



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

**To:** Development Review Committee and  
Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

**From:** Cheryl Cioffari, AICP, Assistant Director of Planning and  
Devin Tolpin, AICP, CFM, Principal Planner

**Date:** August 15, 2022

**Subject:** An Ordinance by the Monroe County Board of County Commissioners amending the Monroe County Comprehensive Plan as a small-scale comprehensive plan amendment pursuant to Section 163.3187, Florida Statutes, amending Policy 107.1.7 Coco Palms Affordable Housing Subarea to increase the maximum net density and to modify the permitted as-of-right uses and conditional uses for property located at 21585 Old State Road 4A, Cudjoe Key, as proposed by Smith Hawks, PL on behalf of Mobile Homes Holdings Coco, LLC; and to accompany a proposed amendment to the Future Land Use Map (FLUM) from Mixed Use / Commercial (MC) to Residential High (RH) (File 2022-084)

**Meeting:** August 23, 2022

#### I. REQUEST

On May 11, 2022, the Planning and Environmental Resources Department received an application from Smith Hawks, PL on behalf of Mobile Homes Holdings Coco, LLC (the "Applicant") to amend the Monroe County Year 2030 Comprehensive Plan to amend Policy 107.1.7 "Coco Palms Affordable Housing Subarea" to accompany a proposed Future Land Use Map (FLUM) amendment from Mixed Use/Commercial (MC) to Residential High (RH) and a proposed Land Use (Zoning) District Map amendment from Suburban Commercial(SC) to Urban Residential (UR) for a portion of property located at 21585 Old State Road 4A on Cudjoe Key (the "Property").

The proposed subarea policy would increase the maximum net density of the property from 18 dwelling units per buildable acre to 25 dwelling units per buildable acre. The limitation that the only permitted use on the property would be affordable housing and accessory uses remains. The proposed subarea policy amendment and associated FLUM amendment would be processed as "small-scale comprehensive plan amendments" pursuant to Section 163.3187, Florida Statutes, based on the size of the site and the limitation of development to affordable housing. The Applicant has also requested a corresponding Land Use District (Zoning) map amendment for the Property from Suburban Commercial (SC) to Urban

1 Residential (UR). *The subject of this staff report is the proposed comprehensive plan subarea policy (text*  
2 *amendment).*

## 4 **II. BACKGROUND INFORMATION**

### 6 **Site Information:**

7 **Location:** MM 22, Cudjoe Key

8 **Address:** 21585 Old State Road 4A

9 **Description:** Lot 30, Sacarma, Plat Book 2, Page 48, Cudjoe Key, Monroe County, Florida

10 **Parcel Identification Number:** 00174960-000000

11 **Owner/Applicant:** Mobile Homes Holdings Coco, LLC

12 **Size of Property:** 3.44 acres consisting of 2.27 acres (98,711.06 SF) of upland area per survey by Eric  
13 A. Isaacs of Florida Keys Land Surveying, dated 05/03/2022.

14 **FLUM Designations:** Mixed Use / Commercial (MC) and Residential Conservation (RC); pending  
15 application to amend to Residential High (RH) through File 2022-085

16 **Land Use Districts:** Suburban Commercial (SC) and Native Area (NA); pending application to  
17 amend to Urban Residential (UR) through File 2022-086

18 **Tier Designation:** III

19 **Flood Zones:** AE (EL 10)

20 **CBRS:** No

21 **Existing Use:** Developed with 17 mobile homes which are deed restricted affordable to a Declaration  
22 of Affordable Housing Deed Restriction recorded in the Public Records of Monroe County at Official  
23 Records Book 2747, Pages 1667-1677 and four (4) buildings comprised of 16 units of affordable  
24 housing, which are deed restricted affordable through an Employee Housing Deed Restriction  
25 recorded in the Public Records of Monroe County in Official Records Book 3030 Page 1540. A total  
26 of 33 deed restricted affordable dwelling units.

27 **Existing Vegetation/Habitat:** Mangrove, Buttonwood, Developed Land and Submerged Land

28 **Community Character of Immediate Vicinity:** Adjacent land uses include vacant land to the west,  
29 open water to the north, commercial and residential uses to the east, and single-family and multi-  
30 family residential uses to the south across US1.

31  
32 The Property currently has Land Use District (Zoning) designations of Suburban Commercial (SC) and  
33 Native Area (NA) and Future Land Use Map (FLUM) designations of Mixed Use/Commercial (MC) and  
34 Residential Conservation (RC).

35  
36 The property was partially within a BU-2 district (Medium Business) and RU-5P (Mobile Home Park  
37 Residential) prior to September 15, 1986. The mobile home park area of the site was entirely within the  
38 RU-5P district. With the adoption of the Comprehensive Plan's FLUM in 1997, the Property was given  
39 a FLUM designation of Mixed Use/Commercial (MC), Residential High (RH) and Residential  
40 Conservation (RC). In 2019, pursuant to Ordinance 002-2019, the Property was designated within the  
41 Mixed Use/Commercial (MC) and Residential Conservation (RC) FLUM category.

