

DEVELOPMENT REVIEW COMMITTEE

-
Monday, October 17, 2011

- AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Monday, October 17, 2011, beginning at 10:00 AM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Susan Grimsley, Assistant County Attorney
Mitch Harvey, Comprehensive Plan Manager
Mayte Santamaria, Assistant Planning Director
Kathy Grasser, Planner
Barbara Mitchell, Planner
Rey Ortiz, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

- NEW ITEMS:

1. A request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to amend Policies 101.5.4 and 101.5.5 to assign points, under ROGO and NROGO, for the dedication of parcels that contain wetlands or are designated Tier III-A (SPA).
[2011-108 SR DRC 10.17.11.pdf](#)
2. A request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to amend Policies 101.5.4 and 101.5.5 to assign negative points, under ROGO and NROGO, to Tier III parcels that contain submerged lands and/or wetlands which require 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.
[2011-107 SR DRC 10.17.11.pdf](#)
3. A request by Longstock II, LLC, to amend Policies 101.4.5 and 101.4.21 to amend the Mixed Use/Commercial Future Land Use

Map (FLUM) Category description and assign as a corresponding Maritime Industries (MI) Zoning District to the Mixed Use/Commercial FLUM Category.

[2011-102 SR DRC 10.17.11.PDF](#)

[2011-102 File.PDF](#)

4. A request by Longstock II, LLC, to amend the Future Land Use Map (FLUM) designation for three parcels having real estate numbers 00123760-000200, 00123720-000100 and 00123720-000200 from the Industrial FLUM Category to the Mixed Use/Commercial FLUM Category.

[2011-103 SR DRC 10.17.11.PDF](#)

[2011-103 FILE.PDF](#)

[2011-103 Boundary Surveys.pdf](#)

5. A request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to address statutory requirements regarding military compatibility by creating Goal 108, Objective 108.1, Policy 108.1.1, 108.1.2, 108.1.3, Policy 108.1.4., Policy 108.1.5, Policy 108.1.6, Objective 108.2, Policy 108.2.1, Policy 108.2.2, Policy 108.2.3, Policy 108.2.4, Policy 108.2.5, 108.2.6, Policy 108.2.7, Policy 108.2.8 and creating an overlay to the Future Land Use Map Series to establish the Military Installation Area of Impact.

[2011-109 SR DRC 10.17.11.PDF](#)

ADJOURNMENT

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

Through: Christine Hurley, AICP, Director of Growth Management
Townesley Schwab, Senior Director of Planning & Environmental Resources
Mayté Santamaria, Assistant Director of Planning & Environmental Resources

From: Kathy Grasser, Comprehensive Planner

Date: October 13, 2011

Subject: **Request for an amendment to the Monroe County 2010 Comprehensive Plan to address the land dedication of wetland parcels and Tier III-A designated parcels within the allocation point system.**

Meeting: October 17, 2011

I. REQUEST

This is a request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to amend Policies 101.5.4 and 101.5.5 to assign points, under ROGO and NROGO, for the dedication of parcels that contain wetlands or are designated Tier III-A (SPA).

II. BACKGROUND INFORMATION

Upland habitat is protected through the Tier System and the permit allocation system. Under the Tier System, all lands, outside of mainland Monroe County, are designated into three general categories for purposes of land acquisition and smart growth initiatives. These three categories are Tier I (Natural Area); Tier II (Transition and Sprawl Reduction Area on Big Pine Key and No Name Key only); and Tier III (Infill Area, which includes Tier III-A, Special Protection Area).

While the Tier System directs growth away from upland habitat to infill areas, the criteria for the tier designations do not include wetlands (as confirmed in the State of Florida, Department of Community Affairs Final Order DCA07-GM-166A (DOAH Case No. 06-2449GM). The comprehensive plan does have other protective measures for wetland communities, such as requiring 100% open space for certain wetland communities.

1 Wetland communities provide important storm protection, water quality protection, and wildlife
2 habitat functions. In particular, the following wetland communities:

- 3
- 4 • mangrove forests along the shorelines of the Keys;
- 5 • transitional wetlands (salt marsh and buttonwood wetlands) lying landward of the mangrove
6 fringe and oceanward of upland communities;
- 7 • salt ponds occupying shallow enclosed basins having very restricted tidal influence;
- 8 • freshwater wetlands and freshwater ponds in areas of freshwater lenses in the Lower Keys.
- 9

10 To provide additional protection to wetland communities and further direct growth to disturbed and
11 scarified areas, an amendment is proposed to the permit allocation scoring system to assign points to
12 donated parcels that contain wetlands or are designated as Tier III-A (Special Protection Area-SPA).

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14 Considering the goals, objectives and policies of the 2010 Comprehensive Plan which protect
15 habitat, there is every reason to protect wildlife habitat by reducing the number of lots available to
16 build on, thereby reducing density. This amendment allows the county to accept for land dedication
17 lots with wetlands and parcels designated as Tier III-A (Special Protection Area-SPA).

18 19 **III. PROPOSED AMENDMENTS**

20 21 **Policy 101.5.4**

22
23 Monroe County shall implement the residential Permit Allocation and Point System through its land
24 development regulations based primarily on the Tier system of land classification as set forth under Goal
25 105. The points are intended to be applied cumulatively.

- 26
27 1. Tier Designation - Utilizing the Tier System for land classification in Policy 105.2.1, the
28 following points shall be assigned to allocation applications for proposed dwelling units in a
29 manner that encourages development of infill in predominately developed areas with existing
30 infrastructure and few sensitive environmental features and discourages development in areas
31 with environmentally sensitive upland habitat which must be acquired or development rights
32 retired for resource conservation and protection.

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<i>Point Assignment:</i>	<i>Criteria:</i>
+0	Proposes a dwelling unit within areas designated Tier I [Natural Area] on Big Pine Key and No Name Name Key.
+10	Proposes a dwelling unit within areas designated Tier I [Natural Area] outside of Big Pine Key or No Name Key.
+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key or No Name Key.]
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine Key or No Name Key.

+20	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will result in the clearing of upland native vegetation within a Special Protection Area.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will not result in the clearing of any upland native vegetation within a Special Protection Area.

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2. **Big Pine and No Name Keys** - The following negative points shall be cumulatively assigned to allocation applications for proposed dwellings to implement the Big Pine Key and No Name Key Habitat Conservation Plan and the Livable CommuniKeys Community Master Plan.

<i>Point Assignment:</i>	<i>Criteria:</i>
-10	Proposes development on No Name Key.
-10	Proposes development in designated Lower Keys Marsh Rabbit habitat or buffer areas as designated in the Community Master Plan.
-10	Proposes development in Key Deer Corridor as designated in the Community Master Plan.

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3. **Lot Aggregation** – The following points shall be assigned to allocation applications to encourage the voluntary reduction of density through aggregation of legally platted buildable lots within Tier II and Tier III areas.

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified*
+3	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.
	*Exception:

	No points for lot aggregation will be awarded for any proposed development that involves the clearing of any upland native vegetation in a Tier III Special Protection Area.
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4. Land Dedication – The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I designated areas, ~~and~~ Tier III-A Special Protection Areas (SPA), and parcels which contain undisturbed wetlands for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:*</i>	<i>Criteria:*</i>
+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.

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+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+2	<u>Proposes dedication to Monroe County of one (1) vacant, legally platted lot or (1) unplatted parcel which contain undisturbed wetlands.</u>
+2	<u>Proposes dedication to Monroe County of one (1) vacant, legally platted lot or (1) unplatted parcel which are designated Tier III-A (Special Protection Area-SPA).</u>
	* <i>Exception:</i>
	Applications for a dwelling unit on Big Pine Key and No Name Key shall be awarded points for land dedication in accordance with Action Item 3.2.2 C of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.

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- 5. Market Rate Housing in Employee or Affordable Housing Project-** The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing project:

<i>Point Assignment:</i>	<i>Criteria:</i>
+6	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development Regulations

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- 6. Special Flood Hazard Areas** – The following points shall be assigned to allocation applications for proposed dwelling unit(s) to provide a disincentive for locating within certain coastal high flood hazard areas:

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development within “V” zones on the FEMA flood insurance rate maps.

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1 **7. Central Wastewater System Availability** – The following points shall be assigned to allocation
 2 applications:
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<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

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 5 **8. Payment to the Land Acquisition Fund** – Up to two (2) points shall be awarded for a monetary
 6 payment by the applicant to the County’s land acquisition fund for the purchase of lands for
 7 conservation, and retirement of development rights. The monetary value of each point shall be
 8 set annually by the County based upon the estimated average fair market value of vacant,
 9 privately-owned, buildable IS/URM zoned, platted lots in Tier I.

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 11 **9. Perseverance Points** – One (1) point shall be awarded for each year that the allocation
 12 application remains in the allocation system up to a maximum accumulation of four (4) points.
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14 **Policy 101.5.5**

15 Monroe County shall implement the non-residential Permit Allocation and Point System through its land
 16 development regulations based primarily on the Tier system of land classification pursuant to Goal 105.
 17 The points are intended to be applied cumulatively.
 18

19 1. **Tier Designation** – Utilizing the Tier System for land classification in Policy 105.2.1, the
 20 following points shall be assigned to allocation applications for proposed non-residential
 21 development in a manner that encourages development of infill in predominately developed
 22 areas with existing infrastructure, commercial concentrations, and few sensitive environmental
 23 features, and discourages development in areas with environmentally sensitive upland habitat,
 24 which must be acquired or development rights retired for resource conservation and protection:
 25

<i>Point Assignment:</i>	<i>Criteria:</i>
+0	Proposes non-residential development within an area designated Tier I [Natural Area], except for the expansion of lawfully established non-residential development provided under “exception” below.
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key and No Name Key].
+10	Proposes non-residential development that will result in the clearing of any upland native vegetation within a Special Protection Area in Tier III.
+20	Proposes non-residential development within an area designated Tier III [Infill Area].

	*Exception:
	Any lawfully established non-residential development shall be assigned +20 points contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the existing use is located.

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2. **Intensity Reduction** - The following points shall be assigned to allocation applications to encourage the voluntary reduction of intensity:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	An application proposes development that reduces the permitted floor area ratio (FAR) to twenty three percent (23%) or less.

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3. **Land Dedication** - The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I and Tier II (Big Pine Key and No Name Key) designated areas, ~~and~~ Tier III-A (Special Protection Areas-SPA), and lots which contain undisturbed wetlands for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:*</i>	<i>Criteria:*</i>
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned requirements will earn the additional points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.

+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.
<u>+2</u>	<u>Proposes dedication to Monroe County of one (1) vacant, legally platted lot or (1) unplatted parcel which contain undisturbed wetlands.</u>
<u>+2</u>	<u>Proposes dedication to Monroe County of one (1) vacant, legally platted lot or (1) unplatted parcel which are designated Tier III-A (Special Protection Area-SPA).</u>

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4. Special Flood Hazard Area - The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development within “V” zones on the FEMA flood insurance rate maps.

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5. Perseverance Points - One (1) or two (2) points shall be awarded for each year that the allocation application remains in the system.
6. Highway Access - The following points shall be assigned to allocation applications to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The development eliminates an existing driveway or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to U.S. Highway 1.

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7. Landscaping and Water Conservation - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.

+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.

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8. Central Wastewater System Availability – The following points shall be assigned to allocation applications:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

9. Employee Housing – The following points, up to a maximum of four (4), shall be assigned to allocation applications for employee housing units:

<i>Point Assignment:</i>	<i>Criteria:</i>
+2	Proposes an employee housing unit which is located on a parcel with a non-residential use.

10. Payment to the Land Acquisition Fund – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County’s land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

1 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE**
2 **PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING**
3 **DEVELOPMENT**
4

5 **A. The proposed amendment is consistent with the following Goals, Objectives and Policies of**
6 **the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:**
7

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

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11 **GOAL 102:** Monroe County shall direct future growth to lands which are intrinsically most
12 suitable for development and shall encourage conservation and protection of environmentally
13 sensitive lands.
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15 **Objective 102.1:** Upon adoption of the Comprehensive Plan, Monroe County shall require
16 new development to comply with environmental standards and environmental design criteria
17 which will protect disturbed wetlands, native upland vegetation and beach/berm areas.
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19 **Policy 102.1.1:** The County shall protect submerged lands and wetlands. The open space
20 requirement shall be one hundred (100) percent of the following types of wetlands:
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- 22 1. submerged lands 2. mangroves 3. salt ponds 4. fresh water wetlands
23 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
24

25 Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and
26 undisturbed salt marsh and buttonwood wetlands only for use as transferable
27 development rights away from these habitats. Submerged lands, salt ponds, freshwater
28 ponds, and mangroves shall not be assigned any density or intensity.
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30 **Policy 105.2.6:** Monroe County shall implement a land acquisition program to acquire most
31 privately owned vacant private lands within areas designated as a Transition and Sprawl
32 Reduction Area (Tier II) on Big Pine Key and No Name Key and patches of tropical
33 hardwood hammock or pinelands of one acre or greater in area identified as a Special
34 Protection Area within a designated Infill Area (Tier III).
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36 **Policy 105.2.7:** Monroe County shall implement an acquisition program to acquire
37 privately owned vacant lands disturbed or scarified properties for affordable housing within
38 areas designated as an Infill Area (Tier III).
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40 **Policy 105.2.8:** The preferred method for acquisition of environmentally sensitive privately
41 owned vacant non-platted lands shall be fee simple purchase, donation, or dedication or the
42 retirement of development rights through transfer of development rights or similar
43 mechanisms.
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1 **Policy 105.2.9:** The preferred method for acquisition of vacant platted lots shall be fee
2 simple purchase, donation, or dedication or the retirement of development rights through
3 transfer of development rights or similar mechanisms; however, wherever appropriate,
4 platted lots may be purchased in partnership with adjoining property owner(s) subject to a
5 conservation easement that may allow limited accessory residential uses.
6

7 **GOAL 204:** The health and integrity of Monroe County's marine and freshwater wetlands
8 shall be protected and, where possible, enhanced.
9

10 **Policy 204.2.1:** To protect submerged lands and wetlands the open space shall be 100 percent
11 of the following types of wetlands:

- 12 1. submerged lands;
- 13 2. mangroves;
- 14 3. salt ponds;
- 15 4. freshwater wetlands;
- 16 5. freshwater ponds; and
- 17 6. undisturbed saltmarsh and buttonwood wetlands.

18
19 Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and
20 undisturbed salt marsh and buttonwood wetland only for use as transferable development
21 rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and
22 mangroves shall not be assigned any density or intensity.
23

24 **Objective 205.2:** To implement Goal 105 of this Plan and the recommendations in the
25 Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the
26 Land Development Regulations which further protect and provide for restoration of the
27 habitat values of upland native vegetated communities, including hardwood hammocks and
28 pinelands.
29

30 **Goal 207:** Monroe County shall protect and conserve existing wildlife and wildlife habitats.
31

32 **B. The amendment is consistent with the Principles for Guiding Development for the Florida**
33 **Keys Area, Section 380.0552(7), Florida Statute.**
34

35 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
36 with the principles for guiding development and any amendments to the principles, the principles
37 shall be construed as a whole and no specific provision shall be construed or applied in isolation
38 from the other provisions.
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- 40 (a) Strengthening local government capabilities for managing land use and development so that
41 local government is able to achieve these objectives without continuing the area of critical
42 state concern designation.
- 43 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,
44 seagrass beds, wetlands, fish and wildlife, and their habitat.

- 1 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native
2 tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and
3 beaches, wildlife, and their habitat.
- 4 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound
5 economic development.
- 6 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida
7 Keys.
- 8 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural
9 environment, and ensuring that development is compatible with the unique historic character
10 of the Florida Keys.
- 11 (g) Protecting the historical heritage of the Florida Keys.
- 12 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and
13 proposed major public investments, including:
- 14
- 15 1. The Florida Keys Aqueduct and water supply facilities;
 - 16 2. Sewage collection, treatment, and disposal facilities;
 - 17 3. Solid waste treatment, collection, and disposal facilities;
 - 18 4. Key West Naval Air Station and other military facilities;
 - 19 5. Transportation facilities;
 - 20 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 21 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
22 properties;
 - 23 8. City electric service and the Florida Keys Electric Co-op; and
 - 24 9. Other utilities, as appropriate.
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- 26 (i) Protecting and improving water quality by providing for the construction, operation,
27 maintenance, and replacement of stormwater management facilities; central sewage
28 collection; treatment and disposal facilities; and the installation and proper operation and
29 maintenance of onsite sewage treatment and disposal systems.
- 30 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
31 operation of wastewater management facilities that meet the requirements of ss.
32 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by
33 central wastewater treatment facilities through permit allocation systems.
- 34 (k) Limiting the adverse impacts of public investments on the environmental resources of the
35 Florida Keys.
- 36 (l) Making available adequate affordable housing for all sectors of the population of the Florida
37 Keys.
- 38 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of
39 a natural or manmade disaster and for a postdisaster reconstruction plan.
- 40 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
41 maintaining the Florida Keys as a unique Florida resource.
- 42

43 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the
44 Principles for Guiding Development as a whole and is not inconsistent with any Principle.
45

1 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute**
2 **(F.S.). Specifically, the amendment furthers:**
3

4 163.3177(6)(a)3.f., F.S. - Ensure the protection of natural and historic resources.
5

6 163.3177(6)(d), F.S. - A conservation element for the conservation, use, and protection of
7 natural resources in the area, including air, water, water recharge areas, wetlands, waterwells,
8 estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests,
9 fisheries and wildlife, marine habitat, minerals, and other natural and environmental
10 resources, including factors that affect energy conservation.

- 11 1. The following natural resources, where present within the local government's boundaries,
12 shall be identified and analyzed and existing recreational or conservation uses, known
13 pollution problems, including hazardous wastes, and the potential for conservation,
14 recreation, use, or protection shall also be identified:
15 a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs,
16 including information on quality of the resource available.
17 b. Floodplains.
18 c. Known sources of commercially valuable minerals.
19 d. Areas known to have experienced soil erosion problems.
20 e. Areas that are the location of recreationally and commercially important fish or
21 shellfish, wildlife, marine habitats, and vegetative communities, including forests,
22 indicating known dominant species present and species listed by federal, state, or
23 local government agencies as endangered, threatened, or species of special concern.
24

25 163.3177(6)(d)2., F.S. - The element must contain principles, guidelines, and standards for
26 conservation that provide long-term goals and which:
27

- 28 d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative
29 communities, including forests, from destruction by development activities.
30 e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and
31 marine habitat and restricts activities known to adversely affect the survival of
32 endangered and threatened wildlife.
33 f. Protects existing natural reservations identified in the recreation and open space
34 element.
35 g. Maintains cooperation with adjacent local governments to conserve, appropriately
36 use, or protect unique vegetative communities located within more than one local
37 jurisdiction.
38 h. Protects and conserves wetlands and the natural functions of wetlands.
39 i. Directs future land uses that are incompatible with the protection and conservation of
40 wetlands and wetland functions away from wetlands. The type, intensity or density,
41 extent, distribution, and location of allowable land uses and the types, values,
42 functions, sizes, conditions, and locations of wetlands are land use factors that shall
43 be considered when directing incompatible land uses away from wetlands. Land uses
44 shall be distributed in a manner that minimizes the effect and impact on wetlands.
45 The protection and conservation of wetlands by the direction of incompatible land
46 uses away from wetlands shall occur in combination with other principles, guidelines,

standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

163.3177(6)(g), F.S. - For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

- 2. Preserve the continued existence of viable populations of all species of wildlife and marine life.
- 3. Protect the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
- 4. Avoid irreversible and irretrievable loss of coastal zone resources.

V. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Policies 101.5.4 and 101.5.5.

VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Community Affairs (DCA). The amendment is transmitted to DCA, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment

VII. EXHIBITS



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

Through: Christine Hurley, AICP, Director of Growth Management
Townsley Schawb, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Assistant Director of Planning & Environmental Resources

Date: October 5, 2011

Subject: **Request for an amendment to the Monroe County 2010 Comprehensive Plan to address wetlands parcels within the allocation point system.**

Meeting: October 17, 2011

I. REQUEST

This is a request by Monroe County to amend Policies 101.5.4 and 101.5.5 to amend to the permit allocation scoring systems to assign negative points to Tier III parcels that contain submerged lands and/or wetlands requiring 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.

II. BACKGROUND INFORMATION

Upland habitat is protected through the Tier System and the permit allocation system. Under the Tier System, all lands, outside of mainland Monroe County, are designated into three general categories for purposes of land acquisition and smart growth initiatives. These three categories are Tier I (Natural Area); Tier II (Transition and Sprawl Reduction Area on Big Pine Key and No Name Key only); and Tier III (Infill Area, which includes Tier III-A, Special Protection Area).

While Tier System directs growth away from upland habitat to infill areas, the criteria for the tier designations do not include wetlands, as confirmed in the State of Florida, Department of Community Affairs Final Order DCA07-GM-166A (DOAH Case No. 06-2449GM (in some instances, wetlands are included when it is part of a larger ecosystem)). The comprehensive plan has other protective measures for wetland communities, such as requiring 100% open space for certain wetland communities. While these protective policies exist, property owners may not be aware of these policies and may believe that wetland lots designated as Tier III are appropriate infill areas.

This amendment is proposed to provide an additional layer of protection for wetlands.

Wetland communities provide important storm protection, water quality protection, and wildlife habitat functions. In particular, the following wetland communities:

- mangrove forests along the shorelines of the Keys;
- transitional wetlands (salt marsh and buttonwood wetlands) lying landward of the mangrove fringe and oceanward of upland communities;
- salt ponds occupying shallow enclosed basins having very restricted tidal influence;
- freshwater wetlands and freshwater ponds in areas of freshwater lenses in the Lower Keys.

To provide additional protection to wetland communities and further direct growth to disturbed and scarified areas, an amendment is proposed to the permit allocation scoring system to assign negative points to Tier III parcels that contain submerged lands and/or wetlands requiring 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.

This amendment is *not* proposed to apply retroactively to parcels currently designated as Tier III. This amendment will only apply to Tier III parcels entering the permit allocation system after the effective date of the proposed policy.

For additional public participation and feedback, this proposed amendment was discussed and reviewed by the Tier Designation Review Committee (TDRC) on August 25, 2011. TDRC members provided comments and revisions, which were incorporated into the proposed amendment.

III. PROPOSED AMENDMENTS

Policy 101.5.4

Monroe County shall implement the residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification as set forth under Goal 105. The points are intended to be applied cumulatively.

1. Tier Designation - Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed dwelling units in a manner that encourages development of infill in predominately developed areas with existing infrastructure and few sensitive environmental features and discourages development in areas with environmentally sensitive upland habitat which must be acquired or development rights retired for resource conservation and protection.

<i>Point Assignment:</i>	<i>Criteria:</i>
+0	Proposes a dwelling unit within areas designated Tier I [Natural Area] on Big Pine Key and No Name Name Key.
+10	Proposes a dwelling unit within areas designated Tier I [Natural Area] outside of Big Pine Key or No Name Key.

+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key or No Name Key.]
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine Key or No Name Key.
+20	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will result in the clearing of upland native vegetation within a Special Protection Area.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will not result in the clearing of any upland native vegetation within a Special Protection Area.

2. **Big Pine and No Name Keys** - The following negative points shall be cumulatively assigned to allocation applications for proposed dwellings to implement the Big Pine Key and No Name Key Habitat Conservation Plan and the Livable CommuniKeys Community Master Plan.

<i>Point Assignment:</i>	<i>Criteria:</i>
-10	Proposes development on No Name Key.
-10	Proposes development in designated Lower Keys Marsh Rabbit habitat or buffer areas as designated in the Community Master Plan.
-10	Proposes development in Key Deer Corridor as designated in the Community Master Plan.

3. **Wetlands** – [The following points shall be assigned to allocation applications on Tier III parcels that contain wetlands which require 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.](#)

<u><i>Point Assignment:</i></u>	<u><i>Criteria:</i></u>
<u>-5</u>	Tier III parcels adjacent or contiguous to Tier I properties and containing 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds

	4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
<p>Notes:</p> <p><u>Adjacent</u> means land sharing a boundary with another parcel of land. An intervening road, right-of-way, easement or canal shall not destroy the adjacency of the two parcels, except for U.S. 1.</p> <p><u>Contiguous</u> means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.</p>	

4. ~~3.~~ **Lot Aggregation** – The following points shall be assigned to allocation applications to encourage the voluntary reduction of density through aggregation of legally platted buildable lots within Tier II and Tier III areas.

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified*
+3	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.
	*Exception:
	No points for lot aggregation will be awarded for any proposed development that involves the clearing of any upland native vegetation in a Tier III Special Protection Area.

5. **4. Land Dedication** – The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I designated areas and Tier III Special Protection Areas for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:*</i>	<i>Criteria:*</i>
+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
	<i>* Exception:</i>
	Applications for a dwelling unit on Big Pine Key and No Name Key shall be awarded points for land dedication in accordance with Action Item 3.2.2 C of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.

6. 5. Market Rate Housing in Employee or Affordable Housing Project- The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing project:

<i>Point Assignment:</i>	<i>Criteria:</i>
+6	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development Regulations

7. 6. Special Flood Hazard Areas – The following points shall be assigned to allocation applications for proposed dwelling unit(s) to provide a disincentive for locating within certain coastal high flood hazard areas:

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development within “V” zones on the FEMA flood insurance rate maps.

8. 7. Central Wastewater System Availability – The following points shall be assigned to allocation applications:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

9. 8. Payment to the Land Acquisition Fund – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County’s land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

10. 9. Perseverance Points – One (1) point shall be awarded for each year that the allocation application remains in the allocation system up to a maximum accumulation of four (4) points.

Policy 101.5.5

Monroe County shall implement the non-residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification pursuant to Goal 105. The points are intended to be applied cumulatively.

1. **Tier Designation** – Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed non-residential development in a manner that encourages development of infill in predominately developed areas with existing infrastructure, commercial concentrations, and few sensitive environmental features, and discourages development in areas with environmentally sensitive upland habitat, which must be acquired or development rights retired for resource conservation and protection:

<i>Point Assignment:</i>	<i>Criteria:</i>
+0	Proposes non-residential development within an area designated Tier I [Natural Area], except for the expansion of lawfully established non-residential development provided under “exception” below.

+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key and No Name Key].
+10	Proposes non-residential development that will result in the clearing of any upland native vegetation within a Special Protection Area in Tier III.
+20	Proposes non-residential development within an area designated Tier III [Infill Area].
	*Exception:
	Any lawfully established non-residential development shall be assigned +20 points contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the existing use is located.

2. Wetlands – The following points shall be assigned to allocation applications on Tier III parcels that contain wetlands which require 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.

<u><i>Point Assignment:</i></u>	<u><i>Criteria:</i></u>
-5	<u>Tier III parcels adjacent or contiguous to Tier I properties and containing</u> <ol style="list-style-type: none"> <u>1. submerged lands</u> <u>2. mangroves (excluding tidally inundated mangrove shoreline fringes)</u> <u>3. salt ponds</u> <u>4. fresh water wetlands</u> <u>5. fresh water ponds</u> <u>6. undisturbed salt marsh and buttonwood wetlands</u>
<u>Notes:</u> <u>Adjacent</u> means land sharing a boundary with another parcel of land. An intervening road, right-of-way, easement or canal shall not destroy the adjacency of the two parcels, except for U.S. 1. <u>Contiguous</u> means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.	

3. 2-Intensity Reduction - The following points shall be assigned to allocation applications to encourage the voluntary reduction of intensity:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	An application proposes development that reduces the permitted floor area ratio (FAR) to twenty three percent (23%) or less.

4. 3- Land Dedication - The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I and Tier II (Big Pine Key and No Name Key) designated areas and Tier III Special Protection Areas for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:*</i>	<i>Criteria:*</i>
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned requirements will earn the additional points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.

5. 4- Special Flood Hazard Area - The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development within “V” zones on the FEMA flood insurance rate maps.

6. 5. Perseverance Points - One (1) or two (2) points shall be awarded for each year that the allocation application remains in the system.

7. 6. Highway Access - The following points shall be assigned to allocation applications to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The development eliminates an existing driveway or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to U.S. Highway 1.

8. 7. Landscaping and Water Conservation - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.
+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.

9. 8. Central Wastewater System Availability – The following points shall be assigned to allocation applications:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

10. 9. Employee Housing – The following points, up to a maximum of four (4), shall be assigned to allocation applications for employee housing units:

<i>Point Assignment:</i>	<i>Criteria:</i>
+2	Proposes an employee housing unit which is located on a parcel with a non-residential use.

11. 10. Payment to the Land Acquisition Fund – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County’s land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

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

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

GOAL 102: 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.

Objective 102.1: Upon adoption of the Comprehensive Plan, Monroe County shall require new development to comply with environmental standards and environmental design criteria which will protect disturbed wetlands, native upland vegetation and beach/berm areas.

Policy 102.1.1: The County shall protect submerged lands and wetlands. The open space

requirement shall be one hundred (100) percent of the following types of wetlands:

1. submerged lands
2. mangroves
3. salt ponds
4. fresh water wetlands
5. fresh water ponds
6. undisturbed salt marsh and buttonwood wetlands

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity.

Objective 102.2: Upon adoption of the Comprehensive Plan, Monroe County shall adopt revisions to the Environmental Standards (Section 9.5-335) and Environmental Design Criteria (Section 9.5-345) of the Land Development Regulations. These revisions will require new development to further protect disturbed wetlands, native upland vegetation and beach/berm areas.

GOAL 204: The health and integrity of Monroe County's marine and freshwater wetlands shall be protected and, where possible, enhanced.

Objective 204.2: Monroe County shall eliminate the loss of undisturbed wetlands and shall eliminate the net loss of disturbed wetlands.

Policy 204.2.1: To protect submerged lands and wetlands the open space shall be 100 percent of the following types of wetlands:

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands;
5. freshwater ponds; and
6. undisturbed saltmarsh and buttonwood wetlands.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetland only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity.

Objective 205.2: To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land Development Regulations which further protect and provide for restoration of the habitat values of upland native vegetated communities, including hardwood hammocks and pinelands.

Goal 207: Monroe County shall protect and conserve existing wildlife and wildlife habitats.

Policy 207.1.3: The Open Space Requirement for undisturbed salt marsh and buttonwood wetlands shall be one hundred (100) percent.

B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection, treatment, and disposal facilities;
 - 3. Solid waste treatment, collection, and disposal facilities;
 - 4. Key West Naval Air Station and other military facilities;
 - 5. Transportation facilities;
 - 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 8. City electric service and the Florida Keys Electric Co-op; and
 - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

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

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

163.3177(6)(a)3.f., F.S. - Ensure the protection of natural and historic resources.

163.3177(6)(d), F.S. - A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:
 - a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.
 - b. Floodplains.
 - c. Known sources of commercially valuable minerals.
 - d. Areas known to have experienced soil erosion problems.
 - e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

163.3177(6)(d)2., F.S. - The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

- d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.
- e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.
- f. Protects existing natural reservations identified in the recreation and open space element.
- g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.
- j. Protects and conserves wetlands and the natural functions of wetlands.

- k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

163.3177(6)(g), F.S. - For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

2. Preserve the continued existence of viable populations of all species of wildlife and marine life.
3. Protect the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoid irreversible and irretrievable loss of coastal zone resources.

V. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Policies 101.5.4 and 101.5.5.

VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Community Affairs (DCA). The amendment is transmitted to DCA, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment

VII. EXHIBITS

1. Maps of example Tier III lots containing wetlands which require 100% open space and that are adjacent or contiguous to Tier I properties



Ramrod Key

Scrub Mangrove

Salt Marsh

Mangrove

Adjacent to Tier I

Buttonwood

Adjacent and Contiguous to Tier I

Freshwater Wetland

Freshwater Wetland

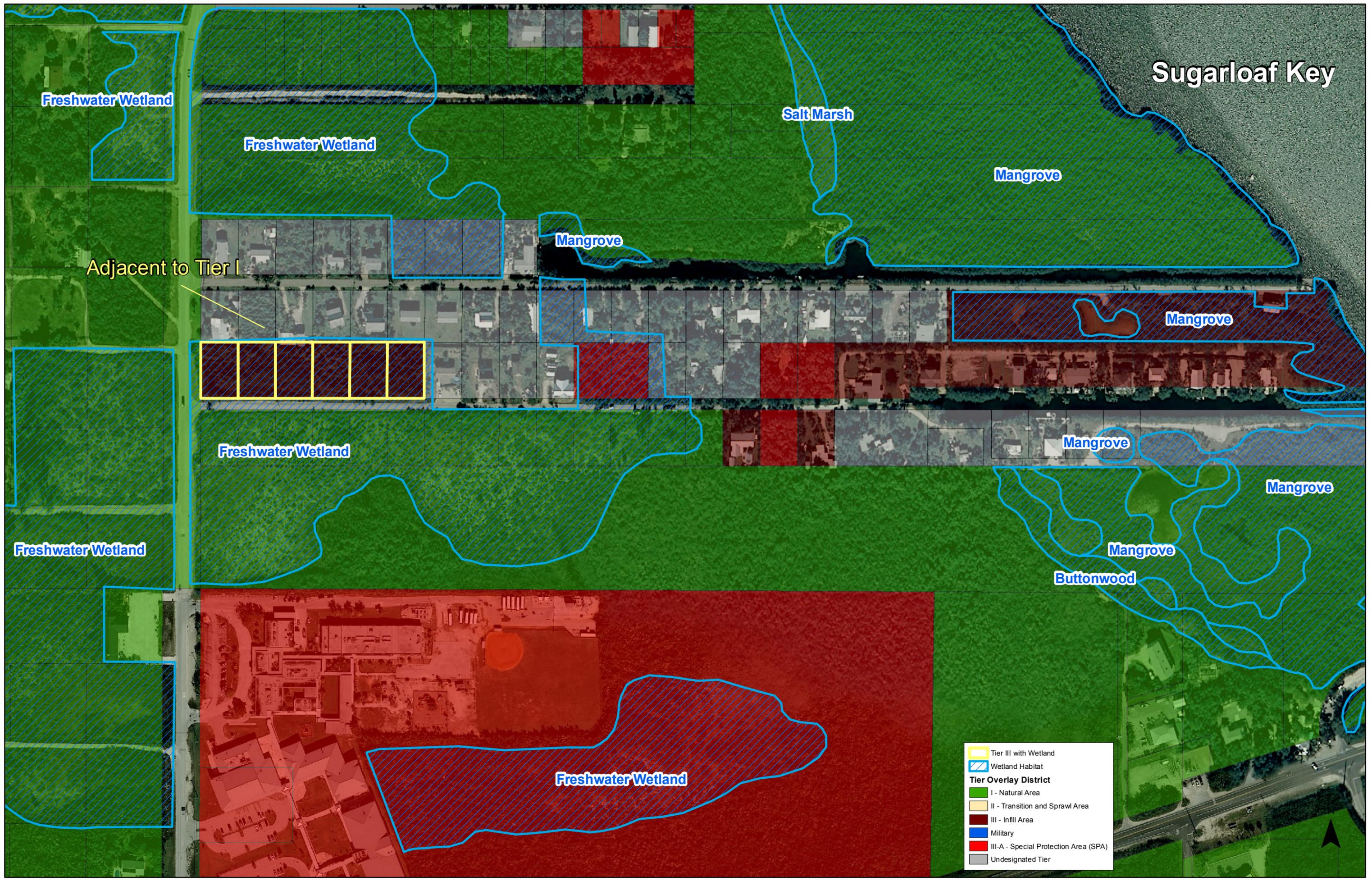
Mangrove

Buttonwood
Scrub Mangrove

	Tier III with Wetland
	Wetland Habitat
Tier Overlay District	
	I - Natural Area
	II - Transition and Sprawl Area
	III - Infill Area
	Military
	III-A - Special Protection Area (SPA)
	Undesignated Tier



Sugarloaf Key



Legend

- Tier III with Wetland (Yellow outline)
- Wetland Habitat (Blue outline)
- Tier Overlay District**
- I - Natural Area (Green)
- II - Transition and Sprawl Area (Yellow)
- III - Infill Area (Dark Red)
- Military (Blue)
- III-A - Special Protection Area (SPA) (Red)
- Undesignated Tier (Grey)



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

Through: Christine Hurley, AICP, Director of Growth Management
Townasley Schawb, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Assistant Director of Planning & Environmental Resources

Date: October 5, 2011

Subject: Request by Longstock II, LLC, to amend Comprehensive Plan Policies 101.4.5 and 101.4.2.1.

Meeting: October 17, 2011

I. REQUEST

This is a request by Longstock II, LLC, to amend Policies 101.4.5 and 101.4.21 to amend the Mixed Use/Commercial (MUC) Future Land Use Map Category description and assign the Maritime Industries (MI) Zoning District to the MUC category.

Monroe County is also requesting to amend Policy 101.4.21 to amend the maximum net density range and the maximum intensity range for the Mixed Use/Commercial (MUC) Future Land Use Map Category for consistency purposes and to clarify the footnotes within the table.

II. BACKGROUND INFORMATION

Longstock II, LLC, is developing a project concept for property designated as Maritime Industries zoning and has requested this amendment upon determining that their zoning district was not consistent with allowed uses of the Future Land Use Map (FLUM) Category of Industrial (see policy below). The Future Land Use Map Designation of Industrial does not provide for transient development (no adopted transient density standards). As a result, Longstock II, LLC, is requesting to amend the Mixed Use/Commercial (MUC) Future Land Use Map Category description and assign the Maritime Industries (MI) Zoning District to the MUC category.

Current Comprehensive Plan FLUM Policies:

Policy 101.4.7

The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed.

1 **Policy 101.5.4**

2 The principal purpose of the Mixed Use/Commercial land use category is to provide for the
3 establishment of commercial zoning districts where various types of commercial retail and office
4 may be permitted at intensities which are consistent with the community character and the
5 natural environment. Employee housing and commercial apartments are also permitted.
6

7 This land use category is also intended to allow for the establishment of mixed use development
8 patterns, where appropriate. Various types of residential and non-residential uses may be
9 permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In
10 order to protect environmentally sensitive lands, the following development controls shall apply
11 to all hammocks, pinelands, and disturbed wetlands within this land use category:
12

- 13 1. only low intensity commercial uses shall be allowed;
- 14 2. a maximum floor area ratio of 0.10 shall apply; and
- 15 3. maximum net residential density shall be zero.

16
17 Analysis:

18
19 Sections 163.3194, 163.3201 and 163.3202, F.S., require that all land development regulations
20 enacted or amended be consistent with the adopted comprehensive plan. Currently, the Maritime
21 Industries (MI) Zoning category is the corresponding zoning category within the Industrial FLUM
22 designation category; however, the Industrial FLUM does not allow transient units. The Maritime
23 Industries (MI) Zoning category does allow transient units, which is inconsistent with the
24 Comprehensive Plan. As a result of the Comprehensive Plan being the controlling document, the
25 transient density for Maritime Industries is considered zero (0).
26

Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Maritime Industries (MI) Zoning District	1 du 10 rooms/spaces	2 du 15 rooms/spaces	0.30-0.60

27
28 Florida Statutes direct local governments to bring land development regulations into conformity with
29 the provisions of the adopted comprehensive plan. Assigning the Maritime Industries Zoning
30 District as one of the corresponding zoning districts to the Mixed Use/Commercial FLUM category
31 brings the allowed uses within land development regulation into conformity with the comprehensive
32 plan. The amendment is compatible with and furthers the objectives, policies, land uses, and density
33 standards adopted in the comprehensive plan.
34

35 There are 29 parcels (Exhibit 1) in the County with a zoning designation of Maritime Industries and
36 an Industrial FLUM. This amendment will not affect these parcels unless a property owner requests
37 to amend the FLUM designation from Industrial to Mixed Use/Commercial and/or a property owner
38 requests to change the zoning to Maritime Industries.

1 Additional Proposed Amendments:

2
3 For consistency purposes, Monroe County recommends amending the maximum net density range
4 and the maximum intensity range for Mixed Use/Commercial to recognize the existing adopted
5 maximum net density of 2 du/buildable acre and to recognize the existing adopted maximum
6 intensity of 0.30-0.60 FAR for the Maritime Industries zoning district.
7

Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Mixed Use/Commercial (MC) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	2-6 -18 du 10-25 rooms/spaces	0.10-0.45 (<u>SC, UC, DR, RV, and MU zoning</u>) <u>0.30-0.60 (MI zoning)</u>
Maritime Industries (MI) Zoning District	1 du 10 rooms/spaces	2 du 15 rooms/spaces	0.30-0.60

8
9 Monroe County also recommends clarifying the footnotes within the table in Policy 101.4.5 (shown
10 below).
11

12 **III. PROPOSED AMENDMENTS**

13
14 *Note - Red text indicates Longstock II, LLC, requested amendments. Blue text indicates Monroe County*
15 *requested amendments.*
16

17 **Policy 101.4.5**

18 The principal purpose of the Mixed Use/Commercial land use category is to provide for the
19 establishment of commercial zoning districts where various types of commercial retail and office
20 may be permitted at intensities which are consistent with the community character and the natural
21 environment. Typical uses permitted within the Mixed Use/Commercial land use category are those
22 that establish or conserve areas of mixed uses, including but not limited to, commercial fishing,
23 hotels, residential, institutional, and a variety of commercial uses. Employee housing and
24 commercial apartments are also permitted.
25

26 The land use category is also intended to allow for the establishment of mixed use development
27 patterns, where appropriate. Various types of residential and non-residential uses may be permitted;
28 however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall
29 continue to take a proactive role in encouraging the maintenance and enhancement of community
30 character and economically viable traditional uses on the waterfront.
31

32 In order to protect environmentally sensitive lands, the following development controls shall apply
33 to all hammocks, pinelands, and disturbed wetlands within this land use category:
34

- 35 1. only low intensity commercial uses shall be allowed;
36 2. a maximum floor area ratio of 0.10 shall apply; and

3. maximum net residential density shall be zero.

Policy 101.4.21

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

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density ^(b) (per acre)	Maximum Net Density ^{(a),(b),(i)} (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) ^(b) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) ^(b) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) ^(b) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^(a) (SC, UC, DR, RV, and MU <u>and</u> MI zoning)	1-6 du 5-15 rooms/spaces	2 6-18 du 10-25 rooms/spaces	0.10-0.45 <u>(SC, UC, DR, RV, and MU zoning)</u> <u>0.30-0.60 (MI zoning)</u>
Mixed Use/Commercial Fishing (MCF) ^(a) (CFA, CFV ^(e) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) ^(b) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) ^(b) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(d) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:

- (a) "N/A" means that maximum net density bonuses shall not be available.
- (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
- (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

1
2
3 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE**
4 **PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING**
5 **DEVELOPMENT**
6

7 **A. The proposed amendment is consistent with the following Goals, Objectives and Policies of**
8 **the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:**
9

10 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure
11 the safety of County residents and visitors, and protect valuable natural resources.
12

13 **Objective 101.4:** Monroe County shall regulate future development and redevelopment to
14 maintain the character of the community and protect the natural resources by providing for
15 the compatible distribution of land uses consistent with the designations shown on the Future
16 Land Use Map.
17

18 **Policy 101.7.2:** By January 4, 1998, Monroe County shall complete a community plan for
19 Stock Island which shall address redevelopment needs identified by the needs assessment of
20 potential redevelopment areas. Preparation and funding of this plan shall be coordinated with
21 the City of Key West.
22

23 **Policy 101.20.2:** The Community Master Plans shall be incorporated into the 2010
24 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive
25 Plan. The following Community Master Plans have been completed in accordance with the
26 principles outlined in this section and adopted by the Board of County Commissioners:

27 3. The Stock Island/Key Haven Livable CommuniKeys Plan Volume I is incorporated by
28 reference into the 2010 Comprehensive Plan. The term Strategies in this Master Plan is
29 equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is
30 equivalent to the term Policy; the meanings and requirements for implementation are
31 synonymous.
32

33 4. Volume Two (2) of the Stock Island and Key Haven Livable CommuniKeys Master Plan
34 titled Harbor Preservation/Redevelopment and Corridor Enhancement Plan dated
35 November 2005 and incorporated by reference into the 2010 Comprehensive Plan. The
36 term Strategies in this Master Plan is equivalent to the term Objectives in the
Comprehensive Plan and the term Action Item is equivalent to the term Policy; the

1 meanings and requirements for implementation are synonymous.
2

3 **Policy 105.1.1:** Monroe County shall create an economic development framework for a
4 sustainable visitor-based economy, not dependent on growth in the absolute numbers of
5 tourists, that respects the unique character and outdoor recreational opportunities available
6 in the Florida Keys.
7

8 **Policy 105.1.2:** Monroe County shall prepare design guidelines to ensure that future uses and
9 development are compatible with scenic preservation and maintenance of the character of
10 the casual island village atmosphere of the Florida Keys.
11

12 **GOAL 212:** Monroe County shall prioritize shoreline land uses and establish criteria for
13 shoreline development in order to preserve and enhance coastal resources and to ensure the
14 continued economic viability of the County.
15

16 **Policy 212.1.1:** By December 31, 2003, Monroe County shall develop a Shoreline Use
17 Priorities Plan which shall provide for siting of water-dependent and water-related uses
18 consistent with the following order of priority: 1) water-dependent uses, 2) water-related
19 uses, and 3) uses that are not dependent upon or related to shoreline access. The plan shall
20 accomplish the following:

- 21 1. establish performance standards for shoreline development, consistent with criteria for
22 marina siting (See Objective 212.4 and related policies);
- 23 2. identify environmentally suitable waterfront areas and recommend strategies for
24 reserving such areas for water-dependent and water-related development sites consistent
25 with estimated need;
- 26 3. analyze conflicts among existing shoreline uses and recommend strategies for reducing
27 or eliminating such conflicts; and
- 28 4. identify strategies for encouraging appropriate mixed use development that includes
29 water-dependent and water-related uses and is compatible with existing land uses.
30

31 **Policy 502.1.1:** Monroe County shall permit only port and port related land uses within the
32 Safe Harbor/Peninsular port area of Stock Island. Within twelve months of the effective
33 date of the Comprehensive Plan, Monroe County shall adopt Land Development
34 Regulations and amend the Land Use District Maps to only permit those land uses
35 including but not limited to commercial and industrial port dependent uses, industry,
36 commercial fishing, marinas, and employee housing.
37

38 **Policy 502.1.2:** Monroe County shall permit land uses supportive, complementary or
39 otherwise port related nearby and adjacent to the Safe Harbor/Peninsular port area of Stock
40 Island. Within twelve months of the effective date of the Comprehensive Plan, Monroe
41 County shall adopt Land Development Regulations and amend the Land Use District Maps
42 to only permit those uses, including but not limited to warehousing, industry, affordable
43 housing, marine businesses, and restaurants.
44

45 **Stock Island/Key Haven Livable CommuniKeys Plan Volume I:**
46

47 **Action Item 2.1.1:** Initiate and complete a land use classification reevaluation plan for Stock
48 Island.

1
2 **Action Item 2.3.1:** Continue to recognize land use districts and FLUM categories as the
3 regulatory tool used for evaluating individual proposals for compliance with land
4 development standards such as type of use and intensity of use.
5

6 **B. The amendment is consistent with the Principles for Guiding Development for the Florida**
7 **Keys Area, Section 380.0552(7), Florida Statute.**
8

9 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
10 with the principles for guiding development and any amendments to the principles, the principles
11 shall be construed as a whole and no specific provision shall be construed or applied in isolation
12 from the other provisions.
13

- 14 (a) Strengthening local government capabilities for managing land use and development so that
15 local government is able to achieve these objectives without continuing the area of critical
16 state concern designation.
- 17 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,
18 seagrass beds, wetlands, fish and wildlife, and their habitat.
- 19 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native
20 tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and
21 beaches, wildlife, and their habitat.
- 22 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound
23 economic development.
- 24 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida
25 Keys.
- 26 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural
27 environment, and ensuring that development is compatible with the unique historic character
28 of the Florida Keys.
- 29 (g) Protecting the historical heritage of the Florida Keys.
- 30 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and
31 proposed major public investments, including:
32
- 33 1. The Florida Keys Aqueduct and water supply facilities;
 - 34 2. Sewage collection, treatment, and disposal facilities;
 - 35 3. Solid waste treatment, collection, and disposal facilities;
 - 36 4. Key West Naval Air Station and other military facilities;
 - 37 5. Transportation facilities;
 - 38 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 39 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
40 properties;
 - 41 8. City electric service and the Florida Keys Electric Co-op; and
 - 42 9. Other utilities, as appropriate.
- 43
- 44 (i) Protecting and improving water quality by providing for the construction, operation,
45 maintenance, and replacement of stormwater management facilities; central sewage
46 collection; treatment and disposal facilities; and the installation and proper operation and
47 maintenance of onsite sewage treatment and disposal systems.

- 1 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
2 operation of wastewater management facilities that meet the requirements of ss.
3 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by
4 central wastewater treatment facilities through permit allocation systems.
5 (k) Limiting the adverse impacts of public investments on the environmental resources of the
6 Florida Keys.
7 (l) Making available adequate affordable housing for all sectors of the population of the Florida
8 Keys.
9 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of
10 a natural or manmade disaster and for a postdisaster reconstruction plan.
11 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
12 maintaining the Florida Keys as a unique Florida resource.
13

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

16
17 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute**
18 **(F.S.). Specifically, the amendment furthers:**
19

20 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve
21 and enhance present advantages; encourage the most appropriate use of land, water, and
22 resources, consistent with the public interest; overcome present handicaps; and deal
23 effectively with future problems that may result from the use and development of land within
24 their jurisdictions. Through the process of comprehensive planning, it is intended that units
25 of local government can preserve, promote, protect, and improve the public health, safety,
26 comfort, good order, appearance, convenience, law enforcement and fire prevention, and
27 general welfare; facilitate the adequate and efficient provision of transportation, water,
28 sewerage, schools, parks, recreational facilities, housing, and other requirements and
29 services; and conserve, develop, utilize, and protect natural resources within their
30 jurisdictions
31

32 163.3161(6), F.S. - It is the intent of this act that adopted comprehensive plans shall have the
33 legal status set out in this act and that no public or private development shall be permitted
34 except in conformity with comprehensive plans, or elements or portions thereof, prepared
35 and adopted in conformity with this act.
36

37 163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards,
38 and strategies for the orderly and balanced future economic, social, physical, environmental,
39 and fiscal development of the area that reflects community commitments to implement the
40 plan and its elements. These principles and strategies shall guide future decisions in a
41 consistent manner and shall contain programs and activities to ensure comprehensive plans
42 are implemented. The sections of the comprehensive plan containing the principles and
43 strategies, generally provided as goals, objectives, and policies, shall describe how the local
44 government's programs, activities, and land development regulations will be initiated,
45 modified, or continued to implement the comprehensive plan in a consistent manner. It is not
46 the intent of this part to require the inclusion of implementing regulations in the
47 comprehensive plan but rather to require identification of those programs, activities, and land
48 development regulations that will be part of the strategy for implementing the comprehensive

1 plan and the principles that describe how the programs, activities, and land development
2 regulations will be carried out. The plan shall establish meaningful and predictable standards
3 for the use and development of land and provide meaningful guidelines for the content of
4 more detailed land development and use regulations.
5

6 163.3194(1)(b), F.S. – All land development regulations enacted or amended shall be
7 consistent with the adopted comprehensive plan, or element or portion thereof, and any land
8 development regulations existing at the time of adoption which are not consistent with the
9 adopted comprehensive plan, or element or portion thereof, shall be amended so as to be
10 consistent. If a local government allows an existing land development regulation which is
11 inconsistent with the most recently adopted comprehensive plan, or element or portion
12 thereof, to remain in effect, the local government shall adopt a schedule for bringing the land
13 development regulation into conformity with the provisions of the most recently adopted
14 comprehensive plan, or element or portion thereof. During the interim period when the
15 provisions of the most recently adopted comprehensive plan, or element or portion thereof,
16 and the land development regulations are inconsistent, the provisions of the most recently
17 adopted comprehensive plan, or element or portion thereof, shall govern any action taken in
18 regard to an application for a development order.
19

20 163.3194(3)(a), F.S. – A development order or land development regulation shall be consistent
21 with the comprehensive plan if the land uses, densities or intensities, and other aspects of
22 development permitted by such order or regulation are compatible with and further the
23 objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it
24 meets all other criteria enumerated by the local government.
25

26 163.3201, F.S. – It is the intent of this act that adopted comprehensive plans or elements
27 thereof shall be implemented, in part, by the adoption and enforcement of appropriate local
28 regulations on the development of lands and waters within an area. It is the intent of this act
29 that the adoption and enforcement by a governing body of regulations for the development of
30 land or the adoption and enforcement by a governing body of a land development code for an
31 area shall be based on, be related to, and be a means of implementation for an adopted
32 comprehensive plan as required by this act
33

34 163.3202(2), F.S. - Local land development regulations shall contain specific and detailed
35 provisions necessary or desirable to implement the adopted comprehensive plan and shall at a
36 minimum:

37 (a) Regulate the subdivision of land.

