

County of Monroe

Planning & Environmental Resources Department

Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners:

Mayor Heather Carruthers, District 3
Mayor Pro Tem Michelle Coldiron, District 2
Craig Cates, District 1
David Rice, District 4
Sylvia J. Murphy, District 5

We strive to be caring, professional, and fair

SENT VIA US CERTIFIED MAIL #7019 0140 0001 1221 7055

July 17, 2020

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Community Planning and Development
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, FL 32399

RE: Monroe County Year 2030 Comprehensive Plan (Proposed Amendments)– Transmittal

Dear Mr. Eubanks,

Pursuant to Chapter 163.3184(4), Florida Statutes, the Monroe County Planning Department acting within the jurisdictions of the Florida Keys Area of Critical State Concern (designated pursuant to Section 380.05, F.S.), hereby transmits one (1) hard copy and two (2) compact disks of the proposed amendments to the Monroe County Year 2030 Comprehensive Plan. These amendments are subject to the State Coordinated Review Process, Section 163.3184(4), Florida Statutes, and the County requests the State Land Planning Agency to formally review the proposed Comprehensive Plan amendments.

Copies of the entire amendment packages, including the supporting data and analysis, are also being provided to the South Florida Regional Planning Council, Department of State Florida Bureau of Historic Preservation, Florida Fish and Wildlife Conservation Commission, Department of Agriculture and Consumer Services, Florida Department of Environmental Protection, Florida Department of Transportation, United States Navy (Naval Air Station Key West – Boca Chica), South Florida Water Management District, City of Key Colony Beach, Village of Islamorada, City of Layton, City of Marathon and the City of Key West.

The following table summarizes the items in the proposed amendment package:

Amendment Name	Description	PC Hearing Date	BOCC Transmittal Hearing Date	BOCC Adoption Hearing Date
RESOLUTION NO. 185-2020	A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICIES 101.3.1, 101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW THE INTERCHANGEABILITY OF MOBILE HOME AND RV USES WITHIN VENTURE OUT ON CUDJOE KEY, AND ELIMINATING THE POSSIBILITY TO TRANSFER ROGO EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS OUTSIDE OF THE VENTURE OUT COMMUNITY, AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF VENTURE OUT AT CUDJOE CAY CONDOMINIUM ASSOCIATION	05/27/2020	06/17/2020	Tent. Sept. 2020

Thank you in advance for your timely review of these materials. Should you have any questions about the proposed amendments, please contact Cheryl Cioffari, Assistant Director of Planning at (305) 407-0924 or cioffari-cheryl@monroecounty-fl.gov.

Sincerely,



Cheryl Cioffari, AICP
Assistant Director of Planning

Enclosures

Cc: Comprehensive Plan Review, Department of Agriculture and Consumer Services
Plan Review, Florida Department of Environmental Protection
Deena Woodward, Florida Department of State, Bureau of Historic Preservation
Scott Sanders, Florida Fish and Wildlife Commission
Kenneth Jeffries, Florida Department of Transportation
Isabel Cosio Carballo, South Florida Regional Planning Council
Terry Manning, South Florida Water Management District

Karen Taporco, United States Navy, Naval Air Station
Ty Harris, Planning Director, Village of Islamorada
Rebecca Todd, City of Key Colony Beach
Katie Halloran, Planning Director, City of Key West
George Garrett, Planning Director, City of Marathon
Bruce Halle, City of Layton
Board of County Commissioners (w/o enclosures)
Bob Shillinger, County Attorney (w/o enclosures)
Roman Gastesi, County Administrator (w/o enclosures)
Christine Hurley, Assistant County Administrator (w/o enclosures)
Emily Schemper, Senior Director of Planning & Environmental Resources (w/o enclosures)



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7 **MONROE COUNTY, FLORIDA**
8 **BOARD OF COUNTY COMMISSIONERS**
9 **RESOLUTION NO. 185 - 2020**
10

11
12 **AN ORDINANCE BY THE MONROE COUNTY BOARD OF**
13 **COUNTY COMMISSIONERS AMENDING POLICIES 101.3.1,**
14 **101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030**
15 **COMPREHENSIVE PLAN TO ALLOW THE**
16 **INTERCHANGEABILITY OF MOBILE HOME AND RV USES**
17 **WITHIN VENTURE OUT ON CUDJOE KEY, AND**
18 **ELIMINATING THE POSSIBILITY TO TRANSFER ROGO**
19 **EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS**
20 **OUTSIDE OF THE VENTURE OUT COMMUNITY, AS**
21 **PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF VENTURE**
22 **OUT AT CUDJOE CAY CONDOMINIUM ASSOCIATION;**
23 **PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL**
24 **OF CONFLICTING PROVISIONS; PROVIDING FOR**
25 **TRANSMITTAL TO THE STATE LAND PLANNING AGENCY**
26 **AND THE SECRETARY OF STATE; PROVIDING FOR**
27 **INCLUSION IN THE MONROE COUNTY COMPREHENSIVE**
28 **PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-066)**
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32 **WHEREAS,** the Monroe County Board of County Commissioners conducted a public
33 hearing for the purpose of considering the transmittal pursuant to the State Coordinated Review
34 Process in Sec. 163.3184(4), F.S., to the State Land Planning Agency for objections,
35 recommendations and comments, and to the other Reviewing Agencies as defined in Sec.
36 163.3184(1)(c), F.S., for review and comment on a proposed amendment to the Monroe County
37 Year 2030 Comprehensive Plan as described above; and
38

39 **WHEREAS,** the Monroe County Planning Commission and the Monroe County Board
40 of County Commissioners support the requested text amendment;
41

42 **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
43 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**
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Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission to transmit the draft ordinance, attached as Exhibit A, for adoption of the proposed text amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment to the State Land Planning Agency for review and comment in accordance with the State Coordinated Review process pursuant to Section 163.3184(4), Florida Statutes.

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of Section 163.3184(4), Florida Statutes.

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 17th day of June, 2020.

Mayor Heather Carruthers, District 3	<u>Yes</u>
Mayor Pro Tem Michelle Coldiron, District 2	<u>Yes</u>
Commissioner Craig Cates, District 1	<u>Yes</u>
Commissioner David Rice, District 4	<u>Yes</u>
Commissioner Sylvia Murphy, District 5	<u>Yes</u>

FOR RECORD
JUL 14 PM 1:58
CLERK OF BOARD
MONROE COUNTY FLA

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY *Heather Carruthers*
MAYOR HEATHER CARRUTHERS



CLERK: KEVIN MADOK, CLERK

Kevin Madok
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
St. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 5/29/20



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. -2020

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICIES 101.3.1, 101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW THE INTERCHANGEABILITY OF MOBILE HOME AND RV USES WITHIN VENTURE OUT ON CUDJOE KEY, AND ELIMINATING THE POSSIBILITY TO TRANSFER ROGO EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS OUTSIDE OF THE VENTURE OUT COMMUNITY, AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF VENTURE OUT AT CUDJOE CAY CONDOMINIUM ASSOCIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-066)

WHEREAS, on April 11, 2019, the Planning and Environmental Resources Department received an application from Barton W. Smith of Smith/Hawks PL (the "Agent") on behalf of Venture Out at Cudjoe Cay Condominium Association (the "Applicant,") to amend the Monroe County Land Development Code Section 114-67 to allow for alternate parking off-street parking requirements specific to Venture Out and amending Section 138-22 and to allow the interchangeability of mobile homes and RVs within Venture Out; and

WHEREAS, on June 26, 2019, the Applicant submitted a revised application with additional information and provided supplemental information on October 22, 2019;

WHEREAS, on February 11, 2020, the Applicant submitted a revised application (the "Application"), replacing the proposed text amendment to the LDC with a proposed text amendment to the 2030 Monroe County Comprehensive Plan (the "Comprehensive Plan");

WHEREAS, the Applicant is proposing to amend Comprehensive Plan Policy 101.3.1 to allow the interchangeability of mobile homes and RVs within Venture Out and eliminating the

1 possibility to transfer ROGO exemptions from Venture Out to other locations outside of the
2 Venture Out community;

3
4 **WHEREAS**, the proposed amendment may impact Comprehensive Plan Policies 101.3.5
5 and 101.3.8 and therefore staff is recommending changes to the proposed amendment to ensure
6 internal consistency with the adopted Comprehensive Plan;

7
8 **WHEREAS**, the Monroe County Development Review Committee (DRC) reviewed and
9 considered the proposed amendment at a regularly scheduled meeting held on May 26, 2020; and

10
11 **WHEREAS**, the Monroe County Planning Commission held a public hearing on May 27,
12 2020, for review and recommendation of approval with changes as discussed during the hearing
13 on the proposed Comprehensive Plan text amendment; and

14
15 **WHEREAS**, based upon the information and documentation submitted, the Planning
16 Commission made the following Findings of Fact and Conclusions of Law:

- 17 1. The proposed amendment is consistent with the Goals, Objectives and Policies of the
18 Monroe County Year 2030 Comprehensive Plan; and
- 19 2. The proposed amendment is consistent with the Principles for Guiding Development
20 for the Florida Keys Area of Critical State Concern, Sec. 380.0552(7), F.S.; and
- 21 3. The proposed amendment is consistent with Part II of Chapter 163, Florida Statute;
- 22 4. The proposed amendment will not result in an adverse change in community character
23 to the sub-area which a proposed amendment affects or to any area in accordance with
24 the Lower Keys Livable CommuniKeys master plan pursuant to findings of the BOCC;
25 and

26
27 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P12-20
28 recommending approval with changes as discussed during the hearing of the proposed amendment.
29 The Planning Commission's recommended additions to the changes are as follows:

- 30
31 1. Venture Out Condominium Association shall provide an annual report to Monroe
32 County by June 1st to identify the number of RVs, locations (parcel IDs) and property
33 owners, and a copy of the notification provided to the RV's parcels regarding the
34 mandatory evacuation provisions in the County and the Venture Out
35 Community. Additionally, the Venture Out Condominium Association shall provide
36 reports to Monroe County after each major hurricane (Category 3—5), within 30 days of
37 the storm event, that identify the owners and parcels with RVs that did not evacuate.
38 Venture Out Community authorizes Monroe County to conduct all necessary site visits and
39 inspections on the subject property; and
- 40
41 2. Any parcel with a permitted RV on the parcel that is not removed and evacuated with
42 a mandatory evacuation, shall be restricted from having a Recreational Vehicle as a
43 permitted as of right use and shall be required to remove the RV and may apply for building
44 permits for a mobile home use. The Venture Out Condominium Association shall track and
45 annually report to Monroe County of the non-compliant properties. Monroe County shall

1 execute a deed restriction on such parcel(s) eliminating RV uses on such parcel(s),
2 subsequent to a finding of violation by the Monroe County Code Compliance Special
3 Magistrate;
4

5 **WHEREAS**, at a regular meeting held on the 17th day of June, 2020, the Monroe County
6 Board of County Commissioners held a public hearing to consider the transmittal of the proposed
7 text amendment, considered the staff report and provided for public comment and public
8 participation in accordance with the requirements of state law and the procedures adopted for
9 public participation in the planning process; and
10

11 **WHEREAS**, at the June 17, 2020, public hearing, the BOCC considered the proposed
12 Ordinance and transmitted the proposed text amendment to the State Land Planning Agency; and
13

14 **WHEREAS**, the State Land Planning Agency reviewed the amendment and issued an
15 Objections, Recommendations and Comments (ORC) report on _____, 20____, received by
16 the County on _____, 20____; and
17

18 **WHEREAS**, the ORC report [did / did not] identify any objections, recommendations or
19 comments; and
20

21 **WHEREAS**, the County has 180 days from the date of receipt of the ORC to adopt the
22 proposed amendment, adopt the amendment with changes or not adopt the amendment; and
23

24 **WHEREAS**, at a regularly scheduled meeting on the ____ day of _____, 20____, the
25 BOCC held a public hearing to consider adoption of the proposed Comprehensive Plan text
26 amendment;
27

28 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
29 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**
30

31 **Section 1.** The text of the Monroe County Comprehensive Plan is hereby amended as follows
32 (Deletions are shown ~~strike through~~; additions are shown underlined):
33

34 *****

35 **Objective 101.3**

36 Monroe County shall regulate new residential development based upon the finite carrying capacity
37 of the natural and man-made systems and the growth capacity while maintaining a maximum
38 hurricane evacuation clearance time of 24 hours.
39

40 **Policy 101.3.1**

41 Monroe County shall maintain a Permit Allocation System for new residential development known
42 as the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall

Ord ____-20____
File 2019-066

1 limit the number of permits issued for new residential dwelling units. The ROGO allocation system
2 shall apply within the unincorporated area of the county, excluding areas within the county
3 mainland and within the Ocean Reef planned development (Future development in the Ocean Reef
4 planned development is based upon the December 2010 Ocean Reef Club Vested Development
5 Rights Letter recognized and issued by the Department of Community Affairs). New residential
6 dwelling units included in the ROGO allocation system include the following: affordable housing
7 units; market rate dwelling units; mobile homes; and institutional residential units (except hospital
8 rooms).

9
10 Vessels are expressly excluded from the allocation system, as the vessels do not occupy a distinct
11 location, and therefore cannot be accounted for in the County's hurricane evacuation model. Under
12 no circumstances shall a vessel, including live-aboard vessels, or associated wet slips be
13 transferred upland or converted to a dwelling unit of any other type. Vessels or associated wet slips
14 are not considered ROGO allocation awards, and may not be used as the basis for any type of
15 ROGO exemption or TRE (Transfer of ROGO Exemption).

16
17 ROGO Allocations for rooms, hotel or motel; campground spaces; transient residential units; and
18 seasonal residential units are subject to Policy 101.3.5.

19
20 For purposes of this Policy, the redevelopment or replacement of any lawfully established unit
21 within the Venture out community, which is located in the Lower Keys at MM23 on Cudjoe Key,
22 that does not increase the number of units, above that which existed on or before January 4, 1996
23 shall be exempt from the permit allocation (ROGO) system. Policies 101.3.5 and 101.6.8 shall not
24 apply to Venture Out, and the units within Venture Out may be developed as either mobile home
25 or recreational vehicle use through the approval of a building permit, provided the following are
26 met:

- 27
28 1. To not increase the hurricane evacuation clearance time of permanent residents, in the
29 event of a pending major hurricane (Category 3—5), a mandatory evacuation of all
30 occupants of units within Venture Out, regardless of unit type, is required at least 48
31 hours in advance of tropical storm winds; Approximately 48 hours in advance of
32 tropical storm winds, a mandatory evacuation of occupants residing in a permanent unit
33 shall be initiated and a mandatory evacuation of both the occupants of recreational
34 vehicles (RVs) and the RVs shall be initiated;
- 35 2. Notwithstanding the provisions of Policy 101.5.5, the interchangeability of mobile
36 home (permanent) and recreational vehicles (transient) uses may occur only within the
37 gated Venture Out community with a managing entity responsible for evacuation;
- 38 3. Recreational Vehicle occupancies or tenancies of six (6) months or more is prohibited;
- 39 4. Recreational Vehicles must meet all land development regulations, floodplain
40 management regulations and any building code requirements for recreational vehicles;
- 41 5. A recreational vehicle must have current licenses required for highway travel, be
42 attached to the site only by the quick disconnect-type utilities, and no permanent
43 additions such as sun rooms or state rooms shall be permitted;
- 44 6. Notwithstanding the transfer provisions within Policy 101.6.8, no unit, regardless of
45 use type, within the Venture Out community may be transferred to another site outside
46 of the Venture Out community; and

1 ATTEST: KEVIN MADOK, CLERK

2

3

4

5 _____
DEPUTY CLERK

DRAFT



The Florida Keys Only Daily Newspaper, Est. 1876
PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legals@keysnews.com

MONROE CO PLANNING DEPT
MURRY E NELSON GOVERNMENT CENTER
102050 OVERSEAS HWY
KEY LARGO FL 33037

Account: 138694

Ticket: 345091

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[legal.text]

Before the undersigned authority personally appeared

MICHAEL LEWIS, who on oath says that he or she is

AN EMPLOYEE of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of was published in said newspaper in the issues of:

Sunday, May 31, 2020

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

[Handwritten signature]

(Signature of Affiant)

Affirmed and subscribed before me this 18th day of June 2020

[Handwritten signature of Notary Public]

(Notary Public Signature)

[Handwritten name of Notary Public]

(Notary Public Printed Name)

(Notary Seal)

My commission expires 6/27/22

Personally Known [X] Produced Identification

Type of Identification Produced



**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
NOTICE OF PUBLIC MEETING AND NOTICE OF PUBLIC
HEARING NOTICE OF CHANGE TO MONROE COUNTY
COMPREHENSIVE PLAN NOTICE OF CHANGE TO THE
MONROE COUNTY LAND DEVELOPMENT CODE
NOTICE OF CHANGE TO THE MONROE COUNTY CODE
OF ORDINANCES NOTICE OF CHANGE TO THE MONROE
COUNTY FUTURE LAND USE MAPS**

June 17, 2020

Pursuant to Executive Order No. 20-69, Monroe County Emergency Directive 20-06, and Center for Disease Control ("CDC") social distancing guidelines established to contain the spread of the COVID-19 virus, the June 17, 2020 meeting of the Board of County Commissioners will be conducted via Communication Media Technology ("CMT") using a Zoom Webinar platform. Please note that if Executive Order 20-69, as extended by Executive Order 20-112 is rescinded, a traditional live meeting will be held at the Nelson Government Center located at 102050 Overseas Highway, Key Largo, FL 33037. The meeting will commence at 9:00 A.M.

