

AGENDA

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, October 17th, 2024 – 9:30 am

Located at Marble Hall, 600 W. Ocean Drive, Key Colony Beach

& via Zoom Conferencing

[Zoom Login Information at the end of this Agenda](#)

- 1. Call to Order, Pledge of Allegiance, Prayer & Roll Call**
- 2. Approval of Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)
- 3. Citizen Comments & Correspondence**
- 4. Administration of Oath of Witnesses**
- 5. Disclosure of Ex-Parte Communication – Pg. 1**
- 6. Discussion/Approval of a recommendation by the Planning & Zoning Board for the installation of a 33,000 lb. boat lift for the property located at 290 14th Street. **Tentative pending the 10-15-2024 Planning & Zoning Meeting****
 - a. Presentation by the Building Department – **Pgs. 2-29**
 - b. Statement by Applicant
 - c. Letter of Consent from Neighbor(s) – **Pgs. 30-31**
 - d. Planning & Zoning Board Recommendation
 - e. Motion to recommend to approve, deny, or approve with conditions
- 7. Discussion/Approval of a recommendation by the Planning & Zoning Board on Peril of Flood & Comprehensive Plan Amendments **Tabled at the 09-19-2024 Public Hearing****
 - a. 2024 Draft Comprehensive Plan with proposed amendments – **Pgs. 32-80**
 - b. 08-15-2024 Commissioner Comments & Responses by Jim LaRue – **Pgs. 81-82**
 - c. 08-12-2024 Planning & Zoning Recommendation – **Pg. 83**
 - d. 08-12-2024 Planning & Zoning Minutes – **Pgs. 84-87**
 - e. Memo by CMA Planner Nilsa Zacarias – **Pg. 88**
- 8. Other Business**
- 9. Adjourn**

***This meeting will be held at the City Hall Auditorium ‘Marble Hall’,
600 W. Ocean Drive, Key Colony Beach, Florida 33051.***

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/84650452011?pwd=b3wZWBPmr63sb47FnoYHkRknjuNNmv.1>

Passcode: 932860

Or One tap mobile:

+13052241968,,84650452011#,,, *932860# US

+19292056099,,84650452011#,,, *932860# US (New York)

“Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the City Clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

EX-PARTE COMMUNICATIONS

An ex-parte communication is defined as:

any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board, regarding matters which are to be heard and decided by said quasi-judicial board.

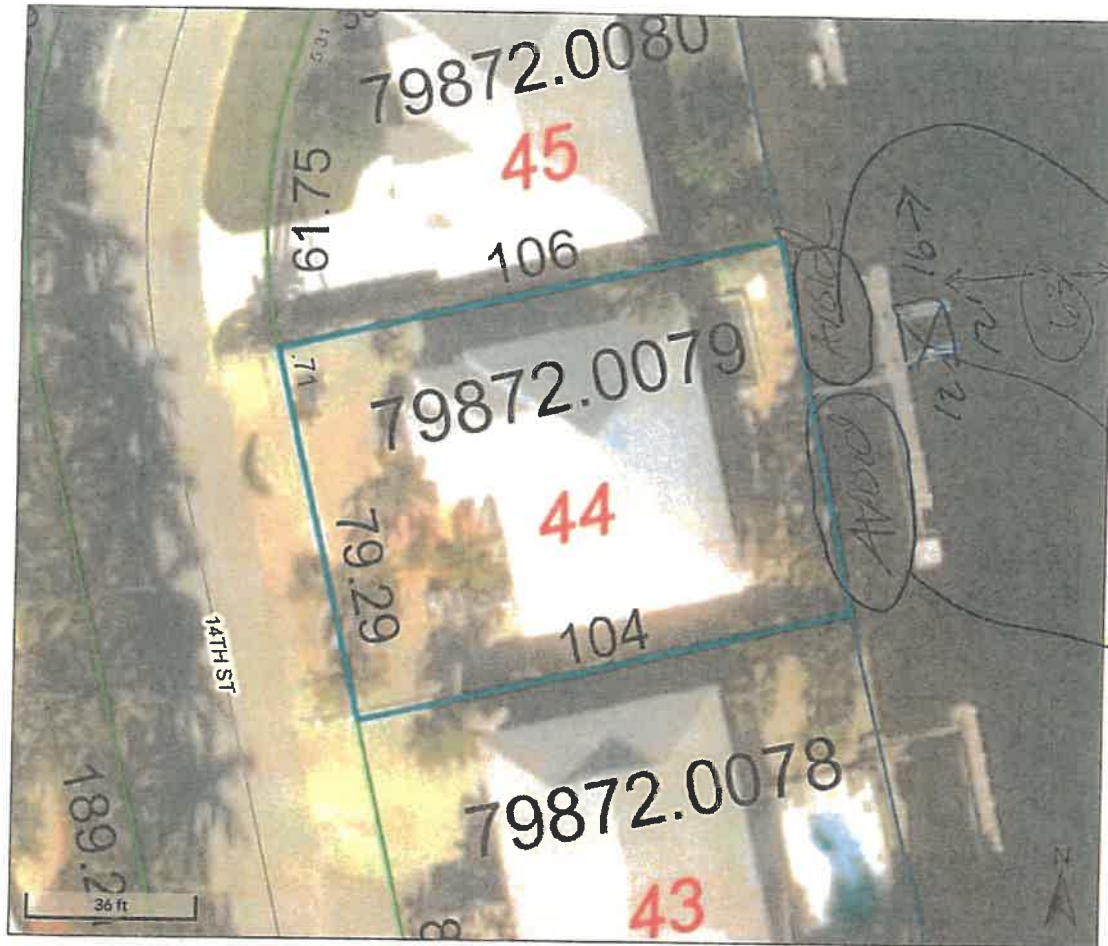
Site visits and expert opinions are also considered ex-parte communications.

In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Board, the Board Member should state on the record:

- the existence of any ex-parte communication,
- the nature of the communication,
- the party who originated the ex-parte communication, and
- whether or not the ex-parte communication affects your ability to impartially consider the evidence presented.

Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.

Note: The term “Board Member” would include all members of the Code Enforcement Board, the Planning & Zoning Committee, and the City Commission when they are acting in a quasi-judicial capacity (for example, but not limited to, code violation hearings and variance hearings).



Overview

Legend

- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- [] Condo Building
- Key Names
- Subdivisions
- Parcels

AVOIDANCE AREA

Parcel ID	00079872-007900	Alternate ID	8734042	Owner Address	HALL SHELBA S GENERATION-SKIPPING TRUST DTD
Sec/Twp/Rng	05/66/33				7/11/2016
Property Address	290 14TH ST KEY COLONY BEACH	Class	SINGLE FAMILY RESID		200 W Line St Calhoun, GA 30701
District	50KC				
Brief Tax	BK 2 LT 44 CORY SUBD NO 2 PB7-48 OR1229-1003/04 OR1232-1248 OR1335-980 OR1484-1389 OR2306-1367/69PET(07CP47M)				
Description	OR2306-1425LET/ADM OR2327-969/70 OR2844-1226LET/ADM OR2960-1539/1540P/R				

(Note: Not to be used on legal documents)

Date created: 4/17/2023
Last Data Uploaded: 4/17/2023 1:57:19 AM

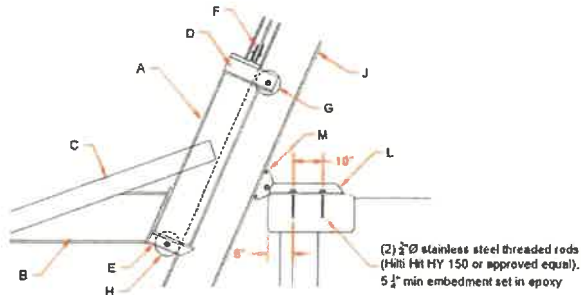
Developed by Schneider GEOSPATIAL

New Waterway
63'

Replace existing 12' x 12' w/ new 33' x 12' x 12' 16' to property line

ENGINEER NOTE:

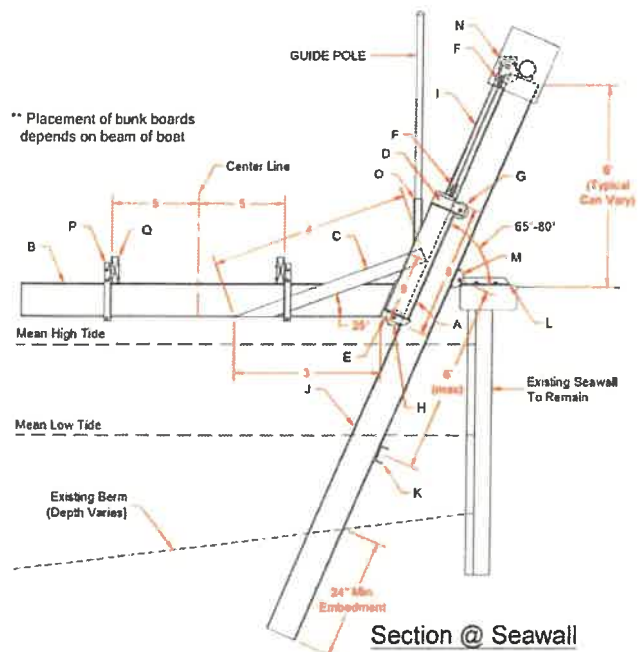
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and sealed and the signature must be verified on any electronic copies.
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ANCHOR SCHEDULE 1

SLOPED TRACK BEAM

(3) 3/4" thru bolts (except for 5K elevator which required
(2) 3/4" thru bolts only), 3/4" from top of pile, 3" apart
min. centered with 3"x3"x1/2" thick square washers



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MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702

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Date: 2024.07.03 11:25:02 -04'00'

MW, ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 954-532-0129
WWW.MWEngineering.net

33,000 lb Boat Lift
Shelly Hall
290 14th ST,
Key Colony Beach FL 33040

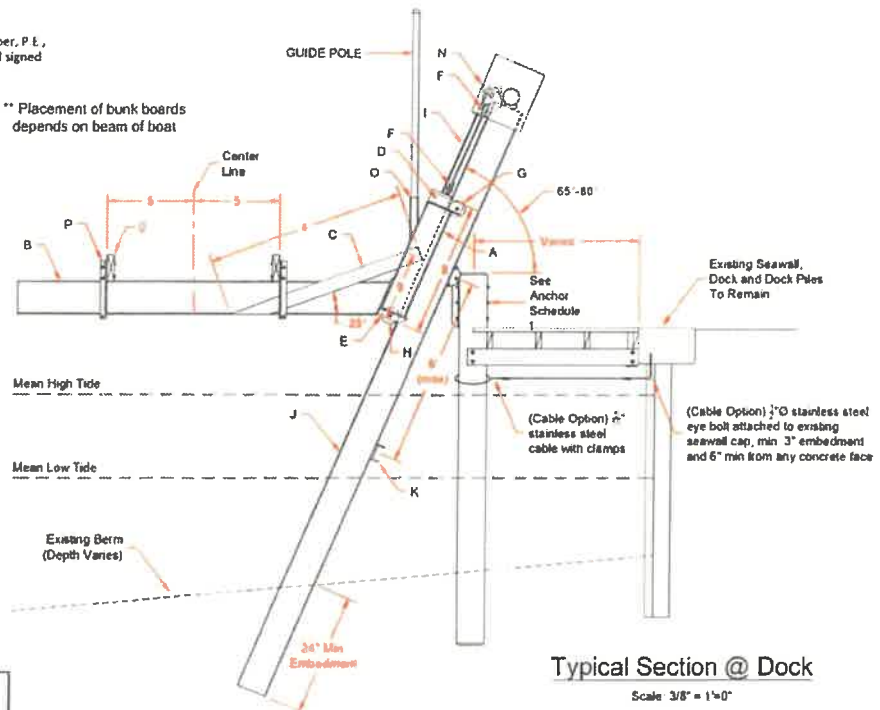
NEPTUNE BOAT LIFTS
228 SW 21 Terrace
Fort Lauderdale, Florida 33312
Phone 954-524-3616
Fax 954-524-3604

Scale	3/4"
Date	06.01.2020
Drawn By	WRT
Checked By	WRT
Job No	27 in Chapter 2nd
Sheet	1 of 4

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** Placement of bunk boards
depends on beam of boat



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Pompano Beach, Florida 33060
Ofc. 954-532-0129
WWW.MWEngineering.net

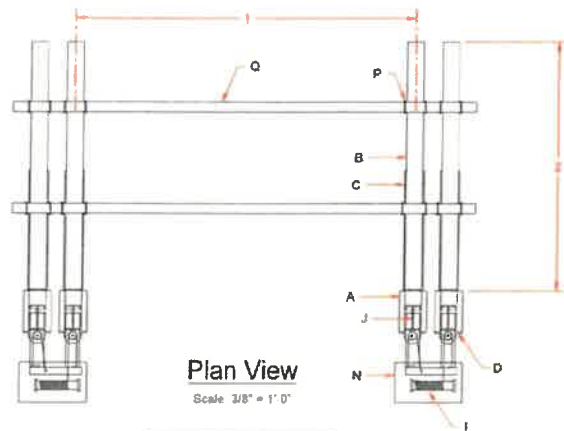
33,000 lb Boat Lift
Shelly Hall
290 14th ST,
Key Colony Beach Fl 33040

NEPTUNE BOAT LIFTS
228 SW 21 Terrace
Fort Lauderdale, Florida 33312
Phone 954-524-3610
Fax 954-524-3604

Drawn	32
Date	08-01-2020
Checked	BR
Checked	BR
Job No	327 - Division 04
Sheet	2 of 4

