1-12).

Technical Assistance Comment 2 – FLU Policy 1-1.1.16.3 – Reference to the Monroe County Model should be changed to Transportation Interface for Modeling Evacuations (TIME) Model.

Response: Future Land Use Element Policy 1-1.16.3 (P. 1-82) is revised to correctly reference the TIME Model.

Technical Assistance Comment 3 – Truman Waterfront Redevelopment – Remove reference to residential development.

Response: Staff clarified – reference retained.

Technical Assistance Comment 4 – Transportation Policy 2-1.1.3 – Reference to Dense Urban Land Area designation not applicable.

Response: Reference corrected (P. 2, Transportation Element).

Technical Assistance Comment 5 – Level of Service Standards – Internal inconsistencies between changes to Level of Service standards in the Public Facilities and Capital Improvements Elements.

Response: Public Facilities Element Policy 1-1.1.1 (pp. 4-3 – 4-5) and Capital Improvements Element Policy 9-1.6.1 (pp. 9-16 – 9-18) are corrected to address inconsistencies.

Technical Assistance Comment 6 – Wetland Protection – Internal inconsistencies between Conservation Policy 6-1.7.2 and Conservation policies 6-1.4.1 and 6-1.4.2.

Response: Conservation Policy 6-1.4.2 is revised to resolve inconsistency.

Technical Assistance Comment 7 – Hurricane Evacuation Procedures – Incorporate the 48 hour evacuation procedures into the Coastal Management Element.

Response: New Coastal Management Element Policy 5-1.6.2 now included (P. 5-18).

Technical Assistance Comment 8 – Stormwater Master Plan – Revise Public Facilities Objective 4-2.4 to acknowledge the adopted 2012 Stormwater Master Plan.

Response: Objective 4-2.4 is revised to acknowledge the Stormwater Master Plan.

Monroe County Comment – Require coordination with the County in Intergovernmental Coordination Policy 8-1.1.5.

Response – Policy 8-1.1.5 is revised to strengthen coordination language while acknowledging that no joint agreements will occur until after the studies find the subject annexations feasible.

Please note that although not identified in the ORC Report, it was discovered that FLUM Policy 1-1.6.4: Peary Court Housing Complex Organizing Element, was not originally incorporated into the EAR amendments, therefore this policy is now in place under Chapter 1.

Therefore, except for the minor technical changes described above the documents proposed for adoption at second reading and provided as attachments to this package are the same amendments that were previously adopted by the City Commission upon first reading of the Ordinance. The information provided below is the same information that was provided to describe the amendment process and proposed changes as in the package for the first hearing of the EAR based amendments.

Amendment Process

The proposed amendments to the Comprehensive Plan (Plan) are based on the recommendations from the 2005 and 2007 Evaluation and Appraisal Reports (EAR) (**Attachment 1** and **Attachment 2**). The Evaluation and Appraisal of the existing Comprehensive Plan is required to evaluate the existing goals, objectives and policies (GOPs) to determine their effectiveness in balancing growth; preserving natural resources; achieving water quality improvements; meeting hurricane evacuation requirements, and complying with State regulations since the last update of the Plan, in accordance with Section 163.3191, Florida Statutes (F.S.). Though the 2005 and 2007 EAR reports were adopted by the City and found compliant by the State Land Planning Agency, the corresponding changes were never made to the Plan.

On December 29, 2011, the City prepared an Evaluation and Appraisal Notification letter to the State Land Planning Agency assessing and identifying potential amendments needed to be made to the Plan based on current growth management requirements, conditions, and the community's vision that are supported by the adopted 2005 and 2007 EAR Reports. On January 3, 2012, the State Land Planning Agency provided correspondence to the City of Key West acknowledging receipt of the Evaluation and Appraisal Notification letter, as well as putting the City on notice that transmittal of the plan amendments would be required by December 29, 2012 (within one year of notification). This information is provided as **Attachment 3**.

More detailed summary of the history of the process can be found in the Comprehensive Plan Introduction.

When amending the Plan the City is bound by Chapter 163.3184 F.S. that outlines Comprehensive Plan requirements and the transmittal of corresponding supportive data and analysis that the local government deems appropriate, and defines the State Coordinated Review process for Areas designated Critical State Concern. Please see the attached Project Timeline for details on the State Coordinated Review and Adoption Process (**Attachment 4**).

