

PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS

Proposed Amendments (deletions are in ~~strike through~~; additions are shown in underlined).

1.0 - INTRODUCTION AND BACKGROUND

...

c. Rules of Construction. In the construction and interpretation of the language of this Monroe County Comprehensive Plan, the rules set out in this section shall be observed unless such construction would be plainly inconsistent with the manifest intent of the BOCC as expressed in the Comprehensive Plan, or an element or portion thereof, adopted pursuant to F.S. Ch. 163 and F.S. Ch. 380. The rules of construction and definition(s) and provision(s) set out in this Comprehensive Plan shall not be applied to any section of these provisions or regulations that shall contain any express provisions excluding such construction, or where the subject matter or context of such section is repugnant thereto.

(1) **Purpose.** In the interpretation and application of any provision of this Monroe County Comprehensive Plan, the requirements of this Comprehensive Plan shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(2) **Applicability.** Where any definition(s) or provision(s) of this Monroe County Comprehensive Plan imposes greater restrictions upon a subject matter than another definition(s) or provision(s) imposed by this Comprehensive Plan, the definition(s) or provision(s) imposing the greater restriction or regulation shall be deemed to be controlling. Where any definition(s) or provision(s) of this Monroe County Comprehensive Plan imposes greater restrictions upon a subject matter than another definition(s) or provision(s) imposed by the Monroe County Land Development Code, the Comprehensive Plan definition(s) or provision(s) imposing the greater restriction or regulation shall be deemed to be controlling.

(3) **Generally.** The provisions of this Comprehensive Plan shall apply to the unincorporated areas of Monroe County. All development of whatever type or character, including but not limited to landclearing and/or the making of any material change in the appearance of any land, the clearing of land as an adjunct of construction, construction, the carrying out of any building activity, or the making of any material change in the appearance of any structure, shall comply with this Comprehensive Plan. No development shall be undertaken without prior approval and issuance of a development permit under the provisions of the Comprehensive Plan and Land Development Code.

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Glossary

General

1 If definitions sought are not within this section, the County shall utilize the adopted definitions of its
2 LDC and, secondly, refer to the Florida Statutes. If a definition is not provided in these documents, the
3 County shall utilize the term as commonly used.

4
5 **Rules of Construction.** In the construction and interpretation of the language of this Monroe County
6 Comprehensive Plan Glossary, the rules set out in this section shall be observed unless such construction
7 would be plainly inconsistent with the manifest intent of the BOCC as expressed in the Comprehensive
8 Plan, or an element or portion thereof, adopted pursuant to F.S. Ch. 163 and F.S. Ch. 380. The rules of
9 construction and definition(s) and provision(s) set out in this Comprehensive Plan Glossary shall not be
10 applied to any section of these provisions or regulations that shall contain any express provisions
11 excluding such construction, or where the subject matter or context of such section is repugnant thereto.
12 Where any definition(s) or provision(s) of this Comprehensive Plan Glossary imposes greater
13 restrictions upon a subject matter than another definition(s) or provision(s) imposed by this
14 Comprehensive Plan, the definition(s) or provision(s) imposing the greater restriction or regulation shall
15 be deemed to be controlling. Where any definition(s) or provision(s) of this Monroe County
16 Comprehensive Plan Glossary imposes greater restrictions upon a subject matter than another
17 definition(s) or provision(s) imposed by the Monroe County Land Development Code, the
18 Comprehensive Plan Glossary definition(s) or provision(s) imposing the greater restriction or regulation
19 shall be deemed to be controlling.

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21 **Defined Terms**

22 **A**

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26 *Abandoned* means the voluntary discontinuation of a land use. When ~~the~~ a property's land use ~~of a~~
27 property has ceased and the property has been vacant for 18 months, abandonment of the land use will
28 be presumed unless the owner can show that a diligent effort has been made to sell, rent, or ~~use~~ engage
29 the property in a relevant ~~for a~~ legally permissible land use. This excludes temporary or short-term
30 interruptions to a land use ~~or activity~~ during periods of remodeling, maintaining, or otherwise improving
31 or rearranging a facility, or during normal periods of vacation or seasonal closure.

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33 *Accessory Use* or *Accessory Structure* means a use or structure that:

- 34 (1) Is subordinate to and serves an existing principal use or principal structure; and
- 35 (2) Is subordinate in area, extent and purpose to an existing principal use or principal structure served
- 36 (for this definition docks, pools, pool decks, driveways are excluded from total area); and
- 37 (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or principal
- 38 structure served; and
- 39 (4) Is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel
- 40 on which the principal use or principal structure is located; and
- 41 (5) Is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal
- 42 structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant
- 43 to section 118-12 of the County's LDC; and
- 44 (6) Is located in the same land use (zoning) district as the principal use or principal structure, excluding
- 45 off-site parking facilities pursuant to section 114-67 of the County's LDC; or
- 46 (7) Is located in the Improved Subdivision (IS) land use (zoning) district or the Urban Residential-Mobile
- 47 Home (URM) land use (zoning) district, is one of the specific uses or structures expressly permitted
- 48 pursuant to section 130-83 and section 130-99 of the County's LDC and subordinate in area, extent and

1 purpose to an existing principal use or principal structure served (for this definition docks, pools, pool
2 decks, driveways are excluded from total area).
3 (78) Accessory uses/structures shall not include secondary dwelling units or lock-out units or any other
4 habitable structures that are occupied by a separate and independent household.

