*Agenda

PLANNING COMMISSION
MONROE COUNTY
April 22, 2009
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL
MONROE COUNTY, FL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:
Denise Werling
Randy Wall, Vice Chairman
Donna Windle
Jeb Hale

STAFF:
Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mitch Harvey, Comprehensive Planning Manager
Joe Haberman, Current Principal Planner
Steven Biel, Sr. Planner for Barbara Bauman, Sr. Planning Technician
Tiffany Stankiewicz, Sr. Planning Technician
Debby Tedesco, Planning Commission Coordinator

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COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

_
SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

_
SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA
Appointment of Denise Werling to the Planning Commission
Resignation of John Marston from the Planning Commission
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MEETING

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CONTINUED ITEM:

1. **AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE DEFINITION OF "ACCESSORY USES OR ACCESSORY STRUCTURES"; DEFINING "ADJACENT" AND ELIMINATING "ADJACENT LANDOWNER" IN SECTION 101-1** OF THE MONROE COUNTY CODE; PERMITTING DOCKING FACILITIES ON ADJACENT LANDS UNDER CERTAIN CONDITIONS AND CREATING AN APPROVAL PROCESS;

PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.
29010 SR PC 06.10.09.pdf

NEW ITEMS:

2. **A public hearing to re-consider and finalize the ranking of Lower Keys applications approved at the March 25, 2009** Planning Commission meeting for the Dwelling Unit Allocation System for the October 14, 2008 through January 13, 2009 ROGO quarter
28083 SR PC 04.22.09.PDF

3. **1125 Greenbriar Road, Duck Key**: A request by Fausto and Maria Del Carmen Diaz to amend the land use district designation from Improved Subdivision – Duplex (IS-D) to Improved Subdivision – Vacation Rental (IS-V), in accordance with Section 130-83 of the Monroe County Code. The property is legally described as Block 8, Lot 2, Duck Key Indies Island Section 1, Part 1, PB5-82 Toms Harbor, Monroe County, Florida, having Real Estate Number 00377800-000000.
M29016 FILE.PDF
M29106 SR PC 04.22.09.pdf

4. **Thomas Property, 104 Coral Way, Key Largo, Mile Marker 97.5:** A request for a variance of three (3) feet, four (4) inches from the required ten (10) foot side yard setback along the southeast property line abutting Lot 32. As a result, the side yard setback would be six (6) feet, eight (8) inches. The granting of this variance would allow the applicant to have an elevated concrete pad partially within the side yard setback, which would be used for two (2) A/C compressors and an emergency generator. The subject parcel is legally described as Lot 31, the Harborage subdivision (PB6-46), Key Largo, Monroe County, Florida, having real estate number 00555011.003100
29019 File.pdf
29019 Survey.PDF

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT

MEMORANDUM

Monroe County Planning & Environmental Resources Department

We strive to be caring, professional and fair

To: Monroe County Planning Commission

From: Steven Biel, Sr. Planner SB

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

Date: June 8, 2009

Subject: *Request for an amendment to Sections 101-1; 102-187; & 118-12 of the Monroe County Code, amending the definition of "accessory uses and structures", and defining adjacent land*

Meeting: June 10, 2009

REQUEST

The Planning Commission is requesting to amend the Land Development Code in order to amend the definition of "accessory uses or accessory structures", define "adjacent land", and eliminate "adjacent landowner" in Section 101-1 of the Monroe County Code. In addition, this request proposes the permitting of certain accessory uses or structures on adjacent non-contiguous land, the permitting of docking facilities on adjacent land under certain conditions and creates an approval process, and provides for a variance process to determine adjacency for certain accessory uses and structures.

PROCESS

In accordance with the provisions set forth in Sec. 102-158 of the Monroe County Code (MCC), amendments may be proposed by the Board of County Commissioners (BOCC), 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 the text and map amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment to the text or to the land use district map. 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, and shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt an ordinance approving the proposed amendment. Ordinances are then reviewed by the Florida Department of Community Affairs.

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. In the event of a written protest against such amendment signed by the owners of twenty (20) percent or more either of the area of the lots or land included in the proposed amendment or of the lots or land immediately adjoining the property to be affected and extending two hundred (200) feet there from, such amendment shall not become effective except by the favorable vote of four (4) members of the BOCC.

RELEVANT PRIOR COUNTY ACTIONS

Ordinance 036-2006 was approved by the Board of County Commissioners (BOCC) on September 20, 2006. Ordinance 036-2006 amended the Land Development Code to allow water service to a dock on an adjacent (non-contiguous) lot under the same ownership and allowed docks as an accessory use on lots under the same ownership within 500 feet of the lot with the principal use processed as a variance to be granted by the planning director, and allowed adjacent non-contiguous lands to be aggregated for purposes of development if they shared a border of 50% of the smaller lot or at least 50 feet, thus allowing development and accessory structures and uses to be made by combining the area of lots across streets.

Ordinance 036-2006 was rejected by the Final Order of the Department of Community Affairs primarily on the basis that the 500 feet was too far a distance from the principal use, and the ordinance was inconsistent regarding development on Tier 1 lands.

Staff was directed by the Planning Commission to take another look at docking facilities on adjacent properties. Staff prepared a draft ordinance which was tailored after Ordinance 036-2006 and presented at a public hearing held by the Planning Commission on March 25, 2009. The Planning Commission directed staff to expand the accessory uses on adjacent lots and provide a variance procedure to allow properties within 25 feet of a common point to be considered adjacent.

REVIEW OF APPLICATION

Consistency of the proposed amendment with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:

The proposed amendments to the Monroe County Code are generally consistent with the Monroe County Year 2010 Comprehensive Plan.

Consistency of the proposed amendment with the provisions and intent of the Monroe County Land Development Code:

In accordance with MCC Sec. 102-58(d)(5)b., the BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors:

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

None

Changed assumptions (e.g., regarding demographic trends);

None

Data errors, including errors in mapping, vegetative types and natural features described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;

None

New issues;

Ordinance 036-2006 was rejected by the Florida Department of Community Affairs who determined that 500 feet was too far a distance from the principal use, and the ordinance was inconsistent regarding development on Tier 1 lands. The proposed ordinance recommends a variance procedure to allow properties within 25 feet of a common point to be considered adjacent. This proposed ordinance removes Tier I properties from the definition of accessory uses or structures.

Recognition of a need for additional detail or comprehensiveness; or

Staff recognized the need for the proposed ordinance to be more consistent with the Comprehensive Plan, Land Development Code, and the Principals for Guiding Development in the Florida Keys of Critical State Concern.

Data updates;

None

Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern:

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

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

area of critical state concern designation.

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

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

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

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

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural character of the Florida Keys.

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

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

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection and disposal facilities;
3. Solid waste collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal Parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

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

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

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

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

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

Impact on Community Character:

There may be community impacts if the proposed ordinance is approved. By allowing docking facilities on adjacent lots with no principal use, the possibility exists that over time, owners of these docking facilities may start letting other boat owners use the docking facility. Furthermore, by allowing other accessory structures and uses such as garages, vehicle and boat storage, the possibility exists for unintended consequences such as the development of outdoor storage areas.

Although there is a provision for a required Class C bufferyard associated with dry boat storage, staff has concerns with the loss of bufferyards over time, thus creating code compliance issues.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Docks with no water or electric service are currently allowed on adjacent, non-contiguous lots under the same ownership as an exception to the requirement that accessory uses must be on a contiguous lot under the same ownership.

2. Ordinance 036-2006 was passed by the Board of County Commissioners on September 20, 2006, which ordinance amended the Monroe County Code to allow water service to a dock on an adjacent (non-contiguous) lot under the same ownership and allowed docks as an accessory use on lots under the same ownership within 500 feet of the lot with the principal use processed as a variance to be granted by the planning director, and allowed adjacent non-contiguous lands to be aggregated for purposes of development if they shared a border of 50% of the smaller lot or at least 50 feet, thus allowing development and accessory structures and uses to be made by combining the area of lots across streets.

3. Ordinance 036-2006 was rejected by Final Order of the Department of Community Affairs seemingly on the basis that 500 feet was too far a distance from the principal use, and that the ordinance encouraged development on Tier 1 lands.

4. The use of adjacent lands for accessory uses is in the best interests of the public and provides a use for properties which may face lengthy permitting processes for residential use.

5. Adjacent and contiguous lands need to be better defined in the definitions of the Monroe County Land Development Code.

6. Federal and State law grants power to Monroe County to regulate and restrict the use of land and buildings in order to promote the safety and general welfare of its citizens.

7. Monroe County has adopted land use goals, policies, and objectives in a comprehensive plan to guide policy on building and land use regulations, and to promote health, safety, and general welfare.

8. The provision of this ordinance is consistent with the Monroe County Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.

9. The Monroe County Planning Commission held a duly advertised public hearing on March 25, 2009 and June 10, 2009 and recommended _____ to the Board of County Commissioners.

RECOMMENDATION

Staff recommends denial to the Monroe County Planning Commission for the following reasons:

- Negative visual impact on community character
- Influx of accessory uses or structures on contiguous and non-contiguous lots that do not have a principal structure
- Creation of accessory storage lots in residential subdivisions
- Creation of potential code compliance issues

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

From: Tiffany Stankiewicz, Sr. Planning Tech.

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

Date: April 7, 2009

Subject: Revised Residential Dwelling Unit Evaluation Report for Lower Keys Quarter 2, Year 17

Meeting Date: April 22, 2009

This report has been prepared pursuant to Section 138.26 of the Land Development Regulations (LDRs). The proposed revised residential dwelling unit rankings attached to this report are for the second quarter of year seventeen which covers the period October 15, 2008, through January 13, 2009 for the Lower Keys Subarea.

I) BACKGROUND INFORMATION:

On March 25, 2009, the Planning Commission approved the Lower Keys Market Rate allocations. However, it was brought to the Planning & Environmental Resources Departments attention within the appeal period that a scoring error occurred in the Lower Keys Subarea. Mr. Cecil Muehrcke submitted ROGO application 08203510 and was not given points for his proposed land dedication. Therefore, the rankings are being brought forward to revise and correct the rankings for the Lower Keys.

II) ALLOCATION AWARDS AVAILABLE IN THE FOLLOWING QUARTERS:

A. Pursuant to Section 138-24 the number of annual allocations available is 197.

B. Section 138-24(a)(6) limits on the number of allocation awards in Tier I are established. Except on Big Pine Key and No Name Key, the annual number of allocation awards in Tier I shall be limited to no more than three (3) in the Upper Keys and three (3) in the Lower Keys.

C. Section 138-26(e) Identical ranking for market rate housing applications. If two or more allocation applications in a given subarea have identical evaluation points, these applications shall be ranked in descending order from the earliest controlling date of

submission to the latest. The planning commission may approve two or more allocation applications with identical rankings and controlling dates despite the fact that the quarterly allocation will be exceeded if:

(1) A clear statement of findings of fact are made justifying the decision; and
(2) The excess allocation is reduced from the next succeeding quarterly allocation period or is reduced pro rata from the next three quarterly allocation periods.

D. Monroe County Code Section 138-24 allows a total of 197 allocations per year (126 Market Rate and 71 Affordable Housing). Therefore, based on allotted allocations per year, expired allocation awards/permits, and Development Agreements the following Market Rate allocations available in ROGO Year 17 (see table below).

Year 17 Allocation Allotment Breakdown

Area	M CC allotment by subarea	Expired Allocations	Expired Permits	Allocations from Agreements	New Allocation Total for Year 17	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Market Rate:									
Lower Keys (Lower/Middle) Keys	**57**	**10**	**6**	**31**	**104**	**26**	**26**	**26**	**26**

III) EVALUATION AND RANKING:

The evaluation of the allocation applications was performed by the Planning & Environmental Resources Department. Positive and negative points were granted in compliance with the evaluation criteria contained in Section 138-28 of the LDRs for the Lower (Lower/Middle) Key Subarea.

Based on the total points scored, each allocation was ranked by sub-area. If applications received identical scores, they were first ranked by date and time and further ranked based on the applicants with the fewest negative number of points on the same day. Please note that any excess allocations approved must be deducted from the next quarterly allocation period pursuant to Monroe County Code Section 138.26(e).

IV) RECOMMENDATION LOWER KEYS MARTKET RATE ALLOCATIONS:

Findings of Fact:

1) Revised Lower Keys Rankings prepared to correct scoring error to ROGO application 08203510; and
2) Applicants ranked numbers 26 & 27 have the same ROGO application submittal date with a time of two minutes apart; and

Staff recommends the approval of Lower Keys: Applicants ranked 1 through 27; the one extra allocation approved from this quarter will be deducted from Quarter 3, Year 17.

REVISED RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS -YEAR 17, QUARTER 2 (OCTOBER 15, 2008 TO JANUARY 13, 2009)

Tier Rank		Permit #	Name	Date and Time of Application Date	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	Lot Agg Pts. Tier 2 or 3 ONLY ea. 4 Pts	Land Ded Pt 4 per lot	Flood Zone V -4	BAT/ AWT	First Four Years 1	Each Add. Years 2	Tota
MARKET RATE DWELLING UNITS																			
1	*	03102285	Judi's House (Adm. Relief Reso 37-2009)	29-Jun-04	1:05 PM	Sugarloaf	White Heron Estates	condo L17	N/A	00172070.000700	1	10	0	0	0	0	4	0	14
2	*	02104375	Levine, Arnold	1-Nov-02	9:45 AM	Cudjoe	Cudjoe Gardens 2nd Add.	16	4	00173960.000000	3	30	0	0	-4	0	4	4	34
3	*@	08203510	Muehrcke, Cecil	13-Jan-09	1:47 PM	Duck	Center Island Sec. 2 Pt 1 Toms Harbor	27	3	00379730.000000	3	30	0	4	0	0	0	N/A	34
4	*	05101972	Stillwagon, Christine	9-Sep-05	10:30 AM	Sugarloaf	Orchid Park	37	N/A	00166977.003700	3	30	0	0	0	0	3	0	33
5	*	05101333	Baker, Bradley	29-Sep-05	11:05 AM	Cudjoe	Cudjoe Gardens 8th Add.	9	23	00174835.005200	3	30	0	0	0	0	3	0	33
6	*	05103224	Christopher, James	13-Oct-05	8:55 AM	Cudjoe	Cudjoe Gardens 1st Add.	13	10	00173350.000000	3	30	0	0	0	0	3	0	33
7	*	05104405	Garber, Walter	13-Oct-05	11:00 AM	Ramrod	Breezeswept Beach Estates	10	17	00205890.000000	3	30	0	0	0	0	3	0	33
8	*	05104929	Beckingham, Barbara	15-Nov-05	12:00 PM	Sugarloaf	Sugarloaf Shores Sec D Ext.	109	N/A	00166973.010900	3	30	0	0	0	0	3	0	33
9	*	05104824	Pike, Peter	16-Nov-05	4:15 PM	Sugarloaf	Sugarloaf Shores Sec. F Rev. & Amd.	104	N/A	00166976.010400	3	30	0	0	0	0	3	0	33
10	*	05104826	RBFC Co. Lic.	18-Nov-05	1:30 PM	Big Coppitt	Porpoise Point Sec. 6	8	10	00156550.000000	3	30	0	0	0	0	3	0	33
11	*	05103882	West Coast Trust	21-Nov-05	8:50 AM	Saddlebunch	Bay Point Amd.	22	6	00161010.000000	3	30	0	0	-4	4	3	0	33
12	*	05203853	Grant, Susan	2-Dec-05	3:15 PM	Duck	Center Island Sec. 2 Part 1 Toms Harbor	5	4	00379870.000000	3	30	0	0	0	0	3	0	33
13	*	05205023	McGuire, Charles	8-Dec-05	1:50 PM	Duck	Plantation Island Sec. 3 Part 2 Toms Ha	4	3	00383000.000000	3	30	0	0	0	0	3	0	33
14	*	05104645	FTJ Holding	16-Dec-05	11:05 AM	Cudjoe	Cudjoe Ocean Shores	5	2	00187350.000000	3	30	0	0	0	0	3	0	33
15	*	05104644	FTJ Holding	16-Dec-05	11:10 AM	Cudjoe	Cudjoe Ocean Shores	6	2	00187360.000000	3	30	0	0	0	0	3	0	33
16	*	05105297	Lee, Donald	16-Dec-05	12:00 PM	Cudjoe	Cutthorat Harbor Est.	52	5	00178020.000000	3	30	0	0	0	0	3	0	33
17	*	05202842	Llorente, Carlos	22-Dec-05	9:45 AM	Duck	Center Island Sec. 2 Part 1 Toms Harbor	9	8	00380860.000000	3	30	0	0	0	0	3	0	33
18	*	05203854	Grant, Susan	10-Jan-06	2:09 PM	Duck	Center Island Sec. 2 Part 1 Toms Harbor	6	4	00379880.000000	3	30	0	0	0	0	3	0	33
19	*	05105278	Eller, William	10-Jan-06	2:15 PM	Sugarloaf	Indian Mound Estates	4	10	00171310.000000	3	30	0	0	0	0	3	0	33
20	*	05104655	Bethel, Harry	10-Jan-06	2:17 PM	Big Coppitt	Johnsonville	8	8	00152010.000000	3	30	0	0	0	0	3	0	33
21	*	05101508	Zorn, Beverly	11-Jan-06	11:25 AM	Summerland	Summerland Key Cove Amd.	13	3	00189630.000000	3	30	0	0	0	0	3	0	33
22	*	05105186	Chapman, Douglas	13-Jan-06	11:20 AM	Sugarloaf	Sugarloaf Shores Sec C	76	N/A	00166570.000000	3	30	0	0	0	0	3	0	33
23	*	03100078	Elder, Rick	13-Mar-03	10:00 AM	Cudjoe	Cudjoe Gardens	2	8	00172210.000000	3	30	0	0	-4	0	4	2	32
24	*	03101547	Lang, Michael	29-May-03	4:05 PM	Cudjoe	Cutthroat Harbor Estates	4	17	00186470.000000	3	30	0	0	-4	0	4	2	32
25	*	05205234	DelCampo, Oscar	8-Feb-06	11:30 AM	Duck	Center Iland Sec. 2 Part 2 Toms Harbor	7	11	00381570.000000	3	30	0	0	0	0	2	0	32
26	*	04105379	Sawyer, Jon	9-Feb-06	10:48 AM	Little Torch	Jolly Rodger Est.	9	14	00217000.000000	3	30	0	0	0	0	2	0	32
27	*	05106845	Arechavaleta, Carmen	9-Feb-06	10:50 AM	Ramrod	Ramrod Shores 2nd Add.	79		00209910.000000	3	30	0	0	0	0	2	0	32
28		05104768	Lowe, Ed	13-Feb-06	10:25 AM	Ramrod	Ramrod Shores Marina Sec.	25	5	00210811.007100	3	30	0	0	0	0	2	0	32
29		06100286	German, Todd	13-Feb-06	1:56 PM	Cudjoe	Amd. Cudjoe Ocean Shores Sec. 2A	13	9	00188684.001500	3	30	0	0	0	0	2	0	32
30		05106501	Ambris et al	14-Feb-06	8:45 AM	Sugarloaf	Indian Mound Estates	37	8	00170630.000000	3	30	0	0	0	0	2	0	32
31		05106642	Ambris et al	14-Feb-06	8:50 AM	Sugarloaf	Indian Mound Estates	38	8	00170640.000000	3	30	0	0	0	0	2	0	32
32		05102214	Junclaus, David	15-Mar-06	10:43 AM	Ramrod	Breezeswept Beach Est.	6	11	00204170.000000	3	30	0	0	0	0	2	0	32
33		05105280	Spottswood, William	15-Mar-06	11:35 AM	Ramrod	Breezeswept Beach Est.	77	2	00201690.000000	3	30	0	0	0	0	2	0	32
34		04105576	Lanave, Michael	20-Jul-06	10:20 AM	Cudjoe	Cutthroat Harbor Est. 1st Add.	12	8	00185020.000000	3	30	0	0	0	0	2	0	32
35		06100872	Blue Water Cove LLC	20-Jul-06	11:00 AM	Little Torch	Mates Beach Plat #6	14	2	00220530.000000	3	30	0	0	0	0	2	0	32
36		6200886	A Weekend at Bernies	20-Jul-06	1:48 PM	Duck	Center Island Sec. 2 Pt 1 Toms Harbor	12	4	00379940.000000	3	30	0	0	0	0	2	0	32
37		06100775	Piscopink, Dennis	21-Jul-06	2:40 PM	Sugarloaf	Sugarloaf Shores Sec. D	58		00164500.000000	3	30	0	0	0	0	2	0	32
38		06101377	Cisneros, Ed	24-Jul-06	9:00 AM	Summerland	Summerland Key Cove Amd.	3	3	00189530.000000	3	30	0	0	0	0	2	0	32
39		06201131	Boca East Realty Inc.	24-Jul-06	11:20 AM	Duck	Center Island Sec. 2 Pt. 1 Toms Harbor	14	14	00382020.000000	3	30	0	0	0	0	2	0	32
40		06201647	Boca East Realty Inc.	24-Jul-06	11:30 AM	Duck	Center Island Sec. 2 Pt. 1 Toms Harbor	6	9	00381040.000000	3	30	0	0	0	0	2	0	32
41		06201646	Damiecki, Marcel	24-Jul-06	11:50 AM	Duck	Center Island Sec. 2 Pt. 1 Toms Harbor	19	14	00382070.000000	3	30	0	0	0	0	2	0	32
42		06201643	Damiecki, Marcel	24-Jul-06	11:55 AM	Duck	Center Island Sec. 2 Pt. 2 Toms Harbor	11	11	00381610.000000	3	30	0	0	0	0	2	0	32
43		06201642	Damiecki, Marcel	24-Jul-06	12:10 PM	Duck	Center Island Sec. 2 Pt. 1 Toms Harbor	15	14	00382030.000000	3	30	0	0	0	0	2	0	32

REVISED
APRIL 6, 2009

REVISED RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS -YEAR 17, QUARTER 2 (OCTOBER 15, 2008 TO JANUARY 13, 2009)

Tier Rank	Permit #	Name	Date and Time of Application Date	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	Lot Agg Pts. Tier 2 or 3 ONLY ea. 4 Pts	Land Ded Pt 4 per lot	Flood Zone V -4	BAT/ AWT	First Four Years 1	Each Add. Years 2	Total
44	05105277	Hock, David	25-Jul-06	8:30 AM	Ramrod	Breezeswept Beach Estates	7	11	00204180.000000	3	30	0	0	0	0	2	0	32
45	06200690	Kersh, Dan	25-Jul-06	11:45 AM	Duck	Center Island Sec. 2 Pt 1 Torns Harbor	35	3	00379810.000000	3	30	0	0	0	0	2	0	32
46	06100674	Henson, Erik	25-Jul-06	12:44 PM	Sugarloaf	Indian Mounds Estates	11	6	00169570.000000	3	30	0	0	0	0	2	0	32
47	06101565	Kruzick, George	28-Jul-06	1:22 PM	Big Coppitt	Similar Sound Sec. A	28		00153870.000100	3	30	0	0	0	0	2	0	32
48	05202855	Llorente, Carlos	28-Jul-06	2:49 PM	Duck	Center Island Sec. 2 Pt 1 Torns Harbor	1	14	00381890.000000	3	30	0	0	0	0	2	0	32
49	06204574	Boca East Realty Inc.	12-Sep-06	10:06 AM	Duck	Center Island Sec. 2 Pt. 1 Torns Harbor	17	8	00380940.000000	3	30	0	0	0	0	2	0	32
50	06204521	Boca East Realty Inc.	12-Sep-06	10:08 AM	Duck	Center Island Sec. 2 Pt. 1 Torns Harbor	20	6	00380410.000000	3	30	0	0	0	0	2	0	32
51	06204555	Damiecki, Marcel	12-Sep-06	10:11 AM	Duck	Center Island Sec. 2 Pt. 1 Torns Harbor	9	4	00379910.000000	3	30	0	0	0	0	2	0	32
52	06204557	Damiecki, James	12-Sep-06	10:43 AM	Duck	Center Island Sec. 2 Pt. 1 Torns Harbor	17	3	00379630.000000	3	30	0	0	0	0	2	0	32
53	06100994	Glasser, Len	19-Sep-06	1:14 PM	Summerland	Summerland Key Garden	8	2	00200460.000000	3	30	0	0	0	0	2	0	32
54	06204571	Boca East Realty Inc.	21-Sep-06	11:02 AM	Duck	Center Island Sec. 2 Pt. 1 Torns Harbor	11	4	00379930.000000	3	30	0	0	0	0	2	0	32
55	05106503	Brown, Tod	22-Sep-06	11:05 AM	Sugarloaf	Sugarloaf Shores Sec. F	42		00166976.004200	3	30	0	0	0	0	2	0	32
56	03102576	Proctor, Kimberly	22-Sep-06	2:31 PM	Ramrod	Breezeswept Beach Est.	23	17	00205820.000000	3	30	0	0	0	0	2	0	32
57	06105011	Schroeder, Doug	5-Oct-06	10:00 AM	Ramrod	Breezeswept Beach Est.	pt 82	2	00201740.000000	3	30	0	0	0	0	2	0	32
58	05105920	Finigan, Dale	6-Oct-06	10:20 AM	Ramrod	Ramrod Shores Marina Sec.	24	5	00210811.007000	3	30	0	0	0	0	2	0	32
59	06204573	Boca East Realty	16-Oct-06	10:24 AM	Duck	Center Island Sec. 2 Pt. 1 Torns Harbor	19	5	00380210.000000	3	30	0	0	0	0	2	0	32
60	05101967	Gelman, Andrew	9-Nov-06	12:30 PM	Ramrod	Breezeswept Beach Estates	31	6	00203070.000000	3	30	0	0	0	0	2	0	32
61	06105662	Glaser, Todd	28-Dec-06	3:45 PM	Summerland	Summerland Key Garden	9	2	00200470.000000	3	30	0	0	0	0	2	0	32
62	06106064	Rawls, Paul	29-Dec-06	10:17 AM	Cudjoe	Cudjoe Gardens	3	3	00172290.000000	3	30	0	0	0	0	2	0	32
63	06105774	Thompson, Barbara	2-Jan-07	2:30 PM	Ramrod	Breezeswept Beach Estates	6	17	00205650.000000	3	30	0	0	0	0	2	0	32
64	06105353	Barker, Franklin	4-Jan-07	10:05 AM	Cudjoe	Cudjoe Gardens 1st Add.	13	11	00173490.000000	3	30	0	0	0	0	2	0	32
65	06106229	Hernandez, George	8-Jan-07	9:50 AM	Big Coppitt	Johnsonville	4	8	00151970.000000	3	30	0	0	0	0	2	0	32
66	05106627	Impallomeni, Steven	10-Jan-07	11:29 AM	Ramrod	Breezeswept Beach Estates	9	3	00201860.000000	3	30	0	0	0	0	2	0	32
67	06105166	Eon, David	11-Jan-07	2:53 PM	Cudjoe	Cudjoe Gardens 4th Add.	4	15	00174631.000400	3	30	0	0	0	0	2	0	32
68	06105187	Tolli, Lisa	11-Jan-07	2:54 PM	Cudjoe	Cudjoe Gardens 4th Add.	3	15	00174631.000300	3	30	0	0	0	0	2	0	32
69	06101671	Weller, William	12-Jan-07	9:23 AM	Little Torch	Jolly Roger Estates	5	19	00218050.000000	3	30	0	0	0	0	2	0	32
70	06105504	Snopek, Jeff	12-Jan-07	10:46 AM	Ramrod	Breezeswept Beach Estates	21	11	00204320.000000	3	30	0	0	0	0	2	0	32
71	03200999	Hering, Jean	12-Jan-07	12:15 PM	Duck	Center Island Sec. 2 Pt 1 Torns Harbor	10	4	00379920.000000	3	30	0	0	0	0	2	0	32
72	06105232	Moyant, John	16-Jan-07	10:39 AM	Ramrod	Breezeswept Beach Estates	9	6	00202850.000000	3	30	0	0	0	0	1	0	31
73	05102057	Mullica, Scott	16-Jan-07	2:05 PM	Ramrod	Breezeswept Beach Estates	8	8	00203440.000000	3	30	0	0	0	0	1	0	31
74	05104799	Stowell, Paul	17-Jan-07	4:08 PM	Ramrod	Breezeswept Beach Estates	7	17	00205660.000000	3	30	0	0	0	0	1	0	31
75	06106808	Hillpot, Ralph	1-Feb-07	2:06 PM	Ramrod	Ramrod Shores Marina Sec.	3	5	00210811.004900	3	30	0	0	0	0	1	0	31
76	06206503	Benincasa, Micheal	2-Feb-07	9:05 AM	Duck	Center Island Sec 2 Pt 1 Torns Harbor	15	10	00381350.000000	3	30	0	0	0	0	1	0	31
77	06106825	Almquist, Mark	2-Apr-07	8:46 AM	Cudjoe	Cutthroat Harbor Estates	26	21	00181140.000100	3	30	0	0	0	0	1	0	31
78	07100454	Spann, Micheal	11-Apr-07	9:00 AM	Cudjoe	Cudjoe Gardens	11	4	00172500.000000	3	30	0	0	0	0	1	0	31
79	06101467	Garcia, Tina	13-Apr-07	9:40 AM	Big Coppitt	Johnsonville	2	4	00151410.000000	3	30	0	0	0	0	1	0	31
80	07100607	Groff, James	13-Apr-07	9:43 AM	Cudjoe	Cutthroat Harbor Estates	13 & pt 12	22	00181380.000000	3	30	0	0	0	0	1	0	31
81	06205971	Sympson, Jeff	23-May-07	10:30 AM	Duck	Center Island Sec 2 Pt 1 Torns Harbor	32	3	00379780.000000	3	30	0	0	0	0	1	0	31
82	05104807	Cunningham, Michael	1-Jun-07	3:21 AM	Ramrod	Breezeswept Beach Estates	10	6	00202860.000000	3	30	0	0	0	0	1	0	31
83	05104648	Cunningham, Michael	1-Jun-07	3:20 PM	Ramrod	Breezeswept Beach Estates	11	6	00202870.000000	3	30	0	0	0	0	1	0	31
84	07101320	Meko, Ronald	20-Jun-07	2:28 PM	Ramrod	Breezeswept Beach Estates	12	8	00203480.000000	3	30	0	0	0	0	1	0	31
85	07201803	Porter, William	20-Jun-07	2:30 PM	Duck	Yacht Clud Island Sec 4 Torns Harbor	131	1	00385440.000000	3	30	0	0	0	0	1	0	31
86	07101693	Garrido, Javier	22-Jun-07	9:14 AM	Big Coppitt	Gulfrest Park	4	3	00156950.000000	3	30	0	0	0	0	1	0	31
87	07100619	Pirates Cove Properties	26-Jun-07	11:30 AM	Cudjoe	Cudjoe Gardens 3rd Add.	3	14	00174550.000000	3	30	0	0	0	0	1	0	31
88	07101362	Jungclaus, David	12-Jul-07	10:00 AM	Ramrod	Breezeswept Beach Estates	60	2	00201520.000000	3	30	0	0	0	0	1	0	31
89	07101926	Flores, (Trustee)	19-Jul-07	3:40 PM	Little Torch	Mates Beach Plat #6	5	4	00220750.000000	3	30	0	0	0	0	1	0	31
90	06205993	Vastano, Frank	31-Jul-07	2:30 PM	Duck	Center Island Sec. 2 Torns Harbor	22	2	00376580.000000	3	30	0	0	0	0	1	0	31

REVISED
APRIL 6, 2009

REVISED RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS -YEAR 17, QUARTER 2 (OCTOBER 15, 2008 TO JANUARY 13, 2009)

Tier Rank		Permit #	Name	Date and Time of Application Date	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	Lot Agg Pts. Tier 2 or 3 ONLY ea. 4 Pts	Land Ded Pt 4 per lot	Flood Zone V -4	BAT/ AWT	First Four Years 1	Each Add. Years 2	Total
91		07102635	Glab, Scott	14-Sep-07	9:00 AM	Ramrod	Breezeswept Beach Estates	15	4	00202240.000000	3	30	0	0	0	0	1	0	31
92		07202399	Bair, David	2-Oct-07	10:00 AM	Duck	Yacht Clud Island Sec. 4 Toms Harbor	1	2	00385530.000000	3	30	0	0	0	0	1	0	31
93		07101127	Salinero, Fred	9-Oct-07	9:15 AM	Shark Key	Shark Key Amd. & Rev.	15	5	00159252.007100	3	30	0	0	0	0	1	0	31
94		07100622	Pirates Cove Properties LLC	12-Oct-07	12:30 PM	Cudjoe	Cudjoe Gardens 3rd Add.	1	14	00174530.000000	3	30	0	0	0	0	1	0	31
95		07102386	Gaster, Orval	19-Oct-07	2:17 PM	Summerland Key	Summerland Key Cove Amd.	1	3	00189510.000000	3	30	0	0	0	0	1	0	31
96		04100195	Vasallo, Tiffany	15-Mar-04	12:35 PM	Cudjoe	Cutthroat Harbor Estates 1st Add.	3	16	00186260.000000	3	30	0	0	-4	0	4	0	30
97		04100194	Devivo, Riziero	15-Mar-04	12:40 PM	Cudjoe	Cutthroat Harbor Estates 1st Add.	4	16	00186270.000000	3	30	0	0	-4	0	4	0	30
98		04101353	Olsen, Brent	12-Jul-04	09:30 AM	Cudjoe	Cutthroat Harbor Estates 1st Add.	16	6	00184630.000000	3	30	0	0	-4	0	4	0	30
99	@	04103405	Thommes, Brooks	25-Aug-04	9:30 AM	Cudjoe	Cudjoe Gardens 2nd Add.	33	3	00173760.000000	3	30	0	0	-4	0	4	0	30
100		07104450	Cates, Craig	14-Jan-08	9:45 AM	Big Coppitt	Johnsonville	7	6	00151720.000000	3	30	0	0	0	0	0	N/A	30
101		07104632	Rudolph, Douglas	14-Jan-08	12:20 PM	Ramrod Key	Ramrod Shores Marina Sec.	6	5	00210811.005200	3	30	0	0	0	0	0	N/A	30
102		07104920	Hernandez, George	14-Jan-08	4:09 PM	Big Coppitt	Johnsonville	2	9	00152070.000000	3	30	0	0	0	0	0	N/A	30
103		05101778	Hay, Terry	7-Mar-08	10:50 AM	Little Torch	Jolly Roger Estates	12	15	00217170.000000	3	30	0	0	0	0	0	N/A	30
104		07101590	Lindholm, Einar	20-Mar-08	11:10 AM	Sugarloaf	Sugarloaf Shores Sec. B	54		00163730.000000	3	30	0	0	0	0	0	N/A	30
105		05104647	Gardner, Lanny	12-Jun-08	1:51 PM	Ramrod	Ramrod Shores 3rd Add.	22		00209971.002200	3	30	0	0	0	0	0	N/A	30
106		05104646	Gardner, Lanny	12-Jun-08	1:55 PM	Ramrod	Ramrod Shores 3rd Add.	23		00209971.002300	3	30	0	0	0	0	0	N/A	30
107		07103449	Grooms, Todd	23-Jun-08	9:15 AM	Little Torch	Jolly Rogers Estates	8	18	00217790.000000	3	30	0	0	0	0	0	N/A	30
108		08101784	Gerez, Gregory	8-Jul-08	12:01 PM	Sugarloaf	Orchid Park	20		00166977.002000	3	30	0	0	0	0	0	N/A	30
109		05100215	Brookhart Properties	29-Jul-08	11:23 AM	Ramrod	Breezeswept Beach Estates	11	8	00203470.000000	3	30	0	0	0	0	0	N/A	30
110		08101901	Lomabard, Mike	29-Jul-08	11:24 AM	Cudjoe	Cudjoe Ocean Shores	15	4	00187880.000000	3	30	0	0	0	0	0	N/A	30
111		05104606	Gambert, Richard	13-Aug-08	9:10 AM	Sugarloaf	Sugarloaf Shores Plat 2 Sec. C	30		00166120.000000	3	30	0	0	0	0	0	N/A	30
112		08102415	Bowden, Micheal	27-Aug-08	8:29 AM	Ramrod	Breezeswept Beach Estates	31	3	00202080.000000	3	30	0	0	0	0	0	N/A	30
113		04105782	Rothdeutsch, Judy	28-Aug-08	2:56 PM	Ramrod	Ramrod Shores 3rd Add.	19		00209971.001900	3	30	0	0	0	0	0	N/A	30
114		04104632	Zydeck, Frederick	18-Sep-08	9:50 AM	Ramrod	Breezeswept Beach Estates	3	1	00200810.000000	3	30	0	0	0	0	0	N/A	30
115		08103032	Parkinson, Dean	4-Nov-08	11:15 AM	Ramrod	Ramrod Shores Marina Sec.	7	3	00210440.000000	3	30	0	0	0	0	0	N/A	30
116		08103031	Parkinson, Dean	4-Nov-08	11:20 AM	Ramrod	Ramrod Shores Marina Sec.	8	3	00210450.000000	3	30	0	0	0	0	0	N/A	30
117		08103881	Gouldy, Ralph	5-Nov-08	9:19 AM	Ramrod	Breezeswept Beach Estates	9	8	00203450.000000	3	30	0	0	0	0	0	N/A	30
118		08103503	DeMambro, Brian	15-Dec-08	3:05 PM	Summerland	Snug Harbor Add. #1	21	1	00195640.000000	3	30	0	0	0	0	0	N/A	30
119		08100579	Melloul, Shlomo	18-Dec-08	11:09 AM	Saddlebunch	Bay Point Amd.	34	6	00161130.000000	3	30	0	0	0	0	0	N/A	30
120		08102694	First St. Bank of Fl Keys	18-Dec-08	1:45 PM	Sugarloaf	Sugarloaf Shores Sec. D	78		00164700.000000	3	30	0	0	0	0	0	N/A	30
121		08101298	Vallejo, Arturo	18-Dec-08	3:10 PM	Ramrod	Ramrod Shores 2nd Add.	69		00209810.000000	3	30	0	0	0	0	0	N/A	30
122		08103049	Hernandez, Nestor	22-Dec-08	12:20 PM	Little Torch	Coral Shores Est. Mobile Homes Sec. 1	38	1	00214481.003800	3	30	0	0	0	0	0	N/A	30
123		05100100	Guierrez, Oreste	15-Mar-05	2:09 PM	Cudjoe	Cutthroat Harbor Estates #1	15	17	00186580.000000	3	30	0	0	-4	0	3	0	29
124		04105262	Noack, Wolfgang	8-Apr-05	2:25 PM	Cudjoe Key		Parcel E	N/A	00115840.000207	3	30	0	0	-4	0	3	0	29
125		05101181	Davis, Priscilla	18-Apr-05	2:45 PM	Cudjoe	Cudjoe Gardens 2nd Add.	16	2	00173550.000000	3	30	0	0	-4	0	3	0	29
126		05101373	Bialk, Gary	10-Jun-05	1:45 PM	Cudjoe	Cutthroat Harbor Estates 1st. Add.	5	16	00186280.000000	3	30	0	0	-4	0	3	0	29
127		05101447	Burns, John	1-Jul-05	10:55 AM	Sugarloaf	Indian Mound Estates	4 & 5	3	00188870.000100	3	30	0	0	-4	0	3	0	29
128		05101969	Smith, Robert	5-Jul-05	10:00 AM	Shark Key	Shark Key Amd. & Revised	14	3	00159252.002600	3	30	0	0	-4	0	3	0	29
129		04104656	Garcia, Antonio	7-Jul-05	8:50 AM	Cudjoe	Cutthroat Harbor Estates	1	10	00178920.000000	3	30	0	0	-4	0	3	0	29
130		05103864	Heistand, Mark	18-Nov-05	12:27 PM	Cudjoe	Cutthroat Harbor Estates 1st Add.	18	16	00186410.000000	3	30	0	0	-4	0	3	0	29
131		04105551	Smith, Lynn	13-Dec-05	11:30 AM	Cudjoe	Cutthroat Harbor Est. 1st Add.	1	11	00185330.000000	3	30	0	0	-4	0	3	0	29
132		05106718	Hondru, Susan	26-Jan-06	11:30 AM	Cudjoe	Cutthroat Harbor Est.	40 & 1/2 of 39	19	00180520.000000	3	30	0	0	-4	0	2	0	28
133		05103014	Wesson, Donald	10-Feb-06	1:53 PM	Cudjoe	Cudjoe Gardens 2nd Add.	5	12	00174310.000000	3	30	0	0	-4	0	2	0	28
134		05100097	Martinez, Ignacio	8-Sep-06	10:45 AM	Cudjoe	Cutthroat Harbor Est. 1st Add.	1	17	00186440.000000	3	30	0	0	-4	0	2	0	28
135		06105706	Von Holzen, Jeffry	4-Jan-07	10:00 AM	Shark Key	Shark Key Amd. & Rev.	2	2	00159252.000800	3	30	0	0	-4	0	2	0	28
136		06105484	Jacquette, Anthony	2-Mar-07	3:00 AM	Sugarloaf	Indian Mounds Estates	1	2	00168810.000100	3	30	0	0	-4	0	1	0	27
137		07100620	Pirates Cove Properties	26-Jun-07	11:35 AM	Cudjoe	Cudjoe Gardens 2nd Add.	1	13	00174350.000000	3	30	0	0	-4	0	1	0	27

REVISED
APRIL 6, 2009

REVISED RESIDENTIAL DWELLING UNIT ALLOCATION RANKING, AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR LOWER KEYS -YEAR 17, QUARTER 2 (OCTOBER 15, 2008 TO JANUARY 13, 2009)

Tier Rank	Permit #	Name	Date and Time of Application Date	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	Lot Agg Pts. Tier 2 or 3 ONLY ea. 4 Pts	Land Ded Pt 4 per lot	Flood Zone V -4	BAT/ AWT	First Four Years 1	Each Add. Years 2	Total
138	04100234	Arnold, Aaron	27-Jul-07	12:00 PM	Sugarloaf	Vacation Harbour	12		00172061.001200	3	30	0	0	-4	0	1	0	27
139	05105291	Orlando, John	9-Oct-07	10:09 AM	Cudjoe	Cutthroat Harbor Estates 1st Add.	11	10	00185260.000101	3	30	0	0	-4	0	1	0	27
140	05104650	Hock, David	6-Mar-06	10:20 AM	Ramrod	Ramrod Shores Marina Sec.	12	1	00210110.000000	3-A	20	4	0	0	0	2	0	26
141	07104678	Lentz, Edward	16-Jan-08	10:00 AM	Sugarloaf	Vacation Harbor	20		00172061.001902	3	30	0	0	-4	0	0	N/A	26
142	07100621	Pirates Cove Properties LLC	26-Feb-08	11:40 AM	Cudjoe	Cudjoe Gardens 2nd Add.	2	14	00174540.000000	3	30	0	0	-4	0	0	N/A	26
143	07102199	Gural, Emil	13-Jun-08	9:45 AM	Cudjoe	Cutthroat Harbor Estates 1st Add.	11	7	00184800.000000	3	30	0	0	-4	0	0	N/A	26
144	06106013	Warden, Donald	27-Oct-08	1:25 PM	Cudjoe	Cutthroat Harbor Est. 1st Add.	14	17	00186570.000000	3	30	0	0	-4	0	0	N/A	26
145	07104219	Kurpis, Albert	5-Nov-08	11:52 AM	Sugarloaf	Sugarloaf Shores Amd. Sec. F	64		00166976.006400	3	30	0	0	-4	0	0	N/A	26
146	08103867	Henkel, Robert	8-Jan-09	9:31 AM	Cudjoe	Cutthroat Harbor Est. 1 st Add.	4	12	00185540.000000	3	30	0	0	-4	0	0	N/A	26
147	04105722	Haney, Norman	23-Dec-05	10:00 AM	Ramrod	Ramrod Shores Marina Sec.	10	5	00210811.005600	3-A	20	0	0	0	0	3	0	23
148	03102536	Cadden, James	11-Jul-03	8:30 AM	Sugarloaf	Indian Mounds Estates	1	4	00168990.000000	3-A	20	0	0	-4	0	4	2	22
149	05106427	Parkinson, Dean	15-Mar-06	11:40 AM	Ramrod	Ramrod Shores Marina Sec.	13	3	00210500.000000	3-A	20	0	0	0	0	2	0	22
150	08104835	Russell Jr., Harry	6-Mar-07	12:10 PM	Sugarloaf	Indian Mounds Estates	31	9	00171070.000000	3-A	20	0	0	0	0	1	0	21
151	06104834	Russell Jr., Harry	6-Mar-07	12:12 PM	Sugarloaf	Indian Mounds Estates	32	9	00171080.000000	3-A	20	0	0	0	0	1	0	21
152	03103801	Krause, Rudolph	14-Oct-03	10:00 AM	Ramrod	Part Gov't Lot 1		N/A	00114150.000000	1	10	0	0	0	0	4	2	16
153	03102386	Boundry, Ltd	26-Feb-04	11:10 AM	Ramrod		Parcel B	N/A	00114100.000200	1	10	0	0	0	0	4	0	14
154	03102385	Boundry, Ltd	26-Feb-04	11:15 AM	Ramrod		Parcel C	N/A	00114100.000300	1	10	0	0	0	0	4	0	14
155	05100528	Rothdeutlhsch, Thomas	15-Mar-05	11:45 AM	Big Torch Key	Torchwood West Unit 1	14	1	00243621.001400	1	10	0	0	0	0	3	0	13
156	05103801	Barcena, Fausto	12-Oct-05	11:00 AM	Summerland	Summerland Estates Resub. #2	6	4	00199810.000000	1	10	0	0	0	0	3	0	13
157	06100455	Berger, Joseph	24-Feb-06	3:30 PM	Big Torch	Torchwood West Unit 1	12	1	00243621.001200	1	10	0	0	0	0	2	0	12
158	06101084	Schwartz, John	12-Sep-06	2:00 PM	Big Torch	Torchwood West Unit 1	15	1	00243621.001500	1	10	0	0	0	0	2	0	12
159	06106183	Geis, David	4-Jan-07	10:57 AM	Big Torch	Torchwood West Unit 2	8 & S 1/2 of 9	2	00243622.002100	1	10	0	0	0	0	2	0	12
160	07101251	Parkinson, Dean	19-Jun-07	11:09 AM	Ramrod	Ramrod Shores Marina Sec.	4	7	00210811.009500	1	10	0	0	0	0	1	0	11
161	03102384	Boundry, Ltd	26-Feb-04	11:05 AM	Ramrod		Parcel A	N/A	00114080.000000	1	10	0	0	-4	0	4	0	10
162	07101117	Barroso, Sandra	9-Apr-08	2:39 PM	Summerland	Summerland Beach Add. #2	12	2	00197520.000000	1	10	0	0	0	0	0	N/A	10
163	06100873	O'Brien, Christopher	10-Jul-07	3:19 PM	Sugarloaf		Pt Govt 3		00119450.000000	1	10	0	0	-4	0	1	0	7

* Indicates a ranking sufficient to receive an allocation award.
@ Indicates a ranking subject to Growth Management Division Director approval.
M Indicates a ranking that is subject to Building Permit Restriction. approval.

Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009-2007.

REVISED
APRIL 6, 2009

File #: **M29016**

Owner's Name: Diaz, Fausto & Maria Del Carmen

Agent: Donna Bosold, The Craig Company

Type of Application: Map Amendment

Key: Duck Key; 1125 Greenbriar Rd.

RE #: 00377880-000000

Additional Information added to File M29016

End of Additional File M29016

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

We strive to be caring, professional and fair

Date: 2/5/09

Time: 232

Dear Applicant:

This is to acknowledge submittal of your application for Map amendment
Type of application

Fausto + Carmen Diaz to the Monroe County Planning Department.
Project / Name

We are unable at this time to issue a receipt of your application, as it will take our staff two working days to determine that all required materials related to your application have been submitted. All applications received after 12:00 Noon will be considered as submitted the following working day.

Also, as required by Monroe County Code, planning staff will review your application after acceptance, to deem it complete within an additional fifteen working days.

Thank you.

Julie Thomson
Planning Staff

RECEIVED
FEB 10 2009
MONROE CO. PLANNING

TRANSMITTAL

The Craig Company
Comprehensive Planning
Resort/Tourism Planning
Land Use Regulation
Development Feasibility
Site Design
Expert Witness
Landscape Design

Mailing address: P. O. Box 970
Key West, FL 33041-0970

Office Loc ation: 610 White Street
Key West, FL 33040

Phone: 305 294-1515
Fax: 305 292-1525
Email: donna@craigcompany.com

- ☐ VIA FAX
- ☐ VIA MAIL
- ■ VIA HAND DELIVERY
- ☐ VIA FEDERAL EXPRESS

Date: 02.05.09

To: Townsley Schwab
Acting Sr. Director of Planning & Environmental Resources,
Monroe County

From: Donna Bosold, AICP, Senior Associate

Subject: Map Amendment Application for Block 8, Lot 2, Duck Key Indies Island

Please review the enclosed application for map amendment and schedule for hearing at your earliest convenience. Included for your review is a completed application with supporting documentation, radius report with mailing labels, and a check for $5,033.00, which includes the application fee, advertising costs, technology fee, and surrounding property owners notification.

Please contact us immediately if any additional material would be helpful for your review.

Transmitting

- ■ Correspondence
- ☐ Prints
- ☐ Other

Reply Immediately

- ☐ By fax
- ☐ By phone
- ☐ By letter

The Craig Company

Comprehensive Planning
Resort/Tourism Planning
Land Use Regulation
Development Feasibility
Site Design
Expert Witness
Landscape Design

Mailing Address: P. O. Box 970
Key West Florida 33041

Office location: 610 White St.
Key West, Florida 33040

Phone: 305/294-1515
Fax: 305/292-1525
Email: donna@craigcompany.com

February 3, 2009

Mr. Townsley Schwab
Acting Sr. Director,
Monroe County Planning & Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, FL 33050

Re: Map Amendment Application for Block 8, Lot 2,
Duck Key Indies Island

Dear Townsley:

The Craig Company is pleased to submit the attached application for map amendment to assist our client with approval for a change to the land use district map from Improved Subdivision-Duplex (IS-D) to Improved Subdivision-Vacation Rental (IS-V).

In 1986 the property was zoned Destination Resort (DR) as a part of the overall approval for the Development of Regional Impact for the resort community commonly known as "Hawks Cay". In 1987, the previous property owner gained approval for a land use district map change to Improved Subdivision- Duplex (IS-D) in order to retain a semblance of the multi-family status in effect prior to 1986 of RU-3. The existing lawfully permitted duplex was completed in 1994, and is located on the Greenbriar Road cul-de-sac. The community character of the Greenbriar Road cul-de-sac can best be described as built out and consisting of predominantly duplex construction, with vacation rental uses already in effect.

For reviewing convenience, we have included both the standard format of the map amendment application and attachments with requisite fees as well as a format that responds to the specific criteria that must be met by Section 9.5-242.5 of the Monroe County Code.

Please let us know at your earliest convenience when we will be scheduled for hearing, and if there is any additional material that you would find helpful.

Sincerely,

Donna M.Bosold, AICP
Senior Associate
The Craig Company

Cc: M. Diaz
D.L. Craig

APPLICATION

MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

Request for a Land Use District and/or Future Land Use Map (FLUM) Amendment

Monroe County Code § 9.5-511

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 District Only (Residential) Application Fee: $4,131.00
Amendment to Land Use District Only (Non-Residential) Application Fee: $4,929.00
Amendment to Future Land Use Map Only Application Fee: $5,531.00
Amendment to Land Use District and Future Land Use Map Application Fee: $6,000.00

In addition to the above application fees, the following fees also apply to each application:
Advertising Costs: $735.00 $245
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Technology Fee: $20.00

Date of Submittal: 02 / 05 / 09
Month Day Year

Property Owner:
Fausto Diaz & Maria del Carmen Diaz
Name
10510 SW 142nd Av
Mailing Address
Miami, FL 33186
Daytime Phone
Email Address

Agent (if applicable):
The Craig Company - Donna Bosold
Name
P.O. Box 970, Key West, FL 33041
Mailing Address
305.294.1515
Daytime Phone
donna@craigcompany.com
Email Address

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

Block	Lot	Subdivision	Key
8	2	Duck Key Indies Island Section 1, Part 1	Duck Key

Real Estate (RE) Number	Alternate Key Number
00377880-000000	1461491

Street Address	Approximate Mile Marker
1125 Greenbriar Rd, Duck Key, FL	MM 61

APPLICATION

Current Land Use District Designation(s): Improved Subdivision-Duplex (IS-D)

Proposed Land Use District Designation(s): Improved Subdivision-Vacation Rental (IS-V)

Current Future Land Use Map Designation(s): Residential Medium (RM)

Proposed Future Land Use Map Designation(s): No change proposed

Total Land Area Affected: 9,664 Square feet ±

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):

The property is developed with a lawfully permitted duplex completed in 1994.

In accordance with the provisions set forth in Sec. 9.5-511 of the Monroe County Code, amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, owner or other person having a contractual interest in property to be affected by a proposed amendment.

In accordance with Sec. 9.5-511, 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):

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

   Please see attachments A & B

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

   Please see attachments A & B

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

   Please see attachments A & B

4) **New issues:**

Please see attachments A & B

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

Please see attachments A & B

6) **Data updates:**

Please see attachments A & B

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):

Please see attachments A & B

Has a previous application been submitted for this site within the past two years? Yes ___ No ✓

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)

- ☑ **Complete map amendment application** (unaltered and unbound); and
- ☑ **Correct fee** (check or money order to Monroe County Planning & Environmental Resources); and
- ☑ **Proof of ownership (i.e. Warranty Deed)**; and
- ☑ **Current Property Record Card(s) from the Monroe County Property Appraiser**; and
- ☑ **Location map**; and
- ☑ **Copy of Land Use District Map** (please request from the Planning & Environmental Resources Department prior to application submittal); and
- ☑ **Copy of Future Land Use Map** (please request from the Planning & Environmental Resources Department prior to application submittal); and
- ☑ **Photograph(s) of site from adjacent roadway(s)**; and
- ☑ **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 by land use district; and total acreage by habitat); and

APPLICATION

☑ **Typed name and address mailing labels of all property owners within a 300 foot radius of the property (three 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 Letters of Understanding pertaining to the proposed 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:** 020909

Sworn before me this 4 day of February 2009

JODELL ROBERTS
Commission DD 741679
Expires January 31, 2012
Bonded Thru Troy Fain Insurance 800-385-7019

Notary Public
My Commission Expires

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

APPENDIX

DIAZ MAP AMENDMENT

ATTACHMENT A	**RESPONSES TO APPLICATION**
ATTACHMENT B	**RESPONSES TO SECTION 9.5-242.5, MONROE COUNTY CODE**
ATTACHMENT C	**BOCC RESOLUTION 365-1986**
ATTACHMENT D	**BOCC ORDINANCE 039-1987**
ATTACHMENT E	**BOCC ORDINANCES 004-1997, 030-1999, 044-2000**
ATTACHMENT F	**MONROE COUNTY CODE SECTION9.5-534**
ATTACHMENT G	**WARRANTY DEED**
ATTACHMENT H	**PROERTY RECORD CARD**
ATTACHMENT I	**LOCATION MAP**
ATTACHMENT J	**LAND USE DISTRICT MAP**
ATTACHMENT K	**FUTURE LAND USE MAP**
ATTACHMENT L	**PROPERTY PHOTOS**
ATTACHMENT M	**SURVEY**
ATTACHMENT N	**RADIUS REPORT & MAILING LABELS**
ATTACHMENT O	**LETTER OF AUTHORIZATION**

ATTACHMENT A

RESPONSES TO APPLICATION

ATTACHMENT A

"In accordance with the provisions set forth in Sec. 9.5-511 of the Monroe County Code, amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, owner, or other person having a contractual interest in property to be affected by a proposed amendment."

In accordance with Sec. 9.5-511, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors.

1) Changed Projections (e.g., public service needs) from those on which boundary was based:

None.

Prior to 1986, the subject property was zoned RU-3, suitable for multi-family use (Attachment C). The property is located within the boundaries of the Development of Regional Impact (DRI) commonly known as "Hawks Cay", by Monroe County Board of County Commissioners Resolution No. 365-1986 (Attachment C) Originally zoned Destination Resort (DR) as a part of the DRI, the property owner at the time successfully petitioned to retain multi-family status for the then vacant lot pursuant to Ordinance 039-1987 (Attachment D)

The property currently supports a legally permitted duplex completed in 1994. The property is located on the Greenbriar Road cul-de-sac, which is built out and consists primarily of duplex construction (both pre- and post- 1986) with vacation rentals in place.

The requested change to Improved Subdivision-Vacation Rental (IS-V) is not anticipated to cause a change in the public service needs of either the subdivision, or Hawks Cay as a whole – the sole purpose of the IS-V designation is to permit the property owner to enjoy the same vacation rental rights as the neighboring and immediately adjoining properties zoned DR.

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

BOCC Ordinances No. 004-1997, 030-1999, and 044-2000 amended the Code to provide criteria to establish vacation rental uses in existing land use districts and included the creation of the IS-V land use district (Attachment E). These changes occurred to provide a regulatory framework for control of vacation rental uses while providing some flexibility for property owners in residential areas to legally use their property for short term rentals of up to 28 days in response to market trending that included longer stays by vacationers.

3) Data errors, including errors in mapping, vegetative types and natural features described in Volume I of the Plan:

There have been no errors noted in mapping, vegetative types, or natural features. The subject property was rezoned from DR to IS-D by map amendment in 1987 and is developed with a duplex and no significant vegetation. While the scale of the Monroe County Future Land Use Maps is such that it is difficult to identify a single lot, Monroe County Planning Department Staff has determined that the FLUM for the property is Residential Medium (RM) – an overlay category that does not include DR.

4) New issues:

Ordinance 004-1997, as adopted by the BOCC, created Section 9.5-242.5 of the MCC to permit tourist housing in the IS-T land use district. The language of the Code was subsequently amended by Ordinance 044-2000, which further refined the criteria applicable to the establishment of tourist housing in the Improved Subdivision land use district, renamed with the sub-indicator of IS-V. The land use district IS-T/IS-V was not contemplated or available at the time that the property was rezoned to IS-D.

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

The Greenbriar Road cul-de-sac is built out and consists of primarily duplex uses – most of which are used for vacation rental purposes, and all of which are zoned DR. Vacation rentals are a permitted use as of right in the DR land use district, subject to the criteria in MCC Section 9.5-534 (Attachment F)

Monroe County Planning Department Staff is unable to provide support for a land use district map change to DR based on two criteria:

1. Recognition of the FLUM as RM – which is not compatible with DR zoning;
2. The inability of a "single lot" to meet the criteria of DR zoning, regardless of the initial inclusion in the DRI.

The requirements of 9.5-242.5 of the MCC provide the stringent criteria that the property must meet in order to qualify for a land use district change to IS-V. These requirements are listed with responses in Attachment B. MCC Section 9.5-534 provides the criteria that the owner or agent of the property must meet ***after*** the property has been rezoned.

6) Data updates:

None.

"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. "

The proposed map amendment will not result in an adverse community change of the planning area in which the proposed development is located. No FLUM change is required, and the property complies with the standards of MCC as set forth in Section 9.5-242.5 as further outlined in Attachment B.

ATTACHMENT B

RESPONSES TO SECTION 9.5-242.5, MONROE COUNNTY CODE

Attachment B

The following criteria as outlined in Section 9.5-242.5 of the MCC must be met in order to successfully request a change of zoning to IS-V.

Sec. 9.5-242.5. states that: "Vacation rental uses are allowed as of right (subject to the regulations established in Code section 9.5-534) in those Improved Subdivision--Vacation Rental Districts with the sub-indicator V (vacation rental).
A map amendment designating a contiguous parcel as IS-V may be approved, provided that the map amendment application (and subsequent building permit applications and special vacation rental permit applications) meet the following standards, criteria and conditions:

(a) The IS-V designation is consistent with the 2010 Comprehensive Plan and there is no legitimate public purpose for maintaining the existing designation;

The subject property was rezoned Improved Subdivision-D (IS-D) from Destination Resort (DR) by Ordinance 039-1987. The current correlating Future Land Use Map overlay as interpreted by Monroe County Planning Staff is Residential High (RH). The property currently supports a legally permitted duplex, constructed in 1994.

Section 9.5-213. of the MCC states that the purpose of the IS district "to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter. For the purpose of this section, improved lots are those which are served by a dedicated and accepted existing road of porous or nonporous material, that have a Florida Keys Aqueduct Authority approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county." No purpose is cited for the IS-D sub-indicator.

Policy 101.4.4 of the 2010 Comprehensive Plan states that
"The principal purpose of the Residential High category is to provide for high density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers…". The RH FLUM does not support DR zoning.

The IS-D land use district does not permit vacation rentals. The vacation rental ordinance was not contemplated at the time the property was rezoned to IS-D. The subject property is the *only* property not zoned DR within the former DRI known as Hawks Cay, and serves no legitimate purpose within the context of the uses enjoyed by neighboring property owners within the resort community. Greenbriar Road is a built-out cul-de-sac primarily consisting of existing duplex residences used for vacation rental uses. MCC Section 9.5-243 (2) permits vacation rentals as of right in DR subject to the criteria outlined in Section 9.5-534. The property cannot meet the criteria of DR zoning on its own, nor will the Staff interpretation of a FLUM of RM support it. The only viable

option then, for the current property owner to enjoy the same vacation rental rights as neighboring property owners zoned DR, is to request a zoning change to IS-V.

(b) The IS-V designation allowing vacation rental use does not create additional trips or other adverse traffic impacts within the remainder of the subdivision or within any adjacent IS District;

According to the 2008 U.S. 1 Arterial Travel Time and Delay Study prepared by URS for Monroe County, the Duck Key Segment at MM 60.5-63.0 currently maintains a Level of Service (LOS) B, with a maximum reserve volume of 1,744 trips over the 2007 reserve volume of 1,073. The subject property is separated from the IS-M subdivisions of Center Island, Yacht Club Island, Plantation Island, and Harbor Island, Amended, by the canal that bifurcates the resort and residential sections of Hawks Cay, and runs under the bridge on Duck Key/Bimini Drive. As the property is already built, and has functioned as a duplex within a developed resort since 1994, no additional traffic impact is anticipated.

(c) The parcel to be designated IS-V must contain sufficient area to prevent spot-zoning of individual parcels (i.e., rezonings should not result in spot-zoned IS-V Districts or result in spot-zoned IS Districts that are surrounded by IS-V Districts). Unless the parcel to be rezoned contains the entire subdivision there will be a rebuttable presumption that spot-zoning exists, but the board of county commissioners may rebut this presumption by making specific findings supported by competent, substantial evidence that:

i) The designation preserves, promotes and maintains the integrity of surrounding residential districts and overall zoning scheme or comprehensive plan for the future use of surrounding lands;

The subject property is located within an existing resort community. Residentially zoned communities designated Improved Subdivision-Masonry (IS-M) are separated from the property by canal and bridge.

ii) Does not result in a small area of IS-V within a district that prohibits vacation rentals;

Approving the change to IS-V will not create a small area within a district that prohibits vacation rentals. The property is located in the DR zoning district, which permits vacation rentals as of right, subject to the criteria established in Section 9.5-534 of the MCC.

iii) The lots or parcels to be designated IS-V are all physically contiguous and adjacent to one (1) another and do not result in a narrow strip or isolate pockets or spots of land that are not designated IS-V, or which prohibit vacation rentals; and

There is only one lot requesting the change to IS-V. All other properties are zoned DR and permit vacation rentals.

iv) The IS-V designation is not placed in a vacuum or a spot on a lot-by-lot basis without regard to neighboring properties, but is a part of an overall area that allows vacation rentals or similar compatible uses.

The existing property designation is IS-D. It is a sole zoning designation contained within the resort properties known collectively as "Hawks Cay", that was the subject of a Development of Regional Impact (DRI) in 1986, with a zoning overlay of DR. DR permits vacation rental uses as of right, subject to the criteria established in Section 9.5-534 of the MCC. The property owner of record at the time of the DRI successfully requested a map amendment for the IS-D designation that would permit the construction of a duplex, not unlike those found along the rest of Greenbriar Road that had been constructed prior to 1986. IS-V zoning was not contemplated by Monroe County at the time that the property was rezoned. Due to the size of the property, and FLUM overlay of RM, Planning Staff is unable to support a change back to DR. Approval of the change to IS-V will protect the residential status of the property, and permit the owners to enjoy the same vacation rental rights as neighboring property owners.

(d) In addition to the requirements contained in Code section 9.5-377 (district boundaries), an IS-V District shall be separated from any established residential district that does not allow tourist housing or vacation rental uses by no less than a class C buffer-yard;

No buffer-yard requirement is applicable. The neighboring residential uses are zoned Destination Resort (DR), and vacation rental uses are permitted as-of-right, subject to the criteria established in Section 9.5-534 of the Monroe County Code.

(e) Vacation rental use is compatible with established land uses in the immediate vicinity of the parcel to be designated IS-V; and

The surrounding properties are zoned Destination Resort (DR) and permit vacation rentals as an as-of-right use, subject to the criteria established in Section 9.5-534 of the Monroe County Code. The majority of the neighboring properties on Greenbriar Road are used as vacation rentals.

(f) Unless a map amendment is staff generated (i.e., initiated by Monroe County), an application for a map amendment to IS-V shall be authorized by the property owner(s) of all lots (or parcels) included within the area of the proposed map amendment.

The applicant is the owner of the subject lot, and has authorized the request for the map amendment.

ATTACHMENT C

BOCC RESOLUTION 365-1986

RESOLUTION NO. 365 -1986

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF HAWK'S CAY INVESTORS LIMITED AND GRANTING DEVELOPMENT OF REGIONAL IMPACT AND FINAL DEVELOPMENT APPROVAL FOR HAWK'S CAY EXPANSION DRI, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, on August 12, 1986, Hawk's Cay Investors Limited, hereinafter referred to as "Applicant", submitted to Monroe County an Application for Development Approval (ADA) for a development of regional impact (DRI) known as "Hawk's Cay Resort", in accordance with Sections 380.05 and 380.06, Florida Statutes; and

WHEREAS, on September 22, 1986, the South Florida Regional Planning Council (RPC) found the Application sufficient; and

WHEREAS, Hawk's Cay Resort as proposed in the ADA when completed will be a hotel type destination resort consisting of 622 hotel suites, conference facilities, retail areas, restaurants and recreational facilities on approximately 61 acres of land located in unincorporated Monroe County, Florida, on Indies Islands at Duck Key; and

WHEREAS, on May 15, 1986, the applicant and the Florida Department of Community Affairs entered into a Section 380.06(8), F.S., preliminary development agreement for Hawk's Cay Resort which authorized the applicant to undertake preliminary development of 87 additional guest rooms and development and redevelopment of commercial facilities not to exceed 7,400 square feet prior to the issuance of a final DRI development order; and

WHEREAS, the RPC after reviewing the ADA for Hawk's Cay Resort issued its report and recommendations on October 7, 1986, in which it recommended that the DRI be approved subject to certain conditions; and

WHEREAS, pursuant to Sections 380.05 and 380.06, F.S., the Board of County Commissioners of Monroe County, hereinafter referred to as either the "Board" or the "County", as the local government having jurisdiction, is authorized and required by law to consider the Hawk's Cay Resort DRI ADA; and

WHEREAS, the Board has received and reviewed the report and recommendations of the RPC; and

WHEREAS, the Board on December 5, 1986, held a public hearing on the ADA and the final development plan at which all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence, and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06, F.S., public notice of said hearing was duly published on October 5, 1986, in the "Key West Citizen" and way duly provided to the Florida Department of Community Affairs (DCA), the RPC, and other persons designated by DCA rules; and

WHEREAS, the Board at its December 5, 1986, public hearing fully considered the ADA, the report of the RPC, and the evidence of record presented at the public hearing, and was otherwise fully advised in the premises; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that said Board makes the following

Findings of Fact:

1. The name of the development is Hawk's Cay Resort. The authorized agents of the developer are Michael Halpern, Key West, Florida, and Wade L. Hopping, Tallahassee, Florida. The name of the developer is Hawk's Cay Investors Limited, 150 East Sample Road, Pompano Beach, Florida, 33064.

2. The legal description of the property comprising the proposed Hawk's Cay Resort DRI is set forth in the ADA and is incorporated herein by reference.

3. On December 3, 1985, the Monroe County Zoning Board recommended approval of the Hawk's Cay Resort with rezoning classifications compatible with the DRI uses proposed in the ADA. On September 24, 1986, the Zoning Board adopted the final major development approval for Hawk's Cay Resort, which included adoption of a RU-7 zoning designation for the entire site. Nevertheless, a Monroe County land use map related to the County's Comprehensive Land Use Plan, which was being

contemporaneously developed, did not reflect the recommended rezoning in its entirety. The map designated a portion of the Hawk's Cay Resort as being in the Suburban Residential (SR) and Suburban Commercial (SC) zoning categories rather than in the Zoning Board approved RU-7 category.

4. When developed in accordance with the conditions imposed by this development order, the Hawk's Cay Resort DRI:

(a) will not have a significant negative impact on the environment and natural and historical resources of the region;

(b) will have a favorable economic impact on the economy of the region by providing new employment and net positive regional impacts on the economy of the region;

(c) will efficiently use water, sewer, solid waste disposal, and other necessary public facilities;

(d) will efficiently use public transportation facilities;

(e) will not adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(f) will not create an unreasonable additional demand for, or additional use of, energy; and

(g) will make adequate provisions for the public facilities needed to accommodate the impacts of the development.

BE IT FURTHER RESOLVED THAT THE BOARD ENTERS THE FOLLOWING CONCLUSIONS OF Law:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380. Florida Statutes; and all conditions precedent to the granting of development approval required by Chapter 380, F.S., have occurred.

2. The proposed Hawk's Cay Resort DRI is located within an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, F.S. and, as approved herein, the DRI complies with the land development regulations of such Area and with the provisions of Section 380.06.

3. The proposed Hawk's Cay Resort does not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.

4. The proposed Hawk's Cay Resort DRI and final development plan, when developed subject to the conditions imposed by this development order, are consistent with the Monroe County Comprehensive Plan, and all other local land development regulations.

5. The proposed Hawk's Cay Resort DRI is in all material aspects consistent with the report and recommendations of the RPC submitted pursuant to Section 380.06(12), F.S.

6. The DRI ADA and final development plan for all phases of the Hawk's Cay Resort, as described in the ADA and Exhibit 2 attached to this development order, are hereby approved, subject to the general and special conditions of development contained in Attachment A which is made a part hereof by reference.

7. Unless otherwise specifically provided in Attachment A, any changes proposed by the Applicant to the ADA, as amended herein, which exceed the limits established in Section 380.06(19), F.S., which limits are presumed not to be substantial deviations, shall be submitted to the Board, the RPC, and the DCA for a determination if such changes constitute a substantial deviation and, therefore, requiring further review pursuant to Section 380.06, F.S.

8. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order. Hawk's Cay Investors Limited, is the present owner of the property which is the subject of this ADA. Hawk's Cay Investors Limited, is bound by the terms of this development order so long as it owns such property. This development order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest.

9. To affect the equivalent RU-7 zoning granted in the Preliminary Major Development Approval of the Monroe County Zoning Board on December 5, 1985, and in the final Major Development granted September 24, 1986. The Monroe County Board of Commissioners will by this resolution correct as errors and omissions such SC and SR Land Use Districts so as to conform to the DR district in context of this DRI.

10. In the event that any portion or section of this development order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this development order shall remain in full force and effect.

11. Notice of the adoption of this resolution and a certified copy of this resolution shall be recorded by the Applicant pursuant to Section 380.06(15)(f), Florida Statutes.

12. The County shall transmit a certified copy of this development order by certified mail to the DCA, the RPC, and the Applicant.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a Special meeting of said Board held on the 5th day of December, A.D., 1986.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

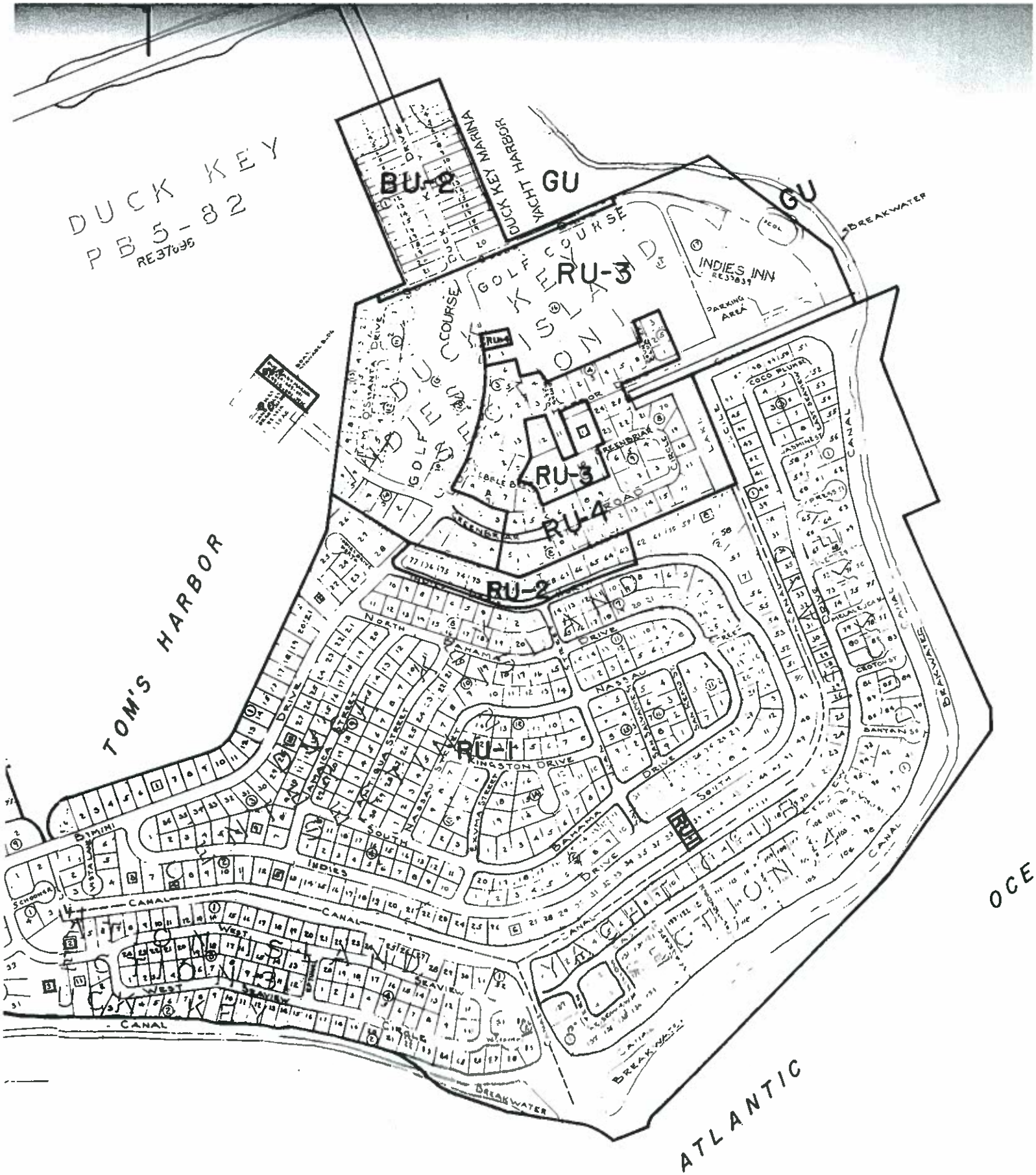
By Jerry Hernandez Jr.
Mayor/Chairman

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

Leslie L. Connally, D.C.
Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.
BY [illegible]
Attorney's Office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NORTH BAHAMA DRIVE
NASSAU
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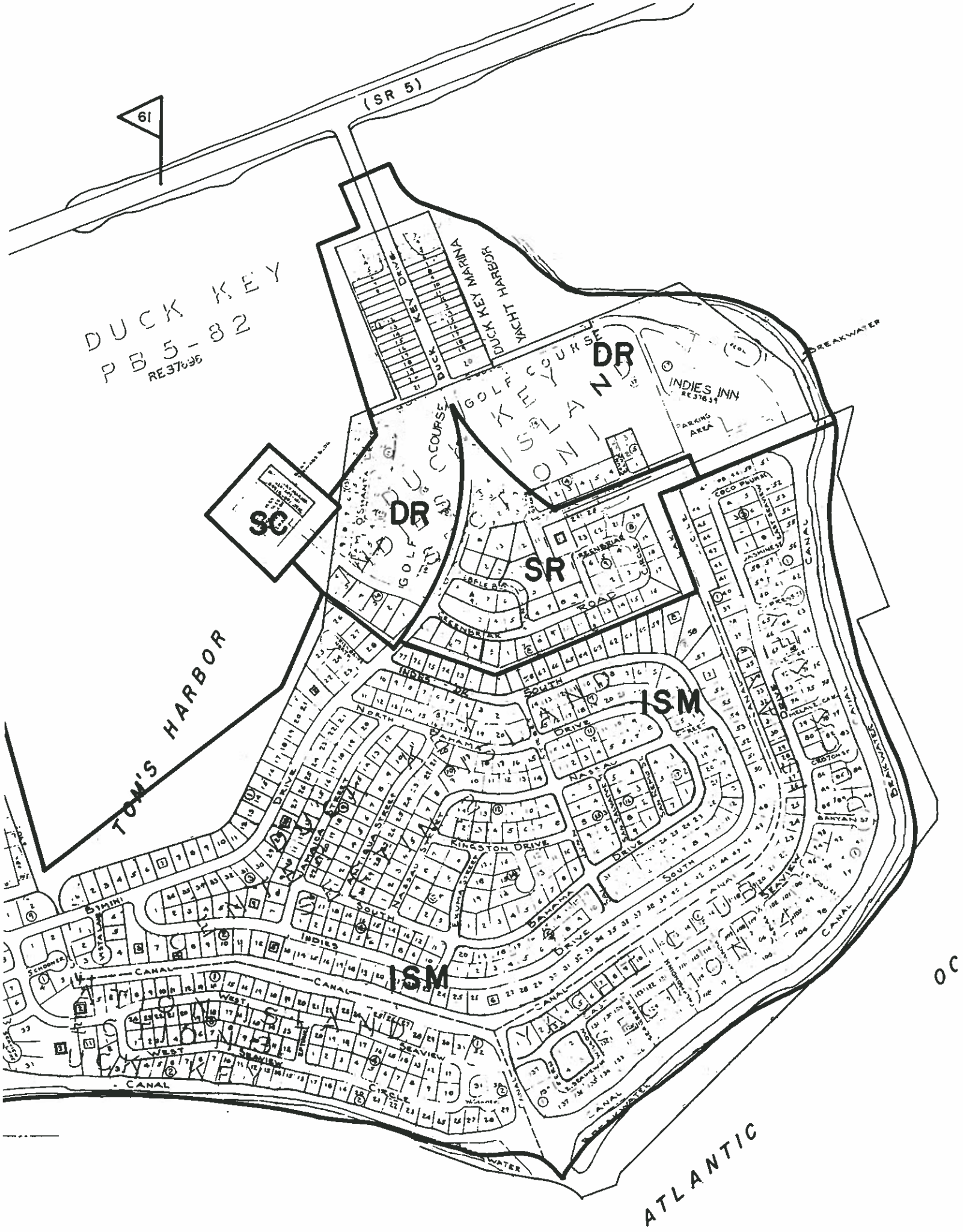
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EXUMA STREET
BIMINI
SCHOONER
WEST
SEAVIEW
CIRCLE
GREENBRIAR
COCO PLUM
CROTON ST
BANYAN ST
WATER

ATTACHMENT D

BOCC ORDINANCE 039-1987

ORDINANCE NO. 039-1987

AN ORDINANCE ADOPTING AND RATIFYING CERTAIN LAND USE DISTRICT MAP AMENDMENTS ATTACHED AND INCORPORATED BY REFERENCE INTO THIS ORDINANCE; TRANSMITTING THE AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR APPROVAL; PROVIDING THAT, IF ANY AMENDMENTS ARE DISAPPROVED BY THAT AGENCY, THAT DISAPPROVAL SHALL NOT AFFECT THE REMAINING AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the designation contained in Chapter 28-20, F.A.C., all regulations, including the land use district maps, contained in Volume 3, Chapter 1 through 15 and appendix "A", are "land development regulations" as that phrase is defined in F.S. 163.3164(22) (1985); and

WHEREAS, Section 13-101(c), Monroe County Land Development Regulations, provides that the regulations, including the land use district maps, may be amended or changed in a process commencing six months after the date the the regulations first became effective; and

WHEREAS, during such process, the Planning Commission, sitting as the local planning agency, after due notice and public participation in the hearing process reviewed all proposed land use district map changes and found such changes consistent with the Monroe County Comprehensive Land Use Plan and made recommendations concerning such changes to the Board of County Commissioners; and

WHEREAS, during such process, the Board of County Commissioners, after due notice and public participation in the hearing process, reviewed such recommendations and legislatively acted thereon;

WHEREAS, F.S. 380.0552(9), 1986, requires that the state land planning agency approve all proposed land use district map changes before such changes may become effective; and

WHEREAS, the land use district map change process is now complete; and

WHEREAS, it is desired that the Board of County Commissioners should approve, adopt and transmit the land use district map

changes to the state land planning agency for approval; now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The Monroe County Board of County Commissioners on this 20th day of October, 1987, does hereby adopt and ratify those land use district map changes, heretofore properly approved pursuant to general law, which are attached to this Ordinance, and are incorporated therein and made a part by reference, and such land use district map changes are hereby transmitted to the state land planning agency for approval or disapproval pursuant to F.S. 380.0552(9).

Section 2. If the state land planning agency shall disapprove any land use district map change attached hereto, such disapproval shall in no way affect the validity of any other land use district map change.

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. This Ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with said Office. Except, however, no land use district map amendment to the Monroe County Land Development Regulations shall be deemed effective until approved the state land planning agency.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 20th day of October, A.D. 1987.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY Eugene Ritter, Jr.
MAYOR Pro-Tem

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

Dalia L. Connolly, D.C.
CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY
Attorney's Office

NOTICE OF INTENTION TO CONSIDER
ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Tuesday, October 20, 1987 at 3:00 P.M. at the Elk's Club, Tavernier, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

ORDINANCE NO. -1987

AN ORDINANCE ADOPTING AND RATIFYING CERTAIN LAND USE DISTRICT MAP AMENDMENTS ATTACHED AND INCORPORATED BY REFERENCE INTO THIS ORDINANCE; TRANSMITTING THE AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR APPROVAL; PROVIDING THAT, IF ANY AMENDMENTS ARE DISAPPROVED BY THAT AGENCY, THAT DISAPPROVAL SHALL NOT AFFECT THE REMAINING AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

DATED at Key West, Florida, this 23rd day of September, A.D. 1987.

DANNY L. KOLHAGE
Clerk of the Circuit Court
of Monroe County, Florida
and ex officio Clerk of the
Board of County Commissioners
of Monroe County, Florida

(SEAL)

PROOF OF PUBLICATION

The Reporter

SERVING THE UPPER KEYS

BOX 1197, TAVERNIER, FL. 33070

STATE OF FLORIDA)

COUNTY OF MONROE)

Before the undersigned authority personally appeared DAGNY WOLFF, who on oath, says that he is EDITOR & PUBLISHER of THE REPORTER, a weekly newspaper published at Tavernier, Monroe County, Florida; that the attached copy of advertisement, being a LEGAL NOTICE

IN THE MATTER OF NOTICE OF INTENTION TO CONSIDER

in the _____ Court, was published in said newspaper in the issues of 10-1 & 10-8-8

Affiant further says that the said REPORTER is newspaper published at Tavernier, in said Monroe Cour Florida, and that the said newspaper has heretofore b continuously published in the said Monroe County, Flc each week (on Thursday), and has been entered as secc class mail matter at the Post Office in Tavernier, in County of Monroe, Florida, for a period of one year n preceding the first publication of the attached copy advertisement; and affiant further says that he has n paid nor promised any firm, person, or corporation an discount, rebate, commission or refund for the purpos securing this said advertisement for publication in t said newspaper.