PUBLIC HEARINGS: 1:30 PM (or as soon thereafter as may be heard):

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN; ADOPTING THE 10-YEAR WATER SUPPLY PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER EAST COAST WATER SUPPLY PLAN UPDATE OF 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE (FILE 2019-102)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 101-1 TO ADD DEFINITIONS FOR HAZARDOUS VEGETATION AND MAJOR PRUNING; AND TO AMEND SECTION 114-103 TO PROVIDE FOR A PRUNING AND TREE REMOVAL PERMIT, FEE AND MITIGATION EXEMPTION AS PROVIDED BY STATE STATUTE, AND TO INCORPORATE A TEMPORARY PERMITTING SUSPENSION BY THE BOCC FOR THE MAJOR PRUNING OR REMOVAL OF NATIVE HAZARDOUS VEGETATION AFTER A NATURAL DISASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-130)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE OF ORDINANCES SECTION 6-100, FOR CERTAIN PERMIT EXCEPTIONS RELATED TO PRUNING, TRIMMING, OR REMOVAL OF TREES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-130)

AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO AMEND POLICY 101.5.25 TO REDUCE THE OPEN SPACE RATIO FOR THE RECREATION (R) FUTURE LAND USE CATEGORY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-131)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 122-4(B) (4) TO ELIMINATE THE ABILITY FOR A MANUFACTURED/MOBILE HOME TO BE PLACED AT AN ELEVATION BELOW BASE FLOOD ELEVATION AND SECTION 130-53 TO AMEND THE PURPOSE OF THE URBAN RESIDENTIAL MOBILE HOME—LIMITED DISTRICT (URM-L) TO ELIMINATE PROVISION THAT PROVIDES FOR A MANUFACTURED/MOBILE HOME TO BE PLACED AT AN ELEVATION BELOW BASE FLOOD ELEVATION AND SECTION 130-100 TO ADD DETACHED DWELLINGS AS AN AS-OF-RIGHT USE WITHIN THE URBAN RESIDENTIAL MOBILE HOME—LIMITED DISTRICT (URM-L); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2020-017)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL HIGH (RH) TO INSTITUTIONAL (INS), FOR PROPERTY LOCATED AT 32 OCEAN REEF DRIVE, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING PARCEL ID 00081740-000100, AS PROPOSED BY OCEAN REEF CHAPEL, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-220) (See Map 1 below)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICIES 101.3.1, 101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW THE INTERCHANGEABILITY OF MOBILE HOME AND RV USES WITHIN VENTURE OUT ON CLUDJOE KEY, AND ELIMINATING THE POSSIBILITY TO TRANSFER ROGO EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS OUTSIDE OF THE VENTURE OUT COMMUNITY, AS PROPOSED BY SMITH/HAWKS
PL ON BEHALF OF VENTURE OUT AT CLUDJOE KEY, MONROE COUNTY, FLORIDA

PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-130)

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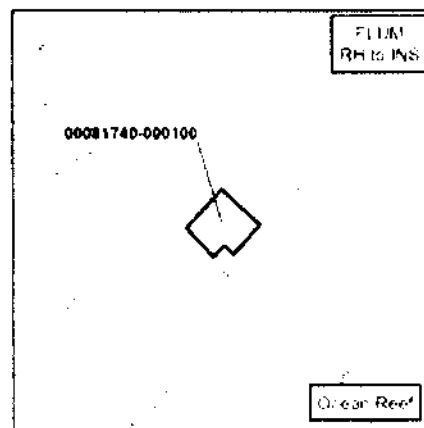
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AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 122-4(B) (4) TO ELIMINATE THE ABILITY FOR A MANUFACTURED/MOBILE HOME TO BE PLACED AT AN ELEVATION BELOW BASE FLOOD ELEVATION AND SECTION 130-53 TO AMEND THE PURPOSE OF THE URBAN RESIDENTIAL MOBILE HOME-LIMITED DISTRICT (URM-L) TO ELIMINATE PROVISION THAT PROVIDES FOR A MANUFACTURED/MOBILE HOME TO BE PLACED AT AN ELEVATION BELOW BASE FLOOD ELEVATION AND SECTION 130-100 TO ADD DETACHED DWELLINGS AS AN AS-OF-RIGHT USE WITHIN THE URBAN RESIDENTIAL MOBILE HOME-LIMITED DISTRICT (URM-L); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2020-017)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL HIGH (RH) TO INSTITUTIONAL (INS), FOR PROPERTY LOCATED AT 32 OCEAN REEF DRIVE, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING PARCEL ID 00081740-000100, AS PROPOSED BY OCEAN REEF CHAPEL, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-220) (See Map 1 below)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICIES 101.3.1, 101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW THE INTERCHANGEABILITY OF MOBILE HOME AND RV USES WITHIN VENTURE OUT ON CUDJOE KEY, AND ELIMINATING THE POSSIBILITY TO TRANSFER ROGO EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS OUTSIDE OF THE VENTURE OUT COMMUNITY, AS PROPOSED BY SMITH/HAWKS PL ON BEHALF OF VENTURE OUT AT CUDJOE CAY CONDOMINIUM ASSOCIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-066)

MAP 1



Please visit the Monroe County Website at www.monroecounty-fl.gov for meeting agenda updates and information regarding the various options available to the public to view the live meeting and/or to make public comments on certain agenda items.

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision of the Board of County Commissioners, with respect to any matter considered at the meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to insure a verbatim record of the proceedings is made, which record includes the testimony & evidence upon which the appeal is to be based.

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



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Board of County Commissioners

Through: Emily Schemper, AICP, CFM, Senior Director of Planning and Environmental Resources

From: Cheryl Cioffari, AICP, Assistant Director of Planning

Date: May 27, 2020

Subject: An ordinance by the Monroe County Board of County Commissioners amending Monroe County Comprehensive Plan Policies 101.3.1, 101.3.5 and 101.3.8 to allow the interchangeability of mobile homes and RVs within Venture Out and eliminating the possibility to transfer ROGO exemptions from Venture Out to other locations outside of the Venture Out community, as proposed by Smith/Hawks, PL on behalf of Venture Out at Cudjoe Cay Condominium Association. (File #2019-066)

Meeting: June 17, 2020

I. REQUEST

On April 11, 2019, the Planning and Environmental Resources Department received an application from Barton W. Smith of Smith/Hawks PL (the "Agent") on behalf of Venture Out at Cudjoe Cay Condominium Association (the "Applicant,") to amend Monroe County Land Development Code (LDC) Section 114-67 to allow for alternate parking off-street parking requirements specific to Venture Out and Code Section 138-22 and to allow the interchangeability of mobile homes and RVs within Venture Out. On June 26, 2019, the Applicant submitted a revised application with additional information and provided supplemental information on October 22, 2019.

On February 11, 2020, the Applicant submitted a revised application (the "Application"), replacing the proposed text amendment to the LDC with a proposed text amendment to the 2030 Monroe County Comprehensive Plan (the "Comprehensive Plan"). The Applicant is proposing to amend Comprehensive Plan Policy 101.3.1 to allow the interchangeability of mobile homes and RVs within Venture Out and eliminating the possibility to transfer ROGO exemptions from Venture Out to other locations outside of the Venture Out community

II. BACKGROUND INFORMATION

In the application materials, the Applicant states the reasons and basis for the proposed amendment is:

Venture Out is a controlled access gated, master planned community developed prior to the

adoption of County's Code in 1986 and its Comprehensive Plan ("Comp. Plan") in 1992.

Venture Out's development as a separate and distinct master planned community is unique to the Florida Keys as it is approximately over 60 acres in size located at mile marker 23 on Cudjoe Key. The aerial photograph marked below shows the Venture Out community.



Venture Out was submitted to the condominium form of ownership in 1971. Venture Out at Cudjoe Cay, Inc. membership consists of each lot owner in Venture Out. Venture Out has subjected itself and each property owner within Venture Out to a master development plan, which amongst other covenants and restrictions has adopted rules and restrictions ("Rules and Restrictions"), to protect the community character and provide for the orderly management of Venture Out. A copy of which is enclosed as Exhibit A.

1

The entirety of Venture Out is within the zoning district classified as Urban Residential Mobile Home- limited district ("URM-L"), as shown on the photograph below:



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3
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6

The Applicant's full explanation and justification of the proposed amendments is included in the file for the application (File #2019-066).

1 **Concept Meeting**

2 In accordance with LDC Section 102-158(a), a concept meeting was held on October 15, 2019 to discuss
3 proposed LDC text amendment. It was determined that the proposed text amendment will **not** have a
4 county-wide impact because the proposed amendment is limited to Venture Out on Cudjoe Key.
5

6 A second concept meeting was held on January 8, 2020 to discuss the proposed Comprehensive Plan
7 Text amendment. It was determined that the proposed text amendment will **not** have a county-wide
8 impact because the proposed amendment is limited to Venture Out on Cudjoe Key.
9

10 **Community Meeting and Public Participation**

11 A community meeting is not required for this application [Ref. LDC Section 102-159(b)(3)].
12

13 **Development Review Committee and Public Input**

14 At a regular meeting held on May 26, 2020, the Development Review Committee (DRC) considered the
15 proposed Land Development text amendment, and provided for public comment.
16

17 **Planning Commission and Public Input**

18 The Planning Commission considered the proposed amendment at a regular meeting on May 27, 2020,
19 provided for public input and recommended approval with changes as discussed during the hearing of
20 the proposed amendment through Resolution P12-20. The Planning Commission’s recommended
21 additions to the changes are as follows:
22

23 1. Venture Out Condominium Association shall provide an annual report to Monroe County by
24 June 1st to identify the number of RVs, locations (parcel IDs) and property owners, and a copy
25 of the notification provided to the RV’s parcels regarding the mandatory evacuation provisions
26 in the County and the Venture Out Community. Additionally, the Venture Out Condominium
27 Association shall provide reports to Monroe County after each major hurricane (Category 3—5),
28 within 30 days of the storm event, that identify the owners and parcels with RVs that did not
29 evacuate. Venture Out Community authorizes Monroe County to conduct all necessary site visits
30 and inspections on the subject property; and
31

32 2. Any parcel with a permitted RV on the parcel that is not removed and evacuated with a
33 mandatory evacuation, shall be restricted from having a Recreational Vehicle as a permitted as
34 of right use and shall be required to remove the RV and may apply for building permits for a
35 mobile home use. The Venture Out Condominium Association shall track and annually report to
36 Monroe County of the non-compliant properties. Monroe County shall execute a deed restriction
37 on such parcel(s) eliminating RV uses on such parcel(s), subsequent to a finding of violation by
38 the Monroe County Code Compliance Special Magistrate.
39

40 **Board of County Commissioners Meeting**

41 At the January 23, 2019 regular BOCC meeting, there was a Sounding Board discussion item by Bart
42 Smith, Esq. on behalf of Venture Out of Cudjoe Cay Condominium, Inc., to discuss pending recovery
43 issues at the park. *The BOCC took no action on the sounding board discussion item.*
44

45 The request stated: *[T]o discuss the current stayed pending code enforcement cases at Venture Out and*
46 *the ability to obtain and close after-the-fact demolition permits for trailers at Venture Out due to*
47 *concrete pads that will remain and the effects the foregoing has had on the alienability of real property*
48 *at Venture Out. My client would also request the Sounding Board to include a discussion on proceeding*

1 *with an amendment to the allow for the interchangeability of mobile homes and RVs in Venture Out,*
2 *which is zoned Urban Residential Mobile Home - Limited (URM-L), which zoning district only permits*
3 *mobile homes and RVs and Venture Out is permitted to already short-term rent both the mobile homes*
4 *and RVs.*

5
6 During the item, Bart Smith described issues with redevelopment following Hurricane Irma and stated
7 until Hurricane Irma ‘people pulled permits to change out a mobile home for an RV or a mobile home
8 to demolish and put an RV.’ Mr. Smith describes with the storm there is significant destruction and
9 damage, there are issues after-the-fact demo permits related to concrete pads and electric pedestals. Mr.
10 Smith also describes a perceived conflict between the definition of mobile homes (permanent units) and
11 RVs (transient units) and that the County is not allowing the interchangeability between the uses. Mr.
12 Smith describes that Venture should be allowed to interchange because of the URM-L zoning district
13 list both uses of as-of-right uses and the existing ability to rent the units as vacation rentals supports the
14 interchangeability.

15
16 There is an overall discussion of determining the type of lawful-ROGO exemption and that the ROGO-
17 exemptions for each property within Venture Out is not known and that allowing interchangeability of
18 mobile homes and RVs could create more hotel units. The discussion also includes that ROGO
19 exemptions and zoning are both considerations for issuing approvals for a property. The discussion
20 includes trying to determine how many units are permanent versus transient. There is brief discussion
21 that the interchangeability may have hurricane model implications and that a code amendment
22 submission should include that units cannot be transferred offsite (to not create more hotel units and
23 displace de facto affordable housing). There is a brief discussion of requiring deed restrictions on units
24 – vesting of the units. The discussion includes that staff assumed Mr. Smith would be submitting an
25 application for a text amendment. Mr. Smith states: “I will gladly submit an amendment that will be
26 vetted by staff, we will work together.” As required by BOCC rules, the BOCC took no action.

27
28 *****

1 The Venture Out community is located in the lower keys on Cudjoe
2 Key and is situated approximately at mile marker 23 of the Overseas
3 Highway (on the Atlantic Ocean side). The Venture Out community
4 has a FLUM designation of Residential High (RH) and a zoning
5 designation of Urban Residential Mobile Home – Limited (URM-
6 L).

7
8 In 1970, the Board of County Commissioners passed and adopted
9 Resolution 122-970, which approved the plat for Venture Out. The
10 plat is recorded in Plat Book 6 Page 56 (1 of 8), creating 659 platted
11 lots and numerous common use areas.

12
13 In 1986, with the adoption of the Zoning Maps (referred to as the
14 Pattison maps), the subject property was designated Urban
15 Residential Mobile Home (URM).