42  
43 The Property was historically used as a mobile home and RV park (Rainbow's End Trailer Park) and  
44 restaurant (Coco's Cantina) dating back to the 1970s. The Property is currently developed with 17 mobile  
45 homes and 16 multifamily deed restricted affordable dwelling units. In the shoreline area of the property,

1 there is mangrove habitat (based on GIS habitat data). A vegetation survey/existing conditions report was  
2 not submitted with the application to confirm the habitats.

3  
4 The Applicant is requesting a text amendment to the Monroe County Comprehensive Plan to amend  
5 Comprehensive Plan Policy 107.1.7 “Coco Palms Affordable Housing Subarea” to accompany a  
6 concurrently proposed Future Land Use Map amendment for the upland portion of the property from  
7 Mixed Use/Commercial (MC) to Residential High (RH) and a proposed Land Use District (Zoning) Map  
8 amendment for the upland portion of the property from Suburban Commercial (SC) to Urban Residential  
9 (UR). ***The subject of this staff report is the proposed text amendment to the Comprehensive Plan.***

10  
11 In the application materials, the Applicant states that the reason for the proposed amendments is “to allow  
12 the maximum net density for affordable housing dwelling units pursuant to the RH FLUM designation  
13 and the Urban Residential (“UR”) zoning district. The boundary of the subarea policy was previously  
14 identified and will not change based on the amendments contemplated herein.”

15  
16 The Applicant cites the following documents/data:

- 17 1. Florida Housing data compiled by the University of Florida; and
- 18 2. Monroe County Affordable Housing Report dated November 2007.

19  
20 This data indicates that in 2009, 37% of Monroe County households pay more than 30% of their income  
21 for housing and 18% of Monroe County households pay more than 30% of their income for housing<sup>1</sup>.  
22 Much of the data and analysis submitted as part of the application file is the same data and analysis used  
23 in the 2018 applications to establish the subarea and amend the FLUM and Zoning of the Property. The  
24 Applicant assert’s that “there has been a dramatic change in the median housing proves within Monroe  
25 County, which has made in increasingly difficult for the County to provide the much needed affordable  
26 housing options ...”; however, the data provided to support the assertion was from 2000-2005 from a  
27 “WFH Study” which provided information relevant to Monroe County and Islamorada. No more recent  
28 data or analysis was provided to justify the request.

29  
30 The Applicant’s full explanation and justification of the proposed amendments is included in the file for  
31 the application (File 2022-084).

32  
33 Staff has reviewed the Applicant’s position and supporting documentation, and agrees with the position  
34 that inadequate availability of affordable housing is currently a primary issue facing permanent residents  
35 of unincorporated Monroe County. In 2015, the BOCC acknowledged the County’s workforce housing  
36 issues and adopted Resolution 189-2015, assigning additional duties to the Affordable Housing Advisory  
37 Committee directing the committee to make recommendations for steps the County may take to address  
38 the need for more workforce housing options. The committee presented their recommendations to the  
39 BOCC at their regular meeting on August 17, 2016. The BOCC held a special meeting on December 6,  
40 2016, to discuss the recommendations, and provided direction to staff to move forward on several  
41 measures to encourage and incentivize the provision of affordable and workforce housing within the  
42 County. Affordable Housing continues to be a pressing issue for the County.

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<sup>1</sup> According to HUD, “cost-burdened” households pay more than 30% of their income for rent or mortgage costs.

1 Additionally, Monroe County suffered the loss of a significant number of housing units due to damage  
2 caused by Hurricane Irma on September 10, 2017. The BOCC has acknowledged that the pre-existing  
3 affordable housing issues facing the County are even greater and more immediate now due to storm-  
4 related losses.

5  
6 In 2020, the ALICE Report was updated with information based on American Community Survey (2010-  
7 2018). The new information affirms the trend of increased difficulty in being able to afford safe, well-  
8 constructed affordable housing.

## ALICE IN MONROE COUNTY

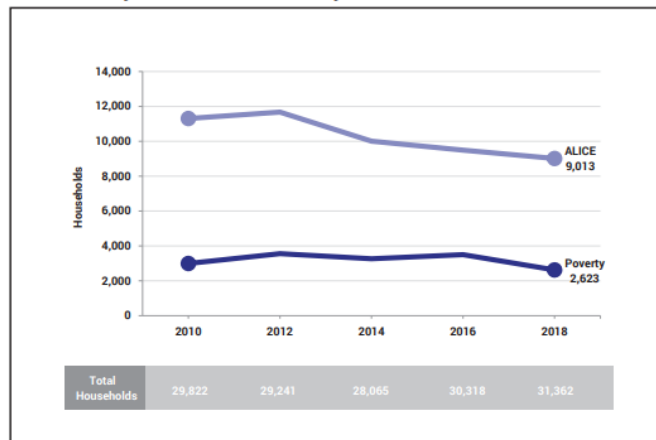
2018 Point-in-Time Data

Population: 75,027 • Number of Households: 31,362  
Median Household Income: \$71,973 (state average: \$55,462)  
Unemployment Rate: 3.1% (state average: 5.2%)  
ALICE Households: 29% (state average: 33%) • Households in Poverty: 8% (state average: 13%)

### How has the number of ALICE households changed over time?

ALICE is an acronym for Asset Limited, Income Constrained, Employed – households that earn more than the Federal Poverty Level, but less than the basic cost of living for the county (the ALICE Threshold). While conditions have improved for some households, many continue to struggle, especially as wages fail to keep pace with the cost of household essentials (housing, child care, food, transportation, health care, and a basic smartphone plan).

