



Kevin Madok, CPA

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

February 10, 2020

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. 007-2020 adopting amendments to the Monroe County Land Development Code to amend Section 138-22(b) and Section 139-2(b) to revise the receiver site criteria for the transfer of market rate exemptions to another location, incorporating the BOCC direction within Interim Development Ordinances adopted via Ordinance 011-2017, Ordinance 020-2018, Ordinance 026-2019, and clarified via Resolution 203-2018; 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 and incorporation in the Monroe County Land Development Code; 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 January 22, 2020. 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.

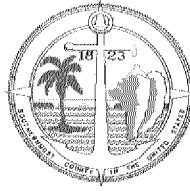
cc: Planning & Environmental
County Attorney
BOCC
File

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. 007-2020

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 138-22(B) AND SECTION 139-2(B) TO REVISE THE RECEIVER SITE CRITERIA FOR THE TRANSFER OF MARKET RATE EXEMPTIONS TO ANOTHER LOCATION, INCORPORATING THE BOCC DIRECTION WITHIN INTERIM DEVELOPMENT ORDINANCES ADOPTED VIA ORDINANCE 011-2017, ORDINANCE 020-2018, ORDINANCE 026-2019, AND CLARIFIED VIA RESOLUTION 203-2018; 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 AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Monroe County policies and regulations adopted in the Monroe County Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of the citizens of the Florida Keys and to strengthen our local government capability to manage land use and development; and

WHEREAS, on May 21, 2008, the Monroe County Board of County Commissioners adopted Ordinance 014-2008, which amended the Monroe County Code to re-establish the Affordable Housing Advisory Committee, including its assigned duties; and

WHEREAS, Monroe County Code Section 2-701 includes the specific duties of the Affordable Housing Advisory Committee; and

WHEREAS, the Monroe County Board of County Commissioners, at a regular meeting held on the 20th of August, 2014, approved an agreement between FCRC Consensus Center, FSU, and Monroe County Board of County Commissioners for professional services on Affordable Workforce Housing Stakeholder Assessment; and

WHEREAS, at a regular meeting held on the 20th of May, 2015, the Board of County Commissioners reviewed and discussed the Monroe County Workforce Housing Stakeholder Assessment Report generated by FCRC Consensus Center, FSU, dated April 2015; and

WHEREAS, at a regular meeting held on the 20th of May, 2015, the Board of County

Commissioners adopted Resolution 139-2015 assigning additional duties to the Affordable Housing Advisory Committee; and

WHEREAS, at a regular meeting held on the 10th of June, 2015, the Board of County Commissioners adopted Ordinance 014-2015 amending Section 2-700 of the Monroe County Code to establish the 14 members of the Affordable Housing Advisory Committee and directed staff to amend Resolution 139-2015 to add one additional duty to the committee; and

WHEREAS, on October 16, 2015, the Affordable Housing Advisory Committee adopted Resolution 01-2015, providing recommendations on the first three tasks assigned to the committee for the development of a workforce housing development plan; and

WHEREAS, at a regular meeting held on the 17th of November, 2015, the Board of County Commissioners adopted Resolution 393-2015, supporting and encouraging collaboration between the County of Monroe and incorporated municipalities of Monroe County on addressing the issues of affordable and workforce housing; and

WHEREAS, on November 20, 2015, the Affordable Housing Advisory Committee adopted Resolution 02-2015, recommending to the Board of County Commissioners an amendment to the Local Housing Assistance Plan, as required by the State Housing Initiatives Partnership Program Act; and

WHEREAS, on December 9, 2015, the Board of County Commissioners adopted Resolution 403-2015, approving the amendment to the Local Housing Assistance Plan (LHAP), as required by the State Housing Initiatives Partnership Program Act and submission of the LHAP to the Florida Housing Finance Corporation; and

WHEREAS, on November 20, 2015, the Affordable Housing Advisory Committee recommended to the Board of County Commissioners a Review of Surplus Land Inventory and Inventory List and provided an inventory of county-owned real property which may be appropriate for affordable housing; and

WHEREAS, on December 9, 2015, the Board of County Commissioners adopted Resolution 404-2015, approving the inventory of county-owned real property which may be appropriate for affordable housing; and