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7 **B**

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10 Building means a structure that is located on land or water engaged in a land use, intended to be
11 engaged in a land use, or intended for supporting or sheltering any land use or occupancy, and which
12 can be used for housing, business, commercial, agricultural, storage or office purposes, either
13 temporarily or permanently.

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16 **C**

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19 Clearing means landclearing.

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22 Construction means the act of constructing a structure or building on real property by combining or
23 arranging one or more structural or building systems, components, parts, elements, assemblies, or sub-
24 assemblies.

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27 **D**

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30 Development means the making of any material change in the appearance of any land including but not
31 limited to landclearing and/or the clearing of land as an adjunct of construction, the making of any
32 material change in the use of any land, construction, the carrying out of any building activity, the
33 making of any material change in the appearance of any structure, the making of any material change
34 in the use of any structure, the dividing of land into three or more parcels, or the carrying out of any
35 mining operation, the carrying out of any building activity or mining operation, the making of any
36 material change in the use or appearance of any structure or land, or the dividing of land into three or
37 more parcels.

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39 The following activities or uses shall be taken for the purposes of this Comprehensive Plan to involve
40 “development,” as defined in this gGlossary:

41 a) Landclearing.

42 b) Clearing of land as an adjunct of construction.

43 c) Construction.

44 a) d) A reconstruction, alteration of the size, or material change in the external appearance of a
45 structure on land.

46 b) e) A change in the intensity of use of land, such as an increase in the number of dwelling units in a
47 structure or on land or a material increase in the number of businesses, manufacturing establishments,
48 offices, or dwelling units in a structure or on land.

1 e) ~~f)~~ Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any
2 “coastal construction” as defined in Section 161.021, F.S.
3 ~~d)~~ ~~g)~~ Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of
4 land.

5 e) ~~h)~~ Demolition of a structure.

6 ~~f) Clearing of land as an adjunct of construction.~~

7 ~~g)~~ ~~i)~~ Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

8 The following ~~operations or uses~~ shall not be taken for the purpose of this Comprehensive Plan to
9 involve “development” as defined in this ~~g)~~ ~~Glossary~~:

10 a) Work by a highway or road agency or railroad company for the maintenance or improvement of a
11 road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

12 b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity,
13 or water, for the purpose of inspecting, repairing, renewing on established rights-of-way or corridors,
14 or constructing on established rights-of-way or to-be-established rights-of-way or corridors, any
15 sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This
16 provision conveys no property interest and does not eliminate any applicable notice requirements to
17 affected land owners.

18 c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects
19 only the interior or the color of the structure or the decoration of the exterior of the structure.

20 d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to
21 enjoyment of the dwelling.

22 e) ~~A land use~~ ~~The use of any land~~ for the purpose of growing plants, crops, trees, and other agricultural
23 or forestry products; raising livestock; or for other agricultural purposes.

24 f) A change in use of land or structure from a use within a category specified in an ordinance or rule to
25 another use in the same category.

26 g) A change in the ownership or form of ownership of any parcel or structure.

27 h) The creation or termination of rights of access, riparian rights, easements, distribution and
28 transmission corridors, covenants concerning development of land, or other rights in land.

29 “Development,” includes all other development customarily associated with it unless otherwise
30 specified. When appropriate to the context, “development” refers to the act of developing or to the
31 result of development. Reference to any specific act, activity, land use, or operation is not intended to
32 mean that the act, activity, land use, or operation ~~operation or activity~~, when part of another act,
33 activity, land use, or operation, ~~other operations or activities~~, is not “development”. Particular
34 Reference to one or more type(s) or number(s) of land use, act(s), activity(ies), or operation-
35 ~~operations~~ is not intended to limit the generality of this definition.

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38 **G**

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41 *Greenhouse Gas Emissions (GHGEs)* means those emissions regulated under the Kyoto Protocol and
42 Paris Agreement, including: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O),
43 hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). Direct GHGEs
44 are emissions from sources that are owned or controlled by the reporting entity such as energy use for
45 the electricity generation by utilities. Indirect GHGEs are emissions that are a consequence of the
46 activities of the reporting entity, but occur at sources owned or controlled by another entity.

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3 Landclearing means the clearing or removal of vegetation and, including significant disturbance of
4 vegetation or substrate (soil) manipulation. Landclearing is not a land use and constitutes development
5 as the making of any material change in the appearance of any land.

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8 **N**

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11 *Nonconforming Use* means a land use which does not conform to a current provision or regulation
12 provided in the Comprehensive Plan and/or LDC.

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14 *Nonconforming Use, Lawful* means a land use which does not conform to a current provision or
15 regulation provided in the Comprehensive Plan and/or LDC, but was permitted, or otherwise in
16 existence lawfully, prior to the effective date of the ordinance adopting the current provision or
17 regulation that rendered the land use nonconforming.

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20 **R**

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23 *Redevelopment* means the development of a site already developed. This includes but is not limited to
24 rehabilitation, improvement, and/or demolition and replacement of existing development on a site

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27 **S**

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30 *Structure* means anything constructed, installed or portable, movable or not movable, temporary or
31 permanent, which requires a location on a parcel of land. the use of which requires a location on a
32 parcel of land. It includes a movable building that can be used for housing, business, commercial,
33 agricultural or office purposes, either temporarily or permanently. The term also includes but is not
34 limited to, buildings, roads, walkways of impervious materials, paths, fences, swimming pools, sport
35 courts, poles, utility lines, signs, cisterns, sewage treatment plants, sheds, docks, and other accessory
36 construction.

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39 **U**

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42 Use means land use.

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