Components				
Lift Capacity (In Pounds)	27,000	33,000	40,000	
Carrage Boom (2 Required per Lift Arm)	AS C 10"x5 3/4"x0"	AS C 12"x7 4x0"	AS C 12"x7 4x0"	
Cradle Arm	AA 1 10"x10 2 3/4"	AA 1 12"x11 7	AA 1 12"x14 3	
Cutout Plate (2 Required per Lift Arm)	7"x5" Flat Bar	7"x6" Flat Bar	7"x6" Flat Bar	
Upper Carrage Angle (2 Required per Lift Arm)	7"x3"x4" Angle			
Lower Carrage Angle (2 Required per Lift Arm)	7"x3"x4" Angle	7"x4"x6" Angle		
Pulley Plate (2 Required per Lift Arm)	7"x7" Flat Bar	7"x8" Flat Bar		
Upper Guide Wheel (4 Required per Lift Arm)	6" Diameter			
Lower Guide Wheel (1 Required per Lift Arm)	8" Diameter			
Cable Size (Stainless Steel)	1/2" Diameter 7x19 SS 304			
Guide Track	AA 1 10"x10 2 3/4"	AA 1 12"x11 7	AA 1 12"x14 3	
Guide Track To Guide Track Brace	AA CS 6"x3 1/2			
Attachment Bracket	(2) 7"x3"x3" Angle with welded 7" Thick Inner Plate	(1) 7"x3"x3" Angle and (1) 7"x3"x4" Angle Welded Together with Welded 7" Thick Inner Plate		
Track Mount Connector (2 Required per Lift Arm)	7"x3"x4" Angle & 7" Bolt	7"x3"x4" Angle & 7" Bolt		
Motor Size (Horse Power/Voltage)	Aluminum Housing			
Guide Post Socket	3" Diameter Schedule 80 Pipe			
Bunk Bracket Support (2 Each Side of Lift Arm)	7"x7"x4"			
Bunk Boards**	3"x12" Pressure Treated Southern Yellow Pine #1			

** Placement of bunk boards depends on beam of boat



Plan View

Scale 3/8" = 1' 0"

Dimensions				
Lift Capacity (In Pounds)	27,000	33,000	40,000	50,000
1	10'	10'	10'	10'
2	10'	12 5'	12 5'	12 5'
3	-	-	-	-
4	5'	8'	8'	8'
5**	1'-6"	1'-6"	1'-6"	1'-6"
6	-	-	-	-
7	-	-	-	-
8	58"	70"	70"	70"
9	78"	36"	36"	36"

** Placement of bunk boards depends on beam of boat

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WWW.MWEngineering.net

33,000 lb Boat Lift

Shelly Hall
290 14th ST,
Key Colony Beach Fl 33040

NEPTUNE BOAT LIFTS
226 SW 21 Terrace
Fort Lauderdale, Florida 33312
Phone: 954-524-3616
Fax: 954-524-3604

SCALE 3/8"
DATE 06.01.2020
DESIGNED BY
CHECKED BY
JOB No. 37 1/2 Diameter Bore
Sheet 3 of 4

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This document has been electronically signed and sealed by Mark E. Weber, P.E., in accordance with FAC-61G15-23.004. Printed copies are not considered signed and sealed and the signature must be verified on any electronic copies. DRAWINGS ONLY VALID IN THE STATE OF FLORIDA.

General Notes:

- Design in accordance with Florida Building Code, 8th Edition (2023)
- This lifting structure has been designed to withstand wind loads associated with speeds of V [ult] = 180 MPH. (3 Second Gust) Exposure "D" without a boat on the lift per ASCE 7-22 using above ground sign/wall method. The lifting structure including boat has been designed to withstand wind speeds of V (sustained) = 73 MPH, remove boat when winds approach this speed or for any named storm event. Boat shall not be stored on lift during high wind events.
- Do not scale drawings for dimensions. Licensed Contractor to verify location of existing utilities prior to commencing work. The Licensed contractor shall install and remove all shoring and bracing as required for the proper installation of the work. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies
- Aluminum: Material 6061 T6 Aluminum, all welds are minimum full fillet weld using 5556 filler. 14 full fillet weld using 5556 filler alloy, all welding must conform to AISC steel construction manual currently adopted edition as inspected and verified by others. The contractor is responsible for insulating aluminum members from dissimilar metals to prevent electrolysis. Aluminum members in contact with concrete and wood shall be protected by "Koppers Bituminous Paint" or Polyethylene Tape UHMW (ultra-high molecular weight) 11.7 mils (0.30 mm) min. total thickness in accordance with current Florida Building Code
- All anchors to be Hilti Brand or Approved Equal. All bolts shall be hot dipped galvanized or stainless steel & meet the requirements of ASTM A304 with hardened washers and hex nuts. Washers shall be used between wood & bolt head & between wood & nut. Where generic fasteners are labeled, capacities shall be equal to or greater than Hilti Kwik Bolt II or Red Head thru bolts SAE Grade 5 or better. Embedment depths specified herein are depths into solid substrate and do not include thickness of other finishes
- MW Engineering Inc. has no control of the manufacturing, performance, or installation of this product. These general plans were engineered in accordance with accepted engineering practices and data provided by the manufacturer. Use of this specification by contractor and permit holder Et al indemnifies and saves harmless the engineer for all costs and damages from material fabrication, system erection, and construction practices beyond that which is called for by codes and from deviations from this design. Intellectual property of MW Engineering, Inc. All rights reserved. No part of this publication may be reproduced without prior written authorization.
- Piles shall be driven to minimum allowable bearing capacity of 10 tons minimum 8-foot or refusal and sufficiently penetrated sand or rock strata in pre-drilled or punched holes to support lift capacity, weight and loads. Each pile to carry commensurate load (Factor of Safety of 2). Sub-surface conditions can vary greatly.
- The contractor of record shall verify pile type, installation, and driving in compliance with FBC 8th ED (2013). Wood piles shall be a minimum diameter of 10", Miami Dade County requires minimum diameter of 12", 2.5 lb ACQ treated in accordance with Florida Building Code. Concrete piles shall be 12" x 12" square, attain 6000 psi compressive strength in 28 days and shall be reinforced with four 7/16" diameter lo-lax strands, 270 kips, and 5 ga spiral ties
- Pilings described herein are considered to be part of the host structure and are not part of this certification. The pilings and existing host structure, if any, must be capable of supporting the loaded system as verified by the permit holder and contractor of record. No warranty, either express or implied is contained herein

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Ofc 954-532-0129
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33,000 lb Boat Lift
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NEPTUNE BOAT LIFTS
228 SW 21 Terrace
Fort Lauderdale Florida 33312
Phone 954-524-3616
Fax 954-524-3604

Scale	3:1
Date	06.01.2020
Drawn by	BRT
Checked by	WU
Job No	27 # Elevator Shop
Sheet	4 of 4



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 13, 2024

Shelba Hall
200 W Line St.
Calhoun, GA 30701
Sent via email: mydepletter@gmail.com

File No.:44-0311781-003-EE, Monroe County

Dear Shelba Hall:

On April 30, 2024, we received your request for verification of exemption to perform the following activities: to install a new boat lift at a single-family residence. The project is located in a canal, Class III Waters, adjacent to 290 14th St, Key Colony Beach (Section 05, Township 66 South, Range 33 East), in Monroe County (Latitude N 24° 43' 25.14", Longitude W -81° 1' 41.75").

Your request has been reviewed to determine whether it qualifies for (1) a regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact William Lange at 561-681-6609 or William.Lange@FloridaDEPgov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(h), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

www.floridadep.gov

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review - NOT REQUIRED

The activity does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review - APPROVED

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project (attached). A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
 - (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
 - (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.
- The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



William Lange
Environmental Manager
Southeast District

Enclosures:

Attachment A- Specific Exemption Rule
Special Conditions for Federal Authorization for SPGP VI-R1
General Conditions for Federal Authorization for SPGP VI-R1
Project drawings, 5 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

FDEP – Norva Blandin, Danielle Sattelberger, William Lange, Katie Teyshak, Vanessa Osborne
Renee Coleman - renee@neptuneatlanticboatlifts.com

Additional Mailings:

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Kameil Akbar
Clerk

May 13, 2024
Date

Attachment A

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;
2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

Special Conditions for Federal Authorizations for SPGP VI-R1

1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP.11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
 - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
 - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
 - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245- 6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.
 - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):
 - a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
 - b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - (1) Removal to install up to a 4-ft-wide walkway for a dock.
 - (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.
 - (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.
 - (a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are

placed or will be placed (i.e., removal of branches that overhang a dock or lift), (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).
 - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).
 - d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

- (2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.
11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.
 12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
 13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.
 14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.
 15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.

16. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).
17. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
 - a. The piling-supported structure shall be aligned so as to have the smallest over- marsh footprint as practicable.
 - b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
 - c. The width of the piling-supported is limited to a maximum of 4 feet. Any

exceptions to the width must be accompanied by an equal increase in height requirement.

18. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:

- a. The width of the piling-supported structure is limited to a maximum of 4 feet.
- b. Mangrove clearing is restricted to the width of the piling-supported structure.
- c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

19. Regarding SAV, the design and construction of a Project must comply with the following:

a. A pile supported structure

(1) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(2) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like

catwalks, shall adhere to *“Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat”* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s *“Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat”* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

(d) A pile supported structure

(i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(ii) that is within the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson’s seagrass critical habitat will be constructed to the following standards:

(iii) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries

Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(e) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(f) If a survey is performed in accordance with the methods described in the procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

(g) A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(i) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(ii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

1. A dock replacement in the same footprint, no design restrictions are required.
2. A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this

permit, two uncovered boatlifts are allowed.

(iii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

20. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).
21. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
 - a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:
(<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>). The signs required to be posted by area are stated below:
<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>
 - (1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
 - (2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

- (3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
22. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 –Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
- a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
- (1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- (2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
23. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
24. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
25. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
26. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).
27. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):

(1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.

(2) No other pile-supported structures are allowed in nearshore reproductive habitat.

General Conditions for All Projects:

1. The time limit for completing the work authorized ends on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.

- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.
- 2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- 5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the

corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP VI-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision)

(Lot)

(Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature)

(Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



UNITED STATES DEPARTMENT OF
COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfs@noaa.gov.
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.



Fwd: boat lift

dakota rasbury <dakotarasbury@gmail.com>

Mon 7/29/2024 8:21 AM

To: Renee Coleman <renee@neptuneatlanticboatlifts.com>

Sent from my iPhone

Begin forwarded message:

From: Keith Craig <keithcraigir@comcast.net>
Date: July 29, 2024 at 7:10:23 AM EDT
To: dakota rasbury <dakotarasbury@gmail.com>
Subject: Re: boat lift

Dakota, I Keith Craig owner of 280 14th st has no problem with you installing a 33000 lb boat lift. Keith Craig
Sent from my iPad

On Jul 24, 2024, at 11:32 AM, dakota rasbury <dakotarasbury@gmail.com> wrote:

Good morning,

The city of key colony is requiring me to get a new email with your acknowledge of the lift size of 33,000lbs.

New Boat lift at 290 14th st. KCB

Albert Gentile <alg31@comcast.net>

Wed 8/21/2024 12:40 PM

To: dakota rasbury <dakotarasbury@gmail.com>; Renee Coleman <renee.coleman@neptuneboatlifts.com>

To whom it may concern, I have no objections to the new 33000lb Boat lift being installed at 290 14th street Key Colony Beach. Thank you Albert Gentile , owner of 300 14th street.

Amended: _____
Ordinance



Number: _____

CITY OF KEY COLONY BEACH COMPREHENSIVE PLAN LaRue planning

Prepared by:

1375 Jackson Street # 206 Fort Myers, FL 33901

In conjunction with:

The City of Key Colony Beach
PO Box 510141 - Key Colony Beach, FL 33051-0141



Adopted Date: February 24, 1992

Amended	Ordinance Number
June 9, 2022	2021-468
July 9, 2015	440-2015
February 26, 2009	406-2009
November 24, 2008	404-2008
July 12, 2007	395-2007

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FUTURE LAND USE

GOAL 1 Protect and enhance the residential, commercial, resort and natural resource areas of Key Colony Beach.

Objective 1.1 Infrastructure

The City shall ~~achieve~~*provide* 100 percent public water and sewer service to any new development, and continue to achieve on-site stormwater run-off detention, soil erosion control and floodplain (topography) protection via the most current Land Development Regulations provisions.

Policy 1.1.1 As new development occurs the City, will continue to use the development regulations to require a ~~tie-in~~*connection* to the sanitary sewer and public water systems.

Policy 1.1.2 The City shall continue to ~~use~~*apply* the updated flood plain and coastal construction provisions from the City's Land Development Regulations to ensure new development at topographic elevations sufficient to minimize flood impact.

Policy 1.1.3 The City shall review all current development codes to determine any needed refinements relative to on-site drainage, erosion control, open-space, traffic flow and parking lot design standards. This shall include the drainage level of service standard and canal bank reconstruction standards, i.e. to ensure mangrove retention and no new seawalls without proper State and Federal permits.

Policy 1.1.4 The City shall use the development regulations which reflect a concurrency management system, to ensure that no development permit shall be issued unless the public facilities necessitated by the project (in order to meet level of service standards specified in the Transportation, and Infrastructure policies) will be in place concurrent with the impacts of the development or the permit is conditional to assure that they will be in place.

Objective 1.2 Natural Resources

The City shall *review and revise the development code as necessary to ensure no loss of waterfront natural resources and environmentally sensitive land as new development occurs, particularly mangroves; supplement with regular County or Department of Environmental Protection testing of bay water quality for greater measurability.*

Policy 1.2.1 The City shall review and if necessary revise the appropriate land development regulations to ~~achieve provisions that~~ fully preserve the existing natural waterfront, particularly mangroves, beach vegetation, wetlands and significant bottomlands via setbacks, site plan review criteria, landscape requirements and dock or canal bank standards that can be used as development applications are reviewed.

- Policy 1.2.2 The City shall supplement this code and development review process with a program to improve bay water quality by eliminating the 7 storm drain outfalls to facilitate bay flushing.

