# DEVELOPMENT REVIEW COMMITTEE

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Tuesday, October 27, 2015

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, October 27, 2015, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:
Mayte Santamaria, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Emily Schemper, Comprehensive Planning Manager
Kevin Bond, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS
Steve Williams, Assistant County Attorney
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Matt Coyle, Principal Planner
Devin Rains, Sr. Planner
Thomas Broadrick, Sr. Planner
Barbara Bauman, Planner
Mitzi Crystal, Transportation Planner
Gail Creech, Sr. Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 28500 & 28540 OVERSEAS HIGHWAY, LITTLE TORCH KEY, MILE MARKER 28.5 OCEANSIDE, LEGALLY DESCRIBED AS PARCELS OF LAND IN A PART OF U.S. GOVERNMENT LOT 6, SECTION 28, TOWNSHIP 66 SOUTH, RANGE 29 EAST, LITTLE TORCH KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000 AND 00113620-000000, AS PROPOSED BY PATRICK R AND DIANE COLEE, DOLPHIN MARINA ASSOCIATES LTD AND TORCH KEY PROPERTIES LTD; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.
(2015-152)
2015-152 SR DRC 10.27.15-Website.pdf
2015-152 FILE.PDF
2015-152 Recvd 08.05.15 Survey Combined.pdf

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING POLICY 101.5.31 TO ADDRESS HEIGHT EXCEPTIONS FOR NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF MASTER PLANNED COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-006)
2015-006 SR DRC 10.27.15-Website.pdf

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE AMENDING SECTION 101-1 TO CREATE DEFINITIONS RELATED TO FLOOD PROTECTION HEIGHT EXCEPTIONS; AND AMENDING SECTION 130-187 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS AND TO ADDRESS HEIGHT EXCEPTIONS FOR NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF MASTER PLANNED COMMUNITY; PROVIDING FOR SEVERABILITY; 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 INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.
(File # 2015-171)
2015-171 SR DRC 10.27.15.PDF

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING A DEFINITION OF OFFSHORE ISLAND; AMENDING POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICY 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-007)
2015-007 SR DRC 10.27.15-Website.pdf
2015-007 Email from J. Dick to DRC 09.25.15.PDF

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”.

ADJOURNMENT

# MEMORANDUM

**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Kevin Bond, AICP, Planning and Development Review Manager

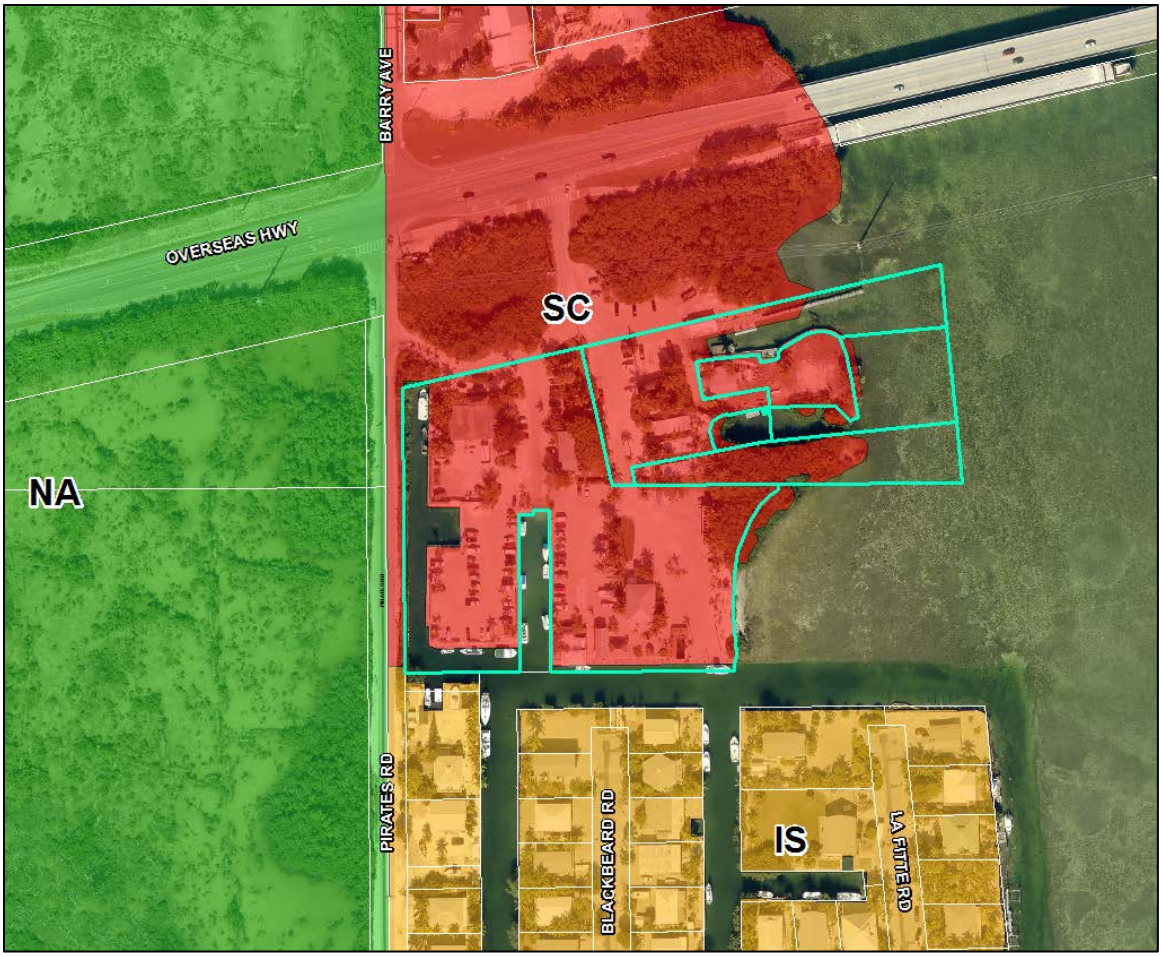
**Date:** October 20, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 28500 & 28540 OVERSEAS HIGHWAY, LITTLE TORCH KEY, MILE MARKER 28.5 OCEANSIDE, LEGALLY DESCRIBED AS PARCELS OF LAND IN A PART OF U.S. GOVERNMENT LOT 6, SECTION 28, TOWNSHIP 66 SOUTH, RANGE 29 EAST, LITTLE TORCH KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000 AND 00113620-000000, AS PROPOSED BY PATRICK R AND DIANE COLEE, DOLPHIN MARINA ASSOCIATES LTD AND TORCH KEY PROPERTIES LTD; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

**Meeting: October 27, 2015**

## I REQUEST:

On August 5, 2015, the property owner submitted an application requesting an amendment to the Monroe County Land Use District (Zoning) Map from Suburban Commercial (SC) to Mixed Use (MU) for the property located at 28500 & 28540 Overseas Highway, Little Torch Key, having Real Estate Nos. 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000 and 00113620-000000.




Subject Property with Existing Land Use District Map, 2015 Aerial

## II BACKGROUND INFORMATION:

**Site Information:**

**Location:** Little Torch Key, Mile Marker 28.5 Oceanside

**Address:** 28500 & 28540 Overseas Highway

**Description:** Part of U.S. Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida

**Real Estate Numbers:** 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000, 00113620-000000

**Property Owner/Applicant:** Patrick R & Diane Colee c/o Noble House Hotel and Resort, Dolphin Marina Associates Ltd and Torch Key Properties Ltd

**Agent:** Donna Bosold & James T. Hendrick

**Size of Site:** 171,936 square feet / 3.95 acres of upland according to property appraiser

**Land Use Map (Zoning) District:** Suburban Commercial (SC)

**Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC)

**Tier Designation:** III – Infill Area

**Flood Zone:** AE-8 and AE-9

**Existing Uses:** Mix of uses, including a commercial marina, transient and permanent residential uses, known as Dolphin Marina and Cottages.

**Existing Vegetation / Habitat:** Scarified with fringing mangroves, adjacent to open water shoreline and manmade canals.

**Community Character of Immediate Vicinity:** Single-family residential to the south across a canal; undeveloped mangroves and salt marsh land to the west across Pirates Road; residential, a church and undeveloped mangroves and salt marsh land to the north across U.S. 1.

**Previous Zoning:** Prior to 1986, most of the property was located within BU-2 (Medium Business District) and the southeast portion of the property was located within BU-2A (Alcoholic Beverage Business District).

## III <u>RELEVANT PRIOR COUNTY ACTIONS</u>:

- In December 1987, the County approved a Minor Conditional Use (Project # 87030) for the Beach Club land base building for Little Palm Island.

- On December 27, 2007, a Letter of Development Rights Determination (LDRD) (File # 27028) was issued concerning the Dolphin Marina property. The LDRD included a lawful determination that two (2) permanent residential dwelling units, 10 transient residential units, and 5,551 square feet of nonresidential floor area were lawfully established on the site.

- On May 2, 2011, a ROGO exemption letter (File # 2011-R009) was issued again concerning the Dolphin Marina property. One dwelling unit was recognized as lawfully established, which was one of the units previously recognized in the prior LDRD.

- On July 28, 2015, a Letter of Understanding (LOU) (File # 2015-105) was issued following a pre-application conference regarding the redevelopment of the subject property. As part of the proposed redevelopment, the owner wishes to amend the Land Use District (Zoning) of the property from SC to MU primarily due to the restrictions of the SC District on detached market-rate residential development. The LOU is attached as **Exhibit 1** to this report.

## IV <u>ANALYSIS OF PROPOSED AMENDMENT</u>:

Both the existing SC Land Use District and the proposed MU Land Use District correspond to the existing Mixed Use/Commercial (MC) Future Land Use Map (FLUM) Category.

### A. Analysis of Potential Changes in Development Potential and Permitted Uses

The table below provides an estimation of the potential change in existing and proposed development potential for residential, transient and nonresidential development in terms of allocated density and maximum net density. Monroe County Land Development Code Section 130-156(b) states, “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial

development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development.

The following table is based on a gross upland area of 171,936 square feet or 3.95 acres, according to property appraiser records. The exact upland area must still be verified by a boundary and mean high water line survey.

| Existing LUD | Type | Adopted Standards | Development Potential |
|---|---|---|---|
| **Suburban Commercial (SC)**<br><br>**3.95 acres (171,936 SF)** | Residential Allocated Density | 3 DU/acre | 11.85 DU |
| | Residential Maximum Net Density (affordable housing) | 15 DU/buildable acre | 59.25 DU (affordable) |
| | Transient Allocated Density | 10 rooms or spaces/acre | 39.5 rooms/spaces |
| | Transient Maximum Net Density | 20 spaces/acre | 79 spaces |
| | Nonresidential Maximum Intensity | 0.1 - 0.4 FAR | 17,194 - 68,774 SF |
| **Proposed LUD** | **Type** | **Adopted Standards** | **Development Potential** |
| **Mixed Use (MU)**<br><br>**3.95 acres (171,936 SF)** | Residential Allocated Density | 1 DU/acre | 3.95 DU |
| | Residential Maximum Net Density (affordable housing) | 18 DU/buildable acre | 71.1 DU (affordable) |
| | Transient Allocated Density | 10 rooms or spaces/acre | 39.5 rooms/spaces |
| | Transient Maximum Net Density | 20 rooms/acre | 79 rooms |
| | Nonresidential Maximum Intensity | 0.1 - 0.4 FAR | 17,194 - 68,774 SF |
| **Net Change in Development Potential Total Site** | **Permanent Residential Allocated: -7.9 DU**<br>**Residential Maximum Net (affordable): +11.85 DU**<br>**Transient and Institutional Residential Allocated: 0 rooms/spaces**<br>**Transient and Institutional Residential Maximum Net (TDRs): 0 rooms/spaces**<br>**Nonresidential: 0 square feet** | | |

In terms of allocated density, the table above shows that the proposed amendment would result in an overall decrease in potential permanent residential development of seven (7) units, due to the reduction in density from three (3) to one (1) unit per acre. The proposed amendment would not result in any substantial change in potential transient or institutional residential development based on allocated density, even though the permitted uses are slightly different.

In terms of maximum net density, which is bonus density when utilizing transferrable development rights (TDRs) or for affordable or employee housing, the table above shows that the proposed amendment would result in an overall increase in potential permanent residential development of 12 units, due to the increase in density for all housing types. The proposed amendment would not result in any substantial change in potential transient or institutional residential development based on maximum net density, even though the permitted uses are slightly different.

In terms of nonresidential development, the table above shows that the proposed amendment would not result in any substantial change in potential nonresidential development based on maximum floor area ratio. The only change would be the addition of commercial fishing as a permitted use.

The table below and continuing to the next page shows the potential changes in permitted uses that would result from the proposed amendment. Any blank cells mean that the use is prohibited in that district. Accessory uses and institutional uses are permitted as-of-right in both districts.

The proposed amendment would result in the potential continuation of many as-of-right and conditional uses that are currently allowed within the SC Land Use District. The proposed amendment would open up the possibility of the following uses that are currently prohibited: New attached and detached residential dwellings (including vacation rentals if special permit obtained), boat building or repair (in conjunction with a marina or commercial fishing use), commercial fishing and related uses, broader commercial recreational uses, light industrial uses on parcels greater than two acres, and wastewater treatment facilities and systems serving any use. The proposed amendment would also result in the threshold for Major Conditional Use review of hotels to increase from 25 to 50 rooms, parks would become an as-of-right use instead of a Minor Conditional Use, and larger satellite earth stations would now require a Minor Conditional Use permit.

***PERMITTED USES***

| Permitted Land Uses | Existing SC District | Proposed MU District |
|---|---|---|
| ***Permanent Residential Uses*** | | |
| Attached and unattached employee housing, less than 6 units | As-of-right | As-of-right |
| Attached and unattached employee housing, 6 to 18 units | Minor Conditional Use | Minor Conditional Use |
| Attached and unattached employee housing, more than 18 units | Major Conditional Use | Major Conditional Use |
| Attached residential dwellings, up to 4 units | | Minor Conditional Use |
| Attached residential dwellings, more than 4 units | | Major Conditional Use |
| Commercial apartments, less than 6 units | As-of-right | As-of-right |
| Commercial apartments, 6 to 18 units | Minor Conditional Use | Minor Conditional Use |
| Detached residential dwellings | | As-of-right |
| Home occupations | | As-of-right |
| Vacation rentals, nonconforming units only | As-of-right | |
| Vacation rentals, detached units only | | As-of-right |
| ***Transient Residential Uses*** | | |
| Campgrounds | Minor Conditional Use | Minor Conditional Use |
| Hotels, less than 25 rooms | Minor Conditional Use | |
| Hotels, less than 50 rooms | | Minor Conditional Use |
| Hotels, 25 or more rooms | Major Conditional Use | |
| Hotels, 50 or more rooms | | Major Conditional Use |
| Institutional residential uses, less than 10 dwelling units/rooms | As-of-right | As-of-right |
| Institutional residential uses, 10 to 20 dwelling units/rooms | Minor Conditional Use | Minor Conditional Use |
| Institutional residential uses, 20 or more dwelling units/rooms | Major Conditional Use | Minor Conditional Use |
| ***Nonresidential Uses*** | | |
| Boat building or repair (with marina or commercial fishing) | | Major Conditional Use |
| Commercial fishing | | As-of-right |
| Commercial recreational uses, limited | As-of-right | As-of-right |
| Commercial recreational uses, parcels up to 5 acres | | Minor Conditional Use |

| Permitted Land Uses | Existing SC District | Proposed MU District |
|---|---|---|
| Commercial retail, low/medium-intensity, office, < 2,500 SF | As-of-right | As-of-right |
| Commercial retail, low/medium-intensity, office, 2,500-10,000 SF | Minor Conditional Use | Minor Conditional Use |
| Commercial retail, low/medium-intensity, office, > 10,000 SF | Major Conditional Use | Major Conditional Use |
| Commercial retail, high intensity, less than 2,500 SF | Minor Conditional Use | Minor Conditional Use |
| Commercial retail, high intensity, more than 2,500 SF | Major Conditional Use | Major Conditional Use |
| Heliports or seaplane ports | Major Conditional Use | Major Conditional Use |
| Land use overlays A, E and PF | Major Conditional Use | Major Conditional Use |
| Light industrial uses, parcels up to 2 acres | Minor Conditional Use | Minor Conditional Use |
| Light industrial uses, parcels more than 2 acres | | Major Conditional Use |
| Manufacture, repair, storage of fishing traps, nets & other equipment | | As-of-right |
| Mariculture | Major Conditional Use | Major Conditional Use |
| Marinas | Major Conditional Use | Major Conditional Use |
| Parks and community parks | Minor Conditional Use | As-of-right |
| Public buildings and uses | As-of-right | As-of-right |
| Storage areas | As-of-right | |
| Wastewater nutrient reduction cluster systems for < 10 residences | As-of-right | As-of-right |
| Wastewater treatment facilities or systems for any uses | | Major Conditional Use |
| ***Wireless Communication Uses*** | | |
| Attached wireless communications facilities | As-of-right | As-of-right |
| Collocations on existing antenna-supporting structures | As-of-right | As-of-right |
| New antenna-supporting structures | Major Conditional Use | Major Conditional Use |
| Replacement of an existing antenna-supporting structure | As-of-right | As-of-right |
| Satellite earth stations, less than 2 meters in diameter | As-of-right | As-of-right |
| Satellite earth stations, 2 meters or more in diameter | As-of-right | Minor Conditional Use |
| Stealth wireless communications facilities | As-of-right | As-of-right |

**B. Impact on Community Character**

Surrounding properties are located within the Suburban Commercial (SC) District to the north across U.S. 1, the Improved Subdivision (IS) to the south across a canal and the Native Area (NA) District to the west across Pirates Road as shown on the map on Page 1. Land uses surrounding the subject property include residential uses to the south, conservation land to the west and northwest, institutional (church) and residential to the north and open water to the east.

Surrounding land east of Pirates Road and Barry Avenue, including the subject property, is designated as Tier III. The majority of the site is scarified with fringing mangroves along the open water shoreline. The property is bordered by a manmade canal to the south and west.

Comparing the purposes of the two Land Use Districts, as shown in the table below, the SC District is intended for uses that serve the needs of the immediate area. The MU District is intended to conserve areas of mixed uses including commercial fishing and resorts. The subject property is an established resort and marina, and the property primarily serves tourists.

| | **Existing SC** (Sec. 130-43) | **Existing MU** (Sec. 130-38) |
|---|---|---|
| **District Purposes** | To establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1. | To establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys. |

The proposed amendment is not anticipated to have an adverse impact on the community character of the area.

**C. Effects on Public Facilities**

Traffic Circulation (Policy 301.1.2)

The subject property has access to U.S. 1 via its own driveway and through Pirates Road. Pursuant to Comprehensive Plan Policy 301.1.2, the level of service standard for U.S. 1 is LOS of "C." The property is located within U.S. 1 Segment #9, which runs from the Torch-Ramrod Bridge to the North Pine Channel Bridge (MM 27.5 - 29.5). According to the adopted 2013 U.S. 1 Arterial Travel Time and Delay Study, U.S. 1 overall is operating at a LOS of "C" and Segment #9 is operating at a LOS of "A." The draft proposed 2015 U.S. 1 Arterial Travel Time and Delay Study continues to find U.S. 1 operating at an overall LOS of “C” and Segment #9 operating at a LOS of “A.” The proposed amendment is not anticipated to negatively impact the traffic circulation LOS.

Potable Water (Policy 701.1.1)

Florida Keys Aqueduct Authority's water treatment facility in Florida City has a maximum water treatment design capacity of 29.8 million gallons per day (MGD) and is capable of treating up to 23.8 MGD. There are also two saltwater Reserve Osmosis (RO) plants, located on Stock Island and Marathon, which are able to produce potable water under emergency conditions. The RO desalination plants have design capacities of 2.0 and 1.0 MGD of water, respectively. The annual average demand in Monroe County in 2013 was 16.73 MGD and projections indicate a slight increase to an annual average demand of 17.28 MGD for 2015.

Pursuant to Policy 701.1.1 of the Comprehensive Plan, the Level of Service standard for nonresidential potable water is 0.35 gallons per square foot per day. The proposed amendment would not change the site’s nonresidential development potential, which would have no effect on potable water demand from this site if developed to its maximum nonresidential potential.

Pursuant to Policy 701.1.1 of the Comprehensive Plan, the Level of Service standard for residential potable water is 66.5 gallons per capita per day. The proposed amendment would increase the potential residential development by 12 units (2.24 residents per dwelling unit). Therefore, the proposed amendment could result in a net increase in

demand from this site of up to 1,788 gallons per day if developed to its maximum residential potential. Currently, there is sufficient capacity for such an increase.

Solid Waste (Policy 801.1.1)

Monroe County has a contract with Waste Management through September 30, 2024. The contract authorizes the use of in-state facilities; thereby, providing the County with approximately 10 years of guaranteed capacity for the haul-out and disposal of 95,000 tons per year of solid waste not including yard waste. Under the proposed amendment, the net increase in potential residential units on the site would be 12 dwelling units. Currently, there is sufficient capacity for such an increase.

Sanitary Sewer (Policy 901.1.1)

The County has adopted water quality treatment standards for wastewater facilities and, within the Sanitary Wastewater Treatment Master Plan, the LOS standard for residential and nonresidential flow is 145 gallons per day per equivalent dwelling unit (EDU). Under the proposed amendment, the net increase in potential residential units on the site is 12 dwelling units, which could result in a net increase in demand from this site of up to 1,740 gallons per day if developed to its maximum residential potential. The subject property is located within the Cudjoe Regional Sewer District. Any new or existing development would be required to connect to the sewer system when available. The Cudjoe Regional Wastewater Treatment Facility is designed and constructed in accordance with the adopted levels of service treatment standards.

**D. Consistency with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan**

The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

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

*Policy 101.4.5*: The principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the maintenance and enhancement of community character and recreational and commercial working waterfronts.

*Policy 101.4.22*: Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17:

| **Future Land Use Densities and Intensities** | | | |
|---|---|---|---|
| Future Land Use Category And Corresponding Zoning | Allocated Density [(b)] (per acre) | Maximum Net Density [(b)(i)] (per buildable acre) | Maximum Intensity (floor area ratio) |
| … | | | |
| Mixed Use/Commercial (MC)[(g) (j)] (SC, UC, DR, RV, MU and MI zoning) | 1-6 du<br>5-15 rooms/spaces<br>1 du (MI zoning) | 2 -18 du<br>10-25 rooms/spaces<br>2 du (MI zoning) | 0.10-0.45 (SC,UC, DR, RV, and MU zoning)<br>0.30-0.60 (MI zoning) |
| … | | | |
| Notes:<br>…<br>(b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.<br>…<br>(g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.<br>…<br>(i) The Maximum Net Density is the maximum density allowable with the use of TDRs.<br>(j) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, pursuant to Policy 101.4.5. | | | |

*Lower Keys (MM 14.2 – 29.0) Livable CommuniKeys Plan – Goal 1*:
Monroe County shall manage future growth to preserve the rural or low density community character, protect the natural environment of the Lower Keys, and maintain and encourage commercial revitalization along the U.S. 1 corridor. Community character includes the cultural/traditional heritage, physical character, and scale of the businesses that serve the local community in the Lower Keys area.

**E. Consistency with the provisions and intent of the Monroe County Land Development Code**

In accordance with Monroe County Land Development Code Section 102-158(d)(5), the Board of County Commissioners (BOCC) may consider the adoption of an ordinance enacting the proposed change based on one or more of the following factors:

1. *Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based*:
   **Not applicable.**

2. *Changed assumptions (e.g., regarding demographic trends):*
   **The applicant states, "The tourist population in this area is increasingly dominated by family and affinity groups who demand more commodious lodging (i.e., vacation rentals) than the motel/hotel rooms allowed in the Suburban Commercial (SC) district."**

   **Staff has not identified any changed assumptions that would necessitate the proposed amendment.**

3. *Data errors, including errors in mapping, vegetative types and natural features described in Volume 1 of the Year 2010 Comprehensive Plan:*
   **The applicant states, "The permanent residential units that have long existed on the subject property are inconsistent with the current (SC) zoning."**

   **The existing permanent residential units on the property are recognized as lawful nonconforming uses. However, such lawfully-established dwelling units are not considered non-conforming to density, pursuant to Comprehensive Plan Policy 101.4.25. Staff does not consider this to be evidence of a data error or an error in mapping.**

4. *New issues:*
   **The applicant states, "Torch Key Subarea Goals, Objectives and Policies as outlined in the recently-adopted Lower Keys CommuniKeys Plan will be facilitated by the proposed zoning change from SC to Mixed Use (MU)."**

   **Staff considered the consistency of the proposed amendment with the Lower Keys Livable CommuniKeys Plan, adopted in 2012. Staff finds that the proposed amendment is not inconsistent with the Lower Keys LCP, which is a new issue in that it was created after the current Comprehensive Plan was adopted in 1993.**

5. *Recognition of a need for additional detail or comprehensiveness:*
   **Staff has not identified any recognition of a need for additional detail or comprehensiveness that would necessitate the proposed amendment.**

6. *Data updates:*
   **The applicant states, "The Lower Keys CommuniKeys Plan completed in 2012 includes the subarea segment identified as Segment 9, Torch Keys, and quantifies issues specific to the subarea that were not previously considered when the property was zoned SC."**

   **Staff considered the consistency of the proposed amendment with the Lower Keys Livable CommuniKeys Plan, adopted in 2012. Staff finds that the proposed amendment is not inconsistent with the Lower Keys LCP, which provided data updates in that it was created after the current Comprehensive Plan was adopted in 1993.**

7. *For FLUM changes, the principles for guiding development as defined in the Florida Statutes relating to changes to the comprehensive plan*:
   **Not applicable.**

## V <u>RECOMMENDATION</u>:

Staff recommends **APPROVAL** of the proposed amendment to the Monroe County Land Use District (Zoning) Map from Suburban Commercial (SC) to Mixed Use (MU) for the property located at 28500 & 28540 Overseas Highway, Little Torch Key, having Real Estate Nos. 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000 and 00113620-000000.

Staff has found that the proposed map amendment would be consistent with the provisions of §102-158(d)(5)(b): Specifically, staff has found that the proposed map amendment is consistent with factors: 4. New issues; and 6. Data updates.

## VI <u>EXHIBITS</u>:

1. Letter of Understanding, July 28, 2015
2. Existing Land Use District Map (Craig Map)
3. Proposed Land Use Amendment Maps

Exhibit 1

# County of Monroe
## Growth Management Division

**Planning & Environmental Resources Department**
2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
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**Board of County Commissioners**
Mayor Danny L. Kohlage, District 1
Mayor Pro Tem, Heather Carruthers, District 3
George Neugent, District 2
David Rice, District 4
Sylvia J. Murphy, District 5

July 28, 2015

Donna Bosold
Critical Concern Consultants
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Key West, FL 33040
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**SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PROPOSED VACATION RENTAL COMMUNITY OF 22 DWELLING UNITS WITH ASSOCIATED AMENITIES; REDEVELOPMENT OF COMMERCIAL FLOOR AREA AND RETENTION OF AN EXISTING MARINA ON FIVE PARCELS OF LAND LOCATED ON LITTLE TORCH KEY, APPROXIMATE MILE MARKER 28.5 (OCEANSIDE), HAVING REAL ESTATE NUMBERS 00113570.000000, 00113570.000100, 00113570.000200, 00113590.000000, AND 00113620.000000; AND FOR THE PROPOSED TRANSFER OF 20 TREs FROM A SENDER SITE, KNOWN AS "TROPIC PALMS MOBILE HOME PARK," LOCATED AT 6125 SECOND STREET, STOCK ISLAND, APPROXIMATE MILE MARKER 5 (OCEANSIDE), HAVING REAL ESTATE NUMBER 00124560.000000.**

Ms. Bosold,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 8, 2015, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included Donna Bosold and James Hendrick, agents to the property owners (hereafter referred to as "Applicant;" and Matt Coyle, Principal Planner, and Emily Schemper, Comprehensive Planning Manager (hereafter referred to as "Staff").

*Materials presented for review included:*

(a) Pre-Application Conference Request Form;

(b) Project Description;

(c) Monroe County Property Record Cards;

(d) Boundary Survey of the site, by Frederick Hildebrandt, dated 6/7/98, revised 4/12/06;

(e) Letter of Development Rights Determination (for Little Torch Key site), dated 12/27/2007;

(f) Letter of Development Rights Determination (for Stock Island site), dated 2/21/2008;

(g) "The Dolphin Resort" Site Plan, by Grassi Design Studio, dated 3/24/15, revised 5/26/15; and

(h) Email from the Applicant dated 7/17/2015 updating proposed development on the site.

## I. APPLICANT PROPOSAL

The Applicant is proposing to redevelop five contiguous parcels on Little Torch Key, commonly known as Dolphin Marina ("Dolphin Marina Site"), with 22 single family dwelling units, to be used as vacation rental units, with associated amenities. Eight (8) of the units would be attached dwelling units; 14 of the units would be detached dwelling units. The proposed scope of redevelopment would include retention of the existing marina facilities; the demolition and redevelopment of all other existing dwelling units and commercial floor area on the site; and the addition of new commercial floor area. The Applicant stated that proposed nonresidential uses on the site, including the existing marina facilities, would be limited to use by the vacation rental occupants and Little Palm Island guests. The Applicant also proposes to retain the site's current parking and ferry boat service for Little Palm Island.

In order to accomplish the proposed redevelopment, the Applicant is proposing the transfer of 18.05 Transferable Development Rights (TDRs) from an unknown sender site, and the transfer of 20 market rate permanent ROGO Exemptions (TREs) to the Dolphin Marina Site from the Tropic Palms Mobile Home Park on Stock Island ("Tropic Palms Site"). The applicant is also proposing an amendment to the Land Use District (Zoning) designation for the Dolphin Marina Site from Suburban Commercial (SC) to Mixed Use (MU).

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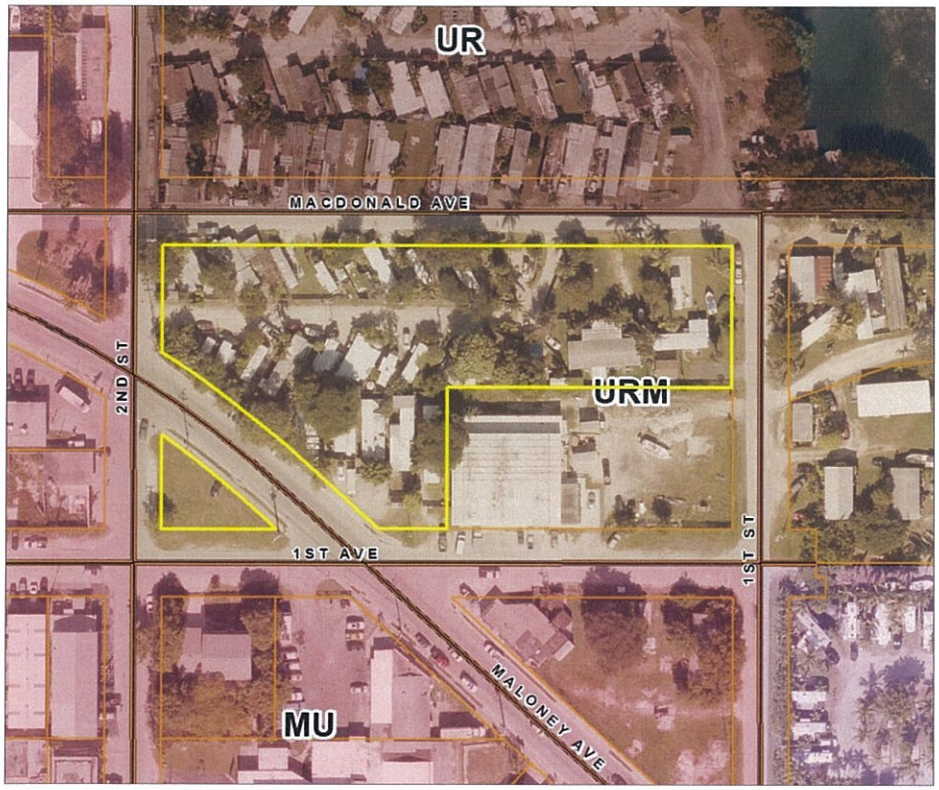
Dolphin Marina Site outlined, with land use districts shown (aerial 2015, MC GIS)



Tropic Palms Site outlined, with land use districts shown (aerial 2015, MC GIS)

## II. SUBJECT PROPERTY DESCRIPTION

1. The Dolphin Marina Site is located off of Pirates Road, south of Overseas Highway, at approximate mile marker 28.5 (Oceanside) on Little Torch Key. According to the Monroe County Property Appraiser's records, the parcels have a physical address of 28540 and 28500 Overseas Highway.

2. The Dolphin Marina Site is comprised of five contiguous parcels, assessed under real estate numbers 00113570.000000, 00113570.000100, 00113570.000200, 00113590.000000, and 00113620.000000.

3. The Dolphin Marina Site is currently developed with both transient and permanent residential units, and commercial uses, which together make up a resort hotel, known as Dolphin Marina and Cottages.

4. According to the current Property Appraiser's data, the Dolphin Marina Site has a total upland area of approximately 3.95 acres (171,935 SF), and submerged or environmentally sensitive land area totaling approximately 2.17 acres (94,525 SF). According to the project description submitted with the application, the Dolphin Marina Site contains 4.59 acres of upland. Although a boundary survey was submitted for review, it did not indicate the total upland area of the site. All calculations included in this letter are based on the aforementioned upland area figure of 3.95 acres (171,935 SF) based on Property Appraiser's data. A sealed boundary survey providing the exact amount of upland situated above mean high water shall be required at the time of application submittal for any development approval for new development adversely affecting open space or land use intensity. This survey shall show mean high water lines drawn in accordance with Florida Statutes. If the amount of upland provided on the sealed boundary survey differs, then calculations provided in this letter are subject to change.

5. The Tropic Palms Site is located at 6125 Second Street on Stock Island. It is comprised of one (1) parcel, having real estate number 00124560.000000 and legally described as Block 34, Lots 1-10 & 16-20, Maloney Subdivision (PB1-55).

6. The Tropic Palms Site is currently developed with fifteen (15) mobile homes, ten (10) recreational vehicles (RVs) and several accessory structures. Please note that the fifteen (15) mobile homes and the ten (10) RVs on the site have been recognized as twenty-five (25) permanent dwelling units per a Letter of Development Rights Determination issued on February 21, 2008.

7. According to the current Property Appraiser's data, the Tropic Palms Site has a total upland area of approximately 82,825 SF (1.90 acres).

## III. RELEVANT PRIOR COUNTY ACTIONS

1. On December 27, 2007, a Letter of Development Rights Determination (LDRD) was issued concerning the Dolphin Marina Site. The LDRD included a lawful determination that two

(2) permanent residential dwelling units, ten (10) transient residential units, and 5,551 square feet of nonresidential floor area were lawfully established on the site, distributed over the individual parcels as follows:

| Parcel RE# | Lawfully established units/floor area | | |
|---|---|---|---|
| | Permanent residential dwelling units | Transient units | Nonresidential floor area |
| 00113570.000000 | 1 | - | 1,360 SF |
| 00113570.000100 | - | 4 | 581 SF |
| 00113570.000200 | 1 | - | - |
| 00113590.000000 | - | 6 | 3,610 SF |
| **Total** | **2** | **10** | **5,551 SF** |

The redevelopment of the lawfully established residential units and/or nonresidential floor area will not be subject to the ROGO or NROGO permit allocation system.

2. On February 21, 2008, a Letter of Development Rights Determination (LDRD) was issued concerning the Tropic Palms Site. The LDRD included a lawful determination that twenty-five (25) permanent residential dwelling units are lawfully established on the site and are thereby exempt from the ROGO permit allocation system.

## IV. REVIEW

The following regulations directly affect the proposal; however, please note that there may be other regulations not referred to nor described in this letter which may govern development.

1. As shown in the image on page 3, the Dolphin Marina Site is located within a Suburban Commercial (SC) Land Use (Zoning) District. Consistent with the zoning district boundary lines, the property is designated as Mixed Use/Commercial (MC) on the Future Land Use Map (FLUM). The Applicant has proposed amending the zoning district of the Dolphin Marina Site parcels from SC to Mixed Use (MU) in order to develop detached dwelling units on the site, which are not a permitted use within the SC district. Amendments to the zoning map are subject to the provisions of MCC §102-158. The contents of this letter address the regulations that would apply to the site under the MU zoning category, assuming a zoning amendment is approved and becomes effective.

2. The Dolphin Marina Site parcels have been assigned a tier designation of Tier III.

3. According to the current Flood Insurance Rate Maps published by FEMA, the Dolphin Marina Site parcels are partially within an AE El-8 flood zone, and partially within an AE El-9 flood zone.

4. The proposed development would be consistent with the purpose of the MU land use (zoning) district (MCC Section 130-38), which is *to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses,*

*and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.*

5. The proposed development would also be consistent with the purpose of the MC future land use category (MCCP Policy 101.4.5), *which is to provide for the establishment of commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.*

   *This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the maintenance and enhancement of community character and recreational and commercial working waterfronts.*

6. Based on information provided, the Applicant is proposing to develop 22 dwelling units (to be used as vacation rental units), and several nonresidential buildings and uses (including the existing marina) that will serve the dwelling unit occupants, as well as Little Palm Island guests. Floor areas, floor plans, and other details for the proposed nonresidential buildings were not provided. The Applicant has stated that the proposed redevelopment of the site will also retain the marina-type uses on the site, but the entire site will be gated and the use of all facilities will be limited to occupants of the residential dwelling units (used as vacation rental units), as well as guests of Little Palm Island.

   Based on the conceptual site plan, it is unclear if the nonresidential buildings would be for the exclusive use of the 22 dwelling unit occupants, or if they would be open to Little Palm Island guests and/or the general public. If limited to occupants of the dwelling units within a gated community area, the County may consider some of the uses as accessory uses to the dwelling units; if open to use by Little Palm Island guests and/or the public, they would be considered commercial retail or other nonresidential uses. Additional detail is necessary regarding the specific use of and access to all proposed nonresidential uses and structures on the site before a determination can be made as to whether they will be considered accessory uses or another nonresidential use.

   As defined in MCC §101-1, the following definitions apply to proposed uses on the site:

   ***Dwelling unit*** *means one or more rooms physically arranged to create a housekeeping establishment for occupancy by one family with separate toilet facilities. The abbreviation "DU" means dwelling unit.*

***Dwelling, attached,*** *means a residential dwelling unit consisting of one or more of residential units that are developed without open yards on all sides of the dwelling unit.*

***Dwelling, detached,*** *means an individual residential dwelling that is developed with open yards on all sides of the dwelling unit but not including mobile homes or recreational vehicles.*

***Commercial retail use*** *means a use that sells goods or services at retail. Commercial retail uses are divided into the following three classifications:*

*(1)**Commercial retail low-intensity** means commercial retail uses that generate less than 50 average daily trips per 1,000 square feet of floor area.*

*(2)**Commercial retail medium-intensity** means retail uses that generate between 50 and 100 average daily trips per 1,000 square feet of floor area.*

*(3)**Commercial retail high-intensity** means retail uses that generate above 100 average daily trips per 1,000 square feet of floor area.*

***Accessory use*** *or* ***accessory structure*** *means a use or structure that:*

*1) is subordinate to and serves an existing principal use or principal structure; and*

*2) is subordinate in area, extent and purpose to an existing principal use or principal structure served; and*

*3) contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and*

*4) is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and*

*5) is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant to MCC §118-12; and*

*6) is located in the same land use (zoning) district as the principal use or principal structure, excluding off-site parking facilities pursuant to MCC §114-67.*

*Accessory uses include the utilization of yards for home gardens, provided that the produce of the garden is for noncommercial purpose. In no event shall an accessory use or structure be established prior to the principal use to which it is accessory. Accessory uses shall not include guest units or any other potentially habitable structures. Habitable structures are considered to be dwelling units as defined in this section.*

Pursuant to MCC §130-88, in the MU land use (zoning) district and density-permitting, the proposed uses may be permitted as follows:

- Detached residential dwellings may be permitted as-of-right with building permit approval.
- Vacation rental use of detached dwelling units is permitted if a special vacation rental permit is obtained under the regulations established in MCC §134-1.
- Attached residential dwelling units may be permitted as a minor conditional use, provided that:
    a. The total number of units does not exceed four; and
    b. The structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development.
- Attached residential dwelling units with more than 4 units may be permitted as a major conditional use, provided that:
    a. The structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development; and
    b. The parcel proposed for development is separated from any established residential use by a class C bufferyard;
- Commercial retail, medium intensity, uses of less than 2,500 square feet of floor area may be permitted as-of-right with building permit approval.
- Commercial retail, medium intensity, uses of greater than 2,500 but less than 10,000 square feet of floor area may be permitted as a minor conditional use, provided that access to U.S. 1 by way of:

    a) an existing curb cut;

    b) a signalized intersection; or

    c) a curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet.
- Commercial retail, medium intensity, uses of greater than 10,000 square feet of floor area may be permitted as a major conditional use, provided that access to U.S. 1 by way of:

    a) an existing curb cut;

    b) a signalized intersection; or

    c) a curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- Accessory uses may be permitted as-of-right with building permit approval.

The proposed development would require a major conditional use permit, as it includes 8 attached residential units and may contain commercial retail floor area exceeding 10,000 square feet.

7. Per MCC §130-157, §130-162, and §130-164, the following land use densities and intensities apply within the MU district:

| **Allocated Density (MU district)** | | | | | |
|---|---|---|---|---|---|
| **Land Use** | **Allocated Density** | **Gross area of site** | **Max Allowed** | **Proposed** | **Potential Used** |
| Detached/Attached Residential | 1 du/acre | 3.95 acres | 3.95 units | see max net | - |
| **Max Net Density (with use of TDRs) (MU district)** | | | | | |
| **Land Use** | **Max Net Density** | **Buildable area of site** | **Max Allowed** | **Proposed** | **Potential Used** |
| Detached /Attached Residential with TDRs | 12 du/ buildable acre | 3.16 buildable acres | 37.92 units | 22 du (requires 18.05 TDRs) | 58.0% |
| | | | | **Sub-Total** | **58.0%** |
| **Nonresidential Intensity (MU district)** | | | | | |
| **Land Use** | **Maximum Intensity** | **Gross area of site** | **Max Allowed** | **Proposed** | **Potential Used** |
| Commercial Retail (medium-intensity) | 0.25 F.A.R. | 171,935 SF | 42,983 SF | TBD* | TBD* |
| | | | | **Total** | **TBD**** |

*Based on the sub-total of proposed residential density, 58.0% of the cumulative density/intensity of the site is already proposed. Therefore, up to 42.0%, or 18,052 SF, of the maximum allowed commercial retail (medium intensity) square footage could be proposed on the site as well.
**The combined total of residential and nonresidential potential used may not exceed 100%.

As shown in the table above, in order to meet the density provisions of MCC §130-157, the proposed 22 residential dwelling units will require the transfer of 18.05 transferable development rights (TDRs) to the site from a qualifying sender site. The Applicant has not proposed a sender site for the necessary TDRs. The requirements and procedures for TDRs are discussed at the end of this LOU.

8. Pursuant to MCC §138-21, *the residential ROGO shall apply to all residential dwelling units for which a building permit is required by the Land Development Code and for which building permits have not been issued prior to July 13, 1992, except as otherwise provided.*

Pursuant to MCC §138-22(1), *redevelopment, rehabilitation or replacement of any lawfully established residential dwelling unit or space that does not increase the number of residential dwelling units above that which existed on the site prior to the redevelopment, rehabilitation or replacement shall be exempt from the residential ROGO system.*

Therefore, the Applicant is entitled to one dwelling unit allocation, exempt from the ROGO permit allocation system, for each dwelling unit that was lawfully-established.

The LDRD dated December 27, 2007 included a lawful determination that two (2) permanent residential dwelling units and ten (10) transient residential units are lawfully established on the Dolphin Marina Site and exempt from the ROGO permit allocation system. The additional 20 permanent residential dwelling units proposed by the Applicant will require 20 additional ROGO allocations, either through the allocation system, or through a qualifying transfer from another site.

The Applicant has identified the Tropic Palms Site as a potential sender site for a Transfer of ROGO Exemptions (TREs) under the affordable housing incentive program: *Transfer of ROGO Exemptions from Mobile Home Parks*, outlined within §130-161.1 of the Land Development Code. The requirements and procedures for TREs are discussed at the end of this LOU.

9. Pursuant to MCC §138-49, *the NROGO shall apply to the development of all new and expanded nonresidential floor area, except as exempted by section 138-50, for which a building permit or other final development approval is required.*

   Pursuant to MCC §138-50(1), the NROGO shall not apply to *the redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement.*

   The LDRD dated December 27, 2007 included a lawful determination that 5,551 square feet of nonresidential floor area is lawfully established on the Dolphin Marina Site and is therefore exempt from the NROGO permit allocation system. Any nonresidential floor area proposed which exceeds 5,551 square feet, and is not determined to be accessory to the proposed dwelling units, will be subject to the NROGO permit allocation system.

10. In the MU district, there is a required open space ratio of 0.20 or 20 percent of the upland area of the site. As defined in MCC §101-1, *open space means that portion of any parcel or area of land or water that is required to be maintained such that the area within its boundaries is open and unobstructed from the ground to the sky.*

    The conceptual site plan does not provide enough information for Staff to determine compliance. In order to be in compliance, the site would require approximately 34,387 SF of general open space (20% of site, 171,935 SF).

11. As specified in MCC §130-186, the required non-shoreline setbacks in the MU district for residential uses are as follows: Primary front yard – 25'; Secondary front yard – 15'; Primary side yard – 10'; Secondary side yard – 5'; and Rear yard – 20'. The property has a primary front yard setback requirement of 25' along the northern property line, adjacent to the Overseas Highway right of way. All other sides of the property are located along shorelines and are subject to the shoreline setback requirements in MCC §118-12.

The submitted conceptual site plan does not provide enough detail to determine if the proposal is in compliance with the required setbacks.

12. The proposed development is subject to the following off-street parking requirements, pursuant to MCC §114-67(c):

| *Specific Use* | *Multiplier* | *Proposed* | *Required Spaces* |
|---|---|---|---|
| Single-family dwelling units | 2.0 spaces per dwelling unit | 14 detached dwelling units | 28 spaces |
| Multifamily residential developments | 2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit | TBD – applicant has not indicated the number of bedrooms for each of the 8 attached units | 16-24 spaces |
| | | Total | 44+ spaces (depending on number of bedrooms per attached dwelling unit and amount of proposed nonresidential floor area) |

The conceptual site plan submitted by the Applicant shows 103 parking spaces located on the site, plus 30 additional parking spaces located on the FDOT right of way adjacent to the site. The Applicant stated that the right of way land is leased from FDOT for parking purposes, and that some of the parking on the site and the leased land serves the guests of Little Palm Island. It is unclear from the information provided how many parking spaces will be designated as parking for the proposed residential dwelling units and how many will be designated as parking for Little Palm Island. Additionally, any nonresidential floor area proposed will be subject to the parking requirements of MCC §114-67(c) according to the specific use identified. Therefore, compliance with the parking requirements could not be determined at this time.

At least one ADA compliant accessible parking space is required for every 25 vehicle parking spaces. Such spaces shall be designed and marked for exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems who have been issued either a disabled parking permit or a license plate. In addition, parking access aisles must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles. ADA

accessible parking spaces must meet all current requirements of the Americans with Disabilities Act including dimensional standards.

All regular parking spaces, with the exception of parallel, must be at least 8'6" in width by 18' in length. Parallel parking spaces must be 8'6" in width by 25' in length. Further, each required parking space shall have direct and unrestricted access to an aisle of the following minimum width:

| *Parking Pattern* | *One Way Aisle Width* | *Two Way Aisle Width* |
|---|---|---|
| 0 degrees | 12' | 24' |
| 30/45 degrees | 15' | 24' |
| 60 degrees | 18' | 24' |
| 75 degrees | 22' | 24' |
| 90 degrees | 24' | 24' |

13. For parking areas containing six or more spaces within an MU district, a class "C" landscaping standard is required. Landscaping is described/illustrated in MCC §114-100.

    No landscape plan was provided; therefore compliance could not be determined. A detailed landscape plan including specific material and location to be planted will need to be submitted at the time of development approval.

14. Any nonresidential floor area will be required to have either one or two loading/unloading spaces, in accordance with MCC §114-69, depending on the amount of floor area proposed. Details regarding nonresidential square footage were not provided; therefore, the required number and size of loading/unloading spaces could not be determined.

15. In accordance with MCC §118-7(1), *to the maximum extent practicable, development shall be sited so as to preserve all listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than 4"*. If the proposed improvements require the removal of native trees with a DBH of greater than 4", mitigation will be required. In accordance with §118-2, *as part of an application for approval on lands containing upland native vegetation communities, the applicant shall prepare and submit an existing conditions report, including a survey that identifies the distribution and quality of native habitats and any observed endangered/threatened or protected species within the parcel or lot proposed to be developed in accordance with the standards of chapter 118.* As provided in §118-9(b), upland native vegetated areas in Tier III shall be limited to clearing of 40 percent of the upland native vegetated areas or 3,000 square feet, whichever is greater; however, the maximum amount of clearing shall be no more than 7,500 square feet of upland native vegetative area. The above described existing conditions report should include analysis of the amount of upland native vegetation that has been cleared in the past. In accordance with §118-9(c), *the legal conditions of land existing as of February 28, 1986, and as depicted on*

*the December 1985 Habitat Classification Aerial Photographs (the subject parcel may be found on Sheet # 329), shall be used as a baseline to determine the clearing that may be permitted on a site. The 1985 maps shall be supplemented by recent aerial photography and existing site analysis to determine any increases in the amount of upland native vegetated areas. Upland native vegetated areas cleared between 1986 and the time of permit application shall be considered to still include upland native vegetation for purposes of determining the amount of open space and clearing permitted.*

16. A class "B" major street buffer (minimum of 5' in width) is required along the northern property line adjacent to the Overseas Highway right of way.

    The following land use district bufferyards are required:

| Property Line | District Boundary | Bufferyard Class | Minimum Width (ft) |
|---|---|---|---|
| South | MU - IS (along a canal) | B | 5' |

    Bufferyard standards including planting specifications are fully described in §114-128 of the Land Development Code.

    No landscape plan was provided; therefore compliance could not be determined. A detailed landscape plan including specific material and location to be planted will need to be submitted at the time of development approval.

17. A stormwater management plan shall be required as part of the building permit application. This plan shall detail pre and post development water flow and storage on site with supporting calculations. Pursuant to MCC §114-3(f), water management areas *shall be legally reserved to and maintained by the operational entity and be dedicated on the plat, deed restriction, or easements. Any change in the use of the property must comply with this regulation and any other requirements of the* [MCCP] *and* [the MCC.] *Stormwater management areas shall be connected to a public road or other location from which operation and maintenance means of access are legally and physically available to the operational entity, in accordance with county land development regulations governing subdivision of land.* As provided in MCC §114-3(h), *it is the responsibility of the applicant to provide a stormwater management plan for the development that contains sufficient information for the planning director to evaluate the environmental and stormwater discharge characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references, and any additional information deemed necessary by the planning director. The stormwater management plan must be sealed by an engineer registered in the state with experience in stormwater management and drainage design.*

    A stormwater management plan was not provided for review.

18. No structure or building shall be developed that exceeds a maximum height of 35'.

    Pursuant to MCC §101-1:

    ***Height*** *means the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in MCC Chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations.*

    ***Grade*** *means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

    The Dolphin Marina Site is located on the Overseas Highway (US1) and, as noted above, has a physical address of 28540 and 28500 Overseas Highway; accordingly, if the crown or curb of the Overseas Highway is higher than the natural elevation of the ground surface, building height may be measured from the crown or curb of the Overseas Highway.

    Proposed building elevations were not provided; therefore compliance with height requirements could not be determined.

19. Pursuant to MCC §114-21, a solid waste/recycling collection area of 144 square feet will be required for the attached multifamily dwelling units.

    The location of each collection area shall be in an area that a) is accessible and convenient to the intended users (typically no more than 200' from the farthest user); does not interfere with the primary use of the site; c) can tolerate noise, odor and increased pedestrian and vehicle traffic; and d) is designed to be easily accessible by all collection vehicles.

## V. OTHER ISSUES CONCERNING THE PROPOSAL

1. Transfer of ROGO Exemptions.

   Applicant has not yet identified a receiver site to which the TREs associated with the 10 existing hotel units on the Dolphin Marina Site will be transferred following demolition of those units. When that receiver site is identified, transfer of those transient TREs will require compliance with the off-site transfer provisions of Sec. 138-22(2)c.

As stated in item number 8, on pages 9-10 of this LOU, the proposed development of 22 dwelling units on the Dolphin Marina Site would require the applicant to obtain an additional 20 ROGO allocations or ROGO exemptions. The Applicant has identified the Tropic Palms Site as a potential sender site for a Transfer of ROGO Exemptions (TREs) under Program 1 of the affordable housing incentive programs: Transfer of ROGO Exemptions from Mobile Home Parks, as described in §130-161.1 of the Land Development Code.

Pursuant to MCC §130-161.1(2)(a), the intent of the subject TRE program *is to establish an appropriate incentive for mobile home park owners to maintain mobile home park sites, mobile home developments in URM and URM-L districts, and contiguous parcels under common ownership containing mobile homes where any of the foregoing is presently serving as a primary source of affordable housing in Monroe County (any of the foregoing being an "eligible sender site") by providing an alternative development strategy to straightforward market-rate redevelopment. This program is intended to allow the transfer of market rate ROGO exemptions associated with lawfully established dwelling units now existing at an eligible sender site to be transferred to another site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units within Monroe County. This program seeks to address the housing needs of the Florida Keys as a regional obligation.*

*The subject TRE program provides an eligible sender site owner the opportunity to transfer market rate ROGO exemptions currently associated with existing and lawfully established dwelling units from eligible sender sites to receiver site(s) within Monroe County, provided that it involves the pooling of affordable dwelling unit rights for redevelopment at donated, purchased or otherwise appropriately deed-restricted sites, and transfer of ROGO exemptions or allocations for the purpose of implementing and facilitating one or more affordable housing projects. The provisions of MCC §130-161.1 shall control over all contrary provisions of the Land Development Code related to the transferability of ROGO exemptions.*

Pursuant to MCC §130-161.1(2)(b), the subject TRE program requires the following procedure:

*(i) This transfer shall require an approved development agreement.*

*(ii) Minor conditional use approval is required to complete the transfer.*

Pursuant to MCC §130-161.1(2), the following requirements must be met:

*(c) Development agreement requirements.*

*(i) Sender site restrictions:*

*(1) ROGO exemptions transferred under this program may be transferred on a 1 for 1 basis where the ROGO exemptions are to be transferred to single-family residential lots or parcels within the same ROGO planning subarea. However, where transfers are to be made to commercial or recreational working waterfronts (as defined by Florida*

*Statutes), or to multi-family projects in non-IS districts, the transfers shall result in no fewer than two deed-restricted affordable or workforce housing units remaining on an eligible sender site(s) for each market rate ROGO exemption transferred. This section expresses the county's preference for transfer of ROGO exemptions to single-family lots/parcels. The following examples are set forth only to show some potential transfer scenarios. A given potential scenario may depend upon availability of affordable ROGO allocations provided by the county.*

*(2) The eligible sender site property(ies) shall be donated or sold to Monroe County, or otherwise appropriately deed-restricted for long-term affordability. Prior to acceptance of a donated or purchased parcel, all units to be maintained on site shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department. Monroe County may then lease the sender site property to a party who will serve as lessee and sub-lessor of the eligible sender site(s).*

*(3) The number of transferred ROGO exemptions shall not exceed the number of restricted affordable dwelling units maintained at the eligible sender sites.*

*(4) The resulting development or redevelopment of affordable housing pursuant to the governing development agreement will be targeted to serve as closely as possible the following household income categories: 25 percent very low income households, 25 percent low income households, 25 percent median income households, and 25 percent moderate income households (or as otherwise approved by the BOCC).*

*(5) Lot rents and/or sales prices for resulting deed-restricted dwelling units shall be established in accordance with restrictions outlined in Florida Statutes and/or the Monroe County Code.*

*(6) All units designated by the applicable development agreement to remain as deed restricted affordable housing at the donated, purchased or appropriately deed-restricted site(s) shall comply with hurricane standards established by the Florida Building Code and habitability standards established under the Florida Landlord and Tenant Act. Compliance shall be accomplished in a manner and within a timeframe set forth in the development agreement or, if applicable, in the relevant minor conditional use.*

*(7) A development agreement proposed under this program shall not utilize more than 50 percent of the existing affordable housing allocations then available to Monroe County, unless otherwise approved by the BOCC.*

*(8) All of the redeveloped or preserved affordable housing units, whether redeveloped or retained at the original sender site(s), or at alternate or additional locations, shall remain in the same planning sub-district as the original sender site(s).*

*(d) Minor conditional use requirements.*

*(i) Receiver site criteria:*

*(1) The receiver site shall be located in a Tier III designated area.*

*(2) The receiver site shall not be located in a velocity (V) zone.*

*(3) A property owner cannot receive a certificate of occupancy for any unit constructed as a result of a transferred ROGO-exemption until all corresponding*

*eligible sender site units are completed and deed-restricted as affordable dwelling units.*

*(4) All or any portion of the redeveloped or preserved affordable housing units may be redeveloped or retained at one or more alternate or additional locations donated or sold to Monroe County, identified in the Development Agreement and otherwise compliant with the remainder of this section, including but not limited to the requirements set forth in subsection (2)(c)(i)(2).*

*(5) Transferred ROGO-exemptions shall remain in the same ROGO planning subarea.*

*(e) Nothing herein shall preclude the county's replacement of sender site dwelling units with affordable allocations and recovery and transfer of market-rate ROGO-exemptions from the sender sites for use in administrative relief programs or other like purposes.*

The Applicant stated that the Tropic Palms Site is a mobile home park in which the mobile home park land is owned by one common owner and the individual lots are leased to mobile home owners. Depending on the details of the ownership structure of the Tropic Palms Mobile Home Park, approval of the Tropic Palms Mobile Home Park as a sender site for TREs will be subject to proof of ownership of individual units/lots within the park.

The proposed development involves a transfer of 20 TREs from the Tropic Palms site to the Dolphin Marina site on a 1 for 1 basis, as ROGO exemptions transferred within the same ROGO planning subarea. After an equivalent number of deed-restricted affordable housing units are established on the Tropic Palms site (sender site), then the transfer of the market-rate TREs associated with the lawfully established mobile homes may be transferred to the Dolphin Marina receiver site. Although the receiver site is within the same ROGO planning subarea as the sender site, it does not currently consist of single-family residential lots or parcels. As a plat is not required or feasible, after any approval and construction of the residential dwelling units, the developer must establish individual parcels for each of the residential dwelling units via the Monroe County Property Appraiser (with a unique real estate number for each single-family unit). Regardless of changes to ownership structure, all parcels on the site will remain aggregated for the purposes of development review.

2. Transferable Development Rights.

As stated in item number 7, on page 9 of this LOU, the development of 22 residential dwelling units will also require the transfer of 18.05 transferable development rights (TDRs) to the site from a qualifying sender site in order to meet the density requirements in MCC §130-157. The Applicant has not proposed a sender site for the necessary TDRs.

Under the regulations set forth in MCC §130-160, in order to receive TDRs, a site must have a maximum net density standard for both its Zoning and FLUM categories.

The requirement for maximum net density is outlined in CP Policy 101.13.3, which states *the Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in the CP. In addition, CP Policy*

*101.4.21 also states the Maximum Net Density is the maximum density allowable with the use of TDRs.*

*Maximum net density means the maximum density permitted to be developed per unit of land on the net buildable area of a site, as measured in dwelling units or rooms per acre.* If a maximum net density is available for a given property, withstanding compliance with the criteria set forth in CP Policy 101.13.4 and MCC §130-160, the property owner could transfer the appropriate number of TDR's to bridge the gap between the allocated density allowance and the desired number of residential dwelling units. The total desired number of dwelling units must be equal to or less than the maximum net density allowance.

Per MCC §130-157, the MU zoning district has a maximum net density of 12 dwelling units per buildable acre. Per Policy 101.4.22 of the MCCP, the MC FLUM category has a maximum net density of 18 dwelling units per buildable acre.

Therefore, as the subject property has a maximum net density allowance, it is an eligible receiver site for 18.05 TDRs to bridge the gap between the allocated density of 3.95 dwelling units and the proposed 22 dwelling units.

Further, MCC §130-160, which outlines the TDR process states:

> *(a)(2) The maximum net densities set forth in sections 130-157 and 130-162 shall not be exceeded and new development on a receiver site shall be developed in compliance with each and every requirement of this Land Development Code;*
>
> *(a)(3) The maximum net densities set forth for the applicable future land use category in the comprehensive plan shall not be exceeded and new development on a receiver site shall be developed in compliance with each and every requirement of the comprehensive plan;*
>
> *(a)(7) A development right may be transferred in part, provided it is rounded to the nearest tenth (i.e. if a sender site is designated Native Area (NA) and consists only of two acres of upland, the property owner may transfer the fractional 0.50 transferable development right). However, in accordance with subsection (8), in no event shall a property owner utilize part of a sender site's acreage for a transferable development right and maintain the right to develop that acreage as the land use intensity shall be exhausted.*
>
> *(a)(8) Prior to application for a building permit authorizing the development of a residential dwelling unit on a receiver site requiring a transferable development right, the sender site(s) shall be a) dedicated to the county or b) placed in a conservation easement prohibiting its future development. A conservation easement shall be reviewed and approved by the planning and environmental resources department prior to its recording in the official records of the county.*

Pursuant to MCC §130-160(a)(1), *A sender site shall be within one of the following land use (zoning) districts in subsection a. and/or contain at least one of the following habitat types in subsection b.:*

*a. Land use (zoning) districts: Conservation (C), Mainland Native (MN), Native Area (NA), Offshore Island (OS), Parks and Refuge (PR) or Sparsely Settled (SS).*

*b. Habitat types: Freshwater wetlands, Saltmarsh/Buttonwood wetlands, High quality high hammock, High quality low hammock, Moderate quality high hammock, Moderate quality low hammock, High quality pinelands, Low quality pinelands, Beach/berm, Palm Hammock, Cactus Hammock, and/or Disturbed wetlands.*

Pursuant to MCC §130-160(a)(8), *Prior to application for a building permit authorizing the development of a residential dwelling unit on a receiver site requiring a transferable development right, the sender site(s) shall be a) dedicated to the county or b) placed in a conservation easement prohibiting its future development. A conservation easement shall be reviewed and approved by the planning and environmental resources department prior to its recording in the official records of the county.*

A minor conditional use permit is required pursuant to MCC §130-160(b) to carry out the TDRs.

3. As part of any building permit or conditional use permit application, a detailed site plan shall be submitted with the application. In addition, a landscape plan and surface water management plan will be required.

4. Prior to the issuance of any building permit, if such review is required, all proposed development shall be found in compliance by the Monroe County Building Department and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal. The Planning & Environmental Resources Department does not review for compliance with the Florida Building Code.

5. The property is designated within the AE-EL 8 and AE-EL 9 flood zones on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new structures or structures that are substantially improved must be built to floodplain management standards that meet those for flood protection.

6. All development shall be required to meet all standards and requirements of the Americans with Disabilities Act (ADA).

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

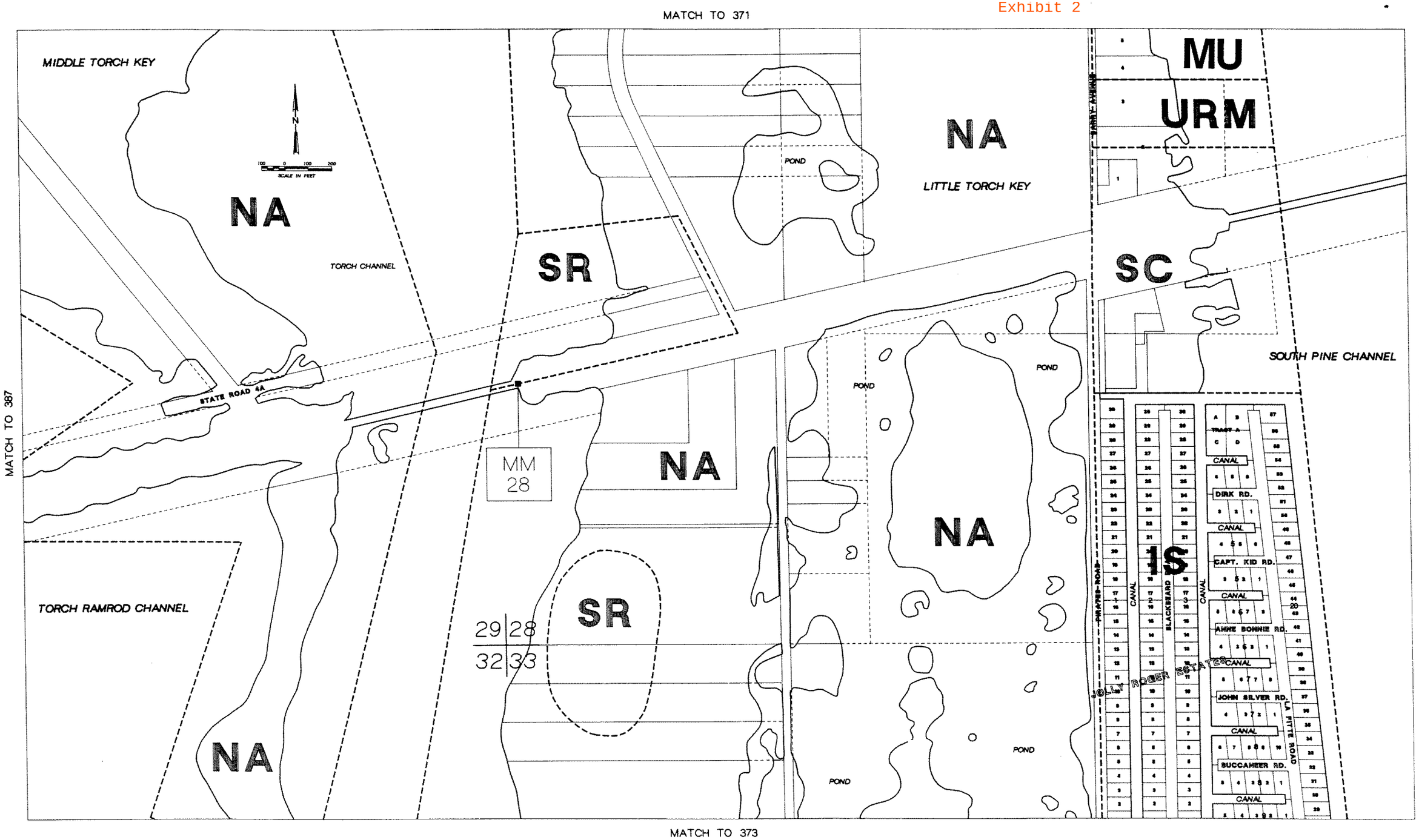
We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

Mayté Santamaría,
Senior Director Planning & Environmental Resources

CC: Emily Schemper, Comprehensive Planning Manager
Matthew Coyle, Principal Planner

Exhibit 2




**MONROE COUNTY, FLORIDA,**
**LAND USE DISTRICT MAP**

| | |
|---|---|
| DSGN | |
| DR | MA WILLS 2456LU372 |
| CHK | |
| APVD | |

I CERTIFY THAT THIS IS AN OFFICIAL MONROE COUNTY LAND USE DISTRICT MAP AS REQUIRED AND ADOPTED BY THE MONROE COUNTY BOARD OF COMMISSIONERS BY RESOLUTION ON June 19, 1986 AS PROVIDED IN CHAPTER 9.5 OF THE FLORIDA KEYS COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS, VOLUME III.

DIRECTOR, PLANNING DEPARTMENT

LEGEND

| | | | | | |
|---|---|---|---|---|---|
| ACCD | AREAS OF CRITICAL COUNTY CONCERN | I | INDUSTRIAL | RV | RECREATIONAL VEHICLE |
| AD | AIRPORT | IS | IMPROVED SUBDIVISION | SC | SUB URBAN COMMERCIAL |
| CD | CONSERVATION DISTRICTS | MF | MILITARY FACILITIES | SR | SUB URBAN RESIDENTIAL |
| CFA | COMMERCIAL FISHING AREA | MI | MARITIME INDUSTRIES | SRL | SUB URBAN RESIDENTIAL LIMITED |
| CFSD | COMMERCIAL FISHING SPECIAL DISTRICTS | MN | MAINLAND NATIVE AREA | SS | SPARSELY SETTLED |
| CFV | COMMERCIAL FISHING VILLAGE | MU | MIXED USE | UC | URBAN COMMERCIAL |
| DR | DESTINATION RESORT | NA | NATIVE AREA | UR | URBAN RESIDENTIAL |
| | | OS | OFFSHORE ISLAND AREAS | URM | URBAN RESIDENTIAL MOBILE HOME |
| | | PR | PARK AND REFUGE AREA | | |

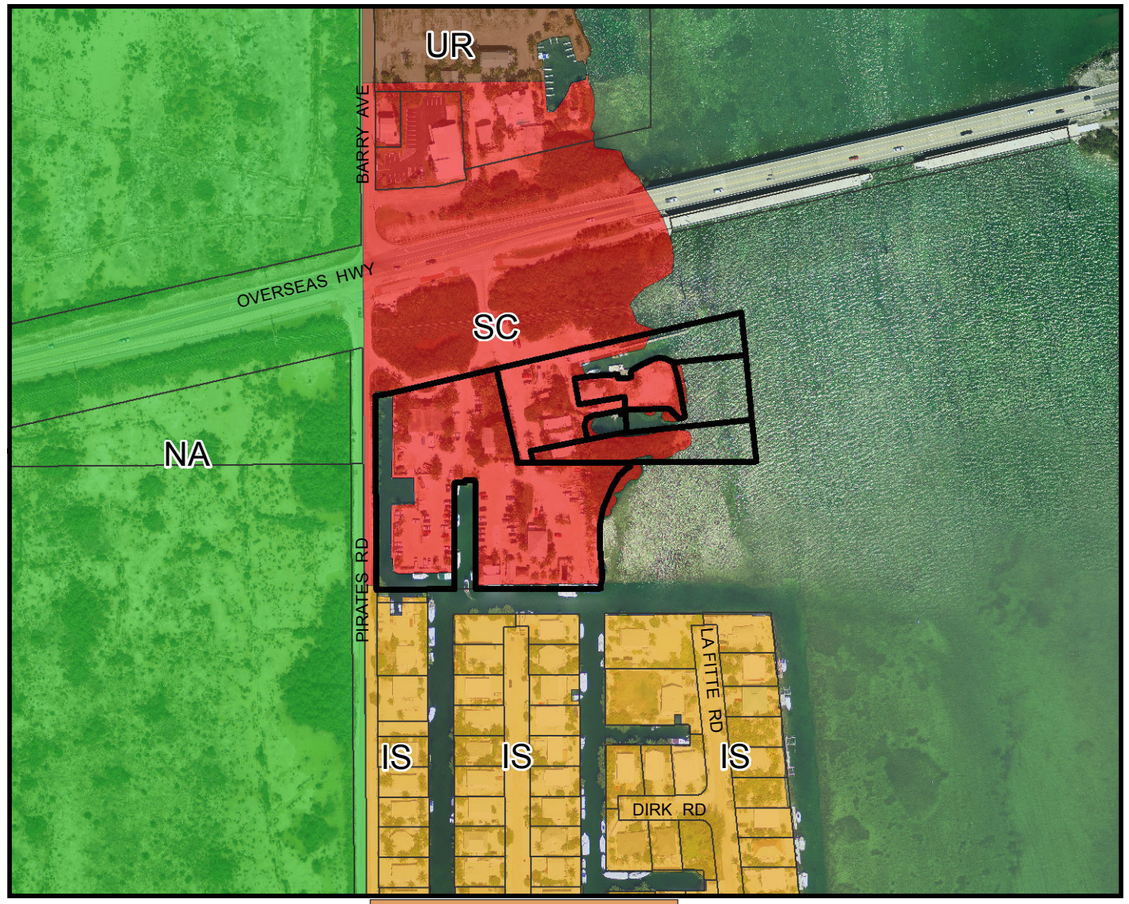
THE BASE MAPS ARE NOT SURVEY ACCURATE, AND LOCATION OF LAND USE DISTRICT BOUNDARIES IN AREAS WHERE VEGETATION PREDOMINATES SHOULD BE VERIFIED BY THE MONROE COUNTY BIOLOGIST. THESE MAPS ARE INTENDED TO REPRESENT THE GENERAL LOCATION OF A POINT OR FEATURE WITH RESPECT TO OTHER POINTS OR FEATURES ON THE SAME MAP. THE ENGINEER OF RECORD AND COUNTY WILL NOT BE RESPONSIBLE FOR ANY SOURCE DOCUMENT ERRORS OR OMISSIONS IN THE INFORMATION COMPILED BY OTHERS WHICH HAVE BEEN INCORPORATED INTO THESE MAPS.

BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

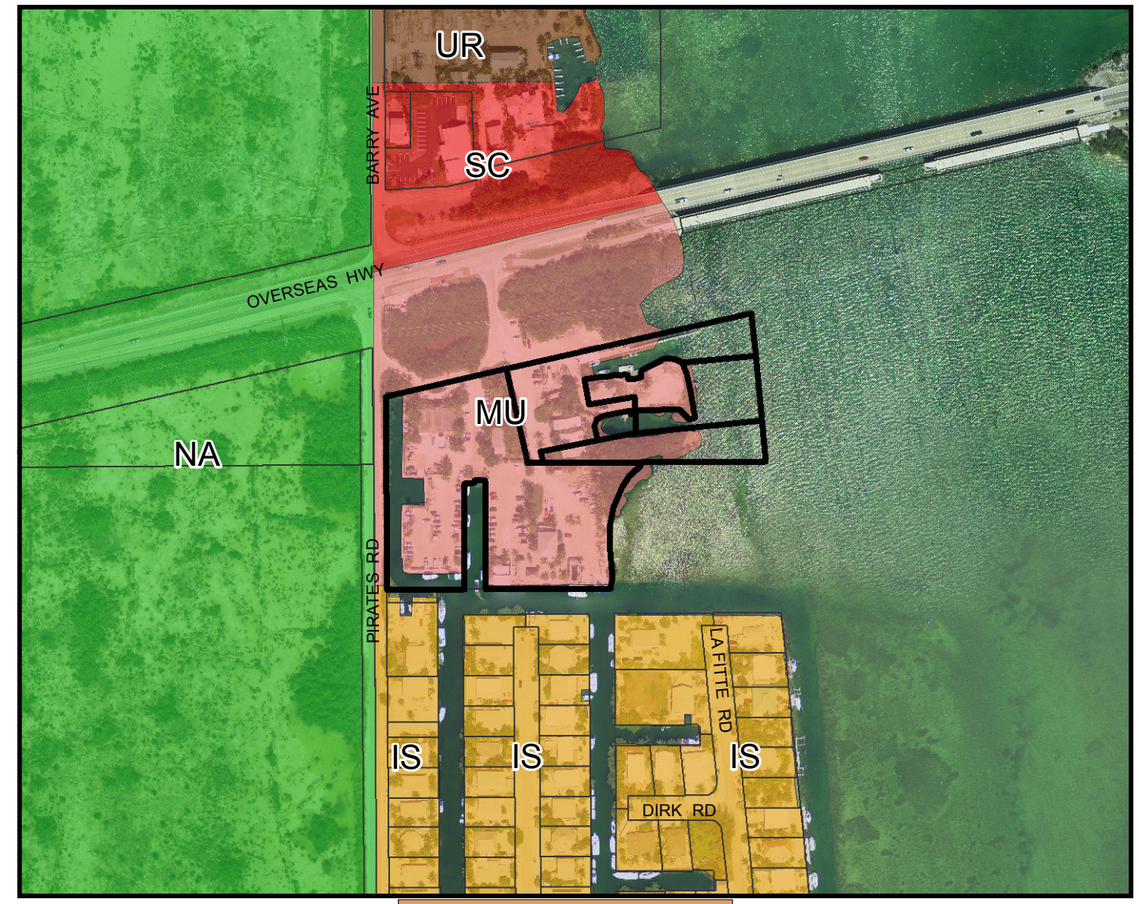
| | |
|---|---|
| SHEET | 372 |
| DATE | 1 9 88 |
| REV NO. | |
| PROJ NO. | SE 19815.X0 |

Exhibit 3

# Monroe County Land Use Amendment

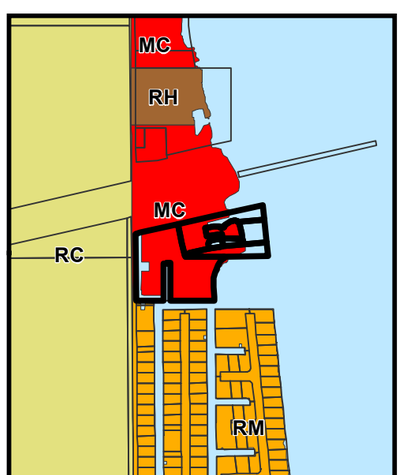



Existing Conditions

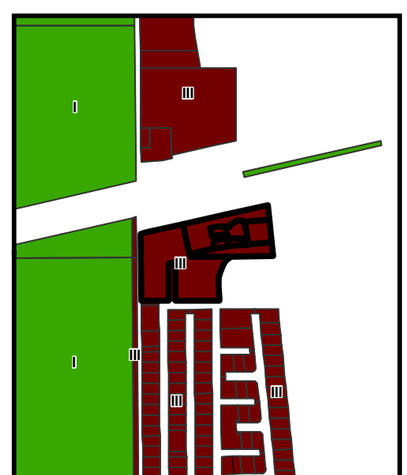



Proposed Conditions

Land Use Designations: AD = Airport District; CD = Conservation District; CFA = Commercial Fishing Area; CFSD = Commercial Fishing Special District; DR = Destination Resort; I = Industrial; IS = Improved Subdivision; MF = Military Facilities; MI = Maritime Industries; MN = Mainland Native Area; MU = Mixed Use; NA = Native Area; OS = Offshore Island; PR = Park and Refuge; RV = Recreational Vehicle; SC = Suburban Commercial; SR = Suburban Residential; SS = Sparsely Settled; UC = Urban Commercial; UR = Urban Residential; URM = Urban Residential Mobile Home




Future Land Use




Tier Designation

## Growth Management Division

We strive to be caring, professional, and fair.

The Monroe County Land Use District is proposed to be amended as indicated above and briefly described as:

Key: Little Torch Key Mile Marker: 28 Map Amendment #:_____

Acreage: 6.04 Land Use District Map #: 372

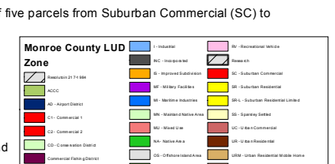
Ordinance No.: _____

Date of Adoption: _____

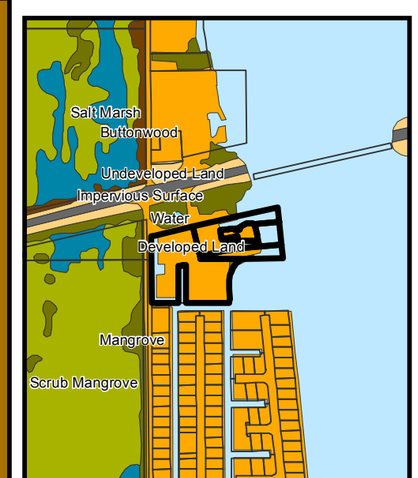
Proposal: Land Use change of five parcels from Suburban Commercial (SC) to Mixed Use (MU).

Property Description:

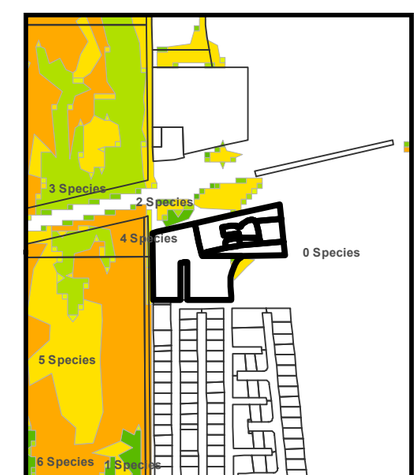
RE Numbers: 00113570-000000, 00113570-000100, 00113570-000200, 00113590-000000 and 00113620-000000




This map is for use by the Monroe County Growth Management Division only. The data contained herein is not a legal representation of boundaries, parcels, roads right of ways or other geographical data.




Habitat Type




Number of Protected Species

10/19/2015

**File #:** **2015-152**

**Owner's Name:** Colee, Patrick R & Diane
Torch Key Properties LTD
Dolphin Marina Associates LTD

**Applicant:** Noble House Hotels & Resorts
c/o Jake Donoghue

**Agent:** Donna Bosold/James T. Hendrick

**Type of Application:** Map Amendment - LUD

**Key:** Little Torch Key

**RE:** 00113570.000000
00113570.000100
00113570.000200
00113590.000000
00113620.000000

# Additional Information added to File 2015-152

# 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 Danny L. Kolhage, Dist. 1
Mayor Pro Tem Heather Carruthers, Dist. 3
George Neugent, Dist. 2
David Rice, Dist. 4
Sylvia Murphy, Dist. 5

***We strive to be caring, professional, and fair.***

Date: 8.05.15
Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for Map Amendment - LUD
Type of application

Noble House Hotels & Resorts to the Monroe County Planning Department.
Project / Name

Thank you.

Gail Creech

Planning Staff

## Creech-Gail

**From:** Schemper-Emily
**Sent:** Friday, August 07, 2015 12:52 PM
**To:** Creech-Gail
**Subject:** FW: Little Torch Map Amendment Application
**Attachments:** Little Torch Zoning Map(MoCo).pdf; Little Torch FLUM(MoCo).pdf; Little Torch Authorization letters.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Gail,
Please add the attached documents to the LUD map amendment application submitted on August 5, 2015 for Dolphin Marina/Torch Key Properties/Colee. The application has not been assigned a file number yet. Please let me know if you need help figuring out which application it is...

Thanks!
Emily

-----Original Message-----
From: Donna Bosold [mailto:donna.bosold@att.net]
Sent: Friday, August 07, 2015 12:38 PM
To: Schemper-Emily
Cc: Coyle-Matt
Subject: Little Torch Map Amendment Application

G'Day, Emily!

Many thanks for your assistance with helping me to obtain the LUD and FLUM maps for the Little Torch Map application that we brought in for submittal on Wednesday!

Please include the following items as a part of our application:

1. Copies of our letters of authorization that address all five (5) parcels

2. LUD Map

3. FLUM Map

Looking forward to working with you soon!

Best,

Donna
Donna M. Bosold, ACIP
donna.bosold@att.net
305.942.1064

5/15/15
(Date)

I hereby authorize JAMES T. HENDRICK & DONNA BOSOLD be listed as authorized agent
(Name of Agent)

for TORCH KEY PROPERTIES, LTD. for the application submittal for
(Name of Property Owner(s) the Applicant(s))

Property described as Lot: _____, Block _____,

Subdivision: _____, Key (island): LITTLE TORCH KEY

and Real Estate number: 00113570.000100 & 200.

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated.

The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

**Note:** Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

Patrick R. Colee
**Property Owner(s) Signature**

Patrick R. Colee
**Printed Name of Owner(s)**

DONNA J. REPP
COMMISSION EXPIRES
NOTARY
PUBLIC
11-01-17
STATE OF WASHINGTON

**NOTARY:**
**STATE OF ~~FLORIDA~~** WASHINGTON
**COUNTY OF ~~MONROE~~** KING

**The foregoing instrument was acknowledged before me this** 15th **day of** MAY, **20** 15.
PATRICK R. COLEE **is** X **personally known** _____ **produced identification**

(_____ **Type of Identification), did / did not take an oath.**

Donna J. Repp
**Notary**

5/15/16
(Date)

I hereby authorize JAMES T. HENDRICK & DONNA BOSOLD be listed as authorized agent
(Name of Agent)

for DOLPHIN MARINA ASSOCIATES, LTD. for the application submittal for
(Name of Property Owner(s) the Applicant(s))

Property described as Lot: _____, Block _____,

Subdivision: _____, Key (island): LITTLE TORCH KEY

and Real Estate number: 00113590.000000.

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated.

The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

**Note:** Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

**Property Owner(s) Signature**

Patrick R. Colee
**Printed Name of Owner(s)**

DONNA J. REPP
NOTARY PUBLIC
COMMISSION EXPIRES 11-01-17
STATE OF WASHINGTON

**NOTARY:**
**STATE OF ~~FLORIDA~~** Washington
**COUNTY OF ~~MONROE~~** King

**The foregoing instrument was acknowledged before me this** 15th **day of** May, **20** 15.

PATRICK R. Colee **is** X **personally known** _____ **produced identification**

(_____ **Type of Identification), did / did not take an oath.**

Donna J. Repp
**Notary**

5/15/15
(Date)

I hereby authorize JAMES T. HENDRICK & DONNA BOSOLO be listed as authorized agent
(Name of Agent)

for PATRICK R. COLEE & DIANE COLEE for the application submittal for
(Name of Property Owner(s) the Applicant(s))

Property described as Lot: _____, Block _____,

Subdivision: _____, Key (island): LITTLE TORCH KEY

and Real Estate number: 00113570.000000 & 00113620.000000.

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated.

The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

**Note:** Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

Patrick R Colee
**Property Owner(s) Signature**

Patrick R. Colee
**Printed Name of Owner(s)**

DONNA J. REPP
NOTARY PUBLIC
COMMISSION EXPIRES 11-01-17
STATE OF WASHINGTON

**NOTARY:**
**STATE OF ~~FLORIDA~~** Washington
**COUNTY OF ~~MONROE~~** King

**The foregoing instrument was acknowledged before me this** 15th **day of** May, **20** 15.

Patrick R Colee **is** X **personally known** _____ **produced identification**

( _____ **Type of Identification), did / did not take an oath.**

Donna J. Repp
**Notary**

# Map

Parcels

Parcels

Parcels

Parcels

Parcels

MileMarker

Parcels

FLUM (Draft)

- A - Agriculture
- AD - Airport District
- C - Conservation
- E - Education
- I - Industrial
- INS - Institutional
- M - Military

FLUM (Draft) (continued)

- PB - Public Buildings/Grounds
- PF - Public Facilities
- R - Recreation
- RC - Residential Conservation
- RH - Residential High
- RL - Residential Low
- RM - Residential Medium
- UNDS -Undesginated

2015 Orthophotography

Roads

MC - Mixed Use/Commercial

MCF - Mixed Use/Commercial Fishing

MN - Mainland Native

Red: Band_1

Green: Band_2

Blue: Band_3

**Copyright**

**MonroeCountySDE_Environmental_Layout**
FEMA: Federal Emergency Management Agency

# Map

Parcels

Parcels

Parcels

Parcels

Parcels

MileMarker

Zoning

- Airport
- Area of County Critical Concern
- Commercial Fish Areas
- Commercial Fishing Special District
- Commercial Fishing Village
- Conservation District
- Destination Resort
- Incorporated
- Industrial

Zoning (continued)

- Offshore Island
- Park and Refuge
- Resolution 277-1986
- Research Park
- Recreational Vehicle
- Sparsely Settled
- Suburban Commercial
- Suburban Residential -/Limited
- Urban Commercial

Roads

Parcels

Improved Subdivision -/Duplex/Masonry

Maritime Industries

Military Facilities

Mainland Native

Mixed Use

Native Area

Urban Residential

Urban Residential Mobile Home

Urban Residential Mobile Home Limited

2015 Orthophotography

Red: Band_1

Green: Band_2

Blue: Band_3

**Copyright**

**MonroeCountySDE_Environmental_Layout**
FEMA: Federal Emergency Management Agency

Little Torch Map Amendment Application 8.5.15
Dolphin Marina Entrance

Little Palm Transfer Station Entrance from Pirates Road

Pirates Road Entrance from US 1

MCPA GIS Public Portal
Scott P. Russell, CFA

- Pan
- Legend
- Zoom In
- Full
- Zoom Out
- Address
- Find
- Identify
- Select
- Buffer
- Measure
- Print

MCPA GIS Public Portal
Major Road

Monroe Outline

Subdivisions

Section Lines

SECTION TEXT

Parcels

Shoreline

Lot Lines

Hooks Leads

Help

Check out our Getting Started tutorial!

Easements

2015 Condo

2014 Condo

2013 Condo

Expand All

2012 Condo

- MCPA GIS Public Portal
  - Monroe Overlay
  - Subdivisions
  - Section Lines
  - Parcels
  - Shoreline
  - Lot Lines
  - Hooks Leads
  - Easements
  - Text Displays
  - Qualified Condo Sales
  - Qualified Sales
  - Transportation

2011 Condo

2010 Condo

2009 Condo

2008 Condo

2015 Sales

2014 Sales

2013 Sales

2012 Sales

2011 Sales

2010 Sales

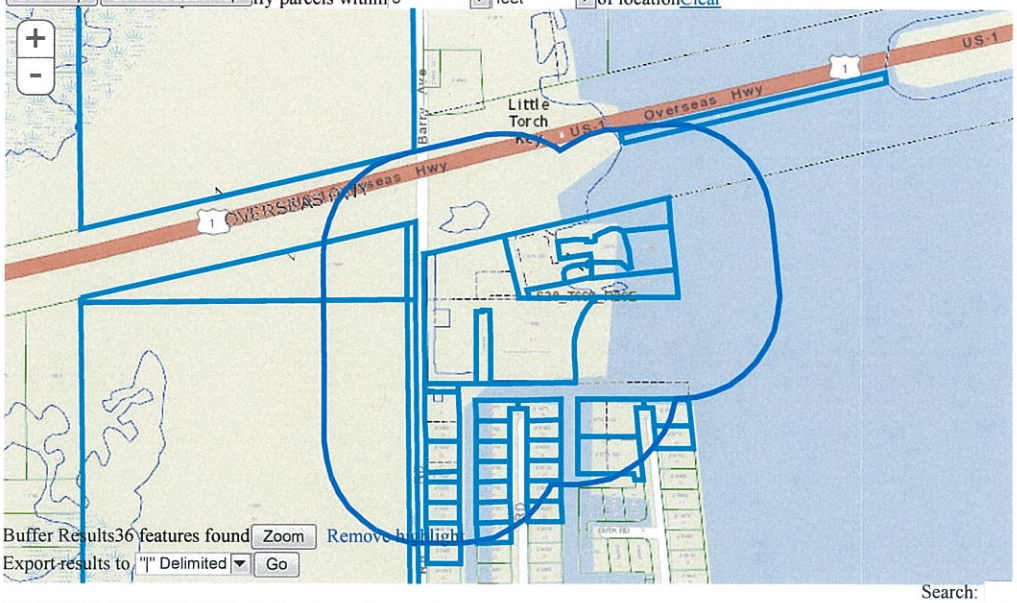
2009 Sales

2008 Sales

Road Centerline

Road Block Name

Zoom-inZoom-in to a defined extent...
Zoom-outZoom-out to a defined extent...
Full ExtentZoom to the full extent tool was clicked!
Scale: 1:4513 Latitude: 24.667397 Longitude: -81.39160 Clear
Address city zip code Locate Clear
Basemap Select a basemap ify parcels within 5 feet of locationClear




Buffer Results36 features found Zoom Remove highlight
Export results to "|" Delimited Go

Search:

| OBJECTID | SDE.DBO.W_PARCELS.ID | SDE.DBO.W_PARCELS.RECHAR | SDE.DBO.W_PARCELS.GEO_FEAT |
|---|---|---|---|

Verified GC

ALEXANDER KRISTY
192 BLACKBEARD RD
SUMMERLAND KEY, FL 33042-5539

AUERBACH DEVELOPMENT COMPANY
C/O ROEMER DAVID F
7705 SW 138TH TER
PALMETTO BAY, FL 33158-1120

BARROWS ARMANDO A AND ADA
143 BLACKBEARD RD
SUMMERLAND KEY, FL 33042-5539

BD OF TRUSTEES OF THE INT IMP
3900 COMMONWEALTH BLVD MAIL STA 115
TALLAHASSEE, FL 32399-3000

BOTTEN ALAN W AND MARGARET J
193 BLACKBEARD RD
SUMMERLAND KEY, FL 33042-5539

BROTHERS-REIN BETTY M
C/O CARESOURCE
7071 W COMMERCIAL BLVD STE 2D
LAUDERHILL, FL 33319-2143

CLOUTIER JACQUES
1901 TAMIAMI TRL S STE A
VENICE, FL 34293-5002

DAWSON JOHN E AND CAROL A
145 LA FITTE RD
LITTLE TORCH KEY, FL 33042

FARRETTA ANTHONY P
135 LA FITTE RD
SUMMERLAND KEY, FL 33042-5525

GRISCOM ROY L R AND ROSEMARY
PO BOX 1942
HOLMES BEACH, FL 34218-1942

HALLDORSON SYLVIA S REV LIVING
TRUST 2/2/2005
163 BLACKBEARD RD
SUMMERLAND KEY, FL 33042-5539

HAWKINS KENNETH WAYNE
5136 27TH ST SW
LEHIGH ACRES, FL 33973-6615

JEFFREY JOHN M & ALEXIS CAMERON IRWIN
142 BLACKBEARD RD
SUMMERLAND KEY, FL 33042-5539

JOHNSON DEBORAH J REV TRST 1/17/03
1255 N 15TH ST STE 7
IMMOKALEE, FL 34142-2859

JONES CHARLES C AND ANNE-MARIE
700 WALTER DR
NEW LENOX, IL 60451

~~LEWIS MORRIS AND LINDA A~~
~~213 PIRATES RD~~
~~LITTLE TORCH KEY, FL 33042~~

LEWIS MORRIS AND LINDA A
213 PIRATES RD
SUMMERLAND KEY, FL 33042-5542

MONROE COUNTY
500 WHITEHEAD ST email
KEY WEST, FL 33040-6581

NATURE CONSERVANCY THE
222 S WESTMONTE DRIVE - SUITE 300
ALTAMONTE SPRINGS, FL 32714-4269

NORRIS VERNON W JR REV TR DTD
04/22/05
303 SWEETBRIAR DR
RICHMOND, VA 23238-6213

NYBLAD GABRIEL JOHN
214 BLACKBEARD RD
SUMMERLAND KEY, FL 33042-5536

PREVATT BANKS G
141 PIRATES RD
LITTLE TORCH KEY, FL 33042

ROMEO WILLIAM A
5318 VIRGINIA AVE SE
CHARLESTON, WV 25304-2243

SCHROEDER DORSEY A
133 BLACKBEARD RD
LITTLE TORCH KEY, FL 33042

SVETC EUGENE F
1407 W 32ND AVE
ANCHORAGE, AK 99503-3630

TRIMBUR ROBERT C
183 BLACKBEARD RD
LITTLE TORCH KEY, FL 33042

TUTTLE MARGARET R
386 E MAIN RD
CONNEAUT, OH 44030-9608

★ = added to applicant labels

Labels GC 1 of 1

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

# Detail by Entity Name

**Florida Limited Partnership**

TORCH KEY PROPERTIES, LTD.

**Filing Information**

| | |
|---|---|
| **Document Number** | A98000001781 |
| **FEI/EIN Number** | 91-1919437 |
| **Date Filed** | 07/27/1998 |
| **State** | FL |
| **Status** | ACTIVE |
| **Last Event** | CONTRIBUTION CHANGE |
| **Event Date Filed** | 06/11/2001 |
| **Event Effective Date** | NONE |

**Principal Address**

600 6TH STREET SOUTH
KIRKLAND, WA 98033

Changed: 03/24/2009

**Mailing Address**

600 6TH STREET SOUTH
KIRKLAND, WA 98033

Changed: 03/24/2009

**Registered Agent Name & Address**

CORPORATE SERVICES COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

**General Partner Detail**

**Name & Address**

Document Number F96000005406

WESTGROUP PARTNER, INC.
600 6TH STREET SOUTH
KIRKLAND, WA 98033

**Annual Reports**

| Report Year | Filed Date |
|---|---|

| | |
|---|---|
| 2013 | 01/20/2013 |
| 2014 | 01/26/2014 |
| 2015 | 01/03/2015 |

**Document Images**

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|---|---|
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| 04/16/2011 -- ANNUAL REPORT | View image in PDF format |
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| 03/27/2008 -- ANNUAL REPORT | View image in PDF format |
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| 05/02/2002 -- ANNUAL REPORT | View image in PDF format |
| 06/11/2001 -- ANNUAL REPORT | View image in PDF format |
| 06/11/2001 -- Contribution Change | View image in PDF format |
| 05/04/2000 -- ANNUAL REPORT | View image in PDF format |
| 01/05/1999 -- ANNUAL REPORT | View image in PDF format |
| 07/27/1998 -- Domestic LP | View image in PDF format |

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FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

# Detail by Entity Name

**Florida Limited Partnership**

DOLPHIN MARINA ASSOCIATES, LTD.

