

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 23, 2008
Bulk Item: Yes No

Division: Growth Management
Department: _____

Staff Contact: Lisa Tennyson

AGENDA ITEM WORDING: A public hearing to consider transmittal of a resolution to the Department of Community Affairs proposing an amendment the 2010 Monroe County Comprehensive Plan that would allow density calculation on the basis of gross density of the parcel, instead of the net, buildable area as currently calculated.

ITEM BACKGROUND: Currently the open space requirement is deducted from the area of the parcel before calculating density. This amendment would use the area of the entire parcel to calculate the number of residential units allowed. The development allowed using this type of calculation would still require applicable buffer, setback, and open space requirements, although variances are allowed to those standards.

PREVIOUS RELEVANT BOCC ACTION: The BOCC passed this resolution at its meeting of February 20, 2008, however, DCA requested that all comprehensive plan amendments be heard and transmitted for the 02-2008 submission at one meeting. Therefore, this item is being heard again with other plan transmittal resolutions. On February 15, 2006, the Board at a regular meeting, upon motion made by Commissioner Nelson and Seconded by Commissioner Rice, unanimously approved Resolution No. 094-2006, which among other things resolved "that the Monroe County Planning Department present to the Monroe County Planning Commission for public hearing at the soonest opportunity a proposed ordinance amending the County's land development regulations and any necessary Comprehensive Plan amendments authorizing (1) allowable density for affordable housing projects to be calculated on a 'gross' acreage or parcel sq. footage basis (versus, for example, calculation on a 'net' of "open space" or other similar basis)";

CONTRACT/AGREEMENT CHANGES: None

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes No

COST TO COUNTY: _____ **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. -2008

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS AN ORDINANCE AMENDING MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN POLICIES GOVERNING MAXIMUM DENSITIES FOR AFFORDABLE AND WORKFORCE HOUSING; RESCINDING RESOLUTION 060-2008

WHEREAS, the Board of County Commissioners held a public hearing on May 23, 2008, for the purposes of considering the transmittal to the Florida Department of Community Affairs, for review and comment, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the Board of County Commissioners makes the following findings of fact:

1. The Planning Commission held a public hearing on January 8, 2008, and made recommendations to the Monroe County Board of County Commissioners regarding the ordinance subject to transmittal to the Florida Department of Community Affairs.
2. The proposed ordinance adopting changes to the Monroe County Year 2010 Comprehensive Plan will promote the County's efforts to provide affordable and workforce housing for all residents of the Florida Keys.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission to amend the Monroe County Year 2010 Comprehensive Plan.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.3184 and 380.0552, Florida Statutes.

Section 3. The Monroe County staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.0006 of the Florida Administrative Code.

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

Section 5. Resolution 060-2008 dated February 20, 2008, transmitting such a proposed comprehensive plan amendment, upon which no action was taken, is hereby rescinded.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the 23rd day of May, A.D., 2008.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Mario Di Gennaro _____
Commissioner Sylvia Murphy _____
Commissioner George Neugent _____
Commissioner Dixie Spehar _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
CHARLES "SONNY" McCOY, MAYOR

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Susan M. Gandy
Date: 5-12-08

APPROVED AS TO FORM:

County Attorney

BOCC ORDINANCE

ORDINANCE NO. -2008

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CONCERNING GROSS ACREAGE DENSITY CALCULATIONS FOR AFFORDABLE, EMPLOYEE AND WORKFORCE HOUSING; AMENDING THE TEXT OF THE YEAR 2010 COMPREHENSIVE PLAN TO ALLOW MAXIMUM NET DENSITY CALCULATIONS FOR AFFORDABLE, EMPLOYEE, AND WORKFORCE HOUSING TO BE CALCULATED ON A GROSS ACREAGE BASIS WHILE RETAINING OPEN SPACE, SETBACK AND BUFFERING REQUIREMENTS; PROVIDING FOR SEVERABILITY AND THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners (the "Board") has considered the comments of the public, recommendations of the Planning Commission, County staff and the Workforce Housing Task Force and its counsel, the Board's direct responsibility to the act diligently to provide affordable housing opportunities pursuant to the authority and power granted to it by the Legislature in s. 125.01055, F.S.; and

WHEREAS, the Board makes the following Findings of Fact and cites the following technical data and analysis from the Monroe County Year 2010 Comprehensive Plan ("Comp Plan") as support for proposed amendment to the Comp Plan as proposed herein:

1. The Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 (p. 7-24) projected the number of housing units needed for resident households of Monroe County by 2002 according to various income groups as 7,093 dwelling units for "Very Low" income households, 5,320 dwelling units for "Low" income households, and an additional 5,528 dwelling units needed for "Moderate" income households; and

2. The Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 (p. 7-33) also states that the "public sector can provide for a variety of densities which can increase the flexibility of the private sector to provide affordable housing in more situations"; and

3. The Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 (p. 7-32) also states that "[c]urrent conditions and projected demands in Monroe County make it appropriate to explore innovative means such as planned unit developments and cluster construction configuration to maximize utilization of scarce land resources in Monroe County"; and

4. The Board at a regular meeting held on February 15, 2006, upon motion made by Commissioner Nelson and Seconded by Commissioner Rice, unanimously approved Resolution No. 094-2006, which among other things resolved “that the Monroe County Planning Department present to the Monroe County Planning Commission for public hearing at the soonest opportunity a proposed ordinance amending the County’s land development regulations and any necessary Comprehensive Plan amendments authorizing (1) allowable density for affordable housing projects to be calculated on a ‘gross’ acreage or parcel sq. footage basis (versus, for example, calculation on a ‘net’ of “open space” or other similar basis)”; and

5. The Monroe County, Florida, Affordable Housing Needs Assessment, authored by The Metropolitan Center at Florida International University (2007), provides additional recent data and analysis corroborating the information set forth in the Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 and supporting the proposed comprehensive plan amendment (a copy of the Assessment is being provided to the Department of Community Affairs with the submittal of this proposed amendment).

