

DEVELOPMENT REVIEW COMMITTEE

-
Tuesday, December 18, 2012

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, December 18, 2012, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director
Jerry Smith, Building Official
Mayte Santamaria, Assistant Planning Director
Mitch Harvey, Comprehensive Plan Manager
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Emily Schemper, Sr. Planner
Steven Biel, Sr. Planner
Barbara Bauman, Planner
Tim Finn, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE BY ESTABLISHING TWO COMMERCIAL DISTRICTS; AMENDING SECTION 130-2, LAND USE DISTRICTS ESTABLISHED; CREATING SECTION 130-51, PURPOSE OF THE COMMERCIAL 1 DISTRICT (C1); CREATING SECTION 130-52, PURPOSE OF THE COMMERCIAL 2 DISTRICT (C2); CREATING, WITHIN ARTICLE III PERMITTED AND CONDITIONAL USES, SECTION 130-102, COMMERCIAL 1 DISTRICT (C1); AND SECTION 130-103 COMMERCIAL 2 DISTRICT (C2); AND AMENDING SECTION 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE; 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-160)

[2012-160 SR DRC 12.18.12.PDF](#)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE TO INCLUDE THE COMMERCIAL 1 (C1) AND COMMERCIAL 2 (C2) LAND USE DISTRICTS WITHIN THE FOLLOWING SECTIONS; SECTION 114-20 FENCES; SECTION 114-99 REQUIRED LANDSCAPING; SECTION 114-126 DISTRICT BOUNDARY BUFFERS; SECTION 114-127 REQUIRED SCENIC CORRIDOR AND MAJOR STREET BUFFERS; SECTION 130-186 MINIMUM YARDS; SECTION 142-4 SIGNS REQUIRING A PERMIT AND SPECIFIC STANDARDS; CHAPTER 146, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES," SECTION 146-3 APPLICABILITY, SECTION 146-4 USES BY LAND USE DISTRICT, AND SECTION 146-5 DEVELOPMENT STANDARDS; REFERENCING COMMERCIAL 1 (C1) AND COMMERCIAL 2 (C2) LAND USE DISTRICTS WHERE APPROPRIATE; 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-161)

[2012-161 SR DRC 12.18.12.PDF](#)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 102-185 AND 102-215 IN ORDER TO CLARIFY CERTAIN APPELLATE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR FILING WITH THE SECRETARY OF STATE AND THE STATE LAND PLANNING AGENCY; AND PROVIDING AN EFFECTIVE DATE.

(File 2012-162)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-22(2); CLARIFYING THAT LAWFUL TRANSIENT RESIDENTIAL RATE OF GROWTH ORDINANCE (ROGO) EXEMPTIONS MAY BE TRANSFERRED TO RECREATIONAL VEHICLE (RV) PARKS, AS WELL AS A HOTELS; 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-165)

ADJOURNMENT

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".



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Development Review Committee &
Townasley Schwab, Senior Director of Planning & Environmental Resources

From: Emily Schemper, Senior Planner 

Date: December 11, 2012

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE BY ESTABLISHING TWO COMMERCIAL DISTRICTS; AMENDING SECTION 130-2, LAND USE DISTRICTS ESTABLISHED; CREATING SECTION 130-51, PURPOSE OF THE COMMERCIAL 1 DISTRICT (C1); CREATING SECTION 130-52, PURPOSE OF THE COMMERCIAL 2 DISTRICT (C2); CREATING, WITHIN ARTICLE III PERMITTED AND CONDITIONAL USES, SECTION 130-102, COMMERCIAL 1 DISTRICT (C1); AND SECTION 130-103 COMMERCIAL 2 DISTRICT (C2); AND AMENDING SECTION 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE; 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: December 18, 2012

I REQUEST

This is a request from the Planning & Environmental Resources Department to create Monroe County Code (MCC) §130-51, §130-52, §130-102, and §130-103, and to amend §130-2 and §130-164; to establish “Commercial 1” and “Commercial 2” land use districts, corresponding permitted and conditional uses, and corresponding land use intensities and open space requirements.

II BACKGROUND INFORMATION & ANALYSIS

Currently, the County does not have any exclusive commercial land use districts. Commercial uses are allowed in the following existing land use districts:

- Urban commercial district (UC),
- Urban residential—mobile home district (URM),
- Urban residential mobile home—limited district (URM-L),

1 Suburban commercial district (SC),
2 Suburban residential district (SR),
3 Improved subdivision district (IS),
4 Improved subdivision vacation rental district (IS-V),
5 Destination resort district (DR),
6 Recreational vehicle district (RV),
7 Commercial fishing area district (CFA),
8 Commercial fishing village district (CFV),
9 Commercial fishing special districts (CFS),
10 Mixed use district (MU),
11 Industrial district (I),
12 Maritime industries district (MI), and
13 Military facilities district (MF).

14
15 Each of these land use districts allows some form of residential use as well.

16
17 As the County has undertaken the tasks outlined in Rule 28-20.140, Florida Administrative
18 Code (F.A.C.) and the evaluation of the 2010 Comprehensive Plan, several issues have been
19 highlighted that indicate the need for an exclusive commercial category. The County has
20 already begun to address these issues by proposing a Commercial future land use category
21 which does not include a residential component. At their regularly scheduled meeting on
22 October 17, 2012, the BOCC approved a resolution transmitting to the State Land Planning
23 Agency an ordinance amending the Comprehensive Plan to establish a Commercial future land
24 use category. The transmitted Commercial future land use category would include two land use
25 districts, Commercial 1 (C1) and Commercial 2 (C2).

26
27 The amendment proposed here is necessary to keep the Land Development Code consistent
28 with the Comprehensive Plan by establishing the two commercial land use districts under the
29 new Commercial FLUM category, as well as their corresponding intensities and open space
30 requirements.

31
32 As discussed in detail during review of the Comprehensive Plan amendment, the creation of
33 exclusively commercial land use districts can provide alternative and additional uses of private
34 property that do not include a residential component, and, therefore, do not contribute to
35 increases in hurricane evacuation times. Additionally, the proposed commercial land use
36 districts can assist the County in implementing other necessary planning projects, such as
37 addressing nonconformities.

38 39 Nonconforming Uses

40 When the official zoning maps were adopted in 1992, as well as with the adoption of the
41 Monroe County 2010 Comprehensive Plan and Future Land Use Maps in 1997, multiple
42 properties with existing commercial/office uses became nonconforming due to the adopted
43 maps. Members of the community have brought up the issue of nonconformities over the years
44 and the County has highlighted this issue in the Evaluation and Appraisal Report (EAR) of the
45 Comprehensive Plan (A. see EAR example below). Additionally, the County has adopted
46 action items as part of the Livable CommuniKeys Plans (B. see Key Largo Community Master
47 Plan examples below) as well as the fee resolution (C. see Resolution 172-2012 below) to
48 address these nonconformities.

1 **A. Evaluation and Appraisal Report**

2
3 EAR Recommendations

4 On May 22, 2012, the BOCC adopted the final Evaluation and Appraisal Report (EAR), which
5 evaluates the existing goals, objectives, and policies of the existing Comprehensive Plan and gauges
6 their compatibility with state and regional policies, plans and regulatory requirements.
7

8 The EAR's Assessment of Comprehensive Plan Elements (Chapter 3) included the following
9 recommendation:

10
11 **A. Future Land Use Element**

12 Objective 101.4 and the associated polices establish the Future Land Use Map categories and the
13 density and intensity standards for each category. These policies should be evaluated to determine if: 1)
14 the existing density and intensity standards recognize and encourage the unique
15 development/redevelopment patterns within the County; 2) if the floor area ratio maximums promote
16 compatibility in each of the Future Land Use categories; 3) if the density standards under maximum net
17 density should be modified or eliminated; and 4) if open space ratios should be adopted into the
18 Comprehensive Plan. Additionally, the County should review and clarify the uses permitted under the
19 Conservation category, consider the creation of a Preservation category for publically owned lands, **and**
20 **establish a Commercial category.**
21

22 The EAR's Assessment of Major Issues (Chapter 4) included the following recommendation:

23
24 ***Issue Category #2(e): Development of a Commercial Land Use District Category***

25 **A. Background:** Currently, the County does not have an exclusive commercial land use category. The
26 two existing commercial use categories: Mixed Use/Commercial and Mixed Use/Commercial Fishing
27 include a residential component.

28 **B. Analysis:** Due to the potential for encroachment and impacts from litter and pets from residential
29 uses, mixed use parcels adjacent to natural habitat in Tier I have the potential to negatively impact these
30 lands.

31 **C. Policy Framework:**

32 • Objective 101.4 and its associated policies identify the various land use districts and the uses allowed
33 within each district, but again, there is no Commercial land use category.