Households by Income, Monroe County, 2010 to 2018



Sources: ALICE Threshold, 2010-2018; American Community Survey, 2010-2018

**The cost of household basics outpaces wages...**

The Household Survival Budget reflects the bare minimum cost to live and work in the modern economy and includes housing, child care, food, transportation, health care, technology (a smartphone plan), and taxes. It does not include savings for emergencies or future goals like college or retirement. In 2018, household costs were well above the Federal Poverty Level of \$12,140 for a single adult and \$25,100 for a family of four.

Household Survival Budget, Monroe County, 2018		
	SINGLE ADULT	2 ADULTS, 1 INFANT, 1 PRESCHOOLER
<b>Monthly Costs</b>		
Housing	\$960	\$1,514
Child Care	\$-	\$1,275
Food	\$358	\$1,084
Transportation	\$375	\$843
Health Care	\$200	\$803
Technology	\$55	\$75
Miscellaneous	\$229	\$640
Taxes	\$341	\$802
<b>Monthly Total</b>	<b>\$2,518</b>	<b>\$7,036</b>
<b>ANNUAL TOTAL</b>	<b>\$30,216</b>	<b>\$84,432</b>
<b>Hourly Wage*</b>	<b>\$15.11</b>	<b>\$42.22</b>

\* Wage working full-time required to support this budget

For ALICE Survival Budget Sources, see the 2020 Methodology Overview available at [UnitedForALICE.org/Methodology](http://UnitedForALICE.org/Methodology)

Monroe County, 2018		
Town	Total HH	% ALICE & Poverty
Big Coppitt Key CDP	1,008	32%
Big Pine Key CDP	2,010	42%
Cudjoe Key CDP	1,031	33%
Duck Key CDP	305	32%
Islamorada	2,859	36%
Key Colony Beach	349	12%
Key Largo CDP	4,215	40%
Key West	10,021	36%
Key West CCD	12,926	37%
Lower Keys CCD	5,259	33%
Marathon	3,605	47%
Middle Keys CCD	4,460	44%
North Key Largo CDP	422	25%
Stock Island CDP	1,409	52%
Tavernier CDP	800	49%
Upper Keys CCD	8,324	39%

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As noted, this amendment is being proposed as a small scale amendment. Section 163.3187, F.S., establishes the process for adoption of a small-scale comprehensive plan amendment and provides the limitations and requirements (see below).

- (1) A small scale development amendment may be adopted under the following conditions:
  - (a) **The proposed amendment involves a use of 50 acres or fewer and:**
  - (b) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, **text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.**
  - (c) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment **involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552** or by the Administration Commission pursuant to s. 380.05(1).

(2) Small scale development amendments adopted pursuant to this section require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(11).

\* \* \*

1 (4) Comprehensive plans may only be amended in such a way as to preserve the internal  
2 consistency of the plan pursuant to s. 163.3177. Corrections, updates, or modifications of  
3 current costs which were set out as part of the comprehensive plan shall not, for the  
4 purposes of this act, be deemed to be amendments.  
5

6 While staff agrees with the position that inadequate availability of affordable housing is currently a  
7 primary issue facing unincorporated Monroe County, staff is also reviewing the proposed amendment for  
8 consistency with State Statutes (including 163.3187, F.S., above), Rules, internal consistency with the  
9 Comprehensive Plan and balancing all the requirements and policy issues.  
10

### 11 **Concept Meeting**

12 In accordance with LDC Section 102-158(a), a concept meeting was held on June 30, 2022 to discuss  
13 proposed Comprehensive Plan text amendment. It was determined that the proposed text amendment will  
14 **not** have a county-wide impact because it is a proposed site specific sub-area policy that would affect the  
15 one (1) parcel identified in the application.  
16

### 17 **Community Meeting and Public Participation**

18 Pursuant to LDC Section 102-158(d)(4)b., no community meeting is required.  
19

### 20 **Prior Relevant BOCC Action**

21 On February 20, 2019, the BOCC Adopted Ordinance 001-2019 which established Comprehensive Plan  
22 Policy 101.7.7 Coco Palms Affordable Housing Subarea. The Policy established a maximum net density  
23 of 18 dwelling units per buildable acre for a maximum development potential of 33 deed restricted  
24 affordable dwelling units designated as employee housing.  
25

26 On February 20, 2019, the BOCC Adopted Ordinance 002-2019 which amended the FLUM Designation  
27 for a portion of the Property from Residential High (RH) to Mixed Use / Commercial (MC).  
28