38 (b) Regulate the use of land and water for those land use categories included in the land use
39 element and ensure the compatibility of adjacent uses and provide for open space.

40 (c) Provide for protection of potable water wellfields.

41 (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and
42 stormwater management.

43 (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive
44 plan.

45 (f) Regulate signage.

46 (g) Provide that public facilities and services meet or exceed the standards established in the
47 capital improvements element required by s. 163.3177 and are available when needed for
48 the development, or that development orders and permits are conditioned on the availability

1 of these public facilities and services necessary to serve the proposed development. A local
2 government may not issue a development order or permit that results in a reduction in the
3 level of services for the affected public facilities below the level of services provided in the
4 local government's comprehensive plan.

5 (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.

6 (i) Maintain the existing density of residential properties or recreational vehicle parks if the
7 properties are intended for residential use and are located in the unincorporated areas that
8 have sufficient infrastructure, as determined by a local governing authority, and are not
9 located within a coastal high-hazard area under s. 163.3178.

10
11 **V. STAFF RECOMMENDATION**

12
13 Staff recommends approval of the proposed amendments to Policies 101.4.5 and 101.4.21, including
14 the revisions proposed by Monroe County.
15

16 **VI. PROCESS**

17
18 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
19 Planning Commission, the Director of Planning, or the owner or other person having a contractual
20 interest in property to be affected by a proposed amendment. The Director of Planning shall review
21 and process applications as they are received and pass them onto the Development Review
22 Committee and the Planning Commission.
23

24 The Planning Commission shall hold at least one public hearing. The Planning Commission shall
25 review the application, the reports and recommendations of the Department of Planning &
26 Environmental Resources and the Development Review Committee and the testimony given at the
27 public hearing. The Planning Commission shall submit its recommendations and findings to the
28 Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the
29 transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff
30 recommendation, and the testimony given at the public hearing. The BOCC may or may not
31 recommend transmittal to the Florida Department of Community Affairs (DCA). The amendment is
32 transmitted to DCA, which then reviews the proposal and issues an Objections, Recommendations
33 and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt
34 the amendments, adopt the amendments with changes or not adopt the amendment
35

36 **VII. EXHIBITS**

- 37
38 1. Maps identifying the 29 parcels within Monroe County zoned as Maritime Industries (MI)

Scout Key

OVERSEAS HWY

35

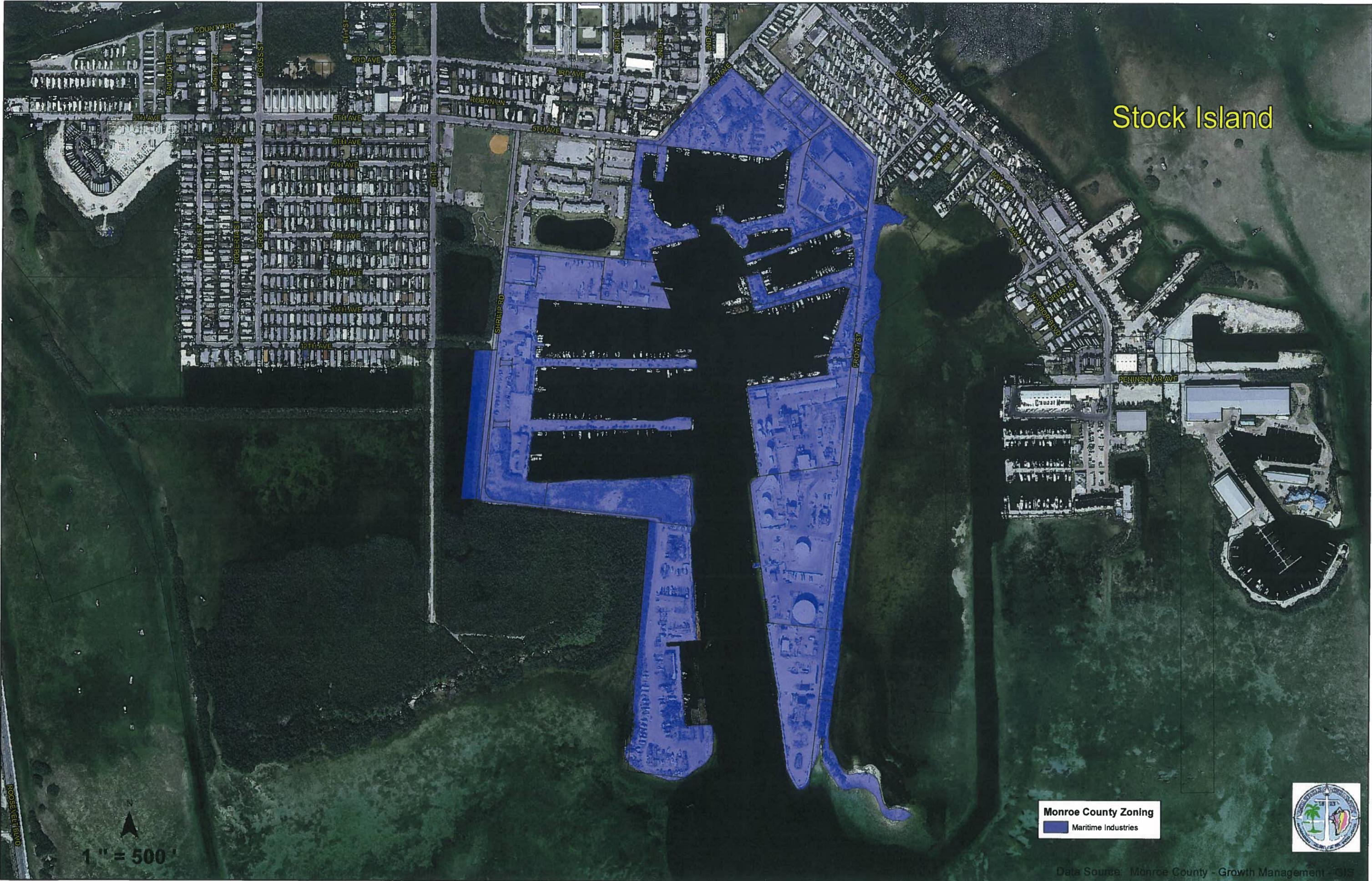
1" = 200'

Monroe County Zoning
Maritime Industries



Data Source: Monroe County - Growth Management - GIS

Stock Island



Monroe County Zoning
Maritime Industries



File #: **2011-102**

Owner's Name: Longstock II, LLC

Applicant: Longstock II, LLC

Agent: n/a

Type of Application: Text Amendment to the Monroe
County Comprehensive Plan
Policy 101.4.5, 101.4.21

Additional Information added to File 2011-102

County of Monroe
Growth Management Division

Office of the Director

2798 Overseas Highway
Suite #400
Marathon, FL 33050
Voice: (305) 289-2517
FAX: (305) 289-2854



Board of County Commissioners

Mayor Sylvia J. Murphy, Dist. 5
Mayor Pro Tem Heather Carruthers, Dist. 3
Kim Wigington, Dist. 1
George Neugent, Dist. 2
Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

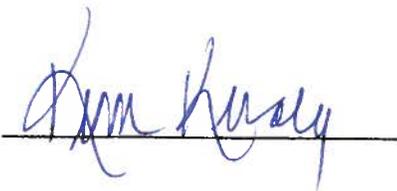
Date: 8.30.11
Time: PM

Dear Applicant:

This is to acknowledge submittal of your application for TEXT AMENDMENT
Type of application

LONGSTOCK, LLC to the Monroe County Planning Department.
Project / Name

Thank you.



Planning Staff

End of Additional File 2011-102



August 30, 2011

**Ms. Christine Hurley
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050**

Re: Request for a Text Amendment to the Monroe County Comprehensive Plan

Ms. Hurley:

Longstock II, LLC is pleased to submit a request for an application for a text amendment to the Monroe County Comprehensive Plan for your review.

For clarity the request from the application is in bolded font and our responses are in non-bolded font.

Please find included in this submittal the conditional use application.

- **Analysis of Proposed Amendment**
 - Please see Tab A
- **6 Factors for Change**
 - Please see Tab B
- **Text Amendment Statement**
 - Please see Tab C
- **Copy of Complete Existing Section and/or Policy to be Amended**
 - Please see Tab D
- **Copy of Complete Proposed Section and/or Proposed Policy to be Amended**
 - Please see Tab E

If you have any questions regarding this response letter please do not hesitate to contact me at the address and telephone number below or electronically at *mstrunk@stockislandmarina.com*.

**Sincerely,
Matthew Strunk
Longstock II, LLC
Secretary and Treasurer
August 30, 2011**

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Text Amendment to the Monroe County Land Development Regulations or the Monroe County Comprehensive Plan

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 the Land Development Regulations Only Application Fee: \$5,041.00

Amendment to the Comprehensive Plan Only Application Fee: \$5,531.00

Amendment to the Land Development Regulations and Comprehensive Plan Application Fee: \$6,000.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00

Date of Submittal: 08 / 30 / 2011
Month Day Year

Applicant:

Longstock II, LLC

Name

7009 Shrimp Road, Suite 2. Key West, FL 33050

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

(305) 294-2288

Daytime Phone

mstrunk@oldislandharbor.com

Email Address

Section(s) of Land Development Regulations to be Amended (if applicable): Not part of this application

Policy(s) of Comprehensive Plan to be Amended (if applicable): Policy 101.4.5, 101.4.21

Please provide an analysis as to how the proposed amendment is consistent with the applicable provisions of the Land Development Regulations, Comprehensive Plan and the Principles for Guiding Development for the Florida Keys (attach additional sheets if necessary):

Please see Tab A

APPLICATION

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.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six (6) 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 Tab B

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

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

- 4) **New issues:**

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

- 6) **Data updates:**

APPLICATION

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 text amendment would not result in an adverse community change (attach additional sheets if necessary):

Please see additional sheets

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

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

- Complete text amendment application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Copy of Complete Existing Section and/or Existing Policy to be Amended or Deleted;
- Copy of Complete Proposed Section and/or Proposed Policy to be Amended or Added

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 text 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: Matthew DTL Date: 8/22/11

Sworn before me this 22nd day of August 2011

MARIE CERULLI
NOTARY PUBLIC, State of New York
No. 01CE5015137
Qualified in Monroe County
Commission Expires July 12, 2015

Marie Cerulli

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.

Request for a Text Amendment to the Monroe County Comprehensive Plan

Index

Tab A – Analysis of Proposed Amendment

Tab B – Six Factors for Change

Tab C – Text Amendment Statement

Tab D – Copy of Complete Existing Section and/or Policy to be Amended

Tab E – Copy of Complete Proposed Section and/or Proposed Policy to be Amended

Please provide an analysis as to how the proposed amendment is consistent with the applicable provisions of the Land Development Regulations, Comprehensive Plan and the Principles for Guiding Development for the Florida Keys:

The proposed amendment is consistent with, and furthers the goals objectives and policies of the Monroe County Year 2010 Comprehensive Plan and the Land Development Regulations. Specifically the amendment furthers:

GOAL 101 of the Monroe County Year 2010 Comprehensive Plan states that the County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)a]

Objective 101.1: To ensure at the time of development adequate public facilities are available to serve the development concurrent with the impacts of such development.

Policy 101.1.1: To provide Level of Service (LOS) standards for traffic circulation, potable water, solid waste, sanitary sewer, drainage, recreation and open space.

Objective 101.1: To regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

Policy 101.3.2: to obtain letter of coordination confirming the availability of potable water and electricity.

Objective 101.4: To regulate future development and redevelopment to maintain the character of the community by providing for compatible distribution of land uses consistent with the FLUM

Policy 101.4.24: To limit the height of structure to 35 feet.

Objective 101.9: To provide drainage and stormwater management to protect and improve water quality.

Policy 101.9.1: At the time of development adequate stormwater management facilities are available to support the development.

GOAL 102 of the Monroe County Year 2010 Comprehensive Plan states that future growth shall be directed to lands most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

Objective 102.1: New development to comply with environmental standards and environmental design criteria.

GOAL 105 of the Monroe County Year 2010 Comprehensive Plan states that smart growth initiatives, in conjunction with the Livable CommuniKeys Program, shall be undertaken in a manner that recognizes the finite capacity for new development in the Florida Keys by providing economic opportunities for residents and to sustain livable communities.

Objective 105.1: Implement smart growth initiatives which promote innovative and flexible development processes to enhance the community character and quality of life, redevelop blighted commercial and residential areas, direct future growth to appropriate infill areas.

GOAL 202 of the Monroe County Year 2010 Comprehensive Plan states that the environmental quality of the nearshore water and associated marine resources shall be maintained and, where possible, enhanced

Objective 202.1: Work cooperatively with FDEP, SFWMD, to implement the Water Quality Protection Program.

Policy 202.2: Maintain permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface water from on-site disposal systems.

Objective 202.4: Maintain discharge regulations, fees, and enforcement provisions to reduce pollutant discharges into surface waters from moored/anchored vessels (live-aboards) in nearshore waters to the extent allowed by law.

Policy 202.4.1: To require new marinas at which live-aboards are moored to provide a pump-out station.

Objective 202.5: To enforce permitting and inspection procedures designed to reduce pollutant discharges into surface waters from marinas and fueling facilities.

Policy 202.5.1: To provide on-site pump-out station and appropriate sewage treatment to accommodate the number of wet slips at the site.

Policy 202.5.2: To provide on site sewage treatment for existing upland facilities and pump-out for the live-aboards and be a condition of a permit.

Policy 202.5.3: Existing marinas to include pump-out and sewage treatment.

Policy 202.5.5: To implement and enforce compliance with state and federal regulations pertaining to adequate spillage prevention, containment, and clean-up of fuel or hazardous material at marina sites and fueling facilities.

Objective 202.8: To abide by regulations controlling pollutant discharges into surface water from dredge and fill activities.

Policy 202.8.1: To follow all state and federal policies and regulations concerning the permitting of dredge and fill activity, except in those instances where more stringent regulations are adopted by the County.

Policy 202.8.4: To not maintenance dredge in artificial waterways greater than minus six (-6) feet mean low water.

GOAL 212 of the Monroe County Year 2010 Comprehensive Plan states that land uses shall be prioritized and that criteria be established for shoreline development to preserve and enhance coastal resources and to ensure the continued economic viability of the County.

Objective 212.1: Regulate shoreline uses consistent with water-dependent uses, water-related uses and uses that are not dependent upon or related to shoreline access.

Policy 212.1.1: Provide appropriate mixed use development that includes water dependent and water-related uses and is compatible with the existing land uses.

Policy 212.1.3: Maintain existing commercial fishing operations as conforming uses.

Objective 212.2: Adopt performance standards to reduce stormwater runoff impacts, aesthetic impacts, and hydrologic impacts of shoreline development.

Policy 212.2.1: Provide minimum coastal setbacks of twenty (20) feet from the mean high tide line of manmade water bodies and/or lawfully altered shorelines of natural water bodies.

Policy 212.2.4: Maintain Best Management Practices (BMPs) of stormwater management criteria applicable to shoreline setbacks to control runoff from waterfront property.

GOAL 213 of the Monroe County Year 2010 Comprehensive Plan states the adequate public access to the beach or shoreline must be ensured.

Objective 213.1: To increase the amount of public access to beach or shoreline.

Policy 212.1.1: To increase the need for public access points, marinas, boat ramps, public docks.

GOAL 214 of the Monroe County Year 2010 Comprehensive Plan states a need to recognize, designate, protect, and preserve its historic resources.

Objective 214.1: To maintain the historical significance as a working waterfront.

Objective 214.3: To preserve historic resources.

GOAL 301 of the Monroe County Year 2010 Comprehensive Plan is to provide safe, convenient, efficient, and environmentally-compatible motorized and non-motorized transportation systems.

Objective 301.1: Maintain level of service (LOS) for all roads surrounding the development.

Objective 301.2: Ensuring all roads have sufficient capacity to serve development.

GOAL 502 of the Monroe County Year 2010 Comprehensive Plan states that all existing and future residents and guest of Monroe County shall be served with ports in a manner that maximizes safety, convenience, economic benefit, environmental compatibility and consistency with other elements of the comprehensive plan.

Objective 502.1: To promote the preservation and enhancement of existing ports and port related activities.

Policy 502.1.1: To permit only port and port related land uses within Safe Harbor.

Policy 502.1.2: To permit land uses supportive, complementary or otherwise port related nearby and adjacent to Safe harbor.

GOAL 701 of the Monroe County Year 2010 Comprehensive Plan states the need to provide high quality and adequate supply, treatment, distribution, and conservation of potable water to meet the needs of present and future residents.

Objective 701.1: At the time a development permit is issued, adequate potable water supply, treatment and distribution services are available to support the development.

GOAL 801 of the Monroe County Year 2010 Comprehensive Plan states the need to provide adequate collection, disposal and resource recovery of solid waste in an environmentally sound and economically feasible manner to meet the needs of present and future residents.

Objective 801.1: At the time a development permit is issued, adequate solid waste service and disposal capacity are available to support the development.

GOAL 901 of the Monroe County Year 2010 Comprehensive Plan states the need to provide adequate, economically sound collection, treatment, and disposal of sewage which meets the needs of present and future residents while ensuring the protection of public health, and maintenance and protection of ground, nearshore, and offshore water quality.

Objective 901.1: At the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal are available to support the development.

GOAL 1001 of the Monroe County Year 2010 Comprehensive Plan states the need to provide a stormwater management system which protects real and personal properties, and which promotes and protects ground and nearshore waters.

Objective 1001.1: At the time a development permit is issued, adequate stormwater management facilities, are available to support the development.

GOAL 1201 of the Monroe County Year 2010 Comprehensive Plan states the need to provide recreation and open space systems.

Objective 1201.1: At the time a development permit is issued, adequate park and recreation lands and facilities are available to support the development.

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.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six (6) factors. Please describe how one or more of the following factors shall be met:

- 1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**
 - The proposed change is consistent with the Goals, Objectives, and Policies of the Monroe County Comprehensive Plan and the CommuniKeys Master Plan and this change does not have any effect on the level-of-service regarding public service needs. This text amendment is simply to align similar uses and correspond with the appropriate future land use category.
 - This change will leave MI under the future land use category of Industrial and will simply add it to the Mixed-use Commercial (MC) category. This proposed amendment does not have a negative impact or alter any adopted levels-of-service. The addition of MI as an allowable zoning district in the MC category does not impact any public services and will not increase or decrease the public service needs for their site.
- 2. Changed assumptions (e.g., regarding demographic trends):**
 - According to the American Community Survey published in 2009, there is a resident population on Stock Island of 3,308, which is down from 4,410 in 2000. Of the 3,308, 2,300 residents are ages 18-65 and only 1,720 are in the work force with nearly 19% of individuals living below poverty level, and nearly 15% of families below poverty level. Amending the Comprehensive Plan to allow for mixed-use developments as permitted within the Maritime Industrial zoning district will increase the availability of jobs through redevelopment. In addition, it will create consistency between the schedule of uses in the assigned zoning districts and uses allowed by the land use category.
 - Several properties with very similar uses are designated as Mixed-use/Commercial on the FLUM. These properties are similar in nature to the uses and pattern of development both existing and proposed for the MI zoning district. An amendment to add Maritime Industrial zoning district to Mixed-use/Commercial land use category is consistent with the character of Stock Island which is one of two areas that are designated as MI. The only other site in Monroe County is owned by the County which was previously a barrow pit. The site is currently not developed and will not be affected by this change. This amendment to the policies will not adversely impact the demographic trends; rather, promote a mixture of uses that is increasing in demand and encouraged by multiple policies within the Comprehensive Plan.
- 3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**
- 4. New Issues**

- There is a desire from the residents of the County for additional access to the waterfront and by adopting the amendment to policy 101.4.21 allowing the M.I. zoning district to be allowed under Mixed-use/Commercial (MC) it will allow for future development to provide access to the waterfront.
- In the CommuniKeys Master Plan it is stated that “the purpose of the MC land use district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, and residential, institutional, and commercial uses”. These uses are consistent and currently permitted within the Maritime Industrial (MI) zoning district. Approval of an amendment to the current MC policy will create consistency between the Future Land Use category and the Zoning District schedule of uses, as well as, the FLUM designation and existing uses of the surrounding community.
- The CommuniKeys Master Plan also states that it is “a goal to encourage businesses to retain existing and create new public waterfront access through development of a marina into a working waterfront and mixed use commercial zone”.
- Industrial uses are defined in the CommuniKeys Master Plans as those uses devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage, or distribution of goods and materials whether new or used, or the refinishing, repair or rebuilding of vehicles or boats. This definition is inconsistent with the definition of Maritime Industrial which allows various commercial uses and hotels.
- The proposed change will not have an adverse affect on the density of the district. Currently in this district, there are live-aboards, office space, artists, woodworkers, residential, commercial residential, commercial retail, hotels, and a working waterfront. The proposed amendment further encourages maintaining this mixture of uses during redevelopment and will ensure compatibility between existing uses and future uses.

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

- The Maritime Industrial (MI) zoning district fits in to the Industrial (I) future land use category, according to 101.4.21, but permits uses that are not allowed in Industrial, such as hotel(s). This variation in allowable uses creates an inconsistency between MI Zoning District and Industrial future land use category. This inconsistency can be remedied in a two step process. First, amend the FLUM to designate the subject site as Mixed-use/Commercial; and second, amend the table within Policy 101.4.21 to permit the MI zoning district within the Mixed-use/Commercial future land use category. Completing both steps creates consistency between the zoning district and the future land use categories.
- The majority of the uses in MI zoning district are allowed and are consistent with the intent of the MC future land use category. These uses include commercial, office space, hotels, marinas, boat building, and commercial fishing. Many of the same uses are allowed in the SC, UC, DR, RV, and MU zoning districts, which are also permitted zoning districts within the MC future land use category.

6. Data Updates

- The majority of uses that are allowed in the MI zoning district are allowed in the MC will not result in an increase in the level-of-service by other policies. The amendment is intended to create consistency between uses permitted within specific zoning districts and the future land use categories to which they may be assigned.

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 indicated. Please describe how the text amendment would not result in an adverse community change:

The proposed text amendment will not result in any adverse community change. According to Section 130-85 of the Land Development Regulations, MI allows for such uses as commercial retail, office, light industry, commercial apartments, commercial fishing, institutional, public buildings, and vacation rental and with a minor or major conditional use permit; Hotels, marinas, and larger commercial apartments. The Industrial land use category is designated "to establish areas that are suitable for the development of industrial and manufacturing uses, warehousing and distribution uses." The Industrial land use designation also allows for heavy industrial uses and resource extraction. These uses are not consistent with the surrounding area and character of Stock Island and would be contrary to the goal of Stock Island to preserve the working waterfront while increasing public access to the waterfront.

Objective 101.3

Monroe County shall regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

Policy 101.3.1

Monroe County shall maintain a balance between residential and non-residential growth by limiting the square footage of non-residential development to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Residential Permit Allocation System. This ratio may be modified from time to time through amendments to the land development regulations based upon market and other relevant studies as required by policy 101.3.5. The commercial allocation allowed by this policy shall be uniformly distributed on an annual basis, consistent with the Residential Permit Allocation System as set forth in Policy 101.2.1.

Policy 101.3.2

Applicants shall be required to obtain letters of coordination confirming the availability of potable water and electricity, and applicable permits from HRS prior to submitting a building permit application for new non-residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to issuance of a County permit.

Policy 101.3.3

The Permit Allocation System for new non-residential (NROGO) development shall specify procedures for:

1. the annual adjustment of the square footage allocated for new non-residential development to be permitted during the next year based upon, but not limited to:
 - a) the square footage allocated for new non-residential development that expired during the previous year;
 - b) the amount of square footage available for allocations but not allocated in previous year;
 - c) modifications required or provided by this plan; and,
 - d) receipt or transfer of floor area by intergovernmental agreement.
2. maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System, as may be amended from time to time in accordance with Policy 101.3.1; and,
3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new non-residential development during the calendar year.

Policy 101.3.4

Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Except within Tier I designated areas pursuant to Goal 105 or within a designated Tier III Special Protection Area pursuant to Policy 205.1.1, certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that such activity will predominately serve the County's non-transient population. All public and institutional uses that

predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.

Policy 101.3.5

By July 2005, Monroe County shall complete a market demand analysis and economic assessment to determine the demand for future non-residential development in Monroe County and planning sub-areas. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses may be revised based upon the results of this study, and other relevant policy and economic studies and data and provide the basis for preparing specific amendments to the comprehensive plan to incorporate goals, objectives and policies on economic development including tourism. The analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-area.

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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. [9J-5.006(3)(b) 3]

Policy 101.4.1

The principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that was in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended. [9J-5.006(3)(c) 1 and 7]

Policy 101.4.2

The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

Policy 101.4.3

The principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided. [9J-5.006(3)(c) 1 and 7]

Policy 101.4.4

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. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. [9J-5.006(3)(c) 1 and 7]

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

Policy 101.4.6

The principal purpose of the Mixed Use/ Commercial Fishing land use category is to provide for the maintenance and enhancement of commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry. Residential uses are also permitted. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero. [9J-5.006(3)(c)1 and 7]

Policy 101.4.7

The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed. [9J-5.006(3)(c)1 and 7]

Policy 101.4.8

The principal purpose of the Agriculture/Aquaculture land use category is to encourage the retention of existing agricultural and aqua cultural uses. [9J-5.006(3)(c)1 and 7]

Policy 101.4.9

The principal purpose of the Recreation land use category is to provide for public and private activity-based and resource-based recreational facilities. [9J-5.006(3)(c)1 and 7]

Policy 101.4.10

The principal purpose of the Institutional land use category is to provide for institutional uses by federally tax-exempt, non-profit facilities, including, but not limited to, educational, scientific, religious, social service, cultural, and recreational organizations. Related residential and non-residential uses, including student and employee housing shall be allowed. [9J-5.006(3)(c)1 and 7]

Policy 101.4.11

The principal purpose of the Educational land use category is to provide for public educational facilities. The County shall coordinate with the School Board to balance educational facility land requirements with other land use objectives. In recognition of Monroe County's environment and the linear distribution of its population, the County shall encourage schools to accommodate building and facility requirements on existing sites. When new school sites are required, school shall be encouraged to locate proximate to urban residential areas and other public facilities. [9J-5.006(3)(c) 1 and 7]

Policy 101.4.12

The principal purpose of the Public Buildings/Grounds land use category is to provide for public buildings and grounds owned by federal, state and local governments. [9J-5.006(3)(c)1 and 7]

Policy 101.4.13

The principal purpose of the Public Facilities land use category is to provide for land owned by public utilities and service providers. [9J-5.006(3)(c)1 and 7]

Policy 101.4.14

The principal purpose of the Military land use category is to provide for federally owned lands used for military purposes. Development densities and intensities are not subject to regulation by Monroe County. Military commanders will be requested to follow these recommended densities and intensities as specified in Policy 101.4.22, consistent with natural resource constraints as well as all County environmental design criteria.

Policy 101.4.15

The principal purpose of the Conservation land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed. [9J-5.006(3)(c)1 and 7]

Policy 101.4.16

The principal purpose of the Airport District land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports.

Policy 101.4.17

The principal purpose of the Mainland Native land use category is to protect the undeveloped and environmentally sensitive character of land within Monroe County that is located on the mainland of the Florida peninsula. Very low density residential uses and low-intensity educational and research centers shall be allowed. All land in the mainland portion of Monroe County is hereby designated as Mainland Native.

Policy 101.4.18

The principal purpose of the Historic overlay category is to identify existing and potential historic districts for designation, protection, and preservation (See Goal 104 and supporting objectives and

policies). Maximum permitted densities and intensities shall be in accordance with the underlying land use categories. [9J-5.006(3)(c)1 and 7]

Policy 101.4.19

Densities among properties designated Residential Conservation and Residential Low shall not be increased above the densities which existed prior to the date of plan adoption except through appeal procedures to demonstrate that such prior density designations were incorrect due to scrivener's/drafting errors or incorrect habitat conditions identified on the December 1985 Habitat Classification Aerial Photographs.

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17: [9J-5.006(3)(c)7].

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Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^(g) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) ^(g) (CFA, CFV ^(e) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:

- (a) "N/A" means that maximum net density bonuses shall not be available.
- (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
- (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

Proposed Policy 101.4.5 and 101.4.21 Text Amendment

Additions are underlined and italicized.

3.1 Goals, Objectives and Policies

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. [9J-5.006(3)a]

Objective 101.4

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

Policy 101.4.5

The principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. *Typical uses permitted within the Mixed Use/Commercial land use category are those that establish or conserve areas of mixed uses, including but not limited to, commercial fishing, hotels, residential, institutional, and a variety of commercial uses.* Employee housing and commercial apartments are also permitted.

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

In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1-101.4.17: [9J-5.006(3)(c)7].

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density DU/Acre	Maximum Net Density DU/Buildable Area	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI Zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Conservation (C) (CD zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/space	0.25-0.40
Mainland Native (MN) (CD zoning)	0.01 du 10 rooms/spaces	N/A N/A	0.1
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) (SC,UC,DR,RV, MU, and MI Zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) (CFA,CFV,CFSD Zoning)	approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Building Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS, SR and SR-L zoning)	0-0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (SS, SR and SR-L zoning)	approx. 0.5-5 du 0 rooms/spaces	N/A N/A	0
Residential High (RH) (SS, SR and SR-L zoning)	approx.3-16 du 10 rooms/spaces	12 du 20 rooms/space	0

Notes:

(a) "N/A" means the maximum net density bonuses shall not be available.

(b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.

(c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.

(d) Maximum net density bonuses shall not be available to the SS district.

(e) The allocated density for IS-D and Urm zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.

(f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.

(g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/Commercial and Mixed Use/Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.

(h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have not directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.

(i) The Maximum Net Density is the maximum density allowable with the use of TDR's



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

To: Monroe County Development Review Committee

Through: Christine Hurley, AICP, Director of Growth Management
Townasley Schawb, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Assistant Director of Planning & Environmental Resources

Date: October 5, 2011

Subject: Request by Longstock II, LLC, to amend the Comprehensive Plan Future Land Use Map for three (3) parcels (00123760-000200, 00123720-000100 and 00123720-000200) on Stock Island.

Meeting: October 17, 2011

I. REQUEST

Longstock II, LLC, is requesting to amend the Comprehensive Plan Future Land Use Map for three (3) parcels (00123760-000200, 00123720-000100 and 00123720-000200) on Stock Island from Industrial to Mixed Use/Commercial.

II. BACKGROUND INFORMATION

Longstock II, LLC, is developing a project concept for property designated as Maritime Industries zoning and has requested this amendment upon determining that their zoning district was not consistent with the Future Land Use Map (FLUM) Category of Industrial (see policy below). The Future Land Use Map Designation of Industrial does not provide for transient development (no adopted transient density standards). The Maritime Industries (MI) Zoning category does allow transient units, which is inconsistent with the Comprehensive Plan. As a result of the Comprehensive Plan being the controlling document, the transient density for Maritime Industries is considered zero (0).

Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Maritime Industries (MI) Zoning District	1 du 10 rooms/spaces	2 du 15 rooms/spaces	0.30-0.60

Current Comprehensive Plan FLUM Policies:

Policy 101.4.7

The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed.

Policy 101.5.4

The principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

As a result of the inconsistency between the FLUM category and its corresponding zoning district, Longstock II, LLC, has submitted two comprehensive plan amendment applications. Longstock II, LLC, has requested to amend Policies 101.4.5 and 101.4.21 to revise the Mixed Use/Commercial (MUC) Future Land Use Map Category description and assign the Maritime Industries Zoning District to the MUC category (separate application). Additionally, Longstock II, LLC, has requested to amend the Comprehensive Plan Future Land Use Map for three (3) parcels (00123760-000200, 00123720-000100 and 00123720-000200) on Stock Island from Industrial to MUC.

III. PROPOSED AMENDMENTS

Request to amend the FLUM designation from Industrial to Mixed Use/Commercial (MUC) for the property identified in yellow below. Exhibit 1 provides the proposed FLUM amendment.



The FLUM amendment will affect three (3) parcels (00123760-000200, 00123720-000100 and 00123720-000200) on Stock Island, totaling 12.25 upland acres. The legal description, submitted by Longstock II, LLC, is provided in Exhibit 2.

IV. ANALYSIS OF PROPOSED DENSITIES & INTENSITIES; COMPATABILITY; AND CONCURRENCY ANALYSIS

Maximum Allocated Density and Intensity by Future Land Use Map Designation:

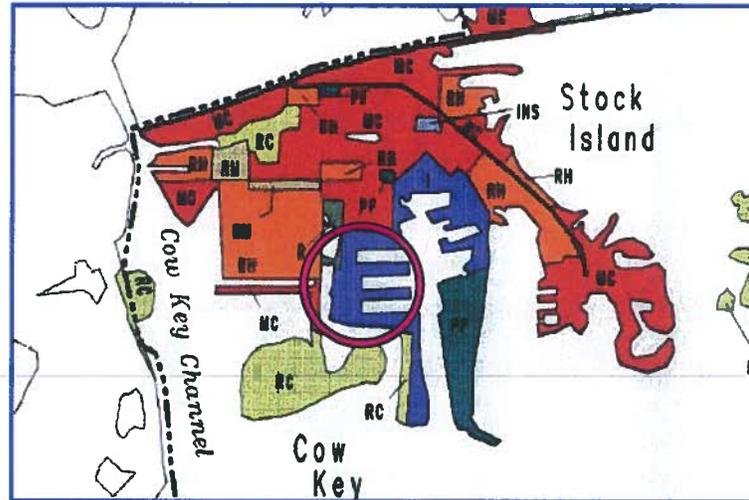
Existing FLUM	Type	Adopted Standards	Development Potential
Industrial FLUM	Residential Allocated Density/Acre	1 du	12 units
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Nonresidential Maximum Intensity	0.25-0.60 FAR	133,402 sf – 320,166 sf
Proposed FLUM	Type	Allocated Density	Development Potential
Mixed Use/ Commercial FLUM	Residential Allocated Density/Acre	1-6 du	12 – 73 units
	Transient Allocated Density/Acre	5-15 rooms/spaces	61-183 rooms/spaces
	Nonresidential Maximum Intensity	0.10-0.45	53,361 sf - 240,124 sf
Net Change in Development Potential	Residential: + 61 du Transient: +183 rooms/spaces Nonresidential: -80,042 square feet		

Note: The above table provides an approximation of the development potential for residential, transient and commercial development.

Please note, Section 130-156 of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development.”

Compatibility:

Map 8 (Exhibit 3) of the Monroe County Comprehensive Plan Future Land Use Map Series identifies the approximate location of the proposed FLUM amendment (pink circle):



As can be noted in the map above, many of the properties neighboring the three parcels (00123760-000200, 00123720-000100 and 00123720-000200 which are the subject of the requested FLUM amendment) are currently designated as Mixed Use/Commercial. The surrounding area includes a mix of uses, including: commercial, office, industrial, service (such as engine repair), storage & warehouse, residential housing, public utility facilities and commercial fishing uses. Additionally, the three parcels which are the subject of the requested FLUM amendment are designated as Tier III, classified as developed land and are not designated as habitat for any protected species. With the diverse set of uses located on the three parcels (00123760-000200, 00123720-000100 and 00123720-000200) and the neighboring properties, the proposed amendment is considered compatible with the existing uses, the character of the undeveloped properties, and the natural resources.

Concurrency Analysis:

TRAFFIC CIRCULATION – According to the 2011 US.1 Arterial Travel Time and Delay Study, at the present time, US 1 is operating overall at a LOS of “C.” In the Lower Keys Area, the Stock Island segment (Segment 1 – MM 4.0-5.0) is operating at a LOS of “B” and the segments from Boca Chica (MM5.0-9.0) north to Big Pine Key (MM 29.5-33.0) are operating at a LOS of “C” or better. No significant impacts to US 1 are anticipated as a result of this FLUM amendment.

POTABLE WATER - FCAA’s Water Treatment Facility in Florida City, has a maximum water treatment design capacity of 29.8 million gallons per day (MGD) and is capable of treating up to 23.8 MGD. There are also two saltwater Reserve Osmosis (RO) plants, located on Stock Island and Marathon, which are able to produce potable water under emergency conditions. The RO desalination plants have design capacities of 2.0 and 1.0 MGD of water, respectively. The annual average daily demand is 16.21 MGD and projections indicate a slight increase to an annual average daily demand to 16.54 MGD.

FLUM	Comprehensive Plan Potable Water Policy 701.1.1	Max Potential Residential Development (dwelling units)	Persons/ household	Total persons	Total LOS Demand	Net Change
INDUSTRIAL	Residential LOS 66.50/gal/cap/day (149 gal/du/day)	12	2.24	26.88	1,787	+ 9,085
MIXED USE / COMMERCIAL	Residential LOS 66.50/gal/cap/day (149 gal/du/day)	73	2.24	163.5	10,872	

FLUM	Comprehensive Plan Potable Water Policy 701.1.1	Max Potential Intensity Floor Area Ratio (FAR) Square Feet	LOS Standard 0.35 gal/sq.ft./day	Total LOS Demand	Net Change
INDUSTRIAL (0.60 FAR)	Nonresidential LOS 0.35 gal/sq.ft./day	320,166 sf	0.35	112,058.	- 28,015
MIXED USE / COMMERCIAL (0.45 FAR)	Nonresidential LOS 0.35 gal/sq.ft./day	240,124 sf	0.35	84,043	

The FKAA system has available capacity to accommodate the proposed FLUM amendment. The applicant also has submitted a preliminary coordination letter from FKAA.

SOLID WASTE - Monroe County has a contract with Waste Management, authorizing the use of in-state facilities through September 30, 2016; thereby, providing the County with approximately five (5) years of guaranteed capacity. Currently, there is adequate capacity for solid waste generation.

FLUM	Comprehensive Plan Solid Waste Policy 801.1.1	Max Potential Residential Development (dwelling units)	Persons/ household	Total persons	Total LOS Demand	Net Change
INDUSTRIAL	Residential LOS 5.44lbs/capita/day	12	2.24	26.88	146	+ 743
MIXED USE / COMMERCIAL	Residential LOS 5.44lbs/capita/day	73	2.24	163.5	889	

SANITARY SEWER – The property will be served by the Key West Resort Utilities Wastewater Treatment Plant. The applicant has a Utility Agreement (Exhibit 4) with Key West Resort Utilities Corporation which includes a reservation fee to reserve plant capacity for the property.

Other Analysis: Monroe County is processing amendments to the Comprehensive Plan to adopt military compatibility criteria. Additionally, the Monroe County Land Development Regulations include an “Air Installation Compatible Use Zones Overlay.” These items, in regards to the proposed FLUM amendment, are discussed in Exhibit 5.

V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

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

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

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

Policy 101.7.2: By January 4, 1998, Monroe County shall complete a community plan for Stock Island which shall address redevelopment needs identified by the needs assessment of potential redevelopment areas. Preparation and funding of this plan shall be coordinated with the City of Key West.

Policy 101.20.2: The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principles outlined in this section and adopted by the Board of County Commissioners:

3. The Stock Island/Key Haven Livable CommuniKeys Plan Volume I is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in this Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

4. Volume Two (2) of the Stock Island and Key Haven Livable CommuniKeys Master Plan titled Harbor Preservation/Redevelopment and Corridor Enhancement Plan dated November 2005 and incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in this Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

Policy 105.1.1: Monroe County shall create an economic development framework for a sustainable visitor-based economy, not dependent on growth in the absolute numbers of tourists, that respects the unique character and outdoor recreational opportunities available in the Florida Keys.

Policy 105.1.2: Monroe County shall prepare design guidelines to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of

the casual island village atmosphere of the Florida Keys.

Policy 502.1.1: Monroe County shall permit only port and port related land uses within the Safe Harbor/Peninsular port area of Stock Island. Within twelve months of the effective date of the Comprehensive Plan, Monroe County shall adopt Land Development Regulations and amend the Land Use District Maps to only permit those land uses including but not limited to commercial and industrial port dependent uses, industry, commercial fishing, marinas, and employee housing.

Policy 502.1.2: Monroe County shall permit land uses supportive, complementary or otherwise port related nearby and adjacent to the Safe Harbor/Peninsular port area of Stock Island. Within twelve months of the effective date of the Comprehensive Plan, Monroe County shall adopt Land Development Regulations and amend the Land Use District Maps to only permit those uses, including but not limited to warehousing, industry, affordable housing, marine businesses, and restaurants.

Stock Island/Key Haven Livable CommuniKeys Plan Volume I:

Action Item 2.1.1: Initiate and complete a land use classification reevaluation plan for Stock Island.

Action Item 2.3.1: Continue to recognize land use districts and FLUM categories as the regulatory tool used for evaluating individual proposals for compliance with land development standards such as type of use and intensity of use.

Stock Island/Key Haven Livable CommuniKeys Plan Volume II:

Action Item: Promote a diverse mix of land uses to support increased activity in the harbor area, while remaining compatible with its working waterfront character and function.

B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

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

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection, treatment, and disposal facilities;
 - 3. Solid waste treatment, collection, and disposal facilities;
 - 4. Key West Naval Air Station and other military facilities;
 - 5. Transportation facilities;
 - 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 8. City electric service and the Florida Keys Electric Co-op; and
 - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

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

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and

general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions

163.3161(6), F.S. - It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3194(1)(b), F.S. – All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

163.3194(3)(a), F.S. – A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

163.3201, F.S. – It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Policies 101.4.5 and 101.4.21.

- Discussion of potential conditions to the approval.
 - Proposed military compatibility polices
 - Proposed policy to discourage increases in density & intensity

VI. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Community Affairs (DCA). The amendment is transmitted to DCA, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment

VII. EXHIBITS

1. Proposed FLUM amendment for 00123760-000200, 00123720-000100 and 00123720-000200 on Stock Island
2. Legal Description of 00123760-000200, 00123720-000100 and 00123720-000200 on Stock Island
3. Map 8 of the Monroe County Comprehensive Plan Future Land Use Map Series
4. Key West Resort Utilities Corporation Utility Agreement
5. Review of Military Compatibility

Monroe County Future Land Use Amendment

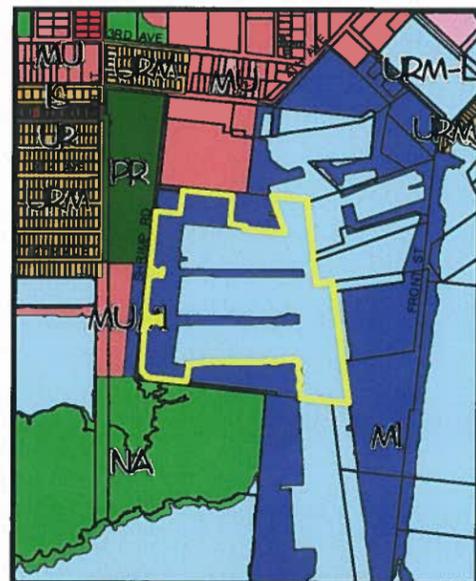


Existing Conditions



Proposed Conditions

Future Land Use Designations: RC = Residential Conservation; RL = Residential Low; RM = Residential Medium; RH = Residential High; MC = Mixed Use/Commercial; MCF = Mixed Use/Commercial Fishing; I = Industrial; R = Recreation; INS = Institutional; E = Educational; PB = Public Buildings/Grounds; PF = Public Facilities; M = Military; C = Conservation; AD = Airport District; H = Historic Overlay; DC = Residential Conservation



Land Use District



Tier Designation



Growth Management Division
We strive to be caring, professional, and fair.

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

Key: Stock Island Mile Marker: 5 Map Amendment #: 2011-103
Acreage: 12.25 Uplands Land Use District Map #: 582
23.23 Submerged

Ordinance No.: _____ Planning Horizon: 2011

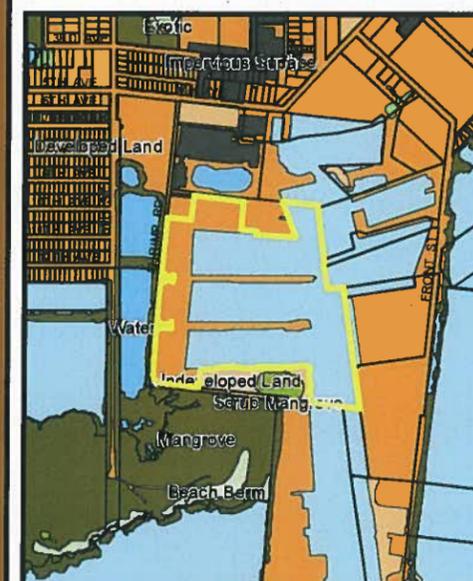
Date of Adoption: _____

Proposal: Future Land Use change of three parcels from Industrial (I) to Mixed Use/Commercial (MC).

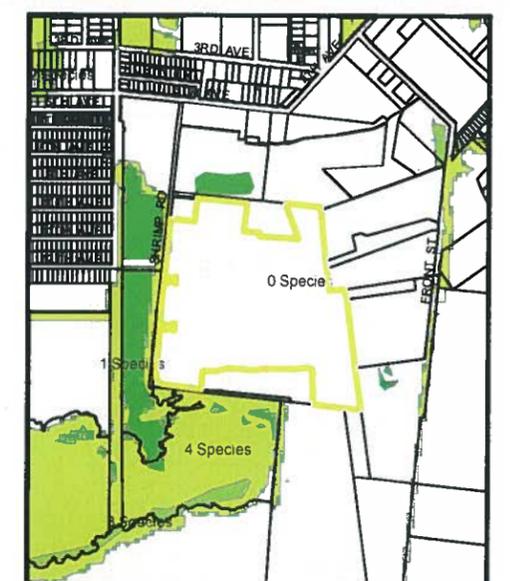
Property Description: RE 00123760-000200, 00123720-000100 and 00123720-000200

FLUM	Color	FLUM	Color	FLUM	Color
RC	Green	MC	Red	INS	Light Blue
RL	Light Green	MCF	Dark Red	E	Yellow
RM	Medium Green	I	Blue	PB	Orange
RH	Dark Green	R	Purple	PF	Light Blue
C	Dark Green	AD	Dark Blue	M	Dark Blue
H	Light Green	DC	Light Blue		

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



Habitat Type



Number of Protected Species



LEGAL DESCRIPTION

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF FIFTH AVENUE, ALSO KNOWN AS THE NORTHWEST CORNER OF BLOCK 57 OF McDONALDS PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

THENCE S84°02'07"E ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF FIFTH AVENUE A DISTANCE OF 499.98 FEET; THENCE S05°57'53"W A DISTANCE OF 913.46 FEET TO THE POINT OF BEGINNING FOR THE PROJECT AREA PARCEL.

THENCE S05°57'53"W A DISTANCE OF 671.18 FEET; THENCE S04°01'50"W A DISTANCE OF 555.46 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 75 FEET, AN ARC LENGTH OF 115.28 FEET, A CENTRAL ANGLE OF 88°03'54" AND A CHORD BEARING AND DISTANCE OF S40°00'08"E FOR 104.26 FEET; THENCE S84°02'07"E A DISTANCE OF 288.11 FEET; THENCE N07°52'54"E A DISTANCE OF 138.68 FEET TO THE MEAN HIGH WATER LINE. THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING EIGHTEEN (18) COURSES,

1. N81°33'16"E A DISTANCE OF 23.73 FEET; 2. N86°43'16"E A DISTANCE OF 75.93 FEET;
3. N81°39'19"E A DISTANCE OF 76.27 FEET; 4. N88°24'02"E A DISTANCE OF 97.85 FEET;
5. S86°26'25"E A DISTANCE OF 91.35 FEET; 6. S88°07'58"E A DISTANCE OF 57.82 FEET;
7. N79°29'50"E A DISTANCE OF 36.47 FEET; 8. N88°41'05"E A DISTANCE OF 60.16 FEET;
9. S64°26'30"E A DISTANCE OF 6.15 FEET; 10. N89°59'29"E A DISTANCE OF 40.54 FEET;
11. N86°09'28"E A DISTANCE OF 82.77 FEET; 12. S75°44'52"E A DISTANCE OF 11.67 FEET
13. N80°37'17"E A DISTANCE OF 8.06 FEET; 14. S85°01'19"E A DISTANCE OF 21.47 FEET;
15. N83°15'58"E A DISTANCE OF 26.59 FEET; 16. N85°47'17"E A DISTANCE OF 117.62 FEET;
17. S61°03'44"E A DISTANCE OF 14.78 FEET; 18. S84°56'08"E A DISTANCE OF 14.50 FEET;

THENCE N63°36'40"E A DISTANCE OF 192.53 FEET; THENCE N04°07'47"W A DISTANCE OF 519.99 FEET; THENCE N05°47'25"W A DISTANCE OF 392.40 FEET; THENCE N85°29'39"W A DISTANCE OF 519.58 FEET; THENCE N06°01'16"E A DISTANCE OF 20.01 FEET; THENCE N85°29'39"W A DISTANCE OF 125 FEET; THENCE N06°00'38"E A DISTANCE OF 227.17 FEET; THENCE N84°02'07"W A DISTANCE OF 393.05 FEET; THENCE S05°56'58"W A DISTANCE OF 183.64 FEET; THENCE N84°02'07"W A DISTANCE OF 191.55 FEET; TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 35.484 ACRES OF UPLANDS AND SUBMERGED LANDS MORE OR LESS. THIS PROJECT AREA PARCEL HAS NOT BEEN SURVEYED.

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 District
 - Military
 - Recreational
 - Conservation
- INCORPORATED CITIES**
- HISTORIC DISTRICTS**

DISCLAIMER:
 (1) all land use, including improved subdivisions, are recognized as to and affected by the existing conditions of the site and;
 (2) that all maps are to be verified by site visit as provided in Section 9.5-227.

SOURCES:
 Wallace Roberts & Todd, 1992
 U.S. Fish and Wildlife Service, 1991
 Florida Department of Natural Resources, 1991
 Monroe County Growth Management Division, 1991

PREPARED BY:
 Monroe County Growth Management Division



ADOPTED JAN. 1997



MAP 8

NOTES:
PERMIT ALLOCATION SYSTEM
 Residential and non-residential development in Monroe County is subject to the Permit Allocation System (see Objectives 10.1.2 and 10.1.3 and related policies). The density and intensity of uses illustrated on the Future Land Use Map may not be achievable due to allocation restrictions of the Permit Allocation System.
PERMITTED USES
 The Future Land Use Map is not a zoning map. Future land use categories have been assigned to represent the generalized range of uses and densities and intensities of use. The full range of uses and the maximum densities and intensities of the future land use categories may not apply to all parcels assigned to a land use category. The uses and intensity of densities and intensities of uses to be permitted for individual parcels will depend upon consistency with the plan's objectives and policies of the plan and its implementing land development regulations (including but not limited to those related to community character as well as Monroe County's environmental design criteria regarding the protection of natural resources, including the results of the Habitat Evaluation Index). Specific uses and ranges of densities and intensities of uses will be assigned to individual parcels in the Land Development Regulations.
NATURAL RESOURCES
 There are no existing or planned patch waterways and associated cover at Wetlands in the Florida Keys. Floodplains associated with the Future Land Use Map Series are illustrated on the Natural Features Map Series. Wetlands and soils associated with the Future Land Use Map Series are illustrated on the Soils Map Series.
RECREATION AREA LOSS STANDARDS
 The adopted level of service standard for activity-based recreation areas will be applied to the Upper, Middle and Lower Keys service areas, independently. (See Technical Document Section 3.2 for a description of the Upper, Middle and Lower Keys service areas.)