**Filing Information**

| | |
|---|---|
| **Document Number** | A97000000298 |
| **FEI/EIN Number** | 91-1779988 |
| **Date Filed** | 02/03/1997 |
| **State** | FL |
| **Status** | ACTIVE |
| **Last Event** | CONTRIBUTION CHANGE |
| **Event Date Filed** | 05/01/2003 |
| **Event Effective Date** | NONE |

**Principal Address**

DOLPHIN MARINA
600 6TH STREET SOUTH
KIRKLAND, WA 98033

Changed: 03/24/2009

**Mailing Address**

DOLPHIN MARINA
600 6TH STREET SOUTH
KIRKLAND, WA 98033

Changed: 03/24/2009

**Registered Agent Name & Address**

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

**General Partner Detail**

**Name & Address**

Document Number F96000005406

WESTGROUP PARTNER, INC.
600 6TH STREET SOUTH
KIRKLAND, WA 98033

**Annual Reports**

| Report Year | Filed Date |
|---|---|
| 2013 | 01/20/2013 |
| 2014 | 01/26/2014 |
| 2015 | 01/03/2015 |

**Document Images**

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|---|---|
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| 04/20/2012 -- ANNUAL REPORT | View image in PDF format |
| 04/16/2011 -- ANNUAL REPORT | View image in PDF format |
| 02/20/2010 -- ANNUAL REPORT | View image in PDF format |
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| 05/01/2003 -- Contribution Change | View image in PDF format |
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| 05/03/2002 -- Contribution Change | View image in PDF format |
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| 05/25/2000 -- ANNUAL REPORT | View image in PDF format |
| 05/25/2000 -- Contribution Change | View image in PDF format |
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| 01/13/1999 -- Contribution Change | View image in PDF format |
| 12/15/1997 -- ANNUAL REPORT | View image in PDF format |

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# End of Additional File 2015-152

# REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

RECEIVED
AUG - 5 2015
MONROE CO. PLANNING DEPT

## MONROE COUNTY
## PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

Amendment to Land Use Map District (Residential) Application Fee: $4,131.00
Amendment to Land Use District Map (Non-Residential) Application Fee: $4,929.00

*In addition to the above application fees, the following fees also apply to each application:*
Advertising Costs: $245.00
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Technology Fee: $20.00

**Date:** _____/_____/_____
Month Day Year

**Property Owner:** Dolphin Marina Associates, Ltd; Torch Key Properties, Ltd; and Colee, Patrick & Diane
Name

c/o Noble House Hotels & Resorts, att: Jake Donoghue, 600 6th Street, South Kirkland, WA 98033
Mailing Address

contact agent: 305 304-7374
Daytime Phone

contact agent: CCCKW@hotmail.com
Email Address

**Agent (if applicable):**

Donna Bosold & James T. Hendrick
Name

317 Whitehead St., Key West, FL 33040
Mailing Address

305 942-1064 or 305 304-7374
Daytime Phone

CCCKW@hotmail.com
Email Address

**Legal Description of Property:**
(If in metes and bounds, attach legal description on separate sheet)

See attached legal description — Little Torch Key
Block — Lot — Subdivision — Key

00113570.000100&200, 00113590, 00113570, 00113620 — 1143324 , 8868898, 8923945, 1143341, 1143375
Real Estate (RE) Number — Alternate Key Number

28500 & 28540 Overseas Highway, Little Torch Key, FL — 27.5
Street Address — Approximate Mile Marker

## REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

**Current Land Use District Designation(s):** SC

**Proposed Land Use District Designation(s):** MU

**Current Future Land Use Map Designation(s):** MC

**Tier Designation(s)** Tier III

**Total Land Area Affected in acres:**

**Existing Use of the Property** (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

Resort, "Dolphin Marina and Cottages", including 12 residential units (10 transient, 2 permanent)

**In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):** Please See attached Sheets

1) **Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**

2) **Changed assumptions (e.g., regarding demographic trends):**

3) **Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**

4) **New issues:**

## REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

5) **Recognition of a need for additional detail or comprehensiveness:**

_____

_____

_____

6) **Data updates:**

_____

_____

_____

**In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the map amendment would not result in an adverse community change (attach additional sheets if necessary):**

_____

_____

_____

_____

**Has a previous Land Use District Map amendment application been submitted for this site within the past two years?**

Yes _____ Date: _____
No __X__

**All of the following must be submitted in order to have a complete application submittal:**
(Please check as you attach each required item to the application)

- [x] **Complete Land Use District Map amendment application** (unaltered and unbound); and
- [x] **Correct fee** (check or money order to Monroe County Planning & Environmental Resources); and
- [x] **Proof of ownership (i.e. Warranty Deed)**; and
- [x] **Current Property Record Card(s) from the Monroe County Property Appraiser**; and
- [x] **Location map from Monroe County Property Appraiser**; and
- [ ] **Copy of current Land Use District Map** (please request from the Planning & Environmental Resources Department prior to application submittal); and
- [ ] **Copy of current Future Land Use Map** (please request from the Planning & Environmental Resources Department prior to application submittal); and
- [x] **300 foot radius map from Monroe County Property Appraiser Office**
- [x] **List of surrounding property owners from 300 foot radius map**
- [ ] **Photograph(s) of site from adjacent roadway(s)**; and

## REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

☒ **Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets** (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat); and

☒ **Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets).** 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 300 foot radius, each unit owner must be included

**If applicable, the following must be submitted in order to have a complete application submittal:**

☐ **Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)

☒ **Any other Monroe County documents including Letters of Understanding pertaining to the proposed Land Use District Map amendment**

**If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.**

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:** _____ **Date:** 08.05.15

Sworn before me this 5th day of August, 2015

Mayra Tezanos
Notary Public
My Commission Expires

MAYRA TEZANOS
Notary Public - State of Florida
My Comm. Expires May 19, 2016
Commission # EE 168590
Bonded Through National Notary Assn.

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

# Little Torch Proposed Land Use District Map Amendment

Sec. 102-158 Factor Responses

**1. Changed Projections (Public Service Needs)**

**2. Changed Assumptions (Demographic Trends)**

The tourist population in this area is increasingly dominated by family and affinity groups who demand more commodious lodging (i.e., vacation rentals) than the motel/hotel rooms allowed in the Suburban Commercial (SC) district.

**3. Data Errors**

The permanent residential units that have long existed on the subject property are inconsistent with the current (SC) zoning .

**4. New Issues**

Torch Key Subarea Goals, Objectives and Policies as outlined in the recently-adopted Lower Keys Communikeys Plan will be facilitated by the proposed zoning change from SC to Mixed Use (MU).

**5. Recognition for Additional Detail or Comprehensiveness**

**6. Data Updates**

The Lower Keys Communikeys Plan completed in 2012 includes the subarea segment identified as "Segment 9, Torch Keys", and quantifies issues specific to the subarea that were not previously considered when the property was zoned SC.

**No Adverse Community Change**

The proposed map amendment from Suburban Commercial (SC) to Mixed Use (MU) will not result in an adverse community change of the Planning Area in which proposed development is located. The affected properties as well as the Planning Area in which they are located are already developed with a mixture of residential, transient, and commercial uses.

The proposed change will be consistent with Monroe County *Code* Section 130-38, "Purpose of the MU land use district", which is "...to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses and preserve these areas as representative of the character, economy and cultural history of the Keys."

The proposed change will be consistent with the purpose of the Mixed Commercial (MC) future land use category as outlined in Monroe County Comprehensive Plan Policy 101.4.5, which is "...to provide for the establishment of commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public and commercial retail uses."

The proposed change will be consistent with the Lower Keys Communikeys plan as prepared by the Citizens and Residents of the Lower Keys and Monroe County Growth Management Division with the assistance of Consultant HDR, Inc., dated September, 2012.

MONROE COUNTY
OFFICIAL RECORDS

FILE #1002074
BK#1455 PG#184

RCD May 05 1997 02:14PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 14700.00
05/05/1997 FP DEP CLK

*This instrument prepared by:*
J. Jefferson Overby, Esq.
330 Whitehead Street, Suite 205
Key West, Florida 33040

Grantee's Social Security No:
Dolphin Marina Associates, Ltd.

Parcel I.D. No:

*(Space reserved for recording)*

# WARRANTY DEED

**THIS INDENTURE,**

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular numbers shall include the plural, and the plural the singular, the use of any gender; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 29 day of April, 1997

**Between CHARLES B. LOVERING and JEAN LOVERING, his wife,** parties of the first part, and **DOLPHIN MARINA ASSOCIATES, LTD., a Florida Limited Partnership,** c/o 317 Whitehead, Key West, Florida 33040, party of the second part .

**WITNESSETH**

That the said parties of the first part, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, their heirs and assigns forever, the following described land, situated, lying and being in the County of Monroe, State of Florida, to wit:

**See Exhibit "A" attached hereto and made a part hereof.**

**SUBJECT TO conditions, limitations and restrictions and easements of record, if any.**
**SUBJECT TO taxes and assessments for the year 1997 and subsequent years.**

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**In Witness Whereof,** the said parties of the first part have hereunto set their hands and seals the day and year first above written.

WITNESSES:

1. Joseph H. Roth III
Print Name: Joseph H. Roth III

2. Alma Shuckhart
Print Name: Alma Shuckhart

Charles B. Lovering
**CHARLES B. LOVERING**

1. Joseph H. Roth III
Print Name: Joseph H. Roth III

Jean Lovering
JEAN LOVERING

2. Alma Shuckhart
Print Name: Alma Shuckhart

STATE OF FLORIDA )
)
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 29 day of April, 1997, by **CHARLES B. LOVERING,** who is personally known to me or who produced _____ as identification.

My Commission Expires:

J JEFFERSON OVERBY
My Commission CC436851
Expires Feb. 02, 1999
Bonded by HAI
800-422-1555

NOTARY PUBLIC - State of Florida
J. JEFFERSON OVERBY
Print Name:

STATE OF FLORIDA )
)
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 29 day of April, 1997, by **JEAN LOVERING,** who is personally known to me or who produced _____ as identification.

My Commission Expires:

J JEFFERSON OVERBY
My Commission CC436851
Expires Feb. 02, 1999
Bonded by HAI
800-422-1555

NOTARY PUBLIC - State of Florida
J. JEFFERSON OVERBY
Print Name:

EXHIBIT A

TRACT 1

A tract of land in Part of Government Lot 11, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of Government Lot 11, bear East along the North Line of Government Lot 11 for a distance of 220 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, bear South at right angle to the North line of Government Lot 11 a distance of 250 feet; thence bear East along a line parallel to the said North line of Government Lot 11 a distance of 250 feet; thence North at right angle to the Southern boundary line of this property a distance of 250 feet to a point intersecting the North line of Government Lot 11; thence bear West along the North line of Government Lot 11, 250 feet, more or less, back to the Point of Beginning. Said property intending to be that property obtained by the grantors herein and previously described as:

> That portion of Government Lot 11, Section 28, Township 66 South, Range 29 East, being a parcel 250 feet square having as its North boundary line the North line of said lot and having as its East line the shoreline of the Atlantic Ocean.

Together with a perpetual easement for ingress and egress over and across the following described property:

Situated in the County of Monroe, and State of Florida, and known as being a part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, and bounded and described as follows:

Commencing at the intersection of the West Line of Government Lot 6, and the Southerly right-of-way line of U. S. Highway No. 1, bear North 77 degrees, 34 minutes, 26 seconds East along the Southerly right-of-way line of U. S. Highway No. 1, 272.16 feet to the Point of Beginning of the 30 foot wide right-of-way hereinafter described; from said Point of Beginning bear South 12 degrees and 24 minutes East 186.49 feet to the Southerly line of Government Lot 6; thence bear East along the said Southerly line of Government Lot 6, 30.72 feet; thence bear North 12 degrees and 24 minutes West 193.10 feet to the Southerly right-of-way line of U. S. Highway No. 1; thence bear South 77 degrees, 34 minutes, 26 seconds West along the Southerly right-of-way line of U. S. Highway No. 1, 30.00 feet to the Point of Beginning.

TRACT 2

TRACT NO. 1

A tract of land in a part of Government Lot 6 and a part of Government Lot 11, all in Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the West line of Government Lot 6 and the Southerly right-of-way line of U.S. Hwy. No. 1, bear North 77 degrees, 34 minutes, 26 seconds East along the Southerly right-of-way line of U.S. Hwy. No. 1, 51.20 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, bear South along the edge of a canal, 378.81 feet to where said canal intersects with another canal; thence bear East along said canal, 130.40 feet to another canal; thence bear North along said canal, 195.40 feet to the Northwest corner of a canal; thence bear East along the North side of a canal, 40.0 feet to the Northeast corner of a canal; thence bear North, 54.80 feet; thence bear East, 83.30 feet; thence bear North 12 degrees and 24 minutes West, 176.25 feet to the Southerly right-of-way of U.S. Highway No. 1; thence bear South 77 degrees, 34 minutes, 26 seconds West along the Southerly right-of-way line of U.S. Hwy. No. 1 for a distance of 220.96 feet back to the Point of Beginning.

This Instrument Prepared By:
Phyllis Shampanier, Esq.
8115 S.W. 17th Terr.
Miami, Florida 33155

Appraiser's Folio # 60113570-000100
Grantee FEIN. #_____

MONROE COUNTY
OFFICIAL RECORDS

FILE #1078504
BK#1530 PG#2152

RCD Aug 06 1998 02:04PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 2940.00
08/06/1998 FP DEP CLK

# WARRANTY DEED

THIS INDENTURE made this 3 day of August, 1998 between

**ROBERT B CARPENTER and LYNN A. CARPENTER**, husband and wife,

"GRANTOR"

and

**TORCH KEY PROPERTIES, LTD.**, a Florida Limited Partnership

of the County of Monroe and State of Florida, "GRANTEE", having a post office address of 28500 Overseas Highway, Little Torch Key, Florida 33042

WITNESSETH that the said Grantor, for and in consideration of the sum of Four Hundred and Twenty Thousand Dollars ($420,000) and other good and valuable consideration to the said Grantor paid in hand by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, the lands lying and being in Monroe County, Florida, to wit:

**Lands and submerged lands described on Exhibit A as Parcel #1, Parcel # 1 (Baybottom, Dock and Seawall) annexed hereto and made a part hereof**

TOGETHER WITH all improvements thereon and all easements, rights of way, tenaments, heritaments, appurtenances and riparian and littoral rights pertaining thereto and used in connection therewith,

**Subject to:** Taxes and assessments for 1998 and subsequent years, zoning ordinances and those easements set forth on Exhibit A

IN WITNESS WHEREOF, Grantor(s) have executed this instrument on the day and year first above written.

Signed, sealed and delivered
in our presence:

Print Name James R. Keller

Print Name GRETCHEN HOLLAND

ROBERT B. CARPENTER

LYNN A. CARPENTER

Address: Newfound Harbor Marina
Mile Marker 28.5 Overseas Highway
Little Torch Key, Florida 33042

FILE #1078504
BK#1530 PG#2153

State of Florida )
) ss
County of Monroe )

SWORN TO AND SUBSCRIBED before me this 3rd day of August 1998 by ROBERT B. CARPENTER and LYNN A CARPENTER, husband and wife. They are (check one) ____personally known to me (or) ✓ they produced DRIVER'S LICENSES respectively, as identification.

My commission Expires:

Notary Public, State of Florida

GRETCHEN HOLLAND
Printed Name of Notary

dolcarp.wd

OFFICIAL NOTARY SEAL
GRETCHEN HOLLAND
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC394681
MY COMMISSION EXP. SEPT 18,1998

## EXHIBIT "A"

**PARCEL # 1**

A Parcel of Land in a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP, said corner to be know as the POINT OF BEGINNING of the Parcel of Land hereinafter described; Thence bear N 12°22'12" W, along the Easterly line of the said 10 FOOT STRIP and along the Easterly line of those lands known as Tract No.'s 1 and 2, for a distance of 190.61 feet, to the Southerly Right-of-Way Line of U.S. Highway No. 1; Thence bear N 77°34'26" E, along the said Southerly Right-of-Way Line, for a distance of 30.00 feet; Thence bear S 12°22'12" E, for a distance of 35.63 feet; Thence bear N 77°34'26" E, for a distance of 114.75 feet, more or less, to the Mean High Water Line of an Existing Canal (BOAT BASIN); Thence bear S 20°40'28" E, along said Mean High Water Line of said Existing Canal, for a distance of 13.72 feet; Thence bear S 09°17'06" E, along said Mean High Water Line of said Existing Canal, for a distance of 5.00 feet, to the Southwest Corner of said Existing Canal; Thence continue bearing S 09°17'06" E, for a distance of 51.09 feet; Thence bear N 80°40'13" E, for a distance of 90.34 feet; Thence bear S 03°08'12" E, for a distance of 26.01 feet, more or less, to the Mean High Water Line of an Existing Boat Basin; Thence bear along the Mean High Water Line of said Basin, for the following Eleven coarses:

1) Thence bear S 87°36'53" W, for a distance of 5.03 feet;
2) Thence bear S 03°25'56" E, for a distance of 8.13 feet;
3) Thence bear S 86°34'04" W, for a distance of 4.00 feet;
4) Thence bear N 03°25'56" W, for a distance of 7.92 feet;
5) Thence bear S 79°34'39" W, for a distance of 48.21 feet;
6) Thence bear N 10°25'21" W, for a distance of 0.70 feet;
7) Thence bear S 72°53'49" W, for a distance of 9.78 feet;
8) Thence bear S 58°17'56" W, for a distance of 11.68 feet;
9)Thence bear S 20°39'28" W, for a distance of 13.68 feet;
10)Thence bear S 10°44'39" E, for a distance of 19.97 feet;
11)Thence bear S 27°49'36" E, for a distance of 8.78 feet;

Thence bear S 79°17'00" W, for a distance of 116.26 feet, to a point; Thence bear S 12°22'12" E, for a distance of 24.06 feet, to a point on the Southerly Line of said Government Lot 6; Thence bear N 89°58'33" W, along the Southerly Line of said Government Lot 6; for a distance of 30.72 feet, back to the Point Of Beginning;
NOTE: PARCEL 1 LESS PARCEL 5 (SEE BELOW),
contains an AREA of 21,568.3 square feet, more or less.

**TOGETHER WITH**
**PARCEL # 1(BAYBOTTOM, DOCK, AND SEAWALL)**

FILE #1078504
BK#1530 PG#2154

**PARCEL # 1(BAYBOTTOM, DOCK, AND SEAWALL)**

A Parcel of submerged Land (baybottom), Wood Dock, and Concrete Seawall adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; Thence bear N 12°22'12" W, along the Easterly line of the said 10 FOOT STRIP and along the Easterly line of those lands known as Tract No.'s 1 and 2, for a distance of 190.61 feet, to the Southerly Right-of-Way Line of U.S. Highway No. 1; Thence bear N 77°34'26" E, along the said Southerly Right-of-Way Line, for a distance of 30.00 feet; Thence bear S 12°22'12" E, for a distance of 35.63 feet; Thence bear N 77°34'26" E, for a distance of 114.75 feet, more or less, to a point on the Mean High Water Line of an Existing Canal (BOAT BASIN), said point to be known as the POINT OF BEGINNING; Thence bear S 20°40'28" E, along said Mean High Water Line of said Existing Canal, for a distance of 13.72 feet; Thence bear S 09°17'06" E, along said Mean High Water Line of said Existing Canal, for a distance of 5.00 feet, to the Southwest Corner of said Existing Canal; Thence bear along said Mean High Water Line of said Existing Canal, on the following Twelve coarses:

1) Thence bear N 80°33'11" E, for a distance of 28.75 feet;
2) Thence bear N 87°20'17" E, for a distance of 19.03 feet;
3) Thence bear N 81°54'27" E, for a distance of 9.83 feet;
4) Thence bear S 87°56'28" E, for a distance of 8.71 feet;
5) Thence bear N 82°30'01" E, for a distance of 9.57 feet;
6) Thence bear N 87°17'38" E, for a distance of 10.23 feet;
7) Thence bear S 07°47'23" E, for a distance of 8.80 feet;
8) Thence bear N 86°58'11" E, for a distance of 15.47 feet;
9) Thence bear N 75°57'20" E, for a distance of 9.62 feet;
10) Thence bear N 03°28'01" W, for a distance of 7.65 feet;
11) Thence bear N 34°09'41" E, for a distance of 2.90 feet;
12) Thence bear N 13°54'09" E, for a distance of 3.55 feet, to the back of an existing Concrete Seawall; Thence bear along the back of said Seawall on the following Eight coarses:

1) N 60°39'33" E, for a distance of 23.50 feet;
2) Thence bear N 63°53'22" E, for a distance of 18.86 feet;
3) Thence bear N 70°31'38" E, for a distance of 7.41 feet;
4) Thence bear N 85°09'55" E, for a distance of 7.52 feet;
5) Thence bear S 88°08'56" E, for a distance of 7.60 feet;
6) Thence bear S 78°36'20" E, for a distance of 7.72 feet;
7) Thence bear S 70°58'01" E, for a distance of 7.61 feet;
8) Thence bear S 57°36'22" E, for a distance of 7.21 feet;

Thence bear N 84°45'00" E, for a distance of 144.85 feet, more or less, to a point on the Easterly line of the submerged land as described in Official Records Book 281, Page 501; Thence bear N 05°15'00" W, along the Easterly line of said submerged land, for a distance of 28.91 feet, more or less, to a point which is 55.38 feet from the Northeast corner of said submerged land; , Thence bear S 84°45'00" W, for a distance of 181.84 feet; Thence bear S 72°28'55" W, along the approximate centerline of an existing Canal (BOAT BASIN), for a distance of 77.47 feet; Thence bear S 79°50'57" W, along the approximate centerline of said existing CANAL (BOAT BASIN), for a distance of 87.56 feet, more or less, back to the POINT OF BEGINNING. containing an AREA of 8,822.0 square feet, more or less.

FILE #1078504
BK#1530 PG#2155

**SUBJECT TO:**
**EASEMENT # 2**

An Ingress and Egress Easement for access to the Remainder of said Government Lot 6, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; Thence bear N 12°22'12" W, along the Easterly line of the said 10 FOOT STRIP and along the Easterly line of those lands known as Tract No.'s 1 and 2, for a distance of 190.61 feet, to a point, on the Southerly Right-of-Way line of U.S. Highway No. 1, said point to be known as the POINT OF BEGINNING of the Easement hereinafter described; Thence bear N 77°34'26" E, along the said Southerly Right-of-Way Line, for a distance of 108.68 feet; Thence bear S 57°44'49" E, for a distance of 50.67 feet, to the Mean High Water Line of an Existing Canal; Thence bear S 20°40'28" E, for a distance of 13.72 feet, to the Edge of an Existing Wood Dock; Thence bear S 09°17'06" E, for a distance of 64.87 feet; Thence bear S 80°42'54" W, for a distance of 25.27 feet; Thence bear N 09°17'06" W, for a distance of 78.26 feet; Thence bear N 69°55'32" W, for a distance of 36.20 feet; Thence bear S 77°34'26" W, for a distance of 91.66 feet; Thence bear N 12°22'12" W, for a distance of 15.00 feet, back to the POINT OF BEGINNING.

FILE #1078504
BK# 1530 PG# 2156

**AND SUBJECT TO:**

A 30 Foot Easement as Described in Official Records Book 743, Page 349.

**AND ALSO SUBJECT TO:**

A Utilities Easement for Utility Lines as they Exist.

# AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MONROE

BEFORE ME, the undersigned Notary Public, duly authorized to take acknowledgments and administer oaths, personally appeared ROBERT B. CARPENTER AND LYNN A. CARPENTER, husband and wife, who after being duly sworn depose and say:

THAT affiants are this day selling the property described as Parcel 1 on Exhibit A to the Warranty Deed of even date herewith, which parcel together with the adjacent Baybottom, Dock and Seawall are this day being conveyed to Torch Key Properties, Ltd. by said Warranty Deed.

Affiants have resided on the said Property since they acquired title thereto on May 25, 1994 and same has been their homestead from that date up to the date hereof.

FILE #1078504
BK#1530 PG#2157

Robert B. Carpenter

Robert B. Carpenter

Lynn A. Carpenter

Lynn A. Carpenter

Sworn and Subscribed before me this day of August, 1998, by Robert B. Carpenter and Lynn A. Carpenter, husband and wife, who produced Driver's Licenses as identification, who did not take an oath.

Gretchen Holland

NOTARY PUBLIC, STATE OF FLORIDA
PRINTED NAME:

My Commission expires:

OFFICIAL NOTARY SEAL
GRETCHEN HOLLAND
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC394681
MY COMMISSION EXP. SEPT 18,1998

THIS INSTRUMENT PREPARED BY
CARLA BAHN OF
CORAL REEF TITLE COMPANY
POST OFFICE BOX 318
ISLAMORADA, FL 33036
AS A NECESSARY INCIDENT TO THE
FULFILLMENT OF TITLE INSURANCE
COMMITMENT ISSUED BY IT.

MONROE COUNTY
OFFICIAL RECORDS

This Instrument Prepared By:
James R. Keller, Attorney
P.O. Box 500057
10925 Overseas Highway
Marathon, FL 33050-0057

Parcel Identification Number: 00113570-000000
Alternate Key Number: 1143324

MONROE COUNTY
OFFICIAL RECORDS

FILE #1444883
BK#2005 PG#1295

RCD May 18 2004 12:07PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 6440.00
05/18/2004 RA DEP CLK

# *Warranty Deed*

(STATUTORY FORM - SECTION 689.02, F.S.)

*This Indenture,* made this 14 day of May, 2004, between **Betty Brothers-Rein,** an unmarried woman, whose post office address is Post Office Box 456, Big Pine Key, Florida 33043, hereinafter referred to as "Grantor", and **Patrick R. Colee and Diane Colee,** husband and wife, and whose post office address is c/o Noble House Hotel and Resort, 570 Kirkland Way, Kirkland, Washington, 98033, hereinafter jointly and severally referred to as "Grantee";

*Witnesseth:* that said Grantor, for and in consideration of the sum of Ten Dollars ($10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Deed Book G-37, Page 302

A part of U.S. Government Lot Number Six (6), Section 28, Township 66 South, Range 29 East, Monroe County, Florida, further described as follows:

All That part of U. S. Lot #6 which lies South of U. S. Highway Number One (1). The above property is located on Little Torch Key, Monroe County, Florida. There is excepted from this instrument all Gas, Oil and Mineral Rights.

And

Deed No. 23191 (1158-44) Official Records Book 261, Page 501, described as:

A parcel of submerged land located Easterly of and Adjacent to Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and more particularly described as follows:

From the Northeast Corner of that certain parcel of submerged land described in Trustees Internal Improvement Fund Contract No. 22675 (Northeast Corner of Jolly Roger Estates as Recorded in Plat Book 5 at Page 34, Monroe County Official Records) go North 05 degrees, 15 minutes West, a distance of 251.05 feet to a point in the southerly line of said Government Lot 6 (Extended) which pint it the Point of Beginning; thence continue North 05 degrees 15 minutes West, a distance of 315 feet, more or less, to a point on the Southerly Right-of-Way line of U. S. Highway No. 1; thence South 77 degrees 34 minutes West along said Southerly Right-of-Way line, a distance of 200 feet, more or less, to a point in the Easterly shoreline of said Government Lot 6; thence Southerly, Easterly, Southerly and Westerly along the meanders of said Easterly shoreline a distance of 530 feet, more or less, to a point of intersection with the Southerly line of said Government Lot 6; thence East along the Southerly line of said Government Lot 6 (Extended) a distance of 230 feet, more or less, back to the Point of Beginning; containing 0.46 acres, more or less, and lying and being in the County of Monroe, in the State of Florida.

Less

That portion of Pirates Road as shown on the Plat of Jolly Roger Estates, as Recorded in Plat Book 5 at Page 34, Monroe County Official Records lying within Government Lot 6, Section 28, Township 29 East, Little Torch Key, Monroe County, Florida.

NOTE: This being the remainder of the 50 foot strip conveyed to Little Torch Properties, Inc. Of which the Easterly half was conveyed back to Bern and Betty Brothers in Official Records Book 382, Page 781 of the Public Records of Monroe County, Florida.

FILE #1444883
BK#2005 PG#1296

Less

Those lands as described in Official Records Book 1455, Page 184 of the Public Records of Monroe County, Florida.

Less

Those lands as described in Official Records Book 1530, Page 2152 of the Public Records of Monroe County, Florida.

Less

Those lands as described in Official Records Book 1530, Page 2158 of the Public Records of Monroe County, Florida.

Less

Those lands as described in Official Records Book 1530, Page 2162 of the Public Records of Monroe County, Florida.

Less

Those lands as described in Official Records Book 1530, Page 2165 of the Public Records of Monroe County, Florida.

Together With:

An Ingress and Egress Easement for access to the remainder of said Government Lot 6, being more particularly described as follows:

Commencing at the Southwest Corner of said Government Lot 6, bear South 89 degrees, 58 minutes, 33 seconds East, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a tract of land known as the 10 Foot Strip; thence bear North 12 degrees 22 minutes 12 seconds West along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tracts No.s 1 and 2, for a distance of 190.61 feet to a point on the Southerly Right-of-Way line of U.S. Highway No. 1, said point to be known as the POINT OF BEGINNING of the Easement hereinafter described; thence bear North 77 degrees 34 minutes, 26 seconds along the said Southerly Right-of-Way line for a distance of 108.68 feet; thence bear South 57 degrees, 44 minutes 49 seconds Est for a distance of 50.67 feet to the Mean High Water Line of an exiting canal; thence bear South 20 degrees 40 minutes 28 seconds East for a distance of 13.72 feet to the edge of an existing wood dock; thence bear South 09 degrees 17 minutes 06 seconds East for a distance of 64.87 feet; thence bear South 80 degrees 42 minutes 54 seconds West for a distance of 25.27 feet; thence bear North 09 degrees 17 minutes 06 seconds West for a distance of 78,26 feet; thence bear North 69 degrees 55 minutes 32 seconds West for a distance of 36.20 feet; thence bear South 77 degrees 34 minutes 26 seconds West for a distance of 91.66 feet; thence bear North 12 degrees 22 minutes 12 seconds West for a distance of 15 feet, back to the Point of Beginning.

Together With and Subject To:

A Boating Easement for ingress and egress, being Ten feet wide (10') each side of the centerline of a Boat Basin Channel, said centerline being more particularly described by metes and bounds as follows:

Commencing at the Southwest Corner of said Government Lot 6, bear South 89 degrees 58 minutes 33 seconds East only the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of Land known as the 10 Foot Strip; thence continue bearing South 89 degrees 58 minutes 33 seconds East, along said southerly line, for a distance of 30.72 feet; thence bear North 12 degrees 22 minutes 12 seconds East for a distance of 24.06 feet; thence bear North 79 degrees 17 minutes 00 seconds East along the Southerly line of the above described Parcel #1, for a distance of 116.26 feet, more or less, to the Mean High Water Line of an existing Boat Basin; thence continue bearing North 79 degrees 17 minutes 00 Seconds East for a distance of 61.82 feet, more or less, to a point on the centerline of an existing channel, said point to be known as the POINT OF BEGINNING of the Easement hereinafter described; from said Point of Beginning bear North 84 degrees 42 minutes 21 seconds East along said centerline and the Easterly Projection thereof, for a distance of 264.31 feet, more or less to a point on the Easterly line of the submerged land as described in Official Records Book 261, Page 501, and TO THE TERMINUS of this centerline.

This Instrument Prepared By:
Phyllis Shampanier, Esq.
8115 S.W. 17th Terr.
Miami, Florida 33155

Appraiser's Folio # 60113570-000200
Grantee FEIN. #_____

MONROE COUNTY
OFFICIAL RECORDS

FILE #1078505
BK#1530 PG#2158

RCD Aug 06 1998 02:06PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 1032.50
08/06/1998 FP DEP CLK

# WARRANTY DEED 4

THIS INDENTURE made this 3 day of August, 1998 between

**ROBERT B CARPENTER and LYNN A. CARPENTER**, husband and wife,

"GRANTOR"

and

**TORCH KEY PROPERTIES, LTD.**, a Florida Limited Partnership

of the County of Monroe and State of Florida, "GRANTEE", having a post office address of 28500 Overseas Highway, Little Torch Key, Florida 33042

WITNESSETH that the said Grantor, for and in consideration of the sum of One Hundred and Forty-Seven Thousand Five Hundred Dollars ($147,500) and other good and valuable consideration to the said Grantor paid in hand by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, the lands lying and being in Monroe County, Florida, to wit:

**Lands and submerged lands described on Exhibit A as Parcel 2, Parcel 2 Baybottom and Parcel 3 (Island) annexed hereto and made a part hereof**

TOGETHER WITH all improvements thereon and all easements, rights of way, tenaments, heritaments, appurtenances and riparian and littoral rights pertaining thereto and used in connection therewith,

**Subject to:** Taxes and assessments for 1998 and subsequent years, zoning ordinances and those easements set forth on Exhibit A

## EXHIBIT "A"

**PARCEL # 2**

A Parcel of Land in a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; Thence continue bearing S 89°58'33" E, along said Southerly line, for a distance of 30.72 feet to a point, said point to be known as the POINT OF BEGINNING of the Parcel of Land hereinafter described: Thence continue bearing S 89°58'33" E, along said Southerly line, for a distance of 193.32 feet, more or less, to the Mean High Water Line of a Channel; Thence bear along the Mean High Water Line of said Channel and the Mean High Water Line of an Existing Boat Basin on the following Seven coarses:

1) N 30°55'07" W, for a distance of 27.38 feet;
2) Thence bear N 47°02'53" W, for a distance of 5.22 feet;
3) Thence bear S 89°02'52" W, for a distance of 23.90 feet;
4) Thence bear N 88°35'14" W, for a distance of 19.31 feet;
5) Thence bear N 62°40'28" W, for a distance of 7.48 feet;
6) Thence bear N 59°15'41" W, for a distance of 8.75 feet;
7) Thence bear N 43°28'29" W, for a distance of 13.08 feet;

Thence bear S 79°17'00" W, for a distance of 116.26 feet, more or less to a point which is 30 feet (measured at right angles) from the Easterly line of the said 10 FOOT STRIP; Thence bear S 12°22'12" E, for a distance of 24.06 feet, to the Southerly line of said Government Lot 6, and back to the POINT OF BEGINNING. containing an AREA of 6,100 square feet, more or less. ie. 0.14+/- Acres.

**AND PARCEL # 3 (ISLAND)**

A Parcel of Land (ISLAND) located Easterly of and adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; Thence continue bearing S 89°58'33" E, along said Southerly line, for a distance of 224.04 feet, more or less, to the Mean High Water Line of a Channel; Thence bear along the Mean High Water Line of said Channel, N 30°55'07" W, for a distance of 27.38 feet; Thence bear N 47°02'53" W, along the Mean High Water Line of said Channel, for a distance of 5.22 feet; Thence bear N 86°51'51" E, along the edge of an Existing Boat Basin, for a distance of 34.35 feet, to a point at the intersection of said Boat Basin with the Mean High Water Line of an Existing Island, said point to be known as the POINT OF BEGINNING of the Parcel of Land hereinafter described;

Thence bear along the Mean High Water Line of said Existing Boat Basin and said Island, and the Mean High Water Line of "PINE CHANNEL" on the following Eight coarses:

1) N 77°16'58" E, for a distance of 39.02 feet;
2) Thence bear N 13°26'10" W, for a distance of 5.01 feet;
3) Thence bear N 79°11'16" E, for a distance of 20.95 feet;
4) Thence bear S 55°21'38" E, for a distance of 26.69 feet;
5) Thence bear S 52°00'24" W, for a distance of 11.07 feet;
6) Thence bear S 80°32'43" W, for a distance of 19.45 feet;
7) Thence bear S 85°19'50" W, for a distance of 32.25 feet;
8) Thence bear N 61°45'11" W, for a distance of 22.00 feet, back to the POINT OF BEGINNING. containing an AREA of 1,206.83 square feet, more or less. ie. 0.026+/- Acres.

FILE #1078505
BK#1530 PG#2160

and said Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor(s) have executed this instrument on the day and year first above written.

Signed, sealed and delivered
in our presence:

Print Name James R Keller

Print Name GRETCHEN HOLLAND

ROBERT B. CARPENTER

LYNN A. CARPENTER

Address: Newfound Harbor Marina
Mile Marker 28.5 Overseas Highway
Little Torch Key, Florida 33042

FILE #1078505
BK#1530 PG#2159

State of Florida )
) ss
County of Monroe )

SWORN TO AND SUBSCRIBED before me this 3rd day of August 1998 by ROBERT B. CARPENTER and LYNN A CARPENTER, husband and wife. They are (check one) ___ personally known to me (or) ✓ they produced DRIVER'S LICENSES respectively, as identification.

My commission Expires:

Notary Public, State of Florida

GRETCHEN HOLLAND
Printed Name of Notary

dolcarp.wd

OFFICIAL NOTARY SEAL
GRETCHEN HOLLAND
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC394681
MY COMMISSION EXP. SEPT 18,1998

**AND PARCEL # 2 (BAYBOTTOM)**

A Parcel of submerged Land (baybottom) adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; Thence continue bearing S 89°58'33" E, along said Southerly line, for a distance of 224.04 feet, more or less, to a point on the Mean High Water Line of a Channel, said point to be known as the POINT OF BEGINNING of the Parcel of submerged Land hereinafter described; From said POINT OF BEGINNING, continue bearing S 89°58'33" E, along said Southerly line, for a distance of 247.14 feet, more or less, to a point at the Southeast corner of the submerged land as described in Official Records Book 261, Page 501; Thence bear N 05°15'00" W, along the Easterly line of said submerged land, for a distance of 81.53 feet, to the Easterly Projection of the centerline of an Existing channel; Thence bear S 84°42'21" W, along the said Projection of the centerline of said existing channel, for a distance of 264.31 feet; Thence bear S 79°17'00" E, for a distance of 61.82 feet, more or less, to the Mean High Water Line of an Existing Boat Basin and the Northerly line of PARCEL # 2 as described above; Thence bear along the Mean High Water Line of said Existing Boat Basin and the Mean High Water Line of a Channel on the following Seven coarses:

1) S 43°28'29" E, for a distance of 13.08 feet;
2) Thence bear S 59°15'41" E, for a distance of 8.75 feet;
3) Thence bear S 62°40'26" E, for a distance of 7.48 feet;
4) Thence bear S 86°35'14" E, for a distance of 19.31 feet;
5) Thence bear N 88°02'52" E, for a distance of 23.90 feet;
6) Thence bear S 47°02'53" E, for a distance of 5.22 feet;
7) Thence bear S 30°55'07" E, for a distance of 27.38 feet, back to the POINT OF BEGINNING. Less the above described PARCEL # 3 (ISLAND) containing an AREA of 18,093.02 square feet, more or less. ie. 0.415+/- Acres.

**TOGETHER WITH and SUBJECT TO:**

A Boating Easement for ingress and egress, being Ten foot wide (10') each side of the centerline of a Boat Basin Channel, said centerline line being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest Corner of said Government Lot 6, bear S 89°58'33"E, along the Southerly line of said Government Lot 6, for a distance of 305.73 feet, to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; Thence continue bearing S 89°58'33" E, along said Southerly line, for a distance of 30.72 feet; Thence bear N 12°22'12" E, for a distance of 24.06 feet; Thence bear N 79°17'00" E, along the Southerly line of the above described Parcel # 1, for a distance of 116.26', more or less, to the Mean High Water Line of an Existing Boat Basin; Thence continue bearing N 79°17'00" E, for a distance of 61.82 feet, more or less, to a point on the centerline of an existing channel, said point to be known as the POINT OF BEGINNING of the Easement hereinafter described;
From said POINT OF BEGINNING, bear N 84°42'21" E, along said centerline and the Easterly Projection thereof, for a distance of 264.31 feet, more or less, to a point on the Easterly line of the submerged land as described in Official Records Book 261, Page 501, and TO THE TERMINUS of this centerline.

**SUBJECT TO AND TOGETHER WITH:**
A 30 Foot Easement as Described in Official Records Book 743, Page 349.

**AND ALSO SUBJECT TO:**
A Utilities Easement for Utility Lines as they Exist.

MONROE COUNTY
OFFICIAL RECORDS

FILE #1078505
BK#1530 PG#2161

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

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

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

### Alternate Key: 1143324 Parcel ID: 00113570-000000

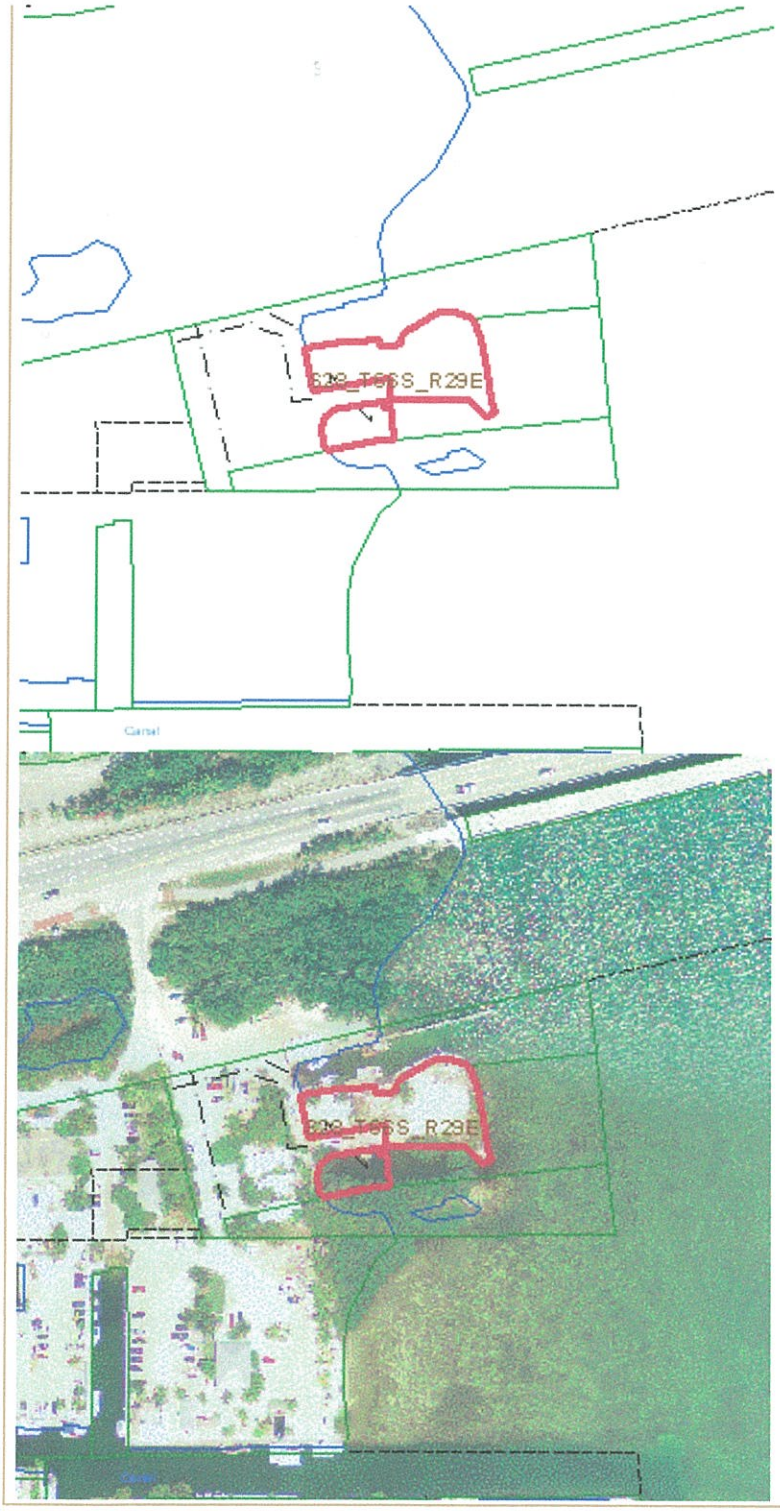
## Ownership Details

**Mailing Address:**
COLEE PATRICK R AND DIANE
C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT
600 6TH ST S
KIRKLAND, WA 98033-6716

## Property Details

**PC Code:** 12 - STORE/OFF/RES OR COMBINATION
**Millage Group:** 100H
**Affordable Housing:** No
**Section-Township-Range:** 28-66-29
**Property Location:** 28500 OVERSEAS HWY LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LOT 6 S OF H/W LITTLE TORCH KEY G37-302/03 OR382-781 OR390-851E OR548-206D/C OR740-713/14E OR643-687/90AFF OR1751-1835/36 OR1992-1411 OR2005-1295/97

## Click Map Image to open interactive viewer




## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 9500 - SUBMERGED | | | 0.08 AC |
| 100W - COMMERCIAL WATERFRON | 0 | 0 | 14,683.00 SF |

## Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 761
Year Built: 1953

## Building 1 APT(S) Details

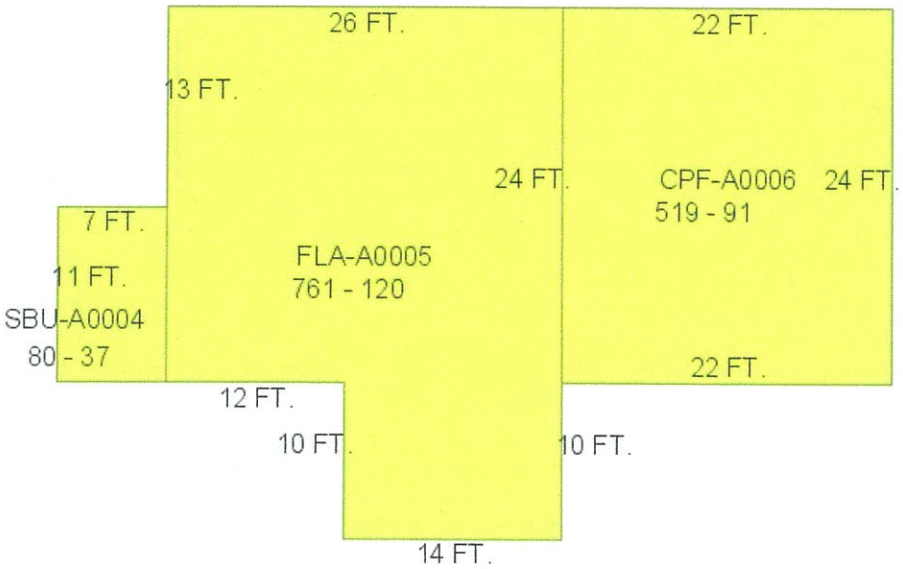
| | | | | | |
|---|---|---|---|---|---|
| Building Type | | Condition | A | Quality Grade | 250 |
| Effective Age | 17 | Perimeter | 120 | Depreciation % | 23 |
| Year Built | 1953 | Special Arch | 0 | Grnd Floor Area | 761 |
| Functional Obs | 0 | Economic Obs | 0 | | |

Inclusions:

| | | | | | |
|---|---|---|---|---|---|
| Roof Type | GABLE/HIP | Roof Cover | METAL | Foundation | |
| Heat 1 | | Heat 2 | | Bedrooms | 0 |
| Heat Src 1 | | Heat Src 2 | | | |

Extra Features:

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | 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 | 1 | Dishwasher | 0 |




Sections:

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | SBU | | 1 | 1953 | | | | | 80 |

| | | | | |
|---|---|---|---|---|
| 2 | FLA | 1 | 1953 | 761 |
| 3 | CPF | 1 | 1953 | 519 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | APARTMENTS | 100 | N | N |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| | C.B.S. | 15 |
| 2969 | AVE WOOD SIDING | 85 |

## Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|---|---|---|---|---|---|---|---|---|
| 1 | AC2:WALL AIR COND | 1 UT | 0 | 0 | 1986 | 1987 | 2 | 20 |
| 3 | AC2:WALL AIR COND | 1 UT | 0 | 0 | 1989 | 1990 | 3 | 20 |
| 4 | AC2:WALL AIR COND | 1 UT | 0 | 0 | 2004 | 2005 | 2 | 20 |
| 7 | PT3:PATIO | 450 SF | 90 | 5 | 1984 | 1985 | 1 | 50 |
| 8 | DK4:WOOD DOCKS | 1,080 SF | 135 | 8 | 1999 | 2000 | 3 | 40 |
| 9 | DAV:CONC DAVITS | 1 UT | 0 | 0 | 1999 | 2000 | 1 | 60 |
| 12 | SW2:SEAWALL | 700 SF | 175 | 4 | 1999 | 2000 | 2 | 60 |
| 13 | DK3:CONCRETE DOCK | 195 SF | 65 | 3 | 1999 | 2000 | 3 | 60 |
| 14 | DK4:WOOD DOCKS | 48 SF | 6 | 8 | 1999 | 2000 | 3 | 40 |
| 15 | DK4:WOOD DOCKS | 152 SF | 19 | 8 | 2008 | 2009 | 3 | 40 |

## Appraiser Notes

| |
|---|
| 11/5/2014 BEN. COURTESY REVIEW. |
| PER PERSONAL INTERVIEW W/REALTOR: PARCEL SOLD IN '94 W/$100K THEN & 900K IN 10 YEARS. STRANGE ARRANGEMENT - NOT A QUALIFIED SALE. ALSO, AN OLD MH WAS REMOVED ABOUT 5 YRS AGO - THIS MUST HAVE BEEN BUILDING 1 OF 3 WHICH WAS REMOVED APPROX 99 ROLL YR. |
| OLDER SFR ON WATERFRONT IS UNINHABITABLE, ADJ EA, NL108 |

## Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount Description | Notes |
|---|---|---|---|---|---|
| | 07104049 | 03/10/2008 | 12/17/2008 | 8,500 | Wood Dk R&R w/pilings |
| | 11102482 | 05/20/2011 | | 8,000 | SFR & SHED DEMO |
| | 04101085 | 03/31/2004 | 12/30/2004 | 1,700 | DEMO |
| | 07100545 | 02/02/2007 | 11/07/2007 | 250 | Demo portion of dock. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **1982** | 65,878 | 4,246 | 41,600 | 111,724 | 111,724 | 25,000 | 86,724 |

## 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 |
|---|---|---|---|---|
| **5/14/2004** | 2005 / 1295 | 920,000 | WD | M |

This page has been visited 43,101 times.

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

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

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

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

### Alternate Key: 8868898 Parcel ID: 00113570-000100

## Ownership Details

**Mailing Address:**
TORCH KEY PROPERTIES LTD
C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT
600 6TH ST S
KIRKLAND, WA 98033-6716

## Property Details

**PC Code:** 20 - AIRPORTS, MARINAS, BUS TERM
**Millage Group:** 100H
**Affordable Housing:** No
**Section-Township-Range:** 28-66-29
**Property Location:** 28540 OVERSEAS HWY LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LOT 6 S OF H/W AND PT BAY BTM ELY LT 6 LITTLE TORCH KEY OR1311-352/55 OR1311-356/358 OR1375-1640/43C OR1530-2152/56 OR1530-2157/AFF OR1530-2162/64 OR1530-2165/68

## Click Map Image to open interactive viewer

## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 100W - COMMERCIAL WATERFRON | 0 | 0 | 26,136.00 SF |
| 000X - ENVIRONMENTALLY SENS | 0 | 0 | 0.57 AC |

## Building Summary

Number of Buildings: 3
Number of Commercial Buildings: 3
Total Living Area: 2225
Year Built: 1953

## Building 2-Cottage Details

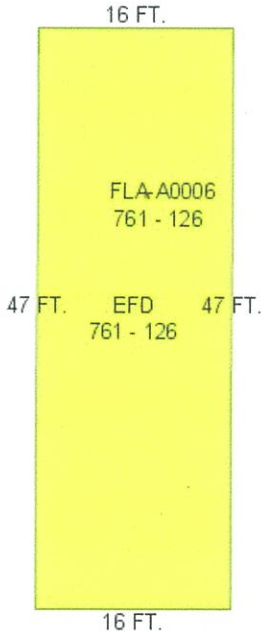
| | | | | | |
|---|---|---|---|---|---|
| Building Type | | Condition | A | Quality Grade | 300 |
| Effective Age | 19 | Perimeter | 126 | Depreciation % | 23 |
| Year Built | 1953 | Special Arch | 0 | Grnd Floor Area | 761 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**Inclusions:**

| | | | | | |
|---|---|---|---|---|---|
| Roof Type | GABLE/HIP | Roof Cover | ROLLED COMPOS | Foundation | CONC BLOCK |
| Heat 1 | NONE | Heat 2 | NONE | Bedrooms | 1 |
| Heat Src 1 | NONE | Heat Src 2 | NONE | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | 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 | 6 | Dishwasher | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | EFD | | 1 | 1953 | | | | | 761 |

| | | | | | |
|---|---|---|---|---|---|
| 2 | FLA | 1 | 1953 | N | 761 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | 1 | HOTEL/MOTEL C | 100 | N | N |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| 1 | AB AVE WOOD SIDING | 100 |

## Building 3-Cottage Details

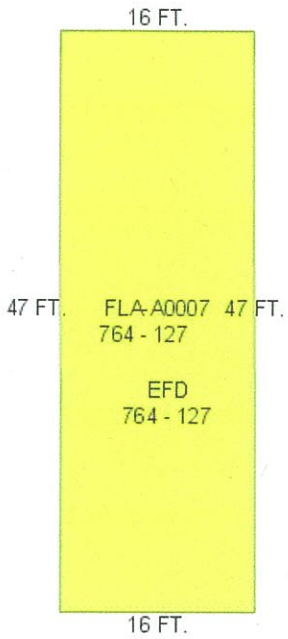
**Building Type** | **Condition** A | **Quality Grade** 300
**Effective Age** 19 | **Perimeter** 127 | **Depreciation %** 23
**Year Built** 1953 | **Special Arch** 0 | **Grnd Floor Area** 764
**Functional Obs** 0 | **Economic Obs** 0

**Inclusions:**

**Roof Type** GABLE/HIP | **Roof Cover** ROLLED COMPOS | **Foundation** CONC BLOCK
**Heat 1** NONE | **Heat 2** NONE | **Bedrooms** 1
**Heat Src 1** NONE | **Heat Src 2** NONE

**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 0 | **Vacuum** | 0 |
| **3 Fix Bath** | 0 | **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** | 6 | **Dishwasher** | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | EFD | | 1 | 1953 | | | | | 764 |
| 2 | FLA | | 1 | 1953 | | | | | 764 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | HOTEL/MOTEL D | 100 | N | Y |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| | AB AVE WOOD SIDING | 100 |

## Building 1-Dockhouse at Ramp Details

**Building Type**
**Effective Age** 39
**Year Built** 1975
**Functional Obs** 0

**Condition** F
**Perimeter** 146
**Special Arch** 0
**Economic Obs** 0

**Quality Grade** 200
**Depreciation %** 50
**Grnd Floor Area** 700

**Inclusions:**

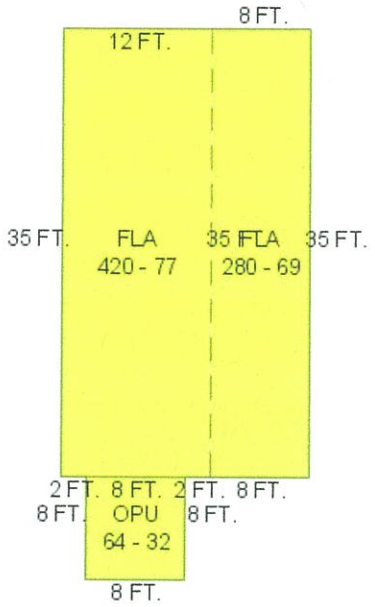
**Roof Type** FLAT OR SHED
**Heat 1**
**Heat Src 1**

**Roof Cover** ROLLED COMPOS
**Heat 2**
**Heat Src 2**

**Foundation**
**Bedrooms** 0

**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | 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 | 4 | Dishwasher | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1975 | | | | | 420 |
| 2 | FLA | | 1 | 1978 | | | | | 280 |
| 3 | OPU | | 1 | 1980 | | | | | 64 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | 1 STY STORE-D | 100 | N | N |
| | | 1 STY STORE-D | 100 | N | N |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| | MIN WOOD SIDING | 45 |
| 5711 | AB AVE WOOD SIDING | 55 |

## Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|---|---|---|---|---|---|---|---|---|
| 1 | DK3:CONCRETE DOCK | 135 SF | 0 | 0 | 1979 | 1980 | 4 | 60 |
| 2 | PT2:BRICK PATIO | 176 SF | 16 | 11 | 2006 | 2007 | 1 | 50 |
| 3 | PT2:BRICK PATIO | 160 SF | 40 | 4 | 2006 | 2007 | 1 | 50 |
| 4 | BR2:BOAT RAMP | 440 SF | 22 | 20 | 1952 | 1953 | 1 | 60 |
| 5 | FN2:FENCES | 140 SF | 7 | 20 | 1995 | 1996 | 4 | 30 |
| 6 | SW2:SEAWALL | 240 SF | 3 | 80 | 1952 | 1953 | 1 | 60 |
| 7 | DK4:WOOD DOCKS | 693 SF | 63 | 11 | 1994 | 1995 | 2 | 40 |
| 8 | DK4:WOOD DOCKS | 560 SF | 140 | 4 | 1984 | 1985 | 3 | 40 |
| 9 | DK4:WOOD DOCKS | 138 SF | 46 | 3 | 1990 | 1991 | 2 | 40 |
| 10 | AC2:WALL AIR COND | 5 UT | 0 | 0 | 1996 | 1997 | 2 | 20 |

## Appraiser Notes

| |
|---|
| ALL PART OF DOLPHIN MARINA; TWO COTTAGES & A DOCKSIDE SHOP. REMOVED ONE STRUCTURE & REDREW IT ON PRC: 1143341 AS HURRICANE GEORGES FORCED THE MOVE. UPDATED CARD. |
| 11/5/2015 BEN. COURTESY REVIEW. |
| "UNDERSEA INC.&NEWFOUND HARBOR COTTAGES" GARAGE & 1 HOUSE ADDED FOR 1998 ROLL. |

## Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|---|---|---|---|---|---|---|
| 1 | 99/3129 | 12/29/1999 | | 95 | Commercial | ROOFING |

## 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 |
|---|---|---|---|---|---|---|---|
| **2014** | 187,855 | 34,732 | 392,097 | 444,225 | 444,225 | 0 | 444,225 |
| **2013** | 189,333 | 35,598 | 392,097 | 444,225 | 444,225 | 0 | 444,225 |
| **2012** | 195,309 | 36,827 | 392,097 | 444,225 | 444,225 | 0 | 444,225 |
| **2011** | 197,280 | 37,709 | 392,097 | 472,028 | 472,028 | 0 | 472,028 |
| **2010** | 201,263 | 38,931 | 457,437 | 444,225 | 444,225 | 0 | 444,225 |
| **2009** | 207,238 | 39,859 | 522,777 | 1,285,928 | 1,285,928 | 0 | 1,285,928 |
| **2008** | 207,238 | 41,473 | 653,457 | 1,250,692 | 1,250,692 | 0 | 1,250,692 |
| **2007** | 163,342 | 41,642 | 705,729 | 1,250,692 | 1,250,692 | 0 | 1,250,692 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **2006** | 163,342 | 37,337 | 705,729 | 906,408 | 906,408 | 0 | 906,408 |
| **2005** | 168,717 | 38,309 | 653,457 | 860,483 | 860,483 | 0 | 860,483 |
| **2004** | 218,678 | 39,652 | 267,952 | 526,282 | 526,282 | 0 | 526,282 |
| **2003** | 218,678 | 40,642 | 267,952 | 527,272 | 527,272 | 0 | 527,272 |
| **2002** | 117,975 | 41,973 | 267,952 | 427,900 | 427,900 | 0 | 427,900 |
| **2001** | 117,975 | 42,956 | 267,952 | 428,883 | 428,883 | 0 | 428,883 |
| **2000** | 117,975 | 26,604 | 267,952 | 412,531 | 412,531 | 0 | 412,531 |
| **1999** | 117,975 | 27,202 | 267,952 | 413,129 | 413,129 | 0 | 413,129 |
| **1998** | 95,289 | 28,042 | 176,542 | 299,873 | 299,873 | 0 | 299,873 |
| **1997** | 69,225 | 30,227 | 176,542 | 275,994 | 275,994 | 0 | 275,994 |
| **1996** | 55,608 | 19,612 | 176,542 | 251,762 | 251,762 | 0 | 251,762 |
| **1995** | 55,608 | 20,083 | 176,542 | 252,233 | 252,233 | 0 | 252,233 |

## 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 |
|---|---|---|---|---|
| **8/3/1998** | 1530 / 2152 | 852,500 | WD | U |
| **5/1/1994** | 1311 / 0352 | 325,000 | WD | Q |

This page has been visited 43,150 times.

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

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

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

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

### Alternate Key: 8923945 Parcel ID: 00113570-000200

## Ownership Details

**Mailing Address:**
TORCH KEY PROPERTIES LTD
C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT
600 6TH ST S
KIRKLAND, WA 98033-6716

## Property Details

**PC Code:** 39 - HOTELS,MOTELS
**Millage Group:** 100H
**Affordable Housing:** No
**Section-Township-Range:** 28-66-29
**Property Location:** 28540 OVERSEAS HWY LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LOT 6 S OF H/W AND ISLAND AND PT BAY BTM ELY PT LOT 6 LITTLE TORCH KEY OR1479-2406/07 OR1482-1276/77 OR1482-1278/79 OR1482-1280E OR1530-2158/61

## Click Map Image to open interactive viewer

## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 100W - COMMERCIAL WATERFRON | 0 | 0 | 6,100.00 SF |
| 000X - ENVIRONMENTALLY SENS | 0 | 0 | 0.03 AC |
| 9500 - SUBMERGED | 0 | 0 | 0.42 AC |

## Building Summary

| | |
|---|---|
| Number of Buildings: | 1 |
| Number of Commercial Buildings: | 1 |
| Total Living Area: | 753 |
| Year Built: | 1953 |

## Building 1-Cottage Details

| | | | | | |
|---|---|---|---|---|---|
| Building Type | | Condition | A | Quality Grade | 300 |
| Effective Age | 19 | Perimeter | 126 | Depreciation % | 23 |
| Year Built | 1953 | Special Arch | 0 | Grnd Floor Area | 753 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**Inclusions:**

| | | | | | |
|---|---|---|---|---|---|
| Roof Type | GABLE/HIP | Roof Cover | ROLLED COMPOS | Foundation | CONC BLOCK |
| Heat 1 | NONE | Heat 2 | NONE | Bedrooms | 1 |
| Heat Src 1 | NONE | Heat Src 2 | NONE | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | 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 | 0 | Dishwasher | 0 |

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| 1 | FLA | 1 | 1953 | 753 |
| 2 | EFD | 1 | 1953 | 753 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | HOTEL/MOTEL C | 100 | N | N |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| | AB AVE WOOD SIDING | 100 |

## Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|---|---|---|---|---|---|---|---|---|
| 1 | AC2:WALL AIR COND | 2 UT | 0 | 0 | 1996 | 1997 | 2 | 20 |

## Appraiser Notes

| |
|---|
| BUILDING WAS NOT ON ROLL |
| 11/5/2015 BEN. COURTESY REVIEW. |
| COTTAGE: PART OF DOLPHIN MARINA |

## 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 |
|---|---|---|---|---|---|---|---|
| **2014** | 71,212 | 939 | 91,545 | 163,696 | 163,696 | 0 | 163,696 |
| **2013** | 73,086 | 1,026 | 91,545 | 165,657 | 165,657 | 0 | 165,657 |
| **2012** | 76,834 | 1,092 | 91,545 | 169,471 | 169,471 | 0 | 169,471 |
| **2011** | 77,771 | 1,158 | 91,545 | 170,474 | 170,474 | 0 | 170,474 |
| **2010** | 78,709 | 1,245 | 106,795 | 186,749 | 186,749 | 0 | 186,749 |
| **2009** | 80,583 | 1,310 | 122,045 | 203,938 | 203,938 | 0 | 203,938 |
| **2008** | 81,520 | 1,376 | 152,545 | 235,441 | 235,441 | 0 | 235,441 |
| **2007** | 107,606 | 1,463 | 164,745 | 273,814 | 273,814 | 0 | 273,814 |
| **2006** | 142,514 | 1,529 | 164,745 | 308,788 | 308,788 | 0 | 308,788 |
| **2005** | 86,372 | 1,594 | 152,545 | 240,511 | 240,511 | 0 | 240,511 |
| **2004** | 73,396 | 1,682 | 62,570 | 137,648 | 137,648 | 0 | 137,648 |
| **2003** | 73,396 | 1,747 | 62,570 | 137,713 | 137,713 | 0 | 137,713 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **2002** | 38,245 | 1,813 | 46,939 | 86,997 | 86,997 | 0 | 86,997 |
| **2001** | 38,245 | 1,900 | 46,939 | 87,084 | 87,084 | 0 | 87,084 |
| **2000** | 38,245 | 876 | 46,939 | 86,060 | 86,060 | 0 | 86,060 |
| **1999** | 38,245 | 905 | 46,939 | 86,089 | 86,089 | 0 | 86,089 |
| **1998** | 38,245 | 944 | 42,364 | 81,554 | 81,554 | 0 | 81,554 |

## 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 |
|---|---|---|---|---|
| **8/3/1998** | 1530 / 2158 | 147,500 | WD | M |
| **9/1/1997** | 1482 / 1278 | 140,000 | WD | U |
| **9/1/1997** | 1482 / 1276 | 140,000 | WD | Q |

This page has been visited 43,184 times.

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

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

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

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

### Alternate Key: 1143341 Parcel ID: 00113590-000000

## Ownership Details

**Mailing Address:**
DOLPHIN MARINA ASSOCIATES LTD
C/O CROWE HORWATH LLP ATTN SCOTT TYLER
101 E KENNEDY BLVD STE 1250
TAMPA, FL 33602-5197

## Property Details

| | |
|---|---|
| **PC Code:** | 20 - AIRPORTS, MARINAS, BUS TERM |
| **Millage Group:** | 100H |
| **Affordable Housing:** | No |
| **Section-Township-Range:** | 28-66-29 |
| **Property Location:** | 28540 OVERSEAS HWY LITTLE TORCH KEY |
| **Legal Description:** | 28 66 29 PT LT 6 AND PT LT 11 AND 10FT STRIP OF LAND S OF H/W LITTLE TORCH KEY OR192-400/01 OR275-408 OR388-813/16 OR407-148/49 OR407-150/51 OR407-151/53 OR548-206D/C OR631-508 OR643-686 OR658-270E OR678-15/16 OR678-17 OR740-713/14 OR828-1499D/C OR828-1502/03 OR828-1504/05 OR828-1506/07 OR828-1508 OR828-1509/10 OR840-92/93 OR993-741/44 OR1164-2047/48 OR1455-184/87 |

## Click Map Image to open interactive viewer

## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 000X - ENVIRONMENTALLY SENS | | | 0.50 AC |
| 100W - COMMERCIAL WATERFRON | 0 | 0 | 2.43 AC |
| 100D - COMMERCIAL DRY | 0 | 0 | 19,166.00 SF |

## Building Summary

| | |
|---|---|
| Number of Buildings: | 5 |
| Number of Commercial Buildings: | 5 |
| Total Living Area: | 9676 |
| Year Built: | 1963 |

## Building 5-Bait/Fuel Details

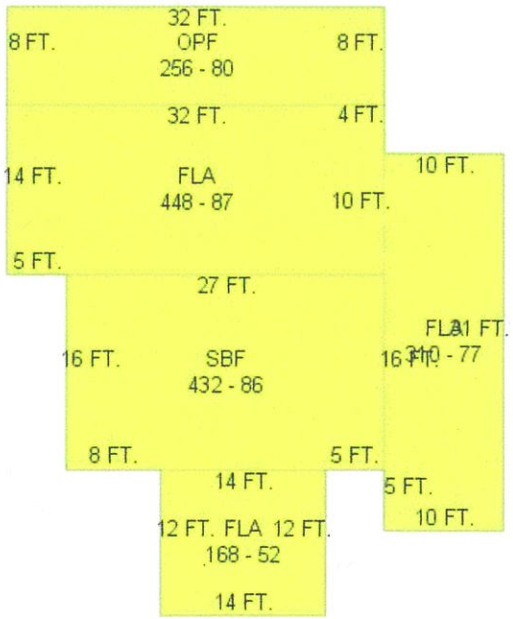
| | | | | | |
|---|---|---|---|---|---|
| Building Type | | Condition | A | Quality Grade | 250 |
| Effective Age | 19 | Perimeter | 216 | Depreciation % | 23 |
| Year Built | 1972 | Special Arch | 0 | Grnd Floor Area | 926 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**Inclusions:**

| | | | | | |
|---|---|---|---|---|---|
| Roof Type | | Roof Cover | | Foundation | |
| Heat 1 | | Heat 2 | | Bedrooms | 0 |
| Heat Src 1 | | Heat Src 2 | | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | 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 | 0 | Dishwasher | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| 1 | FLA | 1 | 1972 | 448 |
| 2 | FLA | 1 | 1972 | 310 |
| 3 | FLA | 1 | 1980 | 168 |
| 4 | SBF | 1 | 1980 | 432 |
| 5 | OPF | 1 | 1980 | 256 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | OFFICE BLD-1 STORY | 100 | N | N |
| | | 1 STORY STORES | 100 | N | N |
| | | 1 STY STORE-D | 100 | N | N |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| | AVE WOOD SIDING | 100 |

## Building 1-Guesthouse Details

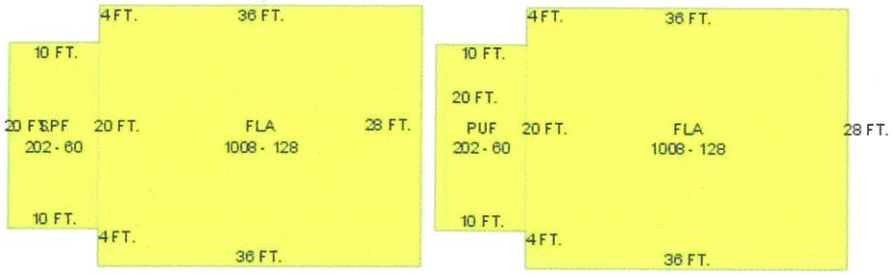
| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | | **Condition** | A | **Quality Grade** | 300 |
| **Effective Age** | 19 | **Perimeter** | 256 | **Depreciation %** | 23 |
| **Year Built** | 1980 | **Special Arch** | 0 | **Grnd Floor Area** | 2,016 |
| **Functional Obs** | 0 | **Economic Obs** | 0 | | |

**Inclusions:**

| | | | | | |
|---|---|---|---|---|---|
| **Roof Type** | | **Roof Cover** | | **Foundation** | |
| **Heat 1** | | **Heat 2** | | **Bedrooms** | 0 |
| **Heat Src 1** | | **Heat Src 2** | | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 0 | **Vacuum** | 0 |
| **3 Fix Bath** | 0 | **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** | 12 | **Dishwasher** | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1980 | | | | | 1,008 |
| 2 | FLA | | 1 | 1980 | | | | | 1,008 |
| 3 | PUF | | 1 | 1980 | | | | | 202 |
| 4 | SPF | | 1 | 1980 | | | | | 202 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | HOTEL/MOTEL C | 100 | N | N |
| | | HOTEL/MOTEL C | 100 | N | N |

**Exterior Wall:**

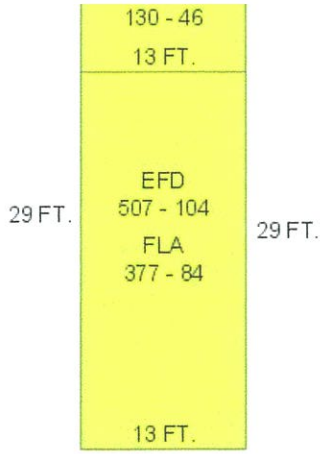
| Interior Finish Nbr | Type | Area % |
|---|---|---|
| 2970 | C.B.S. | 100 |

## Building 4-Marine maint/shop Details

**Building Type**
**Effective Age** 19
**Year Built** 1963
**Functional Obs** 0

**Condition** A
**Perimeter** 130
**Special Arch** 0
**Economic Obs** 0

**Quality Grade** 200
**Depreciation %** 23
**Grnd Floor Area** 507




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | EFD | | 1 | 1963 | | | | | 507 |
| 2 | FLA | | 1 | 1963 | | | | | 377 |
| 3 | FLA | | 1 | 1963 | | | | | 130 |
| 4 | OUU | | 1 | 1963 | | | | | 32 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | OFF BLDG-1 STY-D | 100 | N | N |
| | | SERVICE SHOPS-D- | 100 | N | N |

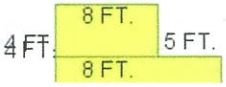
**Inclusions:**

| | | |
|---|---|---|
| Roof Type | Roof Cover | Foundation |
| Heat 1 | Heat 2 | Bedrooms 0 |
| Heat Src 1 | Heat Src 2 | |

**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | 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 | 0 | Dishwasher | 0 |

OUU
32 - 24



**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| | MIN WOOD SIDING | 100 |

## Building 2-Guesthouse/restrooms Details

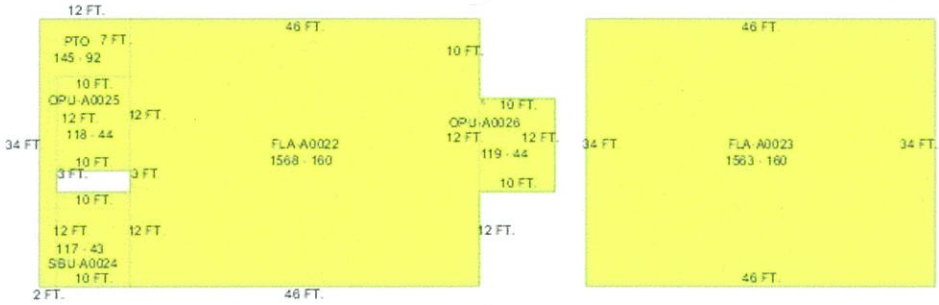
| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | | **Condition** | A | **Quality Grade** | 350 |
| **Effective Age** | 39 | **Perimeter** | 320 | **Depreciation %** | 50 |
| **Year Built** | 1963 | **Special Arch** | 0 | **Grnd Floor Area** | 3,131 |
| **Functional Obs** | 0 | **Economic Obs** | 0 | | |

**Inclusions:**

| | | |
|---|---|---|
| **Roof Type** | **Roof Cover** | **Foundation** |
| **Heat 1** | **Heat 2** | **Bedrooms** 0 |
| **Heat Src 1** | **Heat Src 2** | |

**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 0 | **Vacuum** | 0 |
| **3 Fix Bath** | 0 | **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 |
|---|---|---|---|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1963 | 1,568 |
| 2 | FLA | | 1 | 1963 | 1,563 |
| 3 | SBU | 5:C.B.S. | 1 | 1963 | 117 |
| 4 | OPU | | 1 | 1995 | 118 |
| 5 | OPU | | 1 | 1995 | 119 |
| 6 | PTO | | 1 | 2000 | 145 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | | HOTEL/MOTEL D | 100 | N | Y |
| | | HOTEL/MOTEL D | 100 | N | Y |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| 2971 | C.B.S. | 100 |

## Building 3-Welcome/Office/Gifts Details

**Building Type**
**Effective Age** 17
**Year Built** 1968
**Functional Obs** 0

**Condition** A
**Perimeter** 288
**Special Arch** 0
**Economic Obs** 0

**Quality Grade** 300
**Depreciation %** 23
**Grnd Floor Area** 3,096

**Inclusions:**

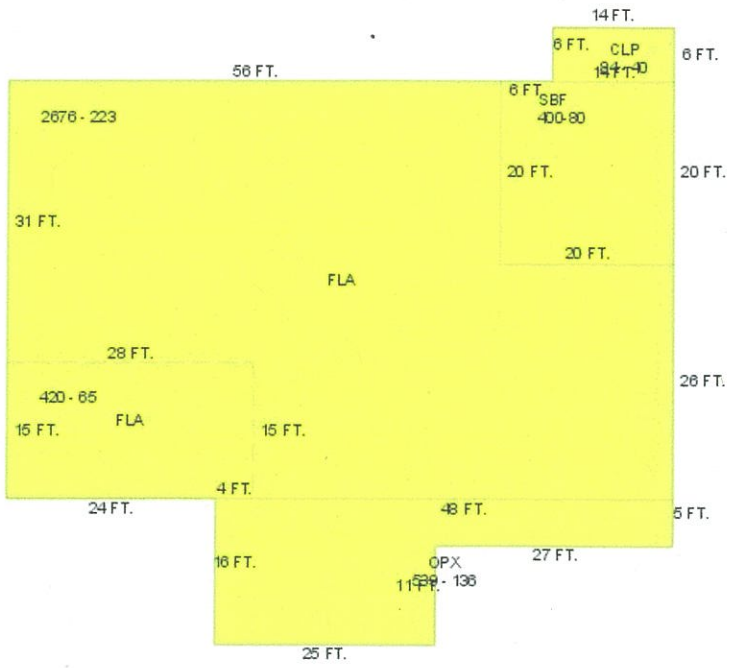
**Roof Type**
**Heat 1**
**Heat Src 1**

**Roof Cover**
**Heat 2**
**Heat Src 2**

**Foundation**
**Bedrooms** 0

**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 0 | **Vacuum** | 0 |
| **3 Fix Bath** | 0 | **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 |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1968 | | | | | 2,676 |
| 2 | SBF | | 1 | 1996 | | | | | 400 |
| 3 | FLA | | 1 | 1996 | | | | | 420 |
| 4 | OPX | | 1 | 2000 | | | | | 539 |
| 5 | CLP | | 1 | 1988 | | | | | 84 |

**Interior Finish:**

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|---|---|---|---|---|---|
| | 9301 | OFFICE BLD-1 STORY | 100 | N | Y |
| | 9303 | 1 STY STORE-B | 100 | N | Y |

**Exterior Wall:**

| Interior Finish Nbr | Type | Area % |
|---|---|---|
| 2972 | C.B.S. | 100 |

## Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|---|---|---|---|---|---|---|---|---|
| 1 | SW2:SEAWALL | 752 SF | 188 | 4 | 2006 | 2007 | 4 | 60 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 2 | DK3:CONCRETE DOCK | 752 SF | 188 | 4 | 2006 | 2007 | 3 | 60 |
| 3 | DK4:WOOD DOCKS | 1,500 SF | 250 | 6 | 1975 | 1976 | 3 | 40 |
| 4 | SW2:SEAWALL | 345 SF | 115 | 3 | 1975 | 1976 | 2 | 60 |
| 5 | DK3:CONCRETE DOCK | 1,000 SF | 200 | 5 | 1975 | 1976 | 4 | 60 |
| 6 | PT3:PATIO | 36 SF | 4 | 9 | 1975 | 1976 | 1 | 50 |
| 7 | DK4:WOOD DOCKS | 585 SF | 117 | 5 | 1975 | 1976 | 4 | 40 |
| 8 | BR2:BOAT RAMP | 432 SF | 16 | 27 | 1975 | 1976 | 2 | 60 |
| 9 | UB2:UTILITY BLDG | 100 SF | 10 | 10 | 1975 | 1976 | 2 | 50 |
| 10 | PT3:PATIO | 140 SF | 0 | 0 | 1975 | 1976 | 2 | 50 |
| 11 | SW2:SEAWALL | 720 SF | 240 | 3 | 1975 | 1976 | 4 | 60 |
| 12 | SW2:SEAWALL | 1,275 SF | 425 | 3 | 1975 | 1976 | 4 | 60 |
| 13 | DK3:CONCRETE DOCK | 2,175 SF | 435 | 5 | 1975 | 1976 | 4 | 60 |
| 14 | WD2:WOOD DECK | 440 SF | 0 | 0 | 1987 | 1988 | 3 | 40 |
| 15 | FN2:FENCES | 1,015 SF | 145 | 7 | 1987 | 1988 | 2 | 30 |
| 16 | FN2:FENCES | 490 SF | 70 | 7 | 1985 | 1986 | 2 | 30 |
| 17 | FN2:FENCES | 300 SF | 50 | 6 | 1985 | 1986 | 2 | 30 |
| 18 | AC2:WALL AIR COND | 5 UT | 0 | 0 | 1989 | 1990 | 2 | 20 |
| 19 | TK2:TIKI | 240 SF | 20 | 12 | 1989 | 1990 | 2 | 40 |
| 20 | TK2:TIKI | 100 SF | 0 | 0 | 1989 | 1990 | 2 | 40 |
| 21 | PT3:PATIO | 345 SF | 115 | 3 | 1967 | 1968 | 2 | 50 |
| 22 | TK2:TIKI | 80 SF | 10 | 8 | 1989 | 1990 | 5 | 40 |
| 23 | SW2:SEAWALL | 700 SF | 175 | 4 | 1989 | 1990 | 1 | 60 |
| 24 | WD2:WOOD DECK | 1,250 SF | 50 | 25 | 1989 | 1990 | 1 | 40 |
| 25 | TK2:TIKI | 100 SF | 0 | 0 | 1989 | 1990 | 2 | 40 |
| 26 | FN2:FENCES | 336 SF | 84 | 4 | 1994 | 1995 | 2 | 30 |
| 27 | DAV:CONC DAVITS | 1 UT | 0 | 0 | 1975 | 1976 | 1 | 60 |
| 28 | DAV:CONC DAVITS | 1 UT | 0 | 0 | 1987 | 1988 | 1 | 60 |
| 29 | FN2:FENCES | 270 SF | 45 | 6 | 1985 | 1986 | 3 | 30 |
| 30 | RW2:RETAINING WALL | 102 SF | 51 | 2 | 1985 | 1986 | 4 | 50 |
| 30 | PT3:PATIO | 352 SF | 22 | 16 | 2008 | 2009 | 2 | 50 |

## Appraiser Notes

| |
|---|
| LITTLE PALM ISLAND LIMITED. [WHERE BOATS DOCK TO TAKE PASSENGERS TO LITTLE PALM ISLAND (OLD MUNSON ISLAND)]. OLD AQUARIUM BUILDING ON LITTLE TORCH KEY DOLPHIN MARINA BUILDING 2 OF 2 WAS MOVED FROM RE#11358 TO RE#11359. |
| 11/5/2014 BEN. COURTESY REVIEW. |
| DOLPHIN MARINA, AND COTTAGES, TO INCLUDE MANY AJACENT PARCELS. COMPLETE UPGRADE OF ALL PRC'S. |

## Building Permits

| Bldg | Number | Date Issued | Date | Amount | Description | Notes |
|---|---|---|---|---|---|---|

| | | | Completed | | | |
|---|---|---|---|---|---|---|
| | 11101106 | 03/30/2011 | 05/17/2011 | 0 | Commercial | REPLACE 225 AMP 1 PHASE WITH CONSOLIDATED CT METERING |
| | 9103240 | 08/20/2009 | 12/30/2009 | 2,000 | | REPAIR DOCK |
| | 14101522 | 04/09/2014 | 12/31/2014 | 3,265 | | REPLACE 2.5 TON A/C UNIT |
| | 1143341 | 03/26/2015 | | 27,000 | | ROOF-OFFICE/GIFTSHOP |
| 1 | A-12619 | 12/01/1984 | 04/01/1985 | 60,480 | Commercial | REPAIR WATCHMANS QUARTERS |
| | A-12618 | 12/01/1984 | 12/01/1985 | 700 | | FIRE DAMAGE REMAINS |
| | 95-1052 | 08/01/1995 | 11/01/1995 | 200 | | FENCE |
| 4 | 98-2485 | 12/23/1998 | 11/19/1999 | 80,000 | | ROOFING |
| | 99-2239 | 09/16/1999 | 11/19/1999 | 1,500 | | ROOFING |
| | 99-832 | 12/03/1999 | 11/19/1999 | 8,000 | | ROOF |
| | 034789 | 12/01/2003 | 08/17/2006 | 90,000 | | DOCK/SEAWALL |

## 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 |
|---|---|---|---|---|---|---|---|
| **2014** | 809,145 | 174,364 | 824,880 | 2,109,053 | 2,109,053 | 0 | 2,109,053 |
| **2013** | 809,145 | 176,565 | 997,664 | 2,784,501 | 2,784,501 | 0 | 2,784,501 |
| **2012** | 850,116 | 178,481 | 997,664 | 2,784,501 | 2,784,501 | 0 | 2,784,501 |
| **2011** | 850,116 | 183,595 | 997,664 | 2,674,828 | 2,674,828 | 0 | 2,674,828 |
| **2010** | 877,168 | 187,432 | 1,170,330 | 2,599,703 | 2,599,703 | 0 | 2,599,703 |
| **2009** | 885,025 | 193,012 | 1,419,660 | 2,449,516 | 2,449,516 | 0 | 2,449,516 |
| **2008** | 885,025 | 197,846 | 1,573,332 | 2,337,113 | 2,337,113 | 0 | 2,337,113 |
| **2007** | 714,453 | 159,594 | 997,320 | 2,337,113 | 2,337,113 | 0 | 2,337,113 |
| **2006** | 719,639 | 114,339 | 901,490 | 930,040 | 930,040 | 0 | 930,040 |
| **2005** | 730,908 | 118,382 | 805,660 | 808,730 | 808,730 | 0 | 808,730 |
| **2004** | 511,736 | 121,007 | 350,121 | 808,730 | 808,730 | 0 | 808,730 |
| **2003** | 511,736 | 125,157 | 350,121 | 808,730 | 808,730 | 0 | 808,730 |
| **2002** | 511,736 | 129,179 | 426,870 | 808,730 | 808,730 | 0 | 808,730 |
| **2001** | 511,736 | 132,394 | 426,870 | 808,730 | 808,730 | 0 | 808,730 |
| **2000** | 511,736 | 52,130 | 426,870 | 808,730 | 808,730 | 0 | 808,730 |
| **1999** | 511,736 | 54,189 | 426,870 | 808,730 | 808,730 | 0 | 808,730 |
| **1998** | 341,655 | 55,597 | 417,287 | 808,730 | 808,730 | 0 | 808,730 |
| **1997** | 350,259 | 51,567 | 374,996 | 808,730 | 808,730 | 0 | 808,730 |
| **1996** | 368,236 | 53,247 | 374,996 | 808,730 | 808,730 | 0 | 808,730 |
| **1995** | 368,236 | 54,253 | 374,996 | 808,730 | 808,730 | 0 | 808,730 |
| **1994** | 368,236 | 55,865 | 374,996 | 808,730 | 808,730 | 0 | 808,730 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **1993** | 290,466 | 43,020 | 374,996 | 808,730 | 808,730 | 25,000 | 783,730 |
| **1992** | 290,466 | 43,939 | 374,996 | 808,730 | 808,730 | 25,000 | 783,730 |
| **1991** | 290,466 | 45,405 | 374,996 | 808,730 | 808,730 | 25,000 | 783,730 |
| **1990** | 298,460 | 45,825 | 374,996 | 804,434 | 804,434 | 25,000 | 779,434 |
| **1989** | 290,125 | 46,932 | 374,996 | 812,070 | 812,070 | 25,000 | 787,070 |
| **1988** | 201,024 | 36,184 | 374,996 | 612,204 | 612,204 | 25,000 | 587,204 |
| **1987** | 196,919 | 30,514 | 374,996 | 602,429 | 602,429 | 0 | 602,429 |
| **1986** | 88,279 | 4,426 | 99,000 | 191,705 | 191,705 | 0 | 191,705 |
| **1985** | 64,790 | 4,426 | 99,000 | 168,216 | 168,216 | 0 | 168,216 |
| **1984** | 63,450 | 4,426 | 99,000 | 166,876 | 166,876 | 0 | 166,876 |
| **1983** | 63,450 | 4,426 | 99,000 | 166,876 | 166,876 | 0 | 166,876 |
| **1982** | 53,209 | 4,426 | 52,800 | 110,435 | 110,435 | 0 | 110,435 |

## 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 |
|---|---|---|---|---|
| **4/1/1997** | 1455 / 0184 | 1 | WD | M |
| **11/1/1986** | 993 / 741 | 1 | WD | M |
| **3/1/1981** | 828 / 1506 | 45 | WD | M |

This page has been visited 43,076 times.