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 confirms that “[l]and prices in Monroe County represent a higher proportion of total development costs than in any other part of Florida” (p. 7-33); and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 also states that “[l]ocal ordinances should be adopted which ease land development requirements and construction regulations to reduce the cost of affordable housing development” and that “[d]ensity relaxation” should be included as an incentive to provide for affordable housing projects (p. 7-29); and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Technical Document Housing Element 7.0 directs consideration of housing strategy guidelines, including providing “[a] variety of residential densities” in order “to encourage the private sector to construct a variety of housing unit types” (p. 7-36); and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Policy 601.1.12 directs the County to “adopt Land Development Regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 601.2 directs the County to “adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 601.6 directs the County to “formulate housing implementation programs corresponding to each of the specific objectives defined within this element, including “incentive programs, to be

implemented in conjunction with the Permit Allocation System, to promote the development of affordable and elderly housing”; and

WHEREAS, the Board of County Commissioners makes the following findings of fact:

1. A lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy. Moreover, increasingly burdensome housing costs and short supply places undue pressure on elderly, working poor and disabled persons.

2. There is limited land area suitable for residential development remaining in the County.

3. There is an ongoing dramatic exodus of working families and other community members from our County with a corresponding decrease in population and the transformation of traditionally available housing stock into seasonal second homes making these dwelling units no longer available for rental by present and future full-time local residents.

4. Permitting the calculation of the maximum number affordable, employee and workforce housing units based upon gross acreage or the total square footage of a given parcel or group of parcels will likely lead to the creation of more affordable housing.

5. This proposed amendment to Policy 101.4.21 will complement the 2010 Comprehensive Plan’s existing housing provisions by providing incentives for private and public sector housing creation and/or preservation by maximizing housing uses of appropriate sites.

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

[Amendments are presented in ~~strike through~~ to indicate deletions and underline to indicate additions to text. All other words, characters, and language of the comprehensive plan remain un-amended.]

Section 1. The following language is adopted as an amendment to the Monroe County Year 2010 Comprehensive Plan to replace in its entirety the current Policy 101.4.21, except that *the table* labeled “Future Land Use Densities and Intensities” that is now part of Policy 101.4.21 *shall not be changed by this amendment*:

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17. However, the Maximum Net Density for development or redevelopment parcels where the residential component constitutes affordable, workforce or employee housing, as such housing may be defined by any local, state or federal law or regulation, shall

be calculated based upon the gross acreage or total square footage of parcel(s) developed or redeveloped into such housing uses.

Section 2. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be transmitted to the Secretary of State and by the Planning Department to the Department of Community Affairs pursuant to Chapter 163, Florida Statutes.

Section 5. This ordinance shall become effective as provided by law.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 20th day of February, A.D., 2008.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Mario Di Gennaro _____
Commissioner Sylvia Murphy _____
Commissioner George Neugent _____
Commissioner Dixie Spehar _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
CHARLES "SONNY" McCOY, MAYOR

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK

APPROVED AS TO FORM:

County Attorney



STAFF MEMO

TO: Monroe County Board of County Commissioners

FROM: Lisa Tennyson, Affordable Housing Coordinator 

THROUGH: Reggie Paros, Division Director of Housing and Community Development

DATE: May 9, 2008

SUBJECT: Comprehensive Plan Amendment Transmittal Meeting: Proposed Gross Density Text Amendment

MEETING DATE: May 23, 2008

1. Summary

This proposed text amendment will simplify density calculations for parcels to be developed or redeveloped as affordable, workforce or employee housing. With this amendment, maximum allowable density shall be calculated on the *gross acreage* or *total square footage* of a parcel, without first subtracting the land area required for open space, setbacks and buffer areas. This amendment does not preclude the requirements for open space, setbacks, and buffer areas; they will still apply.

The proposed amendment will permit a modest increase in the number of affordable housing units that can be built on a parcel, helping us to address our housing needs, incentivizing affordable development and enhancing its financial feasibility, and in the case of county-owned parcels for affordable housing development, maximizing the county's significant investment.

2. Background

In February 2006, BOCC adopted Resolution 094-2006 directing this change in density calculation for affordable/workforce housing development. In November 2007, the Development Review Committee heard and approved the proposed ordinance. In January 2008, the Planning Commission heard and approved the proposed ordinance.

On February 20, 2008, the BOCC heard this proposed ordinance. Much discussion related to the language in the proposed ordinance that specifically indicated that projects incorporating a gross acreage calculation may also be entitled to seek variances and to ensure an understanding that a project with a gross acreage calculation did not necessarily preclude that project from also

On February 20, 2008, the BOCC heard this proposed ordinance. The Growth Management Division proposed a slightly modified version of the ordinance (presented as "Option Two") deleting language that referred to any specific occupancy requirements for housing on school district sites, as these are addressed by statute. The ordinance with this modification (Option Two) was approved unanimously, and is the version presented for the May 23, 2008 transmittal meeting.

3. Staff Recommendation

Approval.