



MEMORANDUM

AGENDA ITEM #6b

DATE: SEPTEMBER 13, 2010

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: ISLAMORADA, VILLAGE OF ISLANDS, PROPOSED COMPREHENSIVE PLAN
AMENDMENT
DCA #10-2

Community Profile

Islamorada, Village of Islands, is often referred to as the “Sport Fishing Capital of the World” and has over 2,000 registered recreational boats. Located in the Florida Keys, it was incorporated in 1997. The Village had an estimated population of 7,120 in 2009, and a land area of 4,552 acres (7.1 square miles), with a population density of approximately 1,001 people per square mile. The Village population resides primarily on Plantation and Upper and Lower Matecumbe Keys. Although only 55% built out, most of the Village’s vacant land has been designated Conservation, limiting any future, large-scale development. Like the rest of Monroe County, Islamorada is dealing with the issues of human impacts on the environment, affordable housing supply, hurricane evacuation, and the loss of the working waterfront. The general location of the Village is shown in Attachment 1.

Amendment Review

The South Florida Regional Planning Council (SFRPC) review of proposed Comprehensive Plan amendments for consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)* primarily addresses effects on regional resources or facilities identified in the *SRPP* and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of the affected local government (§163.3184(5), Florida Statutes). The Council’s review of amendments is conducted in two stages: (1) proposed or transmittal and (2) adoption. Council staff reviews the contents of the amendment package once the Florida Department of Community Affairs (DCA) certifies its completeness.

Objections and Comments relate to specific inconsistencies with relevant portions of the *SRPP*, which was adopted pursuant to Rule 29J-2.009, Florida Administrative Code. Council staff will work with local governments to address Objections and Comments identified during the review of a proposed amendment between the transmittal and the adoption of the amendment.

Summary of Staff Analysis

Proposed amendment package DCA #10-2 consists of one change to the Village’s Future Land Use Map (FLUM) and three text amendments to the Future Land Use and Coastal Management Elements of the Comprehensive Plan.

SUMMARY OF PROPOSED MAP AND TEXT AMENDMENTS					
Amendment		Description	Attach-ment	Staff Recommendation	VC Vote
1	FLRZ 10-07 Islamorada, Village of Islands (MM 86, Plantation Key)	FLUM Amendment: one parcel, 0.33 acres <i>From: Conservation (C)</i> <i>To: Mixed Use (MU)</i>	2	Generally Consistent with the SRPP	5-0
2	TA-10-02 Text Amendment Proposed by John Kocol	Revision to Policies 1-4.9.4 in the Future Land Use Element and 5-1.1.9 and 5-1.2.9 in the Coastal Management Element of the Comprehensive Plan, related to shoreline access	N.A.	Generally Consistent with the SRPP	5-0
3	Village-Sponsored Text Amendment: Transferable Development Rights (TDRs)	Revision to Policy 1-3.1.4 in the Future Land Use Element of the Comprehensive Plan, related to transfer of development rights	N.A.	Generally Inconsistent with the SRPP	5-0
4	Village-Sponsored Text Amendment: Vacation Rentals	Revision to Policy 1-2.4.7 in the Future Land Use Element of the Comprehensive Plan, related to limits on transient rental use of residential properties	N.A.	Generally Consistent with the SRPP	5-0

VC = Islamorada Village Council
N.A. = Not Applicable

FLUM = Future Land Use Map

Impact Analysis

Staff analysis confirms amendment 3 of the Islamorada, Village of Islands, proposed amendment package #10-2 is generally inconsistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*, related to its potential to compromise the Village's efforts to avoid overdevelopment in the Florida Keys in order to protect Natural Resources of Regional Significance.

The Islamorada, Village of Islands, Commission unanimously approved (5-0) each of the proposed amendments on July 22, 2010.

The amendment review is detailed on the attached Form C-7, pursuant to DCA requirements for proposed Local Government Comprehensive Plan reviews.

Recommendation of Consistency with Strategic Regional Policy Plan (SRPP)

Find amendment 3 of Islamorada, Village of Islands, proposed amendment package #10-2 generally inconsistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*.

