

ORDINANCE NO. ____ - 2008

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 9.5-120.5, EXTENDING THE MORATORIUM ON NEW TRANSIENT UNITS, SUCH AS HOTEL OR MOTEL ROOMS, OR CAMPGROUND, RECREATIONAL VEHICLE OR TRAVEL TRAILER SPACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL FOR CODIFICATION.

WHEREAS, the Board of County Commissioners makes the following Findings of Fact:

1. The Board of County Commission previously adopted Ordinance No. 001-2002, to extend the moratorium on new transient units from January 1, 2002 to December 31, 2006; subsequently Ordinance No.001-2007 was enacted extending the moratorium until December 31, 2007.
2. The prohibition on new transient units is necessary for staff to formulate a strategy to address the impacts associated with the development of new transient units.
3. Any strategy to permit new transient units must address the impacts of transient units on hurricane evacuation, workforce/employee housing, wastewater treatment, traffic volumes and the natural environment through increase in use of the reefs, and the waters off the Florida Keys.
4. The Planning Commission held a public hearing on the proposed text amendment on January 8, 2008.

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

Section 1. Chapter 9.5 Article VII, Division 2, Monroe County Code, is hereby amended as follows:

Sec. 9.5-120.5 Moratorium on new transient units.

New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces shall not be eligible for residential ROGO allocations until December 31, 2009 or until new Land Development Regulations are adopted to permit new transient units.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Repeal of Conflicting Provisions.

The provisions of the Monroe County code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date.

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

Section 5. Transmittal for Codification

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 200__.

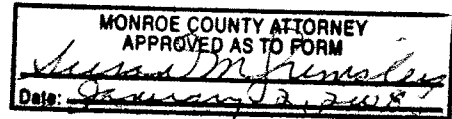
Mayor Charles "Sonny" McCoy
Mayor Pro Tem Mario DiGennaro
Commissioner Sylvia Murphy
Commissioner George Neugent
Commissioner Dixie Spehar

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk





MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Board of County Commissioners
Through: Andrew O. Trivette, Director of Growth Management
Townsend Schwab, Acting Director of Planning & Environmental Resources
From: Joseph Haberman, Planner
Date: January 2, 2008
Subject: *Extension of Moratorium on New Transient Residential Units
Section 9.5-120.5 of the Monroe County Code*

Meeting: January 16, 2008

1
2 I REQUEST
3

4 A request by the Planning & Environmental Resources Department to amend Section 9.5-
5 120.5 of the Monroe County Code to extend the moratorium on new transient residential
6 units from December 31, 2007 to December 31, 2009 or until new land development
7 regulations are adopted to regulate new transient residential units.
8

9 II PROCESS
10

11 In accordance with the provisions set forth in Sec. 9.5-511 of the Monroe County Code
12 (MCC), text and map amendments may be proposed by the Board of County Commissioners
13 (BOCC), the Planning Commission, the Director of Planning, or the owner or other person
14 having a contractual interest in property to be affected by a proposed amendment. The
15 Director of Planning shall process and review amendment applications and forward them on
16 to the Planning Commission for recommendation and to the BOCC for approval/denial.
17 BOCC decisions to approve amendments are then transmitted to and reviewed by the Florida
18 Department of Community Affairs.
19

20 III BACKGROUND INFORMATION
21

22 Currently, the Monroe County Comprehensive Plan has a policy prohibiting new transient
23 residential units including hotel or motel rooms, campground spaces, or spaces for parking a
24 recreational vehicle or travel trailer until December 2007 (Policy 101.2.6). This prohibition
25 on new transient units is to extend until the Permit Allocation System is revised to allocate a
26 percentage of residential growth to transient units.
27

28 For purposes of this staff report, hotel/motel rooms, campground spaces, or spaces for
29 parking a recreational vehicle or travel trailer will be referred to as Transient Residential
30 Units (TRUs).

1
2 **ISSUES**
3

4 The development of new TRUs will have an impact on a number of health, safety and quality
5 of life issues such as: hurricane evacuation, workforce/employee housing, wastewater
6 treatment (water quality), traffic volumes and increased demand on the natural environment
7 through increase use of the reefs, and the waters off the Florida Keys. One of the main
8 objectives of creating an ordinance to promote redevelopment and/or permit new TRUs is to
9 mitigate and if possible eliminate the negative impacts of new TRUs.