Atlantic Ocean

City of Key West

Boca Chica Key

Cow Key

Stack Island

Raccoon Key

Dredgers Key

Fleming Key

Mass of War Harbor

Frankfort Bank

Wieloch Island

New West Bight

Carroll Bight

Smathers Beach

Walla Street Pier

Whitehead Spit

UNINCORPORATED MONROE COUNTY CITY OF KEY WEST

USI

Face of Boca Chica Channel

Venuey Key

Channel Key

Big Hog Key

Anchor Key

Rockland Key

Shark Key

Jim Post Point

Duck Key

Duck Key Point

Herper Key

Crossy Key

Old Don Mangrove

Fish Hook Key

Coyo Agua

Bay Keys

West Harbor Key

(East Harbor Keys)

Jewish Basin

Coco Key

Waltz Key

Crane Key

Round Key

Other Key

Little Stuy Key

Saddlebeach Harbor

Bird Key

Pelican Key

Saddle Key

7100B Boca Chica Key Beach

Gasper Creek

INTRACOASTAL WATERWAY

UTILITY AGREEMENT

THIS UTILITY AGREEMENT (Agreement), dated as of the 15th day of July, 2008, by and between KW Resort Utilities Corp., a Florida corporation, having its office(s) at 6450 College Road, Key West, Florida 33040, (Service Company), and New Stock Island Properties LLC, having its office(s) at 7009 Shrimp Rd., Key West, FL 33041 (Developer).

RECITALS

- A. Developer is the owner of certain real property more particularly described on Exhibit A, attached hereto and made a part hereof (the Property).
- B. Service Company owns, operates, manages and controls a Central Sewage System and is willing to provide sanitary sewer services pursuant to this Agreement.
- C. Developer requests that Service Company provide central wastewater service to the Property as indicated on the plans prepared by Weiler Engineering for The South Stock Island sewer expansion, (Copy of plan sheet included as an exhibit).

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00), and the mutual covenants and agreements hereinafter set forth, and intending to be legally bound thereby, it is agreed as follows:

1. **Definitions**

Business Day shall mean any day of the year in which commercial banks are not required or authorized to close in New York, New York.

Capacity Reservation Fee as such term is defined in Section 6 hereof.

Central Sewage System shall mean the central collection, transmission, treatment and disposal system and appurtenant facilities owned and operated by the Service Company.

Connection as such term is defined in Section 6 hereof.

Equivalent Residential Connections (ERC), shall be defined as one individual residential connection or, for commercial and other uses, the estimated flow based on the use and Chapter 64E-6, F.A.C., divided by the most recently approved Capacity Analysis rate per residential connection (currently 250 gallons per day per residential connection) also known as E.D.U.

Plans and Specifications as such term is defined in Section hereof.

Point of Delivery shall mean the point where the pipes connect at the property line between the public right of way and private property. The Service Company shall own the clean out to the valve pit and the remaining vacuum lines down stream. The customer shall own the pipes connecting thereto.

Property as such term is defined in the Recitals hereof.

Property Installations or System shall mean any service lines located on individual lots or parcels of the Property or to buildings located on the Property that connect to the Central-Sewage System, and may include facilities located outside the Property, required to be installed by Developer, to connect facilities on the Property to the Central Sewage System.

Service Company's Affiliates shall mean any disclosed or undisclosed officer, director, employee, trustee shareholder, partner, principal, parent, subsidiary or other affiliate of Service Company.

Tariff shall mean Service Company's existing and future schedules of rates and charges for sewer service.

2. New System Construction

- (a) Prior to the construction and installation of the System, Developer shall, at its sole cost and expense, cause to be prepared and provide to Service Company plans and specifications of the system (Plans and Specifications), prepared by a Florida registered professional engineer, and in accordance with all policies and practices of Service Company and all applicable laws and regulations and standards adopted by the Department of Environmental Protection and Monroe County.
- (b) Service Company shall approve or disapprove of the Plans and Specifications within ~~thirty (30) days of receipt thereof by written notice to Developer.~~
- (c) Upon Developer's receipt of Service Company's written notice of disapproval of the Plans and Specifications, Developer shall promptly revise the Plans and Specifications in accordance with any requirements set forth by Service Company in its written notice of disapproval, and re-submit such revised Plan and Specifications to Service Company for approval or disapproval. Service Company shall approve or disapprove of any revised Plans and Specifications within five (5) business days of receipt thereof by written notice to Developer.
- (d) Upon Developer's receipt of Service Company's written notice of approval of the Plans and Specifications, Developer may proceed with the construction and installation of the System. Developer shall notify Service Company seventy-two (72) hours prior to beginning construction. Construction and Installation shall be completed within six (6) months of Service Company's written notice of approval of the Plans and Specifications. All work shall be inspected by licensed and insured contractors and engineers reasonably acceptable to Service Company. In accordance with Chapter 62-604 F.A.C., Developer shall provide, at its sole cost, a Professional Engineer registered in Florida to provide on-site observation during construction and testing and to certify that the System is constructed in compliance with the approved Plans and Specifications. All materials employed by Developer for the System shall be reasonably acceptable to Service Company.

No portion or element of the System shall be covered or concealed until inspected by Service Company. Developer shall notify Service Company of Developer's readiness for inspection of the System, and Service Company shall inspect the System within two (2) business days after each such notice. Any portion of the System not inspected by Service Company within said time period, shall be deemed to have been accepted by Service Company. In the event that Service Company determines through any such inspection that any portion of the System does not fully comply with the Plans and specific conditions or applicable laws and regulations, Service Company shall notify Developer in writing of such non-compliance not more than two (2) business days after any such inspection and Developer shall immediately modify the System to insure that the System fully complies with the Plans and Specifications and applicable laws and regulations.

- (e) In the event Service Company discovers that any portion of element of the System has been installed, covered or concealed without the prior approval of Service Company, Developer shall, upon written demand by Service Company, immediately dismantle or excavate such portion of the System at its sole cost and expense.

3. System Records

Prior to Service Company's acceptance of all or any portion of the System for service, operation and maintenance or for service only, Developer shall deliver the following records and documents to Service Company:

- (a) Copies of all invoices and/or contracts for the construction and installation.
- (b) An affidavit signed by the developer stating that there are no parts or portions of the System which are not included in the invoices and contracts noted in subsection (a) above, that said invoices and contracts accurately and fully reflect the total cost of the System and that the System is free and clear of all liens and encumbrances.

- (c) Lien waivers from all contractors, subcontractors, material people, and any other parties that provided labor, services or materials in connection with the construction of the System.
 - (d) A reproducible Mylar and two (2) sets of blue line copies, accurately depicting all of the System as constructed and installed, and signed and sealed by the engineer and surveyor of record for the System.
 - (e) Copies of the results of all tests conducted on the System.
-
- (f) Any other records or documents required by applicable law or required under the Tariff.
 - (g) A certificate of completion of the System signed and sealed by the engineer of record.
 - (h) A copy of the Department of Environmental Protection permit to construct the System and all inspection reports and approvals issued by the Engineer and the Department of Environmental Protection and any other applicable governmental authority or agency.
 - (i) A bill of sale, in recording form, conveying all right, title and interest in and to the System, to Service Company free of any and all liens and encumbrances for that portion of the System located on the Service Company side of the Point of Delivery.

4. Property Rights

In those cases in which Service Company accepts all or any portion of the System for service, operation and maintenance, Developer shall convey the following property rights and interests for that portion of the System to Service Company:

- (a) A non-exclusive easement, in the form attached as Exhibit "B", for that portion of the Property of sufficient size to enable Service Company ingress and egress to operate, maintain and replace such portions of the System not located within public rights-of-way. The foregoing easement shall be in effect for a period of time not less than the period during which the Service Company shall use the System to provide service to Customers.
- (b) A non-exclusive easement, in the form attached as Exhibit "B", of sufficient size to enable ingress, egress and access by Service company personnel or vehicles to any lift or pump station located on the Property. The foregoing easement shall be in effect for a period of time not less than the period during which the Service Company shall use the System to provide service to Customers.
- (c) Notwithstanding the foregoing easements, Developer retains all rights and privileges to utilize the property in any manner it deems appropriate provided such use is not inconsistent with the purposes intended for such easements.

5. Rates, Fees, Charges

- (a) All Customers will pay the applicable fees, rates and charges as set forth in the Tariff. Nothing contained in this Agreement shall serve to prohibit Service Company's right to bill or collect its rates and charges from Customers, nor to require compliance with any provision of its Tariff.
- (b) Developer shall pay to Service Company a reservation fee (Capacity Reservation Fee), in the amount of Two Thousand Seven Hundred (\$2,700.00) dollars per E.R.C. connection to be reserved by Developer to serve the residential or commercial structures to be constructed in or upon the Property (individually, a Connection, collectively, the Connections). Prior to execution of this agreement, Developer has previously supplied Service Company access and information necessary to determine number of ERC's proposed. From this information it has been determined: Total 76.66 ERC's

See attached FDEP Permit Application (19,165 GPD)

- (c) Developer shall pay 1/3 (~~\$5,991~~ ^{18,991}) of the Capacity Reservation Fee and does not owe additional funds for the Capacity Reservation Fee upon execution of the Agreement, but will however be responsible for the remaining 2/3 (~~\$131,988~~) upon connection of the first building pursuant to the payment option of Developer's choosing as articulated in Section 7 of this Agreement.

Service Company shall have the right to cancel such reservation in the event of Developer's failure to comply with the terms of this Agreement. In the event there is additional water usage over and above the amount reserved in paragraph 6(b) above, (based on an annual review) the Developer shall remit additional Capacity Reservation Fees to Service Company thirty (30) days after notice by Service Company of additional fees due.

- (d) ^(5% of on site sewer work) Developer shall pay (~~\$TBD~~) to Service Company, for engineering review and administrative costs related to processing construction plans and documents submitted by Developer pursuant to this Agreement. Developer shall also pay Service Company \$100.00 per hour for periodic inspections to be made by Service Company or its agents within thirty (30) days of submission by Service Company to Developer of invoices confirming time spent conducting such inspection services.
- (e) In the event of default by Developer and the payment of fees hereunder, Service Company may cancel this Agreement by giving thirty (30) days written notice of default and retain all payments hereunder as liquidated damages.
- (f) Developer agrees that in the event of a change of use or any change that might affect the flows (i.e. addition of a restaurant) Service Company will be notified and the applicable Capacity Reservation Fees will be paid prior to discharge to the Central Sewage System.

6. **Payment Options**

In the event the Property Owner is connecting to the vacuum collection system, the Property Owner shall have the following options to connect. In the event the Property Owner is connecting to the gravity collection system, the Property Owner must pay the Utility the entire cost as provided in option (a) below:

(a) The Property Owner must pay the Utility the entire cost of the Capacity Reservation Fee (\$ _____) as provided for in Paragraph 6(c) above; or

~~(b) The Property Owner must pay five (5) percent of the Capacity Reservation Fee, (said fee payable to Monroe County) and execute a Consent and Acknowledgment Agreement delivering both to Utility upon execution of the Utility Agreement, on a form provided by Utility and deliver both to Utility.~~

N/A
(Non-Vacuum System)

7. **Absolute Conveyance**

Developer understands, agrees and acknowledges that Developer's conveyance of any and all easements, real property or personal property (including, without limitation, the System), or payment of any funds hereunder (including, without limitation, the Capacity Reservation Fee and Connection Charges), shall, upon acceptance by Service Company, be absolute, complete and unqualified, and that neither Developer nor any party claiming by or through Developer shall have any right to such easements, real or personal property, or funds, or any benefit which Service Company may derive from such conveyance or payments in any form or manner.

8. **Delivery of Service; Operation and Maintenance**

(a) Upon Developer's full performance of its obligations under this Agreement, Service Company shall provide service to the Point of Delivery in accordance with the terms of this Agreement, all applicable laws and regulations and shall operate and maintain the Central Sewage System to the Point of Delivery in accordance with the terms and provisions of this Agreement. Said service shall be provided on or about Jan 2010.

- (b) Developer shall, at its sole cost and expense, own, operate and maintain any part of the System that has not been conveyed to Service Company pursuant to the terms and conditions of this Agreement.
- (c) Developer acknowledges that certain water quality standards must be met prior to influent entering the wastewater treatment plant (primarily chloride levels and excessive flows) and agrees to allow Service Company to monitor flows and water quality at Service Company's discretion at a point on the Developer's side of the Point of Delivery. If it is determined that substandard influent or excessive flows are entering the Central Sewage System via Developer's System, Developer agrees to isolate the source and to repair or replace the portion or portions of the faulty System in a manner acceptable to Service Company in accordance with this Agreement.
- (d) In the event any portion of the Property is developed as a condominium, the condominium association shall be required to execute a maintenance agreement with respect to any portion of the System not conveyed to Service Company. Such maintenance agreement shall provide that if the condominium association fails to adequately maintain and repair the System, Service Company shall have the right to maintain and repair such System at the sole cost and expense of the condominium association.

9. Repair of System

In the event of any damage to or destruction of any portion of the Central Sewage System due to any acts or omissions by Developer, any Customer or their respective agents, representatives, employees, invitees or licensees, Service Company shall repair or replace such damaged or destroyed facilities at the sole cost and expense of responsible party. Developer shall operate, maintain and repair all other portions of the System not conveyed to Service Company at its sole cost and expense.

10. Term

This Agreement shall become effective as of the date first written above, and shall continue for so long as Service Company provides sewer service to the public.

11. Default

In the event of a default by either party of its duties and obligations hereunder, the non-defaulting party shall provide written notice to the defaulting party specifying the nature of the default and the defaulting party shall have five (5) days to cure any default of a monetary nature and thirty (30) days for any other default. If the default has not been cured within the applicable period (time being of the essence), the non-defaulting party shall be entitled to exercise all remedies available at law or in equity, including but not limited to, the right to damages, injunctive relief and specific performance. Service Company may, at its sole option, discontinue and suspend the delivery of service to the System in accordance with all requirements of applicable law and the Tariff if Developer fails to timely pay all fees, rates and charges pursuant to the terms of this Agreement.

12. Excuse from Performance

(a) Force Majeure.

If Service Company is prevented from or delayed in performing any act required to be performed by Service Company hereunder, and such prevention or delay is caused by strikes, labor disputes, inability to obtain labor, materials or equipment, storms, earthquakes, electric power failures, land subsidence, acts of God, acts of public enemy, wars, blockades, riots, acts of armed forces, delays by carriers, inability to obtain rights-of-way, acts of public authority, regulatory agencies, or courts, or any other cause, whether the same kind is enumerated herein, not within the control of Service Company (Force Majeure), the performance of such act shall be excused for a period equal to the period of prevention or delay.

(b) Governmental Acts.

If for any reason during the term of this Agreement, other than the fault of Developer, any federal, state or local authorities or agencies fail to issue necessary permits, grant necessary approval or require any change in the operation of the Central Sewage System or the System (Governmental Acts), then, to the extent that such Governmental Acts shall affect the ability of any party to perform any of the terms of this Agreement in whole or in part, the affected party shall be excused from the performance thereof and a new agreement shall be negotiated, if possible, by the parties hereto in conformity with such permits, approval or requirements. Notwithstanding the foregoing, neither Developer nor Service Company shall be obligated to accept any new agreement if it substantially adds to its burdens and obligations hereunder.

(c) Emergency Situations.

Service Company shall not be held liable for damages to Developer and Developer hereby agrees not to hold Service Company liable for damages for failure to deliver service to the Property upon the occurrence of any of the following events:

1. A lack of service due to loss of flow or process or distribution failure; provided that Service Company has utilized its best efforts to maintain the Central Sewage System in good operating condition.
2. Equipment or material failure in the Central Sewage System or the System, including storage, pumping and piping provided the Service Company has utilized its best efforts to maintain the Central Sewage System in good operating condition; and

3. Force Majeure, unforeseeable failure or breakdown of pumping, transmission or other facilities, any and all governmental requirements, acts or action of any government, public or governmental authority, commission or board, agency, agent, official or officer, the enactment of any statute, ordinance, resolution, regulation, rule or ruling, order, decree or judgment, restraining order or injunction of any court, including, without limitation, Governmental Acts.

(d) Notwithstanding any excuse of performance due to the occurrence of any of the foregoing events, Developer shall not be excused from payment of any fees, charges and rates due to Service Company under the terms of this Agreement (including without limitation, the Capacity Reservation Fee and Connection Charges).

13. Successors and Assigns

This Agreement and the easements granted hereby, shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

14. Indemnification

Service Company and Developer agree:

- (1) to indemnify and hold the other harmless from negligent acts or omissions of itself, its officers, agents, invitees and users of the system, and
- (2) to indemnify and hold the other harmless from third-party suits against a party which result from the breach of the Agreement by the other party.

15. Assignment of Warranties and Bonds

Developer shall assign any and all warranties, maintenance, completion and performance bonds and the right to enforce same to the Service Company which Developer obtains from any contractor constructing the System. Developer shall obtain a written warranty, completion, performance and maintenance bonds from its contractor for a minimum period of twenty-four (24) months. If Developer does not obtain such written warranty and performance and maintenance bonds from its contractor and deliver same to Service

Company, then in such event, Developer agrees to warrant the construction of the System for a period of twenty-four (24) months from the date of acceptance by the Service Company.

16. **Notices**

All notices, demands, requests or other communications by either party under this Agreement shall be in writing and sent by (a) first class U.S. certified or registered mail, return receipt requested, with postage prepaid, or (b) overnight delivery service or courier, or (c) tele-facsimile or similar facsimile transmission with receipt confirmed as follows:

If to Service Company: Mr. Doug Carter, General Manager
6450 Junior College Road
Key West, FL 33040
Facsimile (305) 294-1212

With a Copy To: Mr. Jeff Weiler, P.E.
Weiler Engineering
20020 Veterans Boulevard
Port Charlotte, FL 33954
Facsimile (941) 764-8915

If to Developer:

Michael Mann
New Stock Island Properties LLC
7009 Shrimp Road suite 2
Key West FL 33040

17. **Tariff**

This agreement shall be filed by Service Company with the Florida Public Service Commission within twenty (20) days after this Agreement is signed by both parties. This Agreement is subject to all of the terms and provisions of the Tariff. In the event of any conflict between the Tariff and the terms of this Agreement, the Agreement shall govern and control.

18. Miscellaneous Provisions

- (a) This Agreement shall not be altered, amended, changed, waived, terminated or otherwise modified in any respect or particular, and no consent or approval required pursuant to this Agreement shall be effective, unless the same shall be in writing and signed by or on behalf of the party to be charged.
- (b) All prior statements, understandings, representations and agreements between the parties, oral or written, are superseded by and merged in this Agreement, which alone fully and completely expresses the agreement between them in connection with this transaction and which is entered into after full investigation, neither party relying upon any statement, understanding, representation or agreement made by the other not embodied in this Agreement. This Agreement shall be given a fair and reasonable construction in accordance with the intentions of the parties hereto, and without regard to or aid of canons requiring construction against Service Company or the party drafting this Agreement.
- (c) No failure or delay of either party in the exercise of any right or remedy given to such party hereunder or the waiver by any party of any condition hereunder for its benefit (unless the time specified herein for exercise of such right or remedy has expired) shall constitute a waiver of any other or further right or remedy nor shall any single or partial exercise of any right or remedy preclude other or further exercise thereof or any other right or remedy. No waiver by either party of any breach hereunder or failure or refusal by the other party to comply with its obligations shall be deemed a waiver of any other or subsequent breach, failure or refusal to so comply.
- (d) This Agreement may be executed in one or more counterparts, each of which so executed and delivered shall be deemed an original, but all of which taken together shall constitute but one and the same instrument. It shall not be necessary for the same counterpart of this Agreement to be executed by all of the parties hereto.

- (e) Each of the exhibits and schedules referred to herein and attached hereto is incorporated herein by this reference.
- (f) The caption headings in this Agreement are for convenience only and are not intended to be a part of this Agreement and shall not be construed to modify, explain or alter any of the terms, covenants or conditions herein contained.
- (g) This Agreement shall be interpreted and enforced in accordance with the laws of the state in which the Property is located without reference to principles of conflicts of laws. In the event that the Florida Public Service Commission loses or relinquishes its authority to regulate Service Company, then all references to such regulatory authority will relate to the agency of government or political subdivision imposing said regulations. If no such regulation exists, then this Agreement shall be governed by applicable principles of law.
- (h) Each of the parties to this Agreement agrees that at any time after the execution hereof, it will, on request of the other party, execute and deliver such other documents and further assurances as may reasonably be required by such other party in order to carry out the intent of this Agreement.
- (i) If any provision of this Agreement shall be unenforceable or invalid, the same shall not affect the remaining provisions of this Agreement and to this end the provisions of this Agreement are intended to be and shall be severed. Notwithstanding the foregoing sentence, if (i) any provision of this Agreement is finally determined by a court of competent jurisdiction to be unenforceable or invalid in whole or in part, (ii) the opportunity for all appeals of such determination have expired, and (iii) such enforceability or invalidity alters the substance of this Agreement (taken as a whole) so as to deny either party, in a material way, the realization of the intended benefit of its bargain, such party may terminate this Agreement within thirty (30) days after the final determination by notice to the other. If such party so elects to terminate this Agreement, then this

Agreement shall be terminated and neither party shall have any further rights, obligations or liabilities hereunder, except for any rights, obligations or liabilities which by this specific terms of this Agreement survive the termination of this Agreement.

- (j) In the event of any litigation arising out of or connected in any manner with this Agreement, the non-prevailing party shall pay the costs of the prevailing party, including its reasonable counsel and paralegal fees incurred in connection therewith through and including all other legal expenses and the costs of any appeals and appellate costs relating thereto. Wherever in this Agreement it is stated that one party shall be responsible for the attorneys fees and expenses of another party, the same shall automatically be deemed to include the fees and expenses in connection with all appeals and appellate proceedings relating or incidental thereto. This subsection (j) shall survive the termination of this Agreement.
- (k) This Agreement shall not be deemed to confer in favor of any third parties any rights whatsoever as third-party beneficiaries, the parties hereto intending by the provisions hereof to confer no such benefits or status.
- (l) Developer agrees that the Service Company may, at its sole discretion, require certain allocations to the proposed collection and transmission systems for future connections. Developer further agrees that Service Company may, at its sole discretion, extend the sewer line for any reason. It is understood that there will be no reimbursement or additional credit.

IN WITNESS WHEREOF, Service Company and Developer have executed this Agreement as of the day and year first above written.

SERVICE COMPANY:

KW Resort Utilities Corp.

By: _____

Print Name: _____

Title: _____

Address: 6450 Junior College Road
Key West, FL 33040

DEVELOPER:

By: _____

Print Name: _____

Title: _____

Address: _____

STATE OF FLORIDA)
) ss.
COUNTY OF MONROE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by _____, as _____, a Florida corporation, on behalf of said corporation. He/she is personally known to me or who has produced _____ as identification.

My Commission Expires:

STATE OF FLORIDA)
) ss.
COUNTY OF MONROE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by _____, as _____, a Florida corporation, on behalf of said corporation. He/she is personally known to me or who has produced _____ as identification.

My Commission Expires:



Florida Department of Environmental Protection
Twin Towers Office Bldg., 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

NOTIFICATION/APPLICATION FOR CONSTRUCTING A DOMESTIC WASTEWATER COLLECTION/TRANSMISSION SYSTEM

PART I - GENERAL

Subpart A: Permit Application Type

Table with 4 columns: Permit Application Type (mark one only), EDUs Served, Application Fee*, and 'X'. Rows include individual permit for domestic wastewater collection/transmission system and general permit for wastewater collection/transmission systems.

*Note: Each non-contiguous project (i.e., projects that are not interconnected or are not located on adjacent streets or in the same neighborhood) requires a separate application and fee.

Subpart B: Instructions

- (1) This form shall be completed for all domestic wastewater collection/transmission system construction projects as follows:
(2) One copy of the completed form shall be submitted to the appropriate DEP district office or delegated local program along with the appropriate fee, and one copy of the following supporting documents.
(3) All information shall be typed or printed in ink. Where attached sheets (or other technical documentation) are utilized in lieu of the blank spaces provided, indicate appropriate cross-references on the form.

PART II - PROJECT DOCUMENTATION

(1) Collection/Transmission System Permittee

Name Michael Mann Title Chief Executive Officer
 Company Name New Stock Island Properties, LLC
 Address 7009 Shrimp Road, Suite 2
 City Key West State Florida Zip 33041
 Telephone 305-294-2288 Fax 305-292-2136 Email mmann@oldislandharbor.com

(2) General Project Information

Project Name Old Island Harbor
 Location: County Monroe City Key West Section 35 Township 67S Range 25E
 Project Description and Purpose (including pipe length, range of pipe diameter, total number of manholes, and total number of pump stations) Construction of a vacuum system for liveboard boat slips consisting of 7 SaniSailor pump out units, 7400 LF of 2" vacuum line, 1650 LF of 3" vacuum line, 52 LF of 4" vacuum line, 714' of 4 inch SDR26 forcemain piping, a single grinder pump lift station
The design includes the connection of future phases
 Estimated date for: Start of construction November 2009 Completion of construction July 2011
 Connections to existing system or treatment plant To connect to KWRU WWTP, existing (FLA014951)

(3) Project Capacity

A = Type of Unit	B = Number of Units	C = Population Per Unit	D = Total Population (Column B x C)	E = Per Capita Flow	F = Total Average Daily Flow (Columns D x E)	G = Peak hour flow
Boat Slip, 30'-49'	80	2	160	10	1600	267
Boat Slip, 50'-70'	269	6	1614	10	16140	2690
Boat Slip, 80'-100'	12	10	120	10	1200	200
Employees	15	1	15	15	225	38
Commercial, Institutional, or Industrial Facility*						
Total			1909		19165	3195

* Description of commercial, institutional, and industrial facilities and explanation of method used to estimate per capita flow for these facilities:
 Flows based on Park with Showers and employee usage from Table 1, Chapter 64E-6, FAC, November 2006 revision

(4) Pump Station Data (attached additional sheets as necessary)

Location	Type	Estimated Flow to the Station (GPD)			Operating Conditions [GPM @ FT (TDH)]
		Maximum	Average	Minimum	
	Duplex grinder	28748	19165	2683	87 gpm @ 83 ft TDH

(5) Collection/Transmission System Design Information

A. This information must be completed for all projects by the applicant's professional engineer, and if applicable, those professional engineers in other disciplines who assisted with the design of the project. If this project has been designed to comply with the standards and criteria listed below, the engineer shall initial in ink before the standards or criteria. If any of the standards or criteria do not apply to this project or if this project has not been designed to comply with the standards or criteria, mark "X" before the appropriate standard or criteria and provide an explanation, including any applicable rule references, in (5)B. below.

Note: if the project has not been designed in accordance with the standards and criteria set forth in Rules 62-604.400(1) and (2), F.A.C., an application for an individual permit shall be submitted. However, if Rules 62-604.400(1) and (2), F.A.C., specifically allow for another alternative that will result in an equivalent level of reliability and public health protection, the project can be constructed using the general permit.

General Requirements

- 1. The project is designed based on an average daily flow of 100 gallons per capita plus wastewater flow from industrial plants and major institutional and commercial facilities unless water use data or other justification is used to better estimate the flow. The design includes an appropriate peaking factor, which covers I/I contributions and non-wastewater connections to those service lines. [RSWF 11.243]
- 2. Procedures are specified for operation of the collection/transmission system during construction. [RSWF 20.15]
- 3. The project is designed to be located on public right-of-ways, land owned by the permittee, or easements and to be located no closer than 100 feet from a public drinking water supply well and no closer than 75 feet from a private drinking water supply well; or documentation is provided in Part II.(5)B., showing that another alternative will result in an equivalent level of reliability and public health protection. [62-604.400(1)(b) and (c), F.A.C.]
- 4. The project is designed with no physical connections between a public or private potable water supply system and a sewer or force main and with no water pipes passing through or coming into contact with any part of a sewer manhole. [RSWF 38.1 and 48.5]
- 5. The project is designed to preclude the deliberate introduction of storm water, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drainage, air conditioning system condensate water, non-contact cooling water except as provided by Rule 62-610.668(1), F.A.C., and sources of uncontaminated wastewater, except to augment the supply of reclaimed water in accordance with Rule 62-610.472(3)(c), F.A.C. [62-604.400(1)(d), F.A.C.]
- 6. The project is designed so that all new or relocated, buried sewers and force mains, are located in accordance with the separation requirements from water mains and reclaimed water lines of Rules 62-604.400(2)(g)(h) and (i) and (3), F.A.C. Note, if the criteria of Rules 62-604.400(2)(g)4 or (2)(i)3, F.A.C., are used, describe in Part II.C. alternative construction features that will be provided to afford a similar level of reliability and public health protection. [62-604.400(2)(g), (h), and (i) and (3), F.A.C.]

Gravity Sewers

- 7. The project is designed with no public gravity sewer conveying raw wastewater less than 8 inches in diameter. [RSWF 33.1]
- 8. The design considers buoyancy of sewers, and appropriate construction techniques are specified to prevent flotation of the pipe where high groundwater conditions are anticipated. [RSWF 33.3]
- 9. All sewers are designed with slopes to give mean velocities, when flowing full, of not less than 2.0 feet per second, based on Manning's formula using an "n" value of 0.013; or if it is not practicable to maintain these minimum slopes and the depth of flow will be 0.3 of the diameter or greater for design average flow, the owner of the system has been notified that additional sewer maintenance will be required. The pipe diameter and slope are selected to obtain the greatest practical velocities to minimize solids deposition problems. Oversized sewers are not specified to justify flatter slopes. [RSWF 33.41, 33.42, and 33.43]
- 10. Sewers are designed with uniform slope between manholes. [RWSF 33.44]
- 11. Where velocities greater than 15 fps are designed, provisions to protect against displacement by erosion and impact are specified. [RSWF 33.45]
- 12. Sewers on 20% slopes or greater are designed to be anchored securely with concrete, or equal, anchors spaced as follows: not over 36 feet center to center on grades 20% and up to 35%; not over 24 feet center to center on grades 35% and up to 50%; and not over 16 feet center to center on grades 50% and over. [RSWF 33.46]
- 13. Sewers 24 inches or less are designed with straight alignment between manholes. Where curvilinear sewers are proposed for sewers greater than 24 inches, the design specifies compression joints; ASTM or specific pipe manufacturer's maximum allowable pipe joint deflection limits are not exceeded; and curvilinear sewers are limited to simple curves which start and end at manholes. [RSWF 33.5]
- 14. Suitable couplings complying with ASTM specifications are required for joining dissimilar materials. [RSWF 33.7]
- 15. Sewers are designed to prevent damage from superimposed loads. [RSWF 33.7]
- 16. Appropriate specifications for the pipe and methods of bedding and backfilling are provided so as not to damage the pipe or its joints, impede cleaning operations and future tapping, nor create excessive side fill pressures and evaluation of the pipe, nor seriously impair flow capacity. [RSWF 33.81]
- 17. Appropriate deflection tests are specified for all flexible pipe. Testing is required after the final backfill has been in place at least 30 days to permit stabilization of the soil-pipe system. Testing requirements specify: 1) no pipe shall exceed a deflection of 5%; 2) using a rigid ball or mandrel for the deflection test with a diameter not less than 95% of the base inside diameter or average inside diameter of the pipe, depending on which is specified in the ASTM specification, including the appendix, to which the pipe is manufactured; and 3) performing the test without mechanical pulling devices. [RSWF 33.85]
- 18. Leakage tests are specified requiring that: 1) the leakage exfiltration or infiltration does not exceed 200 gallons per inch of pipe diameter per mile per day for any section of the system; 2) exfiltration or infiltration tests be performed with a minimum positive head of 2 feet; and 3) air tests, as a minimum, conform to the test procedure described in ASTM C-828 for clay pipe, ASTM C 924 for concrete pipe, ASTM F-1417 for plastic pipe, and for other materials appropriate test procedures. [RSWF 33.93, 33.94, and 33.95]

19. If an inverted siphon is proposed, documentation of its need is provided in Part II.C. Inverted siphons are designed with: 1) at least two barrels; 2) a minimum pipe size of 6 inches; 3) necessary appurtenances for maintenance, convenient flushing, and cleaning equipment; and 4) inlet and discharge structures having adequate clearances for cleaning equipment, inspection, and flushing. Design provides sufficient head and appropriate pipe sizes to secure velocities of at least 3.0 fps for design average flows. The inlet and outlet are designed so that the design average flow may be diverted to one barrel, and that either barrel may be cut out of service for cleaning. [RSWF 35]

Manholes

20. The project is designed with manholes at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches or less and 500 feet for sewers 18 inches to 30 inches, except in the case where adequate modern cleaning equipment is available at distances not greater than 600 feet. [RSWF 34.1]
21. Design requires drop pipes to be provided for sewers entering manholes at elevations of 24 inches or more above the manhole invert. Where the difference in elevation between the incoming sewer and the manhole invert is less than 24 inches, the invert is designed with a fillet to prevent solids deposition. Inside drop connections (when necessary) are designed to be secured to the interior wall of the manhole and provide access for cleaning. Design requires the entire outside drop connection be encased in concrete. [RSWF 34.2]
22. Manholes are designed with a minimum diameter of 48 inches and a minimum access diameter of 22 inches. [RSWF 34.3]
23. Design requires that a bench be provided on each side of any manhole channel when the pipe diameter(s) are less than the manhole diameter and that no lateral sewer, service connection, or drop manhole pipe discharges onto the surface of the bench. [RSWF 34.5]
24. Design requires: 1) manhole lift holes and grade adjustment rings be sealed with non-shrinking mortar or other appropriate material; 2) inlet and outlet pipes be joined to the manhole with a gasketed flexible watertight connection or another watertight connection arrangement that allows differential settlement of the pipe and manhole wall; and 3) watertight manhole covers be used wherever the manhole tops may be flooded by street runoff or high water. [RSWF 34.6]
25. Manhole inspection and testing for watertightness or damage prior to placing into service are specified. Air testing, if specified for concrete sewer manholes, conforms to the test procedures described in ASTM C-1244. [RSWF 34.7]
26. Electrical equipment specified for use in manholes is consistent with Item 46 of this checklist. [RSWF 34.9]

Stream Crossings

27. Sewers and force mains entering or crossing streams are designed to be constructed of ductile iron pipe with mechanical joints or so they will remain watertight and free from changes in alignment or grade. Appropriate materials which will not readily erode, cause siltation, damage pipe during placement, or corrode the pipe are specified to backfill the trench. [RSWF 36.21 and 48.5]
28. Stream crossings are designed to incorporate valves or other flow regulating devices (which may include pump stations) on the shoreline or at such distances from the shoreline to prevent discharge in the event the line is damaged. [62-604.400(2)(k)5., F.A.C.]
29. Sewers and force mains entering or crossing streams are designed at a sufficient depth below the natural bottom of the stream bed to protect the line. At a minimum, the project is designed with subaqueous lines to be buried at least three feet below the design or actual bottom, whichever is deeper, of a canal and other dredged waterway or the natural bottom of streams, rivers, estuaries, bays, and other natural water bodies; or if it is not practicable to design the project with less than three-foot minimum cover, alternative construction features (e.g. a concrete cap, sleeve, or some other properly engineered device to insure adequate protection of the line) are described in Part II.C. [62-604.400(2)(k)1., F.A.C., and RSWF 36.11]
30. Specifications require permanent warning signs be placed on the banks of canals, streams, and rivers clearly identifying the nature and location (including depths below design or natural bottom) of subaqueous crossings and suitably fixed signs be placed at the shore, for subaqueous crossings of lakes, bays, and other large bodies of water, and in any area where anchoring is normally expected. [62-604.400(2)(k)2., F.A.C.]
31. Provisions for testing the integrity of subaqueous lines are specified. [62-604.400(2)(k)4., F.A.C.]
32. Supports are designed for all joints in pipes utilized for aerial crossings and to prevent overturning and settlement. Expansion jointing is specified between above ground and below ground sewers and force mains. The design considers the impact of floodwaters and debris. [RSWF 37 and 48.5]
33. Aerial crossings are designed to maintain existing or required navigational capabilities within the waterway and to reserve riparian rights of adjacent property owners. [62-604.400(2)(k)3., F.A.C.]

Pump Stations

34. In areas with high water tables, pump stations are designed to withstand flotation forces when empty. When siting the pump station, the design considers the potential for damage or interruption of operation because of flooding. Pump station structures and electrical and mechanical equipment are designed to be protected from physical damage by the 100-year flood. Pump stations are designed to remain fully operational and accessible during the 25-year flood unless lesser flood levels are appropriate based on local considerations, but not less than the 10-year flood. [62-604.400(2)(e), F.A.C.]
35. Pump stations are designed to be readily accessible by maintenance vehicles during all weather conditions. [RSWF 41.2]
36. Wet well and pump station piping is designed to avoid operational problems from the accumulation of grit. [RSWF 41.3]
37. Dry wells, including their superstructure, are designed to be completely separated from the wet well. Common walls are designed to be gas tight. [RSWF 42.21]

38. The design includes provisions to facilitate removing pumps, motors, and other mechanical and electrical equipment. [RSWF 42.22]
39. The design includes provisions for: 1) suitable and safe means of access for persons wearing self-contained breathing apparatus are provided to dry wells, and to wet wells; 2) stairway access to wet wells more than 4 feet deep containing either bar screens or mechanical equipment requiring inspection or maintenance; 3) for built-in-place pump stations, a stairway to the dry well with rest landings at vertical intervals not to exceed 12 feet; 4) for factory-built pump stations over 15 feet deep, a rigidly fixed landing at vertical intervals not to exceed 10 feet unless a manlift or elevator is provided; and 5) where a landing is used, a suitable and rigidly fixed barrier to prevent an individual from falling past the intermediate landing to a lower level. If a manlift or elevator is provided, emergency access is included in the design. [RSWF 42.23]
40. Specified construction materials are appropriate under conditions of exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater. [RSWF 42.25]
41. Except for low-pressure grinder or STEP systems, multiple pumps are specified, and each pump has an individual intake. Where only two units are specified, they are of the same size. Specified units have capacity such that, with any unit out of service, the remaining units will have capacity to handle the design peak hourly flow. [RSWF 42.31 and 42.36]
- X 42. Bar racks are specified for pumps handling wastewater from 30 inch or larger diameter sewers. Where a bar rack is specified, a mechanical hoist is also provided. The design includes provisions for appropriate protection from clogging for small pump stations. [RSWF 42.322]
43. Pumps handling raw wastewater are designed to pass spheres of at least 3 inches in diameter. Pump suction and discharge openings are designed to be at least 4 inches in diameter. [RSWF 42.33] (Note, this provision is not applicable to grinder pumps.)
44. The design requires pumps be placed such that under normal operating conditions they will operate under a positive suction head, unless pumps are suction-lift pumps. [RSWF 42.34]
45. The design requires: 1) pump stations be protected from lightning and transient voltage surges; and 2) pump stations be equipped with lightning arrestors, surge capacitors, or other similar protection devices and phase protection. Note, pump stations serving a single building are not required to provide surge protection devices if not necessary to protect the pump station.
46. The design requires 1) electrical systems and components (e.g., motors, lights, cables, conduits, switch boxes, control circuits, etc.) in raw wastewater wet wells, or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, comply with the National Electrical Code requirements for Class I Group D, Division 1 locations; 2) electrical equipment located in wet wells be suitable for use under corrosive conditions; 3) each flexible cable be provided with a watertight seal and separate strain relief; 4) a fused disconnect switch located above ground be provided for the main power feed for all pump stations; 5) electrical equipment exposed to weather to meet the requirements of weatherproof equipment NEMA 3R or 4; 6) a 110 volt power receptacle to facilitate maintenance be provided inside the control panel for pump stations that have control panels outdoors; and 7) ground fault interruption protection be provided for all outdoor outlets
47. The design requires a sump pump equipped with dual check valves be provided in dry wells to remove leakage or drainage with discharge above the maximum high water level of the wet well. [RSWF 42.37]
48. Pump station design capacities are based on the peak hourly flow and are adequate to maintain a minimum velocity of 2 feet per second in the force main. [RSWF 42.38]
49. The design includes provisions to automatically alternate the pumps in use. [RSWF 42.4]
50. The design requires: 1) suitable shutoff valves be placed on the suction line of dry pit pumps; 2) suitable shutoff and check valves be placed on the discharge line of each pump (except on screw pumps); 3) a check valve be located between the shutoff valve and the pump; 4) check valves be suitable for the material being handled; 5) check valves be placed on the horizontal portion of discharge piping (except for ball checks, which may be placed in the vertical run); 6) all valves be capable of withstanding normal pressure and water hammer; and 7) all shutoff and check valves be operable from the floor level and accessible for maintenance. [RSWF 42.5]
51. The effective volume of wet wells is based on design average flows and a filling time not to exceed 30 minutes unless the facility is designed to provide flow equalization. The pump manufacturer's duty cycle recommendations were utilized in selecting the minimum cycle time. [RSWF 42.62]
52. The design requires wet well floors have a minimum slope of 1 to 1 to the hopper bottom and the horizontal area of hopper bottoms be no greater than necessary for proper installation and function of the inlet. [RSWF 42.63]
53. For covered wet wells, the design provides for air displacement to the atmosphere, such as an inverted "j" tube or other means. [RSWF 42.64]
- X 54. The design provides for adequate ventilation all pump stations; mechanical ventilation where the dry well is below the ground surface; permanently installed ventilation if screens or mechanical equipment requiring maintenance or inspection are located in the wet well. Pump stations are designed with no interconnection between the wet well and dry well ventilation systems. [RSWF 42.71]
- X 55. The design requires all intermittently operated ventilation equipment to be interconnected with the respective pit lighting system and the manual lighting/ventilation switch to override the automatic controls. [RSWF 42.73]
- X 56. The design requires the fan wheels of ventilation systems be fabricated from non-sparking material and automatic heating and dehumidification equipment be provided in all dry wells. [RSWF 42.74]
- X 57. If wet well ventilation is continuous, design provides for at least 12 complete 100% fresh air changes per hour; if wet well ventilation is intermittent, design provides for at least 30 complete 100% fresh air changes per hour; and design requires air to be forced into wet wells by mechanical means rather than solely exhausted from the wet well. [RSWF 42.75]

- X 58. If dry well ventilation is continuous, design provides at least 6 complete 100% fresh air changes per hour; and dry well ventilation is intermittent, design provides for at least 30 complete 100% fresh air changes per hour, unless a system of two speed ventilation with an initial ventilation rate of 30 changes per hour for 10 minutes and automatic switch over to 6 changes per hour is used to conserve heat. [RSWF 42.76]
- 59. Pump stations are designed and located on the site to minimize adverse effects from odors, noise, and lighting. [62-604.400(2)(c), F.A.C.]
- 60. The design requires pump stations be enclosed with a fence or otherwise designed with appropriate features to discourage the entry of animals and unauthorized persons. Posting of an unobstructed sign made of durable weather resistant material at a location visible to the public with a telephone number for a point of contact in case of emergency is specified. [62-604.400(2)(d), F.A.C.]
- 61. The design requires suitable devices for measuring wastewater flow at all pump stations. Indicating, totalizing, and recording flow measurement are specified for pump stations with a 1200 gpm or greater design peak flow. [RSWF 42.8]
- 62. The project is designed with no physical connections between any potable water supplies and pump stations. If a potable water supply is brought to a station, reduced-pressure principle backflow-prevention assemblies are specified. [RSWF 42.9 and 62-555.30(4), F.A.C.]

Additional Items to be Completed for Suction-Lift Pump Stations

- X 63. The design requires all suction-lift pumps to be either self-priming or vacuum-priming and the combined total of dynamic suction-lift at the "pump off" elevation and required net positive suction head at design operating conditions not to exceed 22 feet. For self-priming pumps, the design requires: 1) pumps be capable of rapid priming and repriming at the "lead pump on" elevation with self-priming and repriming accomplished automatically under design operating conditions; 2) suction piping not to exceed the size of the pump suction or 25 feet in total length; and 3) priming lift at the "lead pump on" elevation to include a safety factor of at least 4 feet from the maximum allowable priming lift for the specific equipment at design operating conditions. For vacuum-priming pump stations, the design requires dual vacuum pumps capable of automatically and completely removing air from the suction-lift pumps and the vacuum pumps be adequately protected from damage due to wastewater. [RSWF 43.1]
- X 64. The design requires: 1) suction-lift pump equipment compartments to be above grade or offset and to be effectively isolated from the wet well to prevent a hazardous and corrosive sewer atmosphere from entering the equipment compartment; 2) wet well access not to be through the equipment compartment and to be at least 24 inches in diameter; 3) gasketed replacement plates be provided to cover the opening to the wet well for pump units to be remove for service; and 4) no valving be located in the wet well. [RSWF 43.2]

Additional Items to be Completed for Submersible Pump Stations

- 65. Submersible pumps and motors are designed specifically for raw wastewater use, including totally submerged operation during a portion of each pump cycle and to meet the requirements of the National Electrical Code for such units. Provisions for detecting shaft seal failure or potential seal failure are included in the design. [RSWF 44.1]
- 66. The design requires submersible pumps be readily removable and replaceable without dewatering the wet well or disconnecting any piping in the wet well. [RSWF 44.2]
- 67. In submersible pump stations, electrical supply, control, and alarm circuits are designed to provide strain relief; to allow disconnection from outside the wet well; and to protect terminals and connectors from corrosion by location outside the wet well or through use of watertight seals. [RSWF 44.31]
- 68. In submersible pump stations, the design requires the motor control center to be located outside the wet well, readily accessible, and protected by a conduit seal or other appropriate measures meeting the requirements of the National Electrical Code, to prevent the atmosphere of the wet well from gaining access to the control center. If a seal is specified, the motor can be removed and electrically disconnected without disturbing the seal. The design requires control equipment exposed to weather to meet the requirements of weatherproof equipment NEMA 3R or 4. [RSWF 44.32]
- 69. In submersible pump stations, the design requires: 1) pump motor power cords be flexible and serviceable under conditions of extra hard usage and to meet the requirements of the National Electrical Code standards for flexible cords in wastewater pump stations; 2) ground fault interruption protection be used to de-energize the circuit in the event of any failure in the electrical integrity of the cable; and 3) power cord terminal fittings be corrosion-resistant and constructed in a manner to prevent the entry of moisture into the cable, provided with strain relief appurtenances, and designed to facilitate field connecting. [RSWF 44.33]
- 70. In submersible pump stations, the design requires all shut-off and check valves be located in a separate valve pit. Provisions to remove or drain accumulated water from the valve pit are included in the design. [RSWF 44.4]

Emergency Operations for Pump Stations

- 71. Pump stations are designed with an alarm system which activates in cases of power failure, sump pump failure, pump failure, unauthorized entry, or any cause of pump station malfunction. Pump station alarms are designed to be telemetered to a facility that is manned 24 hours a day. If such a facility is not available and a 24-hour holding capacity is not provided, the alarm is designed to be telemetered to utility offices during normal working hours and to the home of the responsible person(s) in charge of the lift station during off-duty hours. Note, if an audio-visual alarm system with a self-contained power supply is provided in lieu of a telemetered system, documentation is provided in Part II.C showing an equivalent level of reliability and public health protection. [RSWF 45]
- 72. The design requires emergency pumping capability be provided for all pump stations. For pump stations that receive flow from one or more pump stations through a force main or pump stations discharging through pipes 12 inches or larger, the design requires uninterrupted pumping capability be provided, including an in-place emergency generator. Where portable pumping and/or generating equipment or manual transfer is used, the design includes sufficient storage capacity with an alarm system to allow time for detection of pump station failure and transportation and connection of emergency equipment. [62-604.400(2)(a)1. and 2., F.A.C., and RSWF 46.423 and 46.433]
- 73. The design requires: 1) emergency standby systems to have sufficient capacity to start up and maintain the total rated running capacity of the station, including lighting, ventilation, and other auxiliary equipment necessary for safety and proper operation; 2) special sequencing controls be provided to start pump motors unless the generating equipment has capacity to start all pumps simultaneously with auxiliary equipment operating; 3) a riser from the force main with rapid connection capabilities and appropriate valving be provided for all pump stations to hook up portable pumps; and 4) all pump station reliability design features be compatible with the available temporary service power generating and pumping equipment of the authority responsible for operation and maintenance of the collection/transmission system. [62-604.400(2)(a)3., F.A.C.]
- 74. The design provides for emergency equipment to be protected from operation conditions that would result in damage to the equipment and from damage at the restoration of regular electrical power. [RSWF 46.411, 46.417, and 46.432]
- 75. For permanently-installed internal combustion engines, underground fuel storage and piping facilities are designed in accordance with applicable state and federal regulations; and the design requires engines to be located above grade with adequate ventilation of fuel vapors and exhaust gases. [RSWF 46.414 and 46.415]
- 76. For permanently-installed/portable engine-driven pumps, the design includes provisions for manual start-up. [RSWF 46.422]
- 77. Where independent substations are used for emergency power, each separate substation and its associated transmission lines is designed to be capable of starting and operating the pump station at its rated capacity. [RSWF 46.44]

Force Mains

- 78. Force mains are designed to maintain, at design pumping rates, a cleansing velocity of at least 2 feet per second. The minimum force main diameter specified for raw wastewater is not less than 4 inches. [RSWF 48.1]
- 79. The design requires: 1) branches of intersecting force mains be provided with appropriate valves such that one branch may be shut down for maintenance and repair without interrupting the flow of other branches; and 2) stubouts on force mains, placed in anticipation of future connections, be equipped with a valve to allow such connection without interruption of service. [62-604.400(2)(f), F.A.C.]
- 80. The design requires air relief valves be placed at high points in the force main to prevent air locking. [RSWF 48.2]
- 81. Specified force main pipe and joints are equal to water main strength materials suitable for design conditions. The force main, reaction blocking, and station piping are designed to withstand water hammer pressures and stresses associated with the cycling of wastewater pump stations. [RSWF 48.4]
- 82. When the Hazen and Williams formula is used to calculate friction losses through force mains, the value for "C" is 100 for unlined iron or steel pipe for design. For other smooth pipe materials, such as PVC, polyethylene, lined ductile iron, the value for C does not exceed 120 for design. [RSWF 48.61]
- 83. Where force mains are constructed of material which might cause the force main to be confused with potable water mains, specifications require the force main to be clearly identified. [RSWF 48.7]
- 84. Leakage tests for force mains are specified including testing methods and leakage limits. [RSWF 48.8]

*RSWF = *Recommended Standards for Wastewater Facilities* (1997) as adopted by rule 62-604.300(5)(c), F.A.C.