WHEREAS, on January 22, 2016, the Affordable Housing Advisory Committee adopted Resolution 03-2015, recommending that the Board of County Commissioners support and fund a nexus study as the first step in considering the expansion of the County residential inclusionary housing program to cover transient and commercial development in the County; and

WHEREAS, on July 22, 2016, the Affordable Housing Advisory Committee adopted Resolution 01-2016, providing 33 recommendations to the Board of County Commissioners on the issues included in their charge; and

WHEREAS, on August 17, 2016, staff presented the Affordable Housing Advisory Committee's adopted Resolution 01-2016 (33 recommendations) to the BOCC and the Board of County Commissioners approved contracts for studies to support an inclusionary housing requirement to cover transient and commercial development as well as requested staff to schedule a special meeting to discuss

1 the remaining recommendations; and

2
3 **WHEREAS**, on a special meeting on December 6, 2016, the Board of County Commissioners
4 reviewed and discussed the 33 recommendations provided by the Affordable Housing Advisory
5 Committee and directed staff to research certain items, implement certain items and process amendments
6 to the land development code; and
7

8 **WHEREAS**, on a special meeting on December 6, 2016, the Board of County Commissioners
9 specifically directed staff to amend Monroe County Code Section 139-2 (affordable housing incentive
10 program), as recommended by the Affordable Housing Advisory Committee, to limit the transfer of
11 ROGO exemptions from mobile homes to only Tier III designated platted lots within the Improved
12 Subdivision (IS) land use district and within the same ROGO planning subarea for the development of
13 single family detached dwelling units; and
14

15 **WHEREAS**, the County's updated land development code became effective on February 3, 2017;
16 and
17

18 **WHEREAS**, the Monroe County Board of County Commissioners, at a regular meeting on
19 February 15, 2017 in Key West, Florida, directed staff to impose a temporary moratorium upon certain
20 development applications proposing to utilize Monroe County Code Section 139-2 (affordable housing
21 incentive program) to transfer ROGO exemptions from mobile homes to another location; and
22

23 **WHEREAS**, the Monroe County Board of County Commissioners adopted Resolution 088-2017,
24 at a regular meeting on March 15, 2017 in Key Largo, Florida, directed staff to process an ordinance to
25 impose a temporary moratorium deferring the approval of new private applications or received
26 applications that are not yet approved, proposing to utilize Monroe County Code Section 139-2
27 (Affordable Housing Incentive Program) or Section 138-22(b) (Transfer of ROGO exemptions off site) to
28 transfer market rate units to another location; and
29

30 **WHEREAS**, the Monroe County Board of County Commissioners adopted Ordinance 011-2017
31 at a regular meeting on July 19, 2017 in Marathon, Florida, imposing a temporary moratorium deferring
32 the approval of new private applications or received applications that are not yet approved, proposing to
33 utilize Monroe County Code Section 139-2 (Affordable Housing Incentive Program) or Section 138-22(b)
34 (Transfer of ROGO exemptions off site) to transfer market rate units to another location; and
35

36 **WHEREAS**, on April 19, 2018, at the regularly scheduled meeting, the Monroe County Board of
37 County Commissioners gave direction to staff to process proposed text amendments to the
38 Comprehensive Plan and Land Development Code to incentivize the development of affordable housing
39 by allowing the issuance of affordable housing ROGO allocations to Tier I, Tier II, Tier III and Tier III-A
40 designated parcels in order to replace market rate dwelling units with a deed-restricted affordable housing
41 dwelling units; and
42

43 **WHEREAS**, the Monroe County Board of County Commissioners reduced the scope of
44 Ordinance 011-2017 so that market rate ROGO transfers consistent with the intent of the adopted
45 moratorium may be allowed, prior to adoption of the directed land development code amendments
46 through Resolution 203-2018 adopted on July 18, 2018; and
47

48 **WHEREAS**, at a regular meeting on August 15, 2018, in Marathon, the Monroe County Board of

1 County Commissioners adopted interim development Ordinance 020-2018 extending the moratorium
2 described above with the reduction in scope as approved through Resolution 203-2018; and

3 **WHEREAS**, at a regular meeting on July 17, 2019, the Monroe County Board of County
4 Commissioners adopted interim development Ordinance 026-2019, extending the moratorium described
5 above with the reduction in scope as approved through Resolution 203-2018; and