16
17 In 1991, the Board of County Commissioners passed and adopted
18 Ordinance 024-1991, which amended the Land Use District
19 designation of the subject property from Urban Residential Mobile
20 Home (URM) to Urban Residential Mobile Home Limited (URM-
21 L).

22
23 In 1997, with the adoption of the Comprehensive Plan's FLUM, the
24 subject property was given the current FLUM designation of
25 Residential High (RH).

26
27 Comprehensive Plan Policy 101.5.4 states, "The principal purpose
28 of the Residential High (RH) future land use category is to provide for high-density single-family, multi-
29 family, and institutional residential development, including mobile homes and manufactured housing,
30 located near employment centers."

31
32 Land Development Code Section 130-53 states, "The purpose of the URM-L district is to recognize the
33 existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes,
34 but not to create new such areas, in order to permit property owners in such areas to replace or establish
35 mobile homes below base flood elevation as authorized by certified federal regulations."

36
37 Additionally, Section 130-100, provides the 'as-of-right' uses with the URM-L district as follows:

- 38 (1) *Mobile homes;*
- 39 (2) *Recreational vehicles in a registered RV park or park trailers commonly known as 'park*
40 *models' as defined in F.S. 320.01;*
- 41 (3) *Home occupations—Special use permit required;*
- 42 (4) *Accessory uses;*
- 43 (5) *Tourist housing uses, including vacation rental uses, are prohibited except in gated*
44 *communities that have:*
 - 45 a. *Controlled access; and*
 - 46 b. *A homeowner's or property owner's association that expressly regulates or manages*
47 *vacation rental uses;*
- 48 (6) *Collocations on existing antenna-supporting structures, pursuant to section 146-5(c);*



- 1 (7) *Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to*
2 *section 146-5(f); and*
3 (8) *Wastewater nutrient reduction cluster systems that serve less than ten residences.*
4

5 As noted above, within the URM-L district, both mobile home and recreational vehicle (RV) uses are
6 permitted as of right through the approval of a building permit. While, the land uses described can be
7 approved via a building permit, the request for the land use is subject to the requirements of the
8 comprehensive plan and the other provisions of the land development code, such as development
9 standards, bulk regulations, rate of growth ordinances, etc.

10
11 The URM-L district specifies RVs are permitted in a registered RV park *or* park trailers commonly
12 known as 'park models' as defined in F.S. 320.01. Section 320.01, F.S., provides the following definition:

13 (1) **“Motor vehicle”** means:

14 (a) *An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer*
15 *combination, or any other vehicle operated on the roads of this state, used to transport persons*
16 *or property, and propelled by power other than muscular power, but the term does not include*
17 *traction engines, road rollers, motorized scooters, micromobility devices, personal delivery*
18 *devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in*
19 *s. 316.003, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.*

20 (b) **A recreational vehicle-type unit** primarily designed as temporary living quarters for
21 recreational, camping, or travel use, which either has its own motive power or is mounted on
22 or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public
23 roadways of this state, must comply with the length and width provisions of s. 316.515, as that
24 section may hereafter be amended. As defined below, the basic entities are:

25 1. *The “travel trailer,” which is a vehicular portable unit, mounted on wheels, of such a*
26 *size or weight as not to require special highway movement permits when drawn by a*
27 *motorized vehicle. It is primarily designed and constructed to provide temporary living*
28 *quarters for recreational, camping, or travel use. It has a body width of no more than 81/2*
29 *feet and an overall body length of no more than 40 feet when factory-equipped for the road.*

30 2. *The “camping trailer,” which is a vehicular portable unit mounted on wheels and*
31 *constructed with collapsible partial sidewalls which fold for towing by another vehicle and*
32 *unfold at the campsite to provide temporary living quarters for recreational, camping, or*
33 *travel use.*

34 3. *The “truck camper,” which is a truck equipped with a portable unit designed to be*
35 *loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide*
36 *temporary living quarters for recreational, camping, or travel use.*

37 4. *The “motor home,” which is a vehicular unit which does not exceed the length, height,*
38 *and width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is*
39 *primarily designed to provide temporary living quarters for recreational, camping, or travel*
40 *use.*

41 5. *The “private motor coach,” which is a vehicular unit which does not exceed the length,*
42 *width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type*
43 *chassis having no fewer than three load-bearing axles, and is primarily designed to provide*
44 *temporary living quarters for recreational, camping, or travel use.*

45 6. *The “van conversion,” which is a vehicular unit which does not exceed the length and*
46 *width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis,*
47 *and is designed for recreation, camping, and travel use.*

1 7. *The “park trailer,” which is a transportable unit which has a body width not exceeding*
2 *14 feet and which is built on a single chassis and is designed to provide seasonal or*
3 *temporary living quarters when connected to utilities necessary for operation of installed*
4 *fixtures and appliances. The total area of the unit in a setup mode, when measured from the*
5 *exterior surface of the exterior stud walls at the level of maximum dimensions, not including*
6 *any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5*
7 *standards, and 500 square feet when constructed to United States Department of Housing*
8 *and Urban Development Standards. The length of a park trailer means the distance from*
9 *the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the*
10 *exterior of the rear of the body (at the opposite end of the body), including any protrusions.*

11 8. *The “fifth-wheel trailer,” which is a vehicular unit mounted on wheels, designed to*
12 *provide temporary living quarters for recreational, camping, or travel use, of such size or*
13 *weight as not to require a special highway movement permit, of gross trailer area not to*
14 *exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle*
15 *that contains a towing mechanism that is mounted above or forward of the tow vehicle’s*
16 *rear axle.*

17 (2)(a) *“Mobile home” means a structure, transportable in one or more sections, which is 8*
18 *body feet or more in width and which is built on an integral chassis and designed to be used*
19 *as a dwelling when connected to the required utilities and includes the plumbing, heating, air-*
20 *conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile*
21 *home is the distance from the exterior of the wall nearest to the drawbar and coupling*
22 *mechanism to the exterior of the wall at the opposite end of the home where such walls enclose*
23 *living or other interior space. Such distance includes expandable rooms, but excludes bay*
24 *windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other*
25 *attachments that do not enclose interior space. In the event that the mobile home owner has*
26 *no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or*
27 *her discretion either inspect the home to determine the actual length or may assume 4 feet to*
28 *be the length of the drawbar, coupling, or hitch.*

29
30 Land Development Code Section 101-1, further provides that “Recreational vehicle means the same as
31 that term is defined in Section 320.01, F.S. The following applies to recreational vehicles in the county:

- 32 (1) Excluding temporary housing as set forth in Section 103-1, the tenancy of an occupied
33 recreational vehicle upon a lawful recreational vehicle space shall be less than six months;
34 and
35 (2) The recreational vehicle has been placed on a lawful recreational vehicle space within a
36 recreational vehicle park, campground, or otherwise approved area, or within a storage
37 area.
38 (3) The recreational vehicle has current licenses required for highway travel; and
39 (4) The recreational vehicle is highway ready. This means that the recreational vehicle,
40 including any travel trailer or *park trailer*, is on its wheels or internal jacking system and
41 attached to this site only by the quick disconnect-type utilities commonly used in
42 recreational vehicle parks and campgrounds or by security devices. No permanent
43 additions such as state rooms shall be permitted.”
44

45 Land Development Code Section 101-1, also provides that a “Mobile home means a structure
46 transportable in one or more sections which structure is eight body feet or more in width and over
47 35 feet in length, which structure is built on an integral chassis and designed to be used as a dwelling
48 when connected to the required utilities and includes the plumbing, heating, air conditioning and

1 electrical systems contained therein, *including expandable recreational vehicles, known as "park*
2 *models" designed and built as a permanent residence*, the structure for which is 35 feet or less in
3 length and in excess of eight feet in width.”

4
5 The Comprehensive Plan’s Glossary states: If definitions sought are not within this section, the County
6 shall utilize the adopted definitions of its LDC and, secondly, refer to the Florida Statutes. If a definition
7 is not provided in these documents, the County shall utilize the term as commonly used.

8
9 *Mobile Home* means a structure, transportable in one or more sections, which is 8 body feet or
10 more in width and over 35 feet in length and which is built on an integral chassis and designed
11 to be used as a dwelling when connected to the required utilities. Expandable recreational
12 vehicles, known as *"park models," designed and built as permanent residences*, are considered
13 mobile homes as well. (emphasis added)

14
15 *Transient Unit* means a dwelling unit used for transient occupancy such as a hotel or motel
16 room, seasonal residential unit, or space for parking a recreational vehicle or travel trailer.

17
18 *Hotel/Motel* means a building containing individual units for the purpose of providing overnight
19 lodging facilities for periods not exceeding 30 days to the general public for compensation with
20 or without meals, and which has common facilities for reservations and cleaning services,
21 combined utilities and on-site management and reception.

22
23 These definitions are provided to assist in the review of the Applicant’s text amendment request to
24 allow mobile home uses and RV uses to be interchangeable within the Venture Out community.

25 26 **III. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS**

27
28 The **Applicant’s** proposed text as submitted on February 11, 2020 is shown with additions underlined
29 and deletions ~~stricken through~~.

30 31 **Objective 101.3**

32 Monroe County shall regulate new residential development based upon the finite carrying capacity of
33 the natural and man-made systems and the growth capacity while maintaining a maximum hurricane
34 evacuation clearance time of 24 hours.

35 36 **Policy 101.3.1**

37 Monroe County shall maintain a Permit Allocation System for new residential development known as
38 the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall limit
39 the number of permits issued for new residential dwelling units. The ROGO allocation system shall
40 apply within the unincorporated area of the county, excluding areas within the county mainland and
41 within the Ocean Reef planned development (Future development in the Ocean Reef planned
42 development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter
43 recognized and issued by the Department of Community Affairs). New residential dwelling units
44 included in the ROGO allocation system include the following: affordable housing units; market rate
45 dwelling units; mobile homes; and institutional residential units (except hospital rooms).

46
47 Vessels are expressly excluded from the allocation system, as the vessels do not occupy a distinct
48 location, and therefore cannot be accounted for in the County's hurricane evacuation model. Under no

1 circumstances shall a vessel, including live-aboard vessels, or associated wet slips be transferred upland
2 or converted to a dwelling unit of any other type. Vessels or associated wet slips are not considered
3 ROGO allocation awards, and may not be used as the basis for any type of ROGO exemption or TRE
4 (Transfer of ROGO Exemption).

5
6 ROGO Allocations for rooms, hotel or motel; campground spaces; transient residential units; and
7 seasonal residential units are subject to Policy 101.3.5.

8
9 For purposes of this Policy, the redevelopment or replacement of any lawfully established unit within
10 the Venture out community, which is located in the Lower Keys at MM23 on Cudjoe Key, that does not
11 increase the number of units, above that which existed on or before January 4, 1996 shall be exempt
12 from the permit allocation (ROGO) system. Policies 101.3.5 and 101.6.8 shall not apply to Venture Out,
13 and the units within Venture Out may be developed as either mobile home or recreational vehicle use
14 through the approval of a building permit and no unit, regardless of use type, within the venture Out
15 community may be transferred to another site outside the Venture Out Community.

16
17 *****

18 19 **IV. ANALYSIS OF PROPOSED AMENDMENT AND STAFF-RECOMMENDED** 20 **CHANGES**

21
22 Staff is recommending edits to the Applicant's proposal in an effort to provide for internal consistency
23 of the Comprehensive Plan.

24
25 Staff edits are included to address the Applicant's statement in the February 11, 2019 revised application
26 that:

- 27 • "...the amendment is consistent with County Comp. Plan Goal 215 by requiring the occupants
28 of Venture Out's units/lots to evacuate "48 hours in advance of tropical storm winds", which
29 exceed Comp Plan Policy 215.1.4 requirement that requires mobiles to evacuate within thirty-
30 six (36) hours of tropical storm winds."
- 31 • "Under the current Code, mobile homes are considered permanent residences, whereas RVs are
32 transient units, which are limited to short term use. Pursuant to Sec. 101-1 of the Code, the
33 "tenancy of an occupied recreational vehicle upon a lawful residential vehicle space" is limited
34 to less than six (6) months. Sec. 130-100(a) of the Code establishes the uses that are permitted
35 as of right in the URM-L zoning district. Pursuant to Sec. 130-100(a)(5) tourist housing uses,
36 including vacation rental uses, are permitted as of right in gated communities that have: "(A)
37 [c]ontrolled access; and (B) [a] homeowner's or property owner's association that expressly
38 regulates or manages vacation rental uses[.]" Venture Out, is a gated community with controlled
39 access and a property owner's association that expressly regulates or manages vacation rental
40 uses, and as such meets this definition."
- 41 • "...the amendment will allow 659 of Venture Out's lots, which are zoned URM-L to maintain
42 their historically utilized right to interchange a lot's use between mobile home and recreational
43 vehicle, as a site-specific exemption, contained entirely to within the boundaries of Venture Out."
- 44 • "Since Venture Out was submitted to the condominium form of ownership in 1971,
45 interchangeability between mobile homes and RV s has continuously occurred, and been

1 recognized and approved by the County...Exhibit E, serve as definitive proof that
2 interchangeability between mobile homes and RVs has not only been historically occurring
3 within Venture Out, but that the County has continuously recognized and permitted it.”
4

5 ***Evacuation***

6 The Applicant did not provide any language requiring the occupants Venture Out’s units/lots to evacuate
7 “48 hours in advance of tropical storm winds”. Therefore, Staff is recommending language to ensure
8 that the proposed amendment is consistent with Comprehensive Plan Goal 215 by requiring the
9 occupants Venture Out’s units/lots to evacuate 48 hours in advance of tropical storm winds.
10

11 ***Interchangeability***

12 The Comprehensive Plan and Land Development Code (LDC) provide well defined land use provisions,
13 growth management provisions implemented mainly through the ROGO system, tier system and
14 hurricane evacuation policies as well as a glossary with specific and clear definitions within both
15 documents. In reviewing these provisions, the distinctions between unit types are clear and purposeful.
16

17 The Applicant’s opinion that having a vacation rental exemption supports the interchangeability is
18 inconsistent with the LDC definition of “vacation rental or unit” which means “an attached or detached
19 dwelling unit that is rented, leased or assigned for tenancies of less than 28 days duration. Vacation
20 rental use does not include hotels, motels, and RV spaces, which are specifically addressed in each
21 district.” Further, the opinion would imply that other permanent residential single family dwelling units
22 with the authorization to use the unit as a vacation rental, could claim the permanent units are
23 interchangeable as transient units and further impact the community character of residential
24 neighborhoods.
25

26 Furthermore, the definitions within the Glossary and guidance provided through Policy 101.3.5 indicate
27 that transient units and mobile home units are two distinct and different types of units. Policy 101.3.5
28 clearly states that if the transient unit was in existence prior to January 4, 1996, then it shall remain a
29 transient unit (*Lawfully established transient units shall be entitled to one unit for each type of unit in*
30 *existence before January 4, 1996 for use as a ROGO exemption*). Section 130-163 of the LDC also
31 states: “Notwithstanding the provisions of sections 130-157 and 130-162, the owners of land upon which
32 a lawfully established dwelling unit, mobile home, or transient unit exists shall be entitled to one
33 dwelling unit *for each type of dwelling unit in existence before January 4, 1996...*” The LDC and
34 Comprehensive Plan are clear in that “park model” recreational vehicles constructed as permanent units,
35 can be treated as mobile homes.
36

37 Venture Out has a FLUM designation of Residential High (RH) and a zoning designation of Urban
38 Residential Mobile Home – Limited (URM-L). These designations provide for uses permitted as of right
39 (requires a building permit) of ‘Mobile homes’ and ‘Recreational vehicles in a registered RV park or
40 park trailers commonly known as ‘park models’ as defined in F.S. 320.01.’ A “park model” may be
41 approved as a mobile home use, *if built as a permanent unit* (i.e. elevation requirements, anchoring,
42 etc.), or may be approved as an RV use, *if it is on its wheels or internal jacking system and attached to*
43 *this site only by the quick disconnect-type utilities* (i.e. road ready and not built as a permanent unit).
44 The definitions provided above clearly outline this distinction.
45

46 This is analogous to a modular building which may be approved as a temporary construction office, or
47 a permanent office use, commercial retail use, or light industrial use. Similarly, there are modular home
48 buildings. While the off-site prefabricated structure may be essentially the same building, a specific land

1 use must be approved, consistent with the corresponding map designations and have construction
2 requirements. Even if all the example land uses listed were listed as permitted as of right within the
3 zoning designation, the owner/applicant could not simply interchange the use without County approval
4 and meeting any other comprehensive plan and LDC requirements.
5

6 The Applicant asserts that there have been demolition permits issued for travel trailers with a notation
7 that “concrete slab is to remain for the use of an RV parking space according to submitted plans”. A
8 travel trailer is defined as a recreational vehicle. Therefore, allowing the property to be used for a
9 recreational vehicle would be appropriate and permissible by Code. The Applicant further identifies two
10 (2) specific lots and asserts allowed replacement of recreational vehicles with mobile homes.