34 **D. Strategies:**

35 - **The County should consider creating a policy for a Commercial Future Land Use Designation that**
36 **does not allow residential uses.**
37

38 **III. Land Use/Mobility**

39 ***Issue Statement #2: The County Should Meet or Exceed Hurricane Evacuation Requirements as***
40 ***required by State law.***

41
42 **B. Key Largo Community Master Plan (2006)**

43
44 Goals identified in the Key Largo Community Master Plan include:

45 ***Land Use and Redevelopment Element***

46 ***GOAL ONE: Direct future growth to lands that are most suitable for development and encourage***
47 ***preservation of environmentally sensitive lands.***
48

49 Under this goal, community needs include the re-evaluation of parcels that were previously down-
50 zoned and now non-conforming, and restoration of the commercial status where appropriate (pg 20).
51

1 **Action Item 1.3.1:** Continue to use the FLUM and Land Use District Maps to regulate development of
2 individual parcels with respect to density, intensity, bulk regulations, and all other land development
3 regulation. This will protect the existing conformance status of most uses and promote orderly
4 development consistent with the Comprehensive Plan.
5

6 **Action Item 1.3.2:** Revise the FLUM and Land Use District Maps to resolve nonconformities
7 in the planning area where appropriate.
8

9 **Action Item 1.3.7:** Evaluate future FLUM change and Land Use District Map change requests for
10 nonconforming uses, proposed changes in use, vacant parcels and other requests based mainly on
11 comprehensive planning principles and the following community-goal related criteria:

- 12 a. Promote infill, design flexibility and transfer of density to Community Centers.
13 b. Preserve commercial conformance status within sections along US-1 predominated by existing
14 commercial businesses and disturbed lands.
15 c. Encourage sun-setting of intensive commercial uses within sections along US-1 predominated by
16 natural habitat or native-dominated landscape, relatively sparse development and relatively few
17 businesses.
18 d. Preserve commercial use status for existing waterfront uses that support the tourist-based and
19 working waterfront-based economy.
20 e. Give consideration to whether the property provides a unique or outstanding opportunity for
21 enhancement of design, connectivity and other community goals, especially along the US-1 corridor.

22
23 **C. Fee Resolution 172-2012**

24 Section I.

25 *3. There shall be no application or other fees, except advertising and noticing fees, for property owners*
26 *who apply for a map amendment to the official LUD map and/or the official FLUM, if the property*
27 *owner can provide satisfactory evidence that a currently existing use on the site that also existed*
28 *lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently*
29 *existing use on the site that also existed lawfully in on the site in 1997 was deemed nonconforming by*
30 *final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD*
31 *and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the*
32 *existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map*
33 *amendment application, the applicant must provide the evidence supporting the change and application*
34 *for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning &*
35 *Environmental Resources Department as part of an application for a Letter of Understanding.*
36 *Following a review, the Director of Planning & Environmental Resources shall determine if the*
37 *information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations*
38 *are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter*
39 *of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or*
40 *FLUM Category.*

41
42 Together with the Commercial future land use category, the proposed amendment will fulfill
43 the EAR's recommendations to create a policy for a Commercial Future Land Use Designation
44 that does not allow residential uses, as well as support the County's efforts to comply with the
45 State's requirements for hurricane evacuation.
46

1 Further, as the County currently tries to address the nonconformities due to the official map
2 adoptions, the County must evaluate and make recommendations on amendments based on the
3 existing land use districts. Each of the existing land use districts that allows commercial (listed
4 previously) also includes a residential component. If the County or a property owner requests
5 that the land use district for a property with an existing nonconforming commercial use be
6 changed to one of the existing commercial land use districts, the allocated residential density
7 could likely increase with that change. Given the hurricane evacuation issues stated above, and
8 consistent with resolution 021-2012 below which discourages increases in allowable density,
9 the current land use districts may not be viable options for land use district changes addressing
10 nonconforming commercial uses. No alternative land use districts currently exist which do not
11 include a residential component.

12 Discouragement Amendment

13 **Resolution 021-2012 discouraging private applications for future land use changes which** 14 **increase allowable density/intensity.**

- 15 - On September 21, 2012, the Monroe County BOCC adopted Ordinance 028-2012,
16 creating Policy 101.4.20 discouraging private applications for future land use changes
17 which increase allowable density/intensity, and transmitted the ordinance to the State
18 Land Planning Agency. The amendment is to implement the Work Program Task from
19 Rule 28-20.140, F.A.C., and the direction from the Administration Commission. This
20 amendment was found in-compliance by the State Land Planning Agency and became
21 effective on November 20, 2012.
22

23
24 The creation of the Commercial 1 and Commercial 2 land use districts will further support the
25 goal of avoiding increases in residential density by providing alternative zoning categories
26 which do not allow residential development.
27

28 **III. REVIEW**

29 MCC §130-2:

30 Amendments are necessary to add the Commercial 1 district (C1) and Commercial 2 district
31 (C2) and their abbreviations to the list of officially established land use districts. Staff is
32 proposing two commercial land use districts in order to distinguish between commercial uses
33 of different scales (as described below by the purposes of each district).
34

35 MCC §130-51:

36 Creation of this section is necessary to describe the purpose of the Commercial 1 district. Staff
37 is proposing that the commercial uses allowed in the Commercial 1 district be primarily to
38 serve the needs of the immediate vicinity in which they are located.
39

40 MCC §130-52:

41 Creation of this section is necessary to describe the purpose of the Commercial 2 district. Staff
42 is proposing that the Commercial 2 district designate appropriate areas for higher-intensity
43 commercial uses intended to serve retail sales and service, professional services and resort
44 activity needs of a subarea.
45

46 MCC §130-102:

47 Creation of this section is necessary to establish which specific uses are permitted as of right
48 and as conditional uses in the Commercial 1 district. Staff is proposing that permitted uses be

1 similar to those in the Suburban Commercial land use district, but will not include any
2 residential uses.

3
4 MCC §130-103:

5 Creation of this section is necessary to establish which specific uses are permitted as of right
6 and as conditional uses in the Commercial 2 district. Staff is proposing that permitted uses be
7 similar to those in the Urban Commercial land use district, but not include any residential uses.
8

9 MCC §130-164:

10 Amendments to the “Maximum nonresidential land use intensities and district open space”
11 table in this section are necessary to establish allowed intensities for uses within the
12 Commercial 1 district and the Commercial 2 district, and to establish the minimum required
13 open space for uses within these districts. Staff is proposing that maximum intensities in the
14 Commercial 2 district be slightly higher than those in the Commercial 1 district, consistent
15 with the purpose of each district, as described above. Open space requirements of 20% are
16 proposed for both districts, consistent with open space requirements for the majority of existing
17 land use districts.
18

19
20 **IV. PROPOSED AMENDMENT**

21
22 Therefore, staff recommends the following changes (Additions are underlined and in green.
23 Text to remain the same is in black):
24

25 **Chapter 130 - LAND USE DISTRICTS**

26
27 **ARTICLE I. - IN GENERAL**

28
29 **Sec. 130-2. - Land use districts established.** In order to carry out and implement the goals and
30 objectives of the plan, the following land use districts are hereby established:

- 31 (1) Urban commercial district (UC).
32 (2) Urban residential district (UR).
33 (3) Urban residential—mobile home district (URM).
34 (4) Urban residential mobile home—limited district (URM-L).
35 (5) Suburban commercial district (SC).
36 (6) Suburban residential district (SR).
37 (7) Suburban residential district (limited) (SR-L).
38 (8) Sparsely settled residential district (SS).
39 (9) Native area district (NA).
40 (10) Mainland native area (MN).
41 (11) Offshore island district (OS).
42 (12) Improved subdivision district (IS).
43 (13) Improved subdivision vacation rental district.
44 (14) Destination resort district (DR).
45 (15) Recreational vehicle district (RV).
46 (16) Commercial fishing area district (CFA).
47 (17) Commercial fishing village district (CFV).
48 (18) Commercial fishing special districts (CFS).

- 1 (19) Mixed use district (MU).
- 2 (20) Industrial district (I).
- 3 (21) Maritime industries district (MI).
- 4 (22) Military facilities district (MF).
- 5 (23) Airport district (AD).
- 6 (24) Park and refuge district (PR).
- 7 (25) Conservation district (CD).
- 8 (26) Commercial 1 district (C1).
- 9 (27) Commercial 2 district (C2).
- 10 *(Code 1979, § 9.5-202; Ord. No. 33-1986, § 9-102)*

11
12 **ARTICLE II. - DISTRICT PURPOSES**

13 **Sec. 130-51. - Purpose of the commercial 1 district (C1).**

14 The purpose of the C1 district is to establish areas for commercial retail, public, institutional and
15 office uses designed and intended primarily to serve the needs of immediately surrounding
16 residential areas. This district should be established at locations convenient and accessible to
17 residential uses to reduce trips on U.S. 1.

18
19 **Sec. 130-52. - Purpose of the commercial 2 district (C2).**

20 The purpose of the C2 district is to designate appropriate areas for higher-in-ensity commercial
21 uses intended to serve the needs of a subarea with commercial retail sales and service, public,
22 institutional and office uses. This district should be established at discrete nodes along U.S. 1 and
23 designed to serve the needs of both residents and visitors.