6 **WHEREAS**, Ordinance 026-2019 is due to expire on July 17, 2020, if the relevant amendments
7 are not adopted and effective before that date; and

8 **WHEREAS**, on June 25, 2019, the Monroe County Development Review Committee (DRC)
9 reviewed the proposed amendment; and

10
11 **WHEREAS**, at a regularly scheduled meeting held on October 30, 2019 the Monroe County
12 Planning Commission held a public hearing for the purpose of considering the proposed amendment and
13 provided for public comment; and

14
15 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P48-19
16 recommending approval for the proposed amendment; and

17
18 **WHEREAS**, Monroe County policies and regulations adopted in the Monroe County
19 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of the
20 citizens of the Florida Keys and to strengthen our local government capability to manage land use and
21 development; and

22
23 **WHEREAS**, the Monroe County Board of County Commissioners have expressed the goal of
24 ensuring that affordable housing opportunities are available throughout the entire community and to
25 maintain a balanced and sustainable local economy; and

26
27 **WHEREAS**, Section 125.01055, F.S., states “Affordable housing.—Notwithstanding any other
28 provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure
29 that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms
30 such as inclusionary housing ordinances;” and

31
32 **WHEREAS**, Section 125.01, F.S., provides the Monroe County Board of County Commissioners
33 the authority to: (h) establish, coordinate, and enforce zoning and such business regulations as are
34 necessary for the protection of the public, and (j) Establish and administer programs of housing, slum
35 clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control,
36 and navigation and drainage and cooperate with governmental agencies and private enterprises in the
37 development and operation of such programs; and

38
39 **WHEREAS**, at a regularly scheduled meeting held on the January 22, 2020, the Monroe County
40 Board of County Commissioners held a public hearing, considered the staff report, and provided for
41 public comment and public participation in accordance with the requirements of state law and the
42 procedures adopted for public participation in the planning process; and

43
44 **WHEREAS**, based upon the documentation submitted and information provided in the
45 accompanying staff report, the Monroe County Board of County Commissioners makes the following
46 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 new issues and the need for additional detail or comprehensiveness, 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:

Proposed Amendment (deletions are ~~stricken through~~; additions are shown in underlined).

Section 138-22. - Type of Development Not Affected.

The residential ROGO shall not apply to the development described below:

- (b) **Transfer off-site.** Residential dwelling units and transient units may be transferred to another site in the same ROGO subarea, provided that the units lawfully exist and can be accounted for in the County's hurricane evacuation model.

(1) ROGO exemptions may be transferred as follows:

- a. between sites within the Upper Keys ROGO subarea;
- b. between sites within the Lower Keys ROGO subarea;
- c. between sites within the Big Pine Key and No Name Key ROGO subarea;
- d. from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea.

(2) No sender units may be transferred to an area where there are inadequate facilities and services.

(3) Transfer off-site shall consist of either the demolition of a dwelling unit on a sender site or a change of use of the floor area of dwelling unit on a sender site to another permitted use in the applicable land use (zoning) district that does not require the ROGO exemption and the development of a new dwelling unit, transient unit or affordable housing unit on a receiver site.

(4) Transfer of Lawfully Established Unit Types:

- a. *Transfer of a transient unit.* A lawfully established hotel room, motel room, campground space, or recreational vehicle space may be transferred off-site to another hotel, motel, campground or recreational vehicle park.
- b. *Transfer of an affordable housing unit.* A lawfully established permanent market rate or affordable dwelling unit may be transferred to affordable housing. The receiver site shall be developed with an affordable housing unit pursuant to Sections 101-1 and 139-1.
- c. *Transfer of a market rate unit.* A lawfully established permanent market rate dwelling unit may be transferred to a receiver site and developed as a single family detached market rate dwelling unit, subject to ~~one of~~ the following:-

1. The transfer of market rate ROGO exemptions may be allowed provided that one of the following is satisfied:

- i. 1. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is retained or redeveloped on the sender site. If the existing dwelling unit is proposed as the deed-restricted affordable housing unit, the unit shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department, comply with hurricane standards established by the Florida

- Building Code, and habitability standards established under the Florida Landlord and Tenant Act; or
- ii. ~~2-~~The sender site is dedicated to Monroe County for the development of affordable housing and an in-lieu fee per unit, based on the current maximum sales price for a one-bedroom affordable unit as established under Section 139-1(a), is paid to the affordable housing trust fund; or
- iii. ~~3-~~A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is developed on a Tier III property (single-family residential lots or parcels) and the dwelling unit on the sender site is demolished and the sender site is restored.

