

AGENDA

PLANNING COMMISSION
MONROE COUNTY
September 25, 2013
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

William Wiatt, Chairman
Jeb Hale
Elizabeth Lustberg
Ron Miller
Denise Werling

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mayte Santamaria, Assistant Director of Planning and Environmental Resources
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Mike Roberts, Sr. Administrator, Environmental Resources
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Emily Schemper, Sr. Planner
Barbara Bauman, Planner
Timothy Finn, Planner
Matt Coyle, Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

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SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

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APPROVAL OF MINUTES

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MEETING

New Items:

1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR THE APRIL 13, 2013 THROUGH JULY 12, 2013, ROGO (4th QUARTER YEAR 21). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

(File 2012-137)

[2012-137 SR PC 09.25.13-Website.PDF](#)

2. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS FOR NON-RESIDENTIAL FLOOR AREA FOR ALL UNINCORPORATED MONROE COUNTY FOR THE NROGO PERIOD 2 OF YEAR 21 JANUARY 15, 2013 - JULY 12, 2013. ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

(File 2012-108)

[2012-108 SR PC 09.25.13-Website Copy.pdf](#)

3. PBP Marina Inc., doing business as Geiger Key Marina and Fish Camp, 5 Geiger Road, Geiger Key, Mile Marker 11: A request for approval of a 5COP SRX (Restaurant -Beer, Wine and Liquor, no package sales) Alcoholic Beverage Special Use Permit. The subject property is described as part Government Lot 6, Geiger Key, Section 26, Township 67, Range 26, Monroe County, Florida, having real estate number 00122160.000000.

(File 2013-098)

[2013-098 SR PC 09.25.13.PDF](#)

[2013-098 FILE.PDF](#)

[2013-098 Letters of Support Recvd 9.19.13.PDF](#)

4. Oceanside Marina, 5950 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Marker 25; 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22; 5671 MacDonald Avenue, Stock Island, Mile Marker 5; and 5176-5180 Suncrest Road, Stock Island, Mile Marker 5: A request for approval of a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC; H & L Florida Associates, LLC; R & S of Key West, Inc.; H-Try, LLC; 5671 MacDonald LLC; Singh Investors, LLC; Suncrest Landing, LLC; and Oceanside Investors, LLC allowing the transfer of market-rate Residential Rate of Growth (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A and 5671 MacDonald Avenue to a receiver site at 5950 Peninsula Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement concerns properties located at 5950 Peninsular Avenue, Stock Island (legally described as Block 60, Lots 1, 2, and 3, McDonald's Plat, PB1-55, having real estate numbers 00127420.000000 and 00127420.000100), 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, PB2-142, having real estate numbers 00194741.000100, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 00194741.001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.002200), 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, PB2-48, having real estate number 00174960.000000), 5671 MacDonald Avenue, Stock Island (legally described as Block 31, Lots 9, 13, 14, 15, 16, 19, and 20, McDonald's Plat, PB1-55, having real estate numbers 00124430.000000 and 00124470.000000) and 5176-5180 Suncrest Road, Stock Island (legally described as Lots 27-30, Sun Krest, PB1-107, having real estate numbers 00123470.000000, 00132680.000000, 00132690.000000 and 00132700.000000).

(File 2013-069)

[2013-069 Memo to Table.PDF](#)

FOR DISCUSSION ONLY:

Oceanside Marina, 5950 Peninsular Avenue, Stock Island, Mile Marker 5: A request for approval of an amendment to a major conditional use permit in order to redevelop the existing marina by improving the marina's facilities, constructing 78 new market rate residential dwelling units, constructing 5 new hotel rooms, constructing a new restaurant, and carrying out associated site improvements. The subject property is legally described as Block 60, Lots 1, 2, and 3, McDonald's Plat, PB1-55, having real estate numbers 00127420.000000 and 00127420.000100.

5. CONSIDERATION OF AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 101.2.6 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN EXTENDING THE MORATORIUM ON TRANSIENT UNIT ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR THE

FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY 2010 COMPREHENSIVE PLAN.

(File 2013-086)

[2013-086 SR PC 09.25.13.PDF](#)

[2013-086 Draft Ordinance.PDF](#)

6. CONSIDERATION OF AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 138-23 OF THE MONROE COUNTY CODE, EXTENDING THE MORATORIUM ON TRANSIENT UNIT ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY CODE.

(File 2013-090)

[2013-090 SR PC 09.25.13.PDF](#)

[2013-090 Draft Ordinance.PDF](#)

7. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING MONROE COUNTY CODE SECTION 130-4, TEMPORARY EMERGENCY HOUSING, ESTABLISHING MONROE COUNTY CODE SECTION 130-5, TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES, ESTABLISHING REGULATIONS CONCERNING TEMPORARY HOUSING ASSOCIATED WITH CAPITAL IMPROVEMENT PROJECTS, ESTABLISHING REGULATIONS CONCERNING TEMPORARY USES IN THE LAND DEVELOPMENT CODE, 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 2013-087)

[2013-087 SR PC 09.25.13.PDF](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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".

BOARD DISCUSSION: The Growth Management Director has requested the following item for discussion by the Planning Commission.

- **Paradise Point Senior Housing (Proposed), 2 North Blackwater Lane, Key Largo, Mile Marker 105.5:** A request for approval of a resolution by the planning commission approving an affordable housing project of greater than 20 units, as required by Monroe County Code Section 130-161(a)(6)h. This request is being concurrently processed with a separate request for a minor conditional use permit allowing the development of an institutional residential use, involving 50 deed-restricted affordable housing units (in the form of rooms) and accessory uses/structures. The subject property is described as a parcel of land in Section 1, Township 61, Range 39, Monroe County, Florida, having real estate number 00084260.000100.

GROWTH MANAGEMENT COMMENTS

- Update from Mayte Santamaria on Keith & Schnars progress

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources
From: Tiffany Stankiewicz, Development Administrator
Date: September 17, 2013
Subject: Residential Dwelling Unit Evaluation Report for Quarter 4, Year 21

Meeting Date: September 25, 2013

1 This report has been prepared pursuant to Section 138-26 of the Land Development Regulations
2 (LDRs). The proposed residential dwelling unit rankings attached to this report are for the fourth
3 quarter of year twenty-one which covers the period April 13, 2013, through July 12, 2013.

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5 **I) BACKGROUND INFORMATION:**
6

7 On June 23, 1992, the Monroe County Board of County Commissioners (BOCC) adopted
8 Ordinance #016-92, implementing the Residential Dwelling Unit Allocation System. The
9 Ordinance became effective on July 13, 1992, and has been amended from time to time.

10
11 On March 15, 2006, the BOCC adopted Ordinance 009-2006 to implement the Tier System, and
12 subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and Protect Key West
13 and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary, Department of
14 Community Affairs signed the final order deciding the challenge on September 26, 2007
15 (amended Final Order issued January 2, 2008). The Tier System, still a Rate of Growth
16 Ordinance (ROGO), made changes such as sub-area boundary districts for allocation distribution,
17 basis of scoring applications, and administrative relief.

18
19 On September 21, 2012, the BOCC adopted Ordinance #021-2012, revising the ROGO
20 allocation scoring system regarding land dedications and Tier III properties containing wetlands
21 adjacent to Tier 1 properties. The ordinance became effective on December 31, 2012.

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23 The following background information regarding applications reviewed this quarter is divided
24 into sub districts: A) Lower Keys Sub-area and Upper Keys sub-area and B) Big Pine/No Name
25 Key subareas.

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A. Applications reviewed this quarter for Lower & Upper Keys Sub-areas:

	Market Rate	Affordable Housing
*Lower Keys	07	0
** Lower Keys (Adm. Relief)	0	0
***Upper Keys	26	0
****Upper Keys (Adm. Relief)	0	0
TOTAL	33	0

- * 06 applications are rollovers or reapplications from previous quarters.
 ** 0 applications are rollovers or reapplications from previous quarters.
 *** 21 applications are rollovers or reapplications from previous quarters.
 **** 0 applications are rollovers or reapplications from previous quarters.

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B. Big Pine/No Name Key Sub-area:

1) On June 23, 1992, the Monroe County Board of Commissioners adopted Ordinance 016-1992, implementing the Residential Dwelling Unit Allocation System. The ordinance became effective on July 13, 1992 and has been amended from time to time.

2) In 1998, the Florida Department of Transportation, Monroe County, the Florida Department of Community Affairs, the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission signed a Memorandum of Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and other protected species in the project area.

3) The Livable Communikeys Program (LCP), Master Plan for Future Development of Big Pine Key and No Name Key was adopted on August 18, 2004 under Ordinance 029-2004. The LCP envisioned the issuance of 200 residential dwelling units over 20 year horizon at a rate of roughly 10 per year. A minimum of twenty percent of the 10 units per year are to be set aside for affordable housing development. Below is a table tracking LCP allocations remaining at the conclusion of Quarter 3 Year 21 (October 13, 2013- April 12, 2013).

Livable Communikeys Master Plan (LCP) 2003-2023			
	Beginning Balance	Allocated thru Quarter 3 Year 21	Balance of Allocations remaining to LCP*
Market Rate Allocations	160	90	71
Affordable Housing Allocations	40	10	30
Totals	200	100	101

* Means the total adjusted to account for expired allocations and re-use of allocations.

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- 4) On September 22, 2005, the Monroe County Board of Commissioners adopted Ordinance 025-2005 which revised the ROGO to utilize the Tier overlay as the basis for the competitive point system. The ordinance became effective on February 5, 2006.
 - 5) On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe County, Growth Management Division, 2) Florida Department of Transportation, and 3) Florida Department of Community Affairs for Threatened and Endangered Species Incidental Take Permit (ITP) as defined within the geographic area covered by the HCP.
 - 6) Livable CommuniKeys Master Plan *Action Item 3.2.6*: Limit allocation awards in Tier I to no more than five percent of all residential units permitted over the twenty year planning period (i.e. a maximum of 10 units) or a total of $H = 0.022$ (two percent of the total H), whichever results in the lower H. Development in Tier 1 is tracked from December 27, 2004, the effective date of the Livable CommuniKeys Plan, which established the Tier System for Big Pine, and No Name Key. (Ordinance 020-2009)
 - 7) The ITP (Federal ITP #TE083411-0) requires the Permittees [1. Monroe County, Growth Management Division, 2. Florida Department of Transportation, and 3. Florida Department of Community Affairs] to ensure that the take of the covered species is minimized and mitigated. The Permittees are responsible for meeting the terms and conditions of the ITP and implementing the HCP.
 - 8) The ITP specifies in G5, "New residential development in Tier 1 (Tiers defined in HCP, Table 2.7) areas will be limited to no more than five percent of all residential units permitted over the 20-year life of the HCP (i.e., a maximum of 10 units) or a total H of 0.022), whichever results in a lower H."
 - 9) The Incidental Take Permit (ITP) provides specific development limitations on Big Pine/No Name Keys, including, but not limited to:
 - The total impact of commercial, institutional (including public projects such as wastewater and roads), and residential development over the 20 year life of the HCP shall not exceed $H=1.1$.
 - For each H value unit of development, 3 H units of conservation lands shall be acquired, restored, and protected in perpetuity. Over the term of this permit, lands with a cumulative H value of 3.3 shall be acquired.
 - New residential development will be limited to a maximum of 200 dwelling units over the 20 year life of the HCP.
 - New residential development in Tier 1 areas will be limited to no more than 5% of all residential units permitted over the 20 year life of the HCP (no more than 10 units) or $H=0.022$ whichever results in a lower H.
 - No new development other than single-family residential and accessory uses will be permitted in Tier I areas.

As of December 2012 (9 years into the 20 year permit), the County has issued 91 of the 200 building permits allowed to be issued totaling 33% (0.3641 H) of the total 1.1 'H' allowed, while having acquired 77% (2.554 'H') of the total 3.3 'H' mitigation required by the HCP and ITP.

As noted above, the ITP allows development of 10 dwelling units or 0.022 H impact, whichever results in a lower H in Tier I areas on Big Pine/No Name Keys. ROGO allocations for 9 dwelling units totaling 0.0201 H have been issued to date, with 4 of these allocations resulting in building permits. The remaining 5 parcels have allocations that are on hold and are valid until July 2015.

For purposes of the annual monitoring reports the County submits to the USFWS, 'H' impacts are not debited until the building permit is issued. So while the issued building permits for Tier I are well under the permit limits, **the total allocations for Tier I development are within one allocation of the permit limits.** There are 36 applications (with a total 'H' of 0.049) currently competing in ROGO. Of these, 11 are Tier I applicants with a cumulative 'H' value of 0.025. The 'H' value of the highest ranked Tier I parcel currently competing in ROGO is 0.0026 H, the allocation of which would put the County over the 0.022 'H' limit.

10) **Applications reviewed this quarter for the Big Pine/No Name Key Sub-area:**

	Market Rate	Affordable Housing
*Big Pine Key/No Name Key	34	0

* 34 applications are rollovers or reapplications from previous quarters.

II) ALLOCATION FACTORS:

- A. Pursuant to Section 138-24 the number of annual allocations available is 197.
- B. Section 138-24(c) allows any unused portion of affordable housing allocations to be retained and rolled over into the next dwelling unit allocation year.
- C. Section 138-24(a)(4) allows the Planning Commission to amend the affordable housing proportions during any ROGO quarter.
- D. Section 138-27(g) limits administrative relief allocations per quarter. The number of allocations that may be awarded under administrative relief in any subarea quarter shall be no more than fifty percent (50%) of the total available market rate allocations.
- E. Section 138-24(a)(6) limits the number of allocation awards in Tier I. The annual number of allocation awards in Tier I shall be limited to no more than three (3) in the Upper Keys and no more than three (3) in the Lower Keys. The ITP limits Big Pine/No Name Key to ten (10) allocations over a twenty year period or H =0.022 whichever is lower. Below is a table tracking the Tier 1 allocations by Quarter/Year.

Tier 1 Award Limits	Key (Island)	Permit Number	Allocation type	Quarter, Year	Real Estate Number	H-value	Permit Issue Date	Certificate of Occupancy (C/O) Date	Current Status	Tier 1 Allocations Update
Limited to a maximum 10 or H= .022 whichever is lower over the life of the ITP.	Big Pine	95101813	Market Rate	Q3Y4 (1998)	00285550.000000	0.0028	8/1/2005	8/4/2012	C/O	Big Pine/No Name Keys Subarea: Used 9 (since 1998) out of a maximum potential of 10 or less depending on H allowance whichever comes first. Based on permits issued to properties in Tier 1 and pending permits with allocation awards the H total is .0201 (since Dec. 27, 2004).
	Big Pine	96101822	Market Rate	Q2Y8 (1998)	00289510.000000	0.0022	5/1/2006	3/8/2008	C/O	
	Big Pine	03102303	Adm. Relief	Q2Y16 (2008)	00288710.000000	0.0013	4/28/2008	8/4/2010	C/O	
	Big Pine	97101381	Market Rate	Q1Y17 (2008)	00296820.000000	0.0011	12/18/2008	3/29/2012	C/O	
	No Name	96101472 (Not used)	Market Rate	Q2Y19 (2011)	00319494.001300				Expired	
	No Name	96101470	Market Rate	Q2Y20 (2012)	00319494.001000	0.0029			Allocation valid to 7/2/2015	
	No Name	96101469	Market Rate	Q2Y20 (2012)	00319494.000900	0.0032			Allocation valid to 7/2/2015	
	No Name	96101464	Market Rate	Q3Y20 (2012)	00319494.000500	0.0024			Allocation valid to 7/2/2015	
	No Name	96101463	Market Rate	Q4Y20 (2012)	00319494.000400	0.0019			Allocation valid to 7/2/2015	
	No Name	96101473	Market Rate	Q4Y20 (2012)	00319494.001400	0.0023			Allocation valid to 7/2/2015	
Subarea Lower: Begin July 14, 2009 (Year 16)										
Lower Keys maximum annual allocations in Tier 1 is limited to 3.	Little Torch	96100414	Market Rate	Q4Y16 (2008)	00213240.000000	N/A			Expired	Lower Keys: Used 3 out of the 3 allowed in Year 21.
	Sugarloaf	03102285	Adm. Relief	Q2Y17 (2008)	00172070.000700	N/A			Expired	
	Ramrod	03103801	Market Rate	Q3Y19 (2011)	00114150.000400	N/A			Expired	
	Ramrod	03102388	Market Rate	Q4Y19 (2011)	00114100.000200	N/A			Allocation valid to 4/5/2015	
	Sugarloaf	03102285	Adm. Relief	Q4Y19 (2011)	00172070.000700	N/A		CASE#2010-CA-197-K (allocation award pending)		
	Ramrod	03102385	Market Rate	Q1Y20 (2011)	00114100.000300	N/A			Allocation valid to 4/5/2015	
	Big Torch	05100528	Market Rate	Q1Y20 (2011)	00243821.001400	N/A		3/28/2012		
	Summerland	05103801	Market Rate	Q1Y20 (2011)	00199810.000000	N/A			Allocation valid to 3/28/2015	
	Ramrod	03102384	Market Rate	Q1Y21 (2012)	00114080.000000	N/A			Allocation valid to 4/9/2015	
	Ramrod	04105722	Market Rate	Q1Y21 (2012)	00210811.005800	N/A			Purchased by Monroe County Land Authority	
	Ramrod	05106427	Market Rate	Q1Y21 (2012)	00210500.000000	N/A			Allocation valid to 8/5/2015	
	Subarea Upper: Begin July 14, 2009 (Year 16)									
Upper Keys maximum annual allocations in Tier 1 is limited to 3.	Largo	04305020	Adm. Relief	Q4Y17 (2008)	00449410.000000	N/A	11/4/2004			Upper Keys: Used 0 out of 3 in Year 21

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Based on the Code, Comprehensive Plan, Livable CommuniKeys, Habitat Conservation Plan, and Incidental Take Permit: 1) Within the Big Pine/No Name Key Subarea, new residential development in Tier 1 is limited to no more than five percent of all residential units permitted over the twenty year planning period (i.e. a maximum of 10 units) or H=0.022, whichever results in a lower H over the life of the ITP (2003-2023). A review of the H-impacts used (0.0201) to date, shows 0.002 remains available for Tier 1 (H limit is 0.022 - 0.0201 used = 0.002); therefore, the current applicant ranked number 2 if granted an allocation would exceed the H limit of 0.022; and 2) Lower Keys Subarea has zero allocations available for Tier 1 for the remainder of Year 21 and 3) Upper Keys Subarea has three Tier 1 allocations available in Year 21.

F. G5 in the ITP specifies, "New residential development in Tier 1 (Tiers defined in HCP, Table 2.7) areas is limited to no more than five percent of all residential units permitted over the 20-year life of the HCP (i.e., a maximum of 10 units) or a total H- 0.022), whichever results in a lower H."

G. LCP, Action Item 3.2.6: Limits allocation awards in Tier I to no more than five percent of all residential units permitted over the twenty year planning period (i.e., a maximum of 10 units) or a total H-0.022 (two percent of the total H), whichever results in a lower H.

H. Monroe County Code Section 138-24(a)(5) Big Pine Key and No Name Key.

1 All allocation awards on Big Pine Key and No Name Key are subject to the provisions of
 2 the Incidental Take Permit and the Habitat Conservation Plan for the Florida Key Deer
 3 and other covered species, which may affect ROGO allocations under this article.
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5 I. Monroe County Code Section 138-25(f) Expiration of allocation award: Except as
 6 provided for in this division, an allocation award shall expire when its corresponding
 7 building permit is not picked up after sixty (60) days of notification by certified mail of
 8 the award or, after issuance of the building permit.
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10 J. Monroe County Section 138-24 allows a total of 197 allocations per year (126 Market
 11 Rate and 71 Affordable Housing).
 12

13 **Year 21 Allocation Allotment Breakdown by Quarter (July 13, 2012 –July 12, 2013)**
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Area	MCC allotment by subarea	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Market Rate:					
Lower Keys (Lower/Middle) Keys	57	14	14	14	15
Big Pine/No Name Keys	8	2	2	2	2
Upper Keys	61	15	15	15	16
Total:	126	31	31	31	33
Affordable Housing:					
Big Pine/No Name Keys	*12				
Lower/Upper Keys	243**				

15 Beginning balances:

16 a) *Big Pine/No Name Key Subarea affordable housing allocation breakdown into the two income categories are as follows: 1) very low, low, &
 17 median income (6 allocations) and 2) moderate income (6 allocations); and

18 b) **unincorporated Monroe County excluding the Big Pine/No Name Key Subarea affordable housing allocation breakdown into the two
 19 income categories are as follows: 1) very low income, low income and median income (168 allocations) and 2) moderate income 94 allocations
 20 less reservation of 19 allocations for Little Palm Cottages, LLC BOCC Resolution 208A-2013 (75 allocations remaining).
 21

22 K. Monroe County Code Section 138-26 allows the adjustment of residential ROGO
 23 allocations at the end of each quarterly allocation period of additions or subtractions to
 24 the basic allocation available by subarea such as the number of dwelling unit allocation
 25 awards that expired prior to the issuance of a corresponding building permit.
 26

27 L. Florida Administrative Rule 28-20.140 Comprehensive Plan (2)(b) “The number of
 28 permits issued annually for residential development under the Rate of Growth Ordinance
 29 shall not exceed a total annual unit cap of 197, plus any available unused ROGO
 30 allocations from a previous ROGO year. Each year’s ROGO allocation of 197 units shall
 31 be split with a minimum of 71 units allocated for affordable housing in perpetuity and
 32 market rate allocations not to exceed 126 residential units per year. Unused ROGO
 33 allocations may be retained and made available only for affordable housing and

Administrative Relief from ROGO year to ROGO year. Unused allocations for market rate shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. A ROGO year means the twelve-month period beginning on July 13.

Table shows Total Market Rate Allocations Unused ROGO Years 19-20 available for administrative relief per Florida Administrative Rule 28-20.140.			
	Unused Market Rate Allocations from Year 19	Unused Market Rate Allocations from Year 20	Total Unused Market Rate Allocations
Lower Keys Subarea	11	44	55
Big Pine/No Name Key Subarea	0	0	0
Upper Keys Subarea	0	0	0
Total Allocations	11	44	55

Note: This table does not include expired market allocations and may be revised to include expired allocation awards.

III) EVALUATION AND RANKING:

The evaluation of the allocation applications was performed by the Planning & Environmental Resources Department pursuant to Monroe County Code and Comprehensive Plan. Positive and negative points were granted in compliance with the evaluation criteria contained in Section 138-28 of the LDRs for the Lower, Upper Keys, and Big Pine/ No Name Key Sub-areas. An evaluation report has been provided in accordance with Monroe County Code Section 138.26.

Based on the total points scored, each allocation was ranked by sub-area. If applications received identical scores, they were first ranked by date and time. Please note that any excess allocations approved must be deducted from the next quarterly allocation period pursuant to Monroe County Code Section 138-26(e).

IV) RECOMMENDATIONS:

A. Market Rate Allocations Quarter 4 Year 21:

The number of applications in the Lower Keys, Big Pine/No Name Keys, and Upper Keys sub-areas was greater than the quarterly allocation awards available. Per Section 138-26(b)(7) of the code, the rankings indicate which applications are within the quarterly allocation, and those applications whose rankings puts them outside the quarterly allocation. An additional page is attached which identifies the location of each proposed allocation by island and subdivision.

The Market Rate applications that are within the quarterly allocations recommended for Quarter 4 Year 21 approval are as follows:

Lower Keys: Applicant ranked 1

Lower Keys Administrative Relief: No Applicants.

1 Big Pine/No Name Keys: Applicant ranked 1 is recommended for allocation award subject to
2 mitigation availability at the time of permitting. A recommendation for the applicant ranked 2 is
3 deferred due to pending ongoing litigation with the County (see Galleon Bay v. Monroe County
4 and State of Florida, Circuit Court Case NO. CA-K-02-595) and until ownership issues are
5 resolved.

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7 Upper Keys: Applicants ranked 1 through 16.

8
9 Upper Keys Administrative Relief: No Applicants.

10
11
12 **B. Affordable Housing Allocations for the Lower & Upper Keys Quarter 4 Year 21:**

13
14 There are two affordable housing allocation categories: 1) very low, low, & median income and
15 2) moderate income. A total of 243 affordable housing allocations are available in the two
16 categories 1) very low income, low income and median income (168 allocations) and 2)
17 moderate income (75 allocations). The Planning Commission may amend the ratio proportions
18 for affordable housing during any ROGO quarter pursuant to MCC §138-24(a)(4).

19
20 There were zero (0) affordable housing applications submitted this quarter in the moderate
21 income category and there were zero (0) affordable housing applications submitted this quarter in
22 the very low, low & median income category.

23
24 **C. Affordable Housing Allocations for the Big Pine/No Name Keys Quarter 4 Year 21:**

25
26 There are two affordable housing allocation categories: 1) very low, low, & median income (6
27 allocations) and 2) moderate income (6 allocations). The Planning Commission may amend the
28 affordable housing proportions during any ROGO quarter pursuant to Monroe County Code
29 Section 138-24(a)(4).

30
31 There were zero (0) affordable housing applications submitted this quarter in the moderate
32 income category and there were zero (0) affordable housing applications submitted this quarter in
33 the very low, low & median income category.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS -YEAR 21, QUARTER 4 (APRIL 13, 2013 TO JULY 12, 2013)**

Tier Rank	Permit #	Name	Date	Time	Key	Subdivision	Lot	Block	RE#	Tier Designation	Tier Pts 138-28(1)	Wetlands: III adj to Tier I with > 50%	Tier III adj to Tier I with < 50%	Lot Agg Pts. Sec. 138-23(4)	Land Ded Sec. 138-23(5)	Mkt in Emp./AFH project Sec. 138-23(6)	Flood Zone V	BAT /AW T	First Four Years	Each Add. Years Sec. 138-23(12)	Payment to Acq. Fund	Total
MARKET RATE DWELLING UNITS												-3	-5	4		6	-4	4	1	2	up to 2	
1	*	13101667	Beasley, Gary	14-Jun-13	10:10 AM	Sugarloaf	Sugarloaf Shores Sec. D	63	00164550.000000	3	30	0	0	0	0	0	0	0	0	N/A	0	30
2		06101084	Schwartz, John	12-Sep-06	2:00 PM	Big Torch	Torchwood West Unit 1	15	00243621.001500	1	10	N/A	N/A	0	0	0	0	0	4	4	0	18
3		06106183	Gels, David	4-Jan-07	10:57 AM	Big Torch	Torchwood West Unit 2	8 & S 1/2 of 9	00243622.002100	1	10	N/A	N/A	0	0	0	0	0	4	4	0	18
4		07101251	Parkinson, Dean	19-Jun-07	11:09 AM	Ramrod	Ramrod Shores Marina Sec.	4	00210811.009500	1	10	N/A	N/A	0	0	0	0	0	4	4	0	18
5		06100873	O'Brien, Christopher	10-Jul-07	3:19 PM	Sugarloaf	Pt Govt 3		00119450.000000	1	10	N/A	N/A	0	0	0	-4	0	4	4	0	14
6		06104954	Escorcia, Jorge	26-Aug-09	12:33 PM	Summerland	11 & 12		00200140.000000	1	10	N/A	N/A	0	0	0	0	0	3	N/A	0	13
7		11102428	Stebbins, Consuelo	18-Sep-12	11:09 AM	Big Torch	PtGovt 2		00112920.000100	1	10	N/A	N/A	0	0	0	0	0	0	N/A	0	10

* Indicates a ranking sufficient to receive an allocation award.
 @ indicates a ranking subject to additional reviews and approvals.
 Point evaluation criteria pursuant to Monroe County Code Section 138.28.
 Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009.2007.
 Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013.

