



Kevin Madok, CPA

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

May 26, 2017

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. 004-2017 amending Monroe County Year 2030 Comprehensive Plan Policy 101.5.25, providing a maximum net density of one dwelling unit per platted lot with the transfer of one TDR for the development of one tier 3 platted lot with a Residential Low (RL) Future Land Use Map designation and within a Suburban Residential (SR) Zoning District; 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.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on May 17, 2017. Should you have any questions, please feel free to contact me at (305) 295-3130.

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: Growth Management
County Attorney
BOCC

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 004-2017

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY YEAR 2030 COMPREHENSIVE PLAN POLICY 101.5.25, PROVIDING A MAXIMUM NET DENSITY OF ONE DWELLING UNIT PER PLATTED LOT WITH THE TRANSFER OF ONE TDR FOR THE DEVELOPMENT OF ONE TIER 3 PLATTED LOT WITH A RESIDENTIAL LOW (RL) FUTURE LAND USE MAP DESIGNATION AND WITHIN A SUBURBAN RESIDENTIAL (SR) ZONING DISTRICT; 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.

WHEREAS, the Monroe County Planning & Environmental Resources Department is proposing an amendment to revise the maximum net density standards in Comprehensive Plan Policy 101.5.25 for the Residential Low (RL) future land use map (FLUM) category; and

WHEREAS, on the 23rd day of March, 2016, at their regularly scheduled meeting, the Monroe County Board of County Commissioners directed staff to propose amendments to the Comprehensive Plan and Land Development Code that would allow owners of platted lots within the SR zoning district that lack the minimum land area required under the SR density standards for a single family residence with the transfer of one TDR; and

WHEREAS, the Monroe County Development Review Committee (DRC) considered the proposed amendment at a regularly scheduled meeting held on the 30th day of August, 2016 and recommended approval; and

1 **WHEREAS**, the Monroe County Planning Commission held a public hearing on the 28th
2 day of September, 2016, for review and recommendation on the proposed Comprehensive Plan
3 text amendment; and
4

5 **WHEREAS**, based upon the information and documentation submitted, the Planning
6 Commission made the following Findings of Fact and Conclusions of Law:
7

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

14 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P 27-16
15 recommending approval of the proposed amendment; and
16

17 **WHEREAS**, at a regular meeting held on the 18th day of October 2016, the Monroe
18 County Board of County Commissioners held a public hearing to consider the transmittal of the
19 proposed text amendment, considered the staff report and provided for public comment and
20 public participation in accordance with the requirements of state law and the procedures adopted
21 for public participation in the planning process; and
22

23 **WHEREAS**, at the October 18, 2016, public hearing, the BOCC adopted Resolution
24 272-2016, transmitting the proposed text amendment to the State Land Planning Agency; and
25

26 **WHEREAS**, the State Land Planning Agency reviewed the amendment and issued an
27 Objections, Recommendations and Comments (ORC) report on January 30, 2107; and
28

29 **WHEREAS**, the ORC report identified four (4) objections to the proposed
30 comprehensive plan amendment and recommended changes to the proposed amendment to
31 address the objections; and
32

33 **WHEREAS**, the County must address the four (4) identified objections and determine
34 whether to adopt the amendment, adopt the amendment with changes or not adopt the
35 amendment; and
36

37 **WHEREAS**, in response to the ORC report, Monroe County has made changes to the
38 proposed amendment to address the four (4) objections identified by the State Land Planning
39 Agency; and

1 **WHEREAS**, at a regularly scheduled meeting on the 17th day of May, 2017, the BOCC
2 held a public hearing to consider adoption of the proposed Comprehensive Plan text amendment;

3
4 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
5 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

6
7 **Section 1.** The text of the Monroe County Comprehensive Plan is hereby amended as
8 follows (Deletions are shown stricken through; additions are shown underlined):

9
10 **Policy 101.5.25**

11 Monroe County hereby adopts the following density and intensity standards for the future land
12 use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20
13 [§163.3177(6)(a)1.,F.S.].
14