In addition to the technical amendments identified in the December 29, 2011, Evaluation and Appraisal Notification letter the proposed Goals, Objectives and Policies have been significantly revised based on new city studies and plans including but not limited to the 2011 Strategic Plan, the 2012 Historic Structures Survey Report, the 2010 Climate Action Plan, and the 2012 Stormwater Master Plan. The amendments also rely on 2012 Statewide Hurricane Evacuation Modeling workshop data, and the military installation coordination and compatibility amendments recently approved by the City Commission at first reading on March 20, 2012 and incorporated in to the amended Plan documents.

Further, the City's Comprehensive Planning Consultants (consultants) and Planning staff have coordinated the proposed amendments with the state Department of Economic Opportunity (DEO), Citywide staff, and interested organizations and members of the public. In the spring of 2012 the Planning Department presented an update to the Planning Board on the EAR process and presented the Draft Data and Analysis Report. In July the draft amendments became available to the public via the city's website and later the Planning Department and Comprehensive Planning Consultants jointly held a Community Forum to discuss the draft amendments. Several staff members and members

of the public were in attendance and their comments have been incorporated within the proposed amendments.

December 29, 2012	EAR Notification Letter
January 19, 2012	Planning Board Review - EAR Update
March 20, 2012	City Commission first Amendment reading - Military Lands Compatibility Strategies
March 27, 2012	Planning Board Review – Draft Data and Analysis
July 23, 2012	Community Forum
August 21, 2012	City Commission Approval of Hurricane Evacuation Modeling Memorandum of Understanding
August 30, 2012	Planning Board approval – Resolution 12-39
October 2, 2012	City Commission 1 st reading
October 9, 2012	Transmittal to State Land Planning Agencies
December 18, 2012	ORC Report received from State
February 21, 2013	Planning Board adoption hearing
March 5, 2013	City Commission adoption hearing

Additional information regarding the background and process of the amendments can be found in the Comprehensive Plan Introduction.

Proposed Changes

The proposed comprehensive plan changes are for the 5, 10 and 20 year planning periods from adoption until 2030. The proposed EAR contains updates to the following elements of the Comprehensive Plan: the Data, Inventory and Analysis Report; Chapter 1 - Future Land Use; Chapter 2 - Transportation; Chapter 3 - Housing; Chapter 4 - Public Facilities; Chapter 5 - Coastal Management; and Chapter 6 – Conservation; Chapter 7 - Recreation and Open Space; Chapter 8 – Intergovernmental Coordination; and Chapter 9 - Capital Improvements. Separate from the EAR based amendments are the Water Supply Plan and the Capital Improvements Plan and five year Capital Improvements schedule that are proposed for consideration as part of this series of amendment.

For better understanding of the amendment process the draft documents contain a page by page description of the reason for each policy change. Below is a summary of the most relevant changes to the document as a whole and to each chapter.

Introduction

Summary and history of local EAR Process to date.

Data, Inventory and Analysis Report

Nearly all of the data, inventory, and analysis for the City’s adopted Comprehensive Plan is from 1993, and does not accurately depict current local, state, and federal policies. Therefore, as part of this process a data and analysis report update has been provided to include the following key elements:

1. Affordable Housing Needs Analysis
2. Population Estimates
3. Hurricane Evacuation Analysis
4. Land Use Analysis

5. Level of Service Analysis

The Data and Analysis report was reviewed by the Planning Board on March 27, 2012; although changes have been made to the report as new information has become available. In summary, the report shows that although the permanent population is projected to shrink minimally the visitor population will grow minimally, creating a functional projected daily population of 54,795 by 2030, up from today's functional population of 53,936. The affordable housing analysis concludes that city's cost burden housing need will continue through the planning period. There is currently a deficit of affordable housing units for all income groups except rental units for those earning over 120% of the median income (higher end income levels and units) and a growing demand for affordable housing which is exacerbated as nearly 233 affordable deed restricted units will expire over the planning period. Through the state mandated hurricane evacuation modeling efforts ratified in the Memorandum of Understanding approved by the City Commission on August 21, 2012 the city should receive an additional 91 units per year for allocation beginning in July of 2013 until July of 2023. The proposed Building Permit Allocation System (BPAS) policy prioritizes the allocation of affordable type units throughout the ten year period. The Land Use Analysis recognizes the potential maximum build-out capacity for the city, both residentially and commercially, based solely on the density and intensity for each zoning district as currently provided for in the LDR's, irrespective of the BPAS, and recognizes adequate land use capacity to supply the maximum potential demand through the 2030 planning period. The Level of Service analysis summarizes the report by demonstrating that the city will meet level of service standards with adequate facility capacity to accommodate the projected population including, solid waste, potable water, wastewater, and most recreation and roadway LOS; with the exception of several of the City's roadways that are considered failing and the recreational facility standards which are addressed in the updated Transportation and Public Facilities Elements.