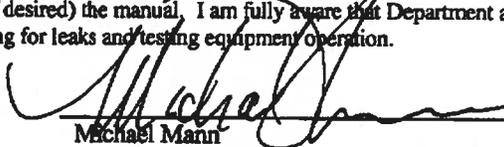
B. Explanation for Requirements or Standards Marked "X" in II(5)A. Above (Attach additional sheets if necessary):

- Items 7-19: No gravity sewers included in design
- Items 20-26: No manholes included in design
- Items 27 through 33: No stream crossings in this project
- Item 42: No sewer $\geq 30"$ in design
- Items 54-58: No ventilation system in design
- Items 63-64: N suction lift pump station in design

PART III - CERTIFICATIONS

(1) Collection/Transmission System Permittee

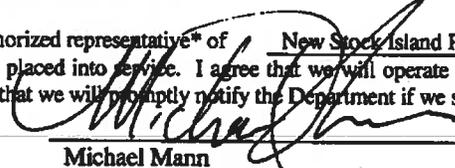
I, the undersigned owner or authorized representative* of New Stock Island Properties, LLC am fully aware that the statements made in this application for a construction permit are true, correct and complete to the best of my knowledge and belief. I agree to retain the design engineer or another professional engineer registered in Florida, to conduct on-site observation of construction, to prepare a certification of completion of construction, and to review record drawings for adequacy. Further, I agree to provide an appropriate operation and maintenance manual for the facilities pursuant to Rule 62-604.500(4), F.A.C., and to retain a professional engineer registered in Florida to examine (or to prepare if desired) the manual. I am fully aware that Department approval must be obtained before this project is placed into service for any purpose other than testing for leaks and testing equipment operation.

Signed  Date 6/9/09
 Name Michael Mann Title Chief Executive Officer

*Attach a letter of authorization.

(2) Owner of Collection/Transmission System

I, the undersigned owner or authorized representative* of New Stock Island Properties, LLC certify that we will be the Owner of this project after it is placed into service. I agree that we will operate and maintain this project in a manner that will comply with applicable Department rules. Also I agree that we will promptly notify the Department if we sell or legally transfer ownership of this project.

Signed  Date 6/9/09
 Name Michael Mann Title CEO
 Company Name New Stock Island Properties, LLC
 Address 7009 Shrimp Road, Suite 2
 City Key West State Florida Zip 33041
 Telephone 305-294-2288 Fax 305-292-2136 Email mmann@oldislandharbor.com

* Attach a letter of authorization.

(3) Wastewater Facility Serving Collection/Transmission System**

If this is a Notice of Intent to use a general permit, check here:

The undersigned owner or authorized representative* of the _____ wastewater facility hereby certifies that the above referenced facility has the capacity to receive the wastewater generated by the proposed collection system; is in compliance with the capacity analysis report requirements of Rule 62-600.405, F.A.C.; is not under a Department order associated with effluent violations or the ability to treat wastewater adequately; and will provide the necessary treatment and disposal as required by Chapter 403, F.S., and applicable Department rules.

If this is an application-n for an Individual permit, check one:

The undersigned owner or authorized representative* of the KWRU wastewater facility hereby certifies that the above referenced facility has and will have adequate reserve capacity to accept the flow from this project and will provide the necessary treatment and disposal as required by Chapter 403, F.S., and applicable Department rules.

The undersigned owner or authorized representative* of the _____ wastewater facility hereby certifies that the above referenced facility currently does not have, but will have prior to placing the proposed project into operation, adequate reserve capacity to accept the flow from this project and will provide the necessary treatment and disposal as required by Chapter 403, F.S., and applicable Department rules.

Name of Treatment Plant Serving Project	<u>KWRU WWTP</u>	
County	<u>Monroe</u> City	<u>Key West</u>
DEP permit number	<u>FLA014951</u>	Expiration Date: <u>10 April 2010</u>
Maximum monthly average daily flow over the last 12 month period	<u>0.428</u> MGD	Month(s) used <u>12/07-02/09</u>
Maximum three-month average daily flow over the last 12 month period	<u>0.398</u> MGD	Month(s) used <u>12/07-02/09</u>
Current permitted capacity	<u>0.499</u> MGD	<input checked="" type="checkbox"/> AADF <input type="checkbox"/> MADF <input type="checkbox"/> TMADF
Current outstanding flow commitments (including this project) against treatment plant capacity:	<u>5023 gpd. Flow from this project only.</u>	

Signed _____ Date _____
 Name Doug Carter Title General Manager
 Address 6630 College Road
 City Key West State Florida Zip 33040
 Telephone 305-294-5232 Fax _____ Email doug@keywestgolf.com

* Attach a letter of authorization.

(4) Professional Engineer Registered in Florida

I, the undersigned professional engineer registered in Florida, certify that I am in responsible charge of the preparation and production of engineering documents for this project; that plans and specifications for this project have been completed; that I have expertise in the design of wastewater collection/transmission systems; and that, to the best of my knowledge and belief, the engineering design for this project complies with the requirements of Chapter 62-604, F.A.C.

(Affix Seal)

Signed _____
Date _____

Name R. Jeff Weiler Florida Registration No. 46027
Company Name Weiler Engineering Corp
Address 20020 Veterans Boulevard, Suite 7
City Port Charlotte State Florida Zip 33954
Telephone 941-764-6447 Fax 941-764-8915 Email jeff@weilerengineering.org
Portion of Project for Which Responsible All Utility Design

(Affix Seal)

Signed _____
Date _____

Name _____ Florida Registration No. _____
Company Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ Email _____
Portion of Project for Which Responsible _____

(Affix Seal)

Signed _____
Date _____

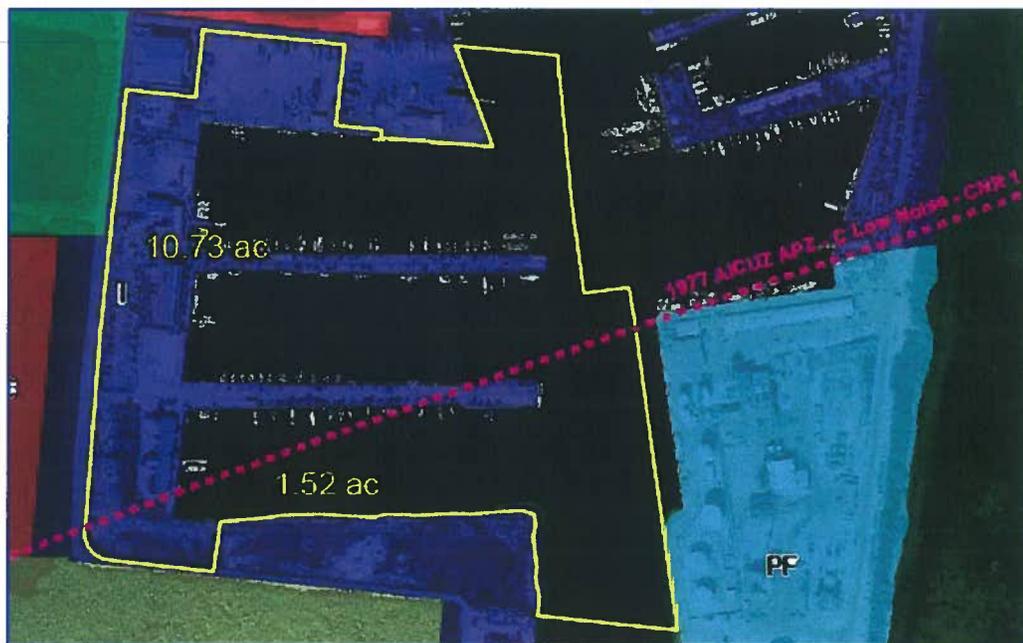
Name _____ Florida Registration No. _____
Company Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ Email _____
Portion of Project for Which Responsible _____

Exhibit 5

Military Compatibility

While Monroe County does not currently have military compatibility policies adopted within the Comprehensive Plan, the County's Land Development Regulations include an overlay district that regulates uses around, adjacent, and in the approach zones of military airports (See Section 130-121, Air installation compatible use zones overlay). The 1977 Air Installation Compatible Use Zones (AICUZ) overlay district, which is adopted and utilized by Monroe County, establishes noise rating (CNR) zones and accident potential zones (APZ).

Based upon the boundaries of the 1977 AICUZ, a portion of the property falls within the C1 zone (Accident potential zone C, low noise impact, CNR zone 1).



The C1 zone has the following restrictions:

No New Development - Residential mobile home, low density (1-6 du/a), residential medium density (6-12 du/a) and residential high density (12-36 du/a)

Restricted New Development – Commercial Resort*

*It is the County's understanding that transient development would fall under the Commercial Resort Land Use identified the Land Use Matrix by the Navy.

Based upon the 1997 AICUZ, Naval Air Station Key West may provide comments recommending that the portion of the property within the C1 noise zone not have its FLUM designation changed.

The following table provides the density and intensity calculations by Future Land Use Map Designation, with a portion of the property remaining Industrial and the other portion as Mixed Use/Commercial:

FLUM	Type	Adopted Standards	Development Potential
Industrial FLUM 1.52 acres	Residential Allocated Density/Acre	1 du	1 unit
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Nonresidential Maximum Intensity	0.25-0.60 FAR	16,552 sf – 39,726 sf
Proposed FLUM	Type	Allocated Density	Development Potential
Mixed Use/ Commercial FLUM 10.73 acres	Residential Allocated Density/Acre	1-6 du	10 – 64 units
	Transient Allocated Density/Acre	5-15 rooms/spaces	53-160 rooms/spaces
	Nonresidential Maximum Intensity	0.10-0.45	46,739 sf – 210,329 sf

Note: The above table provides an approximation of the development potential for residential, transient and commercial development.

Please note, Section 130-156 of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development.”

Figure 1. 1977 AICUZ

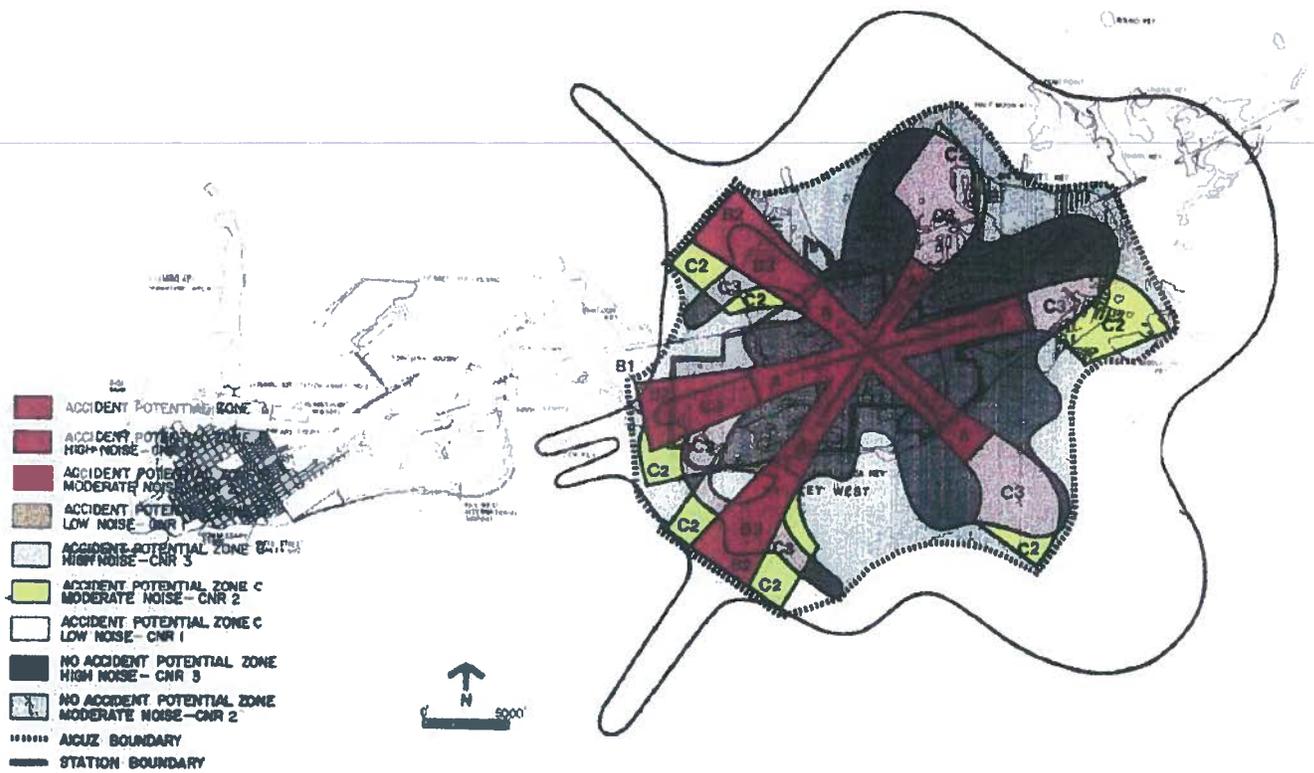


Figure 2. 1977 Land Use Matrix

91-A

LAND USE OBJECTIVES MATRIX

-  NO NEW DEVELOPMENT
-  RESTRICTED NEW DEVELOPMENT
-  NO RESTRICTION

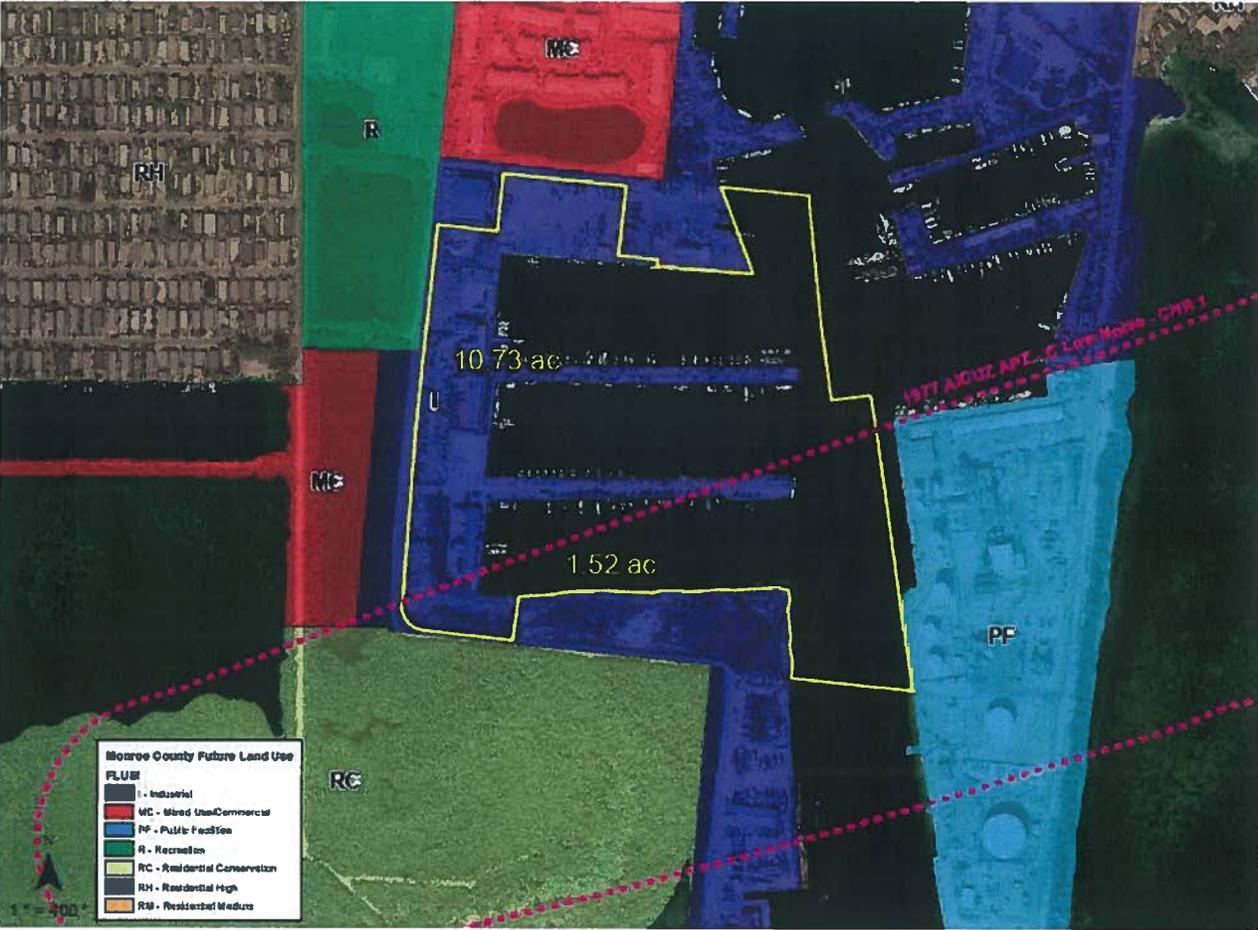
AICUZ ZONES

		LAND USE																						
		RESIDENTIAL - MOBILE HOMES	RESIDENTIAL - AGRICULTURAL	RESIDENTIAL - LOW DENSITY (1-5 DU/A)	RESIDENTIAL - MEDIUM DENSITY (6-12 DU/A)	RESIDENTIAL - HIGH DENSITY (12-30 DU/A)	COMMERCIAL - RESORT	COMMERCIAL - RETAIL	COMMERCIAL - WHOLESALE	OFFICE	INSTITUTIONAL - EDUCATIONAL	INSTITUTIONAL - MEDICAL	INDUSTRY - SERVICE	INDUSTRY - MANUFACTURING	INDUSTRY - EXTRACTIVE	TRANSPORTATION/UTILITIES	AGRICULTURAL (EXCEPT LIVESTOCK)	RECREATION - GOLF	RECREATION - SPORTS ARENA	RECREATION - PARKS	RECREATION - WATER	RECREATION - CONCERT	FORESTS, WILDLIFE HABITATS	
A	ACCIDENT POTENTIAL ZONE A	NO NEW DEVELOPMENT																						
B3	ACCIDENT POTENTIAL ZONE B HIGH NOISE IMPACT - CNR 3	RESTRICTED NEW DEVELOPMENT																						
B2	ACCIDENT POTENTIAL ZONE B MODERATE NOISE IMPACT - CNR 2	NO RESTRICTION																						
C3	ACCIDENT POTENTIAL ZONE C HIGH NOISE IMPACT - CNR 3	NO RESTRICTION																						
C2	ACCIDENT POTENTIAL ZONE C MODERATE NOISE IMPACT - CNR 2	NO RESTRICTION																						
C1	ACCIDENT POTENTIAL ZONE C LOW NOISE IMPACT - CNR 1	NO RESTRICTION																						
3	NO ACCIDENT POTENTIAL ZONE HIGH NOISE IMPACT ZONE - CNR 3	NO RESTRICTION																						
2	NO ACCIDENT POTENTIAL ZONE MODERATE NOISE IMPACT ZONE - CNR 2	NO RESTRICTION																						

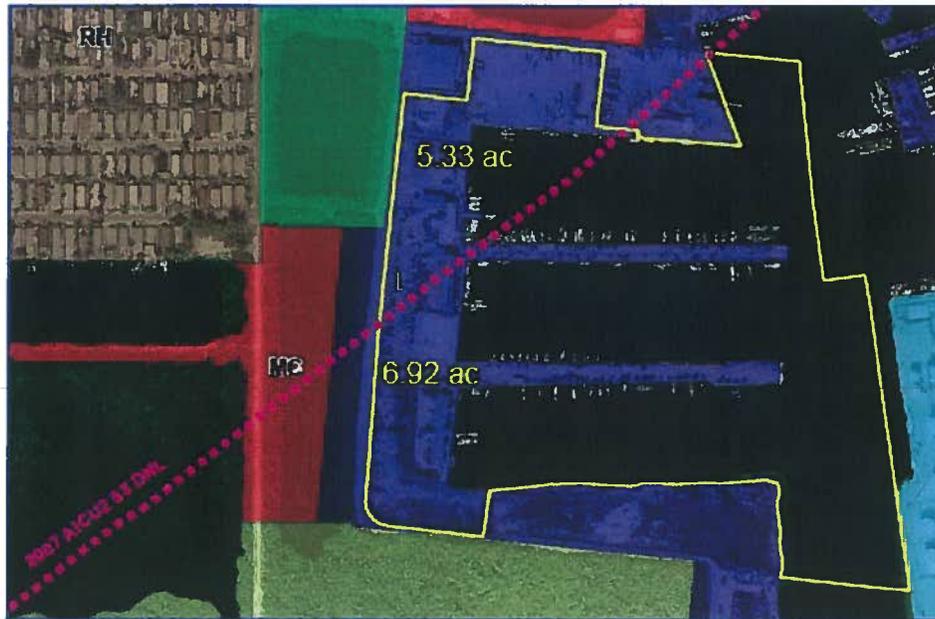
Figure 3. 1977 AICUZ boundary over Stock Island



Figure 4. 1977 AICUZ boundary over property requesting FLUM amendment



Additionally, Naval Air Station Key West released an AICUZ Report in 2007. While the 2007 AICUZ is not part of the Monroe County Comprehensive Plan or Land Development Regulations, based upon the boundaries of the 2007 AICUZ, a portion of the property falls within the Noise Zone 2 (65-69 DNL).



The 2007 AICUZ Study provides land use compatibility suggestions (see Figure 7), which include restrictions on the development of residential and transient uses. There are exceptions provided in the AICUZ study which include the following:

- a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.
- b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.
- c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.
- d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

Based upon the 2007 AICUZ, Naval Air Station Key West may provide comments recommending that the portion of the property within the Noise Zone 2 (65-69 DNL) not have its FLUM designation changed.

The following table provides the density and intensity calculations by Future Land Use Map Designation, with a portion of the property remaining Industrial and the other portion as Mixed Use/Commercial:

FLUM	Type	Adopted Standards	Development Potential
Industrial FLUM 5.33 acres	Residential Allocated Density/Acre	1 du	5 unit
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Nonresidential Maximum Intensity	0.25-0.60 FAR	58,043 sf – 139,304 sf
Proposed FLUM	Type	Allocated Density	Development Potential
Mixed Use/ Commercial FLUM 6.92 acres	Residential Allocated Density/Acre	1-6 du	6 – 41 units
	Transient Allocated Density/Acre	5-15 rooms/spaces	34-103 rooms/spaces
	Nonresidential Maximum Intensity	0.10-0.45	30,143 sf – 135,645 sf

Note: The above table provides an approximation of the development potential for residential, transient and commercial development.

Please note, Section 130-156 of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development.”

Figure 5. 2007 AICUZ boundary over Stock Island



Figure 6. 2007 AICUZ boundary over property requesting FLUM amendment

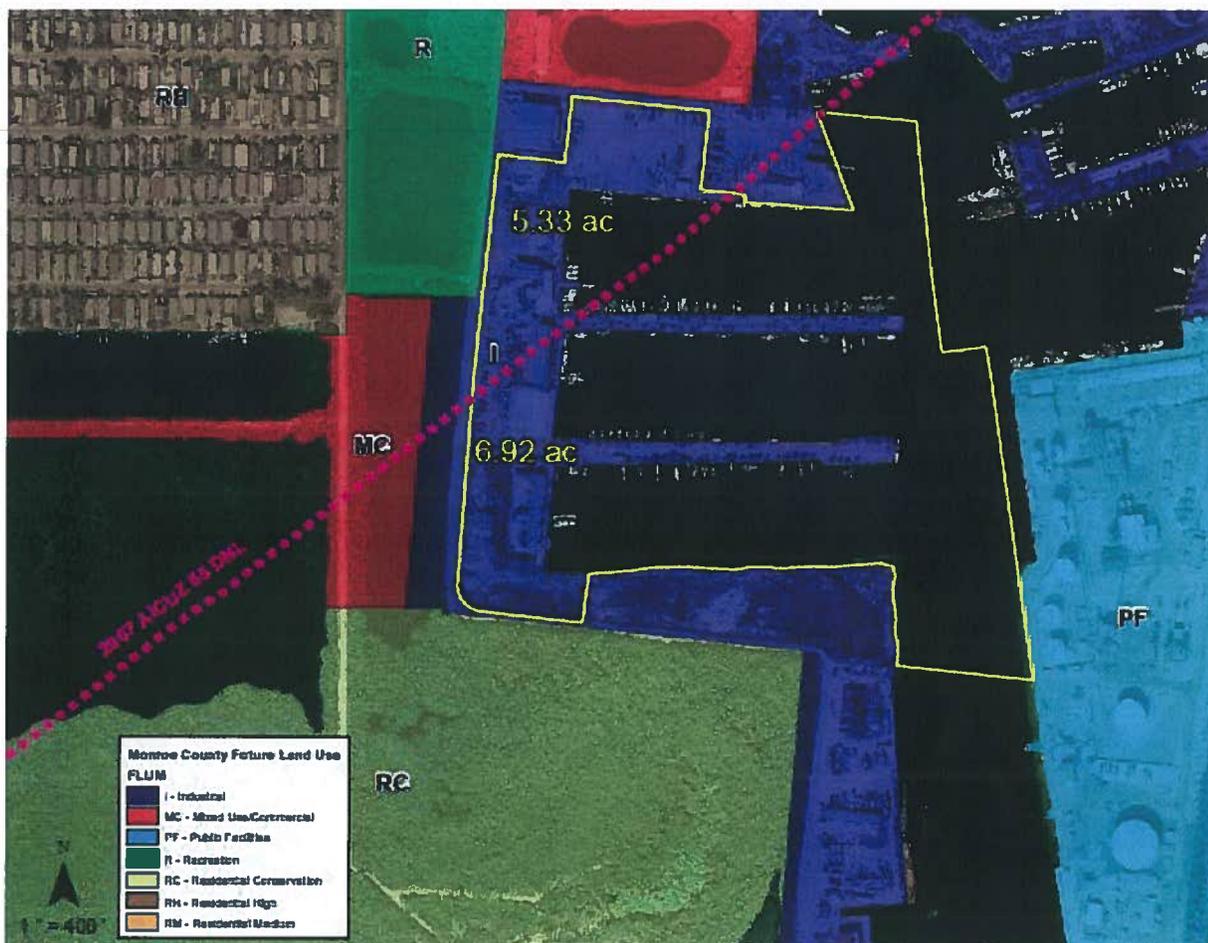


Figure 7. 2007 AICUZ Land Use Compatibility Guidelines

AICUZ AND LAND USE COMPATIBILITY GUIDELINES

Table 6-2 Suggested Land Use Compatibility in Noise Zones

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 (DNL or CNEL)		Noise Zone 2 (DNL or CNEL)		Noise Zone 3 (DNL or CNEL)		
SLUCM NO	LAND USE NAME	< 55	55- 64	65 - 69	70 -74	75- 79	80 -84	85+
	<i>Residential</i>							
11	Household Units	Y	Y ¹	N ¹	N ¹	N	N	N
11.11	Single units: detached	Y	Y ¹	N ¹	N ¹	N	N	N
11.12	Single units: semidetached	Y	Y ¹	N ¹	N ¹	N	N	N
11.13	Single units: attached row	Y	Y ¹	N ¹	N ¹	N	N	N
11.21	Two units: side-by-side	Y	Y ¹	N ¹	N ¹	N	N	N
11.22	Two units: one above the other	Y	Y ¹	N ¹	N ¹	N	N	N
11.31	Apartments: walk-up	Y	Y ¹	N ¹	N ¹	N	N	N
11.32	Apartment: elevator	Y	Y ¹	N ¹	N ¹	N	N	N
12	Group quarters	Y	Y ¹	N ¹	N ¹	N	N	N
13	Residential Hotels	Y	Y ¹	N ¹	N ¹	N	N	N
14	Mobile home parks or courts	Y	Y ¹	N	N	N	N	N
15	Transient lodgings	Y	Y ¹	N ¹	N ¹	N ¹	N	N
16	Other residential	Y	Y ¹	N ¹	N ¹	N	N	N

Figure 7. 2007 AICUZ Land Use Compatibility Guidelines (continued)

Table footnotes:

N^e (No with Exceptions) The land use and related structures are generally incompatible. However, see notes indicated by the superscript.

NLR (Noise Level Reduction) Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

25, 30, or 35 The numbers refer to Noise Level Reduction levels. Land Use and related structures generally compatible however, measures to achieve NLR of 25, 30 or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.

DNL Day Night Average Sound Level.

CNEL Community Noise Equivalent Level (Normally within a very small decibel difference of DNL)

Ldn Mathematical symbol for DNL.

Notes:

1.

a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.

b) Where the community determines that these uses must be allowed, measures to achieve an outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.

c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.

d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

File #: **2011-103**

Owner's Name: Longstock II, LLC

Applicant: Longstock II, LLC

Agent: N/A

Type of Application: FLUM Map Amendment

Key: Stock Island

RE: 00123760-000200
00123720-000100
00123720-000200

Additional Information added to File 2011-103

County of Monroe
Growth Management Division

Office of the Director

2798 Overseas Highway
Suite #400
Marathon, FL 33050
Voice: (305) 289-2517
FAX: (305) 289-2854



Board of County Commissioners

Mayor Sylvia J. Murphy, Dist. 5
Mayor Pro Tem Heather Carruthers, Dist. 3
Kim Wigington, Dist. 1
George Neugent, Dist. 2
Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

Date: 8.30.11
Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for FLUM MAP AMENDMENT
Type of application

LONG STOCK II, LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Sail Creech

Planning Staff

NAME	ADD2	UNIT	CITY	ST, ZIP
✓ DOG TRACK PARCELS CONDOMINIUM				
✓ LONGSTOCK II LLC	7009 SHRIMP RD STE 2		KEY WEST FL	33040-6067
MERIDIAN WEST LTD	2937 SW 27TH AVE	STE 303	MIAMI	FL 33133 -
✓ ROBBIE'S SAFE HARBOR MARINE ENT IN	7281 SHRIMP RD		KEY WEST FL	33040 -
✓ 6840 FRONT STREET LLC	6840 FRONT ST		KEY WEST FL	33040 -
✓ CITY OF KEY WEST	PO BOX 1409		KEY WEST FL	33041 -
✓ SAFE HARBOR ENTERPRISES INC	P O BOX 2455		KEY WEST FL	33040 -
✓ 3 D OF KEY WEST INC	3158 NORTHSIDE DR		KEY WEST FL	33040-8025 -
✓ BOARD OF COUNTY COMMISSIONERS O	500 WHITEHEAD ST		KEY WEST FL	33040-6581 -
✓ BAMA ONE LLC	6810 FRONT ST		KEY WEST FL	33040-6040 -
CITY OF KEY WEST	PO BOX 1409		KEY WEST FL	33041-1409 -
✓ KEY COW LLC	PO BOX 169		KEY WEST FL	33041-0169 -
CITY OF KEY WEST	PO BOX 1409		KEY WEST FL	33041-1409 -
LONGSTOCK II LLC	7009 SHRIMP RD STE 2		KEY WEST FL	33040-6067 -
LONGSTOCK II LLC	7009 SHRIMP RD STE 2		KEY WEST FL	33040-6067 -
✓ PARCELS B AND C LLC	PO BOX 169		KEY WEST FL	33041-0169 -
✓ ISLAND TRUST AGREEMENT 3/10/1989	P O BOX 2455		KEY WEST FL	33040 -
✓ SAFE HARBOUR PROPERTIES LLC	6810 FRONT ST		KEY WEST FL	33040-6040 -
✓ BERNSTEIN BENJAMIN ESTATE	PO BOX 2455		KEY WEST FL	33045-2455 -
✓ BOARD OF COUNTY COMMISSIONERS O	500 WHITEHEAD ST		KEY WEST FL	33040-6581 -
✓ MONROE COUNTY	500 WHITEHEAD ST		KEY WEST FL	33040-6581 -
✓ CONSTELLATION YACHTS INC	6811 SHRIMP RD		KEY WEST FL	33040 -
✓ SAFE HARBOR ENTERPRISES INC	PO BOX 2455		KEY WEST FL	33045-2455 -
✓ SAFE HARBOR ENTERPRISES INC	7009 SHRIMP RD STE 2		KEY WEST FL	33040-6067 -

300' Buffer Verified by GC 8.31.11

End of Additional File 2011-103



August 30, 2011

**Ms. Christine Hurley
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050**

Re: Request for a Future Land Use Map Amendment Application

Ms. Hurley:

Longstock II, LLC is pleased to submit a request for a Future Land Use Map (FLUM) amendment application for your review.

For clarity the request from the application is in bolded font and our responses are in non-bolded font.

Please find included in this submittal the conditional use application.

- **Legal Description of Property**
 - Please see Tab A
- **6 Factors for Change**
 - Please see Tab B
- **FLUM Statement**
 - Please see Tab C
- **Proof of Ownership (i.e. warranty deed)**
 - Please see Tab D
- **Current Property Record Cards from the Monroe County Property Appraiser**
 - Please see Tab E
- **Location Map**
 - Please see Tab F
- **Copy of Future Land Use Map**
 - Please see Tab G
- **Copy of Current Land Use District map**
 - See Tab H
- **Photographs of Site From Adjacent Roadways**
 - Please see Tab I
- **300 Foot Radius Map from Monroe County Property Appraiser office.**

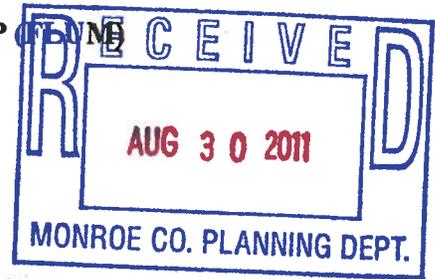
Monroe County Planning & Environmental Resources Department
Request for FLUM Amendment Application
August 30, 2011
Page 2 of 2

- Please see Tab J
- **List of Surrounding Property Owners from 300 Foot Radius Map**
 - Please see Tab K
- **Typed Names and Address mailing Labels of All Property Owners Within 300 Foot Radius of Property (two (2) sets)**
 - Please see Tab L and also find 2 sets included with this submittal
- **Signed and Sealed Boundary Survey, 16 Sets**
 - Please see Tab M

If you have any questions regarding this response letter please do not hesitate to contact me at the address and telephone number below or electronically at mstrunk@stockislandmarina.com.

Sincerely,
Matthew Strunk
Longstock II, LLC
Secretary and Treasurer
August 30, 2011

REQUEST FOR FUTURE LAND USE MAP (FLUM) AMENDMENT APPLICATION



MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

Amendment to Future Land Use Map Application Fee: \$5,531.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00

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

Technology Fee: \$20.00

Date 08 / 30 / 2011
Month Day Year

Property Owner:

Longstock II, LLC

Name 7009 Shrimp Road, Suite 2.
Key West, FL 33050

Mailing Address (305) 294-2288

Daytime Phone

mstrunk@oldislandharbor.com

Email Address

Agent (if applicable):

Name

Mailing Address

Daytime Phone

Email Address

Legal Description of Property:

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

Please see attached Legal Description and Boundary Survey

Table with 4 columns: Block, Lot, Subdivision, Key. Below are rows for Real Estate (RE) Number, Alternate Key Number, Street Address, and Approximate Mile Marker.

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**

Current Future Land Use Map Designation(s): Industrial (I)

Proposed Future Land Use Map Designation(s): Mixed Use Commercial (MC)

Current Land Use District Designation(s): Maritime Industrial (MI)

Tier Designation(s): 3

Total Land Area Affected in acres: 12.25 Uplands, 23.23 privately owned bay bottom

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):
marine activities, boat yard, artist's studios, engine repair, boat building, dog park, commercial space, storage space, warehouse space, deep water dockage, working waterfront, commercial fisherman, 200 live-a boards, residential units on the upland site, gym, office space.

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

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

Please see Tab B

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

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

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**

4) **New issues:**

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

6) **Data updates:**

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

Please see Tab C

Has a previous FLUM application been submitted for this site within the past two years?

Yes _____ Date: _____
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 Future Land Use Map (FLUM) 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 from Monroe County Property Appraiser; and**
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and**
- Copy of Current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);**
- Photograph(s) of site from adjacent roadway(s);**

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**

- 300 foot radius map from Monroe County Property Appraiser Office**
- List of surrounding property owners from 300 foot radius map**
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included, 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 marked with land use district; and total acreage shown with vegetative habitat).**

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

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)**
- Any other Monroe County documents including Letters of Understanding pertaining to the proposed Future Land Use 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: Matthew O'Neil Date: 8/22/11

Sworn before me this 22nd day of August 2011

MADIE MARIE CERULLI
NOTARY PUBLIC, State of New York
No. 01CE5015137
Qualified in DeKalb County
Commission Expires July 12, 2015

Made Cerulli
Notary Public
My Commission Expires

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

**THE WELLER ENGINEERING
CORP.**

"Excellence in Engineering"
5800 Overseas Highway, Suite 36
Marathon, FL 33050
(305) 289-4161

LETTER OF TRANSMITTAL

DATE: 8/30/11	JOB NO:11067.005
ATTENTION: Christine Hurley	
RE: FLUM and Text Amendment	

TO: Monroe County Planning and
Environmental Resources

WE ARE SENDING YOU:

COPIES	NO.	DESCRIPTION
1	1	FLUM application and supporting documents
1	2	16 Signed and Sealed Boundary Surveys
1	3	Text Amendment application

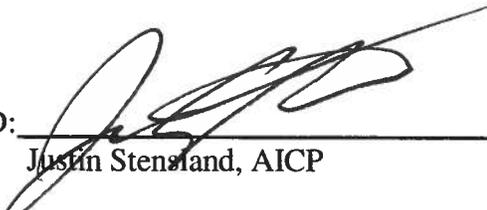
THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return corrected prints |
| <input type="checkbox"/> File Copies | | |

REMARKS:

COPY TO: Matthew Strunk
WEC Punta Gorda

SIGNED: _____


Justin Stensland, AICP

Request for a Future Land use Map Amendment Application

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Tab A – Legal Description of Property

Tab B – Six Factors for Change

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Tab E – Current Property Records from Monroe County Property Appraiser

Tab F – Location Map

Tab G – Copy of Future land use Map

Tab H – Copy of Current Land Use District map

Tab I – Photographs of Site from Adjacent Roadways

Tab J – 300 Foot Radius Map from Monroe County Property Appraiser Office

Tab K – List of Surrounding Property Owners From 300 Foot Radius Map

Tab L – Typed Names and Address Mailing Labels of All Property Owners Within 300 Foot Radius of The Property (two (2) sets).

Tab M – Signed and Sealed Boundary Survey, 16 sets.



LEGAL DESCRIPTION

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF FIFTH AVENUE, ALSO KNOWN AS THE NORTHWEST CORNER OF BLOCK 57 OF McDONALDS PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

THENCE S84°02'07"E ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF FIFTH AVENUE A DISTANCE OF 499.98 FEET; THENCE S05°57'53"W A DISTANCE OF 913.46 FEET TO THE POINT OF BEGINNING FOR THE PROJECT AREA PARCEL.

THENCE S05°57'53"W A DISTANCE OF 671.18 FEET; THENCE S04°01'50"W A DISTANCE OF 555.46 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 75 FEET, AN ARC LENGTH OF 115.28 FEET, A CENTRAL ANGLE OF 88°03'54" AND A CHORD BEARING AND DISTANCE OF S40°00'08"E FOR 104.26 FEET; THENCE S84°02'07"E A DISTANCE OF 288.11 FEET; THENCE N07°52'54"E A DISTANCE OF 138.68 FEET TO THE MEAN HIGH WATER LINE. THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING EIGHTEEN (18) COURSES,

1. N81°33'16"E A DISTANCE OF 23.73 FEET; 2. N86°43'16"E A DISTANCE OF 75.93 FEET;
3. N81°39'19"E A DISTANCE OF 76.27 FEET; 4. N88°24'02"E A DISTANCE OF 97.85 FEET;
5. S86°26'25"E A DISTANCE OF 91.35 FEET; 6. S88°07'58"E A DISTANCE OF 57.82 FEET;
7. N79°29'50"E A DISTANCE OF 36.47 FEET; 8. N88°41'05"E A DISTANCE OF 60.16 FEET;
9. S64°26'30"E A DISTANCE OF 6.15 FEET; 10. N89°59'29"E A DISTANCE OF 40.54 FEET;
11. N86°09'28"E A DISTANCE OF 82.77 FEET; 12. S75°44'52"E A DISTANCE OF 11.67 FEET
13. N80°37'17"E A DISTANCE OF 8.06 FEET; 14. S85°01'19"E A DISTANCE OF 21.47 FEET;
15. N83°15'58"E A DISTANCE OF 26.59 FEET; 16. N85°47'17"E A DISTANCE OF 117.62 FEET;
17. S61°03'44"E A DISTANCE OF 14.78 FEET; 18. S84°56'08"E A DISTANCE OF 14.50 FEET;

THENCE N63°36'40"E A DISTANCE OF 192.53 FEET; THENCE N04°07'47"W A DISTANCE OF 519.99 FEET; THENCE N05°47'25"W A DISTANCE OF 392.40 FEET; THENCE N85°29'39"W A DISTANCE OF 519.58 FEET; THENCE N06°01'16"E A DISTANCE OF 20.01 FEET; THENCE N85°29'39"W A DISTANCE OF 125 FEET; THENCE N06°00'38"E A DISTANCE OF 227.17 FEET; THENCE N84°02'07"W A DISTANCE OF 393.05 FEET; THENCE S05°56'58"W A DISTANCE OF 183.64 FEET; THENCE N84°02'07"W A DISTANCE OF 191.55 FEET; TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 35.484 ACRES OF UPLANDS AND SUBMERGED LANDS MORE OR LESS. THIS PROJECT AREA PARCEL HAS NOT BEEN SURVEYED.

In accordance with Sec. 102.158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met:

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

The proposed FLUM amendment is consistent with the Goals, Objectives, and Policies of the Monroe County Comprehensive Plan and the CommuniKeys Master Plan. The following findings provide documentation of the consistency:

General

- The proposed change will not have an adverse affect or increase in the density or mixture of uses of the area (i.e. population projections). Currently there are live-boards, office space, artists, woodworkers, and a working waterfront component at the site and within similar surrounding developments.
- Level-of-Service (Public Services): To meet the demands of wastewater capacity, a utility agreement letter has been drafted and agreed upon with KW Resort Utilities to provide treatment when the capacity reserve fee is paid. Currently on-site there is limited wastewater service. The required wastewater service lines will be extended to the subject site. Sufficient wastewater capacity is available according to KW Resort Utilities. A letter can be provided upon request.
- The proposed project will have a de minimus impact on the local transportation network. The PM Peak Hour trips per day for the proposed project are similar to the impacts of the existing uses. Based on estimates from Trip Generation Manual, 7th Edition, from ITE, we do not believe the proposed development represents a significant traffic impact to the community. Due to the similarity in existing versus proposed uses, the proposed amendment to the FLUM will not result in a negative impact on transportation level-of-service.
- The on-site potable water system will be provided by FKAA. A coordination letter has been obtained for the project.
- There is currently a dog park open to the public which will remain on site. In addition, redevelopment plans include a new public boat ramp and waterfront access via a promenade. The additional park space resulting in an increase in the level-of-service of recreation amenities for Monroe County, and consistent with Comprehensive Plan Policy 1201.1.4. Therefore, approval of the FLUM amendment will not decrease level-of-service.
- The solid waste generated from the site will be collected by Monroe County Solid Waste Management and hauled to one of the local sites at a frequency consistent with Comprehensive Plan Policy 801.1.1. There will also be signage to direct users of the marina where to dispose of materials not suitable for the dumpster. There is sufficient capacity in the existing solid waste facilities and the level-of-service will not be decreased.

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

- According to the American Community Survey published in 2009, there is a resident population on Stock Island of 3,308, which is down from 4,410 in 2000. Of the 3,308, 2,300 residents are ages 18-65 and only 1,720 are in the work force with nearly 19% of individuals living below poverty level, and nearly 15% of families below poverty level. Correcting the Comprehensive Plan to allow for mixed-use development in Maritime Industrial areas will increase the availability of jobs through redevelopment.
 - Goal 202 of the Comprehensive Plan states that the nearshore waters shall be maintained and enhanced. This site was previously a junk yard and has since been cleaned up significantly. The marina is part of the clean marina program and the water now meets FDEP standards, where prior to the clean up it did not and derelict boats have been removed.
 - Several adjacent properties are designated as Mixed-use/Commercial on the FLUM. These properties are similar in nature to the uses and pattern of development both existing and proposed for the subject site. An amendment to designate the site Mixed-use/Commercial will be consistent with the character of the surrounding area and will not adversely impact the demographic trends; rather, the redevelopment of the site will provide a mixture of uses that is increasing in demand.
- 3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**
- 4. New Issues**
- There is a desire from the residents of the County for additional access to the waterfront and by changing the future land use map designation to Mixed-use/Commercial (MC), it will allow for future development of the site to provide access through public waterfront open spaces and a public boat ramp.
 - In the CommuniKeys Master Plan it is stated that “the purpose of the MU land use district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional, and commercial uses”. The uses identified in this Plan statement are consistent with the uses currently permitted within the Maritime Industrial (MI) zoning district. Approval of an amendment to the FLUM from Industrial (I) to Mixed-use/Commercial will create consistency between the Future Land Use category and the Zoning District schedule of uses, as well as, the FLUM designation and existing uses of the surrounding community.
 - The CommuniKeys Master Plan also states that it is “a goal to encourage businesses to retain existing and create new public waterfront access through development of a marina into a working waterfront and mixed use commercial zone”. The redevelopment of this site will increase available waterfront access by 3.68 acres.
 - Industrial uses are defined in the CommuniKeys Master Plans as those uses devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage, or distribution of goods and materials whether new or used, or the refinishing, repair or rebuilding of vehicles or boats. This definition is inconsistent with the definition of Maritime Industrial.

- The proposed change will not have an adverse affect on the density of the area. Currently, there are live-aboards, office space, artists, woodworkers, and a working waterfront component at the site. The ratio of uses may ultimately differ after redevelopment of the site, but the overall impacts generated by the new development and mixture of uses will require similar levels-of-service for public services.
- The project will offer free public pump out station at the marina and at every slip. By providing these pump-out stations, the project will enhance the waterfront and further compliance with Objective 202.4.

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

- The Maritime Industrial (MI) zoning district fits in to the Industrial (I) future land use category, according to 101.4.21, but permits uses that are not allowed in Industrial, such as hotel(s). This variation in allowable uses creates an inconsistency between MI Zoning District and Industrial future land use category. This inconsistency can be remedied in a two step process. First, amend the FLUM to designate the subject site as Mixed-use/Commercial; and second, amend the table within Policy 101.4.21 to permit the MI zoning district within the Mixed-use/Commercial future land use category. Completing both steps creates consistency between the zoning district and the future land use categories.
- The majority of the uses in MI zoning district are allowed and are consistent with the intent of the MC future land use category. These uses include commercial, office space, hotels, marinas, boat building, and commercial fishing. Many of the same uses are allowed in the SC, UC, DR, RV, and MU zoning districts, which are also permitted zoning districts within the MC future land use category.

6. Data Updates

- A traffic impact study has been conducted showing that there would be minimal increase based on the development of this site as a mixed use designation.
- There is a utility agreement letter with KWRU stating there is capacity for the proposed development, which will include the uplands redevelopment uses and a free public pump out and pump out at every slip.
- There is a coordination letter from FKAA stating that there is capacity for water for this development.
- There are permits in place from SFWMD to repair docks and seawalls, perform dredging maintenance, build a boat ramp, and operate a surface water management system.
- Permitting with FDEP will include 6 onsite stormwater injection wells, water distribution, and the wastewater collection system.
- Permitting for the docks, seawall restoration and boat ramp, 361 non-commercial wet slips, floating docks with piles, maintenance dredging, and fuel docks has been approved through Army Corps of Engineers.

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 FLUM amendment would not result in an adverse community change:

The proposed FLUM amendment will not result in any adverse community change. The site is currently zoned Maritime Industrial (MI) with a FLUM designation of Industrial (I). According to Section 130-85 of the Land Development Regulations, the MI zoning district allows for such uses as commercial retail, office, light industry, commercial apartments, commercial fishing, institutional, public buildings, vacation rental and with a minor or major conditional use permit; Hotels, marinas, and larger commercial apartments. The Industrial land use category is designated "to establish areas that are suitable for the development of industrial and manufacturing uses, warehousing and distribution uses." The Industrial land use category also allows for heavy industrial uses and resource extraction. These uses are not consistent with the surrounding area and character of Stock Island and would be contrary to the goal of Stock Island to preserve the working waterfront while increasing public access to the waterfront.

The designation of the subject site as Industrial on the FLUM is inconsistent with the current uses and surrounding area of Stock Island. The current site is a mixed use area with artists and craftsmen, woodworkers, office building, retail stores, live-aboards, marina, working waterfront, engine repair, dog park, and residential apartments. The future of this property is master planned to keep these uses on site including, live-aboards, commercial and artist space, retail space, a working waterfront, office space, and dog park. In addition, the redevelopment plans will incorporate two restaurants, a hotel, free public boat ramp and additional dockage for wet slips, as well as improvements to the stormwater and sanitary system including free public pump out. All of these current and future uses are allowed under the proposed MC land use category and within the currently designated Maritime Industrial zoning district.

Doc# 1819016 01/04/2011 11:13AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Document Prepared By and Return To:
Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

01/04/2011 11:13AM
DEED DOC STAMP CL: RHONDA \$112,000.00

Parcel ID Number: 9091103 et seq.

Doc# 1819016
Bk# 2499 Pg# 355

Special Warranty Deed

This Indenture, made this 29th day of December, 2010, between NEW STOCK ISLAND PROPERTIES, LLC, a Delaware limited liability company, authorized to do business in the State of Florida, having an address of 7009 Shrimp Road, Suite 2, Key West, Monroe County, Florida 33040, grantor and

LONGSTOCK II, LLC, a Florida limited liability company, having an address of 7009 Shrimp Road, Suite 2, Key West, Monroe County, Florida 33040, grantee.

WITNESSETH that the Grantor, for and in consideration of the sum of TEN (\$10) DOLLARS and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida, to wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" HERETO

NOTE: This is an absolute conveyance of the title in consideration of the cancellation of the debt secured by the mortgage and is not intended to be an additional security.

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 grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence

NEW STOCK ISLAND PROPERTIES, LLC,
a Delaware limited liability company

By: New Stock Island Properties II, LLC,
a Delaware limited liability company
its Member

Patricia Dougherty
Printed name: Patricia Dougherty
Witness

By: New Stock Island Properties III, LLC,
a Delaware limited liability company
its Member

Maria Cerullo
Printed name: Maria Cerullo
Witness

By: EVA Realty, LLC, a Delaware limited
liability company its Manager

By: Matthew Strunk
Matthew Strunk
Title: Authorized Representative

STATE OF New York
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this 29th day of December, 2010, by Matthew Strunk, as Authorized Rep. of EVA Realty, LLC, the Manager of New Stock Island III, LLC, a Delaware limited liability company, the Member of New Stock Island Properties II, LLC, a Delaware limited liability company, the Member of New Stock Island Properties, LLC, a Delaware limited liability company, on behalf of said companies, who is personally known to me or who produced NYS Driver's Lic as identification.

(Seal)

Janet Gerena
Notary Public
Print Name: Janet Gerena
Commission No. ~~01GE223275~~ 01GE223275
Commission Expires: 06/14/14

JANET GERENA
Notary Public, State of New York
No. 01GE223275
Qualified in Suffolk County
Commission Expires 06/07/2014

EXHIBIT A

**Doc# 1819016
Bk# 2499 Pg# 357**

PARCEL A:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST; 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST, 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 456.55 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREIN AFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 119.17 FEET; THENCE BEAR SOUTH 05 DEGREES 54 MINUTES 55 SECONDS WEST, 186.69 FEET; THENCE BEAR SOUTH 84 DEGREES 05 MINUTES 05 SECONDS EAST, 175.00 FEET TO A POINT; THENCE BEAR NORTH 34 DEGREES 32 MINUTES 55 SECONDS EAST, 116.44 FEET TO A POINT; THENCE BEAR NORTH 89 DEGREES 27 MINUTES 55 SECONDS EAST, 915.36 FEET TO A POINT; THENCE BEAR NORTH 06 DEGREES 02 MINUTES 03 SECONDS WEST, 230.00 FEET, TO A POINT WHICH IS BEARING NORTH 89 DEGREES 27 MINUTES 55 SECONDS EAST FROM THE AFOREMENTIONED POINT OF BEGINNING; THENCE BEAR SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 1108.00 FEET BACK TO THE POINT OF BEGINNING.

