



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

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

From: Cheryl Cioffari, AICP, Comprehensive Planning Manager

Date: May 8, 2019

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, creating Policy 107.1.8 *Sugarloaf School Workforce Housing* Subarea; Establishing the boundary of the *Sugarloaf School Workforce Housing* Subarea; limiting the permitted uses of the subarea to deed restricted affordable housing dwelling units; limiting maximum net density for affordable housing in the subarea; and eliminating allocated density and floor area ratio for a 2.81-acre portion of property located at 255 Crane Boulevard on Sugarloaf Key as proposed by The School Board of Monroe County. (File #2019-038)

Meeting: May 29, 2019

I. REQUEST

On March 1, 2019, the Planning and Environmental Resources Department received an application from the School Board of Monroe County, Florida (the "Applicant") to amend the Monroe County Year 2030 Comprehensive Plan to create Policy 107.1.8 *Sugarloaf School Workforce Housing Area* to accompany a proposed Future Land Use Map (FLUM) amendment from Education (E) to Mixed Use / Commercial (MC) for a 2.81-acre portion of property located at 255 Crane Boulevard on Sugarloaf Key.

The proposed subarea policy would provide additional development restrictions on the 2.81 acre upland portion of the subject parcel, including a limitation that the only permitted use on the 2.81 acre the property would be affordable housing and accessory uses. The proposed subarea policy and 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.

1 **II. BACKGROUND INFORMATION**

2
3 **Site Information:**

4 **Location:** MM 19.3, Sugarloaf Key

5 **Address:** 255 Crane Boulevard

6 **Description:** A part of Government Lot 2, Section 36,
7 Township 66 South, Range 27 East, Sugarloaf Key, Monroe
8 County, Florida

9 **Parcel ID Number:** 00118050-000000

10 **Owner/Applicant:** The School Board of Monroe County,
11 Florida

12 **Size of Affected Portion of Property:** 122,458.33 SF (2.81
13 acres) per survey by Eric A. Isaacs, Florida Keys Land
14 Surveying, dated 7/17/18.

15 **FLUM Designations:** Education (E) and Residential
16 Conservation (RC)

17 **Land Use Districts:** Suburban Commercial (SC), Suburban
18 Residential (SR) and Native Area (NA)

19 **Tier Designation:** III-A (special protection area)

20 **Flood Zones:** AE (EL 11)

21 **CBRS:** No

22 **Existing Use:** Developed with baseball field and parking areas
23 which are accessory to the Sugarloaf School.

24 **Existing Vegetation/Habitat:** Developed Land, Freshwater Wetland and Hammock

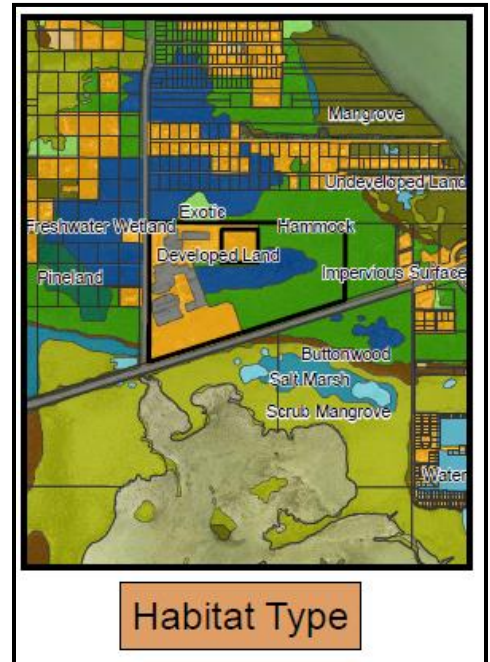
25 **Community Character of Immediate Vicinity:** Adjacent land uses include vacant land, residential
26 and institutional uses to the west; vacant land and residential uses to the north; vacant land,
27 residential and commercial uses to the east, and open water to the south across US1.
28

29 The property currently has a Land Use District (Zoning) designation of Suburban Commercial (SC),
30 Suburban Residential (SR) and Native Area (NA) and a Future Land Use Map (FLUM) designation
31 of Education (E) and Residential Conservation (RC). The property was within the SC district
32 (suburban commercial), NA district (native area) SR (suburban residential) prior to September 15,
33 1986. With the adoption of the Comprehensive Plan’s FLUM in 1997, the property was given the
34 current FLUM designation of Education (E), Residential Low (RL) and Residential Conservation
35 (RC).
36

37 The property is currently developed with the Sugarloaf School and accessory uses and structures. A
38 vegetation survey/existing conditions report was not submitted with the application to confirm the
39 habitats.
40

41 The Applicant is requesting a text amendment to the Monroe County Comprehensive Plan to establish
42 a site specific subarea policy to accompany a concurrently proposed Future Land Use Map amendment
43 from Education (E) to Mixed Use / Commercial (MC) for a 2.81-acre portion of the property.
44

45 In the application materials, the Applicant states that the reason for the proposed amendments is “Due
46 to concerns raised by the local community since the previous application [FLUM amendment] was



1 filed, the School Board proposes to implement a subarea policy which would limit the maximum
2 number of workforce housing units to be developed at the Property to twenty (20) affordable housing
3 units, and that would ensure that the Subject Property is utilized exclusively for workforce housing
4 and accessory use.”