Dagny Wolff

SEAL

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8TH DAY OF OCTOBER A.D., 19 87.

Helen Carver

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN tht on Tuesday, October 20, 1987 at 3:00 p.m. at the Elk's Club, Tavernier, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

ORDINANCE NO. -1987

AN ORDINANCE ADOPTING AND RATIFYING CERTAIN LAND USE DISTRICT MAP AMENDMENTS ATTACHED AND INCORPORATED BY REFERENCE INTO THIS ORDINANCE; TRANSMITTING THE AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR APPROVAL; PROVIDING THAT, IF ANY AMENDMENTS ARE DISAPPROVED BY THAT AGENCY, THAT DISAPPROVAL SHALL NOT AFFECT THE REMAINING AMENDMENTS; PRIVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure tht a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

DATED at Key West, Florida, this 23rd day of September, A.D. 1987.

DANNY L. KOLHAGE
Clerk of the Circuit Court
of Monroe County, Florida
and ex officio Clerk of the
Board of County Commissioners
of Monroe County, Florida

Published: 10/1 & 10/8/87
The Reporter
Tavernier, FL 33070

PROOF OF PUBLICATION

THE FLORIDA KEYS KEYNOTER

Published Weekly

MARATHON, MONROE COUNTY, FLORIDA

STATE OF FLORIDA)

COUNTY OF MONROE)

Before the undersigned authority personally appeared CHARLOTTE SIKORA, who on oath, says that he is SALES MANAGER of The FLORIDA KEYS KEYNOTER, a weekly newspaper published at Marathon, in Monroe County, Florida; that the attached copy of advertisement, being a NOTICE OF ORDINANCE IN THE MATTER OF MAP AMENDMENTS in the _____ Court, was published in said newspaper in the issues of Sept. 30, Oct. 7, 1987

Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, each week (on Thursday) and has been entered as second class mail matter at the post office in Marathon, in said Monroe County, Finrida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Charlotte Sikora

(SEAL)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF October A.D. 1987

Paul E. Keenen

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG 28,1990
BONDED THRU GENERAL INS. UND.

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Monday, October 26, 1987 at 10:00 A.M. at the Elk's Club, Marathon, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

ORDINANCE NO. -1987

AN ORDINANCE ADOPTING AND RATIFYING CERTAIN CARD [illegible] MAP AMENDMENTS ATTACHED AND INCORPORATED BY REFERENCE TO AND OF THE [illegible] TO THE STATE LAND PLANNING AGENCY FOR APPROVAL PROVIDING THAT IF ANY AMENDMENTS ARE ORDAINED BY THAT AGENCY, THOSE EFFECTS OF REMAINING ARE [illegible] AND PROVIDING FOR EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above referenced ordinance are available for review at the public libraries in Monroe County, Florida.

DATED at Key West, Florida, this 23rd day of September, A.D. 1987.

DANNY L. KOLHAGE
Clerk of the Circuit Court
of Monroe County, Florida
as ex officio Clerk of the
Board, County Commissioners
of Monroe County, Florida

Published: Sept. 30, Oct. 7, 1987
Florida Keys Keynoter

THE KEY WEST CITIZEN

Published Daily

Key West, Monroe County, Florida 33040

STATE OF FLORIDA)
ss.
COUNTY OF MONROE)

Before the undersiged authority personally appeared.....

R.E.Harrison, who on oath says that he is .....

Advertising Manager of the Key West Citizen, a daily newspaper published at Key West in Monroe County, Florida; that the attached copy of advertisement, being a

LEGAL NOTICE

in the matter of

Bd of Cty Comm's.
map Amendments

was published in said newspaper in the issues of

Sept 28, Oct 5 1987

Affiant further says that the said The Key We
a newspaper published at Key West, in said Monroe
and that the said newspaper has heretofore been co
lished in said Monroe County, Florida, each day (e
and has been entered as second class mail matter a
in Key West, in said Monroe County, Florida, for a
year next preceeding the first publication of the
of advertisement; and affiant further says that he
nor promised any person, firm or corporation any d
commission or refund for the purpose of securing t
for publication in the said newspaper.

R E Har

(SEAL)

SWORN AND SUBSCRIBED before me this 15 day of

Bette J Rush
NOTARY PUBLIC

COMMISSION E

[redacted]
TO CONS[redacted]N
OF COUNTY ORD[redacted]E

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Tuesday, October 20, 1987 at 3:00 p.m. at the Elk's Club, Tavernier, Monroe County, Florida, the Board of County Commissioner's of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE ADOPTING AND RATIFYING CERTAIN LAND USE DISTRICT MAP AMENDMENTS ATTACHED AND INCORPORATED BY REFERENCE INTO THIS ORDINANCE; TRANSMITTING THE AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR APPROVAL; PROVIDIKG THAT, IF ANY AMENDMENTS ARE DISAPPROVED BY THAT AGENCY, THAT DISAPPROVAL SHALL NOT AFFECT THE REMAINING AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

DATED at Key West, Florida, this 23rd day of September, A.D. 1987.

DANNY L. KOLHAGE
Clerk of the Circuit Court
of Monroe County, Florida
and ex officio Clerk of the
Board of County Commissioners
of Monroe County, Florida

Sept. 28, Oct. 5, 1987

Danny L. Kolhage

BRANCH OFFICE
3117 OVERSEAS HIGHWAY
MARATHON, FLORIDA 33050
TEL. (305) 743-9036

CLERK OF THE CIRCUIT COURT
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FLORIDA 33040
TEL. (305) 294-4641

BRANCH OFFICE
P.O. BOX 379
PLANTATION KEY, FLORIDA 33070
TEL. (305) 852-9253

October 26, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Liz Cloud, Chief
Bureau of Administrative Code and Laws
Department of State
The Capitol
Tallahassee, Florida 32301

Dear Mrs. Cloud:

Enclosed please find a certified copy of Ordinance No. 039-1987 adopting and ratifying certain Land Use District Map Amendments attached and incorporated by reference into this Ordinance; transmitting the Amendments to the State Land Planning Agency for approval; providing that, if any Amendments are disapproved by that Agency, that disapproval shall not affect the remaining Amendments; etc.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a Regular Meeting in formal session on October 20, 1987.

Please file for record.

Very truly yours,

Danny L. Kolhage
Clerk of the Circuit Court and
ex officio Clerk to the Board
of County Commissioners

By: Rosalie L. Connolly
Rosalie L. Connolly
Deputy Clerk

cc: Commissioner E. Lytton
County Attorney
County Administrator
Planning Director - 3
File

P-5930851/68

P-593 085 168

RECEIPT FOR CERTIFIED MAIL

Department of State

The Capitol

Tallahassee, Fl. 32301

22
75
20
167

ATTENTION: SHELLEY BROWN

KEY WEST, FL
OCT 29 1987
USPO

USGPO 1983-[illegible]

PS Form 3800 June 1985

1. Show to whom, date and address of delivery.

2. Restricted Delivery.

3. Article Addressed to:

Mrs. Liz Cloud, Chief
Bureau of Administrative Code
Department of State
The Capitol
Tallahassee, Fl 32301

4. Article Number

P-593 085 168

5. Signature — Addressee

6. Signature — Agent

X

7. Date of Delivery

OCT 29 1987

8. Addressee's Address (ONLY if requested and fee paid)

TALLAHASSEE, FL
OCT 29 1987
USPO

FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State

Dorothy W. Joyce
Division Director

October 29, 1987

Honorable Danny L. Kolhage
Clerk of the Circuit Court
& Ex-Officio Clerk to the BCC
Monroe County Courthouse
500 Whitehead St.
Key West, Florida 33040

Attention: Rosalie L. Connolly, Deputy Clerk

Dear Mr. Kolhage:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of October 26, 1987 and certified copy/ies of Monroe County Ordinance(s) #87-38, #87-39 and #87-40

2. Receipt of _____ County Ordinance(s) relative to:
   (a) _____
   which we have numbered _____
   (b) _____
   which we have numbered _____

3. We have filed ~~this~~/these ordinances in this office on October 29, 1987.

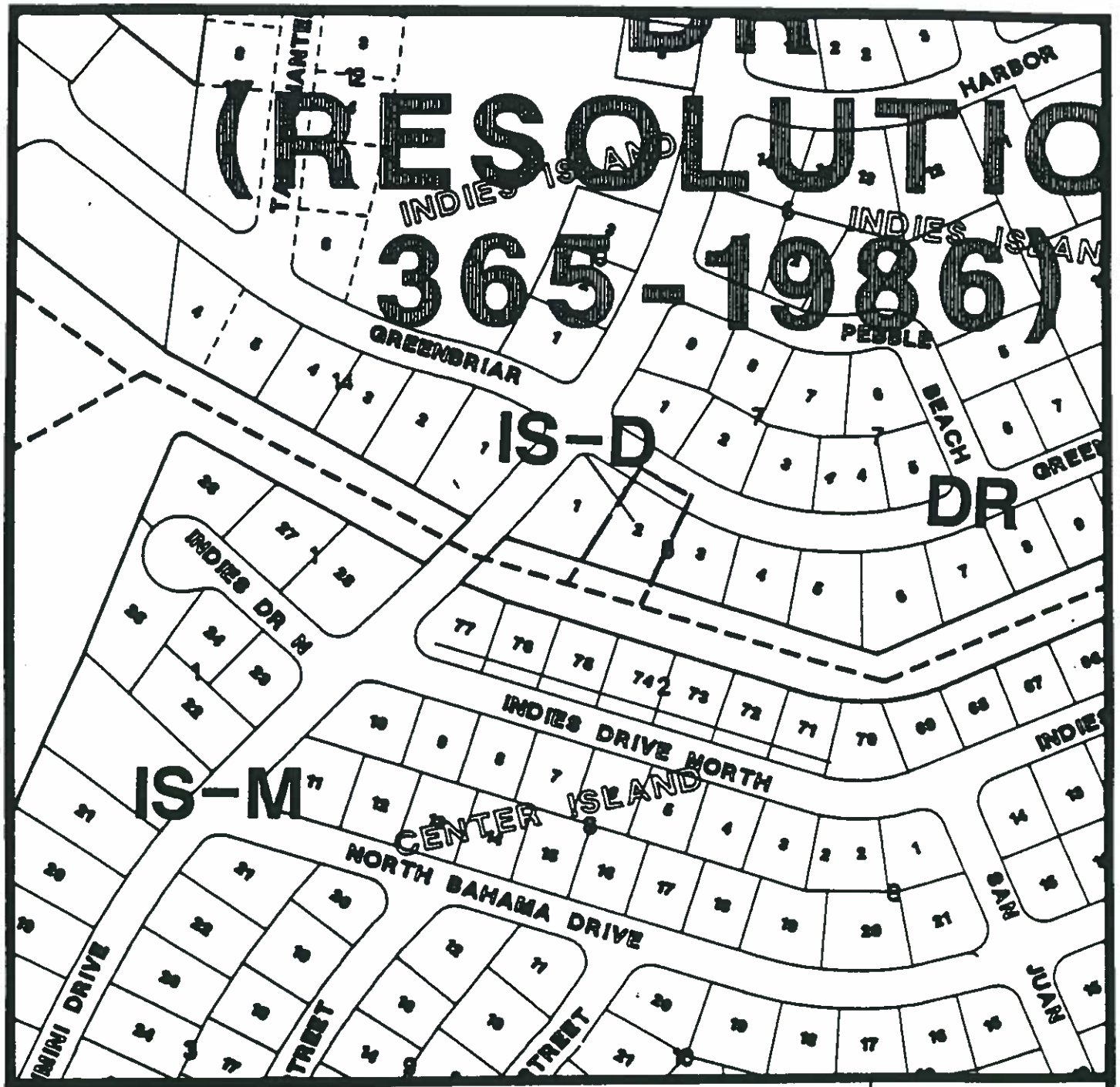
4. The original/duplicate copy/ies showing the filing date is/are being returned for your records.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb



Pursuant to Ordinance 039—1987 and Rule 9J—15.006 F.A.C., the Monroe County Land Use District Map is amended as of June 27th, 1988 and indicated above and briefly described as:

Add boundary around lot 2 Blk 8 as shown. Designate lot IS-D.

Director, Growth Management

August 8 1988
Date

Sheet # 210

Amendment # 133

N

1"=200'

Regular Meeting
Board of County Commissioners
Tuesday, October 20, 1987
Tavernier

A Regular Meeting of the Monroe County Board of County Commissioners convened at 9:00 a.m. on the above date at the Elks' Club in Tavernier. Present and answering to roll call were Commissioner William Freeman, Commissioner Michael Puto, Commissioner John Stormont, and Mayor Pro Tem Eugene Lytton. Absent from the meeting was Mayor Jerry Hernandez, Jr. Also present were Danny L. Kolhage, Clerk; Lucien Proby, County Attorney; Tom Brown, County Administrator; County Staff; members of the Press and Radio; and the general public.

All stood for the Invocation and Pledge of Allegiance to the Flag.

Mayor Pro Tem Lytton advised the public that Mayor Hernandez was out of the County on County business.

The Board proceeded to make additions, deletions and corrections to the Agenda.

COMMISSIONERS' ITEMS

Commissioner Puto presented the Employee of the Month Award for August to Dale (Butch) Wilson.

Mayor Pro Tem Lytton and Commissioner Stormont presented reports concerning the Tourist Development Council and Monroe County Fine Arts Council. This matter was referred to the Commissioners for their study. No further action was taken.

Mayor Pro Tem Lytton discussed the use of barbed wire in residential areas. Motion was made by Mayor Pro Tem Lytton and seconded by Commissioner Freeman to review the County Code for the purpose of eliminating and prohibiting the use of barbed wire in residential areas. Motion carried unanimously.

Motion was made by Commissioner Puto and seconded by Commissioner Freeman to adopt the following Resolution requesting the Department of Transportation to complete the new widening and improvements on U.S. 1 in Marathon as quickly as possible; setting forth the reasons why such work should be accomplished quickly; instructing that copies of this Resolution be sent to the Governor and Cabinet, the Department of Transportation and members of the Florida Legislature. Motion carried unanimously.

RESOLUTION NO. 393-1987
See Res. Book No. 62 which is incorporated herein by reference.

Motion was made by Commissioner Puto and seconded by Commissioner Freeman to adopt a Proclamation proclaiming October 19 - 24, 1987 as NATIONAL BUSINESS WOMEN'S WEEK in Monroe County. Motion carried unanimously.

Commissioner Stormont discussed the need to establish a procedure to provide an analysis of economic

impacts of actions of the Board of County Commissioners. This matter was referred to the County Administrator and he was requested to provide the Commission with recommendations regarding this matter.

Mayor Pro Tem Lytton discussed proposed alternatives to the Services Tax to be considered by the Governor. Motion was made by Mayor Pro Tem Lytton and seconded by Commissioner Freeman to adopt the following Resolution calling on the Legislature, Governor and Cabinet of the State of Florida to aid the Counties, if a One Cent additional sales tax is imposed, so as to provide a division of such tax and make available to Counties one-half thereof; instructing the Clerk to provide a copy of this Resolution to all Legislators, the Governor, the Cabinet and the State Association of County Commissioners. Motion carried unanimously.

RESOLUTION NO. 394-1987

See Res. Book No. 62 which is incorporated herein by reference.

Motion was made by Mayor Pro Tem Lytton and seconded by Commissioner Freeman to amend the appointment of Michelle Keevan to the Planning Commission to reflect a term of two years. Motion carried unanimously.

BULK APPROVALS

Motion was made by Commissioner Puto and seconded by Commissioner Freeman to approve the following items by unanimous consent:

Board approved the removal of one 1970 Remington Typewriter (Number 267-440, Mfg. ID Number 643657) from the inventory of the Library.

Board approved, per staff conditions and recommendations, the Application for Variance to the Flood Hazard Ordinance of Apostolic Lighthouse Mission, Inc. for a 3600 square foot enclosure of break-away construction (for storage and parking only) below the existing building on a Tract of Land within Section 26/66/29 of Big Pine Key; Zoned SC - Suburban Commercial; Coastal Flood Zone V-12, Panel 1536C.

Board approved, per staff conditions and recommendations, the Application for Variance to the Flood Hazard Ordinance of Delton Leigh/Amedeo DeSanctis for rehabilitation of a low-income housing project as more fully described in the Application dated October 8, 1987 on Lot 7, Block 1, Marathon Beach, 41st Street, Key Vaca; Zoned MU - Mixed Use; Coastal Flood Zone A-13, Panel 1579C.

Board approved, per staff conditions and recommendations, the Application for Variance to the Flood Hazard Ordinance of Luis S. and Sara A. Puga for the placement of a mobile home below the 100-Year Flood Elevation on Lot 3, Block 7, Key Largo Mobile Home Sites, King Avenue, Key Largo; Zoned URM - Urban Residential Mobile Homes; Coastal Flood Zone A-16, Panel 0844C.

Board approved, per staff conditions and recommendations, the Application for Variance to the Flood Hazard Ordinance of Summerland Seafood, Inc. for the placement of two freezers - 37 x 16 and cooking shed and ice maker below the 100-Year Flood Elevation on Lots 1, 2, 3, 4, 5, 6 and 34, Summerland Yacht Harbor, US #1 North Side, MM 25.2,

Summerland Key; Zoned CSFD-13 - Commercial Fishing Special District No. 13; Coastal Flood Zone V-12, Panel 1513D.

COUNTY ATTORNEY

Board adopted the following Resolution approving the correction of scrivener's errors in certain proposed amendments and recommendations thereto to Monroe County's Land Development Regulations.

RESOLUTION NO. 395-1987

See Res. Book No. 62 which is incorporated herein by reference.

AIRPORTS

Board approved and authorized execution of Florida Department of Transportation Joint Participation Agreement for the FAR Part 150 Noise Study at Key West International Airport (WPI 6826653).

Board approved and authorized execution of Florida Department of Transportation Joint Participation Agreement for the FAR Part 150 Noise Study at Marathon Airport (WPI 6826652).

Board adopted the following Resolution authorizing the Chairman of the Board to execute a Sign Lease by and between the County Monroe and C.S.M.C. of Key West d/b/a The Pier House, concerning a sign located at the Key West International Airport.

RESOLUTION NO. 396-1987

See Res. Book No. 62 which is incorporated herein by reference.

Board adopted the following Resolution authorizing the Chairman of the Board to execute a Sign Lease by and between the County of Monroe and Island Car Rentals, Inc. d/b/a Thrifty Rent A Car, concerning a sign located at the Key West International Airport.

RESOLUTION NO. 397-1987

See Res. Book No. 62 which is incorporated herein by reference.

Board adopted the following Resolution authorizing the Mayor/Chairman of the Board to execute a Sign Lease by and between the County of Monroe and The Key Ambassador Company, concerning a sign located at the Key West International Airport.

RESOLUTION NO. 398-1987

See Res. Book No. 62 which is incorporated herein by reference.

EMERGENCY SERVICES

Board authorized acceptance of a bid from Ken Lohlein for $101.00 for the sale of a 1975 Dodge Type II Ambulance, Serial No. B35BF5X005770, County I.D. #1410-20.

Board authorized execution of the amended Class A Emergency Medical Services Certificate of Public Convenience and Necessity issued to the Monroe County Board of County Commissioners, Emergency Services Department (Certificate 86-02 amended) to include the areas generally known as: Cow

Key Channel east to Boca Chica Channel; and Boca Chica Channel east to Shark Channel.

Board authorized execution of the amended Class A Emergency Medical Services Certificate of Public Convenience and Necessity issued to Atlantic/Key West Ambulance Service, Inc. (Certificate 86-08 amended) to show their zone to include the City of Key West only.

Board approved negotiations held with the lowest bidder regarding the purchase of Rescue/Pumper Vehicle for Municipal Services Taxing District No. 5 and authorized the purchase of this vehicle from 3 Alarm Fire Equipment, Inc. at a total cost of $181,145.00.

Board adopted the following Resolution providing that Monroe County apply for State funds for an Emergency Medical Services Training program and authorizing the Mayor of the Board of County Commissioners to execute a State of Florida Department of Health and Rehabilitative Services Grant Application and all applicable documentation.

RESOLUTION NO. 399-1987

See Res. Book No. 62 which is incorporated herein by reference.

PUBLIC WORKS

Board granted permission to advertise a Call For Bids for the following:

Dump Truck	-	Roads Department
Tractor Mower	-	Roads Department
3/4 Step Van	-	Engineering Department
3/4 Step Van	-	OAB Marathon
3/4 Pickup	-	Animal Shelter, Marathon

Board granted permission to advertise a Call For Bids for uniforms.

Board waived the Administrative Procedures and approved payment of the following bills:

General Electric	$ 5,540.00
Biscayne Chemical	$11,079.32
Carpet & Casuals	$ 6,655.00

SOCIAL SERVICES

Board approved and authorized execution of an amendment to USDA Contract #87-4-878 by and between Monroe County Board of County Commissioners - Nutrition Program and the Area Agency on Aging for Dade and Monroe Counties of United Way.

Board approved and authorized execution of General Revenue/ Federal Funds USDA Contract #88-4-878 by and between the Area Agency on Aging for Dade and Monroe Counties/United Way of Dade County and the Monroe County Board of County Commissioners - Nutrition Program.

COUNTY CLERK

Board accepted the Annual Reports of the Clerk and the Property Appraiser.

Board adopted the following Resolution concerning receipt of unanticipated funds for the year 1987-88.

RESOLUTION NO. 400-1987
See Res. Book No. 62 which is incorporated herein by reference.

Board adopted the following Resolutions concerning receipt of unanticipated funds for the year 1987.

RESOLUTION NO. 401-1987
RESOLUTION NO. 402-1987
RESOLUTION NO. 403-1987
RESOLUTION NO. 404-1987
RESOLUTION NO. 405-1987
RESOLUTION NO. 406-1987
See Res. Book No. 62 which is incorporated herein by reference.

Board adopted the following Resolution transferring funds for the year 1986-87.

RESOLUTION NO. 407-1987
See Res. Book No. 62 which is incorporated herein by reference.

Board approved the following Fine and Forfeiture Expenditures:

COMPETENCY & PSYCHOLOGICAL EVALUATIONS, Richard Hellmann, Ph.D., in the amount of $150.00; Guillermo Marcovici, M.D., P.A., in the amount of $1,050.00; Mental Health Care Center of the Lower Keys, in the amount of $250.00.

COURT-APPOINTED ATTORNEYS, Beckmeyer, Mulick & Wolkowsky, in the amount of $838.85; Raymond O. Bodiford, in the amount of $1,263.75; John M. Davis, in the amount of $2,364.50; Roberta Fine, in the amount of $1,569.75; William Kuypers, in the amount of $350.00; Charles M. Milligan, in the amount of $107.00; Francis H. Muldoon, Jr., in the amount of $350.00; John P. Rotolo, in the amount of $1,273.75.

OTHER EXPENSES & COSTS, Ozaukee County Sheriff's Department, in the amount of $13.20; State of Florida, in the amount of $255.22.

COURT REPORTER SERVICES, Associated Court Reporters, in the amount of $2,072.70; Christensen Reporting, in the amount of $90.00; Florida Keys Reporting Service, in the amount of $994.20; Nancy J. Maleske, in the amount of $950.30; Terry Moran, in the amount of $37.10; Nichols and Hardy Court Reporters, in the amount of $255.60.

COURT INTERPRETER SERVICES, Juli Barish, in the amount of $50.00; Juan Borges, in the amount of $385.00; Serafin Calero, in the amount of $45.00.

EXPERT WITNESS FEES, Richard Hellmann, Ph.D., in the amount of $30.00.

EXTRADITION COSTS, William A. Freeman, Jr., in the amount of $4,344.66.

WITNESS PAYROLL, Auto Allowance and Travel, in the amount of $4,398.80; Regular Witness Fees, in the amount of $160.00.

Board approved the following Warrants for the year 1986-87:

GENERAL REVENUE FUND, #76544-#77373, in the amount of $1,759,830.55.

GENERAL REVENUE FUND, Barnett Bank, FRS, #164, in the amount of $4,975.64.

SUPPLEMENT TO GENERAL REVENUE FUND, #204-#205, in the amount of $29,133.11.

FINE & FORFEITURE FUND, #633-#643, in the amount of $45,735.68.

AIRPORT OPERATION & MAINTENANCE FUND, #419-#422, in the amount of $31,561.90.

ROAD & BRIDGE FUND, #468-#471, in the amount of $321,958.84.

ROAD & BRIDGE FUND (SPECIAL PROJECTS), #00005, in the amount of $26,954.30.

MSD TAX DISTRICT, #1004-#1008, in the amount of $82,872.69.

MSD, Marine Bank, Marathon, #393-#394, in the amount of $40,001.29.

MSD, PLEDGED FUNDS, #98, in the amount of $300,000.00.

LAW LIBRARY FUND, #212-#213, in the amount of $1,658.55.

CARD SOUND BRIDGE FUND, #191-#192, in the amount of $9,717.79.

WORKERS COMPENSATION, #2313-#2327, in the amount of $13,148.12.

TOURIST DEVELOPMENT COUNCIL, #438-#439, in the amount of $145,286.95.

MONROE COUNTY SELF-INSURED GROUP INSURANCE, #203-#205, in the amount of $201,700.79.

TRANSLATOR FUND, #150-#151, in the amount of $5,112.62.

CROSS KEY WATERWAY, #47, in the amount of $122,100.00.

610 LAND AUTHORITY, #01-#02, in the amount of $1,698.75.

715 MARINERS HOSPITAL, #24, in the amount of $50,000.00.

716-717 SPECIAL TAX DISTRICT, PLANNING, BUILDING & CODE ENFORCEMENT, in the amount of $90,543.86.

Board approved the following Warrants for the year 1987-88:

GENERAL REVENUE FUND, #77374-#77565, in the amount of $2,921,746.20.

SUPPLEMENT TO GENERAL REVENUE FUND, #206, in the amount of $10,293.20.

FINE & FORFEITURE FUND, #644, in the amount of $43,096.80.

AIRPORT OPERATION & MAINTENANCE FUND, #423, in the amount of $6,835.81.

ROAD & BRIDGE FUND, #472, in the amount of $28,088.21.

MSD TAX DISTRICT, #1009, in the amount of $70,820.10.

MSD, Marine Bank, Marathon, #395, in the amount of $34,088.73.

MSD, PLEDGED FUNDS, #99-#100, in the amount of $1,399,367.50.

LAW LIBRARY FUND, #214, in the amount of $51.75.

CARD SOUND BRIDGE FUND, #193, in the amount of $3,115.54.

WORKERS COMPENSATION, #2328-#2336, in the amount of $10,111.46.

TOURIST DEVELOPMENT COUNCIL, #440-#441, in the amount of $15,012.00.

MONROE COUNTY SELF-INSURED GROUP INSURANCE, #206-#207, in the amount of $12,829.76.

TRANSLATOR FUND, #152, in the amount of $3,074.86.

610 LAND AUTHORITY TRUST ACCOUNT, #03-#07, in the amount of $2,090.29.

716-717 SPECIAL TAX DISTRICT, PLANNING, BUILDING & CODE ENFORCEMENT, #92, in the amount of $47,129.24.

Board approved Minutes of the following meetings of the Commission: 8/4, 8/5 (2), 8/6, 8/7, 8/10, 8/14 (2), 8/17, 8/18, 8/26 (2), 8/27, 8/28, 9/1, 9/9, 9/10, 9/15, 9/16, 9/17, 9/18 (3), 9/24 (3), 9/25, 9/28 (2).

MISCELLANEOUS
Card Sound Toll and Bridge Authority

Board granted permission to advertise a Call For Bids for one 3/4-ton Pickup Truck.

Motion carried unanimously.

COUNTY ATTORNEY

Lucien Proby, County Attorney, discussed the New Port Largo Suit.

The County Attorney discussed the proposed use of the Translator Towers for the placement of receiving antennas for use by the Sheriff.

Mr. Proby discussed negotiations with the Department of Natural Resources for additional land at the Long Key Landfill and informed the Board that the County had received a report from DNR advising they could grant an additional one and one-half acres to the County.

Commissioner Stormont discussed the need for financial information concerning the impacts of a proposed Joint Participation Agreement regarding the Marathon Aviation Boulevard Arterial Access Road. Motion was made by Commissioner Freeman and seconded by Commissioner Puto to adopt the following Resolution approving and authorizing the Mayor/Chairman of the Board to execute a Joint Participation Agreement by and between the State of Florida Department of Transportation and Monroe County for Marathon Aviation Boulevard Arterial Access Road. Motion carried unanimously.

RESOLUTION NO. 408-1987

See Res. Book No. 62 which is incorporated herein by reference.

MUNICIPAL SERVICES (WASTE)

Charles Aguero, MSD Manager, discussed the experimental opening of landfills to 6:00 p.m. He indicated that the District experienced very little activity during the extended hours and incurred considerable expense in keeping the landfills open. He requested authority to resume the hours of 8:00 a.m. to 4:00 p.m. for the landfills. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to approve the request of the MSD Manager to resume the hours of 8:00 a.m. to 4:00 p.m. for the landfills. Motion carried unanimously.

Mr. Aguero discussed the report concerning additional land at the Long Key Landfill for expansion. He requested authority for the County Attorney to prepare a Resolution which would indicate the Board's intent to cease the collection of trash from State parks until some cooperation was received concerning the expansion of the Long Key Landfill. Motion was made by Commissioner Freeman and seconded by Commissioner Puto to refer this matter to the County Attorney.

Motion was made by Commissioner Freeman and seconded by Commissioner Puto to grant permission to advertise a Call For Bids on three front-end loaders. Motion carried unanimously.

Consideration of authorization to lease/purchase one sedan was postponed until after the Rates Hearing.

No action was taken on a request for permission to Call For Bids on a crusher.

Motion was made by Commissioner Puto and seconded by Commissioner Freeman to adopt the following Resolution amending Resolution No. 348-1987 by the changing of the rents due under that certain Agreement by and between the Municipal Service District of Monroe County and John E. Carter and Edward D. Carter, in making said payments retroactive to June 15, 1987. Motion carried unanimously.

RESOLUTION NO. 409-1987

See Res. Book No. 62 which is incorporated herein by reference.

AIRPORTS

The Board continued to the next meeting consideration of a Lease Agreement by and between the County and Five 66666 Cab Company, Inc. concerning a gazebo at the Key West International Airport.

ENGINEERING

Bob Harris of Post, Buckley, Schuh & Jernigan discussed the Key Vaca Roads IV Roadway Improvements Project. He discussed Change Order No. 2 Revised which would add $435.00 for additional paving and Change Order No. 3 which would be a penalty of $2,200.00 for exceeding the completion date. Motion was made by Commissioner Stormont and seconded by Commissioner Puto to approve and authorize execution of Change Order No. 2 Revised and Change Order No. 3 to General Asphalt Company, Inc. for the Key Vaca Roads IV Roadway Improvements Project, and also to approve Final Payment in the amount of $7,187.81. Motion carried unanimously.

Mr. Harris discussed the Key Largo Roads IV Roadway Improvements Project and Change Order No. 3 which would be a penalty of $7,000.00 as liquidated damages for exceeding the completion date. Motion was made by Commissioner Stormont and seconded by Commissioner Puto to approve and authorize execution of Change Order No. 3 to General Asphalt Company, Inc. for the Key Largo Roads IV Roadway Improvements Project, and also to approve Final Payment in the amount of $53,057.23 and also confirming the ten-day suspension of the tolling of time by the County Staff for the purpose of conducting the necessary inspection. Motion carried unanimously.

PLANNING, BUILDING & ZONING

Donald Craig, Director, discussed the pending North Key Largo Habitat Conservation Plan proposals and also travel that he would be making to Tallahassee for the purpose of discussing grant funding with DCA.

A proposed Planning Commission Text Amendment to Section 13-101(c) of the Monroe County Land Development Regulations (regarding the time period for accepting and processing Map and Text Amendment applications) was referred to the County Attorney and continued to the next meeting.

A discussion took place regarding a Marathon Hurricane Shelter for vessel storage.

COUNTY ADMINISTRATOR

Tom Brown, County Administrator, discussed a letter from Post, Buckley, Schuh & Jernigan concerning the problem with the flooring at the J. Lancelot Lester Building in Key West. He advised the Board that he would be making a full report and recommendation in the near future.

Mr. Brown also discussed the Jail Expansion Project and the final pay-off figure to Monroe Construction Corporation.

Motion was made by Commissioner Freeman and seconded by Commissioner Puto to authorize payment of the following invoices:

1. Public Financial Management, Inc., in the amount of $2,586.93, for payment of professional services from August 16 through September 15.

2. Fly, Shuebruk, Gaguine, Boros and Braun, in the amount of $378.54, for payment of

professional services through August 31 in re Translator.

3. Siemon, Larsen, Mattlin & Purdy, in the amount of $1,348.40, for professional services through September in re Hopping v. Monroe County (Port Bougainville appeal).

4. General Asphalt Company, Inc., in the amount of $53,057.23, for Final Payment of Key Largo Roads IV Roadway Improvements Project.

5. General Asphalt Company, Inc., in the amount of $7,187.81, for Final Payment of Key Vaca Roads IV Roadway Improvements Project.

6. General Asphalt Company, Inc., in the amount of $40,315.68, for Final Payment of Middle Keys Roads I Roadway Improvements Project.

7. David W. Tuttle, in the amount of $12,400.00, for Final Payment of Building Department Office Space Remodeling.

8. Monroe Construction Corporation, in the amount of $25,587.00, for Final Payment of Monroe County Jail Expansion.

Paul Wick, Grants Management Specialist, addressed the Board concerning the Florida Recreation Development Assistance Program administered by the Florida Department of Natural Resources. Motion was made by Commissioner Puto and seconded by Commissioner Stormont to adopt the following Resolution authorizing the Administration to prepare and submit a Grant Application to the Florida Department of Natural Resources for funds to develop a park on Stock Island. Motion carried unanimously.

RESOLUTION NO. 410-1987

See Res. Book No. 62 which is incorporated herein by reference.

The County Administrator discussed the inactivity of the former Capital Improvements Committee created by the Board. No action was taken. The County Administrator is to recommend proposed changes to the Ordinance which created the Capital Improvements Committee.

Mr. Brown then discussed Board appointments and recommended that they all come due in January.

The County Administrator also discussed permit fees and fines for building without permits.

AWARDING BIDS

The Board discussed bids received for the sale of Surplus Property. Motion was made by Commissioner Freeman and seconded by Commissioner Puto to award the bid for the sale of two Magnesium Delivery Truck Ramps as follows:

Richard Ott Box 4625 Key West, Fl.	0702-1 0702-2	$29.50 $28.52

Motion carried unanimously. Motion was then made by Commissioner Puto and seconded by Commissioner Freeman to award the bid for the sale of one IBM Electric Typewriter as follows:

Joyce Griffin 2816 Seidenberg Avenue Key West, Fl.	2440-132	$15.00

Motion carried unanimously. Motion was then made by Commissioner Freeman and seconded by Commissioner Puto to award the bid for the sale of twenty Shutter Doors as follows:

Shirley Willer 5A 12th Avenue Stock Island, Key West, Fl.	$100.00

Motion carried unanimously. Motion was made by Commissioner Freeman and seconded by Commissioner Puto to authorize the disposition of the remaining Surplus Property by junking the items or otherwise dispose of same in accordance with Florida Law. Motion carried unanimously.

The Board was advised of the following bid received for the sale of Lots 5, 12 and 14, Block 23, Cudjoe Gardens 8th Addition, Cudjoe Key:

Jeff K. Lile P. O. Box 1661 Key West, Fl.	$4,100 for package of all three lots

Motion was made by Commissioner Puto and seconded by Commissioner Freeman to reject the bid and to re-advertise. Motion carried unanimously.

COUNTY CLERK

The Clerk discussed the delivery of the Deed from Arthur Lujan for certain lots in Key Haven to be used for park purposes in accordance with the action at a recent Map Change Hearing. Motion was made by Commissioner Freeman and seconded by Commissioner Stormont to accept the conveyance to the County. During discussion, motion was withdrawn. The Board agreed that this matter would be considered following DCA's action concerning the Map Amendments.

COUNTY ADMINISTRATOR

Motion was made by Commissioner Puto and seconded by Commissioner Freeman to reconsider the Board's previous action regarding the adoption of Resolution No. 410-1987 concerning the Florida Recreation Development Assistance Program. Motion carried unanimously. The County Attorney then advised the Board of an amended Paragraph 3 to the Resolution. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to approve the adoption of Resolution No. 410-1987 with the amended Paragraph 3 therein. Motion carried unanimously.

The Board recessed for lunch.

* * * * *

The Board reconvened at 2:00 p.m. with all members present.

SOUNDING BOARD FOR PUBLIC INPUT

John Taylor and Gus Pego of the Florida Department of Transportation addressed the Board concerning lobster traps stored on the right-of-way of US #1. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to refer this matter to the County Administrator for a report to be prepared after meeting with FDOT, O.F.F. and the County Staff, said report to be presented at the second meeting in November. Motion carried unanimously.

Ervin Higgs, Property Appraiser, addressed the Board concerning his Annual Report which was approved earlier in the meeting. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to authorize use of the excess fees from the Property Appraiser from last fiscal year to be carried forward for his participation in the computerized mapping system. Motion carried unanimously.

Harry F. Knight, Tax Collector, addressed the Board and presented his Annual Report for 1986-87. He indicated that his total excess fees were in the amount of $720,675.00 and presented checks to the Clerk for Monroe County's portion: one check in the amount of $610,412.00 and another check in the amount of $52,465.00. Motion was made by Commissioner Stormont and seconded by Commissioner Freeman to accept the Annual Report of the Tax Collector and the excess fees and to authorize and direct that all excess fees in excess of the amounts budgeted in the current fiscal year be transferred to the Capital Projects Fund. Motion carried unanimously.

Vern Pokorski discussed the problem on Big Pine Key with the speed limit and the Key Deer kills on US #1. Mr. Taylor addressed the Board. No action was taken.

Joe Bell addressed the Board concerning the slow down of the clean-up campaign in the Upper Keys. Charles Aguero, MSD Manager, discussed this matter. David Parker of the Probation Department of the Florida Department of Corrections addressed the Board. No action was taken.

PUBLIC WORKS

Dent Pierce, Public Works Director, addressed the Board and made a report concerning the Upper Keys Animal Shelter. He requested authority for the Public Works Director to give notice to the Humane Society of the Upper Keys to vacate the premises and have the Public Works Department assume full operation of the Animal Shelter. Marty Ingersoll of the Upper Keys Humane Society addressed the Board. Motion was made by Mayor Pro Tem Lytton and seconded by Commissioner Stormont to continue this matter to the next Plantation Key meeting and to consider an amendment to the Animal Control Ordinance to provide for the similar operation of all County Animal Shelters. Motion carried unanimously. Gayle Bean and Karen Reeb addressed the Board concerning Animal Control.

PUBLIC HEARINGS

A Public Hearing was held on a proposed Ordinance providing for the creation of a Beach and Shore Preservation

Authority. Proof of publication was entered into the record. Motion was made by Commissioner Stormont and seconded by Commissioner Freeman to read by title only. Motion carried unanimously. There was no public input. Motion was made by Commissioner Stormont and seconded by Commissioner Freeman to continue to the next Public Hearing. Motion carried unanimously.

A Public Hearing was then held on a proposed Ordinance providing for the adoption of the 1985 Edition for the Standard Fire Prevention Code, as adopted by the Florida Legislature; providing for severability; providing for the repeal of all Ordinances or parts of Ordinances in conflict with this Ordinance; providing for inclusion in the Code; and providing for an effective date. Proof of publication was entered into the record. Motion was made by Commissioner Freeman and seconded by Commissioner Puto to read by title only. Motion carried unanimously. Joe London, County Fire Marshal, addressed the Board concerning the proposed Ordinance. There was no public input. Motion was then made by Commissioner Puto and seconded by Commissioner Freeman to adopt the following Ordinance. Motion carried unanimously.

ORDINANCE NO. 038-1987

See Ord. Book No. 15 which is incorporated herein by reference.

A Public Hearing was then held adopting and ratifying certain Land Use District Map Amendments attached and incorporated by reference into this Ordinance; transmitting the Amendments to the State Land Planning Agency for approval; providing that, if any Amendments are disapproved by that Agency, that disapproval shall not affect the remaining Amendments; providing for severability; and providing for an effective date. Proof of publication was entered into the record. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to read by title only. Motion carried unanimously. There was no public input. Donald Craig, Planning Director, addressed the Board. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to adopt the following Ordinance. Motion carried unanimously.

ORDINANCE NO. 039-1987

See Ord. Book No. 15 which is incorporated herein by reference.

A Public Hearing was held adopting and ratifying certain Text Amendments attached and incorporated by reference into the body of the Text of the Ordinance; transmitting the Amendments to the State Land Planning Agency for approval; providing that, if any Amendments are disapproved by that Agency, that disapproval shall not affect the remaining Amendments; providing for severability; and providing for an effective date. Proof of publication was entered into the record. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to read by title only. Motion carried unanimously. There was no public input. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to adopt the following Ordinance. Motion carried unanimously.

ORDINANCE NO. 040-1987

See Ord. Book No. 15 which is incorporated herein by reference.

A Public Hearing was held on an Ordinance amending Sections 1-101 and 102, Monroe County Land Development Regulations, in order to provide that Chapter 12, Impact Fees, apply in the Cities of Key Colony Beach and Layton to the extent authorized by Article 8, Section 1(f), Florida Constitution; and providing for an effective date. Proof of publication was entered into the record. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to read by title only. Motion carried unanimously. Mayor Feiner of Key Colony Beach addressed the Board. Motion was made by Commissioner Puto and seconded by Commissioner Freeman to continue to the next meeting. Motion carried unanimously.

PLANNING, BUILDING & ZONING

Mr. and Mrs. Roger Holmes addressed the Board concerning their request for a sign permit for a proposed Mr. Donut operation in Marathon. Donald Craig, Planning Director, addressed the Board and recommended that the request be denied since it did not comply with existing regulations. Motion was made by Mayor Pro Tem Lytton and seconded by Commissioner Freeman to deny the request for a sign permit for the Mr. Donut in Marathon due to lack of authority to ratify under the existing regulations. Motion carried unanimously.

The Board then discussed a sign application by Rodeway Inn. Frank Greenman, attorney representing Rodeway Inn, addressed the Board. Mr. Craig discussed the request. This matter was referred to Staff for review and report back to the Board.