Objective 1.3 Hurricane Evacuation

The City shall *grant no land use plan amendments that would increase land use density and intensity, ~~in order~~ to ensure that the projected “buildout” hurricane evacuation traffic entering on U.S. 1 will not increase.*

- Policy 1.3.1 The City shall deny any plan amendments and rezoning requests that would increase population densities on the island in order to avoid further burdens on the hurricane evacuation plan. Vacant parcels will be developed at densities and intensities consistent with the Future Land Use Map and pre-1990 plats.

Objective 1.4 Post Disaster Recovery

The City shall participate ~~with in~~ post-disaster ~~institutions~~ planning procedures to guide City actions following a natural disaster.

- Policy 1.4.1 The Post Disaster Plan will be maintained by the City Emergency Manager to work with local, state and federal emergency officials, assess damage, review emergency actions, prepare a redevelopment plan, and recommend needed changes to the Strategic Plan and to this Comprehensive Plan.
- Policy 1.4.2 The Post Disaster Plan will maintain guidelines for determining priorities for the acquisition of storm-damaged property in hazard-prone areas.
- Policy 1.4.3 The Post Disaster Plan will establish principles for repairing, replacing, modifying, or relocating public facilities in hazard-prone areas.
- Policy 1.4.4 The City shall act in accordance with its Emergency Management Plan by complying with these policies, and will contain step-by-step details for post-disaster recovery operations.

Objective 1.5 Future Land Use Categories

The City of Key Colony Beach shall continue to ensure that all new development is consistent with the Future Land Use Element.

- Policy 1.5.1 The following Future Land Use Plan densities, ~~intensities and approaches~~ shall be established for the purpose of managing future growth. These land use policies shall govern even if it delays a development project application until the necessary implementing zoning is enacted.
- Single-Family Residential: Up to 7.5 units per acre.
 - Two-Family Residential: Up to 8 units per acre.

- Multifamily Residential: Up to 8 units per acre.
- Commercial: Normal range of office and community retail uses at an intensity whereby at least 20 percent of the lot is pervious and the maximum allowable floor area ratio of three (3 FAR) .
- Resort: Hotels, restaurants, beach clubs and dwelling units that have ocean frontage. Development code design standards shall include a 3 story height limit, a prohibition against view obstructions of the ocean in the side yard setbacks and a 100 foot minimum setback from the mean high water level. The intensity shall be at least 20 percent of the lot in pervious cover and a maximum allowable floor area ratio of three (3 FAR) .
- Public Buildings and Grounds: Municipal, State and Federal uses. The intensity shall be at least 20 percent of the lot in pervious cover and a maximum allowable floor area ratio of two (2 FAR).
- Conservation: Significant wetlands.
- Recreational: Public park and golf course uses.

Policy 1.5.2 ~~By 2023~~ On an annual basis, the City shall review, and if necessary revise the Land Development Regulations relative to subdivision control, sign controls, landscaping, ~~vulnerability analysis~~ and floodplain protection to assure their compatibility with the intent of this plan; ~~the only known incompatibilities are the need to tighten landscaping regulations relative to native plants and irrigation, and to reflect the latest FEMA floodplain standards. The City shall monitor and enforce the Land Development Regulations relative to subdivision control, sign controls, landscaping and floodplain protection to assure their compatibility with the intent of this plan; continue to assess the landscaping regulations relative to native plants and irrigation and the FEMA floodplain standards.~~

Policy 1.5.3 ~~Current development regulations~~ The City shall consider further revisions to its regulations that include special buffer requirements for all new resort and commercial development that abuts residential districts.

Objective 1.6 Water and Sewer System Land Needs

~~By 2023, the~~ The City shall review the development regulations, on an annual basis, to ensure adequate provision for water and sewer system land requirements.

Policy 1.6.1 The City shall continue to monitor the zoning provisions to assure adequate provisions for sewer lift stations and other utility land requirements.

Objective 1.7 Keys Area of Critical State Concern

The City's Comprehensive Plan and Land Development Regulations shall be consistent with the Florida Keys Protection Act; 380.0552 FS.

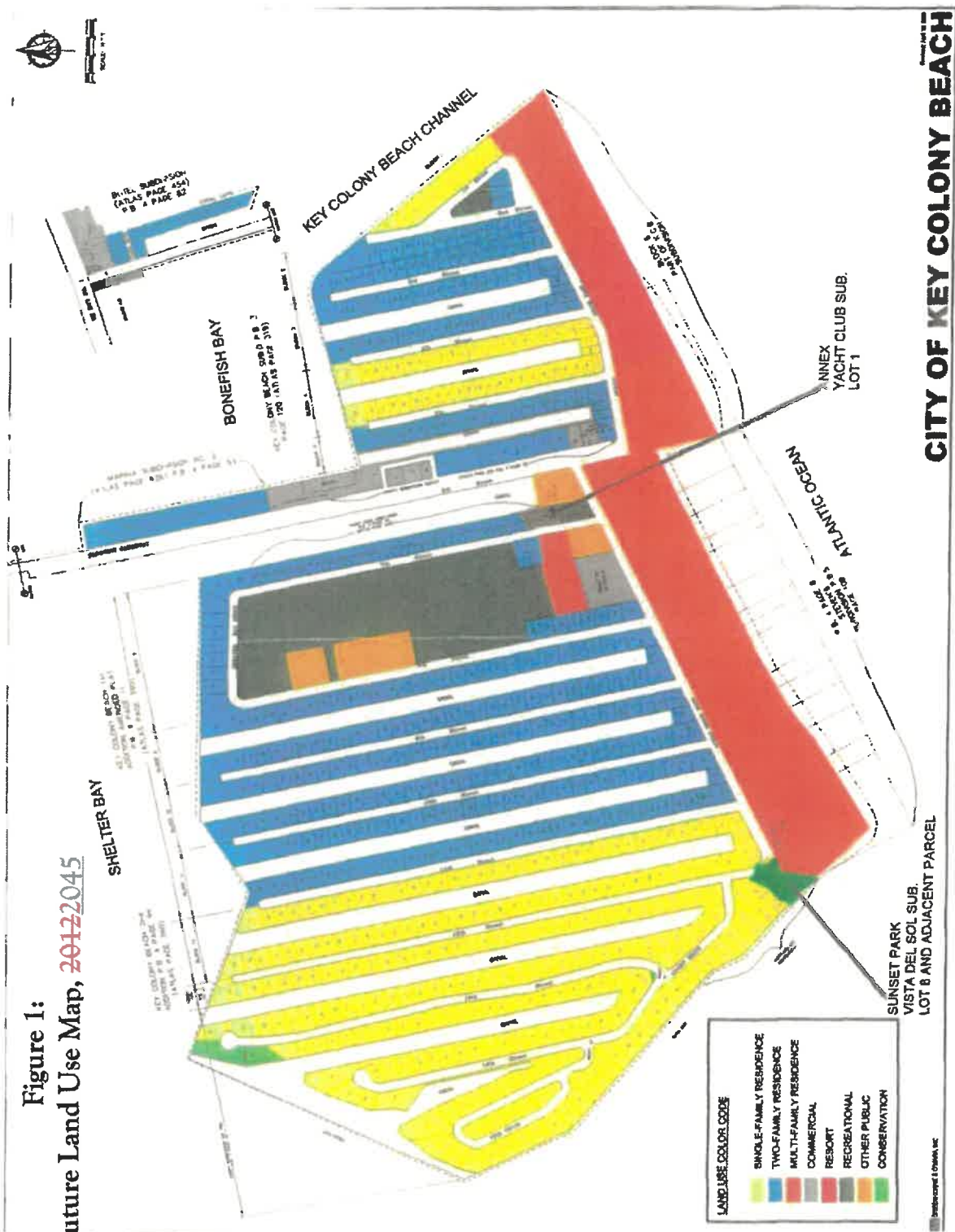
Policy 1.7.1 The elements of the City's Comprehensive Plan shall contain pertinent policies furthering all principles for guiding development in the Florida Keys and specifically in Key Colony Beach (Section 380.0522(7)~~a-map~~, FS).

Future Land Use Map

Figure 1 shows the Future Land Use pattern. There are no existing or proposed industrial, agricultural or educational uses. There are no historic properties, waterwells, estuaries, rivers, harbors, minerals of commercial value or soils other than urban fill. Figure 1 also shows the ocean bays, this map is adopted as part of the Future Land Use map series.



Figure 1:
Future Land Use Map, 2012-2045



Comprehensive Plan
City of Key Colony Beach, Florida
Future Land Use Element

TRANSPORTATION

GOAL 1 To maintain a transportation system that meets the circulation needs of Key Colony Beach in a safe and efficient manner but does not adversely impact residential streets.

Objective 1.1 Motorized Transportation System

Maintain the existing efficient and convenient street system as shown in Figure 2 with no changes to its basic configuration but improve safety where necessary.

Policy 1.1.1 Maintain at least the following peak hour Level of Service standards:

- Arterials and collectors – “C”

Policy 1.1.2 Continue to use the development plan review process to control roadway access points, on-site traffic flow and on-site parking, including requiring bike racks under certain conditions.

Policy 1.1.3 The City shall coordinate transportation planning with the County and State to assure that Sadowski Causeway remains two lanes, and has a structurally sound bridge.

Objective 1.2 Land Use Plan Implications

Achieve coordination between this element and the Future Land Use Plan by approving no land use plan or zoning amendments that increase the permitted density/intensity of use.

Policy 1.2.1 By not approving land use density/intensity increases, the City will assure adequacy of its existing roadway system.

Objective 1.3 Right-of-way Protection

The City shall continue to review the development regulations to ensure the ability to protect existing and future street rights-of-way from new development that would increase the cost of street improvements. (Ordinance No. 382 Amended Code about City costs to protect right of way.)

Policy 1.3.1 Use the development review process to protect existing (rights-of-way through setback requirements.

Objective 1.4 Bikeway or Non-motorized Transportation

Achieve preservation of the existing path system, thereby providing safe, convenient non-motorized circulation.

Policy 1.4.1 Maintain the existing path system on the Sadowski Causeway and Ocean Drive.

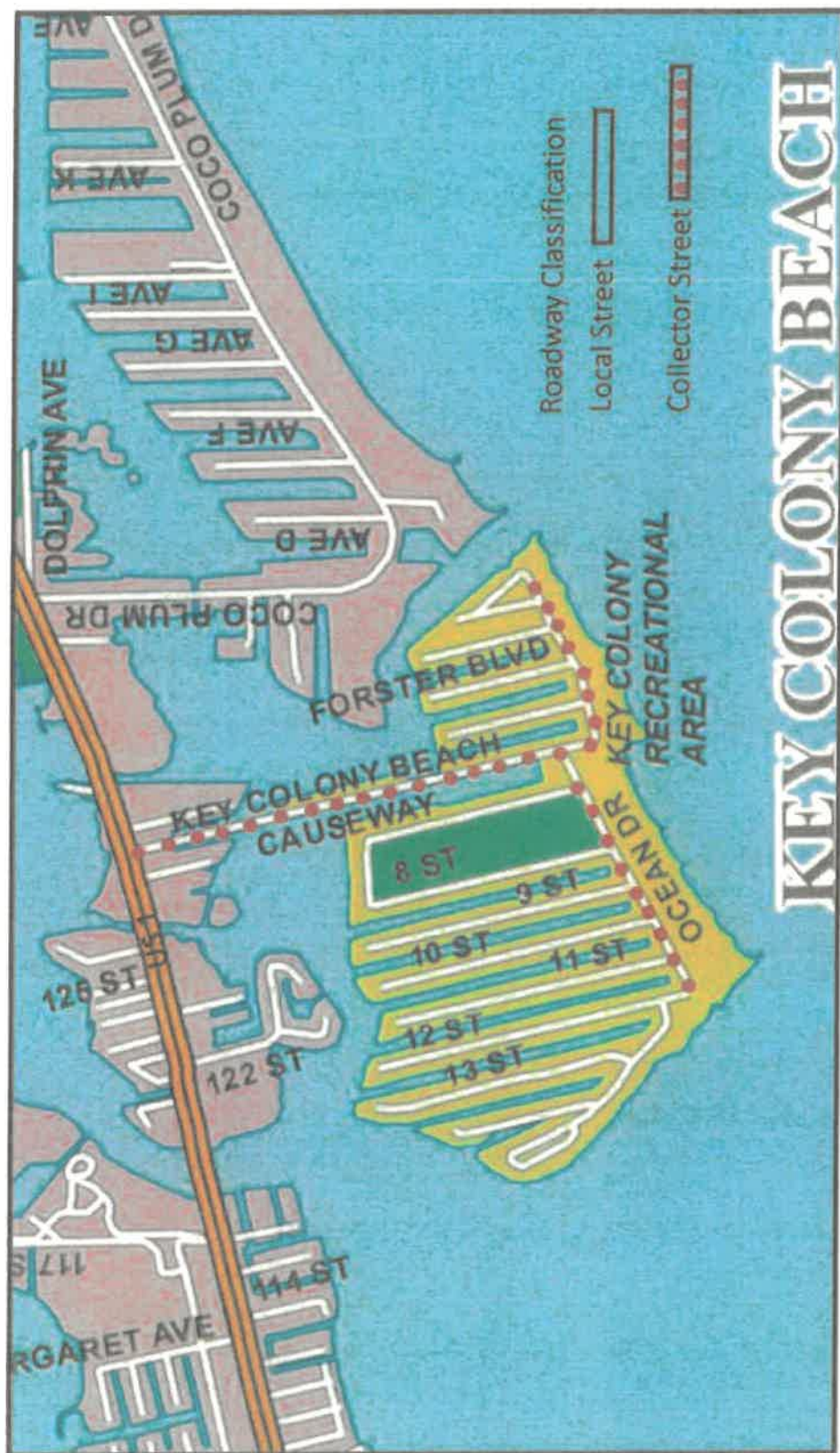
Objective 1.5 Hurricane Evacuation Plan

Upon adoption of the Plan, the City shall adopt a Hurricane Evacuation Plan, and coordinate with the Monroe County Emergency Management Department to maintain or reduce hurricane evacuation times.