29 On February 20, 2019, the BOCC Adopted Ordinance 003-2019 which amended the Land Use (District)  
30 Zoning Designation for a portion of the Property from Urban Residential Mobile Home (URM) and Native  
31 Area to Suburban Commercial (SC).  
32

## 33 **III. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS**

34  
35 The Applicant's proposed text, as submitted on May 9, 2022, is shown as follows: additions are set forth  
36 below in blue underline and deletions are set forth in ~~blue strikethrough~~.  
37

38 \* \* \*

### 39 **GOAL 107**

40 Monroe County shall regulate land use and development activities of scarified portions of property with 50  
41 percent or more environmentally sensitive land that contains an existing nonconforming use by the enactment  
42 of area-specific regulations that allow development to occur subject to limitations and conditions designed to  
43 protect natural resources. For this Goal to be used, scarified portions of property shall not have been created  
44 purposefully without benefit of permit(s) as evidenced by pictorial aerial examination and/or other means  
45 available to the Growth Management Division.  
46

### 47 **Objective 107.1**

1 Monroe County shall coordinate land use with the elements of the Comprehensive Plan through Future Land  
2 Use Element subarea policies solely applicable to a specific geographic area. These subarea policies identify  
3 parcels of land that require narrowly-tailored regulation in order to confine development potential to an area or  
4 extent less than the maximum development potential allowed by its underlying Future Land Use Map category.  
5 The development parameters established for each subarea shall be based either on an inventory of uses and  
6 facilities established on the parcel or by data and analysis supporting the specific subarea limitations.  
7 Environmentally sensitive areas shall be preserved through the application of such methods as conservation  
8 easements that require mandatory eradication of exotic invasive vegetation.  
9

10 \* \* \*

11 **Policy 107.1.7: Coco Palms Affordable Housing Subarea**

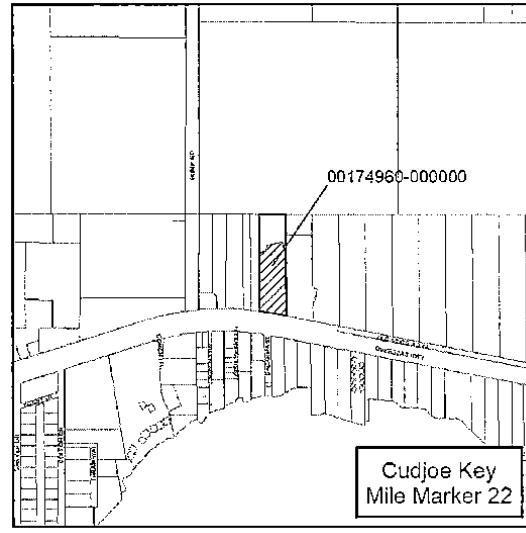
12 The purpose of Coco Palms Affordable Housing Subarea is to implement applicable goals, objectives,  
13 and policies of the Comprehensive Plan to promote and facilitate development of affordable housing to meet  
14 the needs of Monroe County.

- 15 1. Boundary. The Coco Palms Affordable Housing Subarea shall include the upland portion of the property  
16 having Real Estate Number 00174960-000000, which consists of approximately 2.30 acres of upland, and  
17 is legally described as follows (upland portion):  
18

19 LEGAL DESCRIPTION (Upland):  
20

21 A portion of Lot 30 Sacarma a subdivision of Government Lots 3 and 4 in Section 29, Township 66 South,  
22 Range 28 East, Cudjoe Key, Monroe County, Florida, recorded in Plat Book 2, Page 48 of the Public  
23 Records of Monroe County, Florida, and being more particularly described as follows: BEGIN at the  
24 Southwest corner of said Lot 30; thence N 00°28'49" W along the Westerly Line of said Lot 30 for a distance  
25 of 431.51 feet; thence N 49°54'16" E a distance of 6.89 feet; thence N 62°43'59" E a distance of 17.84 feet;  
26 thence N 74°45'27" E for a distance of 25.07 feet; thence N 52°36'11" E for a distance of 6.04 feet; thence  
27 N 18°29'29" E for a distance of 10.62 feet; thence N 13°02'59" E for a distance of 26.10 feet; thence N  
28 51°09'27" E for a distance of 8.57 feet; thence N 76°25'20" E for a distance of 49.23 feet; thence N  
29 83°33'07" E for a distance of 20.97 feet; thence N 71°51'34" E for a distance of 29.93 feet; thence S  
30 75°26'35" E for a distance of 8.32 feet; thence S 36°22'15" E for a distance of 16.80 feet; thence S 12°41'11"  
31 E for a distance of 31.84 feet; thence S 13°57'59" E for a distance of 38.49 feet; thence S 26°21'12" E for a  
32 distance of 5.72 feet to the Easterly Line of said Lot 30; thence S 00°28'49" E along the said Easterly Line  
33 of said Lot 30 for a distance of 464.64 feet to the Southeast corner of said Lot 30; thence N 79°07'38" W  
34 along the South Line of said Lot 30 (also being the Northerly Right-of-Way Line of Old State Road 4A)  
35 for a distance of 91.48 feet to a point of curvature of a curve concave to the South; thence in a Westerly  
36 direction along the curve, having a radius of 2025.86 feet; a Central angle of 03°09'58", a chord bearing of  
37 N 80°42'37" W and a chord length of 111.93 feet, for an arc distance of 111.95 feet to the Point of  
38 Beginning. Containing 100,371 sq. ft. or 2.3 Acres, more or less.