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

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

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

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

### Alternate Key: 1143375 Parcel ID: 00113620-000000

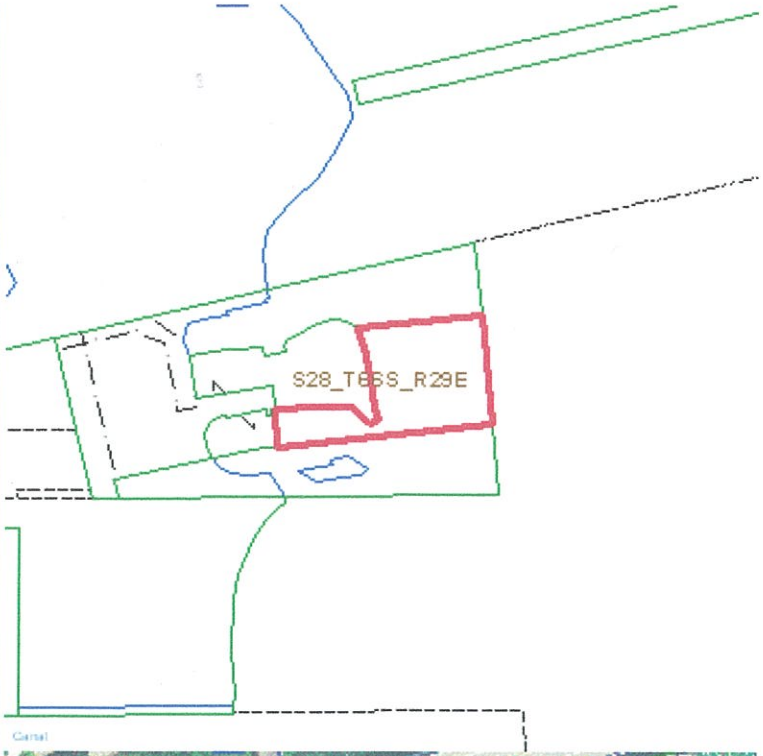
## Ownership Details

**Mailing Address:**
COLEE PATRICK R AND DIANE
C/O CROWE HORWATH LLP ATTN SCOTT TYLER
101 E KENNEDY BLVD STE 1250
TAMPA, FL 33602-5197

## Property Details

**PC Code:** 95 - SUBMERGED LANDS
**Millage Group:** 100H
**Affordable Housing:** No
**Section-Township-Range:** 28-66-29
**Property Location:** 28540 OVERSEAS HWY LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT BAY BTM ELY PT LOT 6 LITTLE TORCH KEY OR261-501 OR548-206D/C OR643-687/690/AFF OR2005-1294 OR2005-1295/97

## Click Map Image to open interactive viewer



## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 9500 - SUBMERGED | 0 | 0 | 0.57 AC |

## 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 |
|---|---|---|---|---|---|---|---|
| 2014 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2013 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2012 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2011 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2010 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2009 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2008 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2007 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2006 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2005 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2004 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2003 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2002 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2001 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 2000 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 1999 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 1998 | 0 | 0 | 57 | 57 | 57 | 0 | 57 |
| 1997 | 0 | 0 | 102 | 102 | 102 | 0 | 102 |
| 1996 | 0 | 0 | 102 | 102 | 102 | 0 | 102 |
| 1995 | 0 | 0 | 102 | 102 | 102 | 0 | 102 |
| 1994 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1993 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1992 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1991 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1990 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1989 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1988 | 0 | 0 | 122 | 122 | 122 | 0 | 122 |
| 1987 | 0 | 0 | 366 | 366 | 366 | 0 | 366 |
| 1986 | 0 | 0 | 288 | 288 | 288 | 0 | 288 |
| 1985 | 0 | 0 | 288 | 288 | 288 | 0 | 288 |
| 1984 | 0 | 0 | 288 | 288 | 288 | 0 | 288 |
| 1983 | 0 | 0 | 288 | 288 | 288 | 0 | 288 |
| 1982 | 0 | 0 | 288 | 288 | 288 | 200 | 88 |

## 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 |
|---|---|---|---|---|
| **5/14/2004** | 2005 / 1295 | 1 | WD | M |

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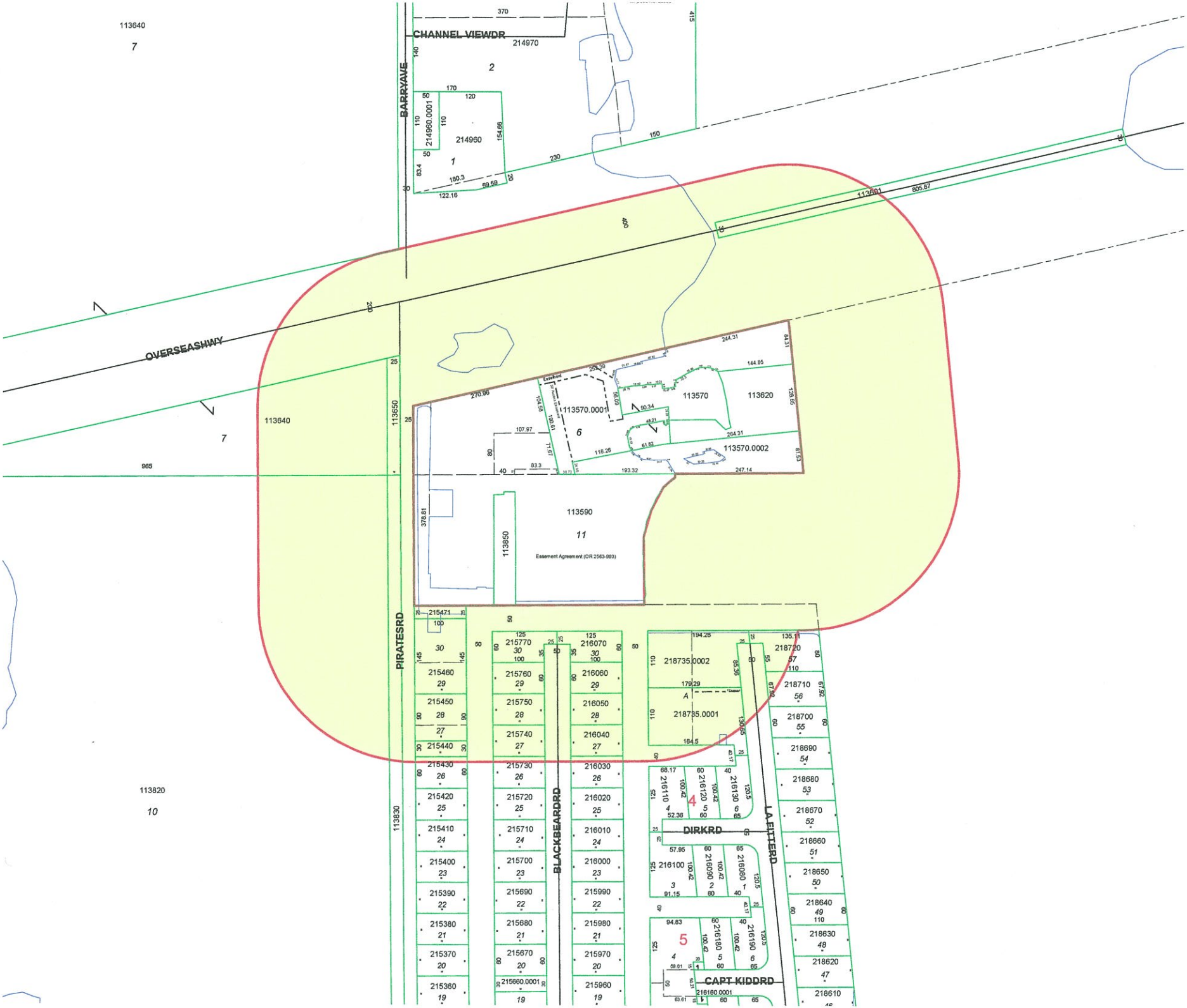
Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176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BLACKBEARDRD
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# Monroe County Property Appraiser - Radius Report

**AK:** 1143561 **Parcel ID:** 00113820-000000 **Physical Location** VACANT LAND LITTLE TORCH KEY
**Legal Description:** 28 66 29 LITTLE TORCH KEY PT LOT 10 G22-139 G50-13 0 OR227-395/408 OR227-409/10 OR1016-1649/50 OR
**Owners Name:** NATURE CONSERVANCY THE
**Address:** 222 S WESTMONTE DRIVE - SUITE 300 ALTAMONTE SPRINGS FL 32714-4269

---

**AK:** 1285978 **Parcel ID:** 00218735-000100 **Physical Location** 150 LA FITTE RD LITTLE TORCH KEY
**Legal Description:** JOLLY ROGER ESTATES PB5-34 LITTLE TORCH KEY PT TRA CT A OR425-148/49 OR557-517 OR717-881/882 OR7
**Owners Name:** CLOUTIER JACQUES
**Address:** 1901 TAMIAMI TRL S STE A VENICE FL 34293-5002

---

**AK:** 1283304 **Parcel ID:** 00216070-000000 **Physical Location** 133 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 3 LT 30 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR578-386 OR760-1314 OR1397-1141 OR2458-
**Owners Name:** SCHROEDER DORSEY A
**Address:** 133 BLACKBEARD RD LITTLE TORCH KEY FL 33042

---

**AK:** 1282669 **Parcel ID:** 00215430-000000 **Physical Location** 181 - 183 PIRATES LITTLE TORCH KEY
**Legal Description:** BK 1 LT 26 JOLLY ROGER ESTATES PB5-34 LITTLE TORCH KEY OR484-13-14 OR753-35-D/C OR760-815 OR760
**Owners Name:** HAWKINS KENNETH WAYNE
**Address:** 5136 27TH ST SW LEHIGH ACRES FL 33973-6615

---

**AK:** 1143596 **Parcel ID:** 00113850-000000 **Physical Location** 28540 OVERSEAS LITTLE TORCH KEY
**Legal Description:** 28 66 29 LITTLE TORCH KEY PT LOT 11 OR210-8 OR548- 206D/C OR2402-764/66 OR2410-336/37
**Owners Name:** BROTHERS-REIN BETTY M C/O CARESOURCE
**Address:** 7071 W COMMERCIAL BLVD STE 2D LAUDERHILL FL 33319-2143

---

**AK:** 1285951 **Parcel ID:** 00218720-000000 **Physical Location** 135 LA FITTE RD LITTLE TORCH KEY
**Legal Description:** BK 20 LT 57 JOLLY ROGER ESTATES LITTLE TORCH KEY P B5-34 OR580-96 OR1297-467D/C OR1501-1516/17DC
**Owners Name:** FARRETTA ANTHONY P
**Address:** 135 LA FITTE RD SUMMERLAND KEY FL 33042-5525

---

**AK:** 1282685 **Parcel ID:** 00215450-000000 **Physical Location** 151 PIRATES RD LITTLE TORCH KEY
**Legal Description:** JOLLY ROGERS ESTATES PB5-34 LITTLE TORCH KEY LOT 2 8 AND N1/2 LOT 27 BLK 1 OR337-421 OR730-78 OR
**Owners Name:** JOHNSON DEBORAH J REV TRST 1/17/03
**Address:** 1255 N 15TH ST STE 7 IMMOKALEE FL 34142-2859

---

**AK:** 1283274 **Parcel ID:** 00216040-000000 **Physical Location** 163 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 3 LT 27 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR517-554 OR840-1420 OR910-1319 OR926-58
**Owners Name:** HALLDORSON SYLVIA S REV LIVING TRUST 2/2/2005
**Address:** 163 BLACKBEARD RD SUMMERLAND KEY FL 33042-5539

---

**AK:** 8923945 **Parcel ID:** 00113570-000200 **Physical Location** 28540 OVERSEAS LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LOT 6 S OF H/W AND ISLAND AND PT BAY B TM ELY PT LOT 6 LITTLE TORCH KEY OR1479-24
**Owners Name:** TORCH KEY PROPERTIES LTD C/O NOBLE HOUSE HOTELS & RESORTS
**Address:** 600 6TH ST S KIRKLAND WA 98033-6716

---

**AK:** 1143570 **Parcel ID:** 00113830-000000 **Physical Location** VACANT LAND LITTLE TORCH KEY
**Legal Description:** 28 66 29 LITTLE TORCH KEY PT LOT 10 OR370-124-125
**Owners Name:** MONROE COUNTY
**Address:** 500 WHITEHEAD ST KEY WEST FL 33040-6581

---

**AK:** 1285943 **Parcel ID:** 00218710-000000 **Physical Location** 145 LA FITTE RD LITTLE TORCH KEY
**Legal Description:** BK 20 LT 56 JOLLY ROGER ESTATES LITTLE TORCH KEY P B5-34 OR378-136E OR632-746 OR752-1957 OR756-
**Owners Name:** DAWSON JOHN E AND CAROL A
**Address:** 145 LA FITTE RD LITTLE TORCH KEY FL 33042

---

**AK:** 1285986 **Parcel ID:** 00218735-000200 **Physical Location** 130 LA FITTE RD LITTLE TORCH KEY
**Legal Description:** PT TR A (PARCELS A & B) JOLLY ROGER ESTATES LITT LE TORCH KEY PB5-34 OR441-1087E OR476-68 OF
**Owners Name:** GRISCOM ROY L R AND ROSEMARY
**Address:** PO BOX 1942 HOLMES BEACH FL 34218-1942

---

**AK:** 1143405 **Parcel ID:** 00113650-000000 **Physical Location** VACANT LAND LITTLE TORCH KEY
**Legal Description:** 28 66 29 LITTLE TORCH KEY PT LOT 7 OR370-124-125
**Owners Name:** MONROE COUNTY
**Address:** 500 WHITEHEAD ST KEY WEST FL 33040-6581

---

**AK:** 1282987 **Parcel ID:** 00215750-000000 **Physical Location** 152 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 2 LT 28 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR564-435 OR946-1477 OROR2337-118//20PET
**Owners Name:** SVETC EUGENE F
**Address:** 1407 W 32ND AVE ANCHORAGE AK 99503-3630

---

**AK:** 8885717 **Parcel ID:** 00113601-000000 **Physical Location** VACANT LAND LITTLE TORCH KEY
**Legal Description:** 28 66 29 LITTLE TORCH KEY (SOUTH PINE CHANNEL BRID GE) OR1371-94/99
**Owners Name:** BD OF TRUSTEES OF THE INT IMP
**Address:** 3900 COMMONWEALTH BLVD MAIL STA 115 TALLAHASSEE FL 32399-3000

---

**AK:** 1282995 **Parcel ID:** 00215760-000000 **Physical Location** 142 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 2 LT 29 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR608-242 OR836-1601 OR935-205C OR936-10
**Owners Name:** JEFFREY JOHN M AND ALEXIS CAMERON IRWIN
**Address:** 142 BLACKBEARD RD SUMMERLAND KEY FL 33042-5539

---

**AK:** 1143324 **Parcel ID:** 00113570-000000 **Physical Location** 28500 OVERSEAS LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LOT 6 S OF H/W LITTLE TORCH KEY G37-30 2/03 OR382-781 OR390-851E OR548-206D/C OR740-
**Owners Name:** COLEE PATRICK R AND DIANE C/O NOBLE HOUSE HOTELS & RESORTS
**Address:** 600 6TH ST S KIRKLAND WA 98033-6716

---

**AK:** 1283266 **Parcel ID:** 00216030-000000 **Physical Location** 183 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 3 LT 26 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR517-555 OR803-1885 OR805-424-D/C OR100
**Owners Name:** TRIMBUR ROBERT C
**Address:** 183 BLACKBEARD RD LITTLE TORCH KEY FL 33042

---

**AK:** 1283002 **Parcel ID:** 00215770-000000 **Physical Location** VACANT LOT LITTLE TORCH KEY
**Legal Description:** BK 2 LT 30 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR485-105 OR434-74-75 OR655-549-D/C OR673
**Owners Name:** NORRIS VERNON W JR REV TR DTD 04/22/05
**Address:** 303 SWEETBRIAR DR RICHMOND VA 23238-6213

---

**AK:** 1283282 **Parcel ID:** 00216050-000000 **Physical Location** 153 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 3 LT 28 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR645-716 OR703-366 OR738-74 OR816-1741 C
**Owners Name:** TUTTLE MARGARET R
**Address:** 386 E MAIN RD CONNEAUT OH 44030-9608

---

**AK:** 1282693 **Parcel ID:** 00215460-000000 **Physical Location** 141 PIRATES RD LITTLE TORCH KEY
**Legal Description:** BK 1 LTS 29-30 LESS N25 FT FOR CANAL-JOLLY ROGER E STATES PB5-34 LITTLE TORCH KEY OR640-814 O
**Owners Name:** PREVATT BANKS G
**Address:** 141 PIRATES RD LITTLE TORCH KEY FL 33042

---

**AK:** 8868898 **Parcel ID:** 00113570-000100 **Physical Location** 28540 OVERSEAS LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LOT 6 S OF H/W AND PT BAY BTM ELY LT 6 LITTLE TORCH KEY OR1311-352/55 OR1311-356/3
**Owners Name:** TORCH KEY PROPERTIES LTD C/O NOBLE HOUSE HOTELS & RESORTS
**Address:** 600 6TH ST S KIRKLAND WA 98033-6716

---

**AK:** 1283291 **Parcel ID:** 00216060-000000 **Physical Location** 143 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 3 LT 29 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR522-1 OR819-518
**Owners Name:** BARROWS ARMANDO A AND ADA
**Address:** 143 BLACKBEARD RD SUMMERLAND KEY FL 33042-5539

---

**AK:** 9036754 **Parcel ID:** 00215471-000000 **Physical Location** VACANT LOT LITTLE TORCH KEY
**Legal Description:** BK 1 NLY 25FT LT 30 JOLLY ROGER ESTATES LITTLE TOR CH KEY (A/K/A CANAL) OR246-229 OR643-235
**Owners Name:** AUERBACH DEVELOPMENT COMPANY C/O ROEMER DAVID F
**Address:** 7705 SW 138TH TER PALMETTO BAY FL 33158-1120

---

**AK:** 1143375 **Parcel ID:** 00113620-000000 **Physical Location** 28540 OVERSEAS LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT BAY BTM ELY PT LOT 6 LITTLE TORCH KEY OR261-501 OR548-206D/C OR643-687/690/AFF OR2(
**Owners Name:** COLEE PATRICK R AND DIANE C/O CROWE HORWATH LLP ATTN SCOTT
**Address:** 101 E KENNEDY BLVD STE 1250 TAMPA FL 33602-5197

---

**AK:** 1282979 **Parcel ID:** 00215740-000000 **Physical Location** 162 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 2 LT 27 JOLLY ROGER ESTATES LITTLE TORCH KEY PB 5-34 OR646-802 OR1076-233 OR1085-1971 OR1233-1
**Owners Name:** JONES CHARLES C AND ANNE-MARIE
**Address:** 700 WALTER DR NEW LENOX IL 60451

---

**AK:** 1282961 **Parcel ID:** 00215730-000000 **Physical Location** 182 BLACKBEARD LITTLE TORCH KEY
**Legal Description:** BK 2 LT 26 JOLLY ROGER ESTATES PB5-34 LITTLE TORCH KEY OR517-968 OR697-235 OR784-747 OR1723-438
**Owners Name:** ROMEO WILLIAM A
**Address:** 5318 VIRGINIA AVE SE CHARLESTON WV 25304-2243

---

**AK:** 1282677 **Parcel ID:** 00215440-000000 **Physical Location** VACANT LOT LITTLE TORCH KEY
**Legal Description:** BLK 1 S 1/2 LT 27 JOLLY ROGERS STATES PB5-34 LITTL E TORCH KEY OR522-547 OR786-1346 OR924-1895
**Owners Name:** JOHNSON DEBORAH J REV TRST 1/17/03
**Address:** 1255 N 15TH ST STE 7 IMMOKALEE FL 34142-2859

---

**AK:** 1143391 **Parcel ID:** 00113640-000000 **Physical Location** VACANT LAND LITTLE TORCH KEY
**Legal Description:** 28 66 29 LITTLE TORCH KEY PT LOT 7 G22-139 G50-130 OR227-395/408 OR227-409/10 OR1016-1649/50 OR1(
**Owners Name:** NATURE CONSERVANCY THE
**Address:** 222 S WESTMONTE DRIVE - SUITE 300 ALTAMONTE SPRINGS FL 32714-4269

---

**AK:** 1143341 **Parcel ID:** 00113590-000000 **Physical Location** 28540 OVERSEAS LITTLE TORCH KEY
**Legal Description:** 28 66 29 PT LT 6 AND PT LT 11 AND 10FT STRIP OF LA ND S OF H/W LITTLE TORCH KEY OR192-400/01 (
**Owners Name:** DOLPHIN MARINA ASSOCIATES LTD C/O CROWE HORWATH LLP ATTN SCOTT
**Address:** 101 E KENNEDY BLVD STE 1250 TAMPA FL 33602-5197

---

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NATURE CONSERVANCY THE
222 S WESTMONTE DRIVE - SUITE 300
ALTAMONTE SPRINGS, FL 32714-4269

HAWKINS KENNETH WAYNE
5136 27TH ST SW
LEHIGH ACRES,FL 33973-6615

JOHNSON DEBORAH J REV TRST 1/17/03
1255 N 15TH ST STE 7
IMMOKALEE,FL 34142-2859

MONROE COUNTY
500 WHITEHEAD ST
KEY WEST,FL 33040-6581

MONROE COUNTY
500 WHITEHEAD ST
KEY WEST,FL 33040-6581

JEFFREY JOHN M AND ALEXIS CAMERON IRWIN
142 BLACKBEARD RD
SUMMERLAND KEY,FL 33042-5539

NORRIS VERNON W JR REV TR DTD 04/22/05
303 SWEETBRIAR DR
RICHMOND,VA 23238-6213

TORCH KEY PROPERTIES LTD
C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT
600 6TH ST S
KIRKLAND.WA 98033-6716

COLEE PATRICK R AND DIANE
C/O CROWE HORWATH LLP ATTN SCOTT TYLER
101 E KENNEDY BLVD STE 1250
TAMPA.FL 33602-5197

JOHNSON DEBORAH J REV TRST 1/17/03
1255 N 15TH ST STE 7
IMMOKALEE,FL 34142-2859

CLOUTIER JACQUES
1901 TAMIAMI TRL S STE A
VENICE,FL 34293-5002

BROTHERS-REIN BETTY M
C/O CARESOURCE
7071 W COMMERCIAL BLVD STE 2D
LAUDERHILL,FL 33319-2143

HALLDORSON SYLVIA S REV LIVING TRUST 2/2/2005
163 BLACKBEARD RD
SUMMERLAND KEY,FL 33042-5539

DAWSON JOHN E AND CAROL A
145 LA FITTE RD
LITTLE TORCH KEY,FL 33042

SVETC EUGENE F
1407 W 32ND AVE
ANCHORAGE,AK 99503-3630

COLEE PATRICK R AND DIANE
C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT
600 6TH ST S
KIRKLAND.WA 98033-6716

TUTTLE MARGARET R
386 E MAIN RD
CONNEAUT,OH 44030-9608

BARROWS ARMANDO A AND ADA
143 BLACKBEARD RD
SUMMERLAND KEY,FL 33042-5539

JONES CHARLES C AND ANNE-MARIE
700 WALTER DR
NEW LENOX,IL 60451

NATURE CONSERVANCY THE
222 S WESTMONTE DRIVE - SUITE 300
ALTAMONTE SPRINGS,FL 32714-4269

SCHROEDER DORSEY A
133 BLACKBEARD RD
LITTLE TORCH KEY,FL 33042

FARRETTA ANTHONY P
135 LA FITTE RD
SUMMERLAND KEY,FL 33042-5525

TORCH KEY PROPERTIES LTD
C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT
600 6TH ST S
KIRKLAND.WA 98033-6716

GRISCOM ROY L R AND ROSEMARY
PO BOX 1942
HOLMES BEACH,FL 34218-1942

BD OF TRUSTEES OF THE INT IMP
3900 COMMONWEALTH BLVD MAIL STA 115
TALLAHASSEE,FL 32399-3000

TRIMBUR ROBERT C
183 BLACKBEARD RD
LITTLE TORCH KEY,FL 33042

PREVATT BANKS G
141 PIRATES RD
LITTLE TORCH KEY,FL 33042

AUERBACH DEVELOPMENT COMPANY
C/O ROEMER DAVID F
7705 SW 138TH TER
PALMETTO BAY,FL 33158-1120

ROMEO WILLIAM A
5318 VIRGINIA AVE SE
CHARLESTON,WV 25304-2243

DOLPHIN MARINA ASSOCIATES LTD
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# 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 Danny L. Kohlage, District 1
Mayor Pro Tem, Heather Carruthers, District 3
George Neugent, District 2
David Rice, District 4
Sylvia J. Murphy, District 5

July 28, 2015

Donna Bosold
Critical Concern Consultants
317 Whitehead Street
Key West, FL 33040
donna.bosold@att.net
ccckw@hotmail.com

**SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PROPOSED VACATION RENTAL COMMUNITY OF 22 DWELLING UNITS WITH ASSOCIATED AMENITIES; REDEVELOPMENT OF COMMERCIAL FLOOR AREA AND RETENTION OF AN EXISTING MARINA ON FIVE PARCELS OF LAND LOCATED ON LITTLE TORCH KEY, APPROXIMATE MILE MARKER 28.5 (OCEANSIDE), HAVING REAL ESTATE NUMBERS 00113570.000000, 00113570.000100, 00113570.000200, 00113590.000000, AND 00113620.000000; AND FOR THE PROPOSED TRANSFER OF 20 TREs FROM A SENDER SITE, KNOWN AS "TROPIC PALMS MOBILE HOME PARK," LOCATED AT 6125 SECOND STREET, STOCK ISLAND, APPROXIMATE MILE MARKER 5 (OCEANSIDE), HAVING REAL ESTATE NUMBER 00124560.000000.**

Ms. Bosold,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 8, 2015, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included Donna Bosold and James Hendrick, agents to the property owners (hereafter referred to as "Applicant;" and Matt Coyle, Principal Planner, and Emily Schemper, Comprehensive Planning Manager (hereafter referred to as "Staff").

*Materials presented for review included:*

(a) Pre-Application Conference Request Form;

(b) Project Description;

(c) Monroe County Property Record Cards;

(d) Boundary Survey of the site, by Frederick Hildebrandt, dated 6/7/98, revised 4/12/06;

(e) Letter of Development Rights Determination (for Little Torch Key site), dated 12/27/2007;

(f) Letter of Development Rights Determination (for Stock Island site), dated 2/21/2008;

(g) "The Dolphin Resort" Site Plan, by Grassi Design Studio, dated 3/24/15, revised 5/26/15; and

(h) Email from the Applicant dated 7/17/2015 updating proposed development on the site.

## I. APPLICANT PROPOSAL

The Applicant is proposing to redevelop five contiguous parcels on Little Torch Key, commonly known as Dolphin Marina ("Dolphin Marina Site"), with 22 single family dwelling units, to be used as vacation rental units, with associated amenities. Eight (8) of the units would be attached dwelling units; 14 of the units would be detached dwelling units. The proposed scope of redevelopment would include retention of the existing marina facilities; the demolition and redevelopment of all other existing dwelling units and commercial floor area on the site; and the addition of new commercial floor area. The Applicant stated that proposed nonresidential uses on the site, including the existing marina facilities, would be limited to use by the vacation rental occupants and Little Palm Island guests. The Applicant also proposes to retain the site's current parking and ferry boat service for Little Palm Island.

In order to accomplish the proposed redevelopment, the Applicant is proposing the transfer of 18.05 Transferable Development Rights (TDRs) from an unknown sender site, and the transfer of 20 market rate permanent ROGO Exemptions (TREs) to the Dolphin Marina Site from the Tropic Palms Mobile Home Park on Stock Island ("Tropic Palms Site"). The applicant is also proposing an amendment to the Land Use District (Zoning) designation for the Dolphin Marina Site from Suburban Commercial (SC) to Mixed Use (MU).

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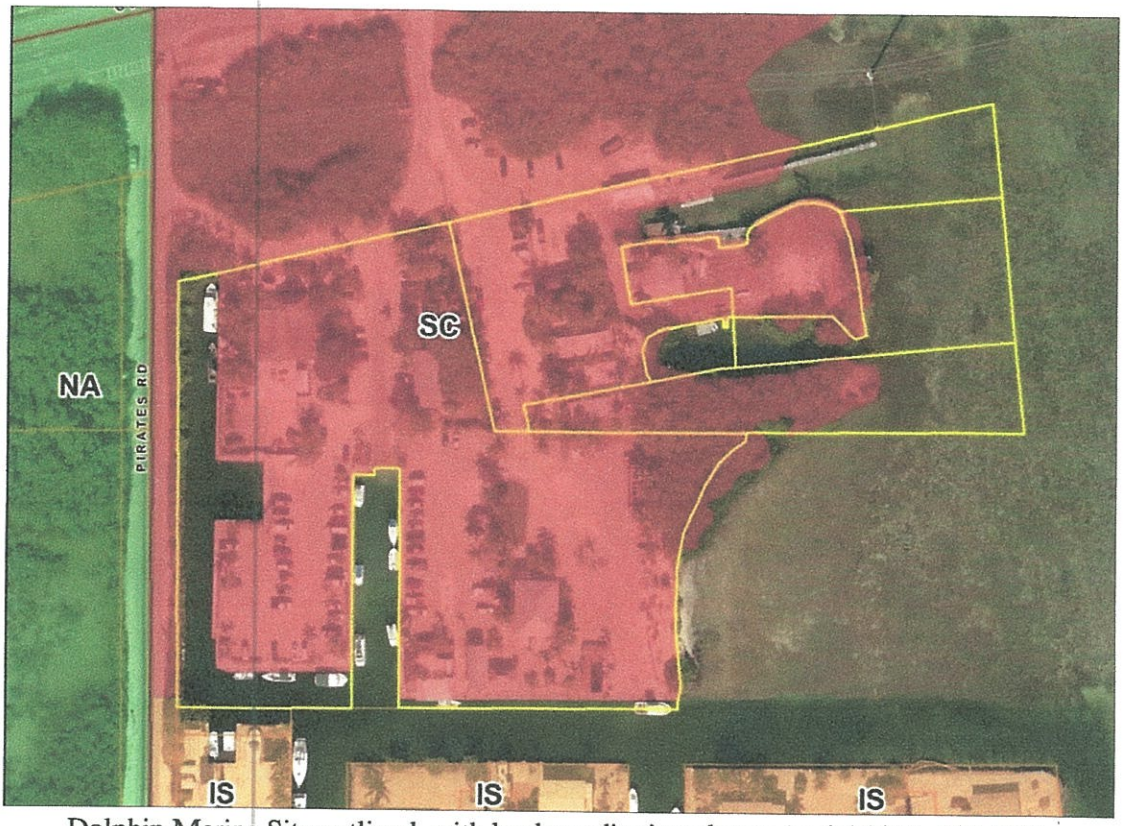
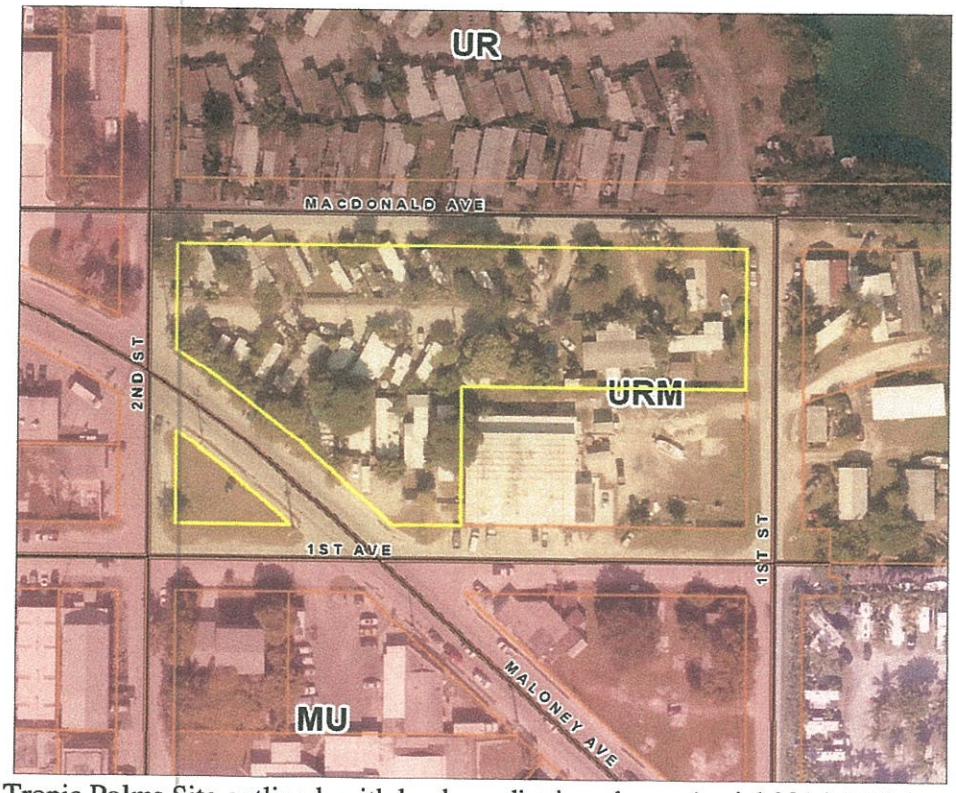


Dolphin Marina Site outlined, with land use districts shown (aerial 2015, MC GIS)



Tropic Palms Site outlined, with land use districts shown (aerial 2015, MC GIS)

## II. SUBJECT PROPERTY DESCRIPTION

1. The Dolphin Marina Site is located off of Pirates Road, south of Overseas Highway, at approximate mile marker 28.5 (Oceanside) on Little Torch Key. According to the Monroe County Property Appraiser's records, the parcels have a physical address of 28540 and 28500 Overseas Highway.

2. The Dolphin Marina Site is comprised of five contiguous parcels, assessed under real estate numbers 00113570.000000, 00113570.000100, 00113570.000200, 00113590.000000, and 00113620.000000.

3. The Dolphin Marina Site is currently developed with both transient and permanent residential units, and commercial uses, which together make up a resort hotel, known as Dolphin Marina and Cottages.

4. According to the current Property Appraiser's data, the Dolphin Marina Site has a total upland area of approximately 3.95 acres (171,935 SF), and submerged or environmentally sensitive land area totaling approximately 2.17 acres (94,525 SF). According to the project description submitted with the application, the Dolphin Marina Site contains 4.59 acres of upland. Although a boundary survey was submitted for review, it did not indicate the total upland area of the site. All calculations included in this letter are based on the aforementioned upland area figure of 3.95 acres (171,935 SF) based on Property Appraiser's data. A sealed boundary survey providing the exact amount of upland situated above mean high water shall be required at the time of application submittal for any development approval for new development adversely affecting open space or land use intensity. This survey shall show mean high water lines drawn in accordance with Florida Statutes. If the amount of upland provided on the sealed boundary survey differs, then calculations provided in this letter are subject to change.

5. The Tropic Palms Site is located at 6125 Second Street on Stock Island. It is comprised of one (1) parcel, having real estate number 00124560.000000 and legally described as Block 34, Lots 1-10 & 16-20, Maloney Subdivision (PB1-55).

6. The Tropic Palms Site is currently developed with fifteen (15) mobile homes, ten (10) recreational vehicles (RVs) and several accessory structures. Please note that the fifteen (15) mobile homes and the ten (10) RVs on the site have been recognized as twenty-five (25) permanent dwelling units per a Letter of Development Rights Determination issued on February 21, 2008.

7. According to the current Property Appraiser's data, the Tropic Palms Site has a total upland area of approximately 82,825 SF (1.90 acres).

## III. RELEVANT PRIOR COUNTY ACTIONS

1. On December 27, 2007, a Letter of Development Rights Determination (LDRD) was issued concerning the Dolphin Marina Site. The LDRD included a lawful determination that two

(2) permanent residential dwelling units, ten (10) transient residential units, and 5,551 square feet of nonresidential floor area were lawfully established on the site, distributed over the individual parcels as follows:

| Parcel RE# | Lawfully established units/floor area | | |
|---|---|---|---|
| | Permanent residential dwelling units | Transient units | Nonresidential floor area |
| 00113570.000000 | 1 | - | 1,360 SF |
| 00113570.000100 | - | 4 | 581 SF |
| 00113570.000200 | 1 | - | - |
| 00113590.000000 | - | 6 | 3,610 SF |
| **Total** | **2** | **10** | **5,551 SF** |

The redevelopment of the lawfully established residential units and/or nonresidential floor area will not be subject to the ROGO or NROGO permit allocation system.

2. On February 21, 2008, a Letter of Development Rights Determination (LDRD) was issued concerning the Tropic Palms Site. The LDRD included a lawful determination that twenty-five (25) permanent residential dwelling units are lawfully established on the site and are thereby exempt from the ROGO permit allocation system.

## IV. REVIEW

The following regulations directly affect the proposal; however, please note that there may be other regulations not referred to nor described in this letter which may govern development.

1. As shown in the image on page 3, the Dolphin Marina Site is located within a Suburban Commercial (SC) Land Use (Zoning) District. Consistent with the zoning district boundary lines, the property is designated as Mixed Use/Commercial (MC) on the Future Land Use Map (FLUM). The Applicant has proposed amending the zoning district of the Dolphin Marina Site parcels from SC to Mixed Use (MU) in order to develop detached dwelling units on the site, which are not a permitted use within the SC district. Amendments to the zoning map are subject to the provisions of MCC §102-158. The contents of this letter address the regulations that would apply to the site under the MU zoning category, assuming a zoning amendment is approved and becomes effective.

2. The Dolphin Marina Site parcels have been assigned a tier designation of Tier III.

3. According to the current Flood Insurance Rate Maps published by FEMA, the Dolphin Marina Site parcels are partially within an AE El-8 flood zone, and partially within an AE El-9 flood zone.

4. The proposed development would be consistent with the purpose of the MU land use (zoning) district (MCC Section 130-38), which is *to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses,*

*and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.*

5. The proposed development would also be consistent with the purpose of the MC future land use category (MCCP Policy 101.4.5), *which is to provide for the establishment of commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.*

   *This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the maintenance and enhancement of community character and recreational and commercial working waterfronts.*

6. Based on information provided, the Applicant is proposing to develop 22 dwelling units (to be used as vacation rental units), and several nonresidential buildings and uses (including the existing marina) that will serve the dwelling unit occupants, as well as Little Palm Island guests. Floor areas, floor plans, and other details for the proposed nonresidential buildings were not provided. The Applicant has stated that the proposed redevelopment of the site will also retain the marina-type uses on the site, but the entire site will be gated and the use of all facilities will be limited to occupants of the residential dwelling units (used as vacation rental units), as well as guests of Little Palm Island.

   Based on the conceptual site plan, it is unclear if the nonresidential buildings would be for the exclusive use of the 22 dwelling unit occupants, or if they would be open to Little Palm Island guests and/or the general public. If limited to occupants of the dwelling units within a gated community area, the County may consider some of the uses as accessory uses to the dwelling units; if open to use by Little Palm Island guests and/or the public, they would be considered commercial retail or other nonresidential uses. Additional detail is necessary regarding the specific use of and access to all proposed nonresidential uses and structures on the site before a determination can be made as to whether they will be considered accessory uses or another nonresidential use.

   As defined in MCC §101-1, the following definitions apply to proposed uses on the site:

   ***Dwelling unit*** *means one or more rooms physically arranged to create a housekeeping establishment for occupancy by one family with separate toilet facilities. The abbreviation "DU" means dwelling unit.*

***Dwelling, attached,*** *means a residential dwelling unit consisting of one or more of residential units that are developed without open yards on all sides of the dwelling unit.*

***Dwelling, detached,*** *means an individual residential dwelling that is developed with open yards on all sides of the dwelling unit but not including mobile homes or recreational vehicles.*

***Commercial retail use*** *means a use that sells goods or services at retail. Commercial retail uses are divided into the following three classifications:*

*(1)**Commercial retail low-intensity** means commercial retail uses that generate less than 50 average daily trips per 1,000 square feet of floor area.*

*(2)**Commercial retail medium-intensity** means retail uses that generate between 50 and 100 average daily trips per 1,000 square feet of floor area.*

*(3)**Commercial retail high-intensity** means retail uses that generate above 100 average daily trips per 1,000 square feet of floor area.*

***Accessory use*** *or* ***accessory structure*** *means a use or structure that:*

*1) is subordinate to and serves an existing principal use or principal structure; and*

*2) is subordinate in area, extent and purpose to an existing principal use or principal structure served; and*

*3) contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and*

*4) is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and*

*5) is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant to MCC §118-12; and*

*6) is located in the same land use (zoning) district as the principal use or principal structure, excluding off-site parking facilities pursuant to MCC §114-67.*

*Accessory uses include the utilization of yards for home gardens, provided that the produce of the garden is for noncommercial purpose. In no event shall an accessory use or structure be established prior to the principal use to which it is accessory. Accessory uses shall not include guest units or any other potentially habitable structures. Habitable structures are considered to be dwelling units as defined in this section.*

Pursuant to MCC §130-88, in the MU land use (zoning) district and density-permitting, the proposed uses may be permitted as follows:

- Detached residential dwellings may be permitted as-of-right with building permit approval.
- Vacation rental use of detached dwelling units is permitted if a special vacation rental permit is obtained under the regulations established in MCC §134-1.
- Attached residential dwelling units may be permitted as a minor conditional use, provided that:
    a. The total number of units does not exceed four; and
    b. The structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development.
- Attached residential dwelling units with more than 4 units may be permitted as a major conditional use, provided that:
    a. The structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development; and
    b. The parcel proposed for development is separated from any established residential use by a class C bufferyard;
- Commercial retail, medium intensity, uses of less than 2,500 square feet of floor area may be permitted as-of-right with building permit approval.
- Commercial retail, medium intensity, uses of greater than 2,500 but less than 10,000 square feet of floor area may be permitted as a minor conditional use, provided that access to U.S. 1 by way of:

    a) an existing curb cut;

    b) a signalized intersection; or

    c) a curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet.
- Commercial retail, medium intensity, uses of greater than 10,000 square feet of floor area may be permitted as a major conditional use, provided that access to U.S. 1 by way of:

    a) an existing curb cut;

    b) a signalized intersection; or

    c) a curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- Accessory uses may be permitted as-of-right with building permit approval.

The proposed development would require a major conditional use permit, as it includes 8 attached residential units and may contain commercial retail floor area exceeding 10,000 square feet.

7. Per MCC §130-157, §130-162, and §130-164, the following land use densities and intensities apply within the MU district:

| **Allocated Density (MU district)** | | | | | |
|---|---|---|---|---|---|
| **Land Use** | **Allocated Density** | **Gross area of site** | **Max Allowed** | **Proposed** | **Potential Used** |
| Detached/Attached Residential | 1 du/acre | 3.95 acres | 3.95 units | see max net | - |
| **Max Net Density (with use of TDRs) (MU district)** | | | | | |
| **Land Use** | **Max Net Density** | **Buildable area of site** | **Max Allowed** | **Proposed** | **Potential Used** |
| Detached /Attached Residential with TDRs | 12 du/ buildable acre | 3.16 buildable acres | 37.92 units | 22 du (requires 18.05 TDRs) | 58.0% |
| | | | | **Sub-Total** | **58.0%** |
| **Nonresidential Intensity (MU district)** | | | | | |
| **Land Use** | **Maximum Intensity** | **Gross area of site** | **Max Allowed** | **Proposed** | **Potential Used** |
| Commercial Retail (medium-intensity) | 0.25 F.A.R. | 171,935 SF | 42,983 SF | TBD* | TBD* |
| | | | | **Total** | **TBD**** |

*Based on the sub-total of proposed residential density, 58.0% of the cumulative density/intensity of the site is already proposed. Therefore, up to 42.0%, or 18,052 SF, of the maximum allowed commercial retail (medium intensity) square footage could be proposed on the site as well.
**The combined total of residential and nonresidential potential used may not exceed 100%.

As shown in the table above, in order to meet the density provisions of MCC §130-157, the proposed 22 residential dwelling units will require the transfer of 18.05 transferable development rights (TDRs) to the site from a qualifying sender site. The Applicant has not proposed a sender site for the necessary TDRs. The requirements and procedures for TDRs are discussed at the end of this LOU.

8. Pursuant to MCC §138-21, *the residential ROGO shall apply to all residential dwelling units for which a building permit is required by the Land Development Code and for which building permits have not been issued prior to July 13, 1992, except as otherwise provided.*

Pursuant to MCC §138-22(1), *redevelopment, rehabilitation or replacement of any lawfully established residential dwelling unit or space that does not increase the number of residential dwelling units above that which existed on the site prior to the redevelopment, rehabilitation or replacement shall be exempt from the residential ROGO system.*

Therefore, the Applicant is entitled to one dwelling unit allocation, exempt from the ROGO permit allocation system, for each dwelling unit that was lawfully-established.

The LDRD dated December 27, 2007 included a lawful determination that two (2) permanent residential dwelling units and ten (10) transient residential units are lawfully established on the Dolphin Marina Site and exempt from the ROGO permit allocation system. The additional 20 permanent residential dwelling units proposed by the Applicant will require 20 additional ROGO allocations, either through the allocation system, or through a qualifying transfer from another site.

The Applicant has identified the Tropic Palms Site as a potential sender site for a Transfer of ROGO Exemptions (TREs) under the affordable housing incentive program: *Transfer of ROGO Exemptions from Mobile Home Parks*, outlined within §130-161.1 of the Land Development Code. The requirements and procedures for TREs are discussed at the end of this LOU.

9. Pursuant to MCC §138-49, *the NROGO shall apply to the development of all new and expanded nonresidential floor area, except as exempted by section 138-50, for which a building permit or other final development approval is required.*

   Pursuant to MCC §138-50(1), the NROGO shall not apply to *the redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement.*

   The LDRD dated December 27, 2007 included a lawful determination that 5,551 square feet of nonresidential floor area is lawfully established on the Dolphin Marina Site and is therefore exempt from the NROGO permit allocation system. Any nonresidential floor area proposed which exceeds 5,551 square feet, and is not determined to be accessory to the proposed dwelling units, will be subject to the NROGO permit allocation system.

10. In the MU district, there is a required open space ratio of 0.20 or 20 percent of the upland area of the site. As defined in MCC §101-1, *open space means that portion of any parcel or area of land or water that is required to be maintained such that the area within its boundaries is open and unobstructed from the ground to the sky.*

    The conceptual site plan does not provide enough information for Staff to determine compliance. In order to be in compliance, the site would require approximately 34,387 SF of general open space (20% of site, 171,935 SF).

11. As specified in MCC §130-186, the required non-shoreline setbacks in the MU district for residential uses are as follows: Primary front yard – 25'; Secondary front yard – 15'; Primary side yard – 10'; Secondary side yard – 5'; and Rear yard – 20'. The property has a primary front yard setback requirement of 25' along the northern property line, adjacent to the Overseas Highway right of way. All other sides of the property are located along shorelines and are subject to the shoreline setback requirements in MCC §118-12.

The submitted conceptual site plan does not provide enough detail to determine if the proposal is in compliance with the required setbacks.

12. The proposed development is subject to the following off-street parking requirements, pursuant to MCC §114-67(c):

| *Specific Use* | *Multiplier* | *Proposed* | *Required Spaces* |
|---|---|---|---|
| Single-family dwelling units | 2.0 spaces per dwelling unit | 14 detached dwelling units | 28 spaces |
| Multifamily residential developments | 2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit | TBD – applicant has not indicated the number of bedrooms for each of the 8 attached units | 16-24 spaces |
| | | Total | 44+ spaces (depending on number of bedrooms per attached dwelling unit and amount of proposed nonresidential floor area) |

The conceptual site plan submitted by the Applicant shows 103 parking spaces located on the site, plus 30 additional parking spaces located on the FDOT right of way adjacent to the site. The Applicant stated that the right of way land is leased from FDOT for parking purposes, and that some of the parking on the site and the leased land serves the guests of Little Palm Island. It is unclear from the information provided how many parking spaces will be designated as parking for the proposed residential dwelling units and how many will be designated as parking for Little Palm Island. Additionally, any nonresidential floor area proposed will be subject to the parking requirements of MCC §114-67(c) according to the specific use identified. Therefore, compliance with the parking requirements could not be determined at this time.

At least one ADA compliant accessible parking space is required for every 25 vehicle parking spaces. Such spaces shall be designed and marked for exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems who have been issued either a disabled parking permit or a license plate. In addition, parking access aisles must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles. ADA

accessible parking spaces must meet all current requirements of the Americans with Disabilities Act including dimensional standards.

All regular parking spaces, with the exception of parallel, must be at least 8'6" in width by 18' in length. Parallel parking spaces must be 8'6" in width by 25' in length. Further, each required parking space shall have direct and unrestricted access to an aisle of the following minimum width:

| *Parking Pattern* | *One Way Aisle Width* | *Two Way Aisle Width* |
|---|---|---|
| 0 degrees | 12' | 24' |
| 30/45 degrees | 15' | 24' |
| 60 degrees | 18' | 24' |
| 75 degrees | 22' | 24' |
| 90 degrees | 24' | 24' |

13. For parking areas containing six or more spaces within an MU district, a class "C" landscaping standard is required. Landscaping is described/illustrated in MCC §114-100.

    No landscape plan was provided; therefore compliance could not be determined. A detailed landscape plan including specific material and location to be planted will need to be submitted at the time of development approval.

14. Any nonresidential floor area will be required to have either one or two loading/unloading spaces, in accordance with MCC §114-69, depending on the amount of floor area proposed. Details regarding nonresidential square footage were not provided; therefore, the required number and size of loading/unloading spaces could not be determined.

15. In accordance with MCC §118-7(1), *to the maximum extent practicable, development shall be sited so as to preserve all listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than 4"*. If the proposed improvements require the removal of native trees with a DBH of greater than 4", mitigation will be required. In accordance with §118-2, *as part of an application for approval on lands containing upland native vegetation communities, the applicant shall prepare and submit an existing conditions report, including a survey that identifies the distribution and quality of native habitats and any observed endangered/threatened or protected species within the parcel or lot proposed to be developed in accordance with the standards of chapter 118.* As provided in §118-9(b), upland native vegetated areas in Tier III shall be limited to clearing of 40 percent of the upland native vegetated areas or 3,000 square feet, whichever is greater; however, the maximum amount of clearing shall be no more than 7,500 square feet of upland native vegetative area. The above described existing conditions report should include analysis of the amount of upland native vegetation that has been cleared in the past. In accordance with §118-9(c), *the legal conditions of land existing as of February 28, 1986, and as depicted on*

*the December 1985 Habitat Classification Aerial Photographs (the subject parcel may be found on Sheet # 329), shall be used as a baseline to determine the clearing that may be permitted on a site. The 1985 maps shall be supplemented by recent aerial photography and existing site analysis to determine any increases in the amount of upland native vegetated areas. Upland native vegetated areas cleared between 1986 and the time of permit application shall be considered to still include upland native vegetation for purposes of determining the amount of open space and clearing permitted.*

16. A class "B" major street buffer (minimum of 5' in width) is required along the northern property line adjacent to the Overseas Highway right of way.

    The following land use district bufferyards are required:

| Property Line | District Boundary | Bufferyard Class | Minimum Width (ft) |
|---|---|---|---|
| South | MU - IS (along a canal) | B | 5' |

    Bufferyard standards including planting specifications are fully described in §114-128 of the Land Development Code.

    No landscape plan was provided; therefore compliance could not be determined. A detailed landscape plan including specific material and location to be planted will need to be submitted at the time of development approval.

17. A stormwater management plan shall be required as part of the building permit application. This plan shall detail pre and post development water flow and storage on site with supporting calculations. Pursuant to MCC §114-3(f), water management areas *shall be legally reserved to and maintained by the operational entity and be dedicated on the plat, deed restriction, or easements. Any change in the use of the property must comply with this regulation and any other requirements of the* [MCCP] *and* [the MCC.] *Stormwater management areas shall be connected to a public road or other location from which operation and maintenance means of access are legally and physically available to the operational entity, in accordance with county land development regulations governing subdivision of land.* As provided in MCC §114-3(h), *it is the responsibility of the applicant to provide a stormwater management plan for the development that contains sufficient information for the planning director to evaluate the environmental and stormwater discharge characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references, and any additional information deemed necessary by the planning director. The stormwater management plan must be sealed by an engineer registered in the state with experience in stormwater management and drainage design.*

    A stormwater management plan was not provided for review.

18. No structure or building shall be developed that exceeds a maximum height of 35'.

Pursuant to MCC §101-1:

***Height*** *means the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in MCC Chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations.*

***Grade*** *means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

The Dolphin Marina Site is located on the Overseas Highway (US1) and, as noted above, has a physical address of 28540 and 28500 Overseas Highway; accordingly, if the crown or curb of the Overseas Highway is higher than the natural elevation of the ground surface, building height may be measured from the crown or curb of the Overseas Highway.

Proposed building elevations were not provided; therefore compliance with height requirements could not be determined.

19. Pursuant to MCC §114-21, a solid waste/recycling collection area of 144 square feet will be required for the attached multifamily dwelling units.

The location of each collection area shall be in an area that a) is accessible and convenient to the intended users (typically no more than 200' from the farthest user); does not interfere with the primary use of the site; c) can tolerate noise, odor and increased pedestrian and vehicle traffic; and d) is designed to be easily accessible by all collection vehicles.

## V. OTHER ISSUES CONCERNING THE PROPOSAL

1. Transfer of ROGO Exemptions.

Applicant has not yet identified a receiver site to which the TREs associated with the 10 existing hotel units on the Dolphin Marina Site will be transferred following demolition of those units. When that receiver site is identified, transfer of those transient TREs will require compliance with the off-site transfer provisions of Sec. 138-22(2)c.

As stated in item number 8, on pages 9-10 of this LOU, the proposed development of 22 dwelling units on the Dolphin Marina Site would require the applicant to obtain an additional 20 ROGO allocations or ROGO exemptions. The Applicant has identified the Tropic Palms Site as a potential sender site for a Transfer of ROGO Exemptions (TREs) under Program 1 of the affordable housing incentive programs: Transfer of ROGO Exemptions from Mobile Home Parks, as described in §130-161.1 of the Land Development Code.

Pursuant to MCC §130-161.1(2)(a), the intent of the subject TRE program *is to establish an appropriate incentive for mobile home park owners to maintain mobile home park sites, mobile home developments in URM and URM-L districts, and contiguous parcels under common ownership containing mobile homes where any of the foregoing is presently serving as a primary source of affordable housing in Monroe County (any of the foregoing being an "eligible sender site") by providing an alternative development strategy to straightforward market-rate redevelopment. This program is intended to allow the transfer of market rate ROGO exemptions associated with lawfully established dwelling units now existing at an eligible sender site to be transferred to another site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units within Monroe County. This program seeks to address the housing needs of the Florida Keys as a regional obligation.*

*The subject TRE program provides an eligible sender site owner the opportunity to transfer market rate ROGO exemptions currently associated with existing and lawfully established dwelling units from eligible sender sites to receiver site(s) within Monroe County, provided that it involves the pooling of affordable dwelling unit rights for redevelopment at donated, purchased or otherwise appropriately deed-restricted sites, and transfer of ROGO exemptions or allocations for the purpose of implementing and facilitating one or more affordable housing projects. The provisions of MCC §130-161.1 shall control over all contrary provisions of the Land Development Code related to the transferability of ROGO exemptions.*

Pursuant to MCC §130-161.1(2)(b), the subject TRE program requires the following procedure:

*(i) This transfer shall require an approved development agreement.*

*(ii) Minor conditional use approval is required to complete the transfer.*

Pursuant to MCC §130-161.1(2), the following requirements must be met:

*(c) Development agreement requirements.*

*(i) Sender site restrictions:*

*(1) ROGO exemptions transferred under this program may be transferred on a 1 for 1 basis where the ROGO exemptions are to be transferred to single-family residential lots or parcels within the same ROGO planning subarea. However, where transfers are to be made to commercial or recreational working waterfronts (as defined by Florida*

*Statutes), or to multi-family projects in non-IS districts, the transfers shall result in no fewer than two deed-restricted affordable or workforce housing units remaining on an eligible sender site(s) for each market rate ROGO exemption transferred. This section expresses the county's preference for transfer of ROGO exemptions to single-family lots/parcels. The following examples are set forth only to show some potential transfer scenarios. A given potential scenario may depend upon availability of affordable ROGO allocations provided by the county.*

*(2) The eligible sender site property(ies) shall be donated or sold to Monroe County, or otherwise appropriately deed-restricted for long-term affordability. Prior to acceptance of a donated or purchased parcel, all units to be maintained on site shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department. Monroe County may then lease the sender site property to a party who will serve as lessee and sub-lessor of the eligible sender site(s).*

*(3) The number of transferred ROGO exemptions shall not exceed the number of restricted affordable dwelling units maintained at the eligible sender sites.*

*(4) The resulting development or redevelopment of affordable housing pursuant to the governing development agreement will be targeted to serve as closely as possible the following household income categories: 25 percent very low income households, 25 percent low income households, 25 percent median income households, and 25 percent moderate income households (or as otherwise approved by the BOCC).*

*(5) Lot rents and/or sales prices for resulting deed-restricted dwelling units shall be established in accordance with restrictions outlined in Florida Statutes and/or the Monroe County Code.*

*(6) All units designated by the applicable development agreement to remain as deed restricted affordable housing at the donated, purchased or appropriately deed-restricted site(s) shall comply with hurricane standards established by the Florida Building Code and habitability standards established under the Florida Landlord and Tenant Act. Compliance shall be accomplished in a manner and within a timeframe set forth in the development agreement or, if applicable, in the relevant minor conditional use.*

*(7) A development agreement proposed under this program shall not utilize more than 50 percent of the existing affordable housing allocations then available to Monroe County, unless otherwise approved by the BOCC.*

*(8) All of the redeveloped or preserved affordable housing units, whether redeveloped or retained at the original sender site(s), or at alternate or additional locations, shall remain in the same planning sub-district as the original sender site(s).*

*(d) Minor conditional use requirements.*

*(i) Receiver site criteria:*

*(1) The receiver site shall be located in a Tier III designated area.*

*(2) The receiver site shall not be located in a velocity (V) zone.*

*(3) A property owner cannot receive a certificate of occupancy for any unit constructed as a result of a transferred ROGO-exemption until all corresponding*

*eligible sender site units are completed and deed-restricted as affordable dwelling units.*

*(4) All or any portion of the redeveloped or preserved affordable housing units may be redeveloped or retained at one or more alternate or additional locations donated or sold to Monroe County, identified in the Development Agreement and otherwise compliant with the remainder of this section, including but not limited to the requirements set forth in subsection (2)(c)(i)(2).*

*(5) Transferred ROGO-exemptions shall remain in the same ROGO planning subarea.*

*(e) Nothing herein shall preclude the county's replacement of sender site dwelling units with affordable allocations and recovery and transfer of market-rate ROGO-exemptions from the sender sites for use in administrative relief programs or other like purposes.*

The Applicant stated that the Tropic Palms Site is a mobile home park in which the mobile home park land is owned by one common owner and the individual lots are leased to mobile home owners. Depending on the details of the ownership structure of the Tropic Palms Mobile Home Park, approval of the Tropic Palms Mobile Home Park as a sender site for TREs will be subject to proof of ownership of individual units/lots within the park.

The proposed development involves a transfer of 20 TREs from the Tropic Palms site to the Dolphin Marina site on a 1 for 1 basis, as ROGO exemptions transferred within the same ROGO planning subarea. After an equivalent number of deed-restricted affordable housing units are established on the Tropic Palms site (sender site), then the transfer of the market-rate TREs associated with the lawfully established mobile homes may be transferred to the Dolphin Marina receiver site. Although the receiver site is within the same ROGO planning subarea as the sender site, it does not currently consist of single-family residential lots or parcels. As a plat is not required or feasible, after any approval and construction of the residential dwelling units, the developer must establish individual parcels for each of the residential dwelling units via the Monroe County Property Appraiser (with a unique real estate number for each single-family unit). Regardless of changes to ownership structure, all parcels on the site will remain aggregated for the purposes of development review.

2. Transferable Development Rights.

As stated in item number 7, on page 9 of this LOU, the development of 22 residential dwelling units will also require the transfer of 18.05 transferable development rights (TDRs) to the site from a qualifying sender site in order to meet the density requirements in MCC §130-157. The Applicant has not proposed a sender site for the necessary TDRs.

Under the regulations set forth in MCC §130-160, in order to receive TDRs, a site must have a maximum net density standard for both its Zoning and FLUM categories.

The requirement for maximum net density is outlined in CP Policy 101.13.3, which states *the Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in the CP. In addition, CP Policy*

Pursuant to MCC §130-160(a)(1), *A sender site shall be within one of the following land use (zoning) districts in subsection a. and/or contain at least one of the following habitat types in subsection b.:*

*a. Land use (zoning) districts: Conservation (C), Mainland Native (MN), Native Area (NA), Offshore Island (OS), Parks and Refuge (PR) or Sparsely Settled (SS).*

*b. Habitat types: Freshwater wetlands, Saltmarsh/Buttonwood wetlands, High quality high hammock, High quality low hammock, Moderate quality high hammock, Moderate quality low hammock, High quality pinelands, Low quality pinelands, Beach/berm, Palm Hammock, Cactus Hammock, and/or Disturbed wetlands.*

Pursuant to MCC §130-160(a)(8), *Prior to application for a building permit authorizing the development of a residential dwelling unit on a receiver site requiring a transferable development right, the sender site(s) shall be a) dedicated to the county or b) placed in a conservation easement prohibiting its future development. A conservation easement shall be reviewed and approved by the planning and environmental resources department prior to its recording in the official records of the county.*

A minor conditional use permit is required pursuant to MCC §130-160(b) to carry out the TDRs.

3. As part of any building permit or conditional use permit application, a detailed site plan shall be submitted with the application. In addition, a landscape plan and surface water management plan will be required.

4. Prior to the issuance of any building permit, if such review is required, all proposed development shall be found in compliance by the Monroe County Building Department and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal. The Planning & Environmental Resources Department does not review for compliance with the Florida Building Code.

5. The property is designated within the AE-EL 8 and AE-EL 9 flood zones on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new structures or structures that are substantially improved must be built to floodplain management standards that meet those for flood protection.

6. All development shall be required to meet all standards and requirements of the Americans with Disabilities Act (ADA).

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

Mayté Santamaría,
Senior Director Planning & Environmental Resources

CC: Emily Schemper, Comprehensive Planning Manager
Matthew Coyle, Principal Planner

# BOUNDARY SURVEY

## LOCATED IN SECTION 28, TOWNSHIP 66 S, RANGE 29 E

## MONROE COUNTY, FLORIDA

## LEGAL DESCRIPTION:

*Deed Book O-37, Page 302*
*A part of U.S. Government Lot Number Six (6), Section 28, Township 66 South, Range 29 East, Monroe County, Florida, further described as follows:*

*All that part of U.S. Lot #6 which lies South of U.S. Highway Number One (1). The above property is located on Little Torch Key, Monroe County, Florida. There is excepted from this Instrument all Gas, Oil and Mineral Rights.*

*Deed No. 23191 (1158-44) Official Records Book 261, Page 501, described as:*
*A parcel of submerged land located Easterly of and Adjacent to Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and more particularly described as follows:*

*From the Northeast Corner of that certain parcel of submerged land described in Trustees Internal Improvement Fund Contract No. 22875 (Northeast Corner of Jolly Roger Estates as Recorded in Plat Book 3 at Page 34, Monroe County Official Records) go North 25°15' West, a distance of 251.05 feet to a point in the Southerly line of said Government Lot 6 (Extended) which point is the Point of Beginning; thence continue North 25°15' West, a distance of 315 feet, more or less, to a point on the Southerly right-of-Way Line of U.S. Highway No. 1; thence South 77°34' West along said Southerly Right-of-Way Line, a distance of 300 feet, more or less to a point in the Easterly shoreline of said Government Lot 6; thence Southerly, Easterly, Southerly and Westerly along the meanders of said Easterly shoreline a distance of 530 feet, more or less, to a point of intersection with the Southerly line of said Government Lot 6; thence East along the Southerly line of said Government Lot 6 (Extended) a distance of 230 feet, more or less, back to the Point of Beginning, containing 0.46 acres, more or less, and lying and being in the County of Monroe, in the State of Florida.*

*Less*
*That portion of Pirates Road as shown on the Plat of Jolly Roger Estates, as Recorded in Plat Book "3" at Page 34, Monroe County Official Records lying within Government Lot 6, Section 28, Township 29 East, Little Torch Key, Monroe County, Florida.*
*NOTE: This being the remainder of the 50 foot also conveyed to Little Torch Properties, Inc. of which the Easterly half was conveyed back to Bern and Betty Brothers in Official Records Book 302, Page 781 of the Public Records of Monroe County, Florida.*

*NOTE:*
*This legal continues to less out ALL the following legal descriptions, but note that the following legal descriptions ARE part of the survey.*

*PARCEL ONE AND AN INGRESS AND EGRESS EASEMENT A TRACT OF LAND IN Part of Government Lot 11, Section 28, Township 66 South, Range 29 East, On Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:*
*Commencing at the Northwest corner of Government Lot 11, bear East along the North line of Government Lot 11 for a distance of 220 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, bear South at right angle to the North line of Government Lot 11 a distance of 250 feet; thence bear East along a line parallel to the said North line of Government Lot 11 a distance of 250 feet; thence North at right angles to the Southern boundary line of this property a distance of 250 feet to a point intersecting the North line of Government Lot 11; thence bear West along the North line of Government Lot 11, 250 feet, more or less, back to the Point of Beginning. Said property intending to be that property obtained by the grantors herein and previously described as: that portion of Government Lot 11, Section 28, Township 66 South, Range 29 East, being a parcel 250 feet square) having as its North boundary line of said lot and having as its East line the shoreline of the Atlantic Ocean. Together with a perpetual easement for ingress and egress over and across the following described property: Shelter in the County of Monroe and the State of Florida, and known as being a part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, and bounded and described as follows: Commencing at the intersection of the West line of Government Lot 6, and the Southerly right-of-way line of U.S. Highway No.1, bear North 77 degrees, 34 minutes, 26 seconds East along the Southerly right-of-way line of U.S. Highway No. 1, 272.16 feet to the Point of Beginning of the 30 foot wide right-of-way hereinafter described; from said Point of Beginning bear South 12 degrees and 24 minutes East 186.49 feet to the Southerly line of Government Lot 6, thence bear East along the said Southerly line of Government Lot 6, 30.72 feet; thence bear North 12 degrees and 24 minutes West 193.10 feet to the Southerly right-of-way line of U.S. Highway No. 1, thence bear South 77 degrees, 34 minutes, 26 seconds West along the Southerly right-of-way line of U.S. Highway No. 1, 30.00 feet to the Point of Beginning.*

*PARCEL TWO:*
*A tract of land in part of Government Lot 6 and part of Government Lot 11, all in Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows: Commencing at the intersection of the West line of Government Lot 6 and the Southerly right-of-way line of U.S. Highway No. 1, bear North 77 degrees, 34 minutes, 26 seconds East along the Southerly right-of-way line of U.S. Highway No. 1, 51.20 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, bear South along the edge of a canal, 378.81 feet to where said canal intersects with another canal; thence bear East along said canal, 130.40 feet to another canal; thence bear North along said canal, 193.40 feet to the Northeast corner of a canal; thence bear East along the North side of a canal, 40.0 feet to the Northeast corner of a canal; thence bear North 34.80 feet; thence bear East, 83.30 feet; thence bear North 12 degrees and 24 minutes West, 176.25 feet to the Southerly right-of-way of U.S. Highway No. 1; thence bear South 77 degrees, 34 minutes, 26 seconds West along the Southerly right-of-way line of U.S. Highway No. 1 for a distance of 220.96 feet back to the Point of Beginning.*

*PARCEL THREE:*
*A tract of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: Commencing at the Southwest corner of Government Lot 6, bear East along the South line of Government Lot 6, 180.23 feet to the Point of beginning of the tract of land hereinafter described; from said Point of Beginning, bear North 80.00 feet; thence bear East 537.97 feet, thence bear South 12 degrees and 24 minutes East 71.67 feet; thence bear West 83.30 feet; thence bear South 10.00 feet, thence bear West 40 feet back to the Point of Beginning.*

*PARCEL FOUR:*
*A tract of land in a part of Government Lot 11, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: Commencing at the Northwest corner of Government Lot 11, bear East along the North line of Government Lot 11, 180.23 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, continue East 40.00 feet, thence bear South 44.80 feet, thence bear West 40.00 feet; thence bear North 44.80 feet back to the Point of Beginning.*

*PARCEL FIVE:*
*A 10 foot strip of land in a part of Government Lot 6, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of Government Lot 6, bear East along the South line of Government Lot 6, 220.23 feet to the Point of Beginning of the 10 foot strip of land hereinafter described; from said Point of Beginning, continue bearing East along the South line of Government Lot 6, 85.5 feet, thence bear North 12 degrees and 24 minutes West 10.24 feet, thence bear West and parallel with the South line of Government Lot 6, 85.3 feet; thence bear South 10 feet back to the Point of Beginning. Containing 0.019 acres.*

*PARCEL SIX:*
*A piece of land running from U.S. 1 right-of-way stopping at the Northern boundary, Lot 30, Block 1, JOLLY ROGER ESTATES, being 25 ft. wide and lying along the Easterly line of the State Road also known as Pirates Road, Jolly Roger Estates Subdivision. This strip of land is approximately 383.15 feet in length and approximately 25 ft in width. Its Southern boundary is the Northern line of Lot 30 Block 1, JOLLY ROGER ESTATES SUBDIVISION and its Northern boundary is U.S. 1 right-of-way. Its Eastern boundary is the property now owned but being conveyed by Howard S. Sampson and Maria L. Sampson, his wife, and its Western boundary is the State Road, also known as Pirates Road.*

*PARCEL 4A*
*A parcel of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6 bear S 88°58'33" E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 Foot Strip; thence bear N 12°22'12" W along the Easterly line of the said 10 foot Strip and along the Easterly line of those lands known as Tract No. 1 and 2 for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26" E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12" E for a distance of 35.63 feet; thence bear N 77°34'26" E for a distance of 114.75 feet, more or less, to a point on the Mean High Water line of a canal; said point to be known as the Point of Beginning; thence bear S 12°22'12" E along said Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No. 1 and 2 for a distance of 190.61 feet to a point on the Southerly right of way line of U.S. Highway No. 1, said point to be known as the Point of Beginning of the Easement hereinafter described; thence bear N 77°34'26" E along the said Southerly right of way line for a distance of 108.68 feet; thence bear S 57°44'49" E for a distance of 50.67 feet, to the Mean High Water line of an existing canal; thence bear S 20°40'28" E for a distance of 64.87feet; thence bear S 80°42'54" W for a distance of 25.27 feet; thence bear N 09°17'06" W for a distance of 78.26 feet; thence bear N 80°42'54" E for a distance of 36.28 feet; thence bear S 77°34'26" W for a distance of 91.66 feet; thence bear N 12°22'12" W for a distance of 15.00 feet back to the point of beginning.*

*AND SUBJECT TO:*

*A thirty (30) foot easement as described in Official Records Book 743, Page 349, AND ALSO SUBJECT TO:*
*A utilities easement for utility lines as they exist.*

*LEGAL DESCRIPTION:*
*PARCEL 1A*
*A parcel of land in a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:*
*Commencing at the Southeast corner of said Government Lot 6, bear S 89°58'33" E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 foot strip, said corner to be known as the Point in Beginning of the Parcel of land hereinafter described; thence bear N 12°22'12" W along the Easterly line of the said 10 foot strip and along the Easterly line of those lands known as Tract No. 1 and 2, for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26" E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12" E for a distance of 35.63 feet; thence bear N 77°34'26" E for a distance of 114.75 feet, more or less, to the Mean High Water line of an existing Canal; thence bear along the Mean High Water line of said Canal and the Mean High Water line of an existing Boat Basin the following eleven courses:*
*1.) thence bear S 89°36'53" W for a distance of 5.03 feet;*
*2.) thence bear S 03°25'56" E for a distance of 8.13 feet;*
*3.) thence bear S 86°34'04" W for a distance of 4.00 feet;*
*4.) thence bear N 03°25'56" W for a distance of 7.92 feet;*
*5.) thence bear S 89°36'53" W for a distance of 48.21 feet;*
*6.) thence bear N 10°29'21" W for a distance of 0.70 feet;*
*7.) thence bear S 72°53'49" W for a distance of 9.78 feet;*
*8.) thence bear S 58°17'36" W for a distance of 11.68 feet;*
*9.) thence bear S 20°39'28" W for a distance of 13.68 feet;*
*10.) thence bear S 10°44'39" E for a distance of 19.97 feet;*
*11.) thence bear S 27°49'36" E for a distance of 8.78 feet*
*12.) thence bear S 79°17'00" W for a distance of 116.26 feet to a point; thence bear S 12°22'12" E for a distance of 24.06 feet to a point on the Southerly line of said Government Lot 6, thence bear N 89°58'33" W along the Southerly line of said Government Lot 6 for a distance of 30.72 feet, back to the Point of Beginning.*
*NOTE: Parcel 1 LESS Parcel 5 (see below) contains an area of 21,568.3 square feet, more or less.*

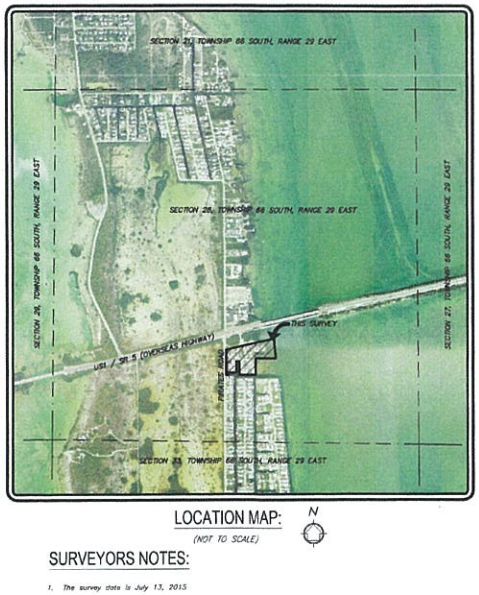
*TOGETHER WITH:*
*PARCEL #1A (BAY BOTTOM, DOCK AND SEAWALL)*

*A parcel of submerged land (baybottom), wood dock and concrete seawall adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southeast corner of said Government Lot 6, bear S 89°58'33" E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet, to the Southeast corner of the Tract of land known as the 10 Foot Strip; thence bear N 12°22'12" W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No. 1 and 2 for a distance of 190.61 feet, to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26" E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12" E for a distance of 35.63 feet; thence bear N 77°34'26" E for a distance of 114.75 feet, more or less, to a point on the Mean High Water line of an existing canal (Boat Basin), said point to be known as the Point of Beginning, thence bear S 20°40'28" E along said Mean High Water line of existing canal for a distance of 13.72 feet; thence bear S 09°17'00" E along said Mean High Water line of said existing canal; thence bear along said Mean high Water line of said existing canal on the following twelve courses:*
*1.) thence bear N 80°33'11" E for a distance of 28.75 feet;*
*2.) thence bear N 87°20'17" E for a distance of 18.03 feet;*
*3.) thence bear N 81°54'21" E for a distance of 9.85 feet;*
*4.) thence bear S 87°59'28" E for a distance of 8.71 feet;*
*5.) thence bear N 82°30'01" E for a distance of 9.57 feet;*
*6.) thence bear S 87°11'28" E for a distance of 10.23 feet;*
*7.) thence bear S 07°47'23" E for a distance of 8.80 feet;*
*8.) thence bear N 86°58'11" E for a distance of 15.47 feet*
*9.) thence bear N 70°31'38" E for a distance of 9.52 feet;*
*10.) thence bear N 03°28'01" W for a distance of 7.65 feet;*
*11.) thence bear N 34°09'41" E for a distance of 2.90 feet*
*12.) thence bear N 13°54'09" E for a distance of 3.55 feet to the back of an existing concrete seawall; thence bear along the back of said seawall on the following eight courses:*
*1.) thence N 60°53'33" E for a distance of 23.50 feet;*
*2.) thence bear N 63°53'22" E for a distance of 18.86 feet;*
*3.) thence bear N 70°31'38" E for a distance of 7.41 feet;*
*4.) thence bear N 85°05'55" E for a distance of 7.52 feet;*
*5.) thence bear S 85°08'56" E for a distance of 7.50 feet;*
*6.) thence bear S 79°35'20" E for a distance of 7.72 feet;*
*7.) thence bear S 70°58'01" E for a distance of 7.61 feet;*
*8.) thence bear S 57°36'22" E for a distance of 7.21 feet;*
*thence bear N 84°45'00" E for a distance of 144.83 feet, more or less, to a point on the Easterly line of the submerged land as described in Official Records Book 261, Page 501; thence bear S 08°19'00" W along the Easterly line of said submerged land for a distance of 28.91 feet, more or less to a point which is 55.38 feet from the Northeast corner of said submerged land; thence bear S 84°45'00" W for a distance of 181.84 feet; thence bear S 72°58'55" W along the approximate centerline of an existing canal (Boat Basin) for a distance of 77.47 feet; thence bear S 79°50'57" W along the approximate centerline of said existing canal (Boat Basin) for a distance of 87.56 feet, more or less, back to the Point of Beginning. Containing an area of 8,822.0 square feet, more or less.*

*PARCEL 5A*
*A parcel of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows: Commencing at the Southwest corner of said Government Lot 5, bear S 89°58'33" E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 Foot Strip; thence bear N 12°22'12" W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No. 1 and 2 for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26" E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12" E for a distance of 35.63 feet; thence bear N 77°34'26" E for a distance of 114.75 feet, more or less, to the Mean High Water line of an existing Canal (Boat Basin); thence bear S 20°40'28" E along the said Mean High Water line of said existing Canal for a distance of 13.72 feet; thence bear S 09°17'00" E along said Mean High Water line of said existing canal for a distance of 61.82 feet, more or less to a point on the centerline of an existing channel, said point to be known as the Point of Beginning of the easement hereinafter described; from said Point of Beginning bear N 64°42'21" E along said centerline and the Easterly Projection thereof for a distance of 264.31 feet, more or less to a point on the Easterly line of the submerged land as described in Official Records Book 261, Page 501 and to the Terminus of this centerline*

*SUBJECT TO AND TOGETHER WITH:*
*A 30 foot easement as described in Official Records Book 743, Page 349*

*AND ALSO SUBJECT TO:*
*A utilities easement for utility lines as they exist.*




## LOCATION MAP:

(NOT TO SCALE)

## SURVEYORS NOTES:

1. The survey date is July 13, 2015
2. This is a BOUNDARY AND TOPOGRAPHIC SURVEY, as defined in Chapter 5J-17.050(10)(a)-(k) of the Florida Administrative Code.
3. This survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
4. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
5. Copyright © 2015 by Reece & Associates, Inc.
6. Bearings shown hereon are based on Grid North, and are referenced to the Florida State Plane Coordinate System, East Zone, North American Datum of 1983, 2007 adjustment. The bearing base for this survey is the north line of Government Lot 11, Section 28, Range 29 South, Range 29 East, and bears S 89°31'30" W and all other bearings are relative thereto.
7. The coordinates shown hereon are referenced to the Florida State Plane Coordinate System, East Zone, North American Datum of 1983, 2007 adjustment (NAD83/2007), as established using Real-Time Kinematic Global Positioning System (RTK GPS) survey methods. The computed positions computed were verified through a redundancy of measurements to meet or exceed closure for Rural Linear 1 foot in 5,000 feet. All distances shown hereon are in grid U.S. Survey Feet.
8. Elevations shown hereon are referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29), as established by National Geodetic Survey (NGS) control point "P72 4223 TOM, 1 Bm 1" having a published elevation of 1.54' (NAVD88). Elevation depicted on this survey were obtained using Real Time Kinematic (RTK) GPS methods with an expected accuracy of +/- 0.2'. The conversion from NAVD 88 to NGVD 29 is as follows: NAVD Elevation +1.37' = NGVD Elevation.
9. Apparent Mean High Water falls on vertical faces of seawalls and canal cuts unless noted otherwise.
10. This survey does not have the benefit of a current title commitment, opinion, or abstract. During the course of the survey some searches of the public records were made, but these searches were not exhaustive and should not be considered a substitute for a proper title commitment, opinion, or abstract obtained from a title agency or other title professional.
11. Legal descriptions have been furnished by the client or his/her representative. Public records have not been researched by the surveyor to determine the accuracy of these descriptions nor have adjoining properties been researched to determine overlaps or hiatus.
12. This survey delineates the locations of the legal descriptions on the ground, but does not determine ownership or property rights.
13. Underground improvements, if any, were not located except as shown.
14. Interior improvements were not located except as shown.
15. Adjoining property information was obtained from Monroe County Property Appraiser Office.
16. Aerial imagery shown hereon was obtained from the Land Boundary Information System (LABHIS) dated 2012 and is shown for informational purposes only.

## CERTIFICATION

HEREBY CERTIFY That the attached survey is true and correct to the best of my knowledge and belief and that it meets the standards of practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida administrative code.

For the firm:
Reece & Associates, Inc.

Date 7/13/15

Robert E. Reece
Professional Surveyor and Mapper
State of Florida License No. 5632

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER
No. 5632
2015-152

## INDEX OF SHEETS:

| | |
|---|---|
| Sheet 1 | Cover |
| Sheet 2 | Sketch of Boundary |
| Sheet 3 | Sketch of Topography |


REECE & ASSOCIATES, INC.
PROFESSIONAL SURVEYOR AND MAPPER
127 INDUSTRIAL ROAD, SUITE B, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1548
FAX (305) 872 - 5822


| | | | | | | |
|---|---|---|---|---|---|---|
| CAD | REF | FLD | RB | FB/PG. RJ #1/8-9 | DATE 7/13/2015 | DWG 15-005 BND |
| OFF | RB | CKD | RR | SHEET 1 OF 3 | | |

| DATE: | REVISIONS: | BY: |
|---|---|---|

BOUNDARY SURVEY
DOLPHIN MARINA
28520 OVERSEAS HWY.
LITTLE TORCH KEY FL, 33042

# BOUNDARY SHEET

| LINE TABLE | | | | |
|---|---|---|---|---|
| LINE # | BEARING (M) | LENGTH (M) | BEARING (D) | LENGTH (D) |
| L1 | S49°33'33"E | 8.35' | S50°33'00"E | 8.35' |
| L2 | S55°28'14"W | 4.91' | S54°56'30"W | 4.91 |
| L3 | S15°40'28"E | 2.90' | S14°11'00"E | 3.80 |
| L4 | S37°49'53"W | 46.62' | S37°49'31"W | 46.62 |
| L5 | S12°42'24"E | 4.75' | S12°23'00"E | 4.75 |
| L6 | S39°02'37"W | 16.00' | S39°30'30"W | 16.00 |
| L7 | S11°00'00"W | 18.62' | S11°00'00"W | 18.62 |
| L8 | S01°56'39"E | 13.52' | S02°40'00"E | 13.52 |
| L9 | S9°45'34"E | 5.32' | S09°11'30"E | 5.00 |
| L10 | S9°45'34"E | 31.26' | S09°11'30"E | 31.26 |
| L11 | N80°11'45"E | 80.34' | N80°40'13"E | 80.34 |
| L12 | S12°34'45"E | 25.10' | S09°00'00"E | 25.10 |
| L13 | S87°08'25"W | 5.55' | S87°36'30"W | 5.55 |
| L14 | S25°41'24"E | 7.30' | S25°23'00"E | 7.30 |
| L15 | S88°02'36"W | 4.00' | S88°36'30"W | 4.00 |
| L16 | S75°47'14"W | 6.86' | N43°23'00"W | 6.86 |
| L17 | S39°06'11"W | 48.21' | S39°34'30"W | 48.21 |
| L18 | N43°53'46"W | 0.70' | N43°53'00"W | 0.70 |
| L19 | N11°13'21"W | 8.78' | S10°52'48"W | 8.78 |
| L20 | S07°49'28"W | 8.18' | S08°15'58"W | 8.18 |
| L21 | S20°11'06"W | 13.88' | S20°30'38"W | 13.88 |
| L22 | S17°13'01"E | 19.57' | S17°44'30"E | 19.57 |
| L23 | S09°23'02"E | 8.30' | S07°46'30"E | 8.70 |
| L24 | S42°58'10"E | 13.33' | S42°32'30"E | 13.36 |
| L25 | S09°41'08"E | 8.75' | S09°11'30"E | 8.75 |
| L26 | S62°08'36"E | 7.48' | S62°40'30"E | 7.48 |
| L27 | S07°55'14"E | 18.21' | S07°35'14"E | 18.21 |
| L28 | N40°31'36"E | 23.90' | N40°52'30"E | 23.90 |
| L29 | S42°51'21"E | 5.22' | S42°52'30"E | 5.22 |
| L30 | S11°13'22"E | 27.42' | S10°52'00"E | 27.42 |
| L31 | S50°04'47"W | 26.75' | S50°33'11"W | 26.75 |
| L32 | S88°51'46"W | 19.62' | S87°52'11"W | 19.93 |

| LINE TABLE | | | | |
|---|---|---|---|---|
| LINE # | BEARING (M) | LENGTH (M) | BEARING (D) | LENGTH (D) |
| L33 | S8°20'34"W | 9.80' | S07°54'30"W | 9.80 |
| L34 | N40°24'46"W | 8.71' | N40°00'30"W | 8.71 |
| L35 | S50°01'33"W | 9.57' | S50°30'00"W | 9.57 |
| L36 | S88°46'10"W | 10.23' | S87°17'30"W | 10.23 |
| L37 | N47°33'31"W | 8.80' | N47°47'30"W | 8.80 |
| L38 | N80°24'44"W | 15.43' | N80°55'11"W | 15.47 |
| L39 | S70°33'58"W | 9.62' | S70°57'30"W | 9.62 |
| L40 | S7°39'24"E | 7.61' | S07°59'11"E | 7.60 |
| L41 | S33°47'13"W | 2.90' | S34°06'41"W | 2.90 |
| L42 | S12°33'41"W | 3.55' | S12°54'06"W | 3.55 |
| L43 | S60°11'05"W | 23.50' | S60°30'33"W | 23.50 |
| L44 | S63°51'34"W | 18.69' | S63°33'33"W | 18.69 |
| L45 | S70°01'10"W | 7.41' | S70°31'30"W | 7.41 |
| L46 | S84°41'29"W | 7.52' | S82°08'30"W | 7.52 |
| L47 | N85°37'34"W | 7.60' | N85°08'30"W | 7.60 |
| L48 | N70°04'48"W | 7.70' | N70°35'30"W | 7.70 |
| L49 | N71°32'25"W | 7.61' | N70°55'11"W | 7.61 |
| L50 | N58°01'50"W | 7.21' | N57°31'30"W | 7.21 |
| L51 | S84°16'53"W | 144.88' | S84°45'30"W | 144.88 |
| L52 | S79°22'39"W | 81.58' | S79°00'11"W | 81.58 |
| L53 | S75°00'37"W | 71.47' | S75°29'33"W | 71.47 |
| L54 | S84°18'35"W | 191.90' | S84°46'30"W | 191.94 |
| L55 | N78°48'32"E | 81.88' | N79°17'00"E | 81.88 |
| L56 | N89°11'53"E | 264.30' | N89°42'11"E | 264.31 |
| L57 | S78°46'34"W | 26.02' | S79°15'30"W | 26.02 |
| L58 | S11°54'34"E | 5.01' | S12°26'11"E | 5.01 |
| L59 | S78°41'14"W | 20.88' | S79°11'14"W | 20.89 |
| L60 | N33°36'38"W | 23.76' | N33°31'30"W | 26.99 |
| L61 | N51°31'38"E | 11.22' | N52°36'41"E | 11.67 |
| L62 | N85°01'13"E | 18.45' | N85°36'41"E | 18.45 |
| L63 | N84°51'33"E | 32.25' | N85°16'41"E | 32.25 |
| L64 | S87°12'34"E | 22.00' | S87°43'11"E | 22.00 |

## LEGEND:

| | |
|---|---|
| (C) | = Calculated Dimension from field measurements |
| CB | = Catch Basin |
| ℄ | = Center Line |
| CO | = Cleanout |
| Conc. | = Concrete |
| CMP | = Corrugated Metal Pipe |
| ▢ | = Concrete Power Pole/CPP |
| C&G | = Curb & Gutter |
| CI | = Curb inlet |
| Δ | = Delta (Central Angle) |
| (D) | = Deed Dimension |
| Ⓓ | = Drainage Manhole |
| DIP | = Ductile Iron Pipe |
| ⊡ | = Electrical Junction Box |
| x 0.00 | = Existing Elevation |
| FH | = Fire Hydrant |
| FP&L | = Florida Power & Light |
| FND | = Found |
| ⊠ | = Gate Valve (WV=Water Valve) (SV=Sewer Valve),(IV=Irrigation Valve) |
| GPS | = Global Positioning System |
| ⟵ | = Guy Wire Anchor |
| Inv. | = Invert |
| L | = Length of Arc |
| LB | = Licensed Surveying Business |
| ☼ | = Light Pole |
| MHW | = Mean High Water |
| NAD | = North American Datum |
| NAVD | = North American Vertical Datum |
| NGVD | = National Geodetic Vertical Datum |
| O.R.B. | = Official Records Book |
| — OHU — | = Overhead Utility Wires |
| PG. | = Page |
| PK | = Parker Kayion Nail |
| PLS | = Professional Land Surveyor |
| PRM | = Permanent Reference Monument |
| PSM | = Professional Surveyor & Mapper |
| P.B. | = Plat Book |
| PVC | = Polyvinyl Chloride Pipe (Plastic) |
| R | = Radius |
| RCP | = Reinforced Concrete Pipe |
| R/W | = Right-of-Way |
| Ⓢ | = Sanitary Sewer Manhole |
| ⊤ * ⊤ | = Information Signs |
| TOS | = Toe of Slope |
| TOB | = Top of Bank |
| UE | = Utility Easement |
| w/ | = With |
| ⊙ | = Wood Power Pole/WPP |

GRAPHIC SCALE

30 0 15 30 60 90

( IN FEET )
1 inch = 30 ft.
(Intended Display Scale)

REECE & ASSOCIATES, INC.
PROFESSIONAL SURVEYOR AND MAPPER
127 INDUSTRIAL ROAD, SUITE B, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622

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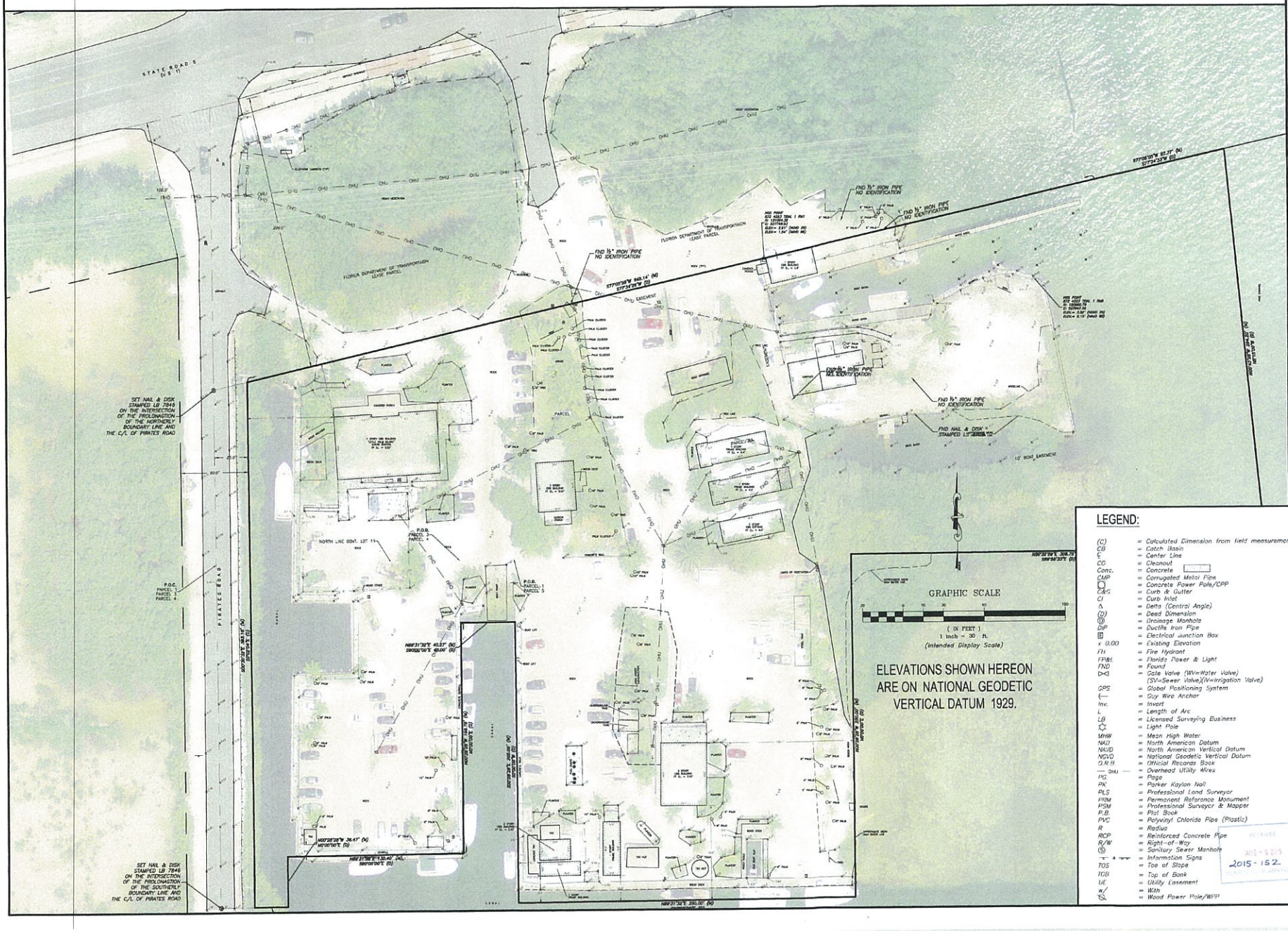
|---|---|---|---|---|---|---|---|
| CAD | | | | | | | |
| REV | | | | | | | |
| TLD | RB | FB./PG. RJ #1/6-9 | DATE 7/13/2015 | DATE | REVISIONS | BY |
| CKD | RR | SHEET 2 OF 3 | DWG'S-005 (DN) | | | | |

BOUNDARY SURVEY
DOLPHIN MARINA
28520 OVERSEAS HWY.
LITTLE TORCH KEY FL, 33042

AUG - 6 2015
2015-152

# TOPOGRAPHIC SHEET




ELEVATIONS SHOWN HEREON ARE ON NATIONAL GEODETIC VERTICAL DATUM 1929.

## LEGEND:

| | | |
|---|---|---|
| (C) | = | Calculated Dimension from field measurements |
| CB | = | Catch Basin |
| ℄ | = | Center Line |
| CO | = | Cleanout |
| Conc. | = | Concrete |
| CMP | = | Corrugated Metal Pipe |
| | = | Concrete Power Pole/CPP |
| C&G | = | Curb & Gutter |
| CI | = | Curb Inlet |
| Δ | = | Delta (Central Angle) |
| (D) | = | Deed Dimension |
| | = | Drainage Manhole |
| DIP | = | Ductile Iron Pipe |
| | = | Electrical Junction Box |
| x 0.00 | = | Existing Elevation |
| FH | = | Fire Hydrant |
| FP&L | = | Florida Power & Light |
| FND | = | Found |
| | = | Gate Valve (WV=Water Valve) (SV=Sewer Valve)(IV=Irrigation Valve) |
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| | = | Guy Wire Anchor |
| Inv. | = | Invert |
| L | = | Length of Arc |
| LB | = | Licensed Surveying Business |
| | = | Light Pole |
| MHW | = | Mean High Water |
| NAD | = | North American Datum |
| NAVD | = | North American Vertical Datum |
| NGVD | = | National Geodetic Vertical Datum |
| O.R.B. | = | Official Records Book |
| — OHU — | = | Overhead Utility Wires |
| PG. | = | Page |
| PK | = | Parker Kaylon Nail |
| PLS | = | Professional Land Surveyor |
| PRM | = | Permanent Reference Monument |
| PSM | = | Professional Surveyor & Mapper |
| P.B. | = | Plat Book |
| PVC | = | Polyvinyl Chloride Pipe (Plastic) |
| R | = | Radius |
| RCP | = | Reinforced Concrete Pipe |
| R/W | = | Right-of-Way |
| (S) | = | Sanitary Sewer Manhole |
| | = | Information Signs |
| TOS | = | Toe of Slope |
| TOB | = | Top of Bank |
| UE | = | Utility Easement |
| w/ | = | With |
| | = | Wood Power Pole/WPP |

RECEIVED AUG - 5 2015 2015 - 152 PLANNING DEPT.