5
6 The Applicant states:

The Monroe County School District has seen consistent patterns in hiring needs with turnover rates hovering around 18.44% on average over the last three years. While projections have remained consistent as it concerns hiring needs, the rate at which the District can fill and retain employees continues to plummet with the advent of recent meteorological activity and increasing property values. Unforeseen weather patterns, particularly in the aftermath of Hurricane Irma, have resulted in decreased housing availability particularly in the affordable housing market. Increased housing costs often exceed 25-28% income thresholds as would be both affordable to and comfortably managed by potential candidates. In particular, employee turnover has reflected the following rates:

Employee Turnover Rates 2008-2018

<u>Budget</u> <u>Year</u>	<u># of</u> <u>Separations</u>	<u># of</u> <u>Employees</u>	<u>Turnover</u> <u>Rate</u>
2015-2016	237	1035	22.90%
2016-2017	184	1042	17.66%
2017-2018	170	1150	14.78%

7 The need for affordable housing in Monroe County has never been greater than it is now.
8 Generally speaking, housing and real estate in the Florida Keys [particularly in the lower Keys]
9 is ranked among the highest in the nation coming in just below New York, New York and San
10 Francisco, California. Employees who have left their tenure with the Monroe County School
11 District in recent years have consistently cited the cost of living as a major factor in their
12 decision to leave. Prospective employees are often dissuaded from beginning a career with the
13 District because of an inability to find housing that they can afford.

14 The Applicant’s full explanation and justification of the proposed amendments is included in the file
15 for the application (File #2019-038).

Staff has reviewed the Applicant’s position and supporting documentation, and agrees with the position that inadequate availability of affordable housing is currently a primary issue facing permanent residents of unincorporated Monroe County. In 2015, the BOCC acknowledged the County’s workforce housing issues and adopted Resolution 189-2015, assigning additional duties to

1 the Affordable Housing Advisory Committee directing the committee to make recommendations for
 2 steps the County may take to address the need for more workforce housing options. The committee
 3 presented their recommendations to the BOCC at their regular meeting on August 17, 2016. The
 4 BOCC held a special meeting on December 6, 2016, to discuss the recommendations, and provided
 5 direction to staff to move forward on several measures to encourage and incentivize the provision of
 6 affordable and workforce housing within the County.
 7

8 The 2014 ALICE report indicates that renters in the Lower Keys areas are significantly housing
 9 burdened over 35%, as follows: by 68% in Key West, by 69% in Stock Island, by 72% in Big Coppitt,
 10 by 56% in the Lower Keys and by 42% in Big Pine Key.
 11

KEY FACTS AND ALICE STATISTICS FOR MONROE COUNTY
(From the ALICE Florida Report: Study of Financial Hardship, Fall, 2014, Appendix H)

Big Coppitt Key /Monroe County							
Population	Households	Poverty %	ALICE %	Above ALICE Threshold %	Unemployment Rate	Housing Burden over 35% Owner	Housing Burden over 35% Renter
2016	833	12%	35%	53%	9%	55%	72%
Big Pine Key/Monroe County							
Population	Households	Poverty %	ALICE %	Above ALICE Threshold %	Unemployment Rate	Housing Burden over 35% Owner	Housing Burden over 35% Renter
3777	1619	10%	35%	56%	4%	44%	42%
Key West							
Population	Households	Poverty %	ALICE %	Above ALICE Threshold %	Unemployment Rate	Housing Burden over 35% Owner	Housing Burden over 35% Renter
24870	9322	9%	35%	56%	4%	44%	68%
Lower Keys/Monroe County							
Population	Households	Poverty %	ALICE %	Above ALICE Threshold %	Unemployment Rate	Housing Burden over 35% Owner	Housing Burden over 35% Renter
10394	4314	8%	23%	62%	5%	42%	56%
Stock Island/ Monroe County							
Population	Households	Poverty %	ALICE %	Above ALICE Threshold %	Unemployment Rate	Housing Burden over 35% Owner	Housing Burden over 35% Renter
3736	1111	14%	62%	24%	8%	53%	69%

12
 13
 14
 15
 16
 17 In 2017, the ALICE Report was updated with information based
 18 on 2015 American Community Survey. The new information
 19 affirms the trend of increased difficulty in being able to afford
 20 safe, well-constructed affordable housing.

Monroe County, 2015		
Town	Total HH	% ALICE & Poverty
Big Coppitt Key CDP	880	45%
Big Pine Key CDP	1,922	49%
Cudjoe Key CDP	951	45%
Islamorada	2,813	47%
Key Colony Beach	391	31%
Key Largo CDP	4,207	49%
Key West	9,524	52%
Key West CCD	11,972	52%
Lower Keys CCD	4,976	44%
Marathon	3,003	56%
Middle Keys CCD	3,819	52%
North Key Largo CDP	401	23%
Stock Island CDP	1,162	68%
Tavernier CDP	897	54%
Upper Keys CCD	8,139	48%

