MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. __-2019

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.5.25 TO PROVIDE A DENSITY BONUS ABOVE THE MAXIMUM NET DENSITY FOR AFFORDABLE HOUSING FOR A PROPERTY SUBJECT TO A SITE-SPECIFIC SUBAREA POLICY ESTABLISHED UNDER PROPOSED GOAL 111 OF THE COMPREHENSIVE PLAN; ESTABLISHING GOAL 111 AND OBJECTIVE 111.1 TO INCENTIVIZE AFFORDABLE HOUSING DENSITY BONUSES THAT EXCEED THE ESTABLISHED MAXIMUM NET DENSITY PROVIDED IN POLICY 101.5.25; AND CREATING POLICY 111.1.1 STOCK ISLAND WORKFORCE SUBAREA 1: ESTABLISHING THE BOUNDARY OF THE STOCK ISLAND WORKFORCE SUBAREA 1; LIMITING THE PERMITTED USES OF THE SUBAREA TO DEED RESTRICTED AFFORDABLE HOUSING DWELLING UNITS; ESTABLISHING MAXIMUM NET DENSITY FOR AFFORDABLE HOUSING, HEIGHT AND OFF-STREET PARKING REQUIREMENTS IN THE SUBAREA; AND ELIMINATING ALLOCATED DENSITY AND FLOOR AREA RATIO; FOR PROPERTIES LOCATED AT 5700 LAUREL AVENUE, 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND; AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File #2018-120)

WHEREAS, on June 20, 2018, the Planning and Environmental Resources Department received an application from Barton W. Smith of Smith Hawks PL on behalf of Wreckers Cay Apartments at Stock Island, LLC (the “Applicant,”) to amend the Monroe County a Comprehensive Plan text amendment to create a goal and objective to incentivize affordable housing within Stock Island, and to create a subarea policy that would provide additional...
development restrictions for properties located at 6325 First Street, 6125 Second Street and 5700 Laurel Avenue on Stock Island (the “Property”), including a limitation that the only permitted use on the property would be affordable housing and accessory uses; and

WHEREAS, the Applicant has also requested a corresponding Land Development Code text amendment to allow for increased density for site specific subarea policies established under the proposed Goal; and

WHEREAS, the Applicant has also requested a corresponding Land Use District (Zoning) map amendment for the Property from Urban Residential Mobile Home (URM) to Urban Residential (UR), and

WHEREAS, the Monroe County Development Review Committee (DRC) reviewed and considered the proposed amendment at a regularly scheduled meeting held on the 25th day of June, 2019; and

WHEREAS, the Monroe County Planning Commission held a public hearing on the July 31, 2019, for review and recommendation of approval with changes as discussed during the hearing on the proposed Comprehensive Plan text amendment; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission made the following Findings of Fact and Conclusions of Law:

1. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County Year 2030 Comprehensive Plan; and
2. The proposed amendment is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern, Sec. 380.0552(7), F.S.; and
3. The proposed amendment is consistent with Part II of Chapter 163, Florida Statute; and

WHEREAS, the Monroe County Planning Commission adopted Resolution No. P29-19 recommending approval of the proposed amendment with the following changes:

1. Amend the proposed Policy 111.1.1 to allow a shoreside support facility associated with a mooring field as an accessory use within the RH FLUM and UR Zoning District;
2. Amend the proposed Policy 111.1.1 to state:
   a. The Eighty (80) market rate dwelling units may be transferred within Stock Island upon approval of a minor conditional use following the approval of a development agreement associated with the Wreckers Cay project. Additionally, the transferred market rate units shall not be used as transient units.
   b. The Thirty-Two (32) density rights that exceed the allocated density for the property of Forty-Eight (48) may be transferred in Stock Island upon approval of a minor conditional use, if deemed to be legally acceptable.
3. Amend the proposed Policy 111.1.1 to rental units only.

WHEREAS, at a regular meeting held on the _____ day of _____ 2019, the Monroe County Board of County Commissioners held a public hearing to consider the transmittal of the proposed text amendment, considered the staff report and provided for public comment and public participation in accordance with the requirements of state law and the procedures adopted for public participation in the planning process; and

WHEREAS, at the _____________, ____________ public hearing, the BOCC adopted Resolution __-2019, transmitting the proposed text amendment to the State Land Planning Agency; and

WHEREAS, the State Land Planning Agency reviewed the amendment and issued an Objections, Recommendations and Comments (ORC) report on _________________, received by the County on _________________; and

WHEREAS, the ORC report ___________________________; and

WHEREAS, the County has 180 days from the date of receipt of the ORC to adopt the proposed amendment, adopt the amendment with changes or not adopt the amendment; and

WHEREAS, at a regularly scheduled meeting on the __th day of _____, 201_, the BOCC held a public hearing to consider adoption of the proposed Comprehensive Plan text amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The text of the Monroe County Comprehensive Plan is hereby amended as follows (Deletions are shown strike through; additions are shown underlined):

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. [F.S. § 163.3177(6)(a)1.]

<table>
<thead>
<tr>
<th>Future Land Use Category and Corresponding Zoning</th>
<th>Residential (a)</th>
<th>Nonresidential</th>
<th>Minimum Open Space Ratio (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allocated Density (a) (per upland acre)</td>
<td>Maximum Net Density (a/b)</td>
<td>Maximum Intensity (floor area ratio)</td>
</tr>
</tbody>
</table>

Ord ___-2019
File 2018-120
<table>
<thead>
<tr>
<th>Residential High (RH) (IS-D(^{(1)}), URM, URM-L and UR zoning)</th>
<th>(per buildable acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 du (UR)</td>
<td>12—25 du (UR) (^{(k)})</td>
</tr>
<tr>
<td>1 du/lot (URM, URM-L)</td>
<td>N/A (IS-D, URM, URM-L)</td>
</tr>
<tr>
<td>2 du/lot (IS-D)</td>
<td>0</td>
</tr>
<tr>
<td>0—10 rooms/spaces</td>
<td>0—20 rooms/spaces</td>
</tr>
</tbody>
</table>

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).
Exhibit “A” to Transmittal Resolution

(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.