REECE & ASSOCIATES, INC.
PROFESSIONAL SURVEYOR AND MAPPER
127 INDUSTRIAL ROAD, SUITE B, BIG PINE KEY, FL. 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 3677

| | | | | | |
|---|---|---|---|---|---|
| CAD | | | | | |
| REF | | | | | |
| FLD | RB | FB/PG: R1 #1/8-9 | DATE 7/13/2015 | | |
| OFF | RB | | | | |
| CKD | RR | SHEET 3 OF 3 | DWG 15-035 PHD | DATE: | REVISIONS: BY: |

# BOUNDARY SURVEY

DOLPHIN MARINA
28520 OVERSEAS HWY.
LITTLE TORCH KEY FL, 33042

# BOUNDARY SURVEY

## LOCATED IN SECTION 28, TOWNSHIP 66 S, RANGE 29 E

## MONROE COUNTY, FLORIDA

## LEGAL DESCRIPTION:

*Deed Book G-37, Page 302*
*A part of U.S. Government Lot Number Six (6), Section 28, Township 66 South, Range 29 East, Monroe County, Florida, further described as follows:*

*All that part of U.S. Lot #6 which lies South of U.S. Highway Number One (1). The above property is located on Little Torch Key, Monroe County, Florida. There is excepted from this instrument all Gas, Oil and Mineral Rights.*

*Deed No. 23191 (1158-44) Official Records Book 261, Page 501, described as:*
*A parcel of submerged land located Easterly of and Adjacent to Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and more particularly described as follows:*

*From the Northeast Corner of that certain parcel of submerged land described in Trustees Internal Improvement Fund Contract No. 22675 (Northeast Corner of Jolly Roger Estates as Recorded in Plat Book 5 at Page 34, Monroe County Official Records) go North 05°15' West, a distance of 251.05 feet to a point in the Southerly line of said Government Lot 6 (Extended) which point is the Point of Beginning; thence continue North 05°15' West, a distance of 315 feet, more or less, to a point on the Southerly Right-of-Way Line of U.S. Highway No. 1; thence South 77°34' West along said Southerly Right-of-Way Line, a distance of 200 feet, more or less, to a point in the Easterly shoreline of said Government Lot 6; thence Southerly, Easterly, Southerly and Westerly along the meanders of said Easterly shoreline a distance of 530 feet, more or less, to a point of intersection with the Southerly line of said Government Lot 6; thence East along the Southerly line of said Government Lot 6 (Extended) a distance of 230 feet, more or less, back to the Point of Beginning; containing 0.46 acres, more or less, and lying and being in the County of Monroe, in the State of Florida.*

*Less*
*That portion of Pirates Road as shown on the Plat of Jolly Roger Estates, as Recorded in Plat Book 5 at Page 34, Monroe County Official Records lying within Government Lot 6, Section 28, Township 29 East, Little Torch Key, Monroe County, Florida.*
*NOTE: This being the remainder of the 50 foot strip conveyed to Little Torch Properties, Inc. of which the Easterly half was conveyed back to Bern and Betty Brothers in Official Records Book 382, Page 781 of the Public Records of Monroe County, Florida.*

*NOTE:*
*This legal continues to less out ALL the following legal descriptions, but note that the following legal descriptions ARE part of the survey.*

*PARCEL ONE AND AN INGRESS AND EGRESS EASEMENT A TRACT OF LAND IN Part of Government Lot 11, Section 28, Township 66 South, Range 29 East, On Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:*
*Commencing at the Northwest corner of Government Lot 11, bear East along the North line of Government Lot 11 for a distance of 220 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, bear South at right angle to the North line of Government Lot 11 a distance of 250 feet; thence bear East along a line parallel to the said North line of Government Lot 11 a distance of 250 feet; thence North at right angles to the Southern boundary line of this property a distance of 250 feet to a point intersecting the North line of Government Lot 11; thence bear West along the North line of Government Lot 11, 250 feet, more or less, back to the Point of Beginning. Said property intending to be that property obtained by the grantors herein and previously described as: That portion of Government Lot 11, Section 28, Township 66 South, Range 29 East, being a parcel 250 feet square having as its North boundary line of said lot and having as its East line the shoreline of the Atlantic Ocean. Together with a perpetual easement for ingress and egress over and across the following described property: Situated in the County of Monroe and the State of Florida, and known as being a part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, and bounded and described as follows: Commencing at the intersection of the West line of Government Lot 6, and the Southerly right-of-way line of U.S. Highway No.1, bear North 77 degrees, 34 minutes, 26 seconds East along the Southerly right-of-way line of U.S. Highway No. 1, 272.16 feet to the Point of Beginning of the 30 foot wide right-of-way hereinafter described; from said Point of Beginning bear South 12 degrees and 24 minutes East 186.49 feet to the Southerly line of Government Lot 6; thence bear East along the said Southerly line of Government Lot 6, 30.72 feet; thence bear North 12 degrees and 24 minutes West 193.10 feet to the Southerly right-of-way line of U.S. Highway No. 1; thence bear South 77 degrees, 34 minutes, 26 seconds West along the Southerly right-of-way line of U.S. Highway No. 1, 30.00 feet to the Point of Beginning.*

*PARCEL TWO:*
*A tract of land in part of Government Lot 6 and part of Government Lot 11, all in Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows: Commencing at the intersection of the West line of Government Lot 6 and the Southerly right-of-way line of U.S. Highway No. 1, bear North 77 degrees, 34 minutes, 26 seconds East along the Southerly right-of-way line of U.S. Highway No. 1, 272.16 feet to the Point of Beginning of the 30 foot wide right-of-way hereinafter described; from said Point of Beginning bear South 12 degrees and 24 minutes East 186.49 feet to the Southerly line of Government Lot 6; thence bear East along the said Southerly line of Government Lot 6, 30.72 feet; thence bear North 12 degrees and 24 minutes West 193.10 feet to the Southerly right-of-way line of U.S. Highway No. 1; thence bear South 77 degrees, 34 minutes, 26 seconds West along the Southerly right-of-way line of U.S. Highway No. 1, 30.00 feet to the Point of Beginning.*

*PARCEL THREE:*
*A tract of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: Commencing at the Southwest corner of Government Lot 6, bear East along the South line of Government Lot 6, 180.23 feet to the Point of beginning of the tract of land hereinafter described; from said Point of Beginning, bear North 80.00 feet; thence bear East 107.97 feet; thence bear South 12 degrees and 24 minutes East 71.67 feet; thence bear West 83.30 feet; thence bear South 10.00 feet; thence bear West 40 feet back to the Point of Beginning.*

*PARCEL FOUR:*
*A tract of land in a part of Government Lot 11, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: Commencing at the Northwest corner of Government Lot 11, bear East along the North line of Government Lot 11, 180.23 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, continue East 40.00 feet, thence bear South 44.80 feet; thence bear West 40.00 feet; thence bear North 44.80 feet back to the Point of Beginning.*

*PARCEL FIVE*
*A 10 foot strip of land in a part of Government Lot 6, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of Government Lot 6, bear East along the South line of Government Lot 6, 220.23 feet to the Point of Beginning of the 10 foot strip of land hereinafter described; from said Point of Beginning, continue bearing East along the South line of Government Lot 6, 85.5 feet; thence bear North 12 degrees and 24 minutes West 10.24 feet; thence bear West and parallel with the South line of Government Lot 6, 83.3 feet; thence bear South 10 feet back to the Point of Beginning. Containing 0.019 acres.*

*PARCEL SIX*
*A piece of land running from U.S. 1 right-of-way stopping at the Northern boundary, Lot 30, Block 1, JOLLY ROGER ESTATES, being 25 ft. wide and lying along the Easterly line of the State Road also known as Pirates Road, Jolly Roger Estates Subdivision. This strip of land is approximately 383.15 feet in length and approximately 25 ft in width. Its Southern boundary is the Northern line of Lot 30, Block 1, JOLLY ROGER ESTATES SUBDIVISION and its Northern boundary is U.S. 1 right-of-way. Its Eastern boundary is the property now owned but being conveyed by Howard G. Sampson and Marie L. Sampson, his wife, and its Western boundary is the State Road, also known as Pirates Road.*

*PARCEL 4A*
*A parcel of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6 bear S 88°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a tract of land known as the 10 foot Strip; thence bear N 12°22'12"W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No.s 1 and 2 for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26"E along the said Southerly right of way line for a distance of 30.00 feet to a point, said point to be known as the Point of Beginning of the parcel of land hereinafter described; thence continue bearing N 77°34'26"E along the said Southerly right of way line for a distance of 222.39 feet, more or less, to the Mean High Water line of Pine Channel; thence bear along the Mean High Water line of Pine Channel and the Mean High Water line of an existing Canal for the following eight (8) courses:*
*1.) thence bear S 09°55'04"E for a distance of 9.31 feet;*
*2.) thence bear S 58°56'32"W for a distance of 4.91 feet;*
*3.) thence bear S 12°13'40"E for a distance of 3.80 feet;*
*4.) thence bear S 78°18'21"W for a distance of 46.82 feet;*
*5.) thence bear S 12°20'56"E for a distance of 4.70 feet;*
*6.) thence bear S 79°30'55"W for a distance of 16.66 feet;*
*7.) thence bear S 77°20'44"W for a distance of 31.47 feet;*
*8.) thence bear S 11°28'34"W for a distance of 18.92 feet to a point; thence bear S 77°34'26"W for a distance of 114.75 feet to a point; thence bear N 12°22'12"W for a distance of 35.63 feet back to the Point of Beginning.*
*Containing an area of 5,899.50 square feet, more or less.*

*TOGETHER WITH PARCEL 4 (BAYBOTTOM)*

*A parcel of submerged land (baybottom), adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6, bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 Foot Strip; thence bear N 12°22'12"W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No's 1 and 2 for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26"E along the said Southerly right of way line for a distance of 252.39 feet, more or less, to a point on the Mean High Water line of Pine Channel, said point to be known as the Point of Beginning of the Parcel of submerged land hereinafter described; from said Point of Beginning bear along the Mean High Water line of Pine Channel and the Mean High Water line of an existing canal for the following eight courses:*
*1.) thence bear S 09°55'04"E for a distance of 9.31 feet;*
*2.) thence bear S 58°56'32"W for a distance of 4.91 feet;*
*3.) thence bear S 12°13'40"E for a distance of 3.80 feet;*
*4.) thence bear S 78°18'21"W for a distance of 46.82 feet;*
*5.) thence bear S 12°20'56"E for a distance of 4.70 feet;*
*6.) thence bear S 79°30'55"W for a distance of 16.66 feet;*
*7.) thence bear S 77°20'44"W for a distance of 31.47 feet;*
*8.) thence bear S 11°28'34"W for a distance of 18.92 feet to a point; thence bear N 79°50'57"E along the approximate centerline of an existing boot basin for a distance of 87.56 feet; thence bear N 72°28'55"E along the approximate centerline of said existing boot basin for a distance of 77.47 feet; thence bear N 84°45'00"E for a distance of 181.84 feet, more or less, to a point on the Easterly line of the submerged land as described in Official Records Book 261, at Page 501, thence bear N 05°15'00"W along the Easterly line of said submerged land for a distance of 55.83 feet, more or less, to the Northeast corner of said submerged land and to the Southerly right of way line of U.S. Highway No. 1, thence bear S 77°34'26"W along the Northerly line of said submerged land and along the Southerly right of way line of U.S. Highway No. 1 for a distance of 244.31 feet, more or less, back to the Point of Beginning.*
*Containing an area of 12,264.6 square feet, more or less.*

*SUBJECT TO EASEMENT NO. 2*
*An Ingress and Egress Easement for access to the remainder of said Government Lot 6, being more particularly described as follows:*
*Commencing at the Southwest corner of said Government Lot 6, bear S 89°58'33"E along the Southerly line of Said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 Foot Strip; thence bear N 12°22'12"W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No's 1 and 2 for a distance of 190.61 feet to a point on the Southerly right of way line of U.S. Highway No. 1, said point to be known as the Point of Beginning of the Easement hereinafter described; thence bear N 77°34'26"E along the said Southerly right of way line for a distance of 108.68 feet, thence bear S 57°44'49"E for a distance of 50.67 feet, to the Mean High Water line of an existing canal; thence bear S 20°40'28"E for a distance of 13.72 feet to the edge of an existing wood dock; thence bear S 09°14'06"E for a distance of 64.87feet; thence bear S 80°42'54"W for a distance of 25.27 feet; thence bear N 09°17'06"W for a distance of 78.26 feet; thence bear N 69°55'32"W for a distance of 36.20 feet; thence bear S 77°34'26"W for a distance of 91.66 feet; thence bear N 12°22'12"W for a distance of 15.00 feet back to the point of beginning.*

*AND SUBJECT TO:*

*A thirty (30) foot easement as described in Official Records Book 743, Page 349, AND ALSO SUBJECT TO:*
*A utilities easement for utility lines as they exist.*

*LEGAL DESCRIPTION:*
*PARCEL 1A:*
*A parcel of land in a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, on Little Torch Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6, bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 foot strip, said corner to be known as the Point in Beginning of the Parcel of land hereinafter described; thence bear N 12°22'12"W along the Easterly line of the said 10 foot strip and along the Easterly line of those lands known as Tract No.s 1 and 2, for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26"E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12"E for a distance of 35.63 feet; thence bear N 77°34'26"E for a distance of 114.75 feet, more or less, to the Mean High Water line of an existing Canal (Boat Basin); thence bear S 20°40'28"E along said Mean High Water line of said existing canal, for a distance of 13.72 feet; thence bear S 09°17'06"E along said Mean High Water line of said existing Canal for a distance of 5.00 feet to the Southwest corner of said existing Canal; thence continue bearing S 09°17'06"E for a distance of 51.09 feet; thence bear N 80°40'13"E for a distance of 90.34 feet; thence bear S 03°08'12"E for a distance of 26.01 feet, more or less to the Mean High Water line of an existing Basin; thence bear along the Mean High Water line of said Basin for the following eleven courses:*
*1.) thence bear S 87°36'53"W for a distance of 5.03 feet;*
*2.) thence bear S 03°25'56"E for a distance of 8.13 feet;*
*3.) thence bear S 86°34'04"W for a distance of 4.00 feet;*
*4.) thence bear N 03°25'56"W for a distance of 7.92 feet;*
*5.) thence bear S 79°34'39"W for a distance of 48.21 feet;*
*6.) thence bear N 10°25'21"W for a distance of 0.70 feet;*
*7.) thence bear S 72°53'49"W for a distance of 9.78 feet;*
*8.) thence bear S 58°17'56"W for a distance of 11.68 feet*
*9.) thence bear S 20°39'28"W for a distance of 13.68 feet;*
*10.) thence bear S 10°44'39"E for a distance of 19.97 feet;*
*11.) thence bear S 27°49'36"E for a distance of 8.78 feet*
*12.) thence bear S 79°17'00"W for a distance of 116.26 feet to a point; thence bear S 12°22'12"*
*E for a distance of 24.06 feet to a point on the Southerly line of said Government Lot 6, thence bear N 89°58'33"W along the Southerly line of said Government Lot 6 for a distance of 30.72 feet, back to the Point of Beginning.*
*NOTE: Parcel 1 LESS Parcel 5 (see below) contains an area of 21,568.3 square feet, more or less.*

*TOGETHER WITH:*
*PARCEL #1A (BAY BOTTOM, DOCK AND SEAWALL)*

*A parcel of submerged land (baybottom), wood dock and concrete seawall adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6, bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet, to the Southeast corner of the Tract of land known as the 10 Foot Strip; thence bear N 12°22'12"W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as Tract No. 1 and 2 for a distance of 190.61 feet, to the Southerly right of way line of U.S. Highway No. 1; thence bear N 77°34'26"E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12"E for a distance of 35.63 feet; thence bear N 77°34'26"E for a distance of 114.75 feet, more or less, to a point on the Mean High Water line of an existing canal (Boat Basin); said point to be known as the Point of Beginning, thence bear S 20°40'28"E along said Mean High Water line of said existing canal for a distance of 13.72 feet; thence bear S 09°17'06"E along said Mean High Water line of said existing canal on the following twelve courses:*
*1.) thence bear N 80°33'11"E for a distance of 28.75 feet;*
*2.) thence bear N 87°20'17"E for a distance of 19.03 feet;*
*3.) thence bear N 81°54'27"E for a distance of 9.83 feet;*
*4.) thence bear S 87°56'28"E for a distance of 8.71 feet;*
*5.) thence bear N 82°30'01"E for a distance of 9.57 feet;*
*6.) thence bear N 87°17'38"E for a distance of 10.23 feet;*
*7.) thence bear S 07°47'23"E for a distance of 8.80 feet;*
*8.) thence bear N 86°58'11"E for a distance of 15.47 feet*
*9.) thence bear N 75°57'20"E for a distance of 9.62 feet;*
*10.) thence bear N 03°28'01"W for a distance of 7.65 feet;*
*11.) thence bear N 34°08'41"E for a distance of 2.90 feet*
*12.) thence bear N 13°54'09"E for a distance of 3.55 feet to the back of an existing concrete seawall; thence bear along the back of said seawall on the following eight courses:*
*1.) thence N 60°39'33"E for a distance of 23.50 feet;*
*2.) thence bear N 63°53'22"E for a distance of 18.86 feet;*
*3.) thence bear N 70°31'38"E for a distance of 7.41 feet;*
*4.) thence bear N 85°09'55"E for a distance of 7.52 feet;*
*5.) thence bear S 88°08'56"E for a distance of 7.60 feet;*
*6.) thence bear S 78°36'20"E for a distance of 7.72 feet;*
*7.) thence bear S 70°58'01"E for a distance of 7.61 feet;*
*8.) thence bear S 57°36'22"E for a distance of 7.21 feet;*
*thence bear N 84°45'00"E for a distance of 144.85 feet, more or less, to a point on the Easterly line of the submerged land as described in Official Records Book 261, Page 501; thence bear N 05°15'00"W along the Easterly line of said submerged land for a distance of 28.91 feet, more or less to a point which is 55.38 feet from the Northeast corner of said submerged land; thence bear S 84°45'00"W for a distance of 181.84 feet; thence bear S 72°28'55"W along the approximate centerline of an existing canal (Boat Basin) for a distance of 77.47 feet; thence bear S 79°50'57"W along the approximate centerline of said existing canal (Boat Basin) for a distance of 87.56 feet, more or less, back to the Point of Beginning.*
*Containing an area of 8,822.0 square feet, more or less.*

*PARCEL 5A*

*A parcel of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows. Commencing at the Southwest corner of said Government Lot 5, bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 Foot Strip; thence bear N 12°22'12"W along the Easterly line of the said 10 Foot Strip and along the Easterly line of those lands known as tract No.s 1 and 2 for a distance of 190.61 feet to the Southerly right of way line of U.S. Highway No. 1, thence bear N 77°34'26"E along the said Southerly right of way line for a distance of 30.00 feet; thence bear S 12°22'12"E for a distance of 35.63 feet; thence bear N 77°34'26"E for a distance of 114.75 feet, more or less, to the Mean High Water line of said existing Canal for a distance of 13.72 feet thence bear S 09°17'06"E for a distance of 64.86 feet to a point at the Southeast Corner of easement #2 (as described below), said point to be known as the Point of Beginning of the parcel of land hereinafter described; thence continue bearing S 09°17'06"E for a distance of 31.14 feet; thence bear S 78°24'00"W for a distance of 80.17 feet; thence bear N 10°07'28"W for a distance of 34.38 feet; thence bear N 80°42'54"E for a distance of 55.34 feet to the Southwest corner of said easement #2; thence continue bearing N 80°42'54"E for a distance of 25.27 feet, back to the Point of Beginning.*
*Containing an area of 2,632.72 square feet, more or less.*

*TOGETHER WITH:*
*PARCEL 2A*
*A parcel of land in a part of Government Lot 6, Section 28, Township 66 South, Range 29 East on Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6 bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 Foot Strip; thence continue bearing S 89°58'33"E along said Southerly line for a distance of 30.72 feet to a point, said point to be known as the Point of Beginning of the parcel of land hereinafter described; thence continue bearing S 89°58'33"E along said Southerly line for a distance of 193.32 feet, more or less, to the Mean High Water line of a Channel; thence bear along the Mean High Water line of said Channel and the Mean High Water line of an existing Boat Basin on the following seven courses:*
*1.) N 30°55'07"W for a distance of 27.38 feet;*
*2.) Thence bear N 47°02'53"W for a distance of 5.22 feet;*
*3.) Thence bear S 88°02'52"W for a distance of 23.90 feet;*
*4.) Thence bear N 86°35'14"W for a distance of 19.31 feet;*
*5.) Thence bear N 62°40'28"W for a distance of 7.48 feet;*
*6.) Thence bear N 59°15'41"W for a distance of 8.75 feet;*
*7.) Thence bear N 43°28'29"W for a distance of 13.08 feet;*
*Thence bear S 79°17'00"W for a distance of 116.26 feet, more or less to a point which is 30 feet (measured at right angles) from the Easterly line of the said 10 Foot Strip: thence bear S 12°22'12"E for a distance of 24.06 feet to the Southerly line of said Government Lot 6 and back to the Point of Beginning.*
*Containing an area of 6,100 square feet, more or less or 0.14 +/- Acres.*

*AND*

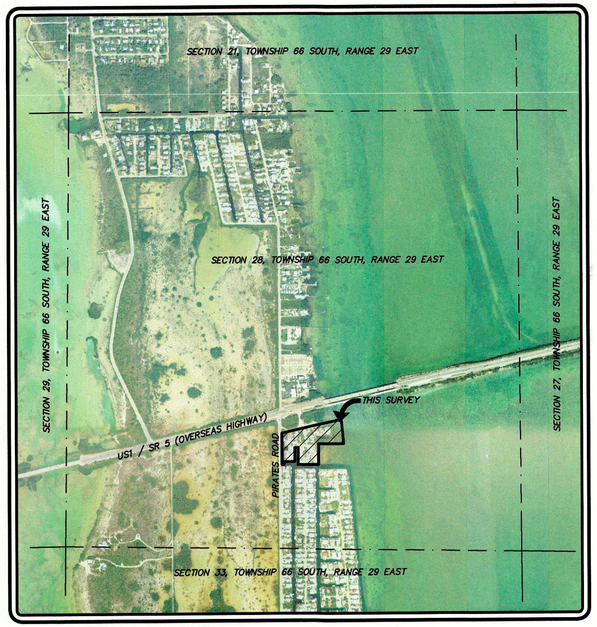
*PARCEL 3 A (island)*
*A parcel of land (island) located Easterly of and adjacent to a Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows: Commencing at the Southwest corner of said Government Lot 6, bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; thence continue bearing S 89°58'33"E along the Southerly line for a distance of 224.04 feet, more or less, to the Mean High Water line of a Channel; thence bear along the Mean High Water line of said Channel, N 30°55'07"W for a distance of 27.33 feet; thence bear N 47°02'53"W along the Mean High Water line of said Channel for a distance of 5.22 feet; thence bear N 86°51'51"E along the edge of an existing Boat Basin for a distance of 34.35 feet, to a point at the intersection of said Boat Basin with the Mean High Water line of an existing island, said point to be known as the Point of Beginning of the parcel of land hereinafter described: thence bear along the Mean High Water line of said existing*
*Boat Basin and said Island, and the Mean High Water line of "Pine Channel" on the following eight courses:*
*1.) N 77°16'58"E for a distance of 39.02 feet;*
*2.) Thence bear N 13°26'10"W for a distance of 5.01 feet;*
*3.) Thence bear N 79°11'16"E for a distance of 20.95 feet;*
*4.) Thence bear S 55°21'38"E for a distance of 26.69 feet;*
*5.) Thence bear S 52°00'24"W for a distance of 11.07 feet;*
*6.) Thence bear S 80°32'43"W for a distance of 19.45 feet;*
*7.) Thence bear S 85°19'50"W for a distance of 32.25feet;*
*8.) Thence bear N 11°45'11"W for a distance of 22.00 feet, back to the Point of Beginning.*
*Containing an area of 1206.83 square feet, more or less, or 0.026 +/- Acres.*

*PARCEL 2A (BAYBOTTOM)*
*A parcel of submerged land (baybottom) adjacent to a part of Government Lot 6, Section 28, Township 66 South, Range 29 East, Little Torch Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6 bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast Corner of a Tract of land known as the 10 Foot Strip; thence continue bearing S 89°58'33"E along the Southerly line for a distance of 224.04 feet, more or less to a point on the Mean High Water line of a Channel, said point to be known as the Point of Beginning of the parcel of land hereinafter described; from said Point of Beginning continue bearing S 89°58'33"E along said Southerly line FOR A DISTANCE of 247.14 feet, more or less, to a point at the Southeast corner of the submerged land as described in Official Records Book 261, Page 501; thence bear N 05°15'00"W along the Easterly line of said submerged land for a distance of 81.53 feet, to the Easterly projection of the centerline of an existing channel; thence bear S 84°42'21"W along the said projection of the centerline of said existing channel for a distance of 264.31 feet; thence bear S 79°17'00"W for a distance of 61.82 feet, more or less to the Mean High Water line of an existing Boat Basin and the Northerly line of Parcel 2 as described above; thence bear along the Mean High Water line of said existing Boat Basin and the Mean High Water line of a channel on the following seven courses:*
*1.) S 43°28'29"E for a distance of 13.08 feet;*
*2.) Thence bear S 59°15'41"E for a distance of 8.75 feet;*
*3.) Thence bear S 62°40'28"E for a distance of 7.48 feet;*
*4.) Thence bear S 86°35'14"E for a distance of 19.31 feet;*
*5.) Thence bear N 89°02'52"E for a distance of 23.90 feet;*
*6.) Thence bear S 47°02'53"E for a distance of 5.22 feet;*
*7.) Thence bear S 30°55'07"E for a distance of 27.38 feet back to the Point of Beginning.*
*Less the above described Parcel 3 (island) containing and area of 18,093.02 square feet, more or less, or 0.415 +/- acres.*

*TOGETHER WITH AND SUBJECT TO:*
*A boating easement for ingress and egress, being a ten foot wide (10') each side of the centerline of a Boat Basin Channel, said centerline being more particularly described by metes and bounds as follows:*
*Commencing at the Southwest corner of said Government Lot 6, bear S 89°58'33"E along the Southerly line of said Government Lot 6 for a distance of 305.73 feet to the Southeast corner of a Tract of land known as the 10 FOOT STRIP; thence continue bearing S 89°58'33"E along the Southerly line for a distance of 30.72 feet; thence bear N 12°22'12"E for a distance of 24.06 feet; thence bear N 79°17'00"E along the Southerly line of the above DESCRIBED Parcel #1 for a distance of 116.26 feet, more or less, to the Mean High Water line of an existing Boat Basin; thence continue bearing N 79°17'00"E for a distance of 61.82 feet, more or less to a point on the centerline of an existing channel, said point to be known as the Point of Beginning of the easement hereinafter described; from said Point of Beginning bear N 84°42'21"E along said centerline and the Easterly Projection thereof for a distance of 264.31 feet, more or less to a point on the Easterly line of the submerged land as described in Official Records Book 261, Page 501 and to the Terminus of this centerline*

*SUBJECT TO AND TOGETHER WITH:*
*A 30 foot easement as described in Official Records Book 743, Page 349*

*AND ALSO SUBJECT TO:*
*A utilities easement for utility lines as they exist.*




## LOCATION MAP:

(NOT TO SCALE)

N

## SURVEYORS NOTES:

1. The survey date is July 13, 2015
2. This is a BOUNDARY AND TOPOGRAPHIC SURVEY, as defined in Chapter 5J-17.050(10)(a)-(k) of the Florida Administrative Code.
3. This survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
4. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
5. Copyright © 2015 by Reece & Associates, Inc.
6. Bearings shown hereon are based on Grid North, and are referenced to the Florida State Plane Coordinate System, East Zone, North American Datum of 1983, 2007 adjustment. The bearing base for this survey is the north line of Government Lot 11, Section 28, Range 66 South, Range 29 East, said baseline bears S 89°31'30" W and all other bearings are relative thereto.
7. The coordinates shown hereon are referenced to the Florida State Plane Coordinate System, East Zone, North American Datum of 1983, 2007 adjustment (NAD83/2007), as established using Real-Time Kinematic Global Positioning System (RTK GPS) survey methodS. The corrected positions computed were verified through a redundancy of measurements to meet or exceed closure for Rural: Linear 1 foot in 5,000 feet. All distances shown hereon are in grid U.S. Survey Feet.
8. Elevations shown hereon are referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29), as established by National Geodetic Survey (NGS) control point "872 4223 TIDAL 1 RM 1" having a published elevation of 1.54' (NAVD88). Elevation depicted on this survey were obtained using Real Time Kinematic (RTK) GPS methods with an expected accuracy of +/- 0.2'. The conversion from NAVD 88 to NGVD 29 is as follows: NAVD Elevation +1.37' = NGVD Elevation.
9. Apparent Mean High Water falls on vertical faces of seawalls and canal cuts unless noted otherwise.
10. This survey does not have the benefit of a current title commitment, opinion, or abstract. During the course of the survey some searches of the public records were made, but these searches were not exhaustive and should not be considered a substitute for a proper title commitment, opinion, or abstract obtained from a title agency or other title professional.
11. Legal descriptions have been furnished by the client or his/her representative. Public records have not been researched by the surveyor to determine the accuracy of these descriptions nor have adjoining properties been researched to determine overlaps or hiatus.
12. This survey delineates the locations of the legal descriptions on the ground, but does not determine ownership or property rights.
13. Underground improvements, if any, were not located except as shown.
14. Interior improvements were not located except as shown.
15. Adjoining property information was obtained from Monroe County Property Appraiser Office.
16. Aerial imagery shown hereon was obtained from the Land Boundary Information System (LABINS) dated 2012 and is shown for informational purposes only.

## CERTIFICATION

I HEREBY CERTIFY *That the attached survey is true and correct to the best of my knowledge and belief and that it meets the standards of practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida administrative code.*

For the firm:
Reece & Associates, Inc.

Date 7/13/15

*Robert E. Reece*
*Professional Surveyor and Mapper*
*State of Florida License No. 5632*

*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER*

RECEIVED
AUG - 5 2015
2015-152
MONROE CO. PLANNING DEPT

## INDEX OF SHEETS:


| | |
|---|---|
| Sheet 1 | Cover |
| Sheet 2 | Sketch of Boundary |
| Sheet 3 | Sketch of Topography |



REECE & ASSOCIATES, INC.
PROFESSIONAL SURVEYOR AND MAPPER
127 INDUSTRIAL ROAD, SUITE B, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622


| | | | |
|---|---|---|---|
| CAD | | | |
| REF | | | |
| FLD | RB | FB./PG. | RJ #1/8-9 |
| OFF | RB | DATE | 7/13/2015 |
| CKD | RR | SHEET | 1 OF 3 |

| REVISIONS: | BY: | DATE: |
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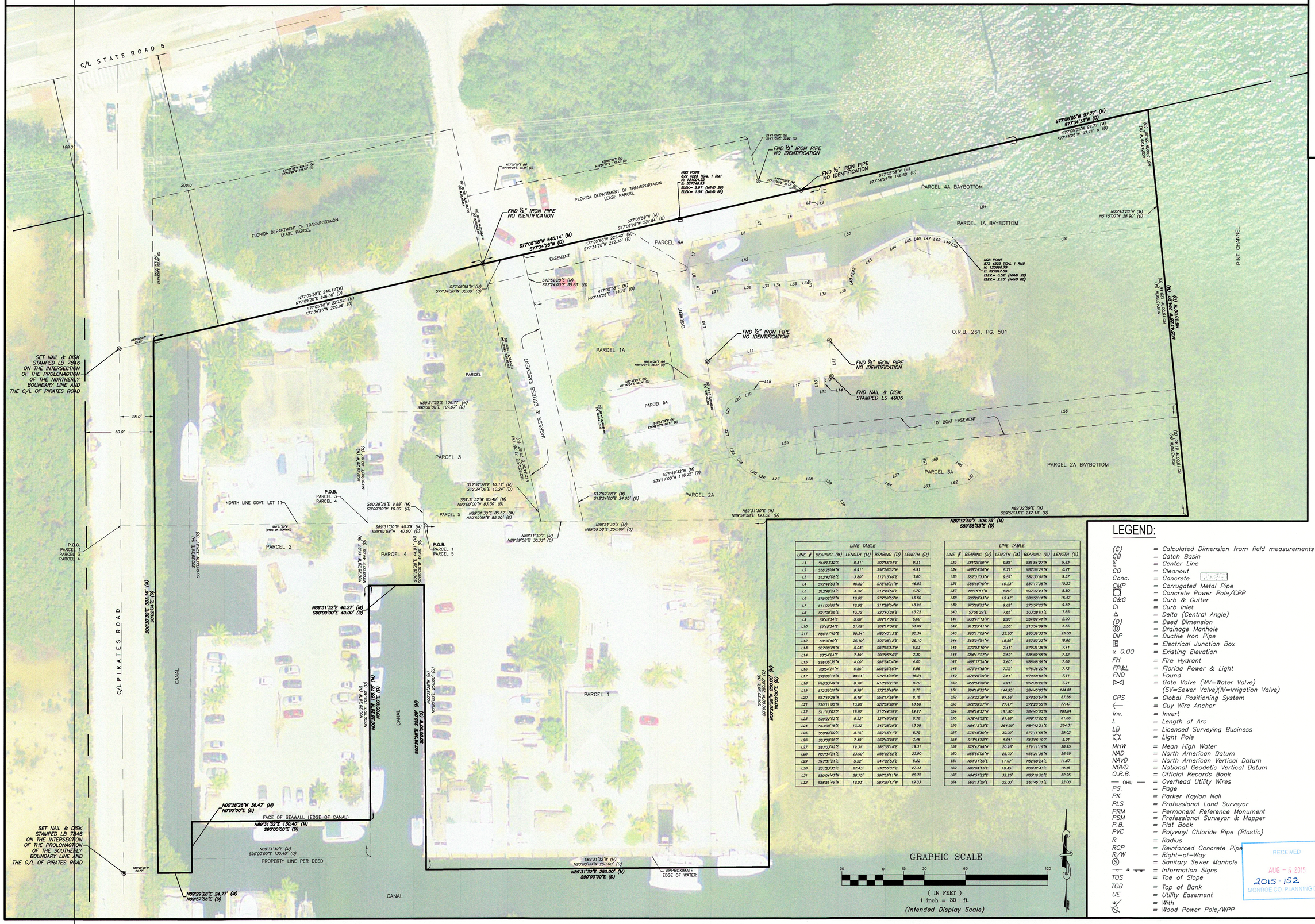
| | | |

DWG 15-005 BND

BOUNDARY SURVEY
DOLPHIN MARINA
28520 OVERSEAS HWY.
LITTLE TORCH KEY FL, 33042

# BOUNDARY SHEET




| LINE TABLE | | | | |
|---|---|---|---|---|
| LINE # | BEARING (M) | LENGTH (M) | BEARING (D) | LENGTH (D) |
| L1 | S10°23'32"E | 9.31' | S09°55'24"E | 9.31 |
| L2 | S58°28'04"W | 4.91' | S58°56'32"W | 4.91 |
| L3 | S12°42'08"E | 3.80' | S12°13'40"E | 3.80 |
| L4 | S77°49'53"W | 46.82' | S78°18'21"W | 46.82 |
| L5 | S12°49'24"E | 4.70' | S12°20'56"E | 4.70 |
| L6 | S79°02'27"W | 16.66' | S79°30'35"W | 16.66 |
| L7 | S11°00'06"W | 18.92' | S11°28'34"W | 18.92 |
| L8 | S21°06'56"E | 13.72' | S20°40'28"E | 13.72 |
| L9 | S9°45'34"E | 5.00' | S09°17'06"E | 5.00 |
| L10 | S9°45'34"E | 51.09' | S09°17'06"E | 51.09 |
| L11 | N80°11'45"E | 90.34' | N80°40'13"E | 90.34 |
| L12 | S3°36'40"E | 26.10' | S03°08'12"E | 26.10 |
| L13 | S87°08'25"W | 5.03' | S87°36'53"W | 5.03 |
| L14 | S3°54'24"E | 7.30' | S03°25'56"E | 7.30 |
| L15 | S86°05'36"W | 4.00' | S86°34'04"W | 4.00 |
| L16 | N7°54'24"W | 6.86' | N03°25'56"W | 6.86 |
| L17 | S79°06'11"W | 48.21' | S79°34'39"W | 48.21 |
| L18 | N10°53'49"W | 0.70' | N10°25'21"W | 0.70 |
| L19 | S72°23'21"W | 9.78' | S72°51'49"W | 9.78 |
| L20 | S5°49'28"W | 6.18' | S58°17'56"W | 6.18 |
| L21 | S20°11'00"W | 13.68' | S20°39'28"W | 13.68 |
| L22 | S11°13'07"E | 19.97' | S10°44'39"E | 19.97 |
| L23 | S29°32'02"E | 8.52' | S27°49'36"E | 8.78 |
| L24 | S4°08'18"E | 13.32' | S4°38'29"E | 13.08 |
| L25 | S59°49'09"E | 8.75' | S59°15'41"E | 8.75 |
| L26 | S63°06'56"E | 7.48' | S62°40'28"E | 7.48 |
| L27 | S87°53'42"E | 19.31' | S88°25'14"E | 19.31 |
| L28 | N87°34'24"E | 23.90' | N88°02'52"E | 23.90 |
| L29 | S4°31'21"E | 5.22' | S4°02'53"E | 5.22 |
| L30 | S31°23'35"E | 27.43' | S30°55'07"E | 27.43 |
| L31 | S80°04'43"W | 28.75' | S80°33'11"W | 28.75 |
| L32 | S8°51'49"W | 19.03' | S8°20'17"W | 19.03 |

| LINE TABLE | | | | |
|---|---|---|---|---|
| LINE # | BEARING (M) | LENGTH (M) | BEARING (D) | LENGTH (D) |
| L33 | S81°25'59"W | 9.83' | S81°54'27"W | 9.83 |
| L34 | N8°24'36"W | 8.71' | N8°55'28"W | 8.71 |
| L35 | S82°01'33"W | 9.57' | S82°30'01"W | 9.57 |
| L36 | S86°49'10"W | 10.23' | S87°17'38"W | 10.23 |
| L37 | N8°15'51"W | 8.80' | N07°47'23"W | 8.80 |
| L38 | S86°29'43"W | 15.47' | S86°58'11"W | 15.47 |
| L39 | S75°28'52"W | 9.62' | S75°57'20"W | 9.62 |
| L40 | S3°56'29"E | 7.65' | S03°28'01"E | 7.65 |
| L41 | S33°41'13"W | 2.90' | S34°09'41"W | 2.90 |
| L42 | S1°23'41"W | 3.55' | S1°54'09"W | 3.55 |
| L43 | S60°11'05"W | 23.50' | S60°39'33"W | 23.50 |
| L44 | S63°24'54"W | 18.86' | S63°53'22"W | 18.86 |
| L45 | S70°03'10"W | 7.41' | S70°31'38"W | 7.41 |
| L46 | S84°41'27"W | 7.52' | S85°09'55"W | 7.52 |
| L47 | N88°37'24"W | 7.60' | N88°08'56"W | 7.60 |
| L48 | N79°04'48"W | 7.72' | N78°36'20"W | 7.72 |
| L49 | N71°26'29"W | 7.61' | N70°58'01"W | 7.61 |
| L50 | N58°04'50"W | 7.21' | N57°36'22"W | 7.21 |
| L51 | S84°16'32"W | 144.85' | S84°45'00"W | 144.85 |
| L52 | S79°22'29"W | 87.56' | S79°50'57"W | 87.56 |
| L53 | S72°00'27"W | 77.47' | S72°28'55"W | 77.47 |
| L54 | S84°16'32"W | 181.90' | S84°45'00"W | 181.84 |
| L55 | N78°48'32"E | 61.86' | N79°17'00"E | 61.86 |
| L56 | N84°13'53"E | 264.30' | N84°42'21"E | 264.31 |
| L57 | S76°48'30"W | 39.02' | S77°16'58"W | 39.02 |
| L58 | S1°54'38"E | 5.01' | S1°28'10"E | 5.01 |
| L59 | S75°42'46"W | 20.95' | S76°11'16"W | 20.95 |
| L60 | N55°50'06"W | 25.79' | N55°21'38"W | 26.69 |
| L61 | N51°31'56"E | 11.07' | N52°00'24"E | 11.07 |
| L62 | N82°04'15"E | 19.45' | N82°32'43"E | 19.45 |
| L63 | N84°51'22"E | 32.25' | N85°19'50"E | 32.25 |
| L64 | S62°13'39"E | 22.00' | S61°45'11"E | 22.00 |

## LEGEND:

- (C) = Calculated Dimension from field measurements
- CB = Catch Basin
- ℄ = Center Line
- CO = Cleanout
- Conc. = Concrete
- CMP = Corrugated Metal Pipe
- ▢ = Concrete Power Pole/CPP
- C&G = Curb & Gutter
- CI = Curb Inlet
- Δ = Delta (Central Angle)
- (D) = Deed Dimension
- Ⓓ = Drainage Manhole
- DIP = Ductile Iron Pipe
- E = Electrical Junction Box
- x 0.00 = Existing Elevation
- FH = Fire Hydrant
- FP&L = Florida Power & Light
- FND = Found
- ⋈ = Gate Valve (WV=Water Valve) (SV=Sewer Valve)(IV=Irrigation Valve)
- GPS = Global Positioning System
- ⟵ = Guy Wire Anchor
- Inv. = Invert
- L = Length of Arc
- LB = Licensed Surveying Business
- ☼ = Light Pole
- MHW = Mean High Water
- NAD = North American Datum
- NAVD = North American Vertical Datum
- NGVD = National Geodetic Vertical Datum
- O.R.B. = Official Records Book
- — OHU — = Overhead Utility Wires
- PG. = Page
- PK = Parker Kaylon Nail
- PLS = Professional Land Surveyor
- PRM = Permanent Reference Monument
- PSM = Professional Surveyor & Mapper
- P.B. = Plat Book
- PVC = Polyvinyl Chloride Pipe (Plastic)
- R = Radius
- RCP = Reinforced Concrete Pipe
- R/W = Right-of-Way
- Ⓢ = Sanitary Sewer Manhole
- & = Information Signs
- TOS = Toe of Slope
- TOB = Top of Bank
- UE = Utility Easement
- w/ = With
- ⊘ = Wood Power Pole/WPP

GRAPHIC SCALE

30 0 15 30 60 120

( IN FEET )
1 inch = 30 ft.
(Intended Display Scale)

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REECE & ASSOCIATES, INC.
PROFESSIONAL SURVEYOR AND MAPPER
127 INDUSTRIAL ROAD, SUITE B, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622


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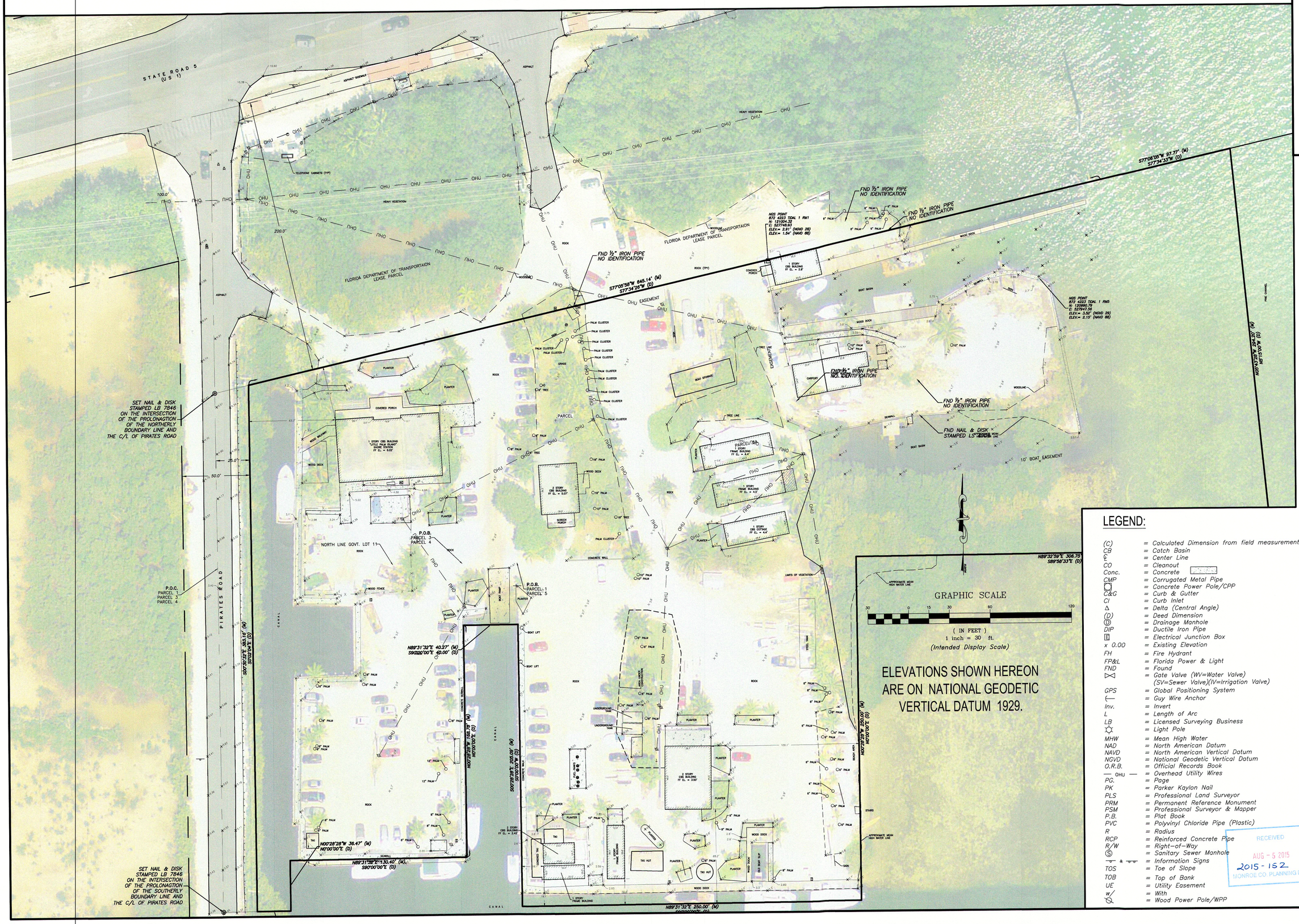
| OFF | RB | | | | |
| CKD | RR | | SHEET 2 OF 3 | DWG 15-005 BND | |

BOUNDARY SURVEY
DOLPHIN MARINA
28520 OVERSEAS HWY.
LITTLE TORCH KEY FL, 33042

# TOPOGRAPHIC SHEET

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| BY: | |
| REVISIONS: | |
| DATE: | DATE 7/13/2015 |
| | DWG 15-005 BND |
| | SHEET 3 OF 3 |

# BOUNDARY SURVEY

DOLPHIN MARINA
28520 OVERSEAS HWY.
LITTLE TORCH KEY FL, 33042

**MEMORANDUM**
**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** October 16, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING POLICY 101.5.31 TO ADDRESS HEIGHT EXCEPTIONS FOR NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF MASTER PLANNED COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File # 2015-006)

**Meeting:** **October 27, 2015 - continued from March 24, 2015, May 26, 2015 & August 25, 2015**

## I. REQUEST

The Monroe County Planning & Environmental Resources is proposing amendments to create Policy 101.5.31 to address non-habitable architectural decorative features within the Ocean Reef community; and create Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs.

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners (BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

A transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached as Exhibit 1.

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the height limit policy and process it as a separate amendment.

DRC: At its regularly scheduled meeting on March 24, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the March 24, 2015 DRC is attached as Exhibit 2. Minutes from the March 24, 2015 DRC are attached as Exhibit 3.

DRC: At its regularly scheduled meeting on May 26, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the May 26, 2015 DRC is attached as Exhibit 4. Minutes from the May 26, 2015 DRC are attached as Exhibit 5.

DRC: At its regularly scheduled meeting on August 25, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the August 25, 2015 DRC is attached as Exhibit 6. Minutes from the August 25, 2015 DRC are attached as Exhibit 7.

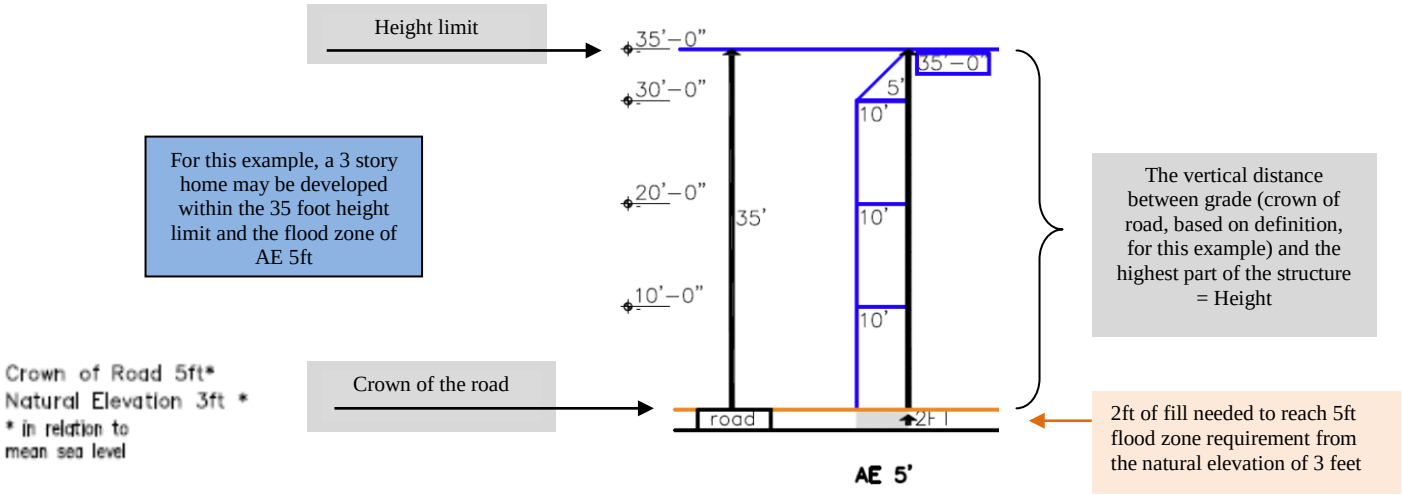
## III. ANALYSIS OF PROPOSED AMENDMENT

**HEIGHT:**

In unincorporated Monroe County, height and grade are defined as follows:

> **HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure****, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply*.
>
> **GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher****. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

Based on the adopted definitions the following is a basic depiction of: *height = the vertical distance between grade and the highest part of any structure.* In this depiction, the crown of the nearest road directly adjacent to the structure is *higher* than natural elevation of the ground surface (prior to construction, next to the proposed walls of a structure). As such, the crown of the road is the starting point, for this example, in measuring the vertical distance of the structure.



In the Comprehensive Plan update, recommendations to amend and expand the height policy have been made to clarify the measurement of height to match the recently amended land development code (Ordinance 003-2011) and to address new issues, such as: anticipating new FEMA flood maps and creating a mechanism to assist property owners to protect their property from flooding and reduce flood insurance costs as well as issues in permitting relative to architectural decorative features.

## IV. PROPOSED AMENDMENT (Deletions are ~~stricken through~~ and additions are underlined.)

Land Development Code amendments are being processed separately.

**Policy 101.4~~5~~.~~26~~30**

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including landfills to 35 feet. Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or television antennas; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antennas and/or collocations. However, in no event shall any of the exclusions enumerated above be construed to permit any habitable or usable space to exceed the applicable height limitations, except as specifically permitted in Policies 101.5.32 and 101.5.33. ~~Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.~~ In the case of airport districts, there shall be no exceptions to the 35-foot height limitation.

**Policy 101.5.31**

For Ocean Reef, a master planned community which is gated, inaccessible to the surrounding community, and has a distinct community character, buildings may include non-habitable architectural decorative features (such as finials, railings, widow's walk, parapets) that exceed the 35-foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the building's roof-line. This exception shall not result in a building together with any architectural decorative feature with a height that would exceed 40 feet.

As used in this policy, a master planned community means a planned community of 100 or more acres in area subject to a master plan or other development order approved by the county where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its members.

*Note, Ocean Reef Club has requested additional amendments, attached as Exhibit 9. To date, sufficient data has not been submitted to evaluate the requested amendments.*

**Policy 101.5.32**

Within in 1 year of the effective date of this policy, Monroe County shall adopt Land Development Regulations which provide a Flood Protection Height Exception to Policy 101.5.30 to promote public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and other hazards; protect property from flooding and minimize damages; minimize public and private losses due to flooding; minimize future expenditures of public funds for flood control projects and for recovery from flood events; and mitigate rising flood insurance premiums. A Flood Protection Height Exception of up to a maximum of five (5) feet above the 35-foot height limit shall be provided to allow buildings to be voluntarily elevated up to three (3) feet above FEMA base flood elevation in order to promote flood protection, minimize flood damage, reduce flood insurance premiums and minimize future expenditures of public funds for recovery from flood events. In no case shall a Flood Protection Height Exception result in a building exceeding a maximum height of 40 feet.

**Policy 101.5.33**

Within in 1 year of the effective date of this policy, Monroe County shall adopt Land Development Regulations which provide a Flood Protection Height Exception for lawfully established existing buildings, which exceed the 35-foot height limit in Policy 101.5.30, to promote public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and other hazards; protect property from flooding and minimize damages; minimize public and private losses due to flooding; minimize future expenditures of public funds for flood control projects and for recovery from flood events; and mitigate rising flood insurance premiums. A lawfully established existing building may be repaired, improved, retrofitted or redeveloped to meet required FEMA base flood elevation (BFE) provided the building does not exceed a total maximum building height of 40 feet, and the building is limited to the lawfully established existing intensity, floor area, building envelope (floor to floor height), density and type of use. For lawfully established existing buildings that are proposed to exceed a total height of 40 feet, a public hearing before the Board of County Commissioners shall be required to review and specify the maximum approved height prior to issuance of any county permit or development approval. A BOCC resolution shall specify the maximum approved height.

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

### A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

**Policy 217.1.4**

Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

**Policy 217.1.5**
Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating.

**Policy 217.1.6**
Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms.

**Objective 601.3**
By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

**Policy 601.3.2**
The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

## B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and

9. Other utilities, as appropriate.

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

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

### C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

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

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

## VI. PROCESS

Comprehensive Plan amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, or the owner or other person having a contractual

interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

## VII. STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed amendments.

## VIII. EXHIBITS

1. Transcription of the BOCC height discussion, from the October 7, 2014 public hearing
2. March 24, 2015 DRC Staff Report
3. March 24, 2015 DRC Minutes
4. May 26, 2015 DRC Staff Report
5. May 26, 2015 DRC Minutes
6. August 25, 2015 DRC Staff Report
7. August 25, 2015 DRC Minutes
8. Table of FEMA flood zones and number of private, vacant parcels in unincorporated Monroe County
9. Ocean Reef Club request and data.

Exhibit 1

**Monroe County Board of County Commissioners Special Meeting**

**Tuesday, October 7, 2014**

## Height Exceptions

Then the next change is on page 43…

You have a couple of new policies here, you all directed staff to take a look at how to possibly raise the height limit for architectural features that really just apply to Ocean Reef and so we've also come up with some criteria and you'll see that on those two policies 5.31 and 5.32

**Mayor Murphy:** Do we have a public speaker on this Lindsay?

**Lindsay Ballard:** We do. Joel Reed.

**Mayor Murphy:** Debbie, are you ready for public speakers?

**Debbie:** Yes mam on this particular topic.

**Joel Reed:** Good morning Mayor, Commissioners, Joel Reed. I'm here today on behalf of Ocean Reef Club and Ocean Reef Community Association in regard to this issue. First of all I want to thank you for the support. As you know Ocean Reef is a distinct community. It's a private gated community of about twenty five hundred acres, about seventeen hundred units up there. We have a lot of additional amenities up there, public buildings or quasi, kind of public buildings that are for the club purpose as well. Ocean Reef also has a Community Association which has its own architectural board, its architectural committee that kind of makes going through DRC and Planning Commission a day at the beach compared to their architectural committee. They are very stringent. They impose a lot of times additional requirements and regulations on their projects. Their whole community is very involved with the process. They're all notified as far as any changes that happen up there. So the five foot, we appreciate the support and the language in there a lot of times, some of the single family homes and the commercial buildings as well bump up as far as making them more architecturally attractive to need this section to allow for that. We also have had a lot of discussions the last couple of weeks internally as well. I'm going to pass out, I guess to the clerk and to you guys, additional language we would like you guys to consider. But we have been talking to staff about ….(passes out additional language considerations) So not to confuse the issue, there are two specific issues. First is allowing for some additional architectural features that the five foot would do. As we went through the club, as I said, owns a lot of buildings. Some of those buildings are the hotels that are near Buccaneer Island, if you've been up there before. The Amberjack, The Dolphin, The Marlin, these buildings are aging, they're coming to the end of their life. We have done quite a few renovations to them. At this point there is not really many more renovations that can be done in order to continue to maintain and operate them. As you know, that function of the club as well is essential to maintaining a Class A club up there, continuing to provide for the tax base that comes out of Ocean Reef is by having an attractive club where we can continue to attract, to maintain current members and attract new members. A lot of those buildings, I have some data, it's not all there, The Amberjack for example is three levels of living. Just to give an

example, the couple, I'm not going to go into all of them, but we said look if these things were substantially damaged through a hurricane, or they had to come down, or we had to rebuild, we wouldn't be able to build back those units to those heights that are there today. We have several. We have The Harbor House which is a condominium, its over fifty four feet right now in Ocean Reef Club. We have The Marlin, which is one of the hotel buildings, that's at forty two feet. We got the Dolphin Hotel at forty seven feet and The Creek House. We didn't have the number on it but we know that's well over forty feet as well. That's another condominium building up there. We came up with the boat barn, that's at thirty seven feet, the boat barn that we have up there. But there is about seven or eight buildings specifically that we thought it would be greatly impacted as we try to redevelop these properties or if we have to due to a hurricane or other issues. Some of the other issues we face is that although these are three stories and they are just pushing the height limit right now. You know, if you get three stories up there you're at thirty feet and then you have an architectural roof element you're at thirty seven feet or something like that. A lot of these buildings are built below flood right now so if we go to build them back, obviously we're talking about sea level rise, we want to encourage those buildings to be brought back up to flood. What happens is we lose a whole top level that we currently have today. We would lose almost a whole floor there out of those developments and that's just not possible to happen. So we proposed some additional policy language to put in there to protect these existing buildings that are there to be able to be built back. We haven't thoroughly vetted with staff yet at this point we have just proposed talking about the issue that I just explained. We would like and hope to support and to continue to work with staff to tweak some of this language to get into the Comp Plan to protect us on some of these issues. And the language, it exempts, it doesn't exempt, it doesn't include single family homes so this is only for the multi-family and commercial structures that are up there, so it doesn't include any of the single family homes and what it says is, "lawfully established structures that exclude single family homes that exceed this height limit may be replaced with their existing height plus any additional height required to elevate the first finished floor two feet above the FE" so encouraging them to go, you know, those extra two feet as well above that base flood elevation to account for future sea level rise as well. And then also that the height limit applicable to Ocean Reef and this would be an exemption for their community center building. The community center building up there right now puts on productions and theater productions and when it was built, they aren't able to attract and have the top of the line theater groups that come in there because a lot of the sets that they have, they change throughout the production. They actually lift that whole set up to lift that whole backdrop up into the ceiling and then they drop down the new one and their theater wasn't able to be designed to that because of the height and so they also want that as an exclusion so that they can look to enhance that building at some point to be able to attract those types of productions there. I'm here for any questions. Thank you for considering.

**Mayor Murphy:** So the proposed additional language, Joel, is what you want, not the existing language?

**Joel Reed:** We support the Club and the Community Association both support that existing policy language that's in there …

**Commissioner Carruthers:** the institutional language …

**Joel Reed:** Yeah. This is additional language, as we were talking about that five foot that was in there, that we were supportive of. You know, we started to talk about the hotels and the aging and the issues and if we did try and rebuild them back, what that would look like in the loss of rooms and the development that's there.

**Mayor Murphy:** Do we have a public speaker on this?

**Lindsay Ballard:** We do.

**Mayor Murphy:** Let's hear the public speaker. Another one.

**Lindsay Ballard:** D.A. Aldridge

**D.A. Aldridge:** I'm D.A. Aldridge. I live on Tavernier which is part of Kay Largo. Here we are at the last minute, a breath away from sending the Comp Plan and all of a sudden we see a very important change being requested by our Northern neighbors. The Federation of Homeowner's Association has been very adamant about height restrictions for many years and we have continually fought for thirty five feet. We are asking at this time, I am asking at this time to have you not vote on this. We have not had the opportunity to look at the language that has been just handed to you and we feel that it needs to be reviewed very closely by the staff and by you because this is a huge change that they are requesting. Thank you.

**Mayor Murphy:** … That's it

**Commissioner Kolhage:** What does the, in the final sentence when they talk about assembly group A1 and so forth, what does that mean?

**Christine Hurley:** We don't know.

**Mayor Murphy:** Well they haven't seen it yet. This is the problem with this.

**Christine Hurley:** Well we have seen that he emailed it but we asked questions. We didn't know what he meant by that.

**Commissioner Kolhage:** Well but we're going to have to be more specific on that. We'll have to have language that says exactly what it means. I think anyway.

**Commissioner Rice:** Could we not deal with this today and deal with it in January?

**Christine Hurley:** If you want us to address his comments, I just say get direction from the board at this point. We work on some type of language to bring back to you in January.

**Commissioner Rice:** I think that's what we should do.

**Mayor Murphy:** And what happens if we then want to make changes in January? Do we hold up the whole process?

**Christine Hurley:** I think you can legally make changes on the floor by motion before we transmit.

**Bob Shillinger:** As long as you're not changing the general substance of it. The general tone of it.

**Mayor Murphy:** Well that's what I am worried about. If we let this go til January and then begin to, ya know, flesh it out and the public speaks and we all get confused and then what happens to the rest of Comp Plan because we are supposed to vote on that in January.

**Commissioner Neugent:** I would ask on issues like this because I very much agree with what was said that we just got this and I think we need some information and my question is, and there may be some more issues very similar to this that come up. Can we have another meeting discussing those particular issues before the January transmittal?

**Christine Hurley:** Sure. We could do that.

**Mayor Murphy:** That would be helpful.

**Commissioner Rice:** That may be the way to approach it.

**Christine Hurley:** The problem with holding it in November or December is the calendars are already a mess from the holidays.

**Commissioner Neugent:** Oh my gosh we might have to do a little work.

**Christine Hurley:** No, that's not what I meant. It's just that even your regular board meetings got all shifted around.

**Commissioner Neugent:** Have it at the board meeting. End of the item discussion for a board meeting.

**Christine Hurley:** Okay. We can do that.

**Mayor Murphy:** We can do that.

**Commissioner Neugent:** Another things that's in this right here as I read it, for clarification purposes, "architectural decorating features that exceed the thirty five foot height limit but such features shall not exceed five feet above the structures roof line" Joel also mentioned that some of these buildings are already, I guess they would be legal non-conforming because they are above the height limit, so when you say "features shall not exceed five feet above the structures roofline" what roofline are we talking about? The one that's already non-conforming? Or thirty five feet, shall not exceed five feet above thirty five feet? That's not the way I necessarily interpret that.

**Mayor Murphy:** Because if it's the fifty four foot building, we're now at fifty nine…

**Christine Hurley:** It's not though. This is meant for new development that cannot exceed thirty five feet.

**Commissioner Neugent:** Well what happens …

**Christine Hurley:** Joel has added in and what he is really asking you to do, is in simple terms, and I think it could be very simplified, is agree that existing, non-conforming buildings that are at a height greater than thirty five feet, be allowed to rebuild to that height plus…

**Commissioner Neugent:** I didn't hear anybody bring that up…

**Christine Hurley:** That's really what he is asking though.

**Commissioner Rice:** Well that's what this really says

**Mayor Murphy:** Plus what?

**Christine Hurley:** plus, let him adjust, like we already have a provision in here, for another five feet, if they need to raise the elevation for FEMA floodplain issues.

**Mayor Murphy:** Fine, but not for decorative features.

**Christine Hurley:** Well he talked about decorative also, but he definitely spoke about …

**Mayor Murphy:** Well let's get it down pat.

**Christine Hurley:** Well we will try to but we got his language a couple days ago and…

**Mayor Murphy:** Well his language is kind of going in a figure eight.

**Commissioner Kolhage:** I understand what they are saying. In other words, he wants to maintain what they have now with an adjustment.

**Christine Hurley:** Yes. I think that's what he is asking.

**Commissioner Kolhage:** And I think that is reasonable.

**Mayor Murphy:** To replace a building, an older building that was built over thirty five feet, have a problem with that anywhere in Monroe County. It is what it is, we're all used to it, it's part of the landscape.

**Commissioner Neugent:** Clarification on what you just said

**Mayor Murphy:** I do not object to any of the older buildings that were built above thirty five feet. We all have them in our neighborhoods. If they need to be replaced or have to be replaced, I don't have a problem with them maintaining the height.

**Commissioner Neugent:** Hold on a minute there. Is there anything in our code, and I would use this as an analogy, FEMA's description of it, if its damaged by more than fifty percent, it has to be rebuilt, that is there anything in our code or Comp Plan that says that it then can be built over thirty five feet?

**Mayor Murphy:** No, No.

**Christine Hurley:** Okay, today, don't mix apples and oranges. Today our code does not allow us to approve a building permit above thirty five feet. If the structure is destroyed beyond fifty percent, they then have to conform to the new code, which is the thirty five foot height limit. And if it's destroyed beyond fifty percent under the floodplain rules, they have to raise the elevation and that's why they added this other position.

**Commissioner Neugent:** I understand the apples and oranges thing that I just plugged into it as an analogy but what I am saying is, have we had that discussion? You just said, at least my interpretation, that you can't build what Commissioner Murphy just said …

**Christine Hurley:** You can't. That is what Joel is asking you to change.

**Commissioner Neugent:** So we need to have that discussion.

**Commissioner Carruthers:** And that's why we have the further thing about flood protection and height exceptions. Go to 105.5.32. We added that so that we would allow people to exceed the thirty five feet when they have to, to create enough free board to comply with FEMA regulations.

**Commissioner Neugent:** I'm not talking about base flood elevation.

**Commissioner Carruthers:** but that is the crunch that you are getting into. When the Mayor says that you can rebuild a building at the height it is today, but we have a thirty five foot limit and FEMA says you gotta raise your building five feet, you lose a story.

**Commissioner Neugent:** that addresses one part of it. The other part that is not being addressed in my opinion, is do we have anything, are we proposing that then a fifty four foot high building could be rebuilt to fifty four feet.

**Christine Hurley:** Joel is proposing that.

**Commissioner Neugent:** And that's what I am asking this Commission. Is that where we want to go with that?

**Commissioner Carruthers:** Well, I mean, if we don't allow people to do that, isn't that essentially a taking? I mean you would be … think about the real life economic consequences of…

**Bob Shillinger:** There may be some Bert Harris implications but it's a different analysis.

**Commissioner Kolhage:** What we are considering here is because of the isolated and specific nature of Ocean Reef, do we want to make an exception here?

**Commissioner Neugent:** And can I tag onto that Commissioner Kolhage? Municipalities have the right, if I misspeak correct me, to go above thirty five feet if they choose to. Marathon has gone above thirty five feet, I think Key West has a height limit above thirty five feet, but based on what Commissioner Kolhage just said, and I want to hear some arguments otherwise, Ocean Reef is an isolated area, miles away from anyone else and a gated community, albeit in unincorporated Monroe County, they're very similar to a municipality with a city type manager, that do we want to be so parental if they have no objections internally amongst themselves to keep them from rebuilding above thirty five feet or changing some things that they have gone through the public input locally with their gated community. Do we want to impose our thoughts on how Ocean Reef should be run?

**Commissioner Rice:** I don't think we are trying to do that.

**Mayor Murphy:** I don't either. But I will tell you, my feeling is, in many, many instances, what Ocean Reef wants to do up there because they are away from everyone, I've agreed with. They've had good ideas, no problem and they do it. However when it comes to things like the height limit that everyone in this county is interested in, every developer is watching, and a lot of the homeowners are watching. I can't do something for them that I won't do for the rest of the county. And I will go to the extent that these buildings that Joel is talking about, were built when there was no height limit actually. If this comes down either in a hurricane or they want to

remodel it, I don't have a problem with them rebuilding to the height it was. I don't think it ruins the landscape because we have had thirty/forty years of looking at it. And therefore, everyone else in the county can also rebuild the over thirty five feet structures they have. Most of them are commercial structures.

**Commissioner Kolhage:** Okay can I ask you a question Mayor so I can more or less understand your position? So you're saying, you don't have a problem with them rebuilding to the height that they are now but you mean without the adjustment for base flood elevation or with it?

**Mayor Murphy:** No, because everyone in the county is going to get that adjustment.

**Commissioner Kolhage:** So you don't have an objection to it?

**Mayor Murphy:** Not to that. I have an objection to the decorative features.

**Commissioner Kolhage:** Okay but look, if it's, if they got a fifty foot building and there is a five foot adjustment for base flood elevation, you don't have a problem with them going to fifty five feet?

**Mayor Murphy:** No.

**Commissioner Kolhage:** Okay.

**Mayor Murphy:** They are going to what they were before the remodel …

**Christine Hurley:** and you want it county wide not just for Ocean Reef?

**Mayor Murphy:** Yes.

**Commissioner Carruthers:** But only for flood mitigation…

**Mayor Murphy:** That's it, no decorative stuff.

**Christine Hurley:** Well right now the decorative is in, the flood is in…

**Commissioner Carruthers:** Well the decorative is in for Ocean Reef only, the flood is in for everyone. Right?

**Christine Hurley:** Yeah and the decorative is not so much what Joel is talking about relative to the bigger commercial buildings, its more for the single family homes that want the decorative features on top of the roof. They are separate issues really. So right now in the draft policy you have included an extra five feet in Ocean Reef for the decorative architectural features, you've included for the whole county up to five feet adjustments for flood protection, raising your elevations, and Joel is asking you to also include, for Ocean Reef, but it sounds like you at least have one Commissioner who wants to do it county wide for grandfathering existing buildings that are higher than thirty five feet and allowing them to get the flood adjustment.

**Bob Shillinger:** You'd want to vest them for that height is what I'm hearing.

**Christine Hurley:** Yup. But I don't know the Commissions, I'm not getting…

**Commissioner Neugent:** Well first of all the staff is supposed to review what the request is and bring it back the staff recommendation

**Christine Hurley:** But I'd like to know what the board, county wide or Ocean Reef for this vesting of existing buildings at least.

**Commissioner Rice:** Well let me help you out, if we don't do that, the economic impact, eventually we will destroy what we know down here. I don't feel that we have any choice.

**Commissioner Carruthers:** I don't think it's fair…I don't think it's fair to not let somebody rebuild what they got. As it is when they do rebuild they have to meet standards that exist today that did not, and codes that exist today that did not exist then.

**Christine Hurley:** I understand what you all are asking for so if you want to just move on without voting, we will draft language and bring it back for discussion on one of your regular agendas.

**Commissioner Neugent:** Let me point this out, as someone who operated out of an illegal non-conforming building, if you think that it is something that is, it was called Porky's restaurant, and if would have been destroyed by a storm, I would have had a very difficult time, if not impossible time to rebuild with the same amount of square footage because of setbacks that came into play after Porky's was built eons ago. So if you think that there is a fairness level here, there is really a lot of situations where you can't rebuild.

**Commissioner Carruthers:** but wouldn't you have been able to apply for variances and exceptions to those setbacks…

**Christine Hurley:** No.

**Commissioner Neugent:** You still would have had to meet the setback requirements.

**Christine Hurley:** You could apply for variance for a setback but not height.

**Mayor Murphy:** See well all we are talking about is height. Not their setbacks. Not anything else.

**Commissioner Kolhage:** We're talking about changing the whole concept of the fifty percent rule.

**Christine Hurley:** No I understand …

**Commissioner Kolhage:** How does it work? For height…we're saying we're washing away the fifty percent rule.

**Christine Hurley:** Well other things enter into ….for height you would be washing it away.

**Bob Shillinger:** As a trigger for bringing it into compliance with current code

**Christine Hurley:** There are still other things that apply to that but most of those can be remedied by a variance.

**Commissioner Carruthers:** and just to clarify what you are eluding to I think, Commissioner, is that someone can elevate their building now. And that's not necessarily fifty percent improvement. Right?

**Christine Hurley:** I mean if you are elevating a building, you're usually triggering that price…

**Commissioner Carruthers:** Well it depends on the building and the cost

**Commissioner Kolhage:** and the whole destruction issue and the fifty percent and that's…. I'm not necessarily saying I have a problem with that but that's what we're doing

**Christine Hurley:** And I will say the examples that Joel gave of the condominiums, when you, let's say have eight units per floor and now you have a storm that destroys more than fifty percent of that building, you are eliminating the possibility of one of those floors, because you are going to have to elevate it and that means eight condo owners don't get a unit and so that's related to the Bert Jay Harris that Bob referred to

**Commissioner Carruthers:** Everybody gets a smaller unit which is still going to be an issue so …

**Christine Hurley:** That's under our current rules.

**Commissioner Rice:** And what we're trying to do is validate, you don't want to build a fifty year building or sixty year building without accommodating expected sea level rise

**Commissioner Carruthers:** I guess my only other comment is that I know that this is going to be controversial and people are going to be concerned about character and things like that…

**Mayor Murphy:** But it's already there.

**Commissioner Carruthers:** Well it is already there…

**Mayor Murphy:** So it's not changing the landscape…

**Commissioner Carruthers:** It's not but trust me from dealing with this in Key West people have the perception that overnight the character of our communities is going to change and that's not what we're talking about…Over fifty years it probably will to some extent but it's going to have to if we want to continue to live here.

**Mayor Murphy:** Alright listen we're going to take a break

……..

**Mayor Murphy:** And what I realized is we neglected to give Christine a head nod one way or the other on the non-habitable architectural decorative features. My comment was, I will vote for the increase in height but not for the decorative features. Discuss it and let her know which direction you would like her to take when she does her staff report.

**Commissioner Carruthers:** Are you talking about within Ocean Reef or County wide?

**Mayor Murphy:** They are the only ones that asked for it.

**Commissioner Carruthers:** I don't really care.

**Commissioner Neugent:** We'll put together something that is going to be in place for twenty years or at least supposedly it should be put in place so this is going to be hard and complex so I would say that the data and information on it being done county wide.

**Mayor Murphy:** But the point is, what county wide? I don't care if its county wide, in fact it has to be. For me to vote for a height limit, it has to be county wide. Otherwise, I'm not going to vote for it.

**Christine Hurley:** Okay wait a minute, no one has proposed, maybe that's where you're going next I don't know, right now what's in your draft is flood for everybody …

**Mayor Murphy:** Base flood elevation…

**Christine Hurley:** They have talked about it, I am very clear, everyone is okay with that. Ocean Reef only, decorative features, five additional feet. And I didn't hear, I heard Murphy say she's opposed to it but I didn't hear what any of you other Commissioners thought of that.

**Mayor Murphy:** And that's what I am trying to bring out so that she knows where to go with it.

**Commissioner Neugent:** I thought I heard you ask, you wanted a head nod whether this was going to be proposed just for Ocean Reef or all of unincorporated Monroe County.

**Christine Hurley:** I had never heard that the decorative features was proposed for all of Monroe County from you all.

Commissioner Rice and Commissioner Kolhage respond in unison: No, no…

**Commissioner Neugent:** Okay but I also heard Commissioner Mayor Murphy say, I'm not going to treat them any different than the rest of the County.

**Commissioner Rice:** Well that gives you a slight clue as to how she might vote.

**Christine Hurley:** So what I think I've gotten clarity on is everybody's okay allowing the people to get five of the five feet to adjust the floodplain if they are demolished. The board wants us to draft language to address existing structures that are already over thirty five feet to be able to be replaced with the five foot flood adjustment. What I don't have any clarity on is whether or not the board wants us to keep in Ocean Reef allowance for five foot additional architectural decorative features or not. Or if you want to expand that County wide, which I had never heard as an option to this moment.

**Commissioner Kolhage:** Let me just state my position on this and you can go down the line I guess but I really don't care about the architectural features of Ocean Reef. I've tried to care but I just can't. But I am a little concerned, I'm a little concerned about doing away with our fifty percent rule on the rest of the County and I'm not saying that I am going to support that.

**Commissioner Neugent:** I'm not saying that I am going to support anything. I'm saying I just want the information to be able to make the decision, have the discussions with the people who are going to speak for and against it.

**Mayor Murphy:** And my only point with the architectural features, I don't think they are necessary, but if just for Ocean Reef, I don't want them certainly spread all over Monroe County and if you do that you are guaranteeing somebody an extra ten feet. Five feet for the base flood elevation, up to five feet, and then up to another five feet for their decorative stuff, plus what they'll be rebuilding is something that is you know, fifty feet, fifty four feet, whatever. Its adding ten feet to it instead of five. I think that's a bit much.

**Commissioner Neugent:** At what point in time do we bring up what was brought up previously about addressing affordable housing, increasing the height limit …This is all about bringing information back to us.

**Christine Hurley:** This is the time to bring that up if you want to.

**Commissioner Neugent:** And I just, looking back in history a little bit here, there were some comments that Meridian West could have had another floor which would have increased the housing if they had gone up an additional foot or so. So again, more information to discuss that strictly for affordable housing.

**Christine Hurley:** Yes and at the meeting that State Representative Raschein held, you all discussed that. We do not have anything included right now in this policy for increased height for affordable housing. We have discussed it as staff after you had that meeting. It's our opinion that if you are going to incentivize affordable housing development by giving them a higher height limit that you should restrict that to very low and low maybe median, but the moderate income level is something that we do not think should be incentivized with a height increase.

**Commissioner Neugent:** One of the biggest problems in dealing with affordable housing is the property to build them on. Another reason why I think the discussion should take place for affordable housing to go up is that if you can build more on that specific site as opposed to trying to find other properties to build affordable housing on. It helps resolve that part of the equation.

**Commissioner Kolhage:** So what are you going to do with that Christine? Between now and January?

**Christine Hurley:** Do you want us to include something for you to consider relative to affordable in the next version that we bring to you at your regular meeting for discussion?

**Commissioner Rice:** I do.

**Commissioner Carruthers:** I do.

**Christine Hurley:** Okay.

**Commissioner Kolhage:** I remain to be convinced…

**Commissioner Rice:** I'm not sure how I feel about it but I think we do need to have the discussion.

**Christine Hurley:** And I'm going to have some diagrams for you all by the next meeting with each policy so you can see what that means.

**Commissioner Carruthers:** Will you also, related to this policy with affordable, that would have to be in very specific tiered areas obviously.

**Christine Hurley:** I understand.  I will bring that also.

**Commissioner Kolhage:**  It's all about potential serious community character issues here.

Exhibit 2

**MEMORANDUM**
**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

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

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** March 17, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; AND CREATING POLICY 101.5.34 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT EXCLUSIVELY FOR AFFORDABLE OR EMPLOYEE/WORKFORCE DWELLING UNITS THAT MEET THE INCOME LIMITS FOR THE VERY LOW, LOW AND/OR MEDIAN INCOME CATEGORIES ON PROPERTIES DESIGNATED AS TIER 3; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

**Meeting:** **March 24, 2015**

## I. REQUEST

The Monroe County Planning & Environmental Resources is proposing an amendment to revise the height limit policy to provide an exception to the height limit for wind turbines owned and operated by a public utility; create Policy 101.5.31 to address non-habitable architectural decorative features within the Ocean Reef community; create Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs; and create Policy 101.5.34 to provide an exception to the height limit exclusively for affordable or employee/workforce dwelling units that meet the income limits for the very low, low and/or median income categories on properties designated as tier 3.

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners (BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the height limit policy and process it as a separate amendment.

## III. ANALYSIS OF PROPOSED AMENDMENT

**HEIGHT:**

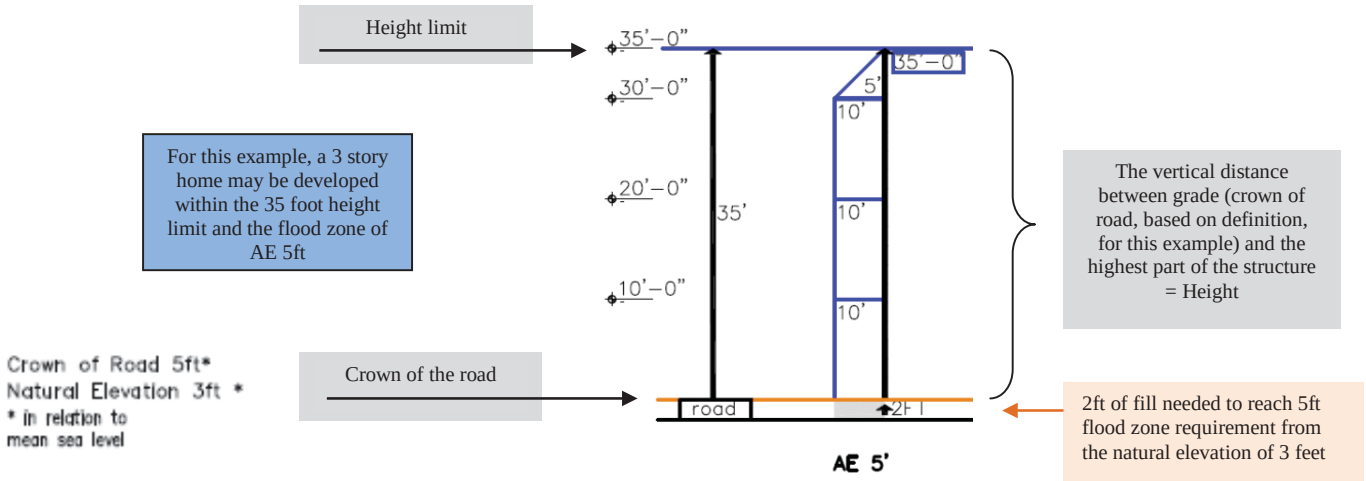
In unincorporated Monroe County, height and grade are defined as follows:

**HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure****, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.*

**GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher****. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the*

*county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

Based on the adopted definitions the following is a basic depiction of: *height = the vertical distance between grade and the highest part of any structure.* In this depiction, the crown of the nearest road directly adjacent to the structure is *higher* than natural elevation of the ground surface (prior to construction, next to the proposed walls of a structure). As such, the crown of the road is the starting point, for this example, in measuring the vertical distance of the structure.



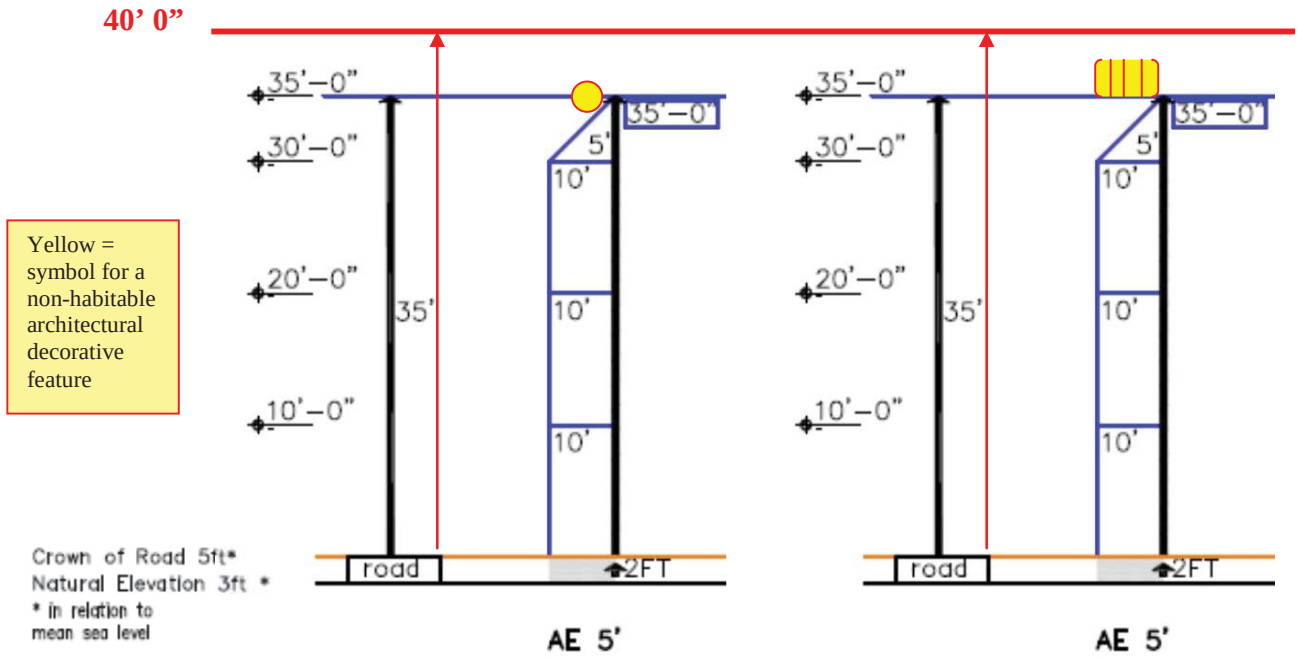

In the Comprehensive Plan update, recommendations to amend and expand the height policy have been made to clarify the measurement of height to match the recently amended land development code (Ordinance 003-2011) and to address new issues, such as: anticipating new FEMA flood maps and creating a mechanism to assist property owners to protect their property from flooding and reduce flood insurance costs as well as issues in permitting relative to architectural decorative features.

For review convenience, a transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached (Exhibit 1).

**OCEAN REEF - architectural decorative features:**

**Policy 101.5.31**
For Ocean Reef, a gated community which is isolated and inaccessible to the surrounding community, and has a distinct community character, structures may include non-habitable architectural decorative features (such as finials, rails, widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the structure's roof-line. This exception shall not result in a structure or any architectural decorative feature with a height that would exceed 40 feet.

Draft **Policy 101.5.31** is intended to address non-habitable architectural decorative features which are commonly applied for in the Ocean Reef community and the issues this causes in permitting relative to the architectural decorative features.




This type of exemption would be to address items such as balls, finials, or a widow's walk

**FLOOD PROTECTION AND INSURANCE DISCOUNTS:**

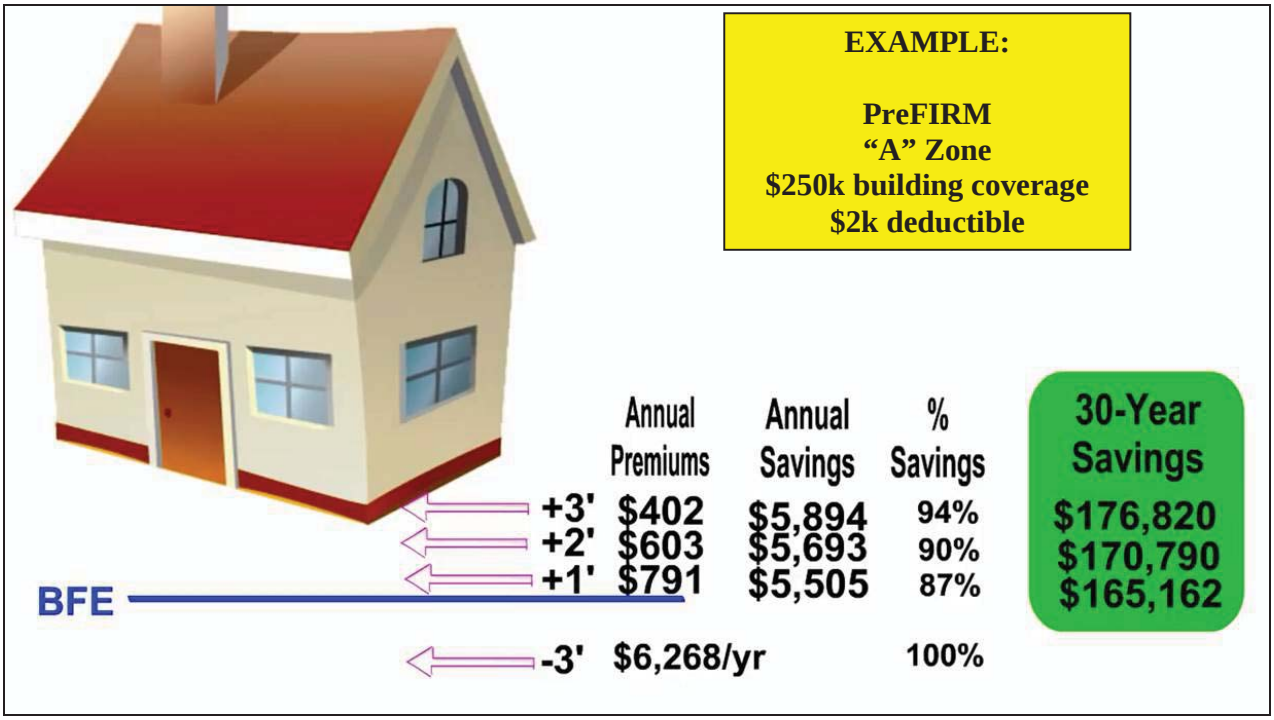
**Policy 101.5.32**

In order to protect property from flooding and reduce flood insurance costs for property owners, a Flood Protection Height Exception shall be provided to the 35 foot height limit in Policy 101.5.30 as follows:

1. For new structures which are voluntarily elevated to **exceed** the structure's minimum required FEMA base flood elevation (BFE) based on the flood zone, an exception of up to five (5) feet above the 35-foot height limit may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of voluntary elevation above BFE; and
2. For existing structures which do not currently exceed the height limit of 35 feet in Policy 101.5.30 and are voluntarily elevated to **meet and/or exceed** the structure's minimum required FEMA BFE based on the flood zone, an exception of up to five (5) feet above the 35-foot height limit may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of elevation necessary to meet BFE plus the amount of voluntary elevation above BFE; and
3. Existing structures which do not currently exceed the height limit of 35 feet in Policy 101.5.30, may be permitted a height exception of more than five (5) feet, if necessary, to voluntarily elevate the structure to **meet** the structure's minimum required FEMA BFE based on the flood zone plus 1 (one) additional foot above BFE.

Draft **Policy 101.5.32** is intended to help protect structures from flood events, mitigate upcoming FEMA flood zone height changes, mitigate rising insurance costs for the property owner and assist with flood insurance rate discounts in the Community Rating System. The discussed height exception would allow structures to be elevated higher than the required minimum FEMA base flood elevation which could then allow property owners to obtain discounts on their insurance and help mitigate potential flooding damage.

See the following example on flood insurance discounts:



For draft **Policy 101.5.32** which creates the Flood Protection Height exception, the BOCC expressed concerns with a property owner's ability to either build or elevate their homes without losing living space (i.e. reducing the number of stories of the structure) and being squeezed into smaller homes. To try and determine if this is an issue with the proposed policy exception, which would allow an additional 5 feet in height, County staff has evaluated the number of properties per flood zone [*following Flood Zone table*] and created basic illustrations [*following 4 page Flood Zone Height Analysis*] to depict how the current height limit, per flood zone, may affect proposed development, and examples with the flood protection height exception.

Based on the information in the Flood Zone table, it is noted that the majority of parcels within unincorporated Monroe County fall within the AE 7 to AE 11 flood zones. There are 44,910 parcels within these flood zones, out of an estimated 56,843 total parcels within unincorporated Monroe County (79% of the total parcels are within AE 7 to AE 11).

Based on the information in the Flood Zone Height Analysis, generally:

- In flood zones X through AE 10 or VE 10 [*approx. 47,158 parcels*], a three (3) story structure may be developed.
- In flood zones AE 11 (VE 11) through AE 20 (VE 20) [*approx. 9,330 parcels*], a two (2) story structure may be developed.
- For flood zones AE 21 (VE 21) and greater [*approx. 19 parcels*], a one (1) story structure may be developed.

The generalized comments are made based upon the provided examples, within the Flood Zone Height Analysis, with crown of road at 5ft and used as the starting point (grade) for measuring height.