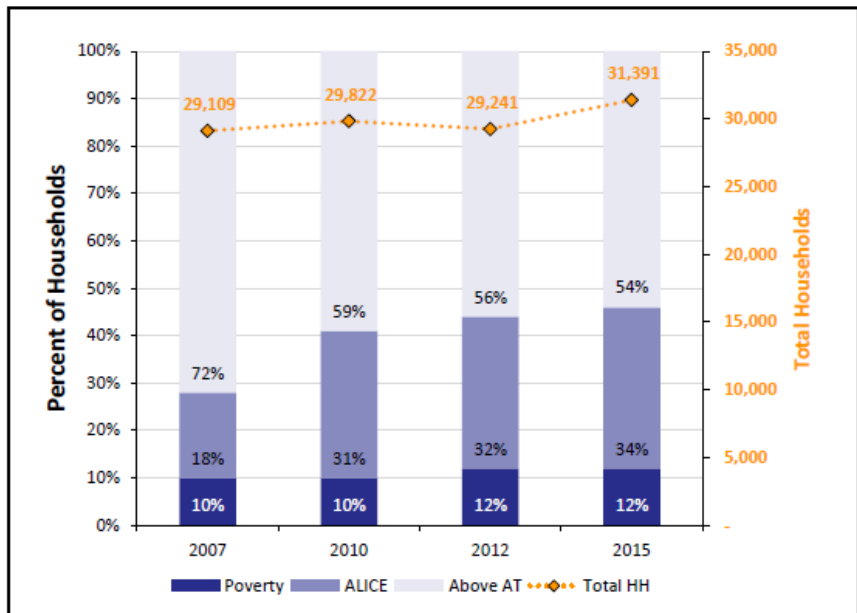
ALICE IN MONROE COUNTY

Population: 77,482 | **Number of Households:** 31,391
Median Household Income: \$61,020 (state average: \$49,426)
Florida Underemployment Rate for 2015: 11.5%
Households Below ALICE Threshold: 14,509 (46%)

How many households are struggling?

ALICE is an acronym for **A**sset Limited, **I**ncome **C**onstrained, **E**mloyed – households that earn more than the Federal Poverty Level, but less than the basic cost of living for the county (the ALICE Threshold, or AT). Combined, the number of poverty and ALICE households equals the total population struggling to afford basic needs. The percentage of households below the ALICE Threshold changes over time (left axis, blue bars) as does the total number of households (right axis, dotted yellow line). The Great Recession, from 2007 to 2010, caused hardship for many families. Conditions started to improve in 2010 and 2012 for some, but not for all.

Households by Income, 2007 to 2015



1

What does it cost to afford the basic necessities?

The bare-minimum Household Survival Budget does not include any savings, leaving a household vulnerable to unexpected expenses. ALICE households typically earn above the Federal Poverty Level of \$11,770 for a single adult and \$24,250 for a family of four, but less than the Household Survival Budget.

Household Survival Budget, Monroe County		
	SINGLE ADULT	2 ADULTS, 1 INFANT, 1 PRESCHOOLER
Monthly Costs		
Housing	\$1,200	\$1,635
Child Care	\$-	\$1,200
Food	\$165	\$547
Transportation	\$322	\$644
Health Care	\$165	\$634
Miscellaneous	\$221	\$522
Taxes	\$361	\$564
Monthly Total	\$2,434	\$5,746
ANNUAL TOTAL	\$29,208	\$68,952
POVERTY ANNUAL TOTAL	\$11,770	\$24,250

Sources: 2015 Point-in-Time Data: American Community Survey. ALICE Demographics: American Community Survey; the ALICE Threshold. Budget: U.S. Department of Housing and Urban Development (HUD); U.S. Department of Agriculture (USDA); Bureau of Labor Statistics (BLS); Internal Revenue Service (IRS); Florida Department of Education, Office of Early Learning.

2

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

- 9
10 (1) A small scale development amendment may be adopted under the following conditions:
11 (a) **The proposed amendment involves a use of 10 acres or fewer** and:
12 (b) The cumulative annual effect of the acreage for all small scale development amendments
13 adopted by the local government does not exceed a maximum of 120 acres in a calendar
14 year.
15 (c) The proposed amendment does not involve a text change to the goals, policies, and
16 objectives of the local government’s comprehensive plan, but **only proposes a land use**
17 **change to the future land use map for a site-specific small scale development activity.**
18 However, *text changes that relate directly to, and are adopted simultaneously with, the*
19 *small scale future land use map amendment shall be permissible* under this section.
20 (d) The property that is the subject of the proposed amendment is not located within an area
21 of critical state concern, **unless the project subject to the proposed amendment involves**
22 **the construction of affordable housing units meeting the criteria of s. 420.0004(3), and**
23 **is located within an area of critical state concern designated by s. 380.0552 or by the**
24 **Administration Commission pursuant to s. 380.05(1).**

25
26 (2) Small scale development amendments adopted pursuant to this section require only one public
27 hearing before the governing board, which shall be an adoption hearing as described in s.
28 163.3184(11).

29 * * *

30
31 (4) **Comprehensive plans may only be amended in such a way as to preserve the internal**
32 **consistency of the plan pursuant to s. 163.3177.** Corrections, updates, or modifications of current
33 costs which were set out as part of the comprehensive plan shall not, for the purposes of this act,
34 be deemed to be amendments.

35
36 While staff agrees with the position that inadequate availability of affordable housing is currently a
37 primary issue facing unincorporated Monroe County, staff is also reviewing the proposed amendment
38 for consistency with State Statutes (including 163.3187, F.S., above), Rules, internal consistency with
39 the Comprehensive Plan and balancing all the requirements and policy issues.

40
41 **Concept Meeting**

42 In accordance with LDC Section 102-158(a), a concept meeting was held on March 27, 2019 to discuss
43 proposed Comprehensive Plan text amendment. It was determined that the proposed text amendment
44 will **not** have a county-wide impact because it is a proposed site specific sub-area policy that would
45 affect a portion the one (1) parcel identified in the application.