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BOARD OF APPEALS

The Board of County Commissioners sat as the Board of Appeals with all members present except Mayor Hernandez.

Carl Schmitt of Martin Luther Chapel, Inc. addressed the Board. Motion was made by Commissioner Freeman and seconded by Commissioner Puto to continue to the meeting on November 3rd.

The meeting of the Board of Appeals adjourned.

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The Board recognized Senator Larry Plummer who was in the audience.

The Board recessed for a meeting of the Land Authority.

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The Regular Meeting of the Board of County Commissioners reconvened.

PLANNING, BUILDING & ZONING
Sign Ordinance Committee

Donald Craig, Planning Director, addressed the Board concerning the Staff report and presented a proposed Ordinance. Brad Cooper presented a minority report to the Board and Earl Cheal also presented a minority report to the

Board. The following individuals addressed the Board: Vern Pokorski of the Big Pine Civic Association, Franklin Gray, Arlene Reiser who presented a petition of signatures from the Izaak Walton League, Jerry Walker, Charles Holes, Lester Neiman, Brad Cooper, Betty Wilson, and Agnes Spence. Motion was made by Commissioner Stormont and seconded by Commissioner Freeman to accept the proposed Ordinance with the following amendments: delete Section 1(a); replace Replace Items A through D beginning on Page 80 with the non-conforming sections of the Land Use Plan (Section 9.5, Nos. 141 through 146); delete Section E; and to submit this proposed Ordinance as an amendment to the Land Use Plan under the current series of amendments. Motion carried unanimously.

There being no further business, the meeting was adjourned.

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ATTACHMENT E

BOCC ORDINANCES 004-1997, 030-1999, 044-2000

ORDINANCE NO. 004-1997

AN ORDINANCE MODIFYING THE EXISTING PROHIBITION ON TOURIST HOUSING USE, INCLUDING VACATION RENTAL USE IN RESIDENTIAL DISTRICTS; AMENDING CODE SECTION 9.5-4 (T-3) TO DEFINE TOURIST HOUSING USE OR UNIT TO INCLUDE PUBLIC LODGING ESTABLISHMENTS, ROOMING HOUSES AND DWELLING UNITS COMMONLY KNOWN AS VACATION RENTALS WHICH ARE RENTED FOR TENANCIES OF LESS THAN 28 DAYS; AND CREATING 9.5-4(V-.5) DEFINING VACATION RENTAL USE AS AN ATTACHED OR DETACHED DWELLING UNIT RENTED FOR TENANCIES OF LESS THAN TWENTY-EIGHT (28) DAYS; AMENDING 9.5-4 (C-11) TO CLARIFY THAT COMMERCIAL APARTMENTS MUST MEET AFFORDABLE HOUSING CRITERIA AND EXPRESSLY PROHIBITING THE TOURIST HOUSING USE OF COMMERCIAL APARTMENTS AND INSTITUTIONAL RESIDENTIAL DWELLING UNITS; AMENDING 9.5-4(D-8) TO DEFINE DEVELOPMENT TO INCLUDE TOURIST HOUSING USE AND VACATION RENTAL USE; AMENDING 9.5-204 TO ADD VACATION RENTAL USE TO THE PURPOSE OF THE URBAN RESIDENTIAL DISTRICT; AMENDING THE FOLLOWING CODE SECTIONS TO EXPRESSLY PROHIBIT ALL TOURIST HOUSING USES INCLUDING VACATION RENTALS: 9.5-234 (URBAN RESIDENTIAL - MOBILE HOME DISTRICT), 9.5-235.1 (URBAN RESIDENTIAL MOBILE HOME- LIMITED), 9.5-238 (SPARSELY SETTLED RESIDENTIAL DISTRICT), 9.5-239 (NATIVE AREA DISTRICT), 9.5-240 (MAINLAND NATIVE AREA), 9.5-255 (COMMERCIAL FISHING RESIDENTIAL); AND 9.5-242 (IMPROVED SUBDIVISION DISTRICT), EXCEPT IN GATED COMMUNITIES WITHIN IS, URM AND URM-L THAT HAVE CONTROLLED ACCESS AND HOMEOWNER'S OR PROPERTY OWNER'S ASSOCIATIONS THAT REGULATE VACATION RENTAL USES; AMENDING THE FOLLOWING CODE SECTIONS TO ALLOW VACATION RENTAL USE AS OF RIGHT SUBJECT TO CERTAIN CONDITIONS: 9.5-236 (SUB URBAN RESIDENTIAL DISTRICT), 9.5-237 (SUB URBAN RESIDENTIAL DISTRICT [LIMITED]), SECTION 9.5-250 (MARITIME INDUSTRIES), SECTION 9.5-243 (DESTINATION RESORT), SECTION 9.5-248 (MIXED USE), SECTION 9.5-235 (SUBURBAN COMMERCIAL) SECTION 9.5-232 (URBAN COMMERCIAL); 9.5-233 (URBAN RESIDENTIAL DISTRICT); CLARIFYING OCCUPANCY TERMS FOR RENTAL OF RECREATIONAL VEHICLE SPACES IN SECTION 9.5-244 (RECREATIONAL VEHICLES); AMENDING CHAPTER 9.5 TO CREATE A NEW CODE SECTION 9.5-242.5 (IMPROVED SUBDIVISION TOURIST HOUSING SUBINDICATOR DISTRICT) ALLOWING VACATION RENTAL USES AND CREATING REQUIREMENTS FOR APPROVAL OF IS-T REZONINGS, INCLUDING TRAFFIC IMPACTS AND COMPATIBILITY WITH THE SURROUNDING AREA, REBUTTABLE PRESUMPTIONS CONCERNING SPOT ZONING AND BUFFERYARDS; AMENDING SECTION 9.5-241 (OFFSHORE ISLAND DISTRICT); GRANDFATHERING EXISTING VACATION RENTAL USES AND PROHIBITING MARINAS AND CAMPGROUNDS ON OFFSHORE ISLANDS; CREATING NEW SECTION 9.5-534 ESTABLISHING A SPECIAL VACATION RENTAL PERMIT AND ESTABLISHING ANNUAL PERMIT FEE BY SEPARATE RESOLUTION; CREATING REGULATIONS FOR VACATION RENTALS AND ISSUANCE OF A SPECIAL

VACATION RENTAL PERMIT INCLUDING MINIMUM BUFFERYARDS, MAXIMUM NUMBER OF WATERCRAFT, OFF-STREET VEHICLE AND BOAT TRAILER PARKING, MAINTENANCE OF GUEST AND VEHICLES REGISTER, OBTAINING STATE LICENSES, COMPLIANCE WITH SANITARY WASTEWATER REGULATIONS CONTAINED IN DOH AND DEP REGULATIONS, COMPLIANCE WITH NFPA LIFE SAFETY CODE 101; PROHIBITING TRANSFER OF SPECIAL PERMITS; PROHIBITING LIVE-ABOARDS; RESTRICTING AMPLIFIED SOUND TO PROPERTY BOUNDARIES; REQUIRING TRASH CONTAINERS AND NOTICE OF TRASH AND RECYCLING COLLECTION; NAME AND PHONE NUMBER OF CONTACT PERSON AUTHORIZING INSPECTION BY CODE ENFORCEMENT; OCCUPANCY LIMITS; INCORPORATION IN LEASE TERMS; AND PROOF OF NOTICE OF THE APPLICATION AND RESTRICTIVE COVENANT DISCLAIMER; REQUIRING FEDERAL AND STATE TAX ID; PROVIDING FOR REVOCATION; PROHIBITING TOURIST HOUSING USE OF DWELLING UNITS BY LANDOWNERS OR AGENTS IN ANY DISTRICT(S) WHERE TOURIST HOUSING USE IS PROHIBITED, PROHIBITING THE ADVERTISING OF DWELLING UNITS FOR TOURIST HOUSING USE IF THE DWELLING UNITS ARE LOCATED IN A DISTRICT(S) WHERE TOURIST HOUSING USE IS PROHIBITED, PROVIDING THAT EACH LEASE OF LESS THAN 28 DAYS SHALL CONSTITUTE A NEW VIOLATION, PROVIDING THAT VACATION RENTAL LEASES IN DISTRICTS WHICH PROHIBIT VACATION RENTAL USES SHALL NOT BE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THE ORDINANCE, PROVIDING THAT NON-CONFORMING USE PROVISIONS SET FORTH IN SECTIONS 9.5-141 THROUGH 9.5-146 SHALL NOT APPLY TO ANY PARTICULAR TOURIST HOUSING OR VACATION RENTAL USES, PROVIDING THAT PRE-EXISTING USES THAT WERE ESTABLISHED UNDER ANY CODE PROVISION EXPRESSLY ALLOWING VACATION RENTAL USES THAT WERE IN EFFECT PRIOR TO SEPTEMBER 15, 1986 MAY REMAIN SUBJECT TO NON-CONFORMING USE PROVISIONS, PROVIDING THAT THE PROVISIONS OF SECTION 9.5-2(c) ("DEEMER PROVISION") SHALL NOT APPLY TO TOURIST HOUSING OR VACATION RENTAL USE, PROVIDING THAT THE CODE ENFORCEMENT FOUR-YEAR STATUTE OF LIMITATIONS SET FORTH IN SECTION 6.3-13 SHALL NOT APPLY TO NEW VACATION RENTAL LEASES OR VIOLATIONS OF THE PROHIBITION ON VACATION RENTAL USES; PROVIDING PENALTIES FOR VIOLATION OF THE PROHIBITION ON VACATION RENTAL USE; ENABLING CITIZENS TO SEEK INJUNCTIVE JUDICIAL RELIEF AND PROVIDING FOR AN AWARD OF DISCRETIONARY ATTORNEY'S FEES; AMENDING CODE SECTIONS 6.3-13 (STATUTE OF LIMITATIONS), 9.5-2 (DEEMER PROVISION), 9.5-143 (NON-CONFORMING USES) AND 9.5-184 (VESTED RIGHTS) TO PROHIBIT RENEWAL OF LEASES, SUBLEASES OR ASSIGNMENTS OF LESS THAN 28 DAYS IN DISTRICTS THAT PROHIBIT VACATION RENTAL USES OR LEASES, SUBLEASES AND ASSIGNMENTS OF RV SPACES FOR GREATER THAN 6 MONTHS; AMENDING 9.5-490.1 TO INCLUDE TOURIST HOUSING UNITS AS DEFINED IN 9.5-4(T-3); PROVIDING FOR SEVERABILITY, CONFLICT, INCORPORATION IN THE CODE, AN EFFECTIVE DATE, TRANSMITTAL TO DCA AND THE SECRETARY OF STATE.

WHEREAS, Monroe County desires to amend the Land Development Regulation to expressly clarify the existing prohibition on short term rental (less than 28 days) of single family homes within Improved Subdivisions and other residential districts; and

WHEREAS, Monroe County proposes that such vacation rental uses be allowed in all land use districts except Mobile Home (URM), Mobile Home Limited (URM-L), Native Area (NA), Mainland Native (MN), and Improved Subdivisions, unless IS districts obtain a rezoning to a tourist housing subindicator district (IS-T):

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:

Section 1. Purpose. The purpose of this ordinance is to further and expressly clarify the existing prohibition on short-term transient rental of dwelling units for less than twenty-eight (28) days in duration in Improved Subdivisions, mobile home districts (which provide affordable housing) and native areas, and to allow tourist housing uses in all other districts and in improved subdivision districts with a newly-created tourist housing subindicator (IS-T).

Section 2. Monroe County Code §9.5-4 is hereby amended to read as follows:

Sec. 9.5-4 - Definitions

(D-8) *Development* means the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land or water, or the subdividing of land into two (2) or more parcels.

(a) Except as provided in subsection (c) hereof, for the purposes of this chapter, the following activities or uses shall be taken to involve "development":

(1) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.

(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.

(3) Alteration of a shore or bank of a seacoast, lake, pond or canal, including any work or activity which is likely to have a material physical effect on

existing coastal conditions or natural shore and inlet processes.

(4) Commencement of drilling (except to obtain soil samples), mining or excavation on a parcel of land.

(5) Demolition of a structure.

(6) Clearing of land, including clearing or removal of vegetation and, including significant disturbance of vegetation or substrate (soil) manipulation, including the trimming of mangroves to the extent allowed by law. (Ord. No. 19-1989, § 1(PD11))

(7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(b) "Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

(c) For the purpose of this chapter, the following operations or uses shall not be taken to involve "development:"

(1) Work involving the maintenance, renewal, improvement or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed.

(2) Work involving the maintenance of existing landscaped areas and existing rights-of-way such as yards and other non-natural planting areas.

(3) A change in use of land or structure from a use within a specified category of use to another use in the same category unless the change involves a change from a use permitted as of right to one permitted as a minor or major conditional use or from a minor to a major conditional use.

(4) A change in the ownership or form of ownership of any parcel or structure.

(5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law.

(6) The clearing of survey cuts or other paths of less than four (4) feet in width and the mowing of vacant lots in improved subdivisions and areas that have been continuously maintained in a mowed state prior to the effective date of the plan, the trimming of trees and shrubs and gardening in areas of developed parcels that are not required open space and the maintenance of public rights-of-way and private accessways existing on the effective date of this chapter or approved private rights-or-way.

(d) Development also means the tourist housing use or vacation rental use of a dwelling unit, or a change to such a use (i.e., conversion of existing dwelling units to vacation rental use). Vacation rental use of a dwelling unit requires building permits, inspection(s) and a certificate of occupancy.

(T-3) Tourist housing use or unit means a dwelling unit used as transient housing for tenancies of less than twenty-eight (28) days duration, such as a hotel or motel, public lodging establishment, rooming house, vacation rental, room, or space for parking a recreational vehicle or travel trailer or units that are advertised and held out to the public for such use. Tourist housing use shall include the rental, lease, sublease, or assignment of existing dwelling units for tenancies of less than 28 days duration.

(V-.5) Vacation rental use or unit means an attached or detached dwelling unit that is rented, leased or assigned for tenancies of less than twenty-eight (28) days duration and is not within a multifamily building with 24 hour on-site management supervision. Vacation rental use does not include hotels, motels, and RV spaces, which are specifically addressed in each district.

(C-11) Commercial apartment means a residential dwelling unit that is developed in conjunction with a non-residential use and is intended to serve the housing needs of persons who are gainfully employed in Monroe County. All commercial apartments must comply with the affordable housing criteria set forth in Section 9.5-4(A-5) and Section 9.5-266. Tourist housing use or vacation rental use of commercial apartments is prohibited.

Section 3. Monroe County Code §9.5-204 is hereby amended to read as follows:

Sec. 9.5-204 Purpose of Urban Residential District

The purpose of the UR District is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multi-family dwellings. This district should be established at or near employment centers.

Section 4. Monroe County Code §9.5-232 is hereby amended to read as follows:

Sec. 9.5-232. Urban Commercial District.

(a) The following uses are permitted as of right in the Urban Commercial District:

(1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than five thousand (5,000) square feet of floor area;

(2) Commercial retail uses of high intensity of less than twenty-five

hundred (2,500) square feet of floor area;

(3) Institutional residential uses involving less than twenty (20) dwelling units or rooms;

(4) Commercial apartments involving less than six (6) dwelling units in conjunction with a permitted commercial use;

(5) Commercial recreational uses limited to:

a. Bowling alleys;
b. Tennis and racquet ball courts;
c. Miniature golf and driving ranges;
d. Theaters;
e. Health clubs;
f. Swimming pools;

(6) Institutional uses;

(7) Public buildings and uses;

(8) Accessory uses.

(9) Vacation rental use of non-conforming detached and attached dwelling units if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Urban Commercial District, subject to the standards and procedures set forth in article III, division 3:

(1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of greater than five thousand (5,000) but less than twenty thousand (20,000) square feet of floor area, provided that access to U.S. 1 is by way of:

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(2) Commercial retail uses of high intensity of greater than twenty-five hundred (2,500) but less than ten thousand (10,000) square feet of floor

area, provided that [access to U.S. 1 is by way of]:

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(3) Institutional residential uses involving twenty (20) or more dwelling units or rooms, provided that:

a. The use is compatible with land use established in the immediate vicinity of the parcel proposed for development;
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(4) Commercial apartments involving more than six (6) dwelling units in conjunction with a permitted commercial use, provided that:

a. The hours of operation of the commercial uses proposed in conjunction with the apartments are compatible with residential uses; and
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

<u>c. Tourist housing uses, including vacation rental use, of commercial apartments is prohibited.</u>

(5) Hotels of fewer than fifty (50) rooms, provided that:

a. The use is compatible with established land uses in the immediate vicinity;
b. One (1) or more of the following amenities are available to guests:

(i) Swimming pools;
(ii) Marina; or
(iii) Tennis courts;

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(6) Parks and community parks.

(c) The following uses are permitted as major conditional uses in the Urban Commercial District, subject to the standards and procedures set forth in article III, division 3:

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

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(2) Commercial retail uses of high intensity of greater than ten thousand (10,000) square feet in floor area, provided that access to U.S. 1 is by way of:

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on

the same side of U.S. 1 by at least four hundred (400) feet;

(3) Hotels providing fifty (50) or more rooms, provided that:

a. The hotel has restaurant facilities on or adjacent to the premises; and

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(4) Marinas, provided that:

a. The parcel proposed for development has access to water of at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; and
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height.
d. Any commercial fishing activities are limited to the landing of catch, mooring and docking of boats and storage of traps and other fishing equipment;

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

a. The parcel of land has an area of at least two (2) acres;
b. The parcel is separated from any residential district or established residential use by at least a class E buffer; and
c. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(6) Heliports or seaplane ports, provided that:

a. The heliport is associated with a governmental services facility, a law enforcement element or a medical services facility;
b. The heliport or seaplane port is a Federal Aviation Administration certified landing facility.
c. The landing and departure approaches do not pass over established residential uses or known bird rookeries;
d. If there are established uses within five hundred (500) feet of the parcel proposed for development, the hours of operation

shall be limited to daylight; and

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

Section 5. Monroe County Code §9.5-233 is hereby amended to read as follows:

Sec. 9.5-233. Urban Residential District.

(a) The following uses are permitted as of right in the Urban Residential District:

(1) Detached residential dwellings;

(2) Public buildings and uses;

(3) Home occupations-Special use permit requiring a public hearing;

(4) Accessory uses;

(5) Vacation rental use if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Urban Residential District, subject to the standards and procedures set forth in article III, division 3:

(1) Attached residential dwelling units, provided that:

a. Sufficient common areas for recreation are provided to serve the number of dwelling units proposed to be developed;

b. All entryways are designed and lighted to allow safe and secure access to all structures from walks and parking areas; and

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(2) Institutional and institutional-residential uses, provided that access to U.S. 1 is by way of:

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(3) Parks and community parks.

(c) The following uses are permitted as major conditional uses in the Urban Residential District, subject to the standards and procedures set forth in article III, division 3:

(1) Marinas, provided that:

a. The parcel provided for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
d. Vessels docked or stored shall not be used for live-aboard purposes;

(2) Time-share estates, including uses accessory thereto, provided that:

a. The use is compatible with established land uses in the immediate vicinity;
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

c. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

d. Time-share units shall have a minimum living area of nine hundred fifty (950) square feet;

e. The parcel proposed for development shall have a minimum size of four (4) acres;

f. The density does not exceed four (4) dwelling units per acre; and

g. The time share units comply with the requirements of the Florida Real Estate Time-Sharing Act [F.S. § 721.01 et seq.].

Section 6. Monroe County Code §9.5-234 is hereby amended to read as follows:

Sec. 9.5-234. Urban Residential- Mobile Home District.

(a) The following uses are permitted, as of right in the Urban Residential - Mobile Home District:

(1) Mobile homes;

(2) Detached residential dwellings;

(3) Recreational vehicles as provided in chapter 513, Florida Statutes;

(4) Home occupations—Special use permit requiring a public hearing;

(5) Accessory uses; and

(6) Tourist housing uses, including vacation rental uses, are prohibited except in gated communities which have (a) controlled access and (b) a homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

(b) The following uses are permitted as major conditional uses in the Urban Residential Mobile Home District, subject to the standards and procedures set forth in article III, division 3:

(1) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;
c. Vessels docked or stored shall not be used for live-aboard purposes; and
d. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height;

(2) Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area, provided that:

a. The parcel of land on which the commercial retail use is to be

located abuts the right-of-way of U.S. 1;

b. The structure must be located within two hundred (200) feet of the centerline of U.S. 1;

c. The commercial retail use does not involve the sale of petroleum products;

d. The commercial retail use does not involve the outside storage or display of goods or merchandise;

e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;

f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;

g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and

h. No signage other than one (1) identification sign of no more than four (4) square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1;

(3) Parks and community parks.

Section 7. Monroe County Code §9.5-235 is hereby amended to read as follows:

Sec. 9.5-235. Sub Urban Commercial District.

(a) The following uses are permitted as of right in the Sub Urban Commercial District:

(1) Commercial retail, low and medium intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;

(2) Institutional residential uses, involving less than ten (10) dwelling units or rooms;

(3) Commercial apartments involving less than six (6) dwelling units in conjunction with a permitted commercial use;

(4) Commercial recreational uses limited to:

a. Bowling alleys;
b. Tennis and racquet ball courts;
c. Miniature golf and driving ranges;
d. Theaters;
e. Health clubs;
f. Swimming pools;

(5) Institutional uses;

(6) Public buildings and uses;

(7) Accessory uses;

(8) Storage areas, provided that the area does not exceed twenty-five (25) percent of the gross area of the parcel proposed for development; if such areas exceed twenty-five (25) percent, than approval must be obtained pursuant to subsection (b)(8).

(9) Vacation rental use of non-conforming detached and attached dwelling units, if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Sub Urban Commercial District, subject to the standards and procedures set forth in article III, division 3:

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

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

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

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same

side of U.S. 1 by at least four hundred (400) feet;

(3) Institutional residential uses involving ten (10) to twenty (20) dwelling units or rooms, provided that:

a. The use is compatible with land use established in the immediate vicinity of the parcel proposed for development;

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from another curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(4) Commercial apartments involving more than six (6) dwelling units in conjunction with a permitted commercial use, provided that:

a. The hours of operation of the commercial uses proposed in conjunction with the apartments are compatible with residential uses; and

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

c. Tourist housing uses, including vacation rental uses, of commercial apartments are prohibited.

(5) Hotels of fewer than twenty-five (25) rooms, provided that:

a. The use is compatible with established land uses in the immediate vicinity; and

b. One (1) or more of the following amenities are available to guests:

(i) Swimming pool;
(ii) Marina; or
(iii) Tennis courts;

(6) Campgrounds, provided that:

a. The parcel proposed for development has an area of at least five (5) acres;
b. The operator of the campground is the holder of a valid Monroe County occupational license;
c. If the use involves the sale of goods and services, other than the rental of camping sites or recreational vehicle parking spaces, such use does not exceed one thousand (1,000) square feet and is designed to serve the needs of the campground; and
d. The parcel proposed for development is separated from all adjacent parcels of land by at least a class C bufferyard;

(7) Light industrial uses, provided that:

a. The parcel proposed for development does not have an area of greater than two (2) acres;
b. The parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and
c. All outside storage areas are screened from adjacent use by a solid fence, wall or hedge at least six (6) feet in height;

(8) Parks and community parks.

(c) The following uses are permitted as major conditional uses in the Sub Urban Commercial District subject to the standards and procedures set forth in Article III, division 3:

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

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

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

a. An existing curt 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 four hundred (400) feet;

(3) Institutional residential uses involving twenty (20) or more dwelling units or rooms; provided that:

a. The use is compatible with land use established in the immediate vicinity of the parcel proposed for development; and
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

c. Tourist housing uses, including vacation rental uses, of institutional residential units are prohibited.

(4) Hotels providing twenty-five (25) or more rooms, provided that:

a. The hotel has restaurant facilities on or adjacent to the premises; and
b. Access to U.S. 1 is by way of:
(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet.

(5) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; and
c. All outside storage areas are screened from adjacent uses by a fence, wall or hedge of at least six (6) feet in height;
d. Any commercial fishing activities are limited to the landing of catch, mooring and docking of boats and storage of traps and other fishing equipment;

(6) Mariculture, provided that:

a. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;
b. The parcel proposed for development is separated from any

established residential use by at least a class C bufferyard; and

c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height;

(7) Heliports or seaplane ports, provided that:

a. The helicopter is associated with a government service facility, a law enforcement element or a medical services facility;

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

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

d. If there are established residential uses within five hundred (500) feet of the parcel proposed for development, the hours of operation and nonemergency aircraft shall be limited to daylight; and

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

Section 8. Monroe County §9.5-235.1 is hereby amended to read as follows:

Sec. 9.5-235.1. URM-L District.

(a) The following uses are permitted as of right in the URM-L district:

(1) Mobile homes;

(2) Recreational vehicles, as provided in Florida Statutes chapter 513;

(3) Home occupations by special use permit requiring a public hearing;

(4) Accessory uses; and

(5) Tourist housing uses, including vacation rental uses, are prohibited except in gated communities which have (a) controlled access and (b) a homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

(b) The following uses are permitted as major conditional uses in the URM-L district subject to the standards and procedures set forth in article VII, division 4:

(1) Marinas, provided that:

a. The marina is primarily intended and designed to serve the residents of the district in which it is located;
b. The parcel proposed for development has access to water of at least four (4) feet below mean sea level at mean low tide;
c. The sale of goods and services is limited to fuel, food, boating and diving and sport fishing products;
d. Vessels docked or stored shall not be used for live-aboard purposes; and
e. All outside storage area are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height;

(2) Commercial retail of low intensity of less than twenty-five hundred (2,500) square feet of floor area, provided that:

a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1;
b. The primary structure must be located within two hundred (200) feet of the center line of U.S. 1;
c. The commercial retail use does not involve the sale of petroleum products;
d. The commercial retail use does not involve the outside storage of merchandise;
e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;
f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;
g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and
h. No signage other than one (1) identification sign of no more than four (4) square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way of U.S. 1.

Section 9. Monroe County Code §9.5-236 is hereby amended to read as follows:

Sec. 9.5-236. Sub Urban Residential District.

(a) The following uses are permitted as of right in the Sub Urban Residential District:

(1) Detached residential dwellings;

(2) Community parks;

(3) Beekeeping;

(4) Home occupations—Special use permit requiring a public hearing;

(5) Accessory uses; and

(6) Vacation rental use if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Sub Urban Residential District, subject to the standards and procedures set forth in article III, division 3:

(1) Attached residential dwelling units, provided that:

a. The total number of units does not exceed four (4) per building;
b. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (250) feet of the parcel proposed for development; and
c. The parcel proposed for development is separated from any established detached residential use by a class C bufferyard.

(2) Public or private community tennis courts and swimming pools, provided that:

a. The parcel of land proposed for development does not exceed five (5) acres;
b. The parcel proposed for development is separated from any established residential use by a class C bufferyard; and
c. All outside lighting is designed and located so that light does not shine directly on any established residential use;

(3) Public buildings and uses, provided that:

a. The parcel proposed for development is separated from any established residential use by a class C bufferyard; and
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(4) Commercial retail of low- and medium-intensity or office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area, provided that:

a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;
b. The structure must be located within two hundred (200) feet of the centerline of U.S. 1;
c. The commercial retail use does not involve the sale of petroleum products;
d. The commercial retail use does not involve the outside storage or display of goods or merchandise with the exception that outside sales and display for nurseries may be permitted with the stipulation that required open space and required bufferyards may not be used for display and sales;
e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;
f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;
g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and
h. No signage other than one (1) identification sign of no more than four (4) square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1;

(5) Parks and community parks;

(6) Institutional uses provided that:

a. The parcel proposed for development is separated from any established residential uses by a class C buffer-yard; and
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(7) Churches, synagogues, and houses of worships provided that:

a. The parcel proposed for development is separated from any established residential uses by a class C buffer-yard; and
b. Access to U.S. 1 is by way of:

(i) An existing curb cut; or
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet.

(c) The following uses are permitted as major conditional uses in the Sub Urban Residential District, subject to the standards and procedures set forth in article III, division 3:

(1) Attached residential dwelling units, provided that:

a. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (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.

(2) Institutional residential uses, provided that:

a. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;
b. The parcel proposed for development is separated from any established residential use by a class C bufferyard; and
c. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on

the same side of U.S. 1 by at least four hundred (400) feet;

(3) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The use does not involve the sale of goods and services other than private clubs, sport fishing charters, boat dockage and storage;
c. All boat storage is limited to surface storage on trailers or skids and no boats or other equipment is stored on any elevated rack, frame or structure;
d. Vessels docked or stored shall not be used for live-aboard purposes;
e. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
f. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

(4) Agricultural uses, provided that:

a. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;
b. The parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and
c. All outside storage areas are screened from adjacent uses by solid fence, wall or hedge at least six (6) feet in height;

(5) Campgrounds, provided that:

a. The parcel proposed for development has an area of at least five (5) acres;
b. The operator of the campground is the holder of a valid Monroe County occupational license;
c. If the use involves the sale of goods and services, other than the rental of camping sites or recreational vehicle parking spaces, such use does not exceed one thousand (1,000) square feet and is designed to serve the needs of the campground; and
d. The parcel proposed for development is separated from all adjacent parcels of land by at least a class C bufferyard;

(6) Hotels of fewer than twelve (12) rooms, provided that:

a. The parcel proposed for development has an area of at least two (2) acres;
b. All signage is limited to that permitted for a residential use;
c. The parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and
d. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;

(7) Clubhouse or meeting facilities for educational and public interest purposes, provided that:

a. The use does not exceed five thousand (5,000) square feet of floor area; and
b. The parcel proposed for development is separated from all adjacent residential uses by a class C bufferyard;

(8) Communication towers, provided that:

a. The parcel proposed is at least one (1) acre; and
b. The tower is set back from the property line a distance equal to the height of the tower and any guy supports are set back twenty (20) feet from any property line.

Section 10. Monroe County Code §9.5-237 is hereby amended to read as follows:

Sec. 9.5-237. Sub Urban Residential District (Limited).

The following uses are permitted as of right in the Sub Urban Residential District (Limited):

(1) Detached residential dwellings;

(2) Community parks;

(3) Beekeeping;

(4) Home occupations—Special use permit requiring a public hearing;

(5) Accessory uses; and

(6) Vacation rental use if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

Section 11. Monroe County Code §9.5-238 is hereby amended to read as follows:

Sec. 9.5-238. Sparsely Settled Residential District.

(a) The following uses are permitted as of right in the Sparsely Settled Residential District:

(1) Detached residential dwellings;

(2) Beekeeping;

(3) Home occupations—Special use permit requiring a public hearing;

(4) Accessory uses; and

(5) Tourist housing uses, including vacation rental uses are prohibited.

(b) The following uses are permitted as minor conditional uses in the Sparsely Settled Residential District, subject to the standards and procedures set forth in Article III, division 3:

(1) Attached residential dwelling units, provided that:

a. The total number of units does not exceed four (4); and
b. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (250) feet of the parcel proposed for development.

(2) Public or private community tennis courts and swimming pools, provided that:

a. The parcel of land proposed for development does not exceed five (5) acres;
b. The parcel proposed for development is separated from any established residential use by a class C bufferyard; and
c. All outside lighting is designed and located so that light does not shine directly on any established residential use;

(3) Public buildings and uses, provided that:

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

b. The parcel of land proposed for development is at least two (2) acres;

(4) Parks and community parks.

(c) The following uses are permitted as major conditional uses in the Sparsely Settled Residential District, subject to the standards and procedures set forth in Article III, division 3:

(1) Attached residential dwelling units, provided that:

a. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (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.

(2) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The use does not involve the sale of goods or services other than sport fishing charters, boat dockage and storage;
c. All boat storage is limited to surface storage on trailers or skids and no boats or other equipment is stored on any elevated rack, frame or structure;
d. Vessels docked or stored shall not be used for live-aboard purposes;
e. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
f. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

(3) Agricultural uses, provided that:

a. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;
b. The parcel proposed for development is separated from any established residential uses by at least a class C bufferyard; and
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height;

(4) Solid waste facility, provided that:

a. The parcel of land proposed for development is at least forty (40) acres;
b. All landfill activity occurs no closer than one hundred fifty (150) feet to any property line and at least a class F buffer is provided within this setback;
c. No fill shall exceed -five (35) feet in height from the original grade of the property;
d. Such operations comply with section 403.701 et seq., Florida Statutes;
e. A future reclamation plan for the landfill site is presented;
f. The incinerator is located so that its operations do not adversely affect surrounding properties;
g. Road access to the site from U.S. 1 is limited to traffic serving the landfill; and
h. Three (3) alternative feasible sites are presented as part of the conditional use application;

(5) Communications towers, provided that the parcel proposed is at least one (1) acre.

Section 12. Monroe County Code §9.5-239 is hereby amended to read as follows:

Sec. 9.5-239. Native Area District.

(a) The following uses are permitted as a right in the Native Area District:

(1) Detached residential dwellings;

(2) Beekeeping;

(3) Home occupations - Special use permit requiring a public hearing;

(4) Accessory uses; and

(5) Tourist housing uses, including vacation rental uses, are prohibited.

(b) The following uses are permitted as minor conditional uses in the Native Area District, subject to the Standards and procedures set forth in article III, division 3:

(1) Attached residential dwelling units, provided that:

a. The total number of units does not exceed four (4); and
b. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (250) feet of the parcel proposed for development;

(2) Public buildings and uses, provided that:

a. The parcel proposed for development is separated from any established residential use by a class bufferyard; and
b. The parcel proposed for development is at least two (2) acres;

(3) Agricultural uses, provided that:

a. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;
b. The parcel proposed for development is separated from any established residential uses by at least a class C bufferyard;
c. All outside storage areas are screened from adjacent uses by a solid fence, wall of hedge of at least sex (6) feet in height; and

(4) Radio, television and telephone communication systems, provided that the applicant demonstrates compliance with the standards in section 9.5-345:

(c) The following uses are permitted as major conditional uses in the Native Area District, subject to the standards and procedures set forth in article III, division 3:

(1) Attached residential dwelling units, provided that:

a. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (250) feet of the parcel proposed for development.
b. The parcel proposed for development is separated from any established residential use by a class C bufferyard.

(2) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The use does not involve the sale of goods or services other than boat dockage and storage;

c. All boat storage is limited to surface storage on trailers or skids and no boats or other equipment is stored on any elevated rack, frame or structure;
d. Vessels docked or stored shall not be used for live-aboard purposes;
e. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
f. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

(3) Solid waste facility, provided that:

a. The parcel of land proposed for development is at least forty (40) acres;
b. All landfill activity occurs no closer than one hundred fifty (150) feet to any property line and at least a class F buffer is provided within this setback;
c. No fill shall exceed -five (35) feet in height from the original grade of the property;
d. Such operations fully comply with section 403.701 et seq., Florida Statutes;
e. A future reclamation plan for the landfill site is presented;
f. The incinerator is located so that its operations do not adversely affect surrounding properties; and
g. Road access to the side from U.S. 1 is limited to traffic serving the landfill;

(4) Communications towers, provided that:

a. The parcel proposed is at least one (1) acre; and
b. The tower is set back from the property line a distance equal to the height of the tower, and any guy supports are set back twenty (20) feed from any property line.

Section 13. Monroe County Code §9.5-240 is hereby amended to read as follows:

Sec. 9.5-240. Mainland Native Area District.

All development permitted in the Mainland Native Area District shall comply with applicable rules and regulations of the Big Cypress National Preserve.

(a) The following uses are permitted as of right in the Mainland Native Area

District:

(1) Detached residential dwellings;

(2) Beekeeping;

(3) Accessory uses;

(4) Home occupations - Special use permit requiring a public hearing; and

(5) Tourist housing uses, including vacation rental uses, are prohibited.

(b) The following use is permitted as a minor conditional use subject to the standards and procedures set forth in article III, division 3:

(1) Educational and research centers, including campground spaces, provided that:

a. No more than two (2) camping spaces are provided per acre;

b. No development of any kind is permitted in wetlands, except unenclosed, elevated structures on pilings or poles;

c. No buildings are permitted, enclosed or otherwise except for buildings devoted to educational, research or sanitary purposes no more than one thousand (1,000) square feet per acre and not more than ten thousand (10,000) square feet in any single campground; and

d. The site proposed for the center is at least five (5) acres.

Section 14. Monroe County Code §9.5-241 is hereby amended to read as follows:

Sec. 9.5-241. Offshore Island District

(a) The following uses are permitted as of right in the Offshore Island District:

(1) Detached residential dwellings;

(2) Camping, for the personal use of the owner of the property on a temporary basis;

(3) Beekeeping;

(4) Accessory uses;

(5) Home occupations—Special use permit requiring a public hearing; and

(6) Tourist housing uses, including vacation rental uses, which were established (and held valid state public lodging establishment licenses) prior to January 1, 1996.

~~(b) The following uses are permitted as major conditional uses in the Offshore Island District, subject to the standards and procedures set forth in article III, division 3:~~

~~(1) Marinas provided that:~~

~~a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;~~
~~b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;~~
~~c. All boat storage is limited to surface storage on trailers or skids and no boats or other equipment is stored on any elevated rack, frame or structure;~~
~~d. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and~~
~~e. The parcel proposed for development is separated from any established residential use by a class C bufferyard;~~

~~(2) Campgrounds, provided that:~~

~~a. The operator of the campground is the holder of a valid Monroe County occupational license;~~
~~b. The parcel proposed for development has an area of at least five (5) acres; and~~
~~c. The use does not involve the sale of goods and services other than the rental of camping sites, recreational vehicle parking spaces or the sale of goods and services limited to the needs of campers.~~

Section 15. Monroe County Code §9.5-242 is hereby amended to read as follows:

Sec. 9.5-242 Improved Subdivision District.

(a) The following uses are permitted as of right in the Improved Subdivision

District:

(1) In those Improved Subdivision Districts with no subdistrict indicator, detached dwellings of all types;

(2) In those Improved Subdivision Districts with an M subdistrict indicator, only detached dwellings of masonry construction;

(3) In those Improved Subdivision District with a D subdistrict indicator:
a. Detached dwellings;
b. Duplexes;

(4) Home occupations-Special use permit requiring a public hearing;

(5) Accessory uses;

(b) Vacation rental use is prohibited in all IS Districts and Subdistricts, except in (i) IS-T districts (as set forth in Code §9.5-242.5), and (ii) in gated communities which have (a) controlled access and (b) a homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

(c) The following uses are permitted as minor conditional uses in the Improved Subdivision District, subject to the standards and procedures set forth in article II, division 3:

(1) Parks and community parks;

(2) Public parks;

(3) Schools.

~~(e)~~ (d) The following uses are permitted as major conditional uses in the Improved Subdivision district, subject to the standards and procedures set forth in article III, division 3:

(1) Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area, provided that:

a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;
b. The structure must be located within two hundred (200) feet of

the centerline of U.S. 1;

c. The commercial retail use does not involve the sale of petroleum products;

d. The commercial retail use does not involve the outside storage or display of goods or merchandise;

e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;

f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a Class C bufferyard;

g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a Class C bufferyard; and

h. No signage other than one (1) identification sign of no more than four (4) square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1.

Section 16. Monroe County Code §9.5-242.5 is hereby created to read as follows:

Sec. 9.5-242.5 Improved Subdivision District -Tourist Housing District.

In addition to the as of right and conditional uses listed above in 9.5-242, vacation rental uses are allowed as of right (subject to the regulations established in Code §9.5-534) in those Improved Subdivision - Tourist Housing Districts with the subindicator T (Tourist Housing).

A map amendment designating a contiguous parcel as IS-T may be approved, provided that the map amendment application (and subsequent building permit applications and special vacation rental permit applications) meet the following standards, criteria and conditions:

(a). The IS-T designation is consistent with the 2010 Comprehensive Plan and there is no legitimate public purpose for maintaining the existing designation.

(b). The IS-T designation allowing vacation rental use does not create additional trips or other adverse traffic impacts within the remainder of the subdivision or within any adjacent IS district;

(c). The parcel to be designated IS-T must contain sufficient area to prevent spot zoning of individual parcels (i.e., rezonings should not result in spot-zoned IS-T districts or result in spot-zoned IS districts that are surrounded by IS-T

districts). Unless the parcel to be rezoned contains the entire subdivision, there will be a rebuttable presumption that spot-zoning exists, but the Board of County Commissioners may rebut this presumption by making specific findings supported by competent, substantial evidence that:

i) the designation preserves, promotes and maintains the integrity of surrounding residential districts and overall zoning scheme or comprehensive plan for the future use of surrounding lands;

ii) does not result in a small area of IS-T within a district that prohibits vacation rentals;

iii) the lots or parcels to be designated IS-T are all physically contiguous and adjacent to one another and do not result in a narrow strip or isolate pockets or spots of land that are not designated IS-T, or which prohibit vacation rentals; and

iv) the IS-T designation is not placed in a vacuum or a spot on a lot-by-lot basis without regard to neighboring properties, but is a part of an overall area that allows vacation rentals or similar compatible uses.

(d). In addition to the requirements contained in Code §9.5-377 (District Boundaries), an IS-T district shall be separated from any established residential district that does not allow tourist housing or vacation rental uses by no less than a class C bufferyard;

(e). Vacation rental use is compatible with established land uses in the immediate vicinity of the parcel to be designated IS-T; and

(f). Unless a map amendment is staff-generated (i.e., initiated by Monroe County), an application for a map amendment to IS-T shall be authorized by the property owner(s) of all lots (or parcels) included within the area of the proposed map amendment.

Section 17. Monroe County Code §9.5-243 is hereby amended to read as follows:

Sec. 9.5-243. Destination Resort District.