**Land Development Code**

**HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure….***

**GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher….***

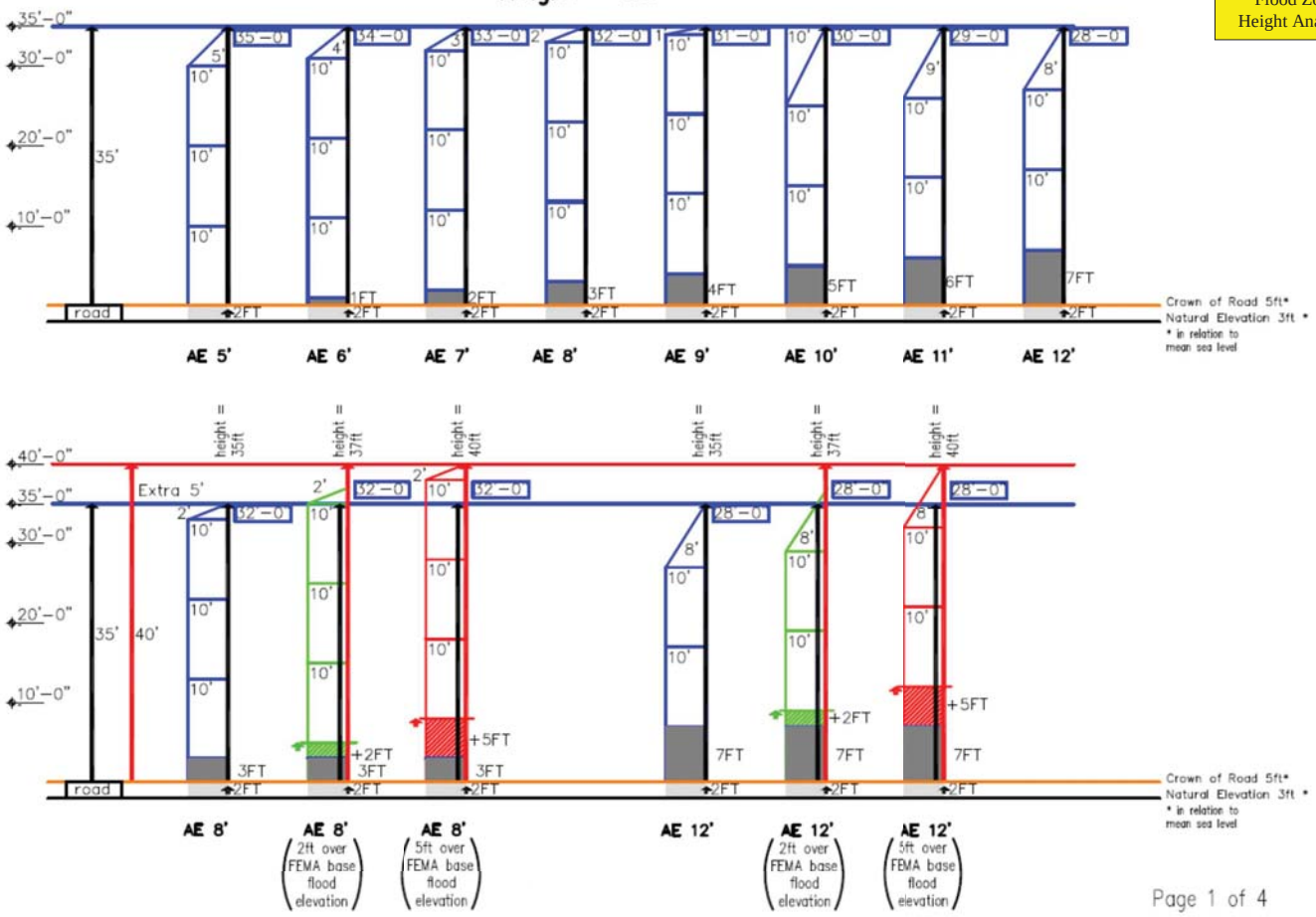
| FLOOD ZONE TABLE | | | | |
|---|---|---|---|---|
| | **FEMA Flood Zone** | **Number of Parcels** | **% of total** | **% of total** |
| flood zones -would allow a **3 story** structure | X | 1,935 | 3.40% | 5.16% |
| | 0.2 PCT ANNUAL CHANCE FLOOD HAZARD | 999 | 1.76% | |
| | AE 5 | 1 | 0.00% | 83.48% |
| | AE 6 | 1,964 | 3.46% | |
| | AE 7 | 8,996 | 15.83% | |
| | AE 8 | 14,824 | 26.08% | |
| | AE 9 | 11,272 | 19.83% | |
| | AE 10 | 6,835 | 12.02% | |
| flood zones -would allow a **2 story** structure | AE 11 | 2,983 | 5.25% | |
| | AE 12 | 121 | 0.21% | |
| | AE 13 | 418 | 0.74% | |
| | AE 14 | 36 | 0.06% | |
| | AE 15 | 3 | 0.01% | |
| | AE 16 | 1 | 0.00% | |
| **3 story** | VE 9 | 5 | 0.01% | 10.76% |
| | VE 10 | 327 | 0.58% | |
| flood zones -would allow a **2 story** structure | VE 11 | 1,019 | 1.79% | |
| | VE 12 | 1,443 | 2.54% | |
| | VE 13 | 1,069 | 1.88% | |
| | VE 14 | 1,815 | 3.19% | |
| | VE 15 | 352 | 0.62% | |
| | VE 16 | 31 | 0.05% | |
| | VE 17 | 33 | 0.06% | |
| | VE 19 | 5 | 0.01% | |
| | VE 20 | 1 | 0.00% | |
| flood zones -would allow a **1 story** structure | VE 21 | 8 | 0.01% | |
| | VE 22 | 7 | 0.01% | |
| | VE 23 | 1 | 0.00% | |
| | VE 24 | 1 | 0.00% | |
| | VE 26 | 2 | 0.00% | |
| | OPEN WATER | 10 | 0.02% | |
| | **total parcels** | **56,843** | | |

*Note: As of October 2014 there are approximately 56,843 parcels in unincorporated Monroe County.*
*The total from the spreadsheet will be different as some of the submerged parcels do not fall within the FEMA Zones.*

Flood Zone
Height Analysis

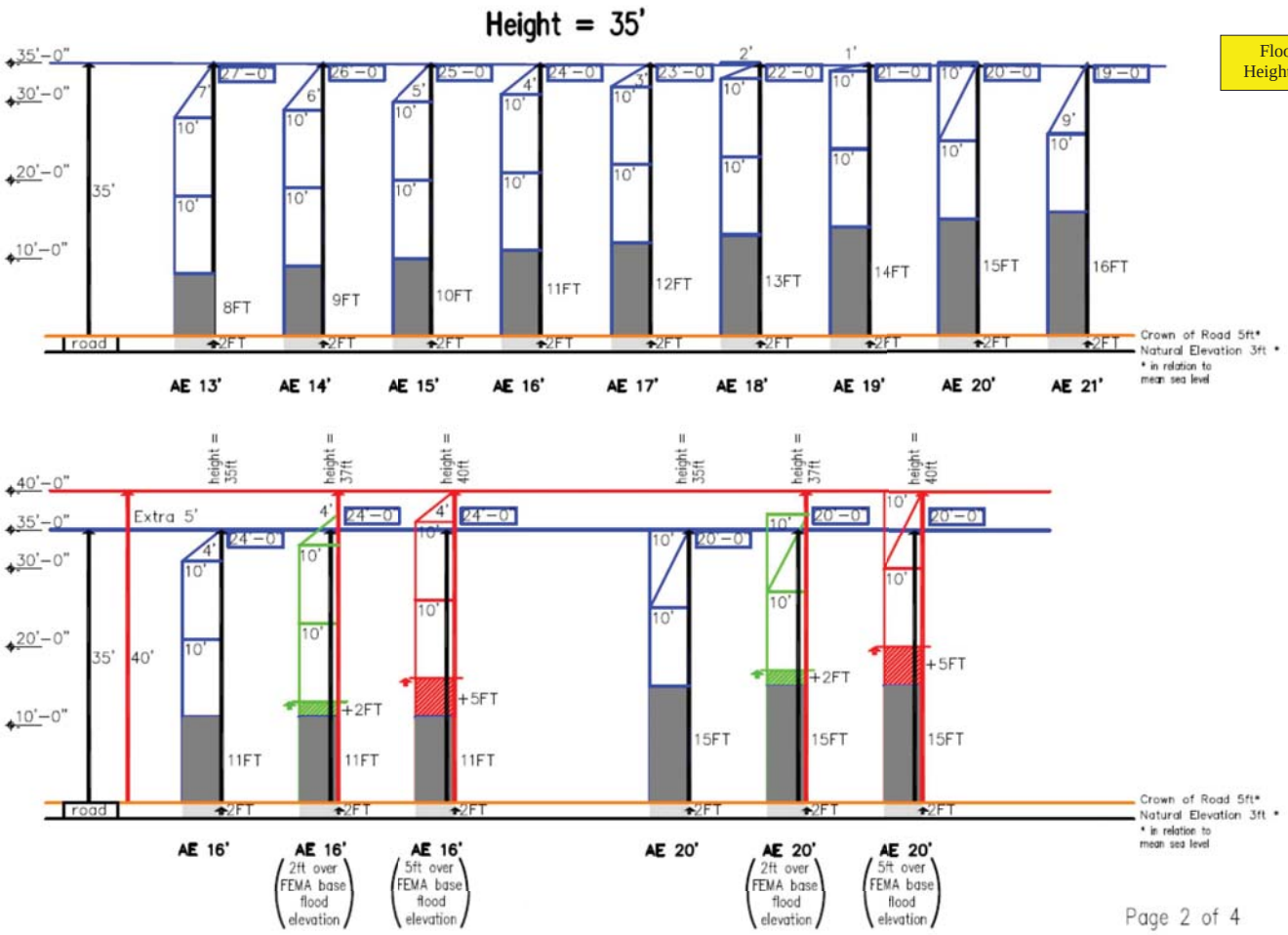
# Height = 35'

Examples:
Height Measured from Crown of Road



Flood Zone
Height Analysis

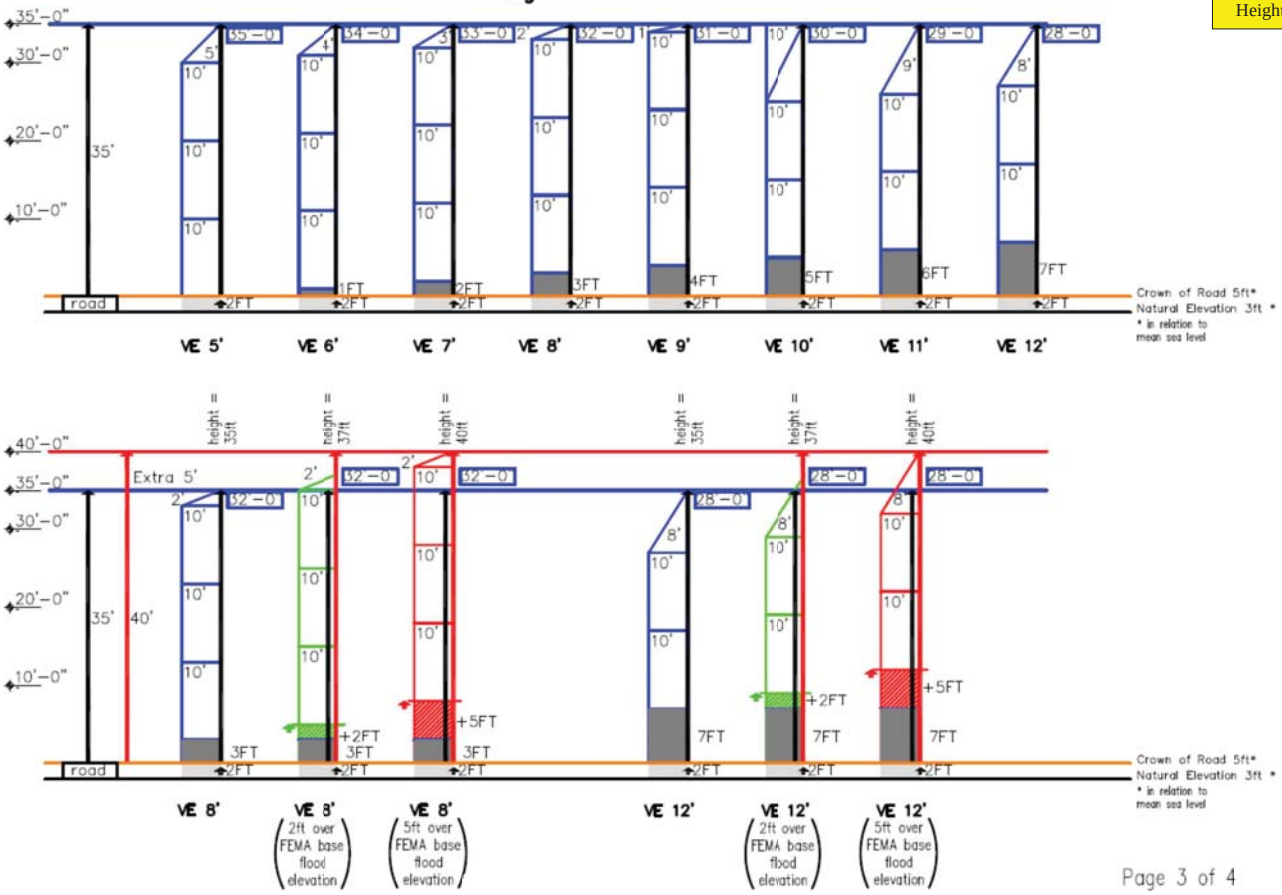
Examples:
Height Measured from Crown of Road



Flood Zone
Height Analysis

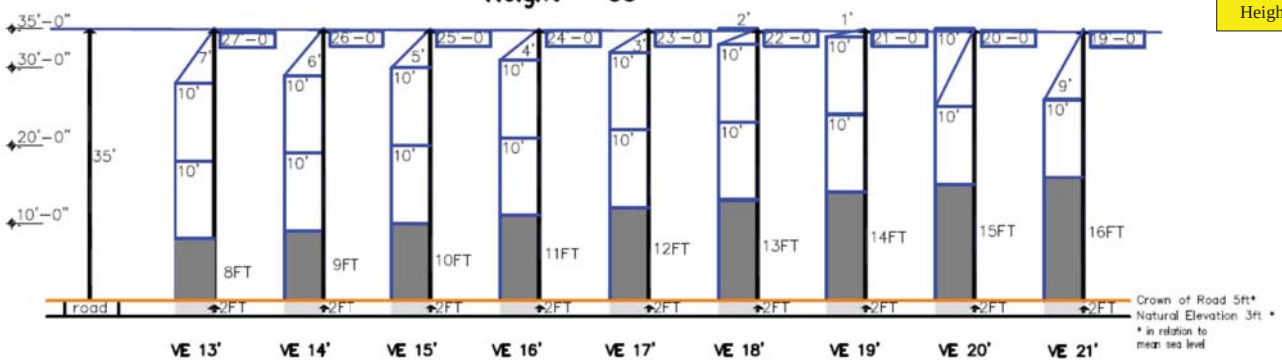
# Height = 35'

Examples:
Height Measured from Crown of Road
Lowest Horizontal Structural Member must be elevated above base flood

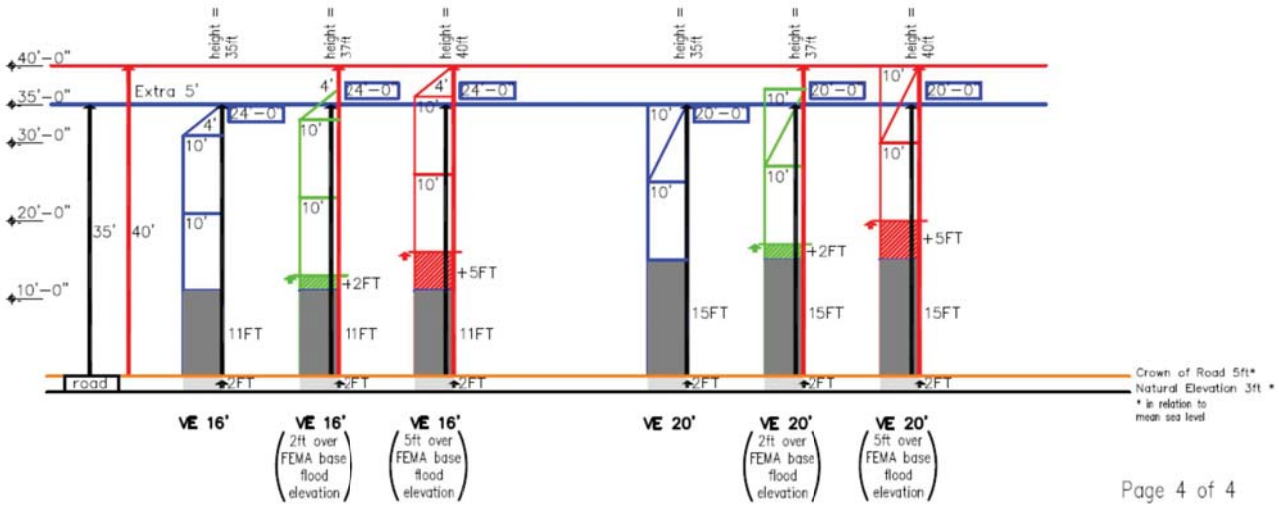


Flood Zone
Height Analysis

# Height = 35'




Examples:
Height Measured from Crown of Road
Lowest Horizontal Structural Member must be elevated above base flood



**EXISTING STRUCTURES:**

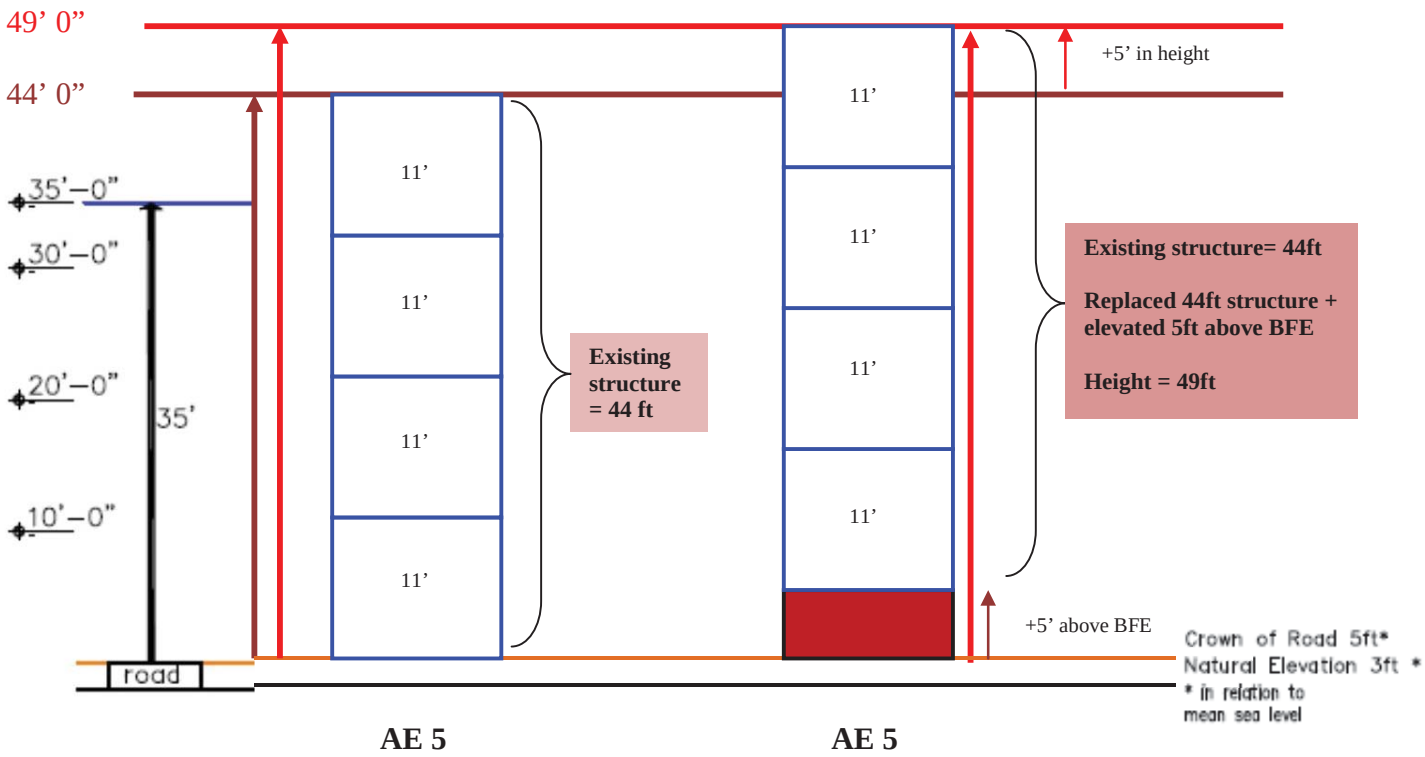
**Policy 101.5.33**

A lawfully established existing structure which currently exceeds the height limit of 35 feet in Policy 101.5.30 may be repaired, improved or reconstructed to its existing height, provided the structure is limited to the lawfully established existing intensity, floor area, density and type of use. A Flood Protection Height Exception for a lawfully established existing structure exceeding the 35 foot height limit shall be provided as follows:

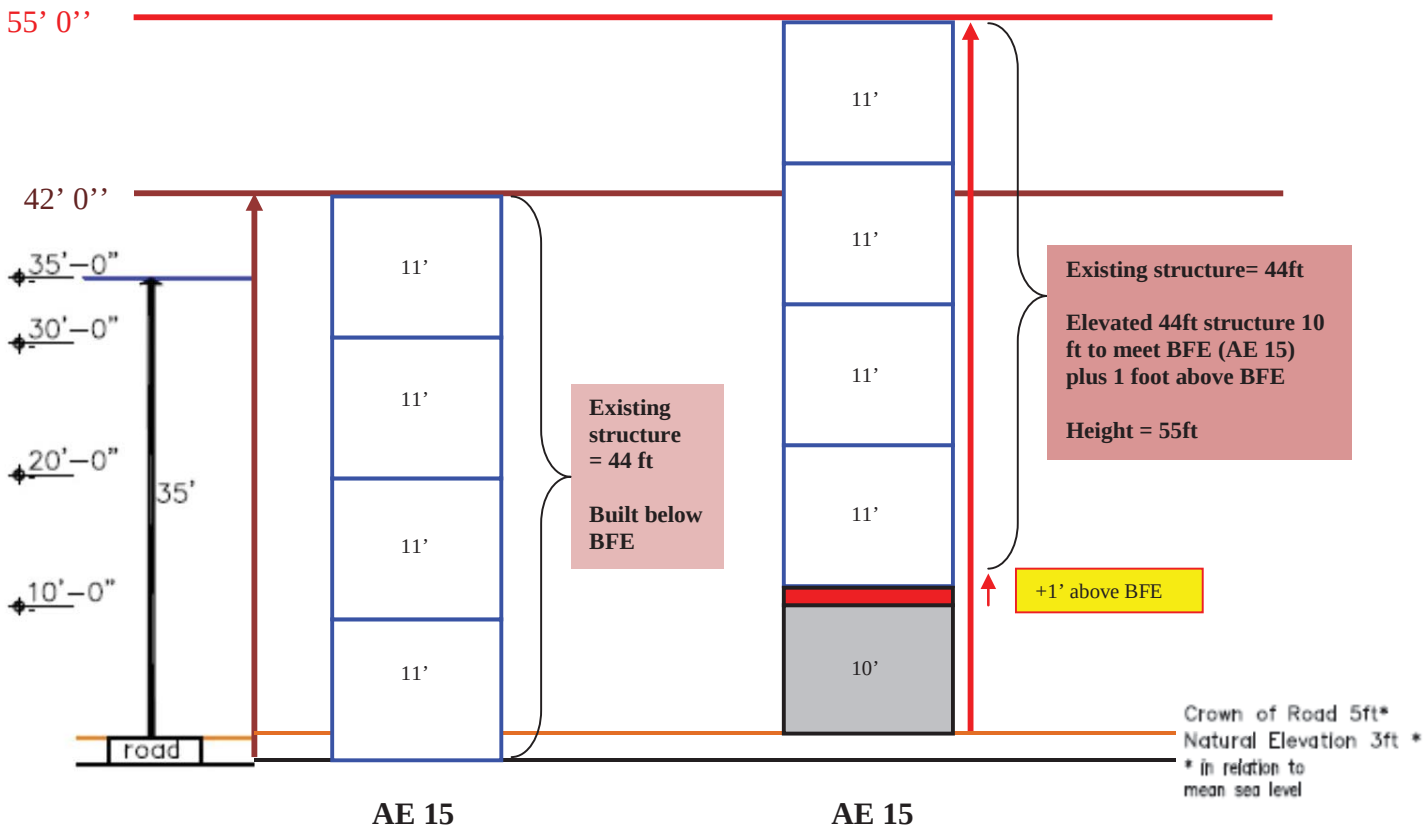
1. For lawfully established existing structures which currently exceed the height limit of 35 feet in Policy 101.5.30 and are voluntarily elevated to **meet and/or exceed** the structure's minimum required FEMA BFE based on the flood zone, an exception of up to five (5) feet may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of elevation necessary to meet BFE plus the amount of voluntary elevation above BFE; and
2. Lawfully established existing structures which currently exceed the height limit of 35 feet in Policy 101.5.30, may be permitted a height exception of more than five (5) feet, if necessary, to voluntarily elevate the structure **meet** the structure's minimum required FEMA BFE based on the flood zone plus 1 (one) additional foot above BFE.

For draft **Policy 101.5.33** which creates the height exception for a lawfully established existing structure which currently exceeds the 35 foot height limit to be repaired, improved or reconstructed to its existing height and provides a Flood Protection Height Exception to elevate the structure to meet and/or exceed the required FEMA BFE.

**Example 1:** 5 feet to **exceed** the structure's minimum required FEMA BFE



**Example 2:** elevated 10ft to meet the structure's minimum required FEMA BFE plus 1 additional foot above BFE




Note, staff has not been able to complete an inventory of structures that exceed the adopted height limit of 35 feet as there is not enough information in our files to determine the exact grade (*either highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher)* for most structures built before 1985. As such, we cannot determine the number of structures which may be affected by the proposed policy. Below are examples of structures which appear to exceed the adopted height limit:

Moon Bay Condos, mm 104
- Built in the 70s
- Crown of road *might* be 13-14' based on LiDAR,
- Building B is 46' from ground level of 13' AMSL.
- Building A is 49'6" from ground level.

Harbor 92 Condos, mm 92
- Built in the 70s
- Crown of road *might* be about 8' based on LiDAR
- Building is 63' from ground level

Kawama Tower, mm 102
- Built in the 70s
- Building is 85' from ground level of about 7' AMSL

**AFFORDABLE HOUSING:**

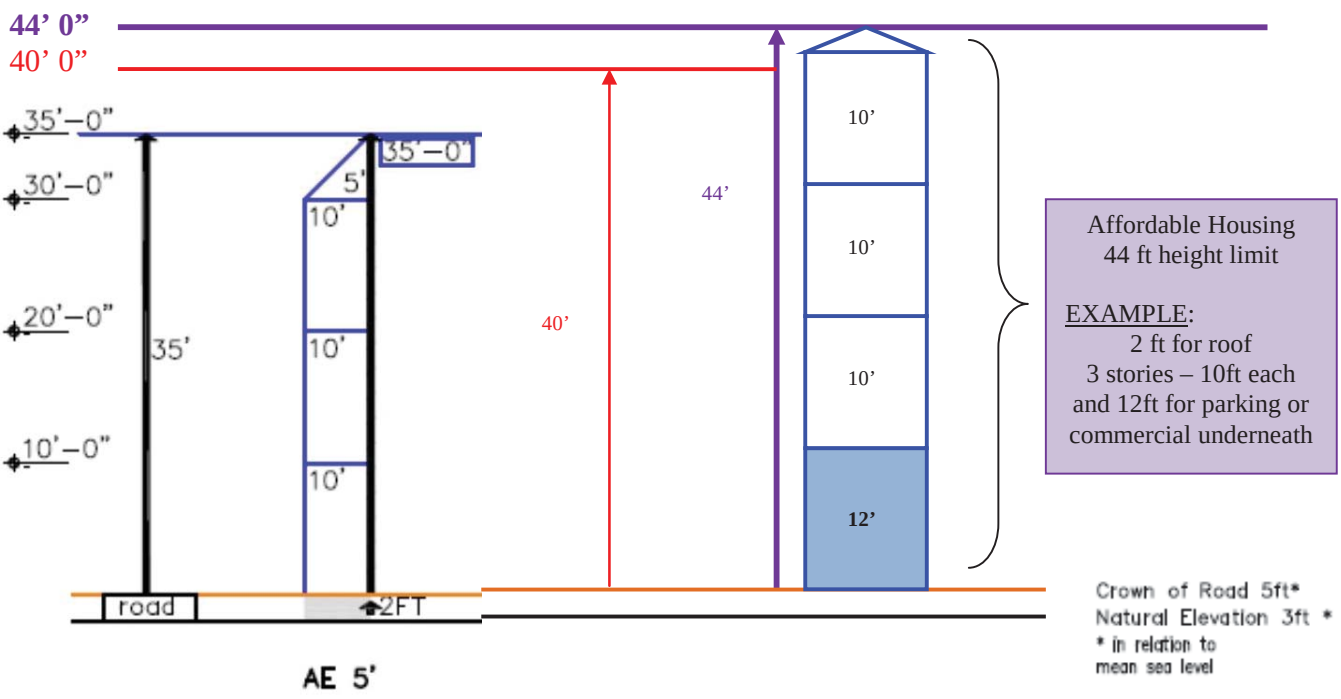
**Policy 101.5.34**

In order to incentivize the development of affordable and employee/workforce housing, an exception shall be provided to the 35 foot height limit in Policy 101.5.30 exclusively for affordable or employee/workforce dwelling units that meet the income limits for the very low, low and/or median income categories on properties designated as Tier 3. A structure developed as affordable or employee/workforce housing for very low, low and/or median income categories may be developed with a maximum height of 44 feet (*to provide for up to three stories over parking or development over nonresidential floor area*).

Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, excluding the exceptions listed in Policy 101.5.30.

> ***very low income*** *= household whose total household income does not exceed 50% of the median monthly household income for the county*
>
> ***low income*** *= household whose total household income does not exceed 80% of the median monthly household income for the county*
>
> ***median income*** *= means a household whose total household income does not exceed 100% of the median monthly household income for the county*

For draft **Policy 101.5.34** which creates the height exception for affordable housing, the BOCC discussed finding ways to incentivize additional development of affordable housing. The intent of the proposed policy is to encourage additional affordable and employee/workforce housing provision by allowing structures developed as affordable/workforce housing to be built with a maximum height of 44 feet to provide for three stories over parking or development over nonresidential floor area.



## IV. PROPOSED AMENDMENT

**OPTIONS FOR PROPOSED HEIGHT POLICIES FOR REVIEW & DISCUSSION:**

Staff has developed the following draft policies for consideration. (Deletions are ~~stricken through~~ and additions are underlined.)

**Policy 101.4~~.2~~5.~~26~~30**

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including mechanical equipment and landfills to 35 feet. Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or television antennas; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antennas and/or collocations. ~~Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.~~

Wind turbines may also exceed the 35 foot height limit provided the site and the turbines are owned and operated by a public utility, have an Avian Protection Plan approved by the United States Fish and Wildlife Service (USFWS) and the turbines comply with relevant State and federal wildlife protection laws such as the Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and National Environmental Policy Act. Applications proposing wind turbines which exceed 35 feet in height within the MIAI overlay shall be transmitted to NASKW for review and comment.

In the case of airport districts, there shall be no exceptions to the 35 foot height limitation.

**Policy 101.5.31**

For Ocean Reef, a gated community which is isolated and inaccessible to the surrounding community, and has a distinct community character, structures may include non-habitable architectural decorative features (such as finials, rails, widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the structure's roof-line. This exception shall not result in a structure or any architectural decorative feature with a height that would exceed 40 feet.

**Policy 101.5.32**

In order to protect property from flooding and reduce flood insurance costs for property owners, a Flood Protection Height Exception shall be provided to the 35 foot height limit in Policy 101.5.30 as follows:

1. For new structures which are voluntarily elevated to **exceed** the structure's minimum required FEMA base flood elevation (BFE) based on the flood zone, an exception of up to five (5) feet above the 35-foot height limit may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of voluntary elevation above BFE; and
2. For existing structures which do not currently exceed the height limit of 35 feet in Policy 101.5.30 and are voluntarily elevated to **meet and/or exceed** the structure's minimum required FEMA BFE based on the flood zone, an exception of up to five (5) feet above the 35-foot height limit may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of elevation necessary to meet BFE plus the amount of voluntary elevation above BFE; and
3. Existing structures which do not currently exceed the height limit of 35 feet in Policy 101.5.30, may be permitted a height exception of more than five (5) feet, if necessary, to voluntarily elevate the structure to **meet** the structure's minimum required FEMA BFE based on the flood zone plus 1 (one) additional foot above BFE.

**Policy 101.5.33**

A lawfully established existing structure which currently exceeds the height limit of 35 feet in Policy 101.5.30 may be repaired, improved or reconstructed to its existing height, provided the structure is limited to the lawfully established existing intensity, floor area, density and type of use. A Flood Protection Height Exception for a lawfully established existing structure exceeding the 35 foot height limit shall be provided as follows:

1. For lawfully established existing structures which currently exceed the height limit of 35 feet in Policy 101.5.30 and are voluntarily elevated to **meet and/or exceed** the structure's minimum required FEMA BFE based on the flood zone, an exception of up to five (5) feet may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of elevation necessary to meet BFE plus the amount of voluntary elevation above BFE; and
2. Lawfully established existing structures which currently exceed the height limit of 35 feet in Policy 101.5.30, may be permitted a height

exception of more than five (5) feet, if necessary, to voluntarily elevate the structure **meet** the structure's minimum required FEMA BFE based on the flood zone plus 1 (one) additional foot above BFE.

**Policy 101.5.34**
In order to incentivize the development of affordable and employee/workforce housing, an exception shall be provided to the 35 foot height limit in Policy 101.5.30 exclusively for affordable or employee/workforce dwelling units that meet the income limits for the very low, low and/or median income categories on properties designated as Tier 3. A structure developed as affordable or employee/workforce housing for very low, low and/or median income categories may be developed with a maximum height of 44 feet (*to provide for up to three stories over parking or development over nonresidential floor area*).

Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, excluding the exceptions listed in Policy 101.5.30.

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

### A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

**Policy 217.1.4**
Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

**Policy 217.1.5**
Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating.

**Policy 217.1.6**
Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms.

**Objective 601.3**
By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

**Policy 601.3.2**
The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

## B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

    1. The Florida Keys Aqueduct and water supply facilities;
    2. Sewage collection, treatment, and disposal facilities;
    3. Solid waste treatment, collection, and disposal facilities;
    4. Key West Naval Air Station and other military facilities;
    5. Transportation facilities;
    6. Federal parks, wildlife refuges, and marine sanctuaries;
    7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
    8. City electric service and the Florida Keys Electric Co-op; and
    9. Other utilities, as appropriate.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

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

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

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

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

## VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board

of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

## VII. STAFF RECOMMENDATION

## VIII. EXHIBITS

1. Transcription of the BOCC height discussion, from the October 7, 2014 public hearing

Exhibit 3

# DEVELOPMENT REVIEW COMMITTEE

## Tuesday, March 24, 2015

## MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, March 24 , 2015**, beginning at 1:02 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**ROLL CALL** by Gail Creech

**DRC MEMBERS**

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| Townsley Schwab, Senior Director of Planning and Environmental Resources | Present |
| Mayte Santamaria, Senior Director of Planning and Environmental Resources | Present |
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |

**STAFF**

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| Steve Williams, Assistant County Attorney | Present |
| Emily Schemper, Principal Planner | Present |
| Matt Coyle, Senior Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

**CHANGES TO THE AGENDA**

Mr. Schwab stated Item 2 will be heard first because the applicant for Item 1 is delayed.

**MINUTES FOR APPROVAL**

Mr. Schwab approved the minutes of the February 24, 2015, DRC meeting as is.

## MEETING

**New Items:**

**2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; AND CREATING POLICY 101.5.34 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT EXCLUSIVELY FOR AFFORDABLE OR EMPLOYEE/WORKFORCE DWELLING UNITS THAT MEET THE INCOME LIMITS FOR THE VERY LOW, LOW AND/OR MEDIAN

INCOME CATEGORIES ON PROPERTIES DESIGNATED AS TIER 3; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-006)

(1:03 p.m.) Ms. Santamaria stated that Items 2 and 3 will be held as a workshop discussion versus a staff report with comments. Both items are from the comp plan update and were proposed within the 2030 comp plan. The BOCC has asked staff to remove the policies as they were in the comp plan and process them separately so that there is public understanding and public input through the process. This item will be brought back two or three times to ensure revisions can be made with public input.

Ms. Santamaria first addressed Policy 101.4.26. Ms. Santamaria explained that the current height definition is the vertical distance between grade and the highest part of any structure and it is measured from either grade or the crown of the nearest road. Multiple height exceptions have been proposed in order to address a variety of issues. The first one is the wind turbine for facilities owned and operated by a public utility. An avian protection plan would be required. The height exception would be for those wind turbines that facilitate green technologies and alternative energy sources. Ms. Santamaria informed Deb Curlee there are no applications for wind turbines currently.

Alicia Putney commented that her personal experience has been that wind turbines are not able to generate enough current to be deemed useful unless the sustainable winds were above 20-25 miles an hour. Consequently, wind is more questionable than solar energy at this point. Ms. Curlee is not in favor of wind turbines because of their aesthetics. Ms. Santamaria will draft a version of the policy as the BOCC has proposed it next to a version that includes the public's input. Bill Eardley asked that staff obtain an analysis of FKEC's two wind turbines located on Cudjoe Key before proceeding with this policy.

Ms. Santamaria then addressed Policy 101.5.31. Ms. Santamaria explained that this policy is specific to Ocean Reef. In permitting for that community staff has had to deal with architectural features just above the 35-foot height limit. Staff has recommended the architectural features could exceed the 35-foot height limit by five feet, not to exceed 40 feet, and can contain no habitable space up there.

Joel Reed was present on behalf of Ocean Reef Community Association and Ocean Reef Club. Mr. Reed stated even though Policy 101.5.31 is intended to address non-habitable architectural decorative features, it is only one and the least significant of three provisions that Ocean Reef has requested. Mr. Reed explained that Ocean Reef has its own architectural review committee that projects go through as well. One of the longer term issues facing Ocean Reef Club is that they still own a number of buildings and condominiums that currently exceed the 35-foot height restriction. These are aging buildings coming to the end of their useful life. There is concern if they are ever destroyed they would not be able to build back to their current heights. Mr. Reed agrees with being proactive by building above the FEMA flood heights. One policy request from

Ocean Reef is for the ability to build back on a story-by-story approach rather than to the pre-existing height. Mr. Reed feels allowing this way of rebuilding with an increase in the slab-to-slab measurement to 11 feet would encourage owners to remodel their buildings rather than tearing them down. Another issue important to Ocean Reef is the Cultural Center building. Because the flyover space in this building is limited, the ability to have productions in this building is limited also. Mr. Reed suggested that a height of 65 feet would accommodate that flyover space. Mr. Reed emphasized that the proposed story-by-story rebuilding process is being requested for Ocean Reef only, which is an isolated and gated community, not visible from the roadway. Ms. Santamaria asked that Ocean Reef provide information of the cultural center, such as a map depiction and its existing height information. Mr. Reed agreed to provide that information, as well as a list of inventoried buildings at Ocean Reef including their existing heights.

Ms. Curlee asked for an estimate of the height of a building with an 11-foot slab-to-slab allowance plus the flood elevation. Mr. Reed replied that it depends on the flood zone and the average existing grade or crown of road of each site. Ms. Putney proposed Ocean Reef go through a variance procedure for each of the specific buildings because of all the variables associated with each building. Mr. Reed agreed that consideration needs to be given for each building individually and stressed that losing a floor would not be an option in rebuilding. Mr. Reed further explained that some communities have minimum ceiling heights so that a more adaptable building into the future is built.

Ms. Putney asked if Ocean Reef has its own community master plan containing its own design criteria. Mr. Reed responded that there are architectural design guidelines for Ocean Reef that are followed currently and a process is being gone through to update and create a new master plan for Ocean Reef. Ms. Santamaria clarified that it is for Ocean Reef's own development internally, but a Livable CommuniKeys plan or even an overlay district can be proposed. Ms. Putney voiced concern that this policy would open the door for other gated communities throughout the Keys to increase their height restriction. Ms. Santamaria noted that the reason the BOCC was even considering this policy is because Ocean Reef is not only gated, but it is isolated and separate from the rest of the Keys. Bill Hunter, present on behalf of Sugarloaf Property Owners Association (SPOA), will be taking this request by Ocean Reef back to SPOA members for their input. SPOA recognizes that Ocean Reef is isolated and very different from the rest of the Keys. Mr. Hunter commented that the BOCC has said in the past they do not want to treat Ocean Reef differently than the rest of the County. SPOA is neutral on this policy as long as this does not affect the rest of the County.

Mr. Reed explained that there is language that allows Ocean Reef to go through a letter of understanding process without going through a conditional use process. Mr. Reed feels perhaps some stronger language would help address the concerns being voiced. Ms. Putney again suggested Ocean Reef have their own Livable CommuniKeys plan which is protected by the comp plan. Mr. Reed pointed out that Ocean Reef has stricter regulations than the rest of the County has, such as setbacks. Ms. Putney suggested adding language referring to gated communities over a certain size. Ms. Curlee believes, regardless of Ocean Reef being isolated and gated, the public will expect the same consideration that Ocean Reef receives. Ms. Putney agreed. Ms. Putney asked to underscore that the BOCC does not want to have special rules for

Ocean Reef. Mr. Reed added that he believes only one Commissioner has expressed that sentiment. Ms. Santamaria stated the BOCC will make the decision of what they choose to adopt and/or transmit to the State and will ultimately make the decision of which communities, which policies and where they will apply to.

Ms. Santamaria then addressed Policies 101.5.32 and 101.5.33. Ms. Santamaria explained these policies are an attempt to provide existing and new structures the ability to redevelop or lift the existing structure to come into compliance with their flood zone. New FEMA maps are expected in four years. The first provision of Policy 101.5.32 is for new structures to voluntarily elevate their structures up to five feet above the 35-foot height limit. It is based on what they choose to elevate above flood. The second provision of the policy is for existing structures to be able to meet their base flood zone or to exceed it. Again, they can go up to five feet above the 35-foot height limit, but this is based on the amount they choose to go up. The third provision is for those structures that need to go a little bit higher to meet their flood zone. The addition of one foot of freeboard above the base flood elevation is provided for.

Bill Eardley stated raising an existing structure is impractical due to the cost. It is simpler to pay off the mortgage and cancel the flood insurance. Mr. Eardley feels there is no need for the exception on new construction because the building can be designed to meet the current standards. Ms. Santamaria explained the exception was proposed because the BOCC did not want people to lose living space and be squeezed into smaller homes. FEMA representatives have informed staff a grant program may be created to help with the cost of elevating a home. Ms. Santamaria pointed out that some existing structures may not be able to be raised due to its structural integrity. Mr. Roberts pointed out that there has been discussion about including bonus points or points under the CRS for communities that provide for an opportunity for property owners to elevate their base floor one to three feet above base flood elevation on a voluntary basis. Dottie Moses from the Upper Keys Homeowners Federation stated that the CRS looks at encouraging people not to build in low-lying areas. Ms. Santamaria explained that is why the inventory of flood zones was done. Mr. Hunter expressed concern that the County is somehow encouraging building in a very low-lying area where roads will eventually no longer be maintained by the County. Ms. Santamaria clarified that Number 1 is applicable when people tear down and build a new structure. Ms. Putney stated that the number of homes built before FEMA came in to Monroe County in ’78 built below the base flood would be a small enough number that they could be dealt with through some kind of a development review mechanism as opposed to a carte blanche rule. Ms. Schemper noted that this would give property owners the allowance to do it rather than being penalized because of their unique circumstance. Ms. Santamaria stated staff will evaluate that.

Ms. Santamaria then described a situation of a property owner in North Florida who built a home less than ten years ago at three feet above flood. The new FEMA maps now show that home being three feet below flood. Ms. Santamaria explained that the new FEMA maps could impact a substantial number of people whose flood insurance premiums are going to skyrocket up because of this situation. FEMA is supposed to take sea level rise into account when creating their new maps. Staff is trying to think into the future to try to facilitate people’s ability to protect their homes and investments. Mr. Hunter suggested, because it is unknown what the maps will show, introducing the concept and making allowances for the solution in the comp

plan and holding off on the details of the actual solution since modifying the LDRs in the LDC is an easier process. Mr. Schemper cautioned the longer addressing this issue is put off, the more homes will be built that are going to be affected. Ms. Moses stated that at an Army Corps meeting comments were made that all of the "easy" lots have been built on and what is left will require mitigation and other issues. Ms. Santamaria will try to run an analysis of the flood zone of the vacant parcels in the County.

Mr. Hunter clarified that when he suggested splitting the concept in the comp plan and the detail in the LDRs, he was not suggesting delaying the LDRs. Mr. Hunter further stated more public outreach would help in educating the public more on climate change and sea level rise. Mr. Roberts clarified for Mr. Hunter that the County does not have policies in place yet regarding replacement of infrastructure in areas potentially susceptible to sea level rise, so the County has to proceed under existing policies and directives, which obligates the County to maintain the roads. Ms. Santamaria described a situation in St. Augustine where property owners are suing the municipality to maintain a road in a low-lying area so that the people would have access to their fire service. Ms. Curlee asked about regulations regarding filling a lot. Mr. Roberts explained that whether fill is allowed depends on the flood zone. Ms. Putney added that runoff from higher lots into the road is creating a problem for the neighbors and in the canals, as well as blocking views and creating shade. Mr. Williams clarified that situation does not create a property rights issue. Ms. Santamaria noted that the variance procedure could create a staggered view line in an area.

Ms. Moses stated the Federation has taken the position they do not want the 35-foot height limit raised under any circumstance. The County has managed to get by under that height limit to date with new construction. Mr. Hunter on behalf of SPOA agreed with Ms. Moses' comments. Mr. Hunter personally believes more education is needed about freeboard and the benefits of freeboard. Ms. Putney on behalf of Last Stand stated existing buildings should have some kind of mechanism for special approval, but that the total raised building could not exceed 40 feet and the space created under the first floor should be non-habitable. Secondly, Last Stand is opposed to new construction receiving an exception to the 35-foot height limit. Mr. Williams noted that there is a potential map amendment process to appeal to FEMA to make an exception for a lot. The expense of that process was discussed.

Ms. Santamaria then addressed Policy 101.5.33. Ms. Santamaria explained that this policy addresses existing structures that currently exceed the height limit, such as a three or four-story condo. By redeveloping to upgrade the building, coming into compliance with the flood zone may result in loss of a story of that condo. That could potentially result in 20 people on the top floor no longer having the ability to rebuild their home. Ms. Putney questioned why it is perceived to affect the top story as opposed to the first story. Ms. Santamaria stated half of the people would lose their home regardless of which story it is. This policy provides for allowing five feet above their existing height. Ms. Putney stated Last Stand supports this policy provided that the footprint of the structure is not changed. Ms. Santamaria clarified for Ms. Curlee there is no cap on the height. Staff does not have a clear inventory of those structures this policy would encompass, but estimates only a handful. Mr. Reed asked that those who do support this policy consider giving some additional slab-to-slab height when rebuilding. Ms. Putney replied Last Stand supports the grandfathering of nonconforming height to certain buildings in Monroe

County when redevelopment is involuntary provided the new building height does not exceed that of the old building. As such, compliance with FEMA along with any additional voluntary clearance above base flood elevation must be equal to or less than the height of the old nonconforming building. Mr. Hunter stated SPOA agrees as long as the redevelopment is involuntary, such as because of fire or flood. Ms. Santamaria asked if the public in attendance considers the new FEMA maps deeming a structure below base flood involuntary.

Mr. Reed does not like the "involuntary" language because it is a very tricky threshold to meet. Ms. Santamaria noted the BOCC has tried to direct staff to focus on redevelopment versus trying to facilitate a lot of new development. Mr. Reed clarified that while there is no magic slab-to-slab number, floor to ceiling heights should be created that are adaptable and can continue to be remodeled throughout future years. Ms. Curlee expressed concern that what is "involuntary" to one person may open the door to let somebody else take advantage of this policy. Ms. Santamaria clarified for Ms. Curlee that in almost all situations exceptions to the height limit will not allow people to add a story. In some situations that would be possible. Ms. Putney believes that language should be included to limit in what situations it would be allowed. Mr. Hunter suggested more detail of the buildings in Ocean Reef be gathered to realize the effect this could have on the County. Mr. Reed clarified that his comments regarding slab-to-slab increases were specific to the Ocean Reef policy, but feels it might be worth considering for all of unincorporated Monroe County. Ms. Moses is concerned about taking people's property rights away from them. Mr. Hunter then commented that the "historical designation" language should be eliminated.

Ms. Santamaria then addressed Policy 101.5.34. Ms. Santamaria explained this came out of the session of the BOCC at the October meeting to address a different height maximum for very low, low and median income affordable employee and work force housing on properties designated Tier III. This was to facilitate having nonresidential development on the first story and allowing a couple stories of affordable housing on top. Mr. Hunter stated SPOA is opposed to this amendment. SPOA believes that the County has the benefit of seeing what the cities have done to address this issue before they make a decision on solutions. Another issue for SPOA is using height as a solution to affordable housing in the County where there is more land than the County has ROGO allocations for. Ms. Moses stated the Federation is opposed to raising the affordable housing limit. Key Largo does not have an affordable housing issue. There are affordable housing projects in the Upper Keys district already and some of the way those projects are being managed are not the way their deed restrictions have been written.

Ms. Moses pointed out there is no definition for "workforce housing" in the code. Ms. Santamaria replied the Affordable Housing Committee will be addressing that soon. The BOCC hired the FSU Consensus Center to provide a report on the County's affordable housing issue. Ms. Schemper added that the LDC uses the term "affordable housing" or "employee housing," which are defined terms. "Work force housing" is a more general term. Mr. Reed argued that there is a demand and a need still in the Upper Keys for affordable housing. Mr. Reed then stated it is a severe challenge to find appropriate land of a certain size to accommodate affordable housing. Mr. Eardley is concerned this amendment would open the door for all kinds of other development. Mr. Eardley agrees there are ways to address work force housing without going higher, such as making the units smaller. Ms. Curlee added when talking about truly

affordable housing that would be rentals. Ms. Putney believes this issue is complex and the height exception for affordable housing should be dealt with within the arena of the affordable housing discussion separate from what is being done today. Ms. Santamaria clarified this amendment would provide the opportunity to build more units, but it also will raise those units above base flood.

Ms. Santamaria thanked the public for their comments and stated these comments will be included in the staff report and will be back before the DRC again for more comments.

**1.<u>Playa Largo Resort, 97450 Overseas Highway, Key Largo, mile marker 97.5:</u>** A public meeting concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the development of a proposed 177-unit hotel and associated accessory uses. The subject property is legally described as Tracts 4B and 5B, Amended Plat of Mandalay (Plat Book 2, Page 25), Key Largo, and also a tract of submerged land in the Bay of Florida fronting said Tract 5B (TIIF Deed No. 22416), Monroe County, Florida, having real estate number 00555010.000000.
(File 2015-031)

(2:32 p.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this applicant currently has an approved major conditional use permit from 2007 and it has had several deviations and time extensions over time. It is still active. The most recent deviation has approved the site plan for 162 transient units and one commercial apartment, which was previously on the site. The applicant has been issued a number of building permits. This amendment to the major conditional use permit is to add an additional 15 transient units into the hotel, the building of which has already been permitted, and that would bring them up to their max number net density. It does not change any footprint on the site plan. All of the required criteria are in compliance. The only issue that is still outstanding is the traffic and access. The applicant had supplied a Level 2 traffic study with this application, and because of the threshold of what is being proposed a Level 3 traffic study is needed. This may also impact the requirement for a right-turn deceleration lane leading into the property. Ms. Schemper recommended approval with conditions. Those conditions were outlined.

Ms. Santamaria commented that the Planning Commissioners will likely want to see the traffic studies so they can take that data into account in their decision-making and make sure that it is compliant. Mr. Roberts asked that Number 7 of the recommended actions be reworded to specify the number of allowed docks. Mr. Roberts will supply that number to Ms. Schemper.

Jorge Cepeda, present on behalf of the applicant, stated he was familiar with the conditions contained in the original approval. Mr. Cepeda asked that Condition 8, the transportation shuttle for guests and employees, be considered in the traffic study because that has less of an impact on traffic. Mr. Cepeda asked that the second portion of the language about adequacy of public facilities on Page 6 of the report remain part of the recommended action. Mr. Cepeda clarified that no trees will be cut for the mulch exercise path, but there may be some underbrush that may need to be accommodated. Mr. Roberts specified that “clearing” is the removal of any native vegetation regardless of the size. Mr. Roberts asked the applicant to inform staff if the applicant is planning on clearing or removing additional vegetation that has not been previously accounted

for in the site plan. Ms. Schemper will look again at the deviation to see exactly how it is worded and get back to the applicant regarding the clearing.

Ms. Santamaria asked for public comment. Ms. Moses asked whether the proposed commercial apartment is bayfront. Ms. Schemper explained it was a previously existing unit, so the residential use and density is protected. Mr. Cepeda stated the apartment is in the same location as the prior developer's site plan. Ms. Moses then pointed out the site plan shows two entrances. Ms. Schemper explained one is an emergency access drive requested by the fire department. Ms. Moses then noted that the front buffer that faces US-1 looks to contain lead tree. Mr. Cepeda replied that the landscaping will be done in the final stage. The main entrance is the original American Outdoor entrance and at the end stage the exotics will be removed and landscaping will be done to complete that buffer. Ms. Moses commented that there are a lot of non-native species on the vegetation list. Mr. Roberts explained that the required vegetation is 100 percent native vegetation, but anything planted above the minimum requirement can be anything the developer wants. The developer is overplanting the required landscaping significantly. Ms. Schemper clarified for Ms. Moses that the docking facility on the property is a hotel accessory dock, not a marina.

**3.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICIES 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-007)

(2:49 p.m.) Ms. Santamaria stated this item also comes from the comp plan update project. The BOCC asked staff to remove these policies that were included in the comp plan and process them separately since it was a new topic and received a lot of attention and people wanted to provide input on the topic. These policies relate to the transfer of ROGO exemptions, density rights, as well as where the development would be directed to.

Ms. Santamaria addressed Policy 101.5.8. Ms. Santamaria explained that, again, this item will be handled today more like a workshop-type item.

Bart Smith, Esquire, was present on behalf of FEB Corp. Mr. Smith asked staff to address all of the policies together. Mr. Smith thanked staff for planning multiple workshops to allow these policies to be vetted over a period of time where everyone can work together. Mr. Smith asked staff to provide notice to the affected property owners of these meetings so they can actively engage in this process. Mr. Smith asked staff to contemplate the unintended consequences of these policies of not allowing the TDRs and TREs to be transferred to offshore islands and designating all offshore islands as Tier I. Mr. Smith believes this negates the tier system, which is the primary tool for determining whether a parcel is suitable for development. These policies

put an inordinate burden on the property owners. These property owners have some development right, all residential in nature. The code only has two ways that residential can be built: Through ROGO allocation or ROGO exemption. These islands do not have ROGO exemptions because they do not have homes on them, so in order to build residential one would have to get a ROGO allocation or transfer a ROGO exemption from somewhere else. These policies eliminate the ability to transfer. A property is left with requiring a ROGO allocation, but the property is designated Tier I. This would be so limiting that the only use left would be bee-keeping and temporary camping by the owner. Mr. Smith asked that staff look at how these policies would operate as a whole to get a complete picture of how it would operate.

Ms. Santamaria clarified individual property owners were not notified because this is not property-specific and not all properties have their issues resolved with ownership. This is a policy that would impact all privately-owned or even publicly-held offshore islands. Ms. Santamaria further clarified that while the policy has direction of discouraging development by designating Tier I does not mean it is an automatic Tier I. That designation would have to go through its proper process to apply a designation to a property. Ms. Santamaria commented that this policy is not a huge change regarding the TREs and the TDRs. This is a proposed change based on the discussions from the BOCC of where to direct the remaining allocations or exemptions and where is the most appropriate place to direct development.

Julie Dick on behalf of Last Stand and Florida Keys Environmental Fund thanked staff for the workshop process and allowing the public the opportunity to participate in this process. Last Stand thinks that the policies generally are consistent with the concepts of the tier overlay system for offshore islands. Last Stand is generally supportive of the changes. Ms. Dick commented that there are some inconsistencies with the acreage on the inventory. Ms. Santamaria explained the Property Appraiser does not have the exact acreage of a property. A boundary survey is required to determine the upland portions of a property. Ms. Santamaria will look into any discrepancy reported to her. Ms. Dick further stated Last Stand agrees with the sender and receiver site criteria. For evacuation purposes it make sense to discourage additional development on offshore islands. Last Stand recommends removing significant upland habitat as a criteria in Policy 206.1.2. The reasons to protect offshore islands go beyond whether or not they are suited to upland habitat, such as containing bird rookeries. Ms. Santamaria pointed out that under Policy 206.1.2 the significant upland habitat is one of the criteria and it is being made consistent with the Tier I criteria.

Ms. Putney asked whether there was a determination made that offshore islands were Tier I when the County went to the tier system. Ms. Santamaria explained Policy 102.7.3 stated that designating offshore islands as Tier I lands was one method used to discourage developments proposed on offshore islands. The only offshore islands that are not designated Tier I were the ones that were missed by accident and undesignated, but this policy does not automatically designate them. They would still have to go through that process. The provision exists in the LDC that any islands without a specific land use designation shall be considered zoned as offshore islands. The approximately ten offshore islands that were missed and not designated were discussed.

Ms. Santamaria thanked the members of the public for their participation and invited them to participate in the workshop-style meetings scheduled in the future.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 3:15 p.m.

Exhibit 4

# MEMORANDUM
## MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** May 17, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

**Meeting:** **May 26, 2015, continued from March 24, 2015**

## I. REQUEST

The Monroe County Planning & Environmental Resources is proposing an amendment to revise the height limit policy to provide an exception to the height limit for wind turbines owned and operated by a public utility; create Policy 101.5.31 to address non-habitable architectural decorative features within the Ocean Reef community; create Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs; and create Policy 101.5.34 to provide an exception to the height limit exclusively for affordable or employee/workforce dwelling units that meet the income limits for the very low, low and/or median income categories on properties designated as tier 3.

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners

(BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

A transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached as Exhibit 1.

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the height limit policy and process it as a separate amendment.

DRC: At its regularly scheduled meeting on March 24, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the March 24, 2015 DRC is attached as Exhibit 2. Minutes from the March 24, 2015 DRC are attached as Exhibit 3.

## III. ANALYSIS OF PROPOSED AMENDMENT

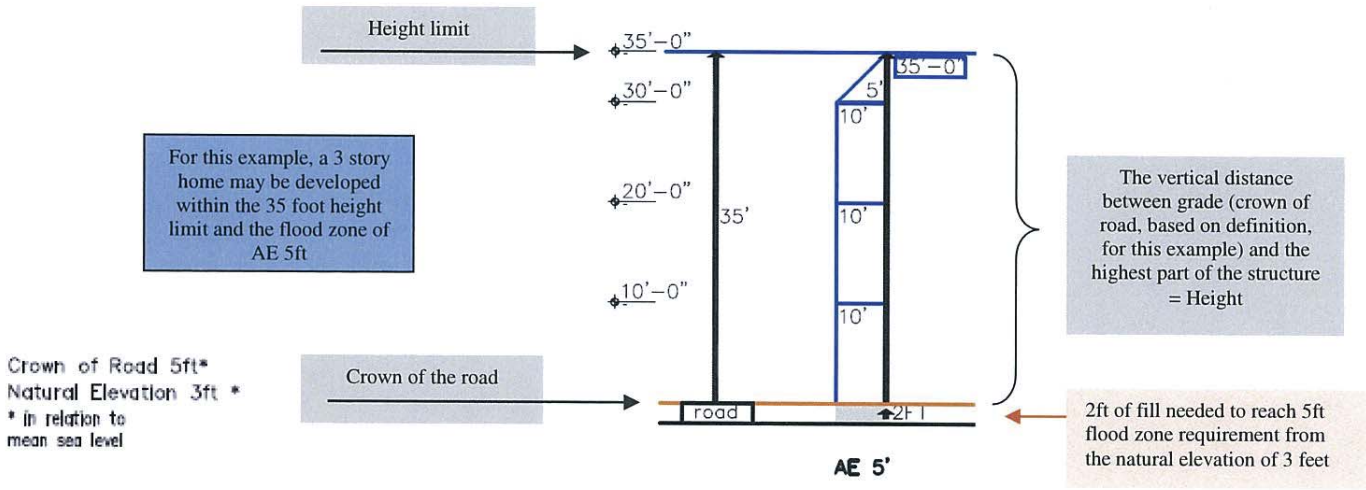
### HEIGHT:

In unincorporated Monroe County, height and grade are defined as follows:

> **HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure****, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.*

**GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher.*** *To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

Based on the adopted definitions the following is a basic depiction of: *height = the vertical distance between grade and the highest part of any structure.* In this depiction, the crown of the nearest road directly adjacent to the structure is *higher* than natural elevation of the ground surface (prior to construction, next to the proposed walls of a structure). As such, the crown of the road is the starting point, for this example, in measuring the vertical distance of the structure.




In the Comprehensive Plan update, recommendations to amend and expand the height policy have been made to clarify the measurement of height to match the recently amended land development code (Ordinance 003-2011) and to address new issues, such as: anticipating new FEMA flood maps and creating a mechanism to assist property owners to protect their property from flooding and reduce flood insurance costs as well as issues in permitting relative to architectural decorative features.

For review convenience, a transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached (Exhibit 1). Additional information related to flood protection

*NOTE: See exhibits for additional information related to flood protection and freeboard.*

## IV. PROPOSED AMENDMENT (Deletions are ~~stricken through~~ and additions are underlined.)

### Policy 101.45.~~26~~30

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including mechanical equipment and landfills to 35 feet. Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or television antennas; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antennas and/or collocations. ~~Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.~~

Wind turbines may also exceed the 35 foot height limit provided the site and the turbines are owned and operated by a public utility, have an Avian Protection Plan approved by the United States Fish and Wildlife Service (USFWS) and the turbines comply with relevant State and federal wildlife protection laws such as the Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and National Environmental Policy Act. Applications by a public utility proposing wind turbines which exceed 35 feet in height shall require a public hearing before the Board of County Commissioners and a BOCC Resolution supporting the proposal and specifying the maximum approved height, prior to issuance of any county permit or approval. Applications proposing wind turbines which exceed 35 feet in height within the MIAI overlay shall be transmitted to NASKW for review and comment.

In the case of airport districts, there shall be no exceptions to the 35-foot height limitation.

### Policy 101.5.31

For Ocean Reef, a master planned community of 100 or more acres in area, which is gated, isolated and inaccessible to the surrounding community, and has a distinct community character, buildings may include non-habitable architectural decorative features (such as finials, rails, widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the building's roof-line. This exception shall not result in a building or any architectural decorative feature with a height that would exceed 40 feet.

As used in this policy, a master planned community means a planned community of 100 or more acres in area subject to a master plan or other development order approved by the county where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its member

### Policy 101.5.32

By XXXX date, Monroe County shall adopt Land Development Regulations which provide a Flood Protection Height Exception to Policy 101.5.30 (height limit), not exceeding a maximum height of 40 feet, to promote public health, safety and general welfare; minimize public and private losses due to flooding; allow adaptation to coastal flooding, storm surge and other hazards;

protect property from flooding and minimize damages; minimize future expenditures of public funds for flood control projects and for recovery from flood events; mitigate rising flood insurance premiums; and reduce flood insurance rates by facilitating/improving the County's Community Rating System score. A Flood Protection Height Exception of up to a maximum of five (5) feet above the 35-foot height limit shall be provided to allow buildings to voluntarily elevate up to three (3) feet above FEMA base flood elevation in order to promote flood protection, minimize flood damage, reduce flood insurance premiums and minimize future expenditures of public funds for recovery from flood events.

**LDR Section XXX:**

As provided in Policy 101.5.32, buildings voluntarily elevated to meet or exceed the FEMA base flood elevation (BFE) may exceed the 35-foot height limit as follows:

1. For new buildings which are voluntarily elevated to **exceed** the building's minimum required BFE, an exception of up to three (3) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be a maximum of three (3) feet, and shall be no greater than the amount of voluntary elevation above BFE. In no event shall a new building exceed 38 feet in height; and
2. For lawfully established existing buildings which do not exceed the 35-foot height limit and are voluntarily elevated to **meet and/or exceed** the building's minimum required BFE, an exception of up to five (5) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be a maximum of five (5) feet, and shall be no greater than the amount of elevation necessary to **meet** BFE **plus** up to three (3) feet of voluntary elevation above BFE. In no event shall an existing building be elevated to exceed a total building height of 40 feet;
3. No exception shall result in a total building height that exceeds 40 feet; and
4. No exception shall be provided to properties located in an AE 10 or VE 10 or greater FEMA flood zone.

**Policy 101.5.33**

As of the effective date of this policy, a lawfully established existing building, which exceeds the 35-foot height limit in Policy 101.5.30, may be repaired, improved or reconstructed to meet required FEMA base flood elevation (BFE), provided the building is limited to the lawfully established existing intensity, floor area, density and type of use. For buildings that are proposed to exceed a total height of 40 feet, a public hearing before the Board of County Commissioners shall be required prior to issuance of any county permit or approval. A BOCC resolution shall specify the maximum approved height.

**LDR Section XXX:**

As provided in Policy 101.5.33, lawfully established buildings which exceed the 35 foot height limit may be repaired, improved or reconstructed to meet the FEMA BFE provided the building is limited to the lawfully established existing intensity, floor area, density and type of use.

A Flood Protection Height Exception for a lawfully established existing building exceeding the 35-foot height limit shall be provided as follows:

1. For lawfully established existing buildings which exceed the 35-foot height limit that are voluntarily elevated to **meet** the building's minimum required FEMA BFE, an exception of up to five (5) feet may be permitted. The amount of the exception shall be a maximum of five (5) feet, and shall be no greater than the amount of elevation necessary to **meet** BFE; and
2. For lawfully established existing buildings which exceed the 35-foot height limit that are voluntarily elevated to **meet** the building's minimum required FEMA BFE, but will require a height exception of more than five (5) feet, a public hearing before the Board of County Commission shall be required prior to issuance of any county permit or approval. The BOCC shall consider:
   a. The physical characteristics of the existing building and parcel;
   b. The susceptibility of the existing building and its contents to flood damage and the effects of such damage on the property owner;
   c. The possibility that materials from the existing building may be swept onto other lands to the injury of others;
   d. The availability of alternate solutions; and
   e. If the new proposed building height will result in increased flood risk; result in additional threats to public safety; result in extraordinary public expense; create nuisance; or cause fraud on or victimization of the public.

A BOCC resolution shall specify the maximum approved height.

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

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

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

**Policy 217.1.4**
Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

**Policy 217.1.5**
Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating.

**Policy 217.1.6**
Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements

contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms.

**Objective 601.3**
By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

**Policy 601.3.2**
The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

## B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as

applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

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

### C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

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

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

## VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the

public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

## VII. STAFF RECOMMENDATION

## VIII. EXHIBITS

1. Transcription of the BOCC height discussion, from the October 7, 2014 public hearing
2. March 24, 2015 DRC Staff Report
3. March 24, 2015 DRC Minutes
4. Table of FEMA flood zones and number of private, vacant parcels in unincorporated Monroe County
5. Excerpt of CRS Coordinator's Manual, pages 430-10 through 430-15
6. FEMA Lowest Floor Elevation Fact Sheet
7. www.floodsmart.gov basic info on insurance and flood risk
8. What is Freeboard? www.dnr.maryland.gov/CoastSmart
9. Using Freeboard to Elevate structures above Predicted Floodwaters – Massachusetts Office of Coastal Zone Management
10. Floodplain Management in Florida Quick Guide, pages1-28
11. Table with proposed amendments from March 24, 2015 DRC meeting and May 26, 2015 DRC meeting (side by side comparison)

Exhibit 5

# DEVELOPMENT REVIEW COMMITTEE

**Tuesday, May 26, 2015**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, May 26, 2015**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

## CALL TO ORDER

**ROLL CALL** by Gail Creech

**DRC MEMBERS**

| | |
|---|---|
| Mayte Santamaria, Senior Director of Planning and Environmental Resources | Present |
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |

**STAFF**

| | |
|---|---|
| Steve Williams, Assistant County Attorney | Present |
| Rey Ortiz, Planning & Biological Plans Examiner Supervisor | Present |
| Lori Lehr, Floodplain Administrator | Present |
| Tiffany Stankiewicz, Development Administrator | Present |
| Matt Coyle, Senior Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

## CHANGES TO THE AGENDA

There were no changes to the agenda.

## MINUTES FOR APPROVAL

Ms. Santamaria approved the minutes of the April 28, 2015, DRC meeting with one correction of a section number that will be submitted to Ms. Creech.

## MEETING

**New Items:**

**1.99700 Overseas Highway, Key Largo, mile marker 99:** A public meeting concerning a request for a major deviation to a major conditional use permit. The requested approval is required for the proposed development to increase the existing walk-in cooler and to increase the size of the existing bathrooms which would increase the amount of non-residential floor area on the property. The subject property is legally described as Lazy Lagoon – A revision of Amended Plat of Curry's Corner, Plat Book 2, Page 120 of public records, Monroe County, Section 33, Township 63 South, Range 39 East, Key Largo, Monroe County, Florida (legal description in metes and bounds is provided in the application/file), having real estate number 00497540.000000.

(File 2015-093)

(1:01 p.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that the applicant is requesting a major deviation to a major conditional use application. The applicant wants to expand the bathroom by approximately six square feet, add a modular component to the rear of the building for a walk-in cooler and expand an existing cooler that is currently within the setbacks on the rear property line. The only criteria not met is regarding the variance requirement that the site is going to need. Mr. Ortiz recommends approval to the Planning Commission with conditions. Those conditions were outlined. Ms. Santamaria confirmed that the applicant has submitted a variance application.

Hany Haroun, the applicant, emphasized that this renovation is necessary. Many hours have been spent with Wendy's International and the County to make this work. The new kitchen configuration in the center of the restaurant is a requirement from Wendy's International, which takes away from the cooler/freezer space and the current storage area. The extension for the sides is due to making the bathrooms ADA compliant. None of this will be visible from the front. The only setback issue is for the cooler/freezer.

Ms. Santamaria asked for public comment.

Dottie Moses, Key Largo resident, does not object to what is being asked for. Ms. Moses likes the proposed landscaping along the highway. Ms. Moses commented on the poor drainage that exists on the property. Mr. Haroun explained that the main road was built to drain out towards Buttonwood Drive and consequently it floods there all the time. That is on the County right-of-way. The County and State agreed to dig out the French drain and fill it with gravel to address the flooding problems. The tides also affect the drainage in this area. Ms. Santamaria noted when building permits are applied for the applicant will have to comply with the stormwater requirements. Mr. Williams suggested that the applicant provide some documentation from Wendy's International to show the hardship imposed on the applicant for purposes of the variance. Mr. Ortiz asked the applicant to provide an updated site plan.

**2.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-006)

(1:12 p.m.) Ms. Santamaria presented the staff report. Ms. Santamaria reported that this item started with the comp plan update. There were policies to amend the height policies, address the wind turbines, affordable housing and the flood protection. The BOCC asked staff to process this as a separate stand-alone amendment. This was before the DRC in March where a lot of comments were received. The flood protection policy generated concerns about the overall height exception. Staff has proposed a policy that includes the reasons why there would be an exception with a max height limit of 40 feet and it would be to elevate property three feet above base flood elevation (BFE). The exception for new buildings is to exceed BFE, not just to meet it, up to three feet above BFE. The exception for lawfully existing buildings is to either meet or exceed BFE because there are circumstances, depending on the flood zone, where this exception will not allow you to exceed BFE. If it is exceeded, it is only that amount it is exceeded that one gets to go above BFE. Again, it is capped at 40 feet. The exception would not be allowed in high-risk areas.

Ms. Santamaria introduced Ms. Lehr and asked for an update and information on flood zones.

Ms. Lehr explained that one of her roles is to help the County get into the Community Rating System (CRS) program, which would result in some discount in flood insurance. When property owners voluntarily elevate their properties they get a reduced premium on their flood insurance. For every foot of elevation, the savings is about a quarter of the premium. After the cap of three feet, the discounts fall off. The cost to elevate a property is recouped quickly in flood insurance savings. Ms. Lehr believes the future of the Florida Building Code and other legislation is going to be moving towards the implementation of some sort of freeboard, some sort of elevation requirement above BFE. Ms. Lehr further explained the County is going through a mapping process currently. It will be 2018 before those new maps come out, but the general feeling of those maps is that the elevations in some areas will increase, so the required elevations will increase.

Ms. Lehr clarified for Ms. Moses a community has to require a higher regulatory standard above what is required on the flood insurance rate amounts to get CRS credit. Florida in general has some of the highest scoring communities in the nation. Ms. Lehr believes Monroe County is doing a lot of things to address the flooding that will be worth CRS credit. There will be changes in the Florida Building Code coming up in the next couple of years to address BFE. Ms. Santamaria explained the CRS does not address the top height, so the BOCC gave staff direction to look into elevating the height limit so home owners are not squeezed in from the top, causing homes to become smaller and smaller. Ms. Lehr noted that credits are being given for existing buildings being elevated as opposed to rebuilt. The CRS program is very adamant that communities do what is good for their floodplain management and protection of their citizens' investments.

Ron Miller, Planning Commissioner and Key Largo resident, questioned why the County has become concerned about someone losing habitable space in their structure, because in URM parking spaces were required to be under homes, which takes away from habitable space. Ms. Santamaria clarified this proposal is not zoning-specific. Mr. Miller feels homeowners should be amenable to some give-and-take in the loss of some habitable space. Mr. Miller believes the people interested in more living space and more stories are those who are renting illegally. Ms.

Santamaria clarified that the BOCC has become aware of the new FEMA maps coming out and want Monroe County to get into the CRS and help the community better protect their property and investments. So they have directed staff to address this issue by allowing people to make that financial choice themselves. The whole intent was to better protect our community.

Bill Hunter, Sugarloaf resident, suggested that a definition of "elevate" be proposed. Mr. Hunter mentioned different scenarios of what could fall under the definition of "elevate." Ms. Santamaria said that staff will consider and look into those different scenarios. Ms. Lehr clarified if a bottom floor was knocked out and used for parking with penthouses built on top of the structure, those structures would still be limited by the height restriction from BFE. Ms. Santamaria noted that Policy 101.5.33 is for lawfully established existing buildings which already exceed the 35-foot height limit and a top cap of 40 feet is in place unless the owners go to a public hearing before the BOCC. Mr. Hunter then asked for an explanation of why the different numbers of 38 and 40 feet are used. Ms. Santamaria explained that discounts are given for one, two and three feet above BFE. Since discounts are not given above that, the new buildings were capped at 38 feet. The 40-foot limit was added for existing buildings in case they needed to raise their property a little bit higher because they do not meet base flood today. Ms. Lehr clarified that the flood insurance policy associated with a structure would receive a different rating because of the elevation of that property. The discount for CRS is completely different. The discount for CRS could be in addition to the different rating on the insurance policy for an elevation. Ms. Santamaria noted that no exception will be given to either new or existing structures in AE10 through VE10. That came from the comments made at prior DRC meetings about not facilitating redevelopment or new development in higher-risk areas.

Mr. Hunter stated he agrees with Mr. Miller about the ability of Monroe County citizens to live under the 35-foot height limit, but is more sympathetic to the owners of existing homes than to new construction. Mr. Miller is concerned for the properties in such a high AE or VE that they would not be able to develop a home that was attractive. Mr. Miller proposed keeping the 35-foot height limit in the comp plan and allowing for a variance for those so limited that they would not be able to develop something architecturally acceptable to the community. Ms. Santamaria stated it would be difficult to create a variance for architectural or visual issues. There is no real hardship in that instance.

Naja Girard, Key West resident, commented that people are more concerned over encouraging new development in AE and VE areas as opposed to elevating existing homes in those areas. Mr. Miller agrees with limiting infrastructure in flood-prone areas, but feels a minimal-size house could be able to punch through the height barrier if the owners could show a hardship when asking for a variance. Ms. Lehr explained that the CRS does not take away points. The CRS program credits activity. Prohibiting development in high-risk areas is credited under the CRS. The emphasis of the program has always been to build safer, more resilient communities.

Jim Hendrick was present on behalf of Ocean Reef Community Association (ORCA) regarding Policy 101.5.31. Mr. Hendrick stated Ocean Reef is an isolated and gated community with a distinct community character. The planning process in Ocean Reef is very tough. Mr. Hendrick said Ocean Reef would like the extra five feet for architectural features. The largest concern with this policy for Ocean Reef is its cultural center. The cultural center does not have the head

room needed to be able to house events that could potentially be put on at this facility. Mr. Hendrick asked for a height limit unique to the Ocean Reef Cultural Center, which was built and paid for by the people of Ocean Reef. Another concern that ORCA has is that any multi-story building in existence on the effective date of this policy be able to replace their existing number of stories up to 11 feet slab to slab per story. The Ocean Reef hotels are currently dated with a ceiling height of only eight feet. Ms. Santamaria noted that at the last meeting Joel Reed presented this information on behalf of Ocean Reef Club. Staff had asked for an inventory of existing heights of the various structures throughout Ocean Reef. Nothing has been received to date. Mr. Hendrick will send the complete list to Ms. Santamaria. Mr. Hendrick emphasized this is being asked to apply to Ocean Reef only, which is isolated and does have a distinct community character.

Deb Curlee, resident of the Lower Keys, noted that Ocean Reef is still part of Monroe County. Mr. Hendrick replied there is an abundant body of policy already recognizing the unique circumstances of Ocean Reef. Ms. Santamaria asked that Ocean Reef consider proposing an Ocean Reef specific overlay to address height issues in Ocean Reef. Mr. Hendrick replied Ocean Reef has a very effective self-governance program within the community. Ms. Santamaria asked that the information regarding the various heights as well as the total heights at Ocean Reef be sent in to help staff understand what the request is from Ocean Reef. Mr. Hendrick then explained for Ms. Girard how Ocean Reef is self-governed.

Ms. Moses stated the Federation is opposed to punching through the height limit and they feel that the 35-foot height limit has been accommodating and there is still room for elevating the floodplain. Ms. Girard on behalf of Last Stand stated that a majority of the properties should be able to elevate the buildings as much as needed and still have adequate living space. Last Stand would like to see this turned into a hardship situation that would have to be triggered to go through the height barrier.

Mr. Miller asked what would happen to those properties whose flood zone was changed due to the FEMA flood maps. Ms. Santamaria reminded Mr. Miller that no exceptions being given to properties in AE10 or VE10 or higher was a result of members of the community not wanting to facilitate development of homes within those flood zones. The owners of those properties would have to work within the rules or not build at all. Ms. Santamaria then confirmed for Mr. Hunter that reconstructed structures in Policy 101.5.33 includes those that are demolished and rebuilt. Ms. Santamaria explained that the BOCC resolution that specifies the maximum approved height is done on a building-by-building basis. There is currently no limit to that height because it is not known what would be needed to meet base flood. Ms. Santamaria explained that buildings over 35 feet currently could only rebuild to 35 feet if they were wiped out by a hurricane.

Ms. Curlee asked why no caps are placed in Policy 101.5.33. Ms. Santamaria replied that building heights would be different depending on how it was measured. Ideas were proposed for the BOCC to consider when making the decision on how high they can go. Mr. Hunter suggested considering the community's desire to limit the height. Ms. Santamaria noted a public hearing would require surrounding property owner notices being sent out.

Mr. Haroun stated he finds it unreasonable to not allow a condo to be built back up so that no owners would lose their living space. Ms. Santamaria pointed out that is why a flood exception is being proposed for those property owners. Mr. Miller noted that his concern is not whether they can build back what they had or not, but his concern is that the potential for more habitable space in this county is being increased as a result of seeking relief from sea level rise.

Ms. Santamaria then stated the affordable housing has been struck from this proposal at this point in time. Staff will work with the BOCC and the Affordable Housing Committee further in that regard. The other item in this stand-alone amendment is the wind turbines owned and operated by a public utility. At the last meeting members of the public asked what the results were from the Keys Energy demonstration project. It was concluded that the wind towers have been proven to be ineffective. Ms. Moses proposed striking this item altogether. Ms. Girard stated on behalf of Last Stand they would like to see the whole exception to the wind turbines stricken. If someone comes forward and proposes a great plan in the future, then it can be looked at with specific considerations in mind.

Ms. Santamaria stated the plan is to bring this amendment back to the DRC and get more data for community-specific amendments. It will be brought back as two items: One as a comp plan and an LDR for more discussion and more input.

**3.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING A DEFINITION OF OFFSHORE ISLAND; AMENDING POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICY 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-007)

(2:38 p.m.) Ms. Santamaria presented the staff report. Ms. Santamaria reported that this amendment has stemmed from the comprehensive plan update process. There was a lot of discussion on where to direct and how to direct development in the future and if it is appropriate to go to offshore islands. The BOCC asked staff to remove this from the general comp plan update and process it as a stand-alone amendment. The definition of "offshore island" has been included. The new provision is that TDRs and TREs would not be allowed to transfer to an offshore island.

Ms. Santamaria asked for public comment.

Attorney Nick Batty was present on behalf of FEB Corporation with respect to Wisteria Island. Mr. Batty stated the issues that FEB has with this proposed amendment pertain to the receiver sites for TREs have to be within a Tier III designated area and must not be an offshore island. Policy 206.1.2 provides that Monroe County shall discourage the development

of offshore islands which have no prior development and have significant upland habitat by discouraging the extension of public facilities and designating the offshore islands as Tier I. That makes a scenario where ROGO exemptions cannot be transferred to those islands and at the same time bumps them down to a Tier I level for the ROGO allocation program. Mr. Batty pointed out there is no definition proposed for "significant upland habitat." Significant upland habitat does not necessarily coincide with environmentally sensitive areas. As a result, areas like Wisteria Island, which does not have significant areas of environmentally sensitive habitat, would by default be lumped in with a Tier I designation, which is contrary to the intent of the code. Bumping them down to a Tier I in terms of the ROGO allocation system and not allowing any transfers of TREs to the area would result in a situation where there would be no beneficial uses for the properties. Mr. Roberts replied that using the blanket and undefined term "significant upland habitat" does not account for the differences in the natural features of those properties and effectuate the intent of the Tier I and Tier III definitions. Ms. Santamaria added that no changes are being proposed to the Tier III criteria for designating any land. Mr. Batty replied that islands which currently do not have a tier designation and would fit whatever the definition is determined to be of "significant upland habitat" and have no prior development would be pushed into that Tier I category without any other consideration. Ms. Santamaria stated no particular tier designation is being proposed for any offshore island. This is simply policy, not property specific. Ms. Santamaria will review this further and consider proposing a definition for "significant upland habitat."

Ms. Girard, on behalf of Last Stand, stated it makes very little difference what is on the upland, whether or not there even is upland, because offshore islands are surrounded by shallow waters and environmentally sensitive benthic resources and are important for avian species. Ms. Girard emphasized a survey containing 76 different species of native plants and a report regarding the importance of Wisteria Island for the white crown pigeons a couple of hundred feet away from Wisteria Island are on file with the County. Last Stand thinks it is extremely appropriate that offshore islands be given Tier I designations and that they not be considered as receiver sites because they are inappropriate for development in a county that has a limited number of ROGOs and is basically facing build-out. Ms. Santamaria clarified that this is not a property-specific amendment. Ms. Santamaria further clarified that the tier designations are based on upland habitat. Mr. Roberts clarified for Ms. Girard that native areas that provide corridors or wildlife access between other larger native areas are part of the Tier I designation. Mr. Batty pointed out it is important to make sure the intent of the code is being effectuated.

Ms. Santamaria asked for further public comment. There was none. Public comment was closed.

Ms. Santamaria stated staff will review all the comments made and will look at defining "significant upland habitat" and bring this back to the DRC for one more round of public input before taking it to the Planning Commission.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 2:55 p.m.

Exhibit 6

# MEMORANDUM
## MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** August 17, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

**Meeting:** **August 25, 2015, continued from March 24, 2015 and May 26, 2015**

## I. REQUEST

The Monroe County Planning & Environmental Resources is proposing an amendments to create Policy 101.5.31 to address non-habitable architectural decorative features within the Ocean Reef community; and create Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs.

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners (BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

A transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached as Exhibit 1.

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the height limit policy and process it as a separate amendment.

DRC: At its regularly scheduled meeting on March 24, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the March 24, 2015 DRC is attached as Exhibit 2. Minutes from the March 24, 2015 DRC are attached as Exhibit 3.

DRC: At its regularly scheduled meeting on May 26, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the May 26, 2015 DRC is attached as Exhibit 4. Minutes from the May 26, 2015 DRC are attached as Exhibit 5.

## III. ANALYSIS OF PROPOSED AMENDMENT

### HEIGHT:

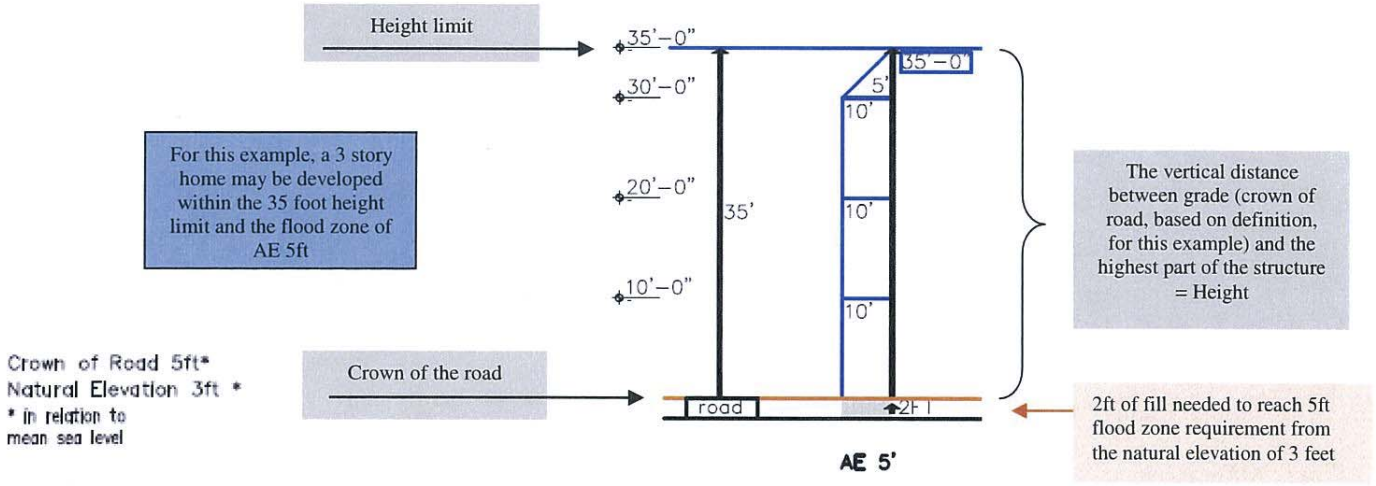
In unincorporated Monroe County, height and grade are defined as follows:

> **HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure****, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146.*

*However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.*

**GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher.*** *To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

Based on the adopted definitions the following is a basic depiction of: *height = the vertical distance between grade and the highest part of any structure.* In this depiction, the crown of the nearest road directly adjacent to the structure is *higher* than natural elevation of the ground surface (prior to construction, next to the proposed walls of a structure). As such, the crown of the road is the starting point, for this example, in measuring the vertical distance of the structure.




In the Comprehensive Plan update, recommendations to amend and expand the height policy have been made to clarify the measurement of height to match the recently amended land development code (Ordinance 003-2011) and to address new issues, such as: anticipating new FEMA flood maps and creating a mechanism to assist property owners to protect their property from flooding and reduce flood insurance costs as well as issues in permitting relative to architectural decorative features.

For review convenience, a transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached (Exhibit 1). Additional information related to flood protection

## IV. PROPOSED AMENDMENT (Deletions are ~~stricken through~~ and additions are underlined.)

### Policy 101.45.~~26~~30

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including mechanical equipment and landfills to 35 feet. Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or television antennas; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antennas and/or collocations. ~~Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.~~ In the case of airport districts, there shall be no exceptions to the 35-foot height limitation.

### Policy 101.5.31

For Ocean Reef, a master planned community which is gated, isolated and inaccessible to the surrounding community, and has a distinct community character, buildings may include non-habitable architectural decorative features (such as finials, rails, widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the building's roof-line. This exception shall not result in a building or any architectural decorative feature with a height that would exceed 40 feet.

As used in this policy, a master planned community means a planned community of 100 or more acres in area subject to a master plan or other development order approved by the county where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its members.

> *Note, Ocean Reef Club has requested additional amendments, attached as Exhibit 9. To date, sufficient data has not been submitted to evaluate the requested amendments.*

### Policy 101.5.32

Within in 1 year of the effective date of this policy, Monroe County shall adopt Land Development Regulations which provide a Flood Protection Height Exception to Policy 101.5.30 (height limit), not exceeding a maximum height of 40 feet, to promote public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and other hazards; protect property from flooding and minimize damages; minimize public and private losses due to flooding; minimize future expenditures of public funds for flood control projects and for recovery from flood events; and mitigate rising flood insurance premiums. A Flood Protection Height Exception of up to a maximum of five (5) feet above the 35-foot height limit shall be provided to allow buildings to voluntarily elevate up to three (3) feet above FEMA base flood elevation in order to promote flood protection, minimize flood damage, reduce flood insurance premiums and minimize future expenditures of public funds for recovery from flood events.

**LDR Section XXX:**

As provided in Policy 101.5.32, buildings voluntarily elevated to meet or exceed the FEMA Base Flood Elevation (BFE) may exceed the 35-foot height limit as follows:

1. For new buildings which are voluntarily elevated to **exceed** the building's minimum required BFE, an exception of a maximum of three (3) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be no greater than the amount of voluntary elevation above BFE. In no event shall a new building exceed 38 feet in height; and
2. For lawfully established existing buildings which do not exceed the 35-foot height limit and are voluntarily retrofitted to **meet and/or exceed** the building's minimum required BFE, an exception of a maximum of five (5) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be no greater than the amount of elevation necessary to **meet** BFE **plus** up to three (3) feet of voluntary elevation above BFE. In no event shall an existing building be elevated to exceed a total building height of 40 feet;
3. No exception shall result in a total building height that exceeds 40 feet; and
4. No exception shall be provided to properties located in an AE 10 or VE 10 or greater FEMA flood zone.

**LDR Section XXX:**

*Elevate* means the action of retrofitting, moving or raising a building to a higher positon.

*Elevated Building* means a building that has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Floodproofing* means any combination of structural or nonstructural changes or adjustments included in the design, construction, or alteration of a building that reduce or eliminate flood damage to the building and its contents.

Relocation means (in retrofitting), the process of moving a building to a new location outside the flood hazard area.

*Retrofit* means methods to modify a lawfully established existing building to reduce its exposure to flooding and raise the living area above flood levels. In general, retrofitting involves lifting the building and constructing a new foundation or extending the existing foundation below it, or leaving the building in place and either constructing a new elevated floor system within the building or adding a new upper story and converting the ground level to a compliant enclosure that is used only for parking, building access, or storage.

*Retrofitting* means making changes to an existing building to protect it from flooding or other hazards.

**Policy 101.5.33**

As of the effective date of this policy, a lawfully established existing building, which exceeds the 35-foot height limit in Policy 101.5.30, may be repaired, improved or reconstructed (*demolished and rebuilt*) to meet required FEMA base flood elevation (BFE), provided the building is limited to the lawfully established existing intensity, floor area, density and type of use. For buildings that are proposed to exceed a total height of 40 feet, a public hearing before the Board of County Commissioners shall be required prior to issuance of any county permit or approval. A BOCC resolution shall specify the maximum approved height.

**LDR Section XXX:**

As provided in Policy 101.5.33, lawfully established buildings which exceed the 35 foot height limit may be repaired, improved or reconstructed(*demolished and rebuilt*) to meet the FEMA BFE provided the building is limited to the lawfully established existing intensity, floor area, density and type of use.

A Flood Protection Height Exception for a lawfully established existing building exceeding the 35-foot height limit shall be provided as follows:

1. For lawfully established existing buildings which exceed the 35-foot height limit that are voluntarily retrofitted to **meet** the building's minimum required FEMA BFE, an exception of a maximum of five (5) feet may be permitted. The amount of the exception shall be no greater than the amount of elevation necessary to **meet** BFE; and
2. For lawfully established existing buildings which exceed the 35-foot height limit that are voluntarily retrofitted to **meet** the building's minimum required FEMA BFE, but will require a height exception of more than five (5) feet, a public hearing before the Board of County Commission shall be required prior to issuance of any county permit or approval. The BOCC shall consider:
   a. The physical characteristics of the existing building and parcel;
   b. The susceptibility of the existing building and its contents to flood damage and the effects of such damage on the property owner;
   c. The possibility that materials from the existing building may be swept onto other lands to the injury of others;
   d. The availability of alternate solutions;
   e. If the new proposed building height will result in increased flood risk; result in additional threats to public safety; result in extraordinary public expense; create nuisance; or cause fraud on or victimization of the public; and
   f. Community character.

A BOCC resolution shall specify the maximum approved height.

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

### A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

**Policy 217.1.4**
Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

**Policy 217.1.5**
Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating.

**Policy 217.1.6**
Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms.

**Objective 601.3**
By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

**Policy 601.3.2**
The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

### B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

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

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

## C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

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

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to

ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

## VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

## VII. STAFF RECOMMENDATION

## VIII. EXHIBITS

1. Transcription of the BOCC height discussion, from the October 7, 2014 public hearing
2. March 24, 2015 DRC Staff Report
3. March 24, 2015 DRC Minutes
4. May 26, 2015 DRC Staff Report
5. May 26, 2015 DRC Minutes
6. Table of FEMA flood zones and number of private, vacant parcels in unincorporated Monroe County
7. Table with proposed amendments from March 24, 2015 DRC meeting and May 26, 2015 DRC meeting (side by side comparison)
8. Chapter 5.0 Elevating Your Home, excerpt from FEMA's Homeowner's Guide To Retrofitting
9. Ocean Reef Club request and data.

# DEVELOPMENT REVIEW COMMITTEE

## Tuesday, August 25, 2015

## MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, August 25, 2015**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**ROLL CALL** by Gail Creech

**DRC MEMBERS**

| | |
|---|---|
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |
| Emily Schemper, Comprehensive Planning Manager | Present |
| Kevin Bond, Planning & Development Review Manager | Present |

**STAFF**

| | |
|---|---|
| Steve Williams, Assistant County Attorney | Present |
| Matt Coyle, Senior Planner | Present |
| Devin Rains, Senior Planner | Present |
| Thomas Broadrick, Senior Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

**CHANGES TO THE AGENDA**

Mr. Roberts announced Items 5 and 6 will be heard first.

**MINUTES FOR APPROVAL**

Mr. Roberts deferred approval of minutes to the next DRC meeting.

## MEETING

**New Items:**

**5.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-006)

Mr. Roberts presented the staff report. Mr. Roberts reported that while working on the comp plan update the BOCC directed staff to maintain the existing adopted height and offshore island policies and to pull the proposed changes for further review and submit as a separate amendment. The proposed text amendment has been reviewed at two prior DRC meetings. Policy 101.5.30 adds mechanical equipment to the 35-foot limit while excluding certain structures. There are no exceptions to the height limitation in Airport districts. Policy 101.5.31 for Ocean Reef, which is a gated and isolated community with a distinct community character, includes non-habitable architectural decorative features that exceed the 35-foot height limit, but such features shall not exceed five feet above the building's roof line. There are Land Development Code amendments to reflect these policies. Policy 101.5.32 provides that certain buildings voluntarily elevated to meet or exceed the FEMA base flood elevation (BFE) may exceed the 35-foot height limit. New buildings voluntarily elevated to exceed the building's minimum required BFE may exceed the 35-foot height limit by three feet. For lawfully established existing buildings which do not exceed 35 feet and are voluntarily retrofitted to meet and/or exceed the building's minimum required BFE, an exception of a maximum of five feet above the 35-foot height limit may be permitted.

Bill Hunter, resident of Sugarloaf Key, asked for the rationale for the difference of an extra two feet between an existing building and a new building. Mr. Coyle explained that it is to allow a homeowner more room to get into compliance and go up. Mr. Hunter then asked for clarification on the definition of "retrofit." Mr. Roberts stated that retrofitting means making changes to an existing building to protect it from flooding or other hazards. Demolition and reconstruction of a new structure would not fit within that definition.

Dottie Moses, on behalf of the Federation of Homeowners Association, stated that the Federation consistently maintains its opposition to raising the height limit. Ms. Moses asked who is requesting the height increase. Mr. Roberts replied that this amendment was staff-initiated at the direction of the BOCC. Ms. Moses believes that the recent change in the code that allows setbacks being used for parking in URM zones will result in another floor of bedrooms being added under this amendment, which will increase density. The hurricane evacuation issue is always a concern in the community, also. Ms. Moses then asked where the exception provided for properties located in the AE 10 or VE 10 or greater FEMA flood zones originated. Ms. Schemper will look into that for Ms. Moses. Ms. Schemper added that this item will be brought back to the DRC one more time.

Joel Reid, on behalf of Ocean Reef Club and Ocean Reef Community Association, commented that these two associations have asked for height changes to address their community concerns. Mr. Reid expressed disappointment that some items Ocean Reef has been asking for have not been included in the staff report. Mr. Reid then asked for clarification regarding architectural elements exceeding 40 feet under Policy 101.5.33. Ms. Schemper explained that Policy 101.5.33 applies to lawfully established buildings that are already over 35 feet high. The intent is if it was a pre-existing feature, then the BOCC could approve it, but if it is a proposed architectural

feature an exception would not be given if it is over 40 feet. Mr. Reid stated Ocean Reef would like some protection in order for residents to be able to build back their structures without losing their views. Ms. Schemper pointed out that this amendment is to protect what is already in existence while also meeting the flood requirements. The existing intensity or density type of use would be protected. Policy 101.5.33 does not specifically address increasing slab-to-slab heights. That would have to be approved by the BOCC if over 40 feet. The mechanism of going through the approval process to the BOCC has not been thoroughly fleshed out. That would be in the Land Development Code portion of the amendment. Mr. Reid asked how rebuilding and doing modifications to the Ocean Reef Cultural Center and boat storage area would be handled. Ms. Schemper responded that the full amount of data in those issues has not been received by staff at this point.

**6.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICIES 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-007)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is another item originally contemplated during the comp plan update. Staff was directed by the BOCC to pull it out as a separate text amendment. This was already reviewed at two DRC meetings and has been continued to this meeting to get additional public review, input and discussion. The proposed changes are about where development in terms of TDRs and the transfer of ROGO exemptions are directed. Existing Policy 101.5.8 allows for the transfer of units based on certain criteria. The new policy expands the criteria and has additional standards to utilize the tier system. The sender site must be located in Tier I, II, or III-A, or any tier designation if it is within the military installation impact overlay. The receiver site must have a future land use category ability and zoning district that allows the use, must meet the adopted density standards, include all infrastructure, be located within Tier III and may not be within a V zone or a CBRS unit. The comprehensive plan specifies specific habitat types and the certain zoning districts that were allowed on sender site TDRs. The offshore island zoning category is specifically identified as an eligible sender site. The new proposed policy utilizes the tier designation to specify the sender site because this already accounts for both habitat types and zoning districts that were in the existing policy. The new policy states only parcels designated Tier III can be receiver sites and they must have an adopted maximum net density standard, which would be based on their zoning category. Ms. Schemper reviewed Policy 206.1.2, which prohibits development on offshore islands, and the definition of significant native upland habitat. This item will be brought back to the DRC one more time.

Julie Dick with Everglades Law Center, present on behalf of Florida Keys Environmental Fund and Last Stand, believes Policy 206.1.2 is redundant and is addressed somewhere else in the

comp plan. Ms. Dick suggested eliminating the entire policy because any confusion resulting from this policy leaves the door open to misinterpretation. Ms. Dick supports Policy 101.6.8 in making sure that offshore islands are not receiver sites.

Bart Smith, Esquire, commented that generally he appreciates the revisions made to the obtaining and transferring of TDRs. On behalf of FEB Corp. Mr. Smith stated most of the receiver site criteria in the staff report seems very logical. Mr. Smith does not, however, feel that the sixth criteria that blanketly prohibits offshore islands from being receiver sites is logical because there is not any data and analysis identifying the reasons why an offshore island cannot be a receiver site. Mr. Smith feels that the definition of "significant native upland habitat" is a well-thought-out definition. Mr. Smith stated everything in the proposed ordinance makes logical sense and is conforming except for the blanket prohibition of offshore islands.

Naja Girard, speaking on behalf of Last Stand, addressed Mr. Smith's comments by responding that one thing different about offshore islands is that shallow waters surround the offshore islands and include benthic resources that the comp plan directs the County to protect. Encouraging development on offshore islands would require the acceptance of all the boating traffic that would be created as a result of that development. Ms. Girard agrees that Policy 206.1.2 is redundant and changes the normal way offshore islands are designated Tier I, which could result in confusion on its interpretation. Ms. Girard believes this weakens the protection of all offshore islands. Ms. Girard also believes there is not accurate data on what actually exists on these islands.

**1.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM INDUSTRIAL (I) AND COMMERCIAL FISHING AREA (CFA) TO MIXED USE (MU), FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00120940.000100, AND FROM INDUSTRIAL (I) TO COMMERCIAL 2 (C2) FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS FOUR PARCELS OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122080.000000, 00122081.000200, 00122010.000000 AND 00121990.000000, AS PROPOSED BY ROCKLAND OPERATIONS, LLC AND ROCKLAND COMMERCIAL CENTER, INC.; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.
(File 2012-069)

Ms. Schemper presented the staff report. Ms. Schemper reported that this item is a zoning amendment to accompany a FLUM amendment which has already been transmitted by the BOCC to DEO. Staff has received the objections, recommendations and comments report on the FLUM amendment. DEO's objection was that it was increasing the potential residential

development and should be revised to allow other residential uses. The original deadline for adopting that FLUM amendment was September 19, but staff has asked for an extension based on the applicant's delay and the new deadline is March 15, 2016. The current zoning amendment would be required to match the FLUM amendment. The applicant is required to revise the total FLUM amendment to include a comp plan policy that would limit any residential development on the site to affordable housing only. This affects only the northernmost L-shaped parcel on the map. The southern parcels are proposed to become commercial with no residential density. Today's discussion concerns the zoning portion of the amendment. The net change in development for the entire site will actually be a reduction in residential density. The Big Coppitt portion of the site would have an increase in affordable residential, but the proposed comp plan policy will limit all residential development to affordable housing on that site. Staff has found that any impact is not anticipated to have an adverse effect on community character. Staff has found no adverse effects for traffic circulation. There is sufficient capacity for the public facilities for potential development under this zoning amendment. Staff has found that the proposed amendment is consistent with the Monroe County comprehensive plan and the Land Development Code. The proposed zoning map amendment is necessary to be consistent with the proposed FLUM amendment that the BOCC has already recommended and transmitted to the State. Staff recommends approval of the proposed amendment. This is contingent on the adoption of the FLUM amendment.

Deb Curlee, resident of Cudjoe Key, asked what the Navy has to say about this amendment. Ms. Schemper replied that the portion of affordable housing is actually in the noise zone at the greatest distance compared to the rest of the property. Bart Smith, Esquire, agreed and added that the requirement to sound-attenuate to the level the Navy requests is specifically written in to the site-specific zoning.

**2.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL CONSERVATION (RC) TO RECREATION (R) AND CONSERVATION (C), FOR PROPERTY DESCRIBED AS A PARCEL OF LAND IN SECTION 24, TOWNSHIP 59 SOUTH, RANGE 40 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT A, HARBOR COURSE SOUTH, SECTION ONE, OCEAN REEF PLAT NO. 14 (PLAT BOOK 7, PAGE 9), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00573690.003900, AS PROPOSED BY OCEAN REEF CLUB INC.; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-047)

**3.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM NATIVE AREA (NA) TO PARKS AND REFUGE (PR) AND CONSERVATION DISTRICT (CD), FOR PROPERTY DESCRIBED AS A PARCEL OF LAND IN SECTION 24, TOWNSHIP 59 SOUTH, RANGE 40 EAST, KEY LARGO,

MONROE COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT A, HARBOR COURSE SOUTH, SECTION ONE, OCEAN REEF PLAT NO. 14 (PLAT BOOK 7, PAGE 9), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00573690.003900, AS PROPOSED BY OCEAN REEF CLUB INC.; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-048)

Ms. Schemper presented the staff reports. Ms. Schemper reported that these two amendments are FLUM and zoning amendments that coordinates with one another for a parcel within Ocean Reef proposed by Ocean Reef Club. The site is 11 acres and currently has a FLUM designation of Residential Conservation with a zoning category of Native Area. The property owners would like to develop a park on a portion of the site and are requesting to change the FLUM to 9.5 acres of Conservation and a little over 1.5 acres of Recreation for the FLUM and, corresponding to that, 9.5 acres of Conservation zoning and 1.5 acres of Park and Refuge zoning. The density and intensity change for this amendment would be a decrease in both residential and non-residential density and intensity. There is no adverse impact on community character and no additional impact foreseen for any of the public facilities. Staff has found both proposed amendments would be consistent with the comp plan and the Land Development Code and is consistent with the principles for guiding development. These amendments support Ocean Reef's desire to increase some of the park and recreational space within the community based on an increase in the number of families with children currently in their community. If the corresponding FLUM amendment is transmitted to the State and adopted, then the zoning plan would be required to remain consistent with the FLUM. Staff is recommending approval of the FLUM amendment from Residential Conservation to Conservation and Recreation and staff is recommending approval of the zoning amendment from Native Area to Parks and Refuge and Conservation district. The zoning recommendation would be contingent on the approval and effectiveness of the proposed FLUM amendment that corresponds with this.

Joel Reid, the representative of the applicant, stated that Ocean Reef Club is always looking to enhance the community's experience and meet their needs for the community members.

Mitch Harvey, resident of Key Largo, asked whether Mr. Roberts had any concern with clearing of upland habitat of protected species of 1.71 acres for the sole purpose of providing a park for homeowners. Mr. Roberts replied that the applicant is required to coordinate directly with U.S. Fish & Wildlife for the protection of these species. The County's clearing requirements would fall back to the original development orders for Ocean Reef Club because it is not dictated by the tier clearing limits in the code.

**4.PL OCEAN RESIDENCES, 97801 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 98:** A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED 24 ATTACHED DWELLING UNITS DESIGNATED AS

AFFORDABLE HOUSING, 28 DETACHED DWELLING UNITS OF MARKET RATE HOUSING, AND ASSOCIATED AMENITIES. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND LOCATED IN SECTIONS 5 AND 6, TOWNSHIP 62 SOUTH, RANGE 39 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00090810.000000, 00090820.000000, 00090840.000000, 00090840.000100, AND 00090860.000000.
(File 2015-049)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is a request for a minor conditional use permit which is required because the applicant is requesting to develop 24 attached dwelling units. Within the Urban Residential zoning category that use requires a minor conditional use permit. The development is reviewed by staff as a whole for consistency sake. The total proposal is requesting 24 attached dwelling units as affordable housing and 28 detached dwelling units as market rate housing. The site's current characteristics and zoning were described. The site has ROGO exemptions for 20 permanent dwelling units.