Chapter 1 - Future Land Use Element

The Future Land Use Element ensures that the character and location of land uses promotes compatible best management principles for compatible land uses, that promote environmental and resource conservation and enhance quality of life for residents. The chapter has been reorganized and updated to minimize cumbersome and inappropriately detailed land use policies typically reserved for elaboration in the Land Development Regulations. The most significant changes to not in the proposed plan include the following:

- a. **Future Land Use Designations and Future Land Use Map (FLUM).** Currently the Future Land Use Map and Zoning Map are identical documents. With the proposed plan the zoning districts are consolidated into similar land use categories which facilitate future amendments to create a new Future Land Use Map. The Future Land Use Map depicts the City's vision for its current and future development through the provision and location of specific future land use districts. All development and redevelopment in the City shall be in accordance with the Map, as it may be amended from time to time. Four parcels of land are proposed for new FLUM designations including the Peary Court Housing Complex; the Archdiocese property located at 2800 Flagler Avenue; and the Berg and Kitsos Parks on Atlantic Boulevard (see additional information below). No other lands are proposed for FLUM change. Cumbersome land use descriptions

- have been removed from the Element and guiding principles consistent with the purpose of a Comprehensive Plan have replaced them.
- b. **Density and Intensity** - No changes to density or intensity are proposed: the Plan establishes the existing density of the land by its zoning district designation as of January 1, 2012.
 - c. **Historic Special Medium Density Residential (HSMDR) zoning district amendment** – In response to the State ORC report for the HSMDR amendment for the Peary Court land use designation where 30% affordability is required the density is proposed to be modified from 8 units per acre to 9 units per acre in order to accommodate 48 new affordable units on the site. Based on commitment by the state the 48 affordable units from the 91 allocations to be issued in July of 2013 will be dedicated to the Peary Court Housing Complex.
 - d. **Archdiocese Property: 2800 Flagler Avenue** – Proposed to be reclassified from Public Service to Medium Density Residential Future Land Use designation in order to accommodate new affordable housing potential. Specific zoning requirements and land uses will be amended in the Land Development Regulations.
 - e. **Berg and Kitsos Parks: Atlantic Boulevard** – The waterfront parks are currently protected as conservation lands by their nature but zoned for residential use. The proposed amendments will change their FLUM designation from Low Density Residential – Conservation (LDR-C) to Conservation Lands (C).
 - f. **Height** – Policy proposes analyzing potential for minimal additional building height allowance based on Hurricane Evacuation Modeling Workshop Data Storm Surge Maps, in response to Climate Action Plan water inundation predictions.
 - g. **Building Permit Allocation System (BPAS)** – The newly proposed BPAS system is based on the recent State Mandated Hurricane Evacuation Modeling Workshops and the Memorandum of Understanding (HEM MOU) approved by City Commission on August 21, 2012. The City will receive 91 new units a year, consistent with the previous allocation cycle, for 10 years beginning in July of 2013. The new Building Permits are proposed to be distributed with a strong emphasis on affordable housing as follows: Between 85 and 100 units will be reserved as beneficial use permits to address property rights associated with existing vacant lots of record. In order to address the ongoing affordable housing shortage and affordable housing deed restrictions expected to expire, during the first three years (July 2013 – July 2016) 60 percent of the units allocated shall be affordable. Between years four (4) and 10 (2016 – 2023), 50% shall be affordable. Between years four (4) and 10, 80 percent of remaining (non-affordability restricted) units shall be permanent, and 20 percent may be transient. During Year One (1) (July 2013 – 2014), 48 of the affordable units to be allocated will be dedicated for use at the Peary Court Housing complex property, being transferred from military private sector housing. The proposed policy outlines criteria for ranking BPAS development proposal requests and application timelines. After local allocation and development approval processes any unused units will revert to Monroe County and its municipalities for beneficial use purposes and/or affordable housing. Any development that proposing three or more units must construct affordable housing; although, for 1-2 unit developments a fee in lieu of can be made to the Affordable Housing Trust fund. Please see Policy 1-1.16.1 through 1-1.16.4 for additional policies and restrictions regarding the BPAS.
 - h. **Military Installation Coordination Amendments** - The military installation coordination and compatibility amendments recently approved by the City