- 11 • Lot 55 was issued a replacement RV trailer (the permit application indicates scope of work as
12 “new park model”) in 1988 through Permit 8810256. Subsequently, Lot 55 was issued a
13 certificate of occupancy for mobile home replacement in 2005 through Permit 03102962.
- 14 • Lot 279 was issued Permit 900100797 on April 27, 1990 to “replace park model”. Subsequently,
15 Lot 279 was issued Permit 04104969 on December 15, 2004 to “replace mobile home with 840
16 SF park model”. The notes within the file of Permit 04104969 states “Permit Approval to remove
17 existing mobile home with 840 SF mobile home with A/C, 700 SF slab, 140 SF enclosure, 305
18 SF porches and stairs, 231 SF awnings and pea rock landscaping per sealed plans in file.”
19

20 Based on a review of the permits identified by the Applicant on Lot 55, it is unclear how approval was
21 granted changing a unit from a recreational vehicle (RV) to a mobile home. The Comprehensive Plan
22 in effect at the time did not permit such a change. The current Comprehensive Plan and LDC do not
23 allow residential units to be interchangeable with transient units or vice versa – due to the adopted the
24 ROGO system for specific unit types and the associated hurricane evacuation policies by unit types. The
25 Comprehensive Plan and LDC protect lawfully established units and allow for the replacement of the
26 unit for each type of unit in existence (as originally allowed or permitted).
27

28 Based on a review of the permits identified by the Applicant on Lot 279, a park model replaced the a
29 mobile home. As noted above, a “park model” may be approved as a mobile home use, *if built as a*
30 *permanent unit* (i.e. elevation requirements, anchoring, etc.). Further, the contents of Permit 04104969
31 includes a letter from Venture Out indicating the property owner “has permission from venture out at
32 Cudjoe Key, Inc. to construct: Mobile home replacement, remove existing home...”. Therefore, it is
33 clear that in the case of Lot 279, a mobile home was replaced by a mobile home. No interchangeability
34 was approved.
35

As noted above, the Applicant’s proposed text, as submitted on February 11, 2020, additions are shown in underlined, deletions are ~~stricken through~~. Staff proposed amendments, with Planning Commission recommended additions as approved through Resolution P12-20, are shown as additions in red underline, deletions are ~~red stricken through~~.

36 *****
37

38 **Objective 101.3**

39 Monroe County shall regulate new residential development based upon the finite carrying capacity of
40 the natural and man-made systems and the growth capacity while maintaining a maximum hurricane
41 evacuation clearance time of 24 hours.
42

43 **Policy 101.3.1**

1 Monroe County shall maintain a Permit Allocation System for new residential development known as
2 the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall limit
3 the number of permits issued for new residential dwelling units. The ROGO allocation system shall
4 apply within the unincorporated area of the county, excluding areas within the county mainland and
5 within the Ocean Reef planned development (Future development in the Ocean Reef planned
6 development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter
7 recognized and issued by the Department of Community Affairs). New residential dwelling units
8 included in the ROGO allocation system include the following: affordable housing units; market rate
9 dwelling units; mobile homes; and institutional residential units (except hospital rooms).

10
11 Vessels are expressly excluded from the allocation system, as the vessels do not occupy a distinct
12 location, and therefore cannot be accounted for in the County's hurricane evacuation model. Under no
13 circumstances shall a vessel, including live-aboard vessels, or associated wet slips be transferred upland
14 or converted to a dwelling unit of any other type. Vessels or associated wet slips are not considered
15 ROGO allocation awards, and may not be used as the basis for any type of ROGO exemption or TRE
16 (Transfer of ROGO Exemption).

17
18 ROGO Allocations for rooms, hotel or motel; campground spaces; transient residential units; and
19 seasonal residential units are subject to Policy 101.3.5.

20
21 For purposes of this Policy, the redevelopment or replacement of any lawfully established unit within
22 the Venture out community, which is located in the Lower Keys at MM23 on Cudjoe Key, that does not
23 increase the number of units, above that which existed on or before January 4, 1996 shall be exempt
24 from the permit allocation (ROGO) system. Policies 101.3.5 and 101.6.8 shall not apply to Venture Out,
25 and the units within Venture Out may be developed as either mobile home or recreational vehicle use
26 through the approval of a building permit, and no unit, regardless of use type, within the Venture Out
27 community, provided the following are met: may be transferred to another site outside the Venture Out
28 Community.

- 29
30 1. To not increase the hurricane evacuation clearance time of permanent residents, in the event
31 of a pending major hurricane (Category 3—5), a mandatory evacuation of all occupants of
32 units within Venture Out units, regardless of unit type, is required at least 48 hours in advance
33 of tropical storm winds;. Approximately 48 hours in advance of tropical storm winds, a
34 mandatory evacuation of occupants residing in a permanent unit shall be initiated and a
35 mandatory evacuation of both the occupants of recreational vehicles (RVs) and the RVs shall
36 be initiated;
37 2. Venture Out Condominium Association shall provide an annual report to Monroe County by
38 June 1st to identify the number of RVs, locations (parcel IDs) and property owners, and a
39 copy of the notification provided to the RV's parcels regarding the mandatory evacuation
40 provisions in the County and the Venture Out Community. Additionally, the Venture Out
41 Condominium Association shall provide reports to Monroe County after each major
42 hurricane (Category 3—5), within 30 days of the storm event, that identify the owners and
43 parcels with RVs that did not evacuate. Venture Out Community authorizes Monroe County
44 to conduct all necessary site visits and inspections on the subject property;

3. Notwithstanding the provisions of Policy 101.5.5, the interchangeability of mobile home (permanent) and recreational vehicles (transient) uses may occur only within the gated Venture Out community with a managing entity responsible for evacuation;
4. Recreational Vehicle occupancies or tenancies of six (6) months or more is prohibited;
5. Recreational Vehicles must meet all land development regulations, floodplain management regulations and any building code requirements for recreational vehicles;
6. A recreational vehicle must have current licenses required for highway travel, be attached to the site only by the quick disconnect-type utilities, and no permanent additions such as sun rooms or state rooms shall be permitted;
7. Any parcel with a permitted RV on the parcel that is not removed and evacuated with a mandatory evacuation, shall be restricted from having a Recreational Vehicle as a permitted as of right use and shall be required to remove the RV and may apply for building permits for a mobile home use. The Venture Out Condominium Association shall track and annually report to Monroe County of the non-compliant properties. Monroe County shall execute a deed restriction on such parcel(s) eliminating RV uses on such parcel(s), subsequent to a finding of violation by the Monroe County Code Compliance Special Magistrate;
8. Notwithstanding the transfer provisions within Policy 101.6.8, no unit, regardless of use type, within the Venture Out community may be transferred to another site outside of the Venture Out community; and
9. In no case shall recreational vehicles (transient units) be developed as a hotel/motel.

V. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE LOWER KEYS LIVABLE COMMUNIKEYS PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.

- A. The proposed amendment may not be consistent with the Monroe County 2030 Comprehensive Plan, unless staff recommended edits are included as a part of the proposed text amendment to ensure internal consistency. Specifically:**

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 101.3

Monroe County shall regulate new residential development based upon the finite carrying capacity of the natural and man-made systems and the growth capacity while maintaining a maximum hurricane evacuation clearance time of 24 hours.

Policy 101.3.1

Monroe County shall maintain a Permit Allocation System for new residential development known as the Residential Rate of Growth Ordinance (ROGO) System. **The Permit Allocation System shall limit the number of permits issued for new residential dwelling units.** The ROGO allocation system shall apply within the unincorporated area of the county, excluding areas within the county mainland and within the Ocean Reef planned development_(Future

1 development in the Ocean Reef planned development is based upon the December 2010 Ocean
2 Reef Club Vested Development Rights Letter recognized and issued by the Department of
3 Community Affairs). **New residential dwelling units included in the ROGO allocation system**
4 **include the following:** affordable housing units; market rate dwelling units; **mobile homes**; and
5 institutional residential units (except hospital rooms).
6

7 Vessels are expressly excluded from the allocation system, as the vessels do not occupy a distinct
8 location, and therefore cannot be accounted for in the County's hurricane evacuation model.
9 Under no circumstances shall a vessel, including live-aboard vessels, or associated wet slips be
10 transferred upland or converted to a dwelling unit of any other type. Vessels or associated wet
11 slips are not considered ROGO allocation awards, and may not be used as the basis for any type
12 of ROGO exemption or TRE (Transfer of ROGO Exemption).
13

14 ROGO Allocations for rooms, hotel or motel; campground spaces; transient residential units; and
15 seasonal residential units are subject to Policy 101.3.5.
16

17 **Policy 101.3.5**

18 Due to the limited number of allocations and the State's requirement that the County maintain a
19 maximum hurricane evacuation clearance time of 24 hours, **Monroe County shall prohibit new**
20 **transient residential allocations for** hotel or motel rooms, campground spaces, or spaces for
21 parking a recreational vehicle or travel trailer until May 2022. **Lawfully established transient**
22 **units shall be entitled to one unit for each type of unit in existence before January 4, 1996 for**
23 **use as a ROGO exemption.**
24

25 **Policy 101.5.5**

26 Monroe County shall maintain Land Development Regulations which allow nonconforming
27 nonresidential and transient uses in the RC, RL, RM and RH future land use categories that
28 lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or
29 substantially improve provided that the use is limited in density, intensity, floor area, *and to the*
30 *type of use that existed on January 4, 1996.*
31

32 **Policy 101.6.8**

33 Monroe County shall maintain a Transfer of ROGO Exemption (TRE) program, that allows for
34 the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces
35 and/or mobile homes to another site in the same ROGO subarea, provided that they are lawfully
36 existing and can be accounted for in the County's hurricane evacuation model. Dwelling units
37 may be transferred as follows:

- 38 a. between sites in the Upper Keys ROGO subarea;
 - 39 b. between sites in the Lower Keys ROGO subarea;
 - 40 c. between sites in the Big Pine Key and No Name Key ROGO subarea;
 - 41 i. units from the Big Pine Key and No Name Key ROGO subarea may also be transferred to the
42 Lower Keys ROGO subarea.
- 43

44 No sender units may be transferred to an area where there are inadequate facilities and services.
45

46 Sender Site Criteria:

- 47 1. Contains a documented lawfully-established sender unit recognized by the County; and
- 48 2. Located in a Tier I, II, III-A, or III designated area; including any tier within the County's

1 Military Installation Area of Impact (MIAI) Overlay.

2
3 Receiver Site Criteria:

- 4 1. The Future Land Use category and Land Use (Zoning) District must allow the requested use;
- 5 2. Must meet the adopted density standards;
- 6 3. Includes all infrastructure (potable water, adequate wastewater treatment and disposal
- 7 wastewater meeting adopted LOS, paved roads, etc.);
- 8 4. Located within a Tier III designated area; and
- 9 5. Structures are not located in a velocity (V) zone or within a CBRS unit.

10
11 **The proposed amendment may be consistent with the Monroe County 2030 Comprehensive**

12 **Plan. Specifically:**

13
14 **Objective 101.2**

15 As mandated by the State of Florida, pursuant to Section 380.0552, F.S. and Rule 28-20.140,

16 F.A.C., and to maintain the public health, safety, and welfare, Monroe County shall maintain a

17 maximum hurricane evacuation clearance time of 24 hours and will coordinate with the State

18 Land Planning Agency relative to the 2012 Memorandum of Understanding that has been

19 adopted between the County and all the municipalities and the State agencies.

20
21 **Policy 101.2.1**

22 Monroe County shall maintain a memorandum of understanding with the State Land Planning

23 Agency, Division of Emergency Management, Marathon, Islamorada, Key West, Key Colony

24 Beach, and Layton to stipulate, based on professionally acceptable data and analysis, the input

25 variables and assumptions, including regional considerations, for utilizing the Florida Division

26 of Emergency Management's (DEM) Transportation Interface for Modeling Evacuations

27 ("TIME") Model to accurately depict evacuation clearance times for the population of the

28 Florida Keys.

29
30 **Policy 101.2.2**

31 Monroe County shall coordinate with all the municipalities, the State Land Planning Agency

32 and Division of Emergency Management to update the variables and assumptions for the

33 evacuation clearance time modeling and analyses of the build-out capacity of the Florida Keys

34 Area of Critical State Concern based upon the release of the decennial Census data. Pursuant

35 to the 2012 completed hurricane evacuation clearance time modeling by the State Land

36 Planning Agency, which incorporates the 2010 Census data, the County may allocate 10 years'

37 worth of growth ($197 \times 10 = 1,970$ allocations, 197 annual ROGO rate based on Rule 28-

38 20.140, F.A.C.) through the year 2023, while maintaining an evacuation clearance time of 24

39 hours. The County will adopt a slower rate of annual allocations for market rate development

40 to extend the allocation timeframe to 2033 without exceeding the total of 1,970 allocations (see

41 Policy 101.3.2). The County shall reevaluate the annual ROGO allocation rate based on: 1)

42 statutory changes for hurricane evacuation clearance time requirement standards; 2) new

43 hurricane evacuation modeling by the State Land Planning Agency and Division of Emergency

44 Management; and 3) a new or revised memorandum of understanding with the State Land

45 Planning Agency, Division of Emergency Management, Marathon, Islamorada, Key West, Key

46 Colony Beach and Layton (see Policy 101.2.1).

47
48 **Policy 101.2.3**

1 The County will consider capital improvements based upon the need for improved hurricane
2 evacuation clearance times. The County will coordinate with the FDOT, the state agency which
3 maintains U.S.1, to ensure transportation projects that improve clearance times are prioritized.
4

5 **Policy 101.2.4**

6 In the event of a pending major hurricane (Category 3—5) Monroe County shall implement
7 the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour
8 hurricane evacuation clearance time for the resident population.