Policy 1.5.1 The City shall periodically update the its Emergency Evacuation Assistance Program to provide notice and transportation to citizens who require evacuation assistance.

Policy 1.5.2 Continue to review annually hurricane evacuation plans for the City as presented in the Monroe County Comprehensive Plan and notify residents of any changes.

Figure 2: Future Transportation Map, 2045



HOUSING

GOAL 1 To enhance the availability of sound and affordable housing stock for all residents of Key Colony Beach.

Objective 1.1 New Construction

The City shall encourage the private sector to provide additional units that are diversified in terms of design and affordability.

Policy 1.1.1 The City shall continue to provide the framework for a housing program that encourages the creation and preservation of affordable housing for all current and anticipated future residents of the City.

Policy 1.1.2 The City shall continue to have a full-time Building Official thereby assuring a prompt and professional development permitting process.

Policy 1.1.3 The Building Official, Planning and Zoning Committee and City Commission shall continue to use the Land Development Regulations of the City code to assure exterior architectural design of new construction that is compatible with the neighborhood.

Policy 1.1.4 Lowest inhabited floor elevations shall be above 100-year storm elevations.

Objective 1.2 Low and Moderate Income Housing

The City shall continue to provide for and promote low and moderate income housing ~~by amending its code to permit manufactured housing~~.

Policy 1.2.1 Through the comprehensive planning process and the Land Development Regulations, a streamlined permitting process will be established, providing for efficient review with minimal delays and costs for affordable housing.

Policy 1.2.2 Continue to utilize the zoning map and non-conforming lot policy to provide vacant land for relatively high density duplex and multifamily housing that is adequately served by public water and sewers.

Policy 1.2.3 Any developer constructing a new project that creates 25 or more permanent jobs shall be required to provide housing within the City (or in Marathon) no later than 6 months after the new project receives its certificate of occupancy; said housing shall accommodate at least 25 percent of the permanent employees and shall cost no more than one-third of the household income of those employees whose income is less than 120 of the median for Monroe County as determined by the Florida Statistical Abstract. This shall also include City initiatives to help the developer secure any available Federal, State or County subsidies, including Section 8 rental subsidy certificates.

- Policy 1.2.4 The City shall explore available programs in Monroe County and through the Florida Department of ~~Economic Opportunity~~ Commerce and other state agencies to mitigate the affordable housing shortage.

Objective 1.3 Group Homes

The City shall enforce the Land Development Regulations which continue to provide the ability to accommodate group homes and foster care facilities in residential districts through zoning policies.

- Policy 1.3.1 The City's development regulations shall continue to permit group homes and foster care facilities through zoning policy; the provisions shall reflect State Law, i.e. 6 or less clients in single-family district units which must be at least 1,000 feet apart and 14 or less clients in multifamily district units at least 1,200 feet apart.

Objective 1.4 Conservation

The City shall continue to enforce the Buildings chapter of the City code to maintain a structurally sound housing stock; measurability shall be no substandard units.

- Policy 1.4.1 The City shall promote maintenance of the existing housing stock by continued code enforcement, required demolition of deteriorated structures that are beyond repair (using the Standard Unsafe Building Code), and providing guidance in obtaining rehabilitation assistance for qualified residents.
- Policy 1.4.2 The City Building Department shall identify substandard housing units, as defined by Florida Statutes, and shall contact owners of substandard units in order to communicate necessary corrective actions and inform owners of available federal, state and local housing assistance programs.

Objective 1.5 Housing Coordination and Implementation

The City Commission shall serve as the body to coordinate and achieve housing policy implementation; measurability is dependent upon the private sector.

- Policy 1.5.1 The City Commission shall maintain formal communications (mailing list) with appropriate private and non-profit housing agencies to assure that adequate information on City housing policies flows to housing providers.
- Policy 1.5.2 The City shall continue working with the County and its Affordable Housing Task Force and the South Florida Regional Planning Council on a Countywide Affordable Housing Strategy and Plan via intergovernmental coordination.
- Policy 1.5.3 The City shall appoint a contact person to work with Monroe County, Monroe County's SHIP Program and the Middle Keys Community Land Trust to identify parcels on which affordable housing can be constructed within or near the City.

Objective 1.6 Affordable Housing

The City shall continue to eliminate substandard housing and blighted areas, and shall continue to improve structural and aesthetic housing conditions.

Policy 1.6.1. The City shall develop an affordable housing strategic plan, or participate in a Regional Strategic Plan that includes specific indicators and benchmarks for measuring success in achieving affordable housing.

Policy 1.6.2 The City shall seek the use of federal, state, and county housing financial support programs as a means of providing housing opportunities for very low, low and moderate income persons and families, where appropriate.

Policy 1.6.3 The City shall commit to Countywide and municipal efforts to identify and promote infill sites appropriate for affordable housing.

INFRASTRUCTURE

GOAL 1 To provide and maintain the public infrastructure in a manner that will ensure public health, safety and quality of life for Key Colony Beach.

Objective 1.1 Current Deficiencies and Future Needs; County

The City shall continue its program of curbside separation of solid waste and in other ways cooperate with the County in its projected infrastructure deficiencies.

Policy 1.1.1 City officials shall work with the County to help achieve its goal of recycling 30 percent of all solid waste, by initiating curbside separation (assuming the County initiates its part of the program) thereby assisting its landfill capacity problem.

Policy 1.1.2 In accordance with Section 163.3180(2) (a), F.S., the City shall determine whether there will be adequate water supplies to serve the new development prior to approval of a building permit or its functional equivalent. This determination will be based on water capacity availability from the Florida Keys Aqueduct Authority (FKAA). All development is subject to the City's Concurrency Management system. The City shall track current water demand and outstanding commitments in order to determine the availability of an adequate water supply for proposed developments. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

Policy 1.1.3 The City shall continue to enforce its code provisions that, a) require proof of water availability at time of building permit, b) ~~building code~~ water conservation plumbing ~~devised~~ and fixtures and c) emergency water conservation (when necessary) in order to assist the County during its potential water capacity deficiency period.

Objective 1.2 Future Needs; City Drainage

Contingent upon available funding, ~~by 2045-2025~~, the City shall eliminate the 7 remaining direct storm drain outfalls into the canals.

Policy 1.2.1 Based on the cost projections set forth in the stormwater management plan, the City shall amend the Capital Improvements Schedule to provide any additional funding as necessary to eliminate the ~~73~~ stormwater outfalls and provide an alternative disposal method by ~~2045-2025~~ that eliminates untreated stormwater discharge to surface waters.

Policy 1.2.2 The City shall consider the recommendations of the Vulnerability Assessment and Watershed Management Plans completed in 2024 to determine additional stormwater management and flooding improvement needs to develop future capital improvements projects to address increasing flooding impacts.

Objective 1.3 Level of Service

The City shall provide an adequate level of service during the planning period; see below policies for measurable standards.

- Policy 1.3.1 Sanitary Sewer: The City sanitary sewer collection and treatment system shall accommodate an average daily flow of at least 115 gallons per household per day, recognizing that the peak winter season population is twice the permanent or summer population.
- Policy 1.3.2 Solid Waste: The County collection and disposal system shall be able to accommodate 6 pounds per person per day and accommodate projected landfill needs.
- Policy 1.3.3 Drainage: All new development shall detain on-site, the first 1.5 inches of runoff (except $\frac{3}{4}$ inch if vegetated swales are used) from a 3 day storm that statistically occurs once in 25 years. Existing non-structural systems (swales) shall accommodate the first 1 inch. ~~All ground-floor elevations shall be above 100-year storm elevations.~~
- Policy 1.3.4 Potable Water: The FKAA water distribution system shall provide 127.08 gallons per person per day average and (158.86 peak day). See also Intergovernmental Policy 1.2.1.

Objective 1.4 Water Conservation

Recognizing that the City is located in an area that the South Florida Water Management District (SFWMD) identifies as a "priority water resource caution area", the City shall strive to lower its per capita usage of potable water below 127 gallons per capita per day (gpcpd) and will continue to work together with the FKAA and the SFWMD to reduce demand within the City for potable water.

- Policy 1.4.1 The City shall strive to reduce its level of service (LOS) standards for potable water from 127.08 to 117.22 gpcpd by the year 2026 .

Targeted LOS Standards 2022-2026	
Year	Gallons per Capita per Day
2022	127.08
2026	117.22

- Policy 1.4.2 The City will promote water conservation through the enforcement of the ~~adopted~~ Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots and similar devices in all new construction and renovations, and will comply with the ~~appropriate water management district~~ South Florida Water Management District water use restrictions.
- Policy 1.4.3 The City shall inform residents and businesses of, and shall encourage their participation in, the County's water conservation programs. These informational and educational programs shall include the following types of efforts:
- a. brochures and signage to be made available at City Hall;
 - b. pursuing funding through SFWMD Community Education Grant and cooperative funding programs for educational efforts such as demonstration gardens and prototype landscaping on public properties; and,
 - c. inviting speakers for forums or workshops at City Hall.
- Policy 1.4.4 The City shall adopt an Ordinance ~~by 2026~~ which requires the use of water-efficient landscaping in all new development and redevelopment, and require functioning rain-sensor devices on all automatic irrigation systems on both new and existing systems. ~~Other provisions shall include: The amended City code shall specify that,~~ 1) at least 50 percent of all required landscaping shall use native (or similar) or Florida friendly plant materials to reduce water consumption, 2) the list in the code shall be based upon the County Comprehensive Plan or FDOT list of plant materials not more than 25 percent of any lot shall be placed in lawn grass requiring irrigation, and 3) the landscaping section shall include an irrigation section mandating zones, etc.
- Policy 1.4.5 The City will continue to cooperate with the FKAA and the SFWMD in its efforts to restrict the unnecessary consumption of potable water, particularly as it relates to irrigation, lawn watering, and car washing during periods of drought, supply reduction, and other emergencies.
- Policy 1.4.6 The City will continue to cooperate with the SFWMD's ~~lawn and landscape irrigation rule,~~ Year Round Irrigation Conservation Measure which limits irrigation to two days per week (based on address) between the hours of 12 a.m. to 10 a.m. AND/OR 4 p.m. to 11:59 p.m. with some exceptions, as may be revised. The City will implement these standards ~~by adopting its~~ through its own local ordinance (Ord. 2021-465).
- Policy 1.4.7 The City shall coordinate local water conservation education efforts with the SFWMD, the FKAA, and the Monroe County School Board.
- Policy 1.4.8 The City will encourage the use of low impact development techniques (such as the Florida Water StarSM program, which is a point based, new home certification

program for water-efficient developments, similar to the federal Energy Star program).

- Policy 1.4.9 The City shall develop a leak detection and repair program for all City facilities by the end of ~~2030~~²⁰²³. It shall also encourage its citizens to adopt such a program for their own individual properties.

Objective 1.5 County Infrastructure Coordination

The City will strive to have a city resident or business person appointed to the Florida Keys Aqueduct Authority Board.

- Policy 1.5.1 If such an appointment~~s~~ can be achieved, the board member~~s~~ could directly address the capacity problems facing the City and County.

Objective 1.6 Water Supply Facilities Work Plan

The City shall adopt a Water Supply Facilities Work Plan Update in support of the SFWMD's Lower East Coast Water Supply Plan Update and the FKAA 20-Year Water System Capital Improvements Master Plan.

- Policy 1.6.1 The City hereby adopts by reference the Water Supply Facilities Work Plan (Work Plan) for the FKAA, dated 2022, for a planning period of not less than 10 years. The Work Plan addresses issues that pertain to water supply Facilities and requirements needed to serve current and future development within the City's water service area. The City shall review and update the Work Plan at least every 5 years, within 18 months after the Governing Board of the water management district approves an updated regional water supply plan. Any changes affecting the Work Plan shall be included in the annual Capital Improvements Plan update to ensure consistency between the Potable Water Sub-Element and the Capital Improvements Element.
- Policy 1.6.2 The adopted Work Plan shall be updated within 18 months following the approval of a Regional Water Supply Plan or its update.

COASTAL MANAGEMENT

Goal 1 **To conserve, manage and use the environmental and man-made uses in the coastal area of Key Colony Beach.**

Objective 1.1 Mangroves; The City's Prime Natural Resource

The City shall strive to prevent loss of mangroves bordering its bays and canals. .

Policy 1.1.1 The City shall enforce land development provisions that require protection of mangroves as docks or other development occurs, including T-docks constructed over the mangroves; assure conformance with DEP requirements.

Policy 1.1.2 The City shall preserve the City-owned mangroves along the Causeway public right-of-way and in the conservation area at the end of 13th Street.

Objective 1.2 Protection of Water Quality in the Bays

The City shall achieve a net improvement in the environmental quality of Shelter and Bonefish Bays using the DEP water samples as a benchmark.

Policy 1.2.1 Based on the cost projections set forth in the stormwater management plan, the City shall amend the Capital Improvements Schedule to provide any additional funding as necessary to eliminate the remaining stormwater outfalls by 2025 and provide an alternative disposal method that eliminates untreated stormwater discharge to surface waters.

Policy 1.2.2 The City shall amend its seawall code provisions to require that substandard seawall replacement must meet the requirements of the State DEP and U.S. Corps of Engineers.

Objective 1.3 Water Dependent Uses

Achieve development code priority for well designed water-dependent and water-related uses in the Resort district and thereby also assure continuation of this economic base.

Policy 1.3.1 The revised zoning provisions of the code shall give priority to water-related uses (by special exception techniques) in the Resort District and similar incentives for water-dependent and water-related uses in any Commercial property with a waterfront location. Uses receiving priority shall include hotels, restaurants, beach clubs, marinas and boat service uses.

- No new docking facility shall be located in water of less than 4 feet below mean low water or directly over any grass bed (excluding grass beds in man-made canals), reef, or patch reef except for a main access walkway necessary

to reach vessels docked in waters of said depth; the purpose is to allow for a minimum clearance of one foot between the deepest draft and the bottom.