2. Land Use Designations. The Coco Palms Affordable Housing Subarea shall be subject to all regulations applicable to the ~~Mixed Use/Commercial (MC)~~ **Residential High (RH)** Future Land Use Map designation and the ~~Suburban Commercial (SC)~~ **Urban Residential (UR)** Land Use District (Zoning) category, as well as the additional restrictions set forth in this Policy. Where conflicts may arise, the specific restriction in this Sub Area Policy shall supersede the general criteria applicable to the underlying Future Land Use designation and Land Use District (Zoning) Category. In no case shall the subarea policy allow development potential greater than the underlying FLUM category or Land Use (Zoning) District.

3. Density Provisions.

- a. For consistency with Policy 101.5.26, in order to implement the Florida Keys Carrying Capacity Study and maintain the overall County allocated density and the preservation of native habitat, the allocated density for the Coco Palms Affordable Housing Subarea shall be zero (0).
- b. There shall be no maximum net density standard available for market-rate dwelling units or transient units.
- c. The maximum floor area ratio (F.A.R.) for all nonresidential uses within the subarea shall be zero.
- d. In accordance with Policy 101.5.25, the following density and intensity standards shall be applicable to the Coco Palms Affordable Housing Subarea.

Estimated Maximum Development Potential						
Land Use	Allocated Density	Maximum Net Density	Gross Upland Area of Site	Open Space Ratio	Buildable Area	Development Potential
Market Rate Dwelling Units	0 du/acre	N/A	N/A	N/A	N/A	0du/acre
Affordable Dwelling Units	0 du/acre	<del>18</del> <u>25</u> du/buildable acre	2.30 acres*	0.20	1.84	<del>33 du*</del> <u>46 du*</u>
Transient Units	0 du/acre	0 du/acre	N/A	N/A	N/A	0 du/acre



Nonresidential Uses	0.0 FAR	N/A	N/A	N/A	N/A	0 sf
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\*100,359 sf (2.3 acres) per survey by Frederick H. Hildebrandt, Island Surveying, Inc., dated 12/5/17.

4. Only the land uses listed below shall be permitted within the Coco Palms Affordable Housing Subarea.
  - a. Permitted as of right.
    - i. ~~Deed-restricted attached or~~ detached affordable dwelling ~~units involving less than six units,~~ designated as employee housing as provided for in LDC Section 139-1;
    - ii. Accessory Uses;
    - iii. Replacement of deed-restricted affordable dwelling units (mobile homes) which are as of the effective date of this Policy subject to Chapter 723, Florida Statutes, in the event of substantial damage or destruction, for so long as such deed-restricted affordable dwelling units (mobile homes) are subject to Ch. 723, Florida Statutes; and
    - iv. Non-conforming mobile homes existing as of the date of this policy may remain so long as they are not substantially damaged or destroyed. All current occupants may remain under their current leases. Upon expiration of any mobile home lease, in order to obtain a new lease, the tenant(s) must meet the qualifications for affordable employee housing.
  - b. Permitted as a minor conditional use subject to the standards and procedures set forth in the Monroe County Land Development Code Chapter 110, Article III.
    - i. Attached ~~or detached~~ dwellings ~~involving six to 18 units,~~ designated as employee housing as provided for in LDC Section 139-1.
  - ~~c. Permitted as a major conditional use subject to the standards and procedures set forth in Monroe County Land Development Code Chapter 110, Article III:~~
    - ~~i. Attached or detached dwellings involving more than 18 units, designated as employee housing as provided for in LDC Section 139-1.~~
  - d. Permitted and Conditional use limitations.
    - i. All residential units constructed within the subarea shall be deed-restricted affordable in accordance with Policy 601.1.4;
    - ii. No market-rate housing shall be allocated, assigned, transferred to the Coco Palms Affordable Housing Subarea, or otherwise developed within the Coco Palms Affordable Housing Subarea;
    - iii. Properties within the Coco Palms Affordable Housing Subarea shall not be eligible sender sites for affordable housing ROGO exemptions or TREs;
    - iv. No other residential or nonresidential uses shall be permitted within the subarea; and
    - v. All new residential units developed within the subarea shall be subject to the ROGO permit allocation system and after development of the ~~sixteen-thirteen (13)~~ new units the resulting ~~thirty-three (33)~~ forty-six (46) units shall consist of a maximum of ~~nineteen (19)~~ twenty-four (24) moderate income, ~~seven (7)~~ eleven (11) median income and ~~seven (7)~~ eleven (11) low-income affordable allocations. Once the ~~sixteen (16)~~ thirteen (13) new employee housing units are developed, the affordable housing income restrictions may be reconfigured within the property so as to ensure occupant(s) can meet the income requirements for the unit occupied.

