

**PLANNING BOARD
RESOLUTION NO. 2021-46**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE TO THE CITY COMMISSION CREATING OR AMENDING COMPREHENSIVE PLAN SECTION 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, POLICY 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 COORDINATION 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

WHEREAS, the City of Key West (“City”) has adopted a Comprehensive Plan which has been found to be in compliance by the Florida Department of Economic Opportunity (“DEO”), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City together with a consultant has completed a Post Disaster Recovery and Reconstruction Plan (“PDRRP”) to create a framework for resiliency, address the risks of climate change, and develop critical steps for City-wide post disaster recovery and reconstruction; and

WHEREAS, the City’s PDRRP was funded through a DEO Community Planning Technical Assistance grant program and is a response to the Federal Emergency Management



Chair



Planning Director

Agency's (FEMA) National Disaster Recovery Framework (NRDF) and the National Response Framework (NRF); and

WHEREAS, the DEO has found the City's proposed Comprehensive Plan amendments associated with the PDRRP to be compliant with aforementioned grant requirements; and

WHEREAS, City staff and consultants together with the DEO intend to begin implementation of the completed PDRRP by amending the City of Key West Comprehensive Plan to incorporate new policy direction; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan Section II. Glossary of Terms, and Chapter 1: Future Land Use Element Policies 1-1.1.1, 1-1.1.16, 1-1.10.4, and 1-1.10.5; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan Chapter 1A Historic Preservation Element, Policies 1A-1.3.1, and 1A-1.5.3; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan Chapter 3 Housing Element Policy 3-1.2.1, and Policy 3-1.2.2; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan Chapter 4 Public Facilities Element Policies 4-3.1.5, and 4-3.1.6; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan 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-

USA Chair

KPH Planning Director

1.7.4; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan Chapter 6 Conservation Element Policies 6-1.2.1, 6-1.2.19, and 6-1.3.1; and

WHEREAS, pursuant to the provisions of Chapter 163, 166, and 380 of the Florida State Statutes, the City proposes to amend Comprehensive Plan Chapter 8 Intergovernmental Element Objective 8-1.6, and Policies 8-1.6.1, and 8-1.6.2; and

WHEREAS, City staff and the Planning Board have reviewed the aforementioned amendments pursuant to the criteria of City of Key West Code Section 90-555 and 90-556 and have found the amendments to be in compliance and consistent with the Comprehensive Plan; and

WHEREAS, the Planning Board held a noticed public hearing on September 16, 2021, where based on the consideration of recommendations by the City Planner, the City Sustainability Coordinator, and other information, recommended approval of the proposed ordinance; and

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

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the Comprehensive Plan of the City of Key West, Florida is hereby recommended for amendment as follows*:

*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

 Chair

 Planning Director

Section 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.

[...]

Chapter 1. Future Land Use Element

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.

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.

[...]

Chapter 1A. Historic Preservation Element

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.

[...]

WSTH Chair
KPH Planning Director

Chapter 3. Housing Element

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.

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Chapter 4. Public Facilities Element

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.

 Chair

 Planning Director

- 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

[. . .]

Chapter 5. Coastal Management Element

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.

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.

OBJECTIVE 5-1.7: - POST-DISASTER REDEVELOPMENT

~~The City's shall continue to maintain 2021 Post-Disaster Recovery and Redevelopment Plan (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

WAA Chair

KPH Planning Director

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).

[...]

Chapter 6. Conservation Element

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.

USA Chair

KPH Planning Director

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.

[...]

Chapter 8. Intergovernmental Coordination Element

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.

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

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 Board.

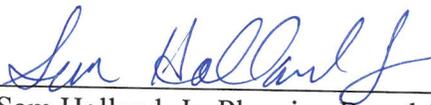
 Chair

 Planning Director

Section 4. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-33, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such as appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 16th day of September, 2021.

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

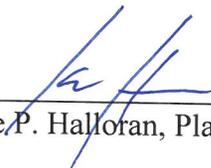


Sam Holland, Jr, Planning Board Chairman

10/7/21

Date

Attest:

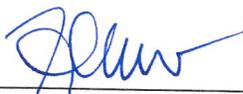


Katie P. Halloran, Planning Director

10/7/2021

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

10/7/2021

Date

Keri O'Brien, Deputy City Clerk

 Chair
 Planning Director