- When applying for docking facilities, applicants shall be encouraged to use coordinated permit review procedures.
- Marinas (new or expanded) shall provide sewage pump-out facilities, fuel spill plans, a water quality monitoring program, a manatee protection plan and a hurricane contingency plan. The special exception review process shall assess public availability and need.

Objective 1.4 Beaches and Dunes

Achieve development code regulations that protect the existing beaches from adverse construction impacts, require dune nourishment and continue ocean-front construction setback lines.

Policy 1.4.1 The development regulations shall retain the 100 foot minimum ocean-front setback requirement from the mean high water line.

Policy 1.4.2 The development regulations shall be amended to require dune vegetation planting in conjunction with any beach-front construction or development.

Objective 1.5 Shoreline Public Access

Preserve the existing public shoreline access points for the residents.

Policy 1.5.1 The City shall preserve public viewing or scenic access to Vaca Cut and the Ocean at the 13th Street conservation area, to Shelter and Bonefish Bays via the Sadowski Causeway and the canal behind City Hall.

Objective 1.6 Shoreline Setbacks

New principal structures shall be set back a minimum as follows:

- a. *Along the ocean, 100' from Mean High Water (MHW);*
- b. *Along Vaca Cut, 50' from MHW;*
- c. *Along manmade canals, twenty (20) feet from the MHW line.*

Policy 1.6.1 New, permittable accessory structures within the shoreline setback other than docks, utility pilings, seawalls, retaining walls, riprap, walkways, and water observation platforms must maintain:

- a. A minimum of 20' as measured from the mean high water (MHW) line on Vaca Cut, 100' from MHW on the Ocean and 10' from MHW on canals, except dockside shelters maximum set back 3 feet from rear property line. No

development shall occur between the MHW line and the 20' setback line on Vaca Cut and the 100' setback line on the Ocean.

- b. In no event shall the total, combined area of accessory structures within the shoreline setback occupy more than thirty (30) percent within the principal use shoreline setback on Vaca Cut and sixty (60) percent within the principal use shoreline setback on manmade canals.

Policy 1.6.2 Redevelopment which is the result of a natural disaster may be reconstructed in the original footprint provided the lot can comply with the stormwater standards in the plan. In the event of a natural disaster, structures that are nonconforming as to density or as to height may rebuild provided that the number of units are not increased. Voluntary redevelopment which constitutes a “substantial improvement” must comply with the new setback standards.

Policy 1.6.3 Pollutant sources may not discharge directly into surface waters. Where no runoff control structures are present, berms and vegetation shall be used to control runoff. Native vegetation shall not be removed to install berms or runoff control structures.

Goal 2 To minimize human and property loss due to hurricanes.

Objective 2.1 Coastal High-Hazard Area Infrastructure

There shall be no City expenditures for infrastructure in the City (coastal high-hazard area) that would subsidize development.

Policy 2.1.1 The City’s capital improvement schedule shall not include 1) any additional infrastructure in the V zone as shown on the most current Floodplain Map or 2) infrastructure elsewhere in the City that would prompt Land use Plan or zoning map amendments to achieve more intensive development.

Policy 2.1.2 The limitations under policy 2.1.1 does not preclude the City’s continuing program of sewer line rehabilitation or the Florida Keys Aqueduct Authority’s distribution line replacement elsewhere on the island in order to provide adequate future infrastructure to serve the Future Land Use Plan development pattern.

Objective 2.2 Coastal Land Use Intensity

The City shall not grant any land use plan or zoning amendments that would increase land use density or intensity on the island in order to direct development away from the coastal high-hazard area.

Policy 2.2.1 The City shall not approve any land use plan/zoning density or intensity increases over and above what is permitted by the Future Land Use map.

Policy 2.2.2 Lowest inhabited floor elevations shall be above 100-year storm elevations.

Objective 2.3: Coastal Storm Areas

In the Coastal Storm Area and areas inundated by a Category 2 hurricane as depicted by the SLOSH model, the City shall make all efforts to reduce or eliminate the exposure of human life and property to natural hazards.

- Policy 2.3.1 As updates are made to the City's comprehensive plan, flood policy will be dispersed throughout its plan elements as appropriate.
- Policy 2.3.2 The City shall continue flood inspections which are used to prioritize various drainage projects being designed for construction improvements.
- Policy 2.3.3 The City shall encourage the design and construction of Capital Improvement Projects that require the use of proven methods in the design of drainage systems that will provide flood protection, add water quality improvements to the system, and to reduce pollution found in stormwater runoff.
- Policy 2.3.4 The City shall continue to consider, whenever feasible, purchasing properties in areas most vulnerable to destructive storm surges for recreation uses and open space
- Policy 2.3.5 If feasible, no public buildings shall be constructed within the 100-year flood zone with the exception of minor structures including public restrooms and picnic shelters which are customarily provided to support recreation and open space activities, and pedestrian access facilities.

Objective 2.3.2.4 Hurricane Evacuation

In the event of a pending major hurricane (Category 3-5) the City of Key Colony Beach shall implement the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RVs), travel trailers, live-aboards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Florida Keys by non-residents should be strictly limited.
2. Approximately 36 hours in advance of tropical storm winds a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents, by evacuation zone (described below) shall be initiated. Existing evacuation zones are as follows:

Zone 1-Key West, Stock Island, and Key Haven to Boca Chica Channel Bridge (MM 1-6) Zone 2-Boca Chica Channel Bridge to west end of 7-mile Bridge (MM 6-40)

Zone 3-West end of 7-mile Bridge to west end of Long ~~Beat~~ Key Bridge (MM 40-63)

Zone 4-West end of Long Key Bridge to CR905 and CR905A intersection (MM 63-106.5)

Zone 5-CR905A to and including Ocean Reef (MM 106.5-126.5)

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts embodied in this staged evacuation procedure should be embodied in the appropriate city and county operational management plans.

Policy ~~2.3.1~~2.4.1 The City shall continue to cooperate (by permitting, traffic control, etc.) with the County in order to avoid possible hurricane damage to the Causeway facilities thereby inhibiting evacuation.

Policy ~~2.3.2~~2.4.2 The City will continue its annual public information program whereby residents are informed of hurricane preparedness measures.

Policy ~~2.3.3~~2.4.3 The City shall request all residents and visitors to start evacuations immediately once an evacuation order has been given.

Objective ~~2.4.2~~2.5 Post-Disaster Redevelopment

Continue to refine the City's post-disaster redevelopment plan to reduce exposure to natural hazards.

Policy ~~2.4.1~~2.5.1 The City's disaster assessment, clean-up and repair plan shall be reviewed and amended annually to achieve conformance with the County's plan. Special attention shall be devoted to the Building Inspector's permitting process to distinguish between minor and major repairs, require demolition or nuisance removal, etc.

Objective 2.5 Level of Service

~~Maintain Level of Service Standards (through the concurrency management system) commensurate with what is specified in each element, including phased sewage system improvements and County agreements.~~

~~Policy 2.5.1 Achieve the level of service standards as contained in the Transportation and Infrastructure Elements relative to roadways, sewage, water and stormwater runoff,~~

~~through the concurrency management system. Implementation of this will require City sewer system improvements and County service agreements.~~

Objective 2.6 Hurricane Damage Avoidance

The City shall retain its controls on coastal construction and floodplain construction, and add dune nourishment provisions in order to reduce storm hazards.

- Policy 2.6.1** Using the Monroe County Peacetime Emergency Plan and the County Comprehensive Plan as background, the City's Coastal Code, Building Code, floodplain provisions, and proposed dune controls shall be reviewed and revised as necessary to assure provisions that require a 100 foot ocean setback, and vegetated dunes for new beachfront construction, meet the requirements of the State Coastal Zone Protection Act including structural standards, etc.

Note: There are no estuaries or deep water ports within Key Colony Beach or any "resource protection plans" impacting the City.

Goal 3 The City shall enhance efforts to prepare, adapt, mitigate and manage climate change impacts to achieve a resilient community.

Objective 3.1 Increasing communitywide resiliency

Increase adaptability and resiliency to climate change impacts by developing a 2024 Vulnerability Assessment including strategies that address coastal flooding, tidal events, storm surge, flash floods, storm water runoff, saltwater intrusion and other impacts related to or exacerbated by sea level rise, changing precipitation patterns, temperature increases, and other climate change factors.

- Policy 3.1.1** The City shall complete a 2024 Vulnerability Assessment compliant with Section 380.093(3), F.S. related to sea level rise, tidal flooding, storm surge, and to the extent practicable, rainfall and compound flooding. Sea level rise projections shall include the 2017 National Oceanic and Atmospheric Administration (NOAA) Intermediate Low and High scenarios. The City shall revisit the sea level rise projections if new data, agency or policy changes necessitate it. The City shall consider additional policy development based on the outcomes of the 2024 Vulnerability Assessment within one (1) year of its completion.

- Policy 3.1.2** The City shall seek funding for adaptation projects and partnerships with other local governments related to the adaptation of critical infrastructure prioritized in its Vulnerability Assessment and the County's Vulnerability Assessment.

Objective 3.2 Reducing flood risk in coastal areas

Include development and redevelopment principles, strategies, and engineering

solutions into development and infrastructure decisions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

- Policy 3.2.1 The 2024 Vulnerability Assessment shall be a resource upon which to base new principles, strategies, and engineering solutions to reduce future flood risk of existing and future development including for the design of new infrastructure projects.
- Policy 3.2.2 Analyze and determine whether to build, modify, adapt or relocate public infrastructure to allow for adaptation, strategic managed retreat or relocation from areas at risk to sea level rise.
- Policy 3.2.3 The City shall regularly assess and plan for public infrastructure, facilities and utilities as required by the Capital Improvements Element, including the impacts of potential intensifying floods and sea level rise, and account for those impacts in engineering design criteria for projects where necessary.
- Policy 3.2.4 Phase projects, including but not limited to, shorelines, backflow prevention devices, in-line check valves and other strategies based on the existing conditions, year of projected impacts and economies of scale to minimize commercial and residential disruption from future flooding.
- Policy 3.2.5 Within one (1) year of completion of the 2024 Vulnerability Assessment, the City shall determine if updated or multiple levels of service are needed for infrastructure other than stormwater management. Consideration of levels of service may include current and future flood inundation and the ability to deliver established levels of service under those conditions.

Objective 3.3 Remove coastal property from flood zone designations

Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

- Policy 3.3.1 Develop and adopt Land Development Regulations provisions specific to vulnerable areas that include best-practice development that prioritizes the natural environment and habitats, and that includes strategies for protection, accommodation, managed retreat, and avoidance of flooding impacts.
- Policy 3.3.2 Encourage the use of pervious materials for landscaping and driveways.
- Policy 3.3.3 The City will continue to require the use of erosion and sediment control during construction and project development activities.

Policy 3.3.4 Actively seek funding for the implementation of projects and capital improvements in vulnerable areas associated adaptation strategies from sources such Federal and State grants and technical expertise assistance (in-kind); local storm water utility enterprise funds; Capital Improvement Plan prioritization; public/private partnerships; and other sources.

Policy 3.3.5 The floodplain administrator/building official shall review all permit applications to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a flood hazard area, all site development activities, new construction, and substantial improvements shall be designed and constructed with methods, practices and materials, that minimize flood damage.

Objective 3.4 Site development techniques and best practices to reduce flood loss and claims

Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Policy 3.4.1 Develop and update land development techniques and best practices that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. Such standards may include, but are not limited to, structural and nonstructural techniques such as low impact development and green infrastructure strategies that will enhance water quality treatment while also providing flood mitigation benefits. Best practices include flood mitigation strategies, including design of elements on structures, such as electrical components, and modification of infrastructure (including utilities) and shall consider impacts to adjacent properties, historic properties, and infrastructure projects.

Policy 3.4.2 The City shall continue to support the reduction of flood insurance premiums for City residents through the following actions:

1. Supporting programs and outreach which educate residents on the benefits of flood insurance, and their flood risk associated with high tide events, storm surge, flash floods, stormwater runoff, and the sea level rise;

2. Reviewing, developing, and enhancing standards and programs to mitigate increasing flood;

3. Coordinating with relevant stakeholders to secure access to technical assistance and support for these initiatives;

4. Participating in the Local Mitigation Strategy update process and development of local mitigation project lists.

Policy 3.4.3 All ground floor elevations shall be above 100-year storm elevations and the City shall implement freeboard requirements consistent with or exceeding the Florida Building Code.

Policy 3.4.4 The City shall continue to work with local, state and federal partners to target repetitive loss properties for possible acquisition or mitigation of flood hazard through hard and soft structural, and non-structural adaptation strategies including elevating existing structures.

Policy 3.4.5 Where possible the City will consider the acquisition of severe repetitive loss properties, which have sustained repeated flood losses for use as public open space.

Objective 3.5 Consistency with Florida Building Code and floodplain management regulations

Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Policy 3.5.1 Within two (2) years of completion of the Vulnerability Assessment, the City shall review and update its Floodplain Management and Landscape Code sections incorporating data where appropriate.

Policy 3.5.2 The City's Land Development Regulations shall continue to be consistent with or more stringent than the requirements in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R., Part 60.

Objective 3.6 Consistency with coastal construction standards in Chapter 161, Florida Statutes

Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with Chapter 161.

Policy 3.6.1 Continue to enforce the rules and regulations pertaining to the Department of Environmental Protection "Coastal Construction Control Line" and "Erosion Control Line" programs in the Land Development Regulations.

Policy 3.6.2 Continue established and ongoing programs that regulate coastal construction practices and contribute to the resilience of the built environment.

Objective 3.7 FEMA's Community Rating System

The City shall continue 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.

Policy 3.7.1 Link future cycles of Community Rating System scoring with completion of its 2024 Vulnerability Assessment and Watershed Management Plan to incorporate sea level rise projections as outlined by FEMA in the most recent version of the National Flood Insurance Program Community Rating System Coordinator's Manual.