The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS (ADMINISTRATIVE RELIEF) - YEAR 21, QUARTER 4 (APRIL 13, 2013 TO JULY 12, 2013)**

Tier Rank	Permit #	BOCC Resolution	Name	Date and Time of Application			Subdivision	Lot	Block	RE#	Tier Designation	Tier Pts Sec. 138-28(1)	Wetlands: Tier III adj to Tier I with > 50%	Wetlands: Tier III adj to Tier I with < 50%	Lot Agg Pts. Sec. 138-23(4)	Land Ded Sec. 138-23(5)	Mkt in Emp./AFH project Sec. 138-23(6)	Flood Zone 'V'	BAT/A WT	First Four Years	Each Add. Years Sec. 138-	Payment to Acq. Fund up to 2	Total
MARKET RATE DWELLING UNITS											-3	-5	4		6	-4	4	1	2				

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 Point evaluation criteria pursuant to Monroe County Code Section 138.28.
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The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKINGS,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
UPPER KEYS - YEAR 21, QUARTER 4 (APRIL 13, 2013 TO JULY 12, 2013)**

Tier Rank	Permit #	Name	Date and Time of Application				Lot	Block	RE#	Tier Designation	Tier Pts Sec. 138-28(1)	Wetlands: Tier III adj to Tier I with > 50%	Wetlands: Tier III adj to Tier I with < 50%	Lot Agg Pts. Sec. 138-23(4)	Land Ded Sec. 138-23(5)	Mkt in Emp./AFH project Sec. 138-23(6)	Flood Zone 'V'	BAT/ AWT	First Four Years	Each Add. Years Sec. 138-23(12)	Payment to Acq. Fund	Total
			Date	Time	Key	Subdivision						-3	-5			6	-4	4	1	2	up to 2	
MARKET RATE DWELLING UNITS																						
1	*	13300288	Zambrana, Jose	21-Mar-13	01:25 PM	Largo	Largo Sound Park	22	9	00472080.000100	3	30	0	0	0	0	0	4	0	N/A	0	34
2	*	13301191	Zambrana, Jose	11-Jun-13	08:45 AM	Largo	Largo Gardens	7	5	00456230.000000	3	30	0	0	0	0	0	4	0	N/A	0	34
3	*	12304548	Kukhtova, Olesya	20-Jun-13	10:52 AM	Largo	Sunset Waterways	6	2	00529830.000000	3	30	0	0	0	0	0	4	0	N/A	0	34
4	*	11304852	Forrest Key LLC	27-Jun-13	11:56 AM	Largo	Winston Waterways No. 2	32	6	00547030.000000	3	30	0	0	0	0	0	4	0	N/A	0	34
5	*	13301443	Rodriguez, Alexander	12-Jul-13	04:40 PM	Largo	Stillwright Point Plat No. 2	10	4	00515140.000000	3	30	0	0	0	0	0	4	0	N/A	0	34
6	*	06305561	Taylor, Mark	2-Jan-07	09:12 AM	Largo	Ocean Park Village	4	3	00445820.000000	3-A	20	N/A	N/A	0	0	0	4	4	4	0	32
7	*	06306533	Davis, Sarah	16-Jan-07	02:22 PM	Largo	Ocean Park Village	10	1	00445610.000000	3-A	20	N/A	N/A	0	0	0	4	4	4	0	32
8	*	06305562	Harper, Linda	16-Feb-07	08:39 AM	Largo	Harris Ocean Park Est.	3	1	00446940.000000	3-A	20	N/A	N/A	0	0	0	4	4	4	0	32
9	*	07305168	Crawdaddy Inc.	6-May-08	12:11 PM	Largo	Bahia Mar Estates	7	9	00544910.000000	3-A	20	N/A	N/A	0	0	0	4	4	N/A	0	28
10	*	07304070	Jema Investments Inc.	17-Jun-08	12:01 PM	Largo	Key Largo Park Amd.	7	14	00526320.000000	3-A	20	N/A	N/A	0	0	0	4	4	N/A	0	28
11	*	07301529	Bauer, Sally	14-Jul-08	1:53 PM	Largo	Holiday Homesites	1	2	00530340.000000	3-A	20	N/A	N/A	0	0	0	4	4	N/A	0	28
12	*	06300239	Fernandez, Armando	5-Jan-10	11:27 AM	Largo	Ocean Park Village	12	9	00446880.000000	3-A	20	N/A	N/A	0	0	0	4	3	N/A	0	27
13	*	08303237	Native Rental Properties LI	2-Feb-10	02:57 PM	Largo	Ocean Park Village	5	2	00445660.000000	3-A	20	N/A	N/A	0	0	0	4	3	N/A	0	27
14	*	04303580	Parkinson, Dean	7-Sep-04	11:20 AM	Largo	Harris Ocean Park Estates	40	4	00448460.000000	1	10	N/A	N/A	0	0	0	4	4	8	0	26
15	*	04303599	Parkinson, Dean	7-Oct-04	12:05 PM	Largo	Ocean Park Village	10	2	00445710.000000	1	10	N/A	N/A	0	0	0	4	4	8	0	26
16	*	05300846	Rodriguez, Eusebio	30-Mar-05	10:45 AM	Largo	Harris Ocean Park Estates 1st Add.	8	9	00450150.000000	1	10	N/A	N/A	0	0	0	4	4	8	0	26
17		12302096	Oshesky, Daniel	12-Oct-12	11:00 AM	Largo	Monroe Park	8		00572890.000000	3	30	N/A	N/A	0	0	-4	0	0	N/A	0	26
18		07303533	Samples, William	5-Jan-12	02:27 PM	Largo	Paradise Point	7	1	00513260.000000	3-A	20	N/A	N/A	0	0	0	4	1	N/A	0	25
19		01303683	Jess Jenn Corp.	19-May-04	12:20 PM	Largo	Gulfstream Shores	14	6	00565770.000000	1	10	N/A	N/A	0	0	0	0	4	10	0	24
20		01303684	Jess Jenn Corp.	19-May-04	12:21 PM	Largo	Gulfstream Shores	4	5	00565360.000000	1	10	N/A	N/A	0	0	0	0	4	10	0	24
21		10307629	Escobar, David	22-Mar-13	02:48 PM	Largo	Bowens Add. to Riviera Village	1 & 2	6	00511990.000000	3-A	20	0	0	0	0	0	4	0	N/A	0	24
22		01303685	Jess Jenn Corp.	14-Oct-04	08:30 AM	Largo	Gulfstream Shores	3	5	00565350.000000	1	10	N/A	N/A	0	0	0	0	4	8	0	22
23		05305610	Nannini, Steven	13-Feb-06	11:25 AM	Largo	Gulfstream Shores	7	5	00565390.000000	1	10	N/A	N/A	0	0	0	0	4	6	0	20
24		11306042	Capobianco, Blaine	12-Oct-12	11:05 AM	Largo	Largo Gardens	2	17	00458730.000000	1	10	N/A	N/A	0	0	0	4	0	N/A	0	14
25		13300305	Ginjauma, Jesus	28-Mar-13	10:30 AM	Largo	Harris Ocean Park Est. 1st Add.	11	9	00450180.000000	1	10	0	0	0	0	0	4	0	N/A	0	14
26		10303865	Dietrich, Susanne	13-Apr-12	03:05 PM	Largo	Ocean Reef Shores	113		00569041.010000	1	10	N/A	N/A	0	0	0	0	1	N/A	0	11

* Indicates a ranking sufficient to receive an allocation award.
 @ indicates a ranking subject to additional reviews and approvals.
 Point evaluation criteria pursuant to Monroe County Code Section 138.28.
 Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009.2007.
 Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013.
 M Indicates additional issues to be monitored and addressed prior to permit issuance.

The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
UPPER KEYS (ADMINISTRATIVE RELIEF) - YEAR 21, QUARTER 4 (APRIL 13, 2013 TO JULY 12, 2013)**

Tier Rank	Permit #	BOCC Resolution	Name	Date and Time of Application				Lot	Block	RE#	Tier Designation	Tier Pts Sec. 138-28(1)	Wetlands: Tier III adj to Tier I with > 50%	Wetlands: Tier III adj to Tier I with < 50%	Lot Agg Pts. Sec. 138-23(4)	Land Ded Sec. 138-23(5)	Mkt in Emp./AFH project Sec. 138-23(6)	Flood Zone "V"	BAT/A WT	First Four Years	Each Add. Years Sec. 138-23(12)	Payment to Acq. Fund	Total
				Date	Time	Key	Subdivision																
MARKET RATE DWELLING UNITS																							

* Indicates a ranking sufficient to receive an allocation award.
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 Point evaluation criteria pursuant to Monroe County Code Section 138.28.
 Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009.2007.
 Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013.

The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
AFFORDABLE HOUSING - YEAR 21, QUARTER 4 (APRIL 13, 2013 TO JULY 12, 2013)**

Date and Time of Application											Tier	Tier Pts	Sec.	Wetlands: Tier	Wetlands: Tier	Lot Agg Pts.	Land Ded Sec.	Mkt In Emp./AFH	Flood	BAT/AWT	First Four	Each	Payment to	
Rank	Permit #	Name	Date	Time	Key	Subdivision	Lot	Block	RE#		Designation	138-28(1)	III adj to Tier I with > 50%	III adj to Tier I with < 50%	Sec. 138- 23(4)	138-23(5)	project Sec. 138-23(6)	Zone 'v'		Years	Years	Sec.	Acq. Fund	Total
														-3	-5	4		6	-4	4	1	2	up to 2	
AFFORDABLE DWELLING UNITS Very Low, Low, Median Income																								
No applicants under Very Low, Low, Median Income																								
AFFORDABLE DWELLING UNITS Moderate Income																								
<p>* indicates a ranking sufficient to receive an allocation award. @ Indicates a ranking subject to additional reviews and approvals. Point evaluation criteria pursuant to Monroe County Code Section 138.28. Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009.2007. Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013.</p>																								

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
BIG PINE KEY and NO NAME KEY - YEAR 21, QUARTER 4 (APRIL 13, 2013 TO JULY 12, 2013)**

Rank	Permit #	Name	Date	Time	Key	Subdivision	Lot	Block	RE#	Tier Designation	Tier Pts Sec. 138-28(1)	Wetlands: Tier III adj to Tier I with > 50%	Wetlands: Tier III adj to Tier I with < 50%	Located on No Name	Marsch Rabbitt/ Buffer	Key Deer Corridor	Lot Agg Pts. Sec. 138-23(4)	Land Ded Sec. 138-	Payment to Acq. Fund up to 2	Mkt in Emp./ AFH projec 6	BAT/ AWT 4	Flood Zone 'V' -4	First Four Years 1	Each Add. Years Sec. 2	Total	Parcel H value	Mitigation Required 3:01	
MARKET RATE DWELLING UNITS																												
1	*	13100883	Bettis, Jeri	11-Apr-13	2:45 PM	Big Pine	Pine Channel Est. Sec 2	9	8	00250400.000000	3	20	N/A	N/A	0	0	0	0	0	0	0	0	0	N/A	20	0.0008	0.0024	
2	*D	96101462	Schleu, Vivienne	8-Jan-97	9:17 AM	No Name	Rev. Plat Galleon Bay	3	N/A	00319494.000300	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0026	0.0078
3		96101461	Schleu, Vivienne	8-Jan-97	9:18 AM	No Name	Rev. Plat Galleon Bay	2	N/A	00319494.000200	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0022	0.0066
4		96101460	Schleu, Vivienne	8-Jan-97	9:19 AM	No Name	Rev. Plat Galleon Bay	1	N/A	00319494.000100	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0043	0.0129
5		96101465	Schleu, Vivienne	8-Jan-97	9:20 AM	No Name	Rev. Plat Galleon Bay	6	N/A	00319494.000600	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0026	0.0078
6		96101467	Schleu, Vivienne	8-Jan-97	9:21 AM	No Name	Rev. Plat Galleon Bay	7	N/A	00319494.000700	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0034	0.0102
7		96101468	Schleu, Vivienne	8-Jan-97	9:22 AM	No Name	Rev. Plat Galleon Bay	8	N/A	00319494.000800	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0025	0.0075
8		96101471	Schleu, Vivienne	8-Jan-97	9:24 AM	No Name	Galleon Bay, Rev. Plat	11	N/A	00319494.001100	1	0	N/A	N/A	-10	0	0	0	0	0	0	0	0	4	24	18	0.0027	0.0081
9		06101006	Leon, Enmesto	6-Oct-06	2:30 PM	Big Pine	Doctors Arm 2nd Add.	19		00312470.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0007	0.0021
10		06101002	Fernandez, Juan	6-Oct-06	2:31 PM	Big Pine	Doctors Arm 3rd Add.	19		00312571.002000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0006	0.0018
11		06104544	Cabassa, Edward	13-Oct-06	9:00 AM	Big Pine	Eden Pines Colony	12	19	00269070.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0011	0.0033
12		06101005	Vasseur, Jorge	3-Nov-06	12:06 PM	Big Pine	Doctors Arm 3rd Add Sec B	20		00312572.002100	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0010	0.0030
13		06106156	Hahn, David	11-Jan-07	3:30 PM	Big Pine	JR Matthew Properties Pt 2	pt 5 & 6		00109350.000500	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0021	0.0063
14		03105296	Hochstim, Jan	29-Mar-07	8:38 AM	Big Pine	Eden Pines Colony 1st Add.	4	7	00269910.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0008	0.0024
15		06101001	Ojeda, Alex	31-May-07	11:38 AM	Big Pine	Doctors Arm 3rd Add. Sec. B	2		00312572.000300	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0010	0.0030
16	c	07100485	Akins, John	12-Jun-07	10:00 AM	Big Pine	Doctors Arm	27&PtL126	1	00310280.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0013	0.0039
17	c	07100483	Akins, John	12-Jun-07	10:02 AM	Big Pine	Doctors Arm	25&Pt24&26	1	00310260.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0007	0.0021
18	c	07100479	Akins, John	12-Jun-07	10:04 AM	Big Pine	Doctors Arm	23&Pt24	1	00310240.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0011	0.0033
19	c	07100486	Akins, John	12-Jun-07	10:06 AM	Big Pine	Doctors Arm	21 & 22	1	00310220.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	18	0.0010	0.0030
20		07102535	Wheeler, Scott	24-Aug-07	8:45 AM	Big Pine	Eden Pines Colony 1st Add.	9	1	00269190.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	2	16	0.0010	0.0030
21		07102237	Akins, Candace	10-Sep-07	2:40 AM	Big Pine	Eden Pines Colony	13	6	00266360.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	2	16	0.0007	0.0021
22		07102238	Akins, Candace	10-Sep-07	2:45 AM	Big Pine	Eden Pines Colony 3rd Add.	3	23	00271270.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	2	16	0.0007	0.0021
23		07103911	Shearin, Jerry	24-Oct-07	8:50 AM	Big Pine	Doctors Arm	48	1	00310490.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	2	16	0.0007	0.0021
24		06100507	Sampson, James	31-Jul-08	11:15 AM	Big Pine	Doctors Arm 3rd Add.	4		00312571.000500	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	4	14	0.0011	0.0033
25		08101995	Perez, Oriando	24-Jul-08	9:47 AM	Big Pine	Tropical Bay	31		00312890.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	N/A	14	0.0013	0.0039
26		08102801	Bahn (Rev. Trust)	14-Oct-08	2:27 PM	Big Pine	Doctors Arm 1st Add.	3	5	00311610.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	4	N/A	14	0.0010	0.0030
27		05100259	Vasquez, Jovan	10-Aug-09	8:55 AM	Big Pine	Doctors Arm 3rd Add. Sec. B	5		00312572.000600	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	3	N/A	13	0.0012	0.0036
28		09102047	Eiine, William	9-Nov-09	1:34 PM	Big Pine	Eden Pines Colony 3rd Add.	2	23	00271260.000000	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	3	N/A	13	0.0007	0.0021
29		10103101	Mackenzie, William	17-Sep-10	10:40 AM	Big Pine	metes and bounds			00111880.000205	3	20	N/A	N/A	0	-10	0	0	0	0	0	0	0	2	N/A	12	0.0007	0.0021
30		12100011	Peterson, Mark	9-Apr-12	12:37 PM	Big Pine	Doctors Arm Subd 3rd Add. Sec A	14		00312571.001500	2	10	N/A	N/A	0	0	0	0	0	0	0	0	0	1	N/A	11	0.0012	0.0036
31		05105438	Derovanessian, Jack	13-Jan-06	10:14 AM	Big Pine	Whispering Pines	15	N/A	00285660.000000	1	0	N/A	N/A	0	0	0	0	0	0	0	0	0	4	6	10	0.0024	0.0072
32		05104831	Menge, Robert	20-Jan-06	11:00 AM	Big Pine	Port Pine Heights 2nd Add.	7	59	00285360.000000	1	0	N/A	N/A	0	0	0	0	0	0	0	0	0	4	6	10	0.0011	0.0033
33		05103835	Stevenson, W.P.	23-Sep-05	11:15 AM	Big Pine	Port Pine Heights 2nd Add.	3 & 4	76	00296960.000000	1	0	N/A	N/A	0	0	0	3	0	0	0	0	-4	4	6	9	0.0011	0.0033
34		09102784	Perreira, Carlos	22-Oct-09	10:44 AM	Big Pine	Port Pine Heights	9	8	00290190.000000	1	0	N/A	N/A	0	0	0	0	0	0	0	0	0	3	N/A	3	0.0004	0.0012

* Indicates a ranking sufficient to receive an allocation award which is subject to mitigation availability at the time of permitting.
 *D Indicates a ranking deferred due to pending ongoing litigation with the County (see Galleon Bay v. Monroe County and State of Florida, Circuit Court Case NO. CA-K-02-595) and until ownership issues are resolved.
 @ Indicates a ranking subject to Growth Management Division Director approval.
 Point evaluation criteria pursuant to Monroe County Code Section 138.28.
 Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009.2007.
 Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013.
 c Indicates application received a scoring change pursuant to Board of County Commissioners Adm. Relief determination.

New development is subject to the Habitat Conservation Plan and Incidental Take Permit (ITP) TE083411-0.
 The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
AFFORDABLE HOUSING - BIG PINE KEY AND NO NAME KEY YEAR 21, QUARTER 4
(APRIL 13, 2013 TO JULY 12, 2013)**

Rank	Permit #	Name	Date and Time of Application		Key	Subdivision	Lot	Block	RE#	Tier Designation	Tier Pts 138-28(1)	Wetlands: III adj to Tier I with > 50%	Tier I Wetlands: III adj to Tier I with < 50%	Located on No Name	Marsch Rabbit/ Buffer	Key Deer Corridor	Lot Agg Pts. Sec. 138-23(4)	Land Ded Sec. 138-23(5)	Payment to Acq. Fund	Mkt in Emp./AFH project Sec. 138-6	BAT/AWT	Flood Zone V	First Four Years	Each Add. Years Sec. 138-2	Total
AFFORDABLE DWELLING UNITS Very Low, Low, Median Income No applicants under Very Low, Low, Median Income																									
AFFORDABLE DWELLING UNITS Moderate Income																									
<p>* indicates a ranking sufficient to receive an allocation award which is subject to mitigation availability at the time of permitting. @ indicates a ranking subject to Growth Management Division Director approval. Point evaluation criteria pursuant to Monroe County Code Section 138.28. Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009.2007. Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013.</p>																									
<p>New development is subject to the Habitat Conservation Plan and Incidental Take Permit (ITP) TE083411-0. The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.</p>																									



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Townsley Schwab, Sr Director of Planning & Environmental Resources *TS*

From: Tiffany Stankiewicz, Development Administrator *TS*

Date: September 16, 2013

Subject: NROGO Year 21 Period 2, Non-Residential Floor Area Evaluation Report

Meeting Date: September 25, 2013

1 I BACKGROUND:

2

3 Monroe County Code, Section 138-52 NROGO establishes the procedure for allocating the non-
4 residential floor area. The "maximum annual allocation" and the distribution between the first and
5 second allocation dates will be determined by the Board of County Commissioners upon the
6 recommendations of the Planning Director and the Planning Commission. On November 16, 2011
7 the Board of County Commissioners adopted Resolution 330-2012 which established the NROGO
8 square footage available for Year 21.

9

10 On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe County, Growth
11 Management Division, 2) Florida Department of Transportation, and 3) Florida Department of
12 Community Affairs for the Threatened and Endangered Species Incidental Take Permit (ITP)
13 since the permittees have defined the geographic area covered by their Habitat Conservation Plan
14 (HCP) on Big Pine/No Name Key. The ITP requires the Permittees to ensure that the take of the
15 covered species is minimized and mitigated. The Permittees are responsible for meeting the
16 terms and conditions of the ITP and implementing the HCP.

17

18 On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to
19 implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens
20 Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G.
21 Pelham, Secretary, Department of Community Affairs signed the final order deciding the
22 challenge on September 26, 2007.

23

24 The Tier System, made changes such as separate districts for allocation distribution, basis of
25 scoring applications, and administrative relief. The districts are as follows: A) Lower/Upper
26 Keys and B) Big Pine/No Name Key are the subareas for NROGO.

1
2 On September 21, 2012, the BOCC adopted Ordinance #021-2012, revising the NROGO
3 allocation scoring system regarding land dedications and Tier III properties containing wetlands
4 adjacent to Tier 1 properties. The ordinance became effective on December 31, 2012.
5

6 **II AMOUNT OF FLOOR AREA REQUESTED:**
7

8 There are two applicants requesting commercial floor area for the Year 21 Period 2 July
9 allocation. There is one (1) applicant in the Lower /Upper area and one (1) applicant in the Big
10 Pine/No Name Key area. The applicant's score is broken down by scoring criteria.
11

	Lower/Upper Keys Subarea (small allocation applications 2,500 SF or less)	Lower/Upper Keys Subarea (large allocation applications more than 2,500 SF)	Big Pine/No Name Keys Subarea (small allocation applications 2,500 SF or less)
Period 1: Sq. Ft. Allocation Available	33,525 SF	11,175 SF	6,729 SF
Period 1: Sq. Ft. allocated	2,500 SF	0 SF	5,240 SF
Period 2: Sq. Ft. Allocation Available	31,025 SF	11,175 SF	1,489 SF
Period 2: Sq. Ft applied for	2,500 SF	0 SF	2,500 SF
Sq. Ft. Remaining at the conclusion of Period 2	28,525 SF	11,175 SF	0 SF

12
13 **III EVALUATION AND RANKING:**
14

15 The applicant in the Lower/Upper Keys Excluding Big Pine/No Name Key SF request was below
16 the SF available for the period. The Applicants in the Big Pine/No Name Keys Subarea SF
17 request was greater than the available SF for the period. Per Section 138-53 and 138-55 of the
18 LDRs, the rankings that indicate which applications receive an allocation award in relation to SF
19 available. An additional page is attached which identifies the location of each proposed allocation
20 by island and subdivision.
21

22 **IV RECOMMENDATION:**
23

24 Based on the proceeding, the Sr. Director Planning & Environmental Resources recommends the
25 following NROGO allocations of Year 21 Period 2 be awarded to the applicants:
26

27 Located in unincorporated Monroe County excluding Big Pine/No Name ranked one (1) of one
28 (1), requesting a total of 2,500 square feet of floor area.
29

30 Big Pine/No Name Key Subarea Name ranked one (1) of one (1) reserves 1,489 square feet of floor
31 area based on the available square footage for this applicant and based on the mitigation available
32 from Monroe County. Additionally, this application is to rollover to the next quarter to compete
33 for the remaining square footage requested on this NROGO Application for an allocation award.

NON-RESIDENTIAL (NROGO) ALLOCATION RANKING FOR SMALL ALLOCATIONS
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 BIG PINE/NO NAME KEY
 YEAR 21.2 (JANUARY 15, 2013 TO JULY 12, 2013)

Rank	Permit No.	Name	Date	Time	Tier	Tier Pts	Wetlands: Tier III adj to Tier 1 with > 50%	Wetlands: Tier III adj to Tier 1 with < 50%	Intensity Reduct.	Ded	Flood Zone V	First 4 Years	Each Add. Years	Hwy Access	200% Native w/in bufferyard & parking	25% above native	landscaping water conservation	25% Plants T/E	BAT/AWT Emp.	Payment fund	Overall Total Score	Key	Subdivision	Lot	Block	RE No.	SF	
1	*P 11105559	Fletcher, Thomas	12-Jan-12	3:38 PM	3	20	N/A	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0	20	Big Pine Key	metes & bounds	22		00111420.000100	2,500
																									Total Sq. Footage Requested		2,500	
																									Total Sq. Footage available for partial allocation		1,489	
																									Sq. Footage of application requiring allocation		1,011	
<p>* Indicates a ranking sufficient to receive an allocation award. *P Indicates a ranking sufficient to receive a reservation for square footage (SF) based on the NROGO SF available. The applicant rollover to the next quarter to compete for the remaining SF for an allocation award. @ Indicates a ranking subject to Growth Management Division Director approval. Point evaluation criteria pursuant to Monroe County Code Section 138.55. Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013. The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.</p>																									Total Sq. Footage (SF) rolled over from Period 1 now available for Period 2 is 1,489 sq. ft pursuant to Board of County Commissioners Resolution 330-2012			

NON-RESIDENTIAL (NROGO) ALLOCATION RANKING FOR SMALL ALLOCATIONS
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 LOWER/UPPER KEYS EXCLUDING BIG PINE/NO NAME KEY
 YEAR 21.2 (JANUARY 15, 2013 TO JULY 12, 2013)

Rank	Permit No.	Name	Date	Time	Tier	Tier Pts	Wetlands: Tier III adj to Tier 1 with > 50%	Wetlands: Tier III adj to Tier 1 with < 50%	Intensity Reduct.	Land Ded.	Flood Zone V	Each First 4 Years	Each Add. Years	Hwy Access	200% Native w/in bufferyard & parking	25% above native	landscaping water conservation	25% Plants T/E	BAT /AW T	Emp.	Payment fund	Overall Total Score	Key	Subdivision	Lot	Block	RE No.	SF
1	*	12102696 Refreshment Services Inc	13-Dec-12	2:30 PM	3	20	N/A	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0	20	Stock Island	Meloney	1-Sect	36	00124940.000000	2,500
2																												
3																												
4																												
5																												
6																												
Total Sq. Footage Requested																									2,500			
<p>* Indicates a ranking sufficient to receive an allocation award. @ Indicates a ranking subject to Growth Management Division Director approval. Point evaluation criteria pursuant to Monroe County Code Section 138.55. Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013. The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.</p>																									<p>Total Sq. Footage available for SMALL ALLOCATIONS in Period 2 is 31,025 sq. ft pursuant to Board of County Commissioners Resolution 330-2012</p>			

NON-RESIDENTIAL (NROGO) ALLOCATION RANKING FOR LARGE ALLOCATIONS
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 LOWER/UPPER KEYS EXCLUDING BIG PINE/NO NAME KEY
 YEAR 21.2 (JANUARY 15, 2013 TO JULY 12, 2013)

Rank	Permit No.	Name	Date	Time	Tier	Tier Pts	Wetlands: Tier III adj to Tier 1 with > 50%	Wetlands: Tier III adj to Tier 1 with < 50%	Intensity Reduct.	Flood Zone Ded V	Each First 4 Years	Each Add. Years	Hwy Access	200% Native w/in bufferyard & parking	25% above native	landscaping water conservation	25% Plants T/E	BAT/ AWT	Emp.	Payment fund	Overall Total Score	Key	Subdivision	Lot	Block	RE No.	SF	
1		No Applicants																										
2																												
3																												
4																												
5																												
6																												
Total Sq. Footage Requested																									0			
<p>* Indicates a ranking sufficient to receive an allocation award. @ Indicates a ranking subject to Growth Management Division Director approval. Point evaluation criteria pursuant to Monroe County Code Section 138.55. Pursuant to Ordinance 021-2012 wetland point section applies to new applications entering the permit allocation system after Jan. 13, 2013. The Board of County Commissioners on August 15, 2012 adopted Ordinance amending Sections 139-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code and other life safety codes prior to the issuance of a building permit, but after a ROGO or NROGO allocation is awarded.</p>																												
Total Sq. Footage available for LARGE ALLOCATIONS in Period 1 is 11,175 sq. ft pursuant to Board of County Commissioners Resolution 330-2012																												



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Timothy Finn, Planner

Date: September 12, 2013

Subject: *Request for a 5COP SRX (Restaurant - Beer, Wine, and Liquor, no package sales) Alcoholic Beverage Special Use Permit, Geiger Key Marina, 5 Geiger Rd, Geiger Key, Real Estate #00122160.000000 (File #2013-098)*

Meeting: September 25, 2013

I REQUEST:

The Applicant is requesting approval of a 5COP SRX (Restaurant- Beer, Wine, and Liquor, no package sales) Alcoholic Beverage Special Use Permit. The new permit would serve as an upgrade, as the property owner already has a valid 2COP (Beer and wine, on premises and package) Alcoholic Beverage Special Use Permit.