2. The receiver site for the market rate ROGO exemption must meet the criteria of subsection (6) and the following:

- i. Receiver site is a legally platted lot; and
- ii. Receiver site is within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District; and
- iii. Receiver site is located within the same ROGO subarea as the sender site, except exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea; and
- iv. Receiver site property is not a recreational and commercial working waterfront.

(5) Sender Site Criteria:

- a. Contains a documented lawfully-established sender dwelling unit pursuant to subsection (a) and recognized by the County; and
- b. Located in a Tier I, II, III-A, or III designated area; including any tier within the County's Military Installation Area of Impact (MIAI) Overlay.

(6) Receiver Site Criteria:

- a. The Future Land Use category and Land Use (Zoning) District must allow the requested use;
- b. Must meet the adopted density standards;
- c. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.);
- d. Located within a Tier III designated area; and
- e. Structures are not located in a velocity (V) zone or within a CBRS unit.

Section 139-2. - Affordable Housing Incentive Programs.

(a) **Purpose and intent.** The intent of this section is to set forth a program to help incentivize affordable housing development within Monroe County.

(b) **Program 1: Transfer of ROGO Exemptions from Mobile Home Parks.**

(1) *Purpose and intent.*

The intent of this program is to establish an appropriate incentive for mobile home park owners to maintain mobile home park sites, mobile home developments in URM and URM-L districts, and contiguous parcels under common ownership containing mobile homes where any of the foregoing is presently serving as a primary source of affordable housing in Monroe County (any of the foregoing being an "eligible sender site") by providing an alternative development strategy to straightforward market-rate redevelopment. This program is intended to allow the transfer of market rate ROGO exemptions associated with lawfully established dwelling units now existing at an eligible sender site to be transferred to another site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units within Monroe County. This program seeks to address the housing needs of the Florida Keys as a regional obligation.

This program provides an eligible sender site owner the opportunity to transfer market rate ROGO exemptions currently associated with existing and lawfully established dwelling units from eligible sender sites to receiver site(s) within Monroe County, provided that it involves the pooling of

affordable dwelling unit rights for redevelopment at donated, purchased or otherwise appropriately deed-restricted sites, and transfer of ROGO exemptions or allocations for the purpose of implementing and facilitating one or more affordable housing projects. The provisions of this section shall control over all contrary provisions of this Land Development Code related to the transferability of ROGO exemptions.

(2) *Procedure.*

- a. This transfer shall require an approved development agreement.
- b. Minor conditional use approval is required to complete the transfer.
- c. A development agreement shall not be required for an eligible sender site containing ten or fewer mobile homes. For the purposes of this exception, property owners shall not be permitted to subdivide by deed, split ownership or otherwise divide larger contiguous parcels containing more than ten mobile homes to create parcels containing fewer than ten mobile homes.

(3) *Development agreement requirements.*

a. Sender site restrictions:

1. ROGO exemptions transferred under this program may be transferred on a 1 for 1 basis where the ROGO exemptions are to be transferred, provided the following is satisfied:
 - i. The exemption is transferred to single-family residential legally platted lots or parcels;
 - ii. The exemption is transferred within the same ROGO planning subarea, except exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea;-
 - iii. Receiver site is within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District; and
 - iv. The receiver site property is not a recreational and commercial working waterfront.~~However, where transfers are to be made to commercial or recreational working waterfronts (as defined by Florida Statutes), or to multi-family projects in non-IS districts, the transfers shall result in no fewer than two deed restricted affordable or workforce housing units remaining on an eligible sender site(s) for each market rate ROGO exemption transferred. This section expresses the county's preference for transfer of ROGO exemptions to single-family lots/parcels. The following examples are set forth only to show some potential transfer scenarios. A given potential scenario may depend upon availability of affordable ROGO allocations provided by the county.~~

Example 1: Transfer on a 1 for 1 basis.

