



MEMORANDUM

AGENDA ITEM #4d

DATE: AUGUST 3, 2009

TO: EXECUTIVE COMMITTEE

FROM: STAFF

SUBJECT: MONROE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On July 15, 2009, Council staff received proposed amendment package #09-2 to the Monroe County Year 2010 Comprehensive Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

Monroe County, incorporated in 1824, is the southernmost county in the State of Florida. The County consists of a mainland portion (782 square miles) bordered by Collier County to the north and Miami-Dade County to the east, and an archipelago, known as the Florida Keys, extending from northeast to southwest for 120 miles (102 square miles), and separating the Gulf of Mexico from the Atlantic Ocean. The mainland portion is occupied by Everglades National Park and Big Cypress National Preserve and is virtually uninhabited. Monroe County's permanent resident population has declined in recent years, falling from 79,589 in 2000 to 76,801 in 2008. A similar decline has been observed in the resident population of the unincorporated portion of the county, which was estimated at 34,744 in 2008. The transient population in the Florida Keys is significant. The economy of Monroe County is based on tourism, fishing, retirees, and the military.

The majority of Monroe County is environmentally sensitive, comprised of mangrove wetlands, tropical hardwood hammocks, and rare and endangered species habitats, with world-renowned coral reefs offshore. With one, main highway serving the entire population, traffic is a concern, particularly during hurricane evacuations. Lack of adequate infrastructure for stormwater and wastewater magnifies the effects of potential population growth on nearshore coastal waters. The desirability of the County as a place to live and the limited amount of allowable development have made land costs expensive, which can impact affordable housing supplies. In addition, the Florida Keys has been designated an Area of Critical State Concern, under Chapter 380.05, Florida Statutes. A general location of the County is shown in Attachment 1.

Summary of Staff Analysis

Proposed amendment package #09-2 includes three text amendments. The amendments would add an Objective and a Policy, and amend two other Policies in the Future Land Use Element of the Monroe County Year 2010 Comprehensive Plan in order to address issues related to (1) the existing moratorium on transient dwelling units; (2) future land use changes that increase density/intensity; and (3) administrative relief procedures for both residential and non-residential development.

A summary of the proposed amendments in this package is listed below.

SUMMARY OF MONROE COUNTY PROPOSED AMENDMENT PACKAGE #09-2			
Amendment	Description	Staff Recommendation	BOCC Vote
Moratorium for Transient Units Resolution #182-2009	Text Amendment proposes revision of Policy 101.2.6 to extend the moratorium on new transient residential units to July 31, 2010.	Generally Consistent with the SRPP	5-0
Discourage Future Land Use changes that increase density/intensity Resolution #183-2009	Text Amendment proposes new Objective 105.4 and new Policy 105.4.1 to discourage Future Land Use changes that increase density/intensity.	Generally Consistent with the SRPP	4-1
Residential and Non-Residential Administrative Relief Procedures Resolution #184-2009	Text Amendment proposes revision to residential and non-residential administrative relief procedures in Policy 101.6.6, prohibiting allocation awards for lands located in Florida Forever acquisition areas or lands designated Tier 1 under certain circumstances.	Generally Consistent with the SRPP	5-0

BOCC = Monroe County Board of County Commissioners

On July 13, 2009, the Monroe Board of County Commissioners approved all three resolutions in the proposed amendment package for transmittal.

Staff analysis confirms that the three text amendments are generally compatible with and supportive of the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

A detailed analysis of the proposed amendments in this package is included below.

Extend the Moratorium on Transient Residential Units (Resolution #182-2009)

The adopted Monroe County Year 2010 Comprehensive Plan includes Policy 101.2.6, which establishes a temporary moratorium on new transient residential units, such as hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer. The moratorium has been extended several times over the years through modifications to the land development regulations. The current amendment would modify Policy 101.2.6 to extend the moratorium until July 31, 2010.