1 Location:

2
3
4 Address: 5 Geiger Road, Geiger Key, approximate mile marker 11, Atlantic Ocean side
5 of US 1

6
7 Legal Description: Part Government Lot 6, Geiger Key, Section 26, Township 67, Range
8 26, Monroe County, Florida

9
10 Real Estate (RE) Number: 00122160.000000

11
12 Applicant:

13
14
15 Property Owner: PBP Marina, Inc., doing business as Geiger Key Marina and Fish Camp

16
17 Agent: Robert C. Mongelli

18
19 **II RELEVANT PRIOR COUNTY ACTIONS:**

20
21 The existing marina was established prior to 1986 and is thereby deemed to have a major
22 conditional use permit.

23
24 On April 20, 2005, the Board of County Commissioners approved a request by PBP Marina
25 Inc. to amend the land use district (zoning) map designation of the subject property from
26 Sparsely Settled (SS) to Recreational Vehicle (RV). The approval was memorialized by
27 Ordinance #007-2005, recorded in the official records of Monroe County on May 3, 2005.

28
29 On June 13, 2007, the Planning Commission approved a 2COP (Beer and wine, on premises
30 and package) Alcoholic Beverage Special Use Permit. The approval was memorialized by
31 Resolution# P38-07, signed by the Chair on August 24, 2007.

32
33 **III BACKGROUND:**

34
35 A. Size of Site: Approximately 73,343 SF (1.68 acres)

36 B. Land Use District: Recreational Vehicle (RV)

37 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)

38 D. Tier Designation: Tier III

39 E. Flood Zone: AE – EL 10

40 F. Existing Use: Marina/RV Park/Commercial Retail (Restaurant)

41 G. Existing Vegetation / Habitat: Scarified with landscaping

42 H. Community Character of Immediate Vicinity: Single family residential and conservation

43
44 **IV REVIEW OF APPLICATION:**

45
46 Pursuant to MCC §3-6(e), the Planning Commission shall give due consideration to the
47 following factors as they may apply to the particular application prior to rendering its
48 decision to grant or deny the requested permit:

49
50 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*
51 *represented by property owners within 500 feet of the premises:*

1
2 The subject property is within a RV district. Commercial retail, which includes
3 restaurants, and marinas are permitted uses. The RV district, and the subject property
4 within it, is surrounded by a SS district, in which several single family residential
5 dwelling units are located.
6

7 Geiger Key Marina is located along Geiger Key Road, which can be accessed via Boca
8 Chica Road on Big Coppitt Key. Geiger Key Rad is located approximately one mile
9 south of the US 1/ Boca Chica Rd intersection.
10

11 Geiger Key Marina currently has a 2COP alcoholic beverage special use permit/license.
12 It is the only business on Geiger Key with such a permit/license. However, there are
13 several alcoholic beverage special use permit/licenses on file for other businesses on Big
14 Coppitt Key, near the US 1/ Boca Chica Rd intersection:
15

Surrounding Properties	Business Type	Type of Alcoholic Beverage
Bobalu's (301 US 1)	Restaurant	1COP Beer, on premises and package
Purple Porpoise Pub (1045 US 1)	Restaurant	6COP Beer, wine and liquor, on premises and package
Circle K Big Coppitt (1190 US 1)	Retail Store	2APS Beer and wine, package only

16
17 Staff does not have any evidence that upgrading the existing 2COP permit to a 5COP
18 SRX alcoholic beverage special use permit will adversely affect neighboring properties
19 or existing businesses.
20

21 Please note that no members of the community, either in support or opposition to the
22 application, contacted the Planning & Environmental Resources Department as of the
23 date of this report.
24

25 (2) *The suitability of the premises in regard to its location, site characteristics and intended*
26 *purpose. Lighting on the permitted premises shall be shuttered and shielded from*
27 *surrounding properties, and construction of such permitted properties will be*
28 *soundproofed. In the event music and entertainment is permitted, the premises shall be*
29 *air conditioned:*
30

31 The site's location, characteristics and intended purpose are within the established
32 parameters of the existing zoning category. A restaurant with a 5COP SRX alcoholic
33 beverage special use permit is consistent with the approved use for the site.
34

35 Lighting installed on the site shall be required to be shuttered and shielded from
36 surrounding properties.
37

38 Per the Geiger Key Marina website, event music and entertainment is associated with the
39 site. The buildings on-site are air conditioned.
40

1 (3) *Access, traffic generation, road capacities, and parking requirements:*
2

3 Access to the site is from Geiger Road which is accessible from Boca Chica Road. The
4 two existing access drives and parking areas, which adequate provide access to and from
5 the restaurant, would not be affected by this application.
6

7 The applicant did not submit a traffic study with this application. However, based on
8 studies generated for similar applications, staff does not anticipate that an upgrade to an
9 approved 5COP SRX alcoholic beverage special use permit will significantly increase
10 traffic to the site and the site is already approved for commercial retail (restaurant
11 use)/marina use.
12

13 (4) *Demands upon utilities, community facilities and public services:*
14

15 The site has been developed with commercial retail / marina use since before 1986. The
16 issuance of a 5COP SRX alcohol beverage use permit will not increase demands on
17 utilities, community facilities or public services.
18

19 (5) *Compliance with the county's restrictions or requirements and any valid regulations:*
20

21 As of the date of this report, based on the information in the Growth Management
22 Division's files and the application, the development is in compliance with, or lawfully
23 nonconforming to, the County's restrictions, requirements, and regulations.
24

25 V RECOMMENDATION:
26

27 Staff recommends APPROVAL to the Planning Commission for a 5COP SRX Alcohol
28 Beverage Special Use Permit with the following conditions (however, valid objections from
29 surrounding property owners at the public hearing may lead the Planning and Environmental
30 Resources Department to reevaluate the recommendation and or suggested conditions):
31

32 A. Alcoholic Beverage Special Use Permits issued by virtue of the Monroe County Code
33 shall be deemed to be a privilege running with the land. The sale of the real property
34 which has been granted an Alcoholic Beverage Special Use Permit shall
35 automatically vest the purchaser thereof with all rights and obligations originally
36 granted or imposed to or on the applicant. Such privilege may not be separated from
37 the fee simple interest in the realty.
38

39 B. In the event that the holder's license by the Department of Business and Professional
40 Regulation of the State of Florida expires and lapses, this Alcoholic Beverage Special
41 Use Permit approval shall be null and void as of the date of that expiration.
42 Additional approval by the Planning Commission shall be required to renew the
43 Alcoholic Beverage Special Use Permit.
44

- 1 C. Alcohol service sales and consumption shall occur only within areas allowed for such
2 use and approved by the Monroe County Planning & Environmental Resources
3 Department.
- 4
- 5 D. Consistent with Condition 2 of Planning Commission Resolution #P38-07, the
6 Applicant shall maintain at least thirty (3) off-street parking spaces and designated
7 parking area signs on the property for the restaurant use.
- 8
- 9

1 **Attachment: Monroe County Code Section 3-6. Alcoholic Beverages**

2
3 (a) *Purpose and Intent:* This section is designed and intended to provide for reasonable regulation and control over
4 the sale of alcoholic beverages within the unincorporated areas of Monroe County by establishing an alcoholic
5 beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic
6 beverage use enterprises within the unincorporated areas of the county be compatible with adjoining and
7 surrounding land uses and the county's comprehensive plan, and that alcoholic beverage use permits not be granted
8 where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the
9 county. All persons, firms, partnerships or corporations who have received approval from the zoning board or board
10 of county commissioners under the former provisions of section 19-218 of the Monroe County Code, as same
11 heretofore existed, shall retain all rights and privileges heretofore granted under said section.
12

13 (b) *Permits:* After the effective date of this ordinance, all persons, firms, partnerships or corporations desiring to
14 sell alcoholic beverages upon any premises located within the unincorporated areas of Monroe County and who
15 desire to do so upon a premises not heretofore approved by the zoning board or board of county commissioners
16 under the former section 19-218, shall obtain an alcoholic beverage use permit utilizing the procedure outlined in
17 subsection (d) below.
18

19 (c) *Classifications:* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter
20 adopted by the State of Florida, alcoholic beverage use permits hereafter issued pursuant to this ordinance shall be
21 classified as follows:

- 22 (1) 1APS: Beer, package only;
- 23 (2) 1COP: Beer, on-premises and package;
- 24 (3) 2APS: Beer and wine, package only;
- 25 (4) 2COP: Beer and wine, on-premises and package;
- 26 (5) 6COP: Beer, wine and liquor, on-premises and package;
- 27 (6) 6COP SRX: Restaurant, no package sales;
- 28 (7) 6COP SR: Restaurant, package sale;
- 29 (8) 6COP S: Motel, package sales;
- 30 (9) 6COP SBX: Bowling, no package sales;
- 31 (10) 6COP SPX: Boat, no package sales;
- 32 (11) 3BPS: Beer, wine and liquor, package sales only;
- 33 (12) 3M: Additional license for 6COP, over three (3) bars;
- 34 (13) 12RT: Racetrack, liquor, no package sales.
35

36 (d) *Procedure:* The following procedure shall be followed on any application for an alcoholic beverage use permit
37 hereafter made:

38 (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning in
39 writing on forms provided by the director. Such applications must be signed by the owner of the real
40 property for which the permit is requested. Lessees of the premises may apply for such permits provided
41 that proper authorization from the owner of the premises is given and the application for permit is cosigned
42 by such owner.

43 (2) Upon receipt of a properly completed and executed application for alcoholic beverage use permit
44 stating the exact classification requested along with the necessary fee, the director of planning shall
45 schedule a public hearing before the planning commission and shall advise the applicant of the date and
46 place of said public hearing.

47 (3) Notice of the application and of the public hearing thereon shall be mailed by the director of planning
48 to all owners of real property within a radius of five hundred (500) feet of the affected premises. In the case
49 of a shopping center, the five hundred (500) feet shall be measured from the perimeter of the entire
50 shopping center itself rather than from the individual unit for which approval is sought. Notice shall also be
51 provided in a newspaper of general circulation in the manner prescribed in section 110-5.

52 a. For the purposes of this ordinance, a shopping center shall mean a contiguous group of
53 individual units, in any combination, devoted to commercial retail low-intensity uses, commercial
54 retail medium-intensity uses, commercial retail high-intensity uses, and office uses, as those
55 phrases are defined in section 101-1, with immediate off-street parking facilities, and originally

1 planned and developed as a single project. The shopping center's single project status shall not be
2 affected by the nature of the ownership of any of the individual office or commercial retail units,
3 within the shopping center.

4 (4) At the hearing before the planning commission, all persons wishing to speak for or against the
5 application shall be heard. Recommendations or other input from the director of planning may also be
6 heard prior to any decision by the planning commission.
7

8 (e) *Criteria:* The planning commission shall give due consideration to the following factors as they may apply to
9 the particular application prior to rendering its decision to grant or deny the requested permit:

10 (1) The effect of such use upon surrounding properties and the immediate neighborhood as represented by
11 property owners within five hundred (500) feet of the premises. For the purposes of this section, "premises"
12 shall mean the entire project site of a shopping center.

13 (2) The suitability of the premises in regard to its location, site characteristics and intended purpose.
14 Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and
15 construction of such permitted properties will be soundproofed. In the event music and entertainment is
16 permitted, the premises shall be air conditioned.

17 (3) Access, traffic generation, road capacities, and parking requirements.

18 (4) Demands upon utilities, community facilities and public services.

19 (5) Compliance with the county's restrictions or requirements and any valid regulations.
20

21 (f) *Approval by Planning Commission:* The planning commission may grant approval based on reasonable
22 conditions considering the criteria outlined herein.
23

24 (g) *Where Permitted:* Alcoholic beverage use permits may be granted in the following land use districts: urban
25 commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination resort; mixed use;
26 industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage sales may be permitted at
27 restaurants, hotels, marinas and campgrounds regardless of the land use district in which they are located. Nothing
28 contained herein shall exempt an applicant from obtaining a major or minor conditional use approval when such is
29 otherwise required by the county development regulations in part II of this Code.
30

31 (h) *Transferability:* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a
32 privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use
33 permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to
34 or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
35

36 (i) *Appeals:* All persons aggrieved by the actions of the planning commission in granting or denying requested
37 alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter 102, article VI,
38 division 2 by filing the notice required by that article within 30 days after the date of the written decision of the
39 planning commission.
40

41 (j) *Successive Applications:* Whenever any application for alcoholic beverage approval is denied for failure to
42 meet the substantive requirements of this ordinance, an application for alcoholic beverage approval for all or a
43 portion of the same property shall not be considered for a period of two (2) years unless a super-majority of the
44 planning commission decides that the original decision was based on a material mistake of fact or that there exists
45 changed conditions and new facts, not existing at the time of the original decision, which would justify entertaining
46 a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined
47 in subsection (d)(3)a. of this section, this subsection shall only apply to the commercial retail unit within the
48 shopping center for which approval was sought and not the entire shopping center site itself.

File #: **2013-098**

Owner's Name: PBP Marina Inc

Applicant: PBP Marina Inc aka Geiger Key Marina

Agent: N/A

Type of Application: Alcoholic Beverage

Key: Geiger Key

RE: 00122160-000000

Additional Information added to File 2013-098

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



Board of County Commissioners

Mayor Heather Carruthers, Dist. 3

Mayor Pro Tem David Rice, Dist. 4

Kim Wigington, Dist. 1

George Neugent, Dist. 2

Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

Date: 8.05.13

Time: AM

Dear Applicant:

This is to acknowledge submittal of your application for Alcoholic Beverage
Type of application

PBP Marina Inc to the Monroe County Planning Department.
Project / Name

Thank you.

A handwritten signature in blue ink that reads 'Paul Creech'.

Planning Staff

2013-098

PBP Marina-500 ft. buffer

**MONROE COUNTY PROPERTY
APPRAISER OFFICE**



THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DEPICTED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER MONROE COUNTY NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.

Verified GC

1:9,244

Date: 8/5/2013

✓ APPLEBY DONALD J AND ALEEHA V
15 GEIGER RD
KEY WEST, FL 33040-6346

✓ BARRETT DAVID AND HOLLY
189 CENTRE ST
SULLIVAN, NH 03445-4104

✓ BRANNAN TAMMY L
15 CORMORANT LN
KEY WEST, FL 33040-6304

✓ CABANAS SUSAN
3 PARROT LN
KEY WEST, FL 33040-6335

✓ CHILENSKI ARTHUR AND ELIN
194 OSBORNE AVE
BAY HEAD, NJ 8742

✓ GARCIA MIGUEL A
8 PARROT LN
KEY WEST, FL 33040

✓ MEEKER DOUGLAS E AND DEBORAH A
11 CARDINAL LN
KEY WEST, FL 33040-6337

✓ PBP MARINA INC
~~5 GEIGER RD~~
KEY WEST, FL 33040

✓ RIEDEL ANNA A
11 CORMORANT LN
KEY WEST, FL 33040

✓ STEVENSON DANIEL K
8 KARA KARA LN
KEY WEST, FL 33040

✓ STONE RONALD
388 WARD DR
OAKHILL, FL 32759

✓ SUAREZ JORGE A AND OLGA
600 S SHORE DR
MIAMI BEACH, FL 33141

✓ UNITED STATES OF AMERICA
PO BOX 10068
CHARLESTON, SC 29411-0068

✓ WALSIFER JOHN F AND DOROTHY JT
REV TR AG 3/30/2011
19 GEIGER RD
KEY WEST, FL 33040-6361

✓ WARE ORA LOUISE
3 GEIGER RD
KEY WEST, FL 33040-6346

✓ WILSON OSWALD JR
3 CORMORANY LN
KEY WEST, FL 33040

✓ YATES DAVID A
6 PARROT LN
KEY WEST, FL 33040

Verified GC

End of Additional File 2013-098

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Alcoholic Beverage Special Use Permit

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to being scheduled for review by the Planning Commission

Alcoholic Beverage Use Permit Application Fee: \$1,264.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Date of Submittal: 8 / 2 / 13
Month Day Year

Applicant/Agent: ROBERT C. MONGELLI
PBP MARINA INC. (GEIGER KEY MARINA) ROBERT C MONGELLI
Name/Entity Contact Person (If Different than Name/Entity)

#5 GEIGER ROAD KIM WEST FL. 33040
Mailing Address (Street, City, State and Zip Code)

305 296-3553 info@geigerkeymarina.com
Daytime Phone Email Address

Property Owner:
PBP MARINA INC. ROBERT C. MONGELLI 923-6000
Name/Entity Contact Person (If Different than Name/Entity)

#5 GEIGER KEY ROAD KIM WEST FL. 33040
Mailing Address (Street, City, State and Zip Code)

305 296-3553 (923-6000) info@geigerkeymarina.com
Daytime Phone Email Address

Property Lessee (if applicable)

Name/Entity Contact Person (If Different than Name/Entity)

Mailing Address (Street, City, State and Zip Code)

Daytime Phone Email Address

APPLICATION

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

26 67 26 BOCA CHICA GOV LOT 6-C4-361
Block Lot Subdivision Key (Island)
00122160-000000

Real Estate (RE) Number
#5 GIBBY ROAD KEY WEST FL. 33040

Street Address (Street, City, State and Zip Code)

Requested FL Department of Business & Professional Regulation License Type: SCOP SRX

Existing FL Department of Business & Professional Regulation License Type (if any): ZCOP

Land Use of the Property: RESTAURANT/MARINA/RV

Land Use District (Zoning) Designation: MU

Name of Entity Requesting License: PBP MARINA INC.

Name of Business(es) to Utilize License: GIBBY KEY MARINA

All of the following must be submitted in order to have a complete application submittal:

- Complete alcoholic beverage special use permit application (unaltered and unbound)
Correct fee (check or money order to Monroe County Planning & Environmental Resources)
Current Proof of ownership (i.e. Warranty Deed)
Current Property Record Card(s) from the Monroe County Property Appraiser
Location map
Boundary Survey, prepared by a Florida registered surveyor --or- Site Plan, preferably prepared by a Florida registered architect, engineer or landscape architect-- 8 sets. At a minimum, the boundary survey or site plan should include the following:
Boundary lines of site, including all property lines and mean high-water lines
Locations and dimensions of all existing structures and drives
Adjacent roadways
Location and dimensions of all parking spaces, parking aisles and access drives
Typed name and address mailing labels of all property owners within a 500 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 500 foot radius, each unit owner must be included. Please contact the Property Appraiser' office for assistance.

If deemed necessary to complete a proper review of the application, the Planning & Environmental Resources Department reserves the right to request additional information, including, but not limited to:

- Notarized Agent Authorization Letter (note: authorization is needed from all owners of the property)
Copy of Property Lease
Monroe County Business Tax (formerly known as Occupational License)
Traffic Impact Study, prepared by a licensed traffic engineer

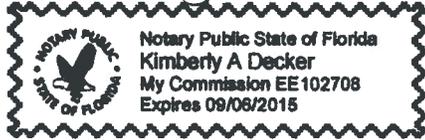
APPLICATION

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate:

Signature of Applicant: Robert C. Mongrui Date: 8-2-13

Printed Name of Applicant: ROBERT C MONGRUI

Sworn before me this 2 day of August 2013



Kimberly A. Decker
Notary Public
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.



Monroe County Property Appraiser - Radius Report

AK: 1182711	Parcel ID: 00141350-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 2 LT 10 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-	49 OR472-576 OR804-2134 OR917-36
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182559	Parcel ID: 00141190-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 1 LT 4 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR325-375 OR540-693 OR701-852
Owners Name:	UNITED STATES OF AMERICA	
Address::	ATLANTA, GA 30345	
AK: 8713037	Parcel ID: 00141240-000100	Physical Location: VACANT LAND GEIGER KEY
Legal Description:	BOCA CHICA OCEAN SHORES PB5-49 GEIGER KEY S1/2 LOT	9 BLK 1 OR610-784 OR610-785 OR810
Owners Name:	GARCIA MIGUEL A	
Address::	8 PARROT LN	KEY WEST, FL 33040
AK: 1185680	Parcel ID: 00144300-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-49 TRACT C	OR538-678 OR775-1108 OR928-140'
Owners Name:	UNITED STATES OF AMERICA	
Address::	ATLANTA, GA 30345	
AK: 1182524	Parcel ID: 00141160-000000	Physical Location: 3 PARROT LN GEIGER KEY
Legal Description:	BK 1 LT 1 AND 2 BOCA CHICA OCEAN SHORES GEIGER KEY	PB5-49 OR534-999 OR731-82 OR786
Owners Name:	CABANAS FRED R AND SUSAN	
Address::	3 PARROT LN	KEY WEST, FL 33040-6335
AK: 1182567	Parcel ID: 00141200-000000	Physical Location: 6 PARROT LN GEIGER KEY
Legal Description:	BK 1 LT 5 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-4	9 OR562-769 OR430-848-849 OR789-
Owners Name:	YATES DAVID A	
Address::	6 PARROT LN	KEY WEST, FL 33040
AK: 1182745	Parcel ID: 00141380-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 2 LT 13 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR479-206 OR751-467 OR1073-1
Owners Name:	STONE RONALD	
Address::	388 WARD DR	OAKHILL, FL 32759
AK: 1156221	Parcel ID: 00122170-000000	Physical Location: 1 GEIGER RD GEIGER KEY
Legal Description:	PT LT 6 26 67 26 BB67626-03.2 BOCA CHICA OR395-175	176 OR630-846 OR1288-1892D/C OR2
Owners Name:	SUAREZ JORGE A AND OLGA	
Address::	600 S SHORE DR	MIAMI BEACH, FL 33141
AK: 1182915	Parcel ID: 00141550-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 17 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR613-432 OR758-1847 OR760-7
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182842	Parcel ID: 00141480-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 10 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR538-812 OR906-2289/2290
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182681	Parcel ID: 00141320-000000	Physical Location: VACANT LAND GEIGER KEY
Legal Description:	BK 2 LT 7 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR557-89 OR816-2023 OR903-5 C
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182702	Parcel ID: 00141340-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 2 LT 9 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR549-986 OR597-225 OR597-226
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182788	Parcel ID: 00141420-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 4 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-4	9 OR391-632 OR767-983 OR919-249'
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068

AK: 1182729	Parcel ID: 00141360-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 2 LT 11 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-		49 OR472-576 OR804-2134 OR917-36
Owners Name: UNITED STATES OF AMERICA		
Address:: PO BOX 10068		CHARLESTON, SC 29411-0068
AK: 1182541	Parcel ID: 00141180-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 1 LT 3 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-4		9 OR537-628 OR781-279 OR840-19 C
Owners Name: UNITED STATES OF AMERICA		
Address::		ATLANTA, GA 30345
AK: 1182907	Parcel ID: 00141540-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 3 LT 16 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5		-49 OR312-378 OR906-643/644
Owners Name: UNITED STATES OF AMERICA		
Address:: PO BOX 10068		CHARLESTON, SC 29411-0068
AK: 1182893	Parcel ID: 00141530-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 3 LT 15 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5		-49 OR588-923 OR915-2037 OR916-4
Owners Name: UNITED STATES OF AMERICA		
Address:: PO BOX 10068		CHARLESTON, SC 29411-0068
AK: 1156213	Parcel ID: 00122160-000000	Physical Location: 5 GEIGER RD UNIT 40 GEIGER KEY
Legal Description: 26 67 26 BOCA CHICA PT GOV LOT 6 C4-361 OR273-410/		413 OR276-573/574 OR413-297/298 C
Owners Name: PBP MARINA INC		
Address:: 5 GEIGER RD		KEY WEST, FL 33040
AK: 1156230	Parcel ID: 00122180-000000	Physical Location: 3 GEIGER RD GEIGER KEY
Legal Description: 26 67 26 BOCA CHICA PT GOVT LOT 6 (.7148 AC) OR3		88-1084/1085 OR539-811 OR630-846
Owners Name: WARE ORA LOUISE		
Address:: 3 GEIGER RD		KEY WEST, FL 33040-6346
AK: 1190853	Parcel ID: 00147019-000300	Physical Location: VACANT LAND GEIGER KEY
Legal Description: BK 1 LT 3 CARIBBEAN PARK GEIGER KEY PB6-95 LOT 3 B		LOCK 1 OR692-389/390 OR811-1216C
Owners Name: UNITED STATES OF AMERICA		
Address::		ATLANTA, GA 30345
AK: 1185639	Parcel ID: 00144280-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-49 TRACT A		OR973-1049/1055 OR996-784C
Owners Name: UNITED STATES OF AMERICA		
Address::		ATLANTA, GA 30345
AK: 1182591	Parcel ID: 00141230-000000	Physical Location: 8 PARROT LN GEIGER KEY
Legal Description: BK 1 LT 8 & 1/2 LT 9 BOCA CHICA OCEAN SHORES GE		IGER KEY PB-5-49 OR610-784 OR610
Owners Name: GARCIA MIGUEL A		
Address:: 8 PARROT LN		KEY WEST, FL 33040-6335
AK: 1182613	Parcel ID: 00141250-000000	Physical Location: VACANT LAND GEIGER KEY
Legal Description: BK 1 LT 10 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5		-49 OR610-784 OR610-785 OR1104-1
Owners Name: GARCIA MIGUEL A		
Address:: 8 PARROT LN		KEY WEST, FL 33040
AK: 1182575	Parcel ID: 00141210-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 1 LT 9 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-		49 OR394-342 OR688-576 OR766-11'
Owners Name: UNITED STATES OF AMERICA		
Address:: PO BOX 10068		CHARLESTON, SC 29411-0088
AK: 1183075	Parcel ID: 00141720-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 4 LT 14 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5		-49 OR576-915 OR909-590/591
Owners Name: UNITED STATES OF AMERICA		
Address:: PO BOX 10068		CHARLESTON, SC 29411-0068
AK: 1183105	Parcel ID: 00141750-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description: BK 4 LT 17 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-		49 OR473-701 OR803-967 OR807-42C
Owners Name: UNITED STATES OF AMERICA		
Address:: PO BOX 10068		CHARLESTON, SC 29411-0068
AK: 1185663	Parcel ID: 00144290-000200	Physical Location: 9 GEIGER RD GEIGER KEY
Legal Description: BOCA CHICA OCEAN SHORES PT TRACT B PB5-49 GEIGER K		EY OR494-218 OR1000-1426Q/C OR'
Owners Name: BARRETT DAVID AND HOLLY		
Address:: 189 CENTRE ST		SULLIVAN, NH 03445-4104