Existing 100-unit mobile home park. A development agreement with the county may, if approved, allow the owner to transfer up to 100 ROGO-exemptions to single-family platted lots/parcels as long as an equivalent number of deed-restricted affordable dwelling units remain or are created on one or more created on one or more eligible sender site(s).

~~Example 2: Transfer on a 1 for 2 basis.~~

~~The same existing 100 unit mobile home park. A development agreement with the county may, if approved, allow the owner to transfer up to 50 ROGO-exemptions to commercial or recreational working waterfront or multi-family projects in non-IS districts, as long as at least twice as many deed-restricted affordable dwelling units remain or are created on one or more eligible sender site(s).~~

~~Example 3: Transfer on both 1 for 1 and 1 for 2 basis.~~

~~The same existing 100 unit mobile home park. A development agreement with the county may, if approved, allow the owner to transfer up to 25 ROGO-exemptions to a commercial or recreational working waterfront Mixed Use parcel, and 50 ROGO-exemptions to single-family lots/parcels, as long as 100 deed-restricted affordable dwelling units remain or are created on one or more eligible sender site(s).~~

2. The eligible sender site property(ies) shall be donated or sold to Monroe County, or otherwise appropriately deed-restricted for long-term affordability. Prior to acceptance of a donated or purchased parcel, all units to be maintained on site shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department. Monroe County may then lease the sender site property to a party who will serve as lessee and sub-lessor of the eligible sender site(s).
 3. The number of transferred ROGO exemptions shall not exceed the number of restricted affordable dwelling units maintained at the eligible sender sites.
 4. The resulting development or redevelopment of affordable housing pursuant to the governing development agreement will be targeted to serve as closely as possible the following household income categories: 25 percent very low income households, 25 percent low income households, 25 percent median income households, and 25 percent moderate income households (or as otherwise approved by the BOCC).
 5. Lot rents and/or sales prices for resulting deed-restricted dwelling units shall be established in accordance with restrictions outlined in Florida Statutes and/or the Monroe County Code.
 6. All units designated by the applicable development agreement to remain as deed restricted affordable housing at the donated, purchased or appropriately deed-restricted site(s) shall comply with hurricane standards established by the Florida Building Code and habitability standards established under the Florida Landlord and Tenant Act. Compliance shall be accomplished in a manner and within a timeframe set forth in the development agreement or, if applicable, in the relevant minor conditional use.
 7. A development agreement proposed under this program shall not utilize more than 50 percent of the existing affordable housing allocations then available to Monroe County, unless otherwise approved by the BOCC.
 8. All of the redeveloped or preserved affordable housing units, whether redeveloped or retained at the original sender site(s), or at alternate or additional locations, shall remain in the same ROGO subarea planning sub-district as the original sender site(s).
- (4) *Minor conditional use requirements.*
- a. Receiver site criteria:
 1. The receiver site shall be located in a Tier III designated area.
 2. The receiver site shall not be located in a velocity (V) zone or within a CBRS unit.
 3. The receiver site is a legally platted lot.
 4. The receiver site is within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District; and
 5. The receiver site property is not a recreational and commercial working waterfront.
 6. A property owner cannot receive a certificate of occupancy for any unit constructed as a result of a transferred ROGO exemption until all corresponding eligible sender site units are completed and deed-restricted as affordable dwelling units.
 7. All or any portion of the redeveloped or preserved affordable housing units may be redeveloped or retained at one or more alternate or additional locations donated or sold to Monroe County, identified in the Development Agreement and otherwise compliant with the remainder of this section, including but not limited to the requirements set forth in subsection (b)(3)a.2.
 8. Transferred ROGO-exemptions shall remain in the same ROGO ~~planning~~-subarea, ~~except~~ exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea.
 9. The receiver site property includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.)
- (5) Nothing herein shall preclude the county's replacement of sender site dwelling units with affordable allocations and recovery and transfer of market-rate ROGO-exemptions from the sender sites for use in administrative relief programs or other like purposes.

1
2 **Section 2. Severability.** If any section, paragraph, subdivision, clause, sentence or provision of
3 this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall
4 not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be
5 confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the
6 controversy in which such judgment or decree shall be rendered.

7
8 **Section 3. Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this
9 ordinance are hereby repealed to the extent of said conflict.