10
11 **Effects on Hurricane Evacuation**
12

13 In analyzing the impact of permitting new transient units on hurricane evacuation, policies
14 need to be established as to the most appropriate time necessary to evacuate the population of
15 Monroe County and the most appropriate method for evacuation. Based on the establishment
16 of a goal or policy for hurricane evacuation, the development of new TRUs should not cause
17 hurricane evacuation time to exceed this adopted goal.
18

19 **Employee\Workforce Housing**
20

21 The current costs of housing (for rent or sale) in the Florida Keys have led hotels/motels and
22 other service employers to hire workers who have to commute anywhere from 1 to 3 hours
23 from the mainland. With the creation of new TRUs, this demand for more affordable
24 employee\workforce housing will increase. One anecdotal statement from an hotelier
25 indicates that the creation of 1 transient unit creates a demand for 1 employee or 1 employee
26 residential unit.
27

28 It should be the goal of any ordinance to permit new TRUs to also mitigate the demand for
29 affordable employee\workforce housing. This can be accomplished by requiring the
30 redevelopment/development of new TRUs to provide employee\workforce housing by
31 providing the units as part of their project (on-site or off-site) or by payment into an
32 affordable housing fund.
33

34 **Wastewater Treatment**
35

36 Monroe County is under a state mandate to have a central wastewater system by 2010. The
37 development of new TRUs should not be permitted unless the development can meet the
38 standards and requirement of the Year 2010 mandate. Therefore, new development of TRUs
39 should be directed and only encouraged in those areas with central wastewater systems or
40 will have central wastewater systems when the project is completed.
41

42 **Traffic Volumes**
43

44 The addition of new TRUs would also mean the addition of new traffic. The design of new
45 TRUs should be such that their traffic impact should be minimized as much as possible.
46 New TRUs should be designed such that visitors who use these facilities would be provided

1 with amenities on site that would limit their need to drive to other amenities such as
2 restaurants, retail stores, or other attractions. Furthermore, new TRU developments should
3 be encouraged to locate adjacent to existing amenities such as restaurants, or retail stores.
4

5 Another strategy would be to encourage visitors to use other modes of transportation such as
6 walking, bicycling, or a trolley service. This could mean construction of bicycle-pedestrian
7 facilities that provide a connection to surrounding amenities, providing trolley service for
8 guests, or providing transit amenities such as bus shelters.
9

10 **Environmental Impacts**

11
12 The addition of new TRUs would also mean an impact on the environment of the Florida
13 Keys. Additional tourists/guests would mean more people on the reefs, more people on the
14 waterways (more boaters unfamiliar with local conditions = grounding of boats on
15 seagrasses).
16

17 It is the natural features and the availability of the reefs and the waters that attract visitors to
18 the area. Any impact that diminishes the quality of these amenities eventually impacts the
19 attractiveness of the Florida Keys to potential visitors.
20

21 Developers of TRU should be encouraged to promote eco-friendly activities and should be
22 encouraged to apply “green building” standards or Leadership in Energy and Environmental
23 Design (LEED) standards.
24

25 **APPROACH TO PROMOTING\PERMITTING TRUs**

26
27 Outlined below are three alternatives for promoting redevelopment of TRUs, a mechanism
28 for permitting new TRUs, and a combination of strategies that would encourage
29 redevelopment and permitting of new TRUs.
30

31 **Alternative A**

32
33 **Intent: Promote the redevelopment of transient units by protecting their existing**
34 **density. This is a “no net gain or no net loss” policy. All “new” transient units could**
35 **only come from the transfer of existing units.**
36

37 Under current regulations, the density of transient units is not protected. If the site is
38 redeveloped, the non-conforming density (# of units over the permitted amount) must be
39 transferred or can be sold to other developers who can accommodate the additional density.
40 This policy has generally discouraged the redevelopment of transient sites and has
41 discouraged investors who want to purchase properties for redevelopment.
42

43 Under this alternative, the density of TRUs will be protected. Property owners will be
44 permitted to develop up to the existing density on the current site provided that the
45 development meets all other requirements of the code such as height, parking, bufferyards,

1 setbacks, etc. Any density that can not be accommodated on the existing site can be sold to
2 other developers and moved to another appropriate site.

3
4 **Alternative B**

5
6 **Intent: Permit new TRUs by amending the permit allocation system to allocate a**
7 **percentage of market rate ROGO units for TRUs – with separate pool for allocation**
8 **competition.**

9
10 The percentage of the market rate units allocated to transient units would be determined by a
11 needs assessment or market study that would quantify the number of new transients units
12 needed to meet future demand for hotels and motels. The number of transient units needed to
13 fill market demand would be portioned evenly over a specified planning period.