AK: 1182826	Parcel ID: 00141460-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 8 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-4	9 OR391-632 OR832-1970/1971 OR83
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182630	Parcel ID: 00141270-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 2 LT 2 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR407-818 OR928-1401
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345
AK: 1183083	Parcel ID: 00141730-000000	Physical Location: 15 CORMORANT LN GEIGER KEY
Legal Description:	BK 4 LT 15 -16 BOCA CHICA OCEAN SHORES PB5-49 GEIG	ER KEY OR473-701 OR772-1325 OR8
Owners Name:	BRANNAN TAMMY L	
Address::	15 CORMORANT LN	KEY WEST, FL 33040-6304
AK: 1182923	Parcel ID: 00141560-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 18 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR427-250 OR765-903 OR906-64
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182851	Parcel ID: 00141490-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 11 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR538-812
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182699	Parcel ID: 00141330-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 2 LT 8 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR547-986 OR597-225 OR597-226
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182648	Parcel ID: 00141280-000000	Physical Location: 11 CARDINAL LN GEIGER KEY
Legal Description:	BK 2 LT 3 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-4	9 OR474-51 OR804-2142 OR851-2018
Owners Name:	MEEKER DOUGLAS E AND DEBORAH A	
Address::	11 CARDINAL LN	KEY WEST, FL 33040-6337
AK: 1182818	Parcel ID: 00141450-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 7 BOCA CHICA OCEAN SHORES GEIGER KEY PB5-4	9 OR391-632 OR832-1970/1971 OR83
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182621	Parcel ID: 00141260-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 2 LT 1 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR407-818 OR928-1401 OR956-1'
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345
AK: 1182664	Parcel ID: 00141300-000000	Physical Location: VACANT LAND GEIGER KEY
Legal Description:	BK 2 LT 5 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR450-590 OR843-1876 OR907-14
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182885	Parcel ID: 00141520-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 3 LT 1 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR613-432 OR915-2038 OR916-4
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182869	Parcel ID: 00141500-000000	Physical Location: 8 KARAKARA LN GEIGER KEY
Legal Description:	BK 3 LT 12 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR412-450 OR738-548Q OR784-3
Owners Name:	STEVENSON DANIEL K	
Address::	8 KARA KARA LN	KEY WEST, FL 33040
AK: 1182672	Parcel ID: 00141310-000000	Physical Location: VACANT LAND GEIGER KEY
Legal Description:	BK 2 LT 6 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR560-243 OR910-1441/1442
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1190845	Parcel ID: 00147015-000200	Physical Location: VACANT LAND GEIGER KEY
Legal Description:	BK 1 LT 7 CARIBBEAN PARK GEIGER KEY PB6-95 LOT 2 B	LOCK 1 OR692-389/390 OR811-12160
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345

AK: 1183067	Parcel ID: 00141710-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 4 LT 13 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR576-915 OR909-590/591
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1182974	Parcel ID: 00141610-000000	Physical Location: 3 CORMORANT LN GEIGER KEY
Legal Description:	BK 4 N 1/2 LOT 2 AND ALL LOT 3 BOCA CHICA OCEAN SH	ORES PB5-49 GEIGER KEY OR558-
Owners Name:	WILSON OSWALD JR	
Address::	3 CORMORANY LN	KEY WEST, FL 33040
AK: 1182982	Parcel ID: 00141620-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 4 LT 4 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR562-594 OR759-272 OR911-10'
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1183059	Parcel ID: 00141690-000000	Physical Location: 11 CORMORANT LN GEIGER KEY
Legal Description:	BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-49 LOTS 11	& 12 BLK 4 OR458-92 OR467-648-64'
Owners Name:	RIEDEL ANNA A	
Address::	11 CORMORANT LN	KEY WEST, FL 33040
AK: 1182991	Parcel ID: 00141630-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 4 LT 5 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5-	49 OR635-152 OR910-1423/1424
Owners Name:	UNITED STATES OF AMERICA	
Address::	PO BOX 10068	CHARLESTON, SC 29411-0068
AK: 1183121	Parcel ID: 00141770-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 4 LT 19 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR505-589 OR928-1343/61 OR93
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345
AK: 1190837	Parcel ID: 00147019-000100	Physical Location: VACANT LAND GEIGER KEY
Legal Description:	BK 1 LT 1 CARIBBEAN PARK GEIGER KEY PB6-95 LOT 1 B	LOCK 1 OR692-389/390 OR811-1216'
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345
AK: 1182940	Parcel ID: 00141580-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BOCA CHICA OCEAN SHORES PB5-49 GEIGER KEY LOT 1 &	S 1/2 LOT 2 BLK 4 OR502-785 RE 14'
Owners Name:	CHILENSKI ARTHUR AND ELIN	
Address::	194 OSBORNE AVE	BAY HEAD, NJ 08742
AK: 1183113	Parcel ID: 00141760-000000	Physical Location: VACANT LAND BOCA CHICA
Legal Description:	BK 4 LT 18 BOCA CHICA OCEAN SHORES GEIGER KEY PB-5	-49 OR505-589 OR928-1343/61 OR93
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345
AK: 1192147	Parcel ID: 00147019-013200	Physical Location: VACANT LAND TRACT A GEIGER KEY
Legal Description:	CARIBBEAN PARK TRACT A GEIGER KEY PB6-95 OR692-389	/390 OR811-1216Q/C OR811-1217 OF
Owners Name:	UNITED STATES OF AMERICA	
Address::		ATLANTA, GA 30345

Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
 Marathon (305) 289-2550
 Plantation Key (305) 852-7130

Website tested on IE8, IE9, & Firefox.
 Requires Adobe Flash 10.3 or higher

Property Record Card -
Maps are now launching the new map application version.

Alternate Key: 1156213 Parcel ID: 00122160-000000

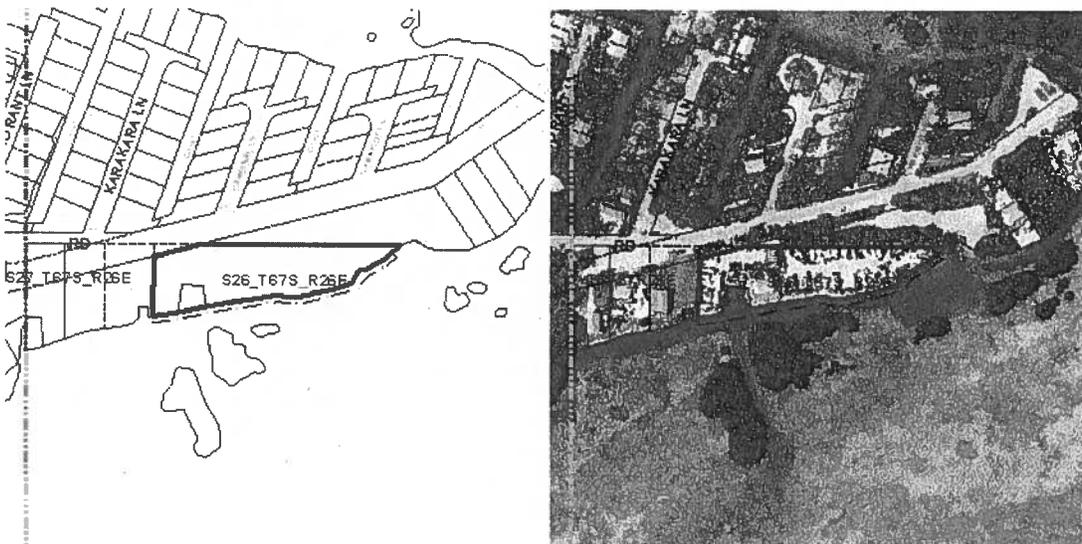
Ownership Details

Mailing Address:
 PBP MARINA INC
 5 GEIGER RD
 KEY WEST, FL 33040

Property Details

PC Code: 28 - PARKING LOTS, MOBILE HOME PARKS
 Millage Group: 100B
 Affordable Housing: No
 Section-Township-Range: 26-67-26
 Property Location: 5 GEIGER RD UNIT: 40 GEIGER KEY
 Legal Description: 26 67 26 BOCA CHICA PT GOV LOT 6 C4-361 OR273-410/413 OR276-573/574 OR413-297/298 OR564-1071 OR630-846Q/C OR952-1337/1338 RE: 12215 & 122150-000200 COMBINED FOR ASSESSING PURPOSES 5-6-87JMH OR1048-1884/85(CW) OR1185-1325/33(CW) IIF BAY BOTTOM LEASE #440003365 OR1320-909/11(JMH) OR1434-2057/68REN/LEASE #440003365(JMH) OR1478-1393/1409F/J(CMS) OR1743-819/25/AFF(JMH)

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
02RV - REC VEHICLE PARK	0	0	1.88 AC

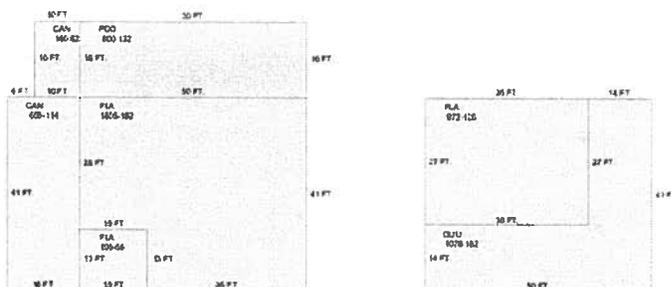
Building Summary

Effective Age 37 Perimeter 364 Depreciation % 45
 Year Built 1969 Special Arch 0 Gmd Floor Area 3,022
 Functional Obs 0 Economic Obs 0

Inclusions:
 Roof Type IRR/CUSTOM Roof Cover ROLLED COMPOS Foundation CONCRETE SLAB
 Heat 1 Heat 2 Bedrooms 0
 Heat Src 1 Heat Src 2

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	1	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	8	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
4	OUU		1	1988					1,078
5	FLA		1	1988					972
6	FLA		1	1969					195
7	CAN		1	2000					656
8	CAN		1	2000					160
9	PDO		1	2000					800
10	FLA		1	1969					1,855

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	9532	OUU	100	N	N
	9533	APARTMENTS	100	N	Y
	9534	OFF BLDG 1 STY-A	100	N	N
	9535	NIGHT CLUBS, BARS D	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
3062	C.B.S.	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT3:PATIO	1,123 SF	0	0	1975	1976	2	50
2	PT3:PATIO	352 SF	0	0	1971	1972	1	50
3	AC2:WALL AIR COND	2 UT	0	0	1989	1990	1	20

4	ET9:ELEVATED TIKI	88 SF	11	8	1975	1976	1	40
5	ET9:ELEVATED TIKI	88 SF	11	8	1975	1976	1	40
6	ET9:ELEVATED TIKI	88 SF	11	8	1976	1977	1	40
7	TK2:TIKI	180 SF	12	15	1995	1996	5	40
8	RW2:RETAINING WALL	180 SF	12	15	1994	1995	4	50
9	DK2:CON DKS/CONPIL	1,750 SF	250	7	1975	1976	1	60
10	DK2:CON DKS/CONPIL	1,020 SF	340	3	1975	1976	1	60
11	TK2 TIKI	396 SF	0	0	1975	1976	5	40
12	DK2.CON DKS/CONPIL	752 SF	188	4	1975	1976	1	60
13	CC2.COM CANOPY	533 SF	41	13	2000	2001	5	40
14	TK2 TIKI	144 SF	12	12	1995	1996	4	40
15	CC2:COM CANOPY	352 SF	0	0	1971	1972	1	40
16	FN2:FENCES	420 SF	6	70	1995	1996	2	30
17	SW2:SEAWALL	3,112 SF	778	4	1975	1976	2	60

Appraiser Notes

GEIGER KEY MARINA & TRAILER PARK 36 SITES & STORE & 2 APTS & MARINA EPA02=OPEN DECK BAR WITH CANVAS ROOF & WOOD RAILINGS SEAWALL RECOGNIZED UNDER COMMERCIAL DOCK 2002/8/27 SB, TPP: 9012565 - TIKI BAR 8806183 - GEIGER KEY *****CHARTERS***** 8887264 - MOORE, MARK 9000146 - WEITZEL, CHARLES 8999673 - WELZENBACH, BRIAN - BULLBUSTER 8929484 - SCHIERBAUM, MARK - COAST TO COAST 9024005 - PARADISE PADDLERS-CULHANE JAMES & DREVENAK JASON

Building Permits

Bldg Number	Date issued	Date Completed	Amount	Description	Notes
07103464	08/30/2007		12,000	Commercial	REPAIR & REPLACE ELECTRICAL CIRCUITS DAMAGED BY FIRE
07103365	08/20/2007		10,500	Commercial	REPLACE WALLS & WINDOWS DUE TO FIRE DAMAGE
08102360	11/03/2008		1,200	Commercial	PROPANE TANK
09100667	04/07/2009		28,000	Commercial	SEAWALL REPAIR
09101048	06/24/2009		10,600	Commercial	NEW TIKI HUT
10101067	03/26/2010		8,000	Commercial	PLUMBING MISC.
10107284	12/14/2010		0	Commercial	PLUMBING
10107248	12/15/2010		0	Commercial	ATF ELECTRICAL
11103187	07/25/2011		1,150	Commercial	NEW TIKI HUT
12102750	07/27/2012		69,590	Commercial	MISC ELECTRIC
95-0879	08/01/1995	11/01/1996	18,940	Commercial	SEAWALL-CHIKI HUT
96-0265	03/01/1996	11/01/1996	3,000	Commercial	CENTRAL A/C
96-0495	08/01/1996	11/01/1996	1,500	Commercial	BLDG.-MISC
05101885	09/28/2007		50,000	Commercial	NEW BATHROOMS 162SF & 459SF REMODEL & 500SF SLAB & ROOF
07102297	07/30/2007		11,700	Commercial	Remove existing fuel tank & replace with new 1,000 gallon tank in same location

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	367,275	98,153	752,000	3,230,161	1,752,455	0	3,230,161
2011	372,807	102,259	752,000	2,529,601	1,593,141	0	2,529,601
2010	391,108	104,685	752,000	1,448,310	1,448,310	0	1,448,310
2009	399,406	108,805	752,000	1,448,310	1,448,310	0	1,448,310
2008	399,406	113,019	2,119,656	1,778,824	1,778,824	0	1,778,824
2007	279,014	96,816	2,005,080	1,778,824	1,778,824	0	1,778,824
2006	371,335	63,919	491,040	1,326,252	1,326,252	0	1,326,252
2005	378,574	66,214	491,040	1,153,263	1,153,263	0	1,153,263
2004	378,661	67,605	491,040	1,153,263	1,153,263	0	1,153,263
2003	378,661	69,923	491,040	1,153,263	1,153,263	0	1,153,263

2002	378,661	72,018	515,592	803,881	803,881	0	803,881
2001	348,298	67,961	491,040	803,881	803,881	0	803,881
2000	348,298	41,885	491,040	803,881	803,881	0	803,881
1999	348,298	43,336	491,040	803,881	803,881	0	803,881
1998	232,499	44,199	491,040	803,881	803,881	0	803,881
1997	232,499	45,660	491,040	803,881	803,881	0	803,881
1998	174,393	35,633	491,040	803,881	803,881	0	803,881
1995	174,393	36,271	491,040	803,881	803,881	0	803,881
1994	174,393	37,356	491,040	803,881	803,881	0	803,881
1993	174,393	38,476	491,040	742,759	742,759	0	742,759
1992	174,393	39,081	491,040	742,759	742,759	0	742,759
1991	174,393	40,201	491,040	742,759	742,759	0	742,759
1990	174,393	41,288	491,040	742,759	742,759	0	742,759
1989	174,393	41,925	491,040	672,492	672,492	0	672,492
1988	120,667	15,683	327,360	551,926	551,926	0	551,926
1987	123,225	15,683	237,336	376,244	376,244	0	376,244
1986	123,749	15,683	32,670	265,031	265,031	0	265,031
1985	119,435	15,683	32,670	374,759	374,759	0	374,759
1984	116,570	15,683	32,670	164,923	164,923	0	164,923
1983	116,570	15,683	32,670	164,923	164,923	0	164,923
1982	97,617	15,683	18,000	131,300	131,300	0	131,300

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
8/1/1994	1320 / 0909	74,000	WD	J
4/1/1988	1048 / 1884	800,000	WD	Q
2/1/1989	630 / 846Q	5,000	00	Q

This page has been visited 4,538 times.

Monroe County Monroe County Property Appraiser
 Scott P. Russell, CFA
 P.O. Box 1176 Key West, FL 33041-1176

PBP Marina, Inc.
231 Margaret Street
Key West, FL 33040

854517

QUIT CLAIM DEED

OFF REC 1320 PAGE 0909

RAMCO FORM NO. 1300 200 51800

Instrument Prepared by:
KAREN R. GARDNER
Address: 231 MARGARET ST.
KEY WEST, FL 33040
Property Appraisers Parcel Identification (Folio Number(s)):
Grantee(s) S.S. s(s)

DS Paid 518.00 Date 8-23-94
MONROE COUNTY
DANNY L. KOLHAGE CLERK CIR. CT.
Blairmont, Louisiana

SPACE ABOVE THIS LINE FOR PROCESSING DATA
This Quit Claim Deed, Executed the 23 day of August, 1994, by FRANK M. COON first party, to PBP MARINA, INC. whose post office address is 231 Margaret Street, Key West, FL 33040 second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the first party, for and in consideration of the sum of \$ 10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Monroe, State of Florida, to-wit:

PARCEL A: A part of Government Lot 6, Section 26, Township 67 South, Range 26 East, on Geiger Key, Monroe County, Florida. COMMENCING at a point on the West line of Government Lot 6, Section 26, Township 67 South, Range 26 East, on Geiger Key, Monroe County, Florida, 25.12 feet South of the Northwest corner of said lot, run at right angles. right of way line of Old State Road No. 4A, which point is the Point of Beginning of the parcel of land being described. From said point run Southwesterly along the said right of way line 20.62 feet to a point; thence run South 140 feet, more or less, to the shore line of CONT. LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

To Have and to Hold, The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever. In Witness Whereof, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:
Witness Signature (as to first Grantor)
CAROL A. SIMEON
Printed Name
Witness Signature (as to first Grantor)
Ann C. Wollich
Printed Name

Grantor Signature
FRANK M. COON
Printed Name
5 GAGER ROAD, KEY WEST,
Post Office Address
FL 33040

Witness Signature (as to Co-Grantor, if any)
Printed Name
Witness Signature (as to Co-Grantor, if any)
Printed Name

Co-Grantor Signature (if any)
Printed Name
Post Office Address

STATE OF FLORIDA
COUNTY OF MONROE

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared FRANK M. COON

known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. (Check one): Said person(s) is/are personally known to me. Said person(s) provided the following type of identification: Attachment B

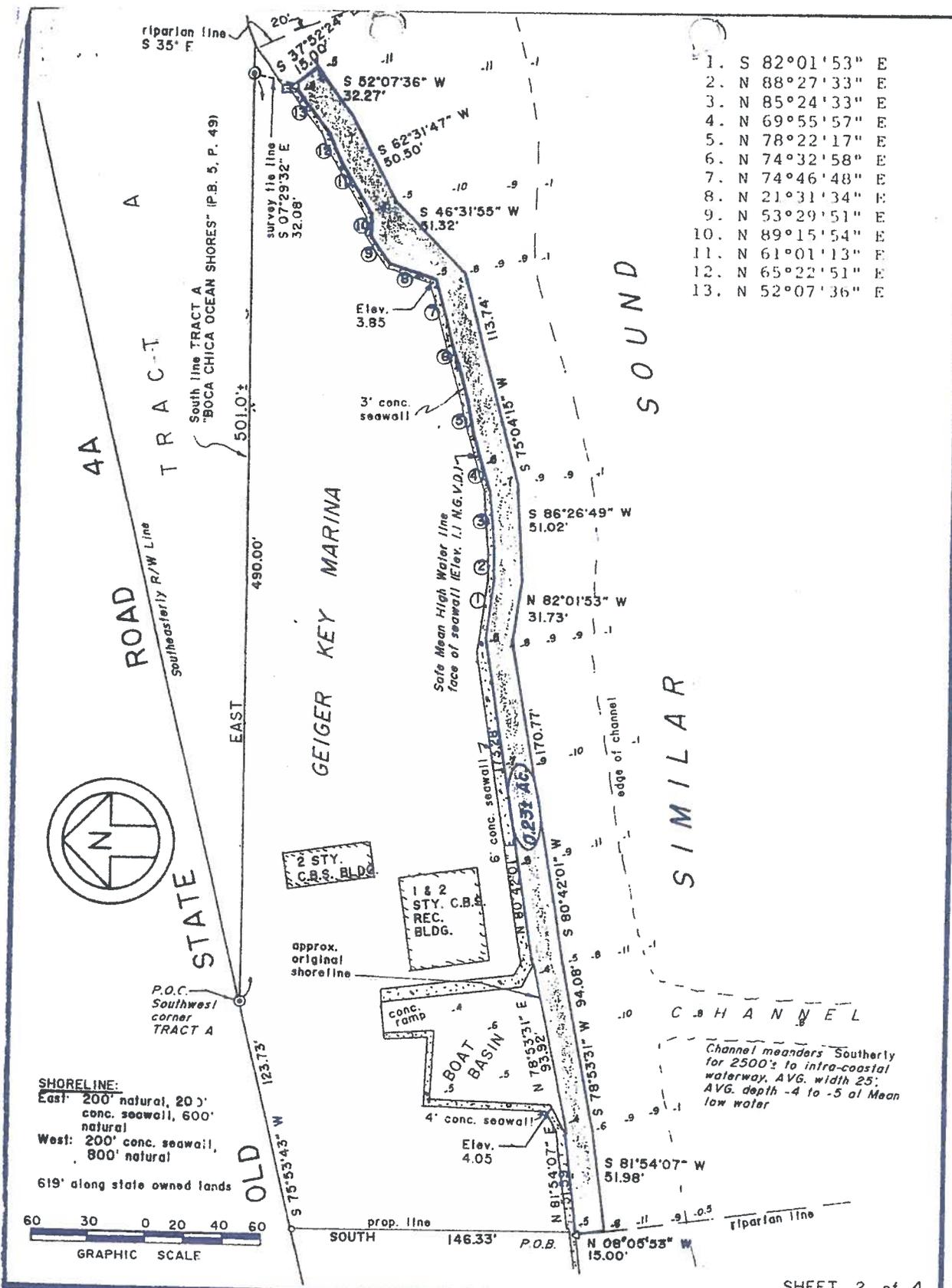
Page 11 of 13
SSLL No. 440003365

Witness my hand and official seal in the County and State last aforesaid this 23 day of August, 1994, A.D. 1994

NOTARY PUBLIC
KAREN R. GARDNER
My Commission CC200007
Expires Mar 14, 1997
Huckleberry Associates Inc
888-428 1668

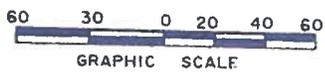
Notary Signature
Karen R. Gardner
Printed Notary Signature

FILED FOR R
94 AUG 23 P 3
DANNY L. KOLHAGE
CLERK CIR. CT.
MONROE COUNTY



1. S 82°01'53" E
2. N 88°27'33" E
3. N 85°24'33" E
4. N 69°55'57" E
5. N 78°22'17" E
6. N 74°32'58" E
7. N 74°46'48" E
8. N 21°31'34" E
9. N 53°29'51" E
10. N 89°15'54" E
11. N 61°01'13" E
12. N 65°22'51" E
13. N 52°07'36" E

SHORELINE:
 East: 200' natural, 20' conc. seawall, 600' natural
 West: 200' conc. seawall, 800' natural



Frank Koon Geiger Key Marina			
Specific Purpose Survey: Bay Bottom Lease		Dwn. No. 90-378	
Scale: 1"=60'	Ref. 75-37	Flood Panel No.	Dwn. By: FIII
Date: 12/12/90		Flood Zone:	Flood Elev.:
REVISIONS AND/OR ADDITIONS			
Attachment A			
Page 9 of 13 Pages			
SSI.L. No. 440003365			

FREDERICK H. HILDEBRANDT
 ENGINEER SURVEYOR PLANNER

726 Duval Street 15321 So. Dixie Hwy.
 Key West, Fl. 33040 Miami, Fl. 33157
 (305) 294-6139 (305) 255-4472

LEGAL DESCRIPTION:

A parcel of submerged land lying and being in Section 26, Township 67 South, Range 26 East, Monroe County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of Tract A, Boca Chica Ocean Shores, according to the Plat thereof, as recorded in Plat Book 5 at page 49 of the Public Records of Monroe County, Florida, said point also lying on the southeasterly line of Old State Road 4A; thence S 75°53'43" W along the said right-of-way line of Old State Road 4A for 128.73 feet; thence South for 146.33 feet to the face of a concrete seawall and the Safe Mean High Water line (elevation 1.1 N.G.V.D.) said Seawall also lying on Similar Sound and the Point of Beginning; thence N 81°54'07" E along the said seawall for 51.59 feet; thence N 78°53'31" E across a boat basin for 93.92 feet to a concrete seawall; thence meander the said concrete seawall for the following 14 metes and bounds: (1) thence N 80°42'01" E for 173.28 feet; (2) thence S 82°01'53" E for 32.49 feet; (3) thence N 88°27'33" E for 16.34 feet; (4) thence N 85°24'33" E for 31.68 feet; (5) thence N 69°55'57" E for 16.38 feet; (6) thence N 78°22'17" E for 32.04 feet; (7) thence N 74°32'58" E for 13.21 feet; (8) thence N 74°46'48" E for 50.75 feet; (9) thence N 21°31'34" E for 26.19 feet; (10) thence N 53°29'51" E for 16.16 feet; (11) N 89°15'54" E for 11.59 feet; (12) thence N 61°01'13" E for 32.14 feet; (13) thence N 65°22'51" E for 17.02 feet; (14) thence N 52°07'36" E for 30.90 feet; thence S 37°52'24" E for 15.00 feet; thence S 52°07'36" W for 32.27 feet; thence S 62°31'47" W for 50.50 feet; thence S 46°31'35" W for 51.32 feet; thence S 75°04'15" W for 113.74 feet; thence S 86°26'49" W for 51.02 feet; thence N 82°01'53" W for 31.73 feet; thence S 80°42'01" W for 170.77 feet; thence S 78°53'31" W for 94.08 feet; thence S 81°54'07" W for 51.98 feet; thence N 08°05'53" W for 15.00 to the Point of Beginning. Containing 0.23 Acres, more or less.