**IV. ANALYSIS OF PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT FOR CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE LOWER**

1 **KEYS LIVABLE COMMUNIKEYS PLAN, THE PRINCIPLES FOR GUIDING**  
2 **DEVELOPMENT, AND FLORIDA STATUTES.**  
3

4 The Applicant's proposed amendment has two major prongs. First, there is a proposal to increase the  
5 maximum net density to 25 dwelling units per buildable acre which is consistent with the proposed  
6 Residential High (RH) FLUM designation and proposed Urban Residential (UR) zoning district. Second,  
7 the proposed language amends the permitted as-of-right and conditional uses.  
8

9 *Increase to Density*

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11  
12 As noted above in the Background Section of this Report, the maximum net density was increased on the  
13 Property in 2019 through Ordinance 001-2019 to a maximum development potential of 33 deed restricted  
14 affordable dwelling units designated as employee housing. At the time the BOCC considered the proposed  
15 amendments, there were 337 affordable ROGO allocations available. The Applicant has not indicated  
16 what circumstances have changed that may support a requested increase in maximum net density for deed  
17 restricted affordable housing.  
18

19 Furthermore, the Applicant has not indicated how additional ROGO allocations for the proposed future  
20 maximum development would be provided for the Property. As of the July 20 BOCC Meeting, the County  
21 has 30 affordable ROGO allocations available.  
22

23 *Changes to as-of-right and conditional uses*

24 The Applicant proposes language that would allow the following:

- 25 1. Detached affordable dwelling up to 46 attached dwelling units designated as employee housing as  
26 specified in Section 139-1 permitted as-of-right use; and
- 27 2. Attached affordable dwelling up to 46 attached dwelling units designated as employee housing as  
28 specified in Section 139-1 permitted as a minor conditional use.

29 Both of these changes would be consistent with the permitted as-of-right and minor conditional uses as  
30 established in the proposed UR zoning district. However, when the BOCC considered the proposed  
31 increase in 2018 specific to the Property, a discussion occurred that related to maintaining a required  
32 conditional use process to address site plan review and how units are permitted on the Property. Therefore,  
33 staff is not recommending changes to the as-of-right and conditional uses. Rather, staff would recommend  
34 the existing language be maintained.  
35

36 *Compliance with Florida Statutes Ch. 723*

37 Staff finds the maintenance of language allowing that the replacement of deed restricted affordable  
38 dwelling units (mobile homes) which are subject to Chapter 723, Florida Statutes, may be permitted, for  
39 so long as such deed restricted affordable dwelling units (mobile homes) are subject to Ch. 723, Florida  
40 Statutes, provides sufficient protection for the mobile home owners and complies with Florida Statues.  
41

42 **A. The proposed amendment may not be consistent with the Monroe County 2030 Comprehensive**  
43 **Plan, unless staff recommended edits and additional data and analysis are included as a part of**  
44 **the proposed text amendment to ensure internal consistency. Specifically:**  
45

1 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County  
2 residents and visitors, and protect valuable natural resources.

3  
4 **Objective 101.3**

5 Monroe County shall regulate new residential development based upon the finite carrying capacity of the natural  
6 and man-made systems and the growth capacity while maintaining a maximum hurricane evacuation clearance  
7 time of 24 hours.

8  
9 **Policy 101.3.3**

10 Monroe County shall allocate at least 20% of the annual allocation, or as may be established by the State of  
11 Florida, pursuant to Administration Commission Rules, to affordable housing units as part of ROGO. Any  
12 portion of the allocations not used for affordable housing shall be retained and be made available for affordable  
13 housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation shall meet the  
14 criteria specified in Policy 601.1.4 and the Land Development Code, but shall not be subject to the competitive  
15 Residential Permit Allocation and Point System in Policy 101.6.4. Any parcel proposed for affordable housing  
16 shall not be located within an area designated as Tier I as set forth under Goal 105 or within a Tier III-A Special  
17 Protection Area as set forth in Policy 205.1.1.

18  
19 **Objective 101.5**

20 Monroe County shall regulate future development and redevelopment to maintain and enhance the character of  
21 the community and protect natural resources by providing for the compatible distribution of land uses consistent  
22 with the designations shown on the Future Land Use Map.

23  
24 **Policy 101.5.26**

25 In order to continue to implement the Florida Keys Carrying Capacity Study, Monroe County shall promote the  
26 reduction in overall County residential density and the preservation of Monroe County's native habitat by  
27 enacting legislation which implements the following policy statements for private applications for future land  
28 use map amendments which increase allowable residential allocated density. Private application(s) means those  
29 applications from private entities with ownership of the upland development and parcel(s) of land or includes  
30 private upland development on County-owned land.

31  
32 Private applications requesting future land use map designation amendments received after the effective date  
33 of this ordinance (Nov. 20, 2012), which propose increases in allocated residential density shall be required,  
34 upon amendment approval, to comply with either option (1) or (2) below:...

35  
36 **Goal 102:** Monroe County shall direct future growth to lands which are most suitable for development and shall  
37 encourage conservation and protection of environmentally sensitive lands (wetlands, beach berm and tropical  
38 hardwood hammock).