1 **Development Review Committee and Public Input**

2 At a regular meeting held on April 23, 2019, the Development Review Committee (DRC) considered
3 the proposed Comprehensive Plan text amendment and provided for public comment.
4

5 **III. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS**

6
7 The Applicant’s proposed text, as submitted on March 1, 2019, is shown as follows: additions are in
8 underlined, deletions are ~~stricken through~~.
9

10 * * *

11 **GOAL 107**

12 Monroe County shall regulate land use and development activities of scarified portions of property
13 with 50 percent or more environmentally sensitive land that contains an existing nonconforming use
14 by the enactment of area-specific regulations that allow development to occur subject to limitations
15 and conditions designed to protect natural resources. For this Goal to be used, scarified portions of
16 property shall not have been created purposefully without benefit of permit(s) as evidenced by pictorial
17 aerial examination and/or other means available to the Growth Management Division.
18

19 **Objective 107.1**

20 Monroe County shall coordinate land use with the elements of the Comprehensive Plan through Future
21 Land Use Element subarea policies solely applicable to a specific geographic area. These subarea
22 policies identify parcels of land that require narrowly-tailored regulation in order to confine
23 development potential to an area or extent less than the maximum development potential allowed by
24 its underlying Future Land Use Map category. The development parameters established for each
25 subarea shall be based either on an inventory of uses and facilities established on the parcel or by data
26 and analysis supporting the specific subarea limitations. Environmentally sensitive areas shall be
27 preserved through the application of such methods as conservation easements that require mandatory
28 eradication of exotic invasive vegetation.
29

30 * * *

31 **Policy 107.1.8 Sugarloaf School Workforce Housing Area – Providing Limitations on Density**
32 **and Specific Restrictions**

33
34 Development in the Sugarloaf School Workforce Housing Area shall be subject to the provisions
35 applicable to the Mixed Use / Commercial Future Land Use Map Designation as set forth by the
36 Monroe County Year 2030 Comprehensive Plan, except as provided below:

- 37 1. Notwithstanding the maximum density set forth by Policy 101.5.25, the Maximum Net Density
38 of the Sugarloaf School Workforce Housing Area shall be 20 dwelling units.
39 2. Nonresidential uses shall be prohibited. Accessory uses to the residential development, such
40 as recreational facilities, shall be permitted.
41 3. No market rate or transient residential units shall be permitted.

IV. ANALYSIS OF PROPOSED AMENDMENT

The following table itemizes the individual components of the Applicant’s proposed subarea policy and provides staff’s analysis and recommendation for each item:

Applicant’s Proposed Language	Analysis	Staff Recommendation
<p><u>Policy 107.1.8 Sugarloaf School Workforce Housing Area – Providing Limitations on Density and Specific Restrictions</u></p> <p><u>Development in the Sugarloaf School Workforce Housing Area shall be subject to the provisions applicable to the Mixed Use / Commercial Future Land Use Map Designation as set forth by the Monroe County Year 2030 Comprehensive Plan, except as provided below:</u></p>	<p>The Comp Plan establishes the subarea policies to protect natural resources and provide for narrowly-tailored regulation in order to confine development potential to an area or extent less than the maximum development potential allowed by its underlying Future Land Use Map category.</p>	<p>Approval with modifications.</p> <p>Amend language to include a reference to the Suburban Commercial (SC) land use (zoning) district.</p>
<p>1. <u>Notwithstanding the maximum density set forth by Policy 101.5.25, the Maximum Net Density of the Sugarloaf School Workforce Housing Area shall be 20 dwelling units.</u></p>	<p>There is no definition for “workforce housing” in the Comprehensive Plan or the LDC. The Comprehensive Plan and the LDC defines “affordable housing”.</p> <p>Deed restricted affordable dwelling units are consistent with the purpose of the amendment and the requirements of small-scale comprehensive plan amendments pursuant to Section 163.3187, F.S.</p> <p>Staff recommends that a statement is added clarifying that all dwelling units on the subject property will be subject to the ROGO permit allocation system.</p>	<p>Approval with modifications.</p> <p>Amend policy to use the term “affordable housing” which is defined in the Comprehensive Plan and the LDC.</p> <p>Add statement that all new dwelling units on the subject property will be subject to the ROGO permit allocation system.</p>
<p>2. <u>Nonresidential uses shall be prohibited. Accessory uses to the residential development, such as recreational facilities, shall be permitted.</u></p>	<p>This statement is consistent with the purpose of the amendment. However, it does not clearly state any limitation on the maximum floor area ratio.</p>	<p>Approval with modifications.</p> <p>Add statement: the maximum floor area ratio (FAR) for all nonresidential uses within the subarea shall be zero.</p>
<p>3. <u>No market rate or transient residential units shall be permitted.</u></p>	<p>Policy should clarify that there is will be no maximum net density standard available for market-rate or transient units for internal consistency.</p>	<p>Approval with modifications.</p> <p>Add statement that there shall be no maximum net density standard available for market rate dwelling units or transient units.</p>

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

2
3 As noted above, the Applicant’s proposed text, as submitted on March 1, 2019, additions are shown
4 in underlined, deletions are ~~stricken through~~. Staff proposed amendments are as additions in red
5 underline, deletions are ~~red stricken through~~.