PARCEL B:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 83 DEGREES, 56 MINUTES EAST, 485.00 FEET; THENCE BEAR SOUTH 05 DEGREES, 47 MINUTES WEST, 938.88 FEET; THENCE BEAR SOUTH 08 DEGREES, 02 MINUTES EAST, 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES, 31 MINUTES EAST, 131.51 FEET; THENCE BEAR SOUTH 02 DEGREES, 04 MINUTES WEST, 262.26 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LAND HEREINAFTER DESCRIBED; THENCE SOUTH 84 DEGREES 19 MINUTES EAST, 140 FEET MORE OR LESS TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES, 56 MINUTES EAST, 970 FEET, MORE OR LESS, OUT INTO AN EXISTING SLIP; THENCE BEAR SOUTH 05 DEGREES, 55 MINUTES WEST, 180 FEET, MORE OR LESS, TO THE CENTER LINE OF AN EXISTING SPIT OF LAND; THENCE BEAR SOUTH 89 DEGREES, 32 MINUTES WEST, ALONG SAID CENTER LINE OF SAID SPIT OF LAND 1108 FEET, MORE OR LESS, TO A POINT WHICH IS BEARING SOUTH 02 DEGREES, 04 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 02 DEGREES, 04 MINUTES EAST, 194.29 FEET BACK TO THE POINT OF BEGINNING.

ALSO DESCRIBED AND INSURED AS:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST 262.26 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LAND HEREINAFTER DESCRIBED; THENCE SOUTH 84 DEGREES 26 MINUTES 05 SECONDS EAST, 131.81 FEET TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES 48 MINUTES 55 SECONDS EAST 977.77 FEET OUT INTO AN EXISTING SLIP; THENCE BEAR SOUTH 05 DEGREES 37 MINUTES 29 SECONDS WEST, 192.30 FEET TO THE CENTERLINE OF AN EXISTING SPIT OF LAND; THENCE BEAR SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST, ALONG SAID CENTERLINE OF SAID SPIT OF LAND 1096.56 FEET TO A POINT WHICH IS BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 01 DEGREES 56 MINUTES 55 SECONDS EAST, 194.29 FEET BACK TO POINT OF BEGINNING.

PARCEL C:

A TRACT OF LAND AND SUBMERGED LAND AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84° 02' 07" EAST, 484.79 FEET; THENCE BEAR SOUTH 05° 39' 55" WEST, 938.76 FEET; THENCE BEAR SOUTH 08° 09' 05" EAST, 249.71 FEET; THENCE BEAR SOUTH 14° 38' 05" EAST, 36.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 14° 38' 05" EAST, 94.83 FEET; THENCE BEAR SOUTH 01° 56' 55" WEST, 82.95 FEET; THENCE BEAR NORTH 89° 24' 55" EAST, 1120.76 FEET, OUT ONTO A SPIT OF LAND TO THE SHORELINE; THENCE BEAR NORTH 05° 37' 29" EAST, 161.06 FEET TO A POINT; THENCE BEAR SOUTH 89° 24' 55" WEST, 1000.60 FEET TO A POINT ON A CONCRETE SEAWALL, SAID POINT BEARING SOUTH 85° 13' 05" EAST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 85° 13' 05" WEST, 157.63 FEET TO THE POINT OF BEGINNING.

PARCEL E:

A PARCEL OF FILLED LAND AND ADJACENT BAY BOTTOM LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF A PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF MONROE COUNTY PUBLIC RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EASTERLY LINE OF 5TH STREET (AS CONSTRUCTED) AND THE SOUTHERLY LINE OF 5TH AVENUE (AS CONSTRUCTED) GO EASTERLY ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 500 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 730 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 191.5 FEET

TO A POINT WHICH IS THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE PROLONGATION OF THE PREVIOUSLY DESCRIBED COURSE A DISTANCE OF 393.5 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 226.08 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 125 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 20 FEET TO A POINT IN AN EXISTING SEAWALL; THENCE WESTERLY AND PARALLEL WITH THE SOUTHERLY FACE OF SAID SEAWALL A DISTANCE OF 450.1 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO A SOUTHERLY LINE OF FIFTH AVENUE A DISTANCE OF 30 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 68.5 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF 227.2 FEET BACK TO THE POINT OF BEGINNING.

ALSO

A PARCEL OF BAY BOTTOM SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL, SAID BAY BOTTOM BEING 10 FEET WIDE.

ALSO DESCRIBED AND INSURED AS:

A PARCEL OF FILLED LAND AND ADJACENT BAY BOTTOM LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF A PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF MONROE COUNTY PUBLIC RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE 499.98 FEET TO THE EASTERLY LINE OF AN EASEMENT AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 780, PAGE 1169 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 05° 57' 53" W, ALONG SAID EASTERLY LINE, A DISTANCE 729.82 FEET TO THE SOUTHERLY LINE OF AN INGRESS/EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1239, PAGE 464 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E, ALONG SAID SOUTHERLY LINE, A DISTANCE 191.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY LINE S 84°02'07" E, A DISTANCE OF 393.51; THENCE S 06° 00' 38" W, A DISTANCE OF 227.17 FEET; THENCE S 85° 29' 39" E, A DISTANCE OF 125.00 FEET; THENCE S 06° 01' 16" W, A DISTANCE OF 20.01 FEET TO THE SOUTHERLY FACE OF A CONCRETE SEAWALL; THENCE N 85° 29' 39" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 450.10 FEET; THENCE N 06° 23' 31" E, A DISTANCE OF 30.00 FEET; THENCE N 85° 29' 39" W, A DISTANCE 68.50 FEET; THENCE N 05° 56' 58" E, A DISTANCE OF 227.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF BAY BOTTOM SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL, SAID BAY BOTTOM BEING 10 FEET WIDE. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY, RECORDED IN OFFICIAL RECORDS BOOK 1239, PAGE 464, AND ALSO IN OFFICIAL RECORDS BOOK 2287, PAGE 719, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, SITUATED, LYING AND BEING IN THE COUNTY OF MONROE, STATE OF FLORIDA, TO WIT: A PARCEL OF LAND LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, AT PAGE 55, MONROE

COUNTY OFFICIAL RECORDS, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EAST LINE OF 5TH STREET (AS CONSTRUCTED) AND THE SOUTHERLY LINE OF 5TH AVENUE (AS CONSTRUCTED) GO WESTERLY ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 499 FEET TO A POINT, WHICH POINT IS THE POINT OF BEGINNING; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 701 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 586 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 29 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 615 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF 730 FEET TO A POINT IN THE SOUTHERLY LINE OF 5TH AVENUE; THENCE EASTERLY AND AT RIGHT ANGLES AND ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 29 FEET BACK TO THE POINT OF BEGINNING.

SAID EASEMENT ALSO DESCRIBED AND INSURED AS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE SOUTH $84^{\circ}02'07''$ EAST, A DISTANCE OF 499.98 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO.20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE LEAVING SAID LINE SOUTH $05^{\circ}57'53''$ WEST, ALONG SAID LINE A DISTANCE OF 699.82 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $84^{\circ}02'07''$ EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID FIFTH AVENUE A DISTANCE OF 740.00 FEET; THENCE SOUTH $05^{\circ}57'53''$ WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH $84^{\circ}02'07''$ WEST, A DISTANCE OF 155.00 FEET; THENCE NORTH $05^{\circ}57'53''$ EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH $84^{\circ}02'07''$ WEST, A DISTANCE OF 585.00 FEET TO THE WEST LINE OF SAID TRUSTEE'S DEED; THENCE NORTH $05^{\circ}57'53''$ EAST, ALONG SAID LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

PARCEL F:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, BEAR SOUTH 83 DEGREES AND 56 MINUTES EAST, 485.00 FEET; THENCE BEAR SOUTH 05 DEGREES AND 47 MINUTES WEST, 938.88 FEET; THENCE BEAR SOUTH 08 DEGREES AND 02 MINUTES EAST, 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES AND 31 MINUTES EAST, 131.51 FEET; THENCE BEAR SOUTH 02 DEGREES AND 04 MINUTES WEST, 82.95 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 02 DEGREES AND 04 MINUTES WEST, 179.31 FEET; THENCE BEAR SOUTH 84 DEGREES AND 19 MINUTES EAST, 140.00 FEET, MORE OR LESS, TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES AND 56 MINUTES EAST OUT INTO A SLIP 970 FEET, MORE OR LESS, TO A POINT; THENCE BEAR NORTH 05 DEGREES AND 55 MINUTES EAST, 150.00 FEET, MORE OR LESS, TO A POINT WHICH IS BEARING NORTH 89 DEGREES AND 32 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE BEAR SOUTH 89

DEGREES AND 32 MINUTES WEST, 1120.00 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING.

ALSO DESCRIBED AND INSURED AS:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST, 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST, 249.71 FEET; THENCE SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST, 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 82.95 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 179.31 FEET; THENCE BEAR SOUTH 84 DEGREES 26 MINUTES 05 SECONDS EAST, 131.81 FEET TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES 48 MINUTES 55 SECONDS EAST OUT INTO A SLIP, 977.77 FEET TO A POINT; THENCE BEAR NORTH 05 DEGREES 37 MINUTES 29 SECONDS EAST, 184.10 FEET TO A POINT WHICH IS BEARING NORTH 89 DEGREES 24 MINUTES 55 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE BEAR SOUTH 89 DEGREES 24 MINUTES 55 SECONDS WEST, 1120.76 FEET BACK TO THE POINT OF BEGINNING.

PARCEL G:

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED-IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 484.98 FEET; THENCE S 05° 57' 53" W FOR A DISTANCE OF 938.76 FEET; THENCE S 08° 09' 05" E FOR A DISTANCE OF 109.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 08° 09' 05" E, A DISTANCE OF 139.96 FEET; THENCE S 14° 38' 05" E, A DISTANCE OF 32.68 FEET; THENCE S 85° 13' 05" E, A DISTANCE OF 157.63 FEET; THENCE N 89° 24' 55" E, A DISTANCE OF 49.99 FEET; THENCE N 05° 12' 11" E, A DISTANCE OF 161.18 FEET; THENCE N 84° 02' 55" W, A DISTANCE OF 252.15 FEET TO THE POINT OF BEGINNING.

PARCEL H:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 84° 02' 07" EAST ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 484.79 FEET; THENCE SOUTH 05° 39' 55" WEST FOR A DISTANCE 938.76 FEET; THENCE SOUTH 08° 09' 05" EAST FOR A DISTANCE OF 42.15 FEET TO THE EASTERLY LINE OF A 30 FOOT EASEMENT AND THE EASTERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD AS

RECORDED IN O.R. BOOK 2030, PAGE 949 (PARCEL A TRACT 1), OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE LEAVING SAID LINE SOUTH 08°09'05" EAST, A DISTANCE OF 207.56 FEET; THENCE SOUTH 14°38'05" EAST, A DISTANCE OF 131.51 FEET; THENCE SOUTH 01° 56' 55" WEST, A DISTANCE OF 575.72 FEET; THENCE SOUTH 05° 54' 55" WEST, A DISTANCE OF 186.69 FEET; THENCE SOUTH 84° 05' 05" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 34° 32' 55" EAST, A DISTANCE OF 116.44 FEET; THENCE NORTH 89° 27' 55" EAST, A DISTANCE OF 915.36 FEET; THENCE SOUTH 01° 07' 35" WEST, A DISTANCE OF 384.62 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 30.84 FEET TO A MEAN HIGH WATER LINE; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY SEVEN (27) COURSES: 1. NORTH 08° 33' 02" EAST, A DISTANCE OF 25.26 FEET; 2. NORTH 01°03' 10" WEST, A DISTANCE OF 36.70 FEET; 3. NORTH 16°11'45" WEST, A DISTANCE OF 18.64 FEET; 4. NORTH 01°20'32" WEST, A DISTANCE OF 27.71 FEET; 5. NORTH 05°48'23" EAST, A DISTANCE OF 27.11 FEET; 6. NORTH 07°24'12" WEST, A DISTANCE OF 86.16 FEET; 7. NORTH 11° 54'19" EAST, A DISTANCE OF 34.64 FEET; 8. NORTH 09°22'05" WEST, A DISTANCE OF 27.51 FEET; 9. NORTH 57° 40'41" WEST, A DISTANCE OF 4.94 FEET; 10. NORTH 84° 56' 08" WEST, A DISTANCE OF 14.50 FEET; 11. NORTH 61°03'44" WEST, A DISTANCE OF 14.78 FEET; 12. SOUTH 85°47'17" WEST, A DISTANCE OF 117.62 FEET; 13. SOUTH 83°15'58" WEST, A DISTANCE OF 26.59 FEET; 14. NORTH 85° 01' 19" WEST, A DISTANCE OF 21.47 FEET; 15. SOUTH 80°37'17" WEST, A DISTANCE OF 8.06 FEET; 16. NORTH 75°44'52" WEST, A DISTANCE OF 11.67 FEET; 17. SOUTH 86° 09' 28" WEST, A DISTANCE OF 82.77 FEET; 18. SOUTH 89° 59' 29" WEST, A DISTANCE OF 40.54 FEET; 19. NORTH 64°26'30" WEST, A DISTANCE OF 6.15 FEET; 20. SOUTH 88°41'05" WEST, A DISTANCE OF 60.16 FEET; 21. SOUTH 79°29'50" WEST, A DISTANCE OF 36.47 FEET; 22. NORTH 88°07'58" WEST, A DISTANCE OF 57.82 FEET; 23. NORTH 86° 26' 25" WEST, A DISTANCE OF 91.35 FEET; 24. SOUTH 88° 24' 02" WEST, A DISTANCE OF 97.85 FEET; 25. SOUTH 81°39'19" WEST, A DISTANCE OF 76.27 FEET; 26. SOUTH 86°43'16" WEST, A DISTANCE OF 75.93 FEET; 27. SOUTH 81° 33' 16" WEST, A DISTANCE OF 23.73 FEET; THENCE LEAVING SAID LINE SOUTH 07°52'54" WEST, A DISTANCE OF 138.68 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD PER QUIT CLAIM DEED RECORDED IN O.R. BOOK 2030, PAGE 949, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY AND EASTERLY RIGHT-OF-WAY LINE OF SAID SHRIMP ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1. NORTH 84° 02' 07" WEST, A DISTANCE OF 288.11 FEET TO A POINT OF CURVATURE; 2. NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 115.28 FEET, A CENTRAL ANGLE OF 88° 03' 57", AND A CHORD BEARING AND DISTANCE OF NORTH 40°00'08" WEST, 104.26 FEET; 3. NORTH 04°01'50" EAST, A DISTANCE OF 555.62 FEET TO THE NORTHERN TERMINUS OF PARCEL A TRACT 2 OF SAID QUIT CLAIM ON THE WEST LINE OF TRUSTEES DEED NO.20083 O.R.BOOK G-65, PAGE 82; THENCE NORTH 05°57'53" EAST, ALONG SAID LINE A DISTANCE OF 606.85 FEET TO THE POINT OF BEGINNING.

AND ALSO: BAY BOTTOM

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S. 84°02'07" E. ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 499.98 FEET; THENCE S. 05°57'53" W. FOR A DISTANCE OF 2242.25 FEET; THENCE S.84°02'07"E., A DISTANCE OF 1310.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE S.84°02'07"E., A DISTANCE OF 363.01 FEET TO THE CENTERLINE OF THE ENTRANCE OF THE

HARBOR; THENCE N.08°15'27"W., A DISTANCE OF 959.38 FEET; THENCE S. 81°44'33" W., A DISTANCE OF 132.23 FEET; THENCE N. 05°47'25" W., A DISTANCE OF 658.21 FEET; THENCE N. 83°54'54" W., A DISTANCE OF 255.03 FEET TO THE WESTERLY PART OF THE BAY BOTTOM LINE; THENCE MEANDER THE SAID BAY BOTTOM LINE SOUTHERLY FOR A CHORD OF S.14°34',07" E., A DISTANCE OF 284.16 FEET; THENCE N. 85°29'39" W., A DISTANCE OF 310.00 FEET; THENCE S. 06°01'16" W., A DISTANCE OF 10.00 FEET; THENCE N. 85°29'39" W., A DISTANCE OF 450.16 FEET; THENCE S. 06°23'31" W., A DISTANCE OF 49.85 FEET; THENCE S. 84°02'55" E., A DISTANCE OF 9.27 FEET; THENCE S. 05°12'11" W., A DISTANCE OF 161.18 FEET; THENCE N. 88°24'55" E., A DISTANCE OF 950.61 FEET; THENCE S. 05°37'29" W., A DISTANCE OF 537.46 FEET; THENCE N. 89°27'55" E., A DISTANCE OF 11.44 FEET; THENCE S. 06°02'03" E., A DISTANCE OF 230.00 FEET; THENCE S.01°07'35" W., A DISTANCE OF 384.62 FEET TO THE POINT OF BEGINNING.

PARCEL I: **Intentionally Omitted (Leasehold/Option terminated effective 7/31/2010)**

PARCEL J:

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" e ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 499.98 FEET; THENCE S 05° 57' 53" W FOR A DISTANCE OF 913.46 FEET TO THE POINT OF BEGINNING; THENCE S 84° 02' 07" E, FOR A DISTANCE OF 191.55 FEET; THENCE S 05° 56' 58" W, A DISTANCE OF 43.56 FEET; THENCE S 85° 29' 40" E, A DISTANCE OF 68.50 FEET; THENCE S 06° 23' 31" W, A DISTANCE OF 89.85 FEET; THENCE N 84° 02' 55" W, A DISTANCE OF 242.88 FEET; THENCE N 08° 09' 05" W, A DISTANCE OF 67.60 FEET; THENCE N 05° 57' 53" E, A DISTANCE OF 66.17 FEET TO THE POINT OF BEGINNING.

AS TO ALL PARCELS:

TOGETHER WITH THOSE BENEFICIAL EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 780, PAGE 1169, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ON STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF PUBLIC RECORDS, OF MONROE COUNTY, FLORIDA AND RUN THENCE SOUTH 83 DEGREES, 56 MINUTES EAST ALONG THE NORTH BOUNDARY LINE OF SAID BLOCK 57 FOR A DISTANCE OF 470 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND BEING DESCRIBED HEREIN; THENCE RUN SOUTH 6 DEGREES 04 MINUTES WEST FOR A DISTANCE OF 1283.02 FEET; THENCE RUN SOUTH 41 DEGREES 58 MINUTES EAST FOR A DISTANCE OF 40.35 FEET TO THE SOUTHEAST CORNER OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078 AND THE WEST BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083; THENCE RUN SOUTH 6 DEGREES 04 MINUTES WEST ALONG THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 FOR A DISTANCE OF 932.25 FEET TO THE SOUTHWEST CORNER OF

SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083; THENCE RUN SOUTH 83 DEGREES 56 MINUTES EAST ALONG THE SOUTH BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083, THE SOUTH BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 19837-A AND THE NORTH BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20793 FOR A DISTANCE OF 1116.72 FEET; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST FOR A DISTANCE OF 30 FEET; THENCE RUN NORTH 83 DEGREES 56 MINUTES WEST FOR A DISTANCE OF 1086.72 FEET; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST FOR A DISTANCE OF 915.62 FEET; THENCE RUN NORTH 41 DEGREES 58 MINUTES WEST FOR A DISTANCE OF 40.35 FEET TO THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 AND THE EAST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST ALONG THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 AND THE EAST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078, EXTENDED NORTHERLY, FOR A DISTANCE OF 1269.65 FEET TO THE NORTH BOUNDARY LINE OF SAID BLOCK 57; THENCE RUN NORTH 83 DEGREES 56 MINUTES WEST ALONG THE NORTH BOUNDARY LINE OF THE SAID BLOCK 57 FOR A DISTANCE OF 30 FEET BACK TO THE POINT OF BEGINNING.

SAID EASEMENT ALSO DESCRIBED AND INSURED AS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK I, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE SOUTH 84°02'07" EAST, A DISTANCE OF 469.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 84°02'07" EAST, A DISTANCE OF 30.00 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE ALONG SAID LINE SOUTH 05°57'53" WEST, A DISTANCE OF 1,268.45 FEET; THENCE LEAVING SAID LINE SOUTH 42°04'07" EAST, A DISTANCE OF 40.35 FEET; THENCE SOUTH 05°57'53" WEST, A DISTANCE OF 916.82 FEET; THENCE SOUTH 84°02'07" EAST, A DISTANCE OF 1,086.72 FEET; THENCE SOUTH 05°57'53" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN OR BOOK G-65, PAGE 82; THENCE ALONG SAID LINE NORTH 84°02'07" WEST, A DISTANCE OF 1,116.72 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE ALONG SAID LINE NORTH 05°57'53" EAST, A DISTANCE OF 933.45 FEET; THENCE LEAVING SAID LINE NORTH 42°04'07" WEST, A DISTANCE OF 40.35 FEET; THENCE NORTH 05°57'53" EAST, A DISTANCE OF 1,281.82 FEET TO THE POINT OF BEGINNING.

MONROE COUNTY
OFFICIAL PUBLIC RECORD

Karl D. Borglum
Property Appraiser
Monroe County, Florida

office (305) 292-3420
 fax (305) 292-3501

Property Record View

Alternate Key: 1157899 Parcel ID: 00123760-000200

Ownership Details

Mailing Address:
 LONGSTOCK II LLC
 7009 SHRIMP RD STE 2
 KEY WEST, FL 33040-6067

Property Details

PC Code: 18 - OFFICES BUILDINGS MULTI/STORY

Millage Group: 110A

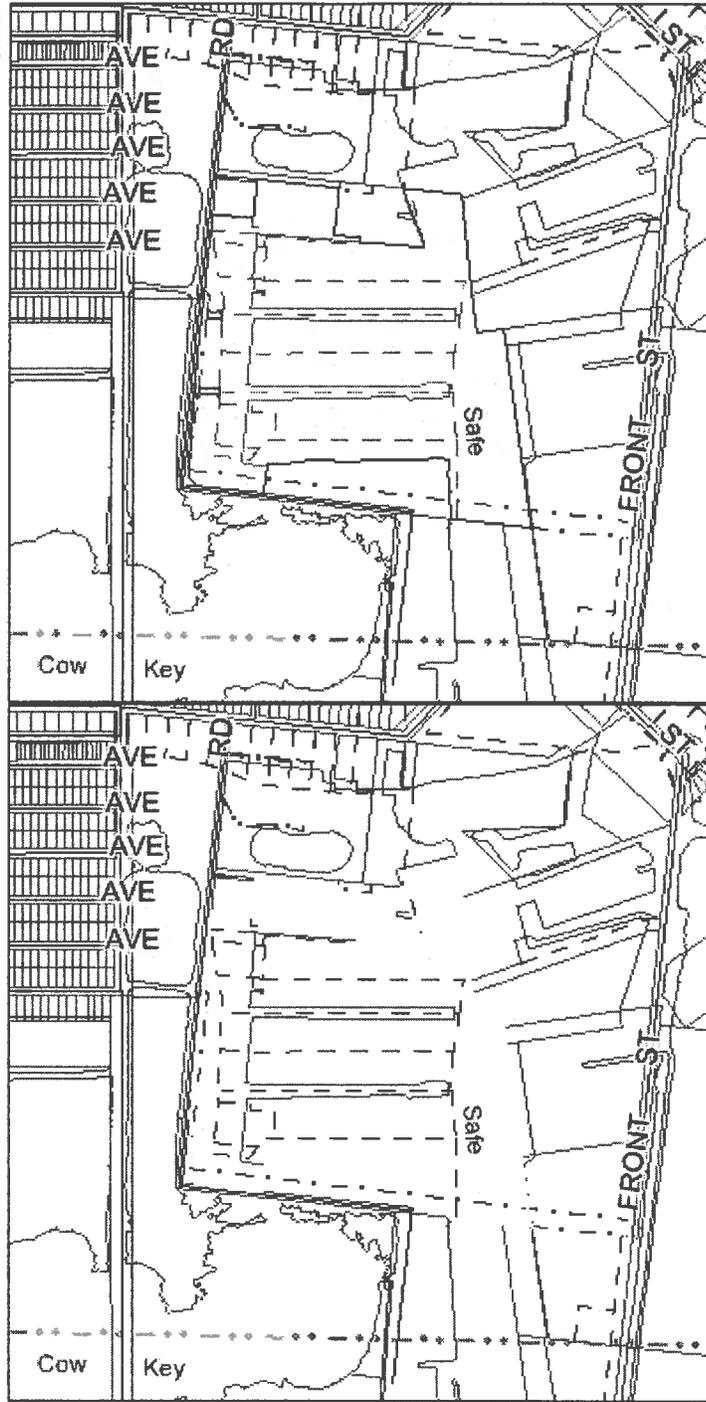
Affordable Housing: No

Section-Township-Range: 35-67-25

Property Location: 7009 SHRIMP ST SOUTH STOCK ISLAND

Legal Description: 35 67 25 PT TRACT 1 - ALL TRACTS 2-3-4 AND PARCEL OF LAND AND BAY BTM LYING SOUTH OF AND ADJ TO SQRS 55,56 AND 57 MALONEY SUB PB1-55 OR1-17/18 OR53-238OR65-324/328 OR163-299 OR164-562/575 OR286-270/273 OR313-53-56 OR315-531/532 OR359-85/89 OR423-622-624 ID 4-057008 UNRECORDED MERGER ON FILE OR427-859/60 OR427-861-862 OR500-566E OR508-638/39 OR509-52 OR547-972D/C(PROB DOCKET 73-146-CP-12) OR780-1169/71E OR780-1172/75E OR806-1706/61 OR866-2451/2455E OR866-2460/2464E OR866-2474/2477E OR1076-1688/1689 OR1195-1402/03C OR1229-967/71 OR1239-460/62 OR1269-1002/03 OR1436-1614/15 OR1595-206/7 OR1617-1777/1842DEC OR1618-999/1000 OR1618-1001/02 OR1625-418/19 OR1625-420 OR1699-2300/02 OR1699-2325/26 OR1701-834/35 OR1707-1140Q/C OR1708-1890AFF OR1761-1026/47AMD OR1765-1978 OR1771-2113/15 OR1789-1224 OR1831-1735/37 OR1840-998/1040DEC OR1843-46/49 OR1848-1336/37 OR1852-2346/47T/C OR1854-466/67 OR1855-127/28 OR1857-775/78 OR1858-503/04 OR1858-560/61 OR1870-2281/2357DEC OR1873-879/80 OR1873-1197/98 OR1879-964/65 OR1881-196/97 OR1883-2201/02 OR1890-2271/72 OR1899-1738/39 OR1901-2216/17 OR1903-1186/87 OR1913-2276C OR1937-1567 OR2017-2389/90 OR2045-2319Q/C OR2050-2190 OR2062-621/23 OR2071-1650 OR2218-1284/25Q/C OR2219-832/33Q/C OR2220-1578 OR2222-389C OR2223-1519 OR2224-1197 OR2224-1198 OR2224-1199 OR2225-2132 OR2231-765 OR2235-782C OR2247-1559 OR2247-1560 OR2250-1000C OR2257-1636Q/C OR2260-2432 OR2262-30 OR2267-26 OR2270-306 OR2270-307 OR2270-2314 OR2273-2487 OR2274-1219C OR2277-484 OR2277-488 OR2278-1963 OR2278-1964 OR2283-2297 OR2287-716/17Q/C-E OR2287-718 OR2287-719/20 OR2287-1647/54 OR2291-353 OR2291-354/55 OR2291-356/57 OR2294-900/901 OR2294-902/04 OR2294-905 OR2294-906/08 OR2294-909/11 OR2294-940/43 OR2294-944/46 OR2294-1344/1345 OR2298-1259/60 OR2298-1261/62 OR2298-1263/66 OR2305-2179/84 OR2305-2185/90 OR2305-2191/96 OR2305-2197/98 OR2305-2199/2200 OR2305-2207/08 OR2305-2209/11 OR2313-1249/51 OR2314-1759/60 OR2316-1525/26 OR2385-20/52OR2499-355/64

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100W - COMMERCIAL WATERFRON	0	0	299,822.00 SF
9500 - SUBMERGED			6.18 AC
100W - COMMERCIAL WATERFRON			45,910.00 SF
000X - ENVIRONMENTALLY SENS			13.18 AC
100D - COMMERCIAL DRY			199,069.00 SF

100W - COMMERCIAL WATERFRON	48,865.00 SF
9500 - SUBMERGED	4.15 AC
9500 - SUBMERGED	3.19 AC

Building Summary

Number of Buildings: 5
Number of Commercial Buildings: 5
Total Living Area: 31017
Year Built: 1950

Building 1 Details

Building Type
Effective Age 36
Year Built 1968
Functional Obs 0

Condition F
Perimeter 244
Special Arch 0
Economic Obs 0

Quality Grade 200
Depreciation % 45
Grnd Floor Area 820

Inclusions:

Roof Type
Heat 1
Heat Src 1

Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

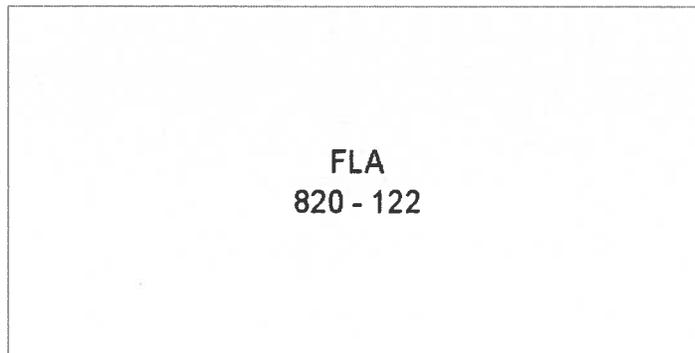
Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 4

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0

41 FT.

20 FT.



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1967					820

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	9618	WHLSE MFG OUTLETS	100	N	N

Exterior Wall:

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

Building 2 Details

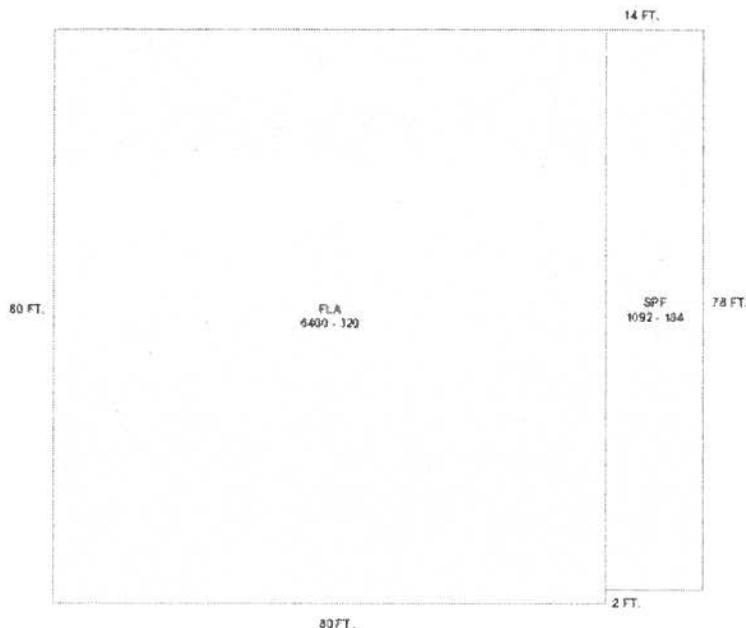
Building Type	Condition A	Quality Grade 250
Effective Age 24	Perimeter 640	Depreciation % 30
Year Built 1950	Special Arch 0	Grnd Floor Area 6,400
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type FLAT OR SHED	Roof Cover TAR & GRAVEL	Foundation CONCRETE SLAB
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	FLA	5:C.B.S.	1	1982					6,400
0	SPF	5:C.B.S.	1	1982					1,092

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		SERVICE SHOPS-B-	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
70	C.B.S.	90
71	AVE WOOD SIDING	10

Building 3 Details

Building Type
 Effective Age 30
 Year Built 1953
 Functional Obs 0

Condition A
 Perimeter 1,102
 Special Arch 0
 Economic Obs 0

Quality Grade 300
 Depreciation % 38
 Grnd Floor Area 7,816

Inclusions:

Roof Type GABLE/HIP
 Heat 1
 Heat Src 1

Roof Cover METAL
 Heat 2
 Heat Src 2

Foundation CONCRETE SLAB
 Bedrooms 0

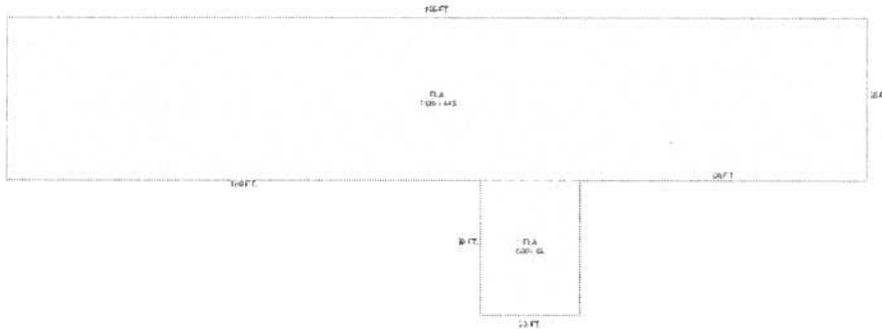
Extra Features:

2 Fix Bath 2

Vacuum 0

3 Fix Bath 3
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 0

Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	FLA	4:CONC BLOCK	1	1953		Y			7,128
0	FLA	4:CONC BLOCK	1	1953		N			688

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		MARINA/AUTO/BUS TERM	100	N	N
		MARINA/AUTO/BUS TERM	100	N	N

Exterior Wall:

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

Building 4 Details

Building Type
 Effective Age 20
 Year Built 1967
 Functional Obs 0

Condition A
 Perimeter 2,059
 Special Arch 0
 Economic Obs 0

Quality Grade 300
 Depreciation % 23
 Grnd Floor Area 10,957

Inclusions:

Roof Type
Heat 1
Heat Src 1

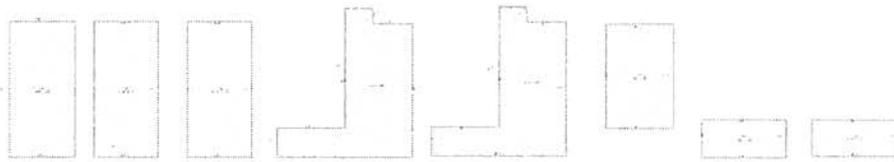
Roof Cover METAL
Heat 2
Heat Src 2

Foundation CONCRETE SLAB
Bedrooms 0

Extra Features:

2 Fix Bath 4
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	ELF		1	1970				2,450
0	FLA	8:METAL/ALUM	1	1970	N			2,450
0	FLA	8:METAL/ALUM	1	1970	N			2,450
0	ELF		1	1967				3,204
0	FLA	4:CONC BLOCK	1	1967	N			3,193
0	FLA	4:CONC BLOCK	1	1973	N			1,944
0	ELF		1	1973				920
0	FLA	1:WD FRAME	1	1973	N			920

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		MARINA/AUTO/BUS TERM	100	N	N
		MARINA/AUTO/BUS TERM	100	N	N
		MARINA/AUTO/BUS TERM	100	N	N

MARINA/AUTO/BUS TERM	100	N	N
MARINA/AUTO/BUS TERM	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
73	METAL SIDING	100

Building 5 Details

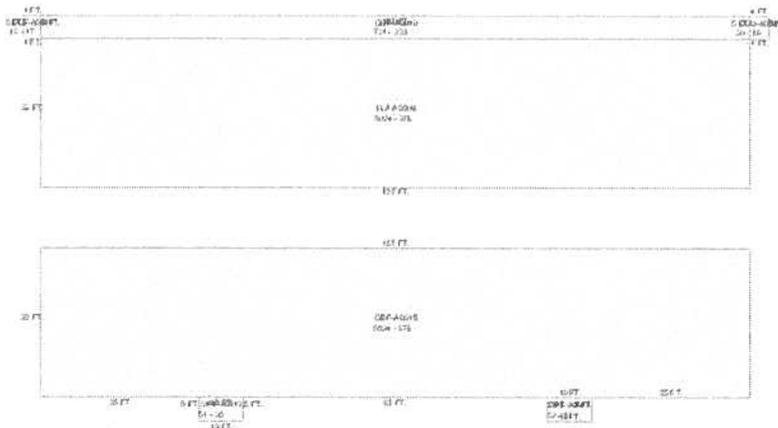
Building Type	Condition E	Quality Grade 400
Effective Age 4	Perimeter 378	Depreciation % 6
Year Built 2006	Special Arch 0	Grnd Floor Area 5,024
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type IRR/CUSTOM	Roof Cover METAL	Foundation CONCRETE SLAB
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA	8:METAL/ALUM	1	2006	Y			5,024

2	GBF	8:METAL/ALUM	1	2006	N	5,024
3	OUF	8:METAL/ALUM	1	2006	N	721
4	OOU		1	2006	N	20
5	OPF	8:METAL/ALUM	1	2006	N	51
6	OPF	8:METAL/ALUM	1	2006	N	52
7	OUF	8:METAL/ALUM	1	2006	N	18

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	1	OFF BLDG MUL STY-D	100	N	N
	2	OFF BLDG MULT STY-B	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
1	METAL SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	CL2:CH LINK FENCE	5,964 SF	994	6	1975	1976	2	30
2	UB2:UTILITY BLDG	80 SF	10	8	1991	1992	2	50
3	UB2:UTILITY BLDG	96 SF	12	8	1993	1994	2	50
4	UB2:UTILITY BLDG	96 SF	12	8	1993	1994	2	50
5	UB2:UTILITY BLDG	96 SF	12	8	1993	1994	2	50
5	RW2:RETAINING WALL	560 SF	140	4	1975	1976	4	50
6	CL2:CH LINK FENCE	600 SF	100	6	1975	1976	2	30
6	FN2:FENCES	240 SF	40	6	1999	2000	5	30
7	AP2:ASPHALT PAVING	12,000 SF	150	80	1994	1995	2	25
7	FN2:FENCES	560 SF	140	4	1988	1989	3	30
8	PT3:PATIO	1,053 SF	39	27	1981	1982	2	50
8	DK2:CON DKS/CONPIL	1,464 SF	244	6	1975	1976	3	60
9	SW2:SEAWALL	1,636 SF	409	4	1975	1976	4	60
9	PT3:PATIO	360 SF	24	15	1981	1982	2	50
10	AP2:ASPHALT PAVING	4,000 SF	80	50	1984	1985	2	25
10	AP2:ASPHALT PAVING	3,135 SF	285	11	1975	1976	2	25
11	CA2:CARPORT	324 SF	18	18	1955	1956	1	50
12	CL2:CH LINK FENCE	360 SF	60	6	1975	1976	2	30
13	CL2:CH LINK FENCE	1,860 SF	310	6	1975	1976	1	30
14	SW2:SEAWALL	300 SF	6	50	1949	1950	4	60
15	DK3:CONCRETE DOCK	100 SF	50	2	1949	1950	1	60
16	CL2:CH LINK FENCE	1,560 SF	260	6	2004	2005	2	30
17	DK3:CONCRETE DOCK	1,456 SF	91	16	1981	1982	5	60
18	SW2:SEAWALL	564 SF	141	4	1981	1982	4	60

19	CL2:CH LINK FENCE	7,152 SF	1,192	6	2006	2007	1	30
20	SW2:SEAWALL	404 SF	202	2	1953	2008	4	60
21	DK3:CONCRETE DOCK	2,000 SF	250	8	1953	2008	1	60
22	DK2:CON DKS/CONPIL	1,170 SF	78	15	1970	2008	3	60
23	SW2:SEAWALL	1,840 SF	920	2	1953	2008	4	60
24	SW2:SEAWALL	912 SF	152	6	1975	1976	4	60
25	DK3:CONCRETE DOCK	2,128 SF	152	14	1975	1976	4	60
26	SW2:SEAWALL	3,996 SF	999	4	1975	1976	4	60
27	SW2:SEAWALL	436 SF	109	4	1975	1976	4	60
28	DK3:CONCRETE DOCK	3,600 SF	300	12	1979	1980	5	60
29	DK3:CONCRETE DOCK	1,650 SF	165	10	1953	2008	3	60
30	DK3:CONCRETE DOCK	1,139 SF	67	17	1980	2008	3	60
31	SW2:SEAWALL	3,680 SF	920	4	1953	2008	4	60
32	CL2:CH LINK FENCE	2,100 SF	350	6	2006	2008	1	30
33	AC2:WALL AIR COND	6 UT	0	0	2000	2008	2	20
34	SW2:SEAWALL	660 SF	110	6	1975	1976	4	60
35	SW2:SEAWALL	3,360 SF	560	6	1975	1976	4	60
36	SW2:SEAWALL	2,700 SF	450	6	1975	1976	4	60
37	RW2:RETAINING WALL	784 SF	112	7	1975	1976	4	50
38	DK3:CONCRETE DOCK	3,384 SF	282	12	1974	1975	5	60
39	PT4:PATIO	5,495 SF	157	35	2006	2007	2	50
40	FN3:WROUGHT IRON	1,950 SF	325	6	2006	2006	3	60

Appraiser Notes

THE FOLLOWING AK'S HAVE BEEN COMBINED WITH THIS PARCEL PER THE OWNER'S REQUEST, DONE FOR THE 2011 TAX ROLL (5/16/2011 SCJ). AK 1157864 (RE 00123750-000000) AK 1157848 (RE 00123730-000000) AK 1157830 (RE 00123720-000000) AK 9091104 (RE 00123760-000103) AK 9091103 (RE 00123760-000102) AK 1157902 (RE 00123760-000300) AK 9088432 (RE 00123720-000300) AK 9091102 (RE 00123760-000101)

FEMA PARCELS (AK 9091103 AND AK9091102) HAVE BEEN COMBINED WITH THIS PARCEL AND THE FEMA INJUCTION TAB HAS BEEN CHANGED TO PARTIAL.

KING SHRIMP CO OF FLA INC SW2 1120 X 4 DONE IN 2 SECTIONS 1993 AUDIT PARCEL 2001-03-05 CHANGED THE PACKING PLANT TO WAREHOUSE FOR THE 2001 TAX ROLL. DUG 6/04 SALE DOES NOT SEEM TO FIT PROPERTY OR NBHD TREND. KDB

ALL STRUCTURES DEMO'D AS OF 12/30/05, NEW BUILDING UNDER CONSTRUCTION - PIC'S ON FILE.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	04102513	08/24/2004	06/20/2006	450,000	Commercial	COMERCIAL-BUILDING REPLACE
	05103354	06/29/2005	12/30/2005	15,000	Commercial	PILINGS
	04104529	10/12/2004	07/01/2005	375,000	Commercial	DOCK / REPAIR SEAWALL
	04-2512	05/26/2004	05/25/2005	20,000	Commercial	DEMOLITION
	061044474	08/15/2006	11/08/2006	6,000	Commercial	ASPHALT DRIVEWAY.

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	833,605	294,204	2,543,820	1,638,250	1,638,250	0	1,638,250
2009	850,971	305,018	2,010,492	3,166,481	3,166,481	0	3,166,481
2008	850,971	316,746	1,440,252	3,269,801	3,269,801	0	3,269,801
2007	796,452	250,349	2,223,000	1,397,644	1,397,644	0	1,397,644
2006	0	162,122	536,700	698,822	698,822	0	698,822
2005	146,653	186,642	465,252	798,547	798,547	0	798,547
2004	149,005	192,368	372,252	713,625	713,625	0	713,625
2003	149,005	199,230	372,252	720,487	720,487	0	720,487
2002	149,005	207,325	241,752	598,082	598,082	0	598,082
2001	149,005	213,051	241,752	603,808	603,808	0	603,808
2000	204,263	71,941	241,752	517,956	517,956	0	517,956
1999	166,306	66,344	210,357	443,007	443,007	0	443,007
1998	110,870	68,130	210,357	389,357	389,357	0	389,357
1997	110,870	70,083	210,357	391,310	391,310	0	391,310
1996	100,792	72,423	210,357	383,572	383,572	0	383,572
1995	100,792	74,210	210,357	385,359	385,359	0	385,359
1994	104,349	76,163	210,357	390,869	390,869	0	390,869
1993	104,349	78,503	384,702	567,554	567,554	0	567,554
1992	96,416	50,752	384,702	531,870	531,870	0	531,870
1991	96,416	52,154	384,702	533,272	533,272	0	533,272
1990	96,420	53,555	384,702	534,677	534,677	0	534,677
1989	96,420	54,485	384,702	535,607	535,607	0	535,607
1988	94,725	49,263	384,702	528,690	528,690	0	528,690
1987	92,219	50,499	320,508	463,226	463,226	0	463,226
1986	92,743	51,038	320,508	464,289	464,289	0	464,289
1985	89,794	49,230	320,508	459,532	459,532	0	459,532
1984	88,618	50,400	320,508	459,526	459,526	0	459,526
1983	60,340	28,665	320,508	409,513	409,513	0	409,513
1982	56,828	28,665	158,939	244,432	244,432	0	244,432

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
12/29/2010	2499 / 355	16,000,000	WD	30
4/30/2007	2291 / 354	16,720,000	WD	Q

1/15/2003	1857 / 0775	450,900	WD	U
8/26/1999	1595 / 206	750,000	WD	Q
2/1/1972	509 / 52	125,000	00	Q

This page has been visited 16,091 times.

Monroe County Property Appraiser
Karl Borglum
P.O. Box 1176
Key West, FL 33041-1176

Karl D. Borglum
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 9080464 Parcel ID: 00123720-000100

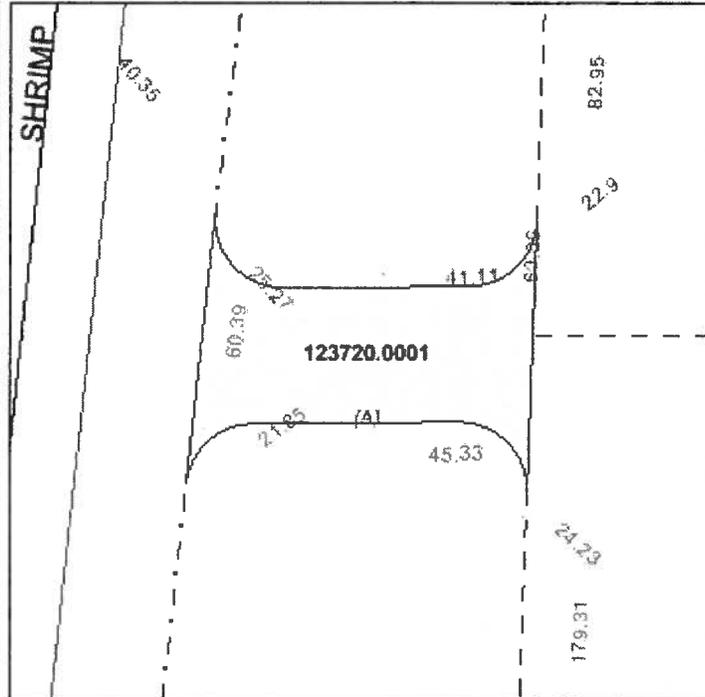
Ownership Details

Mailing Address:
LONGSTOCK II LLC
7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage Group: 110A
Affordable Housing: No
Section-Township-Range: 35-67-25
Property Location: 700 SHRIMP RD SOUTH STOCK ISLAND
Legal Description: STOCK ISLAND BAY BOTTOM SOUTH OF AND ADJ TO SQR 55 AND 56 PB1-55 (EASEMENT A)
OR1909-694/722 OR2287-1647/54 OR2305-2207/08 OR2499-355/64

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY			2,483.00 SF

Appraiser Notes

2005 - 11- 23 -BC, PROPERTY IS AN EASEMENT TO GET TO LANDLOCKED PROPERTIES

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	0	0	69,524	50	50	0	50
2009	0	0	22,800	50	50	0	50
2008	0	0	17,100	50	50	0	50
2007	0	0	17,100	50	50	0	50
2006	0	0	5,415	50	50	0	50
2005	0	0	5,130	50	50	0	50

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
12/29/2010	2499 / 355	16,000,000	WD	30
7/2/2007	2305 / 2207	18,000,000	WD	Q

This page has been visited 16,096 times.

Monroe County Property Appraiser
 Karl Borglum
 P.O. Box 1176
 Key West, FL 33041-1176

Karl D. Borglum
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 9080468 Parcel ID: 00123720-000200

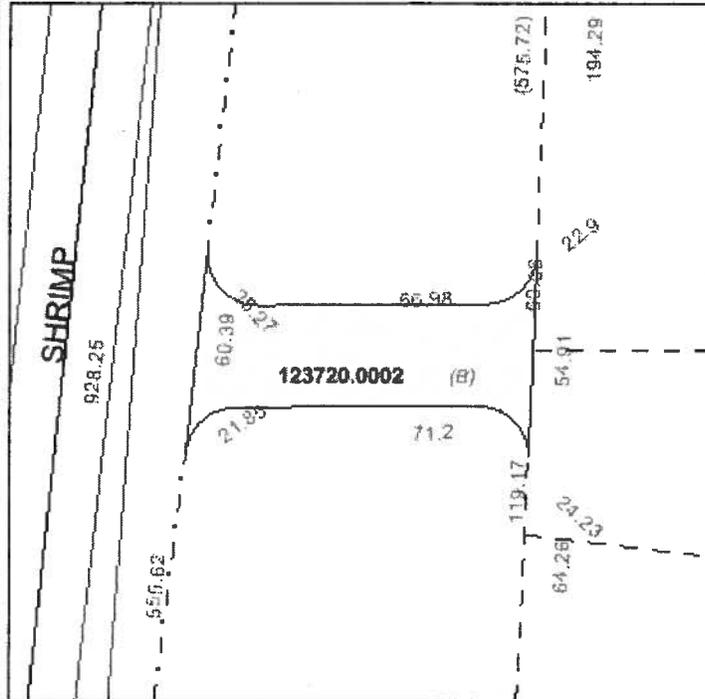
Ownership Details

Mailing Address:
LONGSTOCK II LLC
7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage Group: 110A
Affordable Housing: No
Section-Township-Range: 35-67-25
Property Location: 700 SHRIMP RD SOUTH STOCK ISLAND
Legal Description: STOCK ISLAND BAY BOTTON SOUTH OF AND ADJ TO SQR 55 & 56 PB1-55 (EASEMENT B) OR1909-694/722 OR2287-1647/54 OR2305-2207/08 OR2499-355/64

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY			3,258.00 SF

Appraiser Notes

2005 - 11- 23 -BC, PROPERTY IS AN EASEMENT TO GET TO LANDLOCKED PROPERTIES

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	0	0	91,224	50	50	0	50
2009	0	0	29,920	50	50	0	50
2008	0	0	22,440	50	50	0	50
2007	0	0	22,440	50	50	0	50
2006	0	0	7,106	50	50	0	50
2005	0	0	6,732	50	50	0	50

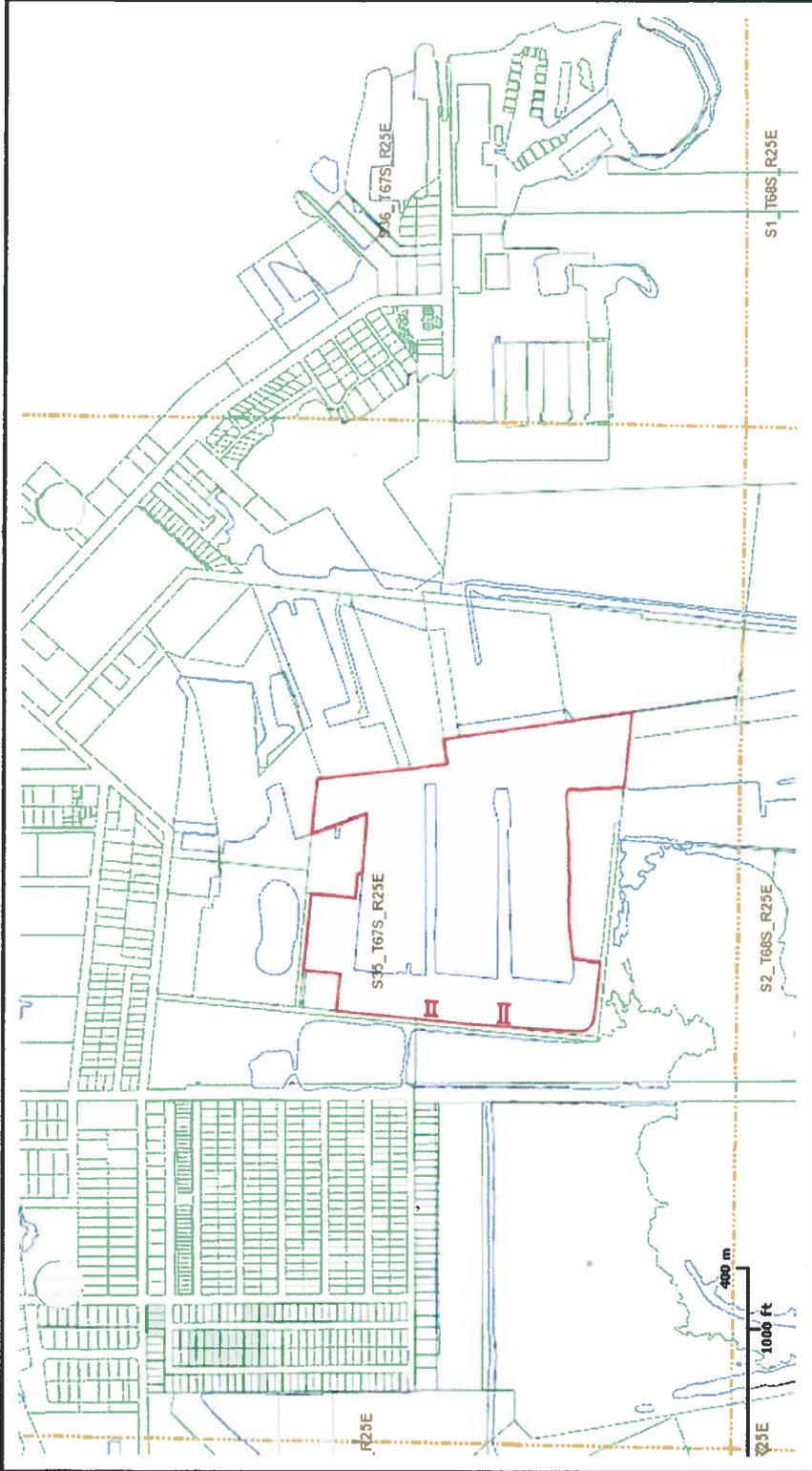
Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
12/29/2010	2499 / 355	16,000,000	WD	30
7/2/2007	2305 / 2207	18,000,000	WD	Q

This page has been visited 16,096 times.