Policy 3.7.2 Coordinate climate, vulnerability, sustainability and resiliency activities with Community Rating System cycles to enhance and maximize community outreach activities and result in reductions in flood risk and insurance premiums for residents and businesses

CONSERVATION

Goal 1 **To preserve and enhance the significant natural features in Key Colony Beach.**

Objective 1.1 Air Quality

The City shall maintain its high air quality.

Policy 1.1.1 The City shall maintain the current permitted land use density-intensity pattern thereby assuring congestion-free roadways.

Objective 1.2 Water Pollution

Through the Land Development Regulations and Capital projects, the City shall reduce City-generated pollution of surrounding marine waters and fisheries; see also Coastal Management Objective 1.2. See policies for measurability.

Policy 1.2.1 Based on the cost projections set forth in the stormwater management plan, the City shall amend the Capital Improvements Schedule to provide any additional funding as necessary to eliminate the 73 stormwater outfalls.

Policy 1.2.2 As a part of the development review process, the City shall continue to require on-site detention of stormwater runoff.

Policy 1.2.3 The City shall enforce the stormwater management code provisions based upon the County's regulations.

Policy 1.2.4 The City shall review and revise its development code, as necessary, to ensure adequate controls over the disposal of hazardous waste which in the case of Key Colony Beach is almost entirely household products.

Policy 1.2.5 The City shall also assist the County in publicizing its amnesty days and distributing the booklet that explains the County's hazardous waste collection and disposal program.

Objective 1.3 Vegetation and Soil Resources/Endangered Wading Birds

The City shall strive to prevent the loss of the 41,000 lineal feet of mangroves.

Policy 1.3.1 The City shall review all development permit applications in the context of the mangrove protection policies of the City and State DEP.

Policy 1.3.2 Through the Future Land Use map, the City shall assure continuation of the Conservation area at the end of 13th Street.

- Policy 1.3.3 The City shall contact the County Growth Management Divisions' Environmental Office if any adverse impact is observed relative to the seagrass beds in adjacent bay waters.

Objective 1.4 Wildlife and Marine Resources

The City shall strive to prevent the loss of sea turtle eggs and manatees. See also Objective 1.2 and 1.3

- Policy 1.4.1 The City marine patrol, working with County and State marine police, shall enforce boat speed limits in the canals and adjacent waters to protect the manatees.
- Policy 1.4.2 The City's current Land Development Regulations shall include a provision that, during the nesting season, each beachfront property owner will be responsible for the daily patrol of the beach (by a person holding State and Federal permits) to determine nesting sites.

Objective 1.5 Conservation of Natural Floodplains

To ~~prevent impacts to natural floodplains~~ the City shall issue no building permits unless the first floor is above the flood elevations specified in the City's Land Development Regulations and appropriate FEMA rules.

- Policy 1.5.1 The City shall review (and revise as necessary) its floodplain code to ensure that new construction meets the appropriate FEMA floodplain map requirements.

Objective 1.6 Water Supply Resources

The City shall strive to reduce water consumption over time and appropriately manage water during water shortages.

- Policy 1.6.1 In the event of water shortage, the City shall ~~utilize the emergency water conservation article already adopted in the City code. This article will be amended as required by changes to the SFWMD model ordinance on which it was based~~ manage water use consistent with the requirements of the SFWMD.

Objective 1.7 Water Conservation

Recognizing that the City is located in an area that the SFWMD identifies as a "priority water resource caution area", the City shall strive to lower its per capita usage of potable water and will continue to work together with the FKAA and the SFWMD to reduce demand within the City for potable water.

- Policy 1.7.1: The City will promote water conservation through the enforcement of the adopted Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots and similar devices in all new construction and renovations, and will comply with the appropriate water management district water use restrictions.

Policy 1.7.2 The City shall inform residents and businesses of, and shall encourage their participation in, the County's water conservation programs. These informational and educational programs shall include the following types of efforts:

- a. brochures and signage to be made available at City Hall;
- b. pursuing funding through SFWMD Community Education Grant and cooperative funding programs for educational efforts such as demonstration gardens and prototype landscaping on public properties; and,
- c. inviting speakers for forums or workshops at City Hall.

Policy 1.7.3 The City shall adopt an Ordinance by 2026 which requires the use of water-efficient landscaping in all new development and redevelopment, and require functioning rain-sensor devices on all automatic irrigation systems on both new and existing systems. Other provisions shall include ~~The amended City code shall specify that the requirement that~~ at least 50 percent of all required landscaping shall use native (or similar) or Florida Friendly plant materials to reduce water consumption.

Policy 1.7.4 The City will continue to cooperate with the FKAA and the SFWMD in ~~its~~ their efforts to restrict the unnecessary consumption of potable water, particularly as it relates to irrigation, lawn watering, and car washing during periods of drought, supply reduction, and other emergencies.

Policy 1.7.5 The City will continue to cooperate with the SFWMD's ~~lawn and landscape irrigation rule,~~ Year Round Irrigation Conservation Measures which limits irrigation to two days per week (based on address) between the hours of 12 a.m. to 10 a.m. AND/OR 4 p.m. to 11:59 p.m. with some exceptions, as may be revised. The City will implement these standards through ~~by adopting~~ its own local ordinance (Ord. No. 2021-465).

Policy 1.7.6 The City shall coordinate local water conservation education efforts with the SFWMD, the FKAA, and the Monroe County School Board.

Policy 1.7.7 The City will encourage the use of low impact development techniques (such as the Florida Water StarSM program, which is a point based, new home certification program for water-efficient developments, similar to the federal Energy Star program).

Policy 1.7.8 The City shall develop a leak detection and repair program for all City facilities by the end of ~~2030~~ 2023. It shall also encourage its citizens to adopt such a program for their own individual properties.

RECREATION AND OPEN SPACE

Goal 1: **The City shall provide a desirable level of public recreation and open space and encourage the provision of private recreation and open space.**

Objective 1.1 Waterfront and Park Access

The City shall strive to preserve the existing 1,800 feet of public frontage along Shelter Bay and Vaca Cut plus full access to the City parks.

Policy 1.1.1 The City shall preserve (by code and Land Use Plan provisions) the Vaca Cut conservation area, the Sadowski Causeway frontage on Shelter Bay and full access to the City park system except for the hours when the public golf course and parks are closed.

Objective 1.2 Recreation Facilities

A system of public recreation facilities meeting the needs of the City's population will be maintained.

Policy 1.2.1 The City shall continue to provide its existing 8 acre playground and adjacent 9 hole golf course.

Policy 1.2.2 Sunset and Eastside Parks have been added to continue to meet the diverse recreational needs of the City's population.

Objective 1.3 Open Space

The City shall preserve the two prime public/private open space tracts and open space tract along the waters.

Policy 1.3.1 The City's development code shall continue to require minimum front, side and rear setbacks for all new construction including 100 foot ocean setbacks (from mean high water) and 50 feet from Vaca Cut.

Policy 1.3.2 The City shall preserve the park adjacent to City Hall and the conservation area at the end of 13th Street.

Objective 1.4 Public-Private Coordination

The City shall ensure the coordination of public and private resources to meet recreational demand by conducting a recreational survey one year after Plan adoption.

Policy 1.4.1 The City shall maintain a recreation committee to determine the extent to which City, private and nearby public facilities are meeting the resident's recreational needs.

INTERGOVERNMENTAL COORDINATION

GOAL 1 **The City shall establish and maintain processes to assure coordination with other governmental entities where necessary to implement this plan.**

Objective 1.1 Plan Impact and Implementation Coordination

The City shall coordinate City plan impact and implementation with Monroe County through the appropriate interlocal agreements.

- Policy 1.1.1 The City shall continue to oversee implementation of the existing interlocal agreements (between the City and County) that deal with impact fee collection, and hurricane evacuation and damage. The City shall continue to monitor and implement interlocal agreements covering the allocation of impact fees.
- Policy 1.1.2 The City will continue to coordinate with the County on planning and implementing programs to improve the quality of Shelter and Bonefish Bays. (Culvert under US 1)
- Policy 1.1.3 The City shall assist the County in providing information to its residents concerning services provided by the County, *e.g.* solid waste and potable water through newspaper articles, Post Office bulletin board notices and web page posts.
- Policy 1.1.4 The City shall use the South Florida Regional Planning Council (SFRPC) mediation process should any conflicts arise relative to County coordination. .

Objective 1.2 Level-of-Service Standards Coordination

The City shall ensure level-of-service standards coordination with other governmental entities by continuing formal agreements with County Solid Waste Department and the Florida Keys Aqueduct Authority and by utilizing the County solid waste and water level of service standards.

- Policy 1.2.1 The City shall both continue its formal agreements with the Florida Keys Aqueduct Authority and the County relative to water supply and solid waste, and assist the County during its period of facility capacity problems by utilizing water conservation techniques and curbside solid waste separation.
- Policy 1.2.2 In accordance with Section 163.3180(2) (a), F.S., the City shall determine whether there will be adequate water supplies to serve the new development prior to approval of a building permit or its functional equivalent. All development is subject to the City's Concurrency Management system. The City shall track current water demand and outstanding commitments in order to determine the availability of an adequate water supply for proposed developments. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

Policy 1.2.3 The City will maintain a water supply facilities work plan that is coordinated with SFWMD's Lower East Coast Regional Water Supply Plan and FKAA by updating its own work plan within 18 months of an update to SFWMD's Lower East Coast Regional Water Supply Plan that affects the City.

GOAL 2 The City shall establish and maintain processes to assure coordination with the County and other governmental entities where necessary to address climate and flooding issues.

Objective 2.1 Resiliency Coordination

The City shall maintain and enhance coordination with the County and other entities related to infrastructure planning, resiliency and flooding analysis

Policy 2.1.1 The City shall continue to coordinate with the County and other entities data collection and analysis related to roads planning and flooding.

Policy 2.1.2 The City shall continue to partner with the County and other entities on grant applications and development of funding sources to address City resiliency issues.

Policy 2.1.3 The City shall continue to exchange data and participate in floodplain, emergency management and resiliency initiatives with the County and other entities.

CAPITAL IMPROVEMENTS

GOAL 1 **The City will undertake capital improvements that are necessary to keep its present public facilities in good condition and to accommodate new development, within sound fiscal practices.**

Objective 1.1 The Annual Capital improvement Program Process

The City shall use the framework of this Element to monitor public facility needs as a basis for annual capital budget and program preparation.

Policy 1.1.1 Staff and engineering studies shall form the basis for annual preparation of a five-year capital improvement program schedule, including one year capital budget to further the comprehensive plan elements.

Policy 1.1.2 The City shall include in the capital programming process funds available for ~~sewer line rehabilitation~~ wastewater improvements and street repaving.

Policy 1.1.3 In setting priorities, the following types of criteria shall be used:

- Public safety implications: a project to address a threat to public health or safety will receive first priority.
- Level of service or capacity problems: next in priority would be projects needed to maintain the stated Level of Service.
- Because of the critical area status, environmental improvement projects would be next in priority.
- Quality of life projects: next in priority would be those projects not in the first 3 categories but that would enhance the quality of life which is important to Key Colony Beach and exemplified by public open space and landscaping.
- State/County and redevelopment projects: equal in importance to the quality of life projects are those that support a State or County road improvement or a revitalization project.
- Future flood risk and resiliency strategies developed in the 2024 Vulnerability Assessment and Watershed Management Plans.

Policy 1.1.4 The fiscal policies that reflect the Comprehensive Plan recommendations shall also be used to guide the capital programming process. They can be summarized as providing quality neighborhoods and community amenities with minimal bonding and maximum developer participation.

Objective 1.2 Level of Service and Concurrency

The City shall use the level of service standards in reviewing development applications and preparing the annual schedule of capital improvements.

- Policy 1.2.1 Streets: A peak hour Level of Service Standard “C” Shall be maintained for arterial and collector streets.
- Policy 1.2.2 Sanitary Sewer: The City sanitary sewer collection and treatment system shall accommodate an average daily flow of at least 115 gallons per household per day.
- Policy 1.2.3 Solid Waste: The County collection and disposal system shall be able to accommodate 6 pounds per person per day.
- Policy 1.2.4 Drainage: All new development shall detain on-site, the first 1.5 inches of runoff (except ¾ inch if vegetated swales are used) from a 3-day storm that statistically occurs once in 25 years. Existing non-structural systems (swales) shall accommodate the first one inch. ~~All ground floor elevations shall be above 100-year storm elevations.~~
- Policy 1.2.5 Potable Water: The Florida Keys Aqueduct Authority’s water distribution system shall provide 127.08 gallons per person per day average (and 158.86 peak day).

Objective 1.3 Infrastructure in Coastal High Hazard Area

No funds will be spent by the City for sewer main or street extensions (or capacity increases) in order to avoid subsidizing new development in the coastal high hazard area.

- Policy 1.3.1 The City’s five-year capital improvement schedule shall not include road or sewer line projects that serve to increase land use intensity beyond what is now platted or shown on the Land Use Plan.

Objective 1.4 Concurrency

The City shall ensure the provision of public facilities concurrent with development through a current concurrency management system.

- Policy 1.4.1 The Land Development Regulations includes a provision which requires developers to provide facilities concurrent with the impacts of development and in compliance with level of service standards.
- Policy 1.4.2 The City shall continue to implement the sewer line rehabilitation plan to assure adequate facilities commensurate with projected growth.
- Policy 1.4.3 The City of Key Colony Beach recognizes that the FKAA provides their potable water and the necessary water facilities to serve existing and future development with the City’s water service area. The City will support and coordinate with the

FKAA, as necessary, to assist in the implementation of FKAA's Capital Improvements projects for a period of not less than 10 years.