Find amendments 1, 2 and 4 of Islamorada, Village of Islands, proposed amendment package #10-2 generally consistent with the *SRPP*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

FORM C-7

SOUTH FLORIDA REGIONAL PLANNING COUNCIL
AMENDMENT REVIEW FORM
FY 2010-2011

1. Local Government Name: Islamorada, Village of Islands
2. Amendment Number: 10-2
3. Is the Regional Planning Council (RPC) precluded from commenting on the proposed Plan or Element pursuant to Section 163.3184(5) of the Florida Statutes (F.S.), or Rule 9J-11.0084, Florida Administrative Code (F.A.C); or commenting on the proposed amendment pursuant to s. 163.32465(4)(b), F.S.? No.
4. Date DCA notified RPC that the amendment package was complete, if applicable: July 30, 2010.
5. Date amendment review must be completed and transmitted to DCA: August 28, 2010.
6. Date the amendment review will be transmitted to DCA: August 27, 2010. The Council will take final action on the amendment, with a copy transmitted to DCA, on September 13, 2010.
7. Description of the amendment:

For purposes of the review, the amendment package has been divided into four amendments (1, 2, 3 and 4).

1. FLRZ-10-07 - Future Land Use Map Amendment, 160 Porto Salvo Drive, Plantation Key

This proposed amendment to the Future Land Use Map (see Attachment 2) would change the future land use on a parcel of 8,725 square feet located at 160 Porto Salvo Drive, bayside, at approximately Mile Marker 86, on Plantation Key, from Conservation (C) to Mixed Use (MU).

The property is surrounded by an area designated Conservation except to the southwest, where it is connected to a developed parcel designated Mixed Use. The Village staff report states that the property has been privately-owned since prior to the adoption of the Monroe County Future Land Use Map in 1996, and that the future land use for the property on the County map was Mixed Use (MU). It further states that the property is developed with a commercial use that was permitted in 2001. Village staff believes the Conservation designation that was included on the Village Future Land Use Map when its plan was adopted on December 6, 2001, was in error and proposes to change the designation to Mixed Use.

Comment

The boundaries of the property (Real Estate #00408910-000000) as presented in the Village staff report are different from the boundaries shown on the Monroe County Property Appraiser website (www.mcpafl.org). The latter shows a larger area, which includes an additional, triangular area extending in a westerly direction from the northwest corner of the property, into a densely vegetated area that is within the Conservation future land use designation (shown by the orange hatch in Attachment 2). Village staff should clarify the status of the additional area prior to adoption of the amendment and address any potential impacts on the currently undeveloped portion of the property if the future land use change will apply to the additional area.

2. Request for Text Amendment by John Kocol (TA-10-02)

The proposed amendment would change three Policies in the Comprehensive Plan. Policy 1-4.9.4 – Ensure Public Access to the Waterfront, in the Future Land Use Element, currently states (in part) that the Village “shall not vacate, diminish, or otherwise impair publicly-owned pathways, sidewalks, roads, ends of roads, parking areas, docks or boat launching facilities, and other access points currently used, or susceptible to use, by the public to access the shorelines, consistent with Comprehensive Plan Objective 5-1.12.” The Policy would be modified to add “unless there is documented evidence that physical public access is destabilizing unaltered shorelines.” An additional change would allow the Village to abandon any right-of-way, improved or unimproved, that terminates on a body of water where there is documented evidence that physical public access is destabilizing unaltered shorelines. Policy 5-1.1.9 – Protect Mangroves and Provide Management Standards, in the Coastal Management Element, would be updated to reflect the statutory reference to Florida State Standards. Policy 5-1.2.9 – Preserve Public Shoreline Access, also in the Coastal Management Element, would be modified to be consistent with the change in Policy 1-4.9.4, to allow rights-of-way to be vacated where there is documented evidence that physical public access is destabilizing unaltered shorelines.

The Village staff report includes a list of public rights-of-way in the Village that might be affected by the proposed change. Village staff visited each of the sites and concluded that the right-of-way at the site highlighted by the applicant is uniquely different than other observed public rights-of-way that terminate on shorelines because it is an unaltered shoreline exhibiting the destruction of mangroves and resulting destabilization of the shoreline.