Monroe County Property Appraiser
 Karl Borglum
 P.O. Box 1176
 Key West, FL 33041-1176



Monroe County, Florida MCPA GIS Public Portal



Printed: Aug 26, 2011

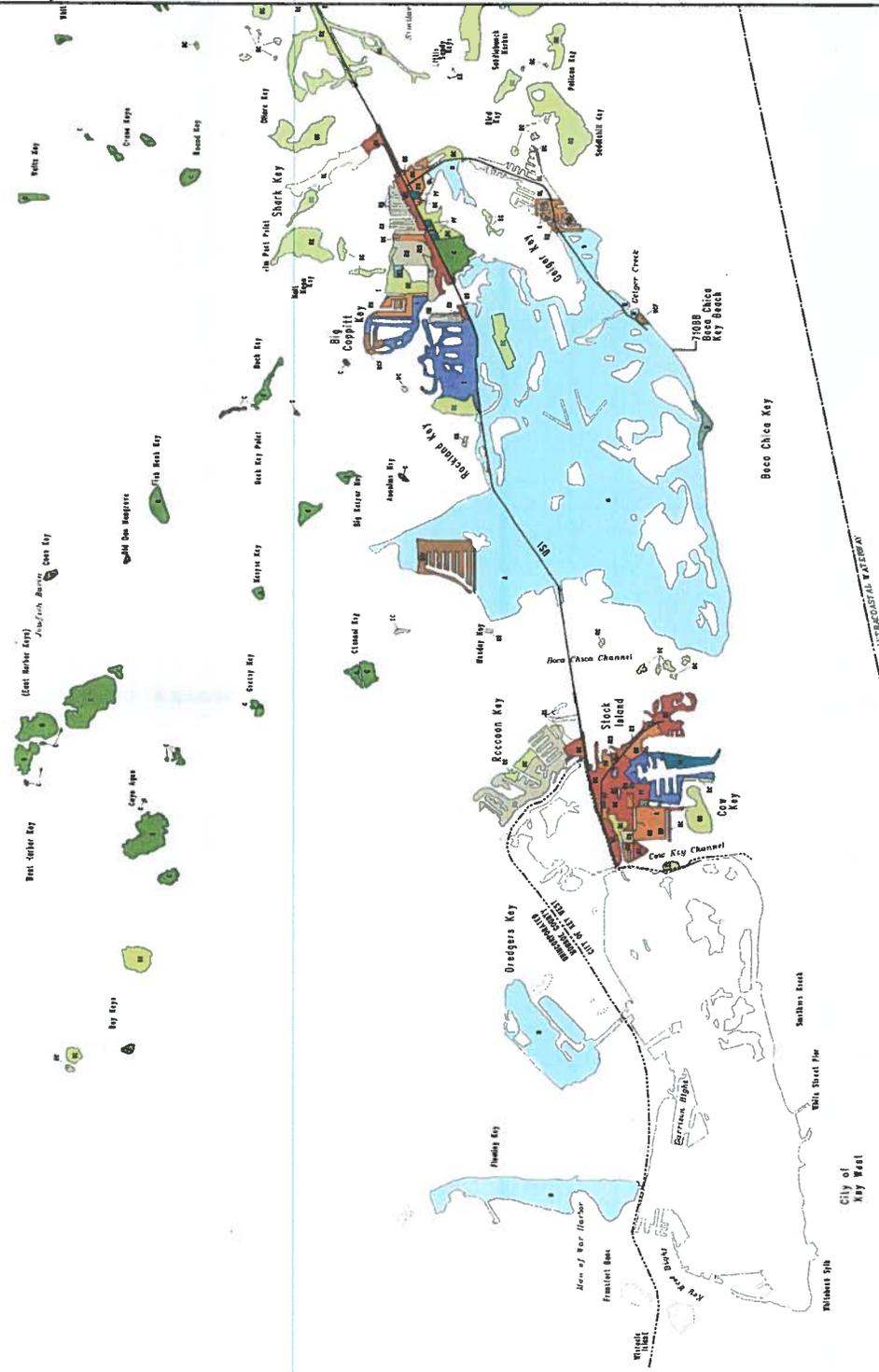
DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot 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.



MUNROE COUNTY YEAR 2010 COMPREHENSIVE PLAN

FUTURE LAND USE

- RESIDENTIAL
- Residential Conservation
- Residential Low
- Residential Medium
- Residential High
- COMMERCIAL
- Mixed Use/Commercial
- Mixed Use/Commercial Corridor
- OTHER
- Industrial
- Agriculture
- Institutional
- Education
- Public Buildings/Corporations
- Public Facilities
- Airport District
- Utilities
- Recreational
- Conservation
- Incorporates Cities
- Historic Districts



LEGEND:
 (1) The map is intended to provide a general overview of the future land use plan for Monroe County, Louisiana. It is not intended to be used as a legal document.
 (2) The map is based on the most current information available at the time of its preparation.
 (3) The map is subject to change without notice.
 (4) The map is not intended to be used as a legal document.
 (5) The map is not intended to be used as a legal document.

DESIGNED BY:
 Planning & Development Department
 Monroe Parish, Louisiana

DATE:
 January 1997

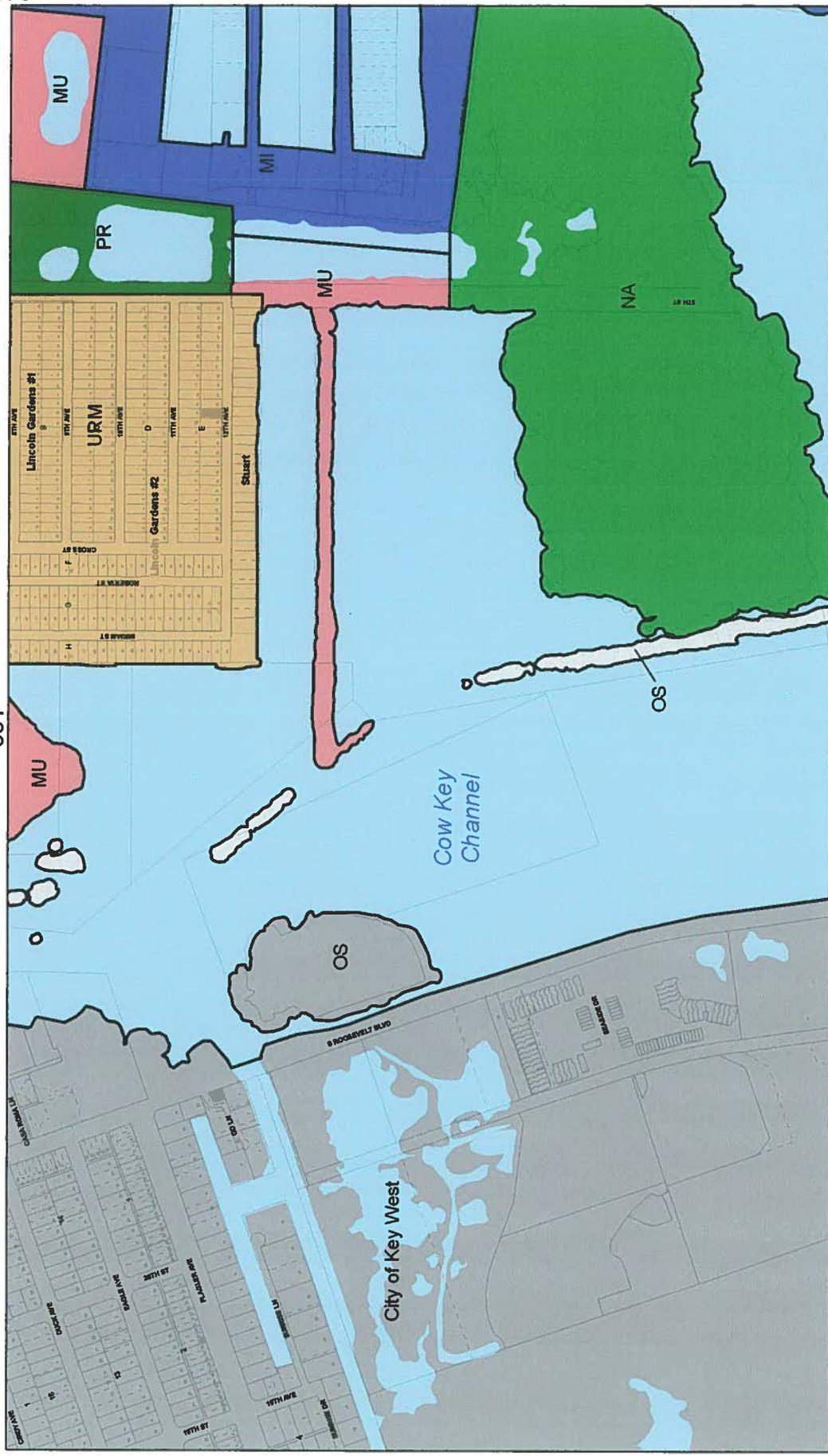
SCALE:
 1 inch = 1 mile

ADOPTED JAN. 1997

MAP 8

NOTES:
 1. The map is intended to provide a general overview of the future land use plan for Monroe County, Louisiana. It is not intended to be used as a legal document.
 2. The map is based on the most current information available at the time of its preparation.
 3. The map is subject to change without notice.
 4. The map is not intended to be used as a legal document.
 5. The map is not intended to be used as a legal document.

Atlantic Ocean



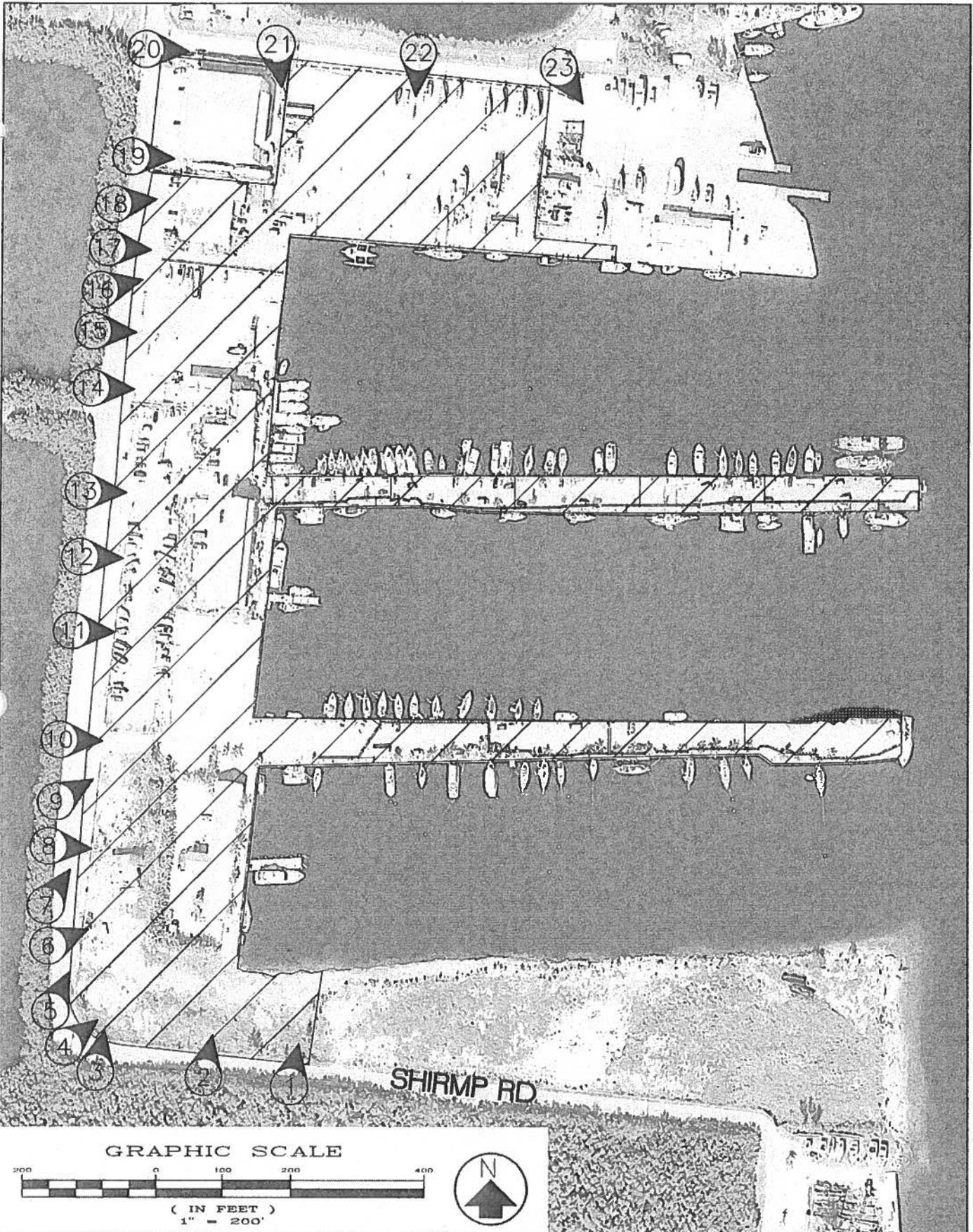
Monroe County, Florida Land Use District Map

Supplement: 000 Date: January 17, 2007
 Certified by the County Commission Resolution No. _____

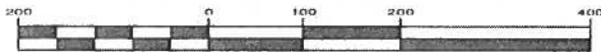
Aref Jouliani, Director of Planning & Environmental Resources
 Andrew Trivette, Director of Growth Management

ACCC	Area of County Critical Concern	IS	Improved Subdivision	SS	Sparsely Settled
AD	Airport	IS-D	Improved Subdivision (Duplex)	UC	Urban Commercial
CD	Conservation District	IS-DM	Improved Subdivision (Duplex Masonry)	UR	Urban Residential
CF	Commercial Fishing Village	IS-F	Improved Subdivision (Masonry)	URM	Urban Residential Mobile Home
CFSD	Commercial Fishing Village Special Dist	IS-FM	Improved Subdivision (Masonry)	URML	Urban Residential Mobile Home Limited
CFV	Commercial Fishing Village	M	Maritime Industries		
DR	Destination Resort	MA	Mainland Native Area		
I	Industrial	MJ	Mixed Use		
NA	Native Area	NA	Native Area		
OS	Office/Service	OS	Office/Service		
PR	Public Recreation	PR	Park and Refuge Area		
SC	Suburban Residential	SC	Suburban Residential		
SRL	Suburban Residential Limited	SRL	Suburban Residential Limited		

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 for informational purposes only and do not constitute a 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.



GRAPHIC SCALE



(IN FEET)
1" = 200'



PHOTO KEY MAP
FOR
STOCK ISLAND MARINA VILLAGE

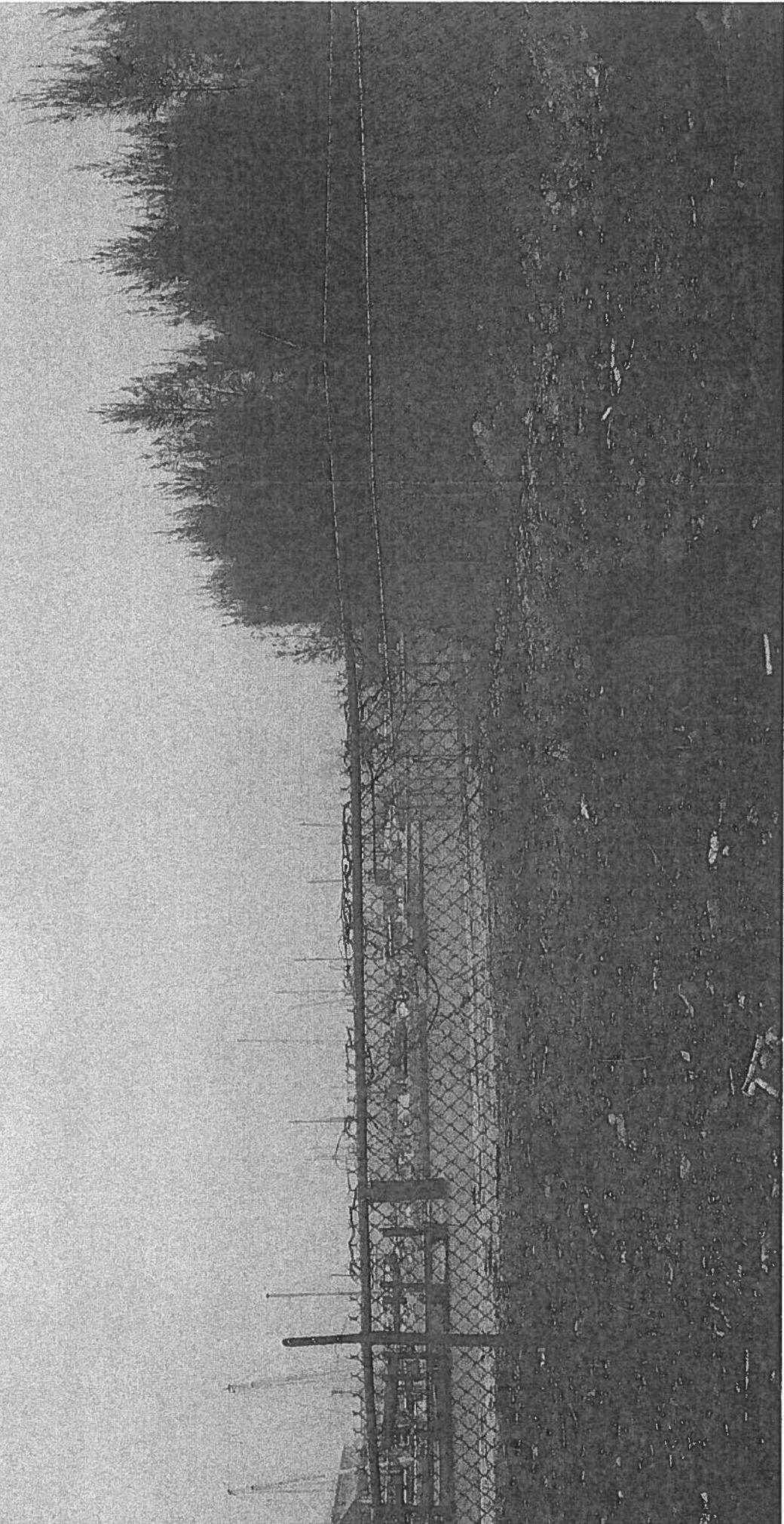
WEC THE WEILER ENGINEERING CORPORATION

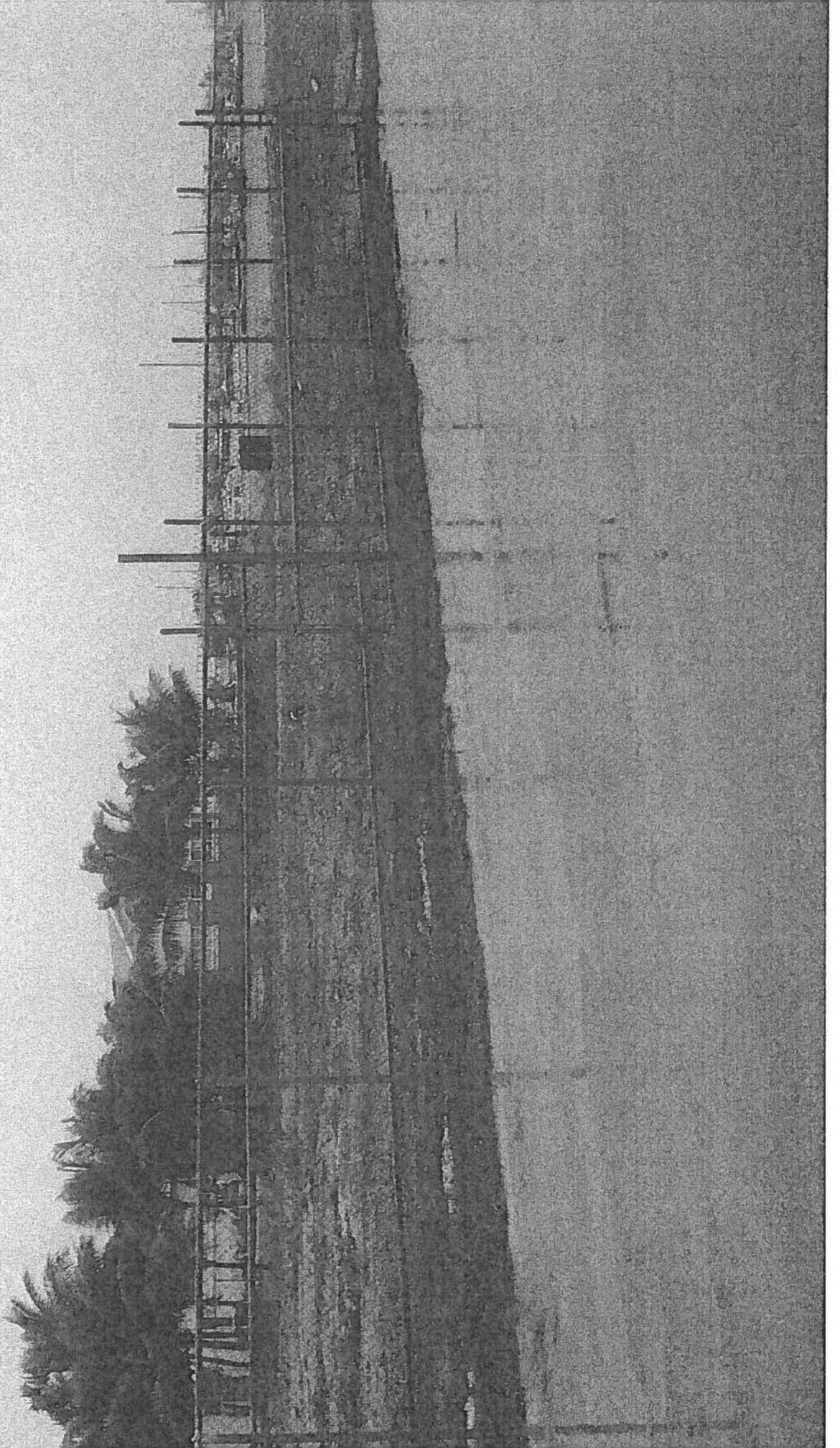
20020 VETERANS BOULEVARD
SUITE 7-9
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

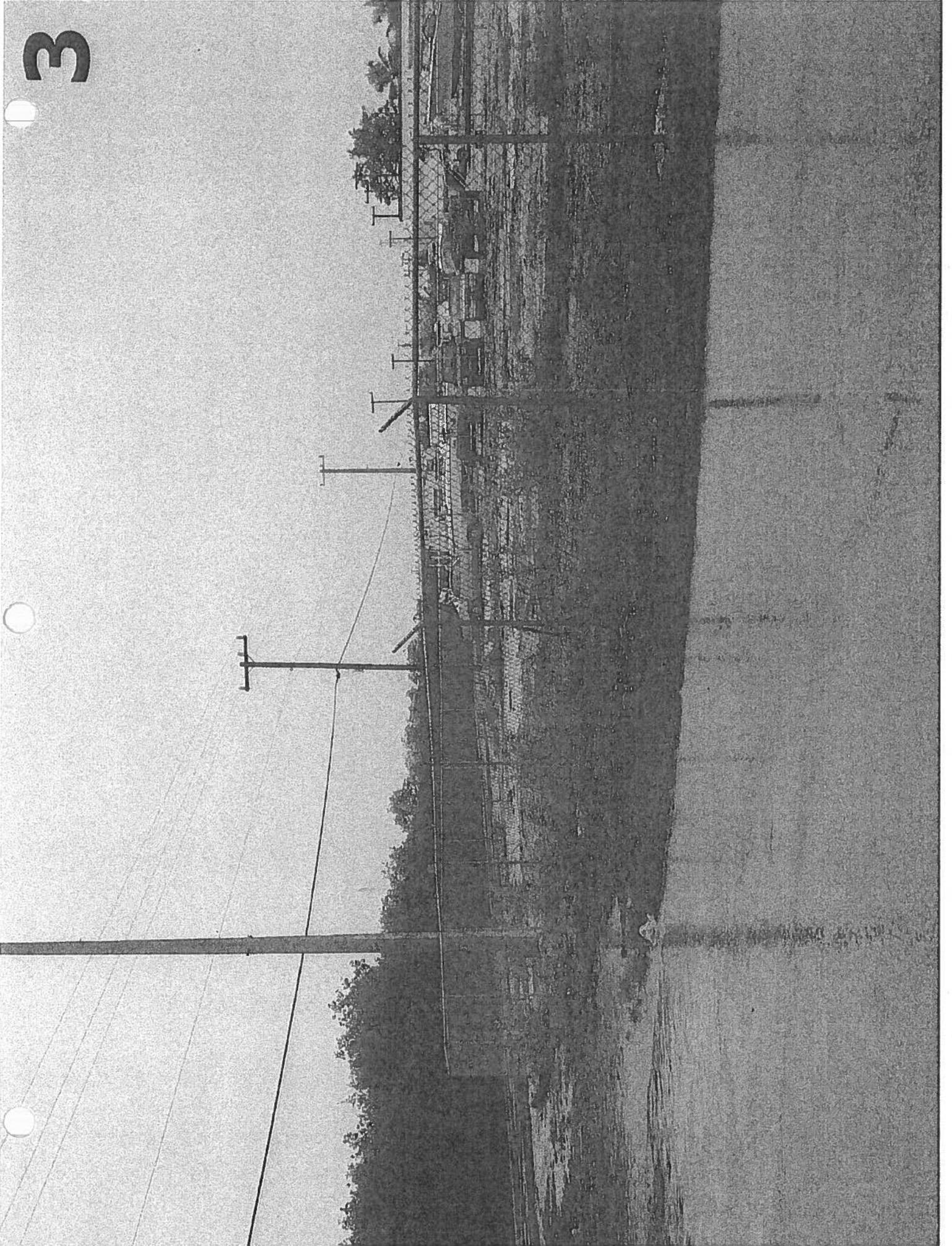
Design	Drawn	Checked
Approved by		
Scale:		1" = 200'
Job No.		11067.005
Date Issued		JULY 2011
Sheet	KEY MAP	

EB # 6656

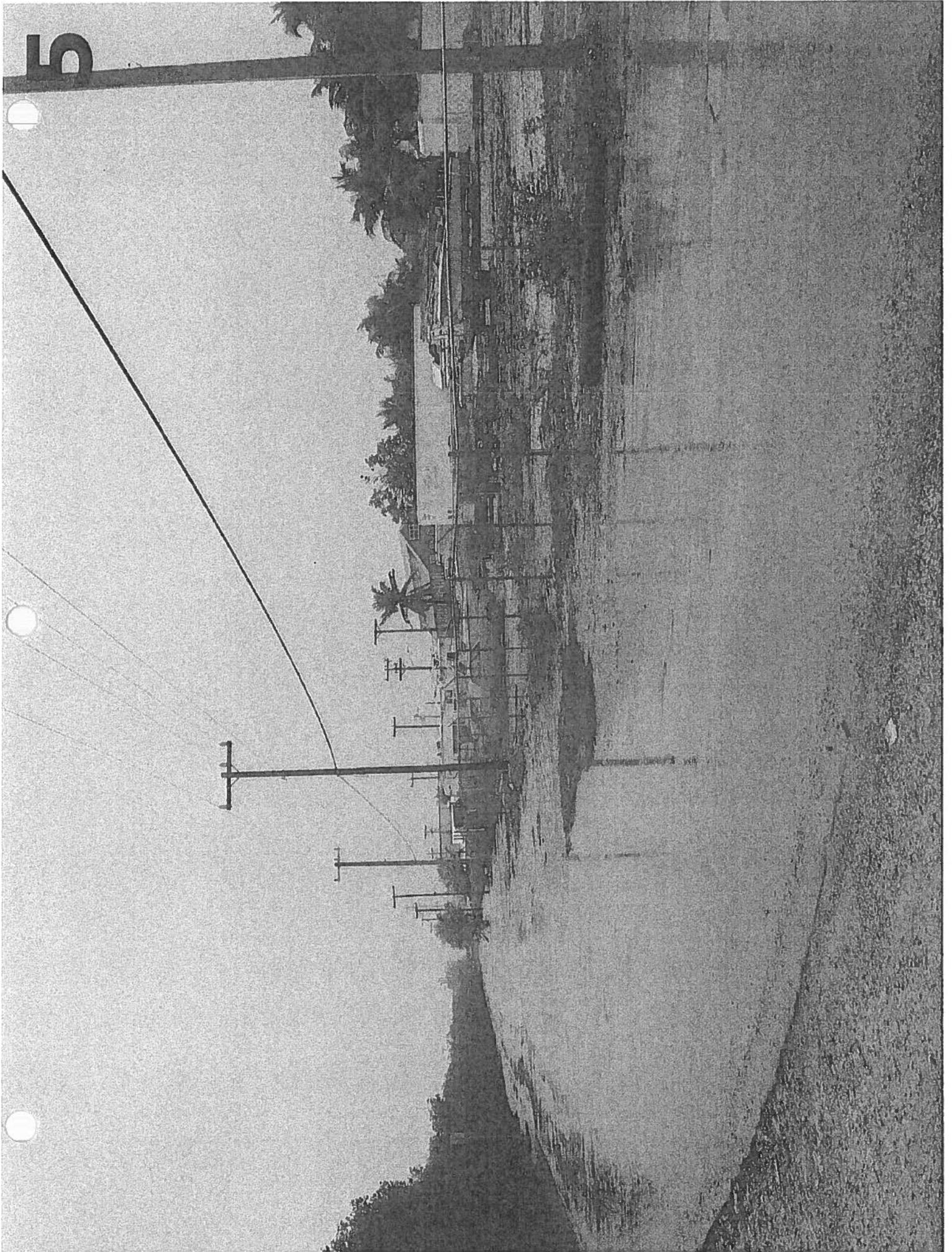
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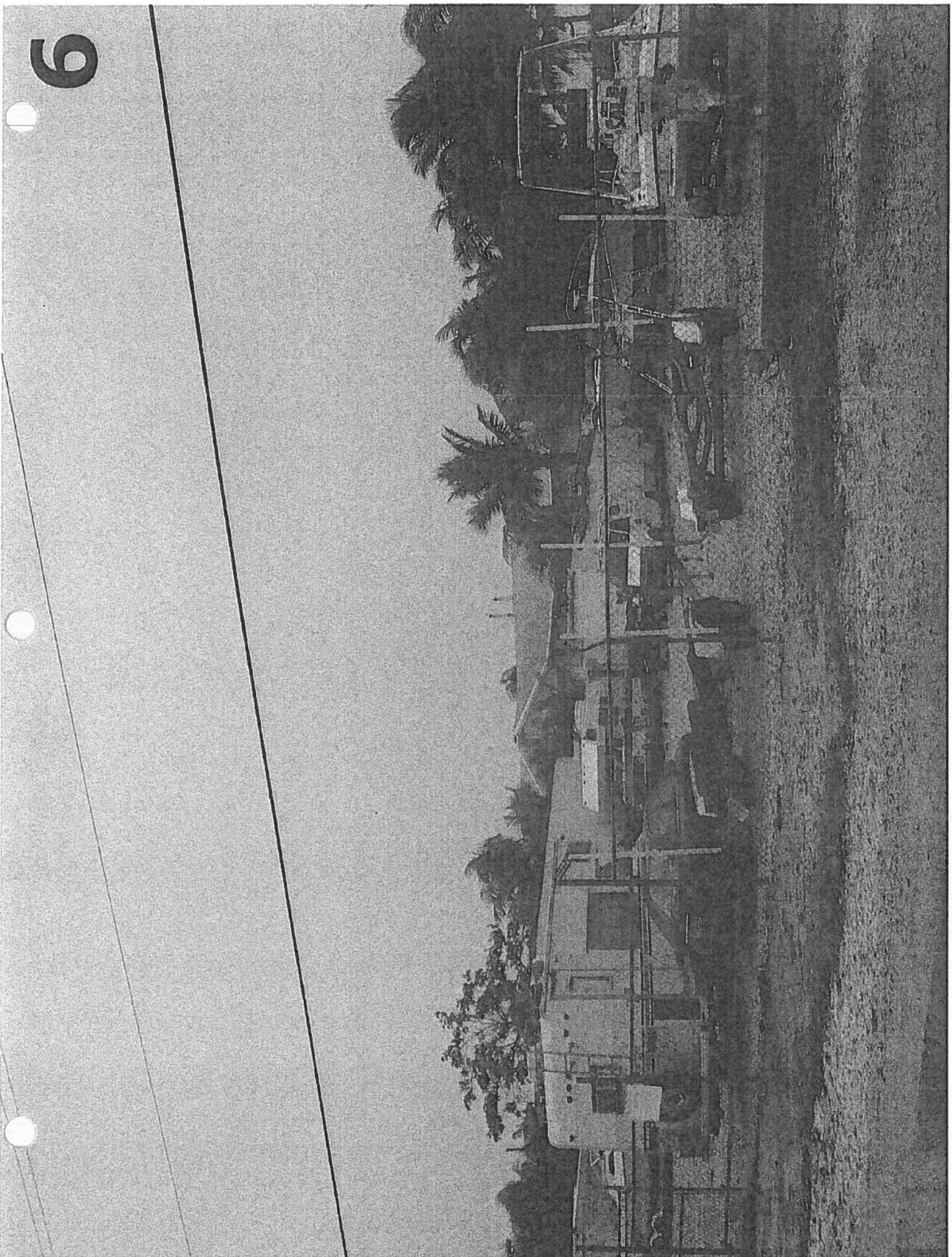


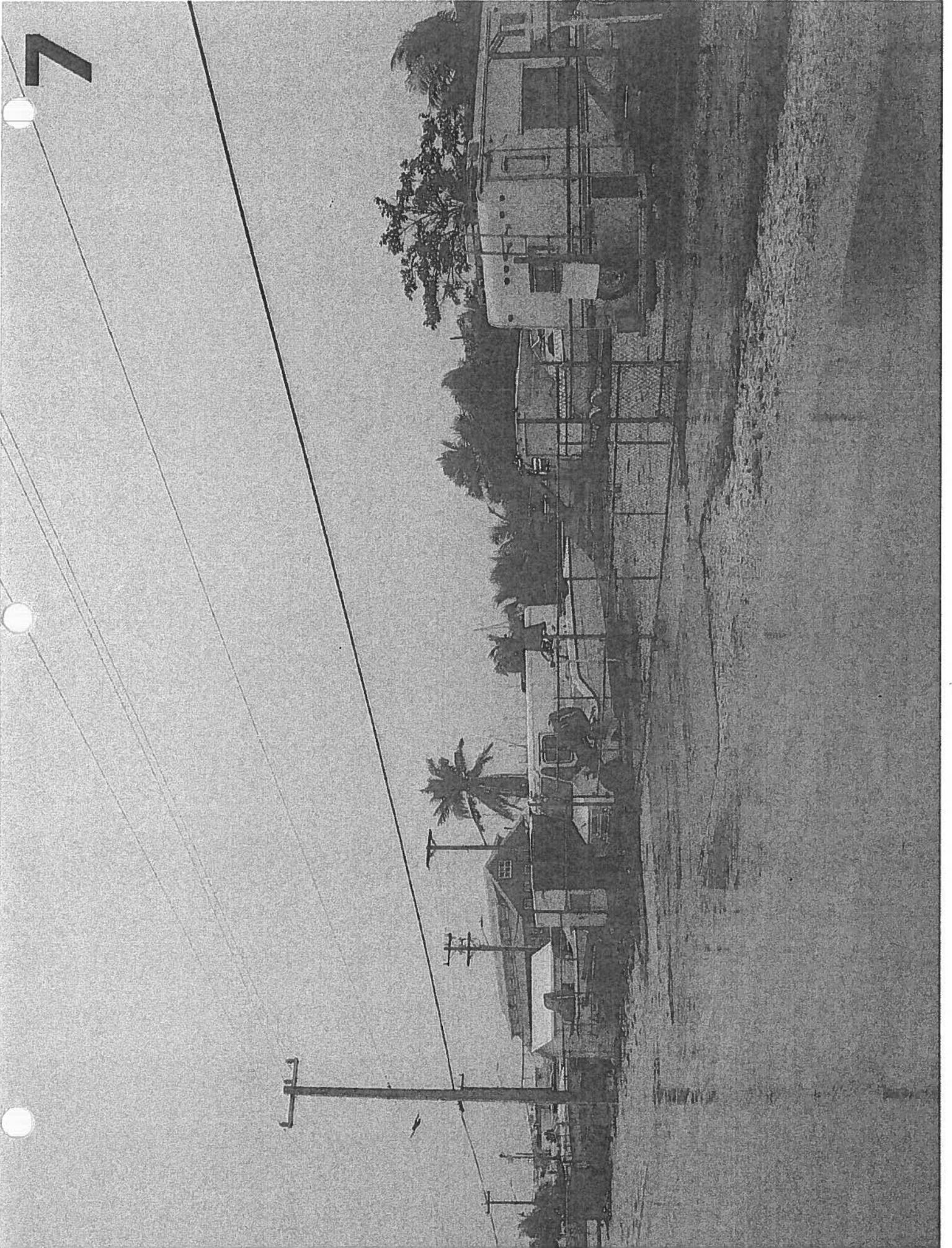




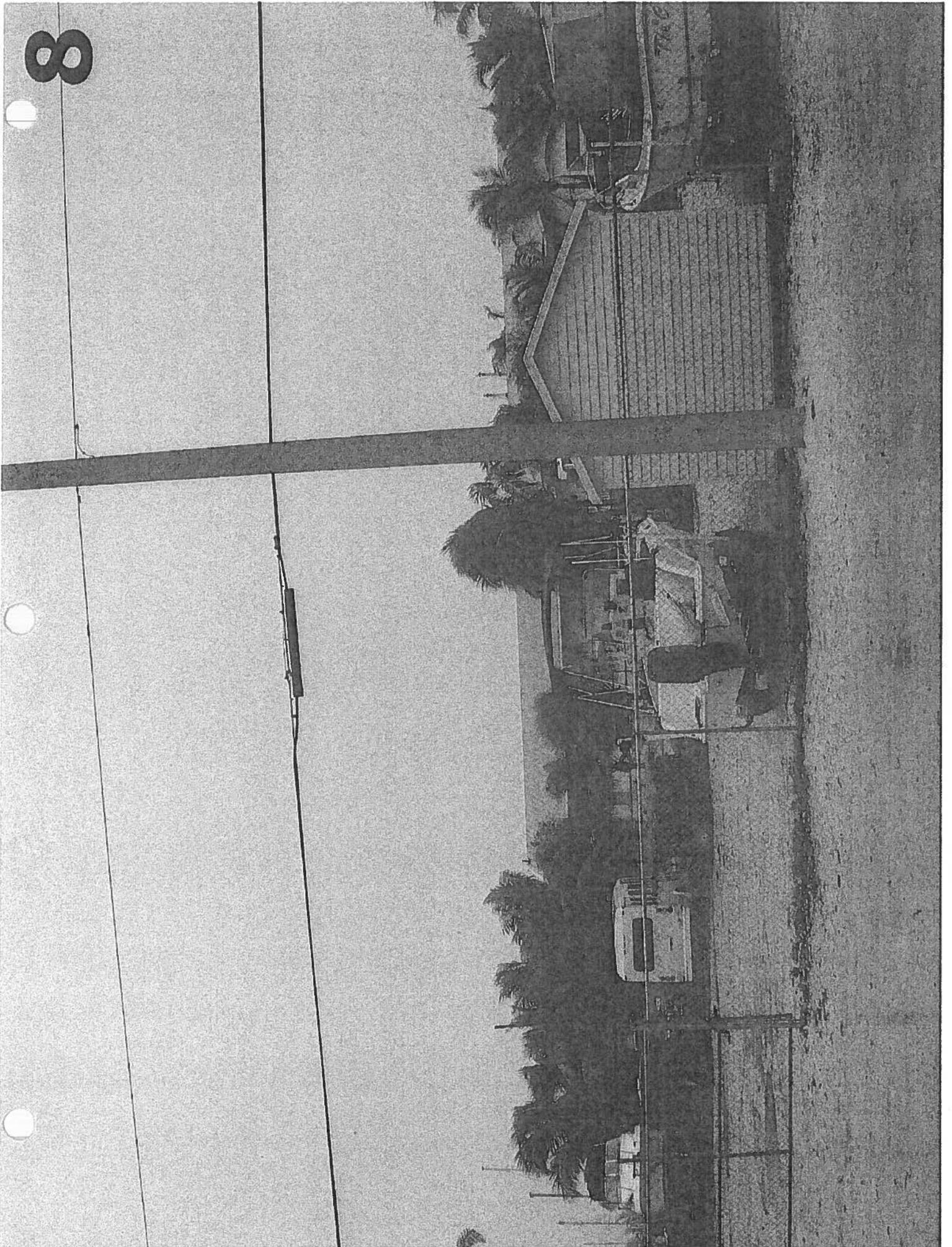




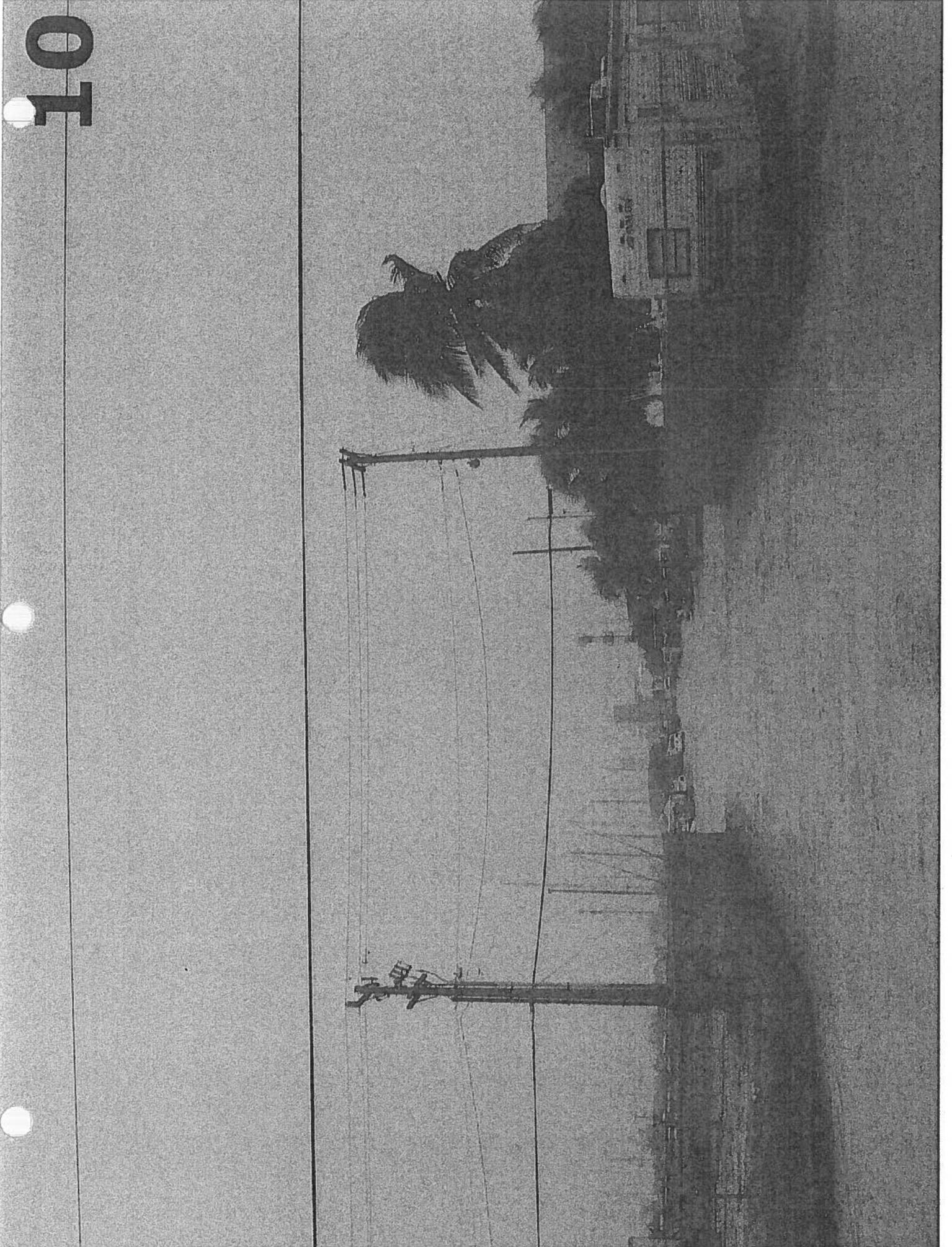




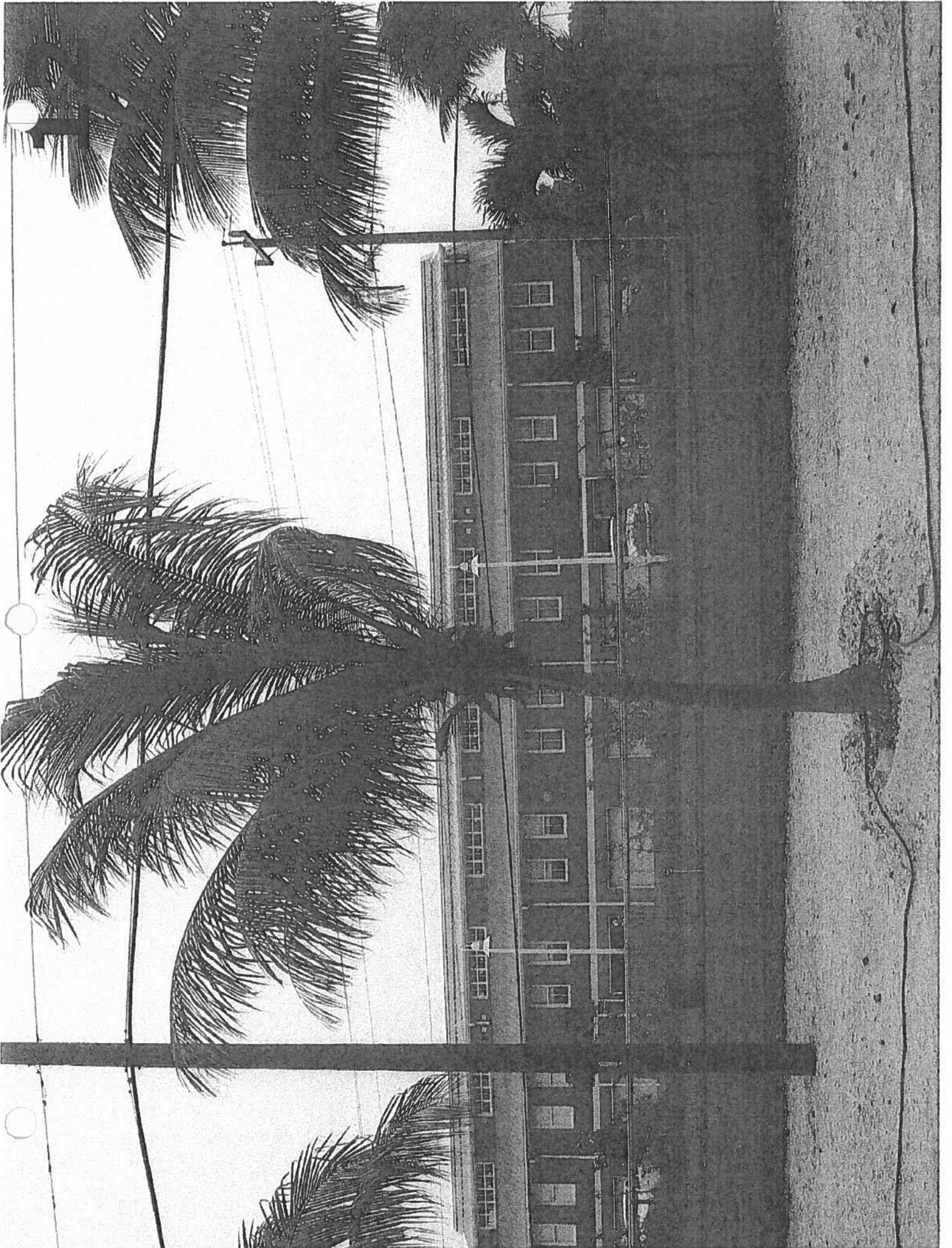
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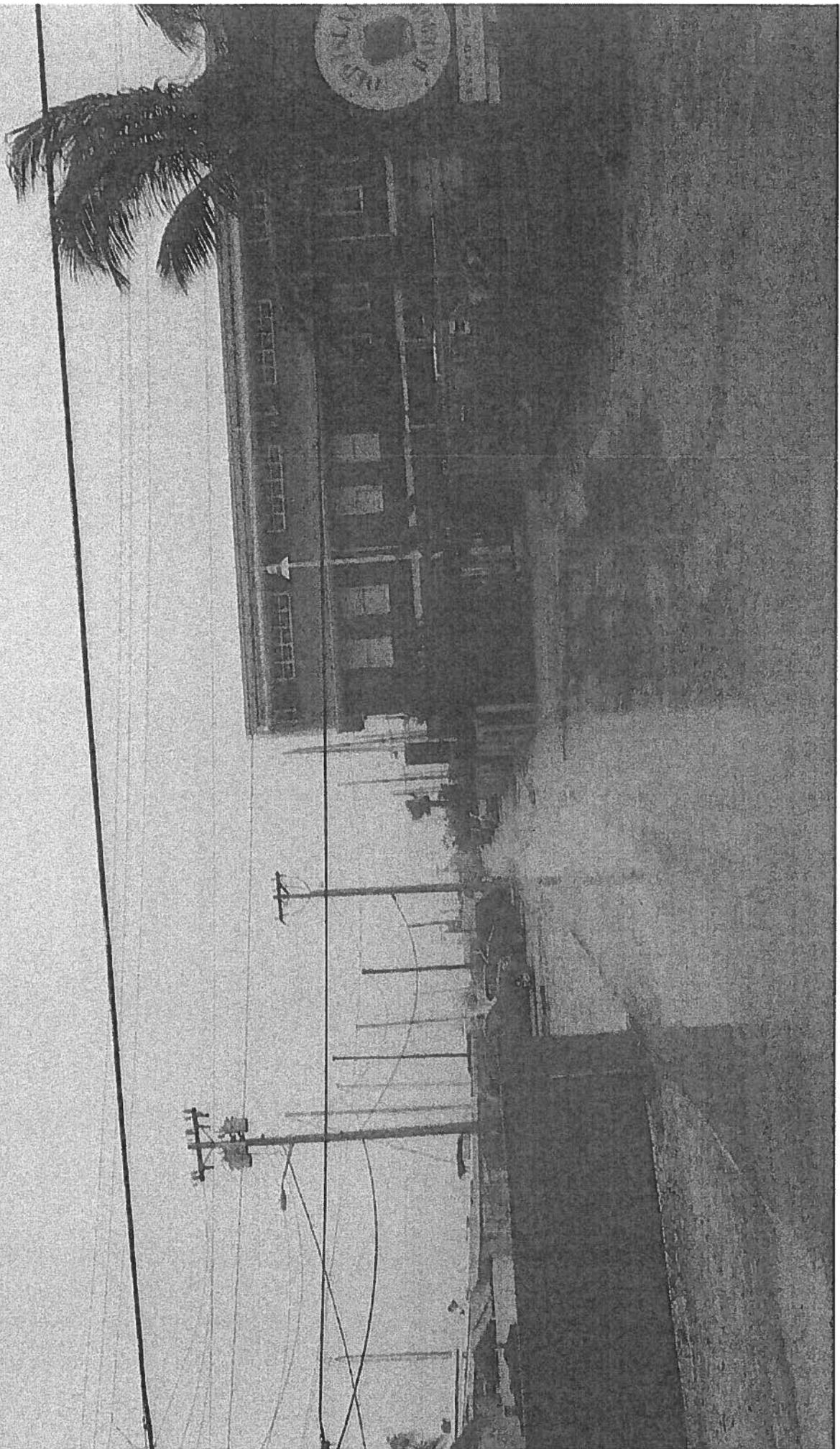