- 9 1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-
10 residents, visitors, recreational vehicles (RVs), travel trailers, live-aboard vessels (transient
11 and non-transient), and military personnel from the Florida Keys shall be initiated. State
12 parks and campgrounds should be closed at this time or sooner and entry into the Florida
13 Keys by non-residents should be strictly limited.
- 14 2. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of
15 mobile home residents, special needs residents, and hospital and nursing home patients
16 from the Keys shall be initiated.
- 17 3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation
18 of permanent residents by evacuation zone (described below) shall be initiated. Existing
19 evacuation zones are as follows:
 - 20 a) Zone 1 - Key West, Stock Island and Key Haven to Boca Chica Bridge (MM 1-6)
 - 21 b) Zone 2 - Boca Chica Bridge to West end of 7-mile Bridge (MM 6-40)
 - 22 c) Zone 3 - West end of 7-Mile Bridge to West end of Long Key Bridge (MM 40-63)
 - 23 d) Zone 4 - West end of Long Key Bridge to CR 905 and CR 905A intersection (MM 63-
24 106.5 and MM 1-9.5 of CR 905)
 - 25 e) Zone 5 - 905A to, and including Ocean Reef (MM 106.5-126.5)

26 The actual sequence of the evacuation by zones will vary depending on the individual storm.
27 The concepts embodied in this staged evacuation procedures should be embodied in the
28 appropriate County operational Emergency Management Plans.
29

30 The evacuation plan shall be monitored and updated on an annual basis to reflect increases,
31 decreases and or shifts in population; particularly the resident and non-resident populations.
32

33 For the purpose of implementing Policy 101.2.4, this Policy shall not increase the number of
34 allocations to more than 197 residential units a year, except for affordable housing. Any
35 increase in the number of allocations shall be for affordable housing.
36

37 **B. The proposed amendment may not be consistent with the Lower Keys Livable**
38 **Communikeys Plan, unless staff recommended edits are included as a part of the proposed text**
39 **amendment to ensure consistency. Specifically:**
40

41 **Goal**

42 Goal 1: Monroe County shall manage future growth to preserve the rural or low density
43 community character, protect the natural environment of the Lower Keys, and maintain and
44 encourage commercial revitalization along the U.S. 1 corridor. Community character includes
45 the cultural/traditional heritage, physical character, and scale of the businesses that serve the
46 local community in the Lower Keys area.
47

48 **Objective 1.2**

1 Monroe County shall continue to use the Land Use District Map and Future Land Use Map
2 categories to regulate land use by type, density, and intensity.

3
4 *Policy Item 1.2.1:* Monroe County shall continue to recognize the FLUM categories and land use
5 districts as the primary regulatory tools for evaluating development proposals.
6

7 **C. The amendment may not be consistent with the Principles for Guiding Development for the**
8 **Florida Keys Area, Section 380.0552(7), Florida Statutes, unless staff recommended edits**
9 **are included as a part of the proposed text amendment.**
10

11 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
12 with the principles for guiding development and any amendments to the principles, the principles
13 shall be construed as a whole and no specific provision shall be construed or applied in isolation
14 from the other provisions.
15

- 16 (a) Strengthening local government capabilities for managing land use and development so that
17 local government is able to achieve these objectives without continuing the area of critical
18 state concern designation.
- 19 (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations,
20 seagrass beds, wetlands, fish and wildlife, and their habitat.
- 21 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native
22 tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and
23 beaches, wildlife, and their habitat.
- 24 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound
25 economic development.
- 26 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida
27 Keys.
- 28 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural
29 environment, and ensuring that development is compatible with the unique historic character
30 of the Florida Keys.
- 31 (g) Protecting the historical heritage of the Florida Keys.
- 32 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and
33 proposed major public investments, including:
 - 34 1. The Florida Keys Aqueduct and water supply facilities;
 - 35 2. Sewage collection, treatment, and disposal facilities;
 - 36 3. Solid waste treatment, collection, and disposal facilities;
 - 37 4. Key West Naval Air Station and other military facilities;
 - 38 5. Transportation facilities;
 - 39 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 40 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
41 properties;
 - 42 8. City electric service and the Florida Keys Electric Co-op; and
 - 43 9. Other utilities, as appropriate.
- 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 not inconsistent
15 with the Principles for Guiding Development as a whole and is not inconsistent with any
16 Principle.

17
18 **D. The proposed amendment may not be consistent with the Part II of Chapter 163, Florida**
19 **Statute (F.S.), unless staff recommended edits are included as a part of the proposed text**
20 **amendment. Specifically:**

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

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

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

1 comprehensive plan but rather to require identification of those programs, activities, and land
2 development regulations that will be part of the strategy for implementing the comprehensive
3 plan and the principles that describe how the programs, activities, and land development
4 regulations will be carried out. The plan shall establish meaningful and predictable standards
5 for the use and development of land and provide meaningful guidelines for the content of
6 more detailed land development and use regulations.
7

8 163.3194, F.S. – (1)(a) After a comprehensive plan, or element or portion thereof, has been
9 adopted in conformity with this act, all development undertaken by, and all actions taken in
10 regard to development orders by, governmental agencies in regard to land covered by such
11 plan or element shall be consistent with such plan or element as adopted.

12 (b) All land development regulations enacted or amended shall be consistent with the adopted
13 comprehensive plan, or element or portion thereof, and any land development regulations
14 existing at the time of adoption which are not consistent with the adopted comprehensive
15 plan, or element or portion thereof, shall be amended so as to be consistent. If a local
16 government allows an existing land development regulation which is inconsistent with the
17 most recently adopted comprehensive plan, or element or portion thereof, to remain in effect,
18 the local government shall adopt a schedule for bringing the land development regulation
19 into conformity with the provisions of the most recently adopted comprehensive plan, or
20 element or portion thereof. During the interim period when the provisions of the most
21 recently adopted comprehensive plan, or element or portion thereof, and the land
22 development regulations are inconsistent, the provisions of the most recently adopted
23 comprehensive plan, or element or portion thereof, shall govern any action taken in regard to
24 an application for a development order.
25

26 163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory
27 authority.—It is the intent of this act that adopted comprehensive plans or elements thereof
28 shall be implemented, in part, by the adoption and enforcement of appropriate local
29 regulations on the development of lands and waters within an area. It is the intent of this act
30 that the adoption and enforcement by a governing body of regulations for the development
31 of land or the adoption and enforcement by a governing body of a land development code for
32 an area shall be based on, be related to, and be a means of implementation for an adopted
33 comprehensive plan as required by this act.
34

35 163.3202, F.S. – Land development regulations.—

36 (1) Within 1 year after submission of its comprehensive plan or revised comprehensive plan for
37 review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and
38 enforce land development regulations that are consistent with and implement their adopted
39 comprehensive plan.
40

41 **VI. PROCESS**

42
43 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the
44 Planning Commission, the Director of Planning, or the owner or other person having a contractual
45 interest in property to be affected by a proposed amendment. The Director of Planning shall review
46 and process applications as they are received and pass them onto the Development Review
47 Committee and the Planning Commission.
48

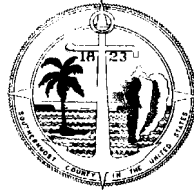
1 The Planning Commission shall hold at least one public hearing. The Planning Commission shall
2 review the application, the reports and recommendations of the Department of Planning &
3 Environmental Resources and the Development Review Committee and the testimony given at the
4 public hearing. The Planning Commission shall submit its recommendations and findings to the
5 Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the
6 transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff
7 recommendation, and the testimony given at the public hearing. The BOCC may or may not
8 recommend transmittal to the State Land Planning Agency. The amendment is transmitted to State
9 Land Planning Agency, which then reviews the proposal and issues an Objections,
10 Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has
11 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.
12

13 **VII. STAFF RECOMMENDATION**

14 Staff recommends approval with changes to the Applicant’s proposal, as presented in this report.
15

16 **VIII. EXHIBITS**

- 17
18
19 1. 2012 Memorandum of Understanding regarding hurricane evacuation.



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 226 - 2012

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA, RELATING TO THE STATE OF FLORIDA'S 2012 HURRICANE EVACUATION CLEARANCE TIME WORK GROUP; HURRICANE EVACUATION MODEL; WORK PROGRAM TASKS OF RULE 28-20.140, F.A.C.; AND THE STATE'S RECOMMENDED ALLOCATION OF RESIDENTIAL BUILDING PERMITS TO MONROE COUNTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature and the Administration Commission have included Monroe County within the designated Florida Keys Area of Critical State Concern (Section 380.05, 380.0552, Florida Statutes), and

WHEREAS, the Florida Legislature and the Administration Commission have mandated that Monroe County include within the goals, objectives, and policies of its Comprehensive Plan measures to protect public safety and welfare in the event of a hurricane, by maintaining an evacuation clearance time for permanent residents of no more than 24 hours (Section 380.0552(9)(a)2., Florida Statutes; Rule 28-20.140(5)(a)12. and 14., F.A.C.); and

WHEREAS, the Monroe County 2010 Comprehensive Plan includes Objective 101.2 which directs Monroe County to reduce the hurricane evacuation clearance times to 24 hours by the year 2010, and Policy 216.1.8 establishing that in the event of a pending major hurricane (category 3-5) Monroe County shall implement a staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population, by evacuating: 1) Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, RV's, travel trailers, live-aboard, and military personnel from the Keys shall be initiated, 2) Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated, and 3) Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone; and

WHEREAS, the Florida Legislature further mandated that the hurricane evacuation clearance time for Monroe County and other local governments within the Florida Keys Areas of Critical State Concern (ACSC) and the Key West Area of Critical State Concern shall be

determined by a state-approved hurricane evacuation study, conducted in accordance with a professionally accepted methodology (Rule 28-20.140(5)(a)11., F.A.C. and Rule 28-36, F.A.C.); and

WHEREAS, the Administration Commission directed the State Department of Economic Opportunity (DEO), by July 1, 2012, to apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys and Key West ACSCs or identify alternative evacuation strategies that support the 24 hour evacuation clearance time (Rule 28-20.140(5)(a)12. and 14., F.A.C.); and

WHEREAS, the DEO's 2012 Hurricane Evacuation Clearance Time Work Group included representation from Monroe County, the City of Key West, Islamorada, Village of Islands, the City of Layton, the City of Key Colony Beach, and the City of Marathon (the "Local Governments"); and

WHEREAS, the DEO's 2012 Hurricane Evacuation Clearance Time Work Group (the Work Group) evaluated, provided input, and, and ultimately recommended Scenario M5 from among the scenarios provide by DEO at its June 8, 2012 Work Group meeting; and

WHEREAS, Scenario M5 included the 2010 Census site-built units (43,760 units, 27,320 occupied units); a 90% participation rate; the maximum number of residential building permits for new construction for all Local Governments per year for 10 years or 3,540 (annually, County 197, Marathon 30, Islamorada 28, Key West 90, Key Colony Beach 6 and Layton 3); 1,248 mobile home units projected to convert to site-built units; the exclusion of 870 dwelling units on the Naval Air Station; as well as two (2) functional evacuation lanes from MM 108-126, as recommended by Monroe County Sheriff's Office. Further, the Work Group recommended Scenario M5 with the provision that the City of Key West would transfer annually (by July 13th) any remaining or unused (90 allocations) allocations to the other Local Governments based upon the Local Governments' ratio of vacant land; and

WHEREAS, DEO and the Local Governments recognize that significant vacant lands remain in the Florida Keys, including: Monroe County with 8,758 vacant parcels (77% of total vacant lands), Marathon with 1,281 vacant parcels (11%), Islamorada with 1,109 vacant parcels (10%), Key Colony Beach with 92 vacant parcels (0.81%), Key West with 84 vacant parcels (0.74%), and Layton with 13 vacant parcels (0.11%); and

WHEREAS, the hurricane model for determining clearance time and, ultimately, the State's allocation of County residential building permits, is maintained and run by the DEO and other state agencies; and

WHEREAS, DEO has determined, based on its data, input variables, and assumptions as set forth in Part Two of the attached MOU, that the Florida Division of Emergency Management's (DEM) Transportation Interface for Modeling Evacuations ("TIME") Model is the model acceptable to DEO to accurately depict evacuation clearance times for the population of the Keys ACSCs; and

WHEREAS, Marathon, Key West, Layton, Monroe County, and Islamorada staff requested new participation rate studies be conducted, due principally to the low sample sizes primarily for mobile homes relied upon by DEO and DEO anticipates conducting additional

human behavioral studies regarding participation rates in the future, prior to any further adjustments to the County's allocation of building permits; and

WHEREAS, DEO has determined that mobile home residents live in vulnerable housing and should be encouraged to evacuate before residents of site-built homes, consistent with the adopted staged/phased evacuation comprehensive plan policies; and

WHEREAS, the Local Governments recognize that the data, input variables, and assumptions DEO has incorporated into its hurricane evacuation model and this MOU are subject to change when the 2020 Census data becomes available; and

WHEREAS, the County is directed by Rule 28-20.140(5)(a)11, F.A.C. to enter into a memorandum of understanding (MOU) with the DEO and the other local governments in the Florida Keys & Key West ACSC, which MOU stipulates to the input variables and assumptions the DEO has used in the Florida Keys Hurricane Evacuation Model, or other models acceptable to the DEO, to accurately depict evacuation clearance times for the population of the Florida Keys; and

WHEREAS, the County wishes to comply with Rule 28-20.140, F.A.C. and ensure the availability of residential buildings permit allocations, consistent with the County's ability to safely evacuate its visitors and residents, and the intent of the Florida Keys ACSC to "protect the constitutional rights of property owners to own, use, and dispose of their real property" (Section 380.0552(2)(f), Florida Statutes); and

WHEREAS, DEO officials have indicated, by letter to Monroe County Mayor David Rice, dated July 30, 2012, that a minimum of 3,540 additional allocations could be distributed among Florida Keys Local Governments, still maintaining an evacuation clearance time of 24 hours; and

WHEREAS, DEO will report to the Administration Commission on the review and completion of Work Program tasks in Rule 28-20.140(5)(a)11.-14., F.A.C., and provide the recommended allocation rates and distribution of allocations; and

WHEREAS, the County has the following understandings, based on staff's discussions with DEO officials, and is relying on same, pending Administration Commission approval, in passing this Resolution:

(a) that at least 1,970 of the available 3,540 permits will be allocated to the County, for issuance within unincorporated Monroe County, after July 1, 2013, at an annual rate the County deems appropriate and in accordance with its Comprehensive Plan, through June 30, 2023; and

(b) that, after July 1, 2013, any permits allocated by the State to the City of Key West, which are not used within a given allocation year or for which the City is not eligible, will be distributed among the other local governments in the Florida Keys ACSC, in accordance with the proportion of vacant lands, in each jurisdiction, as indicated in the final report of the Work Group; and

WHEREAS, the Administration Commission has directed DEO, DEM, and the Local Governments in the Keys to enter into an MOU to stipulate to the input variables and

assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to DEO in order to accurately depict evacuation clearance times for the population of the Florida Keys (Rule 28-20.140(5)(a)11., F.A.C.); and

WHEREAS, at least 30 days notice and comment period for interested parties has been provided, as required by Rule 28-20.140(5)(a)11, F.A.C;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Monroe County, Florida, as follows:

ARTICLE I

1. That the Board of County Commissioners hereby stipulates, pursuant to Rule 28-20.140(5)(a)11, F.A.C., that:
 - a. DEO has determined that the Florida Division of Emergency Management's Transportation Interface for Modeling Evacuations ("TIME") Model is the model acceptable to DEO to accurately depict evacuation clearance times for the population of the Florida Keys; and
 - b. DEO has identified, and the 2012 Hurricane Evacuation Clearance Time Work Group has recommended, the data, input variables, and assumptions set forth in Part Two of the attached Memorandum of Understanding for utilizing the TIME Model to depict a 24-hour evacuation clearance time for the population of the Florida Keys.
 - c. DEO has recommended that a minimum of 3,540 additional allocations could be distributed among Florida Keys Local Governments, while still maintaining an evacuation clearance time of 24 hours, and recognizes that Monroe County is anticipated to receive 1,970 allocations for the time period of July 1, 2013 to June 30, 2023.
2. That County staff is hereby directed to coordinate with the state and other Local Governments in the Florida Keys ACSC and the Key West ACSC, in order to establish a formal process facilitating the transfer of allocations from the City of Key West to the other local governments, based on the relative percentage of vacant lands within each Local Government, as assumed in the final report of the Work Group, for any allocations in the prior allocation year(s) which:
 - a. The City of Key West is ineligible to receive for failure to comply with state law regarding mandated comprehensive plan adoptions or updates; or
 - b. Are not allocated by the City during the prior allocation year, through its adopted building permit allocation ordinances.
3. That Monroe County Mayor David Rice is hereby authorized to execute the attached MOU on behalf of the Board of County Commissioners.