6
7 *****

8 **GOAL 107**

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

15
16 **Objective 107.1**

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

26
27 *****

28 **Policy 107.1.8 Sugarloaf School Workforce Housing SubAarea — Providing Limitations on**
29 **Density and Specific Restrictions**

30
31 Development in the Sugarloaf School Workforce Housing SubAarea shall be subject to the provisions
32 applicable to the Mixed Use / Commercial (MC) Future Land Use Map Designation, as set forth by
33 the Monroe County Year 2030 Comprehensive Plan, and the Suburban Commercial (SC) Land Use
34 District (Zoning) category. ~~except as provided below:~~

35 The following additional restrictions shall apply:

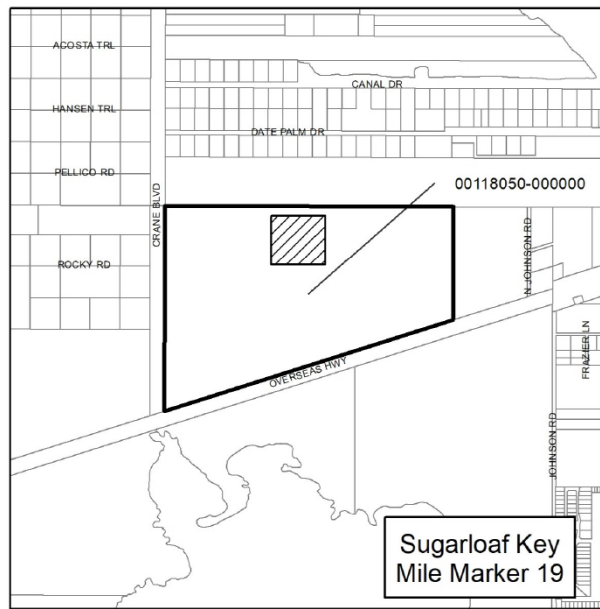
- 36 1. Notwithstanding the maximum density set forth by Policy 101.5.25, the Maximum Net Density
37 of the Sugarloaf School Workforce Housing Area shall be 20 ~~affordable~~ dwelling units.
- 38 2. Nonresidential uses shall be prohibited. Accessory uses to the residential development, such
39 as recreational facilities, shall be permitted.
- 40 3. The maximum floor area ratio (FAR) for all nonresidential uses within the subarea shall be
41 zero.
- 42 4. For consistency with Policy 101.5.26, in order to implement the Florida Keys Carrying
43 Capacity Study and maintain the overall County allocated density and the preservation of

1 native habitat, the allocated density for the Sugarloaf School Workforce Housing Subarea shall
2 be zero (0).

- 3 5. No market rate or transient residential units shall be permitted. There shall be no maximum
4 net density standard available for market rate dwelling units or transient units.
5 6. All new residential units developed within the subarea shall be subject to the ROGO permit
6 allocation system.
7 7. The Boundary of the Sugarloaf School Workforce Housing Subarea shall include
8 approximately 2.81 acres of upland, and is legally described as:

9
10 A part of Government Lot 2, Section 36, Township 66 South, Range 27 East, Sugarloaf Key,
11 Monroe County, Florida, being more particularly described as follow:

12
13 COMMENCING at the Northeast corner of said Section 36, thence N89°47'35"W along the
14 North line of the said Section 36 for a distance of 1550.96 feet to the Northeast corner of lands
15 described in Official Records Book 2350, at Page 420 of the Public Records of Monroe County,
16 Florida, said point bearing S89°47'35"E along the said North line of Section 36 a distance of
17 1089.00 feet measured from the East Right of Way line of Crane Boulevard; thence
18 S00°11'12"W along the East boundary line of the said lands described in Official Records
19 Book 2350, at Page 420 of the Public Records of Monroe County , Florida, for a distance of
20 65.66 feet to the Point of Beginning of the parcel of land hereinafter described.; thence continue
21 S00°11'12"W along the previously described course for a distance of 334.34 feet to the
22 Southeast corner of lands described in Official Records Book 2350, at Page 420 of the Public
23 Records of Monroe County , Florida, for a distance of 366.27 feet to a point; thence
24 N00°11'12"E for a distance of 334.34 feet to appoint; thence S89°47'35"E for a distance of
25 366.27 feet back to the Point of Beginning. Said parcel of land contains 122,458.33 square
26 feet, more or less.



27
28 *****
29

1 The proposed subarea policy would allow the development of up to twenty attached or detached affordable
2 dwelling units, designated as employee housing as provided for in LDC Section 139-1. Currently, the
3 Suburban Commercial (SC) zoning district allows the development of up to five (5) attached or detached
4 deed restricted affordable dwelling units, designated as employee housing as provided for in LDC Section
5 139-1, as of right; the development of 6 to 18 attached or detached deed restricted affordable dwelling
6 units, designated as employee housing as provided for in LDC Section 139-1, as a minor conditional use;
7 and the development of more than 18 attached or detached deed restricted affordable dwelling units,
8 designated as employee housing as provided for in LDC Section 139-1, as a major conditional use.
9

10 **VI. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE**
11 **LOWER KEYS LIVABLE COMMUNIKEYS PLAN, THE PRINCIPLES FOR GUIDING**
12 **DEVELOPMENT, AND FLORIDA STATUTES.**

13
14 **A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe**
15 **County 2030 Comprehensive Plan. Specifically, it furthers:**
16

17 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the
18 safety of County residents and visitors, and protect valuable natural resources.
19

20 **Objective 101.3**

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

25 **Policy 101.3.3**

26 Monroe County shall allocate at least 20% of the annual allocation, or as may be established by
27 the State of Florida, pursuant to Administration Commission Rules, to affordable housing units as
28 part of ROGO. Any portion of the allocations not used for affordable housing shall be retained and
29 be made available for affordable housing from ROGO year to ROGO year. Affordable housing
30 eligible for this separate allocation shall meet the criteria specified in Policy 601.1.4 and the Land
31 Development Code, but shall not be subject to the competitive Residential Permit Allocation and
32 Point System in Policy 101.6.4. Any parcel proposed for affordable housing shall not be located
33 within an area designated as Tier I as set forth under Goal 105 or within a Tier III-A Special
34 Protection Area as set forth in Policy 205.1.1.
35