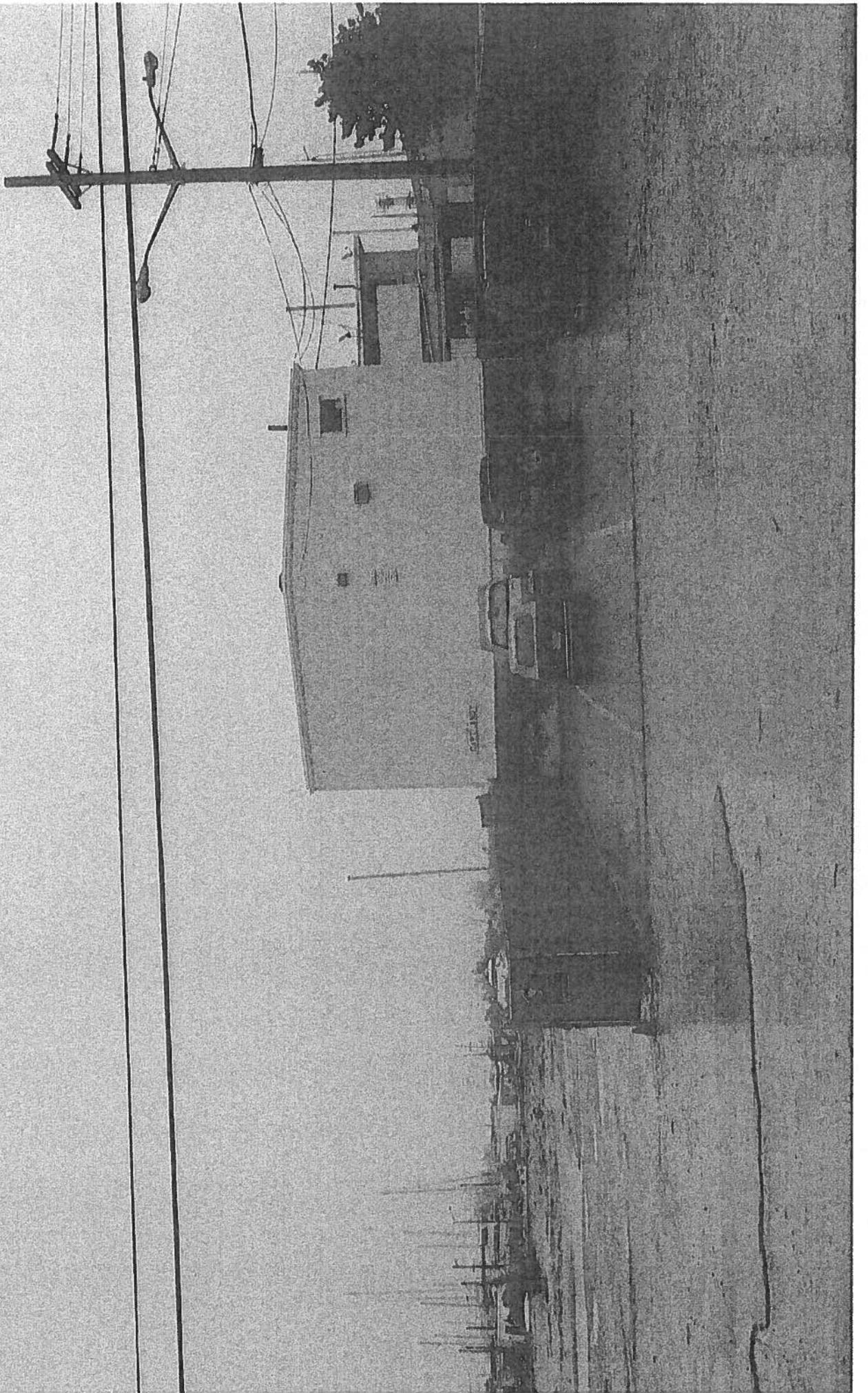


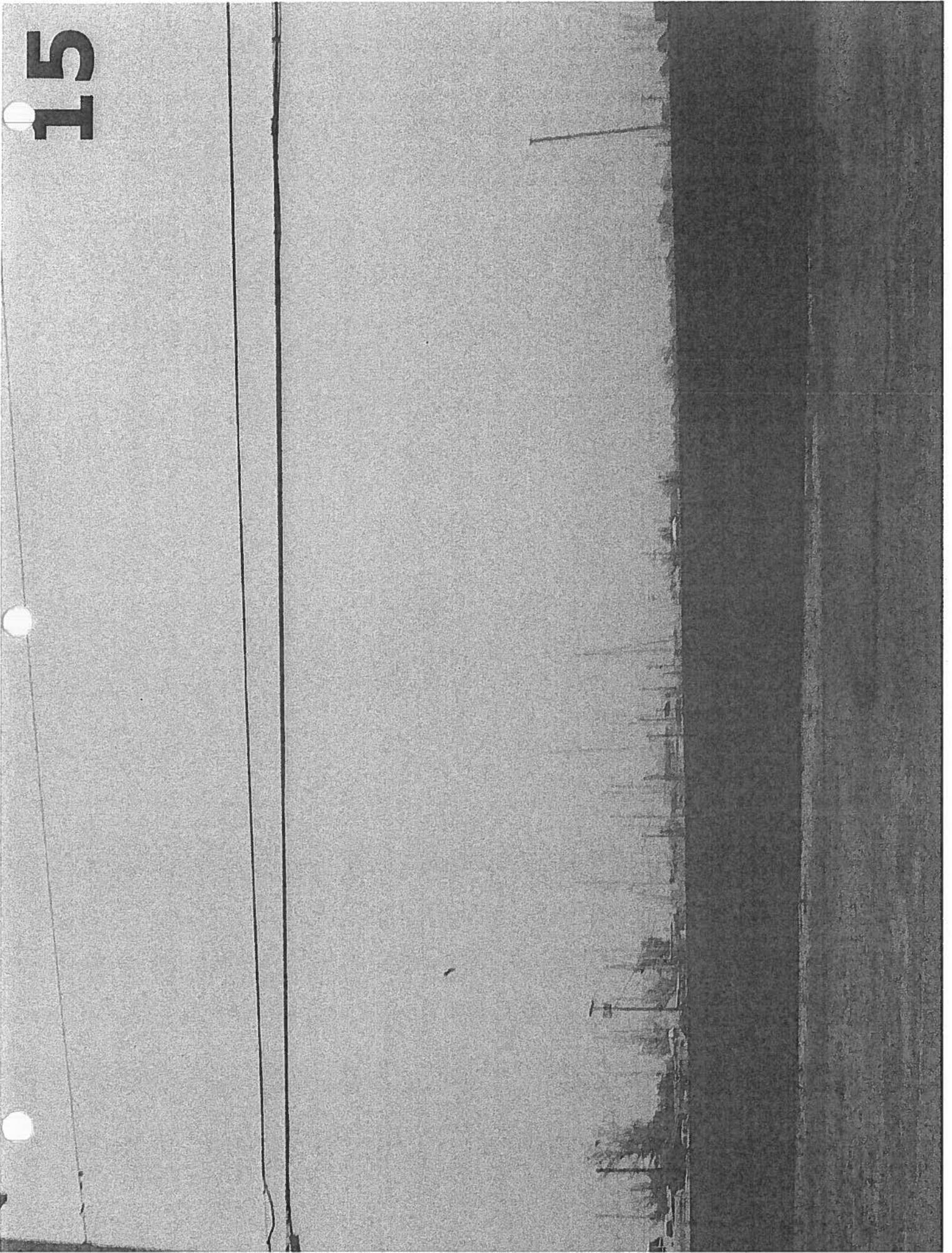




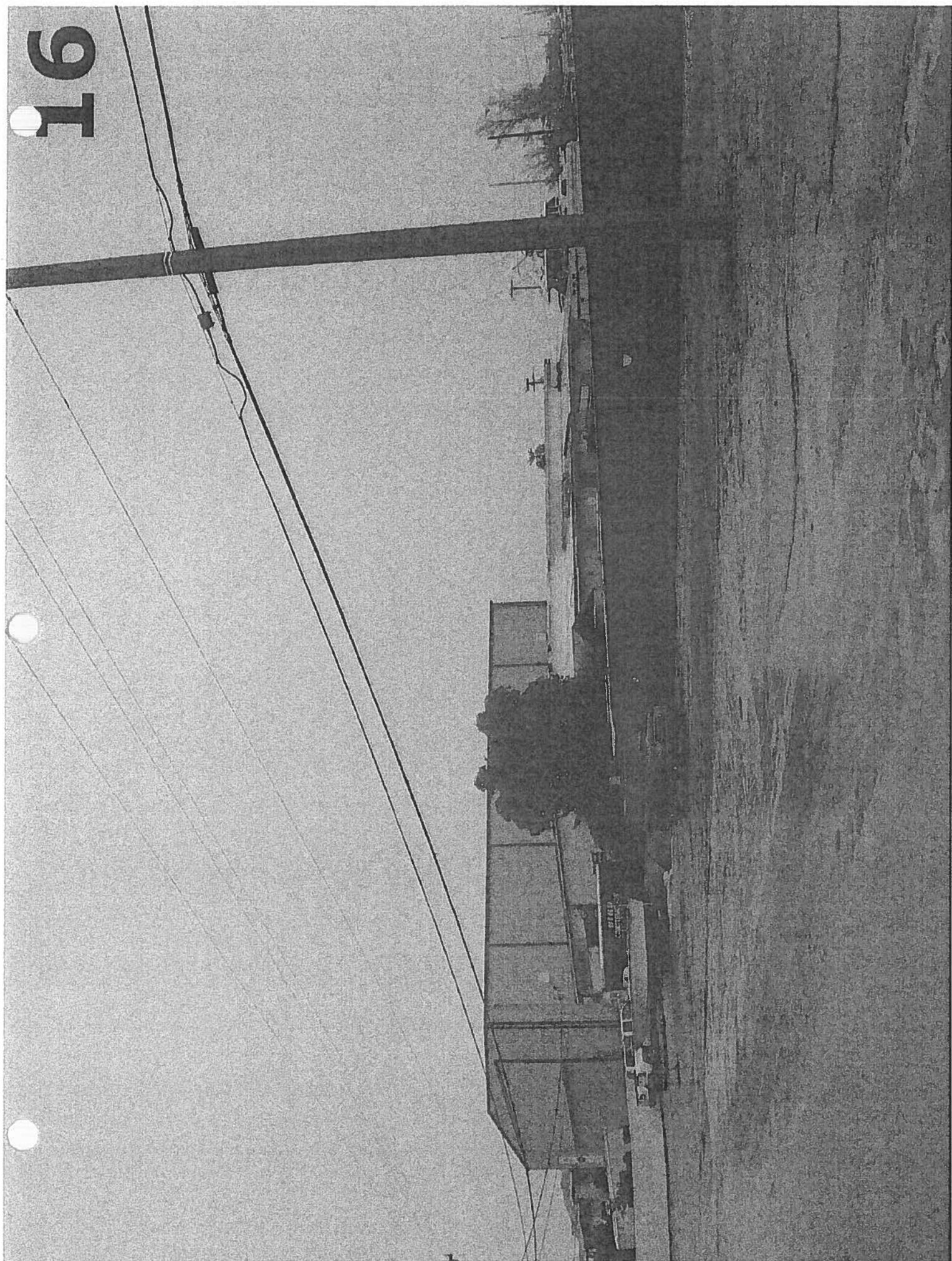




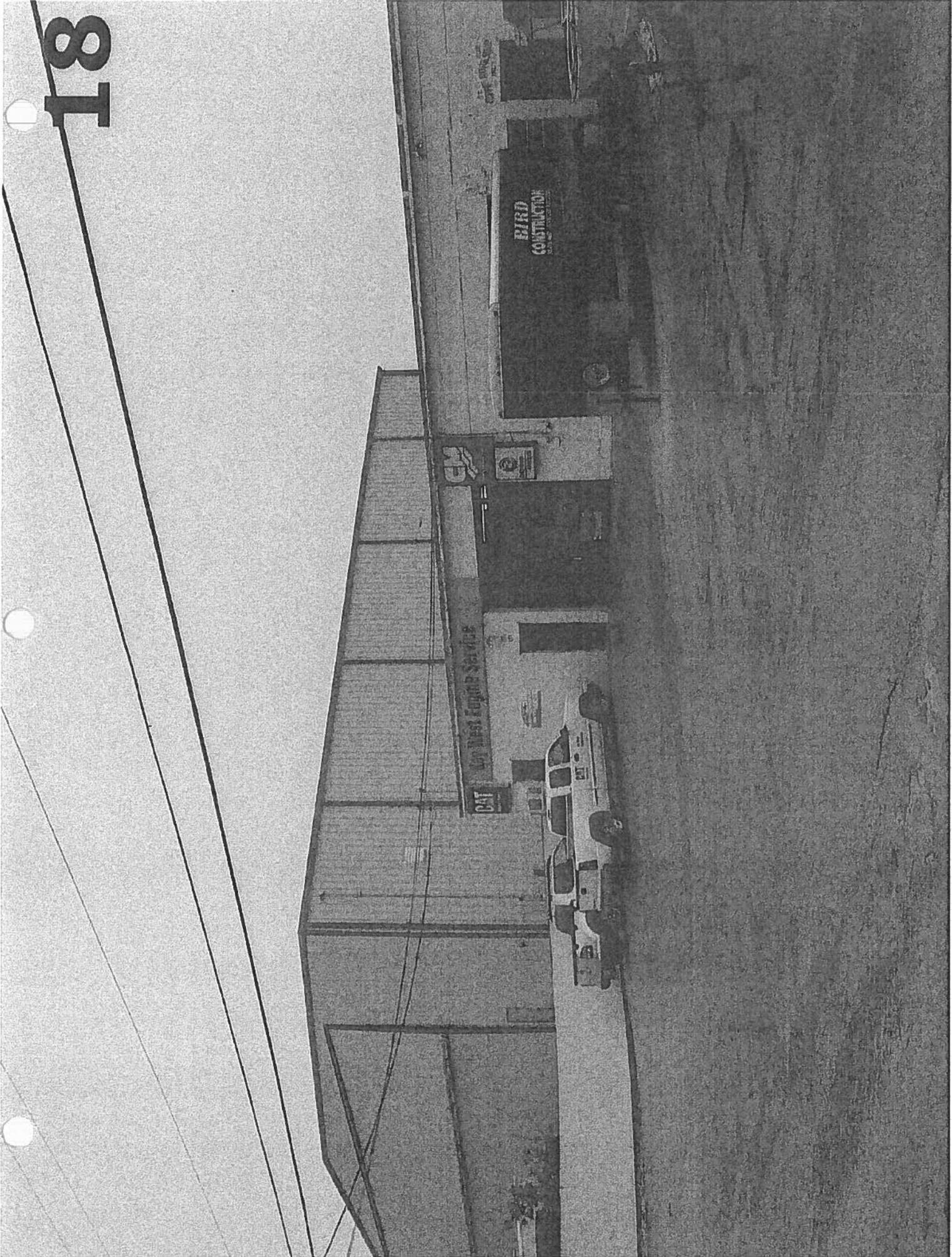




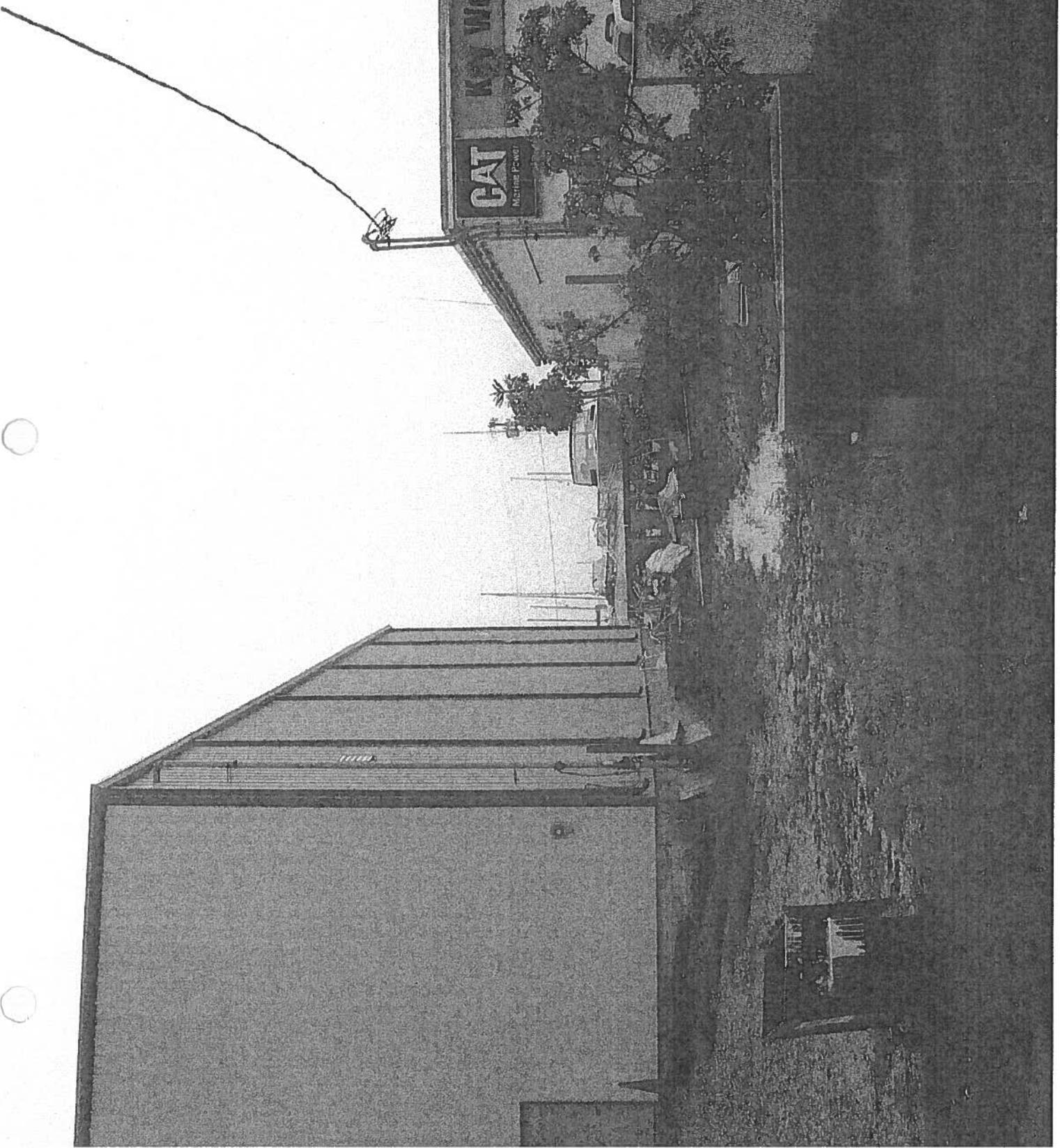
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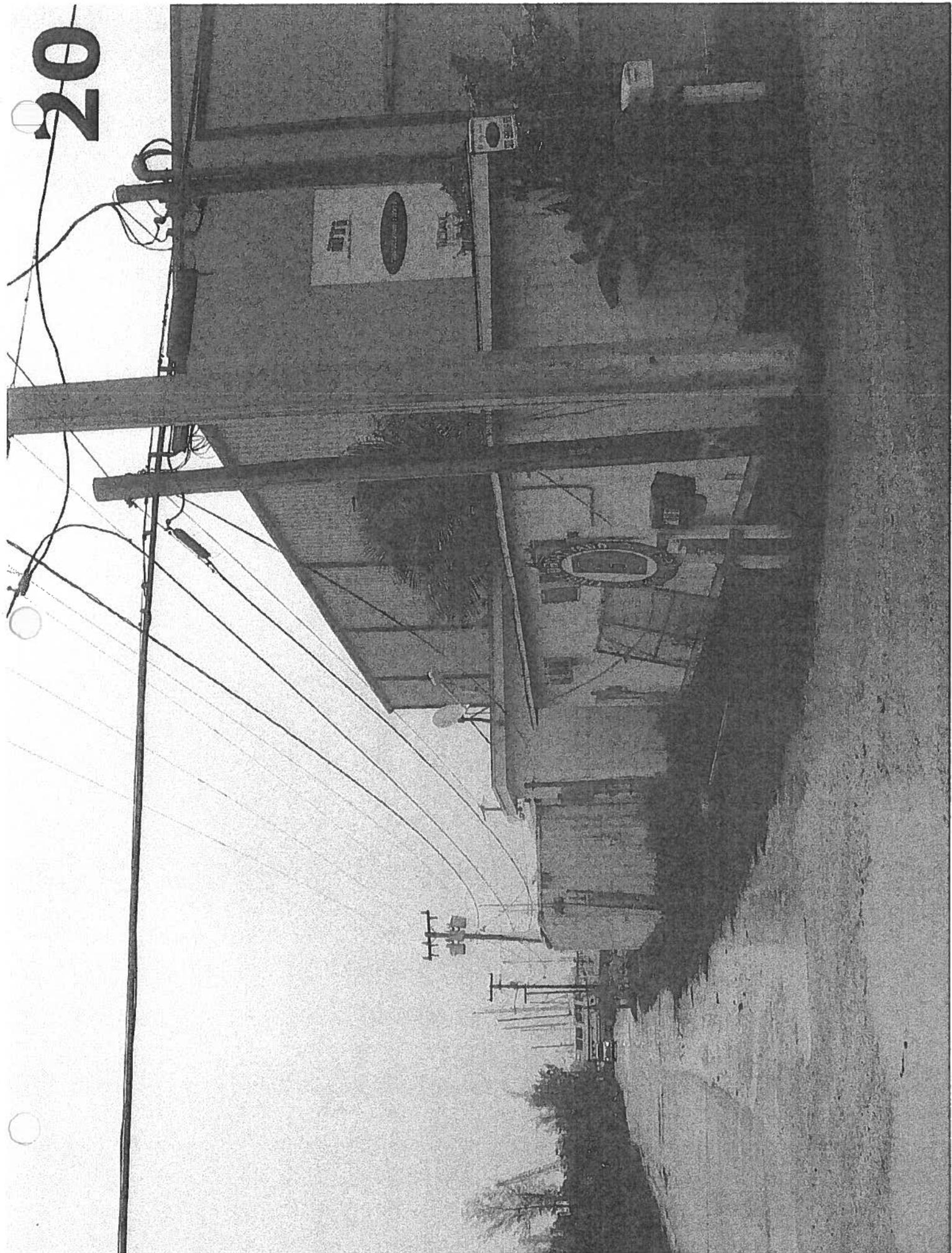


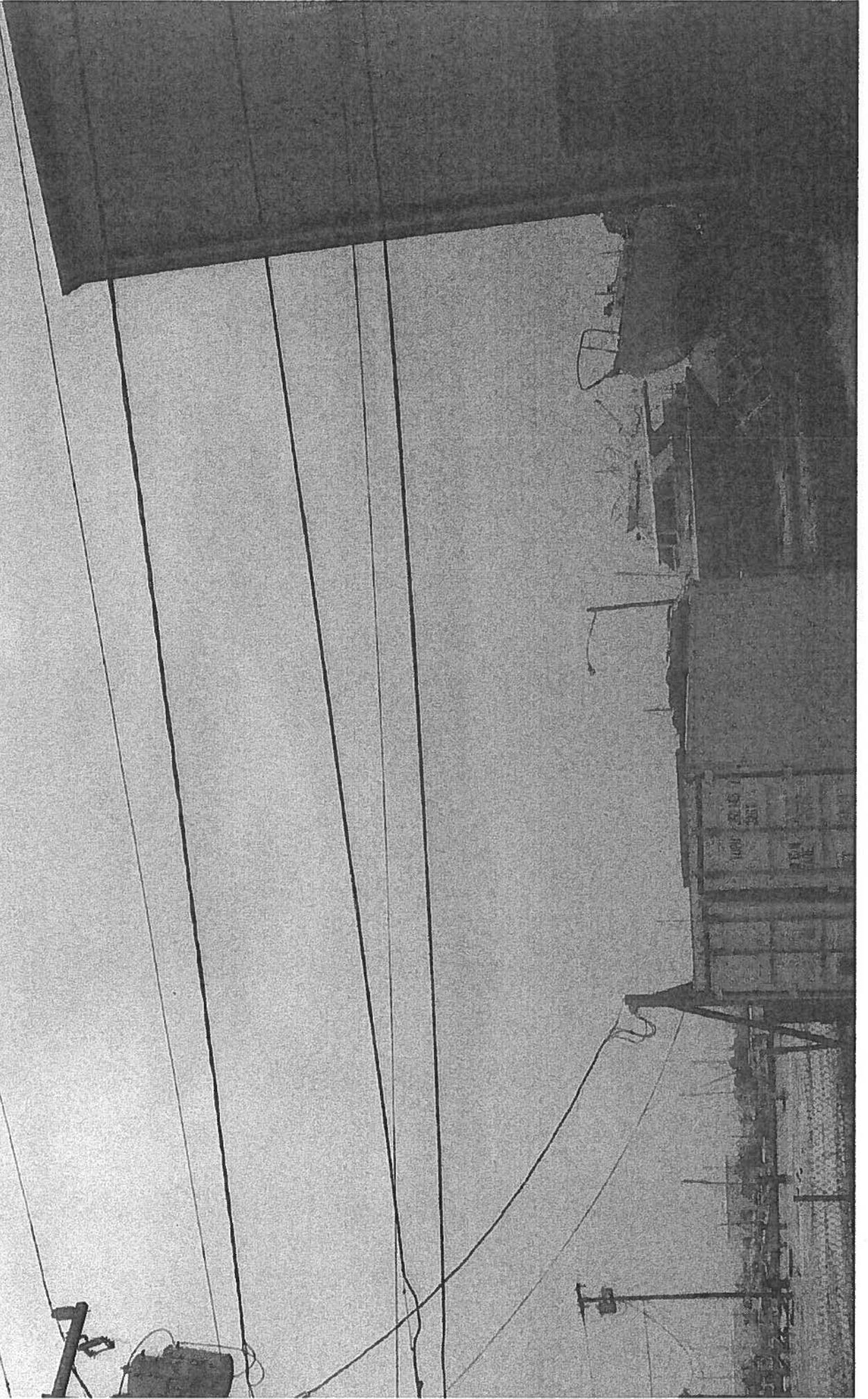


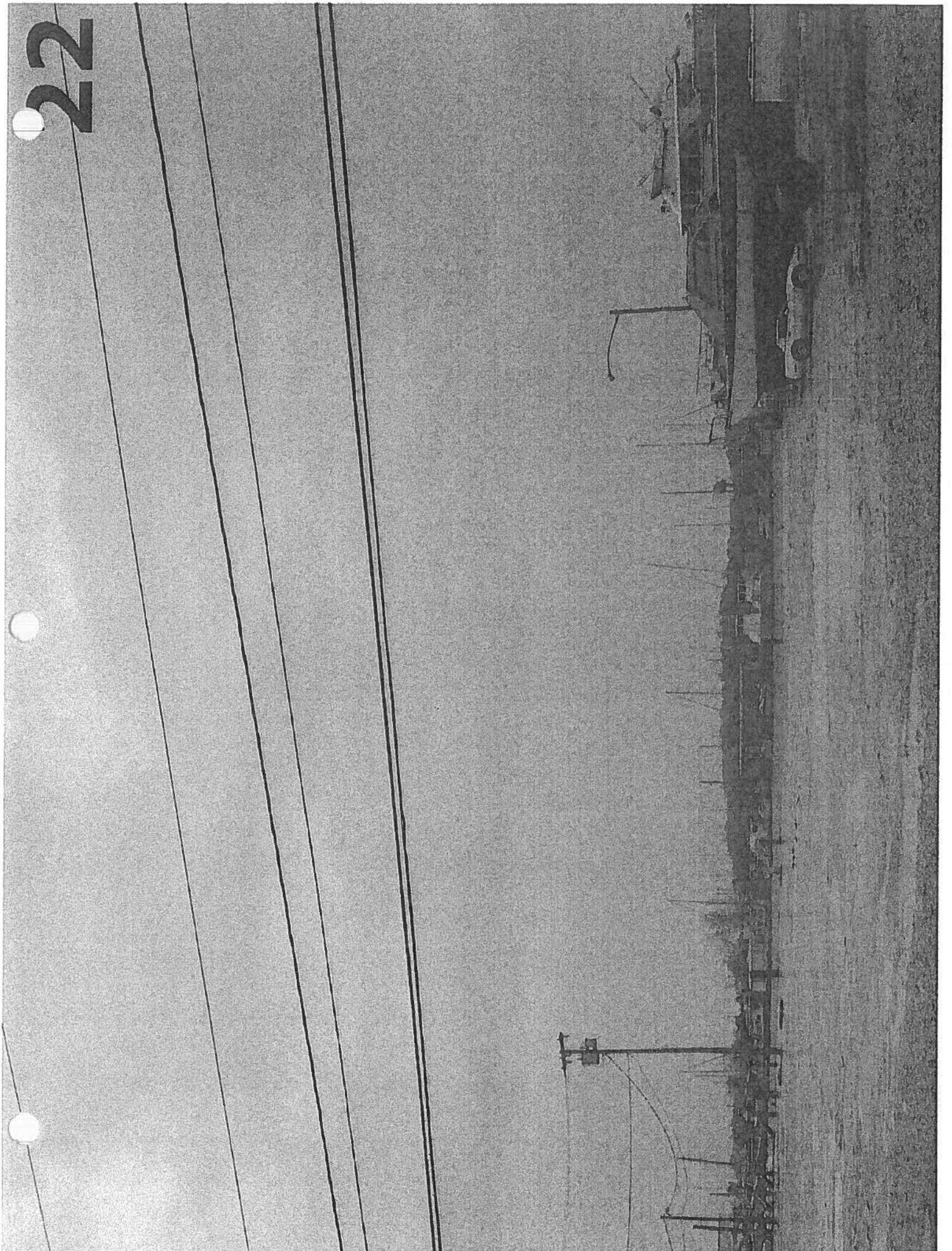


19











Monroe County Property Appraiser - Radius Report

AK: 9039185 Parcel ID: 00123800-000103 Physical Location: 5550 5TH AVE SOUTH STOCK ISLAND
 Legal Description: ✓ DOG TRACK PARCELS CONDOMINIUM PARCEL 3 OR1895-2114 /17 OR2028-1170/95(AGREE) OR216-
 Owners Name: MERIDIAN WEST LTD
 Address:: 2937 SW 27TH AVE STE 303 MIAMI, FL 33133

AK: 9039152 Parcel ID: 00123800-000100 Physical Location: 5550 5TH AVE SOUTH STOCK ISLAND
 Legal Description: ✓ DOG TRACK PARCELS CONDOMINIUM (F/K/A RE 123800 & 1 27370) OR1895-2018/19C OR1895-20
 Owners Name: DOG TRACK PARCELS CONDOMINIUM
 Address::

AK: 8630166 Parcel ID: 00123600-000100 Physical Location: 6500 FRONT ST SOUTH STOCK ISLAND
 Legal Description: ✓ 35-67-25 PT BK 55 MCDONALDS PLAT PB1-55 AND FILLED ADJ BAY BOTTOM (4.10AC) & ADJ E
 Owners Name: ✓ ISLAND TRUST AGREEMENT 3/10/1989
 Address:: P O BOX 2455 KEY WEST, FL 33040

AK: 1157708 Parcel ID: 00123590-000000 Physical Location: 6810 FRONT ST SOUTH STOCK ISLAND
 Legal Description: ✓ 35 67 25 BAY BTM AND ADJ FILLED LAND SOUTH AND ADJ BLK 55 AND 56 STOCK ISLAND OR5
 Owners Name: ✓ SAFE HARBOUR PROPERTIES LLC
 Address:: 6810 FRONT ST KEY WEST, FL 33040-6040

AK: 1158038 Parcel ID: 00123900-000000 Physical Location: VACANT LAND SOUTH STOCK ISLAND
 Legal Description: DD67535-Z/2 BAY BOTTOM ADJ TO COW KEY OR429-44/45 OR470-742D/C OR566-922/24 OR785
 Owners Name: ✓ KEY COW LLC
 Address:: PO BOX 169 KEY WEST, FL 33041-0169

AK: 1157694 Parcel ID: 00123580-000000 Physical Location: VACANT LAND SOUTH STOCK ISLAND
 Legal Description: 35 67 25 DD67535-09.1 DREDGED DOCKING AREA S OF BL KS 55&56 PB1-55 STOCK ISLAND OF
 Owners Name: ✓ CITY OF KEY WEST
 Address:: PO BOX 1409 KEY WEST, FL 33041-1409

AK: 1157929 Parcel ID: 00123780-000000 Physical Location: VACANT LAND SOUTH STOCK ISLAND
 Legal Description: ✓ 35 67 25 DD67535-24 BAY BTM BETWEEN STOCK ISLAND&C OW KEY I.I. NO 21817
 Owners Name: ✓ MONROE COUNTY
 Address:: 500 WHITEHEAD ST KEY WEST, FL 33040-6581

AK: 9081090 Parcel ID: 00123731-000000 Physical Location: VACANT LAND SOUTH STOCK ISLAND
 Legal Description: 35 67 25 PARCEL SOUTH OF BLK 57 PB1-55 (ROAD EASEM ENT) .39 AC G65-82 OR1-17
 Owners Name: ✓ SAFE HARBOR ENTERPRISES INC
 Address:: P O BOX 2455 KEY WEST, FL 33040

AK: 1157856 Parcel ID: 00123740-000000 Physical Location: 6801 SHRIMP RD SOUTH STOCK ISLAND
 Legal Description: ✓ 35 67 25 BAY BTM S AND ADJ TO PT BLK 57 STOCK ISLA ND OR286-270-273 OR728-1/7 OR74:
 Owners Name: ✓ 3 D OF KEY WEST INC C/O FELDMAN KOENIG HIGHSMITH AND VAN LOON
 Address:: 3158 NORTHSIDE DR KEY WEST, FL 33040-8025

AK: 1157899 Parcel ID: 00123760-000200 Physical Location: 7009 SHRIMP ST SOUTH STOCK ISLAND
 Legal Description: 35 67 25 PT TRACT 1 - ALL TRACTS 2-3-4 AND PARCEL OF LAND AND BAY BTM LYING SOU
 Owners Name: ✓ LONGSTOCK II LLC
 Address:: 7009 SHRIMP RD STE 2 KEY WEST, FL 33040-6067

AK: 1161578 Parcel ID: 00127360-000000 Physical Location: VACANT LAND SOUTH STOCK ISLAND
 Legal Description: ✓ STOCK ISLAND MALONEY SUB SUBDIVISION PB1-55 PT LOT 5 SQR 57 OR193-260-261 OR1354-2-
 Owners Name: ✓ BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FL
 Address:: 500 WHITEHEAD ST KEY WEST, FL 33040-6581

AK: 1157660 Parcel ID: 00123550-000000 Physical Location: 6900 FRONT ST SOUTH STOCK ISLAND
 Legal Description: ✓ DD67535-03.1 PT FILLED LAND SOUTH OF SQR 55 & 56 P B-1-55 OR359-68-69 OR359-76-78 OF
 Owners Name: ✓ CITY OF KEY WEST
 Address:: PO BOX 1409 KEY WEST, FL 33041

AK: 1158046 Parcel ID: 00123910-000000 Physical Location: VACANT LAND SOUTH STOCK ISLAND
 Legal Description: ✓ 2-68-25/35-67-25 DD 68502-01 COW KEY ALL FRACTIONA L OR52-425/26 OR214-82/83 OR495-
 Owners Name: ✓ PARCELS B AND C LLC
 Address:: PO BOX 169 KEY WEST, FL 33041-0169

AK: 9080464	Parcel ID: 00123720-000100	Physical Location: 700 SHRIMP RD SOUTH STOCK ISLAND
Legal Description:	✓ STOCK ISLAND BAY BOTTOM SOUTH OF AND ADJ TO SQR 55	AND 56 PB1-55 (EASEMENT A) OR1
Owners Name:	✓ LONGSTOCK II LLC	
Address::	7009 SHRIMP RD STE 2	KEY WEST, FL 33040-6067
AK: 1157651	Parcel ID: 00123540-000000	Physical Location: 6840 FRONT ST SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 DD67535-03 PT OF BAY BTM SOUTH OF AND ADJ	TO SQR 55 AND 56 PLAT OF STOCK
Owners Name:	✓ 6840 FRONT STREET LLC	
Address::	6840 FRONT ST	KEY WEST, FL 33040
AK: 9080468	Parcel ID: 00123720-000200	Physical Location: 700 SHRIMP RD SOUTH STOCK ISLAND
Legal Description:	✓ STOCK ISLAND BAY BOTTOM SOUTH OF AND ADJ TO SQR 55	& 56 PB1-55 (EASEMENT B) OR1909
Owners Name:	✓ LONGSTOCK II LLC	
Address::	7009 SHRIMP RD STE 2	KEY WEST, FL 33040-6067
AK: 1161519	Parcel ID: 00127300-000000	Physical Location: 6751 FIFTH ST SOUTH STOCK ISLAND
Legal Description:	✓ STOCK ISLAND MALONEY SUB SUBDIVISION PB1-55 PT LOT	1 & ALL 2-3 & 4 & PT 5 SQR 57 & BA
Owners Name:	✓ BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY	
Address::	500 WHITEHEAD ST	KEY WEST, FL 33040-6581
AK: 1157686	Parcel ID: 00123570-000000	Physical Location: VACANT LAND SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 DD67535-09 BAY BOTTOM AND FILLED LAND SOU	TH OF AND ADJ BLKS 55 AND 56 (A)
Owners Name:	✓ BAMA ONE LLC	
Address::	6810 FRONT ST	KEY WEST, FL 33040-6040
AK: 1157732	Parcel ID: 00123620-000000	Physical Location: 6900 FRONT ST SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 DD67535-10.1 PT FILLED BAY BTM S OF BLKS	55&56 PB 1-55 OR359-70/75 OR382-4
Owners Name:	✓ CITY OF KEY WEST	
Address::	PO BOX 1409	KEY WEST, FL 33041-1409
AK: 9089578	Parcel ID: 00123730-000100	Physical Location: 6811 SHRIMP RD SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 DD67535-22 BAY BTM SOUTH OF ADJ TO PT BLK	57 STOCK ISLAND OR286-270/73 OF
Owners Name:	✓ CONSTELLATION YACHTS INC	
Address::	6811 SHRIMP RD	KEY WEST, FL 33040
AK: 1157911	Parcel ID: 00123770-000000	Physical Location: VACANT LAND SOUTH STOCK ISLAND
Legal Description:	✓ 35-67-25 DD67535-09.2/1 DD67535-23 BAY BOTTOM AND	FILLED BAY BOTTOM SOUTH OF AN
Owners Name:	✓ BERNSTEIN BENJAMIN ESTATE	
Address::	PO BOX 2455	KEY WEST, FL 33045-2455
AK: 1157775	Parcel ID: 00123660-000000	Physical Location: 7281 SHRIMP RD SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 DD67535-11 BAY BOTTOM AND FILLED BAY BOTT	OM SELY SQRS 55 - 56 STOCK ISLA
Owners Name:	✓ ROBBIE'S SAFE HARBOR MARINE ENT INC	
Address::	7281 SHRIMP RD	KEY WEST, FL 33040
AK: 9088429	Parcel ID: 00123720-000400	Physical Location: VACANT LAND SHRIMP RD SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 FILLED BAY BOTTOM SELY SQRS 55 - 56 STOC	K ISLAND PB1-55 OR1-17/18 OR53-2
Owners Name:	✓ SAFE HARBOR ENTERPRISES INC	
Address::	PO BOX 2455	KEY WEST, FL 33045-2455
AK: 9091548	Parcel ID: 00123730-000200	Physical Location: VACANT LAND SOUTH STOCK ISLAND
Legal Description:	✓ 35 67 25 PARCEL OF LAND AND SUBMERGED LAND (10X191	STRIP) NORTH OF AND ADJ TO BLK
Owners Name:	✓ SAFE HARBOR ENTERPRISES INC	
Address::	7009 SHRIMP RD STE 2	KEY WEST, FL 33040-6067



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

To: Monroe County Development Review Committee

Through: Christine Hurley, AICP, Director of Growth Management
Townsley Schawb, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Assistant Director of Planning & Environmental Resources

Date: October 5, 2011

Subject: Request for an amendment to the Monroe County 2010 Comprehensive Plan to address military compatibility criteria.

Meeting: October 17, 2011

I. REQUEST

This is a request by Monroe County to create Goal 108, Objective 108.1, Policy 108.1.1, 108.1.2, 108.1.3, Policy 108.1.4., Policy 108.1.5, Policy 108.1.6, Objective 108.2, Policy 108.2.1, Policy 108.2.2, Policy 108.2.3, Policy 108.2.4, Policy 108.2.5, 108.2.6, Policy 108.2.7, Policy 108.2.8 and to create an overlay to the Future Land Use Map Series to establish the Military Installation Area of Impact.

II. BACKGROUND INFORMATION

Sections 163.3175, and 163.3177, Florida Statute (F.S.), require local governments to address compatibility of development with military installations and require the exchange of information between local governments and military installations. The requirements of the law include:

- Local government must transmit to the commanding officer of the relevant associated installation or installations information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.
- At the request of the commanding officer, affected local governments must also transmit to the commanding officer copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of

1 the military installation. Each affected local government shall provide the military installation
2 an opportunity to review and comment on the proposed changes.

- 3 • Local government shall take into consideration any comments provided by the commanding
4 officer or his or her designee and must also be sensitive to private property rights and not be
5 unduly restrictive on those rights. The local government shall forward a copy of any
6 comments regarding comprehensive plan amendments to the state land planning agency.
- 7 • A representative of a military installation acting on behalf of all military installations within
8 that jurisdiction shall be included as an ex officio, nonvoting member of the county's or
9 affected local government's land planning or zoning board.
- 10 • The adoption of criteria to be used to achieve the compatibility of lands adjacent or closely
11 proximate to military installations within the future land use plan element, pursuant to Section
12 163.3177(6)(a), F.S. If a local government does not adopt criteria and address compatibility of
13 lands adjacent to or closely proximate to existing military installations in its future land use
14 plan element by June 30, 2012, the local government, the military installation, the state land
15 planning agency, and other parties as identified by the regional planning council, including, but
16 not limited to, private landowner representatives, shall enter into mediation.

17
18 The Florida Department of Community Affairs (DCA) sent a letter (Exhibit 1) to Mayor Heather
19 Carruthers, dated July 11, 2011, which stated that the current Monroe County Comprehensive Plan
20 does not address compatibility of lands adjacent to an existing military installation. A local
21 government that does not address compatibility of land proximate to an existing military installation
22 in the future land use plan element by June 30, 2012, shall enter into mediation. Mediation would
23 include representatives from the Naval Air Station Key West, Monroe County, the State Land
24 Planning Agency, the South Florida Regional Planning Council, and potentially other private land
25 owners. If a local government comprehensive plan does not contain criteria addressing compatibility
26 by December 31, 2013, the agency may notify the Administration Commission, which may impose
27 sanctions pursuant to s. 163.3184(8), F.S., including the direction to state agencies to not provide
28 funds to increase the capacity of roads, bridges, or water and sewer systems for those local
29 governments with plan amendments determined not to be in compliance. The Administrative
30 Commission may also specify that the local government is not eligible for grants under the following
31 programs: Florida Small Cities Community Development Block Grant Programs; Florida Recreation
32 Development Assistance Program; and revenue sharing. If the local government has a Coastal
33 Management Element, the Administrative Commission may also specify that the local government is
34 not eligible for funding pursuant to s.161.091, F.S., regarding beach management and maintenance
35 funding.

36 37 **Summary of Previous Meetings & Actions:**

38
39 On July 15, 2003, the BOCC adopted Ordinance No. 031-2003, amending Section 9.5-252(C)(3)h.
40 (AICUZ) and creating Section 9.5-258 of the Land Development Code that specifies restrictions on
41 private property adjacent to NAS Key West.

42
43 On July 15, 2011, the BOCC asked the Growth Management Director to include an agenda item on
44 the August BOCC meeting to discuss the DCA letter and military compatibility.

45

1 On August 15, 2011, Monroe County staff met with Naval Air Station Key West (NASKW) staff to
2 discuss the development of military compatibility strategies. During the meeting, Navy operations
3 were discussed and NASKW identified the concerns and desired outcomes related to military
4 compatibility. A summary of the meeting discussion is attached as Exhibit 2.
5

6 On the August 17, 2011 BOCC meeting, the Growth Management Director provided a summary of
7 the staff's meeting with NASKW. The BOCC directed the Growth Management Director to include
8 an agenda item on the September BOCC meeting to provide a status on the development of draft
9 policies to satisfy the requirements of Section 163.3175, F.S., as well as to review proposed
10 revisions to the Technical Document. On August 17, 2011 BOCC meeting, the BOCC also directed
11 the Growth Management Director to include an agenda item on the October BOCC meeting to
12 review the final proposed policies and to provide staff direction on how to proceed.
13

14 On August 24, 2011, Monroe County staff held a conference call with the Secretary and staff of the
15 Department of Community Affairs to discuss and review the County's draft military compatibility
16 strategies. The Department of Community Affairs provided a suggestion regarding a sound
17 attenuation policy and a potential funding source.
18

19 On September 14, 2011, Monroe County staff met with NASKW staff to discuss and review the
20 County's draft military compatibility strategies. NASKW identified the concerns and suggested
21 revisions.
22

23 On September 16, 2011, Monroe County staff met with NASKW staff to discuss and review the
24 County's draft military compatibility strategies and NASKW's recommended revisions.
25

26 On the September 21, 2011 BOCC meeting, the Growth Management Director provided a summary
27 of the staff's meeting with NASKW and presented the planning staff's proposed military
28 compatibility strategies. NASKW staff submitted requested revisions to the County's proposal. The
29 BOCC directed staff to continue to work with NASKW to finalize language for the military
30 compatibility strategies as well as to expedite the processing of the comprehensive plan
31 amendments.
32

33 **III. PROPOSED AMENDMENTS**

34 **Goal 108**

35 Monroe County shall promote and encourage the compatibility of lands adjacent to or closely proximate
36 to the Boca Chica airfield of Naval Air Station Key West (NASKW) pursuant to Sections 163.3175 and
37 163.3177, Florida Statutes.
38

39 **Objective 108.1**

40 Naval Air Station Key West and Monroe County shall exchange information to encourage effective
41 communication and coordination concerning compatible land uses as defined herein.
42

43 **Policy 108.1.1**

44 Monroe County shall transmit to the commanding officer of Naval Air Station Key West
45 information relating to proposed changes to comprehensive plans, plan amendments, Future
46

1 Land Use Map amendments and proposed changes to land development regulations which, if
2 approved, would affect the intensity, density, or use of the land adjacent to or in close proximity
3 to the Naval Air Station Key West (within the Military Installation Area of Impact (MIAI)).
4 Pursuant to statutory requirements, Monroe County shall also transmit to the commanding
5 officer copies of applications for development orders requesting a variance or waiver from height
6 reduction requirements within areas defined in Monroe County's comprehensive plan as being in
7 the MIAI. Monroe County shall provide the military installation an opportunity to review and
8 comment on the proposed changes.
9

10 **Policy 108.1.2**

11 Monroe County shall coordinate with Naval Air Station Key West and the Department of
12 Economic Opportunity to review Best Practices and provide guidance on recommended sound
13 attenuation options to be identified in development orders for optional implementation in new
14 construction and redevelopment of existing structures in areas located within the MIAI. The list
15 of recommended sound attenuation options may be based on the level of noise exposure, level of
16 sound protection, and the type of residential construction or manufactured housing that is
17 proposed. Monroe County and the Naval Air Station Key West will coordinate with the
18 Department of Economic Opportunity to identify state and federal housing programs, and to
19 develop informational literature to inform qualified homeowners of the availability of potential
20 funds for sound attenuation.
21

22 **Policy 108.1.3**

23 Within 30 days from the date of receipt from Monroe County of proposed changes, the Naval Air
24 Station Key West commanding officer or his or her designee may provide comments, to Monroe
25 County on the impact proposed changes may have on the mission of the military installation.
26 Monroe County shall forward a copy of any comments regarding comprehensive plan
27 amendments to the state land planning agency. The commanding officer's comments, underlying
28 studies, and reports shall not be binding on Monroe County. Monroe County shall take into
29 consideration any comments provided by the Naval Air Station Key West commanding officer or
30 his or her designee and shall also be sensitive to private property rights and not be unduly
31 restrictive on those rights.
32

33 **Policy 108.1.4**

34 Monroe County shall include a representative of Naval Air Station Key West as an ex officio,
35 nonvoting member of Monroe County's Planning Commission. The NASKW ex officio member
36 represents all military interests in Monroe County.
37

38 **Policy 108.1.5**

39 Monroe County shall notify the Naval Air Station Key West commanding officer or his or her
40 designee of any development proposals that are scheduled for the Development Review
41 Committee (DRC) at the earliest date possible. NASKW may provide comments on proposals to
42 the DRC.
43

44 **Policy 108.1.6**

45 The Navy is undertaking an Environmental Impact Statement (EIS) to evaluate alternatives for
46 future airfield operations at Naval Air Station Key West. Monroe County shall work closely

1 with the Navy throughout the process of the EIS and shall discourage the Navy from increasing
2 its operations at NASKW that negatively impact the surrounding community.