**ARTICLE II
GENERAL PROVISIONS**

SECTION 2.01 Severability

If any section, subsection, sentence, clause, or provision of this resolution is held invalid or unconstitutional by a court of competent jurisdiction, then the said holding shall in no way affect the validity of the remaining portions, which shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 2.02 Effective Date

This resolution shall become effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of the Board held on the 21st day of September, 2012.

Mayor David Rice	<u>Yes</u>
Mayor <i>Pro Tem</i> Kim Wigington	<u>No</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY 
Mayor David Rice


FILED FOR RECORD


2012 OCT 10 AM 10:54

DANNY L. KOLHAGE
CLERK

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK


DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Date: September 2, 2012

08-02-12

HURRICANE EVACUATION CLEARANCE TIME MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

**THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND THE COUNTY OF
MONROE, CITY OF KEY WEST, ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON,
CITY OF KEY COLONY BEACH, CITY OF MARATHON, AND FLORIDA DIVISION OF
EMERGENCY MANAGEMENT**

This Memorandum of Understanding (“MOU”) is entered into by and between the State of Florida’s Department of Economic Opportunity (the “DEO”), the Florida Division of Emergency Management (the “Division”), and Monroe County, the City of Key West, Islamorada, Village of Islands, the City of Layton, the City of Key Colony Beach, and the City of Marathon (the “Local Governments”) (all collectively known as the “Parties”) for the purpose of complying with Rules 28-18, 28-19, and 28-20, Florida Administrative Code.

RECITALS:

WHEREAS, the Local Governments of the Florida Keys are within two areas that the Florida Legislature and the Administration Commission have designated as Areas of Critical State Concern (the Florida Keys ACSC and the City of Key West ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, and Florida Administrative Code Chapter 28-36, hereinafter referred to as the “Keys ACSCs”; and

WHEREAS, the Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations, which have been approved by the State, as required by law; and

WHEREAS, the State’s Legislative Intent in designating the Local Governments as Areas of Critical State Concern includes:

(a) Establish a land use management system that protects the natural environment of the Florida Keys;

(b) Establish a land use management system that conserves and promotes the community character of the Florida Keys;

(c) Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services;

(d) Provide affordable housing in close proximity to places of employment in the Florida Keys;

(e) Establish a land use management system that promotes and supports a diverse and sound economic base;

(f) Protect the constitutional rights of property owners to own, use, and dispose of their real property;

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(g) Promote coordination and efficiency among governmental agencies that have permitting jurisdiction over land use activities in the Florida Keys;

(h) Promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Florida Keys;

(i) Protect and improve the nearshore water quality of the Florida Keys through the construction and operation of wastewater management facilities that meet the requirements of Sections 381.0065(4)(l) and 403.086(10), Florida Statutes, as applicable; and

(j) Ensure that the population of the Florida Keys can be safely evacuated (Section 380.0552(2) Florida Statutes); and

WHEREAS, the Florida Keys remain one of the most vulnerable areas in the United States to hurricanes; and

WHEREAS, the Florida Legislature and the Administration Commission have mandated that the Local Governments (except the City of Key West) include within the goals, objectives, and policies of their respective Comprehensive Plans measures to protect public safety and welfare in the event of a hurricane by maintaining an evacuation clearance time for permanent residents of no more than 24 hours (Section 380.0552(9)(a)2. Florida Statutes, Rule 28-18.400(5)(a)10., F.A.C., Rule 28-19.310(5)(a)5., F.A.C., and Rule 28-20.140(5)(a)14., F.A.C.); and

WHEREAS, Florida Administrative Code Rule 28-36.003(2)(a)7. requires that the City of Key West prepare and adopt an evacuation plan which is consistent with the regional and County plans; and

WHEREAS, the Florida Legislature further mandated that the hurricane evacuation clearance time for the Florida Keys ACSC shall be determined by a state-approved hurricane evacuation study, conducted in accordance with a professionally accepted methodology; and

WHEREAS, the Division of Emergency Management evacuation study, titled "Statewide Regional Evacuation Studies Program" dated November 2010, which includes Regional Behavioral Surveys Volumes 2-11, and was funded by the state Legislature and the Federal Emergency Management Agency ("FEMA"), provided the State's principal source of professionally acceptable data and analysis, augmented by other sources of data and analysis as referenced herein, for determining input variables and assumptions depicting evacuation clearance times for the population of the Florida Keys; and

WHEREAS, the Administration Commission has directed DEO, by July 1, 2012, to apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys ACSC or identify alternative evacuation strategies that support the 24 hour evacuation clearance time; and

WHEREAS, the Administration Commission has directed DEO, the Division, and the Local Governments to enter into this MOU to stipulate to the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models

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acceptable to DEO in order to accurately depict evacuation clearance times for the population of the Florida Keys ACSC; and

WHEREAS, DEO has determined that the Florida Division of Emergency Management's Transportation Interface for Modeling Evacuations ("TIME") Model is the model acceptable to DEO to accurately depict evacuation clearance times for the population of the Keys ACSCs; and

WHEREAS, the Local Governments of the Florida Keys, except the City of Key Colony Beach, have regulated the rate and distribution of growth by implementing permit allocation systems to address hurricane evacuation clearance times; and

WHEREAS, DEO and the Local Governments recognize that significant vacant lands remain in the Florida Keys: Monroe County with 8,758 vacant parcels (77% of total vacant lands), Marathon with 1,281 vacant parcels (11%), Islamorada with 1,109 vacant parcels (10%), Key Colony Beach with 92 vacant parcels (0.81%), Key West with 84 vacant parcels (0.74%), and Layton with 13 vacant parcels (0.11%); and

WHEREAS , DEO and the Local Governments recognize the need to balance limiting the maximum number of building permits for new construction of residential units to be issued annually in the Florida Keys with fairness and consideration of private property rights; and

WHEREAS, to address hurricane evacuation modeling for the Florida Keys ACSCs, DEO established a Hurricane Evacuation Clearance Time Work Group ("Work Group") consisting of elected officials from each Local Government and representatives from DEO and DEM; in addition DEO invited representatives of special interests in the Florida Keys to participate, including the Florida Keys Federation of Chambers of Commerce, the Florida Restaurant and Lodging Association, the Lodging Association of the Florida Keys and Key West, the Monroe County Sheriff's Office, Naval Air Station-Key West, the environmental community, and a citizen's advocacy group; and further DEO requested technical advisors from DEO, the Division, and the Local Governments as well as the Northeast Florida Regional Planning Council, the South Florida Regional Planning Council, Monroe County Emergency Management, the National Weather Service, the National Hurricane Center, and the Florida Department of Transportation to participate in meeting discussion; and

WHEREAS, four advertised public workshops were conducted in the Florida Keys where the Work Group reviewed studies and data from DEO and other agencies related to the occupancy, participation, human behavior, response curves, capacity of the evacuation route, and the number of automobiles that will likely be evacuated, and other factors; and

WHEREAS, the Work Group evaluated information, provided input, and ultimately recommended Scenario M5; and

WHEREAS, from among the scenarios provided by DEO at the June 8, 2012, Work Group meeting, Scenario M5 included the 2010 Census site-built units (43,760 units); the maximum number of residential building permits for new construction for all Local Governments per year for 10 years (annually, County 197, Marathon 30, Islamorada 28, Key West 90, Key Colony Beach 6 and Layton 3); 1,248 mobile home units projected to convert to site-built units; the exclusion of 870 dwelling units on

08-02-12

the Naval Air Station; as well as two (2) functional evacuation lanes from MM 108-126. Further, the Work Group recommended Scenario M5 with the provision that the City of Key West would transfer annually (by July 13th) any remaining or unused (90 allocations) allocations to the other Local Governments based upon the Local Governments' ratio of vacant land; and

WHEREAS, following the June 8, 2012, Work Group meeting, technical corrections were made to the Census site built units revising that number to 43,718 and revising the Key West building permit allocation to 91, which corrections do not affect the hurricane evacuation clearance time for the population of the Florida Keys; and

WHEREAS, the Local Governments acknowledge that the safe and timely evacuation of the population of the Florida Keys in the event of a hurricane requires a consistent and cooperative approach and to that end, having participated as members of the Work Group, acknowledge that the input variables and assumptions identified in this MOU are those which DEO finds accurately depict evacuation clearance times for the population of the Florida Keys for a Category 3-5 hurricane event, as required by Administrative Rule; and

WHEREAS, Marathon, Key West, Layton, Monroe County, and Islamorada requested new participation rate studies be conducted, due principally to the low sample rates primarily for mobile homes relied upon by DEO; and,

WHEREAS, the Work Group accepted the participation rates recommended by DEO, including those for mobile homes, and DEO agreed to seek funding to provide education to mobile home occupants regarding the need to evacuate during Phase I due to the vulnerability of mobile homes; and

WHEREAS, the Local Governments recognize that the data, input variables, and assumptions DEO has incorporated into its hurricane evacuation model and this MOU are subject to change when the 2020 Census data becomes available.

NOW THEREFORE, the parties set forth the following understandings:

PART ONE: RECITALS

The above recitals are incorporated into this MOU and made a part hereof.

PART TWO: DATA, INPUT VARIABLES AND ASSUMPTIONS

The Human Behavioral Studies from the 2010 Statewide Regional Evacuation Study, the 2010 Census as supplemented by the 2006-2010 American Community Survey, Smith Travel Research, and data from the Department of Business and Professional Regulation, Division of Hotels and Restaurants, and Statewide Regional Evacuation Study Program for the South Florida Region are the best available and most relevant data and analysis. The following input variables and assumptions provide the basis, when used in the TIME model, to accurately calculate evacuation clearance times for the population of the Florida Keys, and DEO will recommend same to the Administration Commission to determine the remaining development allocations for the Florida Keys:

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A. Number and Occupancy of Units by type of Unit:

1. **Tourist Units:** 13,665 tourist units with 11,287 occupied units for the month of July (the month with highest average number of permanent and seasonal residents and tourists). The data source for the number and type of units and vehicular use is the Statewide Regional Evacuation Study Program for the South Florida Region and the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Licensee File Database, District 1 (March 29, 2010). The data source for occupancy of tourist units is the Smith Travel Research 2012: Historic Trend Report for 2011 for the month of July. A listing of the units is within the Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data: Hotel, Motel and other Vacation Rental Units is attached and incorporated herein as **Exhibit 1**.
2. **Mobile Home Units:** 8,134 Mobile Home units with 4,576 occupied units. The data source for the number and type of units, the vehicular use and occupancy of the units is the 2010 Census supplemented by the 2006-2010 American Community Survey for Monroe County and the Statewide Regional Evacuation Study Program for the South Florida Region. A listing of the units is within the Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data for Site-Built and Mobile Homes, is attached and incorporated herein as **Exhibit 2**.
3. **Site-Built Units:** 43,718 Site-built units with 27,320 occupied units. The data source for the number, type, occupancy, and vehicular use is the 2010 Census supplemented by the 2006-2010 American Community Survey and the Statewide Regional Evacuation Study Program for the South Florida Region. See **Exhibit 2**.

B. Response Curve: The assumed Response Curve for model runs is 12 hours for all unit types as utilized in the 2010 Statewide Regional Evacuation Study Program for the South Florida Region.

C. Participation Rates: The assumed Participation Rates are:

- | | |
|-----------------------|----------------------------|
| 1. Tourist units: | 100% |
| 2. Mobile home units: | 100% |
| 3. Site-built units: | 90% for a Category 5 event |

The participation rates are based upon the 2010 Statewide Regional Evacuation Study, Regional Behavioral Analysis Volumes 2-11, prepared for the South Florida Region, which DEO has determined reflect the best available data at this time.

D. Vehicle Usage by Units by type of Unit: A listing of the vehicle count and usage by Traffic Evacuation Zone quantifies the number of vehicles owned (**Exhibit 3**) and the percent of vehicles owned that will be evacuated (**Exhibit 4**). Exhibits 3 and 4 are based upon the 2010 Statewide Regional Evacuation Study and are attached and incorporated herein.

E. Vehicle Usage by the Special Population: **Exhibit 5** represents the number of vehicles that will be contributed by Naval Air Station – Key West and the Florida Keys Community College and is

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based upon correspondence from Naval Air Station – Key West and the assumption that each of the 100 dorm beds from the Florida Keys Community College will contribute one evacuating vehicle per bed.

F. Evacuation Stream. The evacuation stream from Monroe County is the only assumed traffic demand considered.

G. Roadway Capacity. The Roadway Capacity, dated July 18, 2010, established by the Florida Department of Transportation is attached and incorporated herein as **Exhibit 6**.

H. Evacuation Procedures. The following evacuation procedures have been adopted or substantially adopted by the Local Governments (except the City of Key West) into their comprehensive plans, and by the City of Key West in Resolution No. 06-244:

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Florida Keys by non-residents should be strictly limited.
2. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone (described below) shall be initiated. Existing evacuation zones are as follows:
 - a) Zone 1 –Key West, Stock Island and Key Haven to Boca Chica Bridge (MM 1-6)
 - b) Zone 2 –Boca Chica Bridge to West end of 7-mile Bridge (MM 6-40)
 - c) Zone 3 –West end of 7-Mile Bridge to West end of Long Key Bridge (MM 40-63)
 - d) Zone 4 –West end of Long Boat Key Bridge to CR 905 and CR 905A intersection (MM 63-106.5)
 - e) Zone 5 –905A to, and including Ocean Reef (MM 106.5–126.5)

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts embodied in this staged evacuation procedures should be embodied in the appropriate operational Emergency Management Plans. The evacuation plan shall be monitored and updated on an annual basis to reflect increases, decreases and or shifts in population; particularly the resident and non-resident populations.

PART THREE: MISCELLANEOUS

A. Liability. As this MOU represents only the Parties' acknowledgement of the data, input variables, and assumptions DEO has utilized in its hurricane evacuation model, nothing in this MOU shall be construed to impose any liability on the State of Florida, DEO, the Division, or the Local Governments. Nothing in this MOU may be interpreted as a waiver of sovereign immunity by any

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Party. Any provision of this MOU that is inconsistent with the State's sovereign immunity statute shall be considered null and void.

B. Modification. Modifications to the Memorandum of Understanding shall be valid only when reduced to writing and duly signed by all parties.

C. Severability. If any term or provision of this Memorandum of Understanding shall be invalid or unenforceable to any extent, the Parties agree to comply with remaining terms and provisions, unless compliance with the remaining terms and provisions would prevent the accomplishment of the original intent of the agreement between the Parties.

D. Termination. Any Party may terminate this Memorandum of Understanding at any time, with or without cause. Termination shall take effect upon receipt of written notification by a Party to all other Parties.