Commission at first reading and approved by the DEO through the state mandated review process have been incorporated into the proposed Future Land Use element. The City Commission will adopt the new policies in September and then the amendments will be transmitted to the DEO for adoption in the State Administrative Rulemaking process.

Chapter 2 - Transportation Element

The Transportation Element plans for safe, convenient, and efficient motorized and non-motorized transportation systems. The propose amendments provide a symptomatic approach to address failing level of service standards, for Key West's historic and highly dense land use pattern by prioritizing multi-modal transportation improvements (i.e. transit, air, boat, bicycles, pedestrianism, mixed-use development). The City of Key West is designated as a Dense Urban Land Area (DULA) and is thereby exempted from transportation concurrency requirements for roadways. New policies include establishing: Bicycle Level of Service Standards (Policy 2-1.1.11), Pedestrian Level of Service Standards (Policy 2-1.1.11); the Reduction of Greenhouse Gas Emissions (Policy 2-1.1.12:); Climate Change Preparedness (Policy 2-1.3.4); and Transportation Concurrency Exception Area (Policy 2.16.4) for the development of new units coming into the BAPS system.

Chapter 3 – Housing Element

The Housing Element is to protect existing and provide for future housing in the city. The new BPAS Policy is incorporated in to the Housing Element. Further aggressive new affordability, sustainability and urban design policies for housing and development are inclusive of the following:

- a. **Redevelopment of Sale of Former Military Properties (Policy 3-1.1.12):** When military properties are redeveloped or sold for residential use, at least 30% of the units must be affordable.
- b. **Manufactured Housing (Objective 3-1.3):** In the event that existing mobile home or manufactured housing sites are redeveloped, 30 percent of the units shall be affordable.
- c. **Housing for the Homeless (Policy 3-1.4.4):** The City shall identify methods, practices, funds and sites for the establishment of temporary and transitional housing and shelters for the homeless.
- d. **Climate Adaptation and Sustainability (Policy 3-1.7.7):** The City shall adopt minimum requirements in its land development regulations to require new residential development and redevelopment to incorporate energy saving design and construction features, such as adequate insulation, solar power, less heat-absorbent roofing materials, and increased tree canopies, into design, construction and site development plans. Prior to the inclusion of these requirements the City shall continue to promote and/or require energy and resource conservation measures (i.e. xeriscaping, landscaping standards) as a component of development and redevelopment to the maximum extent feasible.

Chapter 4 – Public Facilities Element

Within the Public Facilities Element that ensures infrastructure improvements are met and that existing public facilities are maximized, and that they are concurrent with the impacts of new development, updated Level of Service Standards and Monitoring Measures are proposed. The potable water LOS has been updated to standardize water consumption per person per day and not based on residential or commercial use. The

potable water LOS is proposed to be 100 gallon per/capita. The LOS is consistent with FKAA, SFWMD and the Water Supply Plan. In addition, the solid waste LOS has been reduced, based on the Solid Waste Master Plan with an implementation goal of 75% waste diversion (recycling). The Adoption of Water Supply Facilities Work Plan is incorporated as part of this Element.

Chapter 5- Coastal Management

The purpose of the Coastal management Element is to restrict development activities that would damage or destroy coastal resources, but encourage policies which attract pedestrians, increase waterfront access, and reinforce the ambiance of the waterfront. Many Policies within this element have been eliminated because they are outdated, are goals that have been completed or are supported by state statute, or the land development regulations or are repeated in other elements. New state mandated policies establishing the Coastal High Hazard Area and restricting development have been incorporated including the Coastal High Hazard area Map (Policy 5-1.5.1 - Policy 5-1.5.20) and hurricane evacuation policies updated to reflect the state mandated 24 hour evacuation clearance time.