Ms. Schemper then listed the categories where staff has found either compliance is still to be determined or the site was found not in compliance. Compliance with the residential ROGO is to be determined because at the time of the building permit is when the applicant applies for their ROGO allocations. An additional eight market rate ROGO allocations and 24 affordable housing ROGO allocations would be needed. Permitted uses is listed as not in compliance because the attached residential dwelling units are permitted with the condition that sufficient common areas for recreation are provided to serve the number of dwelling units proposed to be developed. Compliance is to be determined on residential density and maximum floor area because the site requires 7.6 transferred development rights which are done at the time of the building permit. Compliance is to be determined on required open space because the calculations were not comparable of the upland area on the site plan. Mr. Roberts noted that the indicated shoreline setbacks were either incorrect or not clearly depicted on the site plan.

Ms. Schemper continued to report that most of the non-shoreline setbacks are in compliance at this point, but the setback lines shown on the site plan are not necessarily the correct lines in every situation. The surface water management will be dealt with for full compliance at the time of permit application. Mr. Roberts noted that there was conflicting information on the site plan regarding the depth to ground water. Ms. Schemper continued to report that there are inconsistencies on the site plan regarding the height of the fencing and privacy wall. The privacy wall shown on the site plan separates the site completely between the attached units and the detached units, which basically turns the parcel into two separate developments and they would each need to meet all of the land development regulations on their own. Some sort of connection is needed between the two. Compliance for flood plain, energy conservation and potable water is to be determined, as well as environmental design criteria and mitigation, at the building permit stage. The required parking is also affected by the separation between the two types of units on the site plan. The total number of parking spaces is sufficient if the site is viewed as a whole. The required bufferyards are not in compliance because the site plan shows some incorrect bufferyards. Mr. Roberts added that the property was rezoned from URM to UR and the URM boundary buffers are being shown.

Ms. Schemper continued to report that the square footage of the signage proposed has some issues and recommended that the signage be done separately as part of the fence permit at the time of the building permit. The access is currently under review by the County's traffic consultant. The site plan shows the County standards on U.S.1, but also needs to comply with FDOT standards. Compliance is to be determined on inclusionary housing at the time of the building permit because when the tenth permanent market rate unit gets its certificate of occupancy, a certificate of occupancy is required on at least three of the affordable housing units, and a proportional increase continues accordingly throughout the development. Given all of those items, staff still recommends approval. A list of 22 conditions required are listed in the staff report.

Jorge Cepero, present on behalf of the applicant, clarified that there is still one structure, a gatehouse, in the front of the property that was not demolished.

Robert Ginter, owner of an adjoining property, is concerned about the fencing and buffers to protect the neighborhood. Ms. Schemper explained that there are quite a few buffers on the site plan. There is an access off of First Street for a portion of the property. Ms. Schemper will make the site plan available to Mr. Ginter at the end of today's meeting.

Mitch Harvey, resident of Key Largo, is concerned that this is the one time that the public has a chance to review this proposal and there are so many items still not deemed to be in compliance. Ms. Schemper explained that there is a 30-day notice that goes out that says the Planning Director intends to issue the minor conditional use permit, as well as a legal ad. The Planning Director's decision will not be made until these items are all fulfilled. The revised proposal will be available through the Planning Department.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 2:32 p.m.

Exhibit 8

| | FEMA Flood Zone | Number of Parcels | % of total | % of total |
|---|---|---|---|---|
| flood zones -would allow a 3 story structure | X | 1,935 | 3.40% | 5.16% |
| | CHANCE FLOOD | 999 | 1.76% | |
| | AE 5 | 1 | 0.00% | 83.48% |
| | AE 6 | 1,964 | 3.46% | |
| | AE 7 | 8,996 | 15.83% | |
| | AE 8 | 14,824 | 26.08% | |
| | AE 9 | 11,272 | 19.83% | |
| | AE 10 | 6,835 | 12.02% | |
| flood zones -would allow a 2 story structure | AE 11 | 2,983 | 5.25% | |
| | AE 12 | 121 | 0.21% | |
| | AE 13 | 418 | 0.74% | |
| | AE 14 | 36 | 0.06% | |
| | AE 15 | 3 | 0.01% | |
| | AE 16 | 1 | 0.00% | |
| 3 story | VE 9 | 5 | 0.01% | 10.76% |
| | VE 10 | 327 | 0.58% | |
| flood zones -would allow a 2 story structure | VE 11 | 1,019 | 1.79% | |
| | VE 12 | 1,443 | 2.54% | |
| | VE 13 | 1,069 | 1.88% | |
| | VE 14 | 1,815 | 3.19% | |
| | VE 15 | 352 | 0.62% | |
| | VE 16 | 31 | 0.05% | |
| | VE 17 | 33 | 0.06% | |
| | VE 19 | 5 | 0.01% | |
| | VE 20 | 1 | 0.00% | |
| flood zones - would allow a 1 story structure | VE 21 | 8 | 0.01% | |
| | VE 22 | 7 | 0.01% | |
| | VE 23 | 1 | 0.00% | |
| | VE 24 | 1 | 0.00% | |
| | VE 26 | 2 | 0.00% | |
| | OPEN WATER | 10 | 0.02% | |
| | **total parcels** | **56,843** | | |

Note: As of October 2014 there are approximately 56,843 parcels in unincorporated Monroe County.

The total from the spreadsheet will be different assome of the submerged parcels do not fall within the FEMA Zones.

Exhibit 9

Ocean Reef Height Policy

Staff's draft height Policy for Ocean Reef, as set forth in the DRC Staff Report, reads:

**Policy 101.5.31**
For Ocean Reef, a gated community which is isolated and inaccessible to the surrounding community, and has a distinct community character, structures may include non-habitable architectural decorative features (such as finials, rails, widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the structure's roof-line. This exception shall not result in a structure or any architectural decorative feature with a height that would exceed 40 feet.

The Staff Report accurately states that "Draft Policy 101.5.31 is intended to address non-habitable architectural decorative features". However, architectural decorative features are only one (and the least significant) of three provisions that Ocean Reef has requested. Staff is occasionally presented with requests by Ocean Reef property owners to allow extra height for widow's walks and other such features, so staff's focus on that element is understandable. But of greater long-term importance to ORCA are provisions allowing story-by-story replacement of existing multi-family buildings, and an allowance for the unique requirements of a modernized Cultural Center. As proposed by ORCA, the Ocean Reef height Policy would read:

**Policy 101.5.31**
For Ocean Reef, a gated community which is isolated and inaccessible to the surrounding community, and has a distinct community character, the following policy shall apply:

1. Structures may include non-habitable architectural decorative features (such as finials, rails, and a widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, provided that such features do not extend more than 5 feet above the structure's roof line.
2. Multi-story buildings in existence on the effective date of this Policy may be replaced at their existing number of stories, up to 11' slab-to-slab per story.
3. The height limit applicable to the Ocean Reef Cultural Center shall be 65 feet above grade.

The above Policy is carefully tailored to the needs and circumstances of the Ocean Reef Community. The general language of proposed Policies 101.5.32 and 101.5.33, allowing an additional 5' of height for replacement of existing buildings exceeding 35', does not facilitate replacement of Ocean Reef's multi-story buildings, because it would force undesirable design features such as low ceiling heights. Nor does it accommodate the additional height needed for Cultural Center stage performances.

## Santamaria-Mayte

**From:** RC3WORLD <joelreed55@gmail.com>
**Sent:** Tuesday, June 09, 2015 7:50 AM
**To:** Santamaria-Mayte
**Cc:** David Ritz; Jack Duncan; Jim Hendrick; Michael G. Leemhuis
**Subject:** Re: height Comprehensive Plan amendment and Ocean Reef Club
**Attachments:** Height_data_table_2015-06-09.pdf; ATT00001.htm

**Follow Up Flag:** Follow up
**Flag Status:** Completed

**Categories:** Blue Category

Mayte,

As was requested please find a list of buildings and corresponding data related to structures that exceed the 35' height limit in Ocean Reef Club. We are still collecting additional data onC.Q, Pompano, and Water Tower. We will submit any additional detail that we have on these structures once the data is obtained.. I know we also discussed sending the existing heights on the cultural center, which we are working on and will send over as soon once it is available. Please do not hesitate to contact me if you or your staff have any additional questions or comments as you prepare your next round of staff reports.

Sincerely,

Joel Reed, AICP
Phone: 404.403.2925
joelreed55@gmail.com

Table 1

**OCEAN REEF EXISTING STRUCTURES > 35' DATA TABLE**

| Name | Primary Use | Levels of habitable | Downstairs/ Storage/ Enc. | Overall Height to Soffit or Top of Beam | Overall Height to Top of Roof | Floor to Floor | Avg. Slab Thicknes s | Grade | Flood Zone |
|---|---|---|---|---|---|---|---|---|---|
| Amberjack | Hotel | 3 | No | 29' - 1 1/2" | 33' - 1 1/2" * | | 8" to 2' 6" | Unknown | Unknown |
| Boat Barn | Comm. | N/A | N/A | Unknown | 37' | | N/A | Unknown | Unknown |
| Creek House | Condo | Unk. | Unknown | Unknown | > 35' | | Unknown | Unknown | Unknown |
| Dolphin | Hotel | 4 | Unknown | 43' - 2" | 49' - 2" * | ~9' | ~ 8" | ~6 | AE11 |
| Harbor House | Condo | 4 | Yes | Unknown | 54' | 9' | ~8" | Unknown | AE9 |
| Marlin | Hotel | 3 | Yes | 38' | 42' | ~8' - 8" | ~8 " | 4' - 8 1/2" | VE |
| Plaza | Comm. | 3 | Yes | 28' - 6" | > 35' | 9' - 0" | 6" | Unknown | Unknown |
| Yachtsman | Condo | 3 | Yes | 35' - 9" | Unknown | 8' - 7" | Unknown | Unknown | Unknown |
| Pompano | Hotel | TBD | TBD | TBD | TBD | | | | |
| C.Q. Dormitory | Res. | TBD | TBD | TB | TBD | | | | |
| Water Tower | N/A | N/A | N/A | TBD | TBD | | | | |

Note: Amberjack and Plaza added as pre-firm structure because height would be over 35' with redevelopment if built above flood.

* Estimated roof to be 6'

Prepared by RC3WORLD, Inc. 10/6/2014, last modified 6/9/2015

**MEMORANDUM**
**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** October 16, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE AMENDING SECTION 101-1 TO CREATE DEFINITIONS RELATED TO FLOOD PROTECTION HEIGHT EXCEPTIONS; AND AMENDING SECTION 130-187 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS AND TO ADDRESS HEIGHT EXCEPTIONS FOR NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF MASTER PLANNED COMMUNITY; PROVIDING FOR SEVERABILITY; 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 INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE. (File # 2015-171)

**Meeting:** **October 27, 2015**

## I. REQUEST

The Monroe County Planning & Environmental Resources is proposing amendments to amend Section 101-1 to create definitions related to the flood protection height exceptions and amending Section 130-187 to address height exceptions for non-habitable architectural decorative features within the Ocean Reef master planned community; and to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs.

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners (BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was

held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

A transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached as Exhibit 1.

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the height limit policy and process it as a separate amendment.

DRC: At its regularly scheduled meeting on March 24, 2015, the Monroe County Development Review Committee reviewed proposed Comprehensive Plan (CP) text amendments and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The CP text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. Public comment included processing separate Land Development Code amendments on height exemptions and to include more details in the Code.

DRC: At its regularly scheduled meeting on May 26, 2015, the Monroe County Development Review Committee reviewed the proposed CP text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The CP text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. Public comment included processing separate Land Development Code amendments on height exemptions and to include more details in the Code.

DRC: At its regularly scheduled meeting on August 25, 2015, the Monroe County Development Review Committee reviewed the proposed CP text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The CP text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. Public comment included processing separate Land Development Code amendments on height exemptions and to include more details in the Code.

*Through the DRC process, members of the public asked for general policies in the Comprehensive Plan and more detail in the Land Development Code (LDC). The May 26, 2015 and August 25, 2015 DRC staff reports for the Comprehensive Plan amendment included draft LDC amendments to assist in reviewing and developing the amendments. This staff report is the LDC amendment to correspond to the Comprehensive Plan amendment currently being processed (File 2015-006).*

## III. ANALYSIS OF PROPOSED AMENDMENT

### HEIGHT:

In unincorporated Monroe County, height and grade are defined as follows:

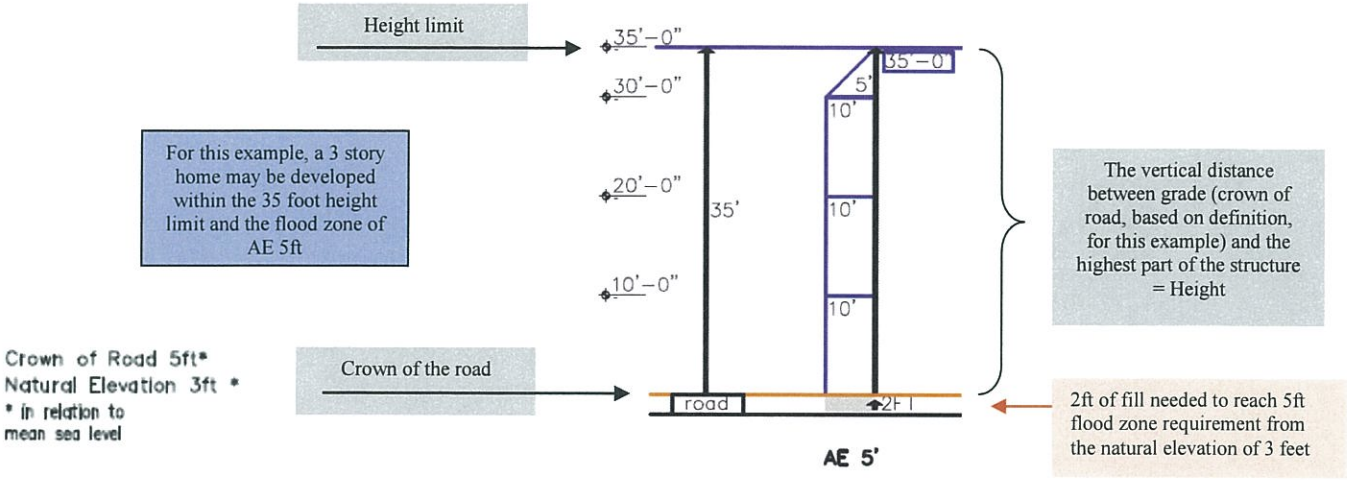
**Section 101-1**

**HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure****, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.*

**GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher****. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

Based on the adopted definitions the following is a basic depiction of: *height = the vertical distance between grade and the highest part of any structure.* In this depiction, the crown of the nearest road directly adjacent to the structure is *higher* than natural elevation of the ground surface (prior to construction, next to the proposed walls of a structure).

As such, the crown of the road is the starting point, for this example, in measuring the vertical distance of the structure.




## IV. PROPOSED AMENDMENT (Deletions are ~~stricken through~~ and additions are <u>underlined</u>.)

**Section 101-1. - Definitions.**

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

* * * * *

<u>*Elevate* means the action of retrofitting or raising a building to a higher positon.</u>

<u>*Elevated Building* means a building that has its lowest floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.</u>

<u>*Retrofit* means methods to modify a lawfully established existing building to reduce its exposure to flooding and raise the living area to meet or exceed flood levels. In general, retrofitting involves lifting the building and constructing a new foundation or extending the existing foundation, or leaving the building in place and either constructing a new elevated floor system within the building or adding a new upper story and converting the ground level to a compliant enclosure that is used only for parking, building access, or storage.</u>

* * * * *

**Sec. 130-187. - Maximum height.**

No structure or building shall be developed that exceeds a maximum height of 35 feet. Exceptions will be allowed for chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146. <u>Exceptions will be allowed for flood protection as specifically permitted in Policies 101.5.32 and 101.5.33 and listed below.</u> However, in no event shall any of the exclusions

enumerated in this section be construed to permit any habitable or usable space to exceed the maximum height limitation, except as specifically permitted in Policies 101.5.32 and 101.5.33. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.

A. Within the Ocean Reef master planned community which is gated, isolated and inaccessible to the surrounding community, and has a distinct community character, buildings may include non-habitable architectural decorative features (such as finials, railings, widow's walk, parapets) that exceed the 35-foot height limit, but such features shall not exceed 5 feet above the building's roof-line. This exception shall not result in a building together with any architectural decorative feature with a height that would exceed 40 feet.

B. As provided in Policy 101.5.32, buildings voluntarily elevated to meet or exceed the FEMA Base Flood Elevation (BFE) may exceed the 35-foot height limit as follows:

1. For NEW buildings which are voluntarily elevated to **exceed** the building's minimum required BFE, an exception of a maximum of three (3) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be no greater than the amount of voluntary elevation above BFE. In no event shall a new building exceed 38 feet in height. This exception shall apply to the substantial improvement of buildings, whether voluntary or not.

2. For lawfully established EXISTING buildings which do not exceed the 35-foot height limit and are voluntarily retrofitted to **meet and/or exceed** the building's minimum required BFE, an exception of a maximum of five (5) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be no greater than the distance necessary to elevate the building to **meet** BFE **plus** up to three (3) feet of voluntary elevation above BFE. In no event shall an existing building be elevated to exceed a total building height of 40 feet.

3. No exception shall result in a total building height that exceeds 40 feet.

4. Buildings not being elevated to at least meet the required FEMA BFE are not eligible for this exception.

5. No exception shall be provided to buildings located in an AE 10 or VE 10 or greater FEMA flood zone.

C. As provided in Policy 101.5.33, lawfully established existing buildings which exceed the 35-foot height limit may be repaired, improved, retrofitted or redeveloped to meet the required FEMA BFE provided the building does not exceed a total maximum building height of 40 feet, and the building is limited to the lawfully established existing intensity, floor area, building envelope (floor to floor height), density and type of use. A Flood Protection Height Exception of a maximum of five (5) feet may be permitted to **meet** the building's minimum required FEMA BFE. The amount of the exception shall be no greater than the amount of elevation necessary to **meet** BFE. Buildings not being elevated to at least meet the required FEMA BFE are not eligible for this exception.

D. As provided in Policy 101.5.33, for lawfully established existing buildings which exceed the 35-foot height limit that are proposed to exceed a total height of 40 feet, a public hearing before the Board of County Commissioners to review and specify the maximum approved height shall be required prior to issuance of any county permit or development approval.

1. For lawfully established existing buildings that are voluntarily repaired, improved, retrofitted or redeveloped to **meet** the building's minimum required FEMA BFE, but will require a height exception of more than five (5) feet, a Flood Protection Height Exception exceeding the 35-foot height limit may be provided by the BOCC based on the following criteria:
   a. The physical characteristics of the existing building and parcel;
   b. The susceptibility of the existing building and its contents to flood damage and the effects of such damage on the property owner;
   c. The possibility that materials from the existing building may be swept onto other lands to the injury of others;
   d. The availability of alternate solutions;
   e. If the new proposed building height will result in increased flood risk; result in additional threats to public safety; result in extraordinary public expense; create nuisance; or cause fraud on or victimization of the public; and
   f. Community character.
   g. Buildings not being elevated to at least meet the required FEMA BFE are not eligible for this exception.

2. A BOCC resolution shall specify the findings of criteria of D.1. a. though g. (above) and specify the approved maximum total height for the proposed building.

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

### A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

**Policy 217.1.4**
Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

**Policy 217.1.5**
Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating.

**Policy 217.1.6**
Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements

contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms.

**Objective 601.3**
By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

**Policy 601.3.2**
The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

## B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

    1. The Florida Keys Aqueduct and water supply facilities;
    2. Sewage collection, treatment, and disposal facilities;
    3. Solid waste treatment, collection, and disposal facilities;
    4. Key West Naval Air Station and other military facilities;
    5. Transportation facilities;
    6. Federal parks, wildlife refuges, and marine sanctuaries;
    7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
    8. City electric service and the Florida Keys Electric Co-op; and
    9. Other utilities, as appropriate.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as

applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

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

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

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

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

**C. The proposed amendment is consistent with one or more of the required provisions of 102-158(d)(5)(b):**

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;

   **N/A**

2. Changed assumptions (e.g., regarding demographic trends);

   **N/A**

3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan;

   **N/A**

4. New issues;

   **The proposed amendment addresses new issues related to height exceptions for non-habitable architectural decorative features within the Ocean Reef master planned community; and to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs.**

5. Recognition of a need for additional detail or comprehensiveness; or

   **The proposed amendment addresses the need for additional detail to implement proposed comprehensive plan policies related to height exceptions for non-habitable architectural decorative features within the Ocean Reef master planned community; and to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs.**

6. Data updates;

   **N/A**

7. For FLUM changes, the principles for guiding development as defined in the Florida Statutes relating to changes to the comprehensive plan.

   **N/A**

## VI. STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed amendments.

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

Specifically, staff has found that the proposed text amendments are necessary due to 4. New issues; and 5. A recognition of a need for additional detail or comprehensiveness

## VII. EXHIBITS

1. Transcription of the BOCC height discussion, from the October 7, 2014 public hearing
2. August 25, 2015 DRC Staff Report for File 2015-006 Comp Plan height amendment

Exhibit 1

**Monroe County Board of County Commissioners Special Meeting**

**Tuesday, October 7, 2014**

## Height Exceptions

Then the next change is on page 43...

You have a couple of new policies here, you all directed staff to take a look at how to possibly raise the height limit for architectural features that really just apply to Ocean Reef and so we've also come up with some criteria and you'll see that on those two policies 5.31 and 5.32

**Mayor Murphy:** Do we have a public speaker on this Lindsay?

**Lindsay Ballard:** We do. Joel Reed.

**Mayor Murphy:** Debbie, are you ready for public speakers?

**Debbie:** Yes mam on this particular topic.

**Joel Reed:** Good morning Mayor, Commissioners, Joel Reed. I'm here today on behalf of Ocean Reef Club and Ocean Reef Community Association in regard to this issue. First of all I want to thank you for the support. As you know Ocean Reef is a distinct community. It's a private gated community of about twenty five hundred acres, about seventeen hundred units up there. We have a lot of additional amenities up there, public buildings or quasi, kind of public buildings that are for the club purpose as well. Ocean Reef also has a Community Association which has its own architectural board, its architectural committee that kind of makes going through DRC and Planning Commission a day at the beach compared to their architectural committee. They are very stringent. They impose a lot of times additional requirements and regulations on their projects. Their whole community is very involved with the process. They're all notified as far as any changes that happen up there. So the five foot, we appreciate the support and the language in there a lot of times, some of the single family homes and the commercial buildings as well bump up as far as making them more architecturally attractive to need this section to allow for that. We also have had a lot of discussions the last couple of weeks internally as well. I'm going to pass out, I guess to the clerk and to you guys, additional language we would like you guys to consider. But we have been talking to staff about ....(passes out additional language considerations) So not to confuse the issue, there are two specific issues. First is allowing for some additional architectural features that the five foot would do. As we went through the club, as I said, owns a lot of buildings. Some of those buildings are the hotels that are near Buccaneer Island, if you've been up there before. The Amberjack, The Dolphin, The Marlin, these buildings are aging, they're coming to the end of their life. We have done quite a few renovations to them. At this point there is not really many more renovations that can be done in order to continue to maintain and operate them. As you know, that function of the club as well is essential to maintaining a Class A club up there, continuing to provide for the tax base that comes out of Ocean Reef is by having an attractive club where we can continue to attract, to maintain current members and attract new members. A lot of those buildings, I have some data, it's not all there, The Amberjack for example is three levels of living. Just to give an

example, the couple, I'm not going to go into all of them, but we said look if these things were substantially damaged through a hurricane, or they had to come down, or we had to rebuild, we wouldn't be able to build back those units to those heights that are there today. We have several. We have The Harbor House which is a condominium, its over fifty four feet right now in Ocean Reef Club. We have The Marlin, which is one of the hotel buildings, that's at forty two feet. We got the Dolphin Hotel at forty seven feet and The Creek House. We didn't have the number on it but we know that's well over forty feet as well. That's another condominium building up there. We came up with the boat barn, that's at thirty seven feet, the boat barn that we have up there. But there is about seven or eight buildings specifically that we thought it would be greatly impacted as we try to redevelop these properties or if we have to due to a hurricane or other issues. Some of the other issues we face is that although these are three stories and they are just pushing the height limit right now. You know, if you get three stories up there you're at thirty feet and then you have an architectural roof element you're at thirty seven feet or something like that. A lot of these buildings are built below flood right now so if we go to build them back, obviously we're talking about sea level rise, we want to encourage those buildings to be brought back up to flood. What happens is we lose a whole top level that we currently have today. We would lose almost a whole floor there out of those developments and that's just not possible to happen. So we proposed some additional policy language to put in there to protect these existing buildings that are there to be able to be built back. We haven't thoroughly vetted with staff yet at this point we have just proposed talking about the issue that I just explained. We would like and hope to support and to continue to work with staff to tweak some of this language to get into the Comp Plan to protect us on some of these issues. And the language, it exempts, it doesn't exempt, it doesn't include single family homes so this is only for the multi-family and commercial structures that are up there, so it doesn't include any of the single family homes and what it says is, "lawfully established structures that exclude single family homes that exceed this height limit may be replaced with their existing height plus any additional height required to elevate the first finished floor two feet above the FE" so encouraging them to go, you know, those extra two feet as well above that base flood elevation to account for future sea level rise as well. And then also that the height limit applicable to Ocean Reef and this would be an exemption for their community center building. The community center building up there right now puts on productions and theater productions and when it was built, they aren't able to attract and have the top of the line theater groups that come in there because a lot of the sets that they have, they change throughout the production. They actually lift that whole set up to lift that whole backdrop up into the ceiling and then they drop down the new one and their theater wasn't able to be designed to that because of the height and so they also want that as an exclusion so that they can look to enhance that building at some point to be able to attract those types of productions there. I'm here for any questions. Thank you for considering.

**Mayor Murphy:** So the proposed additional language, Joel, is what you want, not the existing language?

**Joel Reed:** We support the Club and the Community Association both support that existing policy language that's in there ...

**Commissioner Carruthers:** the institutional language ...

**Joel Reed:** Yeah. This is additional language, as we were talking about that five foot that was in there, that we were supportive of. You know, we started to talk about the hotels and the aging and the issues and if we did try and rebuild them back, what that would look like in the loss of rooms and the development that's there.

**Mayor Murphy:** Do we have a public speaker on this?

**Lindsay Ballard:** We do.

**Mayor Murphy:** Let's hear the public speaker. Another one.

**Lindsay Ballard:** D.A. Aldridge

**D.A. Aldridge:** I'm D.A. Aldridge. I live on Tavernier which is part of Kay Largo. Here we are at the last minute, a breath away from sending the Comp Plan and all of a sudden we see a very important change being requested by our Northern neighbors. The Federation of Homeowner's Association has been very adamant about height restrictions for many years and we have continually fought for thirty five feet. We are asking at this time, I am asking at this time to have you not vote on this. We have not had the opportunity to look at the language that has been just handed to you and we feel that it needs to be reviewed very closely by the staff and by you because this is a huge change that they are requesting. Thank you.

**Mayor Murphy:** ... That's it

**Commissioner Kolhage:** What does the, in the final sentence when they talk about assembly group A1 and so forth, what does that mean?

**Christine Hurley:** We don't know.

**Mayor Murphy:** Well they haven't seen it yet. This is the problem with this.

**Christine Hurley:** Well we have seen that he emailed it but we asked questions. We didn't know what he meant by that.

**Commissioner Kolhage:** Well but we're going to have to be more specific on that. We'll have to have language that says exactly what it means. I think anyway.

**Commissioner Rice:** Could we not deal with this today and deal with it in January?

**Christine Hurley:** If you want us to address his comments, I just say get direction from the board at this point. We work on some type of language to bring back to you in January.

**Commissioner Rice:** I think that's what we should do.

**Mayor Murphy:** And what happens if we then want to make changes in January? Do we hold up the whole process?

**Christine Hurley:** I think you can legally make changes on the floor by motion before we transmit.

**Bob Shillinger:** As long as you're not changing the general substance of it. The general tone of it.

**Mayor Murphy:** Well that's what I am worried about. If we let this go til January and then begin to, ya know, flesh it out and the public speaks and we all get confused and then what happens to the rest of Comp Plan because we are supposed to vote on that in January.

**Commissioner Neugent:** I would ask on issues like this because I very much agree with what was said that we just got this and I think we need some information and my question is, and there may be some more issues very similar to this that come up. Can we have another meeting discussing those particular issues before the January transmittal?

**Christine Hurley:** Sure. We could do that.

**Mayor Murphy:** That would be helpful.

**Commissioner Rice:** That may be the way to approach it.

**Christine Hurley:** The problem with holding it in November or December is the calendars are already a mess from the holidays.

**Commissioner Neugent:** Oh my gosh we might have to do a little work.

**Christine Hurley:** No, that's not what I meant. It's just that even your regular board meetings got all shifted around.

**Commissioner Neugent:** Have it at the board meeting. End of the item discussion for a board meeting.

**Christine Hurley:** Okay. We can do that.

**Mayor Murphy:** We can do that.

**Commissioner Neugent:** Another things that's in this right here as I read it, for clarification purposes, "architectural decorating features that exceed the thirty five foot height limit but such features shall not exceed five feet above the structures roof line" Joel also mentioned that some of these buildings are already, I guess they would be legal non-conforming because they are above the height limit, so when you say "features shall not exceed five feet above the structures roofline" what roofline are we talking about? The one that's already non-conforming? Or thirty five feet, shall not exceed five feet above thirty five feet? That's not the way I necessarily interpret that.

**Mayor Murphy:** Because if it's the fifty four foot building, we're now at fifty nine...

**Christine Hurley:** It's not though. This is meant for new development that cannot exceed thirty five feet.

**Commissioner Neugent:** Well what happens ...

**Christine Hurley:** Joel has added in and what he is really asking you to do, is in simple terms, and I think it could be very simplified, is agree that existing, non-conforming buildings that are at a height greater than thirty five feet, be allowed to rebuild to that height plus...

**Commissioner Neugent:** I didn't hear anybody bring that up...

**Christine Hurley:** That's really what he is asking though.

**Commissioner Rice:** Well that's what this really says

**Mayor Murphy:** Plus what?

**Christine Hurley:** plus, let him adjust, like we already have a provision in here, for another five feet, if they need to raise the elevation for FEMA floodplain issues.

**Mayor Murphy:** Fine, but not for decorative features.

**Christine Hurley:** Well he talked about decorative also, but he definitely spoke about ...

**Mayor Murphy:** Well let's get it down pat.

**Christine Hurley:** Well we will try to but we got his language a couple days ago and...

**Mayor Murphy:** Well his language is kind of going in a figure eight.

**Commissioner Kolhage:** I understand what they are saying. In other words, he wants to maintain what they have now with an adjustment.

**Christine Hurley:** Yes. I think that's what he is asking.

**Commissioner Kolhage:** And I think that is reasonable.

**Mayor Murphy:** To replace a building, an older building that was built over thirty five feet, have a problem with that anywhere in Monroe County. It is what it is, we're all used to it, it's part of the landscape.

**Commissioner Neugent:** Clarification on what you just said

**Mayor Murphy:** I do not object to any of the older buildings that were built above thirty five feet. We all have them in our neighborhoods. If they need to be replaced or have to be replaced, I don't have a problem with them maintaining the height.

**Commissioner Neugent:** Hold on a minute there. Is there anything in our code, and I would use this as an analogy, FEMA's description of it, if its damaged by more than fifty percent, it has to be rebuilt, that is there anything in our code or Comp Plan that says that it then can be built over thirty five feet?

**Mayor Murphy:** No, No.

**Christine Hurley:** Okay, today, don't mix apples and oranges. Today our code does not allow us to approve a building permit above thirty five feet. If the structure is destroyed beyond fifty percent, they then have to conform to the new code, which is the thirty five foot height limit. And if it's destroyed beyond fifty percent under the floodplain rules, they have to raise the elevation and that's why they added this other position.

**Commissioner Neugent:** I understand the apples and oranges thing that I just plugged into it as an analogy but what I am saying is, have we had that discussion? You just said, at least my interpretation, that you can't build what Commissioner Murphy just said ...

**Christine Hurley:** You can't. That is what Joel is asking you to change.

**Commissioner Neugent:** So we need to have that discussion.

**Commissioner Carruthers:** And that's why we have the further thing about flood protection and height exceptions. Go to 105.5.32. We added that so that we would allow people to exceed the thirty five feet when they have to, to create enough free board to comply with FEMA regulations.

**Commissioner Neugent:** I'm not talking about base flood elevation.

**Commissioner Carruthers:** but that is the crunch that you are getting into. When the Mayor says that you can rebuild a building at the height it is today, but we have a thirty five foot limit and FEMA says you gotta raise your building five feet, you lose a story.

**Commissioner Neugent:** that addresses one part of it. The other part that is not being addressed in my opinion, is do we have anything, are we proposing that then a fifty four foot high building could be rebuilt to fifty four feet.

**Christine Hurley:** Joel is proposing that.

**Commissioner Neugent:** And that's what I am asking this Commission. Is that where we want to go with that?

**Commissioner Carruthers:** Well, I mean, if we don't allow people to do that, isn't that essentially a taking? I mean you would be ... think about the real life economic consequences of...

**Bob Shillinger:** There may be some Bert Harris implications but it's a different analysis.

**Commissioner Kolhage:** What we are considering here is because of the isolated and specific nature of Ocean Reef, do we want to make an exception here?

**Commissioner Neugent:** And can I tag onto that Commissioner Kolhage? Municipalities have the right, if I misspeak correct me, to go above thirty five feet if they choose to. Marathon has gone above thirty five feet, I think Key West has a height limit above thirty five feet, but based on what Commissioner Kolhage just said, and I want to hear some arguments otherwise, Ocean Reef is an isolated area, miles away from anyone else and a gated community, albeit in unincorporated Monroe County, they're very similar to a municipality with a city type manager, that do we want to be so parental if they have no objections internally amongst themselves to keep them from rebuilding above thirty five feet or changing some things that they have gone through the public input locally with their gated community. Do we want to impose our thoughts on how Ocean Reef should be run?

**Commissioner Rice:** I don't think we are trying to do that.

**Mayor Murphy:** I don't either. But I will tell you, my feeling is, in many, many instances, what Ocean Reef wants to do up there because they are away from everyone, I've agreed with. They've had good ideas, no problem and they do it. However when it comes to things like the height limit that everyone in this county is interested in, every developer is watching, and a lot of the homeowners are watching. I can't do something for them that I won't do for the rest of the county. And I will go to the extent that these buildings that Joel is talking about, were built when there was no height limit actually. If this comes down either in a hurricane or they want to

remodel it, I don't have a problem with them rebuilding to the height it was. I don't think it ruins the landscape because we have had thirty/forty years of looking at it. And therefore, everyone else in the county can also rebuild the over thirty five feet structures they have. Most of them are commercial structures.

**Commissioner Kolhage:** Okay can I ask you a question Mayor so I can more or less understand your position? So you're saying, you don't have a problem with them rebuilding to the height that they are now but you mean without the adjustment for base flood elevation or with it?

**Mayor Murphy:** No, because everyone in the county is going to get that adjustment.

**Commissioner Kolhage:** So you don't have an objection to it?

**Mayor Murphy:** Not to that. I have an objection to the decorative features.

**Commissioner Kolhage:** Okay but look, if it's, if they got a fifty foot building and there is a five foot adjustment for base flood elevation, you don't have a problem with them going to fifty five feet?

**Mayor Murphy:** No.

**Commissioner Kolhage:** Okay.

**Mayor Murphy:** They are going to what they were before the remodel ...

**Christine Hurley:** and you want it county wide not just for Ocean Reef?

**Mayor Murphy:** Yes.

**Commissioner Carruthers:** But only for flood mitigation...

**Mayor Murphy:** That's it, no decorative stuff.

**Christine Hurley:** Well right now the decorative is in, the flood is in...

**Commissioner Carruthers:** Well the decorative is in for Ocean Reef only, the flood is in for everyone. Right?

**Christine Hurley:** Yeah and the decorative is not so much what Joel is talking about relative to the bigger commercial buildings, its more for the single family homes that want the decorative features on top of the roof. They are separate issues really. So right now in the draft policy you have included an extra five feet in Ocean Reef for the decorative architectural features, you've included for the whole county up to five feet adjustments for flood protection, raising your elevations, and Joel is asking you to also include, for Ocean Reef, but it sounds like you at least have one Commissioner who wants to do it county wide for grandfathering existing buildings that are higher than thirty five feet and allowing them to get the flood adjustment.

**Bob Shillinger:** You'd want to vest them for that height is what I'm hearing.

**Christine Hurley:** Yup. But I don't know the Commissions, I'm not getting...

**Commissioner Neugent:** Well first of all the staff is supposed to review what the request is and bring it back the staff recommendation

**Christine Hurley:** But I'd like to know what the board, county wide or Ocean Reef for this vesting of existing buildings at least.

**Commissioner Rice:** Well let me help you out, if we don't do that, the economic impact, eventually we will destroy what we know down here. I don't feel that we have any choice.

**Commissioner Carruthers:** I don't think it's fair...I don't think it's fair to not let somebody rebuild what they got. As it is when they do rebuild they have to meet standards that exist today that did not, and codes that exist today that did not exist then.

**Christine Hurley:** I understand what you all are asking for so if you want to just move on without voting, we will draft language and bring it back for discussion on one of your regular agendas.

**Commissioner Neugent:** Let me point this out, as someone who operated out of an illegal non-conforming building, if you think that it is something that is, it was called Porky's restaurant, and if would have been destroyed by a storm, I would have had a very difficult time, if not impossible time to rebuild with the same amount of square footage because of setbacks that came into play after Porky's was built eons ago. So if you think that there is a fairness level here, there is really a lot of situations where you can't rebuild.

**Commissioner Carruthers:** but wouldn't you have been able to apply for variances and exceptions to those setbacks...

**Christine Hurley:** No.

**Commissioner Neugent:** You still would have had to meet the setback requirements.

**Christine Hurley:** You could apply for variance for a setback but not height.

**Mayor Murphy:** See well all we are talking about is height. Not their setbacks. Not anything else.

**Commissioner Kolhage:** We're talking about changing the whole concept of the fifty percent rule.

**Christine Hurley:** No I understand ...

**Commissioner Kolhage:** How does it work? For height...we're saying we're washing away the fifty percent rule.

**Christine Hurley:** Well other things enter into ....for height you would be washing it away.

**Bob Shillinger:** As a trigger for bringing it into compliance with current code

**Christine Hurley:** There are still other things that apply to that but most of those can be remedied by a variance.

**Commissioner Carruthers:** and just to clarify what you are eluding to I think, Commissioner, is that someone can elevate their building now. And that's not necessarily fifty percent improvement. Right?

**Christine Hurley:** I mean if you are elevating a building, you're usually triggering that price…

**Commissioner Carruthers:** Well it depends on the building and the cost

**Commissioner Kolhage:** and the whole destruction issue and the fifty percent and that's…. I'm not necessarily saying I have a problem with that but that's what we're doing

**Christine Hurley:** And I will say the examples that Joel gave of the condominiums, when you, let's say have eight units per floor and now you have a storm that destroys more than fifty percent of that building, you are eliminating the possibility of one of those floors, because you are going to have to elevate it and that means eight condo owners don't get a unit and so that's related to the Bert Jay Harris that Bob referred to

**Commissioner Carruthers:** Everybody gets a smaller unit which is still going to be an issue so …

**Christine Hurley:** That's under our current rules.

**Commissioner Rice:** And what we're trying to do is validate, you don't want to build a fifty year building or sixty year building without accommodating expected sea level rise

**Commissioner Carruthers:** I guess my only other comment is that I know that this is going to be controversial and people are going to be concerned about character and things like that…

**Mayor Murphy:** But it's already there.

**Commissioner Carruthers:** Well it is already there…

**Mayor Murphy:** So it's not changing the landscape…

**Commissioner Carruthers:** It's not but trust me from dealing with this in Key West people have the perception that overnight the character of our communities is going to change and that's not what we're talking about…Over fifty years it probably will to some extent but it's going to have to if we want to continue to live here.

**Mayor Murphy:** Alright listen we're going to take a break

……..

**Mayor Murphy:** And what I realized is we neglected to give Christine a head nod one way or the other on the non-habitable architectural decorative features. My comment was, I will vote for the increase in height but not for the decorative features. Discuss it and let her know which direction you would like her to take when she does her staff report.

**Commissioner Carruthers:** Are you talking about within Ocean Reef or County wide?

**Mayor Murphy:** They are the only ones that asked for it.

**Commissioner Carruthers:** I don't really care.

**Commissioner Neugent:** We'll put together something that is going to be in place for twenty years or at least supposedly it should be put in place so this is going to be hard and complex so I would say that the data and information on it being done county wide.

**Mayor Murphy:** But the point is, what county wide? I don't care if its county wide, in fact it has to be. For me to vote for a height limit, it has to be county wide. Otherwise, I'm not going to vote for it.

**Christine Hurley:** Okay wait a minute, no one has proposed, maybe that's where you're going next I don't know, right now what's in your draft is flood for everybody ...

**Mayor Murphy:** Base flood elevation...

**Christine Hurley:** They have talked about it, I am very clear, everyone is okay with that. Ocean Reef only, decorative features, five additional feet. And I didn't hear, I heard Murphy say she's opposed to it but I didn't hear what any of you other Commissioners thought of that.

**Mayor Murphy:** And that's what I am trying to bring out so that she knows where to go with it.

**Commissioner Neugent:** I thought I heard you ask, you wanted a head nod whether this was going to be proposed just for Ocean Reef or all of unincorporated Monroe County.

**Christine Hurley:** I had never heard that the decorative features was proposed for all of Monroe County from you all.

Commissioner Rice and Commissioner Kolhage respond in unison: No, no...

**Commissioner Neugent:** Okay but I also heard Commissioner Mayor Murphy say, I'm not going to treat them any different than the rest of the County.

**Commissioner Rice:** Well that gives you a slight clue as to how she might vote.

**Christine Hurley:** So what I think I've gotten clarity on is everybody's okay allowing the people to get five of the five feet to adjust the floodplain if they are demolished. The board wants us to draft language to address existing structures that are already over thirty five feet to be able to be replaced with the five foot flood adjustment. What I don't have any clarity on is whether or not the board wants us to keep in Ocean Reef allowance for five foot additional architectural decorative features or not. Or if you want to expand that County wide, which I had never heard as an option to this moment.

**Commissioner Kolhage:** Let me just state my position on this and you can go down the line I guess but I really don't care about the architectural features of Ocean Reef. I've tried to care but I just can't. But I am a little concerned, I'm a little concerned about doing away with our fifty percent rule on the rest of the County and I'm not saying that I am going to support that.

**Commissioner Neugent:** I'm not saying that I am going to support anything. I'm saying I just want the information to be able to make the decision, have the discussions with the people who are going to speak for and against it.

**Mayor Murphy:** And my only point with the architectural features, I don't think they are necessary, but if just for Ocean Reef, I don't want them certainly spread all over Monroe County and if you do that you are guaranteeing somebody an extra ten feet. Five feet for the base flood elevation, up to five feet, and then up to another five feet for their decorative stuff, plus what they'll be rebuilding is something that is you know, fifty feet, fifty four feet, whatever. Its adding ten feet to it instead of five. I think that's a bit much.

**Commissioner Neugent:** At what point in time do we bring up what was brought up previously about addressing affordable housing, increasing the height limit ...This is all about bringing information back to us.

**Christine Hurley:** This is the time to bring that up if you want to.

**Commissioner Neugent:** And I just, looking back in history a little bit here, there were some comments that Meridian West could have had another floor which would have increased the housing if they had gone up an additional foot or so. So again, more information to discuss that strictly for affordable housing.

**Christine Hurley:** Yes and at the meeting that State Representative Raschein held, you all discussed that. We do not have anything included right now in this policy for increased height for affordable housing. We have discussed it as staff after you had that meeting. It's our opinion that if you are going to incentivize affordable housing development by giving them a higher height limit that you should restrict that to very low and low maybe median, but the moderate income level is something that we do not think should be incentivized with a height increase.

**Commissioner Neugent:** One of the biggest problems in dealing with affordable housing is the property to build them on. Another reason why I think the discussion should take place for affordable housing to go up is that if you can build more on that specific site as opposed to trying to find other properties to build affordable housing on. It helps resolve that part of the equation.

**Commissioner Kolhage:** So what are you going to do with that Christine? Between now and January?

**Christine Hurley:** Do you want us to include something for you to consider relative to affordable in the next version that we bring to you at your regular meeting for discussion?

**Commissioner Rice:** I do.

**Commissioner Carruthers:** I do.

**Christine Hurley:** Okay.

**Commissioner Kolhage:** I remain to be convinced...

**Commissioner Rice:** I'm not sure how I feel about it but I think we do need to have the discussion.

**Christine Hurley:** And I'm going to have some diagrams for you all by the next meeting with each policy so you can see what that means.

**Commissioner Carruthers:** Will you also, related to this policy with affordable, that would have to be in very specific tiered areas obviously.

**Christine Hurley:** I understand. I will bring that also.

**Commissioner Kolhage:** It's all about potential serious community character issues here.

Exhibit 2

# MEMORANDUM
## MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** August 17, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

**Meeting:** **August 25, 2015, continued from March 24, 2015 and May 26, 2015**

## I. REQUEST

The Monroe County Planning & Environmental Resources is proposing an amendments to create Policy 101.5.31 to address non-habitable architectural decorative features within the Ocean Reef community; and create Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs.

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners (BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

A transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached as Exhibit 1.

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the height limit policy and process it as a separate amendment.

DRC: At its regularly scheduled meeting on March 24, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the March 24, 2015 DRC is attached as Exhibit 2. Minutes from the March 24, 2015 DRC are attached as Exhibit 3.

DRC: At its regularly scheduled meeting on May 26, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. The staff report from the May 26, 2015 DRC is attached as Exhibit 4. Minutes from the May 26, 2015 DRC are attached as Exhibit 5.

## III. ANALYSIS OF PROPOSED AMENDMENT

### HEIGHT:

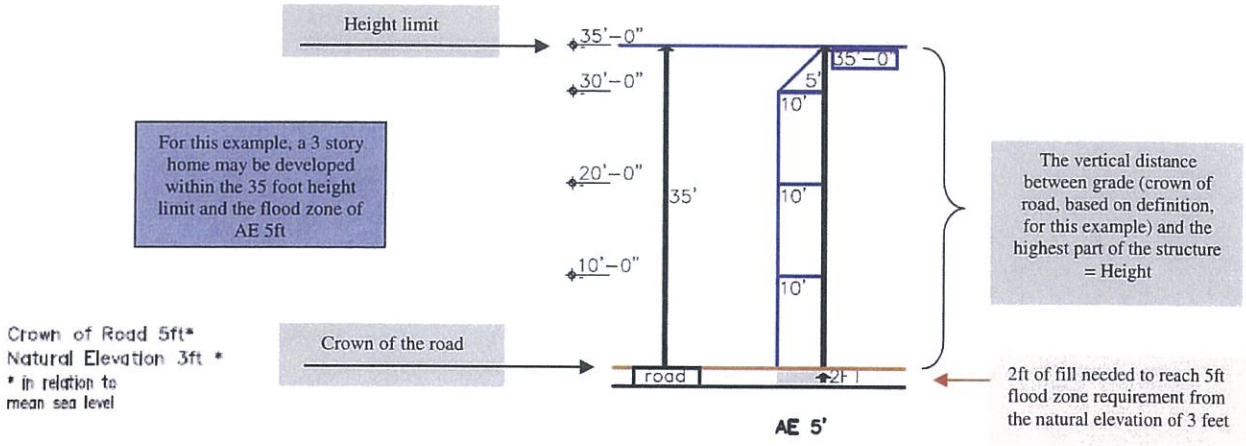
In unincorporated Monroe County, height and grade are defined as follows:

> **HEIGHT** is defined as: ***the vertical distance between grade and the highest part of any structure****, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in chapter 146.*

*However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.*

**GRADE** means ***the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher****. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.*

Based on the adopted definitions the following is a basic depiction of: *height = the vertical distance between grade and the highest part of any structure.* In this depiction, the crown of the nearest road directly adjacent to the structure is *higher* than natural elevation of the ground surface (prior to construction, next to the proposed walls of a structure). As such, the crown of the road is the starting point, for this example, in measuring the vertical distance of the structure.




In the Comprehensive Plan update, recommendations to amend and expand the height policy have been made to clarify the measurement of height to match the recently amended land development code (Ordinance 003-2011) and to address new issues, such as: anticipating new FEMA flood maps and creating a mechanism to assist property owners to protect their property from flooding and reduce flood insurance costs as well as issues in permitting relative to architectural decorative features.

For review convenience, a transcription of the BOCC height discussion, from the October 7, 2014 public hearing, is attached (Exhibit 1). Additional information related to flood protection

## IV. PROPOSED AMENDMENT (Deletions are ~~stricken through~~ and additions are underlined.)

### Policy 101.4~~5~~.~~26~~30

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including mechanical equipment and landfills to 35 feet. Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or television antennas; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antennas and/or collocations. ~~Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.~~ In the case of airport districts, there shall be no exceptions to the 35-foot height limitation.

### Policy 101.5.31

For Ocean Reef, a master planned community which is gated, isolated and inaccessible to the surrounding community, and has a distinct community character, buildings may include non-habitable architectural decorative features (such as finials, rails, widow's walk) that exceed the 35 foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the building's roof-line. This exception shall not result in a building or any architectural decorative feature with a height that would exceed 40 feet.

As used in this policy, a master planned community means a planned community of 100 or more acres in area subject to a master plan or other development order approved by the county where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its members.

> *Note, Ocean Reef Club has requested additional amendments, attached as Exhibit 9. To date, sufficient data has not been submitted to evaluate the requested amendments.*

### Policy 101.5.32

Within in 1 year of the effective date of this policy, Monroe County shall adopt Land Development Regulations which provide a Flood Protection Height Exception to Policy 101.5.30 (height limit), not exceeding a maximum height of 40 feet, to promote public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and other hazards; protect property from flooding and minimize damages; minimize public and private losses due to flooding; minimize future expenditures of public funds for flood control projects and for recovery from flood events; and mitigate rising flood insurance premiums. A Flood Protection Height Exception of up to a maximum of five (5) feet above the 35-foot height limit shall be provided to allow buildings to voluntarily elevate up to three (3) feet above FEMA base flood elevation in order to promote flood protection, minimize flood damage, reduce flood insurance premiums and minimize future expenditures of public funds for recovery from flood events.

**LDR Section XXX:**

As provided in Policy 101.5.32, buildings voluntarily elevated to meet or exceed the FEMA Base Flood Elevation (BFE) may exceed the 35-foot height limit as follows:

1. For new buildings which are voluntarily elevated to **exceed** the building's minimum required BFE, an exception of a maximum of three (3) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be no greater than the amount of voluntary elevation above BFE. In no event shall a new building exceed 38 feet in height; and
2. For lawfully established existing buildings which do not exceed the 35-foot height limit and are voluntarily retrofitted to **meet and/or exceed** the building's minimum required BFE, an exception of a maximum of five (5) feet above the 35-foot height limit may be permitted. The amount of the height exception shall be no greater than the amount of elevation necessary to **meet** BFE **plus** up to three (3) feet of voluntary elevation above BFE. In no event shall an existing building be elevated to exceed a total building height of 40 feet;
3. No exception shall result in a total building height that exceeds 40 feet; and
4. No exception shall be provided to properties located in an AE 10 or VE 10 or greater FEMA flood zone.

**LDR Section XXX:**

*Elevate* means the action of retrofitting, moving or raising a building to a higher positon.

*Elevated Building* means a building that has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Floodproofing* means any combination of structural or nonstructural changes or adjustments included in the design, construction, or alteration of a building that reduce or eliminate flood damage to the building and its contents.

Relocation means (in retrofitting), the process of moving a building to a new location outside the flood hazard area.

*Retrofit* means methods to modify a lawfully established existing building to reduce its exposure to flooding and raise the living area above flood levels. In general, retrofitting involves lifting the building and constructing a new foundation or extending the existing foundation below it, or leaving the building in place and either constructing a new elevated floor system within the building or adding a new upper story and converting the ground level to a compliant enclosure that is used only for parking, building access, or storage.

*Retrofitting* means making changes to an existing building to protect it from flooding or other hazards.

**Policy 101.5.33**

As of the effective date of this policy, a lawfully established existing building, which exceeds the 35-foot height limit in Policy 101.5.30, may be repaired, improved or reconstructed (*demolished and rebuilt*) to meet required FEMA base flood elevation (BFE), provided the building is limited to the lawfully established existing intensity, floor area, density and type of use. For buildings that are proposed to exceed a total height of 40 feet, a public hearing before the Board of County Commissioners shall be required prior to issuance of any county permit or approval. A BOCC resolution shall specify the maximum approved height.

**LDR Section XXX:**

As provided in Policy 101.5.33, lawfully established buildings which exceed the 35 foot height limit may be repaired, improved or reconstructed(*demolished and rebuilt*) to meet the FEMA BFE provided the building is limited to the lawfully established existing intensity, floor area, density and type of use.

A Flood Protection Height Exception for a lawfully established existing building exceeding the 35-foot height limit shall be provided as follows:

1. For lawfully established existing buildings which exceed the 35-foot height limit that are voluntarily retrofitted to **meet** the building's minimum required FEMA BFE, an exception of a maximum of five (5) feet may be permitted. The amount of the exception shall be no greater than the amount of elevation necessary to **meet** BFE; and
2. For lawfully established existing buildings which exceed the 35-foot height limit that are voluntarily retrofitted to **meet** the building's minimum required FEMA BFE, but will require a height exception of more than five (5) feet, a public hearing before the Board of County Commission shall be required prior to issuance of any county permit or approval. The BOCC shall consider:
   a. The physical characteristics of the existing building and parcel;
   b. The susceptibility of the existing building and its contents to flood damage and the effects of such damage on the property owner;
   c. The possibility that materials from the existing building may be swept onto other lands to the injury of others;
   d. The availability of alternate solutions;
   e. If the new proposed building height will result in increased flood risk; result in additional threats to public safety; result in extraordinary public expense; create nuisance; or cause fraud on or victimization of the public; and
   f. Community character.

A BOCC resolution shall specify the maximum approved height.

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

### A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

**Policy 217.1.4**
Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

**Policy 217.1.5**
Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating.

**Policy 217.1.6**
Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms.

**Objective 601.3**
By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites.

**Policy 601.3.2**
The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods.

### B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

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

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

## C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

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

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to

ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

## VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

## VII. STAFF RECOMMENDATION

## VIII. EXHIBITS

1. Transcription of the BOCC height discussion, from the October 7, 2014 public hearing
2. March 24, 2015 DRC Staff Report
3. March 24, 2015 DRC Minutes
4. May 26, 2015 DRC Staff Report
5. May 26, 2015 DRC Minutes
6. Table of FEMA flood zones and number of private, vacant parcels in unincorporated Monroe County
7. Table with proposed amendments from March 24, 2015 DRC meeting and May 26, 2015 DRC meeting (side by side comparison)
8. Chapter 5.0 Elevating Your Home, excerpt from FEMA's Homeowner's Guide To Retrofitting
9. Ocean Reef Club request and data.

**MEMORANDUM**
**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

**To:** Monroe County Development Review Committee
Mayté Santamaria, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Director of Planning & Environmental Resources
Emily Schemper, Comprehensive Planning Manager

**Date:** October 16, 2015

**Subject:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING A DEFINITION OF OFFSHORE ISLAND; AMENDING POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICY 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-007)

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**Meeting: October 27, 2015 - continued from March 24, 2015, May 26, 2015 & August 25, 2015**

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## I. REQUEST

The Monroe County Planning & Environmental Resources Department is proposing an amendment to revise the policies related to the development of offshore islands in regards to the use of transfer of development rights (TDRs) and transfer of ROGO exemptions (TREs).

## II. BACKGROUND INFORMATION

The County has been working on the Comprehensive Plan update and has held numerous public hearings on the proposed amendments. Most recently, the Board of County Commissioners (BOCC) held special public meetings on March 21, 2014, April 23, 2014 and May 22, 2014, to review proposed amendments to the Comprehensive Plan. A special BOCC public hearing was held on July 23, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and this hearing was continued to October 7, 2014.

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to extract the proposed changes to the offshore island policies and process it as a separate amendment. A special BOCC transmittal hearing was set for January 14, 2015 for the proposed the Monroe County 2030 Comprehensive Plan.

The Monroe County Board of County Commissioners, at a special meeting on January 14, 2015, unanimously passed a motion to direct staff to impose a temporary suspension upon certain development applications of Offshore Islands due to pending legislation (updates to the Comprehensive Plan).

During the regular January 21, 2015 BOCC meeting, the Monroe County Board of County Commissioners adopted Resolution No. 022-2015 directing the Monroe County Planning and Environmental Resources Department to process an Ordinance to defer the approval of applications for the transfer of development rights to offshore islands, transfer of ROGO exemptions to offshore islands, tier amendments for offshore islands, map amendments for offshore islands to increase potential density or intensity and text amendments to increase development potential (density/intensity).

<u>DRC</u>: At its regularly scheduled meeting on March 24, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. Minutes from the March 24, 2015 DRC are attached as Exhibit 1.

<u>DRC</u>: At its regularly scheduled meeting on May 26, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. Minutes from the May 26, 2015 DRC are attached as Exhibit 2.

DRC: At its regularly scheduled meeting on August 25, 2015, the Monroe County Development Review Committee reviewed the proposed text amendment and held a workshop format meeting to allow for extensive public review and comment. The information provided in the staff report and comments from the public were discussed at the meeting. The text amendment was continued to a future DRC meeting to allow for additional public review, input and discussion early in the process. Minutes from the August 25, 2015 DRC are attached as Exhibit 3.

## III. ANALYSIS OF PROPOSED AMENDMENT

The proposed changes relate to where development, in terms of the transfer of development rights (density) and transfer of ROGO exemptions (lawfully-established unit) are directed.

**Transfer of ROGO exemptions or TREs:** existing Policy 101.5.8 allowed for the transfer of units, based on the following criteria: *occurs within the same ROGO sub-area, provided the units are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the receiver site shall be located within a Tier III area outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands.*

The new proposed policy expands the criteria to provide additional standards and utilize the Tier System:

Sender Site must be located in a Tier I, II, or III-A designated area; or any tier designation within the County's Military Installation Area of Impact (MIAI) Overlay.

Receiver Site criteria:

- The Future Land Use category and Land Use (Zoning) District must allow the requested use;
- Must meet the adopted density standards;
- Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.);
- Located within a Tier III designated area; and
- Structures are not located in a velocity (V) zone or within a CBRS unit.

**Transfer of development rights or TDRs:**

The existing Comprehensive Plan Policy 101.13.4 (TDR) specifies habitat types (hammock, wetlands, etc.) and certain zoning districts that are allowable sender sites for TDRs. The *Offshore Island (OS) zoning category* is specifically identified as an eligible sender site (note, this does not mean the general/glossary term of offshore island: an area of land, surrounded by water, which is not directly or indirectly connected to U.S. 1 by a bridge, road or causeway - *it is the zoning category*).

The new proposed Policy 101.13.3 (TDR) utilizes Tier designation to specify allowable sender sites because it reflects both the habitat types and several of the zoning districts utilized in existing Policy 101.13.4.

Tier designations are based mainly on the environmental characteristics of the land and other items such as: Tier 1 category (Policy 205.1.1) includes lands within state/federal acquisition boundaries;

known locations of threatened and endangered species; and lands designated as Conservation and Residential Conservation on the Future Land Use Map (FLUM) (*note, the Offshore Island (OS) zoning category falls under the Residential Conservation FLUM*).

TDRs are utilized by applicants to get enough density to build proposed dwelling units - both residential and transient. Specifically, maximum net density is the maximum density allowed with the use of TDRs (Policy 101.13.3).

The new proposed Policy 101.13.3 also utilizes Tier designation to specify receiver sites for TDRs. Under the new policy, only parcels designated as Tier III – infill areas, may be receiver sites. The policy also specifies that receiver sites must have an adopted maximum net density standard.

**INVENTORY/DATA OF PRIVATELY-OWNED OFFSHORE ISLANDS:**

During the Comprehensive Plan update, the BOCC requested an inventory/data of privately-owned offshore islands. This information is attached as Exhibit 4 (table) and Exhibit 5 (maps).

For these exhibits, staff utilized the previously proposed definition of offshore island which means an area of land, surrounded by water, which is not directly or indirectly connected to U.S. 1 by a bridge, road or causeway.

Additionally, staff utilized the County's GIS data to provide Future Land Use Map (FLUM) designation, Land Use (Zoning) District, Tier designation and approximate upland acres for each privately owned offshore island.

Based on the data analyzed, the following offshore islands appear to have residential development potential; however, it should be noted that Wisteria Island and Ballast Key do not have a FLUM or Tier designation:

| Map Name | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| Pumpkin Key (Map #2) | 00091210-000100<br>00091210-000200<br>00091210-000600<br>00091210-000300<br>00091210-000000<br>00091210-000700<br>00091210-001000<br>00091210-001400<br>00091210-001200<br>00091210-001500<br>00091210-000800<br>00091210-000500<br>00091210-000400<br>00091210-001600<br>00091210-001100<br>00091210-000900<br>00091210-001300 | RM | 1/lot | 17 | IS | 1/lot | 17 | ORCA | 24.18 | 25.05 |

| Map Name | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| Toms Harbor Keys (Map # 10) | 00098970-000000 | RC | 0.25 | 2.66 | OS | 0.10 | 1.07 | I | 10.65* | 49.40* |
| Little Palm Island (Map # 16 & 18) | 00107880-000000 | MC | 6.00 | 25.20 | DR | 1.00 | 4.20 | I | 4.20 | 4.20 |
| Wisteria Island (Map # 33) | 00123950-000000 | Undesig-nated | | | OS | 0.10 | 1.87 | Undesig-nated | 18.7 | 39.03 |
| Ballast Key (Map # 34) | 00124030-000000 | Undesig-nated | | | OS | 0.10 | 1.31 | Undesig-nated | 13.1 | 14.28 |

*survey data

## IV. PROPOSED AMENDMENT

(Deletions are ~~stricken through~~ and additions are underlined.)

Note: items shaded in grey were included in the January 14, 2015 Comp Plan transmittal.

**Policy 101.~~5~~6.8**

Monroe County ~~may develop a program, called~~ shall maintain a Transfer of ROGO Exemption (TRE~~),~~) program, that ~~would allow~~allows for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. Dwelling units may be transferred as follows:

a. between sites in the Upper Keys ROGO sub-area;
b. between sites in the Lower Keys ROGO sub-area;
c. between sites in the Big Pine Key and No Name Key ROGO sub-area;
   i. units from the Big Pine Key and No Name Key ROGO sub-area may also be transferred to the Lower Keys ROGO subarea.

No sender units may be transferred to an area where there are inadequate facilities and services. ~~In addition, the receiver site shall be located within a Tier III area outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands.~~

Sender Site Criteria:

1. Contains a documented lawfully-established sender unit recognized by the County; and
2. Located in a Tier I, II, or III-A designated area; or any tier designation within the County's Military Installation Area of Impact (MIAI) Overlay.

Receiver Site Criteria:

1. The Future Land Use category and Land Use (Zoning) District must allow the requested use;
2. Must meet the adopted density standards;
3. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.);
4. Located within a Tier III designated area;
5. Structures are not located in a velocity (V) zone or within a CBRS unit; and
6. Is not an offshore island.

~~**Policy 101.13.4**~~

~~In conjunction with the evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs):~~

~~Any parcel within these zoning categories:~~

~~Offshore Island (OS) Sparsely Settled (SS)~~
~~Main land Native (MN) Parks and Refuge (PR)~~
~~Native (NA) Conservation (C)~~

~~Habitat of the following types which lie within any zoning category:~~

~~Freshwater wetlands~~
~~Saltmarsh/Buttonwood wetlands~~
~~High quality high hammock~~
~~High quality low hammock~~
~~Moderate quality high hammock~~
~~Moderate quality low hammock~~
~~High quality pinelands~~
~~Low quality pinelands~~
~~Beach/berm~~
~~Palm Hammock~~
~~Cactus Hammock~~
~~Disturbed Wetlands~~

**Policy 101.13.~~5~~3**

~~In conjunction with the evaluation of the TDR program pursuant to Policy 101.13.2 and no later than one year from the date when the County's Geographic Information System is fully functional, Monroe County shall map potential TDR sender and receiver sites as specified in Policy 101.13.4, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff and public for use in the development review process.~~

Transfer of Development Rights program sender and receiver sites are subject to the following transfer conditions:

Sender Site Criteria:

1. Located in a Tier I, II or III-A designated area.
2. Located in a Tier I, II, or III-A designated area; or any tier designation within the County's Military Installation Area of Impact (MIAI) Overlay.

Receiver Site Criteria:

1. The Future Land Use category and Land Use (Zoning) District must allow the requested use;
   - Liveable CommuniKeys Community Centers shall be encouraged as receiving areas for transfer of development rights.
2. Must have an adopted maximum net density standards;
3. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.)
4. Located within a Tier III designated area;
5. Is not located within a designated CBRS unit; and
7. Is not an offshore island

**Policy ~~207~~206.1.2**

Development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery, based on resource agency best available data or survey. ~~as identified on the current Protected Animal Species Map.~~ ~~[9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~ ~~Monroe County shall discourage the development of offshore islands (including spoil islands) which have no prior development and have significant native upland habitat by discouraging the extension of public facilities and designating the offshore islands as Tier I.~~

~~As used in this policy, significant native upland habitat means that the native upland habitat constitutes the majority of the available upland area of the offshore island.~~

**Glossary:**

*Native Upland Vegetation/Habitat* (also *Upland Native Vegetation/Habitat*) means native plant species, either new growth or mature, occurring within native upland plant communities including pinelands, cactus hammocks, palm hammocks or tropical hardwood hammocks.

*Offshore Island* means an area of land, surrounded by water, which is not directly or indirectly connected to U.S. 1 by a bridge, road or causeway.

*Upland* means the area of a site landward of mean high water, excluding submerged lands and tidally inundated mangroves.

*Upland Native Vegetation/Habitat* (see *Native Upland Vegetation/Habitat*)

## V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

### A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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

**Objective 101.11**

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.

**Policy 102.7.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which will further restrict the activities permitted on offshore islands. These shall include the following:

1. development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area (See Conservation and Coastal Management Policy 207.1.3.);
2. campgrounds and marinas shall not be permitted on offshore islands;
3. new mining pits shall be prohibited on offshore islands;
4. permitted uses by-right on islands (which are not bird rookeries) shall include detached residential dwellings, camping (for the personal use of the owner of the property on a temporary basis), beekeeping, accessory uses, and home occupations (subject to a special use permit requiring a public hearing);
5. temporary primitive camping by the owner, in which no land clearing or other alteration of the island occurs, shall be the only use of an offshore island which may occur without necessity of a permit;
6. the use of any motorized vehicles including, but not limited to, trucks, carts, buses, motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped offshore islands;
7. planting with native vegetation shall be encouraged whenever possible on spoil islands; and
8. public facilities and services shall not be extended to offshore islands

**Policy 102.7.3**

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designated offshore islands as Tier I Lands

**Policy 207.1.2**

Development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery, as identified on the current Protected Animal Species Map.

**Policy 207.9.1**

By January 4, 1998, the Monroe County Biologist, in cooperation with DNR, FGFWFC, FWS, and the National Audubon Society Research Department shall update the list of offshore island bird rookeries where development shall be prohibited. Until the list is updated, the offshore islands which are established bird rookeries shall be defined as any offshore island designated as a known habitat for a nesting bird on the latest update of the Protected Animal Species Map.

**GOAL 209**
Monroe County shall discourage private land uses on its mainland, offshore islands and undeveloped coastal barriers, and shall protect existing conservation lands from adverse impacts associated with private land uses on adjoining lands.

**Policy 215.2.3**
No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety.

**Policy 217.4.2**
No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety.

**Policy 1401.2.2**
No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety.

## B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

    1. The Florida Keys Aqueduct and water supply facilities;
    2. Sewage collection, treatment, and disposal facilities;
    3. Solid waste treatment, collection, and disposal facilities;

4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

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

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

## C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

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

Section 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development

of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

## VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

## VII. STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed amendments.

## VIII. EXHIBITS

1. March 24, 2015 DRC Minutes
2. May 26, 2015 DRC Minutes
3. August 25, 2015 DRC Minutes
4. Table of privately owned offshore islands within unincorporated Monroe County.
5. Location maps of privately owned offshore islands within unincorporated Monroe County.

Exhibit 1

# DEVELOPMENT REVIEW COMMITTEE

**Tuesday, March 24, 2015**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, March 24 , 2015**, beginning at 1:02 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

## CALL TO ORDER

**ROLL CALL** by Gail Creech

**DRC MEMBERS**

| | |
|---|---|
| Townsley Schwab, Senior Director of Planning and Environmental Resources | Present |
| Mayte Santamaria, Senior Director of Planning and Environmental Resources | Present |
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |

**STAFF**

| | |
|---|---|
| Steve Williams, Assistant County Attorney | Present |
| Emily Schemper, Principal Planner | Present |
| Matt Coyle, Senior Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

**CHANGES TO THE AGENDA**

Mr. Schwab stated Item 2 will be heard first because the applicant for Item 1 is delayed.

**MINUTES FOR APPROVAL**

Mr. Schwab approved the minutes of the February 24, 2015, DRC meeting as is.

## MEETING

**New Items:**

**2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; AND CREATING POLICY 101.5.34 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT EXCLUSIVELY FOR AFFORDABLE OR EMPLOYEE/WORKFORCE DWELLING UNITS THAT MEET THE INCOME LIMITS FOR THE VERY LOW, LOW AND/OR MEDIAN

INCOME CATEGORIES ON PROPERTIES DESIGNATED AS TIER 3; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-006)

(1:03 p.m.) Ms. Santamaria stated that Items 2 and 3 will be held as a workshop discussion versus a staff report with comments. Both items are from the comp plan update and were proposed within the 2030 comp plan. The BOCC has asked staff to remove the policies as they were in the comp plan and process them separately so that there is public understanding and public input through the process. This item will be brought back two or three times to ensure revisions can be made with public input.

Ms. Santamaria first addressed Policy 101.4.26. Ms. Santamaria explained that the current height definition is the vertical distance between grade and the highest part of any structure and it is measured from either grade or the crown of the nearest road. Multiple height exceptions have been proposed in order to address a variety of issues. The first one is the wind turbine for facilities owned and operated by a public utility. An avian protection plan would be required. The height exception would be for those wind turbines that facilitate green technologies and alternative energy sources. Ms. Santamaria informed Deb Curlee there are no applications for wind turbines currently.

Alicia Putney commented that her personal experience has been that wind turbines are not able to generate enough current to be deemed useful unless the sustainable winds were above 20-25 miles an hour. Consequently, wind is more questionable than solar energy at this point. Ms. Curlee is not in favor of wind turbines because of their aesthetics. Ms. Santamaria will draft a version of the policy as the BOCC has proposed it next to a version that includes the public's input. Bill Eardley asked that staff obtain an analysis of FKEC's two wind turbines located on Cudjoe Key before proceeding with this policy.

Ms. Santamaria then addressed Policy 101.5.31. Ms. Santamaria explained that this policy is specific to Ocean Reef. In permitting for that community staff has had to deal with architectural features just above the 35-foot height limit. Staff has recommended the architectural features could exceed the 35-foot height limit by five feet, not to exceed 40 feet, and can contain no habitable space up there.

Joel Reed was present on behalf of Ocean Reef Community Association and Ocean Reef Club. Mr. Reed stated even though Policy 101.5.31 is intended to address non-habitable architectural decorative features, it is only one and the least significant of three provisions that Ocean Reef has requested. Mr. Reed explained that Ocean Reef has its own architectural review committee that projects go through as well. One of the longer term issues facing Ocean Reef Club is that they still own a number of buildings and condominiums that currently exceed the 35-foot height restriction. These are aging buildings coming to the end of their useful life. There is concern if they are ever destroyed they would not be able to build back to their current heights. Mr. Reed agrees with being proactive by building above the FEMA flood heights. One policy request from

Ocean Reef is for the ability to build back on a story-by-story approach rather than to the pre-existing height. Mr. Reed feels allowing this way of rebuilding with an increase in the slab-to-slab measurement to 11 feet would encourage owners to remodel their buildings rather than tearing them down. Another issue important to Ocean Reef is the Cultural Center building. Because the flyover space in this building is limited, the ability to have productions in this building is limited also. Mr. Reed suggested that a height of 65 feet would accommodate that flyover space. Mr. Reed emphasized that the proposed story-by-story rebuilding process is being requested for Ocean Reef only, which is an isolated and gated community, not visible from the roadway. Ms. Santamaria asked that Ocean Reef provide information of the cultural center, such as a map depiction and its existing height information. Mr. Reed agreed to provide that information, as well as a list of inventoried buildings at Ocean Reef including their existing heights.

Ms. Curlee asked for an estimate of the height of a building with an 11-foot slab-to-slab allowance plus the flood elevation. Mr. Reed replied that it depends on the flood zone and the average existing grade or crown of road of each site. Ms. Putney proposed Ocean Reef go through a variance procedure for each of the specific buildings because of all the variables associated with each building. Mr. Reed agreed that consideration needs to be given for each building individually and stressed that losing a floor would not be an option in rebuilding. Mr. Reed further explained that some communities have minimum ceiling heights so that a more adaptable building into the future is built.

Ms. Putney asked if Ocean Reef has its own community master plan containing its own design criteria. Mr. Reed responded that there are architectural design guidelines for Ocean Reef that are followed currently and a process is being gone through to update and create a new master plan for Ocean Reef. Ms. Santamaria clarified that it is for Ocean Reef's own development internally, but a Livable CommuniKeys plan or even an overlay district can be proposed. Ms. Putney voiced concern that this policy would open the door for other gated communities throughout the Keys to increase their height restriction. Ms. Santamaria noted that the reason the BOCC was even considering this policy is because Ocean Reef is not only gated, but it is isolated and separate from the rest of the Keys. Bill Hunter, present on behalf of Sugarloaf Property Owners Association (SPOA), will be taking this request by Ocean Reef back to SPOA members for their input. SPOA recognizes that Ocean Reef is isolated and very different from the rest of the Keys. Mr. Hunter commented that the BOCC has said in the past they do not want to treat Ocean Reef differently than the rest of the County. SPOA is neutral on this policy as long as this does not affect the rest of the County.

Mr. Reed explained that there is language that allows Ocean Reef to go through a letter of understanding process without going through a conditional use process. Mr. Reed feels perhaps some stronger language would help address the concerns being voiced. Ms. Putney again suggested Ocean Reef have their own Livable CommuniKeys plan which is protected by the comp plan. Mr. Reed pointed out that Ocean Reef has stricter regulations than the rest of the County has, such as setbacks. Ms. Putney suggested adding language referring to gated communities over a certain size. Ms. Curlee believes, regardless of Ocean Reef being isolated and gated, the public will expect the same consideration that Ocean Reef receives. Ms. Putney agreed. Ms. Putney asked to underscore that the BOCC does not want to have special rules for

Ocean Reef. Mr. Reed added that he believes only one Commissioner has expressed that sentiment. Ms. Santamaria stated the BOCC will make the decision of what they choose to adopt and/or transmit to the State and will ultimately make the decision of which communities, which policies and where they will apply to.

Ms. Santamaria then addressed Policies 101.5.32 and 101.5.33. Ms. Santamaria explained these policies are an attempt to provide existing and new structures the ability to redevelop or lift the existing structure to come into compliance with their flood zone. New FEMA maps are expected in four years. The first provision of Policy 101.5.32 is for new structures to voluntarily elevate their structures up to five feet above the 35-foot height limit. It is based on what they choose to elevate above flood. The second provision of the policy is for existing structures to be able to meet their base flood zone or to exceed it. Again, they can go up to five feet above the 35-foot height limit, but this is based on the amount they choose to go up. The third provision is for those structures that need to go a little bit higher to meet their flood zone. The addition of one foot of freeboard above the base flood elevation is provided for.

Bill Eardley stated raising an existing structure is impractical due to the cost. It is simpler to pay off the mortgage and cancel the flood insurance. Mr. Eardley feels there is no need for the exception on new construction because the building can be designed to meet the current standards. Ms. Santamaria explained the exception was proposed because the BOCC did not want people to lose living space and be squeezed into smaller homes. FEMA representatives have informed staff a grant program may be created to help with the cost of elevating a home. Ms. Santamaria pointed out that some existing structures may not be able to be raised due to its structural integrity. Mr. Roberts pointed out that there has been discussion about including bonus points or points under the CRS for communities that provide for an opportunity for property owners to elevate their base floor one to three feet above base flood elevation on a voluntary basis. Dottie Moses from the Upper Keys Homeowners Federation stated that the CRS looks at encouraging people not to build in low-lying areas. Ms. Santamaria explained that is why the inventory of flood zones was done. Mr. Hunter expressed concern that the County is somehow encouraging building in a very low-lying area where roads will eventually no longer be maintained by the County. Ms. Santamaria clarified that Number 1 is applicable when people tear down and build a new structure. Ms. Putney stated that the number of homes built before FEMA came in to Monroe County in ’78 built below the base flood would be a small enough number that they could be dealt with through some kind of a development review mechanism as opposed to a carte blanche rule. Ms. Schemper noted that this would give property owners the allowance to do it rather than being penalized because of their unique circumstance. Ms. Santamaria stated staff will evaluate that.

Ms. Santamaria then described a situation of a property owner in North Florida who built a home less than ten years ago at three feet above flood. The new FEMA maps now show that home being three feet below flood. Ms. Santamaria explained that the new FEMA maps could impact a substantial number of people whose flood insurance premiums are going to skyrocket up because of this situation. FEMA is supposed to take sea level rise into account when creating their new maps. Staff is trying to think into the future to try to facilitate people’s ability to protect their homes and investments. Mr. Hunter suggested, because it is unknown what the maps will show, introducing the concept and making allowances for the solution in the comp

plan and holding off on the details of the actual solution since modifying the LDRs in the LDC is an easier process. Mr. Schemper cautioned the longer addressing this issue is put off, the more homes will be built that are going to be affected. Ms. Moses stated that at an Army Corps meeting comments were made that all of the "easy" lots have been built on and what is left will require mitigation and other issues. Ms. Santamaria will try to run an analysis of the flood zone of the vacant parcels in the County.

Mr. Hunter clarified that when he suggested splitting the concept in the comp plan and the detail in the LDRs, he was not suggesting delaying the LDRs. Mr. Hunter further stated more public outreach would help in educating the public more on climate change and sea level rise. Mr. Roberts clarified for Mr. Hunter that the County does not have policies in place yet regarding replacement of infrastructure in areas potentially susceptible to sea level rise, so the County has to proceed under existing policies and directives, which obligates the County to maintain the roads. Ms. Santamaria described a situation in St. Augustine where property owners are suing the municipality to maintain a road in a low-lying area so that the people would have access to their fire service. Ms. Curlee asked about regulations regarding filling a lot. Mr. Roberts explained that whether fill is allowed depends on the flood zone. Ms. Putney added that runoff from higher lots into the road is creating a problem for the neighbors and in the canals, as well as blocking views and creating shade. Mr. Williams clarified that situation does not create a property rights issue. Ms. Santamaria noted that the variance procedure could create a staggered view line in an area.

Ms. Moses stated the Federation has taken the position they do not want the 35-foot height limit raised under any circumstance. The County has managed to get by under that height limit to date with new construction. Mr. Hunter on behalf of SPOA agreed with Ms. Moses' comments. Mr. Hunter personally believes more education is needed about freeboard and the benefits of freeboard. Ms. Putney on behalf of Last Stand stated existing buildings should have some kind of mechanism for special approval, but that the total raised building could not exceed 40 feet and the space created under the first floor should be non-habitable. Secondly, Last Stand is opposed to new construction receiving an exception to the 35-foot height limit. Mr. Williams noted that there is a potential map amendment process to appeal to FEMA to make an exception for a lot. The expense of that process was discussed.

Ms. Santamaria then addressed Policy 101.5.33. Ms. Santamaria explained that this policy addresses existing structures that currently exceed the height limit, such as a three or four-story condo. By redeveloping to upgrade the building, coming into compliance with the flood zone may result in loss of a story of that condo. That could potentially result in 20 people on the top floor no longer having the ability to rebuild their home. Ms. Putney questioned why it is perceived to affect the top story as opposed to the first story. Ms. Santamaria stated half of the people would lose their home regardless of which story it is. This policy provides for allowing five feet above their existing height. Ms. Putney stated Last Stand supports this policy provided that the footprint of the structure is not changed. Ms. Santamaria clarified for Ms. Curlee there is no cap on the height. Staff does not have a clear inventory of those structures this policy would encompass, but estimates only a handful. Mr. Reed asked that those who do support this policy consider giving some additional slab-to-slab height when rebuilding. Ms. Putney replied Last Stand supports the grandfathering of nonconforming height to certain buildings in Monroe

County when redevelopment is involuntary provided the new building height does not exceed that of the old building. As such, compliance with FEMA along with any additional voluntary clearance above base flood elevation must be equal to or less than the height of the old nonconforming building. Mr. Hunter stated SPOA agrees as long as the redevelopment is involuntary, such as because of fire or flood. Ms. Santamaria asked if the public in attendance considers the new FEMA maps deeming a structure below base flood involuntary.

Mr. Reed does not like the "involuntary" language because it is a very tricky threshold to meet. Ms. Santamaria noted the BOCC has tried to direct staff to focus on redevelopment versus trying to facilitate a lot of new development. Mr. Reed clarified that while there is no magic slab-to-slab number, floor to ceiling heights should be created that are adaptable and can continue to be remodeled throughout future years. Ms. Curlee expressed concern that what is "involuntary" to one person may open the door to let somebody else take advantage of this policy. Ms. Santamaria clarified for Ms. Curlee that in almost all situations exceptions to the height limit will not allow people to add a story. In some situations that would be possible. Ms. Putney believes that language should be included to limit in what situations it would be allowed. Mr. Hunter suggested more detail of the buildings in Ocean Reef be gathered to realize the effect this could have on the County. Mr. Reed clarified that his comments regarding slab-to-slab increases were specific to the Ocean Reef policy, but feels it might be worth considering for all of unincorporated Monroe County. Ms. Moses is concerned about taking people's property rights away from them. Mr. Hunter then commented that the "historical designation" language should be eliminated.

Ms. Santamaria then addressed Policy 101.5.34. Ms. Santamaria explained this came out of the session of the BOCC at the October meeting to address a different height maximum for very low, low and median income affordable employee and work force housing on properties designated Tier III. This was to facilitate having nonresidential development on the first story and allowing a couple stories of affordable housing on top. Mr. Hunter stated SPOA is opposed to this amendment. SPOA believes that the County has the benefit of seeing what the cities have done to address this issue before they make a decision on solutions. Another issue for SPOA is using height as a solution to affordable housing in the County where there is more land than the County has ROGO allocations for. Ms. Moses stated the Federation is opposed to raising the affordable housing limit. Key Largo does not have an affordable housing issue. There are affordable housing projects in the Upper Keys district already and some of the way those projects are being managed are not the way their deed restrictions have been written.

Ms. Moses pointed out there is no definition for "workforce housing" in the code. Ms. Santamaria replied the Affordable Housing Committee will be addressing that soon. The BOCC hired the FSU Consensus Center to provide a report on the County's affordable housing issue. Ms. Schemper added that the LDC uses the term "affordable housing" or "employee housing," which are defined terms. "Work force housing" is a more general term. Mr. Reed argued that there is a demand and a need still in the Upper Keys for affordable housing. Mr. Reed then stated it is a severe challenge to find appropriate land of a certain size to accommodate affordable housing. Mr. Eardley is concerned this amendment would open the door for all kinds of other development. Mr. Eardley agrees there are ways to address work force housing without going higher, such as making the units smaller. Ms. Curlee added when talking about truly

affordable housing that would be rentals. Ms. Putney believes this issue is complex and the height exception for affordable housing should be dealt with within the arena of the affordable housing discussion separate from what is being done today. Ms. Santamaria clarified this amendment would provide the opportunity to build more units, but it also will raise those units above base flood.

Ms. Santamaria thanked the public for their comments and stated these comments will be included in the staff report and will be back before the DRC again for more comments.

**1.<u>Playa Largo Resort, 97450 Overseas Highway, Key Largo, mile marker 97.5:</u>** A public meeting concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the development of a proposed 177-unit hotel and associated accessory uses. The subject property is legally described as Tracts 4B and 5B, Amended Plat of Mandalay (Plat Book 2, Page 25), Key Largo, and also a tract of submerged land in the Bay of Florida fronting said Tract 5B (TIIF Deed No. 22416), Monroe County, Florida, having real estate number 00555010.000000.
(File 2015-031)

(2:32 p.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this applicant currently has an approved major conditional use permit from 2007 and it has had several deviations and time extensions over time. It is still active. The most recent deviation has approved the site plan for 162 transient units and one commercial apartment, which was previously on the site. The applicant has been issued a number of building permits. This amendment to the major conditional use permit is to add an additional 15 transient units into the hotel, the building of which has already been permitted, and that would bring them up to their max number net density. It does not change any footprint on the site plan. All of the required criteria are in compliance. The only issue that is still outstanding is the traffic and access. The applicant had supplied a Level 2 traffic study with this application, and because of the threshold of what is being proposed a Level 3 traffic study is needed. This may also impact the requirement for a right-turn deceleration lane leading into the property. Ms. Schemper recommended approval with conditions. Those conditions were outlined.

Ms. Santamaria commented that the Planning Commissioners will likely want to see the traffic studies so they can take that data into account in their decision-making and make sure that it is compliant. Mr. Roberts asked that Number 7 of the recommended actions be reworded to specify the number of allowed docks. Mr. Roberts will supply that number to Ms. Schemper.

Jorge Cepeda, present on behalf of the applicant, stated he was familiar with the conditions contained in the original approval. Mr. Cepeda asked that Condition 8, the transportation shuttle for guests and employees, be considered in the traffic study because that has less of an impact on traffic. Mr. Cepeda asked that the second portion of the language about adequacy of public facilities on Page 6 of the report remain part of the recommended action. Mr. Cepeda clarified that no trees will be cut for the mulch exercise path, but there may be some underbrush that may need to be accommodated. Mr. Roberts specified that “clearing” is the removal of any native vegetation regardless of the size. Mr. Roberts asked the applicant to inform staff if the applicant is planning on clearing or removing additional vegetation that has not been previously accounted

for in the site plan. Ms. Schemper will look again at the deviation to see exactly how it is worded and get back to the applicant regarding the clearing.

Ms. Santamaria asked for public comment. Ms. Moses asked whether the proposed commercial apartment is bayfront. Ms. Schemper explained it was a previously existing unit, so the residential use and density is protected. Mr. Cepeda stated the apartment is in the same location as the prior developer's site plan. Ms. Moses then pointed out the site plan shows two entrances. Ms. Schemper explained one is an emergency access drive requested by the fire department. Ms. Moses then noted that the front buffer that faces US-1 looks to contain lead tree. Mr. Cepeda replied that the landscaping will be done in the final stage. The main entrance is the original American Outdoor entrance and at the end stage the exotics will be removed and landscaping will be done to complete that buffer. Ms. Moses commented that there are a lot of non-native species on the vegetation list. Mr. Roberts explained that the required vegetation is 100 percent native vegetation, but anything planted above the minimum requirement can be anything the developer wants. The developer is overplanting the required landscaping significantly. Ms. Schemper clarified for Ms. Moses that the docking facility on the property is a hotel accessory dock, not a marina.

**3.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICIES 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-007)

(2:49 p.m.) Ms. Santamaria stated this item also comes from the comp plan update project. The BOCC asked staff to remove these policies that were included in the comp plan and process them separately since it was a new topic and received a lot of attention and people wanted to provide input on the topic. These policies relate to the transfer of ROGO exemptions, density rights, as well as where the development would be directed to.

Ms. Santamaria addressed Policy 101.5.8. Ms. Santamaria explained that, again, this item will be handled today more like a workshop-type item.

Bart Smith, Esquire, was present on behalf of FEB Corp. Mr. Smith asked staff to address all of the policies together. Mr. Smith thanked staff for planning multiple workshops to allow these policies to be vetted over a period of time where everyone can work together. Mr. Smith asked staff to provide notice to the affected property owners of these meetings so they can actively engage in this process. Mr. Smith asked staff to contemplate the unintended consequences of these policies of not allowing the TDRs and TREs to be transferred to offshore islands and designating all offshore islands as Tier I. Mr. Smith believes this negates the tier system, which is the primary tool for determining whether a parcel is suitable for development. These policies

put an inordinate burden on the property owners. These property owners have some development right, all residential in nature. The code only has two ways that residential can be built: Through ROGO allocation or ROGO exemption. These islands do not have ROGO exemptions because they do not have homes on them, so in order to build residential one would have to get a ROGO allocation or transfer a ROGO exemption from somewhere else. These policies eliminate the ability to transfer. A property is left with requiring a ROGO allocation, but the property is designated Tier I. This would be so limiting that the only use left would be bee-keeping and temporary camping by the owner. Mr. Smith asked that staff look at how these policies would operate as a whole to get a complete picture of how it would operate.

Ms. Santamaria clarified individual property owners were not notified because this is not property-specific and not all properties have their issues resolved with ownership. This is a policy that would impact all privately-owned or even publicly-held offshore islands. Ms. Santamaria further clarified that while the policy has direction of discouraging development by designating Tier I does not mean it is an automatic Tier I. That designation would have to go through its proper process to apply a designation to a property. Ms. Santamaria commented that this policy is not a huge change regarding the TREs and the TDRs. This is a proposed change based on the discussions from the BOCC of where to direct the remaining allocations or exemptions and where is the most appropriate place to direct development.

Julie Dick on behalf of Last Stand and Florida Keys Environmental Fund thanked staff for the workshop process and allowing the public the opportunity to participate in this process. Last Stand thinks that the policies generally are consistent with the concepts of the tier overlay system for offshore islands. Last Stand is generally supportive of the changes. Ms. Dick commented that there are some inconsistencies with the acreage on the inventory. Ms. Santamaria explained the Property Appraiser does not have the exact acreage of a property. A boundary survey is required to determine the upland portions of a property. Ms. Santamaria will look into any discrepancy reported to her. Ms. Dick further stated Last Stand agrees with the sender and receiver site criteria. For evacuation purposes it make sense to discourage additional development on offshore islands. Last Stand recommends removing significant upland habitat as a criteria in Policy 206.1.2. The reasons to protect offshore islands go beyond whether or not they are suited to upland habitat, such as containing bird rookeries. Ms. Santamaria pointed out that under Policy 206.1.2 the significant upland habitat is one of the criteria and it is being made consistent with the Tier I criteria.

Ms. Putney asked whether there was a determination made that offshore islands were Tier I when the County went to the tier system. Ms. Santamaria explained Policy 102.7.3 stated that designating offshore islands as Tier I lands was one method used to discourage developments proposed on offshore islands. The only offshore islands that are not designated Tier I were the ones that were missed by accident and undesignated, but this policy does not automatically designate them. They would still have to go through that process. The provision exists in the LDC that any islands without a specific land use designation shall be considered zoned as offshore islands. The approximately ten offshore islands that were missed and not designated were discussed.

Ms. Santamaria thanked the members of the public for their participation and invited them to participate in the workshop-style meetings scheduled in the future.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 3:15 p.m.

Exhibit 2

# DEVELOPMENT REVIEW COMMITTEE

## Tuesday, May 26, 2015

## MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, May 26, 2015**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**ROLL CALL** by Gail Creech

**DRC MEMBERS**

| | |
|---|---|
| Mayte Santamaria, Senior Director of Planning and Environmental Resources | Present |
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |

**STAFF**

| | |
|---|---|
| Steve Williams, Assistant County Attorney | Present |
| Rey Ortiz, Planning & Biological Plans Examiner Supervisor | Present |
| Lori Lehr, Floodplain Administrator | Present |
| Tiffany Stankiewicz, Development Administrator | Present |
| Matt Coyle, Senior Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

**CHANGES TO THE AGENDA**

There were no changes to the agenda.

**MINUTES FOR APPROVAL**

Ms. Santamaria approved the minutes of the April 28, 2015, DRC meeting with one correction of a section number that will be submitted to Ms. Creech.

## MEETING

**New Items:**

**1.99700 Overseas Highway, Key Largo, mile marker 99:** A public meeting concerning a request for a major deviation to a major conditional use permit. The requested approval is required for the proposed development to increase the existing walk-in cooler and to increase the size of the existing bathrooms which would increase the amount of non-residential floor area on the property. The subject property is legally described as Lazy Lagoon – A revision of Amended Plat of Curry's Corner, Plat Book 2, Page 120 of public records, Monroe County, Section 33, Township 63 South, Range 39 East, Key Largo, Monroe County, Florida (legal description in metes and bounds is provided in the application/file), having real estate number 00497540.000000.

(File 2015-093)

(1:01 p.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that the applicant is requesting a major deviation to a major conditional use application. The applicant wants to expand the bathroom by approximately six square feet, add a modular component to the rear of the building for a walk-in cooler and expand an existing cooler that is currently within the setbacks on the rear property line. The only criteria not met is regarding the variance requirement that the site is going to need. Mr. Ortiz recommends approval to the Planning Commission with conditions. Those conditions were outlined. Ms. Santamaria confirmed that the applicant has submitted a variance application.

Hany Haroun, the applicant, emphasized that this renovation is necessary. Many hours have been spent with Wendy's International and the County to make this work. The new kitchen configuration in the center of the restaurant is a requirement from Wendy's International, which takes away from the cooler/freezer space and the current storage area. The extension for the sides is due to making the bathrooms ADA compliant. None of this will be visible from the front. The only setback issue is for the cooler/freezer.

Ms. Santamaria asked for public comment.

Dottie Moses, Key Largo resident, does not object to what is being asked for. Ms. Moses likes the proposed landscaping along the highway. Ms. Moses commented on the poor drainage that exists on the property. Mr. Haroun explained that the main road was built to drain out towards Buttonwood Drive and consequently it floods there all the time. That is on the County right-of-way. The County and State agreed to dig out the French drain and fill it with gravel to address the flooding problems. The tides also affect the drainage in this area. Ms. Santamaria noted when building permits are applied for the applicant will have to comply with the stormwater requirements. Mr. Williams suggested that the applicant provide some documentation from Wendy's International to show the hardship imposed on the applicant for purposes of the variance. Mr. Ortiz asked the applicant to provide an updated site plan.

**2.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-006)

(1:12 p.m.) Ms. Santamaria presented the staff report. Ms. Santamaria reported that this item started with the comp plan update. There were policies to amend the height policies, address the wind turbines, affordable housing and the flood protection. The BOCC asked staff to process this as a separate stand-alone amendment. This was before the DRC in March where a lot of comments were received. The flood protection policy generated concerns about the overall height exception. Staff has proposed a policy that includes the reasons why there would be an exception with a max height limit of 40 feet and it would be to elevate property three feet above base flood elevation (BFE). The exception for new buildings is to exceed BFE, not just to meet it, up to three feet above BFE. The exception for lawfully existing buildings is to either meet or exceed BFE because there are circumstances, depending on the flood zone, where this exception will not allow you to exceed BFE. If it is exceeded, it is only that amount it is exceeded that one gets to go above BFE. Again, it is capped at 40 feet. The exception would not be allowed in high-risk areas.

Ms. Santamaria introduced Ms. Lehr and asked for an update and information on flood zones.

Ms. Lehr explained that one of her roles is to help the County get into the Community Rating System (CRS) program, which would result in some discount in flood insurance. When property owners voluntarily elevate their properties they get a reduced premium on their flood insurance. For every foot of elevation, the savings is about a quarter of the premium. After the cap of three feet, the discounts fall off. The cost to elevate a property is recouped quickly in flood insurance savings. Ms. Lehr believes the future of the Florida Building Code and other legislation is going to be moving towards the implementation of some sort of freeboard, some sort of elevation requirement above BFE. Ms. Lehr further explained the County is going through a mapping process currently. It will be 2018 before those new maps come out, but the general feeling of those maps is that the elevations in some areas will increase, so the required elevations will increase.