39  
40 **Goal 601:** Monroe County shall adopt programs and policies to facilitate access by residents to adequate and  
41 affordable housing that is safe, decent, and structurally sound, and that meets the needs of the population based  
42 on type, tenure characteristics, unit size and individual preferences.

43  
44 **Policy 601.1.4**

45 All affordable housing projects which receive development benefits from Monroe County, including but not  
46 limited to ROGO allocation award(s) reserved for affordable housing, maximum net density, or donations of  
47 land, shall be required to maintain the project as affordable for a period of 99 years pursuant to deed restrictions  
48 or other mechanisms specified in the Land Development Code, and administered by Monroe County or the  
49 Monroe County Housing Authority.

50  
51 **Policy 601.1.8**

1 Monroe County shall allocate at least 20% of the annual ROGO allocation, or as may be established by the  
2 State of Florida, pursuant to Administration Commission Rules, to affordable housing units, as specified in  
3 Policy 101.3.3. Affordable housing eligible for this separate allocation must meet the criteria established in the  
4 Land Development Code.

5  
6 **Policy 601.1.9**

7 Monroe County shall maintain land development regulations which may include density bonuses, impact fee  
8 waiver programs, and other possible regulations to encourage affordable housing.

9  
10 **B. The proposed amendment may not be consistent with consistent with the Lower Keys Livable  
11 Communikeys Plan unless staff recommended edits and additional data and analysis are  
12 included as a part of the proposed text amendment to ensure internal consistency. Specifically:**

13  
14 **Objective 1.2**

15 Monroe County shall continue to use the Land Use District Map and Future Land Use Map categories to regulate  
16 land use by type, density, and intensity.

17  
18 *Policy Item 1.2.1:* Monroe County shall continue to recognize the FLUM categories and land use districts as  
19 the primary regulatory tools for evaluating development proposals.

20  
21 *Policy Item 1.2.2:* Monroe County shall continue to implement the Florida Keys Area of State Critical Concern  
22 and height restriction policies specified within the Monroe County Comprehensive Plan and the Monroe County  
23 Land Development Code.

24  
25 **Objective 4.2**

26 Monroe County shall encourage affordable and workforce housing in areas identified appropriate for higher  
27 intensity commercial, mixed-use, and residential development.

28  
29 **C. The amendment may not be consistent with the Principles for Guiding Development for the  
30 Florida Keys Area, Section 380.0552(7), Florida Statutes, unless staff recommended edits and  
31 additional data and analysis are included as a part of the proposed companion text amendment  
32 (File 2022-084) to ensure internal consistency.**

33  
34 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the  
35 principles for guiding development and any amendments to the principles, the principles shall be construed as  
36 a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- 37  
38 (a) Strengthening local government capabilities for managing land use and development so that local  
39 government is able to achieve these objectives without continuing the area of critical state concern  
40 designation.
- 41 (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds,  
42 wetlands, fish and wildlife, and their habitat.
- 43 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical  
44 vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and  
45 their habitat.
- 46 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic  
47 development.
- 48 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- 49 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and  
50 ensuring that development is compatible with the unique historic character of the Florida Keys.

- 1 (g) Protecting the historical heritage of the Florida Keys.  
 2 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major  
 3 public investments, including:  
 4  
 5 1. The Florida Keys Aqueduct and water supply facilities;  
 6 2. Sewage collection, treatment, and disposal facilities;  
 7 3. Solid waste treatment, collection, and disposal facilities;  
 8 4. Key West Naval Air Station and other military facilities;  
 9 5. Transportation facilities;  
 10 6. Federal parks, wildlife refuges, and marine sanctuaries;  
 11 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;  
 12 8. City electric service and the Florida Keys Electric Co-op; and  
 13 9. Other utilities, as appropriate.  
 14  
 15 (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and  
 16 replacement of stormwater management facilities; central sewage collection; treatment and disposal  
 17 facilities; and the installation and proper operation and maintenance of onsite sewage treatment and  
 18 disposal systems.  
 19 (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of  
 20 wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as  
 21 applicable, and by directing growth to areas served by central wastewater treatment facilities through  
 22 permit allocation systems.  
 23 (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.  
 24 (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.  
 25 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural  
 26 or manmade disaster and for a postdisaster reconstruction plan.  
 27 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the  
 28 Florida Keys as a unique Florida resource.  
 29

30 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the  
 31 Principles for Guiding Development as a whole and is not inconsistent with any Principle.  
 32

33 **D. The proposed amendment may not be consistent with the Part II of Chapter 163, Florida**  
 34 **Statute (F.S.), unless staff recommended edits and additional data and analysis are included**  
 35 **as a part of the proposed text amendment to ensure internal consistency. Specifically:**  
 36

37 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present  
 38 advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest;  
 39 overcome present handicaps; and deal effectively with future problems that may result from the use and  
 40 development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that  
 41 units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good  
 42 order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate  
 43 and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and  
 44 other requirements and services; and conserve, develop, utilize, and protect natural resources within their  
 45 jurisdictions.  
 46

