Kevin Madok, CPA

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

November 3, 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. 037-2020 amending Policy 101.3.1 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).

This Ordinance was adopted by the Monroe County Board of County Commissioners at a meeting, held in formal session, on October 21, 2020. 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

MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. 037 -2020

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 101.3.1 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

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

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

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

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

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

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

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

2. 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;

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

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

WHEREAS, the State Land Planning Agency reviewed the amendment and issued an Objections, Recommendations and Comments (ORC) report on September 18, 2020, received by the County on September 18, 2020; and

WHEREAS, the ORC report did not identify any objections, recommendations or comments; and

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

WHEREAS, at a regularly scheduled meeting on the 21st day of October, 2020, the BOCC held a public hearing to consider adoption of the proposed Comprehensive Plan text amendment;

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

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

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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 development in the Ocean Reef planned development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter recognized and issued by the Department of Community Affairs). New residential

dwelling units included in the ROGO allocation system include the following: affordable housing units; market rate dwelling units; mobile homes; and institutional residential units (except hospital rooms).

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

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

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

1. To not increase the hurricane evacuation clearance time of permanent residents, in the event of a pending major hurricane (Category 3—5), a mandatory evacuation of all occupants of units within Venture Out, regardless of unit type, is required at least 48 hours in advance of tropical storm winds. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of occupants residing in a permanent unit shall be initiated and a mandatory evacuation of both the occupants of recreational vehicles (RVs) and the RVs shall be initiated;
2. Notwithstanding the provisions of Policy 101.5.5, the interchangeability of detached dwelling (permanent), mobile home (permanent) and recreational vehicles (transient) uses may occur only within the gated Venture Out community with a managing entity responsible for evacuation;
3. Recreational Vehicle occupancies or tenancies of six (6) months or more is prohibited;
4. Recreational Vehicles must meet all land development regulations, floodplain management regulations and any building code requirements for recreational vehicles;
5. 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;
6. 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
7. In no case shall recreational vehicles (transient units) be developed as a hotel/motel.

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Section 2. **Severability.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. **Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. **Transmittal.** This ordinance shall be transmitted by the Director of Planning to the State Land Planning Agency pursuant to Chapter 163 and 380, Florida Statutes.

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

Section 6. **Inclusion in the Comprehensive Plan.** The text amendment shall be incorporated in the Monroe County Comprehensive Plan. The numbering of the foregoing amendment may be renumbered to conform to the numbering in the Monroe County Comprehensive Plan.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 21st day of October, 2020.

Mayor Heather Carruthers	Yes
Mayor *Pro Tem* Michelle Coldiron	Yes
Commissioner Craig Cates	Yes
Commissioner David Rice	Yes
Commissioner Sylvia Murphy	Yes

FILED FOR RECORD
2020 NOV -3 PM 4:15
CLERK CIRCUIT COURT
MONROE COUNTY, FLA

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
MAYOR HEATHER CARRUTHERS

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 11.2.20

ATTEST: KEVIN MADOK, CLERK

_____
AS DEPUTY CLERK

KEY WEST
THE CITIZEN

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: 360515

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[legal.text]

Before the undersigned authority personally appeared Misty Weech, 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 advertisment, being a legal notice in the matter of was published in said newspaper in the issues of:

Sunday, October 4, 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.

(Signature of Affiant)

Affirmed and subscribed before me this 7th day of October 2020

(Notary Public Signature)

Suelynn Stamper
(Notary Public Printed Name) (Notary Seal)

My commission expires 6/27/22

Personally Known X Produced Identification ___

Type of Identification Produced _____

Suelynn Stamper
COMMISSION # GG232802
EXPIRES: June 27, 2022
Bonded Thru Aaron Notary

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

October 21, 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 **October 21, 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 Orders 20-112, 20-123, 20-139, 20-150 & 20-193 is rescinded, a traditional live meeting will be held at the Marathon Government Center located at 2798 Overseas Highway, Marathon, FL 33050. 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 POLICY 101.3.1 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)

AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 130-75, THE PERMITTED AND CONDITIONAL USES OF THE AIRPORT DISTRICT, TO ELIMINATE THE CONDITIONAL USE REQUIREMENT FOR PUBLIC AIRPORTS; 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 2020-081)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY 2030 COMPREHENSIVE PLAN AMENDING THE GLOSSARY TO MODIFY THE DEFINITION OF ACCESSORY USE OR ACCESSORY STRUCTURE, MODIFY THE DEFINITION OF DWELLING UNIT, DELETE THE DEFINITION OF FAMILY, MODIFY THE DEFINITION OF HOUSEHOLD, CREATE A DEFINITION FOR KITCHEN, CREATE A DEFINITION FOR LOCK-OUT UNIT, MODIFY THE DEFINITION OF TRANSIENT UNIT; CREATE A DEFINITION FOR WET BAR; AND AMENDING POLICY 101.3.5 TO ADDRESS THE TERM LOCK-OUT UNIT; 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 2019-098)

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS EXTENDING AN INTERIM DEVELOPMENT ORDINANCE AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 012-2017, AND EXTENDED THROUGH ORDINANCE 027-2019, FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED FOR COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE AMENDMENTS, DEVELOPMENT AGREEMENTS (INCLUDING 380 DEVELOPMENT AGREEMENTS), AND MINOR AND MAJOR CONDITIONAL USE PERMITS (EXCLUDING APPLICATIONS PROPOSING ONLY AFFORDABLE HOUSING DWELLING UNITS), WITH PROPOSED OCCUPANCY BY "THREE UNRELATED PEOPLE" OR "TWO UNRELATED PEOPLE AND ANY CHILDREN RELATED TO EITHER OF THEM" OF A DWELLING UNIT, AND APPLICATIONS UTILIZING THE TERM "LOCK-OUT," COMMENCING NOVEMBER 8, 2020, UNTIL THE BOCC CAN REVIEW AND POSSIBLY AMEND THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE REGARDING THE DEFINITIONS OF DWELLING UNIT; HOUSEHOLD; FAMILY AND THE UNDEFINED TERM "LOCK-OUT" OF A DWELLING UNIT; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.
(FILE 2020-066)

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

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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."