3
4 **Policy 108.1.7**

5 Monroe County will encourage the Navy to acquire all land they are impacting with their
6 operations and noise within any geographic area with 80+ Day-Night Average Sound Level
7 (DNL).

8
9 **Objective 108.2**

10 Monroe County shall consider the protection of public health, safety and welfare as a principal
11 objective of compatible land use planning on lands adjacent to or closely proximate to the Boca
12 Chica airfield of NASKW.

13
14 **Policy 108.2.1**

15 Monroe County shall adopt an overlay to the Future Land Use Map Series identifying the
16 Military Installation Area of Impact (MIAI); within which growth management policies shall
17 guide land use activities and uses in areas exposed to impacts generated by Navy operations.

18
19 **** Military Installation Area of Impact Overlay attached as Exhibit 3****

20
21 **Policy 108.2.2**

22 Density and intensity standards and land uses established by the Future Land Use Element and
23 Future Land Use Map (insert DATE) for properties located within the MIAI overlay shall be
24 recognized and allowed to develop to the maximum development potential pursuant to the
25 standards existing on (insert DATE).

26
27 **Policy 108.2.3**

28 Monroe County and Naval Air Station Key West (NASKW) recognize the existing density and
29 intensity, as of DATE, established by the Future Land Use Element and Future Land Use Map
30 for property adjacent to or closely proximate to NASKW. NASKW has indicated that they will
31 not object to the issuance of development orders, within the MIAI, if properties have
32 development rights on Future Land Use Map, Land Use District (Zoning) Map, approved
33 development agreements or Section 380.032, F.S., agreements with the State Land Planning
34 Agency. NASKW may provide comments and suggest measures to mitigate potential impacts.

35
36 **Policy 108.2.4**

37 Existing development located within the MIAI overlay shall be recognized and allowed to
38 redevelop. Further, the property's established density and intensity standards and land uses
39 provided by the Future Land Use Element and Future Land Use Map shall be recognized and
40 allowed to redevelop to the maximum development potential pursuant to the standards existing
41 on (insert DATE).

42
43 **Policy 108.2.5**

44 Monroe County will maintain the Future Land Use Map (FLUM) designations, for any
45 application received after (insert effective DATE), for properties located within the MIAI
46 overlay. FLUM amendments that increase density or intensity within the MIAI overlay received

1 after (insert effective DATE), are not permitted unless Monroe County transmits the requested
2 FLUM amendment to NASKW, pursuant to Policy 108.1.1. The transmittal shall include the
3 below described requirements regarding noise levels. The NASKW commanding officer or his
4 or her designee may provide comments, within 30 days, to Monroe County on the proposed
5 removal from the MIAI requirements.

6
7 Any property owner may submit a scientific study, utilizing option (1) or (2) below, to show that
8 their property is not within a noise zone or land use incompatibility area based on the uses
9 proposed and; therefore, may be excluded from the MIAI by the Board of County
10 Commissioners (BOCC) through a map boundary determination.

11
12 1) The scientific study shall be conducted in accordance with professionally accepted
13 methodology and should be conducted in accordance with the following minimum recommended
14 standards to ensure that the parcel is not within the MIAI because the noise level is <65 DNL:

- 15 • Conduct 10 random (representative) 24 hour measurement surveys
 - 16 ○ A sample of 10 days provides an estimate of the actual yearly Ldn (Day-Night
 - 17 Average Sound Level), accurate to within 1 decibel (dB), with 90 percent confidence
 - 18 ○ Measurements shall be conducted on days when there are active training operations
 - 19 ○ In order to assure "average" conditions over the 10 days, it is required that data be
 - 20 acquired for each direction of airport operation in proportion to the proper (annual)
 - 21 percent
 - 22 ○ Ten (10) representative days is a requirement for estimating the yearly average DNL
- 23 • If a shorter sample is conducted, the method of extrapolation must be carefully documented
- 24 and must demonstrate that the short sample is "representative" of the average operation
- 25 during the day.

26
27 2) Alternatively, any property owner may submit, with a requested FLUM amendment, a noise
28 study that was modeled using the Integrated Noise Model which has been adopted by the FAA as
29 the standard model used for Part 150 studies or NOISEMAP which is used by the Department of
30 Defense for modeling military aircraft noise for Air Installation Compatible Use Zone.
31 The Board may condition a granting of a boundary determination on a waiver of liability against
32 or indemnification of the County by the requesting property owner for any cause of action or
33 claim based upon the current or future uses and operations at NASKW.

34 **Policy 108.2.6**

35 For any application received after (insert effective DATE), within the MIAI overlay, Monroe
36 County will not approve NEW land uses, as demonstrated on the MIAI Land Use Table
37 (permitted uses shown in Column #2), through a Future Land Use Map, Text, overlay or LUD
38 map amendment.

39
40
41 The MIAI Land Use Table provides the Future Land Use Map (FLUM) Categories (Column 1)
42 as of DATE and includes the permitted uses (Column 2), allocated density per acre (Column 3),
43 maximum net density per buildable acre (Column 4), the floor area ratio (Column 5), and
44 corresponding zoning category (Column 6) within each FLUM category located within the MIAI
45 boundary. Further the MIAI Land Use Table provides land uses located within the 65-69 DNL
46 Noise Zone 2 and NASKW's suggested land use compatibility within this noise zone. The table

1 includes land uses allowed (Column 7), land uses allowed with restrictions (Column 8), land uses
2 that are generally incompatible but allowed with exceptions (Column 9) and the land uses that
3 are not compatible and should be prohibited. Column 11 provides notes associated with Columns
4 7, 8, 9 and 10 and indicates that additional land uses may be permitted based upon existing (as of
5 Date) provisions adopted within the Comprehensive Plan.

6
7 ****MIAI Land Use Table attached as Exhibit 4****

8
9 **Policy 108.2.7**

10 Nonresidential land uses expressly allowed within the residential Future Land Use Categories
11 (see Column 11 MIAI Land Use Table) as land uses permitted in the Land Development
12 Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive
13 Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996, shall be
14 recognized through a "Letter of Development Rights Determination" process and transmitted to
15 the State Land Planning Agency.

16
17 **Policy 108.2.8**

18 Within the MIAI overlay, Monroe County may consider requests from property owners for
19 reduction in density and/or intensity or changes in uses that reduce incompatibility of land uses
20 with Goal 108 and associated Objectives and Policies.

21
22 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE**
23 **PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING**
24 **DEVELOPMENT**

25
26 **A. The proposed amendment is consistent with the Goals, Objectives and Policies of the**
27 **Monroe County Year 2010 Comprehensive Plan.**

28
29 **B. The amendment is consistent with the Principles for Guiding Development for the Florida**
30 **Keys Area, Section 380.0552(7), Florida Statute.**

31
32 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
33 with the principles for guiding development and any amendments to the principles, the principles
34 shall be construed as a whole and no specific provision shall be construed or applied in isolation
35 from the other provisions.

36
37 (a) Strengthening local government capabilities for managing land use and development so that
38 local government is able to achieve these objectives without continuing the area of critical
39 state concern designation.

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

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

45 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound
46 economic development.

- 1 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida
2 Keys.
- 3 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural
4 environment, and ensuring that development is compatible with the unique historic character
5 of the Florida Keys.
- 6 (g) Protecting the historical heritage of the Florida Keys.
- 7 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and
8 proposed major public investments, including:
9
- 10 1. The Florida Keys Aqueduct and water supply facilities;
 - 11 2. Sewage collection, treatment, and disposal facilities;
 - 12 3. Solid waste treatment, collection, and disposal facilities;
 - 13 4. Key West Naval Air Station and other military facilities;
 - 14 5. Transportation facilities;
 - 15 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 16 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
17 properties;
 - 18 8. City electric service and the Florida Keys Electric Co-op; and
 - 19 9. Other utilities, as appropriate.
- 20
- 21 (i) Protecting and improving water quality by providing for the construction, operation,
22 maintenance, and replacement of stormwater management facilities; central sewage
23 collection; treatment and disposal facilities; and the installation and proper operation and
24 maintenance of onsite sewage treatment and disposal systems.
- 25 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
26 operation of wastewater management facilities that meet the requirements of ss.
27 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by
28 central wastewater treatment facilities through permit allocation systems.
- 29 (k) Limiting the adverse impacts of public investments on the environmental resources of the
30 Florida Keys.
- 31 (l) Making available adequate affordable housing for all sectors of the population of the Florida
32 Keys.
- 33 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of
34 a natural or manmade disaster and for a postdisaster reconstruction plan.
- 35 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
36 maintaining the Florida Keys as a unique Florida resource.
- 37

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

40

41 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute**
42 **(F.S.). Specifically, the amendment furthers:**

43

44 163.3175(4), F.S. - Each affected local government must transmit to the commanding officer of
45 the relevant associated installation or installations information relating to proposed changes
46 to comprehensive plans, plan amendments, and proposed changes to land development
47 regulations which, if approved, would affect the intensity, density, or use of the land adjacent

1 to or in close proximity to the military installation. At the request of the commanding officer,
2 affected local governments must also transmit to the commanding officer copies of
3 applications for development orders requesting a variance or waiver from height or lighting
4 restrictions or noise attenuation reduction requirements within areas defined in the local
5 government's comprehensive plan as being in a zone of influence of the military installation.
6 Each affected local government shall provide the military installation an opportunity to
7 review and comment on the proposed changes.
8

9 163.3175(5), F.S. - The commanding officer or his or her designee may provide comments to
10 the affected local government on the impact such proposed changes may have on the mission
11 of the military installation. Such comments may include:

- 12 (a) If the installation has an airfield, whether such proposed changes will be incompatible with
13 the safety and noise standards contained in the Air Installation Compatible Use Zone
14 (AICUZ) adopted by the military installation for that airfield;
15 (b) Whether such changes are incompatible with the Installation Environmental Noise
16 Management Program (IENMP) of the United States Army;
17 (c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS)
18 for the area if one has been completed; and
19 (d) Whether the military installation's mission will be adversely affected by the proposed
20 actions of the county or affected local government.

21 The commanding officer's comments, underlying studies, and reports are not binding on the
22 local government.
23

24 163.3175(6), F.S. - The affected local government shall take into consideration any comments
25 provided by the commanding officer or his or her designee pursuant to subsection (4) and
26 must also be sensitive to private property rights and not be unduly restrictive on those rights.
27 The affected local government shall forward a copy of any comments regarding
28 comprehensive plan amendments to the state land planning agency.
29

30 163.3175(7), F.S. - To facilitate the exchange of information provided for in this section, a
31 representative of a military installation acting on behalf of all military installations within
32 that jurisdiction shall be included as an ex officio, nonvoting member of the county's or
33 affected local government's land planning or zoning board.
34

35 163.3175(9), F.S. - If a local government, as required under s. 163.3177(6)(a), does not adopt
36 criteria and address compatibility of lands adjacent to or closely proximate to existing
37 military installations in its future land use plan element by June 30, 2012, the local
38 government, the military installation, the state land planning agency, and other parties as
39 identified by the regional planning council, including, but not limited to, private landowner
40 representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local
41 government comprehensive plan does not contain criteria addressing compatibility by
42 December 31, 2013, the agency may notify the Administration Commission. The
43 Administration Commission may impose sanctions pursuant to s. 163.3184(8). Any local
44 government that amended its comprehensive plan to address military installation
45 compatibility requirements after 2004 and was found to be in compliance is deemed to be in
46 compliance with this subsection until the local government conducts its evaluation and

1 appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to
2 meet updated general law requirements.

3
4 163.3177(6)(a)3.a., F.S. - The future land use plan element shall include criteria to be used to:
5 a. Achieve the compatibility of lands adjacent or closely proximate to military installations,
6 considering factors identified in s. 163.3175(5).

7
8 163.3177(6)(a)11., F.S. - Local governments required to update or amend their comprehensive
9 plan to include criteria and address compatibility of lands adjacent or closely proximate to
10 existing military installations, or lands adjacent to an airport as defined in s. 330.35 and
11 consistent with s. 333.02, in their future land use plan element shall transmit the update or
12 amendment to the state land planning agency by June 30, 2012.

13 14 **V. STAFF RECOMMENDATION**

15
16 Staff recommends approval of the proposed amendments to create Goal 108, Objective 108.1, Policy
17 108.1.1, 108.1.2, 108.1.3, Policy 108.1.4., Policy 108.1.5, Policy 108.1.6, Objective 108.2, Policy
18 108.2.1, Policy 108.2.2, Policy 108.2.3, Policy 108.2.4, Policy 108.2.5, 108.2.6, Policy 108.2.7,
19 Policy 108.2.8 and to create an overlay to the Future Land Use Map Series to establish the Military
20 Installation Area of Impact.

21 22 **VI. PROCESS**

23
24 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
25 Planning Commission, the Director of Planning, or the owner or other person having a contractual
26 interest in property to be affected by a proposed amendment. The Director of Planning shall review
27 and process applications as they are received and pass them onto the Development Review
28 Committee and the Planning Commission.

29
30 The Planning Commission shall hold at least one public hearing. The Planning Commission shall
31 review the application, the reports and recommendations of the Department of Planning &
32 Environmental Resources and the Development Review Committee and the testimony given at the
33 public hearing. The Planning Commission shall submit its recommendations and findings to the
34 Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the
35 transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff
36 recommendation, and the testimony given at the public hearing. The BOCC may or may not
37 recommend transmittal to the Florida Department of Community Affairs (DCA). The amendment is
38 transmitted to DCA, which then reviews the proposal and issues an Objections, Recommendations
39 and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt
40 the amendments, adopt the amendments with changes or not adopt the amendment

41 42 **VII. EXHIBITS**

- 43
44 1. July 11, 2011, Florida Department of Community Affairs (DCA) sent to Mayor Heather
45 Carruthers, regarding military compatibility criteria.
46 2. Summary of August 15, 2011, County meeting with Naval Air Station Key West staff.

- 1 3. Policy 108.2.1 Military Installation Area of Impact Overlay Map
 - 2 4. Policy 108.2.6 MIAI Land Use Table
-



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

RICK SCOTT
Governor

BILLY BUZZETT
Secretary

July 11, 2011

Heather Carruthers, Mayor
Monroe County Board of County Commissioners
530 Whitehead Street
Key West, Florida 33040

Dear Mayor Carruthers:

This letter requests your assistance in the development of military coordination goals, objectives, and policies within the Monroe County Comprehensive Plan. The current Future Land Use Element does not address compatibility of lands adjacent to an existing military installation. During the 2011 legislative session, Section 163.3175, Florida Statutes (FS) (attached) was amended and provides that a local government that does not address compatibility of land proximate to existing military installations in its future land use plan element by June 30, 2012, shall enter into mediation conducted pursuant to s. 186.509, F.S. Mediation would include representatives from the Naval Air Station Key West (NAS Key West), Monroe County, the State Land Planning Agency, and the South Florida Regional Planning Council and potentially, other private land owners.

The Monroe County Land Development Regulations, Section 130-121 (attached) provide guidance regarding compatible uses, however, the regulations are based upon studies conducted by the military in 1977. The maps in use in 1977 were not digitized and were not in geographic information system format.

The 1977 Air Installation Compatible Use Program (AICUZ) was developed by the Department of Defense to provide information and guidance to local governments regarding safety and compatibility of land uses for property adjacent to military installations and to prevent encroachment on military lands and missions. The AICUZ also sought to balance the requirement for adequate aircraft training capabilities at airfields with community concerns about aircraft noise and accident potential generated by the training.

2555 SHUMARD OAK BOULEVARD □ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) □ 850-921-0781 (f) □ Website: www.dca.state.fl.us
□ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) □ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) □
□ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) □

The primary factors of encroachment and compatibility that need to be addressed within the comprehensive plan are the following:

Structure height,
Lighting that would impair pilot vision,
Uses that would generate smoke, steam or dust, or attract birds,
Electronic interference with aircraft communication or navigation,
Noise level reduction for buildings,
Real Estate Disclosures, and
Development is prohibited under the runway, under the clear zone (next to the runway), and under the accident potential zones.

Military bases and activities in Florida provide an important contribution to the State's economy, providing approximately \$536 million in economic impact within Monroe County in 2010. The NAS Key West is a significant fighter pilot training center. The excellent weather conditions and visibility with little competition or delays in obtaining air space make the Naval Air Station a very cost effective training center for jet plane pilots.

The methodology for establishing aircraft noise levels has changed from the "Composite Noise Rating" procedure used in 1977 to a more widely accepted decibel measurement that predicts the impact of noise on a persons' health and welfare. Noise levels are now delineated using the day-night average sound level and Sound Exposure Levels. The noise contours are then presented on a map. Please see Figure 4-3 within the attached study. For land use planning purposes, the noise exposure from aircraft operations is divided into three noise zones ranging between 60-85 decibels.

- Noise Zone 1 includes areas where less than 65 decibels of noise will be achieved and noise attenuation is not required.
- Noise Zone 2 includes 65-75 decibels with a noise level reduction of at least 25 decibels. Normal construction can be expected to provide a noise level reduction of 20 decibels and reduction requirements are stated as 5, 10, and 15 decibels over standard construction and normally assume air conditioning, upgraded Sound Transmission Class (STC) ratings in windows, doors and closed windows. Located within the 65 decibel - noise zone 2 are portions of Cow Key, Raccoon Key (Key Haven), Stock Island and all of Geiger Key.
- Noise Zone 3 is more than 75 decibels and is the most severely impacted area with the highest need for compatible land use controls. Noise Zone 3 includes Geiger Key, East Rockland Key,

Heather Carruthers, Mayor
July 11, 2011
Page 3

and a small portion of Stock Island to the west of Boca Chica Channel. See Figure 6-1. Permanent residential development is discouraged in this zone with the exception of transient lodging that can provide noise level reduction measures.

Table 6-2 of the attached AICUZ provides a list of acceptable manufacturing, trade, transportation, communication and utility related land uses that are acceptable in this zone with noise level reduction measures. These recommended uses are far more expansive than the land uses that have been adopted under the Monroe County Future Land Use Map and Zoning designations.

The most relevant and appropriate data available for the County's analysis is found in the 2007 Air Installation compatible Use Study (AICUZ) which is included within this packet of information.

You will also find within the attached packet a copy of comprehensive plan goals, objectives and policies that have been adopted by local governments within Florida to address military base coordination. I hope the examples will be helpful in examining how other communities have addressed compatibility of land uses adjacent to military installations.

Additionally, Section 380.0552(7), Florida statutes contains the Principles for Guiding Development (attached) for the Florida Keys Area of Critical State Concern. Principle h requires that development be approved in a manner that protects the value, efficiency, cost effectiveness, and amortized life of the Key West Naval Air Station.

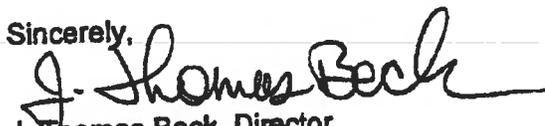
My staff has worked closely with the County's plans examiners and local applicants to ensure that replacement housing applications provide sufficient noise level reduction and sound attenuation to comply with the 2007 decibel requirements. This procedure helps to prevent noise complaints from the home occupants and to avoid the necessity of the Department filing appeals of development to the Florida Land and Water Adjudicatory Commission. Protection of military bases from encroachment is an issue that rises to the level of statewide significance. Figure 7-2 provides a clear map delineating the noise zones. The majority of the land lies within a Noise Zone 2 requiring easily achievable inside sound attenuation.

With the recent legislative changes to Section 163.3175, F.S. and the looming July 2012 deadline, it is of utmost importance that the County review the 2007 Study, evaluate the needed changes to the comprehensive plan and land development regulations, and move forward to resolve military compatibility.

Heather Carruthers, Mayor
July 11, 2011
Page 4

I would like to offer the assistance of Rebecca Jetton to provide technical assistance to your Planning Division and your Citizens Advisory Group regarding this matter. It is very important to the Department that the County moves aggressively to address this matter to forestall a requirement to initiate mediation in July of 2012. The Department stands ready to assist you in developing your military compatibility policies. Please telephone Rebecca at 850 922-1766 for any information that is needed.

Sincerely,



J. Thomas Beck, Director
Division of Community Planning

cc: Monroe County Board of Commissioners
Roman Gastesi, County Manager
Christine Hurley, Planning Director
Captain Lefere, NAS Key West
Gail Kenson, NAS Key West

Enclosure(s)

Heather Carruthers, Mayor
July 11, 2011
Page 5

Excerpts from Ch. 2011-139, Laws of Florida

163.3175 Legislative findings on compatibility of development with Military installations; exchange of information between local governments and military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government. The commanding officer's comments, underlying studies, and reports are not binding on the local government.

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) and must also be sensitive to private property rights and not be unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8)(11). Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.

Monroe County Land Development Regulations

Sec. 130-121. - Air installation compatible use zones overlay (AICUZ).

(a) Generally.

This district provides classifications of property for existing or future military airports and regulates uses around, adjacent, and in the approach zones of military airports in order to:

(1) Establish the control of obstructions and construction of structures affecting navigable airspace in accordance with criteria delineated in volume XI, part 77 in Federal Aviation Regulations, Florida Department of Transportation regulations, and this section; and

(2) Protect military airports against encroachment, to implement appropriate noise abatement strategies, and regulate development and reduce public exposure of community activities, which are not compatible with military airport operations.

(b) Restrictions for military airports.

Privately owned property adjacent to the Naval Air Station, Boca Chica, also known as NAS Key West, shall be developed in accordance with the map prepared by the U.S. Navy known as figure A or as updated by the U.S. Navy. This map was prepared in conjunction with the United States Navy's Air Installation Compatible Use Zone Study (AICUZ). A true copy of figure A is attached hereto and made a part of this subsection.

(1) The land use objectives set forth in figure A and the accompanying land use objectives matrix set forth in figure B were determined by evaluating the airport operations at NAS Key West, in terms of composite noise rating (CNR) zones and accident potential zones (APZ). A copy of figure B is attached hereto and made a part of this subsection.

(2) The land use objective shown in figure A and figure B shall be used in determining the allowable land uses for the various AICUZ. Each land use category was evaluated in terms of compatibility for each land use in terms of density of population, density of structures, explosion

hazards, air pollution height obstructions, accident potential zones, and composite noise rating zones. The evaluation resulted in ratings of:

- a. No new development;
- b. Restricted new development; and
- c. No restrictions.

(3) Land use categories were rated as "restricted new development" if any activity within the category were classified as incompatible. The various AICUZ are coded as follows:

- a. A: Accident potential zone A (APZ-A), the most critical accident potential zone;
- b. B3: Accident potential zone B (APZ-B), the area that has an identifiable accident potential but less than APZ-A, high noise impact, CNR zone 3;
- c. B2: Accident potential zone B (APZ-B) the area has an identifiable accident potential but less than APZ-A, moderate noise impact, CNR zone 2;
- d. C3: Accident potential zone C (APZ-C), the area that is less critical than APZ-B but still may possess potential for accidents; high noise impact, CNR zone 3;
- e. C2: Accident potential zone C, moderate noise impact, CNR zone 2;
- f. C1: Accident potential zone C, low noise impact, CNR zone 1;
- g. C3: No accident potential zone; high noise impact, CNR zone 3; and
- h. C2: No accident potential zone, moderate noise impact, CNR zone 2.

(Reference to Ordinance No. 031-2003, § 2)

Figures A and B referenced in this section are not set out herein.

**Chapter 380.05, F.S.
The Principles for Guiding Development:**

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

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

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

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

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

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

(g) Protecting the historical heritage of the Florida Keys.

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

The Florida Keys Aqueduct and water supply facilities; Sewage collection, treatment, and disposal facilities; Solid waste treatment, collection, and disposal facilities;

Key West Naval Air Station and other military facilities;

Transportation facilities;

Federal parks, wildlife refuges, and marine sanctuaries;

State parks, recreation facilities, aquatic preserves, and other publicly owned properties;

City electric service and the Florida Keys Electric Co. and other utilities, as appropriate.

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

(j) Ensuring the improvement of near shore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of s. 313.381.0065(4)(l) and s. 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

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

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

(m) Providing 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.

(n) Protecting To protect the public health, safety, and Florida Keys as a unique Florida resource.

Monroe County -- Military Compatibility

Comprehensive Plan

Policy 101.4.14 The principal purpose of the Military land use category is to provide for federally owned lands used for military purposes. Development densities and intensities are not subject to regulation by Monroe County. Military commanders will be requested to follow these recommended densities and intensities as specified in Policy 101.4.22, consistent with natural resource constraints as well as all County environmental design criteria.

Policy 101.4.16 The principal purpose of the Airport District land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports.

Policy 104.4.4 Monroe County shall increase its participation in the resource planning of federal and state owned parks, wildlife refuges, military installations and other state or federal properties. Monroe County shall review resource plans, development plans and master plans prepared for these areas, evaluate impacts on historic resources, and submit comments to the appropriate agencies. [9J-5.006(3)(c)8]

Objective 501.5 Monroe County shall coordinate all aviation or related facilities with the plans of the Federal Aviation Administration, military services, resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, the Florida Department of Transportation 5-Year Plan, and the Continuing Florida Aviation System Planning Process as adopted. [9J-5.009(3)(b)3]

Policy 501.5.4 Monroe County shall coordinate expansions and operation of the Key West airport with the U.S. Navy.

Policy 501.5.5 Monroe County shall seek joint use of the Boca Chica Naval Air Station or its preservation as a public airport if the U.S. Navy ceases to operate the base.

Policy 1201.8.3 Monroe County, through the Planning Department, Land Authority and/or Public Facilities Maintenance staff, shall continue to coordinate with the U.S. Navy to determine the potential for use of Navy-owned lands for activity-based and/or resource-based neighborhood and community parks. Through negotiations, the County shall encourage the construction of new recreational facilities on Navy-owned lands, and shall strive to secure the use of new facilities for County residents. The County shall also review and comment on the plans for any new facilities proposed for use by County residents. If necessary, the County shall enter into an interlocal agreement with the U.S. Navy. [9J-5.014(3)(c)2 and 5]

Policy 1301.4.5 Monroe County shall coordinate all aviation or related facilities with the plans of the Federal Aviation Administration, military services, resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, the Florida Department of Transportation 5-Year Plan, and the Continuing Florida Aviation System Planning Process as adopted. [9J-5.015(3)(b)3]

Policy 1301.4.8 Monroe County shall coordinate expansions and operation of the Key West airport with the U.S. Navy.

**MILITARY INFLUENCE AREAS
COMPREHNSIVE PLAN POLICIES**
(Compiled by WB; last updated 3/10/2009)

BAY COUNTY
(Proposed)

Policy 3.12.3 The County shall notify the commanding officers (or their appointed representatives) of Tyndall Air Force Base and Naval Support Activity Panama City of any development proposals which meet or exceed the standards provided in Chapters 17 and 18 of the Bay County Land Development Regulations which are proposed within one-quarter mile of said facilities and shall consider their input and concerns during its review of such development proposals. The County

[NOTE: ORC objection that one-quarter miles is too small and not based on any data and analysis.]

BRADFORD COUNTY
(Amendment 07-11R, Ordinance 06-34, 10/19/2006)

Objective 1.15 The County shall assist in maintaining the current and long term viability of the Camp Blanding Joint Training Center by coordinating with Camp Blanding Joint Training Center so that development within the Camp Blanding Military Zone as depicted on the Future Land Use Plan Map will minimize the impacts to the current and long term uses of the Camp Blanding Joint Training Center.

[NOTE: The CBMZ is generally three (3) miles wide.]

BREVARD COUNTY
(Adopted by Ordinance 08-31 on 8/28/08; Amendment 08-1)

Policy 16.1 Brevard County shall transmit to the Commanding Officer of PAFB information relating to proposed changes to the Comprehensive Plan, plan amendments, and proposed changes to land development regulations which, if approved, would affect the density, intensity or use of land on Merritt Island south of the Pineda Causeway.

ESCAMBIA COUNTY
(Adopted by Ordinance 2004-78 on 12/9/04; Amendment 04-MI-1)

Policy 7.A.9.1: Create Airfield Influence Planning Districts

The County shall provide for Airfield Influence Planning Districts (AIPD) as a means of addressing encroachment, creating a buffer to lessen impacts from and to property owners and protecting the health, safety and welfare of citizens living in close proximity to the bases. The districts and the recommended conditions for each are as follows:

A. Airfield Influence Planning District -1 (AIPD-1): includes the current Clear Zones, Accident Potential Zones and noise contours of 65 Ldn and higher, (where appropriate) as well as other areas near and in some cases abutting the airfield. Conditions recommended for the AIPD-1 districts are:

1. Density restrictions and land use regulations to maintain compatibility with airfield operations; and
2. Mandatory referral of all development applications to local Navy officials for review and comment within ten working days; and
3. Required dedication of aviation easements to the county for subdivision approval and building permit issuance; and
4. Required sound attenuation of buildings with the level of sound protection based on noise exposure; and
5. Required disclosure for real estate transfers.

B. Airfield Influence Planning District -2 (AIPD-2): Includes land that is close enough to the airfield that it may affect, or be affected by, airfield operations. Conditions recommended for the AIPD-2 districts are:

1. Mandatory referral of all development applications to local Navy officials for review and comment within ten working days; and
2. Required dedication of aviation easements to the county for subdivision approval and building permit issuance; and
3. Required sound attenuation of buildings with the level of sound protection based on noise exposure; and
4. Required disclosure for real estate transfers; and
5. Discouragement of property re-zonings that result in increased residential densities in excess of JLUS recommendations.

The three installations in Escambia County, Naval Air Station Pensacola (NASP), Navy Outlying Field (NOLF) Sauley and NOLF Site 8, are each utilized differently. Therefore, the size and designations of the AIPD Overlays vary according to the mission of that particular installation. Article 11, "Airport/Airfield Environs" in the Escambia County Land Development Code details and implements these recommendations.

HIGHLANDS COUNTY

(Adopted by Ordinance 05-06-53 on 9/12/06, Amendment 06-1)

Policy 13.1 MILITARY AIRPORT ZONES (MAZ)

- A. Land development Regulations will be adopted to implement the funding of a Joint Land Use Study (JLUS). Upon completion of the Joint Land Use Study (JLUS), the County will consider adopting amendments for the following:

The County will establish Military Airport Zones (MAZ) that will serve as overlay districts, within which growth management policies and regulatory techniques shall guide land use activities and construction in a manner compatible with the long-term viability of airports and military installations and the protection of public health and safety.

- B. For Avon Park Air Force Range, the MAZ boundaries will encompass all Air Installation Compatible Use Zones (AICUZ) and noise zones adopted by the military installation.
- C. MAZ boundaries will appear on the Future Land Use Map Series.

HOMESTEAD

(Proposed Amendment 08-21R, ORC (no objections) issued on 11/10/09)

Policy 13.1 Adopt the Homestead Air Reserve Base Military Zone (HARBMZ) as an overlay of the Future Land Use Map. The HARBMZ is to consist of a series of sub-areas of geographic concern around the HARB: including noise contours of 65 DNL or higher; Clear Zones, Accident Potential Zones I and Accident Potential Zones II.

JACKSONVILLE-DUVAL COUNTY

(Adopted by Ordinance 2008-796-F on 9/23/08, Amendment 08-2RA)

Transportation Element Definitions:

Military Influence Zones:

Known as Airport Notice Zones in the Land Development Regulations. They encompass all lands within accident potential zones, the light regulation zone (OLF Whitehouse only), the 60-64.99 DNL noise contour, and the one hundred fifty (150) foot Height and Hazard Zone or inner horizontal and conical surface zones as shown on Map L-22 within the Future Land Use Element. They apply to NAS Jacksonville, NS Mayport and OLF Whitehouse.

LAKE COUNTY

(draft approved by LPA on 1/30/2009)

Policy 6.4.2 Area of Influence

The County hereby establishes those portions of Lake County underlying the Range including areas within the Ocala National Forest, as an Overlay District in the Future Land Use Map Series. The Pinecastle MOA Overlay District (Pinecastle MOA) shall be depicted in the Future Land Use Map Series. The Pinecastle MOA is the area of the County within which review comments on proposed Comprehensive Plan amendments, proposed Land Development Regulations changes, development orders and permits will be sought from the Military. Within the Pinecastle MOA, the County will apply growth management policies and regulatory techniques to guide land use activities and construction in a manner compatible with the long-term viability of the facility and the protection of public health and safety.

MARION COUNTY

(Proposed Amendment 06-1, ORC (no objections) issued on 7/10/06)

Policy 7.2: The County shall ensure that future development within the adopted Military Operating Area will not negatively impact current and long-term use of the military installation, will promote health and welfare by limiting incompatible land uses, and allow compatible land uses within such areas.

- a. A Military Operating Area shall be established as an overlay district, around existing military installations to include the following:[Palatka 1 and 2 MOAs]

MEXICO BEACH

(Adopted by Ordinances No. 512 and 513 on 9/12/06; does not address entire city; Amendment 06-1)

Policy 1.1.5(B): The following sub-area policies shall apply to the 550-acre property referenced in the comprehensive plan amendment which was adopted by the City through Ordinance #513 on September 12, 2006: ...

OKALOOSA COUNTY

(Adopted by Ordinance 05-84 on 9/6/2005, Amendment 05-1)

Policy 13.1: There is hereby established the "Eglin AFB North Encroachment Protection Zone" (ENEPZ) as a special overlay zone on the Future Land Use Map (FLUM). The area included in the ENEPZ shall be all lands and waters situated between Interstate 10 (I-10) south to the northern boundary of Eglin AFB.

PARKER

(Adopted by Ordinance 07-316 on 5/29/07, Amendment 07-R1)

Policy 1.1.7: The City shall incorporate by reference the then current version of Air Installation Compatible Use Zone (AICUZ) map for Tyndall Air Force Base as an overlay on the Future Land Use Map.

PUTNAM COUNTY

(Proposed Amendment 07-111: ORC (objections) Issued 11/21/07)

Policy A.1.10.6: The County shall ensure that future development within areas of Restricted Airspace, as shown on the FLUM, will not negatively impact current and long-term use of existing military installations in or near Putnam County, will promote health and welfare by limiting incompatible land uses, and allow compatible land uses within the designated area in the following manner:

a. The County shall review proposed changes to the Comprehensive Plan, plan amendments and proposed changes to land development regulations within the Military Operating Area of the Jacksonville Bombing Range Complex as shown on the FLUM, associated areas of Restricted Airspace near bombing ranges as shown on the FLUM, and the Restricted Airspace associated with Camp Blanding as shown on the FLUM, for compatibility with the current and long-term viability of the existing military facilities. All such land use requests shall be referred to the designated military officials for review and comment.

SANTA ROSA COUNTY

(Adopted by Ordinance 2005-05 on 3/30/05; Amendment 05-M1)

Policy 3.3.A.1: The County hereby establishes military airport zones (MAZ) and public airport zones (PAZ) that will serve as overlay districts, within which growth management policies and regulatory techniques shall guide land use activities and construction in a manner compatible with the long-term viability of airports and military installations and the protection of public health and safety.

For Naval Air Station Whiting Field North and South, and for Naval Outlying Landing Fields Spencer, Harold, Santa Rosa, Holley, and Pact, the MAZ boundaries extend approximately one half mile from the perimeter of each airfield and encompass all Air Installation Compatible Use Zones (AICUZ) and noise zones. For NOLF Choctaw, MAZ boundaries encompass that area west of State Road 87, north and east of East Bay, and south of the Yellow River.

For Peter Prince Airport, the PAZ boundaries extend one half mile from the runway.



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

To: Christine Hurley, AICP, Growth Management Director
From: Mayté Santamaria, Assistant Director of Planning & Environmental Resources
Date: August 24, 2011
Subject: Summary of August 15, 2011 Meeting with Naval Air Station Key West

Summary our discussions with Naval Air Station Key West (NASKW) on August 15 2011:

1. County staff received an overview of the military installation operations.
2. NASKW identified the concerns and desired outcomes related to military compatibility

NASKW staff:

1. For new development:
 - a. would accept existing density and intensity of the Future Land Use Map, with the corresponding text, with sound attenuation
 - b. would not ask Monroe County to deny permits for any development, within AICUZ or noise contours if properties have development rights on Future Land Use Map or Land Use District (Zoning) Map.
2. For redevelopment:
 - a. would accept existing density and intensity of the Future Land Use Map, with the corresponding text, with sound attenuation
 - b. would not ask Monroe County to deny permits for any development, within AICUZ or noise contours if properties have development rights on Future Land Use Map or Land Use District (Zoning) Map.
3. Would be willing to support the following land use compatibility strategies that Monroe County could adopt as Comprehensive Plan policies:
 - a. Monroe County would not approve Future Land Use Map amendments that would INCREASE density or intensity within 65 DNL and above.
 - b. Within a designated Area of Military Influence, Monroe County would not approve NEW USES (over and above those already permitted) which are individually excluded from a noise zone within the (Table 6-2) 2007 AICUZ, that are not already permitted within a

Future Land Use Category or Land Use District (LUD) category, through a Future Land Use Map, Text, overlay or LUD map amendment.

4. Related to sound attenuation disclosure: NASKW will be providing information on disclosures other communities make related to noise zones. Once the County receives this information, the County will review together and determine how that could work

To determine #3B above, Monroe County staff would need to take the Noise Zone Contours and create a table within each noise zone that demonstrates each FLU category and LUD category with permitted use information.

For example:

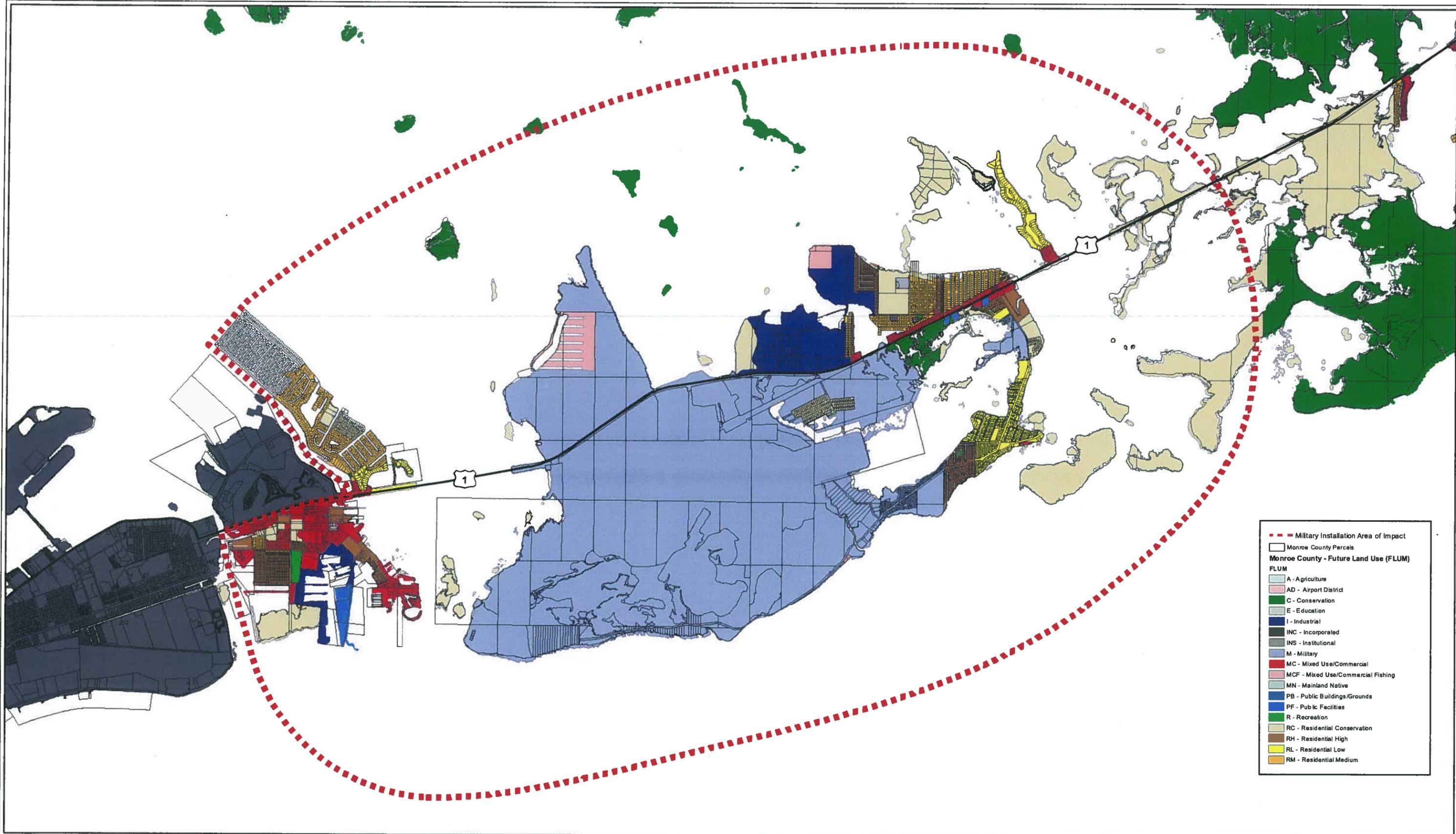
Noise Zone	FLU Residential Low	FLU Industrial	LUD Suburban Residential	LUD Maritime Industrial	Uses within table 6-2 not permitted within each noise zone (over and above those permitted in the FLUM/LUD)
1	Uses Permitted: 1. Residential 2. Public 3. Institutional 4. Vested existing uses from 1996	Uses Permitted: 1. Manufacturing 2. Warehouse 3. Distribution 4. Commercial 5. Public 6. Residential 7. Commercial Fishing	Etc.	Etc.	X, Y, Z,

NASKW will provide the following:

1. August 15, 2011 Meeting slide show
2. Noise Study Navy used to develop 2007 AICUZ (if it can be released)
3. EA Correctness finding (DODIG)
4. Map showing geographic area impacts [decreases and increases] (1977 AICUZ to 2007 AICUZ)
5. Escambia County and other area disclosure examples
6. Table 6-2 from the 2007 AICUZ in Excel format
7. Inventory of Navy owned land within 80 DNL and 85DNL (maps and ownership – if not Navy owned, provide property owner information)
8. 1979 resolution where County required disclosure in Big Coppitt

Monroe County will provide the following:

1. 2003 Ordinance when 1977 AICUZ boundary and land use table was amended to determine differences.



- Military Installation Area of Impact
- Monroe County Parcels
- Monroe County - Future Land Use (FLUM)**
- FLUM
- A - Agriculture
- AD - Airport District
- C - Conservation
- E - Education
- I - Industrial
- INC - Incorporated
- INS - Institutional
- M - Military
- MC - Mixed Use/Commercial
- MCF - Mixed Use/Commercial Fishing
- MN - Mainland Native
- PB - Public Buildings/Grounds
- PF - Public Facilities
- R - Recreation
- RC - Residential Conservation
- RH - Residential High
- RL - Residential Low
- RM - Residential Medium

**Military Installation Area of Impact and
Monroe County Future Land Use**



This map is for Monroe County Growth Management Division Purposes only. The data contained herein is illustrative and may not accurately depict boundaries, parcels, roads, right of ways, or identification information. These maps are to serve as a general reference and information contained herein should always be checked and confirmed by Growth Management Division staff before commencing any decisions based on this information.

Data Source: US NAS Key West
Monroe County - Growth Management - GIS



Not to Scale

Policy 108.2.6 MIAI Land Use Table

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (65-69 DNL Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAR)	Corresponding Zoning Categories	Uses Allowed in MIAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes
N/A	N/A	N/A	N/A	N/A	N/A	Food & kindred products; manufacturing Textile mill products; manufacturing Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing Lumber and wood products (except furniture); manufacturing Furniture and fixtures; manufacturing Paper and allied products; manufacturing Printing, publishing, and allied industries Chemicals and allied products; manufacturing Petroleum refining and related industries Rubber and misc. plastic products; manufacturing Stone, clay and glass products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade – building materials, hardware and farm equipment Retail trade – shopping centers Retail trade - food Retail trade – automotive, marine craft, aircraft and accessories Retail trade – apparel and accessories Retail trade – furniture, home, furnishings and equipment Retail trade – eating and drinking establishments Other retail trade	Government Services Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Parks Other cultural, entertainment and recreation Agriculture (except live stock) Livestock farming Animal breeding Agriculture related activities Forestry Activities Hospitals, other medical fac. Educational services Cultural activities (& churches) Auditoriums, concert halls	Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells, Amphitheaters	Navy Suggested Land Use Compatibility for the 65-69 DNL Noise Zone 2
Military	federally owned lands used for military purposes	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50	Military Facilities	Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities	Government Services	Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes		
Public Facilities	land owned by public utilities and service providers	0 du 0 rooms/spaces	N/A N/A	0.10-0.30	no directly corresponding zoning	Communication Utilities Other transportation, communication and utilities	Government Services			
Institutional	institutional uses by federally tax-exempt, non-profit facilities; and related residential and non-residential uses, including student and employee housing shall be allowed	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40	no directly corresponding zoning		Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Parks Other cultural, entertainment and recreation Hospitals, other medical fac. Educational services Cultural activities (& churches) Auditoriums, concert halls	Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells, Amphitheaters	

Policy 108.2.6 MIAI Land Use Table

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (65-69 DNL Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAR)	Corresponding Zoning Categories	Uses Allowed in MIAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)*	Uses Not Compatible & should be Prohibited	Notes
Recreation	public and private activity-based and resource-based recreational facilities	0.25 du 2 rooms/spaces	N/A N/A	0.20	Park & Refuge district	Highway and street right-of-way Automobile parking Retail trade – eating and drinking establishments	Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Parks Other cultural, entertainment and recreation Animal breeding Educational services Cultural activities (& churches) Auditoriums, concert halls	Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential	Outdoor music shells Amphitheaters	Zoning district category may identify additional uses, not described within the FLUM category
Conservation	preservation of natural and historic resources; compatible passive recreational uses; and public uses	0 du 0 rooms/spaces	N/A N/A	0.05	Conservation district		Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Parks Other cultural, entertainment and recreation Animal breeding Educational services			Zoning district category may identify additional uses, not described within the FLUM category
Industrial	industrial, manufacturing, and warehouse and distribution uses; and other commercial, public, residential, and commercial fishing-related uses are also allowed	1 du 0 rooms/spaces	2 du N/A	0.25-0.60	1. Industrial district 2. Maritime Industries district	Food & kindred products; manufacturing Textile mill products; manufacturing Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing Lumber and wood products (except furniture); manufacturing Furniture and fixtures; manufacturing Paper and allied products; manufacturing Printing, publishing, and allied industries Chemicals and allied products; manufacturing Petroleum refining and related industries Rubber and misc. plastic products; manufacturing Stone, clay and glass products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade – building materials, hardware and farm equipment Retail trade – shopping centers Retail trade - food Retail trade – automotive, marine craft, aircraft and accessories Retail trade – apparel and accessories Retail trade – furniture, home, furnishings and equipment Retail trade – eating and drinking establishments Other retail trade	Government Services	Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Mobile home parks or courts Other residential Nursing Homes		Zoning district category may identify additional uses, not described within the FLUM category

Policy 108.2.6 MIAI Land Use Table

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (65-69 DNL Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAR)	Corresponding Zoning Categories	Uses Allowed in MIAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)*	Uses Not Compatible & should be Prohibited	Notes
Mixed Use/Commercial	commercial zoning districts where various types of commercial retail and office may be permitted; employee housing and commercial apartments are also permitted; and mixed use development patterns - various types of residential and non-residential uses may be permitted	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45	1. Recreational Vehicle district 2. Suburban Commercial district 3. Mixed Use district	Retail trade – building materials, hardware and farm equipment Retail trade – shopping centers Retail trade - food Retail trade – automotive, marine craft, aircraft and accessories Retail trade – apparel and accessories Retail trade – furniture, home, furnishings and equipment Retail trade – eating and drinking establishments Other retail trade	Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Other cultural, entertainment and recreation Cultural activities (& churches) Auditoriums, concert halls	Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells, Amphtheaters	Zoning district category may identify additional uses, not described within the FLUM category
Mixed Use/Commercial Fishing	commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry; and residential uses are also permitted.	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40	Commercial Fishing Area district	Food & kindred products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Rubber and misc. plastic products; manufacturing Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade - food Retail trade – eating and drinking establishments Other retail trade		Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Mobile home parks or courts Other residential		Zoning district category may identify additional uses, not described within the FLUM category
Residential Conservation	very low-density residential development; and low-intensity public uses and utilities are also allowed	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10	1. Offshore Island district 2. Native Area district	Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities		Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Other residential		There may be other uses based upon LDC. Any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

Policy 108.2.6 MIAI Land Use Table

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (66-69 DNL Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAR)	Corresponding Zoning Categories	Uses Allowed in MIAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes
Residential High	high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0	1. Urban Residential - Mobile Home district 2. Urban Residential - Mobile Home - Limited District			Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes		There may be other uses based upon LDC. Any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.
Residential Medium	one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0	Improved Subdivision district			Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator		There may be other uses based upon LDC. Any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.
Residential Low	low-density residential development in partially developed areas with substantial native vegetation; and low intensity public and low intensity institutional uses are also allowed.	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25	1. Sparsely Settled district 2. Suburban Residential district			Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator		There may be other uses based upon LDC. Any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

Policy 108.2.6 MIAI Land Use Table

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (65-69 DNL Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAR)	Corresponding Zoning Categories	Uses Allowed in MIAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes

2007 AICUZ Study Table 6-2 notes:

*Uses Allowed with Restrictions. The land use and related structures are generally compatible.

Note 1

a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.

b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.

c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.

d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

Note 7

Land use compatible provided special sound reinforcement systems are installed.

Note 8

Residential buildings require a NLR of 25

Note 25, 30 or 35

The numbers refer to Noise Level Reduction levels. Land Use and related structures generally compatible however, measures to achieve NLR of 25, 30 or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.

**Uses Generally Incompatible (allowed with exceptions). The land use and related structures are generally incompatible

Note 1

a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.

b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.

c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.

d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

NLR (Noise Level Reduction) Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

Navy Suggested Land Use Compatibility for the 65-69 DNL Noise Zone 2			
Uses Allowed in MIAI (Y on Table 6-2)	Uses Allowed with Restrictions (Y1, Y7, Y8 and 25 on Table 6-2)	Uses Generally Incompatible (allowed with exceptions) (N1 on Table 6-2)	Uses Not Compatible & Should be Prohibited (N on Table 6-2)
Food & kindred products; manufacturing Textile mill products; manufacturing Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing Lumber and wood products (except furniture); manufacturing Furniture and fixtures; manufacturing Paper and allied products; manufacturing Printing, publishing, and allied industries Chemicals and allied products; manufacturing Petroleum refining and related industries Rubber and misc. plastic products; manufacturing Stone, clay and glass products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade – building materials, hardware and farm equipment Retail trade – shopping centers Retail trade - food Retail trade – automotive, marine craft, aircraft and accessories Retail trade – apparel and accessories Retail trade – furniture, home, furnishings and equipment Retail trade – eating and drinking establishments Other retail trade	Government Services Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Parks Other cultural, entertainment and recreation Agriculture (except live stock) Livestock farming Animal breeding Agriculture related activities Forestry Activities Hospitals, other medical fac. Educational services Cultural activities (& churches) Auditoriums, concert halls	Household Units Single units: detached Single units: semidetached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells, Amphitheatres