Frank Koon Geiger Key Marina		
Specific Purpose Survey: Bay Bottom Lease		Dwn. No. 90-378
Scale: N/A	Ref. 75-37	Flood Panel No. Dwn. By: FHH
Date: 12/12/90		Flood Zone: Flood Elev.:
REVISIONS AND/OR ADDITIONS		
Attachment A		
Page 8 of 13 Pages		
SSL No. 440003365		

FREDERICK H. HILDEBRANDT
ENGINEER SURVEYOR PLANNER

726 Duval Street 15321 So. Dixie Hwy.
Key West, Fl. 33040 Miami, Fl. 33157
(305) 294-6139 (305) 255-4472

SURVEYOR'S NOTES:

1. Bearings and North arrow based on Plat of Boca Grande Ocean Shores, Plat Book 5, page 49
2. Mean Low Water elevation is (-0.3 N.B.V.D. as quoted by FLDNR/BSM on December 1, 1990. Safe Upland water elevation is 1.1 N.B.V.D.
3. Elevation based on N.B.V.D. 1929 Datum; B.M. No. N-271, elevation 14.016
4. -4.5 denotes existing elevation of Bay Bottom, measured from -0.3 Mean Low water elevation
5. Monumentation:
 - △ = set P.K. Nail/PIPE No. 2749
 - = set iron pipe, P.K. No. 2749
 - = set permanent reference marker

CERTIFICATION:

I HEREBY CERTIFY: that the attached "SUBMERGED LAND LEASE DESCRIPTION AND SURVEY" is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Society of Professional Land Surveyors; (Rule 21HH-6); Florida Statute Section 472.02 and the American Land Title Association.

[Signature]
 Frederick H. Hildebrandt, P.E., PLS
 Professional Engineer No. 30810
 Professional Land Surveyor No. 2749

SHEET 4 of 4

Frank Koon
 Geiger Key Marina

Specific Purpose Survey: Bay Bottom Lease		Dwn. No. 90-378
Scale: N/A	Ref. 75-37	Dwn. By: FHH
Date: 12/12/90	Flood Panel No.	Flood Elev.:
	Flood Zone:	

FREDERICK H. HILDEBRANDT
ENGINEER SURVEYOR PLANNER

726 Duval Street 15321 So. Dixie Hwy.
 Key West, Fl. 33040 Miami, Fl. 33157
 (305) 294-6139 (305) 255-4472

REVISIONS AND/OR ADDITIONS

Attachment A
Page 10 of 13 Pages
SSL No. 440003365

VICINITY MAP



LOCATION:

Latitude: 24°34'51"
 Longitude: 81°38'52"

U.S.G.S. QUAD.: BOCA CHICA KEY

SHEET 1 of 4

Frank Koon
 Seiger Key Marina

Specific Purpose Survey:
 Bay Bottom Lease

Dwn. No.
 90-378

date: N/A
 to: 12/12/90

Ref.
 75-37

Flood Panel No.
 Flood Zone:

Dwn. By: FHH
 Flood Elev.:

FREDERICK H. HILDEBRANDT
 ENGINEER SURVEYOR PLANNER

REVISIONS AND/OR ADDITIONS

Attachment A
 Page 7 of 13 Pages
 SSI.L. No. 440003365

726 Duval Street
 Key West, Fl. 33040
 (305) 294-6139

15321 So. Dixie Hwy.
 Miami, Fl. 33157
 (305) 255-4472

SOUTH 146.33'

chain link fence
145.10' m. (140'± d.)

N.81°54'07"E
N.81°59'
4.12' overlap per deed & plot
4.28' East
82.46'
123.73'
20.61'
90.00'
21.00'
N.75°53'43"E
103.08'
123.73'
20.61'
90.00'
21.00'
N.78°53'31"E
93.92'
N.80°42'01"E

Fd. Pk. #1587
4.18' East

Fd. I.P. #1587
4.28' East

PARCEL

PARCEL

PARCEL

BOAT BASIN

FUEL TANK

gas pump

chickiee

cov'd

cov'd

1 Story Bldg & Apt.
2 Story F.F.L 4.75'
wood deck
concrete patio

2 STR. C.B.S.
APT. & LAUNDRY

ADA

Frame Shed

141.83' m. (130'± d.)

154.58' m. (130'± d.)

o/h wires

o/h wires

water valve

o/h wires

YOU SPIKE WILL

EAST 135.42'

o/h wires

o/h wires

(2)

(2)

(4)

(4)

(5)

(7)

(7)

(7)

(7)

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIV OF ALCOHOLIC BEVERAGES & TOBACCO



LICENSE NUMBER	SERIES
BEV5403324	2COP

The RETAILER OF ALCOHOLIC BEVERAGES
Named below IS LICENSED
Under the provisions of Chapter 564 FS.
Expiration date: MAR 31, 2014

FRONT STREET ENTERPRISES, LLC
FISH CAMP THE
5 GEIGER ROAD
KEY WEST FL 33040



RICK SCOTT
GOVERNOR

ISSUED: 03/19/2013 SEQ # L1303190002669
DISPLAY AS REQUIRED BY LAW

KEN LAWSON
SECRETARY

AC# 6405517

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

SEQ# L12092600415

DATE	BATCH NUMBER	LICENSE NBR	
09/26/2012	120144261	SEA5400170	NBR. OF SEATS: 151

The SEATING FOOD SERVICE (2010) . NON- .
 Named below IS LICENSED
 Under the provisions of Chapter 509 FS. . TRANSFERABLE .
 Expiration date: OCT 1, 2013

PBP MARINA INC
 GEIGER KEY MARINA AND FISH CAMP
 5 GEIGER KEY RD
 KEY WEST FL 33040

RICK SCOTT
GOVERNOR

KEN LAWSON
SECRETARY

DISPLAY AS REQUIRED BY LAW

My title

My subtitle

MONROE COUNTY PROPERTY
APPRAISER OFFICE



THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DEPICTED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER MONROE COUNTY NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.

1:1,170

Date: 5/1/2013

Monroe County Property Appraiser - Radius Report

AK:	1182711	Parcel ID:	00141350-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 10 49	OR472-5
AK:	1182559	Parcel ID:	00141190-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 4 B 49	OR325-3
AK:	8713037	Parcel ID:	00141240-0	Physical Loc	VACANT L	Legal Descr	BOCA CHIC 9 BLK 1 OF	
AK:	1185680	Parcel ID:	00144300-0	Physical Loc	VACANT L	Legal Descr	BOCA CHIC	OR538-678
AK:	1182524	Parcel ID:	00141160-0	Physical Loc	3 PARROT	Legal Descr	BK 1 LT 1 A PB5-49	OR
AK:	1182567	Parcel ID:	00141200-0	Physical Loc	6 PARROT	Legal Descr	BK 1 LT 5 B 9	OR562-76
AK:	1182745	Parcel ID:	00141380-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 13	-49 OR479-
AK:	1156221	Parcel ID:	00122170-0	Physical Loc	1 GEIGER F	Legal Descr	PT LT 6 26 1776	OR630-
AK:	1182915	Parcel ID:	00141550-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 17	-49 OR613-
AK:	1182842	Parcel ID:	00141480-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 10	-49 OR538-
AK:	1182681	Parcel ID:	00141320-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 7 B 49	OR557-8
AK:	1182702	Parcel ID:	00141340-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 9 B 49	OR549-9
AK:	1182788	Parcel ID:	00141420-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 4 B 9	OR391-63
AK:	1182729	Parcel ID:	00141360-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 11	49 OR472-5
AK:	1182541	Parcel ID:	00141180-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 3 B 9	OR537-62
AK:	1182907	Parcel ID:	00141540-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 16	-49 OR312-
AK:	1182893	Parcel ID:	00141530-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 15	-49 OR588-
AK:	1156213	Parcel ID:	00122160-0	Physical Loc	5 GEIGER F	Legal Descr	26 67 26 BC 413	OR276-
AK:	1156230	Parcel ID:	00122180-0	Physical Loc	3 GEIGER F	Legal Descr	26 67 26 BC 88-1084/108	
AK:	1190853	Parcel ID:	00147019-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 3 C LOCK 1	OR
AK:	1185639	Parcel ID:	00144280-0	Physical Loc	VACANT L	Legal Descr	BOCA CHIC	OR973-104
AK:	1182591	Parcel ID:	00141230-0	Physical Loc	8 PARROT	Legal Descr	BK 1 LT 8 & IGER KEY F	
AK:	1182613	Parcel ID:	00141250-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 10	-49 OR610-
AK:	1182575	Parcel ID:	00141210-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 6 B 49	OR394-3
AK:	1183075	Parcel ID:	00141720-0	Physical Loc	VACANT L	Legal Descr	BK 4 LT 14	-49 OR576-
AK:	1183105	Parcel ID:	00141750-0	Physical Loc	VACANT L	Legal Descr	BK 4 LT 17	49 OR473-7
AK:	1185663	Parcel ID:	00144290-0	Physical Loc	9 GEIGER F	Legal Descr	BOCA CHIC EY	OR494-
AK:	1182826	Parcel ID:	00141460-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 8 B 9	OR391-63
AK:	1182630	Parcel ID:	00141270-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 2 B 49	OR407-8
AK:	1183083	Parcel ID:	00141730-0	Physical Loc	15 CORMO	Legal Descr	BK 4 LT 15 ER KEY	OR
AK:	1182923	Parcel ID:	00141560-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 18	-49 OR427-
AK:	1182851	Parcel ID:	00141490-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 11	-49 OR538-
AK:	1182699	Parcel ID:	00141330-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 8 B 49	OR547-9
AK:	1182648	Parcel ID:	00141280-0	Physical Loc	11 CARDIN.	Legal Descr	BK 2 LT 3 B 9	OR474-51
AK:	1182818	Parcel ID:	00141450-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 7 B 9	OR391-63
AK:	1182621	Parcel ID:	00141260-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 1 B 49	OR407-8
AK:	1182664	Parcel ID:	00141300-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 5 B 49	OR450-5
AK:	1182885	Parcel ID:	00141520-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 14	-49 OR613-
AK:	1182869	Parcel ID:	00141500-0	Physical Loc	8 KARAKAF	Legal Descr	BK 3 LT 12	-49 OR412-
AK:	1182672	Parcel ID:	00141310-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 6 B 49	OR560-2
AK:	1190845	Parcel ID:	00147019-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 2 C LOCK 1	OR
AK:	1182800	Parcel ID:	00141440-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 6 B 49	OR391-6
AK:	1182761	Parcel ID:	00141400-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 2 B 9	OR480-35
AK:	1182583	Parcel ID:	00141220-0	Physical Loc	VACANT L	Legal Descr	BK 1 LT 7 B 9	OR394-34
AK:	1182796	Parcel ID:	00141430-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 5 B 9	OR391-63
AK:	1182656	Parcel ID:	00141290-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 4 B 9	OR450-59
AK:	1182770	Parcel ID:	00141410-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 3 B 49	OR592-7
AK:	1182931	Parcel ID:	00141570-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 19	-49 OR455-
AK:	1185671	Parcel ID:	00144290-0	Physical Loc	VACANT L	Legal Descr	BOCA CHIC B	OR574-7
AK:	1182737	Parcel ID:	00141370-0	Physical Loc	VACANT L	Legal Descr	BK 2 LT 12	-49 OR479-
AK:	1185647	Parcel ID:	00144290-0	Physical Loc	15 GEIGER	Legal Descr	PT TRACT	49 OR419-7
AK:	1192155	Parcel ID:	00147019-0	Physical Loc	VACANT L	Legal Descr	CARIBBEA	OR692-391
AK:	1182753	Parcel ID:	00141390-0	Physical Loc	19 GEIGER	Legal Descr	BK 3 LT 1 B 9	OR468-74
AK:	1182877	Parcel ID:	00141510-0	Physical Loc	VACANT L	Legal Descr	BK 3 LT 13	-49 OR536-
AK:	1185655	Parcel ID:	00144290-0	Physical Loc	VACANT L	Legal Descr	BOCA CHIC B 60FT	OR
AK:	1183067	Parcel ID:	00141710-0	Physical Loc	VACANT L	Legal Descr	BK 4 LT 13	-49 OR576-
AK:	1182974	Parcel ID:	00141610-0	Physical Loc	3 CORMOR	Legal Descr	BK 4 N 1/2 IORES	PB5-
AK:	1182982	Parcel ID:	00141620-0	Physical Loc	VACANT L	Legal Descr	BK 4 LT 4 B 49	OR562-5
AK:	1183059	Parcel ID:	00141690-0	Physical Loc	11 CORMO	Legal Descr	BOCA CHIC & 12 BLK 4	
AK:	1182991	Parcel ID:	00141630-0	Physical Loc	VACANT L	Legal Descr	BK 4 LT 5 B 49	OR635-1
AK:	1183121	Parcel ID:	00141770-0	Physical Loc	VACANT L	Legal Descr	BK 4 LT 19	-49 OR505-

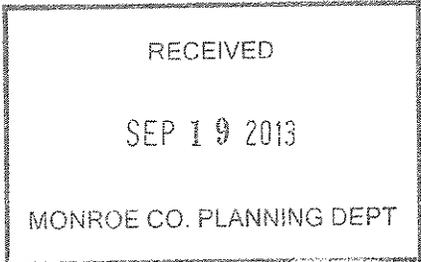
AK: 1190837 Parcel ID:
AK: 1182940 Parcel ID:
AK: 1183113 Parcel ID:
AK: 1192147 Parcel ID:

00147019-0 Physical Loc VACANT L Legal Descr BK 1 LT 1 CLOCK 1 OR
00141580-0 Physical Loc VACANT L Legal Descr BOCA CHICS 1/2 LOT 2
00141760-0 Physical Loc VACANT L Legal Descr BK 4 LT 18 -49 OR505-
00147019-0 Physical Loc VACANT L Legal Descr CARIBBEAN /390 OR811

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Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar GARCIA MI Address:: 8 PARROT KEY WEST, FL 33040
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar CABANAS F Address:: 3 PARROT KEY WEST, FL 33040-6335
Owners Nar YATES DA Address:: 6 PARROT KEY WEST, FL 33040
Owners Nar STONE RO Address:: 388 WARD OAKHILL, FL 32759
Owners Nar SUAREZ JC Address:: 600 S SHOF MIAMI BEACH, FL 33141
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
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Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar PBP MARIN Address:: 5 GEIGER F KEY WEST, FL 33040
Owners Nar WARE OR Address:: 3 GEIGER F KEY WEST, FL 33040-6346
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar GARCIA MI Address:: 8 PARROT KEY WEST, FL 33040-6335
Owners Nar GARCIA MI Address:: 8 PARROT KEY WEST, FL 33040
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0088
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar BARRETT I Address:: 189 CENTR SULLIVAN, NH 03445-4104
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar BRANNAN Address:: 15 CORMO KEY WEST, FL 33040-6304
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar MEEKER D Address:: 11 CARDIN KEY WEST, FL 33040-6337
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar STEVENSC Address:: 8 KARA KAI KEY WEST, FL 33040
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
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Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
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Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar APPLEBY C Address:: 15 GEIGER KEY WEST, FL 33040-6346
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar WALSIFER Address:: 19 GEIGER KEY WEST, FL 33040-6361
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar WILSON O Address:: 3 CORMOR KEY WEST, FL 33040
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar RIEDEL AN Address:: 11 CORMO KEY WEST, FL 33040
Owners Nar UNITED ST Address:: PO BOX 10 CHARLESTON, SC 29411-0068
Owners Nar UNITED ST Address:: ATLANTA, GA 30345

Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar CHILENSKI Address:: 194 OSBOFBAY HEAD, NJ 08742
Owners Nar UNITED ST Address:: ATLANTA, GA 30345
Owners Nar UNITED ST Address:: ATLANTA, GA 30345



Planning Commission
County of Monroe Growth Management Division
2798 Overseas Highway, Suite 410
Marathon, FL 33050

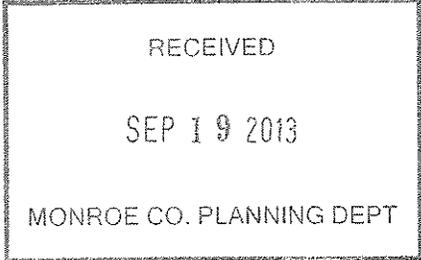
Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

Dear Members of the Planning Commission:

We are signing this letter on behalf of Geiger Key Marina to demonstrate our support and our desire that the Planning Commission find in favor of their request for approval of a 5COP SRX, to include liquor in the Fish Camp restaurant.

Please sign below and also print your name, address, and email or phone number:

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>Email/Phone</u>
	Dana Anderson	1000 BAREFOOT CIRCLE	WINDYHAWK@aol.com
	Holly Blandeaux	271 77 MARSH 509	FLORIDA
	Allan Balkwill	24 Cannon Royal	430-975-4898
	BRAD MILLER	39 YALMOUTH RD	530-298-7262
	Diane Balkwill	41 Cannon Royal	KW 630-975-4111
	DAVE WAGNER	126 SAMATHON RD	305-797-1812
	Debra Gardner	512 Truman Ave	305-587-9708
	Chris Spica	338 Spica	theartist@gmail.com
	Anne Hoyt	338 Spica	spicahoyt@yahoo.com
	Elena Jones	11 Cormorant Ln	Stencilmessstudiosaga.com
	MICHAEL HOWARD	413 TRUMAN RD	MS 97
	George McPherson	5 Berger Rd	712 233 2885
	MARY ANN	71 SIMS LN	Kanchlife@gmail.com
	ALLISON HARPESS	250 MARS LN	KW ALENHARPESS@ymail.com
	MICHAEL	55 BOCA CHEVI RD	IRAMENBER@HOTMAIL
	EUSA	1650 172ND AVE NE	eludalop@vzw.com
	Kristina Lindeman	5105 Greenbriar Rd	Kristina.Lindeman@comcast.com
	DAWN LUKA	39105 ROOSEVELT	KRISTINA LINDEMAN@COMCAST.COM



Planning Commission
 County of Monroe Growth Management Division
 2798 Overseas Highway, Suite 410
 Marathon, FL 33050

Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

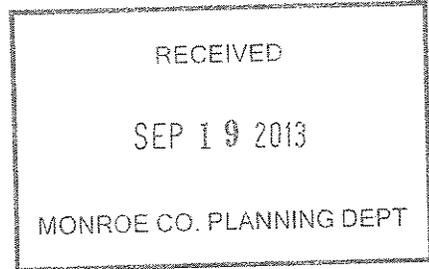
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Please sign below and also print your name, address, and email or phone number:

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>Email/Phone</u>
	James L White	5 Geiger Rd K.W.	305-594-4162
	John W Denny	5 Del Mar Blvd	305-923-9760
	Tara Denny	5 Del Mar Blvd	305-923-9740
	William Record	2110 101st Rd 4A	305-923-3125
	Ron Harbert	8 Parrot Ln	305-920-3092
	Diane Buckley	#18 5 Geiger Rd	305-619-4296
	NATHAN KIDWELL	5 Geiger Rd K.W.	305-
	Dominick Carlli	1400 Kennedy Dr.	305-292-4792
	PAULA W. HOUSTON	Key West FL	
	ALBY MILKEMISH	39205 Crockett Rd	407-478-7679
	Mark Kern	1014 Elgin Ln K.W.	949-207411
	Christine Gorman	2685-8 N. Rosevelt	KW 305-245-9706
	Randy Morrison	1075 Naval #217	KW FL 33040 305-923-4643
	Carrie Atwood	8 Parrot Lane	804-513-5346
	Jessy Stengel	3762 Dunwoody Ave	305-767-1467
	Michelle Ritsy	5021 Beach Blvd	417-925-5501
	Erin Brunner	5 Geiger Rd Key W.	305-596-8607 ebrunner@gmail.com

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 Marathon, FL 33050



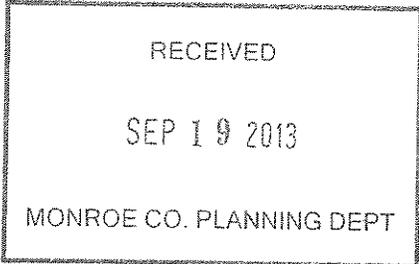
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(Geiger Key Marina)

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Please sign below and also print your name, address, and email or phone number:

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>Email/Phone</u>
	Kenna Kieckheaf	167 Golf Club Drive	850-541-4564
	JACKIE MARTIN	91 Frozier Ln	305-432-6203
	Dan Smith	407 Whitehead St.	(352) 457-6342
	Julie Mavromatis	706 White Street	(213) 477-5072
	Kaseil V Roberts	11 LUNA Ln	509-999-2377
	Julia Roberts	10 DelMar Blvd	509-999-8600
	WILLIAM P WHITE	1026 Lagoon Dr.	305 745-2080
	Anna Paelewhite	" "	" "
	Walter Jones	5 Geiger Rd. 33040	702-219-5978
	REBECCA JONES	" " "	702-755-1879
	Jean Spangler	122 Poplar Lane 33042	305-304-5758
	Aranka Barbarito	811 Thomas St #2 Kw 33040	305-731-3459
	Anthony Morgan	811 Thomas St #2 Kw 33040	(305) 923-4604
	DAVID LEE	5 GEIGER RD K.W	978 317 0798
	Chris Walker	11 Boca Chico RD Kw	(321) 386-0042
	James Rogek	63 Boundary Lane Kw	305 619 0745
	Fred Stephens	Bluewater Key	214-598-1178
	SHARON STEPHENS	Bluewater Key	214-598-1078
	Charlie Schmitt	50 Palm Dr 33040	305-745-9413
	Matt Clark	5 Geiger Rd Kw	704-705-4752



Planning Commission
 County of Monroe Growth Management Division
 2798 Overseas Highway, Suite 410
 Marathon, FL 33050

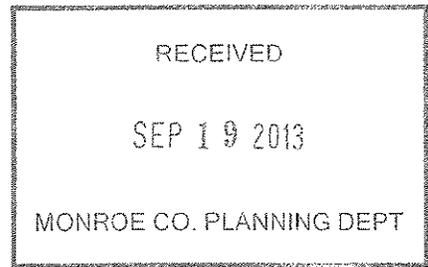
Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

Dear Members of the Planning Commission:

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Please sign below and also print your name, address, and email or phone number:

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>Email/Phone</u>
	Devon McKeelberg	1008 Colton Fick, Col. Joe	609-425-4093
	Santa Keyser	100 52 nd St Clear	MASTACON 812-275-2641
	Shane Masruman	3333 Dock Ave KW	305 240 7008
	Andrea Berniera	3333 Dock Ave KW	305 395 8106
	Bithais Monica	3735 Donald Ave	305 344 3131
	Amy Reeves	192 Venus Lane	305 834 2386
	JESSIE DENNING	901 OSt - HARPOON	305 771 1140
	Thomas Lee	56 PINE RD	305 290 9900
	Mike Karich	2 Aquamarine Dr	727-235-2338
	Madison P	2510 K 29 th St	941-914-0605
	Jameson Kallich	2015 1st St SW	321-693-7100
	SOHNI LIEBERMAN	4907 Cedar Blkwy	Schwiepp99@bnetmail
	DONAN LIEBERMAN	4907 Cedar Blkwy	donan@public.com
	Dan Dieck	2999 Mainline Dr	1kdieck@aol.com
	Fred A. Varslow	8 1/2 Main Key West	305-797-0843
	CAPT. DAVID JOHNS	GEIGER MARINA	603-237-0250
	Hilary K...	9110... Key	305 432 6434
	Kevill W...	159 11th St	745 5636
	Paul N...	192 Venus Ln	305-290-0781
	Wanda Morris	581 Seaboard Dr	305-791-3287



September 5, 2013

Planning Commission
County of Monroe Growth Management Division
2798 Overseas Highway, Suite 410
Marathon, FL 33050

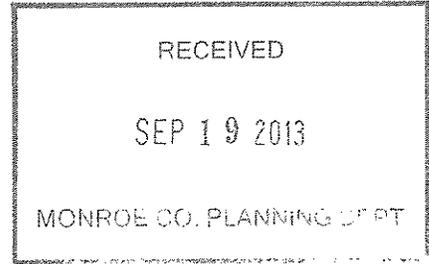
Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

Dear Members of the Planning Commission:

Our names are David & Holly Barrett, and we reside at 9 Geiger Rd, Key West, Florida. We are sending this letter on behalf of Geiger Key Marina, as neighboring property owners. We approve and are in favor of their request for approval of a 5COP SRX, to include liquor in their restaurant.

Sincerely,

David & Holly Barrett



September 5, 2013

Planning Commission
County of Monroe Growth Management Division
2798 Overseas Highway, Suite 410
Marathon, FL 33050

Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

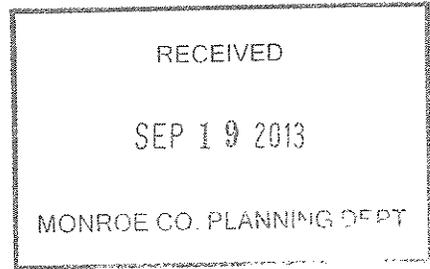
Dear Members of the Planning Commission:

My name is Tammy Brannan, and I reside at 15 Cormorant Lane, Key West, Florida. I am sending this letter on behalf of Geiger Key Marina, as a neighboring property owner. I approve and am in favor of their request for approval of a 5COP SRX, to include liquor in their restaurant.

Sincerely,

A handwritten signature in cursive script that reads "T Brannan".

Tammy Brannan



September 5, 2013

Planning Commission
County of Monroe Growth Management Division
2798 Overseas Highway, Suite 410
Marathon, FL 33050

Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

Dear Members of the Planning Commission:

My name is David Yates, and I reside at 6 Parrot Lane, Key West, Florida. I am sending this letter on behalf of Geiger Key Marina, as a neighboring property owner. I approve and am in favor of their request for approval of a 5COP SRX, to include liquor in their restaurant.

Sincerely,

A handwritten signature in black ink, appearing to read "David Yates".