County staff included Tourist Development Council data showing that between 1999 and 2008, the average annual county-wide occupancy rate for Monroe County has varied from a low of 66.4% in 2001 to a high of 72.2% in 2003. The County staff report also references a study prepared for the Pinellas County

Board of County Commissioners that states that a 90% occupancy rate would be the threshold beyond which visitors may be lost.

The Monroe County Board of County Commissioners voted 5-0 to approve the proposed amendment on July 13, 2009.

Staff analysis confirms that the proposed amendment is compatible with and supportive of the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

Discourage Future Land Use Changes that Increase Density/Intensity (Resolution #183-2009)

This amendment proposes to include new Objective 105.4 in the Future Land Use Element to discourage future land use changes that increase density/intensity. As proposed, the Objective would apply to all of unincorporated Monroe County except the Ocean Reef development at the northern end of the County. New Policy 105.4.1 would require Monroe County staff to include specific types of analysis for review and consideration by the Board of County Commissioners together with any proposed future land use change that increases density/intensity. The required analysis would address (1) a needs analysis through 2020 that considers existing land use, projected need and the availability of public services; (2) consistency with existing County rate of growth and smart growth regulations; (3) climate change impacts; and (4) compatibility with the 1977 Air Installation Compatible Use Zones for Naval Air Station Key West. This amendment supports fulfillment of the requirements of the Work Program established as part of the Area of Critical State Concern program in Florida Administrative Code Rule 28-20.110, which implements the recommendations of the *Florida Keys Carrying Capacity Study*.

Comment

In support of the exclusion of the Ocean Reef development from the scope of this Objective and Policy, County staff points out that Ocean Reef has been exempted from the Rate of Growth Ordinance (ROGO) since 1992 and from the Tier System for directing growth to preferred areas since 2006. A key feature of the exclusion from ROGO is the determination that, because of its location in close proximity to the mainland, with direct access to Card Sound Road, residential development in Ocean Reef is deemed not to increase hurricane evacuation times. Current clearance time standards are based on the time required for evacuating vehicles to reach the Monroe County boundary. New transportation analysis that will be completed in the South Florida Regional Evacuation Study, as part of the Statewide Regional Evacuation Study Program, will make it possible to assess, more accurately, the impact of vehicles evacuating from Monroe County once they reach Florida City, in Miami-Dade County, a known point of congestion that may affect the ability of evacuees to reach safety on the mainland. Council staff encourages Monroe County to consider the results of this analysis once they become available and to make appropriate adjustments to the Objective and Policy if appropriate.

The Monroe County Board of County Commissioners voted 4-1 to approve the proposed amendment on July 13, 2009.

Staff analysis confirms that the proposed amendment is compatible with and supportive of the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

Administrative Relief Procedures for Residential and Non-Residential Development (Resolution #184-2009)

This amendment proposes to include new Policy 101.6.6 in the Future Land Use Element to preclude the granting of administrative relief through the issuance of a building permit for lands within the Florida Forever targeted acquisition areas, or Tier I lands, unless it is determined the parcel cannot be purchased for conservation purposes by any county, state or federal agency, or any private entity. Owners of

developable parcels that have applied for a dwelling unit allocation for four consecutive years, but have not been granted an allocation, are eligible to apply for administrative relief. The Policy gives the County 60 days after receipt of a complete application to make the determination, and requires the County to notify the Florida Department of Environmental Protection at least six months in advance of properties that would become eligible to apply for administrative relief.

