



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

January 28, 2020

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 047-2019 amending Monroe County Land Development Code Section 131-2(A), Maximum Height within Ocean Reef, a gated master planned community, to include additional language to allow structures within Ocean Reef to exceed the maximum height limit, not to exceed 60 feet, upon evidence submitted that the height has been approved by the Ocean Reef Community Association, Inc. (“Master Association”), as proposed by Smith/Hawks, PL on behalf of Ocean Reef Club, Inc.; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for inclusion in the Land Development Code; providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on December 11, 2019. Should you have any questions, please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

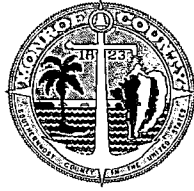
cc: Planning & Environmental
County Attorney
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145



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MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 047-2019

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 131-2(A), MAXIMUM HEIGHT WITHIN OCEAN REEF, A GATED MASTER PLANNED COMMUNITY, TO INCLUDE ADDITIONAL LANGUAGE TO ALLOW STRUCTURES WITHIN OCEAN REEF TO EXCEED THE MAXIMUM HEIGHT LIMIT, NOT TO EXCEED 60 FEET, UPON EVIDENCE SUBMITTED THAT THE HEIGHT HAS BEEN APPROVED BY THE OCEAN REEF COMMUNITY ASSOCIATION, INC. (“MASTER ASSOCIATION”), AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF OCEAN REEF CLUB, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 19, 2019, the Planning and Environmental Resources Department received an application from Smith Hawks PL, on behalf of Ocean Reef Club, Inc. and Ocean Reef Community Association, Inc., (the “Applicant”) to amend the Monroe County Land Development Code Section 131-2(a), to allow structures within Ocean Reef to exceed the maximum height limit up to a maximum of eighty (80) feet, upon evidence submitted by the Ocean Reef Community Association, Inc. (“Master Association”) that a variance to height has been approved by the Master Association based on criteria established for a variance by the Master Association; and

WHEREAS, the adopted Land Development Code Section 131-2(a) provides a height exception to the Ocean Reef master planned community for non-habitable architectural decorative features to exceed the 35-foot height limit in Policy 101.5.30, provided the building together with any architectural decorative feature does not exceed 40 feet; and

WHEREAS, the Ocean Reef master planned community is a 100+ acre community which is inaccessible to the surrounding community and has a distinct community character which has

1 additional regulations and is monitored and maintained by their homeowners association or similar
2 entity; and

3
4 **WHEREAS**, on April 1, 2019 a concept meeting was held, as required by LDC Section
5 102-158(d)(3), to discuss the proposed Comprehensive Plan and Land Development Code text
6 amendments, and it was determined that the proposed amendment would not have a County-wide
7 impact and a Community Meeting would not be required in accordance with LDC Section 102-
8 159(b); and

9
10 **WHEREAS**, the Monroe County Development Review Committee (DRC) considered and
11 reviewed the proposed amendment at a regularly scheduled meeting held on the 25th day of June,
12 2019; and

13
14 **WHEREAS**, staff is recommending approval of the proposed amendment to the Monroe
15 County Land Development Code Section 131-2(a), to allow maximum height within Ocean Reef,
16 a gated master planned community, to include additional language to allow structures within ocean
17 reef to exceed the maximum height limit, upon evidence submitted to and a height variance
18 approved by the Master Association established; and

19
20 **WHEREAS**, based upon the information and documentation submitted, the Development
21 Review Committee Chair found:

- 22 1. The proposed amendment is consistent with the Goals, Objectives and Policies of the
23 Monroe County Year 2030 Comprehensive Plan;
- 24 2. The proposed amendment is consistent with the Principles for Guiding Development
25 for the Florida Keys Area of Critical State Concern, Sec. 380.0552(7), F.S.; and
- 26 3. The proposed amendment is consistent with Part II of Chapter 163, Florida Statute.