24
25
26 **ARTICLE III. - PERMITTED AND CONDITIONAL USES**

27 **Sec. 130-102. - Commercial 1 district (C1).**

28 **(a) The following uses are permitted as of right in the commercial 1 district:**

- 29 (1) Commercial retail, low- and medium-intensity and office uses or any combination thereof of
30 less than 2,500 square feet of floor area;
- 31 (2) Commercial recreational uses (indoor and outdoor);
- 32 (3) Institutional uses;
- 33 (4) Public buildings and uses;
- 34 (5) Accessory uses;
- 35 (6) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);
- 36 (7) Attached wireless communications facilities, as accessory uses, pursuant to section 146-5(4);
- 37 (8) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
- 38 (9) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5);
- 39 (10) Satellite earth stations, as accessory uses, pursuant to section 146-5(6);

40
41 **(b) The following uses are permitted as minor conditional uses in the commercial 1 district,**
42 **subject to the standards and procedures set forth in chapter 110, article III:**

43 (1) Commercial retail, low- and medium-intensity and office uses or any combination thereof of
44 greater than 2,500 but less than 10,000 square feet of floor area, provided that access to U.S. 1 is
45 by way of:

- 46 a. An existing curb cut;
- 47 b. A signalized intersection; or

1 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
2 400 feet;

3 (2) Commercial retail uses of high intensity of less than 2,500 square feet in floor area; provided
4 that access to U.S. 1 is by way of:

5 a. An existing curb cut;

6 b. A signalized intersection; or

7 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
8 400 feet;

9 (3) Parks and community parks; and

10 (4) Light industrial uses, provided that:

11 a. The parcel proposed for development does not have an area of greater than two acres;

12 b. The parcel proposed for development is separated from any established residential use
13 by at least a class C bufferyard; and

14 c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge
15 at least six feet in height;

16
17 **(c) The following uses are permitted as major conditional uses in the commercial 1 district**
18 **subject to the standards and procedures set forth in chapter 110, article III:**

19 (1) Commercial retail of low- and medium-intensity and office uses or any combination thereof
20 greater than 10,000 square feet in floor area, provided that access to U.S. 1 is by way of:

21 a. An existing curb cut;

22 b. A signalized intersection; or

23 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
24 400 feet;

25 (2) Commercial retail uses of high intensity greater than 2,500 square feet in floor area, provided
26 that access to U.S. 1 is by way of:

27 a. An existing curb cut;

28 b. A signalized intersection; or

29 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
30 400 feet;

31 (3) New antenna-supporting structures, pursuant to section 146-5(1); and

32 (4) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter;

33
34
35 **Sec. 130-103. – Commercial 2 district (C2).**

36 **(a) The following uses are permitted as of right in the commercial 2 district:**

37 (1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of
38 less than 10,000 square feet of floor area;

39 (2) Commercial retail uses of high intensity of less than 5,000 square feet of floor area;

40 (3) Commercial recreational uses (indoor and outdoor);

41 (4) Institutional uses;

42 (5) Public buildings and uses;

43 (6) Accessory uses;

44 (7) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);

45 (8) Attached wireless communications facilities, as accessory uses, pursuant to section 146-5(4);

46 (9) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);

47 (10) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5);

48 and

1 (11) Satellite earth stations, as accessory uses, pursuant to section 146-5(6).

2
3 **(b) The following uses are permitted as minor conditional uses in the commercial 2 district,**
4 **subject to the standards and procedures set forth in chapter 110, article III:**

5 (1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of
6 greater than 10,000 but less than 45,000 square feet of floor area, provided that access to U.S. 1 is
7 by way of:

8 a. An existing curb cut;

9 b. A signalized intersection; or

10 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
11 400 feet;

12 (2) Commercial retail uses of high intensity of greater than 5,000 but less than 30,000 square feet
13 of floor area, provided that access to U.S. 1 is by way of:

14 a. An existing curb cut;

15 b. A signalized intersection; or

16 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
17 400 feet;

18 (3) Parks and community parks; and

19 (4) Light industrial uses, provided that:

20 a. The parcel proposed for development does not have an area of greater than two acres;

21 b. The parcel proposed for development is separated from any established residential use
22 by at least a class C bufferyard; and

23 c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge
24 at least six feet in height;

25
26 **(c) The following uses are permitted as major conditional uses in the commercial 2 district,**
27 **subject to the standards and procedures set forth in chapter 110, article III:**

28 (1) Commercial retail of low- and medium-intensity and office uses, or any combination thereof,
29 of greater than 45,000 square feet in floor area, provided that access to U.S. 1 is by way of:

30 a. An existing curb cut;

31 b. A signalized intersection; or

32 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
33 400 feet;

34 (2) Commercial retail uses of high intensity of greater than 30,000 square feet in floor area,
35 provided that access to U.S. 1 is by way of:

36 a. An existing curb cut;

37 b. A signalized intersection; or

38 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least
39 400 feet;

40 (3) Amusement or sea life parks and drive-in theaters, provided that:

41 a. The parcel of land has an area of at least two acres;

42 b. The parcel is separated from residential districts IS, SR, SR-L, SS, UR, URM, URM-L
43 or established residential uses by at least a class E buffer; and

44 c. Access to U.S. 1 is by way of:

45 1. An existing curb cut;

46 2. A signalized intersection; or

47 3. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by
48 at least 400 feet;

1 (4) Marinas, provided that:

- 2 a. The parcel proposed for development has access to water of at least four feet below
3 mean sea level at mean low tide;
4 b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing
5 products;
6 c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge
7 at least six feet in height;
8 d. Any commercial fishing activities are limited to the landing of catch, mooring and
9 docking of boats and storage of traps and other fishing equipment; and
10 e. Each nonwaterside perimeter setback of the parcel proposed for development must have
11 a class C bufferyard within a side yard setback of ten feet;

12 (5) Heliports or seaplane ports, provided that:

- 13 a. The heliport is associated with a governmental services facility, a law enforcement
14 element or a medical services facility;
15 b. The heliport or seaplane port is a Federal Aviation Administration certified landing
16 facility;
17 c. The landing and departure approaches do not pass over established residential uses or
18 known bird rookeries;
19 d. If there are established uses within 500 feet of the parcel proposed for development, the
20 hours of operation shall be limited to daylight; and
21 e. The use is fenced or otherwise secured from any entry by unauthorized persons;

22 (6) New antenna-supporting structures, pursuant to section 146-5(1); and

23 (7) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter.

24
25
26 **ARTICLE V. - LAND USE INTENSITIES**

27
28 **Sec. 130-164. - Maximum nonresidential land use intensities and district open space.**

29 Maximum nonresidential land use intensities and district open space shall be in accordance with
30 the following table:

<i>Land Use District</i>	<i>Maximum Floor Area Ratio</i>	<i>O.S.R. *</i>
Urban commercial:		
Commercial retail:		
Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial recreation	0.15	0.20
Institutional	0.40	0.20
Outdoor recreational	0.15	0.20
Public buildings	0.35	0.20
Urban residential:		

Institutional	0.30	0.20
Public buildings and uses	0.30	0.20
Urban residential mobile home:		
Commercial retail:		
Low intensity	**	0.20
Medium intensity	**	0.20
Offices	**	0.20
<u>Commercial 1:</u>		
<u>Commercial retail:</u>		
<u>Low intensity</u>	<u>0.35</u>	<u>0.20</u>
<u>Medium intensity</u>	<u>0.25</u>	<u>0.20</u>
<u>High intensity</u>	<u>0.15</u>	<u>0.20</u>
<u>Offices</u>	<u>0.40</u>	<u>0.20</u>
<u>Commercial recreational</u>	<u>0.15</u>	<u>0.20</u>
<u>Institutional</u>	<u>0.30</u>	<u>0.20</u>
<u>Public buildings and uses</u>	<u>0.30</u>	<u>0.20</u>
<u>Light industry</u>	<u>0.30</u>	<u>0.20</u>
<u>Commercial 2:</u>		
<u>Commercial retail:</u>		
<u>Low intensity</u>	<u>0.50</u>	<u>0.20</u>
<u>Medium intensity</u>	<u>0.40</u>	<u>0.20</u>
<u>High intensity</u>	<u>0.35</u>	<u>0.20</u>
<u>Offices</u>	<u>0.45</u>	<u>0.20</u>
<u>Commercial recreational</u>	<u>0.25</u>	<u>0.20</u>
<u>Institutional</u>	<u>0.40</u>	<u>0.20</u>
<u>Public buildings and uses</u>	<u>0.35</u>	<u>0.20</u>
<u>Light industry</u>	<u>0.40</u>	<u>0.20</u>
Suburban commercial:		
Commercial retail:		
Low intensity	0.35	0.20
Medium intensity	0.25	0.20
High intensity	0.15	0.20
Offices	0.40	0.20
Commercial recreational	0.10	0.20

Institutional	0.30	0.20
Outdoor recreational	0.10	0.20
Public buildings and uses	0.30	0.20
Light industry	0.30	0.20
Suburban residential:		
Commercial retail:		
Low intensity	**	0.50
Medium intensity	**	0.50
Offices	**	0.50
Public buildings and uses	0.25	0.50
Institutional	0.25	0.50
Sparsely settled:		
Public buildings and uses	0.20	0.20
Native area:		
Public buildings and uses	0.20	0.20
Mainland native area:		
Educational/research centers	0.30	0.20
Improved subdivision:		
Commercial retail:		
Low intensity	0.25**	0.20
Medium intensity	0.20**	0.20
Offices	0.25**	0.20
Destination resort:		
Commercial retail	**	0.20
Institutional	0.30	0.20
Recreational vehicle:		
Commercial retail	**	0.20
Commercial fishing area:		
Commercial fishing	0.40	0.20
Light industry	0.40	0.20
Commercial retail:		
Low intensity	0.40	0.20
Medium intensity	0.40	0.20
Commercial fishing village:		
Commercial fishing	0.40	0.20

Commercial fishing special districts (all):			
Commercial retail:			
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
Commercial fishing		0.40	0.20
Light industry		0.30	0.20
Mixed use:			
Commercial retail:			
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	High intensity	0.15	0.20
	Offices	0.40	0.20
Commercial recreational		0.10	0.20
Institutional		0.30	0.20
Outdoor recreational		0.10	0.20
Public buildings and uses		0.30	0.20
Commercial fishing		0.40	0.20
Light industry		0.30	0.20
Industrial:			
Light industry		0.40	0.20
Heavy industry		0.25	0.20
Public buildings and uses		0.40	0.20
Restaurants		0.30	0.20
Offices		0.40	0.20
Commercial fishing		0.40	0.20
Maritime industrial:			
Commercial retail:			
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	High intensity	0.40	0.20
	Offices	0.50	0.20
Public buildings and uses		0.60	0.20
Commercial fishing		0.45	0.20
Light industry		0.35	0.20
Heavy industry:			

Military facilities:			
	Military uses	0.50	0.20
Commercial retail:			
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	Offices	0.40	0.20
	Public buildings and uses	0.30	0.20
Airport:			
	Airport uses	0.10	0.20
Parks and refuge:			
	Public buildings and uses	0.20	0.90
* See additional open space ratio in this article: in accordance with section 118-12, the most restrictive of these ratios applies.			
**Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in article III of this chapter shall prevail.			