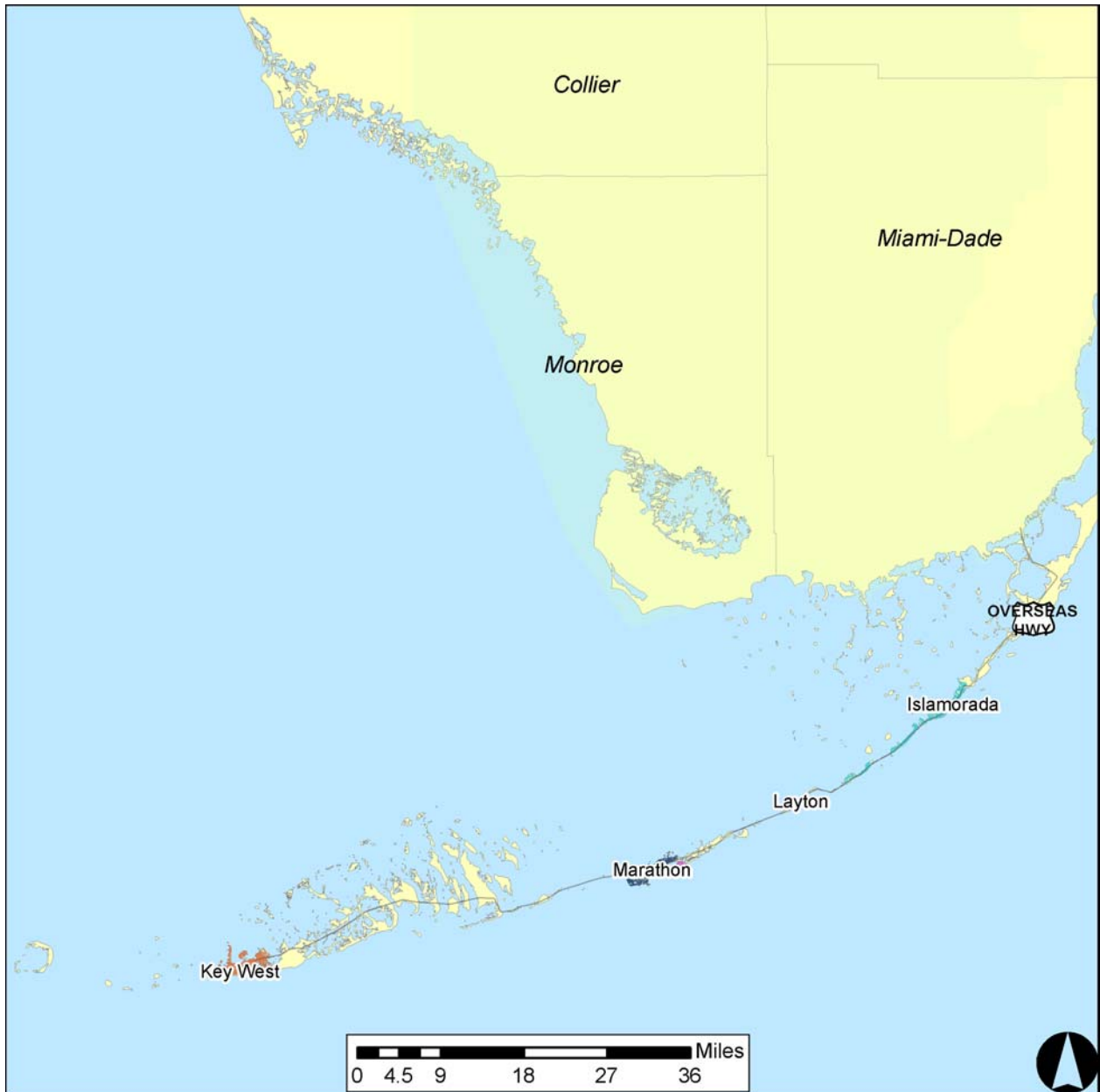
The Monroe County Board of County Commissioners voted 5-0 to approve the proposed amendment on July 13, 2009.

Staff analysis confirms that the proposed amendment is compatible with and supportive of the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

Recommendation

Find proposed amendment package #09-2 to the Monroe County Year 2010 Comprehensive Plan to be generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Monroe County
Proposed Amendment #09-2

Sources: FDEP, SFWMD, Monroe County, SFRPC.

Note: For planning purposes only. All distances are approximate.