E. Notification. Notifications under this MOU shall be made by hand delivery, U. S. certified mail, return receipt requested, or an express mail service that provides proof of delivery. Notification by a Party to the DEO shall be directed to the Areas of Critical State Concern Administrator, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4128. Notification to the other parties to this Memorandum of Understanding shall be directed as follows:

1. **Monroe County.** Mayor, Monroe County, 2798 Overseas Hwy. Marathon, FL 33050 with a copy to the Growth Management Division Director, 2798 Overseas Hwy. Marathon, FL 33050.
2. **City of Key West.** Mayor, City of Key West, 3126 Flagler Avenue Key West, FL 33040, with a copy to the Planning Director, 3126 Flagler Avenue Key West, FL 33040.
3. **City of Marathon.** Mayor, City of Marathon, 9805 Overseas Highway Marathon, FL 33050, with a copy to the Planning Director, 9805 Overseas Highway Marathon, FL 33050.
4. **City of Layton.** Mayor, City of Layton, 68260 Overseas Highway, P.O. Box 778 Long Key, FL 33001.
5. **City of Key Colony Beach.** Mayor, City of Key Colony Beach, P.O. Box 510141, Key Colony Beach, FL 33051-0141 with a copy to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051-0141.
6. **Islamorada, Village of Islands.** Mayor, Islamorada, Village of Islands, 86800 Overseas Highway Islamorada, FL 33036, with a copy to the Director of Planning and Development Services, 86800 Overseas Highway Islamorada, FL 33036.
7. **Division of Emergency Management.** Director, Florida Division of Emergency Management, 2555 Shumard Oaks Boulevard, Tallahassee, FL 32399-2100, with a copy to the Division's Hurricane Program Manager at the same address.

F. Effective Date. This Memorandum of Understanding is effective upon execution by all parties and approval by the Florida Administration Commission and ends upon the termination of the Florida

08-02-12

Keys Area of Critical State Concern designations, unless terminated earlier according to Part 4(D) above.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the dates below written.

CITY OF KEY WEST, FLORIDA

August 24, 2012
Date

[Signature]
Cates, Mayor



ATTEST [Signature]
Cheryl Smith, City Clerk

Approved as to form and legal sufficiency:
[Signature]
Shawn Smith, City Attorney

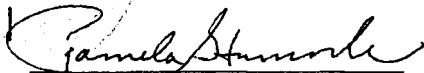
08-02-12

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

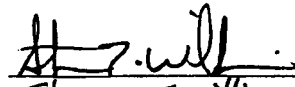
September 21, 2012
Date


David Rice, Mayor

ATTEST: DANNY I. KOLNAGE, Clerk


Clerk

Approved as to form and legal sufficiency:


Steven T. Williams, County Attorney

08-02-12

CITY OF MARATHON, FLORIDA

10/4/2012, 2012
Date

Peter Worthington
Peter Worthington, Mayor

ATTEST:

Diane Clavier
Diane Clavier, City Clerk

Approved as to form and legal sufficiency

John R. Herin, City Attorney

08-02-12

CITY OF LAYTON, FLORIDA

Sept. 18, 2012
Date

Norman S. Anderson
Norman S. Anderson, Mayor

ATTEST:

Mimi Young
Mimi Young, City Clerk


Approved as to form and legal sufficiency:

[Signature]
City Attorney

08-02-12

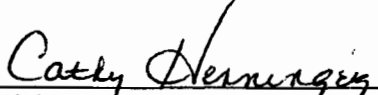
CITY OF KEY COLONY BEACH, FLORIDA

8/22, 2012
Date




Ron Sutton, Mayor

ATTEST:


~~Vickie L. Bollinger, City Clerk~~
Cathy Henninges

Approved as to form and legal sufficiency:



Thomas D. Wright, City Attorney

08-02-12

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

September 27th, 2012
Date


Michael Reckwerdt, Mayor

ATTEST:


~~Deputy Village Clerk~~

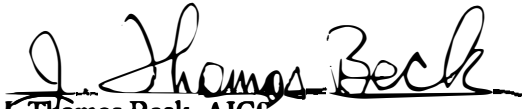
Approved as to form and legal sufficiency:


Nina Boniske, Village Attorney

08-02-12


STATE OF FLORIDA DEPARTMENT
OF ECONOMIC OPPORTUNITY

November 5, 2012


J. Thomas Beck, AICP
Director, Division of Community
Development

Approved as to form and legal
sufficiency, subject only to full and
proper execution by the parties

Office of the General Counsel
Department of Economic Opportunity

By: 
Assistant General Counsel
Approved Date: 11-5-12

08-02-12

**Exhibits to
Hurricane Evacuation Clearance Time Memorandum of Understanding**

- Exhibit 1 Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data: Hotel, Motel and other Vacation Rental Units
- Exhibit 2 Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data for Site-Built and Mobile Homes
- Exhibit 3 Listing of the vehicle count and usage by Traffic Evacuation Zone (based on the 2010 Statewide Regional Evacuation Study)
- Exhibit 4 Percent of vehicles owned that will be evacuated (based on the 2010 Statewide Regional Evacuation Study)
- Exhibit 5 Identification of contributing vehicles from Naval Air Station–Key West and Florida Keys Community College.
- Exhibit 6 Roadway Capacity, dated July 18, 2010, established by the Florida Department of Transportation

Exhibit 1

Table of Traffic Evacuation Zone (TEZ) Occupancy Data: Hotel, Motel and Other Vacation Rental (Tourist) Units

TEZ	Monroe County Tourist Development Council Districts	Total	Occupancy Rate for July	Occupied Total for July	Occupancy Rate for September	Occupied Total for September	Occupancy Rate for October	Occupied Total for October	Occupancy Rate for November	Occupied Total for November	Occupancy Rate for Hurricane Season	Occupied Total for Hurricane Season
1208	Key West	1,993	90.50%	1,804	63.20%	1,260	74.70%	1,489	85.20%	1,698	79.40%	1,582
1209	Key West	1,696	90.50%	1,535	63.20%	1,072	74.70%	1,267	85.20%	1,445	79.40%	1,347
1210	Key West	162	90.50%	147	63.20%	102	74.70%	121	85.20%	138	79.40%	129
1211	Key West	1,144	90.50%	1,035	63.20%	723	74.70%	855	85.20%	975	79.40%	908
1212	Key West	210	90.50%	190	63.20%	133	74.70%	157	85.20%	179	79.40%	167
1213	Key West	0	90.50%	0	63.20%	0	74.70%	0	85.20%	0	79.40%	0
1214	Key West	31	90.50%	28	63.20%	20	74.70%	23	85.20%	26	79.40%	25
1215	Key West	230	90.50%	208	63.20%	145	74.70%	172	85.20%	196	79.40%	183
1216	Key West	992	90.50%	898	63.20%	627	74.70%	741	85.20%	845	79.40%	788
1217	Monroe w/o Key West*	1	75.90%	1	45.30%	0	52.80%	1	63.50%	1	61.80%	1
1218	Monroe w/o Key West*	25	75.90%	19	45.30%	11	52.80%	13	63.50%	16	61.80%	15
1219	Monroe w/o Key West*	1	75.90%	1	45.30%	0	52.80%	1	63.50%	1	61.80%	1
1220	Monroe w/o Key West*	1	75.90%	1	45.30%	0	52.80%	1	63.50%	1	61.80%	1
1221	Monroe w/o Key West*	136	75.90%	103	45.30%	62	52.80%	72	63.50%	86	61.80%	84
1222	Monroe w/o Key West*	105	75.90%	80	45.30%	48	52.80%	55	63.50%	67	61.80%	65
1223	Monroe w/o Key West*	82	75.90%	62	45.30%	37	52.80%	43	63.50%	52	61.80%	51
1224	Monroe w/o Key West*	217	75.90%	165	45.30%	98	52.80%	115	63.50%	138	61.80%	134
1225	Monroe w/o Key West*	6	75.90%	5	45.30%	3	52.80%	3	63.50%	4	61.80%	4
1226	Marathon	496	79.00%	392	44.90%	223	52.90%	262	62.30%	309	63.10%	313
1227	Marathon	191	79.00%	151	44.90%	86	52.90%	101	62.30%	119	63.10%	121
1228	Marathon	1,461	79.00%	1,154	44.90%	656	52.90%	773	62.30%	910	63.10%	922
1229	Marathon	576	79.00%	455	44.90%	259	52.90%	305	62.30%	359	63.10%	363
1230	Islamorada	87	67.50%	59	40.30%	35	46.10%	40	58.50%	51	54.80%	48
1231	Islamorada	173	67.50%	117	40.30%	70	46.10%	80	58.50%	101	54.80%	95
1232	Islamorada	202	67.50%	136	40.30%	81	46.10%	93	58.50%	118	54.80%	111
1233	Islamorada	1,156	67.50%	780	40.30%	466	46.10%	533	58.50%	676	54.80%	633
1234	Islamorada	106	67.50%	72	40.30%	43	46.10%	49	58.50%	62	54.80%	58
1235	Islamorada	103	67.50%	70	40.30%	42	46.10%	47	58.50%	60	54.80%	56
1236	Key Largo	21	77.80%	16	47.90%	10	55.90%	12	67.30%	14	64.20%	13
1237	Key Largo	169	77.80%	131	47.90%	81	55.90%	94	67.30%	114	64.20%	108
1238	Key Largo	52	77.80%	40	47.90%	25	55.90%	29	67.30%	35	64.20%	33
1239	Key Largo	212	77.80%	165	47.90%	102	55.90%	119	67.30%	143	64.20%	136
1240	Key Largo	840	77.80%	654	47.90%	402	55.90%	470	67.30%	565	64.20%	539
1241	Key Largo	232	77.80%	180	47.90%	111	55.90%	130	67.30%	156	64.20%	149
1242	Key Largo	1	77.80%	1	47.90%	0	55.90%	1	67.30%	1	64.20%	1
1243	Key Largo	186	77.80%	145	47.90%	89	55.90%	104	67.30%	125	64.20%	119
1244	Key Largo	284	77.80%	221	47.90%	136	55.90%	159	67.30%	191	64.20%	182
1245	Key Largo	85	77.80%	66	47.90%	41	55.90%	48	67.30%	57	64.20%	55
1246	Key Largo	0	77.80%	0	47.90%	0	55.90%	0	67.30%	0	64.20%	0
1247	Key Largo	0	77.80%	0	47.90%	0	55.90%	0	67.30%	0	64.20%	0
Total of Units		13,665		11,287		7,299		8,578		10,034		9,540

*The "Big Pine Key and Lower Keys" District did not participate in the current Smith Travel Research survey.

For the purposes of the TIME Model, the Lower Keys will be using "Monroe County w/o Key West" as default occupancy.

Source data: Monroe County Tourist Development Council; Smith Travel Research 2012: Historic Trend Report; Department of Business and Professional Regulation: Division of Hotels and Restaurants; 2010 Statewide Regional Evacuation Study: South Florida Region

Exhibit 2

Table of Traffic Evacuation Zone (TEZ) Occupancy Data: Site-Built and Mobile Home Units

TEZ	Sub-County Location	Site-Built			Mobile Home		
		Total	Occupancy Rate	Occupied Total	Total	Occupancy Rate	Occupied Total
1208	Key West	2,196	67.85%	1,490	1	100.00%	1
1209	Key West	2,252	65.32%	1,471	69	100.00%	69
1210	Key West	1,387	87.89%	1,219	8	100.00%	8
1211	Key West	2,779	77.69%	2,159	42	100.00%	42
1212	Key West	514	92.61%	476	0	0.00%	0
1213	Key West	1,069	87.65%	937	365	96.44%	352
1214	Key West	289	85.35%	247	10	100.00%	10
1215	Key West	1,586	77.96%	1,236	15	100.00%	15
1216	Key West	699	78.40%	548	10	100.00%	10
1217	Key West	610	81.97%	500	576	89.06%	513
1218	Key West	106	84.91%	90	304	79.28%	241
1219	Key West	448	86.61%	388	0	0.00%	0
1220	Lower Keys	1,041	86.36%	899	517	56.87%	294
1221	Lower Keys	1,112	71.22%	792	50	100.00%	50
1222	Lower Keys	1,521	55.03%	837	472	40.25%	190
1223	Lower Keys	2,477	66.98%	1,659	376	48.14%	181
1224	Lower Keys	1,174	59.20%	695	343	62.97%	216
1225	Lower Keys	464	63.79%	296	20	100.00%	20
1226	Middle Keys	747	56.09%	419	458	77.95%	357
1227	Middle Keys	1,613	58.15%	938	204	69.12%	141
1228	Middle Keys	3,854	49.35%	1,902	298	45.64%	136
1229	Middle Keys	1,093	37.60%	411	192	44.79%	86
1230	Middle Keys	258	62.79%	162	422	9.01%	38
1231	Middle Keys	1,155	34.37%	397	9	66.67%	6
1232	Upper Keys	525	57.52%	302	123	33.33%	41
1233	Upper Keys	273	57.88%	158	64	34.38%	22
1234	Upper Keys	885	49.83%	441	122	53.28%	65
1235	Upper Keys	2,299	57.16%	1,314	79	37.98%	30
1236	Upper Keys	619	53.96%	334	162	54.94%	89
1237	Upper Keys	933	52.52%	490	366	45.63%	167
1238	Upper Keys	377	75.86%	286	177	20.90%	37
1239	Upper Keys	1,509	55.53%	838	105	2.86%	3
1240	Upper Keys	1,547	46.15%	714	371	46.90%	174
1241	Upper Keys	1,009	79.58%	803	293	49.15%	144
1242	Upper Keys	487	63.24%	308	809	48.21%	390
1243	Upper Keys	1,114	52.96%	590	649	63.64%	413
1244	Upper Keys	605	32.23%	195	10	50.00%	5
1245	Upper Keys	1,071	34.08%	365	32	46.88%	15
1246	Mainland Monroe	4	50.00%	2	11	45.46%	5
1247	Mainland Monroe	17	70.59%	12	0	0.00%	0
Totals		43,718		27,320	8,134		4,576

Source data: 2010 US Census and 2006-2010 American Community Survey for Monroe County

Exhibit 3

Table of Traffic Evacuation Zone (TEZ) Vehicle Per Unit Data: Site-Built, Mobile Home and Tourist Units

TEZ	Sub-County Location	Site-Built			Mobile Home			Tourist (based on July Occupancy)		
		Occupied Units	Vehicle per Unit	Total Vehicles	Occupied Units	Vehicle per Unit	Total Vehicles	Occupied Units	Vehicle per Unit	Total Vehicles
1208	Key West	1,490	1.08859	1,622	1	1.00000	1	1,804	1.1	1,984
1209	Key West	1,471	0.99544	1,464	69	0.85507	59	1,535	1.1	1,689
1210	Key West	1,219	1.36423	1,663	8	1.37500	11	147	1.1	162
1211	Key West	2,159	1.41147	3,048	42	1.45238	61	1,035	1.1	1,139
1212	Key West	476	1.22899	585	0	0.00000	0	190	1.1	209
1213	Key West	937	1.31910	1,236	352	1.36080	479	0	1.1	0
1214	Key West	247	1.45398	359	10	1.50000	15	28	1.1	31
1215	Key West	1,236	1.29993	1,607	15	1.26667	19	208	1.1	229
1216	Key West	548	1.31934	723	10	1.30000	13	898	1.1	988
1217	Key West	500	1.40800	704	513	1.40156	719	1	1.1	1
1218	Key West	90	1.64444	148	241	1.63900	395	19	1.1	21
1219	Key West	388	0.00000	0	0	0.00000	0	1	1.1	1
1220	Lower Keys	899	1.22914	1,105	294	0.62925	185	1	1.1	1
1221	Lower Keys	792	1.92045	1,521	50	1.92000	96	103	1.1	113
1222	Lower Keys	837	1.24134	1,039	190	1.60000	304	80	1.1	88
1223	Lower Keys	1,659	1.41772	2,352	181	1.70166	308	62	1.1	68
1224	Lower Keys	695	1.01727	707	216	1.71759	371	165	1.1	182
1225	Lower Keys	296	1.75000	518	20	1.70000	34	5	1.1	6
1226	Middle Keys	419	0.94033	394	357	1.03081	368	392	1.1	431
1227	Middle Keys	938	1.51386	1,420	141	1.39716	197	151	1.1	166
1228	Middle Keys	1,902	1.71451	3,261	136	1.75735	239	1,154	1.1	1,269
1229	Middle Keys	411	1.52555	627	86	1.58140	136	455	1.1	501
1230	Middle Keys	162	1.71605	278	38	1.71053	65	59	1.1	65
1231	Middle Keys	397	1.62972	647	6	1.66667	10	117	1.1	129
1232	Upper Keys	302	1.89073	571	41	1.90244	78	136	1.1	150
1233	Upper Keys	158	1.88608	298	22	1.86364	41	780	1.1	858
1234	Upper Keys	441	0.00000	0	65	0.00000	0	72	1.1	79
1235	Upper Keys	1,314	1.86758	2,454	30	1.76667	53	70	1.1	77
1236	Upper Keys	334	1.79042	598	89	1.78652	159	16	1.1	18
1237	Upper Keys	490	1.32245	648	167	0.93413	156	131	1.1	144
1238	Upper Keys	286	1.60140	458	37	1.56757	58	40	1.1	44
1239	Upper Keys	838	1.95346	1,637	3	2.00000	6	165	1.1	182
1240	Upper Keys	714	1.88936	1,349	174	1.40230	244	654	1.1	719
1241	Upper Keys	803	1.81071	1,454	144	1.83333	264	180	1.1	198
1242	Upper Keys	308	1.42532	439	390	1.40513	548	1	1.1	1
1243	Upper Keys	590	2.12881	1,256	413	1.93220	798	145	1.1	160
1244	Upper Keys	195	0.46154	90	5	1.60000	8	221	1.1	243
1245	Upper Keys	365	0.81096	296	15	1.86667	28	66	1.1	73
1246	Mainland Monroe	2	1.50000	3	5	1.40000	7	0	1.1	0
1247	Mainland Monroe	12	0.00000	0	0	0.00000	0	0	1.1	0
Totals		27,320		38,579	4,576		6,533	11,287		12,416