3. Village-Sponsored Text Amendment on Transferable Development Rights

The proposed amendment would modify Policy 1-3.1.4 – Institute a Program of Transferable Development Rights (TDRs) to provide additional options to applicants who seek to redevelop property following the transfer of certain development rights. Specifically, it would permit, through the Building Permit Allocation System, (1) affordable housing following the transfer of nonresidential floor area, and (2) affordable housing and/or nonresidential floor area following the transfer of hotel or motel units, subject to meeting all requirements in the Village Code.

Objection

As written, the changes to Policy 1-3.1.4 proposed by the Village appear to make possible the transfer of development rights associated with nonresidential floor area or hotel or motel units while retaining the ability to build affordable housing or, in the case of transferred hotel or motel units, nonresidential floor area on the sender site at the density or intensity that existed prior to the transfer. This would allow an increase in the overall amount of development. Village staff has not provided a rationale for this allowance, which is contrary to the objective presented elsewhere in Policy 1-3.1.4.

Recommendation

If the Village intends to limit the amount of development on the sender site to the density or intensity after the transfer of development rights, then the language in the amendment should be modified to make that clear. If the Village intends to allow an increase in the overall amount of development through the proposed exemptions in order to achieve a specific purpose that the TDR program has been unable to achieve as currently implemented, such as providing incentives to move nonresidential floor area or hotels and motels, or to increase the amount of affordable housing, then the Village should present data and analysis to show the need for such an approach, as well as the results that the changed Policy is expected to achieve.

4. Village-Sponsored Text Amendment on Vacation Rentals

The proposed amendment would modify Policy 1-2.4.7 – Limit Transient Rental Use of Residential Properties to allow properties with Residential High (RH) and Mixed Use (MU) future land use designations to apply for vacation rental licenses utilizing the 2007 values through the 2012-2013 license period, assuming they comply with all other vacation rental regulations. This modification would apply both to properties that previously have applied for and received a vacation rental license and those properties that are applying for the first time.

The Policy requires annual registration for vacation rentals, and allows up to 331 single family or multi-family units to qualify for transient rentals for periods of no more than 28 days. The Village staff report states that Policy 1-2.4.7 was adopted with certain required minimum assessed values for reasons including, but not limited to, compliance with the principle of providing affordable housing. The nationwide economic recession caused a portion of properties located within the identified categories, whose owners have previously complied with the Policy, to currently fall below the minimum required assessed values (600% of the Monroe County median household income), without physical changes occurring on the properties. Therefore, Village staff proposes an exception for properties within the RH or MU FLUM categories that meet the required minimum assessed values using the Monroe County Property Appraiser 2007 values, to allow them to qualify for vacation rentals.

8. Is the Amendment consistent with the Strategic Regional Policy Plan (SRPP)?

Staff analysis confirms that amendment 3 of the Islamorada, Village of Islands, proposed amendment package #10-2 is generally inconsistent with the SRPP.

Staff analysis confirms that amendments 1, 2 and 4 of the Islamorada, Village of Islands, proposed amendment package #10-2 are generally consistent with the SRPP.

9. Applicable SRPP Goals and Policies:

GOAL 14 Preserve, protect, and restore Natural Resources of Regional Significance.

Policy 14.4 Direct land uses that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance, adjacent buffer areas, and other natural resource areas.