New Policies include progressive and sustainable policies to prevent invasive exotics (Policy 5-1.1.7); provide rainwater collection evaluation; FDEP Clean Marina certification by 2015; FDEP Clean Boatyard Certification for all boatyards by 2020; and climate change Adaptation action areas hazard mitigation (Policy 5-1.5.3).

Further, the department has taken the opportunity to revise the Coastal Construction Control Line setback policy that does not currently differentiate between disturbed and natural shore lines as does the state statute in order to establish a Shoreline Setback from man-made shorelines different from natural shoreline setbacks (Policy 5-1.3.1).

Chapter 6 – Conservation Element

The purpose of the Conservation Element is to conserve, protect, and appropriately manage the City's natural coastal resources in order to enhance the quality of natural systems within the community. Several new Conservation policies and objectives have been added that reflect and are consistent with requirements in the Climate Change Action Plan, the Water Supply Plan and the 2011 Strategic Plan.

New sustainability and climate adaptation policies include: Reduction of Greenhouse Gasses (Policy 6-1.1.2); Funding Mechanisms for a Sustainability Fund (Policy 6-1.1.3); Evaluating the need to study the function and condition of the freshwater lens (Policy 6-1.2.54); Reduction in the percentage of native plant material and trees used in landscaping and require the use of high-efficiency water-saving plumbing fixtures on all new development and encourage rainwater collection and gray water reuse (if feasible) in order to reduce demand for irrigation water and lessen water demand (Policy 6-1.2.75). See Objective 6-1.13 for conservation policies from the 2011 Strategic Plan.

Chapter 7 – Recreation and Open Space Element

The propose if the Recreation and Open Space Element is to provide a system of public/semi-public recreation and open space sites to meet the needs of existing and projected user groups serves all areas of the City, and is accessible to residents and visitors. Currently the city does not meet the level of service for recreation facilities such as the required amount of football/soccer fields. Further, not all of the existing parks exist within

walking distance of all residences in the city; although, the existing policy does not provide a requirement for neighborhood parks. Therefore, consistent with the 2011 Strategic Plan and sustainability policies, the proposed amendments include a new layer for measuring the amount of parks and recreation facilities based on population, and new Level of Service standards for parks will also be measured based on walking distance radius standard in order to assure greater access to parks throughout the city.

Chapter 8 – Intergovernmental Coordination Element

The Intergovernmental Coordination Element City provides policy and direction for coordination of, governmental, public and private entities involved in development activities, growth management, and resource conservation. Outdated Policies referencing old or nonexistent procedures and organizations have been removed and new policies added from the Military Installation Coordination Amendments process and updates to policy regarding intergovernmental dispute resolution process. Policy 8-1.2.3 establishes that within a reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate.

Chapter 9 – Capital Improvements Element

The purpose of the Capital Improvements Element is to provide a framework for the management of the improvements in order to adequately provide and protect needed public facilities and to develop aesthetically pleasing and desirable public spaces and connectivity generally, important to residents and visitors alike. The proposed amendments reflect community comments and consistency with the 2011 Strategic Plan and the climate change Adaptation Plan.

New policy proposes that the city will strive to overachieve by conserving more than the LOS standards, and by creating conservation LOS standards. Other new policies address Climate Change related issues by requiring review of the latest science and predictions for sea level rise and in order to recommend action to address currently scheduled or future projects. The LOS updates have been reviewed in the Public Facilities Element above. Further, the Water Supply Plan has also been incorporated in to the Element.

Five Year Capital Improvements Schedule

Five Year Schedule of Improvements that establishes the estimated projected cost, and potential revenue sources for each of the Capital Improvement needs identified within the respective comprehensive plan elements and the City's adopted budget. These programs are scheduled in order to ensure that the goals, objectives, and policies established in the capital improvements element shall be met.

Water Supply Plan

The purpose of the City of Key West Water Supply Facilities Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within its jurisdiction. Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update. The *Lower East Coast Water Supply Plan Update* was approved by the South Florida Water Management District (SFWMD) on February 15, 2007. The City of Key West was granted an extension to complete the Work Plan and transmit it to the

Department of Economic Opportunity (DEO). The proposed Water Supply Plan has been coordinated with the Florida Keys Aqueduct Authority 20-Year Water System Capital Improvement Master Plan and the SFWMD

Pursuant to state statute the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. The City of Key West Work Plan will address a 13-year planning period and identify projects from the FKAA Work Plan consistent with this planning period.