Source data: 2010 US Census and 2006-2010 American Community Survey for Monroe County; Smith Travel Research 2012: Historic Trend Report; 2010 Statewide Regional Evacuation Study: South Florida Region

Exhibit 4

Table of Traffic Evacuation Zone (TEZ) Vehicle Use Rate Data: Site-Built, Mobile Home and Tourist Units

TEZ	Sub-County Location	Site-Built			Mobile Home			Tourist (based on July Occupancy)		
		Total Vehicles	Vehicle Use Rate	Available Vehicles	Total Vehicles	Vehicle Use Rate	Available Vehicles	Total Vehicles	Vehicle Use Rate	Available Vehicles
1208	Key West	1,622	90%	1,460	1	90%	1	1,984	100%	1984
1209	Key West	1,464	90%	1,318	59	90%	53	1,689	100%	1,689
1210	Key West	1,663	90%	1,497	11	90%	10	162	100%	162
1211	Key West	3,048	90%	2,743	61	90%	55	1,139	100%	1,139
1212	Key West	585	90%	526	0	90%	0	209	100%	209
1213	Key West	1,236	90%	1,112	479	90%	431	0	100%	0
1214	Key West	359	90%	323	15	90%	14	31	100%	31
1215	Key West	1,607	90%	1,447	19	90%	17	229	100%	229
1216	Key West	723	90%	651	13	90%	12	988	100%	988
1217	Key West	704	90%	634	719	90%	647	1	100%	1
1218	Key West	148	90%	133	395	90%	356	21	100%	21
1219	Key West	0	90%	0	0	90%	0	1	100%	1
1220	Lower Keys	1,105	75%	829	185	75%	139	1	100%	1
1221	Lower Keys	1,521	75%	1,141	96	75%	72	113	100%	113
1222	Lower Keys	1,039	75%	779	304	75%	228	88	100%	88
1223	Lower Keys	2,352	75%	1,764	308	75%	231	68	100%	68
1224	Lower Keys	707	75%	530	371	75%	278	182	100%	182
1225	Lower Keys	518	75%	388	34	75%	26	6	100%	6
1226	Middle Keys	394	80%	315	368	80%	294	431	100%	431
1227	Middle Keys	1,420	80%	1,136	197	80%	158	166	100%	166
1228	Middle Keys	3,261	80%	2,609	239	80%	191	1,269	100%	1,269
1229	Middle Keys	627	80%	502	136	80%	109	501	100%	501
1230	Middle Keys	278	80%	222	65	80%	52	65	100%	65
1231	Middle Keys	647	80%	518	10	80%	8	129	100%	129
1232	Upper Keys	571	85%	485	78	85%	66	150	100%	150
1233	Upper Keys	298	85%	253	41	85%	35	858	100%	858
1234	Upper Keys	0	85%	0	0	85%	0	79	100%	79
1235	Upper Keys	2,454	85%	2,086	53	85%	45	77	100%	77
1236	Upper Keys	598	85%	508	159	85%	135	18	100%	18
1237	Upper Keys	648	85%	551	156	85%	133	144	100%	144
1238	Upper Keys	458	85%	389	58	85%	49	44	100%	44
1239	Upper Keys	1,637	85%	1,391	6	85%	5	182	100%	182
1240	Upper Keys	1,349	85%	1,147	244	85%	207	719	100%	719
1241	Upper Keys	1,454	85%	1,236	264	85%	224	198	100%	198
1242	Upper Keys	439	85%	373	548	85%	466	1	100%	1
1243	Upper Keys	1,256	85%	1,068	798	85%	678	160	100%	160
1244	Upper Keys	90	85%	76	8	85%	7	243	100%	243
1245	Upper Keys	296	85%	252	28	85%	24	73	100%	73
1246	Mainland Monroe	3	75%	2	7	80%	6	0	100%	0
1247	Mainland Monroe	0	75%	0	0	80%	0	0	100%	0
Totals		38,579		32,394	6,533		5,461	12,416		12,416

Source data: 2010 US Census and 2006-2010 American Community Survey for Monroe County; Smith Travel Research 2012: Historic Trend Report; 2010 Statewide Regional Evacuation Study: South Florida Region

Exhibit 5**Table of Traffic Evacuation Zone (TEZ) Data: Special Population**

TEZ	Sub-County Location	Special Population Type	Originating Location	Number of Beds/Vehicles Used
1216	Key West	University Population	Florida Keys Community College - Blue Lagoon Residence Hall	100 vehicles
1220	Lower Keys	NAS Key West Personnel	NAS Key West - Boca Chica	2,338 vehicles

Source data: Naval Air Station (NAS) Key West; Florida Keys Community College

Exhibit 6
Maximum Sustainable Traffic Flow Rates per Functional Evacuation Lane:
US Highway 1 (Overseas Highway) and CR 905/Card Sound Road in the Florida Keys, Monroe
County, Florida

Area	Milemarkers		Location/Description	Functional Evacuation Lane	Maximum Sustainable Flow Rate per Functional Lane
	From	To			
Lower Keys	2	4	Key West to Stock Island	2	900
Lower Keys	4	9	Stock Island To Big Coppitt Key	2	900
Lower Keys	9	17	Big Coppitt to Sugarloaf Key	1	1,100
Lower Keys	17	22	Sugarloaf to Cudjoe Key	1	1,100
Lower Keys	22	24	Cudjoe Key to Summerland Key Cove Airport	1	1,100
Lower Keys	24	25	Summerland Key Cove Airport to Summerland Key	1	1,100
Lower Keys	25	30	Summerland Key to Big Pine Key	1	1,100
Lower Keys	30	34	Big Pine Key to West Summerland Keys	1	1,050
Lower Keys	34	35.2	West Summerland Keys to Spanish Harbor Keys	1	1,100
Lower Keys	35.2	36.5	Spanish Harbor Keys to Bahia Honda Bridge	2	1,100
Lower Keys	36.5	37.5	Bahia Honda Bridge to Bahia Honda Key	1	1,100
Middle Keys	37.5	47	Bahia Honda Key to Hog Key	1	1,200
Middle Keys	47	48	Hog Key to Boot Key	1	1,100
Middle Keys	48	50.2	Boot Key to Marathon	2	900
Middle Keys	50.2	58	Marathon to Marathon Shores	2	900
Middle Keys	50.8	54	Marathon Shores to Key Colony Beach	2	900
Middle Keys	54	54.5	Key Colony Beach to Deer Key	2	900
Middle Keys	54.5	58	Deer Key to Grassy Key	1	1,100
Upper Keys	58	74	Grassy Key to Matecumbe Harbor	1	1,100
Upper Keys	74	80	Matecumbe Harbor to Teatable Key	1	1,100
Upper Keys	80	83.5	Teatable Key to Islamorada	1	1,100
Upper Keys	83.5	85.6	Islamorada to Windley Key	1	1,100
Upper Keys	85.6	90	Windley Key to Plantation Key	1	1,100
Upper Keys	90	100	Tavernier Key to Newport Key	2	900
Upper Keys	100	105	Newport Key to Sexton Cove	2	900
Upper Keys	105	106.3	Sexton Cove to Rattlesnake Key	2	900
Upper Keys	106.3	126.5	Rattlesnake Key to Card Sound Road	1	1,200
Upper Keys	126.5	HEFT	Card Sound Road to HEFT	1	900

Exhibit 6 Maximum Sustainable Traffic Flow Rates per Functional Evacuation Lane: US Highway 1 (Overseas Highway) and CR 905/Card Sound Road in the Florida Keys, Monroe County, Florida					
Area	Milemarkers		Location/Description	Functional Evacuation Lane	Maximum Sustainable Flow Rate per Functional Lane
	From	To			
Upper Keys	106.3	Int CR 905/CR 905A	Lake Surprise to Crocodile Lake	1	1,100
Upper Keys	Ocean Reef	Int CR 905/CR 905A	Tanglefish Key to Crocodile Lake	1	1,100
Upper Keys	Int CR 905/CR 905A	US1	Crocodile Lake to South Miami Dade	1	1,100

Source data: Florida Department of Transportation: Letter to Department of Community Affairs on June 18, 2010 - Tables 2A and 2B; Statewide Regional Evacuation Study for the South Florida Region



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MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P12-20

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A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICIES 101.3.1, 101.3.5, AND 101.6.8 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW THE INTERCHANGEABILITY OF MOBILE HOME AND RV USES WITHIN VENTURE OUT ON CUDJOE KEY, AND ELIMINATING THE POSSIBILITY TO TRANSFER ROGO EXEMPTIONS FROM VENTURE OUT TO OTHER LOCATIONS OUTSIDE OF THE VENTURE OUT COMMUNITY, AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF VENTURE OUT AT CUDJOE CAY CONDOMINIUM ASSOCIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-066)

WHEREAS, on April 11, 2019, the Planning and Environmental Resources Department received an application from Barton W. Smith of Smith/Hawks PL (the “Agent”) on behalf of Venture Out at Cudjoe Cay Condominium Association (the “Applicant,”) to amend the Monroe County Land Development Code Section 114-67 to allow for alternate parking off-street parking requirements specific to Venture Out and amending Section 138-22 and to allow the interchangeability of mobile homes and RVs within Venture Out; and

WHEREAS, on June 26, 2019, the Applicant submitted a revised application with additional information and provided supplemental information on October 22, 2019;

WHEREAS, on February 11, 2020, the Applicant submitted a revised application (the “Application”), replacing the proposed text amendment to the LDC with a proposed text amendment to the 2030 Monroe County Comprehensive Plan (the “Comprehensive Plan”);

1 **WHEREAS**, the Applicant is proposing to amend Comprehensive Plan Policy 101.3.1 to
2 allow the interchangeability of mobile homes and RVs within Venture Out and eliminating the
3 possibility to transfer ROGO exemptions from Venture Out to other locations outside of the
4 Venture Out community;

5
6 **WHEREAS**, the proposed amendment may impact Comprehensive Plan Policies 101.3.5
7 and 101.6.8 and therefore staff is recommending changes to the proposed amendment to ensure
8 internal consistency with the adopted Comprehensive Plan;

9
10 **WHEREAS**, the Monroe County Development Review Committee (DRC) reviewed and
11 considered the proposed amendment at a regularly scheduled meeting held on May 26, 2020; and
12

13 **WHEREAS**, the Monroe County Planning Commission held a public hearing on May
14 27, 2020, for review and recommendation on the proposed amendment; and
15

16 **WHEREAS**, the Planning Commission was presented with the following documents and
17 other information relevant to the request, which by reference is hereby incorporated as part of the
18 record of said hearing:

- 19 1. Staff report prepared by Cheryl Cioffari, Assistant Director of Planning, dated March
20 13, 2020;
- 21 2. Sworn testimony of Monroe County Planning & Environmental Resources
22 Department staff;
- 23 3. Sworn testimony and presentation made by Barton W. Smith, Esq., Smith Hawks, PL;
- 24 4. Advice and counsel of Steve Williams, Assistant County Attorney, and John Wolfe,
25 Planning Commission Counsel; and
26

27 **WHEREAS**, based upon the information and documentation submitted, the Planning
28 Commission makes the following Findings of Fact and Conclusions of Law:

- 29 1. The proposed amendment is consistent with the Goals, Objectives and Policies of the
30 Monroe County Year 2030 Comprehensive Plan; and
- 31 2. The proposed amendment is consistent with the Principles for Guiding Development
32 for the Florida Keys Area of Critical State Concern, Sec. 380.0552(7), F.S.; and
- 33 3. The proposed amendment is consistent with Part II of Chapter 163, Florida Statute;
- 34 4. The proposed amendment will not result in an adverse change in community
35 character to the sub-area which a proposed amendment affects or to any area in
36 accordance with the Lower Keys Livable CommuniKeys master plan pursuant to
37 findings of the BOCC.

38
39 **NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF**
40 **MONROE COUNTY, FLORIDA**, the Monroe County Planning Commission recommends
41 approval with staff's recommended changes as presented during the hearing, to the Board of
42 County Commissioners of the proposed Comprehensive Plan amendment to Policy 101.3.1. The
43 Planning Commission's recommended additions to the recommended changes are as follows:
44

1 1. Venture Out Condominium Association shall provide an annual report to Monroe
2 County by June 1st to identify the number RV's, locations (parcel IDs) and property
3 owners, and a copy of the notification provided to the RV's parcels regarding the
4 mandatory evacuation provisions in the County and the Venture Out
5 Community. Additionally, the Venture Out Condominium Association shall provide
6 reports to Monroe County after each major hurricane (Category 3—5), within 30 days of
7 the storm event, that identify the owners and parcels with RVs that did not evacuate.
8 Venture Out Community authorizes Monroe County to conduct all necessary site visits
9 and inspections on the subject property.

10
11 2. Any parcel with a permitted RV on the parcel that is not removed and evacuated with
12 a mandatory evacuation, shall be restricted from having a Recreational Vehicle as a
13 permitted as of right use and shall be required to remove the RV and may apply for
14 building permits for a mobile home use. The Venture Out Condominium Association
15 shall track and annually report to Monroe County of the non-compliant properties.
16 Monroe County shall execute a deed restriction on such parcel(s) eliminating RV uses on
17 such parcel(s), subsequent to a finding of violation by the Monroe County Code
18 Compliance Special Magistrate.

19
20 **PASSED AND ADOPTED BY THE PLANNING COMMISSION** of Monroe County,
21 Florida, at a regular meeting held on the 27th day of May, 2020.

22
23 Tom Coward, Chair YES
24 William Wiatt, Commissioner YES
25 Ron Demes, Commissioner YES
26 Joe Scarpelli, Commissioner YES
27 Ron Miller, Commissioner No
28
29

30 **PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**

31
32 By Thomas Coward
33 Tom Coward, Chair

34
35 Signed this 15 day of June, 2020
36
37
38

39
40 Monroe County Planning Commission Attorney
41 Approved As To Form

42 John J. Wolfe
43 John J. Wolfe

44 Date: 6/11/2020
45