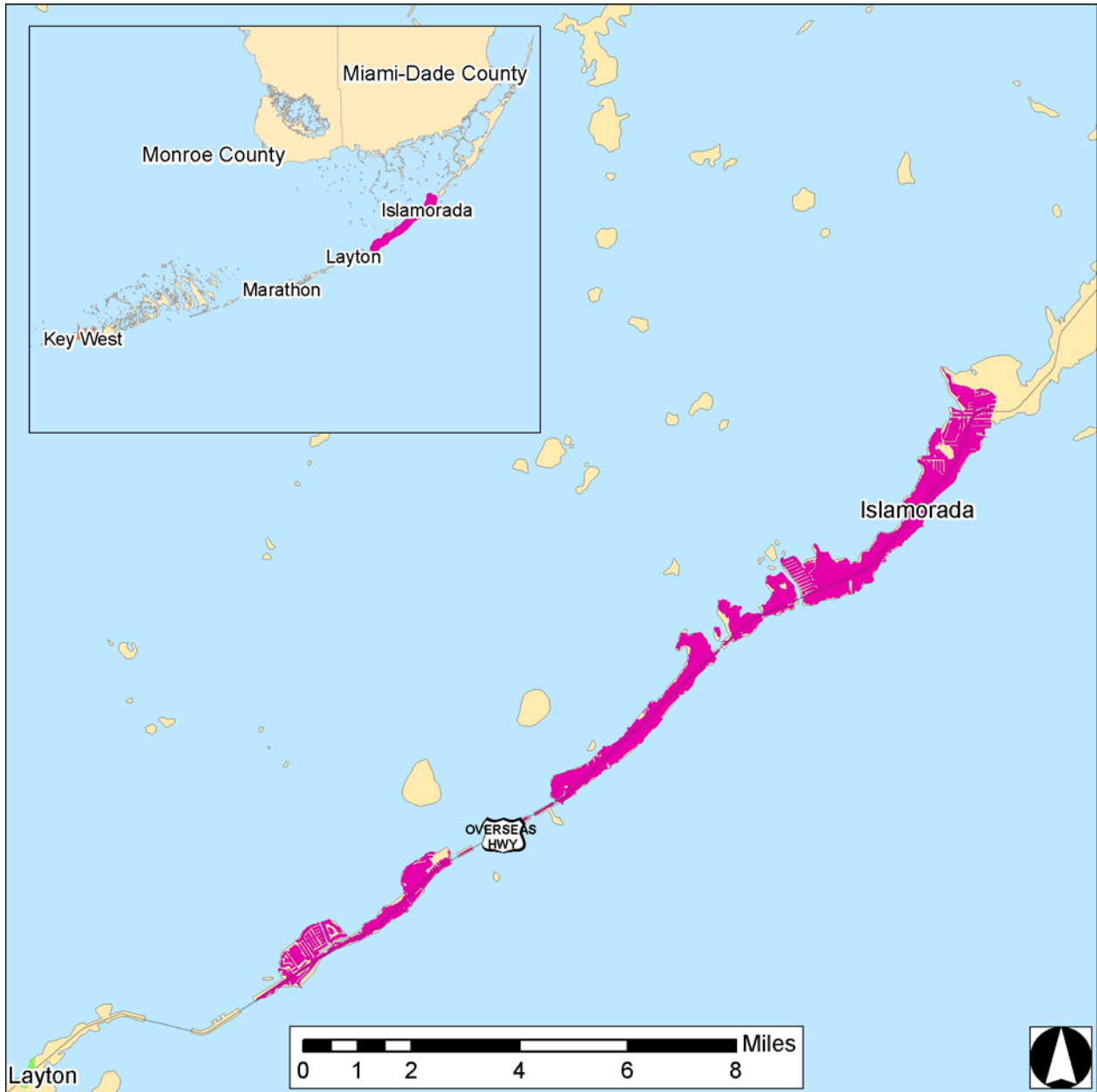
10. The effects of the proposed amendment on regional resources or facilities identified in the SRPP:

Proposed Policy 1-3.1.4 could lead to an increase in the overall amount of development in the Village, which would be contrary to policies elsewhere in the Village comprehensive plan, and could compromise the effort to avoid overdevelopment in the Florida Keys in order to protect Natural Resources of Regional Significance.

11. Extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of the affected local government: *Not Applicable.*
12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases: *Not Applicable.*
13. Impacts to significant regional resources and facilities identified in the SRPP, including, but not limited to, impacts on groundwater recharge and the availability of water supply: *Not Applicable.*

14. Affordable housing issues and designation of adequate sites for affordable housing: *Not Applicable*.
15. Protection of natural resources of regional significance identified in the *SRPP* including, but not limited to, protection of spring and groundwater resources, and recharge potential: *Not Applicable*.
16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities: *Not Applicable*.
17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation: *Not Applicable*.
18. Analysis of the effects of extra-jurisdictional impacts which may be created by the amendment: *Not Applicable*.