Policy 1.4.4 The City of Key Colony Beach recognizes that it relies upon the FKAA facilities for the provision of potable water for its residents, businesses and visitors, and as such the continued supply of potable water will be dependent upon all local governments striving to maintain demand for potable water at sustainable levels. As such, the City will:

- a. Continue to maintain relationships with the SFWMD and the FKAA to maintain or reduce potable water consumption thorough education, conservation, and participation in ongoing programs of the region, county and city including coordinating local conservation education efforts with the SFWMD and the FKAA programs.
- b. Require landscaping in all new development or redevelopment to use water-efficient landscaping and require functioning rain-sensor devices on all automatic irrigation systems on both new and existing systems.
- c. Recognizing that the City is located in an area that the SFWMD identifies as a "priority water resource caution area", the City shall strive to lower its per capita usage of potable water below 127.08 gallons per capita per day (gpcpd) and will continue to work together with the FKAA and the SFWMD to reduce demand within the City for potable water.
- d. The City shall inform residents and businesses of, and shall encourage their participation in, all FKAA and SFWMD water conservation programs.

Objective 1.5 Funding Capital Improvements

The current development code (and related City code provisions) shall achieve a concurrency management system that includes connection fees, impact fees and County infrastructure sales tax grants that is sufficient to assure conformance with elements of this plan.

Policy 1.5.1 City impact fees for parks shall be allocated in conformance with the City-County inter-local agreement and the implementation recommendations of this Element.

Policy 1.5.2 The building permit review process shall continue to require on-site detention.

Policy 1.5.3 Public sewer and water connection shall be required in the case of all new development; developer financial participation shall be required by connection fees.

Policy 1.5.4 The concurrency management system shall require direct development provisions of facilities if one of these other policies is insufficient to achieve concurrency.

IMPLEMENTATION

A. Five-Year Schedule of Capital Improvements

The schedule may be revised every year by ordinance without requiring a comprehensive Plan Amendment.

B. Programs

The principal programs needed to implement this Element are as follows:

1. An annual capital programming and budgeting process including use of project selection criteria.
2. Engineering studies to a) prepare storm water outfall removal schedule and b) pinpoint the costs of any projects such as the possible sewage treatment plant expansion.
3. Review and revisions to the development code shall assure conformance to the “concurrency” requirements relative to development orders, levels of service and public facility timing.
4. Impact fees;

C. Concurrency Management

The City’s current Land Development Regulations has been amended to include a concurrency management system that meets the state requirements.

City of Key Colony Beach
Five Year Schedule of Capital Improvements

Project	Funding Source	FY 2024-2025	FY 2025-2026	FY 2027-2028	FY 2028-2029	FY 2029-2030	Total Cost
Wastewater Treatment Plant Improvements							
600 8th Street							
Replace UV Contact Tank	Local funds - city wastewater	\$ 450,000.00	\$ -	\$ -	\$ -	\$ -	-
Aerobic digester access stair replacement	Local funds - city wastewater	\$ 75,000.00	\$ -	\$ -	\$ -	\$ -	-
Lift station control boxes raised	Grant funding	\$ 42,000.00	\$ -	\$ -	\$ -	\$ -	-
Yearly replacement of pumps/motors	Local funds - city wastewater	\$ 15,000.00	\$ -	\$ -	\$ -	\$ -	-
Paint exterior of tanks, buildings, and piping	Local funds - city wastewater	\$ -	\$ 180,000.00	\$ -	\$ -	\$ -	-
Membrane replacement	Local funds - city wastewater	\$ -	\$ 245,000.00	\$ -	\$ -	\$ -	-
Coating of effluent holding tank	Local funds - city wastewater	\$ -	\$ 125,000.00	\$ -	\$ -	\$ -	-
Yearly replacement of pumps/motors	Local funds - city wastewater	\$ -	\$ 15,000.00	\$ -	\$ -	\$ -	-
Additional lift station control boxes raised	Potential Grant Funding	\$ -	\$ 40,000.00	\$ -	\$ -	\$ -	-
Replace RO Membranes	Local funds - city wastewater	\$ -	\$ 25,000.00	\$ -	\$ -	\$ -	-
Alum feed system	Local funds - city wastewater	\$ -	\$ -	\$ 60,000.00	\$ -	\$ -	-
Jet aeration system	Local funds - city wastewater	\$ -	\$ -	\$ 60,000.00	\$ -	\$ -	-
Yearly replacement of pumps/motors	Local funds - city wastewater	\$ -	\$ -	\$ 15,000.00	\$ -	\$ -	-
Digester tank	Local funds - city wastewater	\$ -	\$ -	\$ 350,000.00	\$ -	\$ -	-
Additional lift station control boxes raised	Potential Grant Funding	\$ -	\$ -	\$ 40,000.00	\$ -	\$ -	-
Control room - electronics update	Local funds - city wastewater	\$ -	\$ -	\$ -	\$ 300,000.00	\$ -	-
Digester biosolid pumps	Local funds - city wastewater	\$ -	\$ -	\$ -	\$ 40,000.00	\$ -	-
Replace diesel generator for back up power	Potential Grant Funding	\$ -	\$ -	\$ -	\$ 250,000.00	\$ -	-
Yearly replacement of pumps/motors	Potential Grant Funding	\$ -	\$ -	\$ -	\$ 15,000.00	\$ -	-
Update or replace RO building	Local funds - city wastewater	\$ -	\$ -	\$ -	\$ -	\$ 500,000.00	-
Replace storage tank	Local funds - city wastewater	\$ -	\$ -	\$ -	\$ -	\$ 300,000.00	-
Replace odor control system	Local funds - city wastewater	\$ -	\$ -	\$ -	\$ -	\$ 100,000.00	-
Yearly replacement of pumps/motors	Local funds - city wastewater	\$ -	\$ -	\$ -	\$ -	\$ 15,000.00	-
Sub-total costs		\$ 582,000.00	\$ 630,000.00	\$ 525,000.00	\$ 605,000.00	\$ 915,000.00	\$ 3,257,000.00
Stormwater Drainage Improvements							
Stormwater Improvements for 7th street and dry retention pond							
Improvements	Grant funding	\$ 1,000,000.00	\$ -	\$ -	\$ -	\$ -	-
Injection walls for elimination of remaining outfalls and street	Grant funding	\$ -	\$ -	\$ 800,000.00	\$ 800,000.00	\$ -	-
Stormwater Improvements for 11th street	Grant funding	\$ -	\$ -	\$ -	\$ 600,000.00	\$ 600,000.00	-
Stormwater Improvements for 12th street	Grant funding	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000.00	-
Stormwater Improvements for East and West Ocean	Grant funding	\$ 1,000,000.00	\$ -	\$ 800,000.00	\$ 1,400,000.00	\$ 2,100,000.00	\$ 5,300,000.00
Subtotal costs		\$ -	\$ -	\$ -	\$ -	\$ -	-
Parks and Recreation							
Tennis court new location support funding	Local funds - General	\$ 100,000.00	\$ -	\$ -	\$ -	\$ -	-
Pedestrian and bicycle safety Improvements - 2022 TA	Shared funding, FDOT Grant and	\$ -	\$ -	\$ -	\$ -	\$ -	-
Yearly park improvements	Local funding	\$ 35,000.00	\$ -	\$ -	\$ -	\$ -	-
	Grant funding	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	-

**City of Key Colony Beach
Five Year Schedule of Capital Improvements**

PROJECT	FUNDING SOURCE	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	Total Cost
Sanitary Sewer							
Treatment Plant Improvements	Sewer Service and Connection Fees	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$300,000
600 8 th Street							
Drainage							
Stormwater Phase V - Injection Wells							
1/2 of 9 th , 1/2 of 10 th , and 11 th Street							
Stormwater Improvements City-wide Swales for 1/2 of 9 th , 1/2 of 10 th , 11 th , and 12 th Street	Legislative Funds	\$740,000	\$740,000	\$740,000	\$740,000	\$740,000	\$3,700,000
Parks and Recreation							
9 th and 8 th Street Park	Grant	\$50,000					\$50,000
Playground Equipment							
Bike Path Improvements	Grant	\$45,000					\$45,000
7 th Street and Shelter Drive							
Transportation							
Repaving - 13 th Street	Gas Taxes		\$100,000				\$100,000
Riprap Improvements	State Grant		\$75,000				\$75,000
Sadowski Causeway							
Public Facilities							
City Hall Replacement	Ad Valorem Taxes	\$175,000	\$500,000	\$2,990,000	\$2,890,000		\$6,555,000
Public Works Building Resiliency Panels	Grant	\$350,000					\$350,000
TOTAL ALL PROJECTS		\$1,420,000	\$1,475,000	\$3,790,000	\$3,690,000	\$800,000	\$11,175,000
Comprehensive Plan							
City of Key Colony Beach, Florida							
Capital Improvements Element							

PROPERTY RIGHTS

GOAL 1 **The City shall recognize and respect all judicially acknowledged or constitutionally protected private property rights when making local decisions.**

Objective 1.1 Recognition of Private Property Rights

Decisions made by the City shall reflect the private property rights of each land owner.

- Policy 1.1.1 Local decisions made by the City shall consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- Policy 1.1.2 Local decisions made by the City shall consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances
- Policy 1.1.3 Local decisions made by the City shall consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- Policy 1.1.4 Local decisions made by the City shall consider the right of a property owner to dispose of his or her property through sale or gift.

MONITORING, UPDATING AND EVALUATION PROCEDURES CITY OF KEY COLONY BEACH

1. Citizen Participation:

In conjunction with one of the plan amendment cycles, the Planning and Zoning Committee shall annually conduct a public hearing on the Comprehensive Plan at least every five years starting in 2021. A status report shall be provided by the Committee Chair and then citizen comment shall be solicited. This meeting shall be publicized by a legal notice in the newspaper plus efforts to have web page notification, a news story and Post Office bulletin board announcement. The Committee will then submit a report on the status of the Plan to the Mayor and City Commission. This report may be accompanied by recommended amendments, using the normal plan amendment process.

2. Data and Objectives Update:

As a part of the annual meeting(s), pertinent measurable objectives and policies will be the subject of review and comment by the Committee Chair.

3. Five-Year Review:

The Mayor or City Manager shall designate the person or consultant responsible for preparation of the Evaluation and Appraisal Analysis in conformance with statutory requirements and with special emphasis on the extent to which the Plan objectives and policies have been achieved and are in compliance with state laws.

4. Revised Objectives and Policies:

The Mayor or City Manager shall designate the person or consultant to prepare draft amendments to the goals, measurable objectives and policies based upon the above process. The citizen participation procedures used in preparing the Plan (plus any future modifications thereto) shall be used in amending these recommendations of the Comprehensive Plan.

Comp Plan General Comments

“Ground Floor”

The term “ground floor is used in the document. To avoid confusion it is suggested that a term such as the “lowest inhabited floor” be used.

Response: Recommend leaving as is.

The following is a definition of Floor Area, Ground:

The floor area of the lowest storey of a building, approximately at or first above the finished grade level, excluding any basement, cellar or subcellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building, and for the purpose of this definition the walls of an inner court are and shall be deemed to be exterior walls.

Storm Water Outfalls

The subject is mentioned on pages 12, 16 and 25. The number of outfalls differs. In addition a completion date is stated. The completion date should be subject to available funding from the state.

Response: The correct number of remaining outfalls is 3. Will be revised to be consistent throughout the document.

On Page 31 Policy 1.1.2 States that the City shall include in the capital programming process funds available for sewer line rehabilitation and street repaving. The Capital Improvements Schedule includes no funding for these items.

Response: Items are now included.

In several places the green area on 13th Street is discussed as being open space. There are signs indicating “Private Property No Trespassing” posted on the property. If the property is not available as green space it should not be included in the Comp Plan as such.

Response: The Future Land Use designation is Conservation. Not changeable until there is a successful map amendment to change the land use and zoning. The attorney can advise what to do about “private property no trespassing” signs

Comp Plan specific comment: Affordable Housing City Commitment. At the last Plan amendment cycle the State did not want the City to retract commitment to affordable housing.

Action Requirements of Plan:

- a. Measured policies are requested by the State.
- b. It would be helpful to have an implementation list of action policies to be reviewed yearly.

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone= 305-289-1212 • Fax= 305-289-1767



August 12th, 2024

To: The City of Key Colony Beach Board of Commissioners
From: The Key Colony Beach Planning & Zoning Board

Re.: Discussion and recommendation for approval of Comprehensive Plan Amendments
Proposed Comprehensive Plan Amendments
Proposed 5-year Schedule of Capital Improvements

The Planning & Zoning Board discussed proposed Comprehensive Plan Amendments.

MOTION: Motion made by Chair Lancaster to approve the Comprehensive Plan Amendments as amended with the suggested changes from today. Chair Lancaster asked for a second. Lin Walsh seconded the motion.

DISCUSSION: Chair Lancaster asked Jim LaRue to look into Commissioner DiFrancisco's suggested changes and to incorporate them into what is provided to the Commission. Chair Lancaster asked Jim LaRue to provide an explanation to the Commission if he disagreed with any changes.

ON THE MOTION: Rollcall vote. Unanimous approval.

Final Recommendation: The Planning & Zoning Board recommends that the City of Key Colony Beach Board of Commissioners approve the Comprehensive Plan Amendments with the suggested changes.

George Lancaster, Chair

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Monday, August 12th, 2024 - 9:30 a.m.

Marble Hall, 600 W. Ocean Drive, Key Colony Beach, Florida 33051 & via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance & Roll Call:** The Planning & Zoning Board meeting was called to order by Chair George Lancaster at 9:30 AM, followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh, Bob Glassman, 1st Alternate Carman Slusher, 2nd Alternate Patricia Diebold. **Also present:** City Administrator John Bartus, City Attorney Dirk Smits (via Zoom), Building Official Tony Loreno, Building Official Ed Borysiewicz (via Zoom), City Planner Jim LaRue (via Zoom), Administrative Assistant Tammie Anderson, City Clerk Silvia Roussin.

