



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

July 24, 2019

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 024-2019 amending Monroe County Land Development Code Section 139-1, Affordable and Employee Housing, Administration: to specify that when calculating overall density on a parcel, affordable housing density and hotel/motel density shall not be counted cumulatively against each other (operating as a density bonus for the development of affordable/employee housing on properties with a hotel/motel); 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 Code; providing for an effective date. (File 2017-075).

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on July 17, 2019. Should you have any questions, please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

cc: Planning & Environmental
County Attorney
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO.024-2019

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 139-1, AFFORDABLE AND EMPLOYEE HOUSING, ADMINISTRATION: TO SPECIFY THAT WHEN CALCULATING OVERALL DENSITY ON A PARCEL, AFFORDABLE HOUSING DENSITY AND HOTEL/MOTEL DENSITY SHALL NOT BE COUNTED CUMULATIVELY AGAINST EACH OTHER (OPERATING AS A DENSITY BONUS FOR THE DEVELOPMENT OF AFFORDABLE/EMPLOYEE HOUSING ON PROPERTIES WITH A HOTEL/MOTEL); 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 CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2017-075)

WHEREAS, on May 23, 2017, the Planning and Environmental Resources Department received an application from Barton W. Smith of Smith Hawks on behalf of Longstock II, LLC, "the Applicant," to amend the Monroe County Land Development Code Section 139-1(a)(5) to clarify that the calculation of density for any existing lawfully established or proposed affordable or employee housing on a parcel shall be excluded from the calculation of the total gross nonresidential floor area development and hotel/motel density that may be lawfully established on a parcel; and

WHEREAS, Florida Statute Sections 163.3194 and 163.3201 require land development regulations to be consistent with and implement the Comprehensive Plan; and

WHEREAS, the Monroe County Development Review Committee (DRC) considered the proposed amendment at a regularly scheduled meeting held on the 24th day of April, 2018 and recommended approval; and

WHEREAS, the Monroe County Planning Commission held a public hearing on May 29, 2018, for review and recommendation on the proposed amendment, and tabled the proposed amendment; and

WHEREAS, the Monroe County Planning Commission held a public hearing on October 24, 2018, for review and recommendation on the proposed amendment; and

WHEREAS, based on discussion and public input at the hearing, the PC recommended approval through Resolution P42-18 of the proposed amendment with the following changes:

1. Require that of the affordable units developed on a parcel, a minimum of 50% or one (1) dwelling unit, whichever is greater, are low or very low income;
2. Require that of the affordable units developed on a parcel, 50% of new affordable units are allotted to on-site personnel;
3. Cap the combined for hotel/motel rooms or spaces and affordable or employee housing density at 25 dwelling units per buildable acre; and
4. Limit the text amendment to Stock Island.

WHEREAS, at a regularly scheduled meeting held on the 21st day of March, 2019, the Monroe County Board of County Commissioners held a public hearing, 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, based upon the documentation submitted and information provided in the accompanying staff report, the BOCC makes the following 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
4. The proposed amendment is necessary due to changed projections, changed assumptions and new issues, as required by Section 102-158 of the Monroe County Code.

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

Section 1. The Monroe County Land Development Code is hereby amended as follows. (Deletions are shown stricken through; additions are shown underlined):

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Sec. 139-1. Affordable and Employee Housing; Administration.

(a) Generally.