10
11 **Section 4. Transmittal.** This ordinance shall be transmitted to the Florida State Land Planning
12 Agency as required by F.S. 380.05 (11) and F.S. 380.0552(9).

13
14 **Section 5. Filing.** This ordinance shall be filed in the Office of the Secretary of the State of Florida
15 but shall not become effective pursuant to Section 9 until a final order is issued according to F.S.
16 380.05(6) by the Florida State Land Planning Agency or Administration Commission approving the
17 ordinance, and if the final order is challenged, until the challenge to the order is resolved pursuant to F.S.
18 Chapter 120.

19
20 **Section 6. Inclusion in the Monroe County Code.** The provisions of this Ordinance shall be
21 included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to
22 amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of
23 the Code.

24
25 **Section 7. Effective Date.** This ordinance shall become effective contingent on effectiveness of
26 the corresponding amendments to the Monroe County Year 2030 Comprehensive Plan and as provided by
27 law and stated above.

28
29 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida,
30 at a regular meeting held on the 22nd day of January 2020.

31
32 Mayor Heather Carruthers Yes
33 Mayor *Pro Tem* Michelle Coldiron Yes
34 Commissioner Craig Cates Yes
35 Commissioner David Rice Yes
36 Commissioner Sylvia Murphy Yes

37
38
39 BOARD OF COUNTY COMMISSIONERS
40 OF MONROE COUNTY, FLORIDA

41
42 BY 
43 MAYOR HEATHER CARRUTHERS

44
45
46 ATTEST: KEVIN MADOK, CLERK

47 
48 DEPUTY CLERK

THE CITIZEN

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

RECEIVED

JAN 27 2020

MONROE COUNTY ATTORNEY

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

Account: 138694

Ticket: 327514

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, January 5, 2020 ✓

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 6th day of January 2020

(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
COMPREHENSIVE PLAN NOTICE OF CHANGE TO
MONROE COUNTY LAND DEVELOPMENT CODE
NOTICE OF CHANGE TO MONROE COUNTY FUTURE
LAND USE MAP NOTICE OF CHANGE TO MONROE
COUNTY LAND USE MAP NOTICE OF CHANGE TO
MONROE COUNTY TIER OVERLAY DISTRICT MAP**

January 22, 2020

NOTICE IS HEREBY GIVEN that on Wednesday, January 22, 2020, the Monroe County Board of County Commissioners will hold a Public Meeting at the **Marathon Government Center, 2798 Overseas Hwy, Marathon, FL 33050** 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 THE MONROE COUNTY COMPREHENSIVE PLAN; ADOPTING THE 10-YEAR WATER SUPPLY PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER EAST COAST WATER SUPPLY PLAN UPDATE OF 2018; 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 2019-102)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 101-1 TO CREATE A DEFINITION FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY AND SPECIFICALLY NOTE THAT A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY IS A COMMERCIAL RETAIL OR AN INSTITUTIONAL USE; 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 LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-133)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 138-22(b) AND SECTION 139-2(b) TO REVISE THE RECEIVER SITE CRITERIA FOR THE TRANSFER OF MARKET RATE EXEMPTIONS TO ANOTHER LOCATION, INCORPORATING THE BOCC DIRECTION WITHIN INTERIM DEVELOPMENT ORDINANCES ADOPTED VIA ORDINANCE 011-2017, ORDINANCE 020-2018 AND CLARIFIED VIA RESOLUTION 203-2018; 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 AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-114)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III FOR TWO PARCELS OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 8 LOTS 17 & 18 CUTTHROAT HARBOR ESTATES CUDJOE KEY PLAT BOOK 4-PAGE 165 HAVING REAL ESTATE NO'S 00178450-000000 AND 00178460-000000; AS PROPOSED BY DANIEL IARROBINO; 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 #2019-138) See Map 2 below

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 101.3.2 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO EXTEND THE TIME PERIOD OF ROGO THROUGH 2026; 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 2019-043)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 138-24, RESIDENTIAL ROGO ALLOCATIONS, TO EXTEND THE TIME PERIOD OF ROGO THROUGH 2026; 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 2019-044)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 101-1 TO CREATE A DEFINITION FOR PUBLIC INFRASTRUCTURE AND UTILITIES; TO AMEND THE DEFINITION OF PUBLIC BUILDINGS AND USES; AND TO AMEND THE LIST OF PERMITTED AND CONDITIONAL USES WITHIN SECTIONS 130-74 THROUGH 130-103 TO INCLUDE PUBLIC INFRASTRUCTURE AND UTILITIES AS AN AUTHORIZED USE; 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 AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN

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; 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)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 130-157, MAXIMUM PERMANENT RESIDENTIAL DENSITY AND REQUIRED OPEN SPACE, TO PROVIDE A DENSITY BONUS ABOVE THE MAXIMUM NET DENSITY FOR A PROPERTY SUBJECT TO A SITE-SPECIFIC SUBAREA POLICY ESTABLISHED UNDER PROPOSED GOAL 111 OF THE COMPREHENSIVE PLAN, 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 CODE; PROVIDING FOR AN EFFECTIVE DATE. (File #2019-063)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO URBAN RESIDENTIAL (UR), FOR PROPERTY LOCATED AT 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND, MILE MARKER 5; 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 CODE; PROVIDING FOR AN EFFECTIVE DATE. (File #2018-121) See Map 3 below

WRECKERS CAY APARTMENTS AT STOCK ISLAND, 5700 LAUREL AVENUE, 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND MILE MARKER 5; A PUBLIC HEARING CONCERNING A REQUEST FOR A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY, FLORIDA AND WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC. THE REQUESTED AGREEMENT RELATES TO THE PROPOSED REDEVELOPMENT OF MOBILE HOME PARKS TO TWO HUNDRED EIGHTY (280) DEED-RESTRICTED AFFORDABLE DWELLING UNITS, AT A DENSITY OF 40 UNITS PER BUILDABLE ACRE. NO STRUCTURES WILL BE HIGHER THAN 38 FEET FROM GRADE, MECHANICAL EQUIPMENT AND ARCHITECTURAL FEATURES UTILIZED TO HIDE MECHANICAL EQUIPMENT, INCLUDING PARAPETS, MAY BE UP TO 44 FEET ABOVE GRADE, AND SUCH STRUCTURES MAY CONTAIN THREE (3) HABITABLE FLOORS. THE SUBJECT PROPERTY IS DESCRIBED AS THREE PARCELS OF LAND IN SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBERS 00124540-000000, 00124550-000000 AND 00124560-000000 (FILE 2018-147)

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS RENOUNCING AND DISCLAIMING ANY RIGHT OF THE COUNTY AND PUBLIC IN AND TO THAT PORTION OF THE RIGHT-OF-WAY OF LAUREL AVENUE, AS SHOWN ON THE PLAT OF MALONEY'S SUBDIVISION OF STOCK ISLAND, PLAT BOOK 1, PAGE 55, BOUNDED ON THE NORTH BY ALL OF BLOCK 23; BOUNDED ON THE WEST BY SECOND STREET; BOUNDED ON THE SOUTH BY ALL OF BLOCK 32; AND BOUNDED ON THE EAST BY ADJACENT BAY BOTTOM AND A PARCEL OF LAND ADJACENT TO GOVERNMENT LOT 2, SECTIONS 35, 36, AND 26, TOWNSHIP 67 SOUTH, RANGE 25 EAST, STOCK ISLAND, MONROE COUNTY, FLORIDA. (FILE 2010-130)

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS RENOUNCING AND DISCLAIMING ANY RIGHT OF THE COUNTY AND PUBLIC IN AND TO THAT PORTION OF THE RIGHT-OF-WAY OF MACDONALD AVENUE AND FIRST STREET, STOCK ISLAND, MONROE COUNTY, FLORIDA, AS SHOWN ON THE PLAT OF MALONEY'S SUBDIVISION OF STOCK ISLAND, PLAT BOOK 1, PAGE 55; BOUNDED ON THE NORTH BY ALL OF BLOCK 32; BOUNDED ON THE WEST BY SECOND STREET AND ALL OF BLOCK 34; BOUNDED ON THE SOUTH BY ALL OF BLOCK 34, AND BY FIRST STREET ADJACENT TO BLOCK 34 LOT 11 AND BLOCK 33 LOT 20; AND BOUNDED ON THE EAST BY BLOCK 33 LOT 1 AND THE PLATTED SHORELINE. (FILE 2018-179)

Map 1



Map 2



Map3



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) 292-4441, 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."