14
15 According to the Data and Analysis document of the Year 2010 Comprehensive Plan, a
16 transient dwelling unit is considered to have the same impact on evacuation time as 0.6
17 equivalent residential units (ERU's), therefore, transient unit allocations would count as 0.6 of a
18 dwelling unit.

19
20 For example, if a 100 room hotel project is permitted for development, 60 ROGO allocations
21 would be required and these ROGO allocations would come from the existing pool of market
22 rate ROGO allocations. To implement this option, amendments to the comprehensive plan and
23 land development regulations would be required.

24
25 A negative effect of this alternative is the need to reduce the amount of available market rate
26 ROGO units. Due to the existing competition in the current ROGO system, this reduction in
27 available ROGO units could open the door for more administrative relief claims from
28 applicants on the ROGO waiting list.

29
30 **Alternative B-1**

31
32 **Intent: Permit new TRUs by creating a pool of ROGO units specifically for TRUs.**

33
34 Under this alternative, ROGO allocations for transient units would not come from the
35 existing ROGO pool. The number of ROGO allocations in the “TRUs-ROGO” pool would
36 be based on a similar data and analysis that was conducted to determine the number of
37 ROGO residential units that may be allocated to maintain an established goal for evacuation
38 time. Data and analysis would be conducted to determine how many TRUs may be permitted
39 without exceeding the adopted evacuation time for transient units in Monroe County.

40
41 **Alternative C**

42
43 **Intent: Encourage redevelopment of existing TRUs and permit new TRUs by allocating a**
44 **percentage of market rate ROGO allocations for TRUs or creating a pool of ROGO-**
45 **TRUs.**

1 This alternative is a combination of Alternatives A and B. Existing TRU density would be
2 protected and new TRUs would be permitted based on a number determined by a market
3 demand study.
4

5 **IV FINDINGS OF FACT AND CONCLUSIONS**
6

7 Any amendments to the Comprehensive Plan and Land Development Regulations (LDRs) to
8 promote the redevelopment or development of new TRUs need to address the impacts
9 outlined in this report.
10

11 **Hurricane Evacuation**
12

13 New comprehensive plan policies and LDR language will be included so that redevelopment
14 or new development of TRUs will be consistent with the evacuation times established by
15 state and the Board of County Commissioners.
16

17 **Employee\Workforce Housing**
18

19 The redevelopment\development of new TRUs will be linked to the development of
20 affordable housing. The number of affordable housing units to be developed as part of a
21 project should be determined by an empirical study of the ratio between TRUs and the
22 number of employees required per TRUs.
23

24 **Wastewater Treatment**
25

26 To be consistent with a state-mandate to provide a central wastewater system for the Florida
27 Keys by 2010, all redevelopment and development of new TRUs must hook-up to a central
28 sewer system. In the absence of a central sewer system, the project may provide its own
29 advanced wastewater treatment system.
30

31 **Traffic Volumes**
32

33 To reduce the amount of traffic from TRUs, on-site amenities should be encouraged or
34 required. Projects should also be encouraged to promote alternative modes of transportation
35 by providing bike paths, sidewalks, transit facilities or other incentives for alternative travel.
36

37 **Environmental Impacts**
38

39 To compensate for environmental impacts, it will be proposed that TRU developments be
40 encouraged to participate in environmental education programs, as well as adhere to LEED
41 standards.
42
43
44
45
46

1 V RECOMMENDATION

2
3 Staff recommends APPROVAL to the Board of County Commissioners of an extension of
4 the existing moratorium on new transient units until December 31, 2008 or until a
5 methodology is adopted for permitting new TRUs.

6
7 Until additional data and analysis has been completed to determine the demand or surplus of
8 TRUs, a phased approach to addressing TRU development may be the most prudent strategy
9 at this time.

10
11 Once a market study has been completed to determine the supply/need for TRUs, staff will
12 amend the LDRs establishing the procedures for allocation or conversion of TRUs. If there
13 is a need for additional TRUs, as discussed under alternative B, there can be two ways to
14 create a pool of permit allocations for TRUs. Either, a percentage of the existing market rate
15 ROGO allocations may be set aside for TRUs, or a pool of TRU allocations will be created
16 based on the comprehensive plan policy for phased evacuation.

17
18 If there is an excess of TRUs, then Comprehensive Plan policies or LDRs could be drafted to
19 allow conversion of a portion of TRUs to affordable housing or market rate permanent
20 dwelling units.

21
22 **Sec. 9.5-120.5. Moratorium on new transient units.**

23
24 New transient residential units, such as hotel or motel rooms, or campground,
25 recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO
26 allocations until ~~December 31, 2007~~ December 31, 2009.