47 163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set out in  
 48 this act and that no public or private development shall be permitted except in conformity with comprehensive  
 49 plans, or elements or portions thereof, prepared and adopted in conformity with this act.  
 50

51 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the  
 52 orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that

1 reflects community commitments to implement the plan and its elements. These principles and strategies shall  
2 guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive  
3 plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally  
4 provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and  
5 land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a  
6 consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the  
7 comprehensive plan but rather to require identification of those programs, activities, and land development  
8 regulations that will be part of the strategy for implementing the comprehensive plan and the principles that  
9 describe how the programs, activities, and land development regulations will be carried out. The plan shall  
10 establish meaningful and predictable standards for the use and development of land and provide meaningful  
11 guidelines for the content of more detailed land development and use regulations.  
12

13 163.3187 Process for adoption of small scale comprehensive plan amendment.—

- 14 (1) A small scale development amendment may be adopted under the following conditions:  
15 (a) The proposed amendment involves a use of 50 acres or fewer and:  
16 (b) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local  
17 government's comprehensive plan, but only proposes a land use change to the future land use map for a site-  
18 specific small scale development activity. However, text changes that relate directly to, and are adopted  
19 simultaneously with, the small scale future land use map amendment shall be permissible under this section.  
20 (c) The property that is the subject of the proposed amendment is not located within an area of critical state  
21 concern, unless the project subject to the proposed amendment involves the construction of affordable  
22 housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern  
23 designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1).  
24 (2) Small scale development amendments adopted pursuant to this section require only one public hearing  
25 before the governing board, which shall be an adoption hearing as described in s. 163.3184(11).  
26 (3) If the small scale development amendment involves a site within a rural area of opportunity as defined under  
27 s. 288.0656(2)(d) for the duration of such designation, the acreage limit listed in subsection (1) shall be  
28 increased by 100 percent. The local government approving the small scale plan amendment shall certify to  
29 the state land planning agency that the plan amendment furthers the economic objectives set forth in the  
30 executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo  
31 public review to ensure that all concurrency requirements and federal, state, and local environmental permit  
32 requirements are met.  
33 (4) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan  
34 pursuant to s. 163.3177. Corrections, updates, or modifications of current costs which were set out as part of  
35 the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.  
36 (5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to  
37 ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development  
38 amendment with this act within 30 days following the local government's adoption of the amendment and  
39 shall serve a copy of the petition on the local government. An administrative law judge shall hold a hearing  
40 in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and  
41 the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall  
42 be the petitioner, the local government, and any intervenor. In the proceeding, the plan amendment shall be  
43 determined to be in compliance if the local government's determination that the small scale development  
44 amendment is in compliance is fairly debatable. The state land planning agency may not intervene in any  
45 proceeding initiated pursuant to this section.  
46 (b)1. If the administrative law judge recommends that the small scale development amendment be found not in  
47 compliance, the administrative law judge shall submit the recommended order to the Administration  
48 Commission for final agency action. If the administrative law judge recommends that the small scale  
49 development amendment be found in compliance, the administrative law judge shall submit the  
50 recommended order to the state land planning agency.  
51 2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall  
52 submit, within 30 days following its receipt, the recommended order to the Administration Commission for  
53 final agency action. If the state land planning agency determines that the plan amendment is in compliance,  
54 the agency shall enter a final order within 30 days following its receipt of the recommended order.  
55 (c) Small scale development amendments may not become effective until 31 days after adoption. If challenged  
56 within 30 days after adoption, small scale development amendments may not become effective until the state

land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

- (d) In all challenges under this subsection, when a determination of compliance as defined in s. [163.3184\(1\)\(b\)](#) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.

163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

## **V. STAFF-RECOMMENDED CHANGES TO PROPOSED AMENDMENT**

It should be noted that the boundary survey submitted with this application and the concurrent LUD and FLUM amendments, prepared by Eric A. Isaacs of Florida Keys Land Surveying, dated 05/03/2022, indicates that the site has a total area of 3.44 acres consisting of 2.27 acres (98,711.06 SF) of upland area. This is inconsistent with the the proposed amendment and must be addressed.

Additionally, prior to Staff making recommended changes to the proposed amendment, the Applicant must provide available updated data regarding the need for affordable housing in Monroe County since the adoption of the current subarea policy and previous FLUM/zoning amendments.

## **VI. PROCESS**

Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). For a small-scale comprehensive plan amendment, pursuant to Section 163.3187, F.S., the BOCC holds one public hearing to consider the adoption of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing.

## **VIII. STAFF RECOMMENDATION**

Prior to Staff making a recommendation, the Applicant must provide available updated data regarding the need for affordable housing in Monroe County since the adoption of the current subarea policy and previous FLUM/zoning amendments. Additionally, staff requests the below items be addressed:



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2  
3  
4  
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6

1. Address the discrepancy of the upland area indicated on the submitted survey and the area described in the proposed text amendment; and
2. Address how additional ROGO allocations for the proposed future maximum development would be provided for the Property;
3. Provide “WFH Study” referenced in the data and analysis.