27
28 **WHEREAS**, the Monroe County Planning Commission held a public hearing on July 31,
29 2019, for review and recommendation on the proposed amendment and recommended approval
30 with changes; and

31
32 **WHEREAS**, the Monroe County Planning Commission recommended approval to the
33 proposed amendment with changes, as follows:

34
35 *Within Ocean Reef, lawfully established existing multifamily, transient and*
36 *nonresidential buildings which exceed the 35-foot height limit may be repaired,*
37 *improved, redeveloped and/or elevated to not exceed a total maximum building*
38 *height of 60 feet. The existing buildings are limited to the existing lawfully*
39 *established number of habitable floors.*

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

- 4 1. Staff report prepared by R. Jay Berenzweig, Principal Planner, dated July 12, 2019;
- 5 2. Sworn testimony of Monroe County Planning & Environmental Resources Department
6 staff; and
- 7 3. Advice and counsel of Steve Williams, Assistant County Attorney, and John Wolfe,
8 Planning Commission Counsel; and

9
10 **WHEREAS**, based upon the information and documentation submitted, the Planning
11 Commission made the following Findings of Fact and Conclusions of Law:

- 12 1. The proposed amendment is consistent with the Goals, Objectives and Policies of the
13 Monroe County Year 2030 Comprehensive Plan; and
- 14 2. The proposed amendment is consistent with the Principles for Guiding Development
15 for the Florida Keys Area of Critical State Concern, Sec. 380.0552(7), F.S.; and
- 16 3. The proposed amendment is consistent with Part II of Chapter 163, Florida Statute; and

17
18 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P28-19
19 recommending approval of the proposed amendment; and

20
21 **WHEREAS**, the Applicant submitted additional data and analysis and amended language
22 on August 13, 2019, to the Planning Commission's recommended changes to the Land
23 Development Code Section 131-2(a) as follows:

24
25 *Within Ocean Reef, multifamily, transient and nonresidential buildings developed*
26 *or redeveloped may not exceed a total maximum building height of 60 feet.*
27 *Buildings are limited to four habitable floors.*

28
29 **WHEREAS**, at a regularly scheduled meeting on the 11th day of December, 2019, the
30 BOCC held a public hearing to consider adoption of the proposed Land Development Code text
31 amendment;

32
33 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
34 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

35
36 **Section 1.** The text of the Monroe County Land Development Code is hereby amended as
37 follows (Deletions are shown stricken through; additions are shown underlined):

1
2 **Section 4. Filing and Effective Date.** This ordinance shall be filed in the Office of the
3 Secretary of the State of Florida but shall not become effective until a notice is
4 issued by the State Land Planning Agency or Administration Commission finding
5 the amendment in compliance with Chapter 163, Florida Statutes and after any
6 applicable challenges have been resolved.

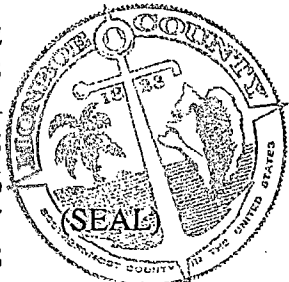
7
8 **Section 5. Inclusion in the Land Development Code.** The text amendment shall be
9 incorporated in the Monroe County Land Development Code. The numbering of
10 the foregoing amendment may be renumbered to conform to the numbering in the
11 Monroe County Land Development Code.

12
13 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida,
14 at a regular meeting held on the 11th day of December, 2019.

15
16 Mayor Heather Carruthers Yes
17 Mayor Pro Tem Michelle Coldiron Yes
18 Commissioner Vacant Vacant
19 Commissioner David Rice Yes
20 Commissioner Sylvia J. Murphy Yes

21
22 BOARD OF COUNTY COMMISSIONERS
23 OF MONROE COUNTY, FLORIDA

24
25 BY 
26 MAYOR HEATHER CARRUTHERS




29 ATTEST: KEVIN MADOK, CLERK

30 
31 DEPUTY CLERK
32
33

FILED FOR RECORD
2020 JAN 28 AM 11:33

CLK. CIR. CL.
MONROE COUNTY, FLA

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

GREGORY T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date: 1/24/20

THE CITIZEN

KEY WEST

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

RECEIVED

DEC 27 2019

MONROE COUNTY ATTORNEY

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

Account: 138694

Ticket: 322507

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[le:

Before the undersigned authority personally appeared

Misty Graves, 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, November 24, 2019

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.