36 **Objective 101.5**

37 Monroe County shall regulate future development and redevelopment to maintain and enhance the
38 character of the community and protect natural resources by providing for the compatible
39 distribution of land uses consistent with the designations shown on the Future Land Use Map.
40

41 **Policy 101.5.6**

42 The principal purpose of the Mixed Use/Commercial (MC) future land use category is to provide
43 for the establishment of mixed use commercial land use (zoning) districts where various types of
44 commercial retail and office may be permitted at intensities which are consistent with the
45 community character and the natural environment. Employee housing and commercial apartments
46 are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and

conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

This future land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and nonresidential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the preservation and enhancement of community character and recreational and commercial working waterfronts.

In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and
3. maximum net residential density shall be zero.

Policy 101.5.25

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20.

Future Land Use Densities and Intensities				Minimum Open Space Ratio ^(c)
Future Land Use Category And Corresponding Zoning	Residential ⁽¹⁾		Nonresidential	
	Allocated Density ^(a) (per upland acre)	Maximum Net Density ^{(a) (b)} (per buildable acre)	Maximum Intensity (floor area ratio)	
* * *				
Mixed Use/Commercial (MC) ^{(f)(g)} (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV) ^(h) 5-15 rooms/spaces	2 du (MI) 6-18du (SC) ^(k) 12 du (UC) 12-18 du (MU) ^(k) 18 du (DR) 10-25 rooms/spaces	0.10-0.45 (SC, UC, DR, MU) <2,500 SF (RV) 0.30-0.60 (MI)	0.20

Notes:

- (a) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net density bonuses shall not be available.
- (b) The Maximum Net Density is the maximum density allowable with the use of TDRs, or for qualifying affordable housing development. TDRs can be utilized to attain the density between the allocated density standard up to the maximum net density standard. Deed restricted affordable dwelling units may be built up to the maximum net density without the use of TDRs. "N/A" means that maximum net density bonuses shall not be available. Buildable acres means the portion of a parcel of land that is developable and is not required open space.
- (c) Additional open space requirements may apply based on environmental protection criteria; in these cases, the most restrictive requirement shall apply.
- (d) Future land use categories of Agriculture/Aquaculture, Education, Institutional, Preservation, Public Buildings/Lands, and Public Facilities, which have no directly corresponding zoning, may be used with new or existing zoning districts as appropriate.

- (e) Within the Mainland Native future land use district, campground spaces and nonresidential buildings shall only be permitted for educational, research or sanitary purposes.
- (f) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing future land use categories, the maximum floor area ratio shall be 0.10 and the maximum net density bonuses shall not be available.
- (g) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, adjacent to the shoreline, pursuant to Policy 101.5.6.
- (h) In the RV zoning district, commercial apartments shall be allowed, not to exceed 10% of total spaces allowed or in existence on the site, whichever is less.
- (i) The allocated density for the CFSD-20 zoning district (Little Torch Key) shall be 1 dwelling unit per acre, or 1 dwelling unit per parcel for those parcels existing as of September 15, 1986, whichever is less, and the maximum net density bonuses shall not be available. Residential density shall be allowed in addition to the permitted nonresidential uses and intensity (i.e., density and intensity shall not be counted cumulatively).
- (j) Within IS subdivisions with primarily single family residential units, IS-D zoning may be used with a RM future land use designation for platted lots which have a duplex that was lawfully established prior to September 15, 1986.
- (k) The maximum net density shall be 25 du/buildable acre for the UR zoning district and shall be 18 du/buildable acre for the MU and SC zoning district for development where all units are deed restricted affordable dwelling units. For the UR zoning district market rate housing may be developed as part of an affordable or employee housing project with a maximum net density not exceeding 18 du/buildable acre.
- (l) Vessels, including live-aboard vessels, or associated wet slips are not considered dwelling units and do not count when calculating density.

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

Policy 105.2.1

Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier 1); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows:

* * *

- 3. Infill Area (Tier III): Any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, except for dispersed and isolated fragments of environmentally sensitive lands of less than four acres in area, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of nonresidential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged, except within tropical hardwood hammock or pineland patches of an acre or more in area, where development is to be discouraged. Within an Infill Area are typically found: platted subdivisions with 50 percent or more developed lots situated in areas with few sensitive environmental features; full range of available public infrastructure in terms of paved roads, potable water, and

1 electricity; and concentrations of commercial and other nonresidential uses within
2 close proximity. In some Infill Areas, a mix of nonresidential and high-density
3 residential uses (generally 8 units or more per acre) may also be found that form a
4 Community Center.
5

6 **Objective 203.1**

7 Monroe County shall protect its mangrove wetlands by continuing to implement regulations which
8 will further reduce disturbances to mangroves and which will mitigate the direct and indirect
9 impacts of development upon mangroves. [§163.3177(6)d.2.d., F.S.; §163.3177(6)d.2.e., F.S.;
10 §163.3177(6)d.2.j., F.S.]
11

12 **Policy 203.1.1**

13 The open space requirement for mangrove wetlands shall be one hundred (100) percent. No fill
14 or structures shall be permitted in mangrove wetlands except for elevated, pile-supported
15 walkways, docks, piers and utility pilings. [§163.3177(6)d.2.d., F.S.; §163.3177(6)d.2.e., F.S.;
16 §163.3177(6)d.2.j., F.S.]
17