Maps

The maps proposed for adoption reflect the most recent data available and are categorized as follows:

1. FLUM – Future Land Use Map
2. Transportation (includes Bicycle Master Plan)
3. Historic District
4. Recreation and Parks
5. Storm Surge – Coastal high Hazard Area

Criteria for approving amendments to Comprehensive Plan Future Land Use Map: Section 90-555

In evaluating proposed changes to the Comprehensive Plan Future Land Use Map, the City shall consider the following criteria:

(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.

Staff considered the adopted 2005 and 2007 Evaluation and Appraisal Reports and the updated 2012 Data and Analysis Report prepared as part of this process including a Population Projection Analysis, Level of Service Analysis and Affordable Housing Needs Analysis in order to best plan for the proposed 2030 planning horizon. Updates to the existing adopted infrastructure, minimum levels of service standards and the concurrency management program are proposed based on the supporting documentation and state statute and are consistent with the overall Comprehensive Plan and relevant policies.

(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 the Code of Ordinances for amending the Comprehensive Plan. The proposed Amendments are intended to clarify outdated information in the Comprehensive Plan that is reflected within the Code that will be amended after Plan adoption as required.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the Comprehensive Plan's effective date, and whether such changes support or work against the proposed change.

Although land use designations on the existing Zoning/FLUM have not changed since the adoption of the Comprehensive Plan in 1993, development conditions have. The City's annual Building Permit Allocation System program is has not received new units for distribution since 2008 based upon noncompliance with the State Department's Growth Management policies. Further, as demonstrated in the Population Analysis, the local population is in decline, and the Hurricane Evacuation Modeling that drives development has been updated. The policies in the Comprehensive Plan are outdated and therefore, the changes in these conditions support the proposed amendments.

(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.

Although, changes are proposed to the Future Land Use Map and the Future Land Use Element no new future land use or zoning classifications are proposed that would result in incompatible land uses. As currently existing, the future land use map and zoning map are identical, therefore the proposed amendments serve to create a more orderly land use pattern. As part of the amendments, staff is proposing the exclusion of overly specific allowed uses within the Comprehensive Plan Future Land Use element that are typically reserved for description within the Land Development Regulations; although, density, intensity and broad land use descriptions are identified consistent with existing policy.

(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. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to Chapter 94.

Based on the 2005 and 2007 Evaluation and Appraisal Reports and the updated 2012 Data and Analysis Report supported by the Stormwater Master Plan, updated wastewater assessments, and the Water Supply Facilities Work Plan there are adequate facilities within the city to accommodate the following potential growth maximums: maximum potential density; projected functional population; and new development based on 910 new Building Permit Allocation System units within the 2013-2023 planning horizon. Therefore, the plan provides updates to the level of service standards for public facilities and the proposal will not result in demands on public facilities. Further, the Public Facilities Element has been updated as part of this effort.

The Level of Service Standards for the demand on water is proposed to be reduced for commercial uses and is in compliance with the South Florida Water Management District distribution standards. The Water Supply Facilities Work Plan has been prepared as part of this amendment process.

The Transportation Element amendments provide a symptomatic approach to address failing level of service standards, for Key West's historic and highly dense land use pattern by prioritizing multi-modal transportation improvements (i.e. transit, air, boat, bicycles, pedestrianism, mixed-use development). New policies include establishing:

Bicycle Level of Service Standards (Policy 2-1.1.11), Pedestrian Level of Service Standards (Policy 2-1.1.11); the Reduction of Greenhouse Gas Emissions (Policy 2-1.1.12); Climate Change Preparedness (Policy 2-1.3.4); and Transportation Concurrency Exception Area (Policy 2-1.6.4) for the development of new units coming into the BAPS system.

The Plan proposes Level of Service standards to improve public access to parks and recreation facilities based on population, which will be measured based on walking distance radius standard in order to assure greater access to parks throughout the city.

(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.