David Yates



September 5, 2013

Planning Commission
County of Monroe Growth Management Division
2798 Overseas Highway, Suite 410
Marathon, FL 33050

Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

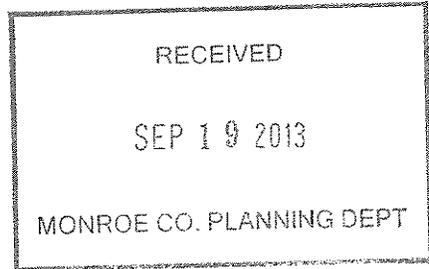
Dear Members of the Planning Commission:

My name is Miguel Garcia, and I reside at 8 Parrot Lane, Key West, Florida. I am sending this letter on behalf of Geiger Key Marina, as a neighboring property owner. I approve and am in favor of their request for approval of a 5COP SRX, to include liquor in their restaurant.

Sincerely,



Miguel Garcia



September 5, 2013

Planning Commission
County of Monroe Growth Management Division
2798 Overseas Highway, Suite 410
Marathon, FL 33050

Re: Application for Alcoholic Beverage Use Permit for PBP Marina, Inc.
(Geiger Key Marina)

Dear Members of the Planning Commission:

My name is *William Britz* I reside at *5 Geiger Rd.* Key West, Florida. We are sending this letter on behalf of Geiger Key Marina, as neighboring property owners. We approve and are in favor of their request for approval of a 5COP SRX, to include liquor in their restaurant.

Sincerely,



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: The Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Planning & Development Review Manager

Date: September 18, 2013

Subject: *Request for a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC; H & L Florida Associates, LLC; R & S of Key West, Inc.; H-Try, LLC; 5671 MacDonald LLC; Singh Investors, LLC; Suncrest Landing, LLC; and Oceanside Investors, LLC for properties located at 5950 Peninsular Avenue, Stock Island (legally described as Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate #'s 00127420.000000 and 00127420.000100), 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, having real estate #'s 00194741.000100, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 00194741.001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.002200), 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, having real estate #00174960.000000), 5671 MacDonald Avenue, Stock Island (legally described as Block 31, Lots 9, 13, 14, 15, 16, 19, and 20, McDonald's Plat, having real estate #'s 00124430.000000 and 00124470.000000 (File #2013-069)*

Meeting: September 25, 2013

- 1 Following a consultation with the applicant, staff is tabling this item due to an error in the legal
- 2 description that was provided in the required noticing. An incomplete legal description was
- 3 presented in the required publication notice (presented in the Key West Citizen on September 7,
- 4 2013), the required mailing notice (sent to surrounding property owners in notification letters on
- 5 September 3, 2013 and September 6, 2013) and the required posting notice (sent to the applicant
- 6 to post at the property on September 6, 2013).
- 7
- 8 In accordance with Florida Statutes and the Monroe County Code, this application cannot have a
- 9 public hearing on September 25, 2013. The application shall be re-noticed with the correct legal
- 10 description for a future Planning Commission public hearing. It has been tentatively rescheduled
- 11 for the October 30, 2013 Planning Commission meeting.
- 12

1 Pursuant to the most recent draft received on September 10, 2013, the development agreement
2 would allow the transfer of Residential Rate of Growth (ROGO) exemptions - Transferable
3 ROGO Exemptions (TRE's) - from sender sites at 24930 Overseas Highway (21 market-rate
4 permanent TRE's), 21585 Old State Road 4A (17 market-rate permanent TRE's and 5 transient
5 TRE's) and 5176-5180 Suncrest Road (8 market-rate permanent TRE's) to a receiver site at 5950
6 Peninsular Avenue, in accordance with MCC §130-161.1.

7
8 Concerning the 5950 Peninsular Avenue property, the incomplete legal description previously
9 provided on the notices was Block 60, Lots 1, 2 and 3, McDonald's Plat, PB1-55.

10
11 A boundary survey was not provided in the application. Upon closer examination of other
12 documentation, including warranty deeds, the aforementioned legal description is incomplete and
13 the property includes additional lots and a portion of Maloney Avenue that is no longer a right-
14 of-way. In addition, adjacent to the lots, filled land has been introduced to the property since the
15 plat was approved in 1911. The correct legal description is as follows:

16
17 **Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the portion of**
18 **Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, PB1-55 also described**
19 **as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East.**

20
21 Note: The real estate numbers, 00127420.000000 and 00127420.000100, were correctly
22 presented.



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

To: Monroe County Planning Commission

From: Mitchell N. Harvey, AICP, Comprehensive Planning Manager *mnh*

Date: September 10, 2013

Subject: Amendment of Monroe County Comprehensive Plan Policy 101.2.6 Regarding Extending the Moratorium on Transient Residential Unit Allocations

Meeting: September 25, 2013

I. REQUEST

Amend Policy 101.2.6 of the Monroe County Comprehensive Plan to extend the transient allocations moratorium from May 1, 2014 to May 1, 2022 to coincide with the adoption of next round of EAR-related amendments [schedule set by Florida Department of Economic Opportunity (DEO) in Rule 73C-49.002, F.A.C.].

II. BACKGROUND INFORMATION

Relevant Actions:

During the review of the 2010 transient use amendment, the Florida Department of Economic Opportunity (DEO) in its Objections, Recommendations and Comments (ORC) Report 02-10 ORC, dated September 20 2010, recommended that the transient use moratorium be continued until the adoption of Evaluation and Appraisal Report (EAR)-related amendments. The new EAR schedule, released in 2011, amended Monroe County's EAR due date to May 1, 2014. EAR-related amendments are required to be adopted within one year of the EAR.

The Board of County Commissioners (BOCC) at a public hearing on December 14, 2011, adopted Ordinance No. 024-2011, which amended Policy 101.2.6 of the Monroe County 2010 Comprehensive Plan to extend the existing transient unit moratorium until May 1, 2014 to coincide with the State schedule for the evaluation and appraisal of the comprehensive plan.

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 May 1, 2014.

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Chapter 163, F.S. requires a local government to evaluate its comprehensive plan every seven years and encourages local government to regularly update its comprehensive plan. Monroe County has recently updated the Technical Document of the Monroe County Comprehensive Plan and adopted an Evaluation and Appraisal Report (EAR) in May 22, 2012 (Resolution No. 150-2012) based upon the updated Technical Document (which serves as the data and analysis for EAR-based comprehensive plan amendments).

As part of the 2010 Comprehensive Plan Update, the firm of Fishkind and Associates (Fishkind) prepared a document titled “Economic Trends & Opportunities in Unincorporated Monroe County” which is Appendix 4 of the Monroe County Comprehensive Plan EAR. Section 3.1.3 *Effects of the Hotel Moratorium on Tourism in Unincorporated Monroe County* states:

At present there is a Monroe County ordinance and Comprehensive Plan policy effective in the unincorporated area which prohibits any new hotel development throughout the unincorporated keys. This ordinance precludes all new hotel room/unit development. The development prohibition is in place due to the county designation as an area of critical state concern (ACSC). Under the ACSC designation hotel rooms are considered residential units and therefore would require allocation from ROGO, further reducing available increments of new housing supply under ROGO. In the past there has been a policy recommendation suggesting annual hotel occupancy must exceed 90% in order for new hotels to be warranted. There are no historic records which indicate hotel occupancy has ever exceeded 90% on an annual basis. Further, generally accepted standard operating hotel financial performance norms indicate hotel operations are at a financial breakeven point near 65%. It is for these reasons that in unrestricted markets, there are usually few new hotels built when the annual occupancy is consistently below 65%, but, when annual occupancy is consistently above 65%, the market typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%. Throughout the hotel industry, occupancy runs between 63% and 73% on an annual basis, under normal market conditions.

According to Smith Travel Research, the annual occupancy rate for Monroe County has increased from 67.5% in 2008 to 75.9% in 2013 (See Exhibit A). In light of this data and analysis during the development of the EAR, staff and Keith & Schnars presented several alternative strategies to address the transient use moratorium. Following Keith & Schnars’ presentation, Board discussion and public comment, the BOCC made a motion to not include any of the proposed transient use alternative strategies within the EAR.

New Issues:

Monroe County is located entirely within the Florida Key Area of Critical State Concern. The Governor and Cabinet, sitting as the State Administration Commission, annually reviews the Monroe County Work Program as specified within Rule 28-20.140, F.A.C. One of the mandates is to maintain a 24-hour evacuation level of service standard. Following the review of the progress toward completing the Work Program, the Florida Administration Commission maintains or reduces the annual allocation of units allowed under the Rate of Growth Ordinance (ROGO) permit system.

The Florida Department of Economic Opportunity (DEO) administers the Area of Critical State Concern program and provides recommendations to the Administration Commission on the number of ROGO

96 allocations base upon results of hurricane evacuation time modeling and progress on work program
 97 tasks.

98
 99 In March 2013, the State Administration Commission, approved the recommendation to allocate 10
 100 years' worth of growth (197 x 10 = 1,970 permits) to Monroe County while maintaining an evacuation
 101 clearance time of 24 hours, through the year 2023. There are 8,168 privately owned vacant parcels
 102 within unincorporated Monroe County. With just 197 permits per year, it would take over 41 years'
 103 worth of annual allocations (at the current rate of 197) to absorb these parcels. This may result in a
 104 balance of 6,198 privately held vacant parcels at risk of not obtaining permits in the future. This deficit
 105 of building permit allocations could trigger takings claims against both the State and Monroe County, if
 106 no additional permits are allowed beyond the year 2023.

107

TIER	NUMBER OF VACANT PARCELS	YEARS TO ALLOCATE PERMITS	THEORETICAL MAXIMUM DENSITY**
No Tier (ORCA, etc.)	235		766
Tier I	3,979		4,806
Tier II	393		590
Tier III-A	260		553
Tier III	3,301		5,048
TOTAL	8,168*	41.5	11,763
TOTAL ALLOCATIONS	1,970		
POTENTIAL LIABILITY	6,198*		

108 **Assumes one (1) unit per parcel and does not take into account additional density potential.*
 109 *** Theoretical density analysis is based on acreage multiplied by the maximum allocated residential density*
 110 *for each FLUM category. This data is provided for illustrative purposes only; conditions specific to the*
 111 *individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other*
 112 *regulatory constraints, such as ROGO are the final determinant of development potential.*
 113

114 Providing allocations for transient units would reduce the available allocations necessary to address the
 115 residential allocation deficit. Staff is consequently recommending that Policy 101.2.6 be amended to
 116 prohibit the allocation of new ROGO allocations for transient uses until the next round of EAR-related
 117 amendments, which will be due on May 1, 2022. The proposed extension of the transient unit
 118 moratorium provides the opportunity to use 2020 census data, when it becomes available, to update and
 119 run the Florida Keys hurricane evacuation model as required by Rule 28-20.140, F.A.C., to reevaluate
 120 whether Monroe County has met its obligation to maintain the 24-hour evacuation clearance time.
 121 Amendments are being proposed and currently processed as the as the existing prohibition for transient
 122 units in Policy 101.2.6 expires in May 1, 2014 and the comprehensive plan amendment process is
 123 lengthy.

124
 125 On August 27, 2013, the Monroe County Development Review Committee reviewed the proposed
 126 amendment and recommended approval to the Monroe County Planning Commission.

127
 128
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 130

131 **III. PROPOSED AMENDMENT**

132
133 **Policy 101.2.6:**

134
135 Monroe County shall prohibit new transient residential units allocations including for hotel or motel
136 rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until May 1,
137 201422.
138

139 **IV. AMENDMENT REVIEW**

140
141 **Existing Transient Uses**

142
143 The Monroe County Tourist Development Council (TDC) gets their lodging counts from the Florida
144 Department of Business & Professional Regulation license database (See Exhibit B). According to the
145 TDC, in 2012 there were 10,376 actively licensed hotels, motels, B&Bs and condo hotels in Monroe
146 County. In addition there were 2,771 vacation rentals, resulting in a total of 13,147 transient rental
147 units. In addition, there are about 2,700 Campground/RV park units for a grand total of just under
148 16,000 transient accommodations in Monroe County.
149

150 **Hotel Occupancy Rates**

151
152 Occupancy rates are a travel industry standard for assessing the ability of available beds to meet existing
153 and anticipated demands. The Monroe County Tourist Development Council (TDC) maintains a
154 database for occupancy rates which is prepared by Smith Travel Research. Between 2008 and 2012, the
155 average annual county-wide occupancy rate for Monroe County has varied from 67.5% (2008) to 75.9%
156 (2012) (See Exhibit A).
157

158 Monroe County has contracted with the firm Keith & Schnars to prepare an update of the Monroe
159 County Comprehensive Plan and Evaluation and Appraisal Report (EAR). As part of this process, Keith
160 & Schnars together with Fishkind and Associates, prepared an economic base analysis with updated
161 economic and population projections, titled "Economic Trends & Opportunities in Unincorporated
162 Monroe County", which evaluated the need for expanding Monroe County's tourist based economy.
163 This document serves as the data and analysis for any future amendments regarding the transient use
164 moratorium.
165

166 The economic study determined that when annual occupancy is consistency above 65%, the market
167 typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%.
168 Occupancy data provided by the Tourist Development Council indicates that although the occupancy
169 rate can be as high as 90% during peak season, holidays, or special events, the average annual
170 occupancy rate for 2012 was 75.9%. This indicates that there may be need to expand the available
171 amount of transient units in Monroe County; however, at its special meeting of March 19, 2012, the
172 Board of County Commissioners questioned the validity of the 65% transient unit need threshold and
173 moved to not include any changes to the current transient use policy in the EAR.
174
175

176 **Hurricane Evacuation**

177
178 Policy 216.1.8 of the Monroe County 2010 Comprehensive Plan states:

179
180 *Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of*
181 *non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards*
182 *(transient and non-transient) and military personnel from the Keys shall be initiated.*
183

184 The occupants of transient uses evacuate ahead of the permanent resident population who require
185 evacuation 24 hours prior to landfall of a major hurricane. The proposed amendment would therefore not
186 impact the County's adopted hurricane evacuation clearance time standard. As noted above, DEO
187 completed hurricane evacuation modeling tasks and based on their results, recommended 1970
188 allocations for the next ten years (2023) while maintaining an evacuation clearance time of 24 hours.
189

190 **V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN,**
191 **THE KEY LARGO COMMUNIKEYS PLAN, THE FLORIDA STATUTES, AND**
192 **PRINCIPLES FOR GUIDING DEVELOPMENT**
193

194 **A. The proposed amendment is generally consistent with the following Goals, Objectives and**
195 **Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, it furthers:**
196

197 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the
198 safety of County residents and visitors, and protect valuable natural resources.
199

200 **Objective 101.4:** Monroe County shall regulate future development and redevelopment to
201 maintain the character of the community and protect the natural resources by providing for the
202 compatible distribution of land uses consistent with the designations shown on the Future Land
203 Use Map.
204

205 **Objective 101.2:** Monroe County shall reduce hurricane evacuation clearance times to 24 hours
206 by the year 2010.
207

208 **Policy 101.2.13:** Monroe County shall establish an interim Permit Allocation System for new
209 residential development. The interim Permit Allocation System shall supersede Policy 101.2.1
210 and remain in place until such time as Monroe County determines its future growth capacity
211 based on hurricane evacuation, public safety and environmental needs including water quality
212 and habitat protection, and amends its plan consistent with such determination, based on the
213 results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall
214 develop a coordinated permit review process that will insure that no state agency shall issue a
215 wastewater disposal permit that would allow development in excess of the number of permits
216 that Monroe County may issue under this interim policy. Similarly, Monroe County shall not
217 issue development permits under this interim policy in excess of wastewater disposal permits
218 that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit
219 Allocation System shall allow a minimum of 88 new residential permits per year which may be
220 used to address the backlog of ROGO allocations.
221

222 **Policy 101.5.8:** Monroe County may develop a program, called Transfer of ROGO Exemption
223 (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms,
224 campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO
225 sub-area, provided that they are lawfully existing and can be accounted for in the County's
226 hurricane evacuation model. In addition, the receiver site shall be located within a Tier III area

227 outside a designated Special Protection Area and for a receiver site on Big Pine Key and No
228 Name Key, the sending site shall also be located on one of those two islands.

229
230 **Objective 101.11:** Monroe County shall implement measures to direct future growth away from
231 environmentally sensitive land and towards established development areas served by existing
232 public facilities.

233
234 **Objective 216.1:** Monroe County shall reduce hurricane evacuation clearance time to 24 hours
235 by the year 2010.

236
237 **Policy 216.1.1:** Within one year of the effective date of this plan, Monroe County shall adopt
238 Land Development Regulations which establish a Permit Allocation System for new residential
239 development. The Permit Allocation System shall limit the number of permits issued for new
240 residential development to be consistent with the Future Land Use Element in order to maintain
241 hurricane evacuation clearance times at a maximum of 24 hours.

242
243 **B. The proposed amendment is consistent with the Principles for Guiding Development for the**
244 **Florida Keys Area, Section 380.0552(7), Florida Statutes.**

245
246 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
247 with the principles for guiding development and any amendments to the principles, the principles
248 shall be construed as a whole and no specific provision shall be construed or applied in isolation
249 from the other provisions.

- 250
251 (a) Strengthening local government capabilities for managing land use and development so that
252 local government is able to achieve these objectives without continuing the area of critical
253 state concern designation.
- 254 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,
255 seagrass beds, wetlands, fish and wildlife, and their habitat.
- 256 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native
257 tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and
258 beaches, wildlife, and their habitat.
- 259 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound
260 economic development.
- 261 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida
262 Keys.
- 263 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural
264 environment, and ensuring that development is compatible with the unique historic character
265 of the Florida Keys.
- 266 (g) Protecting the historical heritage of the Florida Keys.
- 267 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and
268 proposed major public investments, including:
- 269
- 270 1. The Florida Keys Aqueduct and water supply facilities;
 - 271 2. Sewage collection, treatment, and disposal facilities;
 - 272 3. Solid waste treatment, collection, and disposal facilities;
 - 273 4. Key West Naval Air Station and other military facilities;
 - 274 5. Transportation facilities;

- 275 6. Federal parks, wildlife refuges, and marine sanctuaries;
276 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
277 properties;
278 8. City electric service and the Florida Keys Electric Co-op; and
279 9. Other utilities, as appropriate.
280

- 281 (i) Protecting and improving water quality by providing for the construction, operation,
282 maintenance, and replacement of stormwater management facilities; central sewage
283 collection; treatment and disposal facilities; and the installation and proper operation and
284 maintenance of onsite sewage treatment and disposal systems.
285 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
286 operation of wastewater management facilities that meet the requirements of ss.
287 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by
288 central wastewater treatment facilities through permit allocation systems.
289 (k) Limiting the adverse impacts of public investments on the environmental resources of the
290 Florida Keys.
291 (l) Making available adequate affordable housing for all sectors of the population of the Florida
292 Keys.
293 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of
294 a natural or manmade disaster and for a postdisaster reconstruction plan.
295 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
296 maintaining the Florida Keys as a unique Florida resource.
297

298 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the
299 Principles for Guiding Development as a whole and is not inconsistent with any Principle.
300

301 **C. The proposed amendment is consistent with Part II of Chapter 163, Florida Statutes (F.S.).**
302 **Specifically, the amendment furthers:**
303

304 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve
305 and enhance present advantages; encourage the most appropriate use of land, water, and
306 resources, consistent with the public interest; overcome present handicaps; and deal
307 effectively with future problems that may result from the use and development of land within
308 their jurisdictions. Through the process of comprehensive planning, it is intended that units
309 of local government can preserve, promote, protect, and improve the public health, safety,
310 comfort, good order, appearance, convenience, law enforcement and fire prevention, and
311 general welfare; facilitate the adequate and efficient provision of transportation, water,
312 sewerage, schools, parks, recreational facilities, housing, and other requirements and
313 services; and conserve, develop, utilize, and protect natural resources within their
314 jurisdictions
315

316 163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards,
317 and strategies for the orderly and balanced future economic, social, physical, environmental,
318 and fiscal development of the area that reflects community commitments to implement the
319 plan and its elements. These principles and strategies shall guide future decisions in a
320 consistent manner and shall contain programs and activities to ensure comprehensive plans
321 are implemented. The sections of the comprehensive plan containing the principles and
322 strategies, generally provided as goals, objectives, and policies, shall describe how the local

323 government's programs, activities, and land development regulations will be initiated,
324 modified, or continued to implement the comprehensive plan in a consistent manner. It is not
325 the intent of this part to require the inclusion of implementing regulations in the
326 comprehensive plan but rather to require identification of those programs, activities, and land
327 development regulations that will be part of the strategy for implementing the comprehensive
328 plan and the principles that describe how the programs, activities, and land development
329 regulations will be carried out. The plan shall establish meaningful and predictable standards
330 for the use and development of land and provide meaningful guidelines for the content of
331 more detailed land development and use regulations.
332

333 163.3191, F.S. Evaluation and appraisal of comprehensive plan.

334 (1) At least once every 7 years, each local government shall evaluate its comprehensive
335 plan to determine if plan amendments are necessary to reflect changes in state requirements
336 in this part since the last update of the comprehensive plan, and notify the state land planning
337 agency as to its determination.

338 (2) If the local government determines amendments to its comprehensive plan are
339 necessary to reflect changes in state requirements, the local government shall prepare and
340 transmit within 1 year such plan amendment or amendments for review pursuant to s.
341 163.3184.

342 (3) Local governments are encouraged to comprehensively evaluate and, as necessary,
343 update comprehensive plans to reflect changes in local conditions. Plan amendments
344 transmitted pursuant to this section shall be reviewed pursuant to s. 163.3184(4).

345 (4) If a local government fails to submit its letter prescribed by subsection (1) or update its
346 plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it
347 complies with this section.

348 (5) The state land planning agency may not adopt rules to implement this section, other
349 than procedural rules or a schedule indicating when local governments must comply with the
350 requirements of this section.
351

352 VI. PROCESS

353
354 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
355 Planning Commission, the Director of Planning, or the owner or other person having a contractual
356 interest in property to be affected by a proposed amendment. The Director of Planning shall review
357 and process applications as they are received and pass them onto the Development Review
358 Committee and the Planning Commission.
359

360 The Planning Commission shall hold at least one public hearing. The Planning Commission shall
361 review the application, the reports and recommendations of the Department of Planning &
362 Environmental Resources and the Development Review Committee and the testimony given at the
363 public hearing. The Planning Commission shall submit its recommendations and findings to the
364 Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the
365 transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff
366 recommendation, and the testimony given at the public hearing. The BOCC may or may not
367 recommend transmittal to the State Land Planning Agency. The amendment is transmitted to State
368 Land Planning Agency, which then reviews the proposal and issues an Objections,
369 Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has

370 180 days to adopt the amendments, adopt the amendments with changes or not adopt the
371 amendment.
372

373 **VII. STAFF RECOMMENDATION**
374

375 Staff recommends **approval**.
376

377 **VIII. EXHIBITS**
378

- 379 1. Hotel Occupancy Report
- 380 2. Count of Lodging Units

Exhibit 1

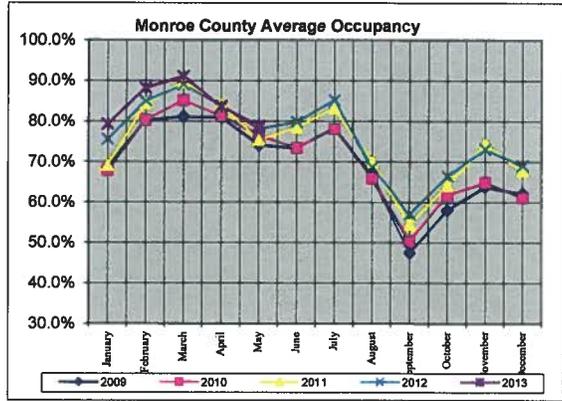
HISTORIC TREND REPORT - COUNTY & DISTRICT
SMITH TRAVEL RESEARCH

MONROE COUNTY
6/25/2013

This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

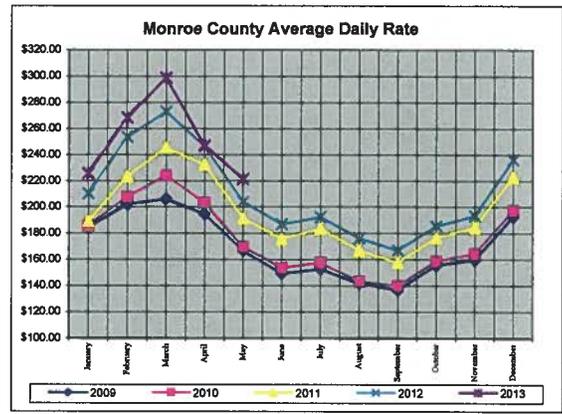
OCCUPANCY RATE

	2008	2009	2010	2011	2012	2013	% Chg
January	73.7%	68.5%	67.7%	69.0%	75.5%	79.2%	4.9%
February	81.5%	80.2%	80.2%	84.4%	85.0%	88.2%	3.8%
March	83.0%	81.1%	85.1%	89.5%	89.0%	91.0%	2.2%
April	78.9%	80.9%	81.2%	83.9%	83.8%	83.5%	-0.4%
May	74.4%	74.1%	76.4%	75.2%	78.1%	78.8%	0.9%
June	71.4%	73.3%	73.3%	78.4%	79.8%		
July	75.6%	78.2%	78.0%	83.1%	85.1%		
August	61.9%	66.6%	65.8%	69.7%	68.5%		
September	35.7%	47.4%	50.3%	54.4%	57.0%		
October	54.8%	58.0%	61.7%	64.0%	66.4%		
November	63.1%	63.8%	64.8%	74.2%	73.1%		
December	59.3%	62.0%	61.1%	67.7%	69.0%		
Total	67.5%	69.4%	70.3%	74.3%	75.9%	84.0%	2.2%



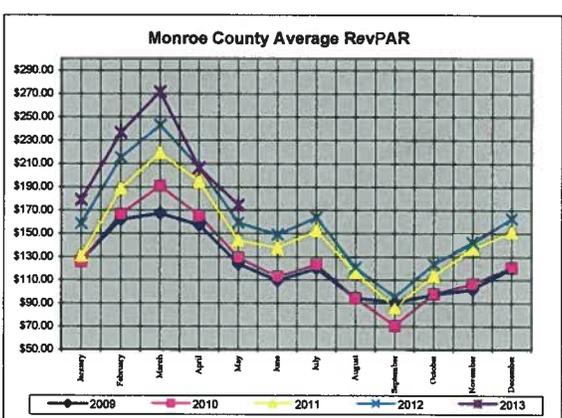
AVERAGE DAILY RATE

	2008	2009	2010	2011	2012	2013	% Chg
January	\$207.73	\$184.41	\$185.32	\$189.03	\$209.99	\$225.42	7.3%
February	\$238.36	\$202.06	\$207.54	\$223.35	\$252.94	\$267.95	5.9%
March	\$259.40	\$206.17	\$223.89	\$245.29	\$272.56	\$298.26	9.4%
April	\$205.24	\$194.62	\$203.21	\$232.23	\$246.21	\$246.97	0.3%
May	\$189.17	\$166.80	\$169.18	\$191.22	\$203.82	\$221.16	8.5%
June	\$168.34	\$149.21	\$153.56	\$175.81	\$186.67		
July	\$170.72	\$152.80	\$157.52	\$183.28	\$192.36		
August	\$160.70	\$141.82	\$143.10	\$166.69	\$176.06		
September	\$140.36	\$136.57	\$139.64	\$157.60	\$166.71		
October	\$164.36	\$155.79	\$158.37	\$176.72	\$185.45		
November	\$165.80	\$159.91	\$164.42	\$184.39	\$193.22		
December	\$198.54	\$192.72	\$197.32	\$222.86	\$235.79		
Total	\$194.68	\$172.10	\$179.71	\$199.44	\$212.87	\$253.99	6.6%



RevPAR

	2008	2009	2010	2011	2012	2013	% Chg
January	\$153.11	\$126.36	\$125.45	\$130.39	\$158.50	\$178.53	12.6%
February	\$194.24	\$162.09	\$166.42	\$188.61	\$214.88	\$236.39	10.0%
March	\$215.20	\$167.28	\$190.64	\$219.44	\$242.60	\$271.34	11.8%
April	\$161.90	\$157.40	\$165.04	\$194.76	\$206.40	\$206.25	-0.1%
May	\$140.67	\$123.53	\$129.20	\$144.02	\$159.16	\$174.28	9.5%
June	\$120.23	\$109.38	\$112.56	\$137.78	\$148.91		
July	\$129.03	\$119.55	\$122.89	\$152.33	\$163.68		
August	\$99.40	\$94.46	\$94.12	\$116.14	\$120.58		
September	\$50.12	\$90.42	\$70.22	\$85.75	\$94.95		
October	\$90.09	\$97.08	\$97.74	\$113.16	\$123.18		
November	\$104.65	\$102.08	\$106.58	\$136.88	\$141.31		
December	\$117.68	\$119.42	\$120.54	\$150.79	\$162.66		
Total	\$131.59	\$125.32	\$126.26	\$148.28	\$161.53	\$213.31	8.9%



Prior year performance numbers may be updated with current data due to new participants providing their historic information and/or past participants providing updated prior year performance numbers.