18 **Goal 601:** Monroe County shall adopt programs and policies to facilitate access by residents to
19 adequate and affordable housing that is safe, decent, and structurally sound, and that meets the
20 needs of the population based on type, tenure characteristics, unit size and individual preferences.
21

22 **Policy 601.1.4**

23 All affordable housing projects which receive development benefits from Monroe County,
24 including but not limited to ROGO allocation award(s) reserved for affordable housing, maximum
25 net density, or donations of land, shall be required to maintain the project as affordable for a period
26 of 99 years pursuant to deed restrictions or other mechanisms specified in the Land Development
27 Code, and administered by Monroe County or the Monroe County Housing Authority.
28

29 **Policy 601.1.8**

30 Monroe County shall allocate at least 20% of the annual ROGO allocation, or as may be
31 established by the State of Florida, pursuant to Administration Commission Rules, to affordable
32 housing units, as specified in Policy 101.3.3. Affordable housing eligible for this separate
33 allocation must meet the criteria established in the Land Development Code.
34

35 **Policy 601.1.9**

36 Monroe County shall maintain land development regulations which may include density bonuses,
37 impact fee waiver programs, and other possible regulations to encourage affordable housing.
38

39 **B. The proposed amendment is consistent with the Lower Keys Livable Communikeys Plan.**
40 **Specifically, it furthers:**
41

42 **Objective 1.2**

43 Monroe County shall continue to use the Land Use District Map and Future Land Use Map
44 categories to regulate land use by type, density, and intensity.
45

1 *Policy Item 1.2.1:* Monroe County shall continue to recognize the FLUM categories and land use
2 districts as the primary regulatory tools for evaluating development proposals.
3

4 *Policy Item 1.2.2:* Monroe County shall continue to implement the Florida Keys Area of State
5 Critical Concern and height restriction policies specified within the Monroe County
6 Comprehensive Plan and the Monroe County Land Development Code.
7

8 **Objective 4.2**

9 Monroe County shall encourage affordable and workforce housing in areas identified appropriate
10 for higher intensity commercial, mixed-use, and residential development.
11

12 **C. The amendment is consistent with the Principles for Guiding Development for the Florida** 13 **Keys Area, Section 380.0552(7), Florida Statutes.** 14

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

- 19 (a) Strengthening local government capabilities for managing land use and development so that local government is
20 able to achieve these objectives without continuing the area of critical state concern designation.
- 21 (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands,
22 fish and wildlife, and their habitat.
- 23 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for
24 example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- 25 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- 26 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- 27 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring
28 that development is compatible with the unique historic character of the Florida Keys.
- 29 (g) Protecting the historical heritage of the Florida Keys.
- 30 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public
31 investments, including:
 - 32 1. The Florida Keys Aqueduct and water supply facilities;
 - 33 2. Sewage collection, treatment, and disposal facilities;
 - 34 3. Solid waste treatment, collection, and disposal facilities;
 - 35 4. Key West Naval Air Station and other military facilities;
 - 36 5. Transportation facilities;
 - 37 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 38 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 39 8. City electric service and the Florida Keys Electric Co-op; and
 - 40 9. Other utilities, as appropriate.
- 41 (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and
42 replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and
43 the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- 44 (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater
45 management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by
46 directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- 47 (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- 48 (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- 49 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or
50 manmade disaster and for a postdisaster reconstruction plan.
51
52

1 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida
2 Keys as a unique Florida resource.
3

4 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with
5 the Principles for Guiding Development as a whole and is not inconsistent with any Principle.
6

7 **D. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.).**
8 **Specifically, the amendment furthers:**
9

10 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve
11 and enhance present advantages; encourage the most appropriate use of land, water, and
12 resources, consistent with the public interest; overcome present handicaps; and deal effectively
13 with future problems that may result from the use and development of land within their
14 jurisdictions. Through the process of comprehensive planning, it is intended that units of local
15 government can preserve, promote, protect, and improve the public health, safety, comfort,
16 good order, appearance, convenience, law enforcement and fire prevention, and general
17 welfare; facilitate the adequate and efficient provision of transportation, water, sewerage,
18 schools, parks, recreational facilities, housing, and other requirements and services; and
19 conserve, develop, utilize, and protect natural resources within their jurisdictions.
20

21 163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal
22 status set out in this act and that no public or private development shall be permitted except in
23 conformity with comprehensive plans, or elements or portions thereof, prepared and adopted
24 in conformity with this act.
25

26 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards,
27 and strategies for the orderly and balanced future economic, social, physical, environmental,
28 and fiscal development of the area that reflects community commitments to implement the plan
29 and its elements. These principles and strategies shall guide future decisions in a consistent
30 manner and shall contain programs and activities to ensure comprehensive plans are
31 implemented. The sections of the comprehensive plan containing the principles and strategies,
32 generally provided as goals, objectives, and policies, shall describe how the local government’s
33 programs, activities, and land development regulations will be initiated, modified, or continued
34 to implement the comprehensive plan in a consistent manner. It is not the intent of this part to
35 require the inclusion of implementing regulations in the comprehensive plan but rather to
36 require identification of those programs, activities, and land development regulations that will
37 be part of the strategy for implementing the comprehensive plan and the principles that
38 describe how the programs, activities, and land development regulations will be carried out.
39 The plan shall establish meaningful and predictable standards for the use and development of
40 land and provide meaningful guidelines for the content of more detailed land development and
41 use regulations.
42