(a) The following uses are permitted as of right in the Destination Resort District:

(1) Single-family detached dwellings, provided that:

a. The lot has sufficient land area and dimensions to meet the

requirements of chapter 10D-6, Florida Administrative Code; and

(2) Vacation rental use if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Destination Resort District, subject to the standards and procedures set forth in article III, division 3:

(1) One (1) or more resort hotels provided that:

a. The hotel has restaurant facilities on or adjacent to the premises that will accommodate no less than one-third of all hotel guests at maximum occupancy at a single serving; and
b. There are at least two (2) satellite eating and drinking facilities, each accommodating at least twenty-five (25) persons; and
c. A separate meeting/conference and entertainment area which can also function as a banquet facility; and
d. A lobby which provides twenty-four-hour telephone and reservation service; and
e. Active and passive recreation land-based activities are available, with a minimum of tennis courts or racquetball courts, or a spa/exercise room, provided at the standards given below and at least two (2) additional active and one (1) additional passive recreational facility, including, but not limited to the following:

Active Recreational Facilities

Tennis court, @ 1/25 units
Racquetball court, @ 1/25 units
Spa/exercise room, of no less than 500 square feet, @ 1/150 units
Observation area, @ 1/hotel
Dance floor, @ 1/hotel
Playfield/playground, @ 1/150 units
Miniature golf course, @ 1/hotel
Golf course, @ 1/hotel
Shuffleboard court, or other court games, @ 2/50 units
Fitness course, @ 1/hotel

Passive Recreational Facilities

Nature trail walk, @ 1/hotel
Game room, @ 1/150 units
Garden area, @ 1/hotel

Other uses may be substituted for these with the written approval of the director of planning stating the standards utilized and the manner in which guests will be served by such facilities. The director of planning shall base his decision on generally accepted industry standards for comparable destination resorts;

f. Active and passive water-oriented recreational facilities are available, a minimum of a swimming pool, or swimming areas, at the rate of seven (7) square feet of water surface (excluding hot tubs and Jacuzzi) per hotel room (this requirement may be converted to linear feet of shoreline swimming area at a ratio of one (1) linear foot of beach per seven (7) square feet of required water surface);

g. Access to U.S. 1 is by way of:
   (i) An existing curb cut;
   (ii) A signalized intersection; or
   (iii) A curb cut that is separated from any other curb cut on the same side of U. S. 1 by at least four hundred (400) feet;

h. Each hotel establishes and maintains shuttle transport services to airports and tourist attractions to accommodate ten (10) percent of the approved floor area in guest rooms; and such housing shall be of any of the following types - dormitory, studio, one (1) bedroom, two (2) bedrooms - and shall be in addition to the approved hotel density and shall be used exclusively by employees qualifying under the employee housing provisions elsewhere in this chapter;

i. On-site employee housing living space is provided in an amount equal to ten (10) percent of the approved floor area in guest rooms; and such housing shall be of any of the following types - dormitory, studio, one (1) bedroom, two (2) bedrooms - and shall be in addition to the approved hotel density and shall be used exclusively by employees qualifying under the employee housing provisions elsewhere in this chapter;

j. Commercial retail is provided at a minimum of two hundred (200) square feet to include convenience retail, food sales and gifts in one (1) or more sites, excluding restaurants as required by section (1)b, and in addition one and three-tenths (1.3) square feet commercial retail per each guest room greater than one hundred fifty (150) rooms. Additional commercial retail may

be provided subject to the floor area ratio limitations of this chapter. Commercial retail may consist of dive shops, boat rentals, gift shops, barber/beauty services, travel agencies, provided that there is no extension signage advertising these amenities to the general public. Water-related services and activities shall be located immediately proximate to the water unless otherwise prohibited.

(c) The following uses are permitted as major conditional uses in the Destination Resort District when they are accessory to a destination resort, subject to the standards and procedures set forth in article III, division 3:

(1) Marinas, provided that:

a. There are a minimum of seven (7) boat slips, but the total number of boats stored on-site or elsewhere for guests or employees shall be no greater than one (1) per hotel room;
b. The parcel for development has access to water at least four (4) feet below mean sea level at mean low tide;
c. The sale of goods and services is limited to fuel, food, boating, and sport fishing products;
d. All boat storage shall be confined to wet slips or enclosed dry storage;
e. All storage areas are screened from adjacent uses by a solid fence, wall, or hedge of at least six (6) feet in height; and elevated racks, frames, or structures shall be enclosed on at least three (3) sides from the ground to the highest point of the roof;
f. The parcel proposed for development is separated from any established residential use by a class D buffer-yard;
g. Live-aboard vessels are prohibited;

(2) Employee dwelling units, provided that:

a. They are built for and occupied by employees of the destination resort facilities; and
b. The total area is no less than ten (10) percent of the approved floor area in guest rooms of the resort/hotel(s) within the development; and
c. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (250) feet of the parcel proposed for development; and
d. The parcel proposed for development is separated from any

established residential use by a class C buffer-yard.

(3) Attached residential dwelling units, provided that the lot has sufficient land area and dimensions to meet the requirements of chapter 10D-6, Florida Administrative Code, for the installation of on-site wastewater treatment systems.

Section 18. Monroe County Code §9.5-244 is hereby amended to read as follows:

Sec. 9.5-244. Recreational Vehicle District.

(a) The following uses are permitted as of right in the Recreational Vehicle District:

(1) Recreational vehicle spaces. RV spaces are intended for use by traveling recreational vehicles. RV spaces may be leased, rented or occupied by a specific, individual recreational vehicle, for a term of less than twenty-eight (28) days, but placement of a specific, individual Recreational Vehicle (regardless of vehicle type or size) within a particular RV park for occupancies or tenancies of 6 months or more is prohibited. Recreational Vehicles may be stored, but not occupied, for periods of 6 months or greater only in an approved RV storage area (designated on a site plan approved by the Director of Planning) or in another appropriate district that allows storage of recreational vehicles. RV storage areas must meet all land development regulations, floodplain management regulations and building code requirements for storage of recreational vehicles.

(2) Commercial retail uses of less than twenty-five hundred (2,500) square feet of floor area; and

(3) Accessory uses, including permanent owner/employee residential dwelling units. No more than one (1) permanent residential unit per three (3) RV spaces up to ten (10) percent of total spaces allowed or in existence.

(b) The following use is permitted as a minor conditional use in the Recreational Vehicle District, subject to the standards and procedures set forth in article III, division 3:

(1) Hotels providing less than fifty (50) rooms, provided that:

a. The use is compatible with established land uses in the immediate vicinity; and

b. One (1) or more of the following amenities are available to guests;

(i) Swimming pool;
(ii) Marina; and
(iii) Tennis court; and

(2) Parks and community parks.

(c) The following use is permitted as a major conditional use in the Recreational Vehicle District, subject tot he standards and procedures set forth in article III, division 3:

(1) Hotels providing fifty (50) or more rooms, provided that:

a. The hotel has restaurant facilities on or adjacent to the premises; and

b. Access to U.S. 1 is by way of:
(I) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(2) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean seas level at mean low tide;

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

c. Vessels docked or stored shall not be used for live-aboard purposes;

d. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and

e. The parcel proposed for development is separated from any established residential use by a class C bufferyard.

Section 19. Monroe County Code §9.5-255 is hereby amended to read as follows:

Sec. 9.5-255 Commercial Fishing Residential

Notwithstanding the use restrictions set forth in this division, any parcel of land may be used for commercial fishing purposes, provided that:

(a) The parcel of land was used for commercial fishing purposes on July 17, 1985, by that resident or a member of his immediate family;

(b) The commercial fishing activity is operated by a resident of the parcel of land or the resident of a contiguous parcel of land;

(c) The commercial fishing activity is limited to:

  (1) The operation of commercial fishing vessels owned by a resident of the property;

  (2) The nonmechanical off-loading of catch;

  (3) The storage of not more that ten (10) traps, provided that the traps are screened from any adjacent residential use;

  (4) The seasonal loading and off-loading of fishing equipment and traps during a period of fifteen (15) days prior to and three (3) weeks after the opening and closing of any fishing season;

(d) All fishing vessels are docked parallel to the shoreline within the property lines of the parcel used for commercial fishing purposes;

(e) Sport fishing charter boat and sport diving charter or activities are not conducted in the district;

(f) The operator is the holder of a valid occupational license from Monroe County; ~~and~~

(g) A sworn application was submitted to the board of county commissioners by an individual, not a corporation, for a certification as a valid commercial fishing use within ninety (90) days after the effective date of the Monroe County Comprehensive Plan. Any person who submits a false application and certification shall be ineligible for certification as a commercial use, and the parcel of and subject to the application shall not be used for commercial fishing purposes; and

(h) Tourist housing uses, including vacation rentals, are prohibited.

Section 20. Monroe County Code §9.5-248 is hereby amended to read as follows:

Sec. 9.5- 248 Mixed Use District.

(a) The following uses are permitted as of right in the Mixed Use District:

  (1) Detached residential dwellings;

(2) Commercial retail, low- and medium-intensity and office uses, or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;

(3) Institutional residential uses, involving less than ten (10) dwelling units or rooms;

(4) Commercial apartments involving less than six (6) dwelling units, but, tourist housing use, including vacation rental use, of commercial apartments is prohibited.

(5) Commercial recreational uses limited to:

a. Bowling alleys;
b. Tennis and racquet ball courts;
c. Miniature golf and driving ranges;
d. Theaters;
e. Health clubs;
f. Swimming pools;

(6) Commercial fishing;

(7) Manufacture, assembly, repair, maintenance and storage of traps, nets and other fishing equipment;

(8) Institutional uses and accessory residential uses involving less than ten (10) dwelling units or rooms;

(9) Public buildings and uses;

(10) Home occupations--Special use permit requiring a public hearing;

(11) Community parks;

(12) Accessory uses;

(13) Vacation rental use of detached dwelling units is permitted if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Mixed Use District, subject to the standards and procedures set forth in article III, division

3:

(1) Attached residential dwelling units, provided that:

a. The total number of units does not exceed four (4); and
b. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (250) feet of the parcel proposed for development.

(2) Commercial recreational uses, provided that:

a. The parcel of land proposed for development does not exceed five (5) acres;
b. The parcel proposed for development is separated from any established residential use by a class C bufferyard; and
c. All outside lighting is designed and located so that light does not shine directly on any established residential use;

(3) Commercial retail, low- and medium-intensity and office uses or any combination thereof of greater than twenty-give hundred (2,500) but less than ten thousand (10,000) square feet of floor area, 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 four hundred (400) feet;

(4) Commercial retail, high-intensity uses, and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area provided that access to U.S. 1 is by way of:

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(5) Commercial apartments involving more than six (6) dwelling units, provided that:

a. The hours of operation of the commercial uses proposed in conjunction with the apartments are compatible with residential uses; and

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

c. Tourist housing uses, including vacation rental uses, of commercial apartments are prohibited.

(6) Institutional residential uses involving ten (10) or more dwelling units or rooms, providing that:

a. The use is compatible with land use established in the immediate vicinity of the parcel proposed for development; and
b. Access to U.S. 1 is by way of:
(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;
c. Tours housing uses, including vacation rental use, of institutional residential dwelling units is prohibited.

(7) Hotels of fewer than fifty (50) rooms provided that:

a. The use is compatible with established land uses in the immediate vicinity; and
b. One (1) or more of the following amenities are available to guests:
(i) Swimming pool;
(ii) Marina; and
(iii) Tennis courts;

(8) Campgrounds, provided that:

a. The parcel proposed for development has an area of at least five (5) acres;
b. The operator of the campground is the holder of a valid Monroe County occupational license;
c. If the use involves the sale of goods and services, other than the rental of camping sites or recreational vehicle parking spaces, such use does not exceed one thousand (1,000) square

feet and is designed to serve the needs of the campground; and

d. The parcel proposed for development is separated from all adjacent parcels of land by at least a class C bufferyard;

(9) Light industrial uses, provided that;

a. The parcel proposed for development is less than two (2) acres;
b. The parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height;

(10) Parks and community parks.

(c) The following uses are permitted as major conditional uses in the Mixed Use District subject to the standards and procedures set forth in article III, division 3:

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

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(2) Commercial retail, high-intensity uses, and office uses or any combination thereof of greater than twenty-five hundred (2,500) square feet in floor area provided that access to U.S. 1 is by way of:

a. An existing curb cut;
b. A signalized intersection; or
c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(3) Attached residential dwelling units, provided that:

a. The structures are designed and located so that they are visually compatible with established residential development within two hundred fifty (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.

(4) Marinas, provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
d. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

(5) Hotels providing fifty (50) or more rooms, provided that:

a. The hotel has restaurant facilities on or adjacent to the premises;
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet; and

c. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

(6) Heliports or seaplane ports, provided that:

a. The helicopter is associated with a governmental service facility, a law enforcement element or a medical services facility;
b. The heliport or seaplane port is a Federal Aviation Administration certified landing facility;
c. The landing and departure approaches do not pass over established residential uses or known bird rookeries;
d. If there are established residential uses within five hundred (500) feet of the parcel proposed for development, the hours of operation shall be limited to daylight; and
e. The use if fenced or otherwise secured from entry by unauthorized persons;

(7) Light industrial uses, provided that:

a. The parcel proposed for development is greater than two (2) acres;
b. The parcel proposed for development is separated from any established residential use by a class C bufferyard; and
c. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;

(8) Boat building or repair in conjunction with a marina or commercial fishing use provided that:

a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
d. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

(9) Mariculture.

Section 21. Monroe County Code §9.5-250 is hereby amended to read as follows:

Sec. 9.5- 250 Maritime Industries District.

(a) The following uses are permitted as of right in the Maritime Industries District:

(1) Boat building, repair and storage;

(2) Commercial retail uses of less than five thousand (5,000) square feet of floor area;

(3) Office uses of less than five thousand (5,000) square feet of floor area;

(4) Light and heavy industrial uses;

(5) Commercial apartments involving less than six (6) dwelling units, but tourist housing uses, vacation rental use, of commercial apartments is prohibited;

(6) Commercial fishing;

(7) Manufacture, assembly, repair, maintenance and storage of traps, nets and other fishing equipment;

(8) Institutional uses;

(9) Public buildings and uses;

(10) Accessory uses; and

(11) Vacation rental use of any non-conforming dwelling units if a special vacation rental permit is obtained under the regulations established in Code §9.5-534.

(b) The following uses are permitted as minor conditional uses in the Maritime Industries District, subject to the standards and procedures set forth in article III, division 3:

(1) Commercial apartments involving more than six (6) dwelling units, provided that:

a. The hours of operation of the commercial uses proposed in conjunction with the apartments are compatible with residential uses; and

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

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

c. Tourist housing uses, including vacation rental use of commercial apartments is prohibited.

(2) Hotels of fewer than fifty (50) rooms, provided that:

a. The use is compatible with established land uses in the immediate vicinity; and
b. One (1) or more of the following amenities are available to guests:

(i) Swimming pool;

(ii) Marina; and
(iii) Tennis courts.

(c) The following uses are permitted as major conditional uses in the Maritime Industries District, subject to the standards and procedures set forth in article III, division 3:

(1) Hotels providing fifty (50) or more rooms, provided that:

a. The hotel has restaurant facilities on or adjacent to the premises; and
b. Access to U.S. 1 is by way of:

(i) An existing curb cut;
(ii) A signalized intersection; or
(iii) A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;

(2) Marinas, provided that:
a. The parcel proposed for development has access to water at least four (4) feet below mean sea level at mean low tide;
b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; and
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height;

(3) Mariculture, provided that:
a. The use is compatible with land uses established in the immediate vicinity of the parcel proposed for development;
b. The parcel proposed for development is separated from any established residential uses by at least a class C bufferyard; and
c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height.

Section 22. Monroe County Code §9.5-534 is hereby created to read as follows:

Sec. 9.5-534. Tourist Housing and Vacation Rental Uses.

(A) Special Vacation Rental Permit. An owner or agent must obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined in Code 9.5-4 (V-.5).Except that, vacation rental of a dwelling unit within a controlled-access, gated-community

or within a multifamily building which has 24 hour on-site management or 24 hour on-site supervision does not require a special vacation rental permit.

(B) Permits and Fees.

1. Special vacation rental permits will be issued by the Planning Director, or a designee, upon payment of a fee and submittal of a complete application meeting the criteria set forth below.

2. The annual fee for the special vacation rental permit shall be established by Resolution of the Board of County Commissioners.

3. A decision to approve or deny a special vacation rental permit can be appealed to the Planning Commission within 30 days pursuant to Code §9.5-521.

(C) Regulations. All special vacation rental permit applications and all vacation rental units must comply with the following regulations at all times:

1. A class C bufferyard must separate any vacation rental use from any established residential district that does not allow vacation rental uses.

2. No more than one motorized watercraft, including a jet ski or wave runner, shall be allowed at each vacation rental unit. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space.

3. Vehicles, watercraft and trailers must not be placed on the street or in yards. All vehicles, watercraft and boat trailers must be parked or stored off-street in parking spaces specifically designated and approved in the special vacation rental permit, and may not exceed a maximum of one vehicle per bedroom or efficiency unit and one boat trailer per vacation rental unit.

4. The owner or agent must maintain a guest and vehicle register listing all vacation rental occupants' names, home addresses, phone numbers, vehicle license plate and watercraft registration numbers.

5. Vacation rental units must be registered, licensed and meet all applicable state requirements contained in Florida Statutes Chapter 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments) as implemented by the Florida Administrative Code, as may be amended.

6. For any special vacation rental use permit, or conversion of existing dwelling units to vacation rental use, an applicant must demonstrate compliance with all applicable and relevant state and local regulations, as may be amended, and submit an inspection report from the:

   (i) State of Florida, Department of Health (DOH) verifying compliance of the existing septic tank or on-site sewage disposal system with DOH regulations, as may be amended from time to time and which are hereby incorporated by reference; and

   (ii) State of Florida, Department of Environmental Protection (DEP) verifying compliance of the existing package plant or advanced wastewater system with DEP regulations, as may be amended from time to time and which are hereby incorporated by reference; and

7. The applicant must submit an approved inspection report from the Fire Marshall verifying compliance with NFPA Life Safety Code 101, as may be amended, which is hereby incorporated by reference.

8. No special vacation rental permit may be transferred from one owner or manager to another, or one residential dwelling unit to another. In the event ownership or management of a licensed residential unit is changed, the previous vacation rental license holder must notify the County of such change, and the new owner or manager must obtain a new vacation rental license for the residential dwelling unit.

9. No boat docked at a vacation rental property shall be chartered to person other that registered guests of the vacation rental unit or used for live-aboards, sleeping or overnight accommodation. In addition, recreational vehicles shall not be used for sleeping or overnight accommodations at the vacation rental unit.

10. Amplified sound which is audible on private property beyond the real property boundaries of the vacation rental property is prohibited.

11. All trash and debris on vacation rental property must be kept in covered trash containers. Each vacation rental unit must be equipped with at least four (4) covered trash containers for such purpose. Owners must post, and occupants must comply with, all trash and recycling schedules and requirements applicable to the vacation rental unit. Trash containers must not be placed by the street for pick-up

until 6:00 p.m. the night before pick-up and must be removed from the area by the street by 6:00 p.m. the next day.

12. The applicant shall provide the name, address, and telephone number of a contact person who resides in that section of the County (upper, middle or lower keys) who must be available twenty-four hours per day, seven days a week for the purpose of promptly responding to complaints regarding the conduct or behavior of vacation rental occupants or alleged violations of this Ordinance.

13. The applicant must grant authorization to Monroe County Code Enforcement to inspect the premises of the vacation rental unit prior to the issuance of the special vacation rental permit and at any other time after issuance of such permit, concerning compliance with Monroe County Code Chapter 9.5 (i.e., the Land Development Regulations).

14. Occupancy of vacation rental unit(s) shall be limited to no more than two (2) individuals per bedroom, or no more than two (2) individuals per efficiency unit, when rented as a vacation rental unit subject to the provisions of this Ordinance.

15. Tenant(s)'s agreement to the foregoing rules and regulations must be made a part of each and every lease under Florida Statutes §509.01, for any vacation rental unit subject to the provisions of this Ordinance. These vacation rental regulations must be prominently posted within each dwelling unit subject to the provisions of this Ordinance along with the warning that violations of any of the vacation rental regulations constitutes a violation of Monroe County Code punishable as a second degree misdemeanor and is also grounds for immediate termination of the lease and eviction from the leased premises and criminal penalties under Florida Statutes §509.151 ("Defrauding an Innkeeper"), §509.141 ("Ejection of Undesirable Guests"), §509.142 ("Conduct on Premises) or §509.143 (Disorderly Conduct on Premises, Arrest").

16. The vacation rental use must be compatible with land uses established in the immediate vicinity of the parcel proposed for development.

(D) A complete special vacation rental permit application must include the following information:

(1) The complete legal description, street address, RE number and location of the vacation rental unit.

(2) Proof of ownership and the name, address and telephone number of each and every person or entity with an ownership interest in the dwelling unit.

(3) An approved DOH or DEP inspection or certification of the adequacy of the sewage disposal system for use as a vacation rental unit. The applicant must submit an approved inspection report from the Fire Marshall verifying compliance with NFPA Life Safety Code 101, as may be amended, which is incorporated herein by reference.

(4) The gross square footage of the dwelling unit, location and number of rooms, bedrooms, bathrooms, kitchens, apartments, parking spaces and any other information required to determine compliance with vacation rental requirements.

(5) Proof that a "Notice of Vacation Rental Use Application" was sent by certified return mail to all property owners located within 300 feet of the dwelling unit which is the subject of the special vacation rental permit application not less than thirty (30) days prior to the date of approval of the application. The Notice of Application shall be in a form prescribed by the County Administrator or his designee and shall clearly state the name, address and day/evening telephone numbers of each and every manager, agent, caretaker and owner of the dwelling unit. Notice to the adjacent property owners must include the following statement:

"You have the right to appeal a decision to approve or deny this special vacation rental permit to the Planning Commission within 30 days under Code §9.5-521. You may have other rights that Monroe County cannot enforce. Review of a special vacation rental permit application by Monroe County will not consider the existence of valid private deed restrictions, restrictive covenants or other restrictions of record, which may prohibit the use of the dwelling unit for vacation rental purposes. You may wish to consult an attorney concerning these private rights."

(6) A valid and current federal employer tax identification number (or social security number) for the owners of the vacation rental property to be licensed under the provisions of this Ordinance.

(7) A valid and current Florida Department of Revenue sales tax identification number under Florida Statutes, Chapter 212 (Florida Tax and Revenue Act), Florida Statutes and a valid and current permit, license or approval under Florida Statutes, Chapter 509 (Public Lodging Establishments).

(8) The application shall bear the signature of all owner(s), all authorized agent(s) and authorized manager(s) of the owner(s).

(9) Any additional information required to determine compliance with the provisions of this Ordinance.

(E) Upon approval and issuance, the special vacation rental permit, and 24 hour contact person's name and phone number, must be mailed by certified return mail to all surrounding property owners within 300 feet.

(F) A special vacation rental permit shall be revoked by the Planning Commission, Code Enforcement Special Master or a court of competent jurisdiction after a finding of two or more violations of this Ordinance, the special vacation rental permit or permit conditions or any material misrepresentation on the permit application, after the owner(s) is given notice and a hearing is held by the Planning Commission, Code Enforcement Special Master or a court of competent jurisdiction.

(G) It shall be unlawful for any landowner, tenant, realtor, agent or other representative of a landowner to rent, lease, advertise or hold out for rent any dwelling unit for tourist housing use or vacation rental use in any district where tourist housing use or vacation rental use is prohibited.

(H) After the effective date of this Ordinance, leases, subleases, assignments or any other occupancy agreement for compensation for less than 28 days in duration:

(1) shall not be entered into or renewed once expired or terminated in any district in which tourist housing use is prohibited or in any district in which vacation rental use is allowed unless a special vacation rental permit, building permit, inspection and certificate of occupancy for the vacation rental use (or conversion of an existing dwelling unit to a vacation rental use) are first obtained; and

(2) pre-existing vacation rental uses shall not be considered a non-conforming use under Section 9.5-143 and must be discontinued in districts that prohibit vacation rental uses no later than 30 days after the effective date of this Ordinance. Except that a vacation rental use that was established, and obtained all required state and local permits and licenses, (a) prior to September 15, 1986 (b) under code provisions that expressly allowed vacation rental uses may remain in accordance with Code §9.5-143.

(I) Monroe County Code Section 6.3-13 shall not bar code enforcement for new vacation rental violations occurring after the effective date of this Ordinance.

(J) Prima facie evidence of tourist housing or vacation rental use of a dwelling unit shall include (i) registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), (ii) advertizing or holding out a dwelling unit for tourist housing or vacation rental use, (iii) reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 28 days or less, or (iv) use of an agent or other third person to make reservations or booking arrangements.

(K) A violation of Section 9.5-534 shall be punishable as a second degree misdemeanor and by a fine of up to Five Hundred dollars ($500.00) per day, per unit, per violation. Code enforcement may also enforce the terms of this ordinance by bringing the case to a Special Master pursuant to Code §6.3-14 or by citation under Code §6.3-11, Florida Statutes §162.21 (as may be amended), and 76-435 Laws of Florida (as may be amended). If a code enforcement citation is issued, the fine shall be $250.00 for a first offense and $500.00 for a second offense. In addition, the special vacation rental permit shall be revoked by the Planning Commission, Code Enforcement Special Master or court of competent jurisdiction upon a finding of two or more violations of the vacation rental ordinance, vacation rental regulations or special vacation rental permit or permit conditions.

(L) In addition to any other remedy available to Monroe County (including code enforcement pursuant to Florida Statutes Chapter 162), Monroe County or any or other adversely affected party may enforce the terms of this ordinance in law or equity. Any citizen of Monroe County may seek injunctive relief in a court of competent jurisdiction to prevent a violation of Section 9.5-534 or revoke a special vacation rental permit, as set forth above. Attorney's fees and costs incurred in an action to enforce these regulations concerning vacation rental use(s) may be awarded to a substantially prevailing party in the discretion of the court.

Section 23. Monroe County Code §6.3-13 is hereby amended to include additional language as follows:

(a) All prosecutions before the Board shall be initiated within (4) years of the occurrence of the event complained of or be forever barred. For the purpose of this section, "initiated" shall mean the filing of a notice of violation by the code enforcement department.

Except however, that this section shall not bar the initiation of a prosecution before the board based on the unlawful constriction of a structure below the base flood elevation level established by the Federal Emergency Management Agency.

(b) After the effective date of this Ordinance, any violation of this Ordinance, the vacation rental regulations, a special vacation rental permit or permit conditions, shall be considered a new violation. Previous vacation rental leases or uses, or the failure to bring enforcement against vacation rental violations pre-dating this Ordinance, shall not act as laches or a bar to enforcement actions brought for new violations occurring after the effective date of this Ordinance.

(c) Occupancy agreements for RV spaces for a period of 6 months or more in duration by an individual RV within a particular RV park, other than in a designated storage area, shall be discontinued and shall not be entered into or renewed after the effective date of this Ordinance. Each lease, sublease, assignment or other occupancy agreement for RV spaces of 6 months or more in duration in a particular RV park, other than in a designated storage area, shall be considered a new violation. Previous leases or agreement for occupancy or storage of recreation vehicles on RV spaces within a particular RV park, other than for storage in a designated storage area, shall be discontinued and not be renewed, extended or act as laches or bar enforcement actions brought for new violations occurring after the effective date of this Ordinance.

Section 24. Monroe County Code §9.5-2 is hereby amended to include additional new subsection 9.5-2(d) to read as follows:

***

(d) *Vacation Rental Use:* Previous vacation rental uses shall be discontinued in any district that prohibits vacation rental uses, after the effective date of this Ordinance. All vacation rental uses shall obtain annual special rental permits regardless of when the use was first established. Leases, subleases, or other occupancy agreements for RV spaces for 6 months or more within a particular RV park, other than in a designated storage area shall be discontinued and shall not be renewed, extended or entered into, after the effective date of this Ordinance.

Section 25. Monroe County Code §9.5-143(a) is hereby amended to add the following language:

(a) *Authority to Continue:* Nonconforming uses of land or structures may continue in accordance with the provisions of this section. Notwithstanding any provision of this Section 9.5-143 or of Chapter 9.5 of this Code:

(1) Leases, subleases, assignments or other occupancy agreements for compensation for less than 28 days in duration shall be discontinued and shall not be renewed, extended or entered into, in any district that prohibits vacation rental uses after the effective date of this Ordinance unless a vacation rental use was established and obtained all required state and local permit and licenses prior to September 15, 1986 under previous Code provisions expressly allowing vacation rental uses; and

(2) Leases, subleases, assignments or other occupancy agreements for compensation of RV spaces for 6 months or more within a particular RV park, other than in a designated storage area shall be discontinued and shall not be renewed, extended or entered into, after the effective date of this Ordinance.

Section 26. Monroe County Code §9.5-143(f)(1) is hereby amended to read as follows:

(f)*Termination:*

(1) *Abandonment or discontinuance:* Where a nonconforming use of land or structure is discontinued or abandoned for six (6) consecutive months or one (1) year in the case of stored lobster traps, then such use may not be reestablished or resumed, and any subsequent use must conform to the provisions of this chapter. Leases, subleases, assignment or other occupancy agreement for compensation for less than 28 days in duration shall be discontinued and shall not be renewed, extended or entered into, in any district that prohibits vacation rental use after the effective date of this Ordinance. Leases, subleases, assignments or other occupancy agreements for compensation of RV spaces for 6 months or more within a particular RV park, other than in a designated storage area shall be discontinued and shall not be renewed, extended or entered into, after the effective date of this Ordinance.

Section 27. Monroe County Code §9.5-184 is hereby amended to create additional subsection (c) to read as follows:

***

(c) Vacation rental use of dwelling units in any district that prohibits vacation rental use shall not qualify for vested rights unless it can be further shown that the dwelling unit cannot be used for any other purpose, i.e., as a permanent residence, or for a long-term lease of greater than 28 days. Leases, subleases, assignments or other occupancy agreements for RV spaces for 6 months or greater withing a particular RV park shall not qualify for vested rights, unless it can be further shown that the RV space cannot legally be rented leased for a period of less than 6 months.

Section 28. The last sentence of Monroe County Code §9.5-490.1 defining Transient Residential Development is hereby amended to read as follows:

***

~~*Transient residential*~~ *Tourist housing development* means and refers to the development of ~~transient residential~~ tourist housing units as that term is defined in section 9.5-4(T-3).

Section 29. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 30. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 31. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto.

Section 32. Effective Date.

This Ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

Section 33. The Clerk of the Board is hereby directed to transmit a certified copy of this Ordinance to the Florida Department of Community Affairs.

Section 34. The Clerk of the Board is hereby directed to transmit a certified copy of this Ordinance to the Secretary of State of the State of Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of the Board held on the 3rd day of February, A.D., 1997.

Mayor Douglass	YES
Mayor Pro Tem London	YES
Commissioner Harvey	NO
Commissioner Freeman	YES
Commissioner Reich	NO

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
MAYOR/CHAIRMAN

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

Isabel C. DeSantis
DEPUTY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____

Danny L. Kolhage

BRANCH OFFICE
3117 OVERSEAS HIGHWAY
MARATHON, FLORIDA 33050
TEL. (305) 289-6027
FAX (305) 289-1745

CLERK OF THE CIRCUIT COURT
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FLORIDA 33040
TEL. (305) 292-3550
FAX (305) 295-3660

BRANCH OFFICE
88820 OVERSEAS HIGHWAY
PLANTATION KEY, FLORIDA 33070
TEL. (305) 852-7145
FAX (305) 852-7146

February 14, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Liz Cloud, Chief
Bureau of Administrative Code and Laws
The Elliott Building
401 South Monroe Street
Tallahassee, FL 32399-0250

Dear Mrs. Cloud:

Enclosed please find a certified copy of Ordinance No. 004-1997, modifying the existing prohibition on Tourist Housing Use, including Vacation Rental Use in Residential Districts; etc.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a Special Meeting in formal session on February 3, 1997. Please file for record.

Danny L. Kolhage
Clerk of Circuit Court
and ex officio Clerk to the
Board of County Commissioners

By: Isabel C. DeSantis

Isabel C. DeSantis

Deputy Clerk

cc: Department of Community Affairs
County Administrator
County Attorney
Growth Management Director
Monroe County Property Appraiser
Monroe County Sheriff's Office
Community Services Director
Monroe County Tax Collector
✓File

Z 396 367 726

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

UNITED STATES POSTAL SERVICE

PS Form 3800, March 1993

Sent to Liz Cloud, Chief	
Street and No. Elliott Bldg.	
P.O., State and ZIP Code 401. S. Monroe St.	
Postage Tall., FL 32399-0250	
Certified Fee	110
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Service to Whom & Date Delivered	110
Return Receipt Showing to Whom, Date, and Address of Delivery	
TOTAL Postage & Fees	$ 220
Postmark or Date	

FEB 14 1997 USPS

Ord. # 004-1997

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

February 19, 1997

Honorable Danny L. Kolhage
Clerk to Board of County Commissioners
Monroe County
500 Whitehead Street
Key West, Florida 33040

Attention: Isabel C. DeSantis, Deputy Clerk

Dear Mr. Kolhage:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated February 14, 1997, and certified copy of Monroe County Ordinance No. 97-04, which was filed in this office on February 18, 1997.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

'97 FEB 24 P1:52

LC/mw

BUREAU OF ADMINISTRATIVE CODE
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (904) 488-8427
FAX: (904) 488-7869 • WWW Address **http://www.dos.state.fl.us** • E-Mail: *election@mail.dos.state.fl.us*

FILED FOR RECORD

99 AUG 10 PM 4:32

DANNY L. KOLHAGE
CLK CIR CT
MONROE COUNTY FLA.

Commissioner Mary Kay Reich

ORDINANCE NO 030 -1999

AN ORDINANCE AMENDING SEC. 9.5-3, MONROE COUNTY CODE, TO ELIMINATE SCRIVENER'S ERRORS, BY CLARIFYING THAT "REALTOR" INCLUDES A REAL ESTATE BROKER, SALES PERSON OR AGENT; AMENDING SECTION 22(J) OF ORDINANCE NO. 004-1997, AND BY CLARIFYING THE RENTAL PERIOD FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to clarify that the term "realtor" as utilized in Ordinance No. 004-1997 was meant to encompass all real estate professionals subject to regulation by the Florida Real Estate Commission and is not limited to members of the National Association of Realtors; and

WHEREAS, the purpose of Monroe County Ordinance No. 004-1997, adopted by the Board of County Commissioners of Monroe County, Florida, on February 3, 1997, is to further and expressly clarify the prohibition on short-term transient rental of dwelling units for less than twenty-eight (28) days in duration in Improved Subdivisions, mobile home districts (which provide affordable housing) and native areas, and to allow tourist housing uses in all other districts and in improved subdivision districts with a newly-created tourist housing subindicator (IS-T); and

WHEREAS, Section 22(J) of Monroe County Ordinance No. 004-1997 states, in part, that prima facie evidence of tourist housing or vacation rental use of a dwelling unit shall include "... (iii) reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of **28 days or less** ... ." (emphasis supplied), but the intent of the quoted language was to encompass any period less than 28 days; and

WHEREAS, despite the fact that Section 2 of Monroe County Ordinance No. 004-1997 defines, in part, both tourist housing and vacation rental uses as the rental of a dwelling unit for "tenancies of less than twenty-eight (28) days duration," there is ambiguity, in light of the erroneous wording of Section 22(J), as to whether the rental, lease, sublease or assignment of a dwelling unit for the month of February in a non-Leap Year violates the ordinance; and

WHEREAS, there is a need to ensure consistency among the provisions of said ordinance and to clarify any ambiguity as to the purpose of the ordinance, and to correct the original scrivener's errors; now, therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:

Section 1. Sec. 22(G), Monroe County Code, is hereby amended to read:

(G) It shall be unlawful for any landowner, tenant, realtor, real estate broker, sales person, agent or other representative of a landowner to rent, lease, advertise or hold out for rent any dwelling unit for tourist housing use or vacation rental use in any district where tourist housing use or vacation rental use if prohibited.

Section 2. Section 22(J), Monroe County Ordinance No. 004-1997, is hereby amended to read as follows:

> (J) Prima facie evidence of tourist housing or vacation rental use of a dwelling unit shall include (i) registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), (ii) advertising or holding out a dwelling unit for tourist housing or vacation rental use, (iii) reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 28 days, or (iv) use of ~~an~~ a realtor, real estate broker, sales person, agent or other third person to make reservations or booking arrangements.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21st day of July, 1999.

Mayor Wilhelmina Harvey	yes
Commissioner Shirley Freeman	yes
Commissioner George Neugent	yes
Commissioner Mary Kay Reich	yes
Commissioner Nora Williams	yes

(SEAL)
Attest: DANNY L.KOLHAGE, Clerk

By _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor/Chairman

jordiirental99

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.
BY _____
ROBERT N. WO
DATE 8-5-99

Danny L. Kolhage

BRANCH OFFICE
3117 OVERSEAS HIGHWAY
MARATHON, FLORIDA 33050
TEL. (305) 289-6027
FAX (305) 289-1745

CLERK OF THE CIRCUIT COURT
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FLORIDA 33040
TEL. (305) 292-3550
FAX (305) 295-3660

BRANCH OFFICE
88820 OVERSEAS HIGHWAY
PLANTATION KEY, FLORIDA 33070
TEL. (305) 852-7145
FAX (305) 852-7146

August 10, 1999

Mrs. Liz Cloud, Chief
Bureau of Administrative Code and Laws
The Elliott Building
401 South Monroe Street
Tallahassee, FL 32399-0250

Dear Mrs. Cloud:

Enclosed please find a certified copy of Ordinance No. 030-1999 amending Section 9.5-3, Monroe County Code, to eliminate scrivener's errors, by clarifying that "Realtor" includes a Real Estate Broker, Sales Person or Agent; Amending Section 22(J) of Ordinance No. 004-1997, and by clarifying the rental period for Vacation Rentals; Providing for severability; Providing for the repeal of all Ordinances inconsistent herewith; Providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a Regular Meeting in formal session on July 21, 1999. Please file for record.

Danny L. Kolhage
Clerk of Circuit Court
and ex officio Clerk to the
Board of County Commissioners

By: Isabel C. DeSantis

Isabel C. DeSantis
Deputy Clerk

cc: Municipal Code Corporation
Board of County Commissioners
Growth Management Director
County Administrator
County Attorney
File

Z 426 785 013

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to: Mary Lou Cloud, Chief
Bureau of Administrative Code and Laws
The Elliott Building
Street & Number: 401 South Monroe Street
Post Office, State, & ZIP Code: Tallahassee, FL 32399-0250

Postage	$ .55
Certified Fee	1.50
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 3.30
Postmark or Date	

KEY WEST FL 33040 AUG 11 1999 USPS

Ordinance 030-1999

PS Form 3800, April 1995

Z 426 785 014

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to: Municipal Code Corporation
Street & Number: P. O. Box 2235
Post Office, State, & ZIP Code: Tallahassee, FL 32316-2235

Postage	$ .55
Certified Fee	1.50
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	1.25
TOTAL Postage & Fees	$ 3.30
Postmark or Date	

KEY WEST FL 33040 AUG 11 1999

Ordinance 030-1999

PS Form 3800, April 1995

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Municipal Code Corporation
P. O. Box 2235
Tallahassee, FL 32316-2235

4a. Article Number: Z 426 785 014

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X

7. Date of Delivery: 8-16-99

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

August 17, 1999

Honorable Danny L. Kolhage
Clerk of the Circuit Court
Monroe County
500 Whitehead Street
Key West, Florida 33040

Attention: Ruth Ann Jantzen, Deputy Clerk

Dear Mr. Kolhage:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge letter dated August 10, 1999 and certified copy of Monroe County Ordinance No. 030-1999, which was filed in this office on August 16, 1999.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/lc

FILED FOR RECORD
99 AUG 20 PM 2:49
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.

BUREAU OF ADMINISTRATIVE CODE
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: http://www.dos.state.fl.us • E-Mail: *election@mail.dos.state.fl.us*

MUNICIPAL CODE CORPORATION
Customer Service
PO Box 2235
Tallahassee, FL 32316-2235

Supplement 67 08/18/1999

We have received the following material.
Thank you for your assistance and cooperation.

Ordinance Nos. 028-1999 and 030-1999.

1-800-262-2633 (National) SAC
Let us put your minutes on computer for you...
We can index, image and convert to database.
****ASK US ABOUT LASERFICHE IMAGING SOFTWARE****
Put your Code and Minutes on the Internet.
See over 500 Codes at www.municode.com
We can reprint copies of any section of the Code
Call our Customer Service Department for costs.

33040+6581

TALLAHASSEE FL AUG 23 '99 PM 7
U.S. POSTAGE
$0.20
6856045

TO:
Ms. Isabel C. DeSantis
Deputy Clerk
Monroe County
500 Whitehead Street
Key West, FL 33040

FLORIDA KEYS
KEYNOTER

Published Twice Weekly
Marathon, Monroe County, Florida

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared **TOM SCHUMAKER** who on oath, says that he is **PUBLISHER of the FLORIDA KEYS KEYNOTER**, a twice weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: *(date of publication)*

May 15, 1999

Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in the said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, twice each week (on Wednesday and Saturday) and has been entered as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s).

Tom Schumaker

Sworn to and subscribed before me

this 20 Day of May, 1999
(SEAL)

STATE OF FLORIDA NOTARY PUBLIC
ANNA S.M. SYMINGTON
My Comm Exp. 6/1/2002
No. CC 746861
I I Personally Known / / Other I.D.

Anna Symington
Notary

no. 0140700

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, June 9, 1999, at 10:00 AM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE AMENDING SECTION 22(J) OF ORDINANCE NO. 004-1997, IN ORDER TO CLARIFY THE RENTAL PERIOD FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at the hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 10th day of May, 1999.

DANNY L. KOLHAGE,
Clerk of the Circuit Court
and ex officio Clerk of the Board
of County Commissioners of
Monroe County, Florida

Publish May 15, 22, 1999.
Florida Keys Keynoter

RECEIVED
JUN 14 1999

863

THE KEY WEST CITIZEN

3420 Northside Drive Key West Fl. 33040 Office 305-294-6641 Fax 305-294-0768

Published Daily
Key West, Monroe County, Florida 33040

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is director of the Advertising Department of the Key West Citizen, a daily newspaper published at Key West, in Monroe County Florida, that the attached copy of advertisement, being a legal notice in the matter of Adoption of Ord - Rental Period for Vac. Rentals.

In the — Court, was published in said newspaper in the issues of May 14 & 21, 1999.

Affiant further says that The Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida each day (except Saturdays) and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

RECEIVED
JUL 12 1999

Signature of Affiant

Sworn and subscribed before me this 28th day of May, 1999.