1
2
3 **V. STAFF RECOMMENDATION**
4

5 Staff has found that the proposed text amendment would be consistent with one or more of the
6 required provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public
7 service needs) from those on which the text or boundary was based; 2. Changed assumptions
8 (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative
9 types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of a
10 need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has
11 found that the proposed text amendments are necessary due to new issues and recognition of a
12 need for additional detail or comprehensiveness.

13
14 Staff recommends that the Board of County Commissioners amend the Monroe County Code
15 as stated in the text of this staff report.
16
17

18 **VI. EXHIBITS**
19

- 20 1. Corresponding proposed amendment to Comprehensive Plan to create a Commercial
21 FLUM, as approved for transmittal to the State Land Planning Agency on October 17,
22 2012.

Exhibit 1

Corresponding Proposed Amendment to Monroe County 2010 Comprehensive Plan, as approved for transmittal to State Land Planning Agency.

Policy 101.4.21

The principal purpose of the Commercial (COMM) future land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail; highway-oriented sales and services; commercial recreation; light industrial; public, institutional and office uses may be permitted at intensities which are consistent with the community character and the natural environment. The commercial zoning districts established within this category are intended to serve the immediate vicinity or serve the Upper or Lower subarea. This category is not intended to accommodate transient or permanent residential development.

In order to protect environmentally sensitive lands, the following development controls shall apply to all Tier I lands within this land use category:

1. only low intensity commercial uses shall be allowed; and
2. a maximum floor area ratio of 0.15 shall apply.

Policy 101.4.22 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:

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Commercial (COMM) (Commercial 1 (C1) zoning & Commercial 2 (C2) zoning)	0 du 0 rooms/spaces	N/A N/A	<u>0.15-0.50</u>
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^(a) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45

Mixed Use/Commercial Fishing (MCF) ^(g) (CFA, CFV ^(c) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:

- (a) "N/A" means that maximum net density bonuses shall not be available.
- (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
- (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of ITDRs.



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5 **MEMORANDUM**
6 **MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**
7 *We strive to be caring, professional and fair*
8

9 **To:** Monroe County Development Review Committee &
10 Townsley Schwab, Senior Director of Planning & Environmental Resources

11
12 **From:** Emily Schemper, Senior Planner 

13
14 **Date:** December 11, 2012

15
16 **Subject:** *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY*
17 *COMMISSIONERS AMENDING THE MONROE COUNTY CODE TO INCLUDE*
18 *THE COMMERCIAL 1 (C1) AND COMMERCIAL 2 (C2) LAND USE DISTRICTS*
19 *WITHIN THE FOLLOWING SECTIONS; SECTION 114-20 FENCES; SECTION*
20 *114-99 REQUIRED LANDSCAPING; SECTION 114-126 DISTRICT BOUNDARY*
21 *BUFFERS; SECTION 114-127 REQUIRED SCENIC CORRIDOR AND MAJOR*
22 *STREET BUFFERS; SECTION 130-186 MINIMUM YARDS; SECTION 142-4*
23 *SIGNS REQUIRING A PERMIT AND SPECIFIC STANDARDS; CHAPTER 146,*
24 *ENTITLED "WIRELESS COMMUNICATIONS FACILITIES," SECTION 146-3*
25 *APPLICABILITY, SECTION 146-4 USES BY LAND USE DISTRICT, AND*
26 *SECTION 146-5 DEVELOPMENT STANDARDS; REFERENCING*
27 *COMMERCIAL 1 (C1) AND COMMERCIAL 2 (C2) LAND USE DISTRICTS*
28 *WHERE APPROPRIATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR*
29 *REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL*
30 *TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE;*
31 *PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*
32

33 **Meeting:** December 18, 2012
34

35 **I REQUEST**

36
37 This is a request from the Planning & Environmental Resources Department to amend various
38 sections of Monroe County Code (MCC) to reference the recently created Commercial 1 and
39 Commercial 2 land use districts in the appropriate places of Chapters 114, 130, 142 and 146, as
40 described below.
41

42 **II RELEVANT PRIOR COUNTY ACTIONS**

43
44 At their regularly scheduled meeting on October 17, 2012, the BOCC approved a resolution
45 transmitting to the State Land Planning Agency an ordinance amending the Comprehensive
46 Plan to establish a Commercial future land use category. The transmitted Commercial future
47 land use category is planned to have two corresponding land use districts, Commercial 1 (C1)

1 and Commercial 2 (C2). A separate text amendment which would establish the C1 and C2 land
2 use districts is being processed concurrently with this text amendment.
3

4 The text amendments proposed here are required to reconcile the C1 and C2 land use districts
5 with sections of MCC that currently reference specific land use districts in regards to fences,
6 landscaping, bufferyards, minimum required yards, signs, and wireless communications
7 facilities. These amendments are necessary to implement the proposed Comprehensive Plan
8 amendment.
9

10 **III. REVIEW & ANALYSIS**

11 **CHAPTER 114 - DEVELOPMENT STANDARDS**

12 **ARTICLE I. - IN GENERAL**

13 **MCC §114-20 – Fences:**

14 This section regulates fences. Currently, the height of fences is restricted to four feet within
15 front yard setbacks, with four exceptions. Exception #2 (§114-20(1)d.2.) allows fences within
16 certain land use districts to be constructed to a height of six feet provided they are not located
17 within clear sight triangles. The list of land use districts allowed this exception includes all
18 land use districts that are primarily nonresidential in character. It would then be consistent to
19 also allow fences within front yard setbacks to a height of six feet in the newly created C1 and
20 C2 land use districts.
21
22
23
24

25 **ARTICLE IV. - LANDSCAPING**

26 **MCC §114-99 – Required landscaping:**

27 This section establishes landscaping standards for off-street parking areas containing more than
28 six spaces and located within certain land use districts. Currently, all land use districts which
29 allow nonresidential development have a required landscape standard under this section of
30 code. Uses within the C1 and C2 land use districts will likely require significant off-street
31 parking, and ought to have a landscape standard as well.
32
33

34 The C1 land use district is similar in intensity to the Suburban Commercial (SC) district, which
35 has a landscape standard of “A”; the C2 land use district is similar in intensity to the Urban
36 Commercial (UC) district, which has a landscape standard of “C”. Therefore, staff proposes a
37 landscape standard of “A” for the less intense C1 district, and a landscape standard of “C” for
38 the more intense C2 district.
39

40 **ARTICLE V. - SCENIC CORRIDOR AND BUFFERYARDS**

41 **MCC §114-126 – District boundary buffers:**

42 This section provides a table establishing the types of bufferyards required between specific
43 land use districts. The C1 land use district is similar in intensity and type of commercial use to
44 the SC district; the C2 land use district is similar in intensity and type of commercial use to the
45 UC district. Therefore, staff proposes district boundary bufferyard standards for the C1 district
46 based on those already established for the SC district, and district boundary bufferyard
47 standards for the C2 district based on those already established for the UC district.
48

1
2 **MCC §114-127 – Required scenic corridor and major street buffers:**

3 This section provides a table establishing the types of bufferyards to be used for the scenic
4 corridor and major street buffers required by §114-124, depending on the land use district. The
5 C1 land use district is similar in intensity and type of commercial use to the SC district; the C2
6 land use district is similar in intensity and type of commercial use to the UC district. Therefore,
7 staff proposes scenic corridor and major street bufferyard standards for the C1 district based on
8 those already established for the SC district, and scenic corridor and major street bufferyard
9 standards for the C2 district based on those already established for the UC district.

10
11 **CHAPTER 130 - LAND USE DISTRICTS**

12
13 **ARTICLE VI. - BULK REGULATIONS**

14
15 **MCC §130-186 – Minimum yards:**

16 An amendment to this section is necessary to establish the minimum yards (setbacks) required
17 within the C1 and C2 land use districts. Staff is proposing a 25' front yard setback for the C1
18 district and a 15' front yard setback for the C2 district. For both C1 and C2 districts, staff
19 proposes a 10' rear yard setback, and 10'/15' side yard setbacks (the first number is the
20 minimum for any single side yard where only one side yard exists; where there are two side
21 yards, the first number is the required side yard for one of the two side yards, and the second
22 number is the minimum combined total of both side yards).

23
24 **CHAPTER 142 – SIGNS**

25
26 **MCC §142-4. - Signs requiring a permit and specific standards:**

27 An amendment to this section is required in order to include the C1 and C2 districts in
28 subsection 142-4(3), which regulates signs in commercial/nonresidential areas.

29
30 **CHAPTER 146 – WIRELESS COMMUNICATIONS FACILITIES**

31
32 **MCC §146-3. - Applicability:**

33 An amendment to this section is required to include the C1 and C2 districts on the list of land
34 use districts in which satellite earth stations that are two meters or less in diameter are exempt
35 from the requirements of chapter 146. Currently the Industrial (I), Maritime Industries (MI),
36 SC, and UC districts are included in this list.

37
38 **MCC §146-4. - Uses by land use district:**

39 This section provides a table showing how and if certain types of wireless communications
40 facilities are permitted in each land use district. The table is a summary of the provisions set
41 out in chapter 130, article III – permitted and conditional uses. An amendment to this section is
42 required to add the requirements for wireless facilities in the C1 and C2 districts to the table.

43
44 **MCC §146-5. - Development standards:**

45 This section establishes the standards for developing different types of wireless
46 communications facilities. Subsection 146-5(2)a.2.(ii) includes a list of land use districts in
47 which a replacement antenna-supporting structure may exceed the normal height limit, up to

1 the height of the structure it is replacing. All primarily nonresidential land use districts are
2 included in this list. Therefore, staff proposes that the C1 and C2 districts be included as well.
3
4

5 **IV. PROPOSED AMENDMENT**

6
7 Therefore, staff recommends the following changes (Additions are underlined and in green.
8 Deletions are ~~stricken-through and in red~~. Text to remain the same is in black):
9

10 **Chapter 114 Development Standards** 11 **Article I. General**

12 **Sec. 114-20. - Fences.**

13 It is the purpose of this section to regulate fences in order to protect the public health, safety and
14 welfare.
15

16 **(1) Height.**

17 In general, all fences shall be measured from the finished elevation adjacent to the fence and shall
18 not exceed six feet in height.

19 a. For properties with access to U.S. 1 and to county designated arterial streets and for all
20 nonresidential properties with access to any public street, no fence exceeding three feet
21 shall be located within a clear sight triangle as defined in section 114-201 that interferes
22 with the safe and adequate view of vehicles and pedestrians utilizing streets and sidewalks;

23 b. No fence exceeding three feet shall be located at the intersection of any two public
24 streets within the clear sight triangle as defined in section 114-201

25 c. For residential properties on local streets, fences located within the clear sight triangle as
26 defined in section 114-201 may exceed three feet in height if located on private property
27 and placed a minimum of ten feet from the edge of pavement of the street, the sidewalk or
28 the bike path, whichever is closer to the property. On unpaved streets, the distance shall be
29 measured from the approximate edge of the cleared right-of-way. If the setback of existing
30 fences on the street is greater than ten feet the fence shall be setback the same distance or to
31 a maximum of 20 feet, whichever is less;

32 d. No fence shall exceed four feet in height within any front yard setback or within any side
33 yard setback that overlaps with a front yard setback, except as follows:

34 1. Within all land use districts, fences of five feet in height may be permitted if
35 constructed of chain-link or other material that does not impair visibility;

36 2. Within the UC, C1, C2, SC, MU, I, MI, and AD Land Use (Zoning) Districts,
37 and when permitted in a commercial fishing district around storage lots, fences may
38 be constructed to a height of six feet, provided they are not located within clear
39 sight triangles as defined in section 114-201

40 3. Within the IS, SR, SR-L, SS and NA Land Use (Zoning) Districts, fences may be
41 constructed to a height of six feet, provided that no other residentially developed
42 property is located within 200 feet of the subject property, provided they are not
43 located within clear sight triangles as defined in section 114-201

44 4. On Stock Island and on Key Haven, fences may be constructed to a height of six
45 feet, provided they are not located within clear sight triangles as defined in section
46 114-201. Developed single family residential lots may incorporate entry features of
47 greater than six feet within the fences, provided all of the following design
48 guidelines are met:

- 1 i. The entry feature is defined as a continuous fence or gate, or combination
 2 thereof, located contiguous to and on both sides of the main access
 3 (driveway) to the property which is designed and intended to control and/or
 4 demarcate the access to the property. An "entry feature" includes all walls,
 5 buttresses, guy wires, integral signs and decorative features attached thereto
 6 up to a maximum width of 12 feet, or 15 percent of the lot width whichever
 7 is greater, a maximum height of ten feet, and four feet in depth or six
 8 percent of the lot depth whichever is greater as measured from the front
 9 property line; and
 10 ii. The entry feature shall not be located in any side yard setback; and
 11 iii. The entry feature shall be compatible with the existing development in
 12 the immediate vicinity, shall be in harmony with the general appearance and
 13 character of the community, and shall not be otherwise detrimental to the
 14 public welfare; and
 15 iv. The entry feature shall be designed and arranged on the site in a manner
 16 that minimizes aural and visual impact on the adjacent structures while
 17 affording the applicant a reasonable use of the land; and
 18 vi. The entry feature shall require a building permit for its construction and
 19 in addition to the normal building permit application requirements, the
 20 application shall include a scaled site plan and elevations for the entry
 21 feature that shows the height, width and length of each element of the entry
 22 feature applied for, including any decorative or non-functional elements;
 23 and identification of the materials composing each element of the structure
 24 (e.g. wire, stone, chain-link, wood, etc.).
 25 e. When it is necessary to use a fence to contain athletic activity, the fence may be erected
 26 to a maximum of 12 feet in height, if it is designed to not impair visibility and in
 27 accordance with community character as determined by the planning director.
 28 f. When it is necessary to use a fence to contain a public use for safety and/or security
 29 purposes (i.e. high voltage substations, pumping stations, public wastewater treatment
 30 facilities), the fence may be erected to a maximum height provided in national, state or
 31 otherwise recognized industry code, if it is designed in accordance with community
 32 character as determined by the planning director.

33 * * * * *

34
 35
 36 **Chapter 114 Development Standards**
 37 **Article IV. Landscaping**

38
 39 **Sec. 114-99. - Required landscaping.**

40 All off-street parking areas containing more than six spaces and located in one of the land use
 41 districts listed in this section shall be landscaped in accordance with the standards set out in section
 42 114-100.
 43

<i>Land Use District</i>	<i>Landscape Standard</i>
Urban commercial	C
Urban residential	C

Suburban commercial	A
Suburban residential	C
Sparsely settled	A
Native area	A
Destination resort	A
Mixed use	C
<u>Commercial 1</u>	<u>A</u>
<u>Commercial 2</u>	<u>C</u>
Light industrial	C
Military facilities	C
Improved subdivision (commercial)	A

* * * * *

Chapter 114 Development Standards
Article V. Scenic Corridor and Bufferyards

Sec. 114-126. - District boundary buffers.

(a) Bufferyards required by section 114-124 along district boundaries shall be provided in accordance with the following table:

Land Use District	Adjoining District																						
	UC	UR	URM	URM-L	<u>C1</u>	<u>C2</u>	SC	SR	SS	NA	IS	DR	RV	CFA	CFV	CFS	MU	I	MI	MF	AD	PR	
UC	-	C	C	C	<u>E</u>	-	-	D	F	B	D	B	C	G	G	G	-	-	B	-	-	-	
UR	C	B	C	C	<u>C</u>	<u>C</u>	C	C	E	A	B	C	D	H	H	H	C	C	D	D	-	-	
URM	C	C	C	C	<u>B</u>	<u>C</u>	B	C	B	E	C	D	D	C	C	C	C	C	H	D	C	-	-
URM-L	C	C	C	-	<u>B</u>	<u>C</u>	B	C	B	E	C	D	D	C	C	C	C	C	H	D	C	-	-
<u>C1</u>	-	<u>C</u>	<u>B</u>	<u>B</u>	-	<u>E</u>	-	<u>D</u>	<u>C</u>	<u>B</u>	<u>D</u>	<u>B</u>	<u>C</u>	<u>G</u>	<u>G</u>	<u>G</u>	-	<u>A</u>	<u>B</u>	-	-	-	
<u>C2</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>D</u>	<u>F</u>	<u>B</u>	<u>D</u>	<u>B</u>	<u>C</u>	<u>G</u>	<u>G</u>	<u>G</u>	-	-	<u>B</u>	-	-	-	
SC	-	C	B	B	-	-	-	D	C	B	D	B	C	G	G	G	-	A	B	-	-	-	
SR	D	C	C	C	<u>D</u>	<u>D</u>	D	C	E	A	B	D	E	H	H	H	D	D	E	E	-	-	
SS	F	E	B	B	<u>F</u>	<u>F</u>	F	D	D	A	D	E	E	G	G	G	D	E	F	F	-	-	
NA	B	A	E	E	<u>B</u>	<u>B</u>	B	A	A	-	-	B	C	A	A	A	B	C	C	-	-	-	
MN	B	A	E	E	<u>B</u>	<u>B</u>	B	A	A	-	-	B	C	A	A	A	B	C	C	C	-	-	
OS	F	E	B	B	<u>F</u>	<u>F</u>	F	D	D	A	D	E	E	G	G	G	D	E	F	F	-	-	
IS	D	B	C	C	<u>D</u>	<u>D</u>	D	B	D	-	C	D	E	H	H	H	D	D	E	D	-	-	
DR	B	C	D	D	<u>B</u>	<u>B</u>	B	D	E	B	D	B	C	H	H	H	C	C	E	D	-	-	

RV	C	D	D	D	<u>C</u>	<u>C</u>	C	E	E	C	E	C	C	H	H	H	B	C	E	D	-	-
CFA	G	H	C	C	<u>G</u>	<u>G</u>	G	H	G	A	H	H	H	-	-	-	-	-	B	-	-	-
CFV	G	H	C	C	<u>G</u>	<u>G</u>	G	H	G	A	H	H	H	-	-	-	-	-	B	-	-	-
CFS	G	H	C	C	<u>G</u>	<u>G</u>	G	H	G	A	H	H	H	-	-	-	-	-	B	-	-	-
MU	-	C	C	C	-	-	-	D	D	B	D	C	B	-	-	-	-	A	B	-	-	-
I	-	C	H	H	<u>A</u>	-	A	D	E	C	D	C	C	A	A	A	A	-	-	-	-	-
MI	B	D	D	D	<u>B</u>	<u>B</u>	B	E	F	C	E	E	E	B	B	B	B	-	-	-	-	-
MF	-	D	C	C	-	-	-	E	F	-	D	D	D	-	-	-	B	-	-	-	-	-
AD	B	D	D	D	<u>B</u>	<u>B</u>	B	D	D	D	D	D	D	D	D	D	B	B	B	-	-	D
PR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	B	B	-	D	-

- 1
2 (b) Where a district boundary runs along a canal, the following rules apply:
3 (1) No buffer is required if the specified buffer is an A or B buffer.
4 (2) All other buffers shall be reduced as follows:
5 C to A
6 D to B
7 E to C
8 F to D
9 G to A
10 H to B

11
12 **Sec. 114-127. - Required scenic corridor and major street buffers.**

13 (a) Bufferyards required by section 114-124 shall be provided in accordance with the following
14 table:

<i>Land Use District</i>	<i>Major Street Buffer</i>	<i>Scenic Corridor</i>
Urban commercial	B	D
Urban residential	D	E
Urban residential mobile home	D	D
Urban residential mobile home-limited	J	D
<u>Commercial 1</u>	<u>C</u>	<u>E</u>
<u>Commercial 2</u>	<u>B</u>	<u>D</u>
Suburban commercial	C	E
Suburban residential	E	F
Sparsely settled	F	F
Native area	F	F
Mainland native area	F	F
Improved subdivisions	D	D
Destination resort	D	F
Commercial fishing	E	F

Mixed use	B	F
Light industry	D	F
Maritime industries	D	F
Military facilities	C	F
Recreational vehicle	E	F
Airport	E	F

(b) Major streets are: U.S. 1, 905, 940 and Key Deer Boulevard. Additional major streets may be designated by the board of county commissioners pursuant to the provisions of chapter 102, article V.

Chapter 130 Land Use Districts
Article VI. Bulk Regulations

Sec. 130-186. - Minimum yards.

Except as provided in sections 114-20 and 130-187, no structure or land shall be developed, used or occupied except in accordance with the bulk regulations set out in the following table. Side yards indicated set forth the minimum single yard and the total side yards required. The first number is the minimum for any single side yard where only one side yard exists; where there are two side yards, the first number is the required side yard for one of the two side yards. The second number is the minimum combined total of both side yards (where there are two side yards).

<i>Land Use District Land Use</i>	<i>Front Yard (ft.)</i>	<i>Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>
Urban commercial	15	10/15	10
Urban residential:			
Attached residential	15	10/15	10
Detached residential	15	10/15	
Urban residential mobile home:			
Lots less than 50 feet wide			
Detached residential	10	5/10	10
Mobile homes	10	5/10	10
Lots 50 feet wide or greater			
Detached residential	10	10/15	10
Mobile homes	10	10/15	10
Urban residential mobile home-limited	10*	10/20*	10*
<u>Commercial 1</u>	<u>25</u>	<u>10/15</u>	<u>10</u>
<u>Commercial 2</u>	<u>15</u>	<u>10/15</u>	<u>10</u>
Suburban commercial:			

	Hotel	25	10/15	10
	Other	25	10/15	10
Suburban residential and suburban residential limited:				
	Detached residential	25	10/15	10
	Attached residential	—	—	—
	Other	25	10/15	10
Sparsely settled:				
	Detached residential	25	10/15	15
	Attached residential	25	N/A	15
	Other	25	10/15	10
Offshore		25	10/15	20
Native		25	10/15	20
Mainland native		25	10/15	20
Improved subdivisions		25	10/15	20
Destination resort		50	20/35	30
Commercial fishing (all districts):				
	Detached residential	25	10/15	20
	Attached residential	25	—	20
	Other	25	10/15	20
Mixed use:				
	Detached residential	25	10/15	20
	Attached residential	25	N/A	20
	Other	15	10/15	10
Light industry:		25	10/15	25
Maritime industry		25	10/15	25
Military area		25	5/20	20
Airport		200	200	200
Park and refuge		50	50	50
*Applies to new construction only.				

* * * * *

Chapter 142 Signs

Sec. 142-4. - Signs requiring a permit and specific standards.

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1 Upon application for, and issuance of a building permit, except as indicated, the following signs
 2 shall be allowed. In order for a sign application to be approved, the applicant must grant access to
 3 the property for inspection purposes, for the life of the sign.

4 * * * * *

6
 7 (3) **Signs in commercial/nonresidential areas.** Sign allowances in commercial and other
 8 nonresidential areas (AD, C1, C2, CFA, CFSD, DR, I, MF, MI, MU, RV, SC, UC) shall be
 9 calculated based on the amount of property frontage and business frontage as follows:

10 a. *Ground-mounted single-tenant/occupant signs.* Every developed parcel of land with a
 11 commercial or other nonresidential use shall be allowed the following ground-mounted
 12 signage:

13 1. One illuminated or non-illuminated, ground-mounted sign of a height not more
 14 than 24 feet shall be allowed for each frontage as indicated in the following table:

<i>Permitted Size of Nonresidential Signs per Property Frontage</i>		
<i>Street Frontage (Linear feet)</i>	<i>Maximum Area Per Face (square feet)</i>	<i>Total Face Area (square feet)</i>
Frontage on U.S. 1 or a frontage road adjacent to U.S. 1:		
1 ft. to 150 ft.	75 sq. ft.	150 sq. ft.
151 ft. to 300 ft	100 sq. ft.	200 sq. ft.
Over 301 ft. or more	200 sq. ft.	400 sq. ft.
Frontage on county roads, shorelines or runways:		
1 ft. to 150 ft.	40 sq. ft.	80 sq. ft.
151 ft. to 300 ft.	60 sq. ft.	120 sq. ft.
Over 301 ft. or more	80 sq. ft.	160 sq. ft.

15 * * * * *

16
 17
 18
 19 **Chapter 146 Wireless Communications Facilities**

20
 21 **Sec. 146-3. - Applicability.**

22 (a) Except as provided for in subsection (b) of this section, this chapter shall apply to development
 23 activities including installation, construction, or modification to the following wireless
 24 communications facilities:

- 25 (1) Existing antenna-supporting structures;
- 26 (2) Proposed antenna-supporting structures;
- 27 (3) Public antenna-supporting structures;
- 28 (4) Replacement of existing antenna-supporting structures;
- 29 (5) Collocation on existing antenna-supporting structures;
- 30 (6) Attached wireless communications facilities;
- 31 (7) Stealth wireless communications facilities;
- 32 (8) Satellite earth stations; and

- 1 (9) Noncommercial amateur, ham radio, or citizen's band antenna-supporting structures
 2 with heights greater than 70 feet.
- 3 (b) The following items are exempt from the provisions of this chapter, notwithstanding the
 4 provisions contained in chapter 6
- 5 (1) Amateur radio antennas as provided in F.S. § 125.561;
 6 (2) Satellite earth stations that are one meter or less in diameter and which are not greater
 7 than 35 feet above grade;
 8 (3) Satellite earth stations that are two meters or less in diameter and that are located or
 9 proposed to be located in the following land use districts: C1, C2, I, MI, SC, and UC;
 10 (4) Regular maintenance of any existing wireless communications facility that does not
 11 include the placement of a new wireless communications facility;
 12 (5) The substitution or change of existing antennas or other equipment on an existing
 13 antenna-supporting structure, provided the substituted antennas or equipment do not
 14 diminish the structural capacity of the antenna-supporting structure, and provided such
 15 change does not increase the overall height of the structure;
 16 (6) Any existing or proposed antenna-supporting structure with an overall height of 70 feet
 17 or less above ground level; and
 18 (7) A wireless communications facility, upon the declaration of a state of emergency by
 19 federal, state, or local government, and a written determination of public necessity for the
 20 facility by the director of public safety; except that such facility must comply with all
 21 federal and state requirements. No wireless communications facility shall be exempt from
 22 the provisions of this chapter beyond the duration of the state of emergency.

23
 24 **Sec. 146-4. - Uses by land use district.**

- 25 (a) Pursuant to chapter 130, article III, and except as provided in subsection (b) of this section,
 26 no wireless communications facility shall be permitted in a particular land use district
 27 except in accordance with the table below:
 28

<i>Land Use District</i>	<i>New Antenna Supporting Structure</i>	<i>Replacement of Existing Antenna Supporting Structure</i>	<i>Collocation</i>	<i>Attached Facility</i>	<i>Stealth Facility</i>	<i>Satellite Earth Station</i>
AD	Prohibited	Minor	As-of-right	Minor	Minor	As-of-right
<u>C1</u>	<u>Major</u>	<u>As-of-right</u>	<u>As-of-right</u>	<u>As-of-right</u>	<u>As-of-right</u>	<u>As-of-right</u>
<u>C2</u>	<u>Major</u>	<u>As-of-right</u>	<u>As-of-right</u>	<u>As-of-right</u>	<u>As-of-right</u>	<u>As-of-right</u>
CD	Prohibited	Prohibited	As-of-right	Prohibited	Prohibited	Minor ³
CFA	Major	As-of-right	As-of-right	Minor	Minor	Minor ³
CFS ¹	Prohibited	Prohibited	As-of-right	Prohibited	Prohibited	Minor ³
CFS ²	Major	As-of-right	As-of-right	As-of-right	Minor	Minor ³
CFV	Prohibited	Minor	As-of-right	Minor	Minor	Minor ³
DR	Major	As-of-right	As-of-right	As-of-right	As-of-right	As-of-right
I	Minor	As-of-right	As-of-right	As-of-right	As-of-right	As-of-right

IS	Prohibited	Prohibited	As-of-right	Prohibited	Major	Minor ³
MF	Major	As-of-right	As-of-right	As-of-right	As-of-right	As-of-right
MI	Minor	As-of-right	As-of-right	As-of-right	As-of-right	As-of-right
MN	Prohibited	Prohibited	As-of-right	Prohibited	Prohibited	Minor ³
MU	Major	As-of-right	As-of-right	As-of-right	As-of-right	Minor ³
NA	Prohibited	As-of-right	As-of-right	Minor	Minor	Minor ³
OS	Prohibited	Prohibited	As-of-right	Prohibited	Prohibited	Minor ³
PR	Prohibited	Minor	As-of-right	As-of-right	Minor	As-of-right
RV	Prohibited	Minor	As-of-right	Minor	Minor	Minor ³
SC	Major	As-of-right	As-of-right	As-of-right	As-of-right	As-of-right
SR	Prohibited	Minor	As-of-right	Prohibited	Minor	Minor ³
SR-L	Prohibited	Minor	As-of-right	Prohibited	Minor	Minor ³
SS	Prohibited	Prohibited	As-of-right	Prohibited	Minor	Minor ³
UC	Major	As-of-right	As-of-right	As-of-right	As-of-right	As-of-right
UR	Prohibited	Minor	As-of-right	As-of-right	Minor	Minor ³
URM	Prohibited	Minor	As-of-right	Prohibited	Minor	Minor ³
URM-L	Prohibited	Minor	As-of-right	Prohibited	Minor	Minor ³
¹ Includes the following commercial fishing special districts: 1, 2, 8, 12, 13, 16 and 20.						
² Includes the following commercial fishing special districts: 4, 5, 6, 7 and 17.						
³ Satellite earth stations proposed in this land use district that are less than 2.0 meters in diameter shall be allowed as-of-right.						

(b) Within the following districts, new antenna-supporting structures may be permitted as a major conditional use, provided that the antenna-supporting structure is owned by the county and is used exclusively for nonproprietary public safety communications: CD, MN, OS, and PR.

Sec. 146-5. - Development standards.

These standards shall apply to the following types of wireless communications facilities:

* * * * *

(2) Replacement of an existing antenna-supporting structure.

a. Approval criteria for replacement antenna-supporting structures. For a proposed replacement antenna-supporting structure to be approved, it shall meet the same approval criteria of subsections (1)a.4., 5., 7—10., and 12. of this section, as well as the following:

1. Setbacks.

(i) Any new equipment enclosures shall meet the minimum setback requirements for the land use district where they are located pursuant to section 130-186

1 (ii) Replacement antenna-supporting structure foundations (excluding guy
2 wire anchors) constructed on properties that are contiguous to the IS, SR,
3 UR or URM zones shall not be any closer to these zones than the foundation
4 of the original antenna-supporting structure being replaced.

5 (iii) Replacement antenna-supporting structure foundations (excluding guy
6 wire anchors) constructed on properties that are contiguous to the right-of-
7 way of U.S. Highway 1 shall not be any closer to such right-of-way than the
8 foundation of the original antenna-supporting structure being replaced.

9 (iv) Replacement antenna-supporting structures and the associated ancillary
10 structures shall meet the environmental design criteria related to wetland
11 setbacks pursuant to section 118-7 to the maximum extent practicable.

12 2. Height.

13 (i) Except as provided in subsection (2)a.2.(ii) of this section, replacement
14 antenna-supporting structures shall not exceed the height requirements set
15 forth in subsection (1)a.2. of this section, or the height of the antenna-
16 supporting structure it is replacing, whichever is less.

17 (ii) In the following land use districts, replacement antenna-supporting
18 structures shall not exceed the height requirements set forth in subsection
19 (1)a.2. of this section, or the height of the antenna-supporting structure it is
20 replacing, whichever is greater: C1, C2, CFA, DR, I, MF, MI, MU, NA, SC,
21 UC, and CFS districts 3, 4, 6, 7, and 17.

22 3. Construction. Subject to the height provisions of subsection (2)a.2. of this
23 section:

24 (i) Replacement antenna-supporting structures with an overall height of 199
25 feet or less shall have a monopole type construction; except that AM
26 broadcast replacement facilities may be of the same construction type as the
27 structure being replaced.

28 (ii) Replacement antenna-supporting structures with an overall height of
29 greater than 199 feet, may be of the same construction type as the structure
30 being replaced.

31 4. Landscaping. Landscaping and/or screening in the form of at least a class D
32 buffer as drawn in the class D bufferyard figure in section 114-128 shall be required
33 around the development area to the maximum extent practicable.

34 b. Submittal requirements for replacement antenna-supporting structure applications. For a
35 proposed replacement antenna-supporting structure application to be considered complete
36 pursuant to section 110-4, it shall contain the same submittal materials required in
37 subsections (1)b.1—9., 11., 12., and 14. of this section.

38 * * * * *

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40
41
42 **V. STAFF RECOMMENDATION**

43
44 Staff has found that the proposed text amendment would be consistent with one or more of the
45 required provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public
46 service needs) from those on which the text or boundary was based; 2. Changed assumptions
47 (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative
48 types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of a

1 need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has
2 found that the proposed text amendments are necessary due to new issues and recognition of a
3 need for additional detail or comprehensiveness.

4
5 Staff recommends that the Board of County Commissioners amend the Monroe County Code
6 as stated in the text of this staff report.
7
8

9 **VI. EXHIBITS**

- 10
11 1. Corresponding proposed amendment to Land Development Code to establish “Commercial
12 1” and “Commercial 2” land use districts, corresponding permitted and conditional uses,
13 and corresponding land use intensities and open space requirements.
14
15 2. Corresponding proposed amendment to Comprehensive Plan to create a Commercial
16 FLUM, as approved for transmittal to the State Land Planning Agency on October 17,
17 2012.

DRAFT

Exhibit 1

Corresponding Proposed Amendment to Monroe County Code Establishing C1 and C2 districts:

Chapter 130 - LAND USE DISTRICTS

ARTICLE I. - IN GENERAL

Sec. 130-2. - Land use districts established. In order to carry out and implement the goals and objectives of the plan, the following land use districts are hereby established:

- (1) Urban commercial district (UC).
- (2) Urban residential district (UR).
- (3) Urban residential—mobile home district (URM).
- (4) Urban residential mobile home—limited district (URM-L).
- (5) Suburban commercial district (SC).
- (6) Suburban residential district (SR).
- (7) Suburban residential district (limited) (SR-L).
- (8) Sparsely settled residential district (SS).
- (9) Native area district (NA).
- (10) Mainland native area (MN).
- (11) Offshore island district (OS).
- (12) Improved subdivision district (IS).
- (13) Improved subdivision vacation rental district.
- (14) Destination resort district (DR).
- (15) Recreational vehicle district (RV).
- (16) Commercial fishing area district (CFA).
- (17) Commercial fishing village district (CFV).
- (18) Commercial fishing special districts (CFS).
- (19) Mixed use district (MU).
- (20) Industrial district (I).
- (21) Maritime industries district (MI).
- (22) Military facilities district (MF).
- (23) Airport district (AD).
- (24) Park and refuge district (PR).
- (25) Conservation district (CD).
- (26) Commercial 1 district (C1).
- (27) Commercial 2 district (C2).

(Code 1979, § 9.5-202; Ord. No. 33-1986, § 9-102)

ARTICLE II. - DISTRICT PURPOSES

Sec. 130-51. - Purpose of the commercial 1 district (C1).

The purpose of the C1 district is to establish areas for commercial retail, public, institutional and office uses designed and intended primarily to serve the needs of immediately surrounding residential areas. This district should be established at locations convenient and accessible to residential uses to reduce trips on U.S. 1.

Sec. 130-52. - Purpose of the commercial 2 district (C2).

The purpose of the C2 district is to designate appropriate areas for higher-intensity commercial uses intended to serve the needs of a subarea with commercial retail sales and service, public, institutional and office uses. This district should be established at discrete nodes along U.S. 1 and designed to serve the needs of both residents and visitors.

ARTICLE III. - PERMITTED AND CONDITIONAL USES

Sec. 130-102. – Commercial 1 district (C1).

(a) The following uses are permitted as of right in the commercial 1 district:

- (1) Commercial retail, low- and medium-intensity and office uses or any combination thereof of less than 2,500 square feet of floor area;
- (2) Commercial recreational uses (indoor and outdoor);
- (3) Institutional uses;
- (4) Public buildings and uses;
- (5) Accessory uses;
- (6) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);
- (7) Attached wireless communications facilities, as accessory uses, pursuant to section 146-5(4);
- (8) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
- (9) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5);
- (10) Satellite earth stations, as accessory uses, pursuant to section 146-5(6);

(b) The following uses are permitted as minor conditional uses in the commercial 1 district, subject to the standards and procedures set forth in chapter 110, article III:

- (1) Commercial retail, low- and medium-intensity and office uses or any combination thereof of greater than 2,500 but less than 10,000 square feet of floor area, provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;
 - b. A signalized intersection; or
 - c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- (2) Commercial retail uses of high intensity of less than 2,500 square feet in floor area; provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;
 - b. A signalized intersection; or
 - c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- (3) Parks and community parks; and
- (4) Light industrial uses, provided that:
 - a. The parcel proposed for development does not have an area of greater than two acres;
 - b. The parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and
 - c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;

(c) The following uses are permitted as major conditional uses in the commercial 1 district subject to the standards and procedures set forth in chapter 110, article III:

- (1) Commercial retail of low- and medium-intensity and office uses or any combination thereof greater than 10,000 square feet in floor area, provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;

- b. A signalized intersection; or
- c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- (2) Commercial retail uses of high intensity greater than 2,500 square feet in floor area, provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;
 - b. A signalized intersection; or
 - c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- (3) New antenna-supporting structures, pursuant to section 146-5(1); and
- (4) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter;

Sec. 130-103. – Commercial 2 district (C2).

(a) The following uses are permitted as of right in the commercial 2 district:

- (1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than 10,000 square feet of floor area;
- (2) Commercial retail uses of high intensity of less than 5,000 square feet of floor area;
- (3) Commercial recreational uses (indoor and outdoor);
- (4) Institutional uses;
- (5) Public buildings and uses;
- (6) Accessory uses;
- (7) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);
- (8) Attached wireless communications facilities, as accessory uses, pursuant to section 146-5(4);
- (9) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
- (10) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5); and
- (11) Satellite earth stations, as accessory uses, pursuant to section 146-5(6).

(b) The following uses are permitted as minor conditional uses in the commercial 2 district, subject to the standards and procedures set forth in chapter 110, article III:

- (1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of greater than 10,000 but less than 45,000 square feet of floor area, provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;
 - b. A signalized intersection; or
 - c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- (2) Commercial retail uses of high intensity of greater than 5,000 but less than 30,000 square feet of floor area, provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;
 - b. A signalized intersection; or
 - c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- (3) Parks and community parks; and
- (4) Light industrial uses, provided that:
 - a. The parcel proposed for development does not have an area of greater than two acres;
 - b. The parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and

c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;

(c) The following uses are permitted as major conditional uses in the commercial 2 district, subject to the standards and procedures set forth in chapter 110, article III:

(1) Commercial retail of low- and medium-intensity and office uses, or any combination thereof, of greater than 45,000 square feet in floor area, provided that access to U.S. 1 is by way of:

a. An existing curb cut;

b. A signalized intersection; or

c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;

(2) Commercial retail uses of high intensity of greater than 30,000 square feet in floor area, provided that access to U.S. 1 is by way of:

a. An existing curb cut;

b. A signalized intersection; or

c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;

(3) Amusement or sea life parks and drive-in theaters, provided that:

a. The parcel of land has an area of at least two acres;

b. The parcel is separated from residential districts IS, SR, SR-L, SS, UR, URM, URM-L or established residential uses by at least a class E buffer; and

c. Access to U.S. 1 is by way of:

1. An existing curb cut;

2. A signalized intersection; or

3. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;

(4) Marinas, provided that:

a. The parcel proposed for development has access to water of at least four feet below mean sea level at mean low tide;

b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;

c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;

d. Any commercial fishing activities are limited to the landing of catch, mooring and docking of boats and storage of traps and other fishing equipment; and

e. Each nonwaterside perimeter setback of the parcel proposed for development must have a class C bufferyard within a side yard setback of ten feet;

(5) Heliports or seaplane ports, provided that:

a. The heliport is associated with a governmental services facility, a law enforcement element or a medical services facility;

b. The heliport or seaplane port is a Federal Aviation Administration certified landing facility;

c. The landing and departure approaches do not pass over established residential uses or known bird rookeries;

d. If there are established uses within 500 feet of the parcel proposed for development, the hours of operation shall be limited to daylight; and

e. The use is fenced or otherwise secured from any entry by unauthorized persons;

(6) New antenna-supporting structures, pursuant to section 146-5(1); and

(7) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter.

ARTICLE V. - LAND USE INTENSITIES

Sec. 130-164. - Maximum nonresidential land use intensities and district open space.

Maximum nonresidential land use intensities and district open space shall be in accordance with the following table:

<i>Land Use District</i>	<i>Maximum Floor Area Ratio</i>	<i>O.S.R. *</i>
Urban commercial:		
Commercial retail:		
Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial recreation	0.15	0.20
Institutional	0.40	0.20
Outdoor recreational	0.15	0.20
Public buildings	0.35	0.20
Urban residential:		
Institutional	0.30	0.20
Public buildings and uses	0.30	0.20
Urban residential mobile home:		
Commercial retail:		
Low intensity	**	0.20
Medium intensity	**	0.20
Offices	**	0.20
Commercial 1:		
Commercial retail:		
Low intensity	0.35	0.20
Medium intensity	0.25	0.20
High intensity	0.15	0.20
Offices	0.40	0.20
Commercial recreational	0.15	0.20
Institutional	0.30	0.20
Public buildings and uses	0.30	0.20

	<u>Light industry</u>	<u>0.30</u>	<u>0.20</u>
<u>Commercial 2:</u>			
<u>Commercial retail:</u>			
	<u>Low intensity</u>	<u>0.50</u>	<u>0.20</u>
	<u>Medium intensity</u>	<u>0.40</u>	<u>0.20</u>
	<u>High intensity</u>	<u>0.35</u>	<u>0.20</u>
	<u>Offices</u>	<u>0.45</u>	<u>0.20</u>
	<u>Commercial recreational</u>	<u>0.25</u>	<u>0.20</u>
	<u>Institutional</u>	<u>0.40</u>	<u>0.20</u>
	<u>Public buildings and uses</u>	<u>0.35</u>	<u>0.20</u>
	<u>Light industry</u>	<u>0.40</u>	<u>0.20</u>
<u>Suburban commercial:</u>			
<u>Commercial retail:</u>			
	<u>Low intensity</u>	<u>0.35</u>	<u>0.20</u>
	<u>Medium intensity</u>	<u>0.25</u>	<u>0.20</u>
	<u>High intensity</u>	<u>0.15</u>	<u>0.20</u>
	<u>Offices</u>	<u>0.40</u>	<u>0.20</u>
	<u>Commercial recreational</u>	<u>0.10</u>	<u>0.20</u>
	<u>Institutional</u>	<u>0.30</u>	<u>0.20</u>
	<u>Outdoor recreational</u>	<u>0.10</u>	<u>0.20</u>
	<u>Public buildings and uses</u>	<u>0.30</u>	<u>0.20</u>
	<u>Light industry</u>	<u>0.30</u>	<u>0.20</u>
<u>Suburban residential:</u>			
<u>Commercial retail:</u>			
	<u>Low intensity</u>	<u>**</u>	<u>0.50</u>
	<u>Medium intensity</u>	<u>**</u>	<u>0.50</u>
	<u>Offices</u>	<u>**</u>	<u>0.50</u>
	<u>Public buildings and uses</u>	<u>0.25</u>	<u>0.50</u>
	<u>Institutional</u>	<u>0.25</u>	<u>0.50</u>
<u>Sparsely settled:</u>			
	<u>Public buildings and uses</u>	<u>0.20</u>	<u>0.20</u>
<u>Native area:</u>			
	<u>Public buildings and uses</u>	<u>0.20</u>	<u>0.20</u>
<u>Mainland native area:</u>			

	Educational/research centers	0.30	0.20
Improved subdivision:			
Commercial retail:			
	Low intensity	0.25**	0.20
	Medium intensity	0.20**	0.20
	Offices	0.25**	0.20
Destination resort:			
	Commercial retail	**	0.20
	Institutional	0.30	0.20
Recreational vehicle:			
	Commercial retail	**	0.20
Commercial fishing area:			
	Commercial fishing	0.40	0.20
	Light industry	0.40	0.20
Commercial retail:			
	Low intensity	0.40	0.20
	Medium intensity	0.40	0.20
Commercial fishing village:			
	Commercial fishing	0.40	0.20
Commercial fishing special districts (all):			
Commercial retail:			
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	Commercial fishing	0.40	0.20
	Light industry	0.30	0.20
Mixed use:			
Commercial retail:			
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	High intensity	0.15	0.20
	Offices	0.40	0.20
	Commercial recreational	0.10	0.20
	Institutional	0.30	0.20
	Outdoor recreational	0.10	0.20
	Public buildings and uses	0.30	0.20

Commercial fishing	0.40	0.20
Light industry	0.30	0.20
Industrial:		
Light industry	0.40	0.20
Heavy industry	0.25	0.20
Public buildings and uses	0.40	0.20
Restaurants	0.30	0.20
Offices	0.40	0.20
Commercial fishing	0.40	0.20
Maritime industrial:		
Commercial retail:		
Low intensity	0.30	0.20
Medium intensity	0.30	0.20
High intensity	0.40	0.20
Offices	0.50	0.20
Public buildings and uses	0.60	0.20
Commercial fishing	0.45	0.20
Light industry	0.35	0.20
Heavy industry:		
Military facilities:		
Military uses	0.50	0.20
Commercial retail:		
Low intensity	0.30	0.20
Medium intensity	0.30	0.20
Offices	0.40	0.20
Public buildings and uses	0.30	0.20
Airport:		
Airport uses	0.10	0.20
Parks and refuge:		
Public buildings and uses	0.20	0.90
* See additional open space ratio in this article: in accordance with section 118-12, the most restrictive of these ratios applies.		
**Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in article III of this chapter shall prevail.		

Exhibit 2

Corresponding Proposed Amendment to Monroe County 2010 Comprehensive Plan, as approved for transmittal to State Land Planning Agency.

Policy 101.4.21

The principal purpose of the Commercial (COMM) future land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail; highway-oriented sales and services; commercial recreation; light industrial; public, institutional and office uses may be permitted at intensities which are consistent with the community character and the natural environment. The commercial zoning districts established within this category are intended to serve the immediate vicinity or serve the Upper or Lower subarea. This category is not intended to accommodate transient or permanent residential development.

In order to protect environmentally sensitive lands, the following development controls shall apply to all Tier I lands within this land use category:

1. only low intensity commercial uses shall be allowed; and
2. a maximum floor area ratio of 0.15 shall apply.

Policy 101.4.22 ~~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:

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Commercial (COMM) (Commercial 1 (C1) zoning & Commercial 2 (C2) zoning)	0 du 0 rooms/spaces	N/A N/A	<u>0.15-0.50</u>
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10

Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^(a) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) ^(a) (CFA, CFV ^(c) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:

- (a) "N/A" means that maximum net density bonuses shall not be available.
- (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
- (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.