Source 2013 Smith Travel Research, Inc./STR Global, Ltd. This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

Number of Units by type by District

Hotels, Motels, B&B, Resort Condos, etc.

Rank Code	TDC Region					Grand Total
	1	2	3	4	5	
Hotel	1625	30	312	104	625	2696
Motel	2016	172	630	1228	734	4780
Bed and Breakfast	425	8	13	11		457
Condo (Resort Condo)	497		516	258	201	1472
Transient Apartment Total*	657	9	75	24	22	787
Transient Rooming House Total	179	1	3	1		184
Total	5399	220	1549	1626	1582	10376

Vacation Rentals (less than 30 days/1 calendar month)

Rank Code	Modifier Code	TDC Region					Grand Total
		1	2	3	4	5	
Condo	CLCT	154	59	381	19	248	861
	SNGL	117	10	104	42	41	314
Dwelling	CLCT	343	95	407	114	84	1043
	GRP	3	27	44	4	75	153
	SNGL	97	45	176	59	23	400
Total		714	236	1112	238	471	2771

Non Transient 6113 1783 3352 2195 2243 13147

Rank Code	Modifier Code	TDC Region					Grand Total
		1	2	3	4	5	
Non Transient Apartment**		1115	67	216	60	186	1644
Non Transient Rooming House		5	5	5	0	0	15
Total		1120	72	221	60	186	1659

*Mostly the Transient Apartments are Guest House/Inns

**Examples of Non Transient Apartments from the data include Ocean Walk and Stadium Apartments.



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. ____ - 2013

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 101.2.6 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN EXTENDING THE MORATORIUM ON TRANSIENT UNIT ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY 2010 COMPREHENSIVE PLAN.

WHEREAS, Pursuant to DCA Rule 9J-14.022, F.A.C., January 4, 1996; Rule 28-20.100 F.A.C. Part I, January 2, 1996 and Part II, July 17, 1997, Policy 101.2.6 was adopted which stated: *By January 4, 1996, Monroe County shall adopt Land Development Regulations which prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until December 31, 2001. Monroe County shall either extend this prohibition until December 2006 or revise the Permit Allocation System to allocate a percentage of residential growth to transient unit; and*

WHEREAS, the Board of County Commissioners at a special public hearing on July 13, 2009, adopted Ordinance No. 035-2009 to amend Policy 101.2.6 of the Monroe County 2010 Comprehensive Plan, to extend the existing transient unit moratorium until July 31, 2010; and

WHEREAS, during the review of the 2010 transient use amendment, the Florida Department of Economic Opportunity (DEO) in its Objections, Recommendations and Comments (ORC) Report 02-10 ORC, dated September 20 2010, recommended that the transient use moratorium be continued until the adoption of Evaluation and Appraisal Report (EAR)-related amendments; and

1
2 **WHEREAS**, the Board of County Commissioners at a special public hearing on
3 December 14, 2011, adopted Ordinance No. 024-2011 to amend Policy 101.2.6 of the
4 Monroe County 2010 Comprehensive Plan, to extend the existing transient unit
5 moratorium until May 1, 2014; and
6

7 **WHEREAS**, the schedule set by Florida Department of Economic Opportunity
8 (DEO) established a new Evaluation and Appraisal Report (EAR) schedule, Rule 73C-
9 49.002, F.A.C., which assigned a Monroe County EAR due date of May 1, 2014; and
10

11 **WHEREAS**, the Board of County Commissioners, at a special public hearing on
12 May 22, 2012, made a motion to not include any changes to the transient unit moratorium
13 as part of the adopted 2012 Comprehensive Plan EAR; and
14

15 **WHEREAS**, Section 163.3191(1), F.S. requires the local government to
16 evaluation its comprehensive plan to determine if plan amendments are necessary to
17 reflect changes in state requirements every seven years, therefore the next Monroe
18 County EAR would be due in May 1, 2021; and
19

20 **WHEREAS**, Section 163.3191(2), F.S. requires the transmission of EAR-related
21 amendments within one year following the EAR due date, which would be May 21, 2022;
22 and

23 **WHEREAS**, in March 2013, the State Administration Commission, approved the
24 recommendation to allocate 10 years' worth of growth to Monroe County while
25 maintaining an evacuation clearance time of 24 hours, through the year 2023; and
26

27 **WHEREAS**, The proposed extension of the transient unit moratorium provides
28 the opportunity to use 2020 census data, when it becomes available, to update and run the
29 Florida Keys hurricane evacuation model as required by Rule 28-20.140, F.A.C., to
30 reevaluate whether Monroe County has met its obligation to maintain the 24-hour
31 evacuation clearance time.
32

33 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
34 **COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**
35

36 **Section 1.** The Monroe County 2010 Comprehensive Plan is amended as follows:
37 (Deletions are ~~stricken through~~ and additions are underlined.)
38

39 **Policy 101.2.6:** Monroe County shall prohibit new transient residential units allocations,
40 including hotel or motel rooms, campground spaces, or spaces for parking a recreational
41 vehicle or travel trailer until May 1, 201422.
42

43 **Section 2. Severability.** If any section, subsection, sentence, clause, item, change,
44 or provision of this ordinance is held invalid, the remainder of this ordinance shall not be
45 affected by such validity.
46



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission
From: Mitchell N Harvey, AICP, Comprehensive Planning Manager *MNH*
Date: September 10, 2013
Subject: Amendment of Section 138-23, Monroe County Code Regarding Transient Residential Units

Meeting: **September 25, 2013**

I REQUEST

Amend Section 138-23 of the Monroe County Code to extend the transient unit moratorium from May 1, 2014 to May 1, 2022 to coincide with the adoption of next round of EAR-related amendments [schedule set by Florida Department of Economic Opportunity (DEO) in Rule 73C-49.002, F.A.C.].

II BACKGROUND INFORMATION

Relevant Actions:

During the review of the 2010 transient use amendment, the Florida Department of Economic Opportunity (DEO) in its Objections, Recommendations and Comments (ORC) Report 02-10 ORC, dated September 20 2010, recommended that the transient use moratorium be continued until the adoption of Evaluation and Appraisal Report (EAR)-related amendments. The new EAR schedule, released in 2011, amended Monroe County's EAR due date to May 1, 2014. EAR-related amendments are required to be adopted within one year of the EAR.

The Board of County Commissioners (BOCC) at a public hearing on December 14, 2011, adopted Ordinance No. 024-2011, which amended Policy 101.2.6 of the Monroe County 2010 Comprehensive Plan to extend the existing transient unit moratorium until May 1, 2014 to coincide with the State schedule for the evaluation and appraisal of the comprehensive plan.

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 May 1, 2014.

1 Chapter 163, F.S. requires a local government to evaluate its comprehensive plan every seven
2 years and encourages local government to regularly update its comprehensive plan. Monroe
3 County has recently updated the Technical Document of the Monroe County Comprehensive Plan
4 and adopted an Evaluation and Appraisal Report (EAR) in May 22, 2012 (Resolution No. 150-
5 2012) based upon the updated Technical Document (which serves as the data and analysis for
6 EAR-based comprehensive plan amendments).

7
8 As part of the 2010 Comprehensive Plan Update, the firm of Fishkind and Associates (Fishkind)
9 prepared a document titled “Economic Trends & Opportunities in Unincorporated Monroe
10 County” which is Appendix 4 of the Monroe County Comprehensive Plan EAR. Section 3.1.3
11 *Effects of the Hotel Moratorium on Tourism in Unincorporated Monroe County* states:

12
13 *At present there is a Monroe County ordinance and Comprehensive Plan policy*
14 *effective in the unincorporated area which prohibits any new hotel development*
15 *throughout the unincorporated keys. This ordinance precludes all new hotel*
16 *room/unit development. The development prohibition is in place due to the county*
17 *designation as an area of critical state concern (ACSC). Under the ACSC*
18 *designation hotel rooms are considered residential units and therefore would*
19 *require allocation from ROGO, further reducing available increments of new*
20 *housing supply under ROGO. In the past there has been a policy recommendation*
21 *suggesting annual hotel occupancy must exceed 90% in order for new hotels to be*
22 *warranted. There are no historic records which indicate hotel occupancy has ever*
23 *exceeded 90% on an annual basis. Further, generally accepted standard operating*
24 *hotel financial performance norms indicate hotel operations are at a financial*
25 *breakeven point near 65%. It is for these reasons that in unrestricted markets, there*
26 *are usually few new hotels built when the annual occupancy is consistently below*
27 *65%, but, when annual occupancy is consistently above 65%, the market typically*
28 *responds by adding new hotel rooms until annual occupancy falls back to*
29 *approximately 65%. Throughout the hotel industry, occupancy runs between 63%*
30 *and 73% on an annual basis, under normal market conditions.*

31
32 According to Smith Travel Research, the annual occupancy rate for Monroe County has increased
33 from 67.5% in 2008 to 75.9% in 2013 (See Exhibit A). In light of this data and analysis during the
34 development of the EAR, staff and Keith & Schnars presented several alternative strategies to
35 address the transient use moratorium. Following Keith & Schnars’ presentation, Board discussion
36 and public comment, the BOCC made a motion to not include any of the proposed transient use
37 alternative strategies within the EAR.

38
39
40 New Issues:

41 Monroe County is located entirely within the Florida Key Area of Critical State Concern. The
42 Governor and Cabinet, sitting as the State Administration Commission, annually reviews the
43 Monroe County Work Program as specified within Rule 28-20.140, F.A.C. One of the mandates is
44 to maintain a 24-hour evacuation level of service standard. Following the review of the progress
45 toward completing the Work Program, the Florida Administration Commission maintains or
46 reduces the annual allocation of units allowed under the Rate of Growth Ordinance (ROGO)
47 permit system.

1 The Florida Department of Economic Opportunity (DEO) administers the Area of Critical State
 2 Concern program and provides recommendations to the Administration Commission on the
 3 number of ROGO allocations base upon results of hurricane evacuation time modeling and
 4 progress on work program tasks.

5
 6 In March 2013, the State Administration Commission, approved the recommendation to allocate
 7 10 years' worth of growth (197 x 10 = 1,970 permits) to Monroe County while maintaining an
 8 evacuation clearance time of 24 hours, through the year 2023. There are 8,168 privately owned
 9 vacant parcels within unincorporated Monroe County. With just 197 permits per year, it would
 10 take over 41 years' worth of annual allocations (at the current rate of 197) to absorb these parcels.
 11 This may result in a balance of 6,198 privately held vacant parcels at risk of not obtaining permits
 12 in the future. This deficit of building permit allocations could trigger takings claims against both
 13 the State and Monroe County, if no additional permits are allowed beyond the year 2023.

TIER	NUMBER OF VACANT PARCELS	YEARS TO ALLOCATE PERMITS	THEORETICAL MAXIMUM DENSITY**
No Tier (ORCA, etc.)	235		766
Tier I	3,979		4,806
Tier II	393		590
Tier III-A	260		553
Tier III	3,301		5,048
TOTAL	8,168*	41.5	11,763
TOTAL ALLOCATIONS	1,970		
POTENTIAL LIABILITY	6,198*		

15 **Assumes one (1) unit per parcel and does not take into account additional density potential.*

16 *** Theoretical density analysis is based on acreage multiplied by the maximum allocated residential*
 17 *density for each FLUM category. This data is provided for illustrative purposes only; conditions*
 18 *specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier*
 19 *designation and other regulatory constraints, such as ROGO are the final determinant of development*
 20 *potential.*

21
 22 Providing allocations for transient units would reduce the available allocations necessary to
 23 address the residential allocation deficit. Staff is consequently recommending that Policy 101.2.6
 24 be amended to prohibit the allocation of new ROGO allocations for transient uses until the next
 25 round of EAR-related amendments, which will be due on May 1, 2022. The proposed extension of
 26 the transient unit moratorium provides the opportunity to use 2020 census data, when it becomes
 27 available, to update and run the Florida Keys hurricane evacuation model as required by Rule 28-
 28 20.140, F.A.C., to reevaluate whether Monroe County has met its obligation to maintain the 24-
 29 hour evacuation clearance time. Amendments are being proposed and currently processed as the as
 30 the existing prohibition for transient units in Policy 101.2.6 expires in May 1, 2014 and the
 31 comprehensive plan amendment process is lengthy.

32
 33 On August 27, 2013, the Monroe County Development Review Committee reviewed the proposed
 34 amendment and recommended approval to the Monroe County Planning Commission.

1 **III PROPOSED AMENDMENT**

2
3 **Section 138-23 of the Monroe County Code:**

4
5 New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle
6 or travel trailer spaces, shall not be eligible for residential ROGO allocations until May 1, 201422.

7
8 **IV RELEVANT PRIOR COUNTY ACTIONS**

9
10 The Board of County Commissions previously adopted Ordinance No. 47-1999 on November 10,
11 1999, Creating Sec. 9.5-120.5: New transient residential units, such as hotel or motel rooms, or
12 campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential
13 ROGO allocations until January 1, 2002.

14
15 The Board of County Commissions previously adopted Ordinance No. 001-2002 on January 17,
16 2002, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new
17 transient units from to December 31, 2006.

18
19 The Board of County Commissions previously adopted Ordinance No. 001-2007 on January 17,
20 2007, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new
21 transient units to December 31, 2007.

22
23 The Board of County Commissions previously adopted Ordinance No. 003-2008 on January 16,
24 2008, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new
25 transient units to December 31, 2008.

26
27 The Board of County Commissions previously adopted Ordinance No. 023-2010 on June 29, 2010,
28 amending Section 138-23, Monroe County Code to extend the moratorium on new transient units
29 to December 31, 2011.

30
31 The Board of County Commissions previously adopted Ordinance No. 025-2011 on December 14,
32 2011, amending Section 138-23, Monroe County Code to extend the moratorium on new transient
33 units to May 1, 2014.

34
35 **V REVIEW OF APPLICATION**

36
37 **Existing Transient Uses**

38
39 The Monroe County Tourist Development Council (TDC) gets their lodging counts from the
40 Florida Department of Business & Professional Regulation license database (See Exhibit B).
41 According to the TDC, in 2012 there were 10,376 actively licensed hotels, motels, B&Bs and
42 condo hotels in Monroe County. In addition there were 2,771 vacation rentals, resulting in a total
43 of 13,147 transient rental units. In addition, there are about 2,700 Campground/RV park units for a
44 grand total of just under 16,000 transient accommodations in Monroe County.

45
46 **Hotel Occupancy Rates**

1 Occupancy rates are a travel industry standard for assessing the ability of available beds to meet
2 existing and anticipated demands. The Monroe County Tourist Development Council (TDC)
3 maintains a database for occupancy rates which is prepared by Smith Travel Research. Between
4 2008 and 2012, the average annual county-wide occupancy rate for Monroe County has varied
5 from 67.5% (2008) to 75.9% (2012) (See Exhibit A).

6
7 Monroe County has contracted with the firm Keith & Schnars to prepare an update of the Monroe
8 County Comprehensive Plan and Evaluation and Appraisal Report (EAR). As part of this process,
9 Keith & Schnars together with Fishkind and Associates, prepared an economic base analysis with
10 updated economic and population projections, titled "Economic Trends & Opportunities in
11 Unincorporated Monroe County", which evaluated the need for expanding Monroe County's
12 tourist based economy. This document serves as the data and analysis for any future amendments
13 regarding the transient use moratorium.

14
15 The economic study determined that when annual occupancy is consistency above 65%, the
16 market typically responds by adding new hotel rooms until annual occupancy falls back to
17 approximately 65%.

18 Occupancy data provided by the Tourist Development Council indicates that although the
19 occupancy rate can be as high as 90% during peak season, holidays, or special events, the average
20 annual occupancy rate for 2012 was 75.9%. This indicates that there may be need to expand the
21 available amount of transient units in Monroe County; however, at its special meeting of March
22 19, 2012, the Board of County Commissioners questioned the validity of the 65% transient unit
23 need threshold and moved to not include any changes to the current transient use policy in the
24 EAR.

25 26 **Hurricane Evacuation**

27
28 Policy 216.1.8 of the Monroe County 2010 Comprehensive Plan states:

29
30 *Approximately 48 hours in advance of tropical storm winds, a mandatory*
31 *evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers,*
32 *live-aboards (transient and non-transient) and military personnel from the Keys*
33 *shall be initiated.*

34
35 The occupants of transient uses would therefore evacuate ahead of the permanent resident
36 population who require evacuation 24 hours prior to landfall of a major hurricane. The proposed
37 amendment would therefore not impact the County's adopted hurricane evacuation level of service
38 standard. As noted above, DEO completed hurricane evacuation modeling tasks and based on their
39 results, recommended 1970 allocations for the next ten years (2023) while maintaining an
40 evacuation clearance time of 24 hours.

41 42 VI CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND 43 INTENT OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN

44
45 **The proposed amendment is generally consistent with the following Goals, Objectives and**
46 **Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, it furthers:**
47

1 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the
2 safety of County residents and visitors, and protect valuable natural resources.

3
4 **Objective 101.4:** Monroe County shall regulate future development and redevelopment to
5 maintain the character of the community and protect the natural resources by providing for the
6 compatible distribution of land uses consistent with the designations shown on the Future Land
7 Use Map.

8
9 **Objective 101.2:** Monroe County shall reduce hurricane evacuation clearance times to 24 hours by
10 the year 2010.

11
12 **Policy 101.2.13:** Monroe County shall establish an interim Permit Allocation System for new residential
13 development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until
14 such time as Monroe County determines its future growth capacity based on hurricane evacuation, public
15 safety and environmental needs including water quality and habitat protection, and amends its plan consistent
16 with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and
17 Monroe County shall develop a coordinated permit review process that will insure that no state agency shall
18 issue a wastewater disposal permit that would allow development in excess of the number of permits that
19 Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development
20 permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For
21 years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new
22 residential permits per year which may be used to address the backlog of ROGO allocations.

23
24 **Policy 101.5.8:** Monroe County may develop a program, called Transfer of ROGO Exemption
25 (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms,
26 campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO
27 sub-area, provided that they are lawfully existing and can be accounted for in the County's
28 hurricane evacuation model. In addition, the receiver site shall be located within a Tier III area
29 outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name
30 Key, the sending site shall also be located on one of those two islands.

31
32 **Objective 101.11:** Monroe County shall implement measures to direct future growth away from
33 environmentally sensitive land and towards established development areas served by existing public facilities.

34
35 **Objective 216.1:** Monroe County shall reduce hurricane evacuation clearance time to 24 hours by the year
36 2010.

37
38 **Policy 216.1.1:** Within one year of the effective date of this plan, Monroe County shall adopt Land
39 Development Regulations which establish a Permit Allocation System for new residential development. The
40 Permit Allocation System shall limit the number of permits issued for new residential development to be
41 consistent with the Future Land Use Element in order to maintain hurricane evacuation clearance times at a
42 maximum of 24 hours.

43
44 VII CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND
45 INTENT OF THE MONROE COUNTY CODE, LAND DEVELOPMENT CODE

46
47 In accordance with MCC§ 102-158(d)(5), the BOCC may consider the adoption of an ordinance
48 enacting the proposed change based on one or more of the following factors:

- 1
- 2 1. *Changed projections (e.g., regarding public service needs) from those on which the text of*
- 3 *boundary was based;*
- 4 **NA**
- 5
- 6 2. *Changed assumptions (e.g., regarding demographic trends);*
- 7 **NA**
- 8
- 9 3. *Data errors, including errors in mapping, vegetative types and natural features described in*
- 10 *Volume I of the plan;*
- 11 **NA**
- 12
- 13 4. *New issues;*
- 14 **See Data Updates**
- 15
- 16 5. *Recognition of a need for additional detail or comprehensiveness; or*
- 17 **NA**
- 18
- 19 6. *Data updates.*
- 20 **New 2010 Census Data**
- 21 **New Run of the Florida Keys Hurricane Evacuation Model**
- 22 **New ROGO Allocations by the State Administration Commission**
- 23 **New 2012 Evaluation and Appraisal Report (EAR)**
- 24 **New EAR Schedule, Rule 73C-49.002, F.A.C.**
- 25

26 **VIII RECOMMENDATION**
27 **Staff recommends approval.**

28

29 **IX EXHIBITS**

- 30 1. Hotel Occupancy Report
- 31 2. Count of Lodging Units

32

Exhibit 1

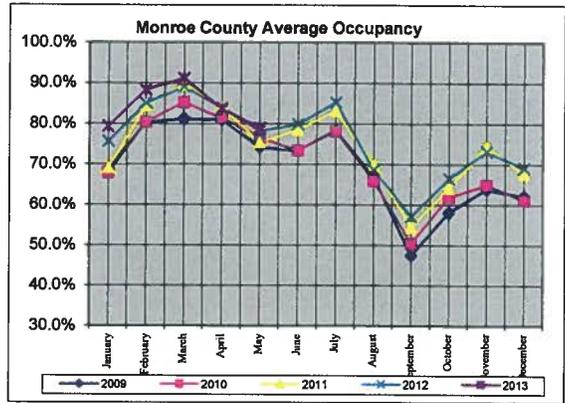
HISTORIC TREND REPORT - COUNTY & DISTRICT
SMITH TRAVEL RESEARCH

MONROE COUNTY
6/25/2013

This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

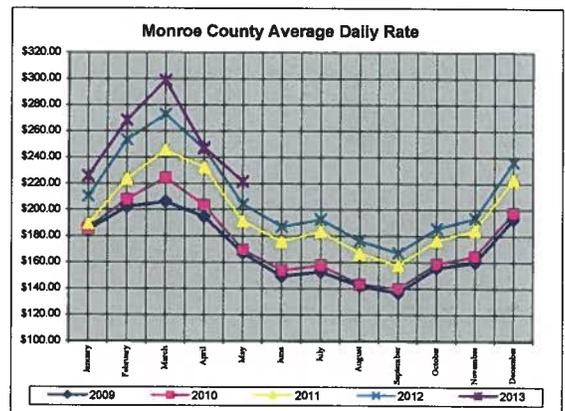
OCCUPANCY RATE

	2008	2009	2010	2011	2012	2013	% Chg
January	73.7%	68.5%	67.7%	69.0%	75.5%	79.2%	4.9%
February	81.5%	80.2%	80.2%	84.4%	85.0%	88.2%	3.8%
March	83.0%	81.1%	85.1%	89.5%	89.0%	91.0%	2.2%
April	78.9%	80.9%	81.2%	83.9%	83.8%	83.5%	-0.4%
May	74.4%	74.1%	76.4%	75.2%	78.1%	78.8%	0.9%
June	71.4%	73.3%	73.3%	78.4%	79.8%		
July	75.6%	78.2%	78.0%	83.1%	85.1%		
August	61.9%	66.6%	65.8%	69.7%	68.5%		
September	35.7%	47.4%	50.3%	54.4%	57.0%		
October	54.8%	58.0%	61.7%	64.0%	66.4%		
November	63.1%	63.8%	64.8%	74.2%	73.1%		
December	59.3%	62.0%	61.1%	67.7%	69.0%		
Total	67.5%	69.4%	70.3%	74.3%	75.9%	84.0%	2.2%



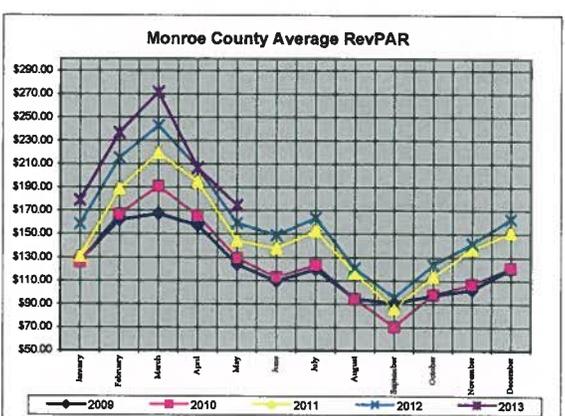
AVERAGE DAILY RATE

	2008	2009	2010	2011	2012	2013	% Chg
January	\$207.73	\$184.41	\$185.32	\$189.03	\$209.99	\$225.42	7.3%
February	\$238.36	\$202.06	\$207.54	\$223.35	\$252.94	\$267.95	5.9%
March	\$259.40	\$206.17	\$223.89	\$245.29	\$272.56	\$298.26	9.4%
April	\$205.24	\$194.62	\$203.21	\$232.23	\$246.21	\$246.97	0.3%
May	\$189.17	\$166.80	\$169.18	\$191.22	\$203.82	\$221.16	8.5%
June	\$168.34	\$149.21	\$153.56	\$175.81	\$186.67		
July	\$170.72	\$152.80	\$157.52	\$183.28	\$192.36		
August	\$160.70	\$141.82	\$143.10	\$166.69	\$176.06		
September	\$140.36	\$136.57	\$139.64	\$157.60	\$166.71		
October	\$164.36	\$155.79	\$158.37	\$176.72	\$185.45		
November	\$165.80	\$159.91	\$164.42	\$184.39	\$193.22		
December	\$198.54	\$192.72	\$197.32	\$222.86	\$235.79		
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RevPAR

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March	\$215.20	\$167.28	\$190.64	\$219.44	\$242.60	\$271.34	11.8%
April	\$161.90	\$157.40	\$165.04	\$194.76	\$206.40	\$206.25	-0.1%
May	\$140.67	\$123.53	\$129.20	\$144.02	\$159.16	\$174.28	9.5%
June	\$120.23	\$109.38	\$112.56	\$137.78	\$148.91		
July	\$129.03	\$119.55	\$122.89	\$152.33	\$163.68		
August	\$99.40	\$94.46	\$94.12	\$116.14	\$120.58		
September	\$50.12	\$90.42	\$70.22	\$85.75	\$94.95		
October	\$90.09	\$97.08	\$97.74	\$113.16	\$123.18		
November	\$104.65	\$102.08	\$106.58	\$136.88	\$141.31		
December	\$117.68	\$119.42	\$120.54	\$150.79	\$162.66		
Total	\$131.59	\$125.32	\$126.26	\$148.28	\$161.53	\$213.31	8.9%



Prior year performance numbers may be updated with current data due to new participants providing their historic information and/or past participants providing updated prior year performance numbers.