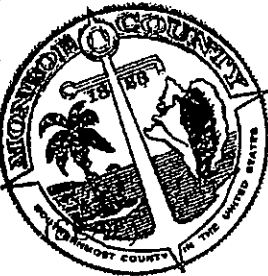
- 1 (1) Notwithstanding the density limitations in Section 130-157, the owner of a parcel of
2 land shall be entitled to:
- 3 a. Develop affordable and employee housing as defined in Section 101-1, on parcels of
4 land classified as Urban Residential (UR) at an intensity up to a maximum net
5 residential density of 25 dwelling units per acre and on parcels of land classified as
6 Mixed Use (MU) at an intensity up to a maximum net residential density of 18
7 dwelling units per acre.
- 8 b. Develop affordable and employee housing, as defined in Section 101-1, on parcels
9 of land classified as Suburban Commercial (SC) at an intensity up to a maximum
10 net residential density of 18 dwelling units per acre and on parcels of land classified
11 as Urban Residential (UR) at an intensity up to a maximum net residential density
12 of 25 dwelling units per acre.
- 13 c. Develop market rate housing, as defined in Section 101-1, as part of an affordable or
14 employee housing project in accordance with subsection (a)(8) of this section,
15 provided that on parcels of land classified as Urban Residential (UR), the maximum
16 net residential density shall not be greater than 18 dwelling units per acre.
- 17 (2) The maximum net residential density allowed per district and by this section shall not
18 require Transferable Development Rights (TDR) for affordable and employee housing
19 and market rate housing developed in accordance with subsection (a)(8) of this section.
- 20 (3) Market rate housing developed in accordance with subsection (a)(8) below shall be
21 eligible to receive points pursuant to Section 138-28(a)(6).
- 22 (4) The requirements of this Land Development Code for the provision of impact fees shall
23 be waived for affordable and employee housing and any market rate housing developed
24 in accordance with subsection (a)(8) of this section.
- 25 (5) Notwithstanding the provisions of this article, when calculating density, any existing
26 lawfully established or proposed affordable or employee housing on a parcel and the
27 floor area thereof shall be excluded from the calculation of the total gross nonresidential
28 floor area and hotel/motel density development that may be lawfully established on the
29 parcel, provided, however, that the total residential density allowed on the site shall not
30 exceed the maximum net density for affordable and employee housing.

31
32 In order for affordable density to be excluded from hotel/motel density on a parcel as
33 set forth in Subsection (5) above, the following criteria must be met:

- 34 a. All affordable units must be deed restricted as employee housing, as defined
35 in Section 101-1;
- 36 b. The ratio of affordable units must adhere to the following schedule:
- 37 i. A maximum of 25% moderate income, and a minimum of
38 25% low income or very low income, or one (1) dwelling
39 unit, whichever is greater; and
- 40 ii. 50% of affordable units shall be allotted to on-site personnel;

1 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,
2 Florida, at a regular meeting held on the 17th day of July, 2019.

3		
4	Mayor Sylvia Murphy, District 5	<u>No</u>
5	Mayor Pro Tem Danny L. Kolhage, District 1	<u>Yes</u>
6	Commissioner Michelle Coldiron, District 2	<u>Yes</u>
7	Commissioner Heather Carruthers, District 3	<u>Yes</u>
8	Commissioner David Rice, District 4	<u>Yes</u>
9		



BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY

Sylvia J. Murphy
Mayor Sylvia Murphy

19 ATTEST: KEVIN MADOK, CLERK

20 Kevin Madok

21 DEPUTY CLERK
22

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Steven T. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 7/15/19

FILED FOR RECORD
2019 JUL 24 PM 1:00
CLERK CIR. CT.
MONROE COUNTY, FL

THE CITIZEN

KEY WEST

The Florida Keys Only Daily Newspaper, Est. 1876

PO Box 1800, Key West FL 33041

P: (305) 292-7777 ext. 219 F: (305) 295-8025

legals@keysnews.com

MONROE CO PLANNING DEPT
MURRY E NELSON GOVERNMENT CENTER
102050 OVERSEAS HWY
KEY LARGO FL 33037

Account: 138694

Ticket: 301032

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[legal.text]

Before the undersigned authority personally appeared

Misty Graves, who on oath says that he or she is
an employee of the Key West Citizen, a daily
newspaper published in Key West, in Monroe County, Florida; that the attached
copy of advertisement, being a legal notice in the matter of was published in said
newspaper in the issues of:

Sunday, June 30, 2019

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Affirmed and subscribed before me this 30th day of June 2019

(Notary/Public Signature)

(Notary Public Printed Name)

(Notary Seal)

My commission expires 6-27-22

Personally Known X Produced Identification

Type of Identification Produced



Sue Lynn Stamper
COMMISSION # GG232802
EXPIRES: June 27, 2022
Bonded Thru Aaron Notary

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **NOTICE OF PUBLIC MEETING AND** **NOTICE OF PUBLIC HEARING** **NOTICE OF CHANGE TO MONROE** **COUNTY FUTURE LAND USE MAP** **NOTICE OF AMENDMENT TO THE** **MONROE COUNTY** **LAND USE DISTRICT (ZONING) MAP** **NOTICE OF CHANGE TO** **COMPREHENSIVE PLAN** **NOTICE OF CHANGE TO LAND** **DEVELOPMENT REGULATIONS**

July 17, 2019

NOTICE IS HEREBY GIVEN that on Wednesday, July 19, 2019, the Monroe County Board of County Commissioners will hold a Public Meeting at the Marathon Government Center, 2798 Overseas Highway, Marathon, Monroe County, Florida, to review and receive public comment for the following items:

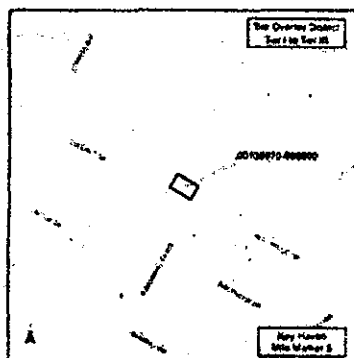
PUBLIC HEARINGS: 1:30 PM (or as soon thereafter as may be heard):

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 139-1, AFFORDABLE AND EMPLOYEE HOUSING; ADMINISTRATION, TO SPECIFY THAT WHEN CALCULATING DENSITY, AFFORDABLE HOUSING DENSITY SHALL BE EXCLUDED FROM CALCULATIONS OF CUMULATIVE HOTEL/MOTEL DENSITY ON A PARCEL (OPERATING AS A DENSITY BONUS FOR THE DEVELOPMENT OF AFFORDABLE/EMPLOYEE HOUSING ON PROPERTIES WITH A HOTEL/MOTEL); AS PROPOSED BY LONGSTOCK II, 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 CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2017-075)

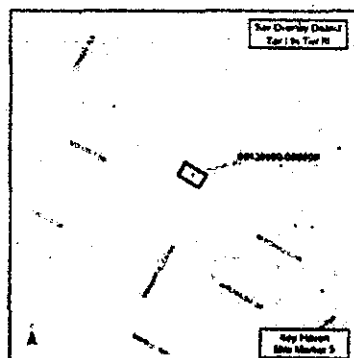
AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III, FOR PROPERTY LOCATED AT MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 3, LOT 15, KEY HAVEN ESTATES, SIXTH ADDITION, RACCOON KEY PLAT BOOK 5, PAGE 18, RACCOON KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NO. 00136870-000000, AS PROPOSED BY ROBERTO LOPEZ AND MARGO REV TRUST; 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 AMENDMENT TO THE TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2018-238) See Map 1 below:

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III, FOR PROPERTY LOCATED AT MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 3, LOT 16, KEY HAVEN ESTATES, SIXTH ADDITION, RACCOON KEY PLAT BOOK 5, PAGE 18, RACCOON KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NO. 00136880-000000, AS PROPOSED BY ROBERTO LOPEZ AND MARGO REV TRUST; 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 AMENDMENT TO THE TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2018-238) See Map 2 below:

Map 1



Map 2



AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 010-2017 AND EXTENDED 365 DAYS THROUGH ORDINANCE 019-2018, FOR AN ADDITIONAL 365 DAYS TO DEFER THE ACCEPTANCE AND APPROVAL OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING FACILITIES COMMENCING OCTOBER 27, 2019, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENT PROCESS IS COMPLETED REGARDING MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING FACILITIES AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-061)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 012-2017, AND EXTENDED THROUGH ORDINANCE 018-2018, FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED FOR COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE AMENDMENTS, DEVELOPMENT AGREEMENTS (INCLUDING 380 DEVELOPMENT AGREEMENTS), AND MINOR AND MAJOR CONDITIONAL USE PERMITS (EXCLUDING APPLICATIONS PROPOSING ONLY AFFORDABLE HOUSING DWELLING UNITS), WITH PROPOSED OCCUPANCY BY "THREE UNRELATED PEOPLE" OR "TWO UNRELATED PEOPLE AND ANY CHILDREN RELATED TO EITHER OF THEM" OF A DWELLING UNIT, AND APPLICATIONS UTILIZING THE TERM "LOCK-OUT," COMMENCING OCTOBER 27, 2019, UNTIL THE BOCC CAN REVIEW AND POSSIBLY AMEND THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE REGARDING THE DEFINITIONS OF DWELLING UNIT; HOUSEHOLD; FAMILY AND THE UNDEFINED TERM "LOCK-OUT" OF A DWELLING UNIT; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-081)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 011-2017, AND EXTENDED THROUGH ORDINANCE 020-2018, FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW PRIVATE APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED UTILIZING MONROE COUNTY CODE SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) TO TRANSFER ROGO EXEMPTIONS FROM MOBILE HOMES TO ANOTHER LOCATION, OR SECTION 139-22(B) TO TRANSFER OFF-SITE "MARKET RATE UNITS TO ANOTHER LOCATION, COMMENCING OCTOBER 27, 2019, UNTIL THE LAND DEVELOPMENT CODE IS AMENDED TO LIMIT THE TRANSFER OF ROGO EXEMPTIONS FROM MOBILE HOMES TO ONLY TIER III DESIGNATED PLATTED LOTS WITHIN THE IMPROVED SUBDIVISION (IS) LAND USE DISTRICT OR THE URBAN RESIDENTIAL MOBILE-HOME (URM) LAND USE DISTRICT AND WITHIN THE SAME ROGO PLANNING SUBAREA FOR THE DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLING UNITS AND THE RECEIVER PROPERTY SHALL NOT BE A WORKING WATERFRONT; EXCEPT TO ALLOW NEW APPLICATIONS; OR RECEIVED APPLICATIONS THAT HAVE NOT FULLY BEEN APPROVED, PURSUANT TO RESOLUTION 203-2018, TO UTILIZE MONROE COUNTY CODE SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) OR SECTION 139-22(B) (TRANSFER OF ROGO EXEMPTIONS) TO TRANSFER MARKET RATE ROGO EXEMPTIONS TO TIER III PLATTED LOTS WITHIN THE IMPROVED SUBDIVISION (IS) OR URBAN RESIDENTIAL MOBILE-HOME (URM) LAND USE DISTRICT AND WITHIN THE SAME ROGO PLANNING SUBAREA FOR THE DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLING UNITS PROVIDED THE RECEIVER SITE IS NOT A WORKING WATERFRONT; AS RECOMMENDED BY THE AFFORDABLE HOUSING ADVISORY COMMITTEE AND THE BOCC; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-082)

Copies of the above are available at the Monroe County Planning Department offices in Marathon and Key Largo during normal business hours and online at: www.monroecounty-fl.gov

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision of the Board of County Commissioners, with respect to any matter considered at the meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to insure a verbatim record of the proceedings is made, which record includes the testimony & evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 282-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711."



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 24, 2019

Honorable Kevin Madok
Clerk of the Circuit Court
Monroe County
500 Whitehead Street, Suite 101
Key West, Florida 33040

Attention: Pamela Hancock

Dear Mr. Madok:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your replacement electronic copy of Monroe County Ordinance No. 024-2019, which was filed in this office on July 24, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb