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DEPARTMENT OF
COMMUNITY AFFAIRS
ADMINISTRATIVE SERVICES OFFICE

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
DEPARTMENT OF COMMUNITY AFFAIRS AND MONROE COUNTY

THIS MEMORANDUM of Understanding is being entered into by and between the Florida Department of Community Affairs (DEPARTMENT) and Monroe County (COUNTY) to provide better coordination between the DEPARTMENT and the COUNTY in the implementation of provisions of Chapter 380, Florida Statutes, and the Monroe County Year 2010 Comprehensive Plan and land development regulations.

I. Witnesseth.

WEREAS, the COUNTY has been declared an Area of Critical State Concern pursuant to sections 380.05 and 380.0552, Florida Statutes, and has adopted a comprehensive land use plan and land development regulations, approved by the State as required by law; and

WHEREAS, the COUNTY is required to issue development orders only in conformity with its approved comprehensive land use plan and land development regulations, and

WHEREAS, the DEPARTMENT is authorized to appeal any COUNTY development order to the Florida Land and Water Adjudicatory Commission if the DEPARTMENT determines that the development order was issued in error; and

WHEREAS, due to a difference in interpretation between the DEPARTMENT and the COUNTY, the COUNTY has been issuing building permits deemed by the DEPARTMENT, as inconsistent with the intent of the provisions of the Monroe County

4. A "wet bar" shall be defined as "a food or drink preparation area limited to a total counter surface area of 16 square feet (including a sink with design limitations of one bin and limited to one (1) square foot in size) with electricity limited to 110 volt service."

II. Modifications.

Modifications to this Memorandum of Understanding shall only be valid when they have been reduced to writing and duly signed by each of the parties hereto.

III. Termination of Memorandum.

Either party may terminate this Memorandum of Understanding at any time, with or without cause. Termination shall take effect one week or five (5) working days, whichever is earlier, after receipt of written notification as evidenced by a certified mail return receipt.

IV. Notification.

Notification to the DEPARTMENT shall be directed to the Secretary, Department of Community affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

Notification to the COUNTY shall be directed to the Mayor, Monroe County Board of County Commissioners, Monroe County Courthouse, 500 Whitehead Street, Key West, FL 33040 with a copy to the Director of Growth Management, Monroe County Growth Management Division 2798 Overseas Highway, Suite 400, Marathon, FL 33050-2227.

Year 2010 Comprehensive Plan and Monroe County Code regulating accessory dwelling units; and

WHEREAS, the DEPARTMENT and COUNTY desire to enter into this Memorandum and amicably resolve their differences of interpretation; and

WHEREAS, the COUNTY recognizes that proper administration of its comprehensive land use plan and land development regulations reduces the need for intervention by the DEPARTMENT, and both parties agree to pursue the goal of removal of the Area of Critical State Concern designation in accordance with Section 380.0552, Florida Statutes; and

WHEREAS, the DEPARTMENT and the COUNTY do mutually agree as follows:

1. The Monroe County Building Department shall only approve and issue building permits for those project designs identified as "YES" on the matrix entitled "Guidelines for Approving Additions That Do Not Create an Additional Dwelling Unit" attached hereto as Attachment "A".
2. Any project design which does not clearly fall within the descriptions set forth in the matrix shall require approval by the Director of Planning (or the Development Review Senior Administrator), after consultation with the DEPARTMENT's Planning Manager for the Field Office.
3. An "unlockable internal connector" shall be defined as an "open wall." A door or doorway shall not be included in the definition of "unlockable internal connection."

V Effective Date.

This Memorandum of Understanding shall become effective upon execution by both parties, and shall end upon the termination of the Florida Keys Area of Critical State concern designation, unless terminated earlier according to Section IV above.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: [Signature] DATE 2/11/98
MAYOR/CHAIRMAN (SEAL)



ATTEST: DANNY L. KOLHAGE, Clerk

By: [Signature]
Deputy Clerk

STATE OF FLORIDA,
DEPARTMENT OF COMMUNITY AFFAIRS

By: [Signature] DATE _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature]
Attorney's Office

**ATTACHMENT A
GUIDELINES FOR APPROVING ADDITIONS THAT DO NOT CREATE
AN ADDITIONAL DWELLING UNIT¹**

Bld. type ²	Separate entrance ³	lockable internal connection ⁴	unlockable internal connection ⁵	full kitchen ⁶	wet bar ⁷	Full Bath ⁸	½ Bath ⁸	Allowed? ⁹
acc. bld.	X	NA	NA	X		X		NO
"	X	NA	NA	X			X	NO
"	X	NA	NA		X	X		NO
"	X	NA	NA		X		X	NO
"	X	NA	NA			X		YES
add.	X	X	---	X		X		NO
"	X	X	---		X	X		NO
"	X	X	---		X		X	NO
"	X	X	---			X		YES
"	X	X	---				X	YES
"	X	---	X	X		X		NO
"	X	---	X		X	X		NO
"	X	---	X		X		X	YES ¹⁰
"	X	---	X			X		YES
"		---	X		X	X		YES
"		---	X	X		X		NO

- General Note: Not all possible project design options are shown. As a rule of thumb, if an option allows a full kitchen then a wet bar is also permitted in place of or in addition to a full kitchen; or, if an option allows a full bath, then a ½ bath is also permitted in place of or in addition to a full bath.
- acc = Attached or unattached accessory addition to principal structure with no internal connection to the structure.
add = Addition to principal structure with an internal connection to principal structure.
- A separate entrance is any entrance including sliding glass doors. A special exception may be made if the entrance is onto an enclosed courtyard or pool area. Care should be applied to assure a guest house or dormitory is not created.
- A lockable internal connection exists when either party can lock out the other party.
- An unlockable internal connection exists when one party can not exclude the other party. An open wall is an unlockable internal connection. A door or doorway is not an unlockable internal connection.
- A full kitchen is any food preparation facility larger than a wet bar. Plumbing "stub outs" shall be considered a kitchen.
- A wet bar is a food or drink preparation area limited to a total counter surface area of 16 square feet (including a sink with design limitations of one bin and limited to one (1) square foot in size) with electricity limited to 110 volt service.
- A full bath contains, at a minimum, a sink, toilet and bath or shower. A half bath, at a maximum, may contain a toilet and a sink.
- NO = Design can not be approved.
YES = Design can be approved.
Approval of any project design that does not clearly fall within one of the listed options can only be approved by the Planning Director or Development Review Senior Administrator, after consultation with the Planning Manager of the DCA Field Office.
- Requires covenant restricting dwelling unit to single family occupancy only.