Crystal Bravo
Signature of Notary Public

Expires Oct 11, 2002
Personally Known _____ Produced Identification _____
Type of Identification Produced _____

Notary Seal
Crystal R. Bravo
MY COMMISSION EXPIRES October 11, 2002
#CC782583
Bonded thru Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, June 9, 1999 at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE AMENDING SECTION 22 (J) OF ORDINANCE NO. 004-1997, IN ORDER TO CLARIFY THE RENTAL PERIOD FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

DATED at Key West, this 10th day of May, 1999.

DANNY L. KOLHAGE
Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida

May 14th & 21st, 1999.

The Reporter

Serving the Florida Keys
P.O. Box 1197 • Tavernier, Florida 33070-1197
(305) 852-3216 Fax: (305) 852-8249

STATEMENT OF PROOF OF PUBLICATION

USPS #905580

STATE OF FLORIDA)
COUNTY OF MONROE)

Before the undersigned authority personally appeared **DONNA STUTTS**, who on oath, says that she is **PUBLISHER** of **THE REPORTER**, a weekly newspaper entitled to publish legal advertising published at Tavernier, Monroe County, Florida: that the attached copy of advertisement, being a **legal ad.**

NOTICE OF INTENTION, 5/13/99

Affiant further says that the said **REPORTER** is a newspaper published at Tavernier, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in the said Monroe County, Florida, each week (on Thursday), and has been entered as second class mail matter at the Post Office in Tavernier, in said County of Monroe, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement;

and affiant further says that she has neither paid nor promised any firm, person, or corporation any discount, rebate, commission or refund for the purpose of securing this said advertisement for publication in the said newspaper.

Donna Stutts

SEAL

FILED FOR RECORD
99 JUL 27 AM 8:51
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.

SWORN TO AND SUBSCRIBED BEFORE ME THIS **13TH DAY OF MAY, A.D. 1999**

Davee R. Dove

NOTARY PUBLIC

MY COMMISSION EXPIRES: Davee R Dove My Commission CC810969 Expires February 21, 2003

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, June 9, 1999, at 10:00 AM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE AMENDING SECTION 2[illegible] OF ORDINANCE NO. 004-1997, IN ORDER TO CLARIFY THE RENTAL PERIOD FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES;

[illegible]

fied Adver

[redacted]

AND PROVIDING AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at the hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 10th day of May, 1999.

DANNY L. KOLHAGE,
Clerk of the Circuit Court
and ex officio Clerk of the
Board of County
Commissioners of Monroe
County, Florida

Published: 5/13 & [illegible]
The Reporter
Tavernier, FL 33070

863

THE KEY WEST CITIZEN

3420 Northside Drive Key West Fl. 33040 Office 305-294-6641 Fax 305-294-0768

FILED FOR RECORD
99 AUG 13 PM 12: 38
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FL.

Published Daily
Key West, Monroe County, Florida 33040

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is director of the Advertising Department of the Key West Citizen, a daily newspaper published at Key West, in Monroe County Florida; that the attached copy of advertisement, being a legal notice in the matter of

Amending Section 22

In the _____ Court, was published in said newspaper in the issues of

May 14, 1999.

Affiant further says that The Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida each day (except Saturdays) and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

RG Erickson
Signature of Affiant

Sworn and subscribed before me this 9th day of July, 1999.

Crystal Bravo
Signature of Notary Public

Expires Oct. 11, 2002
Personally Known _____ Produced Identification _____
Type of Identification Produced _____

Crystal R. Bravo
MY COMMISSION EXPIRES
October 11, 2002
Notary Seal
#CC782583
Bonded thru Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

M.B., the County Administrator, ...unty Attorney, and the re... Department Head or Di... Director, or their desig...s, will open sealed bid for the ...llowing:

JACKSON SQUARE JANITO... RIAL SERVICE

...ll bids must be received by the ...urchasing Office, 5100 College ...oad Public Service Building, ...ross Wing Room #002, Stock Is...and, Key West, Florida 33040 on ...r before 10:00a.m. on June 1, ...999. Any bids received after this ...ate and time will be automati...ally rejected.

...idders shall submit two (2) ...igned originals and two (2) cop...es of each bid in a sealed en...velop marked "Sealed Bid for ...Jackson Square Janitorial Ser...vice." All bids must remain valid ...or a period of ninety (90) days.

The Board will automatically re...ect the bid of any person or affi...ants who appear on the convicted ...vender list prepared by the De...partment of General Services, State of Florida under Section 287.133(3)(d). Fla Stat. (1985).

All bids, including the recommendation of the County Administrator and the requesting Department Head, will be presented to the Board of County Commissioners of Monroe County, for final awarding or otherwise The Board also reserves the right to reject any or all bids, to waive informalities in the bids and to readvertise for bids. The Board also reserves the right to separately accept or reject any item or items of a bid and to award and/or negotiate a contract in the best interest of the County.

Specifications and/or further information may be obtained by contacting Cindy Sawyer, Facilities Maintenance Department, 305/294-4431.

THERE WILL BE A MANDITORY WALK THROUGH OF THE FACILITIES ON MAY 11, 1999 AT 1:00 P.M.

Dated at Key West this 28th Day of April, 1999.

Monroe County Purchasing Department

May 7th & 14th, 1999

NOTICE OF CALLING FOR BIDS

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that June 3, 1999 at 10:00 a.m. at the Purchasing Office, a committee consisting of the Director of O.M.B., the County Administrator, the County Attorney, and the requesting Department Head or Division Director, or their designees, will open sealed bid for the following:

OPERATION AND MAINTENANCE OF SEWAGE TREATMENT PLANT MARATHON GOVERNMENT CENTER

All bids must be received by the purchasing Office, 5100 College Road Public Service Building, Cross Wing Room #002, Stock Island, Key West, Florida 33040 on or before 10:00a.m. on June 3, 1999. Any bids received after this date and time will be automatically rejected.

Bidders shall submit two (2) ...ants who appear on the convicted vender list prepared by the Department of General Services, State of Florida under Section 287.133(3)(d). Fla Stat. (1985).

All bids, including the recommendation of the County Administrator and the requesting Department Head, will be presented to the Board of County Commissioners of Monroe County, for final awarding or otherwise The Board also reserves the right to reject any or all bids, to waive informalities in the bids and to readvertise for bids. The Board also reserves the right to separately accept or reject any item or items of a bid and to award and/or negotiate a contract in the best interest of the County.

Specifications and/or further information may be obtained by contacting Norm Leggett, Communications Department, 305/743-7570.

Dated at Key West this 30th Day of April, 1999.

Monroe County Purchasing Department

May 7th & 14th, 1999

NOTICE OF CALLING FOR BIDS

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that June 15, 1999 at 10:00 a.m. at the Purchasing Office, a committee consisting of the Director of O.M.B., the County Administrator, the County Attorney, and the requesting Department Head or Division Director, or their designees, will open sealed bid for the following:

TWO (2) PARATRANSIT BUS BODY ON CHASSIS VEHICLES WITH WHEELCHAIR LIFTS

All bids must be received by the purchasing Office, 5100 College Road Public Service Building, Cross Wing Room #002, Stock Island, Key West, Florida 33040 on or before 10:00a.m. on June 9, 1999. Any bids received after this date and time will be automatically rejected.

Bidders shall submit two (2) signed originals and two (2) copies of each bid in a sealed envelop marked "Sealed Bid for Paratransit Bus Body Vehicles with Wheelchair Lifts"' All bids must remain valid for a period of ninety (90) days.

The Board will automatically reject the bid of any person or affiants who appear on the convicted vender list prepared by the Department of General Services, State of Florida under Section 287.133(3)(d). Fla Stat. (1985).

All bids, including the recommendation of the County Administrator and the requesting Department Head, will be presented to the Board of County Commissioners of Monroe County, for final awarding or otherwise The Board also reserves the right to reject any or all bids, to waive informalities in the bids and to readvertise for bids. The Board also reserves the right to separately accept or reject any item or items of a bid and to award and/or negotiate a contract in the best interest of the County.

Specifications and/or further information may be obtained by contacting Jerry Eskew, Trans-

---

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, June 9, 1999 at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDNANCE ESTABLISHING EMERGENCY VEHICLE ZONES ON PRIVATE PROPERTY; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH;PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

DATED at Key West, this 10th day of May, 1999.

DANNY L. KOLHAGE
Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida

May 14th & 21st, 1999.

LEGAL NOTICES

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

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AN ORDNANCE AMENDING SECTION 13.5-5 BY THE ADDITION OF A PROHIBIATIONAGAINST COMMERCIAL USE OF PARKS OR BEACH PROPERTY WITHOUT A LEASE OR LICENSE FROM THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH;PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at such hearings or meet-

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AN ORDNANCE AMENDING SECTION 22 (J) OF ORDINANCE NO. 004-1997, IN ORDER TO CLARIFY THE RENTAL PERIOD FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH;PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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May 14th & 21st, 1999.

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, June 9, 1999 at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDNANCE REVISING SECTION 6.00(6) POWERS AND DUTIES OF THE CONTRACTORS EXAMINING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH;PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure

ORDINANCE No.044 - 00

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE REQUEST FILED BY THE PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS, SEC. 9.5-4, DEFINITIONS; SEC 9.5-241, OFFSHORE ISLAND DISTRICT; SEC. 9.5-242.5 IMPROVED SUBDIVISION-TOURIST HOUSING; AND SEC.9.5-534 VACATION RENTAL USES. THESE CHANGES CLARIFY WHERE AND HOW VACATION RENTALS MAY BE PERMITTED, REQUIRE A LICENSED VACATION RENTAL MANAGER FOR EACH UNIT, AND PROVIDE FOR ENHANCED ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, the Monroe County Board of Commissioners held a public hearing on June 14, 2000, conducted a review and consideration of the request filed by the Planning Department to amend the Monroe County Land Development Regulations, Sec. 95-4, Definitions; Sec.5-241, Offshore Island District; Sec. 9.5-242.5 Improved Subdivision Tourist Housing; and Sec.9.5-534 Vacation Rental Uses, and finds that the amendments will provide improvements for the implementation of the vacation rental regulations while continuing to offer protection to single family neighborhoods; and

WHEREAS, the Monroe County Board of County Commissioners on February 3, 1997 adopted Ordinance no. 004-1997, Vacation Rentals, which clarified the existing prohibition on short term rentals (less than 28 days) of single family homes within improved subdivisions and other residential districts and provided a process whereby vacation rentals could be allowed in some land use districts; and

WHEREAS, the Vacation Rental Ordinance became effective on December 4, 1998 after the DCA Final Order was issued; and

WHEREAS, the Board of County Commissioners requested the Planning Commission to review and recommend changes to the vacation rental requirements in the Land Development Regulations (LDR) in response to concerns raised at a November 1999 Commission meeting; and

WHEREAS, The Monroe County Planning Commission met on December 15, 1999, considered changes to the existing regulations based on responses to their request

for written public comments; and directed the planning department to prepare amendments to the Land Development Regulations; and

WHEREAS, the Planning Commission, during special meetings on March 1 and April 4, 2000 conducted public hearings in Marathon and Key Largo on the proposed amendments; and

WHEREAS, the Monroe County Planning Commission held a public hearing on April 12, 2000 and recommends the approval of the request.

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

Section 1. **Section 09.5-4** of the Land Development Regulations shall read as follows:

Sec. 9.5-4. Definitions.

(V-5) V*acation rental or unit* means an attached or detached dwelling unit that is rented, leased or assigned for tenancies of less than twenty-eight (28) days duration. Vacation rental use does not include hotels, motels, and RV spaces, which are specifically addressed in each district.

Section 2. **Section 9.5-241** of the Land Development Regulations shall read as follows:

Sec. 9.5-241. Offshore Island District.

(a) The following uses are permitted as of right in the Offshore Island District:

(1) Detached residential dwellings;

(2) Camping, for the personal use of the owner of the property on a temporary basis;

(3) Beekeeping;

(4) Accessory uses; and

(5) Home occupations--Special use permit requiring a public hearing.

(6) Tourist housing uses which were established (and held valid state public lodging establishment licenses) prior to January 1, 1996. Vacation rental use, of a dwelling unit in existence as of January 1, 2000, if a special vacation rental permit is obtained under the regulations established in Sec. 9.5-534.

Section 3. **Section 9.5-242.5** of the Land Development regulations shall read as follows:

Sec. 9.5-242.5 Improved Subdivision District – Vacation Rental District

In addition to the as of right and conditional uses listed above in 9.5-242, vacation rental uses are allowed as of right (subject to the regulations established in Code §9.5-534) in those Improved Subdivision – Vacation Rental Districts with the sub-indicator V (Vacation Rental).

A map amendment designating a contiguous parcel as IS-V may be approved, provided that the map amendment application (and subsequent building permit applications and special vacation rental permit applications) meet the following standards, criteria and conditions:

(a) The IS-V designation is consistent with the 2010 Comprehensive Plan and there is no legitimate public purpose for maintaining the existing designation.

(b) The IS-V designation allowing vacation rental use does not create additional trips or other adverse traffic impacts within the remainder of the subdivision or within any adjacent IS district;

(c) The parcel to be designated IS-V must contain sufficient area to prevent spot-zoning of individual parcels (i.e., rezonings should not result in spot-zoned IS-V districts or result in spot-zoned IS districts that are surrounded by IS-V districts). Unless the parcel to be rezoned contains the entire subdivision there will be a rebuttable presumption that spot-zoning exists, but the Board of County Commissioners may rebut this presumption by making specific findings supported by competent, substantial evidence that:

i) the designation preserves, promotes and maintains the integrity of surrounding residential districts and overall zoning scheme or comprehensive plan for the future use of surrounding lands;

ii) does not result in a small area of IS-V within a district that prohibits vacation rentals;

iii) the lots or parcels to be designated IS-V are all physically contiguous and adjacent to one another and do not result in a narrow strip or isolate pockets or spots of land that are not designated IS-V, or which prohibit vacation rentals; and

iv) The IS-V designation is not placed in a vacuum or a spot on a lot-by-lot basis without regard to neighboring properties, but is a part of an overall area that allows vacation rentals or similar compatible uses.

(d) In addition to the requirements contained in Code §9-.5-377 (District Boundaries), an IS-V district shall be separated from any established residential district that does not allow tourist housing or vacation rental uses by no less than a class C bufferyard;

(e) Vacation rental use is compatible with established land uses in the immediate vicinity of the parcel to be designated IS-V; and

(f) Unless a map amendment is staff generated (i.e., initiated by Monroe County), an application for a map amendment to IS-V shall be authorized by the property owner(s) of all lots (or parcels) included within the area of the proposed map amendment.

Section 4. **Section 9.5-534** of the Land Development regulations shall read as follows:

Sec. 9.5-534 Vacation rental uses.

(a) *Special vacation rental permit.* An owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined in Code § 9.5-4 (V-5), except as provided for under Section 9.5-534(b). A special vacation rental permit is nontransferable between owners. A change of ownership of the vacation rental unit shall require the new owner or his agent to obtain a new vacation rental permit for the residential dwelling unit.

(b) *Exemptions.* A vacation rental permit is not required for the following:

(1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or

(2) A vacation rental of a dwelling unit within a multifamily building located within a multi-family district, which has 24 hour on-site management or 24 hour on site supervision that has received an exemption from the planning director. To meet these site management or supervision requirements, a designated individual or individuals must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints. To obtain an exemption under the provisions of this section, the owner or agent must submit an application to the planning department in a form prescribed by the planning director.

(c) *Vacation rental manager license.* A vacation rental manager license is required from the county planning department for an individual to be a vacation rental manager under the provisions of this section. The vacation rental manager shall be: (i) the designated contact for responding to complaints made by neighbors

against vacation rental tenants; and (ii) responsible for maintaining the guest register, leases, and official complaint response records for a vacation rental unit as required by this section.

(d) *Permit, license and fees.*

(1) Special vacation rental permits will be issued by the planning director, or designee, upon payment of a nonrefundable fee and submittal of a complete application in a form prescribed by the planning director in accordance with Section 9.5-534 (f).

(2) Vacation rental manager licenses will be issued by the planning director, or designee, upon payment of a nonrefundable fee and submittal of a complete application to the planning department in a form prescribed by the planning director.

(3) The annual fees for the special vacation rental permit and vacation rental manager license shall be established by resolution of the board of county commissioners.

(4) A decision to approve or deny a special vacation rental permit can be appealed to the planning commission within (30) days pursuant to Code section 9.5-521.

(e) *Regulations.* All special vacation rental units, requiring a special vacation rental permit shall comply with the following regulations at all times:

(1) No more than one motorized watercraft, including a jet ski or wave runner, shall be allowed at each vacation rental unit. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space.

(2) Vehicles, watercraft and trailers shall not be placed on the street or in yards. All vehicles, watercraft and boat trailers must be parked or stored off-street in parking spaces specifically designated and approved in the special vacation rental permit. One vehicle parking space shall be required per bedroom or efficiency unit and one boat trailer space per vacation rental unit.

(3) No boat docked at a vacation rental property shall be chartered to a person other that registered guests of the vacation rental unit or used for live-aboards, sleeping or overnight accommodations. In addition, recreation vehicles shall not be used for sleeping or overnight accommodations at the vacation rental unit.

(4) Occupants shall be prohibited from making excessive or boisterous noise in or about any residential dwelling unit at all times. Noise, which is audible beyond the boundaries of the residential dwelling unit, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. week days and 11:00 p.m. and 9:00 a.m. on weekends.

(5) All trash and debris on the vacation rental property must be kept in covered trash containers. Each vacation rental unit must be equipped with at least four (4) covered trash containers for such purpose. Owners must post, and occupants must comply with, all trash and recycling schedules and requirements applicable to the vacation rental unit. Trash containers must not be placed by the street for pick-up until 6:00 p.m. the night before pick-up and must be removed from the area by the street by 6:00 p.m. the next day.

(6) A Tenant(s) 's agreement to the forgoing rules and regulations must made a be part of each and every lease under Florida Statutes §509.01 for any vacation rental unit subject to the provisions of this section. These vacation rental regulations governing tenant conduct and use of the vacation rental unit shall be prominently posted within each dwelling unit subject to the provisions of this section along with the warning that violations of any of the vacation rental regulations constitutes a violation of Monroe County Code subject to fines or punishable as a second degree misdemeanor and is also grounds for immediate termination of the lease and eviction from the leased premises and criminal penalties under F.S. § 509.151 ("Defrauding an Innkeeper"), F.S. § 509.141 ("Ejection of Undesirable Guests"), F.S. § 509.142 ("Conduct on Premises) or F.S. § 509.143 (Disorderly Conduct on Premises, Arrest").

(7) The owner or agent shall require a lease to be executed with each vacation rental use of the property and maintain a guest and vehicle register listing all vacation rental occupants' names, home addresses, telephone numbers, vehicle license plate and watercraft registration numbers. Each lease and this register shall be kept by the vacation rental manager and available for inspection by Monroe County code enforcement personnel during business hours.

(8) Vacation rental units must be registered, licensed and meet all applicable state requirements contained in Florida Statutes Chapter 212 (Florida Tax & Revenue Act) and 509 (Public Lodging Establishments) as implemented by the Florida Administrative Code, as may be amended.

(9) The vacation rental use must comply with all State of Florida Department of Health and State of Florida Department of Environmental Protection standards for wastewater treatment and disposal.

(10) All vacation rental units shall have a vacation rental manager or managers, who has been issued a vacation rental manager license by the planning department as provided for in Section 9.5-534 (h). The vacation rental manager shall reside within and be licensed for that section of the County (upper, middle, and lower keys) where the vacation rental unit is located and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of this section. Any change in the vacation rental manager shall require written notification to the planning department and notification by certified return mail to property owners within three hundred (300) feet of the subject dwelling.

(11) Complaints to the vacation rental manager concerning violations by occupants of vacation rental units to this ordinance shall be responded to within one hour. The neighbor who made the complaint shall be contacted by telephone or in person and informed as to the results of the actions taken by the manager. A record shall be kept of the complaint and the manager's response for a period of at least three months after the incident, which shall be available for inspection by the Monroe County Code Enforcement Department during business hours.

(12) The name, address, and telephone number of the vacation rental manager(s), the telephone number of County code enforcement department and the number of the special vacation rental permit shall be posted and visible from the front property line of the vacation rental unit.

(13) The Tenants Agreement with the rules of conduct shall be posted in a conspicuous location in each vacation rental unit.

(f) *Special vacation rental permit application.* A complete special vacation rental permit application shall include the following:

(1) The complete legal description, street address, RE number and location of the vacation rental unit.

(2) Proof of ownership and the name, address and telephone number of each and every person or entity with an ownership interest in the dwelling unit.

(3) An approved Florida State Department of Health or Florida State Department of Environmental Protection inspection or certification of the adequacy of the sewage disposal system for use as a vacation rental unit.

(4) The gross square footage of the dwelling unit, location and number of rooms, bedrooms, bathrooms, kitchens, apartments, parking spaces and

any other information required to determine compliance with vacation rental requirements and compliance with this chapter.

(5) A valid and current Florida Department of Revenue sales tax identification number under Florida Statutes Chapter 212 (Florida Tax and Revenue Act) and a valid and current permit, license or approval under Florida Statutes Chapter 509 (Public Lodging Establishments).

(6) The name, address, and telephone number of the vacation rental manager, including the vacation rental manager's license number.

(7) The applicant shall sign a written statement granting authorization to Monroe County code enforcement department to inspect the premises of the vacation rental unit prior to the issuance of the special vacation rental permit and at any other time after issuance of such permit, concerning compliance with the Monroe County Code Chapter 9.5 (i.e. the Land Development Regulations).

(8) The application shall bear the signature of all owner(s), all authorized agent(s) and authorized manager(s) of the owner(s).

(9) Any additional information required to determine compliance with the provisions of this section.

(g) *Notification to adjacent neighbors and permit, approval, issuance and appeal.*

(1) The applicant or agent shall send a "Notice of Vacation Rental Use Application" by certified return mail to all property owners located within three hundred (300) feet of the dwelling unit which is the subject of the special vacation rental permit application, not less than thirty (30) days prior to the date of approval of the application. The notice of application shall be in a form prescribed by the planning director or his designee and shall clearly state the name, address and day/evening telephone numbers of each and every vacation rental manager, agent, caretaker and owner of the dwelling unit; the number of the Monroe County code enforcement department; and a copy of the Tenants Agreement. Notice to the adjacent property owners must include the following statement:

"You have the right to appeal a decision to approve or deny this special vacation rental permit to the planning commission within thirty (30) days under Code section 9.5-521. You may have other rights that Monroe County cannot enforce. Review of a special vacation rental permit application by Monroe County will consider the existence of valid private deed restrictions, restrictive covenants or other restrictions of record which may prohibit the use of the dwelling unit for vacation rental

purposes. You may wish to consult an attorney concerning these private rights."

(2) The applicant or agent shall provide proof to the planning department of submitting the "Notice of Vacation Rental Use Application." The special vacation rental permit shall not be issued until proof of this notification is provided and the special vacation rental permit has been approved by the planning director after completion of an on-site inspection of the subject dwelling unit by the code enforcement department. When approved by the planning director, the special vacation rental permit shall not be issued until thirty (30) days after the notices of application were sent to all property owners located within three-hundred (300) feet of the dwelling unit that is the subject of the permit.

(h) *Fines or revocation of special vacation rental use permit.* A special vacation rental permit shall be revoked by the planning commission and/or fines levied by the code enforcement special master or a court of competent jurisdiction after a finding of a violation by the permit holder of this section, the special vacation rental permit or permit conditions or any material misrepresentation on the permit application, after the owner(s) is given notice and a hearing is held by the planning commission, code enforcement special master or a court of competent jurisdiction.

(i) *Duration and renewal of special vacation rental use permit.* Special vacation rental use permits shall expire one (1) year after the date of their issuance, unless renewed within thirty days of their expiration date. Renewal of a special vacation use permit requires the owner or agent to submit an application in a form prescribed by the planning director to the planning department and payment of a nonrefundable fee, including proof of a current license and registration under Chapter 509 and Chapter 212, Florida Statutes.

(j) *Vacation rental manager license application, issuance, renewal, fines, and revocation.*

(1) An individual shall submit an application for a vacation rental manager license in a form prescribed by the planning director accompanied with a payment of a nonrefundable fee. The license shall be issued for a period of one (1) year and renewable annually. The license shall be for only one specific section of the County (upper, middle, or lower keys) and no individual shall apply for or be issued more than one vacation rental manager license at a time.

(2) After notice is given to the vacation rental manager and a public hearing is held, a vacation rental manager license shall be revoked by the planning commission and/or fines levied by the code enforcement special master or court of competent jurisdiction upon a finding of: a total of two

or more "no responses" to complaints registered by the public concerning tenants not following the terms of the Tenants Agreement, during any single year of the vacation rental manager's license; or two or more violations of this section which are pertinent to the duties and responsibilities of a vacation rental manager. A vacation rental manager license shall be revoked if the license holder is found in violation of any of the regulations in section 9.5-534(k)(1) through section 9.5-534(k)(3).

(3) An individual who has had his license revoked shall not be eligible to resubmit an application for obtaining a new vacation rental manager license until two years after the date of revocation of his license.

(k) *Prohibitions, enforcement, and penalties.*

(1) It shall be unlawful for any landlord, tenant, agent or other representative of a landowner to rent, lease, advertise or hold out for rent any dwelling unit for vacation rental use in any district where a vacation rental use is prohibited, except as otherwise exempted under this section.

(2) It shall be unlawful for any landlord, tenant, agent or other representative of a landlord to rent, lease, advertise or hold out for rent any dwelling unit for a vacation rental use without a special vacation rental permit, except as otherwise exempted under this section.

(3) After the effective date of this section, leases, subleases, assignments or any other occupancy agreements, for compensation for less than twenty-eight (28) days in duration:

(i) Shall not be entered into or renewed once they have expired or have terminated in any district in which tourist housing use is prohibited or in any district in which a vacation rental use is allowed unless a special vacation rental permit, building permit, inspection and certificate of occupancy for the vacation rental use (or for the conversion of an existing dwelling unit to vacation rental use) are first obtained; and

(ii) Any pre-existing vacation rental uses shall not be considered a lawful non-conforming use under section 9.5-143 and must be discontinued in any land use districts that prohibit vacation rental uses no later than thirty (30) days after the effective date of this section (May 12, 1999). Except that a vacation rental use that was established, and had obtained all of the required state and local permits and licenses, (a) prior to September 15, 1986 (b) or under any Code provisions that expressly allowed vacation retail uses, may remain pursuant to Code section 9.5-143.

(4) Monroe Count code section 6.3-13 shall not bar code enforcement for new vacation rental violations occurring after the effective date of this section.

(5) Prima facie evidence of vacation rental uses of a dwelling unit shall include (i) registration or licensing for short-term rental or transient rental use by the state under F.S. Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), (ii) advertising or holding out a dwelling unit for vacation rental use, (iii) reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 28 days or less, or (iv) the use of an agent or other third person to make reservations or booking arrangements.

(6) A violation of any of the regulations in section 9.5-534(k)(1) through section 9.5-534(k)(3) shall be punishable as a second degree misdemeanor and by a fine of up to five hundred dollars ($500.00) per day, per unit, per violation. The Code enforcement department may also enforce the terms of this section by bringing a case before the special master pursuant to Code section 6.3-14, or by citation under Code section 6.3-11,. F.S. § 162.21 (as may be amended), or 76-435 Laws of Florida (as may be amended). If a code enforcement citation is issued, the fine shall be two hundred fifty dollars ($250) for the first offense and five hundred dollars ($500.00) for each subsequent offense.

(7) In addition to any other remedies available to Monroe County (including code enforcement pursuant to F.S. Chapter 162). Monroe County or any or other adversely affected party may enforce the terms of this section in law or equity. Any citizen of Monroe County may seek injunctive relief in a court of competent jurisdiction to prevent a violation of section 9.5-534 or to revoke a special vacation rental permit or vacation rental manager license, as set forth above. Attorney's fees and costs incurred in an action to enforce these regulations concerning vacation rental use(s) may be awarded to a substantially prevailing party at the discretion of the court.

Section 5. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the said conflict.

Section 7. This ordinance is hereby transmitted to the state land planning agency to be reviewed for consistency with Chapter 163, Florida Statutes.

Section 8. This ordinance shall be filed in the Office of the Secretary of State, of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment consistent with Chapter 380 of the Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16th day of August, A.D., 2000.

Mayor Shirley Freeman	yes
Mayor Pro Tem George Nugent	yes
Commissioner Wilhelmina Harvey	yes
Commissioner Mary Kay Reich	no
Commissioner Nora Williams	yes

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY Shirley Freeman
Mayor/Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY
Attorney's Office

ATTEST: DANNY K. KOLHAGE, CLERK

DEPUTY CLERK

THE REPORTER
Your Upper Keys Connection
P.O. Box 1197 • Tavernier, Florida 33070-1197
(305) 852-3216 Fax: (305) 852-8240

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared JACKLYN HARDER who on oath, says that she is ASSOCIATE PUBLISHER of THE REPORTER, a weekly newspaper entitled to publish legal advertising published at Tavernier, Monroe County, Florida: that the attached copy of advertisement, being a LEGAL NOTICE in said newspaper in the issue of:

August 3, 2000

Affiant further says that THE REPORTER is a newspaper published at Tavernier, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in the said Monroe County, Florida, each week (on Thursday), and has been entered as second class mail matter at the Post Office in Tavernier, in said County of Monroe, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any firm, person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper and that The Reporter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Jacklyn R Harder

Sworn to and subscribed before me this 10th day of August, 2000.

(SEAL)

Anna M Hines
My Commission CC715804
Expires March 31, 2002

Anna M. Hines

Notary

NO: 5181600
NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, August 16, 2000, at 3:00 PM at the Key Largo Library, Tradewinds Shopping Center, Key Largo, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:
AN ORDINANCE ABOLISHING THE DIVISION OF SOLID WASTE MANAGEMENT AND ASSIGNING ITS DUTIES AND FUNCTIONS TO THE DIVISION OF PUB-LIC WORKS AND COMBINING THE DEPARTMENTS OF HUMAN RESOURCES AND OFFICE OF MANAGEMENT AND BUDGET INTO A NEW DEPARTMENT OF ADMINISTRATIVE SERVICES IN THE DIVISION OF MANAGEMENT SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUN-TY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE
Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.
Dated at Key West, Florida, this 31st day of July, 2000
DANNY L. KOLHAGE,
Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida.
PUBLISH: 8/3/00
The Reporter
Tavernier, FL 33070

FILED FOR RECORD
00 SEP 13 PM 2:22
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE CO.

Danny L. Kolhage

BRANCH OFFICE
3117 OVERSEAS HIGHWAY
MARATHON, FLORIDA 33050
TEL. (305) 289-6027
FAX (305) 289-1745

CLERK OF THE CIRCUIT COURT
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FLORIDA 33040
TEL. (305) 292-3550
FAX (305) 295-3660

BRANCH OFFICE
88820 OVERSEAS HIGHWAY
PLANTATION KEY, FLORIDA 33070
TEL. (305) 852-7145
FAX (305) 852-7146

August 30, 2000

Mrs. Liz Cloud, Chief
Bureau of Administrative Code & Laws
The Elliott Building
401 S Monroe Street
Tallahassee FL 32399-0250

Dear Mrs. Cloud,

Enclosed please find a certified copies of the following Ordinances:

Ordinance No. 040-2000 amending Monroe County Code Sec. 13.5-5(d); in order to amend the park hours of Friendship Park; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

Ordinance No. 041-2000 amending Sec. 2-1.1(a), Monroe County Code, in order to provide that the hearing officer may have served as counsel to the Planning Commission; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

Ordinance No. 042-2000 in order to delete the parks in the municipality of Islamorada, Village of Islands from the Monroe County Code; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

Ordinance No. 043-2000 abolishing the Division of Solid Waste Management and assigning its duties and functions to the Division of Public Works and combining the Departments of Human Resources and Office of Management and Budget into a new Department of Administrative Services in the Division of Management Services; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

Ordinance No. 044-2000 approving the request filed by the Planning Department to amend the Monroe County Land Development Regulations, Sec. 9.5-4, definitions; Sec. 9.5-241, Offshore Island District; Sec. 9.5-242.5 Improved Subdivision-Tourist Housing; and Sec. 9.5-534 Vacation Rental Uses. These changes clarify where and how vacation rentals may be permitted, require a licensed vacation rental manager for each unit, and provide for enhanced enforcement; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code; and directing the Clerk of the Board to forward a certified copy of this Ordinance to the Florida Department of Community Affairs.

These Ordinances were adopted by the Monroe County Board of County Commissioners at a Regular Meeting in formal session on August 16, 2000. Please file for record.

Danny L. Kolhage
Clerk to Circuit Court
and ex officio Clerk to the
Board of County Commissioners

by: Pamela G. Hancock

Pamela G. Hancock

Deputy Clerk

Cc: Board of County Commissioners
County Administrator 043-2000
Growth Management 041 & 044-2000
Administrative Services 043-2000
County Attorney
Municipal Code 040 to 043-2000
Public Works 040, 042 & 043-2000
File

7099 3400 0005 9118 7876

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
Ordinances 04-044-2000

Postage	$ 1.43
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.08

KEY WEST, FL AUG 30 2000 Postmark Here
PS Form 3800, June 1996

Name (Please Print Clearly) (to be completed by mailer)
Mrs. Liz Cloud, Chief
Bureau of Administrative Code and Laws
Street, Apt. No.; or PO Box No.
The Elliott Building
City, State, ZIP+4
401 South Monroe Street
Tallahassee, FL 32399-0250

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
Mrs. Liz Cloud, Chief
Bureau of Administrative Code and Laws
The Elliott Building
401 South Monroe Street
Tallahassee, FL 32399-0250

4a. Article Number
7099 3400 0005 9118 7876

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
SEP 1 2000

5. Received By: *(Print Name)*
Ordinances 04-044-2000

6. Signature – Addressee or Agent
X

8. Addressee's Address *(Only if requested and fee is paid)*

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

PS Form 3811, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

September 5, 2000

Honorable Danny L. Kolhage
Clerk of the Circuit Court
Monroe County
500 Whitehead Street
Key West, Florida 33040

Attention: Pam Hancock, Deputy Clerk

Dear Mr. Kolhage:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 30, 2000 and certified copies of Monroe County Ordinance Nos. 040-2000 through 044-2000, which were filed in this office on September 1, 2000.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED FOR RECORD
00 SEP -8 PM 2:11
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.

BUREAU OF ADMINISTRATIVE CODE
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: **http://www.dos.state.fl.us** • E-Mail: *election@mail.dos.state.fl.us*

DCA Final Order No. DCA00-OR-294

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 044-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), *Fla. Stat.*, and § 380.0552(9), *Fla. Stat.* (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 044-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. On September 5, 2000, the Department received for review Monroe County Ordinance No. 044-2000 which was adopted by the Monroe County Board of County Commissioners on August 16, 2000 ("Ord. 044-2000"). Ord. 044-2000 pertains to vacation rentals amending Secs. 9.5-4, 9-5.241, 9-5.242.5 and 9.5-534 of the Monroe County Code ("Code").

3. Section 1 of Ord. 044-2000 amends Code Sec. 9.5-4 creating definition "(V-5) Vacation rental or unit." Section 2 of Ord. 044-2000 amends Code Sec. 9.5-241 allowing vacation rentals in the Offshore Island District (OS) if a special permit is obtained. Section 3 of Ord. 044-2000 creates Code Sec. 9-5.242.5 and sets forth conditions for allowing vacation rentals in the

Improved Subdivision District - Vacation Rental District (IS-V). Section 4 of Ord. 044-2000 adds Code Sec. 9-534 entitled 'Vacation rental uses' and establishes application procedures, sets forth permitting and licensing requirements, establishes regulations and fees, establishes a duration period, and provides for prohibitions, enforcement and penalties. Section 5 of Ord. 044-2000 contains a severability provision; Section 6 contains a conflict provision; Section 7 requires transmittal of the ordinance to the Department for review; and Section 8 requires filing with the Florida Secretary of State Office.

4. Ord. 044-2000 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), *Fla. Stat.*, and § 380.0552(9), *Fla. Stat.* (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, *Fla. Stat.* (1999) and Rule 28-29.002 (superseding Chapter 27F-8, *Fla. Admin. Code*) and Chapter 28-30, *Fla. Admin. Code*.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), *Fla. Stat.* (1999). The regulations adopted by Ord. 044-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County

ATTACHMENT F

MONROE COUNTY CODE SECTION 9.5-534

Monroe County Code Section 9.5-534 Vacation rental uses.

(a) Special vacation rental permit. An owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined in Code section 9.5-4(V-5), except as provided for under section 9.5-534(b). A special vacation rental permit is nontransferable between owners. A change of ownership of the vacation rental unit shall require the new owner or his agent to obtain a new vacation rental permit for the residential dwelling unit.
(b) Exemptions. A vacation rental permit is not required for the following:
(1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or
(2) A vacation rental of a dwelling unit within a multifamily building located within a multi-family district, which has twenty-four (24) hour on-site management or twenty-four (24) hour on-site supervision that has received an exemption from the planning director. To meet these site management or supervision requirements, a designated individual or individuals must be physically located within the building or within three hundred (300) feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints. To obtain an exemption under the provisions of this section, the owner or agent must submit an application to the planning department in a form prescribed by the planning director.
(c) Vacation rental manager license. A vacation rental manager license is required from the county planning department for an individual to be a vacation rental manager under the provisions of this section. The vacation rental manager shall be: (i) the designated contact for responding to complaints made by neighbors against vacation rental tenants; and (ii) responsible for maintaining the guest register, leases, and official complaint response records for a vacation rental unit as required by this section.
(d) Permit, license and fees.
(1) Special vacation rental permits will be issued by the planning director, or designee, upon payment of a nonrefundable fee and submittal of a complete application in a form prescribed by the planning director in accordance with section 9.5-534(f).
(2) Vacation rental manager licenses will be issued by the planning director, or designee, upon payment of a nonrefundable fee and submittal of a complete application to the planning department in a form prescribed by the planning director.
(3) The annual fees for the special vacation rental permit and vacation rental manager license shall be established by resolution of the board of county commissioners.
(4) A decision to approve or deny a special vacation rental permit can be appealed to the planning commission within thirty (30) days pursuant to Code section 9.5-521.
(e) Regulations. All special vacation rental units, requiring a special vacation rental permit shall comply with the following regulations at all times:
(1) No more than one (1) motorized watercraft, including a jet ski or wave runner, shall be allowed at each vacation rental unit. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space.
(2) Vehicles, watercraft and trailers shall not be placed on the street or in yards. All vehicles, watercraft and boat trailers must be parked or stored off-street in parking spaces specifically designated and approved in the special vacation rental permit. One (1)

vehicle parking space shall be required per bedroom or efficiency unit and one (1) boat trailer space per vacation rental unit.
(3) No boat docked at a vacation rental property shall be chartered to a person other that registered guests of the vacation rental unit or used for live-aboards, sleeping or overnight accommodations. In addition, recreation vehicles shall not be used for sleeping or overnight accommodations at the vacation rental unit.
(4) Occupants shall be prohibited from making excessive or boisterous noise in or about any residential dwelling unit at all times. Noise, which is audible beyond the boundaries of the residential dwelling unit, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. weekdays and 11:00 p.m. and 9:00 a.m. on weekends.
(5) All trash and debris on the vacation rental property must be kept in covered trash containers. Each vacation rental unit must be equipped with at least four (4) covered trash containers for such purpose. Owners must post, and occupants must comply with, all trash and recycling schedules and requirements applicable to the vacation rental unit. Trash containers must not be placed by the street for pick-up until 6:00 p.m. the night before pick-up and must be removed from the area by the street by 6:00 p.m. the next day.
(6) A tenant(s)'s agreement to the forgoing rules and regulations must made a be part of each and every lease under F.S. § 509.01 for any vacation rental unit subject to the provisions of this section. These vacation rental regulations governing tenant conduct and use of the vacation rental unit shall be prominently posted within each dwelling unit subject to the provisions of this section along with the warning that violations of any of the vacation rental regulations constitutes a violation of Monroe County Code subject to fines or punishable as a second degree misdemeanor and is also grounds for immediate termination of the lease and eviction from the leased premises and criminal penalties under F.S. § 509.151 ("defrauding an innkeeper"), F.S. § 509.141 ("ejection of undesirable guests"), F.S. § 509.142 ("conduct on premises) or F.S. § 509.143 (disorderly conduct on premises, arrest").
(7) The owner or agent shall require a lease to be executed with each vacation rental use of the property and maintain a guest and vehicle register listing all vacation rental occupants' names, home addresses, telephone numbers, vehicle license plate and watercraft registration numbers. Each lease and this register shall be kept by the vacation rental manager and available for inspection by Monroe County code enforcement personnel during business hours.
(8) Vacation rental units must be registered, licensed and meet all applicable state requirements contained in F.S. Ch. 212 (Florida Tax & Revenue Act) and 509 (Public Lodging Establishments) as implemented by the Florida Administrative Code, as may be amended.
(9) The vacation rental use must comply with all State of Florida Department of Health and State of Florida Department of Environmental Protection standards for wastewater treatment and disposal.
(10) All vacation rental units shall have a vacation rental manager or managers, who has been issued a vacation rental manager license by the planning department as provided for in section 9.5-534(h). The vacation rental manager shall reside within and be licensed for that section of the county (upper, middle, and lower keys) where the vacation rental unit is located and be available twenty-four (24) hours per day, seven (7) days a week for the

purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of this section. Any change in the vacation rental manager shall require written notification to the planning department and notification by certified return mail to property owners within three hundred (300) feet of the subject dwelling.

(11) Complaints to the vacation rental manager concerning violations by occupants of vacation rental units to this section shall be responded to within one (1) hour. The neighbor who made the complaint shall be contacted by telephone or in person and informed as to the results of the actions taken by the manager. A record shall be kept of the complaint and the manager's response for a period of at least three (3) months after the incident, which shall be available for inspection by the Monroe County code enforcement department during business hours.

(12) The name, address, and telephone number of the vacation rental manager(s), the telephone number of county code enforcement department and the number of the special vacation rental permit shall be posted and visible from the front property line of the vacation rental unit.

(13) The tenants agreement with the rules of conduct shall be posted in a conspicuous location in each vacation rental unit.

(f) Special vacation rental permit application. A complete special vacation rental permit application shall include the following:

(1) The complete legal description, street address, RE number and location of the vacation rental unit.

(2) Proof of ownership and the name, address and telephone number of each and every person or entity with an ownership interest in the dwelling unit.

(3) An approved Florida State Department of Health or Florida State Department of Environmental Protection inspection or certification of the adequacy of the sewage disposal system for use as a vacation rental unit.

(4) The gross square footage of the dwelling unit, location and number of rooms, bedrooms, bathrooms, kitchens, apartments, parking spaces and any other information required to determine compliance with vacation rental requirements and compliance with this chapter.

(5) A valid and current Florida Department of Revenue sales tax identification number under F.S. Ch. 212 (Florida Tax and Revenue Act) and a valid and current permit, license or approval under F.S. Ch. 509 (Public Lodging Establishments).

(6) The name, address, and telephone number of the vacation rental manager, including the vacation rental manager's license number.

(7) The applicant shall sign a written statement granting authorization to Monroe County code enforcement department to inspect the premises of the vacation rental unit prior to the issuance of the special vacation rental permit and at any other time after issuance of such permit, concerning compliance with the Monroe County Code chapter 9.5 (i.e. the Land Development Regulations).

(8) The application shall bear the signature of all owner(s), all authorized agent(s) and authorized manager(s) of the owner(s).

(9) Any additional information required to determine compliance with the provisions of this section.

(g) Notification to adjacent neighbors and permit, approval, issuance and appeal.

(1) The applicant or agent shall send a "Notice of Vacation Rental Use Application" by certified return mail to all property owners located within three hundred (300) feet of the dwelling unit which is the subject of the special vacation rental permit application, not less than thirty (30) days prior to the date of approval of the application. The notice of application shall be in a form prescribed by the planning director or his designee and shall clearly state the name, address and day/evening telephone numbers of each and every vacation rental manager, agent, caretaker and owner of the dwelling unit; the number of the Monroe County code enforcement department; and a copy of the tenants agreement. Notice to the adjacent property owners must include the following statement: "You have the right to appeal a decision to approve or deny this special vacation rental permit to the planning commission within thirty (30) days under Code section 9.5-521. You may have other rights that Monroe County cannot enforce. Review of a special vacation rental permit application by Monroe County will consider the existence of valid private deed restrictions, restrictive covenants or other restrictions of record which may prohibit the use of the dwelling unit for vacation rental purposes. You may wish to consult an attorney concerning these private rights."

(2) The applicant or agent shall provide proof to the planning department of submitting the "Notice of Vacation Rental Use Application." The special vacation rental permit shall not be issued until proof of this notification is provided and the special vacation rental permit has been approved by the planning director after completion of an on-site inspection of the subject dwelling unit by the code enforcement department. When approved by the planning director, the special vacation rental permit shall not be issued until thirty (30) days after the notices of application were sent to all property owners located within three hundred (300) feet of the dwelling unit that is the subject of the permit.

(h) Fines or revocation of special vacation rental use permit. A special vacation rental permit shall be revoked by the planning commission and/or fines levied by the code enforcement special master or a court of competent jurisdiction after a finding of a violation by the permit holder of this section, the special vacation rental permit or permit conditions or any material misrepresentation on the permit application, after the owner(s) is given notice and a hearing is held by the planning commission, code enforcement special master or a court of competent jurisdiction.

(i) Duration and renewal of special vacation rental use permit. Special vacation rental use permits shall expire one (1) year after the date of their issuance, unless renewed within thirty (30) days of their expiration date. Renewal of a special vacation use permit requires the owner or agent to submit an application in a form prescribed by the planning director to the planning department and payment of a nonrefundable fee, including proof of a current license and registration under F.S. Ch. 509 and Ch. 212.

(j) Vacation rental manager license application, issuance, renewal, fines, and revocation.

(1) An individual shall submit an application for a vacation rental manager license in a form prescribed by the planning director accompanied with a payment of a nonrefundable fee. The license shall be issued for a period of one (1) year and renewable annually. The license shall be for only one (1) specific section of the county (upper, middle, or lower keys) and no individual shall apply for or be issued more than one (1) vacation rental manager license at a time.

(2) After notice is given to the vacation rental manager and a public hearing is held, a vacation rental manager license shall be revoked by the planning commission and/or fines levied by the code enforcement special master or court of competent jurisdiction upon a finding of: a total of two (2) or more "no responses" to complaints registered by the public concerning tenants not following the terms of the tenants agreement, during any single year of the vacation rental manager's license; or two (2) or more violations of this section which are pertinent to the duties and responsibilities of a vacation rental manager. A vacation rental manager license shall be revoked if the license holder is found in violation of any of the regulations in section 9.5-534(k)(1) through section 9.5-534(k)(3).
(3) An individual who has had his license revoked shall not be eligible to resubmit an application for obtaining a new vacation rental manager license until two (2) years after the date of revocation of his license.
(k) Prohibitions, enforcement, and penalties.
(1) It shall be unlawful for any landlord, tenant, agent or other representative of a landowner to rent, lease, advertise or hold out for rent any dwelling unit for vacation rental use in any district where a vacation rental use is prohibited, except as otherwise exempted under this section.
(2) It shall be unlawful for any landlord, tenant, agent or other representative of a landlord to rent, lease, advertise or hold out for rent any dwelling unit for a vacation rental use without a special vacation rental permit, except as otherwise exempted under this section.
(3) After the effective date of this section, leases, subleases, assignments or any other occupancy agreements, for compensation for less than twenty-eight (28) days in duration:
(i) Shall not be entered into or renewed once they have expired or have terminated in any district in which tourist housing use is prohibited or in any district in which a vacation rental use is allowed unless a special vacation rental permit, building permit, inspection and certificate of occupancy for the vacation rental use (or for the conversion of an existing dwelling unit to vacation rental use) are first obtained; and
(ii) Any pre-existing vacation rental uses shall not be considered a lawful non-conforming use under section 9.5-143 and must be discontinued in any land use districts that prohibit vacation rental uses no later than thirty (30) days after the effective date of this section. Except that a vacation rental use that was established, and had obtained all of the required state and local permits and licenses, (a) prior to September 15, 1986, (b) or under any Code provisions that expressly allowed vacation retail uses, may remain pursuant to Code section 9.5-143.
(4) Monroe County Code section 6.3-13 shall not bar code enforcement for new vacation rental violations occurring after the effective date of this section.
(5) Prima facie evidence of vacation rental uses of a dwelling unit shall include (i) registration or licensing for short-term rental or transient rental use by the state under F.S. Chs. 212 (Florida Tax and Revenue Act) and 509 (public lodging establishments), (ii) advertising or holding out a dwelling unit for vacation rental use, (iii) reservations, booking arrangements or more than one (1) signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of twenty-eight (28) days or less, or (iv) the use of an agent or other third person to make reservations or booking arrangements.

(6) A violation of any of the regulations in section 9.5-534(k)(1) through section 9.5-534(k)(3) shall be punishable as a second degree misdemeanor and by a fine of up to five hundred dollars ($500.00) per day, per unit, per violation. The code enforcement department may also enforce the terms of this section by bringing a case before the special master pursuant to Code section 6.3-14, or by citation under Code section 6.3-11, F.S. § 162.21 (as may be amended), or 76-435, Laws of Florida (as may be amended). If a code enforcement citation is issued, the fine shall be two hundred fifty dollars ($250.00) for the first offense and five hundred dollars ($500.00) for each subsequent offense.
(7) In addition to any other remedies available to Monroe County (including code enforcement pursuant to F.S. Ch. 162). Monroe County or any or other adversely affected party may enforce the terms of this section in law or equity. Any citizen of Monroe County may seek injunctive relief in a court of competent jurisdiction to prevent a violation of section 9.5-534 or to revoke a special vacation rental permit or vacation rental manager license, as set forth above. Attorney's fees and costs incurred in an action to enforce these regulations concerning vacation rental use(s) may be awarded to a substantially prevailing party at the discretion of the court.
(Ord. No. 4-1997, § 22; Ord. No. 030-1999, §§ 1, 2; Ord. No. 44-2000, § 4)

ATTACHMENT G

PROOF OF OWNERSHIP/WARRANTY DEED

Doc# 1699090 06/11/2008 2:30PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

06/11/2008 2:30PM
DEED DOC STAMP CL: LINDAR $6,300.00

Doc# 1699090
Bk# 2366 Pg# 188

RETURN TO:
John J. Wolfe, Esq.
2955 Overseas Hwy
Marathon, Florida 33050
THIS INSTRUMENT PREPARED BY:
Sheldon Evans, Esq.
3074 Lakewood Circle
Weston, Florida 33332
Tel: 954-349-3102

Parcel Identification/Alt. Key NO. 1461491

THIS WARRANTY DEED, made the 17th day of June, 2008 by
Raymond S. Kozlowski and Patricia Marie Reeder, jointly and severally,
hereinafter called the grantor, whose post office address is :
P.O. Box 425, Long Key, Florida. 33001
To :
Fausto Diaz and Maria Del Carmen Diaz, husband and wife whose post office address is:
10510 SW 142nd Avenue, Miami, Florida 33186, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individual, and the successors and assigns of corporations)

WITNESSETH, that the said grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, receipt whereof is hereby acknowledged hereby grants, bargains, sells, aliens, remises, releases conveys and confirms unto the grantee all that certain land situate in Monroe County, State of Florida, to-wit:

Lot 2, Block 8, INDIES ISLAND, Duck Key, Section 1, Part 1, as recorded in the Plat thereof, in Plat Book 5, Page 82, of the Public Records of Monroe County, Florida.

Subject to: covenants, conditions, restrictions, reservations, limitations and easements of record, and applicable zoning ordinances and assessments and taxes for the year ending December 31, 2008 and subsequent years.

TOGETHER, with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of the said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.
Signed, Sealed and Delivered in the presence of:

witness as to Grantor

Signature

witness as to Grantor

SHELDON EVANS.

Printed Signature

Raymond S. Kozlowski, Grantor Atty-in-Fact
by Patricia Marie Reeder, with Power of Attorney Printed

Patricia Marie Reeder, Grantor

STATE OF FLORIDA)
County of Monroe) ss.

The foregoing instrument was acknowledged before me this 10th day of June 2008 by Raymond S. Kozlowski under Power of Attorney to Patricia Marie Reeder.. and Patricia Marie Reeder, who executed the aforementioned Warranty Deed, in my presence and of who
[X] is personally known to me or[ ] has produced a Florida Driver's License _____ _____ _____ and _____ as photo identification.

Notary Public, State of Florida

My Commission Expires:

Sheldon Evans
Commission # DD473127
Expires October 24, 2009
800-386-7019

MONROE COUNTY
OFFICIAL RECORDS

ATTACHMENT H

PROPERTY RECORD CARD

Monroe County Property Record Card (023)

Alternate Key: 1461491
Effective Date: 11/5/2008 4:45:34 PM

Roll Year 2009
Run: 11/05/2008 04:45 PM

DIAZ,FAUSTO AND MARIA DEL CARMEN

10510 SW 142ND AVE
MIAMI FL 33186

Parcel 00377800-000000-16-65-34
Alt Key 1461491
Affordable Housing No
Inspect Date
Business Name
Physical Addr 1125 GREENBRIAR RD , DUCK KEY

Nbhd 5210
Mill Group 520D
PC 0800
Next Review

Associated Names

Name	DBA	Role
DIAZ, FAUSTO AND MARIA DEL CARMEN		Owner

Legal Description

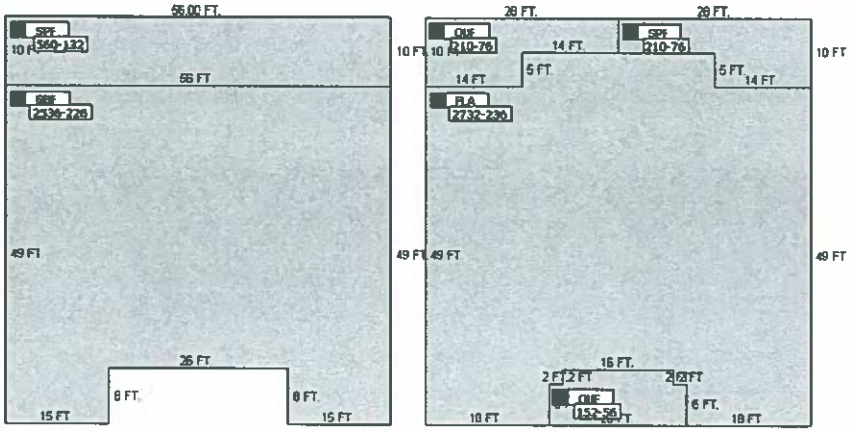
BK 8 LOT 2 DUCK KEY INDIES ISLAND SEC-1 PART-1 PB5-82 TOMS HARBOR OR354-517 OR820-400 OR983-2105 OR1008-781 OR1083-892 OR1622-1268R/S OR2366-188/89

Land Data 1.05

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
50685	080C	0	0	No	1.00	LT	50.00		1.00	1.00	1.00	1.00		N		

Total Just Value

Building Sketch 19743



Building Characteristics

Building Nbr	1	**Building Type**	R2	**Perimeter**	236	**Functional Obs**	0.00
Effective Age	11	**Condition**	G	**Depreciation %**	0.12	**Economic Obs**	0.00
Grnd Floor Area	2,732	**Quality Grade**	500	**Year Built**	1994	**Special Arch**	0

Inclusions: R2 includes 2 3-fixture baths and 2 kitchens.

Roof Type	1	**Roof Cover**	3	**Heat 1**	1	**Heat 2**	0	**Heat Src 1**	4	**Heat Src 2**	0	**Foundation**	6
Bedrooms	6												

Extra Features:	**2 Fix Bath**	0	**4 Fix Bath**	0	**6 Fix Bath**	0	**Extra Fix**	0	**Vacuum**	0	**Security**	0	**Garbage Disposal**	0
	3 Fix Bath	2	**5 Fix Bath**	0	**7 Fix Bath**	0	**Dishwasher**	0	**Intercom**	0	**Fireplaces**	0	**Compactor**	0

Sections

Type	Number	Exterior Wall Type	# Stories	Year Built	Attic	A/C	Basement %	Finished Bsmt %	Area	Sketch ID	SOH %
GBF	1	5:C.B.S.	1	1994	N	Y	0.00	0.00	2,536	000	50.00
SPF	2	:	1	1994	N	N	0.00	0.00	560	001	50.00
SPF	5	:	1	1994	N	N	0.00	0.00	210	004	50.00
FLA	6	5:C.B.S.	1	1994	N	Y	0.00	0.00	2,732	005	50.00

OUF	7	:	1	1994	N	N	0.00	0.00	152	006	50.00
OUF	8	0:	1	1994	N	N	0.00	0.00	210	007	50.00

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
13	PT3:PATIO	48	SF	100.00	12	4	1994	1995	2	50		
12	PT3:PATIO	21	SF	100.00	7	3	1994	1995	2	50		
11	PT3:PATIO	612	SF	100.00	0	0	2004	2005	2	50		
10	PO2:LOW COST POOL	468	SF	100.00	39	12	2004	2005	4	40		
9	AC3:AIR COND	1	UT	50.00	0	0	1993	1994	1	20		
8	DK4:WOOD DOCKS	846	SF	50.00	94	9	2002	2003	3	40		
7	PT3:PATIO	132	SF	50.00	33	4	1998	1999	2	50		
6	PT3:PATIO	176	SF	50.00	16	11	1998	1999	2	50		
5	PT3:PATIO	352	SF	50.00	88	4	1998	1999	2	50		
3	FN2:FENCES	138	SF	50.00	23	6	1994	1995	2	30		
2	SW2:SEAWALL	184	SF	50.00	92	2	1975	1976	3	60		
										Total Depreciated Value		

Appraiser Notes

RAYMOND KOZLOWSKI & PAT REEDER LIVE IN THE LEFT SIDE OF BLDG FLA TOTAL 2732 SOH 1366 50% 2004 BH 2003-12-3 FLA & OUF SQUARE TO TRAVERSE WOOD STAIRS 15X4 & 15X3 & 15X3 PF2000 BLD IS A DUPLEX, DOWNSTAIRS IS ONLY STORAGE & GARAGES. BLD HAS #'S 1 & 4 ON EXTERIOR DUE TO OWNERS RENTALS ON THE LEFT PROPERTY. 7/16/2003 TPP 8874472 - RENTAL

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	2202142	May 17 2002 12:00AM		9,000		INSTALL BRICK PAVERS
	9920157	Jan 7 2000 12:00AM	Jun 14 2002 12:00AM	5,000		REPLACE DOCK & 20 PILINGS
	3203683	Sep 3 2003 12:00AM	Dec 21 2004 12:00AM	34,000	Residential	POOL AND SPA

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	C	345,000	0	362,503	43,186	750,689	750,689	25,500	N	725,189
2007F	C	435,000	0	492,982	38,849	966,831	920,857	25,500	N	895,357
2006F	C	400,000	0	419,123	36,181	855,304	855,304	25,500	N	829,804
2005F	C	310,000	0	558,399	37,091	905,490	859,112	25,500	N	833,612
2004F	C	350,000		402,258	20,238	772,496	772,496	25,500	N	746,996
2003F	C	257,500		357,942	20,794	636,236	636,236	0		636,236
2002F	C	142,500		315,568	25,081	483,149	483,149	0		483,149
2001F	C	128,250		248,526	25,545	402,321	402,321	0		402,321
2000F	C	128,250		275,426	7,476	411,152	411,152	0		411,152
1999F	C	128,250		211,866	5,947	346,063	346,063	0		346,063
1998F	C	128,250		211,866	6,049	346,165	346,165	25,000		321,165
1997F	C	128,250		211,866	6,241	346,357	346,357	25,000		321,357
1996F	C	128,250		211,866	6,438	346,554	346,554	25,000		321,554
1995F	C	126,000		211,866	6,193	344,059	344,059	25,000		319,059
1994F	C	126,000		0	2,753	128,753	128,753	0		128,753
1993F	C	126,000		0	2,753	128,753	128,753	0		128,753
1992F	C	126,000		0	2,753	128,753	128,753	0		128,753
1991F	C	126,000		0	2,753	128,753	128,753	0		128,753
1990F	C	88,650		0	2,753	91,403	91,403	0		91,403
1989F	C	70,875		0	2,753	73,628	73,628	0		73,628
1988F	C	62,300		0	2,753	65,053	65,053	0		65,053
1987F	C	55,625		0	2,753	58,378	58,378	0		58,378
1986F	C	55,625		0	2,753	58,378	58,378	0		58,378
1985F	C	54,914		0	2,753	57,667	57,667	0		57,667
1984F	C	54,914		0	2,753	57,667	57,667	0		57,667
1983F	C	54,914		0	2,753	57,667	57,667	0		57,667
1982F	C	35,892		0	2,753	38,645	38,645	0		38,645

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/ U	Vacant	Sale Price
820	400	10/1/1980	Warranty Deed	0	U	V	16,000
983	2105	8/1/1986	Warranty Deed	0	Q	V	50,000
1008	781	3/1/1987	Warranty Deed	0	Q	V	75,000
1083	892	2/1/1989	Warranty Deed	0	Q	V	110,000
2366	188	6/10/2008	Warranty Deed	0	Q	I	900,000

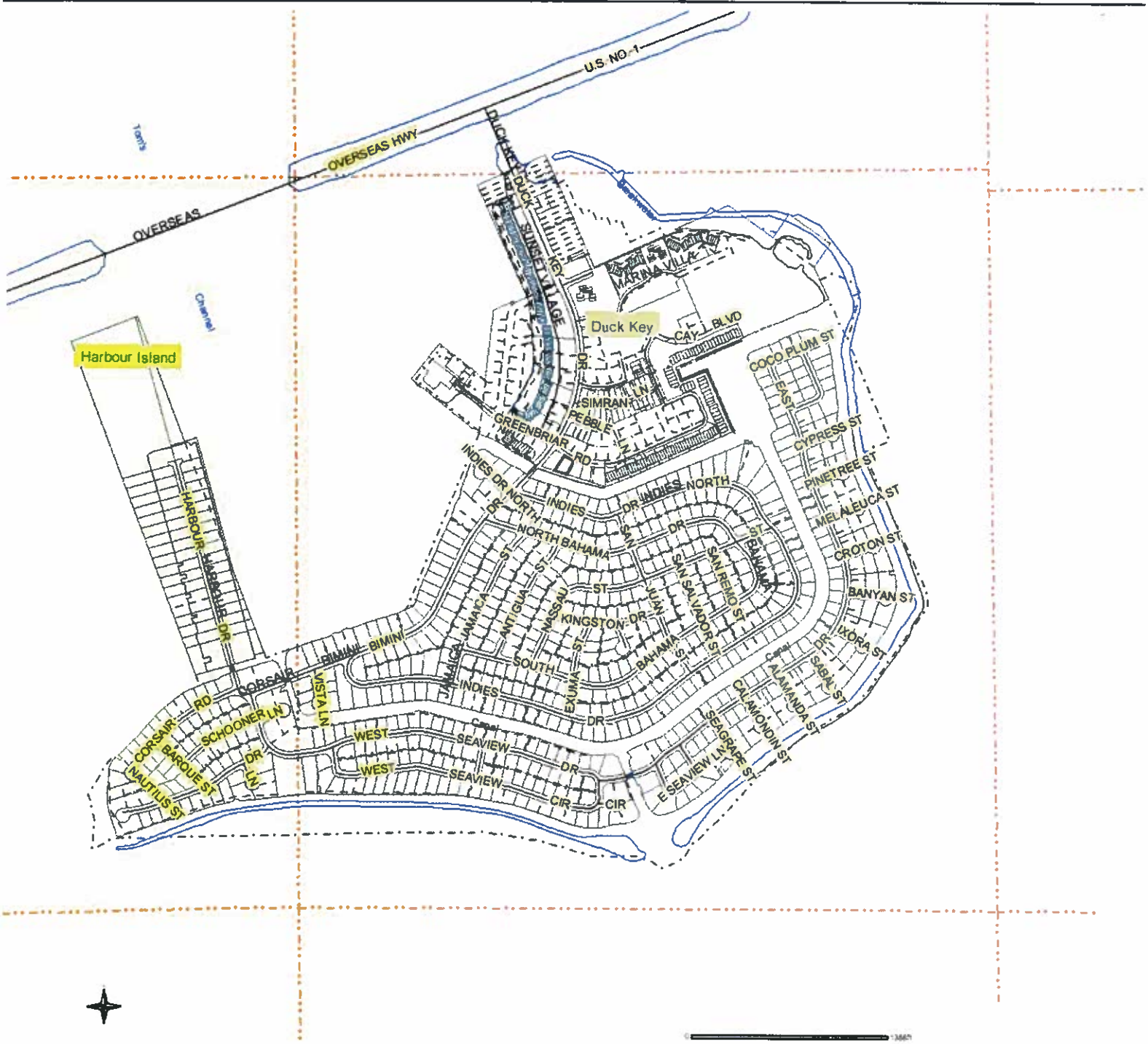
Exemptions

Code	Description	Value	Year	Renewal	%	Amount Applied
44	ADDL HOMESTEAD	25,000	2008	2	100.00	
02	WIDOWS	500	2004	2	50.00	
38	HOMESTEAD R/S	25,000	2004	2	100.00	

ATTACHMENT I

LOCATION MAP

Location Map



Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

PALMIS

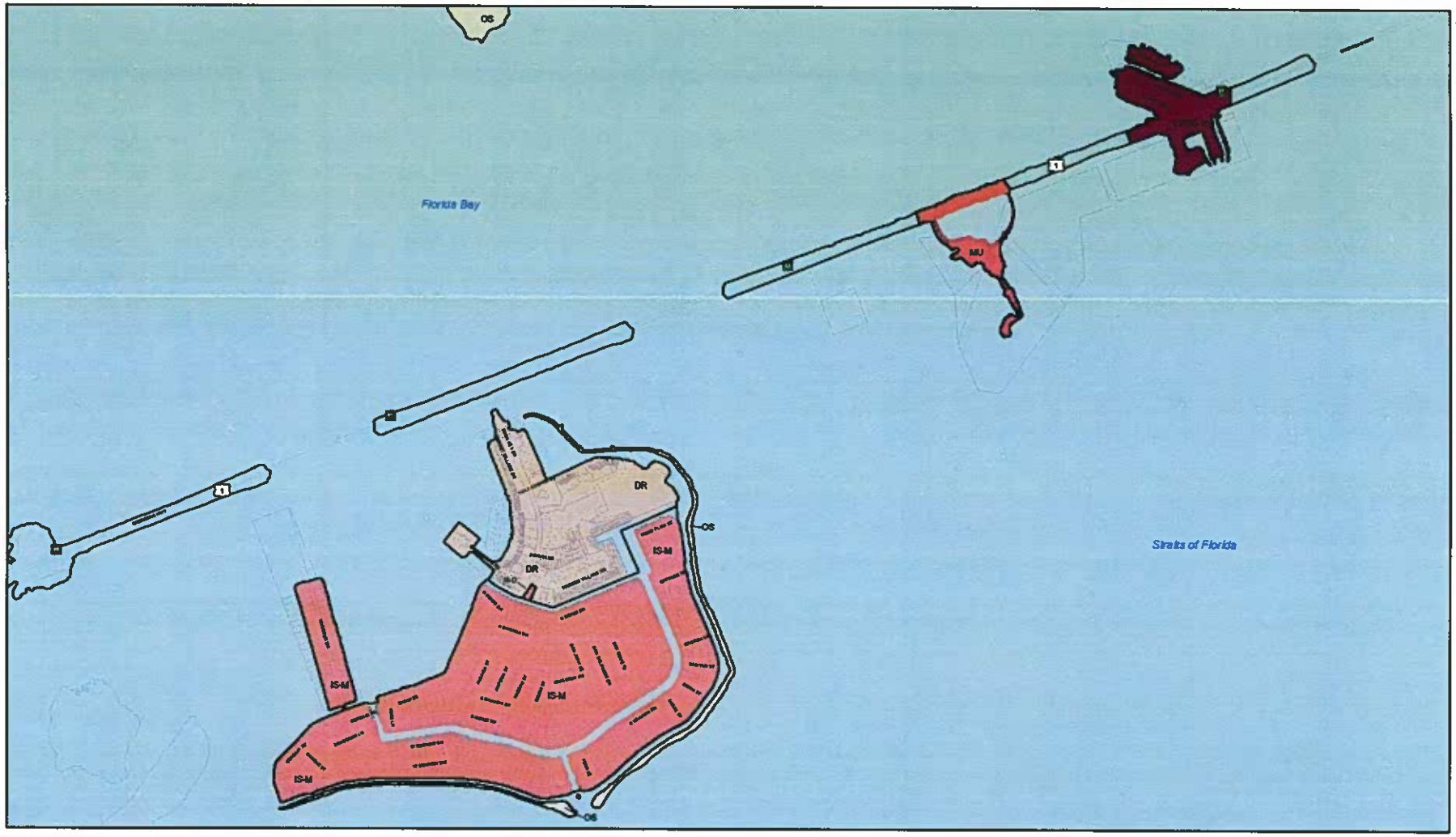
Legend
- Highlighted Feature
- Lot Lines
- Easements
- Road Centerlines
- Water Names
- Parcels
- Shoreline
- Section Lines

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: November 6, 2008 1:50 PM

ATTACHMENT J

LAND USE DISTRICT MAP



The base maps are not survey accurate, and the 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 features with respect to other 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.

ACCC Area of County Critical Concern
AD Airport
CD Conservation District
CFA Commercial Fishing Area
CFSD Commercial Fishing Special Dist.
CFV Commercial Fishing Village
DR Destination Resort
I Industrial
IS Improved Subdivision
IS-D Improved Subdivision (Duplex)
IS-DM Improved Subdivision (Duplex Masonry)
IS-M Improved Subdivision (Masonry)
MF Military Facilities
MI Maritime Industries
MN Mainland Native Area
MU Mixed Use
NA Native Area
OS Offshore Island Area
PR Park and Refuge Area
Research Park
RV Recreational Vehicle
SC Suburban Commercial
SR Suburban Residential
SR-L Suburban Residential Limited
SS Sparsely Settled
UC Urban Commercial
UR Urban Residential
URM Urban Residential Mobile Home
URM-L Urban Residential Mobile Home Limited

Monroe County, Florida Land Use District Map

Supplement: 000 Date: January 17, 2007

Certified by the County Commission Resolution No. ____

N

0 2 4 8 12 Miles

____ Aref Joulani, Director of Planning & Environmental Resources

____ Andrew Trivette, Director of Growth Management

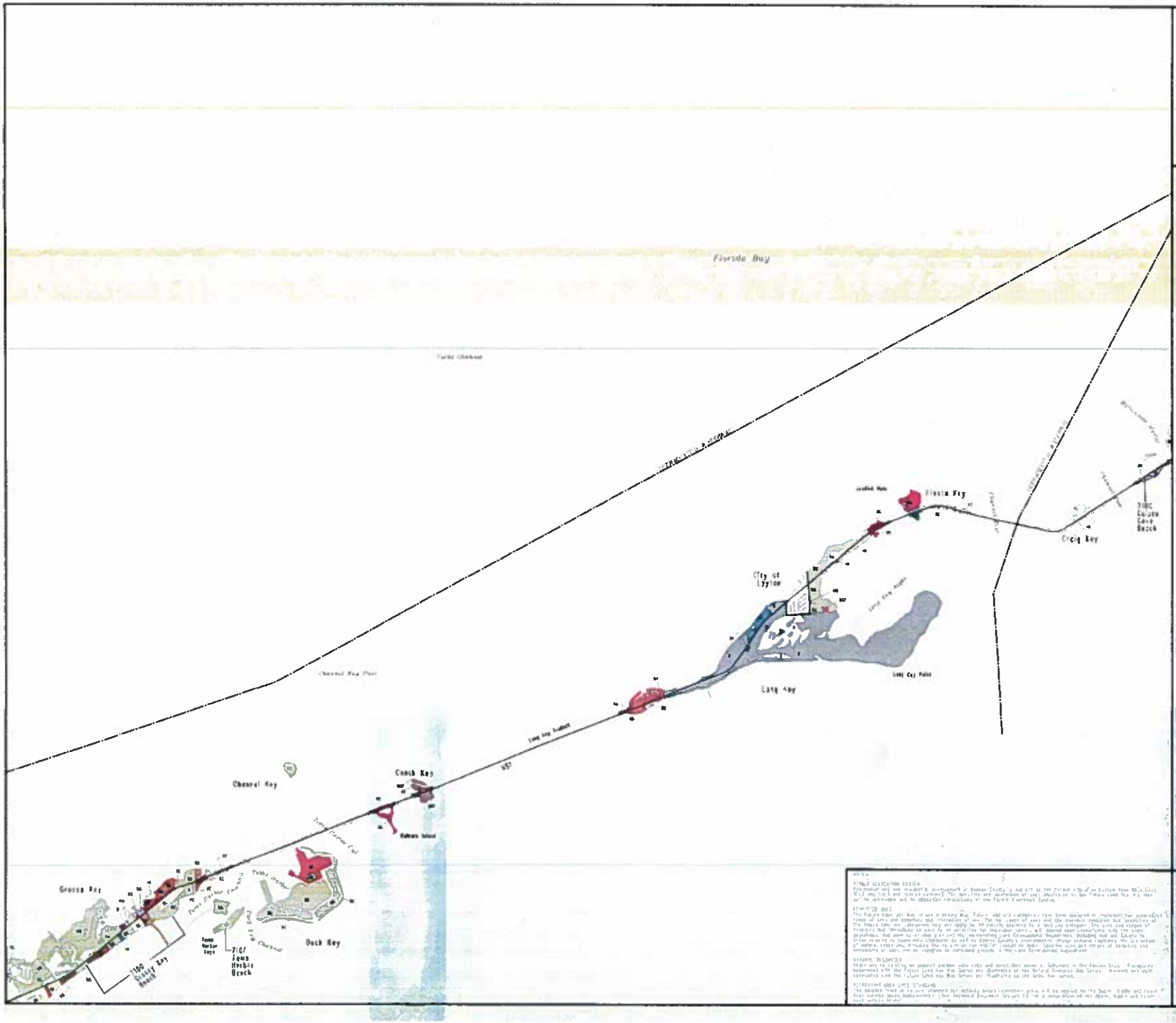
Sheet: 250


QS
DR
IS-D
IS-M

ATTACHMENT K

FUTURE LAND USE MAP

MONROE COUNTY
YEAR 2010
COMPREHENSIVE PLAN



FUTURE LAND USE

RESIDENTIAL
- Residential Conservation
- Residential-Low
- Residential Medium
- Residential High

COMMERCIAL
- Mixed Use/Commercial
- Mixed Use/Commercial-Fishing

OTHER
- Industrial
- Agriculture
- Institutional
- Education
- Public Buildings/Grounds
- Public Facilities
- Airport Support
- Military
- Recreational
- Conservation
- Improvedland Sites
- Historic Districts

NOTES:
(1) on Sand Key, Residential Medium Commercial, or Recreational are to be allowed in the existing residences at the site and
(2) 10% of Sites are to be limited to less than as provided in Section 9.5-120.

SOURCES:
Adopted Maps & Data, 1986
U.S. Fish and Wildlife Service, and
Florida Department of Natural Resources, 1986
Monroe County Growth Management Division, 1986

REPORTED BY:
Monroe County, Growth Management Division

Map Scale is 1:24000

0 1mi 2mi 3mi 4mi 5 MI

ADOPTED JAN. 1997

MAP 4

ATTACHMENT L

PROPERTY PHOTOS

Aerial - Diaz

Legend

- Highlighted Feature
- Real Estate Number
- Parcel Lot Text
- Dimension Text
- Block Text
- Point of Interest Text
- Hooks/Leads
- Lot Lines
- Easements
- Road Centerlines
- Water Names
- Parcels
- Shoreline
- Section Lines
- 2006 Aerials

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

Date Created: November 5, 2008 4:51 PM

D138 Diaz Map Amendment

ATTACHMENT M

SURVEY

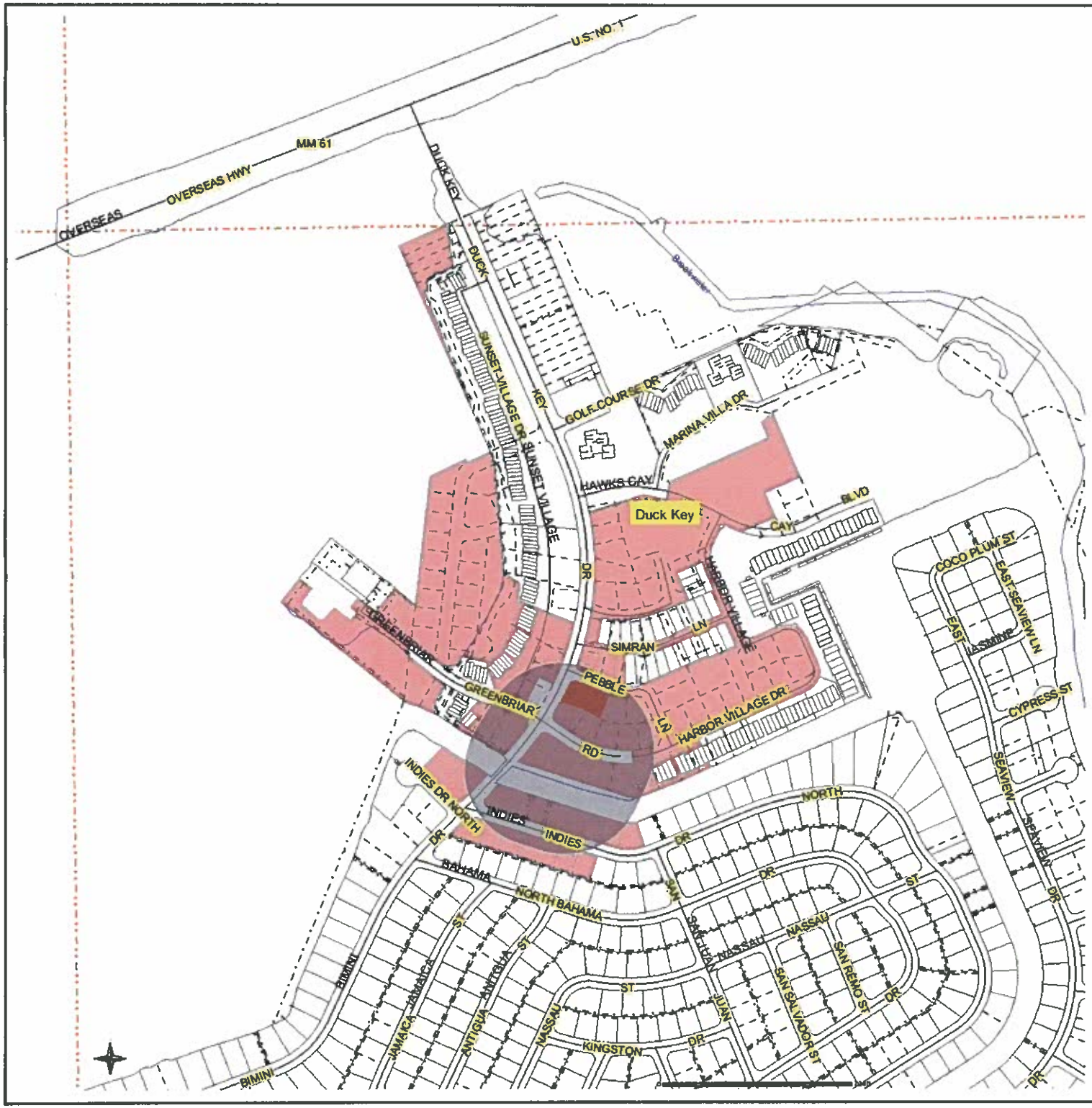
ATTACHMENT N

RADIUS REPORT AND MAILING LABELS

300 Ft. R

Parcel RE#	Owner Name	City	State	Zip
00380830-000000	MARTIN BROTHE	MIAMI	FL	33165
00377770-000400	PHILLIPS RICHA	OXFORD	MI	48371
00377770-000600	PRIMM SUSAN L	PITTSBURGH	PA	15205
00377770-000100	WHITNEY WILLI	MARATHON	FL	33050
00378670-000000	CABRERA-RODR	MIAMI	FL	33143
00377770-001000	URRUTIA RUBEN	MIAMI	FL	33173
00377820-000000	PONTON LEOVAL	MIAMI	FL	33186
00380810-000000	CAO ROBERTO &	MIAMI	FL	33015
00380820-000000	MARTIN FIDE &	MIAMI	FL	33165
00380850-000000	KOZAK DAVID F	CHESTERTON	IN	46304
00377810-000000	DIAZ FAUSTO	DUCK KEY	FL	33050
00377770-000200	HOCK KEITH C A	DUCK KEY	FL	33050
00378660-000000	HANSEN MICHAE	NOVI	MI	48374
00379440-000000	GROSS CHARLES	ST CLOUD	FL	34769
00379460-000000	LANCASTER BRI	LEESBURG	VA	20176
00379430-000000	CROWLEY WILLI	SANFORD	FL	32771
00377800-000000	DIAZ FAUSTO AN	MIAMI	FL	33186
00377770-000500	AYRES JAMES D	DUCK KEY	FL	33050
00379410-000000	CHIPLEY ROBERT	SHERMAN	CT	06784-1737
00379390-000000	ENQUIST ROY J	DUCK KEY	FL	33050
00377770-000700	SHULTZ DUANE	GENEVA	IL	60134
00377790-000000	VOF LLC	PITTSTOWN	NJ	8867
00380840-000000	KOZAK DAVID F	CHESTERTON	IN	46304
00379450-000000	116 INDIES LLC	ST CLOUD	FL	34769
00379400-000000	LIERMANN EMILY	DUCK KEY	FL	33050
00380860-000000	LLORENTE CARL	PLANTATION	FL	33317
00377770-000800	SPIVEY RANDALL	FORT MYERS	FL	33908
00377770-000300	O'TOOLE BRUCE	DUCK KEY	FL	33050
00380870-000000	SNYDER RICHAR	PALM COAST	FL	32135
00377770-001200	SHATTUCK GEOR	ISLAMORADA	FL	33036
00378380-000000	BH/NV HAWK'S C	ADDISON	TX	75001
00379420-000000	WATKINS EDWAR	PORTLAND	OR	97201-5073
00377770-001100	SEEMES TODD	MARATHON	FL	33050
00378380-000700	VILLAGE AT HAW	MARATHON	FL	33050
00378381-000259	KLEIN EDWARD 8	SEABROOK	TX	77586
00378381-000258	F AND W FLORID	BELLEVILLE	MI	48112
00378380-000600	VILLAGE AT HAW	MARATHON	FL	33050
00378381-000248	CRANDALL DAVI	EAST HAVEN	CT	6512
00378390-000700	VILLAGE AT HAW	MARATHON	FL	33050
00377770-000900	KEHOE RONALD J	MARATHON	FL	33050
00377830-000000	BLALOCK WILLIA	MELBOURNE	FL	32934
00378380-000900	SANCTUARY AT H	MARATHON	FL	33050
00378381-000373	C & FL ENTERPRI	OAK BROOK	IL	60523
00378381-000261	7004 GROUP LLC	PARKLAND	FL	33076
00378381-000260	GREER JAMES D &	PARKLAND	FL	33076-4259
00378381-000250	LOHEC HARROLD	PEARLAND	TX	77581
00378381-000374	KELLOGG WILLIA	HENDERSON HARBOR	NY	13651
00378380-000800	VILLAGE AT HAW	MARATHON	FL	33050
00378381-000252	RENNARDSON IA	HILDENBOROUGH	KENT	TN11 9EL UK
00378381-000253	WILLIAMSON RO	LONG KEY	FL	33001
00378381-000249	NONEMAKER BAR	YORK	PA	17402
00378381-000246	VERREAULT DANI	PARRISH	FL	34219
00378381-000372	CARROLL WILLIA	ROSSFORD	OH	43460

Radius Map



Legend

- theBuffer
- theBufferTarget
- Hooks/Leads
- Lot Lines
- Easements
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PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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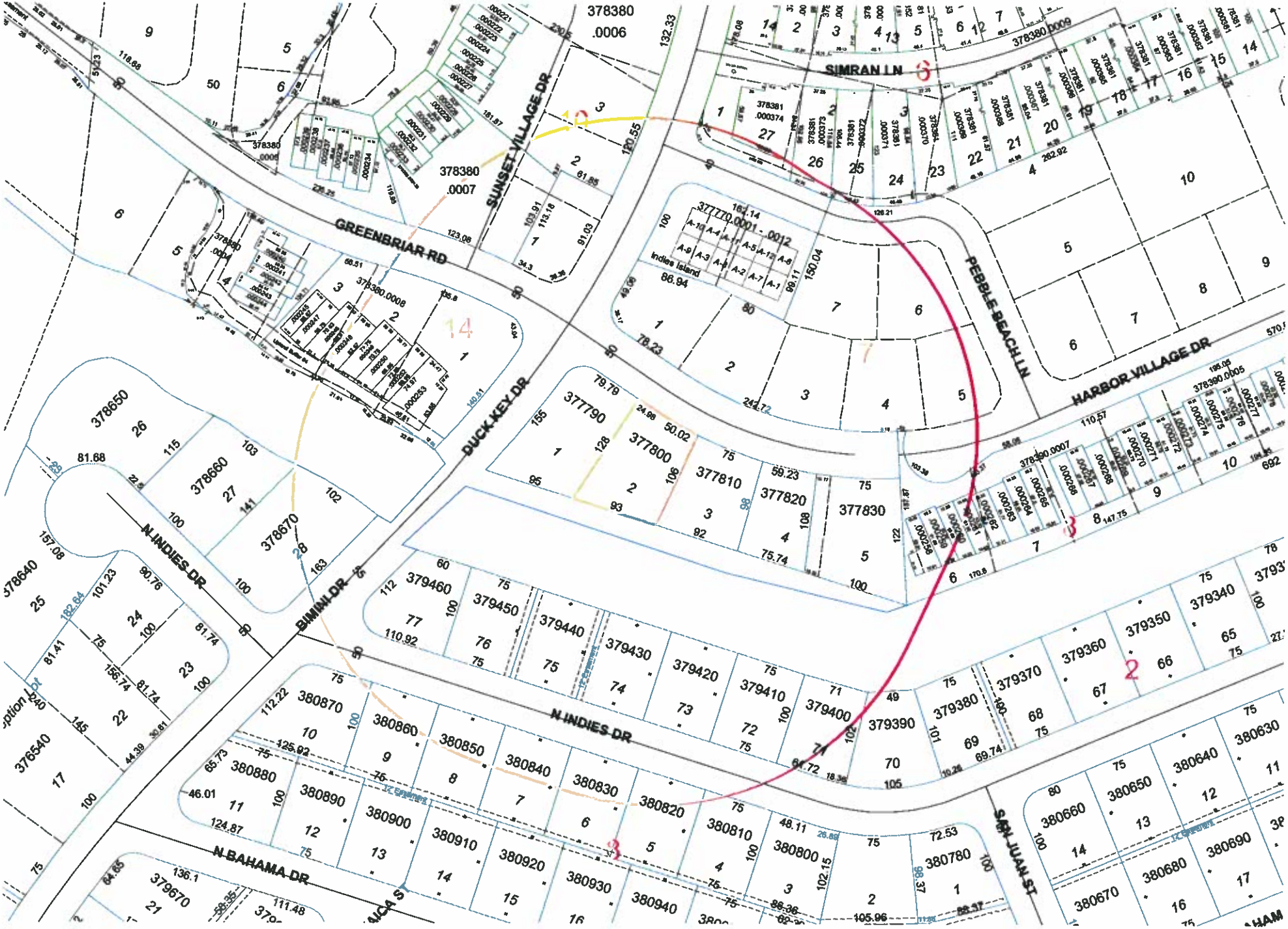
Date Created: February 5, 2009 9:40 AM


SIMRAN LN
SUNSET VILLAGE DR
GREENBRIAR RD
PEBBLE BEACH LN
HARBOR VILLAGE DR
DUCK KEY DR
N INDIES DR
BIMINI DR
N BAHAMA DR
SAN JUAN ST
Indies Island

Mailing Labels – Diaz February 2009

116 INDIES LLC C/O GROSS CHARLES N JR TRUSTEE
1136 NEW YORK AVE
ST CLOUD FL 34769

7004 GROUP LLC THE
7599 NW 117TH LANE
PARKLAND FL 33076

AYRES JAMES D IV AND ANDREA H/W
196 S INDIES DR
DUCK KEY FL 33050

BH/NV HAWK'S CAY PROPERTY HOLDINGS LLC C/O
BEHRINGER HARVARD FUNDS
15601 DALLAS PKWAY STE 600
ADDISON TX 75001

BLALOCK WILLIAM & NANCY REV LIV TR THE (6-16-98)
4565 LAKE WASHINGTON DR
MELBOURNE FL 32934

C & FL ENTERPRISES LP
148 ST FRANCIS CIR
OAK BROOK IL 60523

CABRERA-RODRIGUEZ ILEANA & DE LA PENA LAURA E T/C
7420 SW 66 ST
MIAMI FL 33143

CAO ROBERTO & OLGA
7301 COLDSTREAM DR
MIAMI FL 33015

CARROLL WILLIAM AND CATHERINE
418 RIVERSIDE DR
ROSSFORD OH 43460

CHIPLEY ROBERT T & HEATHER J
18 ATCHISON COVE RD
SHERMAN CT 06784-1737

CRANDALL DAVID JASON S
233 MANSFIRLD GROVE RD
EAST HAVEN CT 6512

CROWLEY WILLIAM P C/O WALLACE GEORGE B AND JULIE A (T/C)
700 WEST FIRST ST
SANFORD FL 32771

DIAZ FAUSTO
1124 GREENBRIAR RD
DUCK KEY FL 33050

DIAZ FAUSTO AND MARIA DEL CARMEN
10510 SW 142ND AVE
MIAMI FL 33186

Mailing Labels – Diaz February 2009

ENQUIST ROY J
128 N INDIES DR
DUCK KEY FL 33050

F AND W FLORIDA PROPERTIES LLC
P O BOX 770
BELLEVILLE MI 48112

GREER JAMES D & JANEY L & GREER JOHN L &
JACQUELINE R T/C
7599 NW 117TH LN
PARKLAND FL 33076-4259

GROSS CHARLES N JR FAMILY TRUST 04/13/2005 C/O
GROSS CHARLES N JR TRUSTEE
1136 NEW YORK AVE
ST CLOUD FL 34769

HANSEN MICHAEL E & PATRICIA A
24323 LYNWOOD DRIVE
NOVI MI 48374

HOCK KEITH C AND STELLA A H/W
320 E SEAVIEW DR
DUCK KEY FL 33050

KEHOE RONALD J & JANE
1129 PEBBLE BEACH LANE APT 9
MARATHON FL 33050

KELLOGG WILLIAM AND BONNIE
BOX 59
HENDERSON HARBOR NY 13651

KLEIN EDWARD & ADELAIDE
2529 DU LAC TRA
SEABROOK TX 77586

KOZAK DAVID F & GARY A
1580 HOGAN AVE
CHESTERTON IN 46304

LANCASTER BRIAN P & CHRISTINE A
14500 WOODSTAR CT
LEESBURG VA 20176

LIERMANN EMILY C
126 INDIES DRIVE N
DUCK KEY FL 33050

LLORENTE CARLOS M & MARIA D
5470 SW 17TH STREET
PLANTATION FL 33317

LOHEC HARROLD L & AMANDA KAY
2201 GREEN TEE DR
PEARLAND TX 77581

Mailing Labels – Diaz February 2009

MARTIN BROTHERS INC
3616 SW 108 AVE
MIAMI FL 33165

MARTIN FIDE & YOLANDA
3616 SW 108 AVE
MIAMI FL 33165

NONEMAKER BARRY G & NEDRA M
566 CHESTNUT HILL RD
YORK PA 17402

O'TOOLE BRUCE
1129 PEBBLE BEACH LN
DUCK KEY FL 33050

PHILLIPS RICHARD L & SHERYL A
650 SOUTH SHORE DR
OXFORD MI 48371

PONTON LEOVALDO & CECILIA & DIAZ FAUSTO &
MARIA DEL CARMEN (H/W) T/C
10510 SW 142 AVE
MIAMI FL 33186

PRIMM SUSAN LEIGH
276 EWING ROAD
PITTSBURGH PA 15205

RENNARDSON IAN & LORNA RUSSETTS APPLEA
BLOSSOM LANE
108 TONBRIDGE ROAD
HILDENBOROUGH KENT TN11 9EL UK

SANCTUARY AT HAWKS CAY PROP OWNERS ASSOC
INC
6805 OVERSEAS HWY
MARATHON FL 33050

SEEMES TODD
1129 PEBBLE BEACH LN
MARATHON FL 33050

SHATTUCK GEORGE P AND CINDY A
161 EL CAPITAN DR
ISLAMORADA FL 33036

SHULTZ DUANE J DEC TR DTD 03/07/2008 C/O SHULTZ
DUANE J TRUSTEE
2321 VANDERBUILT DRIVE
GENEVA IL 60134

SNYDER RICHARD A & NANCY I
P O BOX 350593
PALM COAST FL 32135

SPIVEY RANDALL L JR AND TRICIA A
15151 INTRACOASTAL
FORT MYERS FL 33908

Mailing Labels – Diaz February 2009

URRUTIA RUBEN B & ODETTE C
11101 SNAPPER CREEK DRIVE
MIAMI FL 33173

VERREAULT DANIEL A
12182 MAPLE RIDGE DR APT 402
PARRISH FL 34219

VILLAGE AT HAWK'S CAY PROPERTY OWNERS ASSOC INC
800 DUCK KEY DR
MARATHON FL 33050

VOF LLC
19 RACE ST
PITTSTOWN NJ 8867

WATKINS EDWARD C
2221 SW 1ST AVENUE 2123
PORTLAND OR 97201-5073

WHITNEY WILLIAM H TRUST 9/24/2008
1129 PEBBLE BEACH LANE UNIT 1
MARATHON FL 33050

WILLIAMSON ROBERT F
PO BOX 431
LONG KEY FL 33001

ATTACHMENT O

LETTER OF AUTHORIZATION

OCTOBER 31, 2008
(Date)

I hereby authorize The Craig Company be listed as authorized agent
(Name of Agent)

for Fausto Diaz and Maria Del Carmen Diaz for the purpose of conducting all business necessary to
(Name of Owner(s) / Applicant)

process and obtain approval in regard to Lot 2, Block 8, INDIES ISLAND, Duck Key for Land Use District Map Amendment
(Project Name) (Application Type)

for Real Estate No(s): 00377800-000000 from the Monroe County Planning and Environmental Resources Department.

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 liabilities involved in the granting of this agency and accepts full responsibility (thus holding Monroe County harmless) for any and all of the actions of the agent named, related to the acquisition of permits for the aforementioned applicant.

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.

Fausto Diaz Maria del Carmen Diaz
Owner(s) / Applicant Signature

Fausto Diaz Maria Del Carmen Diaz
Printed Name of Owner(s) / Applicant

NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 31st **day of** OCTOBER, **20**08.
Fausto Diaz and Maria Del Carmen Diaz are ~~is~~ ✓ **personally known** ✓ **produced identification**
(FLORIDA DRIVERS LICENSES **Type of Identification), did / did not take an oath.**

Notary

LISA ZIELS
MY COMMISSION # DD692028
EXPIRES October 19, 2011
(407) 398-0153 FloridaNotaryService.com

SKETCH OF BOUNDARY SURVEY

SECTION 21-65-34
SHEET 2 OF 8
OF PLAT

LEGAL DESCRIPTION AS FURNISHED BY CLIENT:
LOT 2, BLOCK 8, INDIES ISLAND, DUCK KEY, SECTION 1, PART 1, AS RECORDED IN THE PLAT THEREOF, IN PLAT BOOK 5, PAGE 82, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA

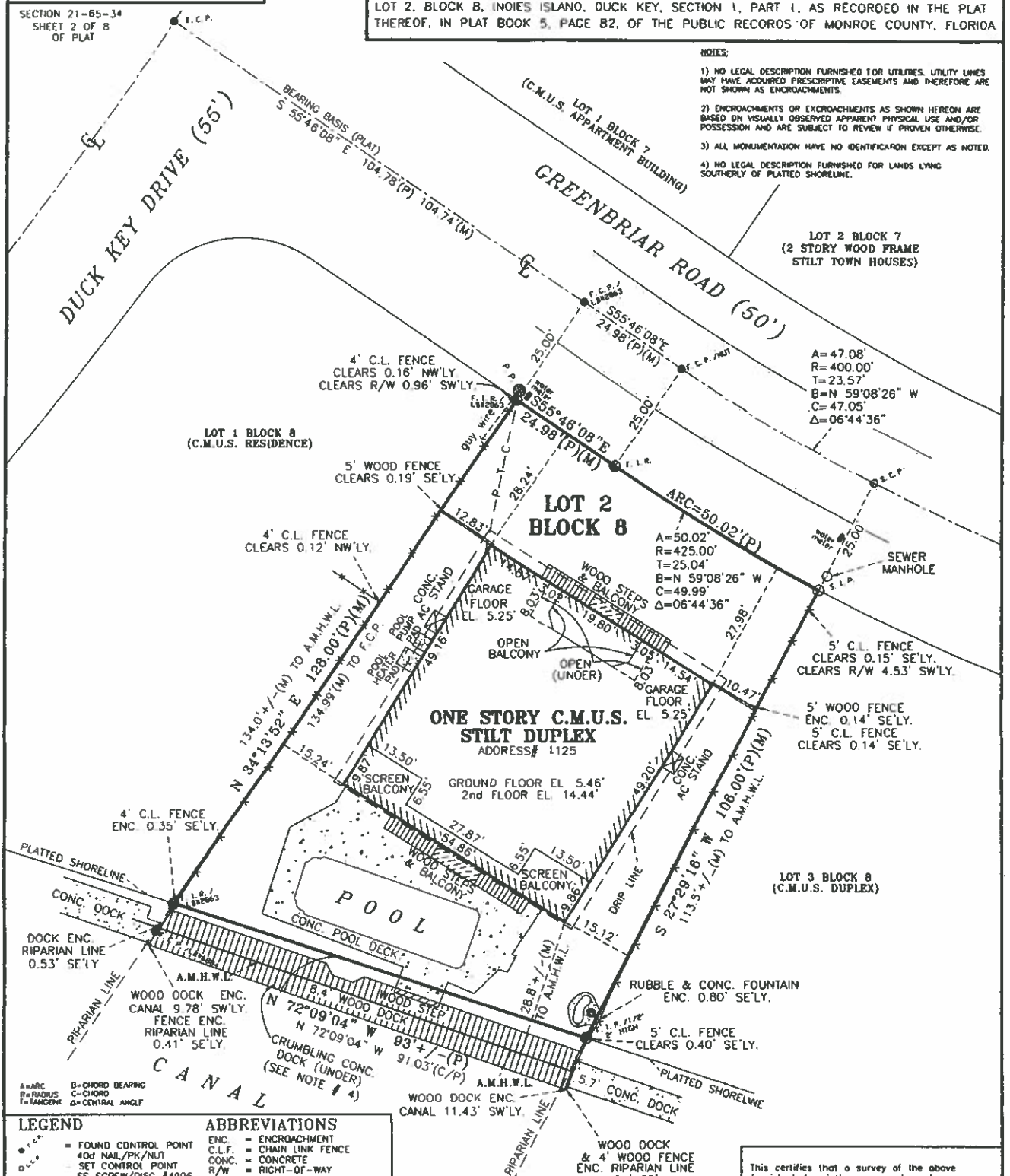
NOTES:

1) NO LEGAL DESCRIPTION FURNISHED FOR UTILITIES. UTILITY LINES MAY HAVE ACQUIRED PRESCRIPTIVE EASEMENTS AND THEREFORE ARE NOT SHOWN AS ENCROACHMENTS.

2) ENCROACHMENTS OR EXCROACHMENTS AS SHOWN HEREON ARE BASED ON VISUALLY OBSERVED APPARENT PHYSICAL USE AND/OR POSSESSION AND ARE SUBJECT TO REVIEW IF PROVEN OTHERWISE.

3) ALL MONUMENTATION HAVE NO IDENTIFICAION EXCEPT AS NOTED.

4) NO LEGAL DESCRIPTION FURNISHED FOR LANDS LYING SOUTHERLY OF PLATTED SHORELINE.



LEGEND

- F.C.P. = FOUND CONTROL POINT 40d NAIL/PK/NUT
- S.C.P. = SET CONTROL POINT SS SCREW/DISC #4906
- F.I.P. = FOUND 3/4" PIPE /SIZE/CAP TYPE
- S.I.P. = SET 3/4" PIPE /LS#4906
- F.I.R. = FOUND 5/8" REBAR /SIZE/CAP TYPE
- P.R.M. = PERMANENT REFERENCE MONUMENT
- P.P. = POWER POLE /RENCH MARK
- = INDICATES CONCRETE
- TYP = TYPICAL
- 'LY. = ERLY
- A.K.A. = ALSO KNOWN AS
- C.M.U.S. = CONCRETE MASONRY UNIT STRUCTURE
- -P-T C- = AERIAL POWER, TELEPHONE, AND/OR CABLE LINES
- A.M.H.W.L. = APPROXIMATE MEAN HIGH WATER LINE ACCORDING TO ARMY CORP OF ENGINEER'S ESTIMATE
- EL. = ELEVATIONS (SHOWN THUS X 5.00') ARE RELATIVE TO 1929 NATIONAL GEODETIC VERTICAL DATUM. MONUMENT #_U 328__ ELEVATION__11.22'____

100 Year Coastal Flood Zone__AE__ Base Flood Elevation__8'____
FIRM NO.120681 PANEL NO. __1168__ __K__ REV. 02/18/05

NOTE: UNDERGROUND ENCROACHMENTS OR CONDITIONS IF ANY ARE NOT LOCATED.
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.

ABBREVIATIONS

- ENC. = ENCROACHMENT
- C.L.F. = CHAIN LINK FENCE
- CONC. = CONCRETE
- R/W = RIGHT-OF-WAY
- (P) = PLAT
- (M) = MEASURED
- (C) = CALCULATED
- (D) = DEED/DESCRIPTION
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.C. = POINT OF CURVE
- P.I. = POINT OF INTERSECTION
- P.T. = POINT OF TANGENT
- ℄ = CENTERLINE
- A/C = AIR CONDITIONER
- BALC. = BALCONY
- CANT. = CANTILEVER
- /// = BROKEN LINE (NOT TO SCALE)

This certifies that a survey of the above furnished description was made under my supervision and the survey meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
Date Survey completed____09/15/08_____
IMPROVEMENT LOCATION AND BOUNDARY SURVEY
FOR THE BENEFIT OF:
FAUSTO DIAZ AND MARIA DEL CARMEN DIAZ, HUSBAND AND WIFE
JOHN J. WOLFE, P.A.
ATTORNEYS' TITLE INSURANCE FUND, INC.

JOHN PAUL GRIMES, III, S & M., NO. 4906
NOT VALID WITHOUT SIGNATURE & ORIGINAL RAISED SEAL
THIS SURVEY IS NOT ASSIGNABLE.
THIS SURVEY SUBJECT TO A TITLE SEARCH.

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER
P.O. BOX 510403 #14 6th STREET
KEY COLONY BEACH, FL. 33051-0403
PH. (305) 743-4510
FAX (305) 743-3277

P.N. 080807 | BT

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: **Monroe County Planning Commission**

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

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

Date: **March 31, 2009**

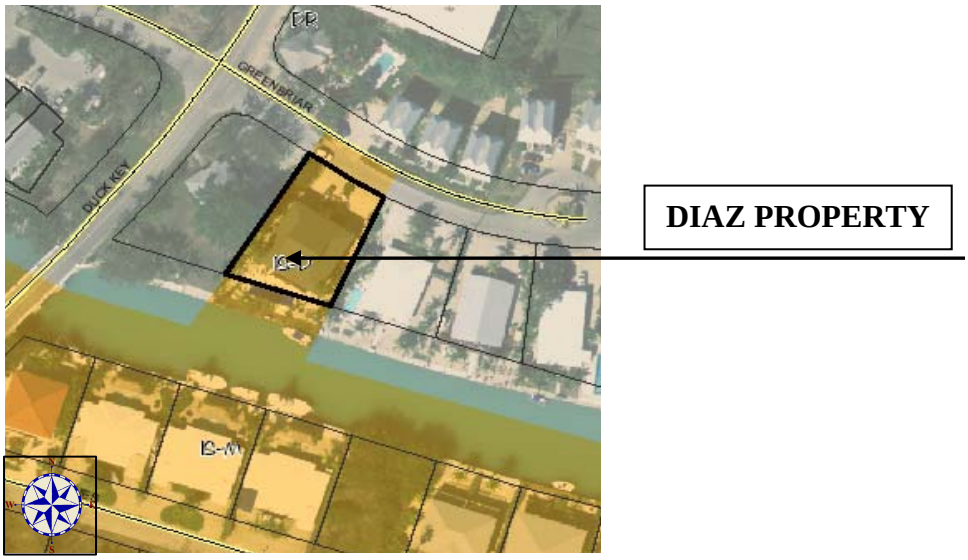
Subject: ***Request for an Amendment to the land use district for Fausto and Maria Del Carmen Diaz, 1125 Greenbriar Road, Duck Key, Real Estate Number 00377800-000000***

Meeting Date: April 22, 2009

I REQUEST

A request by the Craig Company on behalf of Fausto and Maria Del Carmen Diaz, to amend the land use district designation from Improved Subdivision – Duplex (IS-D) to Improved subdivision – Vacation Rental (IS-V), in accordance with Section 130-83 of the Monroe County Code, to allow vacation rental uses at 1125 Greenbriar Road, Duck Key. The property is legally described as Block 8, Lot 2, Duck Key Indies Island Section 1, Part 1, PB5-82 Toms Harbor, Monroe County, Florida, having Real Estate Number 00377800-000000.

Existing Land Use District Map



A. Legal Description: PB 5-82 Block 8, Lot 2, Duck Key Indies Island Section 1, Part 1, Toms Harbor
B. Real Estate Number: 00377800-000000
C. Applicant/Petitioner: Craig Company
D. Property Owners: Fausto and Maria Del Carmen Diaz

II PROCESS

In accordance with the provisions set forth in Sec. 102-158 of the Monroe County Code (MCC), amendments may be proposed by the Board of County Commissioners (BOCC), 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 the text and map amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment to the text or to the land use district map. 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, and shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt an ordinance approving the proposed amendment. Ordinances are then reviewed by the Florida Department of Community Affairs.

In the event of a written protest against such amendment signed by the owners of twenty (20) percent or more either of the area of the lots or land included in the proposed amendment or of the lots or land immediately adjoining the property to be affected and extending two hundred (200) feet there from, such amendment shall not become effective except by the favorable vote of four (4) members of the BOCC.

III RELEVANT PRIOR COUNTY ACTIONS

This property is platted on Plat Book 5, Page 82 of the Public Records of Monroe County. Pre-1986 zoning on the subject property was Multiple-Family Residential District (RU-3). In 1986, the property was rezoned Destination Resort (DR) as part of the overall approval for the Development of Regional Impact for the resort community commonly known as Hawks Cay (Monroe County BOCC Resolution No. 365-1986).

In 1987, the property was rezoned to Improved Subdivision-Duplex (IS-D) in order to retain the multi-family status of the property that was in effect prior to 1986 (Ordinance 039-1987). The existing lawfully permitted duplex was completed in 1994.

On April 7, 2009, the Monroe County Development Review Committee held a public meeting to review the request filed by The Craig Company on behalf of Fausto and Maria Del Carman Diaz to amend the current land use designation form Improved Subdivision –

Duplex (IS-D) to Improved Subdivision - Vacation Rental (IS-V) for the subject property located at 1125 Greenbriar Road, Duck Key. The DRC supported the staff decision to recommend approval to the Monroe County Planning Commission.

IV BACKGROUND INFORMATION

A. Size of Site: 9,644 Square Feet (0.22 acres)
B. Tier Designation: Tier III
C. Flood Zone: AE
D. Existing Use: Developed
E. Existing Vegetation / Habitat: Cleared
F. Community Character of Immediate Vicinity: The neighborhood consists of residential uses.

V REVIEW OF APPLICATION

A. *Consistency of the proposed amendment with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:*

Goals, Objectives and Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to the proposed amendments include:

- 3.1: Future Land Use

  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.

Staff has determined that the proposed map amendment is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of the Monroe County Code, Land Development Regulations:*

In accordance with MCC Sec. 102-158(d)(5)b, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors:

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

Applicant Statement: Prior to 1986, the subject property was zoned RU-3, suitable for multi-family use. The property is located within the boundaries of the Development of Regional Impact (DRI) commonly known as "Hawks Cay", by Monroe County Board of County Commissioners Resolution No. 365-1986. Originally zoned Destination Resort (DR) as part of the DRI, the property owner at the time successfully petitioned to retain multifamily status for the then vacant lot pursuant to Ordinance 039-1987.

The property currently supports a legally permitted duplex completed in 1994. The property is located on the Greenbriar Road cul-de-sac, which is built out and consists of primarily of duplex construction (both pre- and post- 1986) with vacation rentals in place.

The requested change to Improved Subdivision-Vacation Rental (IS-V) is not anticipated to cause a change in the public service needs of either the subdivision, or Hawks Cay as a whole – the sole purpose of the IS-V designation is to permit the property owner to enjoy the same vacation rental rights as the neighboring and immediately adjoining properties zoned DR.

Staff Response: Staff has no comment regarding the DRI, since it is not relevant to this application. Staff has determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(1) Changed projections.

ii. *Changed assumptions (e.g., regarding demographic trends);*

Applicant Statement: BOCC Ordinances No. 004-1997, 030-1999, and 044-2000 amended the Code to provide criteria to establish vacation rental uses in existing land use districts and included the creation of the IS-V land use district. These changes occurred to provide a regulatory framework for control of vacation rental uses while providing some flexibility for property owners in residential areas to legally use their property for short term rentals of up to 28 days in response to market trending that included longer stays by vacationers.

Staff Response: The parcels adjacent to the subject property to the north, east, and west are zoned Destination Resort (DR), which allows vacation rentals The proposed rezoning to IS-V would therefore be compatible with the character of the surrounding area. Staff has determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(2) Changed assumptions.

iii. *Data errors, including errors in mapping, vegetative types and natural features described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan*;

Applicant Statement: There have been no errors noted in mapping, vegetative types, or natural features. The subject property was rezoned from DR to IS-D by map amendment in 1987 and is developed with a duplex and no significant vegetation. While the scale of the Monroe County Future Land Use Maps is such that it is difficult to identify a single lot, Monroe County Planning Department Staff has determined that the FLUM for the property is Residential Medium (RM) – an overlay category that does not include DR.

Staff Response: Not applicable

iv. *New issues*;

Applicant Statement: Ordinance 004-1997, as adopted by the BOCC, created Section 9.5-242.5 of the MCC to permit tourist housing in the IS-T land use district. The language of the Code was subsequently amended by Ordinance 044-2000, which further refined the criteria applicable to the establishment of tourist housing in the Improved Subdivision land use district, renamed with the sub-indicator of IS-V. The land use district IS-T/IS-V was not contemplated or available at the time that the property was rezoned to IS-D.

Staff Response: Not applicable

v. *Recognition of a need for additional detail or comprehensiveness*;

Applicant Statement: The Greenbriar Road cul-de-sac is built out and consists of primarily duplex uses – most of which are used for vacation rental purposes, and all of which are zoned DR. Vacation rentals are a permitted use as of right in the DR land use district, subject to the criteria in MCC Section 9.5-534 (Section 132-1).

Monroe County Planning Department Staff is unable to provide support for a land use district map change to DR based on two criteria:

1. Recognition of the FLUM as RM – which is not compatible with DR zoning;
2. The inability of a "single lot" to meet the criteria of DR zoning, regardless of the initial inclusion in the DRI.

The requirements of Section 130-84 of the MCC provide the stringent criteria that the property must meet in order to qualify for a land use district change to IS-V. MCC Section 9.5-534 (Section 134-1) provides the criteria that the owner or agent of the property must meet after the property has been rezoned.

Staff Response: Staff has determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(5) Recognition of a need for additional detail or comprehensiveness.

vi. *Data updates*:

Applicant Statement: None

Staff Response: Not applicable

C. *Consistency with Florida Statutes, Section 380.0552 Principles for Guiding Development in the Florida Keys Area of Critical State Concern:*

PRINCIPLES FOR GUIDING DEVELOPMENT.--State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as set forth in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which chapter is hereby adopted and incorporated herein by reference. For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

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

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

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

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

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

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

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

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

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection and disposal facilities;

3. Solid waste collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

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

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

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

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

The proposed map amendment is consistent with the Principles for Guiding Development and not inconsistent with any principle.

D. *Impact on Community Character:*

"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."

Applicant Statement: The proposed map amendment will not result in an adverse community change of the planning area in which the proposed development is located. No FLUM change is required, and the property complies with the standards of MCC as set forth in Section 130-84.

Staff Response: MCC Section 102-158 maintains that amendments may not permit an adverse change in community character. Staff has determined the proposed land use designation of IS-V will not adversely change community character.

E. *Land Use Compatibility:*

Prior to 1986, the property had the land use designations of RU-3 or multi-family residential district. In the multi-family residential uses or RU-3 land use district, multi-family dwelling apartments for rent or sale were a permitted use.

In 1986, the land use designation for the subject property changed to DR. Neighboring land use districts include DR and IS. In 1987, the land use designation for the subject property changed to IS-D to preserve the multi-family character of the property

Staff has determined the proposed land use designation of IS-V is compatible with the surrounding land uses, which presently allow vacation rental under the DR designation.

F. *Density and Intensity:*

The subject property is 9,644 ft^2 (0.22 acres). Currently, the IS-D land use district supports one (1) detached dwelling or duplex per lot with an open space ratio of 20%. The FLUM designation of RM supports an allocated density for the IS-D land use district at one (1) detached dwelling or duplex per lot and maximum net density bonuses do not apply.

The proposed IS-V allows vacation rentals and has no land use density associated with it. The existing duplex was constructed in conformance with the IS-D district. The propose change will not affect the existing density, only the use of the property for vacation rentals.

G. *Local Traffic and Parking:*

Local roads are already in place and have been well maintained. Adverse impacts on the existing road conditions are not expected to change if the land use designation changes from IS-D to IS-V.

H. *Effects on Natural Resources:*

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

Because the subject property consists of cleared developed lots, no additional clearing is anticipated for the proposed development. Effects on natural resources are not anticipated.

I. *Effects on Public Facilities:*

Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the County to direct future growth away from environmentally sensitive land and towards

established development areas served by existing public facilities. The proposed land use district map amendment is consistent with Objective 101.11.

J. *Traffic Circulation:*

Section 114-2(1)b of the Land Development Code states that *all secondary roads to which traffic entering or leaving development or use will have direct access shall have sufficient available capacity to operate at a level of service D as measured on an annual average daily traffic (ADDT) basis.* The proposed change of land use district to allow vacation rentals within the subject property is not expected create any additional traffic impacts.

K. *Solid Waste:*

Monroe County has a solid waste haul out contract with Waste Management LLC, which authorizes the use of in-state facilities through September 20, 2016, thereby providing the County with approximately ten (10) years of guaranteed capacity. The proposed land use district map amendment may affect solid waste, but not significantly.

L. *Potable Water:*

In 2002, South Florida Water Management District approved an increase in Florida Keys Aqueduct Authority's Water Use Permit. Monroe County's Public Facilities Capacity Assessment Report indicates there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Monroe County Year 2010 Comprehensive Plan. It is anticipated that the proposed land use district map amendment will not affect potable water.

M. *Stormwater:*

The subject property, located in Tier III is scarified and developed. MCC Section 114-3 requires that all developments retain stormwater on site following Best Management Practices (BMP's).

N. *Effects on Redevelopment/Infill Potential:*

Objective 102.3.1 of the Monroe County Year 2010 Comprehensive Plan directs the County to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features. The proposed land use district map amendment will not adversely affect Objective 102.3.1.

VI FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The subject parcel is already cleared and developed.

2. Prior to 1986, the subject property was zoned RU-3.

3. In 1986, the land use district (zoning) of the subject property was changed to Destination Resort (DR).

4. In 1987, the land use district (zoning) of the subject property was changed to Improved Subdivision – Duplex (IS-D) to preserve the multi-family character of the property.

5. The proposed land use district map amendment to Improved Subdivision – Vacation Rental will allow the existing duplex to be use for vacation rental purposes.

6. The proposed land use district map amendment will not adversely affect natural resources.

7. The proposed land use district map amendment will not affect traffic circulation.

8. The proposed land use district map amendment will not affect solid waste.

9. The proposed land use district map amendment will not affect potable water.

10. The proposed map amendment is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

11. Staff has determined that the proposed map amendment is consistent with the Principles for Guiding Development in accordance with F.S. Section 380.0552(7).

VII RECOMMENDATION

Staff recommends **approval** to the Monroe County Planning Commission.

File #: **29019**

Owner's Name: Thomas, Robert & Kristie

Applicant: same

Type of Application: Admin. Variance changed to Admin. Variance to PC

Key: Key Largo

RE #: 00555011-000000

Additional Information added to File 29019

End of Additional File 29019

APPLICATION

MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

Variance Application to the Monroe County Planning Commission

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

Planning Commission Variance Application Fee: $1,608.00

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

Date of Submittal: 03 / 18 / 09
Month Day Year

Property Owner:
Robert & Kristie Thomas
Name
104 Coral Way, Key Largo, FL 33037
Mailing Address (Street, City, State, Zip Code)
305-852-1791 / 305-509-2653
Daytime Phone
sail528@BELLSOUTH.NET
Email Address

Agent (if applicable):
Name
Mailing Address (Street, City, State, Zip Code)
Daytime Phone
Email Address

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

Block	Lot	Subdivision	Key
31		THE HARBORAGE	Key Largo

Real Estate (RE) Number: 00555011003100
Alternate Key Number: 1680796

Street Address (Street, City, State, Zip Code): 104 Coral Way, Key Largo, FL 33037
Approximate Mile Marker: mm 97.5

APPLICATION

Land Use District Designation(s): URM

Present Land Use of the Property: SFR

Total Land Area: 3700 SQ. FT.

Please provide the standard required by the land development regulations: sideyard non-shoreline setback (i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

ERROR: ioerror
OFFENDING COMMAND: image

STACK:

ABBREVIATIONS/LEGEND

P.L.S. – Professional Land Surveyor
P.S.M. – Professional Surveyor & Mapper
R. – Record
Fr. – Wood frame
Fin.Flr. – finished floor
El. – Elevation
CB – concrete block
Balc. – Balcony
Fnc. – fence
Res. – residence
PK – PARKER KALON FASTENERS
MAG. – Magnetic Nail
N.I.S. – not in service
LPGT – liquid petrolem gas tank
U.G.E. – Underground Electric
Rad./N.R. – Radial/Non–Radial
N.S.E.W – North, South, East, West
P.O.C. – Point of Commencement
P.O.B. – Point of Beginning
P.C.P. – Permanent Control Point
P.C.C. – Point of Compound Curve
P.R.C. – Point of Reverse Curvature
P.C./P.T. – Point of Curvature/ Tangency
P.R.M. – Permanent Reference Monument
NGVD – National Geodectic Vertical Datum
NAVD – North American Vertical Datum
A.M.H.W.L. – Approximate Mean High Water Line

L.S. – Land Surveyor
L.B. – Licensed Business
C. – Calculated
Fnd. – Found
D. – Deed
Pl. – Plat
M. – Measured
conc. – Concrete
cor. – corner
FP – fence post
A/C – air conditioner
Cond. – Conduit
F.S. – frame shed
M.S. – metal shed
P.S. – plastic shed
C.B.S. – conc. block shed
Add. – addition
Pt. – planter
R.O.W. – right of way
W.F.T. – wood fish table
C.F.T. – conc. fish table
P.F.T. – plastic fish table
T.R. – telephone riser
L.P. – light/lamp pole
G.A. – guy anchor
Bldg. – building

Nail / PK Nail Found
Nail/Pk Nail LB #6956 set
Pipe Found
Pipe/Cap LB #6956 set
Rebar Found
Wood Utility Pole
E — Overhead electric lines
T — Overhead telephone lines
C — Overhead cable television
x — Chainlink fence
+ — Wood fence
P — Plastic fence
M — Metal fence
Water Meter
Water valve
Rock
Concrete Davit Base

Note: All pipes set are 7/8" (outside diameter) with cap stamped LB #6956
All PK nail/MAG nail or 60d spikes set are with discs stamped LB #6956
Unless otherwise indicated, all pipes found are 7/8" (outside diameter)
Unless indicated points have No identification

RECEIVED
APR 31 2009
BY: 29019

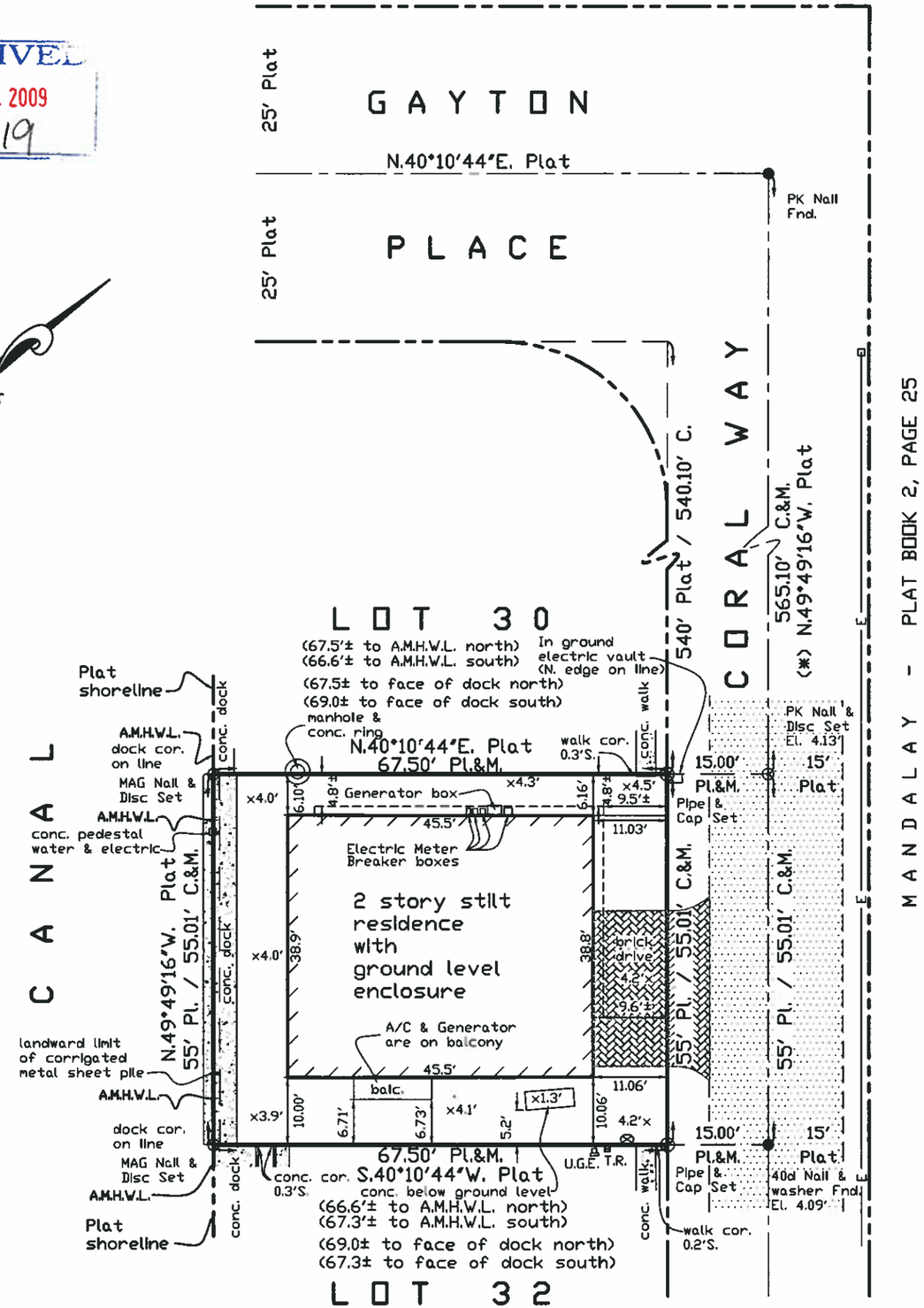
0 5 10 20 40
GRAPHIC SCALE

DESCRIPTION:

Lot 31, THE HARBORAGE, according to the Plat thereof, as recorded in Plat Book 6, at Page 46 of the Public Records of Monroe County, Florida.

SURVEY NOTES:

1. The sketch hereon represents a boundary survey of a parcel(s) of land with existing aboveground improvements located, and spot elevations.
2. Elevations are shown thus: X 4.5' and refer to mean sea level, 1929 adjustment (NGVD), and have a prime reference of Y–276, El. 10.105'
3. No underground utilities or structures were located by this survey.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for rights–of–way, ingress and egress were noted by this survey unless shown hereon.
5. The bearings and/or North arrow hereon were derived from the recorded plat or the description hereon. The bearing base for this survey is denoted thus: (*).
6. This parcel lies in N.F.I.P Flood Zone AE , base flood elevation 10', as shown on map panel #0929 , revised on 2–18–05 .
7. The description was furnished by the client. Only easements and rights–of–way depicted or described on the recorded plat or stated in the description hereon are shown.
8. This residence has a physical address of: 104 Coral Way, Key Largo, FL 33037



PLAT BOOK 2, PAGE 25

DAVID MASSEY LAND SURVEYING, INC.
Phone: (305)853-0066 / Fax: (305)853-0233
88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070
Florida Certificate of Authorization No. LB 6956

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief. This survey meets the requirements of Ch. 61G17 of the Florida Administrative Code, Minimum Technical Standards for Florida Surveyors and Mappers, pursuant to Ch. 472.027, F.S.

Ronald W. Lucas, P.L.S. # 4165

Client: Thomas

Section 6 , Township 62 South, Range 39 East

Key Largo Monroe County, Florida

Surveyed: 3–24–09 Fieldbook No. 147

Drawing No. 10064 Drawn By: RWL Scale: 1"=20'