[Signature]
(Signature of Affiant)

Affirmed and subscribed before me this 12th day of December 2019

[Signature]
(Notary Public Signature)

Suehyn Stamper
(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
MONROE COUNTY LAND
DEVELOPMENT CODE**

December 11, 2019

NOTICE IS HEREBY GIVEN that on Wednesday, December 11, 2019, the Monroe County Board of County Commissioners will hold a Public Meeting at the Murray E. Nelson Government Center, 102050 Overseas Hwy, Key Largo, FL 33037 to review and receive public comment for the following items:

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

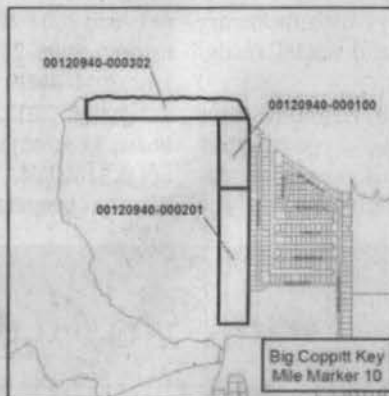
AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY YEAR 2030 COMPREHENSIVE PLAN POLICY 101.5.31 MAXIMUM HEIGHT WITHIN OCEAN REEF, A GATED MASTER PLANNED COMMUNITY, TO INCLUDE ADDITIONAL LANGUAGE TO ALLOW STRUCTURES WITHIN OCEAN REEF TO EXCEED THE MAXIMUM HEIGHT LIMIT, NOT TO EXCEED 60 FEET, UPON EVIDENCE SUBMITTED THAT THE HEIGHT HAS BEEN APPROVED BY THE OCEAN REEF COMMUNITY ASSOCIATION, INC. ("MASTER ASSOCIATION"); AS PROPOSED BY SMITH HAWKS PL; 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 2019-023)



Suehyn Stamper
COMMISSION # GG232802
EXPIRES: June 27, 2022
Bonded thru Aaron Notary

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 131-2, MAXIMUM HEIGHT, TO ALLOW STRUCTURES WITHIN OCEAN REEF, A GATED MASTER PLANNED COMMUNITY, TO EXCEED THE MAXIMUM HEIGHT LIMIT, NOT TO EXCEED 60 FEET, UPON EVIDENCE SUBMITTED THAT THE HEIGHT HAS BEEN APPROVED BY THE OCEAN REEF COMMUNITY ASSOCIATION, INC. ("MASTER ASSOCIATION"); AS PROPOSED BY SMITH HAWKS, PL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-024)

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS MAKING CERTAIN FINDINGS AND DESIGNATING THE PROPERTY LOCATED AT 10 BETTY ROSE DRIVE, BIG COPPITT KEY, WITH PARCEL ID NO. 00120940-000201, 00120940-000100, AND 00120940-000302, LOCALLY KNOWN AS THE QUARRY, PURSUANT TO SECTION 376.80, FLORIDA STATUTES, FLORIDA'S BROWNFIELD REDEVELOPMENT ACT, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE COUNTY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
(FILE 2019-207) See Map 1 below



Copies of the above are available at the Monroe County Planning Department offices in Marathon and Key Largo during normal business hours and online at: www.monroecounty-fl.gov

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."*

November 23, 2019 Key West Citizen

1507612 074
2019 11 23 10:52 AM
COUNTY CLERK
MONROE COUNTY
FLORIDA