43 163.3187, F.S. – Process for adoption of small-scale comprehensive plan amendment.—

44 (1) A small scale development amendment may be adopted under the following conditions:

45 (a) The proposed amendment involves a use of 10 acres or fewer and:

- 1 (b) The cumulative annual effect of the acreage for all small scale development
2 amendments adopted by the local government does not exceed a maximum of 120 acres
3 in a calendar year.
- 4 (c) The proposed amendment does not involve a text change to the goals, policies, and
5 objectives of the local government's comprehensive plan, but only proposes a land use
6 change to the future land use map for a site-specific small scale development activity.
7 However, text changes that relate directly to, and are adopted simultaneously with, the
8 small scale future land use map amendment shall be permissible under this section.
- 9 (d) The property that is the subject of the proposed amendment is not located within an
10 area of critical state concern, unless the project subject to the proposed amendment
11 involves the construction of affordable housing units meeting the criteria of s.
12 420.0004(3), and is located within an area of critical state concern designated by s.
13 380.0552 or by the Administration Commission pursuant to s. 380.05(1).
- 14 (2) Small scale development amendments adopted pursuant to this section require only one
15 public hearing before the governing board, which shall be an adoption hearing as described
16 in s. 163.3184(11).
- 17 (3) If the small scale development amendment involves a site within a rural area of
18 opportunity as defined under s. 288.0656(2)(d) for the duration of such designation, the 10-
19 acre limit listed in subsection (1) shall be increased by 100 percent to 20 acres. The local
20 government approving the small scale plan amendment shall certify to the state land
21 planning agency that the plan amendment furthers the economic objectives set forth in the
22 executive order issued under s. 288.0656(7), and the property subject to the plan
23 amendment shall undergo public review to ensure that all concurrency requirements and
24 federal, state, and local environmental permit requirements are met.
- 25 (4) Comprehensive plans may only be amended in such a way as to preserve the internal
26 consistency of the plan pursuant to s. 163.3177. Corrections, updates, or modifications of
27 current costs which were set out as part of the comprehensive plan shall not, for the
28 purposes of this act, be deemed to be amendments.
- 29 (5)(a) Any affected person may file a petition with the Division of Administrative Hearings
30 pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a
31 small scale development amendment with this act within 30 days following the local
32 government's adoption of the amendment and shall serve a copy of the petition on the local
33 government. An administrative law judge shall hold a hearing in the affected jurisdiction
34 not less than 30 days nor more than 60 days following the filing of a petition and the
35 assignment of an administrative law judge. The parties to a hearing held pursuant to this
36 subsection shall be the petitioner, the local government, and any intervenor. In the
37 proceeding, the plan amendment shall be determined to be in compliance if the local
38 government's determination that the small scale development amendment is in compliance
39 is fairly debatable. The state land planning agency may not intervene in any proceeding
40 initiated pursuant to this section.
- 41 (b) 1. If the administrative law judge recommends that the small scale development
42 amendment be found not in compliance, the administrative law judge shall submit the
43 recommended order to the Administration Commission for final agency action. If the
44 administrative law judge recommends that the small scale development amendment be
45 found in compliance, the administrative law judge shall submit the recommended order to
46 the state land planning agency.

1 2. If the state land planning agency determines that the plan amendment is not in
2 compliance, the agency shall submit, within 30 days following its receipt, the
3 recommended order to the Administration Commission for final agency action. If the state
4 land planning agency determines that the plan amendment is in compliance, the agency
5 shall enter a final order within 30 days following its receipt of the recommended order.

6 (c) Small scale development amendments may not become effective until 31 days after
7 adoption. If challenged within 30 days after adoption, small scale development
8 amendments may not become effective until the state land planning agency or the
9 Administration Commission, respectively, issues a final order determining that the adopted
10 small scale development amendment is in compliance.

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

14
15 163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory
16 authority.—It is the intent of this act that adopted comprehensive plans or elements thereof
17 shall be implemented, in part, by the adoption and enforcement of appropriate local regulations
18 on the development of lands and waters within an area. It is the intent of this act that the
19 adoption and enforcement by a governing body of regulations for the development of land or
20 the adoption and enforcement by a governing body of a land development code for an area
21 shall be based on, be related to, and be a means of implementation for an adopted
22 comprehensive plan as required by this act.

23 24 **VII. PROCESS**

25
26 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
27 Planning Commission, the Director of Planning, or the owner or other person having a contractual
28 interest in property to be affected by a proposed amendment. The Director of Planning shall review
29 and process applications as they are received and pass them onto the Development Review Committee
30 and the Planning Commission.

31
32 The Planning Commission shall hold at least one public hearing. The Planning Commission shall
33 review the application, the reports and recommendations of the Department of Planning &
34 Environmental Resources and the Development Review Committee and the testimony given at the
35 public hearing. The Planning Commission shall submit its recommendations and findings to the Board
36 of County Commissioners (BOCC). For a small-scale comprehensive plan amendment, pursuant to
37 Section 163.3187, F.S., the BOCC holds one public hearing to consider the adoption of the proposed
38 comprehensive plan amendment, and considers the staff report, staff recommendation, and the
39 testimony given at the public hearing.

40 41 **VIII. STAFF RECOMMENDATION**

42
43 Staff is requesting edits to comply with the requirements of the small scale amendment requirements
44 and internal consistency with the Comprehensive Plan. With the changes as stated in this staff report,
45 staff recommends approval of the proposed amendment creating Policy 107.1.8.