Source 2013 Smith Travel Research, Inc./STR Global, Ltd. This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

Number of Units by type by District

Hotels, Motels, B&B, Resort Condos, etc.

Rank Code	TDC Region					Grand Total
	1	2	3	4	5	
Hotel	1625	30	312	104	625	2696
Motel	2016	172	630	1228	734	4780
Bed and Breakfast	425	8	13	11		457
Condo (Resort Condo)	497		516	258	201	1472
Transient Apartment Total*	657	9	75	24	22	787
Transient Rooming House Total	179	1	3	1		184
Total	5399	220	1549	1626	1582	10376

Vacation Rentals (less than 30 days/1 calendar month)

Rank Code	Modifier Code	TDC Region					Grand Total
		1	2	3	4	5	
Condo	CLCT	154	59	381	19	248	861
	SNGL	117	10	104	42	41	314
Dwelling	CLCT	343	95	407	114	84	1043
	GRP	3	27	44	4	75	153
Total	SNGL	97	45	176	59	23	400
		714	236	1112	238	471	2771

Non Transient

6113 1783 3352 2195 2243 13147

Rank Code	Modifier Code	TDC Region					Grand Total
		1	2	3	4	5	
Non Transient Apartment**		1115	67	216	60	186	1644
Non Transient Rooming House		5	5	5	0	0	15
Total		1120	72	221	60	186	1659

*Mostly the Transient Apartments are Guest House/Inns

**Examples of Non Transient Apartments from the data include Ocean Walk and Stadium Apartments.



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. ____ - 2013

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 138-23 OF THE MONROE COUNTY CODE, EXTENDING THE MORATORIUM ON TRANSIENT UNIT ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY CODE.

WHEREAS, pursuant to DCA Rule 9J-14.022, F.A.C., January 4, 1996; Rule 28-20.100 F.A.C. Part I, January 2, 1996 and Part II, July 17, 1997, Policy 101.2.6 was adopted which stated: *By January 4, 1996, Monroe County shall adopt Land Development Regulations which prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until December 31, 2001. Monroe County shall either extend this prohibition until December 2006 or revise the Permit Allocation System to allocate a percentage of residential growth to transient unit; and*

WHEREAS, the Board of County Commissioners adopted Ordinance No. 47-1999 on November 10, 1999, creating Sec. 9.5-120.5 (138-23) of the Monroe County Code, which stated: *New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until January 1, 2002; and*

WHEREAS, the Board of County Commissions previously adopted Ordinance No. 001-2002 on January 17, 2002, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new transient units from to December 31, 2006.

1 **WHEREAS**, the Board of County Commissions previously adopted Ordinance
2 No. 001-2007 on January 17, 2007, amending Section 9.5-120.5, Monroe County Code to
3 extend the moratorium of new transient units to December 31, 2007.
4

5 **WHEREAS**, the Board of County Commissions previously adopted Ordinance
6 No. 003-2008 on January 16, 2008, amending Section 9.5-120.5, Monroe County Code to
7 extend the moratorium of new transient units to December 31, 2008.
8

9 **WHEREAS**, the Board of County Commissions previously adopted Ordinance
10 No. 023-2010 on June 29, 2010, amending Section 138-23, Monroe County Code to
11 extend the moratorium on new transient units to December 31, 2011.
12

13 **WHEREAS**, the Board of County Commissions previously adopted Ordinance
14 No. 025-2011 on December 14, 2011, amending Section 138-23, Monroe County Code to
15 extend the moratorium on new transient units to May 1, 2014.; and
16

17 **WHEREAS**, the schedule set by Florida Department of Economic Opportunity
18 (DEO) established a new Evaluation and Appraisal Report (EAR) schedule, Rule 73C-
19 49.002, F.A.C., which assigned a Monroe County EAR due date of May 1, 2014; and
20

21 **WHEREAS**, the Board of County Commissioners, at a special public hearing on
22 May 22, 2012, made a motion to not include any changes to the transient unit moratorium
23 as part of the adopted 2012 Comprehensive Plan EAR; and
24

25 **WHEREAS**, Section 163.3191(1), F.S. requires the local government to
26 evaluation its comprehensive plan to determine if plan amendments are necessary to
27 reflect changes in state requirements every seven years, therefore the next Monroe
28 County EAR would be due in May 1, 2021; and
29

30 **WHEREAS**, Section 163.3191(2), F.S. requires the transmission of EAR-related
31 amendments within one year following the EAR due date, which would be May 21, 2022;
32 and
33

34 **WHEREAS**, in March 2013, the State Administration Commission, approved the
35 recommendation to allocate 10 years' worth of growth to Monroe County while
36 maintaining an evacuation clearance time of 24 hours, through the year 2023; and
37

38 **WHEREAS**, the proposed extension of the transient unit moratorium provides
39 the opportunity to use 2020 census data, when it becomes available, to update and run the
40 Florida Keys hurricane evacuation model as required by Rule 28-20.140, F.A.C., to
41 reevaluate whether Monroe County has met its obligation to maintain the 24-hour
42 evacuation clearance time.
43

44 **WHEREAS**, since the Land Development Code and the Comprehensive Plan
45 should be consistent when they implement similar policies and regulations, Section 138-
46 23, Monroe county Code should therefore be updated concurrently with Policy 101.2.6.
47



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Planning & Development Review Manager

Date: September 11, 2013

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING MONROE COUNTY CODE SECTION 130-4, TEMPORARY EMERGENCY HOUSING, ESTABLISHING MONROE COUNTY CODE SECTION 130-5, TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES, ESTABLISHING REGULATIONS CONCERNING TEMPORARY HOUSING ASSOCIATED WITH CAPITAL IMPROVEMENT PROJECTS, ESTABLISHING REGULATIONS CONCERNING TEMPORARY USES IN THE LAND DEVELOPMENT CODE, 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: September 25, 2013

1
2
3 I REQUEST
4

5 The Planning & Environmental Resources Department is proposing amendments to the text
6 of §101-1, §130-04 and §130-05 of the Monroe County Code (MCC). The purposes of the
7 proposed amendment are a) to establish regulations concerning temporary housing associated
8 with federal, state and local public works projects; b) to clarify what types of temporary uses
9 can be approved, as well as the criteria thereto; and c) to reference the approval process for
10 public assemblies in the Land Development Code.
11

12 II RELEVANT PRIOR COUNTY ACTIONS:
13

14 During a regularly scheduled meeting held on July 30, 2013, the Monroe County
15 Development Review Committee reviewed the ordinance and recommended approval to the
16 BOCC with revisions.

1 III REVIEW

2
3 Temporary uses are defined within MCC §101-1; however despite being defined, there is no
4 approval process provided in the MCC (part I or part II):

5
6 **Sec. 101-1. Definitions.**

7
8 * * * * *

9
10 *Temporary uses* include those uses that are required for a period certain in the
11 construction phase of development, are uniquely seasonal in nature, including other
12 activities of a similar nature such as Christmas tree sales, temporary emergency shelters,
13 concerts, carnivals and tent meetings.

14
15 Temporary structures may be permitted in accordance with MCC §6-112, which is located in
16 part I of the MCC (Chapter 6 pertains to Buildings and Construction). The approval of
17 temporary uses is referenced in MCC §6-112, but it does not provide a specific process or
18 review criterion. It has been interpreted that a temporary use may be permitted with a
19 temporary structure; however this interpretation does not capture all scenarios in that some
20 temporary uses do not require temporary structures.

21
22 **Sec. 6-112. Temporary structures.**

23
24 The building official may issue a special building permit for a limited time of not more
25 than six months for the erection of temporary structures such as construction sheds,
26 trailers, seats, canopies, tents, and fences used in construction work or for temporary uses
27 and events. Any such permit for temporary nonconstruction uses shall require prior
28 approval of the planning director to ensure compliance with part II of this Code. Any
29 structures shall be completely removed upon expiration of the time stated in the permit.

30
31 Staff is proposing to create such a clearly defined approval process for temporary uses, as
32 well as criteria for such temporary uses.

33
34 Staff is also proposing consistent amendments to MCC §6-112; however as this section is not
35 located in the Land Development Code (part II of the MCC), its approval process is different
36 and the ordinance is only formally reviewed by the Board of County Commissioners. As of
37 the date of this report, the following amendments are proposed:

38
39 The building official may issue a special building permit for a limited time of not more
40 than ~~six months~~ one year for the erection of temporary structures, including but not
41 limited to such as construction sheds, trailers, seats, canopies, tents, and fences used in
42 construction work or for temporary uses and events. Any such permit for temporary
43 ~~nonconstruction~~ uses shall ~~require prior approval of the planning director to ensure~~
44 ~~compliance with part II of this Code~~ be in compliance with this section and the provisions
45 of the Land Development Code, specifically section 130-5. Any structures shall be

1 completely removed upon expiration of the time stated in the permit, which shall be the
2 minimum amount of time necessary to accommodate the temporary use.
3

4 Staff is also proposing to create an approval process for temporary housing associated with
5 temporary uses related to capital improvement projects. As defined in MCC §101-1, capital
6 improvements means the planning of, engineering for, acquisition of land or equipment, and
7 the construction of improvements, including, but not limited to, road, park, solid waste,
8 library, public buildings and emergency services, and police facilities, but does not include
9 routine maintenance. Such temporary housing could be approved by the Board of County
10 Commissioners, similar to that already allowed for airport projects.
11

12 In addition, staff is proposing a reference to the existing provisions related to public
13 assembly permits. The planning director has the responsibility of issuing public assembly
14 permits. However, the provisions are currently located in Chapter 17, a chapter for
15 “miscellaneous” provisions that is located outside of the Land Development Code.
16

17 Note: The following amendments concerning temporary uses are based in part by the Village
18 of Islamorada’s land development regulations (Sections 30-881 through 30-885).
19

20 Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and
21 additions are underlined. Text to remain the same is in black):
22

23 **Sec. 101-1. Definitions.**
24

25 The following words, terms and phrases, when used in this ~~chapter~~ Land Development Code,
26 shall have the meanings ascribed to them in this section, except where the context clearly
27 indicates a different meaning:
28

29 * * * * *

30
31 *Temporary uses* ~~include those~~ means uses, including but not limited to equipment
32 storage, material storage, fencing and office trailers, that are required for a defined
33 period of time during ~~certain in~~ the construction phase of permitted development, capital
34 improvements projects, and uses that are uniquely seasonal in nature, including but not
35 limited to, ~~other activities of a similar nature such as Christmas trees~~ holiday-related
36 outdoor events such as Christmas tree and pumpkin sales, temporary emergency shelters,
37 concerts, carnivals, art shows, seminars and other educational events, and tent meetings.
38

39 * * * * *

40
41 Public assembly means a type of temporary use that is attended by members of the
42 general public, with or without an admission charge, when the duration of the event is
43 less than seven consecutive days and/or the anticipated daily attendance is expected to
44 exceed 250 persons.
45

46 * * * * *

1
2 **Sec. 130-4. Temporary emergency housing.**
3

- 4 (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have
5 the meanings ascribed to them in this subsection, except where the context clearly
6 indicates a different meaning:
7

8 *Recreation vehicles (RVs)* means the same as that term is defined in F.S. § 320.01.
9

10 *Temporary emergency housing* means recreational vehicles (or similar approved
11 sheltering units) used for temporary occupancy: a) in response to natural or manmade
12 disasters, including, but not limited to, hurricanes and tropical storms, where such
13 recreational vehicles or similar sheltering units are provided to residents as part of
14 emergency relief efforts; b) in order to avoid delay in completing airport safety and
15 capacity improvements; and c) in order to avoid delay in completing long-term capital
16 improvement projects by any federal, state or local government agency.
17

- 18 (b) *Purpose.* It is the purpose of this section to provide regulations that allow for the
19 relaxation of the use prohibitions in ~~article III of this~~ chapter 130, Land Use Districts, and
20 chapter 138, Rate of Growth Restrictions (ROGO/NROGO), to:
21

22 (1) Allow temporary emergency housing during the recovery period from a natural or
23 manmade disaster, including, but not limited to, hurricanes and tropical storms;

24 (2) Avoid delay in completing ongoing or future airport safety and capacity
25 improvements; ~~and~~

26 (3) Avoid delay in completing long-term capital improvement projects by federal, state
27 and local government agencies;

28 ~~(4)~~ (4) Provide regulatory authority for the placement of emergency temporary housing
29 for workers responding to recovery and reconstruction efforts following natural or
30 manmade disasters which are lawfully declared emergencies by any federal, state or
31 local governmental emergency declaration authority; ~~and~~

32 (5) Provide regulatory authority for placement of emergency temporary housing for
33 workers involved in long-term airport and capital improvement projects.
34

- 35 (c) *Placement of single RVs (or similar sheltering units) for temporary emergency housing*
36 *on single family lots.* Notwithstanding the provisions of ~~this~~ chapter 130, Land Use
37 Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), ~~recreational~~
38 ~~vehicles~~ RVs (or similar approved sheltering units) may be placed on a single-family lot
39 for temporary occupancy by tenants displaced by natural or manmade disaster damage to
40 the lawfully-established dwelling unit on the lot subject to the following conditions:

41 (1) The dwelling unit has incurred sufficient damage from the disaster to make the
42 dwelling unit uninhabitable as determined by verifiable photographic evidence
43 provided by the applicant to the building department and/or an inspection by an
44 official from a federal or state governmental relief agency, the county building
department or the county code ~~enforcement~~ compliance department;

- 1 (2) A building permit is issued for repair of damages caused by the casualty event to
2 make the residential dwelling unit structure habitable no fewer than 90 days from
3 placement of the RV (or similar sheltering unit) on the property;
- 4 (3) Placement of the RV (or similar sheltering unit) shall require a no-fee building
5 permit, linked to the building permit issued for casualty damage repair, that shall
6 require, prior to its issuance, approval by the building official of its siting location on
7 the lot and a department of health permit authorizing the connection of the RV (or
8 similar sheltering unit) to an on-site wastewater treatment and disposal system or to
9 an existing community wastewater treatment system;
- 10 (4) The size of the RV (or similar sheltering unit) to be placed on the lot shall be limited
11 to eight feet in width and 32 feet in length, if lacking self-propulsion, and eight feet in
12 width and 42 feet in length, if self-propelled; and
- 13 (5) The RV (or similar sheltering unit) shall remain on the property for a period not to
14 exceed 180 days from the date of building permit issuance or until the final inspection
15 or certificate of occupancy is issued on the repairs made to the residential dwelling
16 unit structure, whichever comes later, but in no case more than 180 days from the
17 date of building permit issuance without a written extension from the county building
18 official or his representative not to exceed an additional 180 days based upon the
19 building official or his representative's determination that good cause has been shown
20 for the need for an extension and that the RV (or similar sheltering unit) is adequately
21 tied down and secured so as not to present an undue hazard to persons or property in a
22 high-wind or flood event. However, nothing in this section shall prevent the county or
23 any state or federal authority to terminate without notice the authority to keep any
24 RVs (or similar sheltering units) otherwise authorized under this section should it be
25 deemed required for the public safety.

26
27 (d) *Placement of RVs (or similar sheltering units) for temporary emergency housing on*
28 *nonresidential properties.* Notwithstanding the provisions of ~~this~~ chapter 130, Land Use
29 Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), one or more
30 RVs (or similar sheltering units) may be temporarily placed by permit on properties in
31 nonresidential / mixed use land use districts and on publicly-owned lands, excluding
32 lands designated for conservation and resource protection, to house county residents
33 displaced by natural or manmade disaster or casualty event and/or disaster recovery
34 workers. The size of the RVs (or similar sheltering units) to be temporarily placed shall
35 be in accordance with subsection (c)(4) of this section. Permitting approval of the
36 temporary placement of RVs (or similar sheltering units) shall require submittal of a no-
37 fee building permit application to the building department to be approved by the building
38 official, including a site plan pursuant to requirements established by the building official
39 and planning director. Upon final inspection by the building official of the temporary
40 construction granted by the building permit, authorization for the occupancy of the
41 property for temporary emergency housing shall not exceed 180 days from the date of the
42 final inspection without a written extension from the county building official or his
43 representative not to exceed an additional 180 days based upon the building official or his
44 representative's determination that good cause has been shown for the need for the
45 extension and that the RV (or similar sheltering unit) is adequately tied down and secured
46 so as not to present an undue hazard to persons or property in a high-wind or flood event.

1 However, nothing in this section shall prevent the county or any state or federal authority
2 to terminate without notice the authority to keep any RVs (or similar sheltering units)
3 otherwise authorized under this section should it be deemed required for the public
4 safety.
5

6 (e) *Placement of single RVs, trailers and other temporary dwelling structures (together*
7 *"temporary airport construction housing facilities") for temporary emergency contractor*
8 *housing on county airport properties.* Notwithstanding the provisions of ~~this~~ chapter 130,
9 Land Use Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO),
10 ~~recreational-vehicles~~ RVs, trailers and other temporary dwelling structures may be placed
11 on county airport properties for temporary occupancy by contractors completing airport
12 safety and capacity improvements subject to the following conditions:

- 13 (1) Placement of temporary airport construction housing facilities must not impede or
14 interfere with aviation operations or safety and must conform to any applicable FAA
15 regulations;
- 16 (2) No clearing or filling of environmentally sensitive lands may occur as a result of
17 providing temporary airport construction housing facilities;
- 18 (3) All temporary airport construction housing facilities shall be adequately tied down,
19 provide for proper solid waste disposal, and require a no-fee building permit linked to
20 existing airport construction permits, that shall require, prior to their issuance,
21 approval by the county building official and planning director of their siting locations
22 and department of health permits or authorization for the connection of the temporary
23 airport construction housing facilities to an on-site wastewater treatment and disposal
24 system or to an existing community wastewater treatment system;
- 25 (4) Temporary airport construction housing facilities shall ensure that temporary
26 electrical and sewage lines do not constitute an attractive nuisance to children or
27 homeless persons in the area (i.e., sufficient temporary fencing may be required by
28 the building official);
- 29 (5) Temporary airport construction housing facilities shall remain on the property for a
30 period not to exceed 30 days from the date of completion of the related airport
31 construction work, unless extended by resolution of the board of county
32 commissioners; and
- 33 (6) The only persons permitted to reside for any period in temporary airport construction
34 housing facilities are individuals who while in the county are actually gainfully
35 employed on a fulltime basis in completing airport safety and capacity improvements
36 at a county airport. All residents or occupants of temporary airport construction
37 housing facilities must be required to timely evacuate in accordance with local
38 evacuation orders.
39

40 (f) *Placement of single RVs, trailers and other temporary dwelling structures (together*
41 *"temporary recovery or reconstruction housing facilities") for temporary emergency*
42 *worker housing.* Notwithstanding the provisions of ~~this~~ chapter 130, Land Use Districts,
43 and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), ~~recreational-vehicles~~
44 RVs, trailers and other temporary dwelling structures may be placed on public or private
45 property within the county for temporary occupancy by workers occupied in response to

1 cleanup and reconstruction efforts following a natural or manmade disaster subject to the
2 following conditions:

- 3 (1) An emergency directive or resolution of the board of county commissioners is issued
4 authorizing the placement of the temporary recovery or reconstruction housing
5 facilities;
- 6 (2) Placement of temporary recovery or reconstruction housing facilities must not impede
7 or interfere with other emergency and recovery operations or public safety;
- 8 (3) Temporary recovery or reconstruction housing facilities shall be adequately tied down
9 and provide for proper solid waste disposal, and where used to house workers
10 involved in reconstruction activities, shall require a no-fee building permit linked to
11 the required demolition or building permits for the related reconstruction activities.
12 Where the temporary recovery or reconstruction housing facilities are used to house
13 workers involved in reconstruction activities, any required demolition or building
14 permits for the related reconstruction activities must be issued within 90 days from
15 the placement of the temporary recovery or reconstruction housing facilities on an
16 approved site. Prior to the issuance of no-fee building permits for any temporary
17 recovery or reconstruction housing facilities, the county building official and
18 planning director shall approve of the siting of the facilities and the department of
19 health shall permit or otherwise authorize the connection of the temporary recovery or
20 reconstruction housing facilities to an on-site wastewater treatment and disposal
21 system or to an existing community wastewater treatment system;
- 22 (4) No clearing or filling of environmentally sensitive lands may occur as a result of
23 providing temporary recovery or reconstruction housing facilities;
- 24 (5) Temporary recovery or reconstruction housing facilities shall ensure that temporary
25 electrical and sewage lines do not constitute an attractive nuisance to children or
26 homeless persons in the area (i.e., sufficient temporary fencing may be required by
27 the building official);
- 28 (6) Temporary recovery or reconstruction housing facilities shall remain in place only for
29 the period expressly set forth in the relevant authorizing emergency directive or board
30 resolution. However, with respect to any particular site, the building official may
31 extend the allowed placement one or more times for a cumulative period not to
32 exceed 180 days, and with respect to one or more, or all permitted sites, the board of
33 county commissioners may by resolution extend the period of permitted placement as
34 deemed necessary or expedient to the public good. However, nothing in this section
35 shall prevent the county or any state or federal authority to terminate without notice
36 the authority to keep any temporary housing structures otherwise authorized under
37 this section should it be deemed required for the public safety; and
- 38 (7) The only persons permitted to reside for any period in temporary recovery or
39 reconstruction housing facilities are individuals who while in the county are actually
40 gainfully employed on a fulltime basis in completing cleanup and reconstruction
41 efforts following a natural or manmade disaster. All residents of temporary recovery
42 or reconstruction housing facilities who were not permanent residents of the county
43 prior to first occupying such housing facilities must be required to evacuate in
44 accordance with local evacuation orders. Residents of any temporary recovery or
45 reconstruction housing facilities who were permanent residents of the county prior to
46 first occupying such housing facilities may not remain in temporary recovery or

1 reconstruction housing facilities during any period when a local evacuation order is in
2 effect.

3
4 (f) Placement of RVs for temporary worker housing associated with ongoing, long-term
5 capital improvement projects. Notwithstanding the provisions of chapter 130, Land Use
6 Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), RVs may be
7 placed on public or private property within the county for temporary occupancy by
8 workers occupied in an ongoing, long-term capital improvement project:

9 (1) A resolution of the board of county commissioners shall be issued authorizing the
10 number and location of the temporary RV or RVs;

11 (2) Placement of temporary RVs shall not interfere with public safety;

12 (3) Temporary RVs shall be adequately tied down and provide for proper solid waste
13 disposal, and where used to house workers involved in construction activities, shall
14 require a no-fee building permit, linked to the building permits for the related
15 construction activities (if applicable). Prior to the issuance of no-fee building permits
16 for any temporary RV, the county building official and planning director shall
17 approve of the siting of the RV and the department of health shall permit or otherwise
18 authorize the connection of the temporary RVs to on-site wastewater treatment and
19 disposal systems or to existing community wastewater treatment systems;

20 (4) No clearing or filling of environmentally sensitive lands shall occur as a result of
21 providing temporary RVs;

22 (5) Temporary RVs shall ensure that temporary electrical and sewage lines do not
23 constitute an attractive nuisance to children or homeless persons in the area (i.e.,
24 sufficient temporary fencing may be required by the building official);

25 (6) Temporary RVs shall remain in place only for the period expressly set forth in the
26 relevant authorizing board resolution. However, with respect to any particular site, the
27 building official may extend the allowed placement one or more times for a
28 cumulative period not to exceed 180 days, and with respect to one or more, or all
29 permitted sites, the board of county commissioners may by resolution extend the
30 period of permitted placement as deemed necessary or expedient to the public good.
31 However, nothing in this section shall prevent the county or any state or federal
32 authority to terminate without notice the authority to keep any temporary RVs
33 otherwise authorized under this section should it be deemed required for the public
34 safety; and

35 (7) The only persons permitted to reside for any period in temporary RVs are individuals
36 who while in the county are actually gainfully employed on a fulltime basis in
37 completing construction efforts related to capital improvement projects.

38
39 * * * * *

40
41 **Sec. 130-5. Temporary uses including public assemblies.**

42
43 (a) Applicability. If not already provided for as a permitted use by the Land Development
44 Code, a temporary use shall be a permitted use in any land use (zoning) district, provided
45 it meets the criteria set forth in this section. This section shall not override or substitute

1 for any other section of this Land Development Code that requires another type of permit,
2 certification or approval.

3
4 (b) Temporary uses other than public assemblies. Approval of a temporary use other than a
5 public assembly shall be granted only if the following criteria are met:

6 (1) Prior to establishment of the temporary use, a special building permit approving the
7 temporary use, and any associated temporary structures, shall be issued in accordance
8 with this section and section 6-112;

9 (2) No clearing or filling of environmentally sensitive lands shall occur to accommodate
10 the temporary use;

11 (3) The temporary use shall not occur in any required setback or required parking area;
12 and

13 (4) The temporary use shall be compatible with existing uses on surrounding properties.
14 If necessary, prior to issuance of a special building permit allowing the temporary
15 use, the planning director may require a meeting with the applicant, the planning
16 director (or his/her designee), building official (or his/her designee), the sheriff (or
17 his/her designee), the fire chief (or his/her designee), and/or a representative of the
18 county health department to negotiate mutually satisfactory conditions under which
19 the temporary use may be approved to avoid substantial harm to the public health or
20 safety and to minimize or to avoid substantial harm to, or impairment of the normal
21 use of, a public place or to avoid substantial harm to the environment. Depending on
22 the nature and anticipated duration of the temporary use, as a condition of approval to
23 the special building permit, the planning director and building official reserve the
24 right to:

25 a. Require fencing, landscaping and/or other screening to limit potential visual and
26 noise impacts of the temporary use on adjacent property owners; and

27 b. Require full compliance with the surface water management provisions provided
28 in chapter 114, article I and the bufferyard provisions provided in chapter 114,
29 article V.

30
31 (c) Public assemblies. A public assembly is a type of temporary use that is attended by
32 members of the general public, with or without an admission charge, when the duration
33 of the event is less than seven consecutive days and/or the anticipated daily attendance is
34 expected to exceed 250 persons. Approval of a public assembly shall be granted in
35 accordance with the provisions set forth in chapter 17, article II.

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39 IV RECOMMENDATION

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41 Staff has found that the proposed text amendment would be consistent with the Principles for
42 Guiding Development in the Florida Keys Area of Critical State Concern, the Monroe
43 County Comprehensive Plan and the Monroe County Code.

44
45 Staff has found that the proposed text amendment would be consistent with the provisions of
46 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those

1 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
2 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
3 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
4 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
5 the proposed text amendments are necessary due to a recognition of a need for additional
6 detail or comprehensiveness.

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