MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
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To:	Monroe County Planning Commission
From:	Mitchell N. Harvey, AICP, Comprehensive Planning Manager MNH
Date:	February 25, 2011
RE:	Extension of Moratorium for Transient Residential Units
Meeting Date:	March 9, 2011

I. BACKGROUND

Policy 101.2.6 of the Monroe County Comprehensive Plan currently states:

> *Monroe County shall prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until July 31, 2010.*

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

The Board of County Commissioners (BOCC) at a public hearing on October 22, 2009, adopted Ordinance No. 035-2009, which amended Policy 101.2.6 of the Monroe County 2010 Comprehensive Plan to extend the existing transient unit moratorium until July 31, 2010.

Occupancy data provided by the Tourist Development Council indicates that there is not an urgent need to expand the available amount of transient units in Monroe County. Staff therefore recommends that Policy 101.2.6 be amended to allow staff to conduct a study of transient unit needs and trends as part of the Comprehensive Plan Update process.

On July 21, 2010, the Board of County Commissioners transmitted a proposed amendment to Policy 101.2.6 which stated:

Monroe County shall prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until ~~July 31, 2010~~ December 31, 2011.

On September 30, 2010, the Florida Department of Community Affair submitted an Objections, Recommendations, and Comments (ORC) Report that stated:

The Department recommends the County consider extending the moratorium date to be consistent with the due date for the County's EAR-based amendments which would provide the County adequate time to research the issue.

The Monroe County Evaluation and Appraisal Report (EAR) is due to be adopted on August 1, 2011. Monroe County has requested a six month extension of the EAR adoption date, which is February 1, 2012. EAR-based amendments are to be adopted 18-months after the adoption of the EAR, which would be August 1, 2013. The following proposed amendment is consistent with the recommendation of the Florida Department of Community Affairs ORC Report of September 30, 2010:

Policy 101.2.6:

Monroe County shall prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until ~~July 31, 2010~~ August 1, 2013.

II. PROCESS

Amendments to the Goals, Objectives, and Policies of the Comprehensive Plan may be proposed by the Board of County Commissioners (BOCC), the Planning Commission or the Director of Planning. The Director of Planning shall review and process amendments and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment. The Planning Commission shall review the amendment, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee, and the testimony given at the public hearing, and shall submit its recommendations and findings to the BOCC. The BOCC shall consider the staff report, recommendation, and testimony given at the public hearings and may either deny the application or adopt or not adopt a resolution transmitting the proposed

amendment to the DCA. Amendments are then reviewed by the Florida Department of Community Affairs and returned to the County with objections, rejections and comments to be considered prior to adoption of the ordinance. Then, an adoption hearing is scheduled for the BOCC.

III. ISSUES

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

Employee\Workforce Housing

The current cost of housing (for rent or sale) in the Florida Keys have led hotels/motels and other service employers to hire workers who have to commute anywhere from 1 to 3 hours from the mainland. With the creation of new TRUs, this demand for more affordable employee\workforce housing will increase.

It should be the goal of any ordinance that allows new TRUs to also mitigate the demand for affordable employee\workforce housing. This is to be accomplished by requiring the redevelopment/development of new TRUs to provide employee\workforce housing by providing residential units as part of their project (on-site or off-site) or by payment into an affordable housing fund. All existing inclusionary zoning requirements for affordable housing associated with transient residential units will continue to apply and be enforced thorough the Monroe County Code.

Wastewater Treatment

Monroe County is under a state mandate to have a central wastewater system. The development of new TRUs should not be permitted unless the development can meet the standards and requirement of the mandate. Therefore, new development of TRUs should be directed and only encouraged in those areas with central wastewater systems or to areas that will have central wastewater systems in operation when the TRU project is completed.

Traffic Volumes

The addition of new TRUs may result in the addition of new traffic impacts. New TRU developments should be designed to minimize traffic impacts by including onsite amenities that would limit the need to drive to restaurants, retail

stores, or other attractions. Furthermore, new TRU developments should be encouraged to locate adjacent to existing amenities such as restaurants, or retail stores.

Another strategy would be to encourage visitors to use other modes of transportation such as walking, bicycling, or bus service. New TRUs are encouraged to include bicycle and pedestrian facilities that provide a connection to surrounding amenities, provide bus service for guests, or provide transit amenities such as bus shelters.

Existing Transient Uses

The Monroe County Tourist Development Council (TDC) gets their lodging counts from the Florida Department of Business & Professional Regulation license database. According to the TDC, in 2009 there were 11,358 actively licensed hotels, motels, B&Bs and condo hotels. In addition there were 1,913 vacation rentals, resulting in a total of 13,271 transient rental units. In addition, there are about 2,700 Campground/RV park units for a grand total of just under 16,000 transient accommodations in Monroe County.

Hotel Occupancy Rates

Occupancy rates are a travel industry standard for assessing the ability of available beds to meet existing and anticipated demands. The Monroe County Tourist Development Council (TDC) maintains a database for occupancy rates which is prepared by Smith Travel Research. Between 1999 and 2009, the average annual county-wide occupancy rate for Monroe County has varied from 66.4% (2001) to 72.2% (2003) (See attached). This does not indicate a pressing need for new transient units.

Monroe County has contracted with the firm Keith & Schnars to prepare an update of the Monroe County Comprehensive Plan and Evaluation and Appraisal Report (EAR). **As part of this process, Keith & Schnars will be preparing an economic base analysis, with updated economic and population projections, that will more precisely determine the need for expanding Monroe County's tourist based economy. This update will serve as the data and analysis to justify any lifting of the transient use moratorium that could result in the creation of a transient unit pool as part of the County's annual ROGO allocation.**

Hurricane Evacuation

Policy 216.1.8 of the Monroe County 2010 Comprehensive Plan states:

> *Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational*

vehicles (RV's), travel trailers, live-aboards (transient and non-transient) and military personnel from the Keys shall be initiated.

The occupants of TRUs would therefore evacuate far ahead of the permanent resident population, who require evacuation 24 hours prior to landfall of a major hurricane.

IV. Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7). For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(g) To protect the historical heritage of the Florida Keys.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection and disposal facilities;
3. Solid waste collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;

7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

(i) To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Staff finds the proposed amendment consistent with the Principles for Guiding Development as a whole and is not inconsistent with any one principle.

V. Staff Recommendation:

Staff recommends **approval**.

VI. Exhibits

A. DCA ORC Report, September 30, 2010