Although much of Key West is developed the proposed amendments protect the existing natural vegetative communities, wetlands, and wildlife habitat and are consistent with State Statutes for the natural environment and can be found in Chapter 6 – Conservation and Chapter 5 – Coastal Management. The Conservation Element has been updated to reflect Goals, Objectives that have been met due to stormwater and wastewater improvements being scheduled. Particular policy emphasis still remains on the protection and monitoring of the nearshore water quality and health of the coral reef; with a new goal to update the study of the function and the condition of the freshwater lens. Therefore, the proposed amendments will not result in adverse impacts on the natural environment.

(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 proposed amendments provide direction for sustainable infrastructure and urban design improvements that will enhance the general welfare of the citizens and may improve property values. The proposed amendments will not adversely affect property values.

(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.

No changes are proposed as part of the EAR amendments that will result in a change to the land use pattern. The proposed changes to the Future Land Use Map will provide consolidate concise zoning districts into future land use districts and eliminate detailed land use descriptions typically found in zoning districts. Zoning districts will maintain their current density and intensity limitations. The Future Land Use Element – Chapter 1., identifies that the maximum density and intensity of each district is established as of January 1, 2012.

(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 subpart B and the enabling legislation.

The proposal is not in conflict with the public interest and it is in harmony with the purpose and interest of subpart B and the enabling legislation.

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

No other matters had been identified at the time this report was prepared.

RECOMMENDATION

Staff recommends that the Planning Board forward a recommendation of approval to the City Commission for the proposed EAR Based Comprehensive Plan Amendments.

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**PLANNING BOARD
RESOLUTION NO. 2013-xx**

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE KEY WEST COMPREHENSIVE PLAN BY ADOPTING A NEW FUTURE LAND USE MAP IN ITS ENTIRETY; BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE TRAFFIC CIRCULATION ELEMENT, THE HOUSING ELEMENT, THE PUBLIC FACILITIES ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE PORT MASTER PLAN SUB ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE GENERAL MONITORING AND REVIEW CRITERIA; BY UPDATING THE APPENDICES; BY AMENDING THE DATA AND ANALYSIS SUPPORTIVE OF THE PLAN BUT NOT A PART OF THE COMPREHENSIVE PLAN; BY INSERTING THE CITY'S STRATEGIC PLAN IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN; BY ADOPTING A WATER SUPPLY FACILITIES WORK PLAN, AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON RECOMMENDATIONS FROM THE CITY ADOPTED 2005 AND 2007 EVALUATION AND APPRAISAL REPORTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Department initiated the proposed amendments to the Future Land Use Element of the Comprehensive Plan as a result of changes to Chapter 163 of the

_____Chairman

_____Planning Director

Florida Statutes (F.S.) requiring local governments to update their Comprehensive Plan; and

WHEREAS, at a regularly scheduled meeting held on the 30th day of August, 2012, the Planning Board of the City of Key West held a public hearing and recommended for approval the transmittal to the State Land Planning Agency, for review and comment, the proposed amendments to the City of Key West Comprehensive Plan, as specified in Section 1 below; and

WHEREAS, on October 16, 2012 the City Commission held a public hearing and approved for transmittal to the State Land Planning Agency, for review and comment, the proposed amendments to the City of Key West Comprehensive Plan, as specified in Section 1 below; and

WHEREAS, on December 18, 2012 the City received the State Objections, Comments and Recommendations Report (ORC), with one (1) Objection and seven (7) technical recommendations and incorporated the recommended changes into the proposed amendments; and

WHEREAS, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances;

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. The proposed amendment is internally consistent with the City of Key West Comprehensive Plan.
2. The proposed amendment is consistent with the Principles for Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

_____Chairman

_____Planning Director

Section 1. That the above recitals are incorporated by reference as if fully set forth herein: RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE KEY WEST COMPREHENSIVE PLAN BY ADOPTING A NEW FUTURE LAND USE MAP IN ITS ENTIRETY; BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE TRAFFIC CIRCULATION ELEMENT, THE HOUSING ELEMENT, THE PUBLIC FACILITIES ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE PORT MASTER PLAN SUB ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE GENERAL MONITORING AND REVIEW CRITERIA; BY UPDATING THE APPENDICES; BY AMENDING THE DATA AND ANALYSIS SUPPORTIVE OF THE PLAN BUT NOT A PART OF THE COMPREHENSIVE PLAN; BY INSERTING THE CITY'S STRATEGIC PLAN IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN; BY ADOPTING A WATER SUPPLY FACILITIES WORK PLAN, AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON RECOMMENDATIONS FROM THE CITY ADOPTED 2005 AND 2007 EVALUATION AND APPRAISAL REPORTS

Section 2. is hereby recommended for approval; a copy of the recommended modifications to the City of Key West Comprehensive Plan is attached.