Future Land Use Densities and Intensities				
Future Land Use Category And Corresponding Zoning	Residential ⁽¹⁾		Nonresidential	Minimum Open Space Ratio ^(c)
	Allocated Density ^(a) (per upland acre)	Maximum Net Density ^{(a) (b)} (per buildable acre)	Maximum Intensity (floor area ratio)	
Agriculture/Aquaculture (A) ^(d) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.25	Per underlying zoning
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10	0.20
Commercial (COMM) (C1 and C2 zoning)	0 du 0 rooms/spaces	N/A N/A	0.15-0.50	0.20
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05	0.90
Education (E) ^(d) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	Per underlying zoning
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60	0.20
Institutional (INS) ^(d) (no directly corresponding zoning)	0 du 15 rooms/spaces	N/A 24 rooms/spaces	0.30	Per underlying zoning
Mainland Native (MN) (MN zoning)	0.01 du 2 spaces ^(e)	N/A N/A	0.03	0.95-0.99
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50	0.20

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
Mixed Use/Commercial Fishing (MCF) ^(f) (CFA, CFV, CFSD zoning)	1 du (CFSD-20) ⁽ⁱ⁾ 3 du (CFA, all other CFSD) 1 du/lot (CFV) 0 rooms/spaces	12 du (CFA, CFSD) N/A (CFV) N/A	0.25-0.40	0.20
Preservation (P) ^(d) (P zoning)	0 du 0 rooms/spaces	N/A N/A	0	1.00
Public Buildings/Lands (PB) ^(d) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	Per underlying zoning
Public Facilities (PF) ^(d) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	Per underlying zoning
Recreation (R) (PR zoning)	0 du 2 rooms/spaces	N/A N/A	0.20	0.90
Residential Conservation (RC) (OS and NA zoning)	0-0.10 du (OS) 0.25 du (NA) 0 rooms/spaces	N/A N/A	0-0.20	0.95
Residential Low (RL) (SS, SR, and SR-L zoning)	0.50 du 0 rooms/spaces	3 du (SR-L) 5 du (SR) or 1 du/lot (SR) ^(m) N/A (SS) N/A	0.25 <2500 SF (SR)	0.50 (SR, SR-L) 0.80 (SS)
Residential Medium (RM) (IS, IS-V, IS-M and IS-D) ^(j) zoning)	1 du/lot (IS, IS-V, IS-M) 2 du/lot (IS-D) 0 rooms/spaces	N/A N/A	0	0.20
Residential High (RH) (IS-D) ^(j) , URM, URM-L and UR zoning)	6 du (UR) 1du/lot (URM, URM-L) 2 du/lot (IS-D) 0-10 rooms/spaces	12-25 du (UR) ^(k) N/A (IS-D, URM, URM-L) 0-20 rooms/spaces	0	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.
- (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:
 - 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.

1 **Section 2. Severability.** If any section, subsection, sentence, clause, item, change, or
2 provision of this ordinance is held invalid, the remainder of this ordinance shall
3 not be affected by such validity.
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5 **Section 3. Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances in
6 conflict with this ordinance are hereby repealed to the extent of said conflict.
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8 **Section 4. Transmittal.** This ordinance shall be transmitted by the Director of Planning to
9 the State Land Planning Agency pursuant to Chapter 163 and 380, Florida
10 Statutes.
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12 **Section 5. Filing and Effective Date.** This ordinance shall be filed in the Office of the
13 Secretary of the State of Florida but shall not become effective until a notice is
14 issued by the State Land Planning Agency or Administration Commission finding
15 the amendment in compliance with Chapter 163, Florida Statutes and after any
16 applicable challenges have been resolved.
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18 **Section 6. Inclusion in the Comprehensive Plan.** The text amendment shall be
19 incorporated in the Monroe County Comprehensive Plan. The numbering of the
20 foregoing amendment may be renumbered to conform to the numbering in the
21 Monroe County Comprehensive Plan.
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23 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,
24 Florida, at a regular meeting held on the 17th day of May, 2017.
25

Mayor George Neugent	Yes
Mayor <i>Pro Tem</i> David Rice	Yes
Commissioner Heather Carruthers	Yes
Commissioner Danny Kolhage	Yes
Commissioner Sylvia Murphy	Yes

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BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY George E. Neugent
Mayor George Neugent

FILED FOR RECORD
2017 MAY 26 AM 11:38
CLK. CIR. CL.
MONROE COUNTY, FLA.
(SEAL)
ATTEST KEVIN MADOK, CLERK

DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Steven T. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 4/26/17