Ms. Lehr clarified for Ms. Moses a community has to require a higher regulatory standard above what is required on the flood insurance rate amounts to get CRS credit. Florida in general has some of the highest scoring communities in the nation. Ms. Lehr believes Monroe County is doing a lot of things to address the flooding that will be worth CRS credit. There will be changes in the Florida Building Code coming up in the next couple of years to address BFE. Ms. Santamaria explained the CRS does not address the top height, so the BOCC gave staff direction to look into elevating the height limit so home owners are not squeezed in from the top, causing homes to become smaller and smaller. Ms. Lehr noted that credits are being given for existing buildings being elevated as opposed to rebuilt. The CRS program is very adamant that communities do what is good for their floodplain management and protection of their citizens' investments.

Ron Miller, Planning Commissioner and Key Largo resident, questioned why the County has become concerned about someone losing habitable space in their structure, because in URM parking spaces were required to be under homes, which takes away from habitable space. Ms. Santamaria clarified this proposal is not zoning-specific. Mr. Miller feels homeowners should be amenable to some give-and-take in the loss of some habitable space. Mr. Miller believes the people interested in more living space and more stories are those who are renting illegally. Ms.

Santamaria clarified that the BOCC has become aware of the new FEMA maps coming out and want Monroe County to get into the CRS and help the community better protect their property and investments. So they have directed staff to address this issue by allowing people to make that financial choice themselves. The whole intent was to better protect our community.

Bill Hunter, Sugarloaf resident, suggested that a definition of "elevate" be proposed. Mr. Hunter mentioned different scenarios of what could fall under the definition of "elevate." Ms. Santamaria said that staff will consider and look into those different scenarios. Ms. Lehr clarified if a bottom floor was knocked out and used for parking with penthouses built on top of the structure, those structures would still be limited by the height restriction from BFE. Ms. Santamaria noted that Policy 101.5.33 is for lawfully established existing buildings which already exceed the 35-foot height limit and a top cap of 40 feet is in place unless the owners go to a public hearing before the BOCC. Mr. Hunter then asked for an explanation of why the different numbers of 38 and 40 feet are used. Ms. Santamaria explained that discounts are given for one, two and three feet above BFE. Since discounts are not given above that, the new buildings were capped at 38 feet. The 40-foot limit was added for existing buildings in case they needed to raise their property a little bit higher because they do not meet base flood today. Ms. Lehr clarified that the flood insurance policy associated with a structure would receive a different rating because of the elevation of that property. The discount for CRS is completely different. The discount for CRS could be in addition to the different rating on the insurance policy for an elevation. Ms. Santamaria noted that no exception will be given to either new or existing structures in AE10 through VE10. That came from the comments made at prior DRC meetings about not facilitating redevelopment or new development in higher-risk areas.

Mr. Hunter stated he agrees with Mr. Miller about the ability of Monroe County citizens to live under the 35-foot height limit, but is more sympathetic to the owners of existing homes than to new construction. Mr. Miller is concerned for the properties in such a high AE or VE that they would not be able to develop a home that was attractive. Mr. Miller proposed keeping the 35-foot height limit in the comp plan and allowing for a variance for those so limited that they would not be able to develop something architecturally acceptable to the community. Ms. Santamaria stated it would be difficult to create a variance for architectural or visual issues. There is no real hardship in that instance.

Naja Girard, Key West resident, commented that people are more concerned over encouraging new development in AE and VE areas as opposed to elevating existing homes in those areas. Mr. Miller agrees with limiting infrastructure in flood-prone areas, but feels a minimal-size house could be able to punch through the height barrier if the owners could show a hardship when asking for a variance. Ms. Lehr explained that the CRS does not take away points. The CRS program credits activity. Prohibiting development in high-risk areas is credited under the CRS. The emphasis of the program has always been to build safer, more resilient communities.

Jim Hendrick was present on behalf of Ocean Reef Community Association (ORCA) regarding Policy 101.5.31. Mr. Hendrick stated Ocean Reef is an isolated and gated community with a distinct community character. The planning process in Ocean Reef is very tough. Mr. Hendrick said Ocean Reef would like the extra five feet for architectural features. The largest concern with this policy for Ocean Reef is its cultural center. The cultural center does not have the head

room needed to be able to house events that could potentially be put on at this facility. Mr. Hendrick asked for a height limit unique to the Ocean Reef Cultural Center, which was built and paid for by the people of Ocean Reef. Another concern that ORCA has is that any multi-story building in existence on the effective date of this policy be able to replace their existing number of stories up to 11 feet slab to slab per story. The Ocean Reef hotels are currently dated with a ceiling height of only eight feet. Ms. Santamaria noted that at the last meeting Joel Reed presented this information on behalf of Ocean Reef Club. Staff had asked for an inventory of existing heights of the various structures throughout Ocean Reef. Nothing has been received to date. Mr. Hendrick will send the complete list to Ms. Santamaria. Mr. Hendrick emphasized this is being asked to apply to Ocean Reef only, which is isolated and does have a distinct community character.

Deb Curlee, resident of the Lower Keys, noted that Ocean Reef is still part of Monroe County. Mr. Hendrick replied there is an abundant body of policy already recognizing the unique circumstances of Ocean Reef. Ms. Santamaria asked that Ocean Reef consider proposing an Ocean Reef specific overlay to address height issues in Ocean Reef. Mr. Hendrick replied Ocean Reef has a very effective self-governance program within the community. Ms. Santamaria asked that the information regarding the various heights as well as the total heights at Ocean Reef be sent in to help staff understand what the request is from Ocean Reef. Mr. Hendrick then explained for Ms. Girard how Ocean Reef is self-governed.

Ms. Moses stated the Federation is opposed to punching through the height limit and they feel that the 35-foot height limit has been accommodating and there is still room for elevating the floodplain. Ms. Girard on behalf of Last Stand stated that a majority of the properties should be able to elevate the buildings as much as needed and still have adequate living space. Last Stand would like to see this turned into a hardship situation that would have to be triggered to go through the height barrier.

Mr. Miller asked what would happen to those properties whose flood zone was changed due to the FEMA flood maps. Ms. Santamaria reminded Mr. Miller that no exceptions being given to properties in AE10 or VE10 or higher was a result of members of the community not wanting to facilitate development of homes within those flood zones. The owners of those properties would have to work within the rules or not build at all. Ms. Santamaria then confirmed for Mr. Hunter that reconstructed structures in Policy 101.5.33 includes those that are demolished and rebuilt. Ms. Santamaria explained that the BOCC resolution that specifies the maximum approved height is done on a building-by-building basis. There is currently no limit to that height because it is not known what would be needed to meet base flood. Ms. Santamaria explained that buildings over 35 feet currently could only rebuild to 35 feet if they were wiped out by a hurricane.

Ms. Curlee asked why no caps are placed in Policy 101.5.33. Ms. Santamaria replied that building heights would be different depending on how it was measured. Ideas were proposed for the BOCC to consider when making the decision on how high they can go. Mr. Hunter suggested considering the community's desire to limit the height. Ms. Santamaria noted a public hearing would require surrounding property owner notices being sent out.

Mr. Haroun stated he finds it unreasonable to not allow a condo to be built back up so that no owners would lose their living space. Ms. Santamaria pointed out that is why a flood exception is being proposed for those property owners. Mr. Miller noted that his concern is not whether they can build back what they had or not, but his concern is that the potential for more habitable space in this county is being increased as a result of seeking relief from sea level rise.

Ms. Santamaria then stated the affordable housing has been struck from this proposal at this point in time. Staff will work with the BOCC and the Affordable Housing Committee further in that regard. The other item in this stand-alone amendment is the wind turbines owned and operated by a public utility. At the last meeting members of the public asked what the results were from the Keys Energy demonstration project. It was concluded that the wind towers have been proven to be ineffective. Ms. Moses proposed striking this item altogether. Ms. Girard stated on behalf of Last Stand they would like to see the whole exception to the wind turbines stricken. If someone comes forward and proposes a great plan in the future, then it can be looked at with specific considerations in mind.

Ms. Santamaria stated the plan is to bring this amendment back to the DRC and get more data for community-specific amendments. It will be brought back as two items: One as a comp plan and an LDR for more discussion and more input.

**3.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING A DEFINITION OF OFFSHORE ISLAND; AMENDING POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICY 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-007)

(2:38 p.m.) Ms. Santamaria presented the staff report. Ms. Santamaria reported that this amendment has stemmed from the comprehensive plan update process. There was a lot of discussion on where to direct and how to direct development in the future and if it is appropriate to go to offshore islands. The BOCC asked staff to remove this from the general comp plan update and process it as a stand-alone amendment. The definition of "offshore island" has been included. The new provision is that TDRs and TREs would not be allowed to transfer to an offshore island.

Ms. Santamaria asked for public comment.

Attorney Nick Batty was present on behalf of FEB Corporation with respect to Wisteria Island. Mr. Batty stated the issues that FEB has with this proposed amendment pertain to the receiver sites for TREs have to be within a Tier III designated area and must not be an offshore island. Policy 206.1.2 provides that Monroe County shall discourage the development

of offshore islands which have no prior development and have significant upland habitat by discouraging the extension of public facilities and designating the offshore islands as Tier I. That makes a scenario where ROGO exemptions cannot be transferred to those islands and at the same time bumps them down to a Tier I level for the ROGO allocation program. Mr. Batty pointed out there is no definition proposed for "significant upland habitat." Significant upland habitat does not necessarily coincide with environmentally sensitive areas. As a result, areas like Wisteria Island, which does not have significant areas of environmentally sensitive habitat, would by default be lumped in with a Tier I designation, which is contrary to the intent of the code. Bumping them down to a Tier I in terms of the ROGO allocation system and not allowing any transfers of TREs to the area would result in a situation where there would be no beneficial uses for the properties. Mr. Roberts replied that using the blanket and undefined term "significant upland habitat" does not account for the differences in the natural features of those properties and effectuate the intent of the Tier I and Tier III definitions. Ms. Santamaria added that no changes are being proposed to the Tier III criteria for designating any land. Mr. Batty replied that islands which currently do not have a tier designation and would fit whatever the definition is determined to be of "significant upland habitat" and have no prior development would be pushed into that Tier I category without any other consideration. Ms. Santamaria stated no particular tier designation is being proposed for any offshore island. This is simply policy, not property specific. Ms. Santamaria will review this further and consider proposing a definition for "significant upland habitat."

Ms. Girard, on behalf of Last Stand, stated it makes very little difference what is on the upland, whether or not there even is upland, because offshore islands are surrounded by shallow waters and environmentally sensitive benthic resources and are important for avian species. Ms. Girard emphasized a survey containing 76 different species of native plants and a report regarding the importance of Wisteria Island for the white crown pigeons a couple of hundred feet away from Wisteria Island are on file with the County. Last Stand thinks it is extremely appropriate that offshore islands be given Tier I designations and that they not be considered as receiver sites because they are inappropriate for development in a county that has a limited number of ROGOs and is basically facing build-out. Ms. Santamaria clarified that this is not a property-specific amendment. Ms. Santamaria further clarified that the tier designations are based on upland habitat. Mr. Roberts clarified for Ms. Girard that native areas that provide corridors or wildlife access between other larger native areas are part of the Tier I designation. Mr. Batty pointed out it is important to make sure the intent of the code is being effectuated.

Ms. Santamaria asked for further public comment. There was none. Public comment was closed.

Ms. Santamaria stated staff will review all the comments made and will look at defining "significant upland habitat" and bring this back to the DRC for one more round of public input before taking it to the Planning Commission.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 2:55 p.m.

Exhibit 3

# DEVELOPMENT REVIEW COMMITTEE

## Tuesday, August 25, 2015

## MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, August 25, 2015**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**ROLL CALL** by Gail Creech

**DRC MEMBERS**

| | |
|---|---|
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |
| Emily Schemper, Comprehensive Planning Manager | Present |
| Kevin Bond, Planning & Development Review Manager | Present |

**STAFF**

| | |
|---|---|
| Steve Williams, Assistant County Attorney | Present |
| Matt Coyle, Senior Planner | Present |
| Devin Rains, Senior Planner | Present |
| Thomas Broadrick, Senior Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

**CHANGES TO THE AGENDA**

Mr. Roberts announced Items 5 and 6 will be heard first.

**MINUTES FOR APPROVAL**

Mr. Roberts deferred approval of minutes to the next DRC meeting.

## MEETING

**New Items:**

**5.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; AND CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-006)

Mr. Roberts presented the staff report. Mr. Roberts reported that while working on the comp plan update the BOCC directed staff to maintain the existing adopted height and offshore island policies and to pull the proposed changes for further review and submit as a separate amendment. The proposed text amendment has been reviewed at two prior DRC meetings. Policy 101.5.30 adds mechanical equipment to the 35-foot limit while excluding certain structures. There are no exceptions to the height limitation in Airport districts. Policy 101.5.31 for Ocean Reef, which is a gated and isolated community with a distinct community character, includes non-habitable architectural decorative features that exceed the 35-foot height limit, but such features shall not exceed five feet above the building's roof line. There are Land Development Code amendments to reflect these policies. Policy 101.5.32 provides that certain buildings voluntarily elevated to meet or exceed the FEMA base flood elevation (BFE) may exceed the 35-foot height limit. New buildings voluntarily elevated to exceed the building's minimum required BFE may exceed the 35-foot height limit by three feet. For lawfully established existing buildings which do not exceed 35 feet and are voluntarily retrofitted to meet and/or exceed the building's minimum required BFE, an exception of a maximum of five feet above the 35-foot height limit may be permitted.

Bill Hunter, resident of Sugarloaf Key, asked for the rationale for the difference of an extra two feet between an existing building and a new building. Mr. Coyle explained that it is to allow a homeowner more room to get into compliance and go up. Mr. Hunter then asked for clarification on the definition of "retrofit." Mr. Roberts stated that retrofitting means making changes to an existing building to protect it from flooding or other hazards. Demolition and reconstruction of a new structure would not fit within that definition.

Dottie Moses, on behalf of the Federation of Homeowners Association, stated that the Federation consistently maintains its opposition to raising the height limit. Ms. Moses asked who is requesting the height increase. Mr. Roberts replied that this amendment was staff-initiated at the direction of the BOCC. Ms. Moses believes that the recent change in the code that allows setbacks being used for parking in URM zones will result in another floor of bedrooms being added under this amendment, which will increase density. The hurricane evacuation issue is always a concern in the community, also. Ms. Moses then asked where the exception provided for properties located in the AE 10 or VE 10 or greater FEMA flood zones originated. Ms. Schemper will look into that for Ms. Moses. Ms. Schemper added that this item will be brought back to the DRC one more time.

Joel Reid, on behalf of Ocean Reef Club and Ocean Reef Community Association, commented that these two associations have asked for height changes to address their community concerns. Mr. Reid expressed disappointment that some items Ocean Reef has been asking for have not been included in the staff report. Mr. Reid then asked for clarification regarding architectural elements exceeding 40 feet under Policy 101.5.33. Ms. Schemper explained that Policy 101.5.33 applies to lawfully established buildings that are already over 35 feet high. The intent is if it was a pre-existing feature, then the BOCC could approve it, but if it is a proposed architectural

feature an exception would not be given if it is over 40 feet. Mr. Reid stated Ocean Reef would like some protection in order for residents to be able to build back their structures without losing their views. Ms. Schemper pointed out that this amendment is to protect what is already in existence while also meeting the flood requirements. The existing intensity or density type of use would be protected. Policy 101.5.33 does not specifically address increasing slab-to-slab heights. That would have to be approved by the BOCC if over 40 feet. The mechanism of going through the approval process to the BOCC has not been thoroughly fleshed out. That would be in the Land Development Code portion of the amendment. Mr. Reid asked how rebuilding and doing modifications to the Ocean Reef Cultural Center and boat storage area would be handled. Ms. Schemper responded that the full amount of data in those issues has not been received by staff at this point.

**6.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICIES 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-007)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is another item originally contemplated during the comp plan update. Staff was directed by the BOCC to pull it out as a separate text amendment. This was already reviewed at two DRC meetings and has been continued to this meeting to get additional public review, input and discussion. The proposed changes are about where development in terms of TDRs and the transfer of ROGO exemptions are directed. Existing Policy 101.5.8 allows for the transfer of units based on certain criteria. The new policy expands the criteria and has additional standards to utilize the tier system. The sender site must be located in Tier I, II, or III-A, or any tier designation if it is within the military installation impact overlay. The receiver site must have a future land use category ability and zoning district that allows the use, must meet the adopted density standards, include all infrastructure, be located within Tier III and may not be within a V zone or a CBRS unit. The comprehensive plan specifies specific habitat types and the certain zoning districts that were allowed on sender site TDRs. The offshore island zoning category is specifically identified as an eligible sender site. The new proposed policy utilizes the tier designation to specify the sender site because this already accounts for both habitat types and zoning districts that were in the existing policy. The new policy states only parcels designated Tier III can be receiver sites and they must have an adopted maximum net density standard, which would be based on their zoning category. Ms. Schemper reviewed Policy 206.1.2, which prohibits development on offshore islands, and the definition of significant native upland habitat. This item will be brought back to the DRC one more time.

Julie Dick with Everglades Law Center, present on behalf of Florida Keys Environmental Fund and Last Stand, believes Policy 206.1.2 is redundant and is addressed somewhere else in the

comp plan. Ms. Dick suggested eliminating the entire policy because any confusion resulting from this policy leaves the door open to misinterpretation. Ms. Dick supports Policy 101.6.8 in making sure that offshore islands are not receiver sites.

Bart Smith, Esquire, commented that generally he appreciates the revisions made to the obtaining and transferring of TDRs. On behalf of FEB Corp. Mr. Smith stated most of the receiver site criteria in the staff report seems very logical. Mr. Smith does not, however, feel that the sixth criteria that blanketly prohibits offshore islands from being receiver sites is logical because there is not any data and analysis identifying the reasons why an offshore island cannot be a receiver site. Mr. Smith feels that the definition of "significant native upland habitat" is a well-thought-out definition. Mr. Smith stated everything in the proposed ordinance makes logical sense and is conforming except for the blanket prohibition of offshore islands.

Naja Girard, speaking on behalf of Last Stand, addressed Mr. Smith's comments by responding that one thing different about offshore islands is that shallow waters surround the offshore islands and include benthic resources that the comp plan directs the County to protect. Encouraging development on offshore islands would require the acceptance of all the boating traffic that would be created as a result of that development. Ms. Girard agrees that Policy 206.1.2 is redundant and changes the normal way offshore islands are designated Tier I, which could result in confusion on its interpretation. Ms. Girard believes this weakens the protection of all offshore islands. Ms. Girard also believes there is not accurate data on what actually exists on these islands.

**1.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM INDUSTRIAL (I) AND COMMERCIAL FISHING AREA (CFA) TO MIXED USE (MU), FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00120940.000100, AND FROM INDUSTRIAL (I) TO COMMERCIAL 2 (C2) FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS FOUR PARCELS OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122080.000000, 00122081.000200, 00122010.000000 AND 00121990.000000, AS PROPOSED BY ROCKLAND OPERATIONS, LLC AND ROCKLAND COMMERCIAL CENTER, INC.; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.
(File 2012-069)

Ms. Schemper presented the staff report. Ms. Schemper reported that this item is a zoning amendment to accompany a FLUM amendment which has already been transmitted by the BOCC to DEO. Staff has received the objections, recommendations and comments report on the FLUM amendment. DEO's objection was that it was increasing the potential residential

development and should be revised to allow other residential uses. The original deadline for adopting that FLUM amendment was September 19, but staff has asked for an extension based on the applicant's delay and the new deadline is March 15, 2016. The current zoning amendment would be required to match the FLUM amendment. The applicant is required to revise the total FLUM amendment to include a comp plan policy that would limit any residential development on the site to affordable housing only. This affects only the northernmost L-shaped parcel on the map. The southern parcels are proposed to become commercial with no residential density. Today's discussion concerns the zoning portion of the amendment. The net change in development for the entire site will actually be a reduction in residential density. The Big Coppitt portion of the site would have an increase in affordable residential, but the proposed comp plan policy will limit all residential development to affordable housing on that site. Staff has found that any impact is not anticipated to have an adverse effect on community character. Staff has found no adverse effects for traffic circulation. There is sufficient capacity for the public facilities for potential development under this zoning amendment. Staff has found that the proposed amendment is consistent with the Monroe County comprehensive plan and the Land Development Code. The proposed zoning map amendment is necessary to be consistent with the proposed FLUM amendment that the BOCC has already recommended and transmitted to the State. Staff recommends approval of the proposed amendment. This is contingent on the adoption of the FLUM amendment.

Deb Curlee, resident of Cudjoe Key, asked what the Navy has to say about this amendment. Ms. Schemper replied that the portion of affordable housing is actually in the noise zone at the greatest distance compared to the rest of the property. Bart Smith, Esquire, agreed and added that the requirement to sound-attenuate to the level the Navy requests is specifically written in to the site-specific zoning.

**2.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL CONSERVATION (RC) TO RECREATION (R) AND CONSERVATION (C), FOR PROPERTY DESCRIBED AS A PARCEL OF LAND IN SECTION 24, TOWNSHIP 59 SOUTH, RANGE 40 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT A, HARBOR COURSE SOUTH, SECTION ONE, OCEAN REEF PLAT NO. 14 (PLAT BOOK 7, PAGE 9), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00573690.003900, AS PROPOSED BY OCEAN REEF CLUB INC.; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-047)

**3.<u>AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS</u>** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM NATIVE AREA (NA) TO PARKS AND REFUGE (PR) AND CONSERVATION DISTRICT (CD), FOR PROPERTY DESCRIBED AS A PARCEL OF LAND IN SECTION 24, TOWNSHIP 59 SOUTH, RANGE 40 EAST, KEY LARGO,

MONROE COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT A, HARBOR COURSE SOUTH, SECTION ONE, OCEAN REEF PLAT NO. 14 (PLAT BOOK 7, PAGE 9), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00573690.003900, AS PROPOSED BY OCEAN REEF CLUB INC.; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-048)

Ms. Schemper presented the staff reports. Ms. Schemper reported that these two amendments are FLUM and zoning amendments that coordinates with one another for a parcel within Ocean Reef proposed by Ocean Reef Club. The site is 11 acres and currently has a FLUM designation of Residential Conservation with a zoning category of Native Area. The property owners would like to develop a park on a portion of the site and are requesting to change the FLUM to 9.5 acres of Conservation and a little over 1.5 acres of Recreation for the FLUM and, corresponding to that, 9.5 acres of Conservation zoning and 1.5 acres of Park and Refuge zoning. The density and intensity change for this amendment would be a decrease in both residential and non-residential density and intensity. There is no adverse impact on community character and no additional impact foreseen for any of the public facilities. Staff has found both proposed amendments would be consistent with the comp plan and the Land Development Code and is consistent with the principles for guiding development. These amendments support Ocean Reef's desire to increase some of the park and recreational space within the community based on an increase in the number of families with children currently in their community. If the corresponding FLUM amendment is transmitted to the State and adopted, then the zoning plan would be required to remain consistent with the FLUM. Staff is recommending approval of the FLUM amendment from Residential Conservation to Conservation and Recreation and staff is recommending approval of the zoning amendment from Native Area to Parks and Refuge and Conservation district. The zoning recommendation would be contingent on the approval and effectiveness of the proposed FLUM amendment that corresponds with this.

Joel Reid, the representative of the applicant, stated that Ocean Reef Club is always looking to enhance the community's experience and meet their needs for the community members.

Mitch Harvey, resident of Key Largo, asked whether Mr. Roberts had any concern with clearing of upland habitat of protected species of 1.71 acres for the sole purpose of providing a park for homeowners. Mr. Roberts replied that the applicant is required to coordinate directly with U.S. Fish & Wildlife for the protection of these species. The County's clearing requirements would fall back to the original development orders for Ocean Reef Club because it is not dictated by the tier clearing limits in the code.

**4.PL OCEAN RESIDENCES, 97801 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 98:** A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED 24 ATTACHED DWELLING UNITS DESIGNATED AS

AFFORDABLE HOUSING, 28 DETACHED DWELLING UNITS OF MARKET RATE HOUSING, AND ASSOCIATED AMENITIES. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND LOCATED IN SECTIONS 5 AND 6, TOWNSHIP 62 SOUTH, RANGE 39 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00090810.000000, 00090820.000000, 00090840.000000, 00090840.000100, AND 00090860.000000.
(File 2015-049)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is a request for a minor conditional use permit which is required because the applicant is requesting to develop 24 attached dwelling units. Within the Urban Residential zoning category that use requires a minor conditional use permit. The development is reviewed by staff as a whole for consistency sake. The total proposal is requesting 24 attached dwelling units as affordable housing and 28 detached dwelling units as market rate housing. The site's current characteristics and zoning were described. The site has ROGO exemptions for 20 permanent dwelling units.

Ms. Schemper then listed the categories where staff has found either compliance is still to be determined or the site was found not in compliance. Compliance with the residential ROGO is to be determined because at the time of the building permit is when the applicant applies for their ROGO allocations. An additional eight market rate ROGO allocations and 24 affordable housing ROGO allocations would be needed. Permitted uses is listed as not in compliance because the attached residential dwelling units are permitted with the condition that sufficient common areas for recreation are provided to serve the number of dwelling units proposed to be developed. Compliance is to be determined on residential density and maximum floor area because the site requires 7.6 transferred development rights which are done at the time of the building permit. Compliance is to be determined on required open space because the calculations were not comparable of the upland area on the site plan. Mr. Roberts noted that the indicated shoreline setbacks were either incorrect or not clearly depicted on the site plan.

Ms. Schemper continued to report that most of the non-shoreline setbacks are in compliance at this point, but the setback lines shown on the site plan are not necessarily the correct lines in every situation. The surface water management will be dealt with for full compliance at the time of permit application. Mr. Roberts noted that there was conflicting information on the site plan regarding the depth to ground water. Ms. Schemper continued to report that there are inconsistencies on the site plan regarding the height of the fencing and privacy wall. The privacy wall shown on the site plan separates the site completely between the attached units and the detached units, which basically turns the parcel into two separate developments and they would each need to meet all of the land development regulations on their own. Some sort of connection is needed between the two. Compliance for flood plain, energy conservation and potable water is to be determined, as well as environmental design criteria and mitigation, at the building permit stage. The required parking is also affected by the separation between the two types of units on the site plan. The total number of parking spaces is sufficient if the site is viewed as a whole. The required bufferyards are not in compliance because the site plan shows some incorrect bufferyards. Mr. Roberts added that the property was rezoned from URM to UR and the URM boundary buffers are being shown.

Ms. Schemper continued to report that the square footage of the signage proposed has some issues and recommended that the signage be done separately as part of the fence permit at the time of the building permit. The access is currently under review by the County's traffic consultant. The site plan shows the County standards on U.S.1, but also needs to comply with FDOT standards. Compliance is to be determined on inclusionary housing at the time of the building permit because when the tenth permanent market rate unit gets its certificate of occupancy, a certificate of occupancy is required on at least three of the affordable housing units, and a proportional increase continues accordingly throughout the development. Given all of those items, staff still recommends approval. A list of 22 conditions required are listed in the staff report.

Jorge Cepero, present on behalf of the applicant, clarified that there is still one structure, a gatehouse, in the front of the property that was not demolished.

Robert Ginter, owner of an adjoining property, is concerned about the fencing and buffers to protect the neighborhood. Ms. Schemper explained that there are quite a few buffers on the site plan. There is an access off of First Street for a portion of the property. Ms. Schemper will make the site plan available to Mr. Ginter at the end of today's meeting.

Mitch Harvey, resident of Key Largo, is concerned that this is the one time that the public has a chance to review this proposal and there are so many items still not deemed to be in compliance. Ms. Schemper explained that there is a 30-day notice that goes out that says the Planning Director intends to issue the minor conditional use permit, as well as a legal ad. The Planning Director's decision will not be made until these items are all fulfilled. The revised proposal will be available through the Planning Department.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 2:32 p.m.

Exhibit 4

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Palo Alto Keys | 1 | 00573440-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.80 |
| Palo Alto Keys | 1 | 00091370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 15.66 |
| Palo Alto Keys | 1 | 00573490-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.70 |
| Palo Alto Keys | 1 | 00573470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.77 |
| Palo Alto Keys | 1 | 00573610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.34 |
| Palo Alto Keys | 1 | 00573410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.41 |
| Palo Alto Keys | 1 | 00573540-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Palo Alto Keys | 1 | 00573400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.30 |
| Palo Alto Keys | 1 | 00573210-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Palo Alto Keys | 1 | 00573260-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.36 |
| Palo Alto Keys | 1 | 00573140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.35 |
| Palo Alto Keys | 1 | 00573170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Palo Alto Keys | 1 | 00573310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.06 |
| Palo Alto Keys | 1 | 00573390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Palo Alto Keys | 1 | 00091470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 8.28 |
| Palo Alto Keys | 1 | 00573450-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.94 |
| Palo Alto Keys | 1 | 00573590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.28 |
| Palo Alto Keys | 1 | 00573350-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.56 |
| Palo Alto Keys | 1 | 00573360-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.32 |
| Palo Alto Keys | 1 | 00573290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.41 |
| Palo Alto Keys | 1 | 00573250-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.55 |
| Palo Alto Keys | 1 | 00573570-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Palo Alto Keys | 1 | 00573190-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Palo Alto Keys | 1 | 00573560-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Palo Alto Keys | 1 | 00573430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.70 |
| Palo Alto Keys | 1 | 00573580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Palo Alto Keys | 1 | 00573420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.54 |
| Palo Alto Keys | 1 | 00573530-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.33 |
| Palo Alto Keys | 1 | 00573230-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Palo Alto Keys | 1 | 00573500-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.60 |
| Palo Alto Keys | 1 | 00573480-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.77 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Palo Alto Keys | 1 | 00573320-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.97 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Palo Alto Keys | 1 | 00573460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.79 |
| Palo Alto Keys | 1 | 00573340-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.65 |
| Palo Alto Keys | 1 | 00573270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Palo Alto Keys | 1 | 00573180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Palo Alto Keys | 1 | 00573520-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.40 |
| Palo Alto Keys | 1 | 00573150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.28 |
| Palo Alto Keys | 1 | 00573330-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.79 |
| Palo Alto Keys | 1 | 00573280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.27 |
| Palo Alto Keys | 1 | 00573220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Palo Alto Keys | 1 | 00573600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.33 |
| Palo Alto Keys | 1 | 00573620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.43 |
| Palo Alto Keys | 1 | 00573240-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.33 |
| Palo Alto Keys | 1 | 00573300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.70 |
| Palo Alto Keys | 1 | 00573380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Palo Alto Keys | 1 | 00091350-000000 | RC | 0.25 | 1.91 | OS | 0.10 | 0.77 | I | 7.65 | 66.81 |
| Palo Alto Keys | 1 | 00573200-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.11 |
| Palo Alto Keys | 1 | 00573160-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Palo Alto Keys | 1 | 00573550-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Palo Alto Keys | 1 | 00573370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Palo Alto Keys | 1 | 00573510-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.42 |
| Palo Alto Keys | 1 | 00091410-000000 | Undesignated | | | OS | 0.10 | 0.00 | I | 0.00 | 0.36 |
| Palo Alto Keys | 1 | 00091360-000000 | RC | 0.25 | 0.62 | OS | 0.10 | 0.25 | I | 2.49 | 19.01 |
| Palo Alto Keys | 1 | 00091300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 7.57 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Palo Alto Keys | 1 | 00091310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 10.93 |
| Pumpkin Key | 2 | 00091210-000100<br>00091210-000200<br>00091210-000600<br>00091210-000300<br>00091210-000000<br>00091210-000700<br>00091210-001000<br>00091210-001400<br>00091210-001200<br>00091210-001500<br>00091210-000800<br>00091210-000500<br>00091210-000400<br>00091210-001600<br>00091210-001100<br>00091210-000900<br>00091210-001300 | RM | 1/lot | 17 | IS | 1/lot | **17** | ORCA | 24.18 | 25.05 |
| Card Sound Road | 3 | 00091240-000000 | RM | 1.00 | 0.71 | OS | 0.10 | 0.07 | Undesignated | 0.71 | 66.62 |
| | 3 | 00091230-000000 | RM | 1.00 | 0.16 | OS | 0.10 | 0.02 | Undesignated | 0.16 | 7.19 |
| Main Key | 4 | 00091630-000000 | RM | 1.00 | 4.06 | OS | 0.10 | 0.41 | I | 4.06 | 0.40 |
| | 4 | 00091640-000000 | RC | 0.25 | 1.02 | OS | 0.10 | 0.41 | I | 4.06 | 141.82 |
| Rattlesnake Key | 5 | 00083840-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 7.60 |
| | 5 | 00083800-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 154.32 |
| | 5 | 00083810-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 26.43 |
| | 5 | 00083860-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 14.36 |
| Tavernier Key | 6 | 00091710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 11.35 |
| | 6 | 00091720-000000 | MC | 6.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 20.65 |
| Cotton and Wilson Keys | 7 | 00097090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 30.18 |
| | 7 | 00097110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 19.32 |
| Spoil Island - MM 73 | 8 | 00098100-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 3.43 |
| Channel Key | 9 | 00098940-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 7.90 |
| | 9 | 00098950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 6.41 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Toms Harbor Keys | 10 | 00098970-000000 | RC | 0.25 | 2.66 | OS | 0.10 | **1.07** | I | 10.65 | 49.40 |
| Molasses Keys | 11 | 00106200-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 6.38 |
| Little Money Key | 12 | 00106140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 1.55 |
| Money Key | 12 | 00106180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 1.10 |
| Rachael Carlson Key | 13 | 00105920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 1.05 |
| Big Mangrove and Don Quixote Keys | 14 | 00107220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.78 |
| | 14 | 00317250-000100 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.77 |
| Newfound Harbor Keys | 15 | 00107950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 6.20 |
| | 15 | 00107920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 4.51 |
| | 15 | 00107850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 5.10 |
| | 15 | 00112110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 10.15 |
| | 15 | 00107860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 23.94 |
| | 15 | 00107890-000000 | RC | 0.25 | 0.75 | OS | 0.10 | 0.30 | I | 2.99 | 13.63 |
| Newfound Harbor Keys | 16 | 00107910-000000 | RC | 0.25 | 1.08 | OS | 0.10 | 0.43 | I | 4.32 | 80.79 |
| | 16 | 00107900-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 30.17 |
| | 16 | 00114330-000000 | RC | 0.25 | 0.87 | OS | 0.10 | 0.35 | I | 3.48 | 15.49 |
| | 16 | 00107870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 22.27 |
| | 16 | 00107830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 4.78 |
| Little Palm Island | 16 & 18 | 00107880-000000 | MC | 6.00 | 25.20 | DR | 1.00 | **4.20** | I | 4.20 | 4.20 |
| Cooks Island | 15 & 17 | 00107930-000000 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.19 | 0.29 |
| Cooks Island | 15 & 17 | 00107930-002700 | RC | 0.25 | 0.10 | OS | 0.10 | 0.04 | I | 0.38 | 0.90 |
| Cooks Island | 15 & 17 | 00107930-002600 | RC | 0.25 | 0.04 | OS | 0.10 | 0.02 | I | 0.16 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-000700 | RC | 0.25 | 0.06 | OS | 0.10 | 0.02 | I | 0.23 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-003100 | RC | 0.25 | 0.14 | OS | 0.10 | 0.05 | I | 0.54 | 0.69 |
| Cooks Island | 15 & 17 | 00107930-002400 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.19 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-001500 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.21 | 0.34 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Cooks Island | 15 & 17 | 00107930-003303 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.76 |
| Cooks Island | 15 & 17 | 00107930-000500 | RC | 0.25 | 0.03 | OS | 0.10 | 0.01 | I | 0.12 | 0.35 |
| Cooks Island | 15 & 17 | 00107930-001300 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.31 | 0.43 |
| Cooks Island | 15 & 17 | 00107930-001900 | RC | 0.25 | 0.02 | OS | 0.10 | 0.01 | I | 0.09 | 0.15 |
| Cooks Island | 15 & 17 | 00107930-001100 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.33 | 0.55 |
| Cooks Island | 15 & 17 | 00107930-000300 | RC | 0.25 | 0.06 | OS | 0.10 | 0.03 | I | 0.25 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-001000 | RC | 0.25 | 0.07 | OS | 0.10 | 0.03 | I | 0.26 | 0.40 |
| Cooks Island | 15 & 17 | 00107930-003300 | RC | 0.25 | 0.09 | OS | 0.10 | 0.04 | I | 0.35 | 0.68 |
| Cooks Island | 15 & 17 | 00107930-003306 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.19 | 0.97 |
| Cooks Island | 15 & 17 | 00107930-003304 | RC | 0.25 | 0.06 | OS | 0.10 | 0.02 | I | 0.22 | 0.46 |
| Cooks Island | 15 & 17 | 00107930-003000 | RC | 0.25 | 0.09 | OS | 0.10 | 0.04 | I | 0.36 | 0.90 |
| Cooks Island | 15 & 17 | 00107930-000200 | RC | 0.25 | 0.07 | OS | 0.10 | 0.03 | I | 0.26 | 0.38 |
| Cooks Island | 15 & 17 | 00107930-001800 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.19 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-000600 | RC | 0.25 | 0.06 | OS | 0.10 | 0.02 | I | 0.22 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-002900 | RC | 0.25 | 0.04 | OS | 0.10 | 0.02 | I | 0.17 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-001400 | RC | 0.25 | 0.06 | OS | 0.10 | 0.02 | I | 0.23 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-002100 | RC | 0.25 | 0.04 | OS | 0.10 | 0.01 | I | 0.14 | 0.34 |
| Cooks Island | 15 & 17 | 00107930-002701 | RC | 0.25 | 0.04 | OS | 0.10 | 0.01 | I | 0.14 | 0.22 |
| Cooks Island | 15 & 17 | 00107930-003305 | RC | 0.25 | 0.04 | OS | 0.10 | 0.02 | I | 0.16 | 0.36 |
| Cooks Island | 15 & 17 | 00107930-003307 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.18 | 0.66 |
| Cooks Island | 15 & 17 | 00107930-000900 | RC | 0.25 | 0.23 | OS | 0.10 | 0.09 | I | 0.92 | 18.02 |
| Cooks Island | 15 & 17 | 00107930-002500 | RC | 0.25 | 0.25 | OS | 0.10 | 0.10 | I | 0.99 | 1.38 |
| Cooks Island | 15 & 17 | 00107930-003401 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.01 | 7.09 |
| Cooks Island | 15 & 17 | 00107930-003400 | RC | 0.25 | 0.01 | OS | 0.10 | 0.00 | I | 0.03 | 7.07 |
| Cooks Island | 15 & 17 | 00107930-003402 | RC | 0.25 | 0.13 | OS | 0.10 | 0.05 | I | 0.51 | 7.80 |
| Cooks Island | 15 & 17 | 00107930-001700 | RC | 0.25 | 0.02 | OS | 0.10 | 0.01 | I | 0.08 | 0.17 |
| Cooks Island | 15 & 17 | 00107930-002200 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.32 | 0.94 |
| Cooks Island | 15 & 17 | 00107930-002800 | RC | 0.25 | 0.15 | OS | 0.10 | 0.06 | I | 0.58 | 1.55 |
| Cooks Island | 15 & 17 | 00107930-002000 | RC | 0.25 | 0.02 | OS | 0.10 | 0.01 | I | 0.09 | 0.18 |
| Cooks Island | 15 & 17 | 00107930-001600 | RC | 0.25 | 0.02 | OS | 0.10 | 0.01 | I | 0.08 | 0.18 |
| Cooks Island | 15 & 17 | 00107930-000100 | RC | 0.25 | 0.02 | OS | 0.10 | 0.01 | I | 0.07 | 0.18 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00228810-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00232630-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228010-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231700-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233100-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232260-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227650-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232070-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00230290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00232610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232790-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233780-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.10 |
| Pieces of Eight Key | 19 | 00231300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232010-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230690-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00232320-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00232560-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00231360-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00234110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00231940-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232440-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.30 |
| Pieces of Eight Key | 19 | 00229750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00232660-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00230100-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00231840-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00232280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234080-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00234120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233060-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.10 |
| Pieces of Eight Key | 19 | 00227000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Pieces of Eight Key | 19 | 00232080-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00229990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00228950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232800-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231660-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00229120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232210-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00230550-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00231760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00227160-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.06 |
| Pieces of Eight Key | 19 | 00228980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00234160-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229540-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.30 |
| Pieces of Eight Key | 19 | 00233900-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227630-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00226660-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00230380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00231410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234060-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00231820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233890-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226880-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00231690-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.34 |
| Pieces of Eight Key | 19 | 00231810-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228500-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228480-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00233790-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232160-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228190-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00233770-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229530-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00233410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226900-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.37 |
| Pieces of Eight Key | 19 | 00231520-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00228560-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00230140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00229020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00228960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227260-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.06 |
| Pieces of Eight Key | 19 | 00230280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229550-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00233740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00226800-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00226790-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00228690-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00232530-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231630-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00227970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00229820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228650-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00226720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231680-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00229100-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230190-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00233930-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229030-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00232410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231540-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00233080-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00229170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00232020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232540-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226680-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00233120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00230480-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00229860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00232520-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226930-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00229740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00227210-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.10 |
| Pieces of Eight Key | 19 | 00227640-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00229390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00227240-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.05 |
| Pieces of Eight Key | 19 | 00232930-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232500-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228030-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00227380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227250-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.07 |
| Pieces of Eight Key | 19 | 00230540-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00227010-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.11 |
| Pieces of Eight Key | 19 | 00226950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.09 |
| Pieces of Eight Key | 19 | 00228910-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00233880-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00228140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00230000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232840-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231650-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00228550-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231480-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232910-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00234240-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.28 |
| Pieces of Eight Key | 19 | 00232030-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00227680-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227320-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231330-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227350-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00230350-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00228470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00232170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227360-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00231770-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232550-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231930-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226840-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.03 |
| Pieces of Eight Key | 19 | 00230560-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00232370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00231950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231490-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231780-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230260-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228530-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00226760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00230440-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00231270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226700-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00228630-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.44 |
| Pieces of Eight Key | 19 | 00233970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229880-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00234040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00226600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.09 |
| Pieces of Eight Key | 19 | 00233420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230340-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231350-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228490-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00232870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00232200-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00234100-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.27 |
| Pieces of Eight Key | 19 | 00229960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228880-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00232780-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00233390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231260-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231560-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.27 |
| Pieces of Eight Key | 19 | 00232140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234070-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231900-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00231800-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227060-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00232150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228900-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232340-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233190-000000 | RC | 0.25 | 0.04 | OS | 0.10 | 0.01 | I | 0.14 | 0.14 |
| Pieces of Eight Key | 19 | 00234140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227190-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00233050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.01 | 0.14 |
| Pieces of Eight Key | 19 | 00232510-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00227270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.04 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00230460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229770-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.07 |
| Pieces of Eight Key | 19 | 00232920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230330-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00231850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.44 |
| Pieces of Eight Key | 19 | 00228170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00230310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00233430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.26 |
| Pieces of Eight Key | 19 | 00227180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.06 |
| Pieces of Eight Key | 19 | 00232060-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230570-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229630-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00228680-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00232810-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.05 |
| Pieces of Eight Key | 19 | 00233910-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.11 |
| Pieces of Eight Key | 19 | 00232600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231340-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00226970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00226980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00227960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00228130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00229160-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.27 |
| Pieces of Eight Key | 19 | 00227040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00230530-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230060-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226940-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.09 |
| Pieces of Eight Key | 19 | 00228180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00227340-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00231620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00233920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Pieces of Eight Key | 19 | 00228160-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233200-000000 | RC | 0.25 | 0.04 | OS | 0.10 | 0.01 | I | 0.14 | 0.14 |
| Pieces of Eight Key | 19 | 00226690-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00227280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Pieces of Eight Key | 19 | 00233110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232880-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230070-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00231460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00231720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.09 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00228830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00226590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00228660-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230450-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229010-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230200-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00232690-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00226990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226780-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231510-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227230-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.03 |
| Pieces of Eight Key | 19 | 00228020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00232590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229560-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226770-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230080-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231550-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00226170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00230110-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.09 |
| Pieces of Eight Key | 19 | 00233720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00228200-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00229270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232640-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228940-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00232470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00234250-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00230250-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00232330-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00231370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Pieces of Eight Key | 19 | 00230360-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230210-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00232090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227330-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00228740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00226710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233010-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00229050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232490-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231570-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228510-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00231380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232240-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.06 |
| Pieces of Eight Key | 19 | 00228720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00231790-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00232710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00228760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.63 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00226610-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.04 |
| Pieces of Eight Key | 19 | 00227600-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00233090-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228890-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226650-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00229130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00229670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Pieces of Eight Key | 19 | 00228520-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229930-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230490-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230320-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232450-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00229290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00233000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00231880-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228840-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00228710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00227150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.06 |
| Pieces of Eight Key | 19 | 00232350-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00228000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233840-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00234050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00229640-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00234000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00230230-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00227080-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226630-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.03 |
| Pieces of Eight Key | 19 | 00230030-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232680-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00229890-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232190-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00234230-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231500-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233070-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232250-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227200-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233810-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231320-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227100-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.09 |
| Pieces of Eight Key | 19 | 00232360-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232900-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226640-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.26 |
| Pieces of Eight Key | 19 | 00228730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00230590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00227070-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00229060-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00226890-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.49 |
| Pieces of Eight Key | 19 | 00228580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.27 |
| Pieces of Eight Key | 19 | 00231440-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233980-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00232460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00231890-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232890-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233940-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226810-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00229590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227830-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00227750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00227730-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00227780-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227760-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00228380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228360-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |
| Pieces of Eight Key | 19 | 00232050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.26 |
| Pieces of Eight Key | 19 | 00227770-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227480-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00227850-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00232700-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.24 |
| Pieces of Eight Key | 19 | 00228040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00228800-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232300-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |

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| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00234220-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00230670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00234130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232230-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00229000-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231530-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232940-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227030-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.10 |
| Pieces of Eight Key | 19 | 00230700-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228540-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00232970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00226670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00233800-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233380-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228620-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.31 |
| Pieces of Eight Key | 19 | 00232770-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227660-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00230390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00232420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00231910-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00233750-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00232720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233400-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00228570-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.22 |
| Pieces of Eight Key | 19 | 00229580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.27 |
| Pieces of Eight Key | 19 | 00232480-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00230240-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00230270-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228210-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228640-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00233030-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00226180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00227810-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231450-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.30 |
| Pieces of Eight Key | 19 | 00228340-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00231250-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00228320-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.28 |
| Pieces of Eight Key | 19 | 00227820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00231640-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |
| Pieces of Eight Key | 19 | 00228410-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228290-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00227430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227720-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228330-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00227510-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00228430-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227470-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00232120-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00228350-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227440-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227840-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00228440-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00228310-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227500-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00227490-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00227590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00228370-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227870-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227710-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227700-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00228280-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.18 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00228450-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.25 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Pieces of Eight Key | 19 | 00227580-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00227450-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227690-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Pieces of Eight Key | 19 | 00227520-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00228820-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231390-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00231990-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00230420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00228670-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00227050-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.16 |
| Pieces of Eight Key | 19 | 00232570-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.23 |
| Pieces of Eight Key | 19 | 00228700-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.20 |
| Pieces of Eight Key | 19 | 00228790-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00233040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.14 |
| Pieces of Eight Key | 19 | 00232650-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.12 |
| Pieces of Eight Key | 19 | 00226910-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.19 |
| Pieces of Eight Key | 19 | 00229570-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.21 |
| Pieces of Eight Key | 19 | 00231860-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.13 |
| Pieces of Eight Key | 19 | 00227740-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.17 |
| Pieces of Eight Key | 19 | 00233130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.15 |
| Summerland and Howell Keys | 20 | 00107630-000000 | RC | 0.25 | 1.14 | OS | 0.10 | 0.46 | I | 4.57 | 6.66 |
| | 20 | 00107590-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 13.45 |
| | 20 | 00107620-000000 | RC | 0.25 | 0.59 | OS | 0.10 | 0.24 | I | 2.36 | 3.46 |
| | 20 | 00114460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 15.88 |
| | 20 | 00114420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 11.83 |
| Knock-Em-Down Keys | 21 | 00114410-000401 | RC | 0.25 | 0.41 | OS | 0.10 | 0.16 | I | 1.62 | 3.36 |
| Knock-Em-Down Keys | 21 | 00114410-000200 | RC | 0.25 | 0.40 | OS | 0.10 | 0.16 | I | 1.61 | 2.66 |
| Knock-Em-Down Keys | 21 | 00107500-000108 | RC | 0.25 | 0.50 | OS | 0.10 | 0.20 | I | 1.99 | 3.94 |
| Knock-Em-Down Keys | 21 | 00107500-000106 | RC | 0.25 | 0.38 | OS | 0.10 | 0.15 | I | 1.53 | 3.52 |
| Knock-Em-Down Keys | 21 | 00114400-000200 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 6.11 |
| Knock-Em-Down Keys | 21 | 00114400-000600 | RC | 0.25 | 1.21 | OS | 0.10 | 0.48 | I | 4.82 | 6.35 |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| Knock-Em-Down Keys | 21 | 00107501-000104 | RC | 0.25 | 0.09 | OS | 0.10 | 0.04 | I | 0.35 | 0.95 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Knock-Em-Down Keys | 21 | 00114400-000700 | RC | 0.25 | 0.55 | OS | 0.10 | 0.22 | I | 2.19 | 8.61 |
| Knock-Em-Down Keys | 21 | 00114410-000600 | RC | 0.25 | 0.17 | OS | 0.10 | 0.07 | I | 0.68 | 3.99 |
| Knock-Em-Down Keys | 21 | 00107500-000101 | RC | 0.25 | 0.29 | OS | 0.10 | 0.12 | I | 1.15 | 7.48 |
| Knock-Em-Down Keys | 21 | 00114400-000500 | RC | 0.25 | 0.17 | OS | 0.10 | 0.07 | I | 0.66 | 9.71 |
| Knock-Em-Down Keys | 21 | 00114380-000100 | RC | 0.25 | 0.31 | OS | 0.10 | 0.13 | I | 1.25 | 2.98 |
| Knock-Em-Down Keys | 21 | 00114400-000300 | RC | 0.25 | 0.63 | OS | 0.10 | 0.25 | I | 2.53 | 7.39 |
| Knock-Em-Down Keys | 21 | 00107500-000102 | RC | 0.25 | 0.29 | OS | 0.10 | 0.11 | I | 1.14 | 4.64 |
| Knock-Em-Down Keys | 21 | 00107500-000105 | RC | 0.25 | 0.33 | OS | 0.10 | 0.13 | I | 1.31 | 3.69 |
| Knock-Em-Down Keys | 21 | 00107450-000000 | RC | 0.25 | 0.70 | OS | 0.10 | 0.28 | I | 2.80 | 10.31 |
| Knock-Em-Down Keys | 21 | 00114410-000700 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 7.79 |
| Knock-Em-Down Keys | 21 | 00114390-000100 | RC | 0.25 | 0.80 | OS | 0.10 | 0.32 | I | 3.18 | 7.95 |
| Knock-Em-Down Keys | 21 | 00114410-000900 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 3.66 |
| Knock-Em-Down Keys | 21 | 00114360-000000 | RC | 0.25 | 0.41 | OS | 0.10 | 0.16 | I | 1.62 | 18.98 |
| Knock-Em-Down Keys | 21 | 00114410-000000 | RC | 0.25 | 0.06 | OS | 0.10 | 0.02 | I | 0.22 | 4.30 |
| Knock-Em-Down Keys | 21 | 00114800-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 31.40 |
| Knock-Em-Down Keys | 21 | 00114370-000100 | RC | 0.25 | 0.82 | OS | 0.10 | 0.33 | I | 3.29 | 10.56 |
| Knock-Em-Down Keys | 21 | 00114410-000100 | RC | 0.25 | 1.68 | OS | 0.10 | 0.67 | I | 6.72 | 8.25 |
| Knock-Em-Down Keys | 21 | 00114370-000300 | RC | 0.25 | 0.33 | OS | 0.10 | 0.13 | I | 1.33 | 2.77 |
| Knock-Em-Down Keys | 21 | 00107500-000103 | RC | 0.25 | 0.23 | OS | 0.10 | 0.09 | I | 0.90 | 4.05 |
| Knock-Em-Down Keys | 21 | 00114370-000400 | RC | 0.25 | 0.15 | OS | 0.10 | 0.06 | I | 0.60 | 2.89 |
| Knock-Em-Down Keys | 21 | 00114400-000100 | RC | 0.25 | 1.37 | OS | 0.10 | 0.55 | I | 5.47 | 12.10 |
| Knock-Em-Down Keys | 21 | 00107500-000107 | RC | 0.25 | 0.50 | OS | 0.10 | 0.20 | I | 1.99 | 4.28 |
| Knock-Em-Down Keys | 21 | 00114370-000000 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.32 | 2.48 |
| Knock-Em-Down Keys | 21 | 00114370-000200 | RC | 0.25 | 0.13 | OS | 0.10 | 0.05 | I | 0.53 | 2.72 |
| Knock-Em-Down Keys | 21 | 00107460-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 0.92 |
| Knock-Em-Down Keys | 21 | 00107420-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.04 |
| Knock-Em-Down Keys | 21 | 00114410-000500 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.31 | 8.72 |
| Knock-Em-Down Keys | 21 | 00114410-000400 | RC | 0.25 | 0.30 | OS | 0.10 | 0.12 | I | 1.21 | 3.38 |
| Crab Key | 22 | 00115200-000000 | RC | 0.25 | 0.20 | OS | 0.10 | 0.08 | I | 0.79 | 6.08 |
| | 22 | 00115180-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 11.76 |
| Gopher Key | 23 | 00107780-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 7.87 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Budd Keys | 24 | 00107290-000100 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.40 |
| | 24 | 00107290-000200 | RC | 0.25 | 0.05 | OS | 0.10 | 0.02 | I | 0.18 | 2.60 |
| | 24 | 00107290-000901 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.63 |
| | 24 | 00107290-000501 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.33 |
| | 24 | 00107290-001000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.08 |
| | 24 | 00107290-000300 | RC | 0.25 | 0.07 | OS | 0.10 | 0.03 | I | 0.28 | 2.49 |
| | 24 | 00107290-000000 | RC | 0.25 | 0.03 | OS | 0.10 | 0.01 | I | 0.13 | 1.26 |
| | 24 | 00107290-000900 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.27 |
| | 24 | 00107290-000800 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.40 |
| | 24 | 00107310-000100 | RC | 0.25 | 0.28 | OS | 0.10 | 0.11 | I | 1.10 | 1.39 |
| | 24 | 00107310-000100 | RC | 0.25 | 0.28 | OS | 0.10 | 0.11 | I | 1.10 | 1.28 |
| | 24 | 00107310-000100 | C | 0.00 | 0.00 | OS | 0.10 | 0.11 | I | 1.10 | 0.47 |
| Buttonwood Key | 25 | 00116780-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | Undesignated | 0.00 | 0.21 |
| Saddlebunch Keys | 26 | 00120040-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 8.00 |
| | 26 | 00119970-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.50 |
| | 26 | 00119920-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 4.85 |
| | 26 | 00119960-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 9.28 |
| | 26 | 00119950-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 7.54 |
| | 26 | 00120020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 11.73 |
| | 26 | 00119910-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.45 |
| | 26 | 00120010-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 5.85 |
| Half Moon Key | 27 | 00117100-000000 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.32 | 8.42 |
| Half Moon Key | 27 | 00117020-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 63.28 |
| Half Moon Key | 27 | 00117090-001300 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.95 |
| Half Moon Key | 27 | 00117090-000500 | RC | 0.25 | 0.08 | OS | 0.10 | 0.03 | I | 0.33 | 4.21 |
| Half Moon Key | 27 | 00117090-001000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 6.30 |
| Half Moon Key | 27 | 00117090-001200 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 5.42 |
| Half Moon Key | 27 | 00117090-000300 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.60 |
| Half Moon Key | 27 | 00117090-000700 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 4.24 |
| Half Moon Key | 27 | 00117090-000701 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.92 |
| Half Moon Key | 27 | 00117090-000400 | RC | 0.25 | 0.10 | OS | 0.10 | 0.04 | I | 0.38 | 4.66 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Half Moon Key | 27 | 00117090-000201 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 1.39 |

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

| Map Name | Map Page | RE Number | FLUM | FLUM Residential Allocated Density | Approx. Residential Development Potential | Zoning | Zoning Residential Allocated Density | Approx. Residential Development Potential | Tier | Estimated Upland Acres Based on GIS Data | Estimated Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Half Moon Key | 27 | 00117090-000100 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 2.86 |
| Half Moon Key | 27 | 00117090-000900 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 5.67 |
| Half Moon Key | 27 | 00117080-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 10.43 |
| Similar Sound | 28 | 00117140-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 24.37 |
| | 28 | 00117150-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 8.85 |
| | 28 | 00117170-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 20.18 |
| | 28 | 00117190-000000 | RC | 0.25 | 0.51 | OS | 0.10 | 0.20 | I | 2.03 | 129.94 |
| | 28 | 00122130-000000 | RC | 0.25 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 5.23 |
| Mallory Key | 29 | 00116560-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 37.71 |
| Marvin Keys | 30 | 00116300-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 26.54 |
| | 30 | 00116290-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 7.79 |
| Mudd Keys | 31 | 00116500-000000 | C | 0.00 | 0.00 | OS | 0.10 | 0.00 | I | 0.00 | 16.26 |
| West Harbor Key | 32 | 00116200-000000 | Undesignated | | | OS | 0.10 | 0.00 | I | 0.00 | 50.17 |
| Wisteria Island | 33 | 00123950-000000 | Undesignated | | | OS | 0.10 | **1.87** | Undesignated | 18.70 | 39.03 |
| Ballast Key | 34 | 00124030-000000 | Undesignated | | | OS | 0.10 | **1.31** | Undesignated | 13.10 | 14.28 |
| | | | | | | | | | | approximation for Ballast Key | |

*Density* or *allocated density* means the number of dwelling units or rooms allocated per gross acre of land by the plan.

*Gross acre* means the total area of a site excluding submerged lands, tidally inundated mangroves, not to exceed mean high tide, and any publicly dedicated rights-of-way.

NOTE, acreage provided is an estimate. A property owner may submit a sealed boundary survey which shows mean high water lines in accordance with Florida Statutes and specifically provides the numeric amount of land situated above mean high water.

Exhibit 5

## Map 1 - Palo Alto Keys

Northeast of Ocean Reef

56 Parcels

Parcel Acreage: 149.18

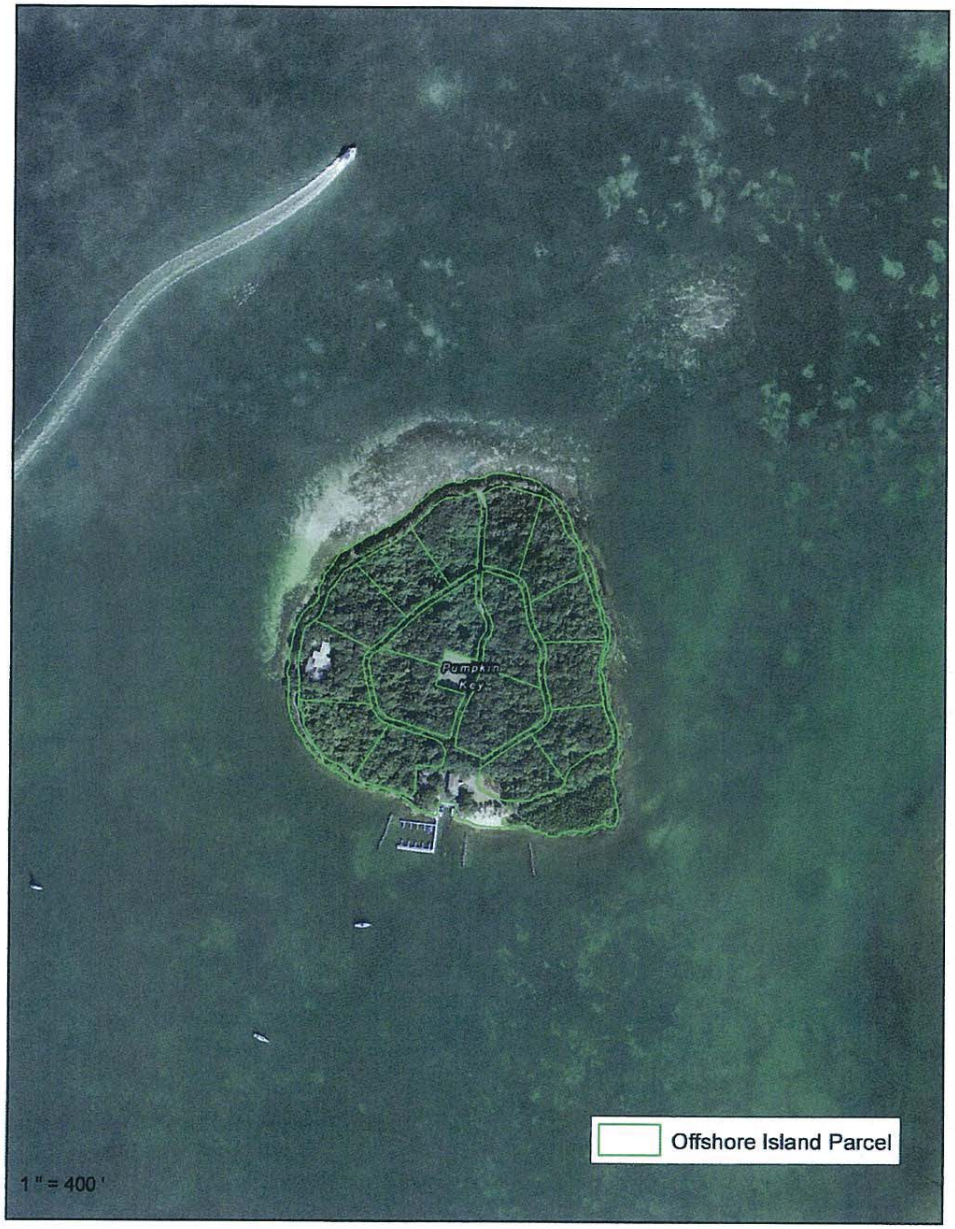
FLUM: Residential Conservation (RC) and Undesignated

Zoning: Offshore Island (OS)

Tier I

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 2 - Pumpkin Key

Northwest of Ocean Reef

17 Parcels

Parcel Acreage: 25.05

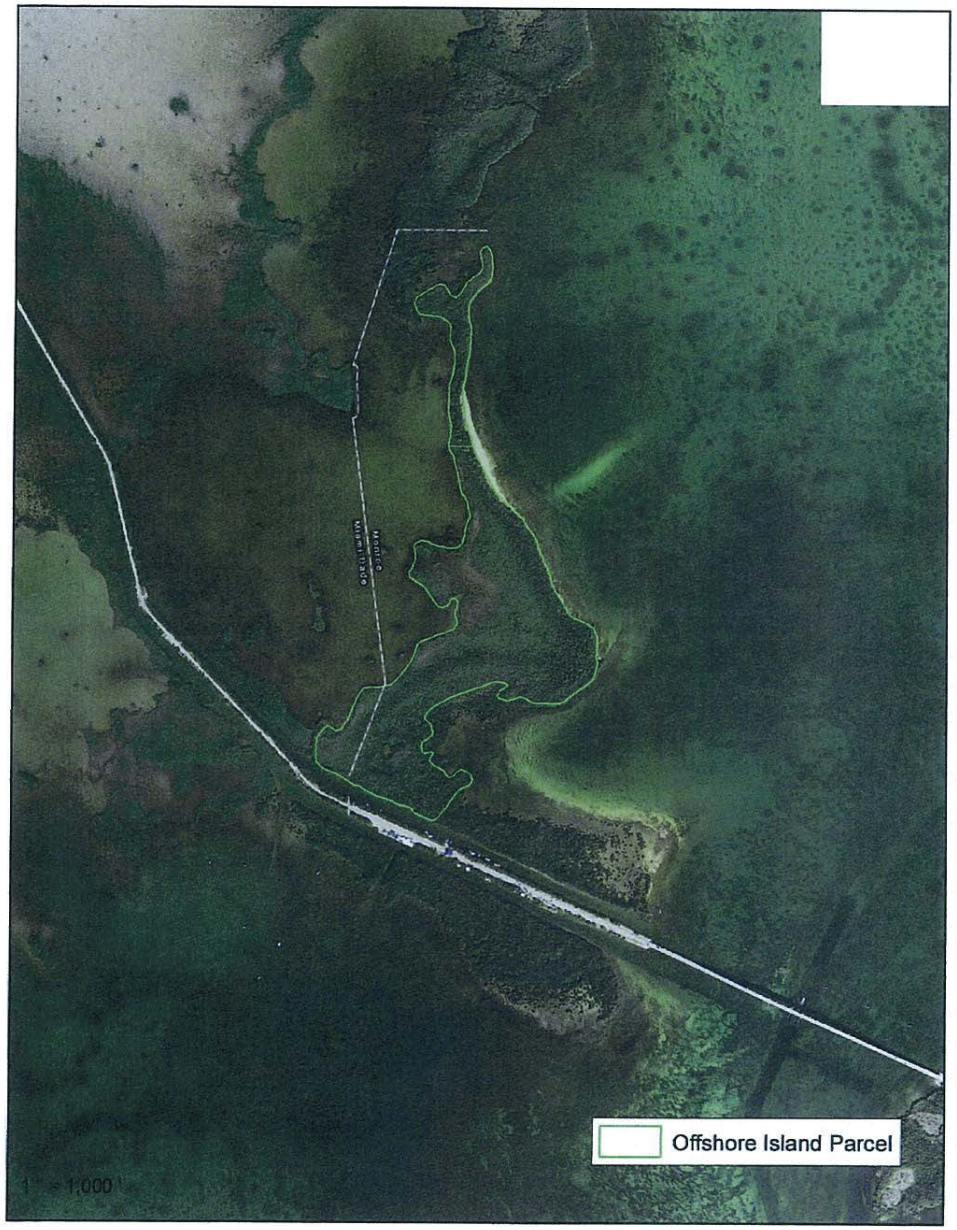
FLUM: Residential Medium (RM)

Zoning: Offshore Island (OS)

Undesignated Tier

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 3 - Card Sound Road

North of Card Sound Road

2 Parcels

Parcel Acreage: 73.81

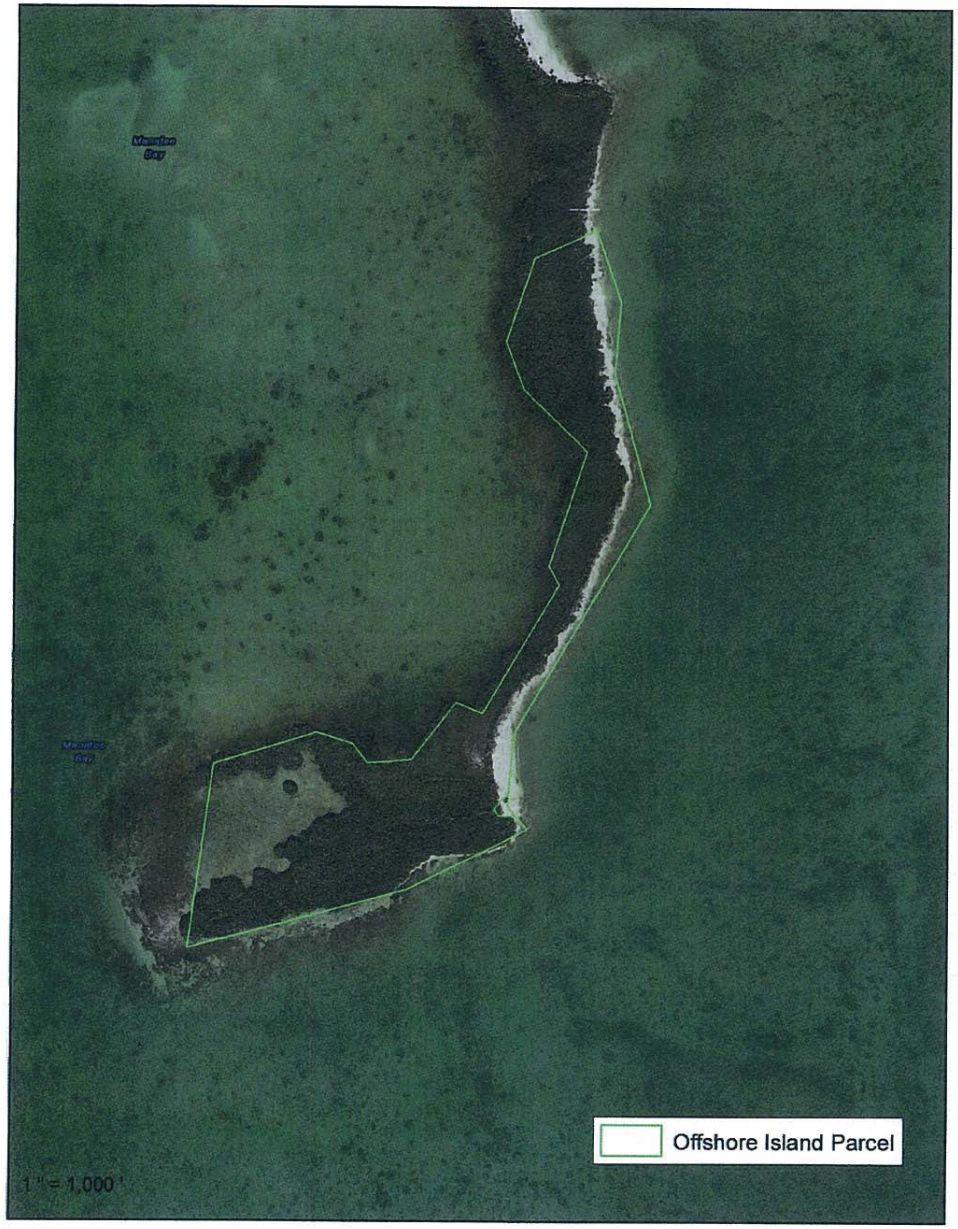
FLUM: Undesignated

Zoning: Offshore Island (OS)

Undesignated Tier

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 4 - Main Key

Barnes Sound - South of Card Sound Road

2 Parcels

Parcel Acreage: 142.22

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014

# Map 5 - Rattlesnake Key

East of Key Largo at MM 106

8 Parcels

Parcel Acreage: 202.71

FLUM: Conservation (C)

Zoning: Offshore Island (OS)

Tier I

N W E S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014

# Map 6 - Tavernier Key

East of Tavernier at MM 92

2 Parcels

Parcel Acreage: 32

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

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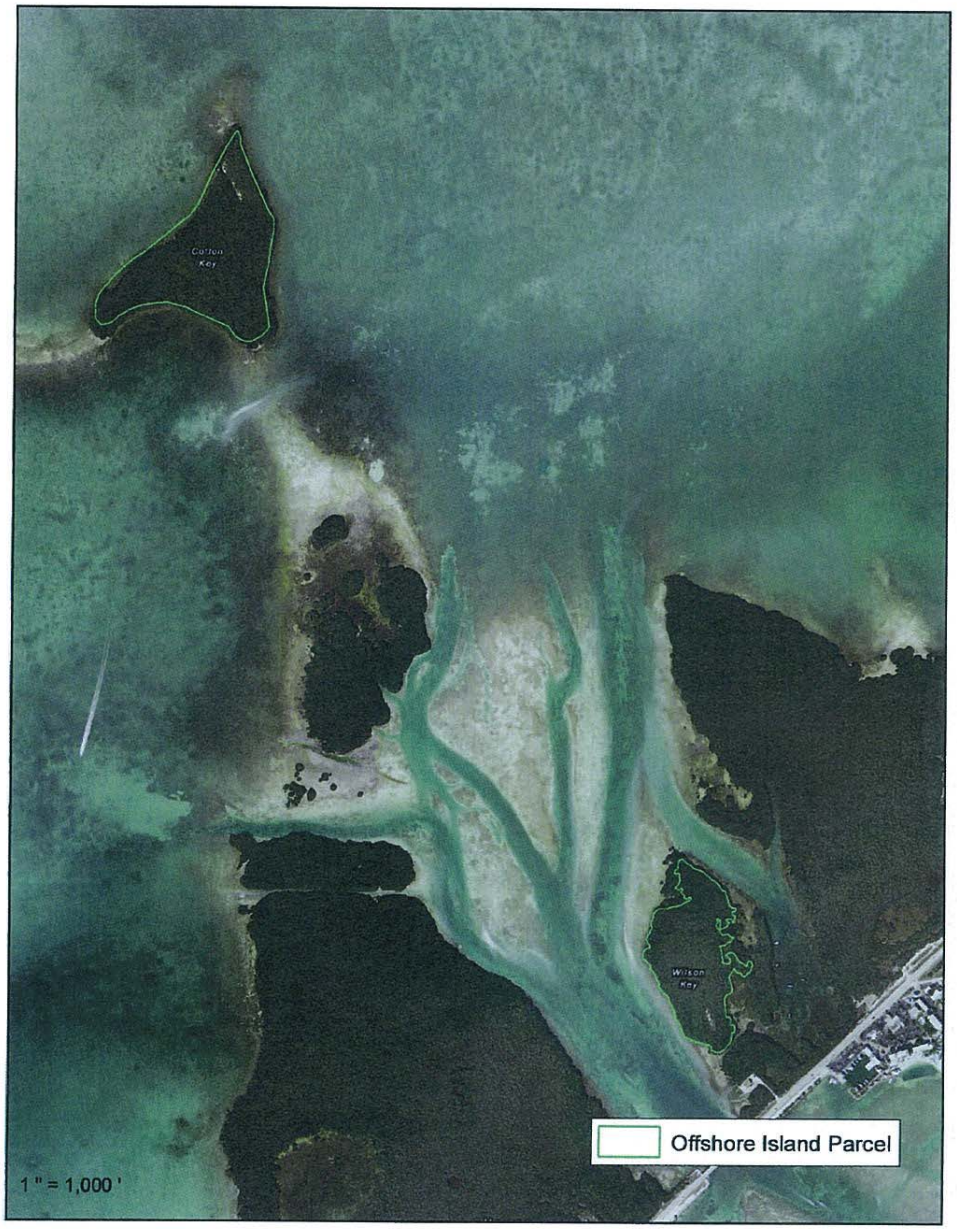
Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 7 - Cotton and Wilson Keys

North of Windley Key at MM 84

2 Parcels

Parcel Acreage: 49.5

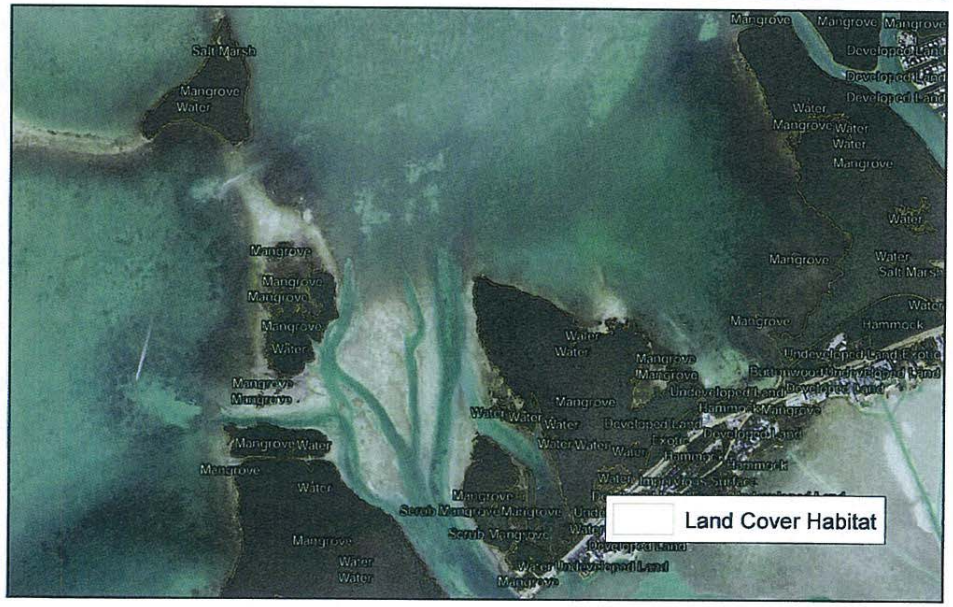
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Undesignated Tier

N W E S

Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014

# Map 8 - Spoil Island - Mile Marker 73

North of Annes Beach at MM 73

1 Parcel

Parcel Acreage: 3.43

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Undesignated Tier

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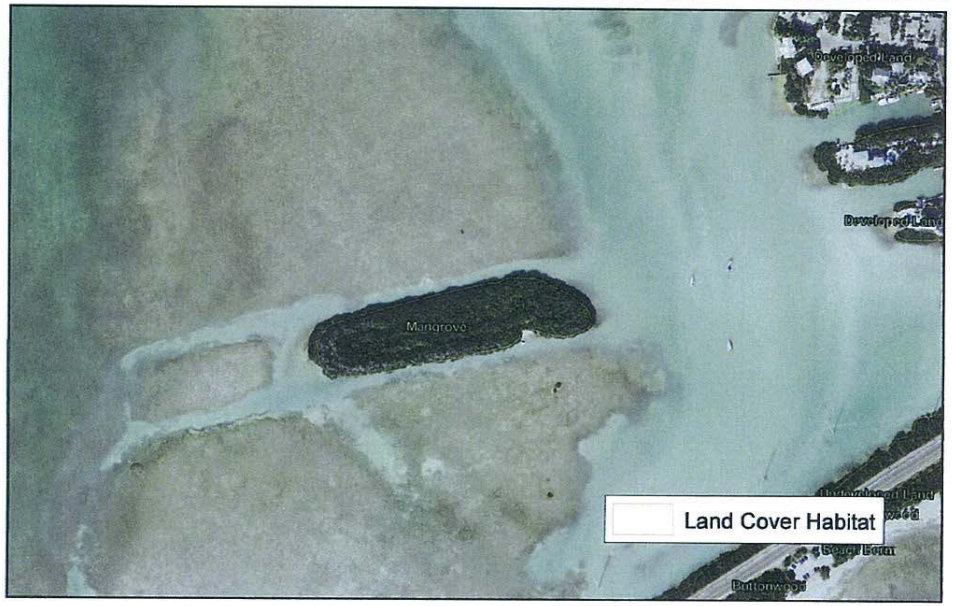
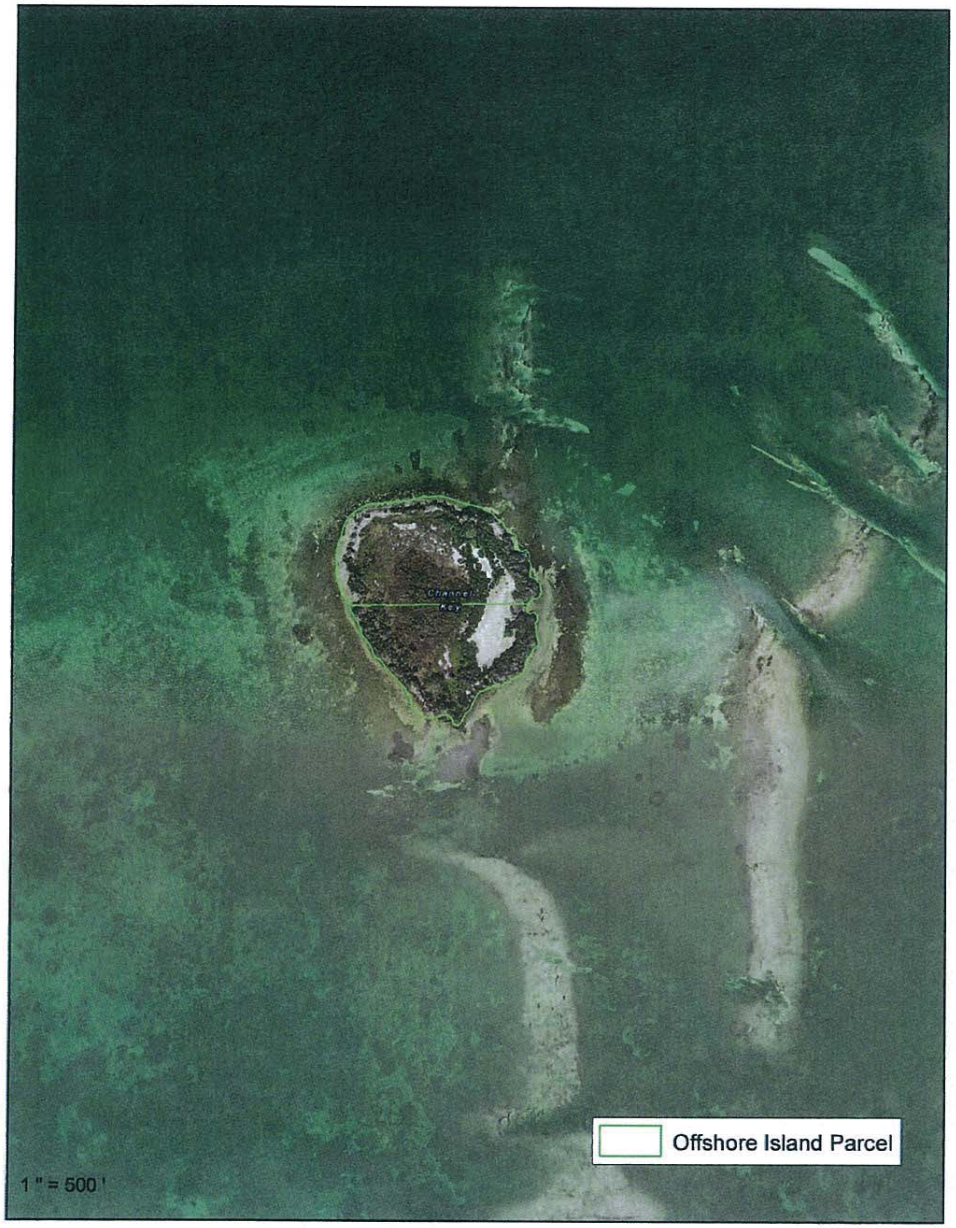
Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014




# Map 9 - Channel Key

North of Duck Key at MM 61

2 Parcels

Parcel Acreage: 14.31

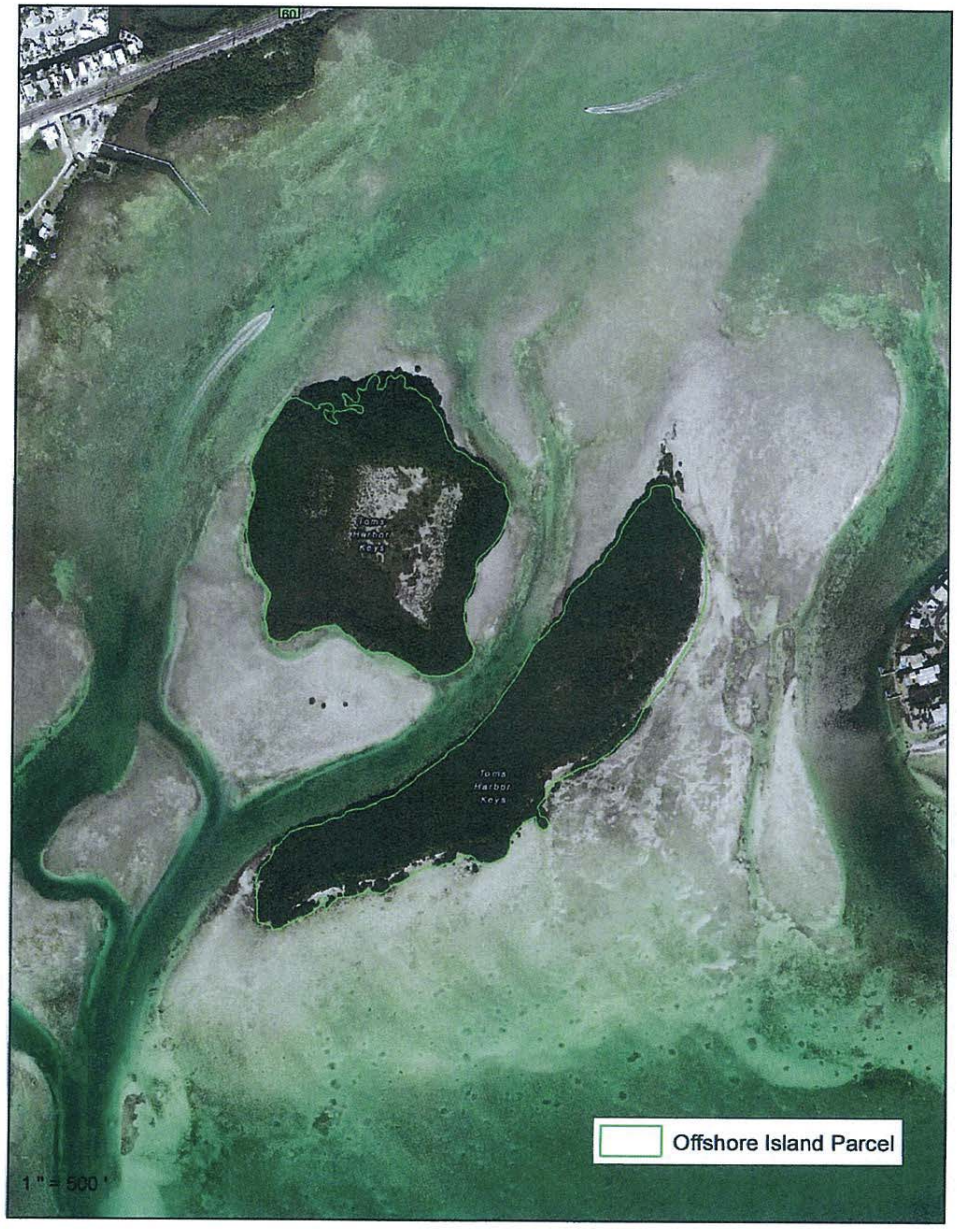
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 10 - Toms Harbor Keys

Toms Harbor Channel between Grassy and Duck Keys

1 Parcel

Parcel Acreage: 49.4

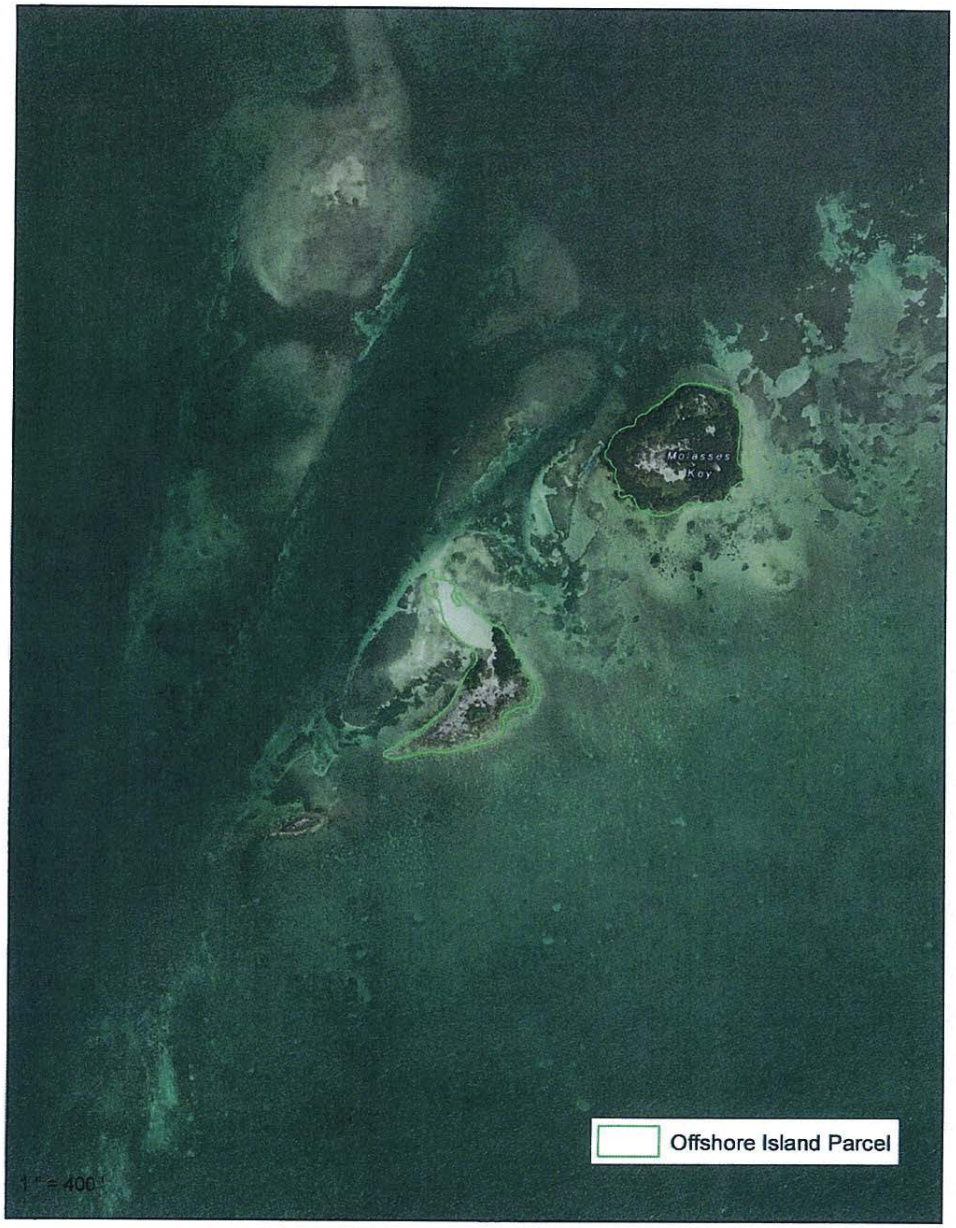
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 11 - Molasses Keys

South of Seven-Mile Bridge - MM 42

1 Parcel

Parcel Acreage: 6.39

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Undesignated Tier

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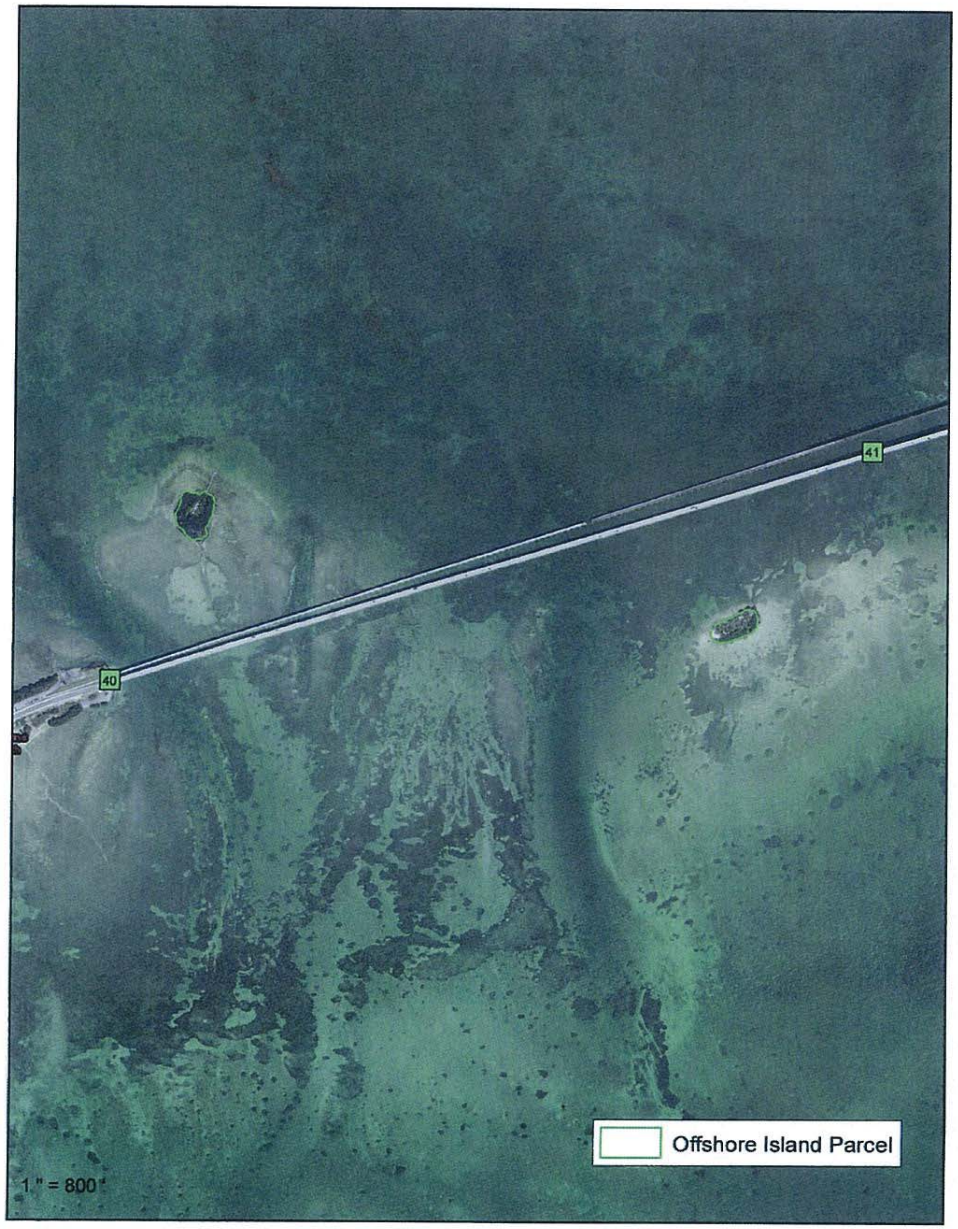
Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 12 - Money and Little Money Keys

Seven-Mile Bridge Area at MM 40 & 41

2 Parcels

Parcel Acreage: 2.65

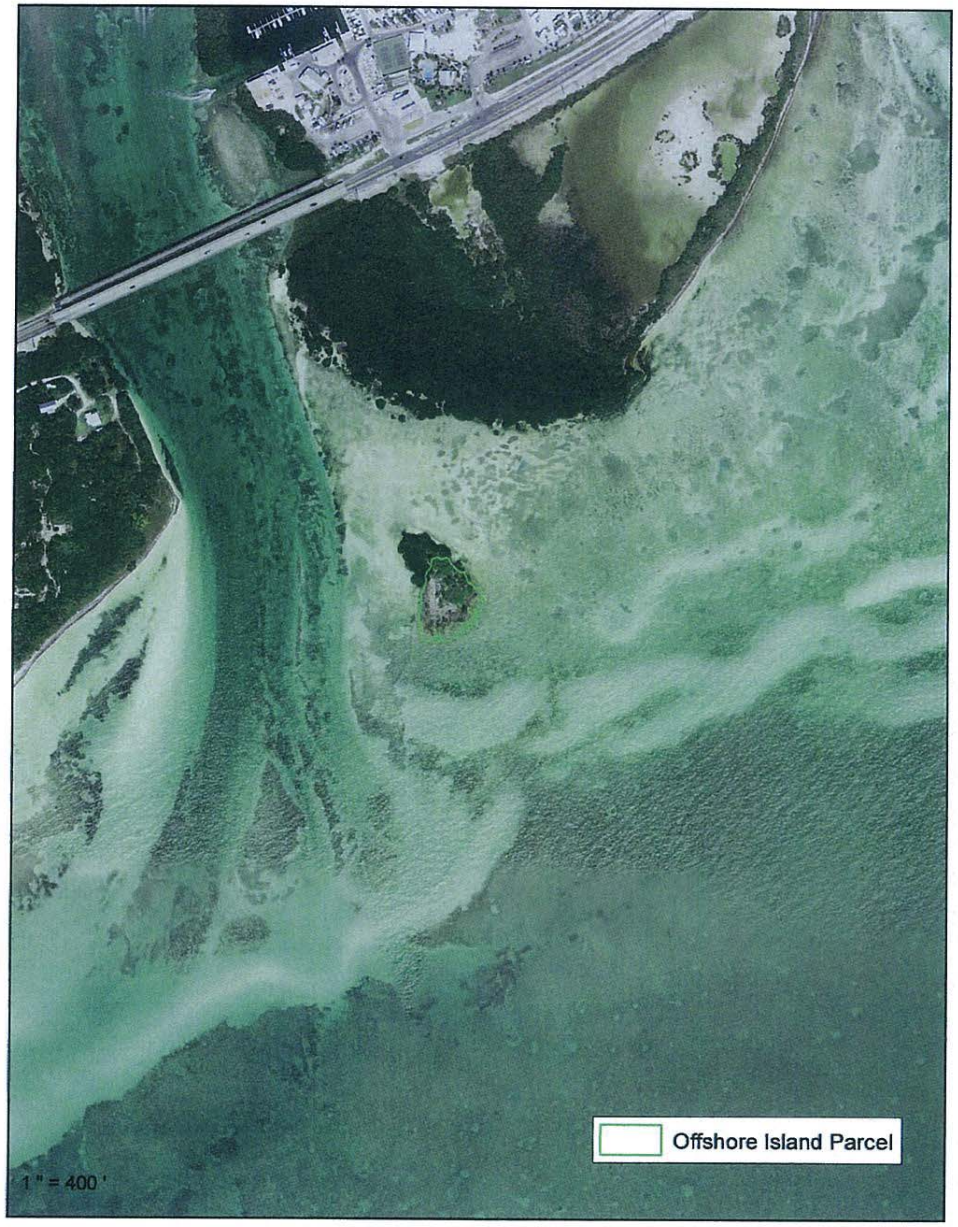
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Undesignated Tier