(m) Within the Residential Low future land use category, the maximum net density for platted lots of less than 0.40 gross acres within the SR zoning district shall be 1 dwelling unit per platted lot, provided all of the following conditions are met:

(n) Density increase above the max net density provided may be permitted for a property within a site-specific policy subarea under Goal 111.

1) The parcel must be one full platted lot shown on a plat approved by the County and duly recorded prior to January 2, 1996;

2) The platted lot may not be identified for any other use or purpose on the plat (e.g., "park," "common area," etc.);

3) The platted lot must have a Tier designation of Tier III;

4) Notwithstanding Policy 101.13.2, the maximum net density may only be reached with the transfer of one (1) full TDR to the SR lot, regardless of the size of the lot and the allocated density assigned to it;

5) The TDR must meet all requirements and procedures specified in Policy 101.13.3 and Section 130-160 of the Land Development Code;

6) TDRs under this provision may not be transferred into noise zones of 65 DNL or greater; and

7) The subject parcel must comply with Policy 301.2.5 regarding legal access.

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Goal 111
Monroe County shall manage future growth to enhance the quality of life and safety of County residents, and prioritize the provision of affordable housing that is safe, code compliant, and resilient. To incentivize the supply of affordable housing near employment centers, the County shall provide for the development of site-specific land use mechanisms, limited to density increases up to a maximum of 40 affordable dwelling units per buildable acre, transfer of ROGO exemptions within the Lower Keys, modification to height, and alternate off-street parking requirements, to augment the development potential to address the inadequate availability of affordable housing in the Lower Keys. This Goal shall only be available to properties within the Residential High (RH) Future Land Use Map (FLUM) category on Stock Island, as established through a site specific subarea policy.
Objective 111.1
Monroe County shall create site-specific subareas located in Stock Island which provide density increases up to a maximum of 40 affordable dwelling units per buildable acre for developing affordable housing in suitable areas located in close proximity to an employment center (Key West). Such site specific subareas may facilitate the transfer of ROGO-exemptions (TREs), may vary off-street parking requirements, and may allow for up to three (3) stories within the building height envelope. All site-specific area located on Stock Island shall require a Policy defining the development restrictions and allowances for the site.

Policy 111.1.1 Stock Island Workforce Subarea 1

Development of affordable housing in the Stock Island Workforce Subarea 1 shall be subject to regulations applicable to the Residential High (RH) Future Land Use Designation except as provided below:

1. Notwithstanding the density standards set forth in Policy 101.5.25, the Maximum Net Density of the Stock Island Workforce Subarea 1 shall be 40 dwelling units per buildable acre for property within the UR zoning districts and shall not require transferable development rights.
2. There shall be no allocated or maximum net density standard available for market rate dwelling units or transient units.
3. The maximum floor area ratio (FAR) for all nonresidential uses within the subarea shall be zero. A shoreside support facility associated with a mooring field as an accessory use associated with the Wreckers Cay project within the RH FLUM and UR Zoning District.
4. Buildings that are elevated to three (3) feet above base flood may be developed with to be three (3) habitable floors.
5. Parking requirements shall be 1 parking space per one bedroom unit, 1.5 parking spaces per two bedroom unit, and 2 parking spaces per three bedroom unit, based on acceptable data and analysis reviewed and approved by the Planning Director that evidences the sufficient intermodal transportation including bus stops, bicycle paths, and utilization of scooters.
6. Nonresidential uses shall be prohibited. Accessory uses to the residential development, such as a club house or recreational facilities, are permitted. A shoreside support facility associated with a mooring field as an accessory use associated with the Wreckers Cay project within the RH FLUM and UR Zoning District.
7. All new residential units developed within the Stock Island Workforce Subarea 1 shall be subject to the ROGO permit allocation system.
8. The protest procedures set forth within Sec. 102-158(d)(8) are applicable to applications submitted under this Policy 111.1.1.
9. A development agreement shall be required for any proposed development of an affordable housing project within the Stock Island Workforce Subarea 1 to define the income category distribution for the proposed development.

10. All new affordable units developed within the Stock Island Workforce Subarea 1 shall require occupants to derive at least seventy percent (70%) of their household income from gainful employment in Monroe County.

11. The boundary for the Stock Island Workforce Subarea 1 is legally described as: <provide full legal description of the subarea>

   <insert map>

12. The affordable units shall be rental units only.

13. The Eighty (80) market rate dwelling units may be transferred to IS and/or URM zoning districts and may not be used for rentals less than 28 days.

Section 2. **Severability.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. **Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. **Transmittal.** This ordinance shall be transmitted by the Director of Planning to the State Land Planning Agency pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. **Filing and Effective Date.** This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes and after any applicable challenges have been resolved.

Section 6. **Inclusion in the Comprehensive Plan.** The text amendment shall be incorporated in the Monroe County Comprehensive Plan. The numbering of the foregoing amendment may be renumbered to conform to the numbering in the Monroe County Comprehensive Plan.
PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the _____ day of _________________.

Mayor Sylvia Murphy, District 5
Mayor Pro Tem Danny L. Kolhage, District 1
Commissioner Michelle Coldiron, District 2
Commissioner Heather Carruthers, District 3
Commissioner David Rice, District 4

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY ________________________________
Mayor Sylvia Murphy
(SEAL)

ATTEST: KEVIN MADOK, CLERK

________________________
DEPUTY CLERK