Attachment 1



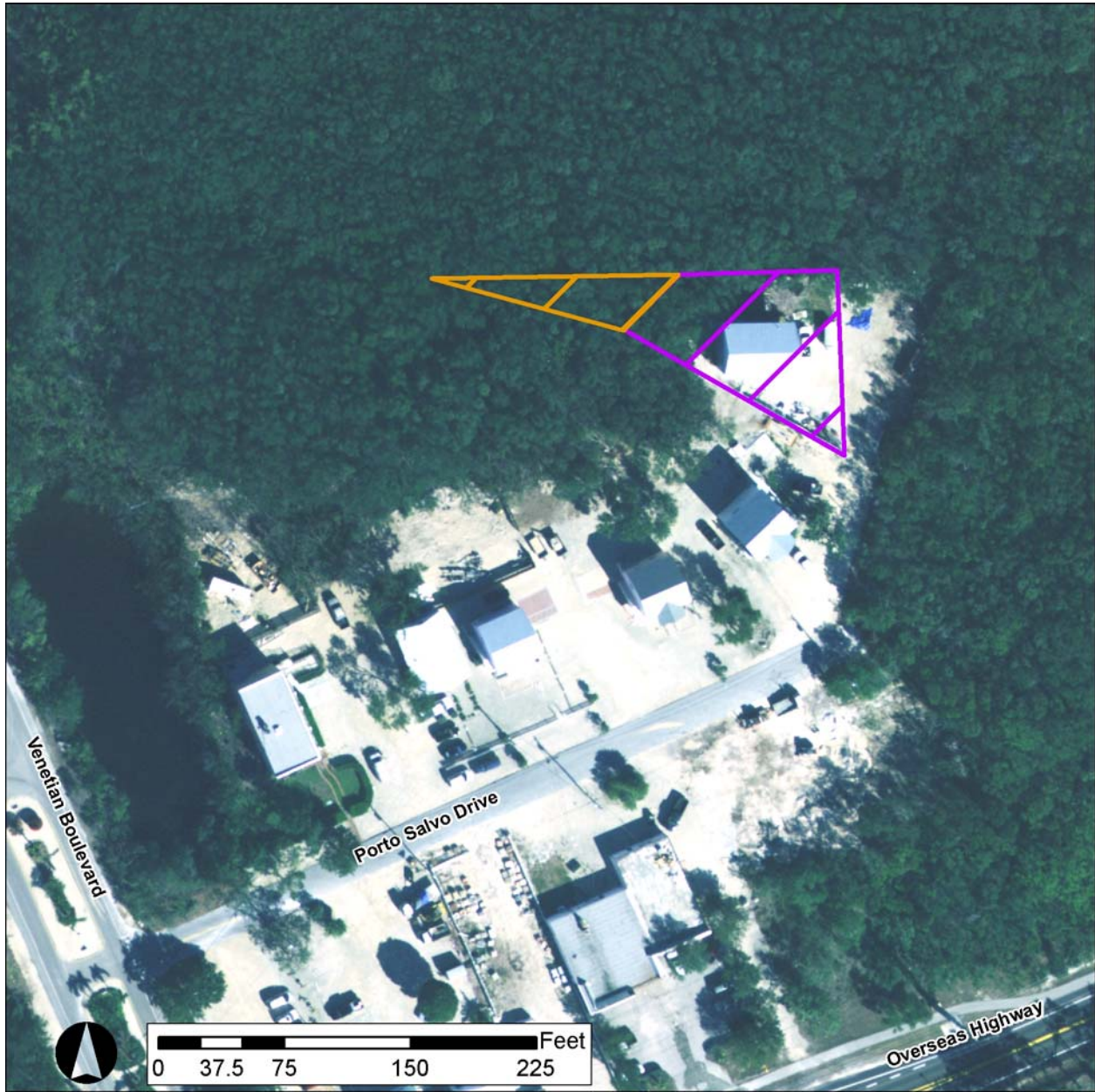
COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Islamorada, Village of Islands
Proposed Amendment Package #10-2

Sources: FDEP, SFWMD, Monroe County, SFRPC.
Note: For planning purposes only. All distances are approximate.

Attachment 2



COMPREHENSIVE PLAN AMENDMENTS

Islamorada, Village of Islands
Proposed Amendment Package #10-2
Amendment #1 - FLRZ-10-07, Mile Marker 86, Plantation Key

From: Conservation (C)
To: Mixed Use (MU) - 8,725 square feet

Sources: Monroe County, Islamorada, Village of Islands
Note: For planning purposes only. All distances are approximate.