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 13 - Rachael Carlson Key

South of Ohio Key at MM 39

1 Parcel

Parcel Acreage: 1.05

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Undesignated Tier

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W E
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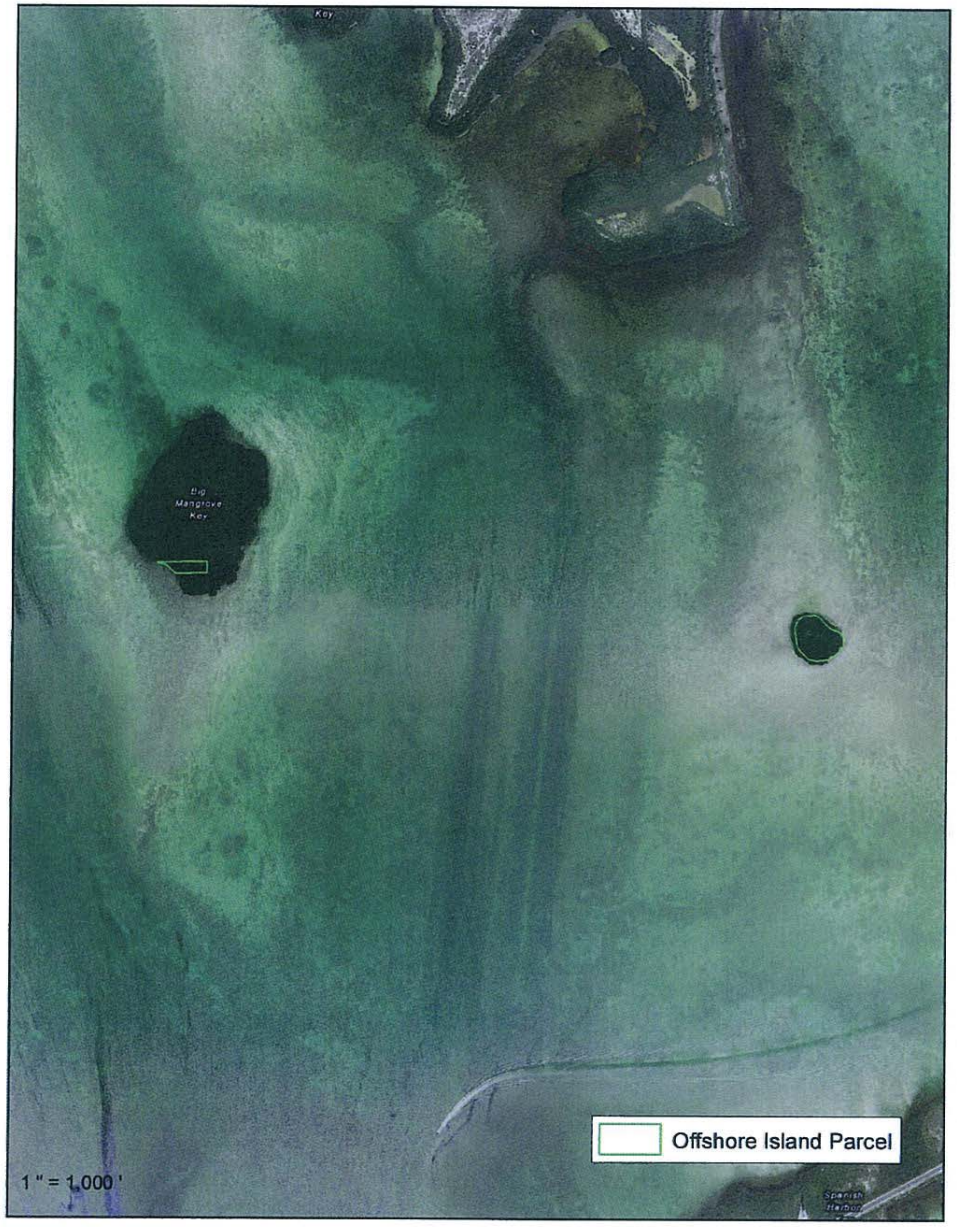
Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 14 - Big Mangrove and Don Quixote Keys

Spanish Harbor - South of No Name Key

2 Parcels

Parcel Acreage: 3.55

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

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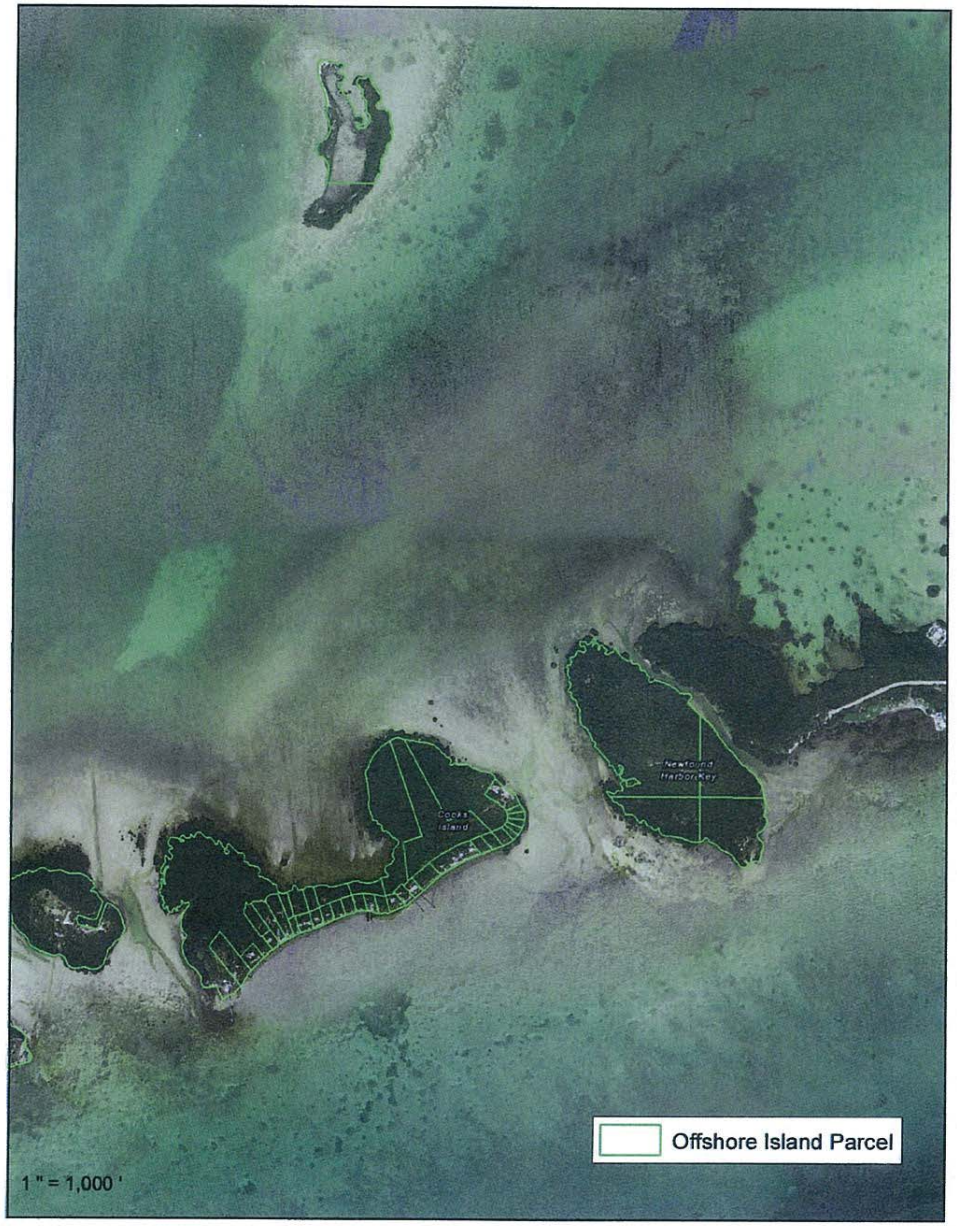
Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 15 - Newfound Harbor Keys

South of Big Pine Key - Newfound Harbor

44 Parcels

Parcel Acreage: 120.64

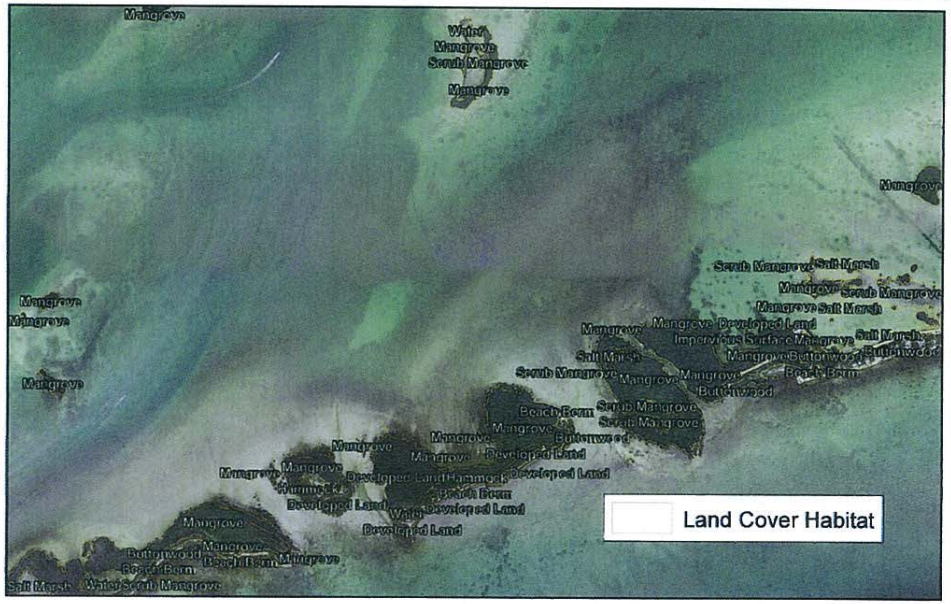
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

N W E S

Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014

# Map 16 - Newfound Harbor Keys

Pine Channel - South of Little Torch Key

6 Parcels

Parcel Acreage: 157.71

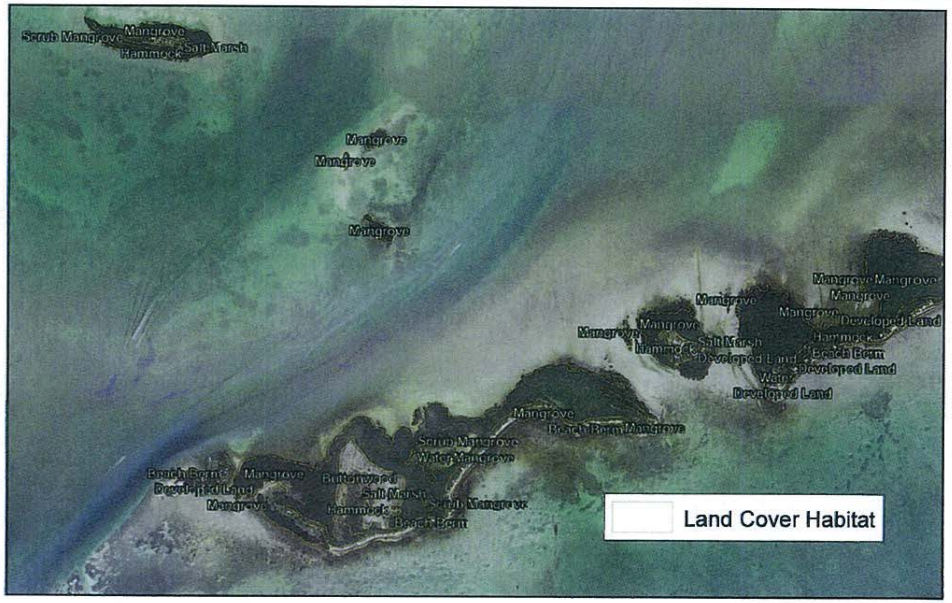
FLUM: Mixed Use/Commercial (MC) and Residential Conservation (RC)

Zoning: Offshore Island (OS) and Destination Resort (DR)

Tier I

N W E S

Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014

# Map 17 - Cooks Island

Newfound Harbor - South of Big Pine Key

38 Parcels

Parcel Acreage: 57.11

FLUM: Residential Conservation (RC) and Residential Low (RL)

Zoning: Offshore Island (OS)

Tier I

N
W E
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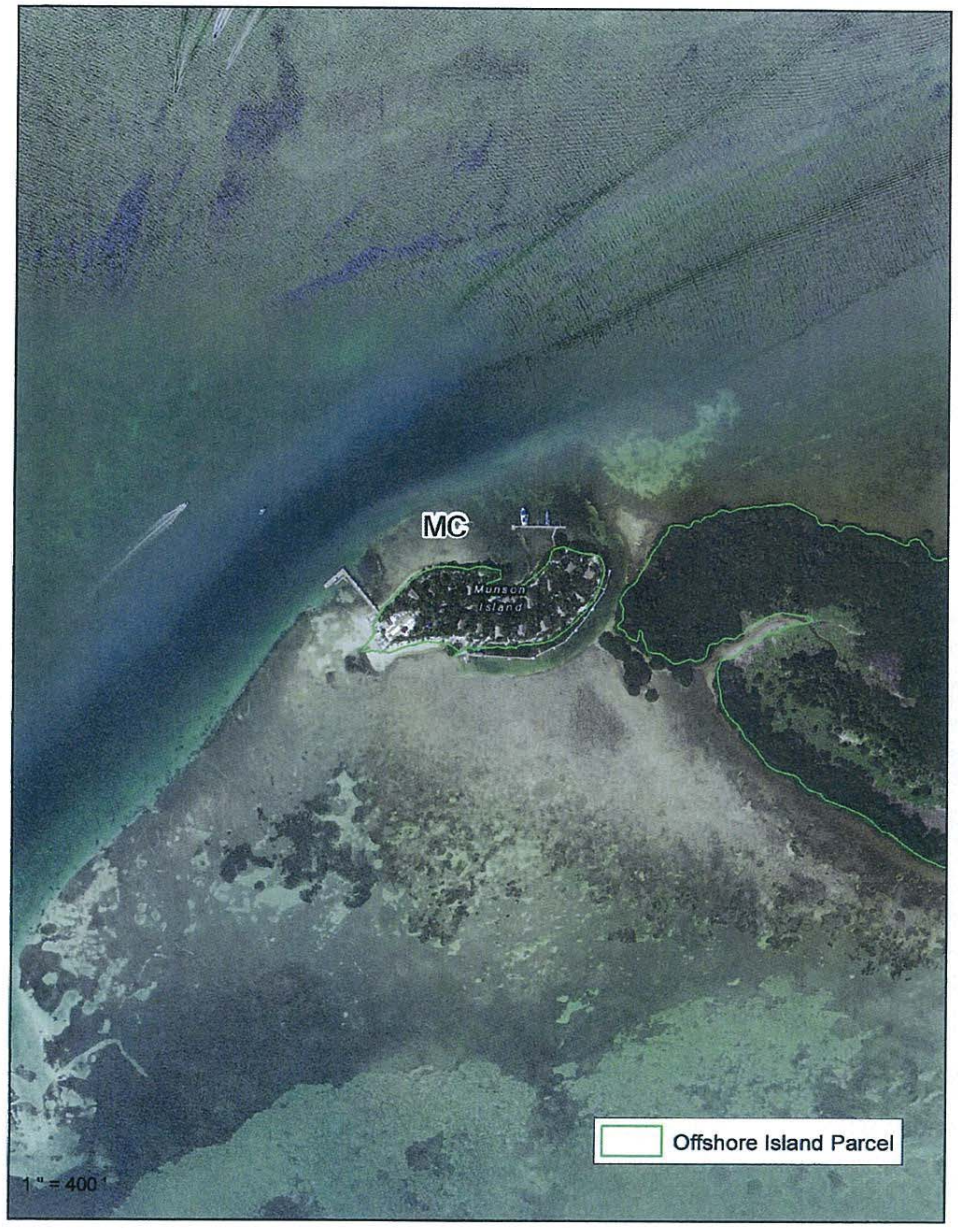
Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 18 - Little Palm Island

Pine Channel - South of Little Torch Key

1 Parcel

Parcel Acreage: 4.2

FLUM: Mixed Use/Commercial (MC)

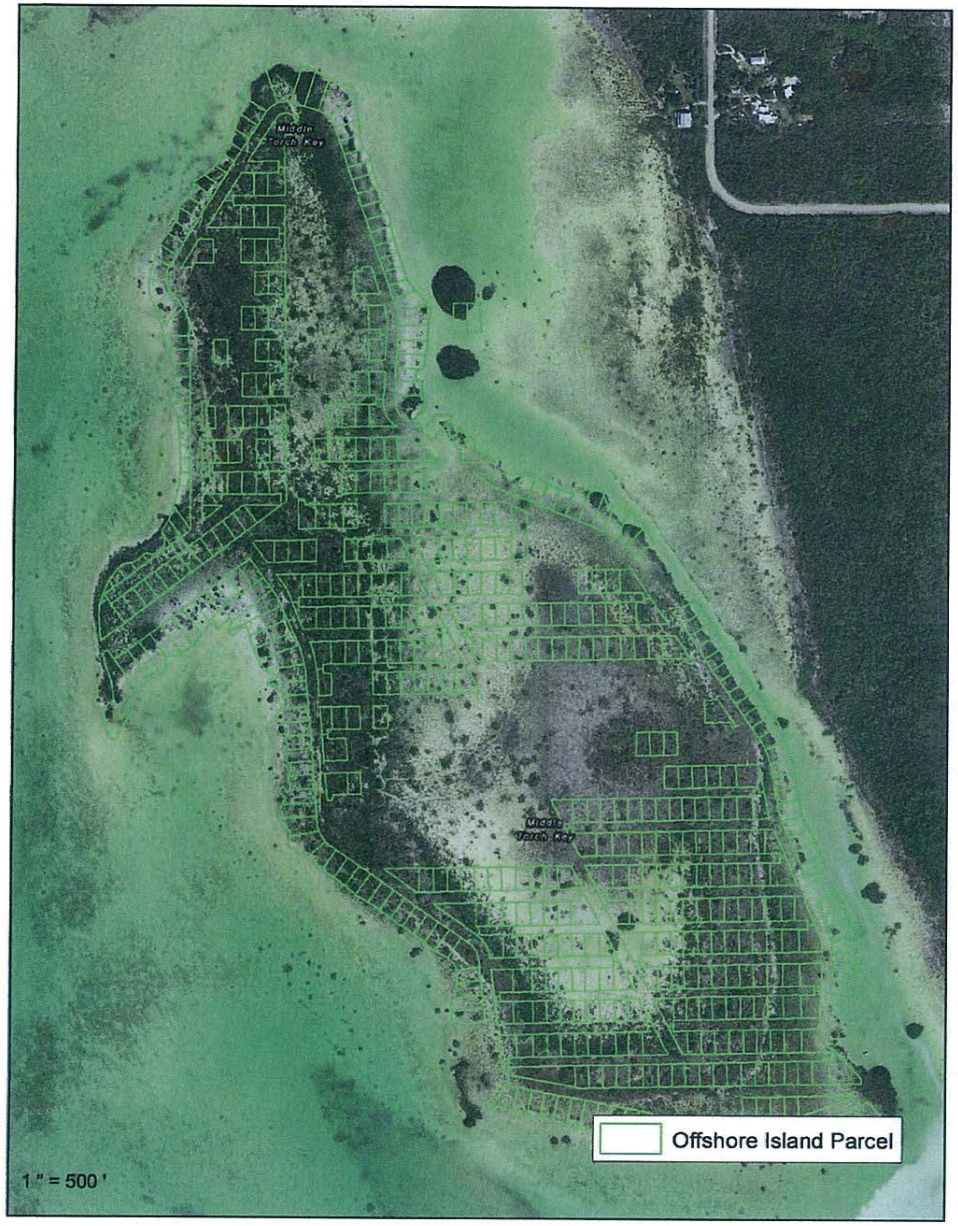
Zoning: Destination Resort (DR)

Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 19 - Pieces of Eight Key

West of Little Torch Key - Torch Ramrod Channel

565 Parcels

Parcel Acreage: 87.97

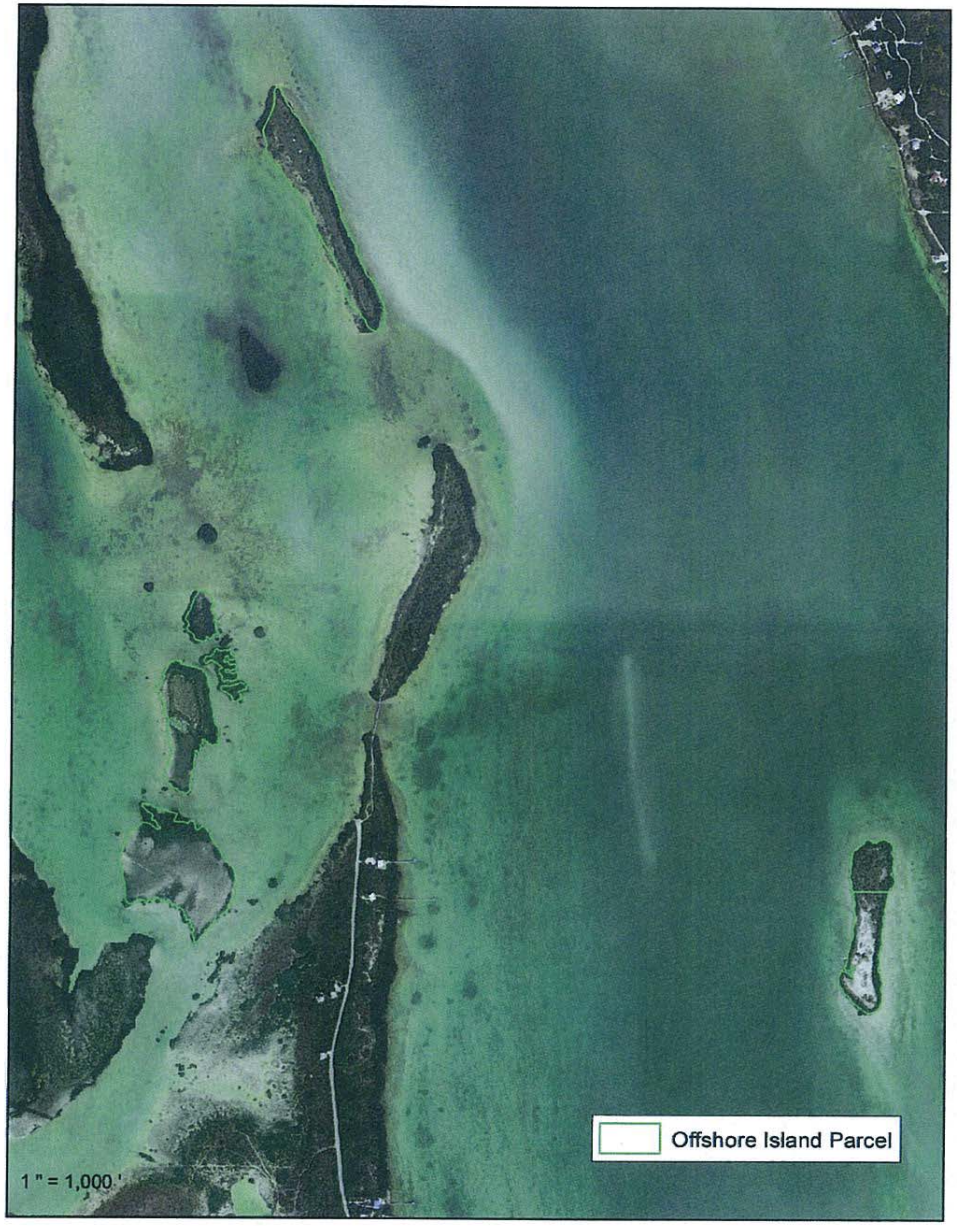
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 20 - Summerland and Howell Keys

North of Summerland Key

5 Parcels

Parcel Acreage: 51.29

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014

# Map 21 - Knock-em-Down Keys

North of Summerland Key

34 Parcels

Parcel Acreage: 222.89

FLUM: Conservation (C) and Residential Conservation (RC)

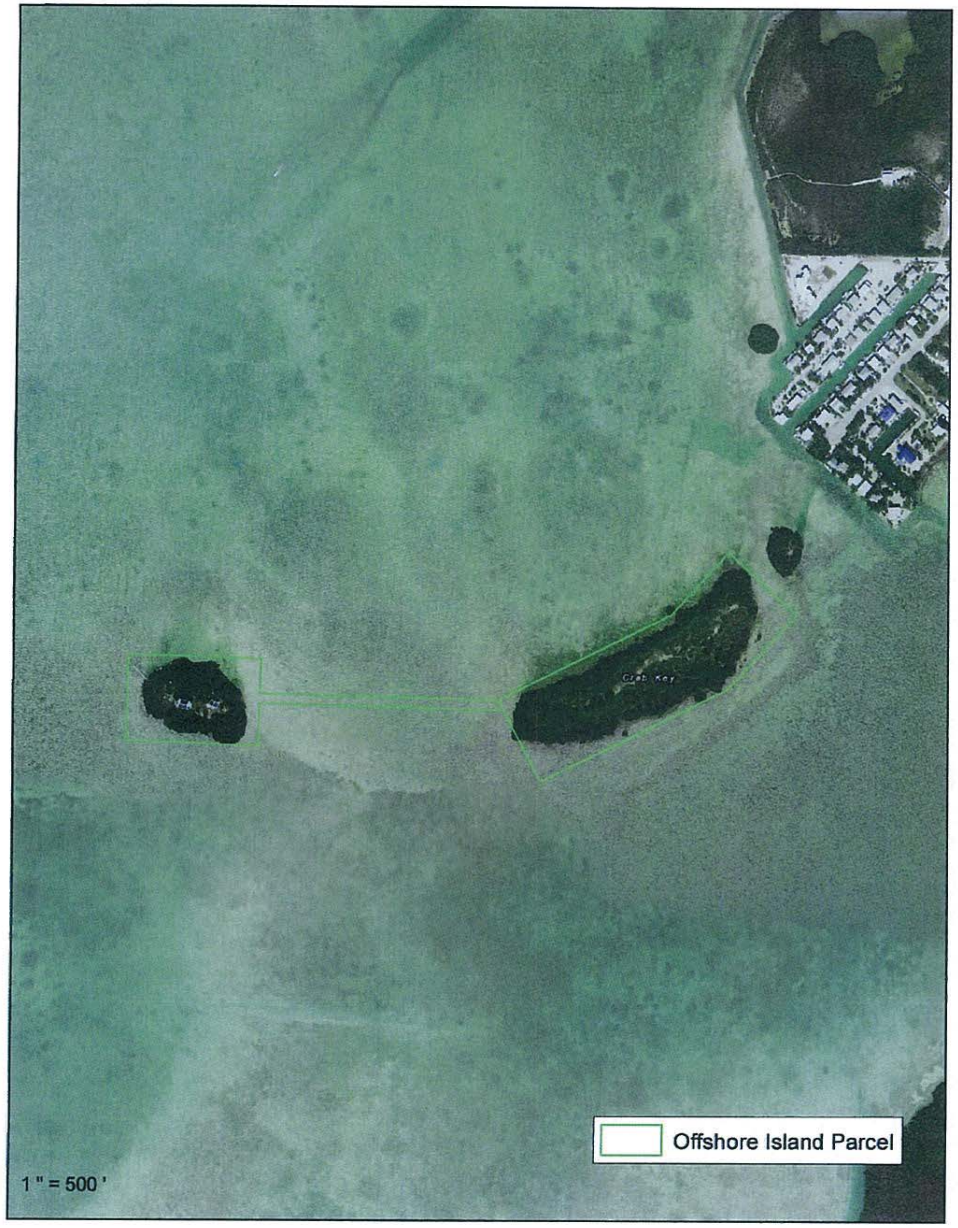
Zoning: Offshore Island (OS)

Tier I

N W E S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 22 - Crab Key

South of Summerland Key

2 Parcels

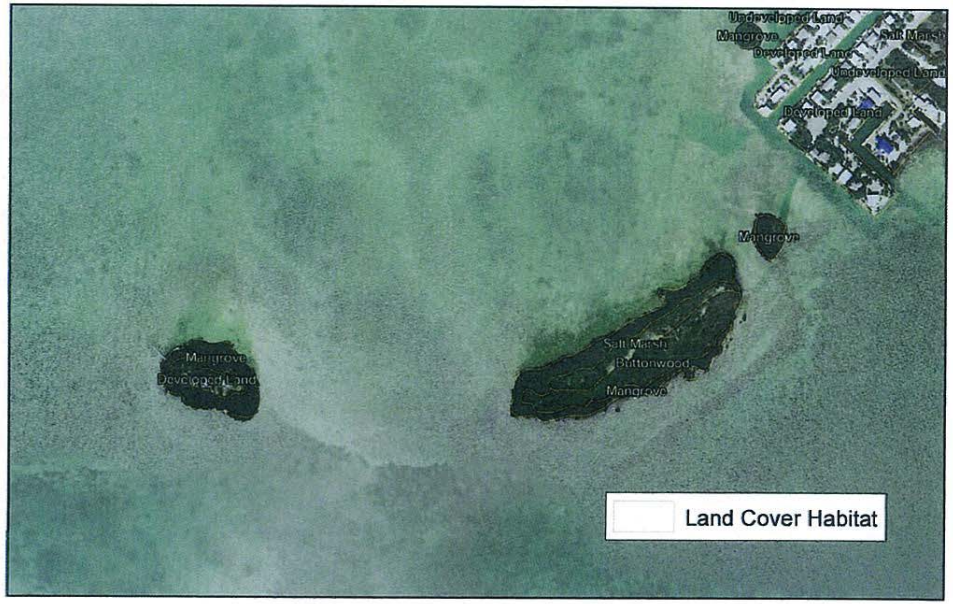
Parcel Acreage: 17.84

FLUM: Residential Conservation (RC)

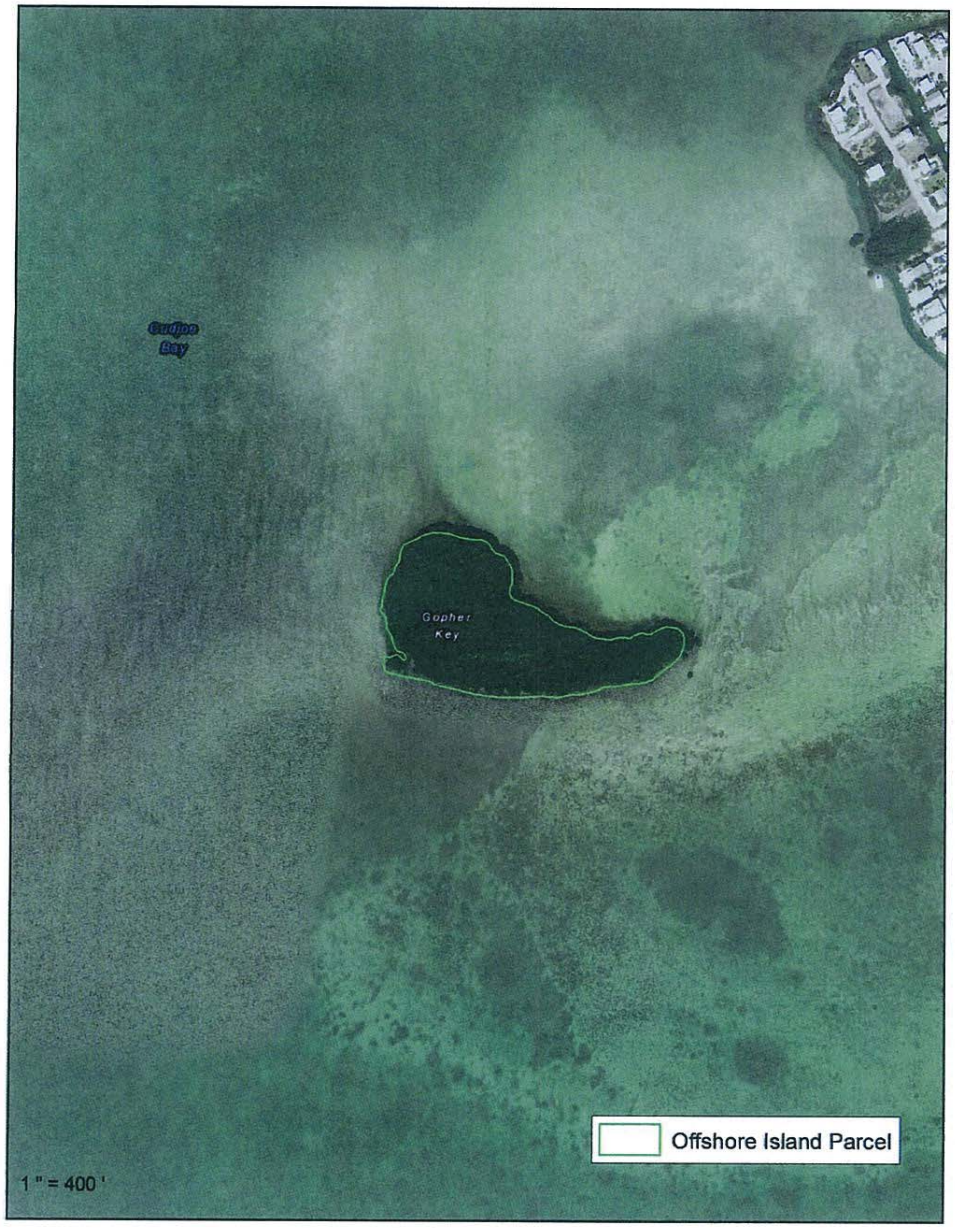
Zoning: Offshore Island (OS)

Tier I

Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014




# Map 23 - Gopher Key

South of Cudjoe Key

1 Parcel

Parcel Acreage: 7.87

FLUM: Residential Conservation (RC)

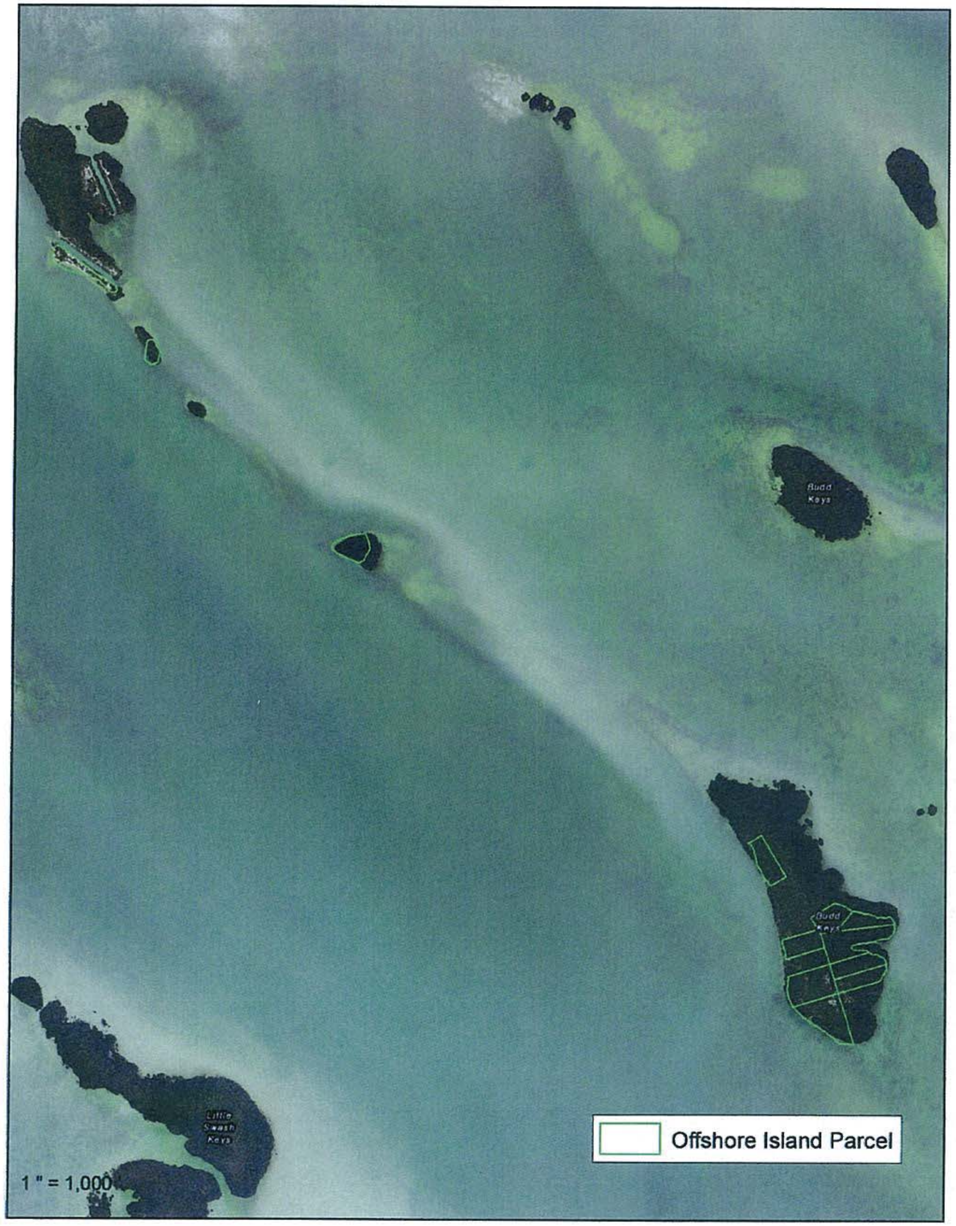
Zoning: Offshore Island (OS)

Undesignated Tier

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 24 - Budd Keys

North of Cudjoe Key

12 Parcels

Parcel Acreage: 18.6

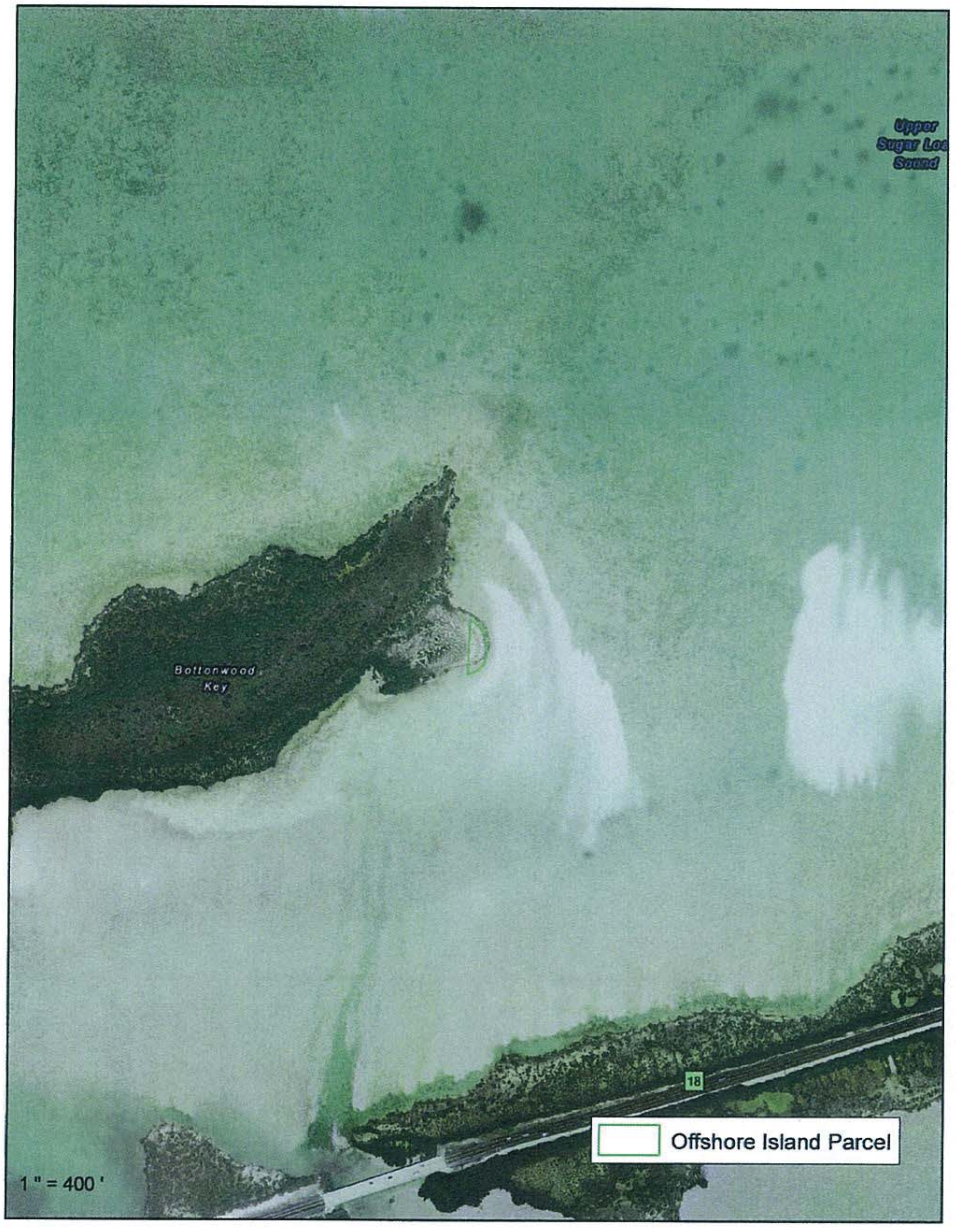
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 25 - Buttonwood Key

North of Park Key at MM 18

1 Parcel

Parcel Acreage: 0.21

FLUM: Conservation (C)

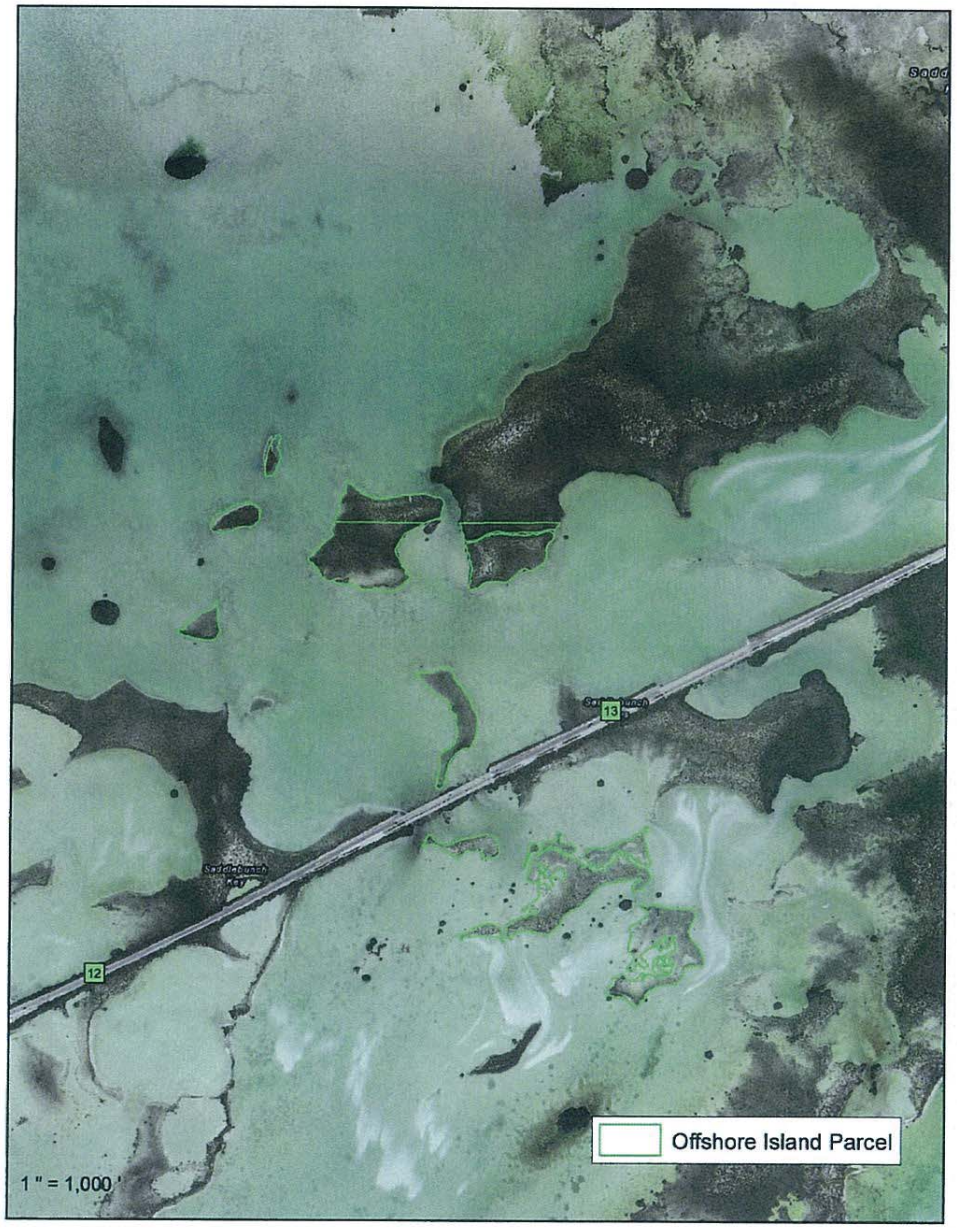
Zoning: Offshore Island (OS)

Undesignated Tier

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 26 - Saddlebunch Keys

Southwest of Sugarloaf Key at MM 13

8 Parcels

Parcel Acreage: 51.2

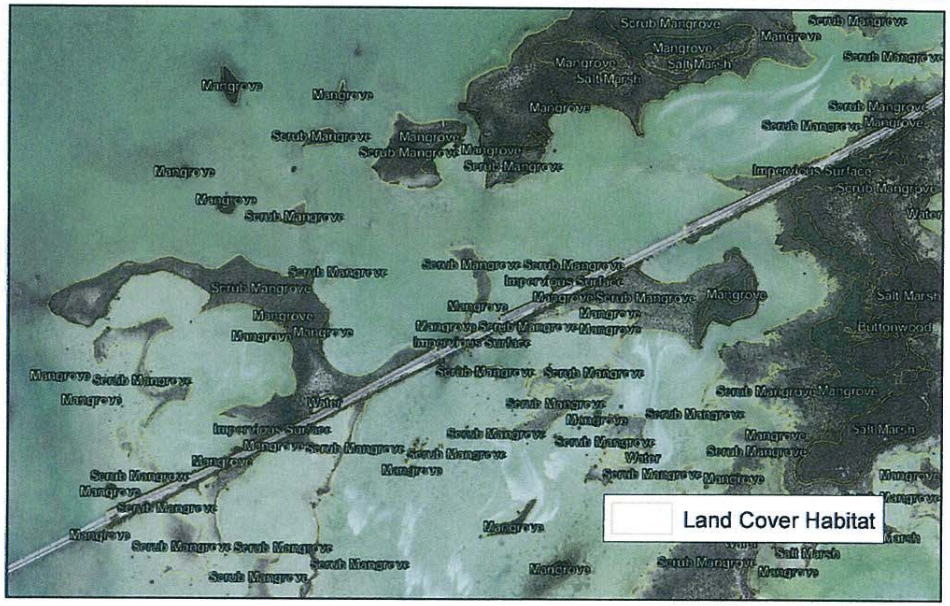
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

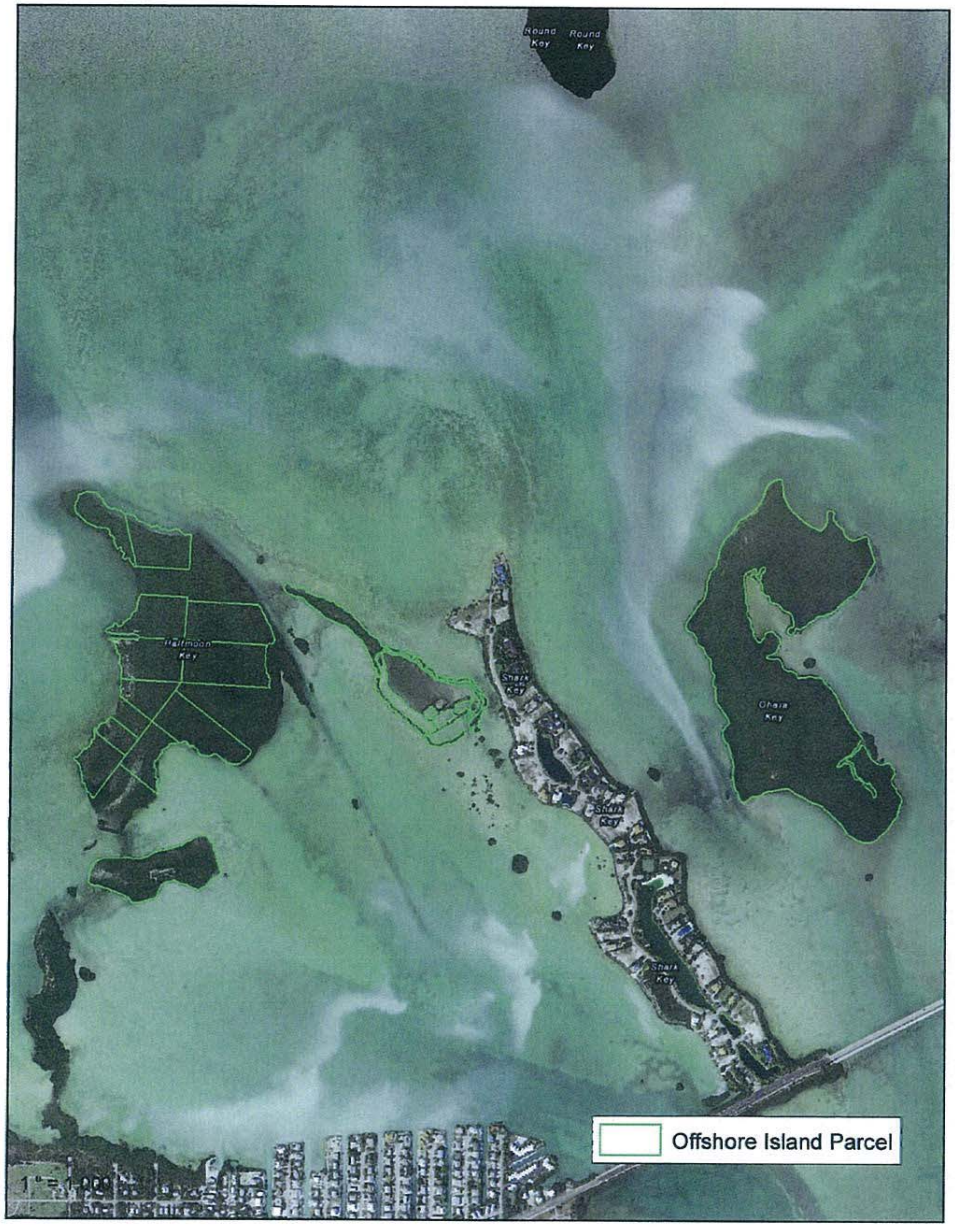
Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014




# Map 27 - Half Moon Key

North of Big Coppitt and Shark Keys at MM 10

14 Parcels

Parcel Acreage: 125.35

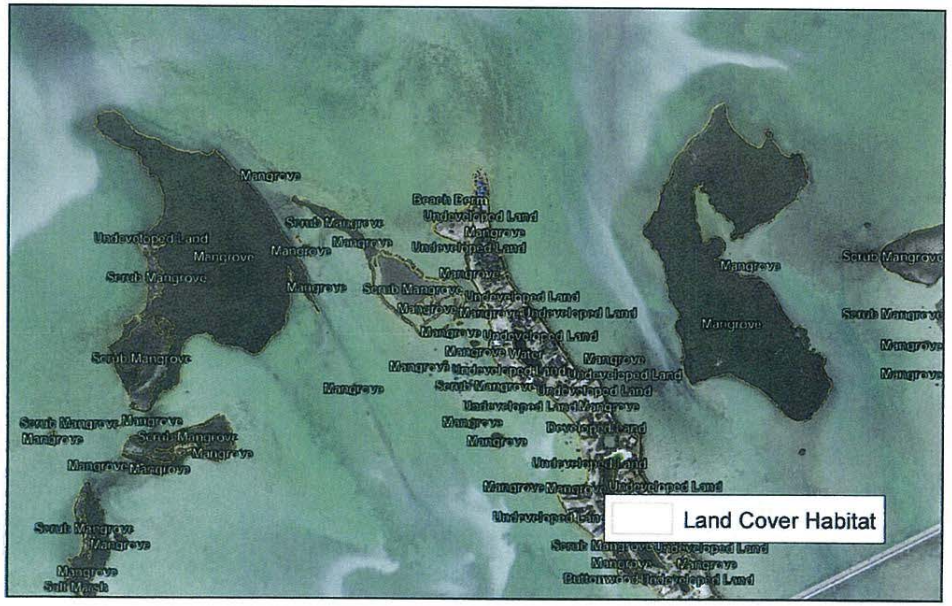
FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

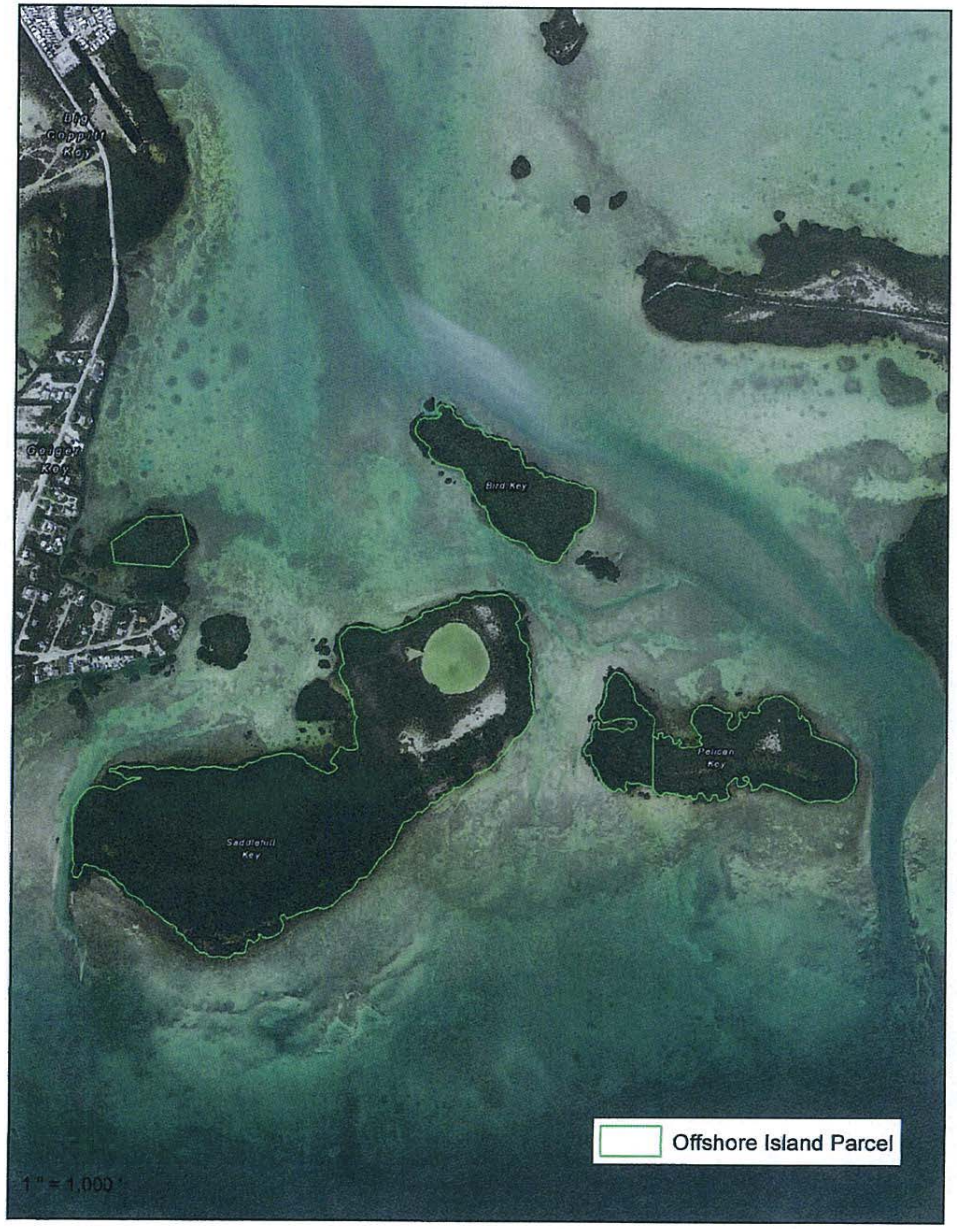
Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS




Date: 11/5/2014




# Map 28 - Similar Sound

Southeast of Geiger Key

5 Parcels

Parcel Acreage: 188.57

FLUM: Residential Conservation (RC)

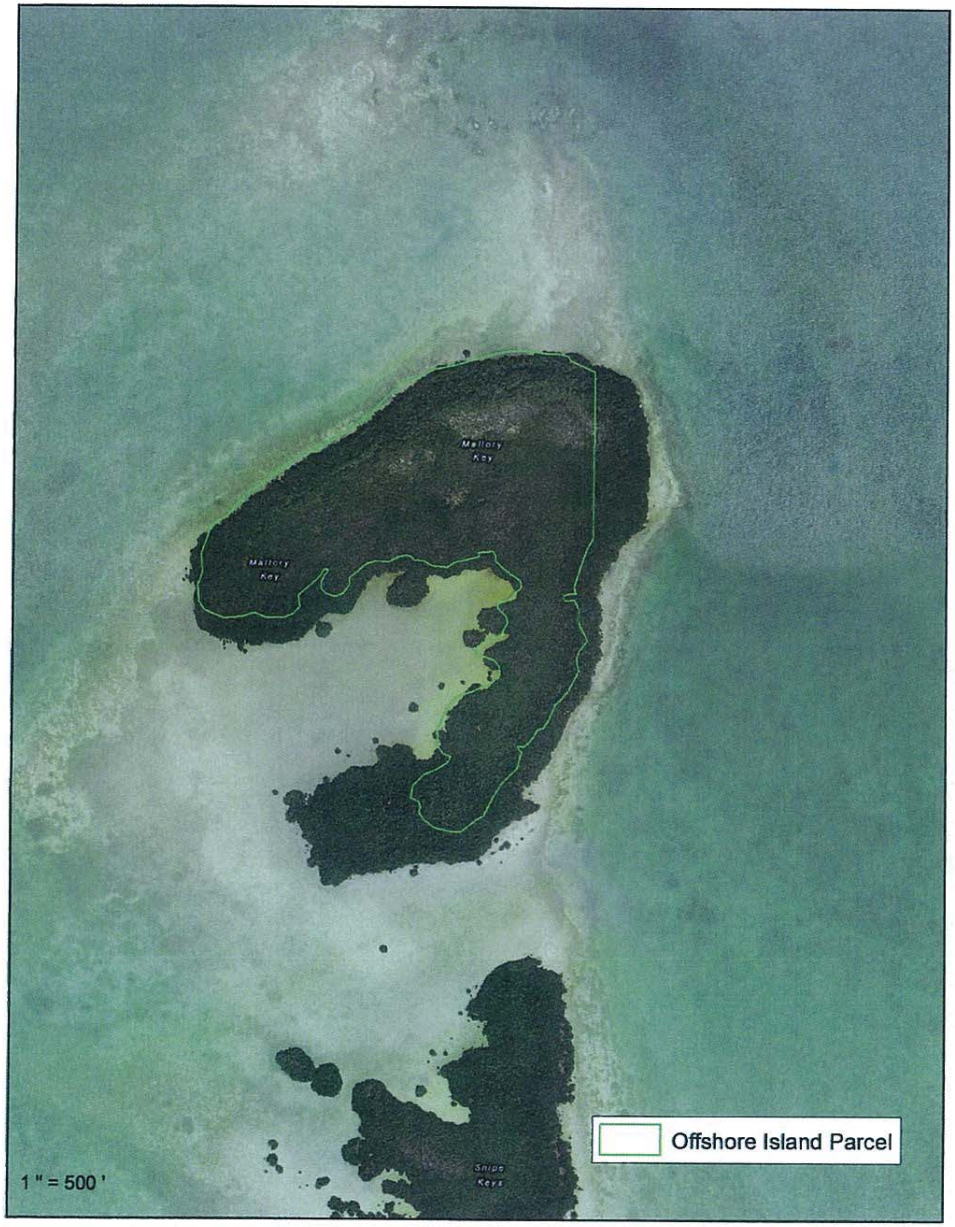
Zoning: Offshore Island (OS)

Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 29 - Mallory Key

Florida Bay - North of Big Coppitt Key

1 Parcel

Parcel Acreage: 37.71

FLUM: Conservation (C)

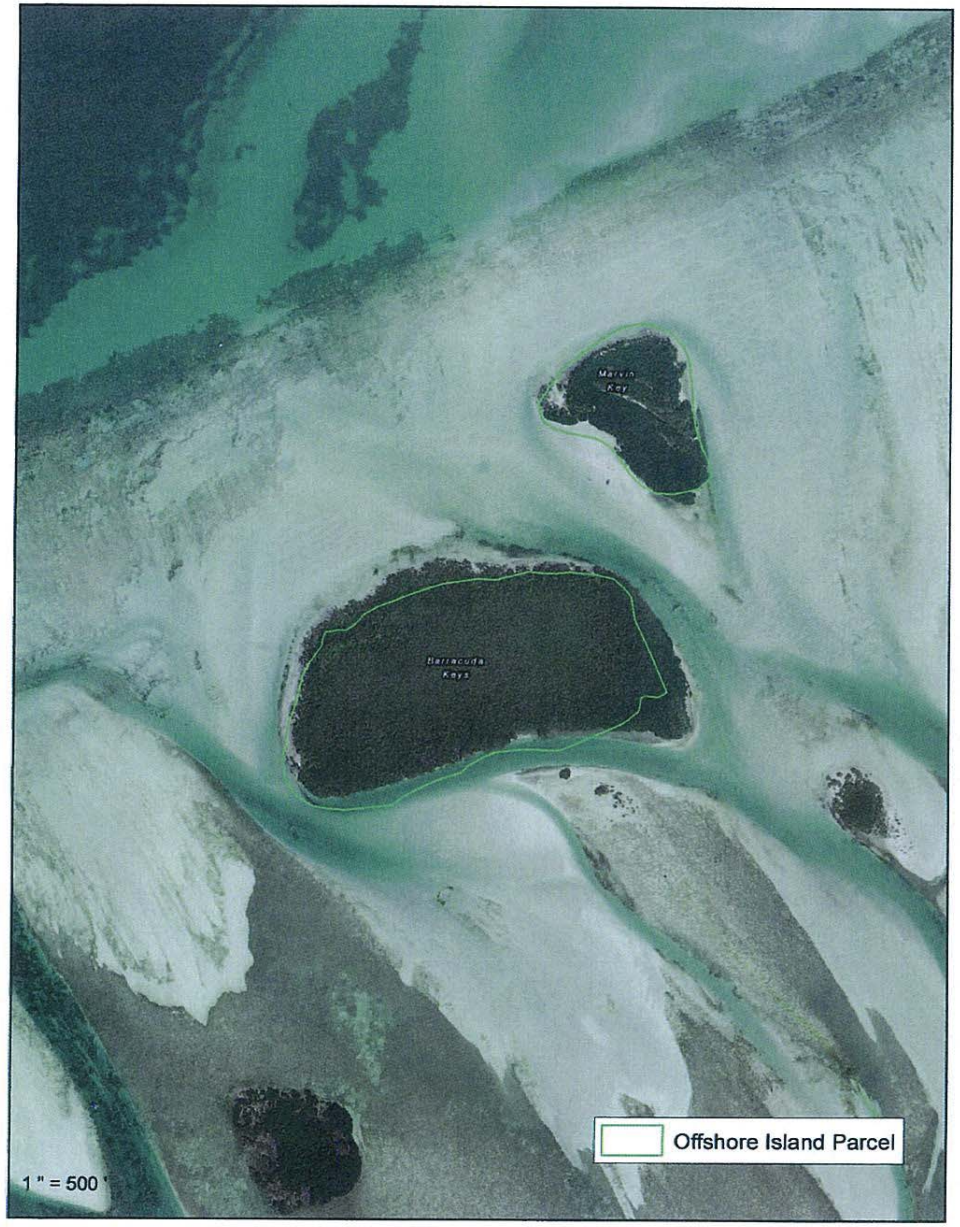
Zoning: Offshore Island (OS)

Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 30 - Marvin Keys

Florida Bay - North of Big Coppitt Key

2 Parcels

Parcel Acreage: 34.33

FLUM: Conservation (C)

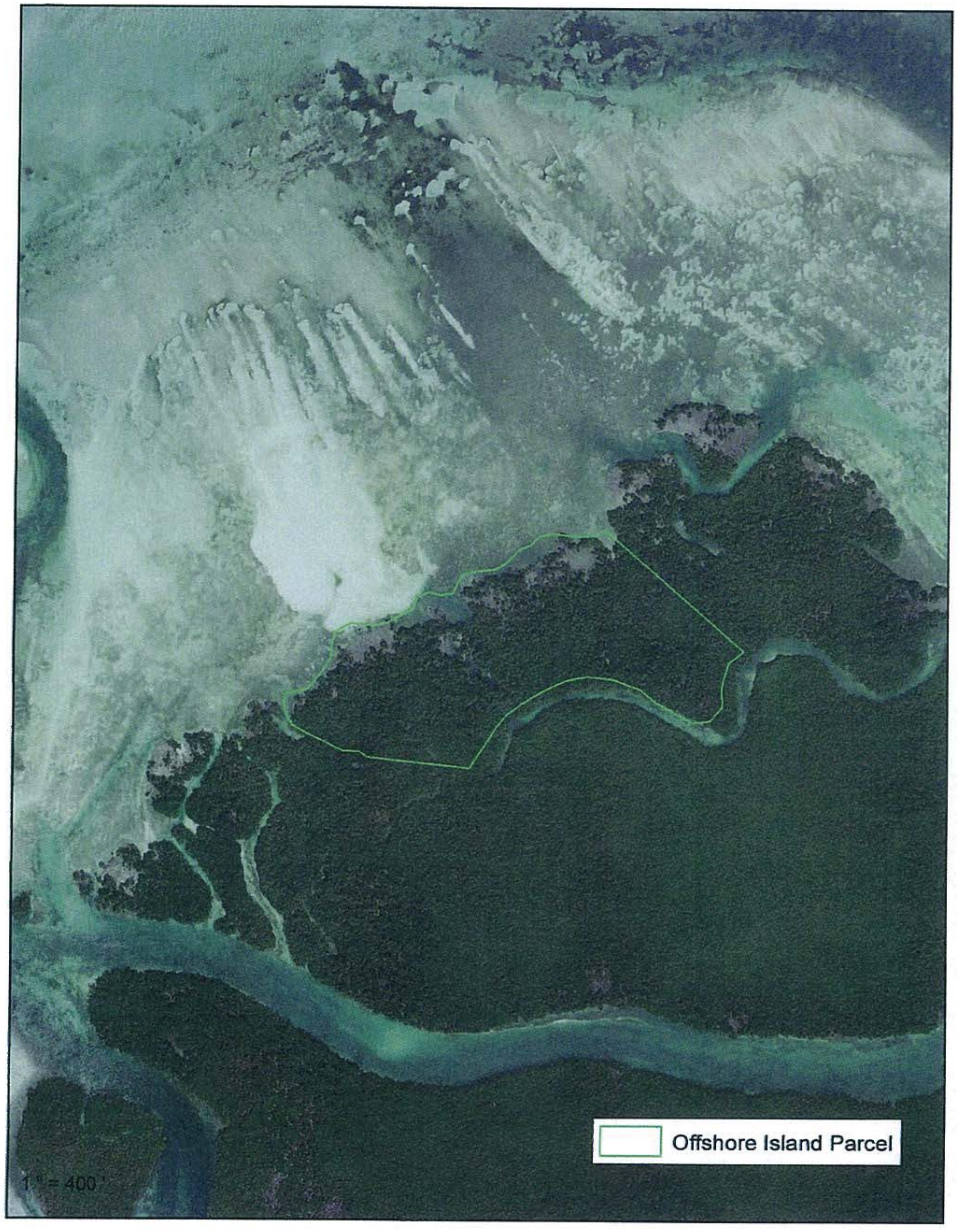
Zoning: Offshore Island (OS)

Tier I

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014




# Map 31 - Mudd Keys

Florida Bay - North of Big Coppitt Key

1 Parcel

Parcel Acreage: 16.26

FLUM: Conservation (C)

Zoning: Offshore Island (OS)

Tier I

N W E S

Data Source: Monroe County - Growth Management - GIS

Date: 11/7/2014

# Map 32 - West Harbor Key

Gulf of Mexico - North of Key West

1 Parcel

Parcel Acreage: 50.17

FLUM: Residential Conservation (RC)

Zoning: Offshore Island (OS)

Tier I

N W E S

Data Source: Monroe County - Growth Management - GIS

Date: 11/5/2014

# Map 33 - Wisteria Island

Northwest of Key West

1 Parcel

Parcel Acreage: 39.03

FLUM: Undesignated

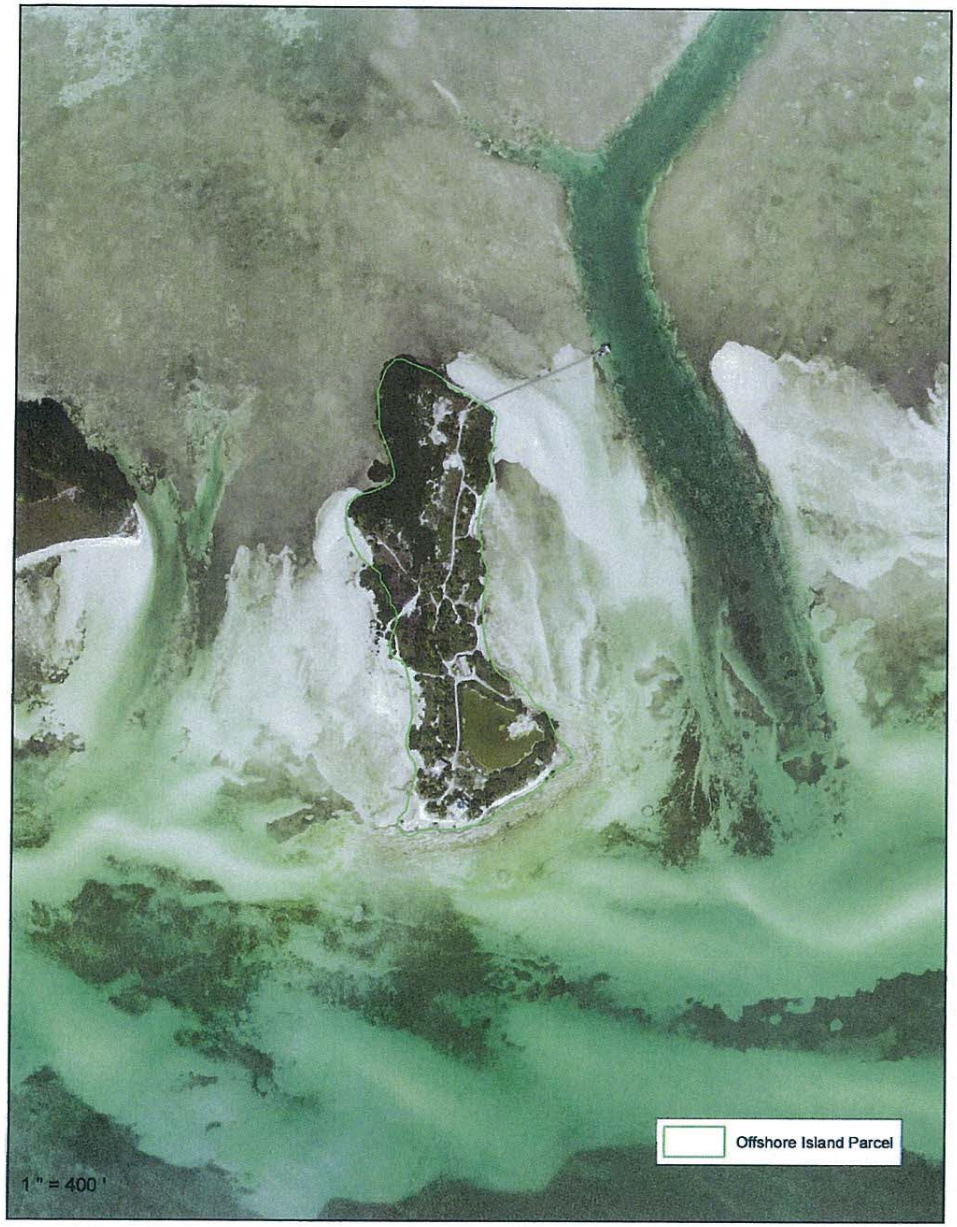
Zoning: Offshore Island (OS)

Undesignated Tier

N
W E
S

Data Source: Monroe County - Growth Management - GIS

Date: 11/20/2014




# Map 34 - Ballast Key

Gulf of Mexico - Southwest of Key West

1 Parcel

Parcel Acreage: 14.28

FLUM: Undesignated

Zoning: Offshore Island (OS)

Undesignated Tier

Data Source: Monroe County - Growth Management - GIS

Date: 11/20/2014

## Creech-Gail

| | |
|---|---|
| **From:** | Julie Dick <julie@evergladeslaw.org> |
| **Sent:** | Friday, September 25, 2015 3:48 PM |
| **To:** | Schwab-Townsley; Creech-Gail; Santamaria-Mayte |
| **Cc:** | BOCCDIS2; BOCCDIS5; BOCCDIS3; Kolhage-Danny; BOCCDIS4; Shillinger-Bob; Williams-Steve |
| **Subject:** | Letter to DRC re Offshore Islands Policies |
| **Attachments:** | DRC letter 9-25-15.pdf; ATT00001.htm; Amended Final Order (1).pdf; ATT00002.htm |
| **Follow Up Flag:** | Follow up |
| **Flag Status:** | Flagged |

Dear DRC members,

Please see the attached letter regarding offshore islands policies in the Comprehensive Plan that will be discussed at the next DRC meeting in October. In addition to the letter, I have attached Final Order DCA07-GM-166A, which is referred to in the letter. Please feel free to contact me to discuss the contents of this letter or with any questions.

Best regards,

Everglades
Law Center, Inc.
*Defending Florida's Ecosystems and Communities*
www.evergladeslaw.org

**Southern Everglades and Florida Keys Office**

660 Crandon Blvd., Suite 223
Key Biscayne, FL 33149
Phone: 305-867-9338

**Board of Directors**

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Joel A. Mintz, Esq.

David White, Esq.

**Executive Director & General Counsel**

Jason Totoiu., Esq.

**Senior Staff Attorney**

Lisa Interlandi, Esq.

**Staff Attorney**

Julie Dick, Esq.

**Of Counsel**

Ansley Samson, Esq.

September 23, 2015

Dear Development Review Committee,

I am writing on behalf of Last Stand and the Florida Keys Environmental Fund with respect to the proposed ordinance amending policies 101.6.8 and 101.13.5 within the Future Land Use Element and policy 207.1.2 within the Conservation and Coastal Management Element of the Comprehensive Plan.

## Protect Offshore Islands

We are fully supportive of the changes proposed in Policy 101.6.8. It is critical that offshore islands cannot be receiver sites. If offshore islands were receiver sites that would encourage development on offshore islands, further hindering the County's ability to comply with hurricane evacuation requirements. Offshore islands are vulnerable to storms and the most difficult areas to evacuate. Monroe County is under so many restraints on development and is constantly working to limit development on environmentally sensitive land and keep development within the limitation of ROGO. Any extension of additional development rights onto offshore islands would needlessly complicate these tasks. Development on offshore islands involves building in places that are not connected to water, sewer or electric and are not previously developed. In this County with limited development capacity, it makes sense to direct development away from these locations that pose the most complications for development impacts. Development rights should be kept for use on the areas of Monroe County connected to U.S. 1.

Furthermore, offshore islands are unique environmentally sensitive ecological sites, isolated from many of the human impacts of islands connected to US 1. Offshore islands, in many cases, serve as habitat and nesting sites for endangered and threatened species, wading birds and migrant birds. The benthic communities surrounding offshore islands contain valuable ecological resources, seagrasses and hardbottom communities that would be impacted by development activities and the increased boating impacts that go along with development. The undeveloped offshore islands of the Florida Keys create so much of the character that makes the Florida Keys what it is. The character of undeveloped offshore islands in the Florida Keys is a significant draw for the tourist economy

*The Everglades Law Center, Inc. is a tax- exempt Florida not-for-profit corporation pursuant to Section 501(c)(3) of the Internal Revenue Code.*

Monroe County depends on. The protections to limit development on offshore islands contained in the Comprehensive Plan are critical to the ecology, economy and environmental character of the Florida Keys.

With respect to policy 101.13.3 we fully support changes to sender and receiver sights, which require receiver sights to include "all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.)". For much of the same reasons we mentioned above, offshore islands are some of the least favorable locations in the Keys for new development and measures to direct development away from offshore islands need to be included in the Comprehensive Plan. Therefore, we support the receiver site criteria that states receiver sites shall not be "an offshore island".[1]

**Remove Policy 206.1.2**

Policy 206.1.2 should be removed completely. It is redundant and confusing. The policy states "[d]evelopment shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery, based on resource agency best available data or survey." That exact same language can be found in policy 102.6.1 1, which states "development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area, based on resource agency best available data or surveys (See Conservation and Coastal Management Policy ~~207~~206.1.~~3~~2)." This language only needs to be in one place in the Comprehensive Plan. Since policy 102.6.1 sets up what the regulations for offshore islands it makes sense for those regulations to be in that policy. Furthermore, policy 102.6.1 includes protection of nesting areas as well as bird rookeries. Policy 206.1.2 fails to include the language protecting nesting areas and is therefore inconsistent with policy 102.6.1, in addition to being redundant to it.

Specifying development protections for offshore islands based on the existence of a bird rookery is somewhat arbitrary. The potential for a bird rookery to be on an island is not specific to a certain type of habitat. For example, some species, like Roseate Tern, prefer barren habitat. All offshore islands have the potential to become a bird rookery.

The next part of policy 206.1.2 states "Monroe County shall discourage the development of offshore islands (including spoil islands) which have no prior development and have significant upland habitat by discouraging the extension of public facilities and designating offshore islands as Tier 1." There are multiple issues addressed within this one sentence. As to the extension of public facilities, that issue is addressed in two other policies. Policy 102.6.1 states "County public

[1] See Comprehensive Plan Policy 101.13.3

facilities and services, excluding electricity over which the Public Services Commission of the State of Florida exercises jurisdiction, shall not be extended to offshore islands. The extension of public facilities shall be required to comply with 101.12.2." Policy 101.12.2 specifies specific analyses required prior to siting any new County public facilities. Policy 102.6.1 clearly states that County public facilities and services shall not be extended to offshore islands. Policy 206.1.2 only confuses policies 102.6.1 by adding specific habitat designation and development status that should be considered in decisions to extend public facilities to offshore islands. This is inconsistent with the clear direction that is provided by policy 102.6.1 on extension of public facilities to offshore islands and should therefore be removed.

Policy 206.1.2 further confuses the direction of the Comprehensive Plan by marrying Tier 1 designation of offshore islands to islands, "which have no prior development and have significant upland habitat". This is redundant and inconsistent with Policy 102.6.2, which addresses Tier status of offshore islands. Policy 102.6.2 states "Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, *designating offshore islands as Tier I Lands*." (emphasis added). Policy 102.6.2 is clear that Tier 1 designation is a tool to discourage development on all offshore islands. It does not specify a certain type of habitat or prior development status for Tier 1 designation to apply to a specific offshore island. Policy 206.1.2 confuses the meaning of Policy 102.6.2 by implying there are unique criteria for Tier 1 designation on offshore islands by overly emphasizing only two of the seven criteria considered for Tier 1 designation under policy 205.1.1.[2]

Policy 205.1.1 includes criteria to consider in designating Tier 1 parcels, however, not all the criteria must be met for a parcel to be designated as Tier 1. For example, Department of Community Affairs Final Order DCA 07-GM-166A

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[2] Policy 205.1.1 The County shall establish the following criteria, at a minimum, to use when designating Tiers: ~~[9J-5.013( [~~[§163.3177(6)d.2~~)(c)9]~~.d., F.S.; §163.3177(6)d.2.h., F.S.]

1. Land located outside of Big Pine Key and No Name Key shall be designated as Tier I based on following criteria:
   - Natural areas including old and new growth upland native vegetated areas, above 4 acres in area.
   - Vacant land which can be restored to connect upland native habitat patches and reduce further fragmentation of upland native habitat.
   - Lands required to provide an undeveloped buffer, up to 500 feet in depth, if indicated by appropriate special species studies, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary that removes the need for the buffer or reduces its depth.
   - Lands designated for acquisition by public agencies for conservation and natural resource protection.
   - Known locations of threatened and endangered species.
   - Lands designated as Conservation and Residential Conservation on the Future Land Use Map or within a buffer/restoration area as appropriate.
   - Areas with minimal existing development and infrastructure

clearly found that while the criteria specify Tier 1 designation for "natural areas including old and new growth upland vegetated areas, above 4 acres in area", this "merely sets a 'minimum standard which the County must follow in establishing the Tier I boundary designation and does not bar a smaller threshold, if appropriate."[3] The point being a Tier 1 designated parcel is not required to meet *all* the criteria for Tier 1 designation, to be designated Tier 1. If the County begins to emphasize specific criteria on offshore islands that implies that if a parcel does not meet the criteria listed it won't be Tier 1 and that is wholly inconsistent with the Comprehensive Plan policies 205.1.1 and 102.6.2.

Further, policy 105.2.1 discusses Tier 1 for the purpose of identifying priorities for land acquisition.[4] The policy discusses the "purposes, general characteristics, and growth management approaches associated with each tier" and speaks to Tier 1 areas more generally as "any defined geographic area where all or a significant portion of the land is characterized as environmentally sensitive..." The environmentally sensitive character of offshore islands by their very nature makes them nicely fit into the characteristics and approach discussed for Tier I Natural Areas under Policy 105.2.1. However, the additional criteria raised in Policy 206.1.2 related to bird rookeries and prior development confuse the application of this policy and raise the issue of whether it should only apply under the criteria specified in Policy 206.1.2. For a consistent approach throughout the Comprehensive Plan we urge the County to remove Policy 206.1.2.

## Conclusion

For the reasons stated in this letter we strongly encourage you to remove policy 206.1.2. The language from the policy that is a critical component of the Comprehensive Plan is repeated in other sections of the Comprehensive Plan.

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[3] Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc. d/b/a Last Stand v. Department of Community Affairs and Monroe County, State of Florida Department of Community Affairs Amended Final Order No. DCA07-GM-166A, DOAH Case No. 06-2449GM. at p. 8

[4] Policy 105.2.1 Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier 1); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows:

1. Natural Area (Tier I): Any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive by the policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural Area. New development on vacant land is to be severely restricted and privately owned vacant lands are to be acquired or development rights retired for resource conservation and passive recreation purposes. However, this does not preclude provisions of infrastructure for existing development. Within the Natural Area designation are typically found lands within the acquisition boundaries of federal and state resource conservation and park areas, including isolated platted subdivisions; and privately-owned vacant lands with sensitive environmental features outside these acquisition areas.

The language in this policy not found elsewhere in the Comprehensive Plan muddies the waters, at best confusing the meaning of other policies in the Comprehensive Plan, and at worst contradicting other policies within the plan. In the interest of clarity we strongly urge the County to remove this policy altogether.

Thank you for your time and consideration of our concerns. Please feel free to contact me with any questions or to discuss these issues further.

Best regards,

Julie Dick
Counsel for Last Stand and the Florida Keys Environmental Fund

Cc via email:
Board of County Commissioners
Planning Commission

**FINAL ORDER NO. DCA07- GM-166A**

**sSTATE OF FLORIDA**
**DEPARTMENT OF COMMUNITY AFFAIRS**

FLORIDA KEYS CITIZENS
COALITION, INC., and PROTECT
KEY WEST AND THE FLORIDA KEYS,
INC., d/b/a LAST STAND,

Petitioners,

vs. **DOAH Case No. 06-2449GM**

DEPARTMENT OF COMMUNITY
AFFAIRS and MONROE COUNTY,

Respondents,

_____/

**AMENDED FINAL ORDER**

This matter was considered by the Secretary of the Department of Community Affairs following receipt of a Recommended Order issued by an Administrative Law Judge of the Division of Administrative Hearings. A copy of the Recommended Order is appended to this Final Order as Exhibit A.

Background and Summary of Proceedings

On June 16, 2006, the Department published notice of five Final Orders determining that Ordinance Nos. 008-2006, 009-2006, 010-2006, 011-2006 and 013-2006 adopted by Monroe County in March 2006 were, with one minor exception, consistent with the requirements of Chapter 380, Florida Statutes, and were therefore approved.

On July 7, 2006, Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand,

filed a Petition for administrative hearing regarding the Notice. This Petition was amended once prior to the final hearing.

The final hearing was scheduled for September 11-15, 2006. At the request of the parties, the hearing was continued twice and then held in Miami, Florida on February 6-7, 2007. A continued hearing was held on March 14-15, 2007 in Tallahassee, Florida. Upon consideration of the evidence and post-hearing filings, the Administrative Law Judge entered a Recommended Order rejecting all but three (3) of the allegations raised in the Amended Petition. The Order recommends that the Department enter a final order approving Ordinance No. 008-2006, except for the deletion of Section 9.5-342; Ordinance No. 009-2006; Ordinance No. 010-2006 except for Sections 9.5-256(c)(1)a., 9-5.256(c)(3), and 9-5.256(c)(3)b.2.; Ordinance No. 011-2006; and Ordinance No. 013-2006 except for the parcels identified in Findings of fact 65, 80, 86, and 132.

## Standard of Review of Recommended Order

The Administrative Procedure Act contemplates that the Department will adopt an Administrative Law Judge's Recommended Order as the agency's Final Order in most proceedings. To this end, the Department has been granted only limited authority to reject or modify findings of fact in a Recommended Order.

> Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law.

**Fla. Stat.** § 120.57(1)(l).

Absent a demonstration that the underlying administrative proceeding departed from essential requirements of law, "[a]n ALJ's findings cannot be rejected unless there is no competent, substantial evidence from which the findings could reasonably be inferred." Prysi v. Department of Health, 823 So. 2d 823, 825 (Fla. 1st DCA 2002)(citations omitted). In determining whether challenged findings are supported by the record in accord with this standard, the Department may not reweigh the evidence or judge the credibility of witnesses, both tasks being within the sole province of the Administrative Law Judge as the finder of fact. See Heifetz v. Department of Bus. Reg., 475 So. 2d 1277, 1281-83 (Fla. 1st DCA 1985).

The Administrative Procedure Act also specifies the manner in which the Department is to address conclusions of law in a Recommended Order.

> The agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified.

**Fla. Stat.** § 120.57(1)(l); DeWitt v. School Board of Sarasota County, 799 So. 2d 322 (Fla. 2nd DCA 2001).

The label assigned a statement is not dispositive as to whether it is a finding of fact or conclusion of law. See Kinney v. Department of State, 501 So. 2d 1277 (Fla. 5th DCA 1987). Conclusions of law labeled as findings of fact, and findings labeled as conclusions, will be considered as a conclusion or finding based upon the statement itself and not the label assigned.

## Rulings on Exceptions

The Recommended Order, entered June 26, 2006, contains the following Notice of Right to File Exceptions:

> All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this matter. [emphasis added]

This Notice accurately sets forth the timing and filing requirements for exceptions set forth in Section 120.57(1)(k), Florida Statutes, and Rule 28-106.217, Florida Administrative Code. Fifteen (15) days from entry of the Recommended Order is July 11, 2006.[1] The agency that will issue the Final Order in this case is the Department of Community Affairs.

Petitioners filed "Petitioner's Exceptions to the Recommended Order" on July 11, 2006. Respondents filed "Respondents' Exceptions to the Recommended Order" on July 11, 2006. Petitioners filed "Petitioner's Response to Respondents' Exceptions to the Recommended Order" on July 20, 2006. Finally, Respondents filed a "Joint Response to Petitioners' Exceptions to the Recommended Order" on July 23, 2006. These Exceptions and Responses were timely filed with the Department, the proper agency for such filing.

These Exceptions and that Response were considered and the Exceptions are ruled upon in turn below.

1. Petitioner Exception One: Wetlands - Findings of Fact 55-60

The Administrative Law Judge made findings about the exclusion of wetlands in the Tier I designation criteria.

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[1] The fifteen (15) days for filing exceptions is not automatically extended by virtue of the manner of service. See **Fla. Admin. Code r.** 28-106.217(4)("No additional time shall be added to the time limits for filing exceptions or responses to exceptions when service has been made by mail.").

Petitioner challenges this exclusion and requests that certain parcels be given a Tier I designation because they contain wetlands. The court interpreted the criteria in the Plan and Code to not require the inclusion of wetlands. Petitioner argues that the uniform testimony of the experts that the Keys ecosystem is a mix of upland and wetland that work together does not support such a finding. The Administrative Law Judge found that the criteria for Tier I designation are not vague and do not include wetland native upland habitats. He found the criteria consistent with the County's Comprehensive Plan which provides that the Plan criteria refer to "upland native vegetation" ...and..."upland native habitat" and does not refer to "upland wetlands." The court also found that wetlands were adequately protected in other sections of the County's land development regulations. A review of the record validates existence of substantial, competent evidence as the basis of the court's respective findings of fact and conclusion of law. (Comprehensive Plan Goal 205, Objective 205.4 and Policy 205.1.1, Sections 9.5-256(c), 9.5-338, 9.5-347(b), 9.5-347(c) and 9.5-348(d) of the County's Land Development Regulations.) Accordingly, Petitioners' Exception One is DENIED.

2. Petitioner Exception Two: Biological Opinion - Finding of Fact 71

Petitioner challenges the Administrative Law Judge's finding to limit Tier I protections to known locations identified on specified maps and through on-site surveys. Petitioner asks that the County be directed to use the United States Fish and Wildlife Service 2006 Biological Opinion Maps of Potentially Suitable Habitat for federally protected species. While acknowledging that these maps "would obviously be more desirable to use" the Administrative Law Judge found that, at some point, the process must come to an end and using constantly changing data and mapping studies would result in there being no finality to the process. The court also found that the Tier I designation criteria providing for inclusion of "known locations of threatened and endangered species" was consistent with the County's Comprehensive Plan. Plan Objective 205.1 is clear in providing that one criterion for Tier I designation is similarly "known locations of threatened and endangered species." Known locations are where such species have actually been observed. Conversely, the United States Fish and Wildlife Service Maps proposed for use in Petitioner's complaint map "potentially suitable habitat." In addition the new County Land Development

Regulations provide for a means to modify Tier I maps based on new information, including that which might come from the United States Fish and Wildlife Service Maps. A review of the record validates existence of substantial, competent evidence as the basis of the court's findings. (County Comprehensive Plan Objective 205.1 and Section 9.5-256(e) of the County's Land Development Regulations.) Accordingly, Petitioners' Exception Two is DENIED.

3. Respondents' Exception One: Tier I Natural Areas Above Four Acres - Findings of Fact 61-65

Policy 205.1.1 of the Monroe County Comprehensive Plan establishes the criteria for the designation of the Tiers. One of those criteria is "natural areas including old and new growth upland vegetated areas, above 4 acres in area." The Administrative Law Judge found that Policy 205.1.1 "merely sets the 'minimum' standard which the County must follow in establishing the Tier I boundary designation and does not bar a smaller threshold, if appropriate." Accordingly, the court directed re-evaluation of those parcels placed in an incorrect category due to the arbitrary four acre limitation. Respondent argues that the four acre Tier I designation criterion was a policy decision of the County and is consistent with the Principles for Guiding Development of the Florida Keys Area of

Critical State Concern, and that the parcels need not be re-evaluated. The Administrative Law Judge found that the existing County Comprehensive Plan established a four (4) acre threshold as "one criteria for Tier I designation" of such natural areas. Testimony substantiated that the relevant Plan Policy did not seek to limit Tier I designation to only hammocks exceeding four (4) acres in size. A review of the record validates existence of substantial, competent evidence as the basis of the court's findings. (Plan Policy 205.1.1, Testimony Conaway V2 at 247-250; Jetton V10 at 1212-1213, 1216-1217; Trivette V5 at 558-559; Kreur V7 at 849-852 and Calvo V3 at 340-341.) Accordingly, Respondents' Exception One is DENIED.

4. Respondents' Exception Two: Special Protection Area (SPA) Hardwood Hammock or Pinelands Above One Acre

As with the four acre criterion for Tier I, the Administrative Law Judge found that the County's Comprehensive Plan one acre criterion for SPA merely established a minimum standard and that a smaller size threshold is not barred. Respondent again argues that the County made a policy decision and that Goal 205 of the Comprehensive Plan leaves no room for a smaller size. The Administrative Law Judge found that the one (1) acre threshold was arbitrary, was reputed by science and represented simply a number the County Commission "felt

comfortable with." A review of the record validates existence of substantial, competent evidence as the basis of the court's findings. (Plan Policy 205.1.1, Testimony Calvo V3 at 340-341; Harrison V10 at 1351-1353; Conaway V2 at 186; Jetton V9 at 1176-1177, V10 at 1209-1210, 1227-1229, 1235.) Accordingly, Respondents' Exception Two is DENIED.

5. Correction of Scrivener's Error

In paragraphs 61 through 65 of the Recommended Order, the ALJ discussed the four (4) acre criteria for Tier I designation in Section 9.5-256(c)(1)a., and described his rationale for recommending that the Department reject Section 9.5-256(c)(1)a. However, in the Recommendation section of the Recommended Order, the ALJ recommended that the Department reject Section 9.5-256(c)(4)a., which does not exist. This erroneous citation was not brought to the attention of the Department until after issuance of the Final Order, and the erroneous citation was repeated in the Final Order. The reference to 9.5-256(c)(4)a. is clearly a scrivener's error that can and should be corrected by this Corrected Final Order.

## Order

Upon review and consideration of the entire record of this proceeding, including the Recommended Order and exceptions filed by Petitioners and Respondents, it is hereby ordered as follows:

1. The findings of fact and conclusions of law in the Recommended Order are adopted.

2. The Administrative Law Judge's recommendation is accepted.

3. Monroe County Ordinance No. 008-2006, except for the deletion of Section 9.5-342; Ordinance No. 009-2006; Ordinance No. 010-2006 except for Sections 9.5-256(c)(1)a., 9-5.256(c)(3), and 9-5.256(c)(3)b.2.; Ordinance No. 011-2006; and Ordinance No. 013-2006 except for the parcels identified in Findings of fact 65, 80, 86, and 132, are hereby approved.

DONE AND ORDERED in Tallahassee, Florida.

Thomas G. Pelham

Thomas G. Pelham, Secretary
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF RIGHTS

ANY PARTY TO THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW OF THE ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)C. AND 9.110.

TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT=S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU **WAIVE** YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

## CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 2nd day of ~~December, 2007.~~ January 2008

Paula Ford
for Agency Clerk

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