Public Attendance: 2

2. **Swearing in of newly appointed Alternate Planning & Zoning Member Patricia Diebold:** City Clerk Roussin administered the swearing-in of newly appointed alternate Planning & Zoning member Patricia Diebold.
3. **Agenda Additions, Deletions, or Changes:** City Clerk Roussin informed of the addition of the Building Officials' comments on Flood Regulation Revisions under Agenda Item 10 and asked for the addition of Leonard Geronemus's application to be a full-time member of the Planning & Zoning Board. The Board had no objections.
4. **Citizen Comments & Correspondence:** City Clerk Roussin informed that no correspondence was received.

Tom DiFransico, 171 8th Street, City Commissioner, spoke to the Board as a private citizen and commented on the proposed Comprehensive Plan amendments. Tom DiFransico commented that the definition of 'ground floor' could be misinterpreted and suggested changing it to 'lowest inhabitable floor' or something similar. Tom DiFransico further commented on the road and sewer repair funding requirements and for them not to be included in the 5-year plan. Planner Jim LaRue stated to review the plan. Tom DiFransico spoke on the policy for stormwater outfalls and suggested inspections of the outfalls to identify the need for repairs.

Tom DiFransico talked about the open land at the end of 13th Street and the need to answer the question of whether the land is for community use, private use, or open space use. Chair Lancaster informed that Code Enforcement has to evaluate violations, and if no violations have occurred, the language in the city's code has to be changed. Tom DiFransico stated that the matter has to be resolved.

Tom DiFransico noted the mandate of a specific action item in the plan, suggested a tracking system against specific commitments, and gave examples of action items with specific time commitments. Tom DiFransico suggested the need to make the comprehensive plan a document that must be implemented to ensure the plan does not get forgotten. The Board discussed the need for certain language in the Comprehensive Plan on affordable housing. Tom DiFransico confirmed to share his comments with the City Clerk to be shared with the Board. City Attorney Smits informed that the requirement for affordable housing had been included in a development agreement on the Causeway, which City Clerk Roussin confirmed.

5. **Approval of Minutes:** Planning & Zoning Board Regular Meeting Minutes July 17th, 2024: Chair Lancaster asked for changes to the minutes. There were none, and Chair Lancaster approved the minutes as written.
6. **Discussion/Approval for changing the November 11th, 2024, Regular Meeting date to Monday, November 4th, at its regular time due to the Veteran's Day Holiday:** Chair Lancaster informed about the need to change the regular meeting date due to the Holiday. The Board had no objection to the change in date.
7. **Administration of Oath of Witnesses:** City Clerk Roussin administered the Oath of Witness to all planning to testify.

8. Disclosure of Ex-Parte Communication: None.

9. Discussion and recommendation for approval of Comprehensive Plan Amendments

- a. Proposed Comprehensive Plan Amendments – Jim LaRue
- b. Proposed 5-year Schedule of Capital Improvements – Jim LaRue

Planner Jim LaRue spoke on Erin Deady's proposed amendments to the Coastal Element of the Comprehensive Plan and the correlation of support for the Vulnerability Assessment. Jim LaRue informed on receiving information on outfalls from the Building Official and confirmed categories for roads and sewer improvements in the 5-year plan. Jim LaRue agreed with having a mechanism to track timelines for policies and projects and further talked about the consistency of the Comprehensive Plan, which mainly includes coastal hazard elements and stormwater amendments.

Lin Walsh asked about the reference from Tom DiFransico on the verbiage of 'ground floors'. Jim LaRue stated to be able to look at the suggestion and gave information on the definition and reasons why the term is generalized. Jim LaRue agreed with incorporating an implementation table for different policies and time periods and for corrections on outfalls to be made.

Tom DiFransico made further comments on the verbiage of 'ground floor' and the requirements for being above the 100-year storm elevation and suggested that the verbiage of 'ground floor' should be 'lowest inhabitable floor'. Jim LaRue confirmed to review the suggestions.

Jim LaRue commented that the Capital Improvement Plan was updated and more complete.

Chair Lancaster asked how to proceed. City Administrator Bartus stated that it should be the Board's prerogative. Jim LaRue confirmed that the Planning & Zoning Board will approve the matter once and the City Commission twice before the Department of State's review.

The Board had no further questions, and Chair Lancaster asked for a motion.

MOTION: Motion made by Chair Lancaster to approve the Comprehensive Plan Amendments as amended with the suggested changes from today. Chair Lancaster asked for a second. Lin Walsh seconded the motion.

DISCUSSION: Chair Lancaster asked Jim LaRue to look into Commissioner DiFransico's suggested changes and to incorporate them into what is provided to the Commission. Chair Lancaster asked Jim LaRue to provide an explanation to the Commission if he disagreed with any changes.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the matter will be presented to the City Commission on August 15th. Jim LaRue stated to try to have the revisions completed by then.

10. Discussion/Approval for the Building Official's recommendation to the City Commission to revise the City's Floodplain Regulations.

- a. Change of the Substantial Improvement time period calculations from 3 years to 1 year

Chair Lancaster introduced the agenda item and asked for comments. Chair Lancaster believed the change had no negative effects and supported the idea. City Administrator Bartus recalled the City of Marathon having made the same change with no negative impacts.

Building Official Borysiewicz commented on not anticipating any adverse effects and explained the 50% rule on improvements currently negatively impacting residents and making repairs or improvements easier for residents. There were no other comments, and Chair Lancaster asked for a motion.

MOTION: Motion made by Bob Glassman to approve the change to one year. Vice-Chair Walsh seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- b. Change of the Design Flood Elevation from FEMA Flood Zone plus 1 foot (FBC Requirement) plus 2 feet (City of Key Colony Beach additional freeboard) back to FEMA Flood Zone plus 1 foot (FBC Requirement).

Chair Lancaster introduced the agenda item. Building Official Borysiewicz elaborated on the matter. Building Official Borysiewicz explained the changes to the city's flood elevation requirements, including the negative effects of being deemed a non-conforming structure for many houses in the city. Building Official Borysiewicz further talked about Community Ratings discount points and how many residents are having difficulties receiving the insurance discount. Building Official Borysiewicz stated that the 15% and possibly 20% discount is still a reachable goal, and Lori Lehr, the city's flood expert, to be available at Thursday's City Commission meeting. Building Official Borysiewicz stated that the removal of the 2 feet of extra freeboard requirements would be helpful to many residents to conform to the building code again.

Building Official Borysiewicz stated that this would be a recommendation from the Board to the City Commission and that he was looking out for the city's residents.

Vice-Chair Walsh asked for examples of other items to offset the CRS point. Building Official Borysiewicz informed of different areas for discount points to be worked on, and Lori Lehr could assist in identifying specific areas.

Chair Lancaster expressed concerns about the verbiage used for other things, uncertainty about losing the points, and lack of new information.

Commissioner Harding gave background on the building department's recommendation to raise the freeboard in 2021, monthly CRS meetings since October 2021, and former Building Official Roussin's recommendation to raise the freeboard. Commissioner Harding informed that the FEMA website provides information on discounts for the city and having verified with his insurance company to receive a 15% discount on his flood insurance.

Commissioner Harding informed that a procedure for change with FEMA on freeboard would be necessary, explained that an ordinance change to 1 foot would put the city back to 15%, and gave further information for an audit and 5-year evaluation requirements. Commissioner Harding stated that an offset can be provided but not guaranteed.

Commissioner Harding gave further information on FEMA reports on freeboard requirements and having supported the prior Building Official's opinion. Commissioner Harding further advised that the provision applies to new houses and not all residents being affected. Commissioner Harding stated for the purpose to be of less damage and more safety for the homeowner. Chair Lancaster agreed.

Lin Walsh asked for the advantages and disadvantages of the matter.

Chair Lancaster explained the benefit for residents to improve their homes with less expensive costs and the disadvantage of losing a discount on flood insurance, which might be offset.

Building Official Borysiewicz agreed with Commissioner Harding and the Board to raise houses to be safer for all but simultaneously to create a city that is 85% non-conforming for residents. Building Official Borysiewicz further stated that many residents are not receiving the CRS discount, and this is not a simple decision to be made.

Building Official Borysiewicz explained the nature of a non-conforming structure, which restricts owners' ability for repairs and improvements and to affect insurance policies as well.

Vice-Mayor Foster agreed with Building Official Borysiewicz and gave understanding for the matter not being an easy answer but supported going back to the 1-foot freeboard for the residents' benefit.

Chair Lancaster asked for a motion for a recommendation to the City Commission.

MOTION: Motion made by Vice-Chair Walsh to send the matter to the Commission.

DISCUSSION: Chair Lancaster explained the need for a negative or positive recommendation. The Board continued discussions on how to go forward as well as FEMA and Florida Building Code requirements. Building Official Loreno commented that homeowners on 7th Street are affected and the matter being complex. Lin Walsh commented on the difficulty considering insurance discount points and how it affects the citizens. Building Official Loreno gave further input on difficulties for homeowners and agreed with the intention to put in other projects to make up for losing points.

AMENDED MOTION: Amended motion made by Lin Walsh to go back to FEMA plus 1 with the stipulation that the Commission will diligently find recommendations to make up differences in points that will be lost. Chair Lancaster asked for a second. Bob Glassman seconded the motion.

DISCUSSION: Building Official Borysiewicz stated that the matter was difficult and gave appreciation for the Board's review.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed of the recommendation to be presented to the City Commission on Thursday.

11. Discussion/Approval for a recommendation to the City Commission of an Architectural Review for the property located at 1000 W. Ocean Drive, Key Colony Beach, Florida

a. Presentation by the Building Department

Chair Lancaster introduced the agenda item and asked Building Official Borysiewicz to elaborate. Building Official Borysiewicz gave background information on the property and his opinion on the proposed single-family home. Building Official Borysiewicz explained that the proposed plans require numerous variances and state approval. Building Official Borysiewicz further explained that the proposed new home does not comply with 25-foot setback requirements on either West Ocean Drive or 10th Street and that the proposed plans have to undergo public notice for a review by residents. Building Official Borysiewicz informed that the waterfront ownership is in question and currently in litigation. City Attorney Smits confirmed litigation. Chair Lancaster asked about the process of an architectural review if the building department will not issue a building permit. City Attorney Smits reminded the Board to be able to approve, deny, or approve with conditions, and the Board to be able to approve subject to fixing all conditions described or denying due to the fact that the plans are insufficient. Vice-Chair Walsh asked what could be done with the property. Building Official Borysiewicz gave examples of the possibilities of a connecting structure and the requirement to meet setback guidelines, architectural review, and landownership questions.

b. Statement by Applicant: The applicant's attorney was unavailable via Zoom.

c. Planning & Zoning Board Discussion

d. Motion to recommend to approve, deny, or approve with conditions: Chair Lancaster asked for a motion.

MOTION: Motion made by Vice-Chair Walsh to deny the architectural review subject being able to come back after the issues are cleared. Chair Lancaster asked for a second. Bob Glassman seconded the motion.

DISCUSSION: Carman Slusher asked about the potential of the property becoming a dry lot if the water rights are lost. Building Official Borysiewicz believed the lot would still be buildable as a dry lot and explained setback requirements.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation to deny has passed and will be presented to the City Commission on Thursday.

12. Other Business:

a. Discussion/approval for a recommendation to appoint Leonard Geronemus as a full-time member to the Planning & Zoning Board. **Addendum**

Chair Lancaster introduced the applicant and asked Leonard Geronemus to speak to the Board. Leonard Geronemus informed on being a permanent resident and having served previously on the Parks & Recreation Board in Boca Raton as a member and chairman of the Board. Leonard Geronemus stated to have been asked to fill the vacancy and to be happy to serve the city's needs.

MOTION: Motion made by Chair Lancaster to recommend approval of Leonard Geronemus to the Planning & Zoning Board. Bob Glassman seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

13. Next meeting: September 9th, 2024 9:30 am

14. Adjourn: The meeting adjourned at 10:50 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

To: The City of Key Colony Beach Board of Commissioners
From: Nilsa Zacarias, AICP, Director of Planning, Chen Moore and Associates
Date: October 11, 2024

With regard to the Comprehensive Plan Amendment of the City of Key Colony Beach, we (CMA) reviewed the following documents:

- Minutes of the Planning & Zoning Board meeting from August 12, 2024
- General Comments Memo prepared by Mr. Jim LaRue
- Comprehensive Plan Amendment Document prepared by Mr. Jim LaRue

We also had an online meeting with the City's team including Mr. John Bartus, Ms. Silvia Roussin, Mr. Tony Loreno and Ms. Samantha Rodamer on October 10, 2024. In addition, we are also coordinating with Ms. Erin Deady.

We noticed that "Ground Floor" and "Lowest inhabited floor" are used throughout the Document. For consistency, we suggest adopting only one and providing a definition at the beginning of the document. Please see below current language on different elements:

Infrastructure Element

Policy 1.3.3 Drainage: All new development shall detain on-site, the first 1.5 inches of runoff (except ¾ inch if vegetated swales are used) from a 3 day storm that statistically occurs once in 25 years. Existing non-structural systems (swales) shall accommodate the first 1 inch. ~~All ground floor elevations shall be above 100-year storm elevations.~~

Coastal Management

Policy 3.4.3 ~~All ground floor elevations shall be above 100-year storm elevations and the City shall implement freeboard requirements consistent with or exceeding the Florida Building Code.~~

Comprehensive Plan

25

Policy 2.2.2 ~~Lowest~~ inhabited floor elevations shall be above 100-year storm elevations.

Capital Improvement Element

Policy 1.2.4 Drainage: All new development shall detain on-site, the first 1.5 inches of runoff (except ¾ inch if vegetated swales are used) from a 3-day storm that statistically occurs once in 25 years. Existing non-structural systems (swales) shall accommodate the first one inch. ~~All ground floor elevations shall be above 100-year storm elevations.~~

Housing Element

Policy 1.1.4 ~~Lowest~~ inhabited floor elevations shall be above 100-year storm elevations.

We will propose the definition and amend accordingly each element. Our understanding is that the Document will be heard by the Planning and Zoning Board for recommendation, and then by the City Commission for approval.