Section 3. This resolution shall go into effect immediately upon its passage and adoption

and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 28th day of February, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE KEY WEST COMPREHENSIVE PLAN BY ADOPTING A NEW FUTURE LAND USE MAP IN ITS ENTIRETY; BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE TRAFFIC CIRCULATION ELEMENT, THE HOUSING ELEMENT, THE PUBLIC FACILITIES ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE PORT MASTER PLAN SUB ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE GENERAL MONITORING AND REVIEW CRITERIA; BY UPDATING THE APPENDICES; BY AMENDING THE DATA AND ANALYSIS SUPPORTIVE OF THE PLAN BUT NOT A PART OF THE COMPREHENSIVE PLAN; BY INSERTING THE CITY'S STRATEGIC PLAN IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN; BY ADOPTING A WATER SUPPLY FACILITIES WORK PLAN, AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON RECOMMENDATIONS FROM THE CITY ADOPTED 2005 AND 2007 EVALUATION AND APPRAISAL REPORTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2005 and 2007 Evaluation and Appraisal Reports were adopted through the state required amendment process but never updated into the Comprehensive Plan; and

WHEREAS, Section 163.3191, Florida Statutes requires that local governments update their Comprehensive Plans (F.S.; and

WHEREAS, the requirements of the EAR were significantly amended pursuant to House Bill 7207, and the State Land Planning Agency revised the City of Key West EAR Notification deadline to January 1, 2012 and the transmittal of the Comprehensive Plan Amendments based on the EAR Notification Letter by December 29, 2012 pursuant to Section 163.3191(2); and

WHEREAS, the Comprehensive Plan amendments are subject to the State Coordinated Review Process pursuant to Section 163.3184(4); and

WHEREAS, if a local government comprehensive plan is not amended by December 31, 2013, the State Land Planning Agency may notify the Administration Commission, which may impose sanctions pursuant to Section 163.3184(8), F.S., including the direction to state agencies to not provide funds to increase the capacity of roads, bridges, or water and sewer systems for those local governments with plan amendments determined not to be in compliance. The Administration Commission may also specify that the local government is not eligible for grants under the following programs: Florida Small Cities Community Block Grant Programs; Florida Recreation Development Assistance Program, and revenue sharing. If the local government has a Coastal Management Element, the Administration Commission may also specify that the local government is not eligible for funding pursuant to s. 161.091, F.S., regarding beach management and maintenance funding; and

WHEREAS, City staff, in conjunction with the city's consultants and members of the public have collaborated on various policies and standards to address proposed policies within the City of

Key West Comprehensive Plan; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.); and

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

Section 1: The City Key West Commission does hereby approve the ordinance amending the Key West Comprehensive Plan by adopting a new Future Land Use Map in its entirety; by amending the Goals, Objectives and Policies of the Land Use Element, the Historic Preservation Element, the Traffic Circulation Element, the Housing Element, the Public Facilities Element, the Coastal Management Element, the Port Master Plan Sub Element, the Conservation Element, the Recreation and Open Space Element, the Intergovernmental Coordination Element, the Capital Improvements Element, and the General Monitoring and Review Criteria; by updating the Appendices; by amending the Data and Analysis supportive of the Plan but not a part of the Comprehensive Plan; by inserting the City's Strategic Plan in the Introduction to the Comprehensive Plan; by adopting a Water Supply Facilities Work Plan, as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon recommendations from the City adopted 2005 and 2007 Evaluation and Appraisal reports; Providing for transmittal to the State Land

Planning Agency; Providing for the filing with Secretary of State; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.

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 there from 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 be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 5: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Section 6: The numbering of the forgoing amendment may be renumbered to conform to the numbering of the City of Key West Comprehensive Plan and shall be incorporated in the City of Key West Comprehensive Plan.

Read and passed on first reading at a regular meeting held this ___ day of ___, 2012.

Read and passed on final reading at a regular meeting held this ___ day of ___, 2012.

Authenticated by the presiding officer and Clerk of the Commission on ___ day of ___, 2012.

Filed with the Clerk ___, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK