



## Council Communication

**To:** Mayor and Village Council

**Through:** Maria T. Aguilar, Village Manager  
Cheryl Cioffari, AICP, LEED Green Associate, Director of Planning

**From:** Thomas Skidmore, Planner

**Date:** May 28, 2015

**SUBJECT: ORDINANCE AMENDING OBJECTIVE 1-2.5 “INDUSTRIAL USES (I)” AND POLICY 1-2.1.4 “RESTRICT DENSITY AND INTENSITY OF DEVELOPMENT” OF THE COMPREHENSIVE PLAN**

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### **Background:**

Based upon the direction of the Village Council, Village staff has developed proposed revisions to the Comprehensive Plan to allow for increased density for affordable housing within the Industrial (I) Future Land Use Map (FLUM) category. The proposed Comprehensive Plan text amendment is intended to provide additional opportunities to develop and increase the availability of affordable housing within the Village.

The Local Planning Agency reviewed the proposed Ordinance at its May 11<sup>th</sup> meeting and recommended approval through a 5-0 vote.

### **Analysis:**

Affordable housing is allowed in Residential Medium (RM), Residential High (RH), Mixed Use (MU) and Industrial (I). The proposed amendment would result in an increase in the maximum range of allocated density from one (1) caretakers cottage per parcel to fifteen (15) units per acre within the I FLUM Category.

There are twelve (12) parcels within the I FLUM category totaling approximately 23.65 acres. With a proposed maximum residential density of fifteen (15) units per acre, approximately 354 units could be established after BPAS allocation.

Increasing the maximum range of allocated density within the Industrial (I) zoning district will provide additional opportunities to help address the need for affordable housing.

### **Consistency with the Goals, Objectives and Policies of the Comprehensive Plan:**

The proposed amendment is consistent with the Goals, Objectives and Policies of the Islamorada, Village of Islands Comprehensive Plan. These policies support several Comprehensive Plan Objectives and Policies including: Goal 1-2 “Direct Growth According to

the Future Land Use Map Series”, Objective 1-2.1 “Future Land Use Map Densities and Intensities Defined”, Policy 1-2.1.4 “Restrict Density and Intensity of Development”, Objective 1-2.5 “Industrial Uses (I)”, Policy 1-3.1.2 “Provide for Workforce Housing”, Objective 3-1.1 “Provide Adequate Affordable Housing to Meet Current and Future Needs”, Policy 3-1.1.3 “Identify and Address Barriers to Affordable Housing within the Land Development Regulations”, Objective 3-1.5 “Provide Adequate Sites for Affordable and Market Housing” and Policy 3-1.5.2 “Designate Adequate Sites for Affordable Housing on the Future Land Use Map”.

Currently, one (1) residential dwelling unit per parcel may be provided for on-site security purposes. The increased density for affordable housing in the Industrial (I) FLUM category will encourage the development of affordable, workforce, and employee housing.

*The requested amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.*

**Compatibility With Chapter 380.0552(7), Florida Statutes, Principles for Guiding Development (Florida Keys Area of Critical State Concern)**

The following are the principles pursuant to the Florida Keys Area of Critical State Concern designation:

*(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.*

The proposed Comprehensive Plan amendment is not anticipated to affect local government capability for managing land use and development as any proposed development of affordable housing would be required to meet the applicable land development regulations.

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

The proposed Comprehensive Plan amendment is not anticipated to adversely affect shoreline or marine resources.

*(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.*

The proposed Comprehensive Plan amendment is not anticipated to adversely affect habitat protection. Any development of environmentally sensitive properties would still be subject to the Building Permit Allocation System as well as all environmental regulations and requirements.

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

The proposed Comprehensive Plan amendment is anticipated to ensure the maximum well-being of the Florida Keys and its citizens through sound economic development by providing additional opportunities for the development of affordable housing compliant with Village’s Comprehensive Plan and LDRs.

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

The proposed Comprehensive Plan amendment is not anticipated to adversely impact the quality of water throughout the Florida Keys. Pursuant to the Village's Comprehensive Plan and LDRs, any new development would require compliance with stormwater and wastewater management as a condition of development approval.

*(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.*

The proposed Comprehensive Plan amendment is not anticipated to affect natural scenic resources or the aesthetic benefits of the natural environment.

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

The proposed Comprehensive Plan amendment is not anticipated to adversely affect 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.*

The proposed Comprehensive Plan amendment is not anticipated to adversely impact the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

*(i) To protect and improve water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.*

The proposed Comprehensive Plan amendment is not anticipated to adversely impact the water quality Pursuant to the Village's Comprehensive Plan and LDRs, wastewater management compliance is required as a condition of development approval.

*(j) To ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l)*

*and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.*

The proposed Comprehensive Plan amendment is not anticipated to adversely impact the improvement of near shore water quality. As stated above, all new construction is required to comply with all current regulations and is encouraged through the Building Permit Allocation System to locate in areas served by central wastewater treatment facilities.

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

The proposed Comprehensive Plan amendment is not anticipated to affect public investments on the environmental resources of the Florida Keys.

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

The proposed Comprehensive Plan amendment would increase the maximum range of permitted densities specifically for affordable residential dwelling units within the I FLUM.

*(m) 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.*

The proposed Comprehensive Plan amendment is not anticipated to affect the availability of adequate alternatives for the protection of public safety and welfare in the event of a disaster.

*(n) 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.*

The proposed Comprehensive Plan amendment may have a positive effect on the health, safety and welfare of the citizens of the Florida Keys by providing increased opportunities to provide affordable housing.

**Budget Impact:**

It is likely that the Village's tax base would be increased as a result of the increased availability of new affordable residential dwelling units.

**Staff Impact:**

Staff impact will be limited to the drafting of an ordinance amending the densities of the related zoning district in the land development regulations and processing applications related to development of affordable housing.

**Recommendation:**

It is recommended that the Village Council pass the proposed Ordinance on first reading.

**ORDINANCE NO.**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-2.1.4 “RESTRICT DENSITY AND INTENSITY OF DEVELOPMENT” AND AMENDING OBJECTIVE 1-2.5 “INDUSTRIAL (I) USES” OF THE VILLAGE COMPREHENSIVE PLAN REGARDING INCREASED DENSITY FOR AFFORDABLE HOUSING IN THE INDUSTRIAL FUTURE LAND USE MAP (FLUM) CATEGORY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, the Islamorada, Village of Islands Comprehensive Plan (the “Comprehensive Plan”) became effective December 6, 2001; and

**WHEREAS**, Islamorada, Village of Islands (the “Village”) finds it appropriate and necessary to increase density for affordable housing in order to provide, maintain, and promote affordable, workforce, and employee housing for Village residents; and

**WHEREAS**, the Village finds it appropriate to amend Objective 1-2.5 and Policy 1-2.1.4 (the “Comprehensive Plan Amendment”) in order to further protect the health, safety, and welfare of the Village; and

**WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to periodically assess the status of the adopted comprehensive plan in adequately addressing changing conditions; and

**WHEREAS**, the Village has conducted duly noticed public hearings for the Comprehensive Plan Amendment pursuant to Section 163.3184(15), Florida Statutes; and

**WHEREAS**, pursuant to Chapter 163.3174, Florida Statutes and Section 30-101 of the Village Code, the Local Planning Agency publicly considered the Ordinance during a duly noticed public hearing; and

**WHEREAS**, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the principles for guiding development in the Florida Keys Area of Critical State Concern; and

**WHEREAS**, the Village Council finds that the adoption of this Ordinance is in the best interest of the Village, complies with all applicable laws, and promotes the general health, safety, and welfare of Village residents.

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true and correct and incorporated herein by reference.

**Section 2.**     **Comprehensive Plan Amendment.** Objective 1-2.5 and Policy 1-2.1.4 of the Islamorada, Village of Islands Comprehensive Plan is hereby amended to read as follows<sup>1</sup>:

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**Objective 1-2.5: INDUSTRIAL USES (I).** In accordance with provisions in the Land Development Regulations, Islamorada, Village of Islands shall limit additional industrial development due to the fragile nature of the sensitive island ecosystem. The Future Land Use Map includes low intensity industrial uses. Mariculture and aquaculture operations shall be permitted as conditional uses in Industrial (I) designated areas. Limited public/semi-public uses shall also be permitted. ~~One (1) residential dwelling unit per parcel may be provided for on-site security purposes.~~ For purposes of providing affordable housing, up to fifteen (15) units per acre may be permitted, as provided for in the Land Development Regulations. The FAR for I designated parcels shall not exceed 0.25.

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<sup>1</sup> Additional text is shown as underlined; deleted text is shown as ~~strikethrough~~.

**Policy 1-2.1.4: Restrict Development and Intensity of Development.** The maximum range of allocated density and/or intensity (FAR) state in the Comprehensive Plan and in the Land Development Regulations, for permitted uses in each future land use map category shall not exceed the thresholds established in accordance with the following table:

**MAXIMUM DENSITY AND INTENSITY BY FUTURE LAND USE MAP CATEGORY**

<b>FLUM Category</b>	<b>Maximum Residential Density</b>	<b>Maximum Non-Residential Intensity (FAR)</b>
Residential Conservation (RC)	1 unit/4 acres +1	-
Residential Low (RL)	1 unit/2 acres +1	-
Residential Medium (RM)		
Single Family	1 unit per lot	-
Duplex	2 units per lot	-
Triplex for Affordable Housing	3 units per lot	-
Fourplexes for Affordable Housing	4 units per lot	-
Residential High (RH)		
Density Allowance	6 units per acre	-
With TDRs	12 units per acre	-
Affordable Housing	15 units per acre	
Mixed Use Residential (MU)		
Residential Density Allowance	6 units per acre	-
With TDRs	12 units per acre	-
Affordable Housing	15 units per acre	
Mixed Use Non-Residential	-	
Outside Village Activity Centers	-	0.25
Outside VAC's with TDRs	-	0.35
Inside Village Activity Centers	-	0.35
Working Waterfronts	-	0.35
Industrial (I)	+1-15 affordable dwelling units per acre	0.25
Conservation (C)	-	-
Airstrip (A)	1 unit per lot	0.25
Public and Semi-Public Services (PS)		
Density and Intensity Allowance	+1	0.25
With TDRs	-	0.35
Residential Institutional Use	12 units per acre	-
Recreation and Open Space (RO)	-	0.15
Mariculture (M)	+1	0.25

Note: One caretakers cottage may be provided in FLUM categories, indicated with +1.

Density and intensity may be further constrained by criteria included in the Comprehensive Plan and Land Development Regulations, including but not limited to: requirements for minimum

open space; concurrency management and level of service standards for transportation, water, including potable water, stormwater and other public facilities and services; off-street parking and internal circulation; landscaping; impacts on schools; and on-site and off-site improvements and design amenities required to achieve land use compatibility. Natural constraints such as the shape and natural features of a site may also present obstacles to achieving maximum density and/or intensity delineated above.

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**Section 3. Transmittal.** Pursuant to Sections 163.3184 and 163.3187(6)(a), Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the “DEO”).

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Effective Date.** This Ordinance shall not become effective until a Notice of Intent has been issued by DEO finding the Comprehensive Plan Amendment to be in compliance in accordance with Section 163.3184(1)(b), Florida Statutes. If timely challenged, the Comprehensive Plan Amendment shall not become effective until DEO or the Administration Commission enters a final order determining the adopted Comprehensive Plan Amendment to be in compliance.

The foregoing Ordinance was offered by \_\_\_\_\_, who moved its adoption on first reading. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Mike Forster	_____
Vice Mayor Deb Gillis	_____
Councilman Dennis Ward	_____
Councilman Chris Sante	_____
Councilman Jim Mooney	_____



PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The foregoing Ordinance was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Mike Forster \_\_\_\_\_  
Vice Mayor Deb Gillis \_\_\_\_\_  
Councilman Dennis Ward \_\_\_\_\_  
Councilman Chris Sante \_\_\_\_\_  
Councilman Jim Mooney \_\_\_\_\_

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MIKE FORSTER, MAYOR

ATTEST:

\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY