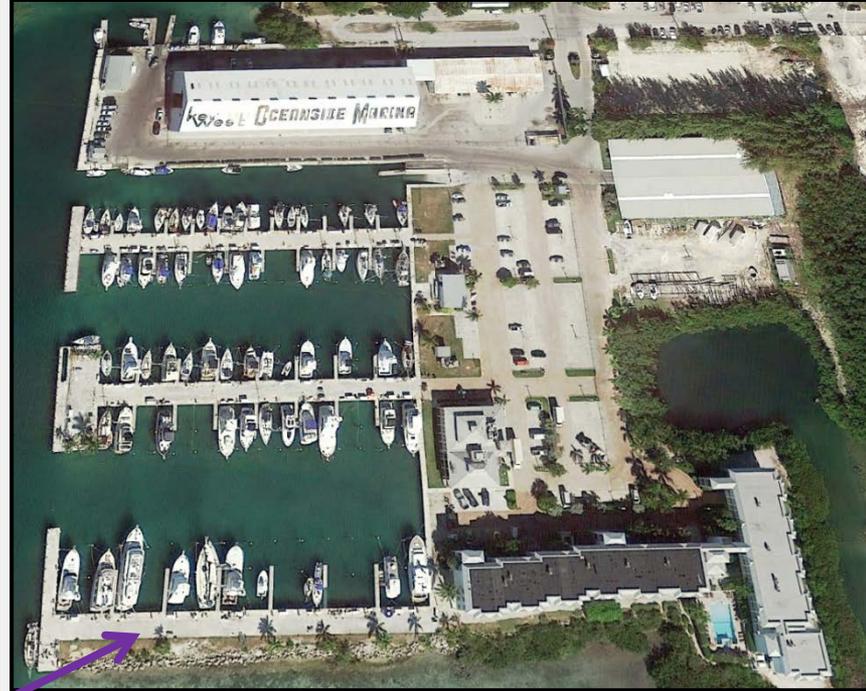


*Oceanside
Peninsular
Avenue, Stock
Island*

Resort consisting of 79 market-rate dwelling units, used as vacation rentals (2007 approval allows the vacation rental use & the 2013 approval allows the 1bed/1bath lock-out of each dwelling unit) and 17 hotel rooms



Property size:
12.20 acres

Before

After



Oceanside: Peninsular Avenue, Stock Island

TIMELINE & HISTORY OF APPROVALS:

1996: Development Order #12-96, a minor conditional use permit for part of the Oceanside property, 5970 Peninsular Avenue (real estate # 00127420-000100 only) allowed for the construction of a 9,600 SF storage building and other associated accessory improvements.

1997: PC Resolution # P52-97, an amendment to the major conditional use permit for part of the Oceanside property, 5950 Peninsular Avenue (real estate # 00127420-000000 only) allowed for the construction of 22 attached, market rate residential dwelling units; one boat storage building; an addition to an existing restaurant; and other associated accessory improvements. *[P52-97 does not discuss nor authorize vacation rental use of the 22 attached dwelling units.]*

1999: Development Agreement between the County, the Florida Department of Community Affairs, Paradise Island Park, Inc. and Oceanside allowing the transfer of 22 market-rate TREs and TDRs from Paradise Island Park to the Oceanside property (recorded on April 7, 2000). *[Development Agreement does not discuss nor authorize vacation rental use of the 22 attached dwelling units.]*

Following issuance of PC Resolution # P52-97, Oceanside Investors' predecessor in interest acquired 5970 Peninsular Avenue. Further, the 22 attached, market rate residential dwelling units were constructed.

2006: 380 Agreement between Overseas Redevelopment Company, LLC, Department of Community Affairs and Monroe County allowing the redevelopment of Overseas Trailer Park on Stock Island as a 49-unit workforce housing project and the offsite transfer of 32 market rate ROGO exemptions & TDRs.

2007: PC Resolution # P21-07, an amendment to a major conditional use permit for part of the current Oceanside property, 5950 and 5970 Peninsular Avenue (real estate # 00127420-000000 and 00127420-000100, as well as other property associated with a condominium development) allowed for the demolition of several buildings and construction of 32 attached, market-rate residential dwelling units; 2 boat barns; 8 wet slips; and other associated accessory improvements. P21-07 authorized vacation rental use of the 32 attached dwelling units and ties the affordable housing project at Overseas Trailer Park (49 unit affordable project) to the project. *[P21-07 authorizes vacation rental use of the new 32 attached dwelling units but does not authorize vacation rental use at 22 units at Oceanside Residential Condominium.]*

2013: Development Agreement approved for Oceanside Investors allowing the transfer of 46 market-rate TREs from three sender sites to the Oceanside property, with the transferred market-rate TRE's to be converted to, or replaced with, an equivalent amount of 99-year deed-restricted affordable housing, prior to a C.O. being issued for market-rate units at Oceanside. The agreement approved the addition of up to 78 [32+ 46] new, market-rate residential dwelling units, which may be used as vacation rentals, up to 5 new hotel rooms, a new restaurant with up to 150 seats, and other improvements related to the existing, partially-condominiumized marina and accessory development.

TRE sender sites	Low income	Median income	Moderate income
Stock Island Suncrest Property, 5176 Suncrest Road	3	-	4
Summerland Palms Property, 24930 Overseas Highway	7	10	5
Cudjoe Coco Palms Property, 21585 Old State Road 4A	1	2	14
TOTAL	11	12	23
% of total	24%	26%	50%

[authorizes vacation rental use of the new 78 attached dwelling units but does not authorize vacation rental use at 22 units at Oceanside Residential Condominium]

2013: PC Resolution # P04-14, an amendment to the major conditional use permit to improve the marina's facilities, construct 78 new market rate residential dwelling units, construct 5 new hotel rooms, construct a new restaurant and carry out associated site improvements. *[authorizes vacation rental use of the new 78 attached dwelling units but does not authorize vacation rental use at 22 units at Oceanside Residential Condominium]*

2014: Development Order #04-14, a minor conditional use permit allowing the transfer of 9.3 TDR's required to facilitate the project approved for the Oceanside property. The Development Order required the sender site(s) to be a) dedicated to the County or b) placed in a conservation easement prohibiting its future development.

2014: Resolution # 116-2014 approved for a right-of-way abandonment of a segment of Peninsular Avenue located north of the Oceanside property (lying between Block 46 and Block 60). As a result, the Oceanside property increased in size.

2014: Oceanside Investors entered into a purchase and sale agreement with Monroe County to purchase the Hickory House property located north of the Oceanside property. On February 3, 2015, Oceanside Investors closed on the Hickory House property. As a result, the Oceanside Marina property increased in size.

2014: Resolution # 372-2014, 1st amendment to the development agreement, adding adjacent property and the abandoned right-of-way, increased the allowed number of hotel rooms from 5 to 17, allowed the transfer of up to 12 vested rights associated with a previous approval related to Hawk's Cay and amended the conceptual site plan.

2014: Development Order #06-14, a minor conditional use permit allowing the transfer of 24.1 TDRs required to facilitate the project approved for the Oceanside property. The Development Order required the sender site(s) to be a) dedicated to the County or b) placed in a conservation easement prohibiting its future development.

2015: Resolution # 115-2015 approved for a right-of-way abandonment of a segment of Peninsular Avenue located north of the Oceanside property (lying between Block 46 and Block 60). As a result, the Oceanside Marina property increased in size.

2015: PC Resolution # P41-14, an amendment to the major conditional use permit to add adjacent property and the abandoned roadway, increase the allowed number of hotel rooms from 5 to 17 and amend the approved site plan.

2015: Development Order #06-15, a minor conditional use permit allowing the transfer of 5 transient TREs to the Oceanside property.

2015: Resolution No. 158-2015, 2nd amendment to the development agreement, adding adjacent abandoned right-of-way, increased the total number of transferred market rate residential units from 78 to 79 [32+ 47] and amended the conceptual site plan.

TRE sender sites	Low income	Median income	Moderate income
Stock Island Suncrest Property 5176 Suncrest Road	3	-	4
Summerland Palms Property 24930 Overseas Highway	7	10	5
Cudjoe Coco Palms Property 21585 Old State Road 4A	1	2	14
TOTAL	11	12	23
% of total	24%	26%	50%
Approved 1 additional moderate affordable ROGO allocation for Stock Island Holdings			
Stock Island Holdings Property 5350 #rd Avenue	-	-	1
% of total	23%	25%	51%

[authorizes vacation rental use of the new 79 attached dwelling units but does not authorize vacation rental use at 22 units at Oceanside Residential Condominium]

2015: Development Order #05-15, a minor conditional use permit allowing the transfer of 45 ROGO market rate exemptions to the Oceanside Property.

2015: Development Order #07-15, a minor conditional use permit allowing the transfer of 2 ROGO market rate exemptions to the Oceanside Property.

2015: Development Order #09-15, a minor conditional use permit allowing the transfer of 0.4 TDR's to the Oceanside property. The Development Order required the sender site(s) to be a) dedicated to the County or b) placed in a conservation easement prohibiting its future development.

2015: Development Order #08-15, a minor conditional use permit allowing the transfer of 1 TDR to the Oceanside property. The Development Order required the sender site(s) to be a) dedicated to the County or b) placed in a conservation easement prohibiting its future development.

2015: minor deviation approved to the major conditional use permit in order to allow the construction of one (1) additional market rate residential dwelling unit.

2016: minor deviation approved to the major conditional use permit in order to revise the approved site plan by removing the resort swimming pool on the northernmost parcel (RE # 00126210-000000), relocation of the watersports, fitness and restroom building and the reconfiguration of the off-street parking for the site.

2016: minor deviation approved to the major conditional use permit in order to revise the approved site plan by removing of the gatehouse building and the repositioning of the proposed dockmaster building, the reconfiguration of the off-street parking (parking maintained at 346 spaces), sidewalks, add arbors, add the provision for bait and ice vending and expansion of the fish cleaning station, and other changes to open space for the site (File # 2016-103).

2016: 6COP S (Special Motel/Hotel) Alcoholic Beverage Use Permit approval, which would allow beer, wine and liquor in connection with operation of hotel, motel, motor court or condominium; sale by the drink for consumption on premises and package sales in sealed containers.

2016: Exemption to a Special Vacation Rental Permit approval, exemption only applies to the 79 market-rate residential dwelling units, configured into "lockouts" consisting of no more than one bedroom and one bathroom, which may be used as vacation rentals pursuant to the approved Development Agreement (the original agreement approved on December 11, 2013 via BOCC Resolution No. 402-2013; the first amendment to the agreement approved on December 10, 2014 via BOCC Resolution No. 373-2014; and the second amendment to the agreement approved on June 10, 2015 via BOCC Resolution No. 158-2015).

The next slides describe how the project came together and the relevant CP/Code provisions



Oceanside Property with Land Use Districts Overlaid (Aerial dated 2012)

With the various required approvals (development agreements, major conditional uses, ROW abandonments, ROGO reservations, minor conditional uses, etc.) and steps for this project – this project has been subject to 25+ public meetings/public hearings. The approvals were sent to State for review as well.

Density calculations

Project site: 12.20 acres

Max Net Density is the maximum density allowable per buildable acre with the use of TDRs.

12.20ac x 20% open space = 9.76 acres

9.76 ac x 12 du = 117 dwelling units

Built 79 dwelling units

Policy 101.5.25

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20 [§163.3177(6)(a)1.,F.S.].

Future Land Use Densities and Intensities				Minimum Open Space Ratio ^(c)
Future Land Use Category And Corresponding Zoning	Residential ^(d)		Nonresidential	
	Allocated Density ^(a) (per upland acre)	Maximum Net Density ^{(a) (b)} (per buildable acre)	Maximum Intensity (floor area ratio)	
Mixed Use/Commercial (MC) ^{(6)(g)} (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV) ^(b) 5-15 rooms/spaces	2 du (MI) 6-18 du (SC) ^(b) 12 du (UC) 12-18 du (MU) ^(b) 18 du (DR) 10-25 rooms/spaces	0.10-0.45 (SC, UC, DR, MU) <2,500 SF (RV) 0.30-0.60 (MI)	0.20

Sec. 130-157. - Maximum residential density and district open space.

The maximum residential density and district open space shall be in accordance with the following table:

Land Use District	Allocated Density DU/Acre	Maximum Net Density DU/Buildable Area	Open Space Ratio*
Mixed use	1.0	12.0	0.2

Land Use	FAR / Density	Size of Site	Max Allowed	Proposed	Potential Used
Oceanside Property:					
Residential	12 units / buildable ac	12.20 upland ac (9.76 buildable ac)	117.12 units	79 units	67.45%
Transient	15 rooms/ buildable ac	12.20 upland ac (9.76 buildable ac)	146.40 rooms	17 rooms	11.61%
Commercial Retail (low-intensity)	0.35 FAR	12.20 upland ac (531,432 SF)	186,001 SF	2,750 SF ³	1.48%
Offices	0.40 FAR	12.20 upland ac (531,432 SF)	212,573 SF	225 SF	0.10%
Oceanside East Dry Storage Condominium					
Boat Storage (Light Industrial)	N/A ⁴	12.20 upland ac (531,432 SF)	265,716 SF	21,924 SF	0.0 %*
Oceanside Residential Condominium					
Residential	12 units / buildable ac	12.20 upland ac (9.76 buildable ac)	117.12 units	22 units	18.78%
Cumulative Total					99.42%

12.2 du = allocated density
79 du built at max net density
which required 66.8 TDRs.

Developer transferred 32 TDRs from Overseas Trailer Park; 1 TDR from Sugarloaf; 9.3 TDRs from Cudjoe; 0.4 TDRs from Big Pine Key & 24.1 TDRs from Key Largo.

(32+1+9.3+0.4+24.1= 66.8 TDRs)

Preservation of Habitat (20+ acres)

Cudjoe – 14.86 acres dedicated to the County for the transfer of 9.3 TDRs



Sugarloaf – 0.45 acres preserved for the transfer of 1 TDR



Big Pine Key – 1 lot preserved for the transfer of 0.4 TDRs



Key Largo – 4.82 acres dedicated to the County for the transfer of 24.1 TDRs



Summerland – preserved 22 MH as AFH; 22 market rate rights transferred to Oceanside



Stock Island – preserved 7 MH as AFH; 7 market rate rights transferred to Oceanside
- preserved 1 MH as AFH; 1 market rate right transferred to Oceanside



Stock Island – 49 unit workforce housing created pursuant to 380 agreement to the transfer of 32 market rate rights to Oceanside



Cudjoe – preserved 17 MH as AFH; 17 market rate rights and 5 transient rights transferred to Oceanside



96 units of Affordable Housing

Key West



79 market rate units (158 with lock-outs) used as vacation rentals and 17 hotel units

79 market rate dwelling units (158 with lock-outs - do not have separate kitchens) used as vacation rentals and 17 hotel units

Page 4 of approved &
recorded 2nd amendment
to development
agreement →

e. The redevelopment of the Oceanside Property includes the addition of up to ~~78~~ 79 new, market rate residential dwelling units, which may be used as vacation rentals, up to 17 new hotel rooms, a new restaurant, and other improvements related to the existing marina and accessory development. The residential density would not exceed ~~100~~ 101 permanent residential units and 17 transient units. Not including accessory structures related to the residential uses, the nonresidential intensity shall not exceed 40,000 square feet.

Market rate housing means an attached or detached dwelling unit that is intended to serve as permanent housing for households not eligible for affordable or employee housing under this chapter.

Dwelling unit means one or more rooms physically arranged to create a housekeeping establishment for occupancy by one family with separate toilet facilities. The abbreviation "DU" means dwelling unit.

2010 Comp Plan & Code do not have definitions for household or family.

Dwelling, attached, means a residential dwelling unit consisting of one or more of residential units that are developed without open yards on all sides of the dwelling unit.

Dwelling, detached, means an individual residential dwelling that is developed with open yards on all sides of the dwelling unit but not including mobile homes or recreational vehicles.



79 market rate dwelling units (158 with lock-outs - do not have separate kitchens) used as vacation rentals and 17 hotel units

Configuration permissible based on MOU with the State Department of Community Affairs

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COMMUNITY AFFAIRS

PAGE 05

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.

Comp Plan and Land Development Code allow the transfer of transient units within the same subarea and market rate units from mobile homes within the same subarea. From Staff Reports presented to PC & BOCC – market rate units were transferred from the same subarea

19

20

- c) Requirement - ROGO exemptions transferred under this program may be transferred on a 1 for 1 basis where the ROGO exemptions are to be transferred to single-family residential lots or parcels within the same ROGO planning subarea. However, where transfers are to be made to commercial or recreational working waterfronts (as defined by Florida Statutes), or to multi-family projects in non-IS districts, the transfers shall result in no fewer than two deed-restricted affordable or workforce housing units remaining on an eligible sender site(s) for each market rate ROGO exemption transferred:

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The agreement involves a transfer on a 1 for 1 basis. Although the receiver site is within the same ROGO planning subareas as all of the sender sites, it does not currently consist of single-family residential lots or parcels. As a plat not required or feasible, after any approval and construction of the residential dwelling units, the developer will establish individual parcels for each of the residential dwelling units via the Monroe County Property Appraiser (with a unique real estate number for each single-family unit).

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Note: Although the proposed 78 residential dwelling units would be attached dwellings, the project is not defined as multi-family by the MCC. As defined in MCC §101-1, *dwelling, attached*, means a residential dwelling unit consisting of one or more of residential units that are developed without open yards on all sides of the dwelling unit. This definition does not state that attached dwellings are multi-family. *Dwelling, apartment*, means a multifamily building in which units share common entries or accesses to individual units. This definition does not state that attached dwelling units constitute apartments, and further, the proposal attached dwellings shall not share common entries.

96 units of Affordable Housing

Stock Island – 49 unit workforce housing created pursuant to 380 agreement to the transfer of 32 market rate rights to Oceanside

Summerland – preserved 22 MH as AFH; 22 market rate rights transferred to Oceanside

Cudjoe – preserved 17 MH as AFH; 17 market rate rights and 5 transient rights transferred to Oceanside



Stock Island – preserved 1 MH as AFH; 1 market rate right transferred to Oceanside

79 market rate units (158 with lock-outs) used as vacation rentals and 17 hotel units

Stock Island – preserved 7 MH as AFH; 7 market rate rights transferred to Oceanside



The 2010 Comp Plan included Policies 502.1.1. and 502.1.1 to adopt changes to “permit only port and port related land uses within the Safe Harbor/Peninsular port area” and “permit land uses supportive, complementary or otherwise port related nearby and adjacent to the Safe Harbor/ Peninsular port area.” No definitions were provided for “port & port related” nor the “supportive, complementary or otherwise port related” uses.

Then in 2006/2007, the County went through the Livable CommuniKeys Planning (LCP) process for the Stock Island and Key Haven areas. The LCP was adopted in mid-2007 with the specific strategies and action items for the area (see checkmarks within the document).

Since Volume I of the Stock Island & Key Haven Master Plan is adopted as an addendum to the Monroe County 2010 Comprehensive Plan, the terms Strategy and Action Item may serve as equivalents to the terms Objective and Policy as they are defined in Rule 9J-5.003, Florida Administrative Code (FAC).

Pursuant to Rule 9J-5.003, FAC, the definitions of “Objective” and “Policy” are as follows:

Rule 9J-5.003 (82), FAC; “Objective” means a specific, measurable, intermediate end that is achievable and marks progress toward a goal, and

Rule 9J-5.003 (90), FAC; “Policy” means the way in which programs and activities are conducted to achieve an identified goal.

Strategies

As part of the Master Planning process the planning staff identified and evaluated various strategies to serve as specific, measurable, intermediate ends that are achievable and mark progress toward identified community goals.

✓ Denotes Strategies in this Master Plan that are equivalent to an Objective as defined in 9J-5(82), FAC, in that they provide specific, measurable, intermediate ends that are achievable and mark progress toward an identified community goal.

Action Items

Action items were then developed to provide a way in which programs and activities are to be conducted to achieve identified community goals.

✓ Denotes Action Items in this Master Plan that are equivalent to a Policy as defined in Rule 9J-5(90), FAC, in that they provide ways in which programs and activities can be conducted to achieve an identified community goal.

Strategies and Action Items without a ✓ next to them are not considered to be consistent with the definitions of “Objective” and “Policy” as in Rule 9J-5.003 (82) and (90) FAC, respectively, and therefore do not serve as equivalents. Furthermore, the Monroe County Planning Department may, in the future, propose amendments to these Strategies and Action Items, in order to bring them into compliance with Rule 9J-5.003 (82) and (90) so that they can serve as equivalents in the future.

Since Volume II of the Stock Island & Key Haven Master Plan is adopted as an addendum to the Monroe County 2010 Comprehensive Plan, the terms Strategy and Action Item may serve as equivalents to the terms Objective and Policy as they are defined in Rule 9J-5.003, Florida Administrative Code (FAC).

Pursuant to Rule 9J-5.003, FAC, the definitions of “Objective” and “Policy” are as follows:

Rule 9J-5.003 (82), FAC; “Objective” means a specific, measurable, intermediate end that is achievable and marks progress toward a goal, and

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Stock Island Livable CommuniKeys Plan – Volume 1

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



Doc# 1962037
Bk# 2663 Pg# 1926

- a. The Oceanside Property currently has a MU Land Use (Zoning) District designation and a corresponding MC Future Land Use Map designation.
- b. In accordance with this Agreement and with the MC Future Land Use Map category, as set forth in Monroe County Comprehensive Plan Policy 101.4.5, the permitted uses in the MC Future Land Use Map category include commercial retail; office; commercial fishing; attached residential dwelling unit; hotels; marinas and accessory uses.
- c. In accordance with this Agreement and with the MU Land Use (Zoning) District, as set forth in Monroe County Code Section 130-88, and in compliance with other provisions of the Code, the permitted uses in the MU Land Use (Zoning) District include commercial retail; office; commercial fishing; attached residential dwelling unit; hotels; marinas and accessory uses.

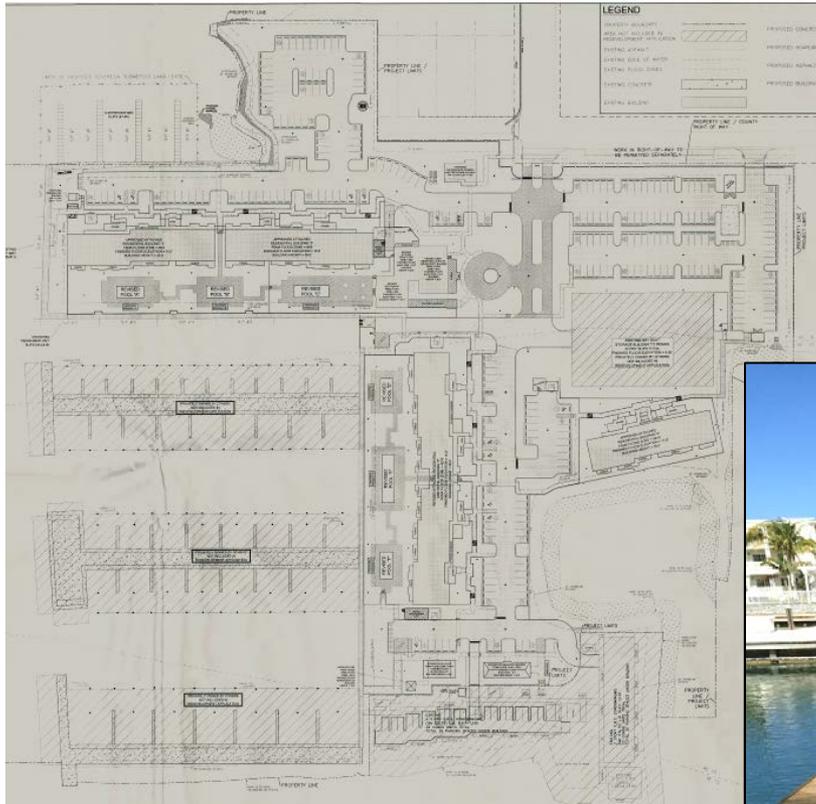
Not required for MC/MU designated properties but developer complied with requirements of MC/MI preservation standards for wet slips:

12. At least 20% of the total number of wet slips shall be reserved for and only utilized by licensed commercial fishing vessels.

Stock Island Livable CommuniKeys Plan – Volume 2

✓ **Action Item:** Require, as part of new development and redevelopment, the creation of a boardwalk or "harborwalk," to link together uses and activities along the water.

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



8. The boardwalk or walkway along the western shoreline is intended to enhance public access to the waterfront area shall be open to the public from dawn to dusk. Rules related to use and conduct may be established and enforced by the property owner.



Stock Island Livable CommuniKeys Plan – Volume 2

Property not identified as commercial fishing area

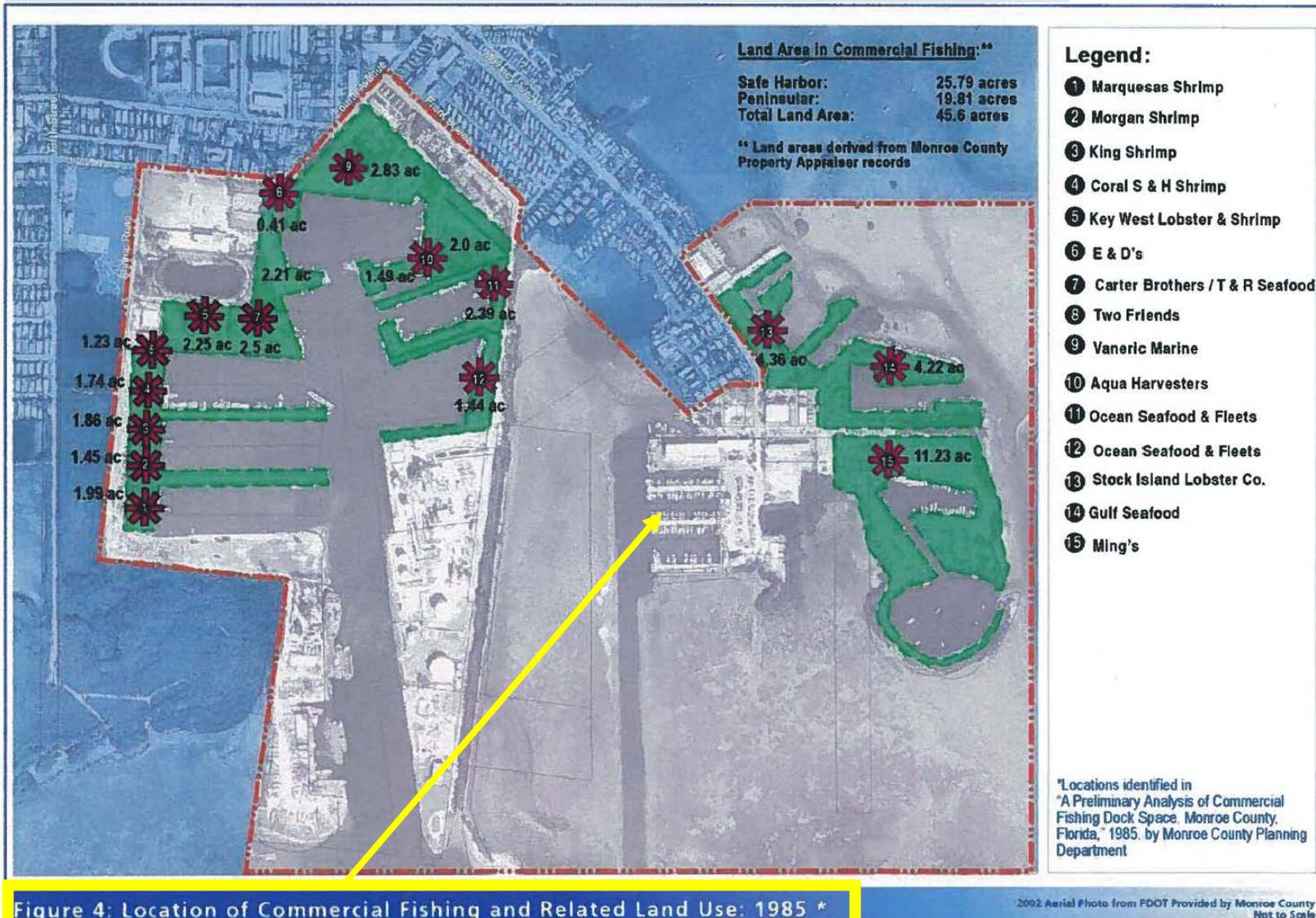


Figure 4: Location of Commercial Fishing and Related Land Use: 1985 *

Stock Island Livable CommuniKeys Plan – Volume 2

Property not identified as commercial fishing area

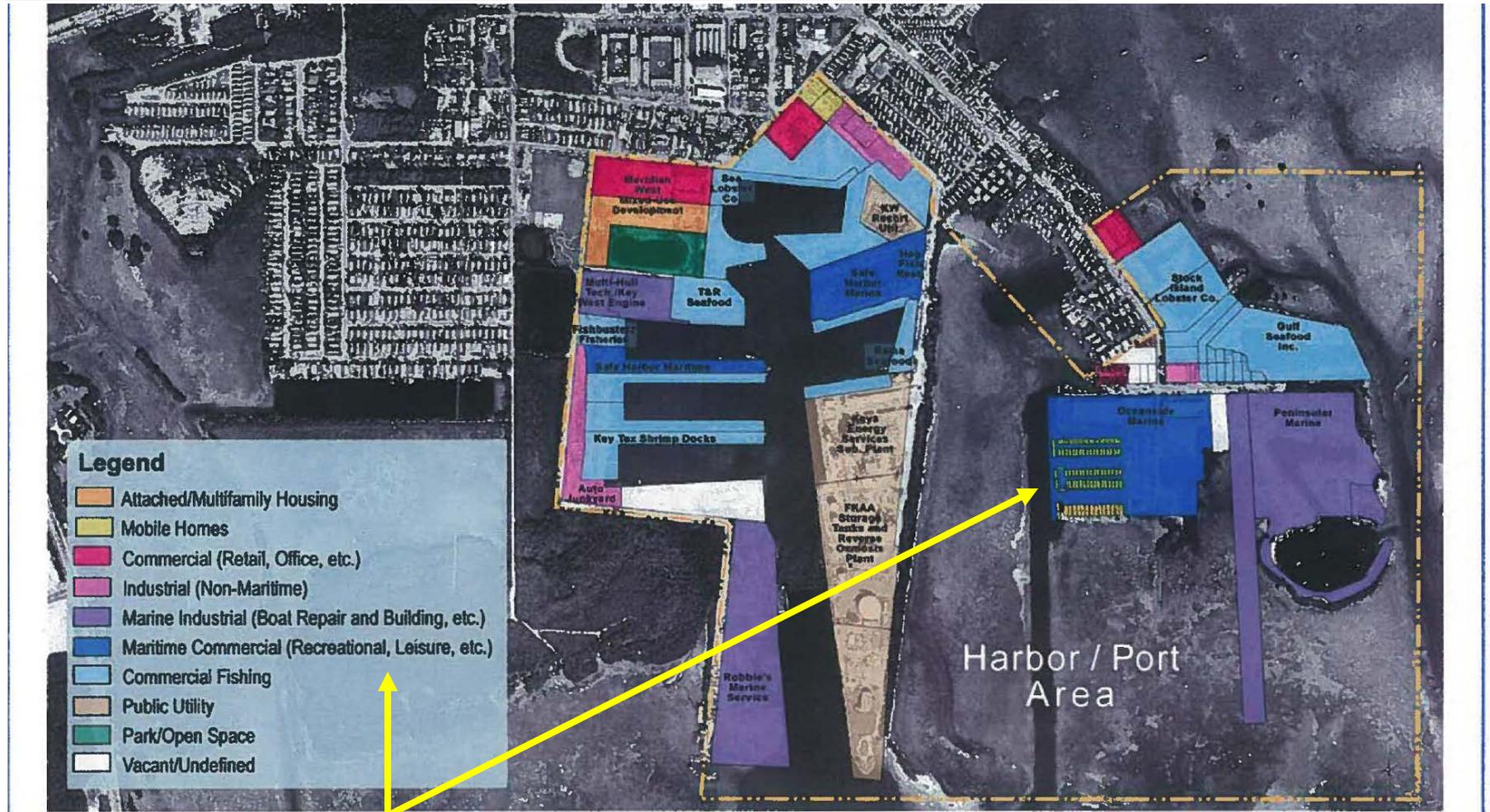


Figure 2: 2004 Existing Land Use - Port Area

1 : 1,000
2002 Aerial Photo from FDOT Provided by Monroe County
Land Use: Monroe County GIS and field verification

See attached August email exchange with Naja Girald on the commercial fishing, live-aboard, charter fishing vessels (documentation from 1997 to present included in email) – excerpt pasted below:

From: Santamaria-Mayte
Sent: Monday, August 15, 2016 4:17 PM
To: 'naja girard' <najagirard@yahoo.com>
Subject: RE: Oceanside Liveaboards/Parking

Yes, it does not appear that liveaboards or charter boats were ever approved on the site.

From: naja girard [mailto:najagirard@yahoo.com]
Sent: Sunday, August 14, 2016 11:01 PM
To: Santamaria-Mayte
Subject: Re: Oceanside Liveaboards/Parking

Hello Mayte,

Thank you for putting all that together for me. Very much appreciated.

I see that the wet slips have been assigned 1 parking spot each.

I have just one follow-up question:

Is it true that once the development is complete slip owners will be precluded from using the slips for commercial charter boats due to lack of parking? (I see that the code requires 6-pack charter boats to have two parking spots and any commercial boats with larger capacity need approx. 1 for every 3 passengers - if I understood correctly.)

Thank you!

Naja

On Sunday, August 14, 2016 5:13 PM, Santamaria-Mayte <Santamaria-Mayte@MonroeCounty-FL.Gov> wrote:

Hi Naja –

Sorry for the delay. There are numerous large files and it took a while to review. This is what I have located:

It does not appear that the County has approved liveaboards at Oceanside – nor included the liveaboard 1.5 spaces per berth requirement in any parking calculations.

County code parking requirements can be accessed here: https://www.municode.com/library/fl/monroe_county/codes/land_development_code?nodeId=CH114DEST_ARTIIIIPALO_S114-67REOREPA
Here is an excerpt from the county code for parking requirements:

Churches	0.3 space per seat and/or 0.3 space per 24 inches for pews
Live-aboard	1.5 spaces per berth
Marinas and commercial fishing facilities	1.0 space per berth plus one space per four dry storage racks
Charter/guide boats, six or fewer passengers capacity	2.0 spaces per berth
Party and charter/guide boats, more than six passengers capacity	0.3 space per passenger capacity of vessel
Boat ramps	6.0 spaces per ramp; all spaces shall be a minimum of 14 feet by 55 feet, to accommodate trailers and oversized vehicles

Vacation Rental Use

Answers provided to Susan Grimsley's 3 questions in August of 2013 included that: Yes, the 32 market rate units could be used as vacation rentals. This email does not state the 22 units were approved for vacation rental. This is the same info provided to condo owners as Oceanside Residential Condos – See attached April email exchange – excerpt below and following slides:

From: Grimsley-Susan
Sent: Friday, August 09, 2013 10:08 AM
To: Santamaria-Mayte
Subject: question

At Oceanside, how many units are already there? I thought it was 22? KingsPointe.
The 32 that are part of the 380 agreement are regular market rate that may be used for vacation rentals if the community is gated, correct? They are not transient units and neither are the ones that were Kings Pointe.

Subject: RE: question

Date: Friday, August 9, 2013 at 10:20:36 AM Eastern Daylight Time

From: Santamaria-Mayte

To: Grimsley-Susan

Based on Joe's email - 22 market-rate units

Yes, can use the market rate units as vacation rentals in MU zoning district (see 134-1 below)

No transient units



Mon 4/18/2016 2:09 PM

Santamaria-Mayte

RE: Mimi Stafford.Vacation Rental use at Oceanside Condominiums

To: Carruthers-Heather; Shillinger-Bob; Hurley-Christine; Williams-Steve; Schreck-Carol

Cc: Santamaria-Mayte; 'simi01@bellsouth.net'; 'Tess Stafford'; 'Will Glass'; 'Scott French'; McPherson-Cynthia; Morris-Peter

In 2007, the Oceanside Investors' predecessor in interest applied for an amendment to a major conditional use permit for the Oceanside Property, 5950 and 5970 Peninsular Avenue (real estate #00127420.000000 and real estate #00127420.000100, as well as other property associated with a condominium development). The approval is memorialized by Planning Commission Resolution #P21-07, approved by the Planning Commission at a public hearing on April 11, 2007, signed by the Planning Commission Chair on May 9, 2007 and recorded in the official records of Monroe County on July 13, 2007. The amendment allowed for the demolition of several buildings and construction of 32 attached, market-rate residential dwelling units; 2 boat barns; 8 wet slips; and other associated accessory improvements.

This project was not fully completed, and the 32 dwelling units were never constructed (Planning Department File #26028).

[P21-07 authorizes vacation rental use of the new 32 attached dwelling units.](#)
[does not authorize vacation rental use at 22 units at Oceanside Residential Condominium](#)

Subject: RE: question
Date: Friday, August 9, 2013 at 10:20:36 AM Eastern Daylight Time
From: Santamaria-Mayte
To: Grimsley-Susan

Based on Joe's email - 22 market-rate units

Yes, can use the market rate units as vacation rentals in MU zoning district (see 134-1 below)

No transient units

Sec. 134-1. Vacation rental uses.

(a)

Special vacation rental permit.

An owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined in section 101-1, except as provided for under subsection (b) of this section. A special vacation rental permit is nontransferable between owners. A change of ownership of the vacation rental unit shall require the new owner or his agent to obtain a new vacation rental permit for the residential dwelling unit.

(b)

Exemptions.

A vacation rental permit is not required for the following:

(1)

A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or

(2)

A vacation rental of a dwelling unit within a multifamily building located within a multifamily district, which has 24 hour on-site management or 24 hour on-site supervision that has received an exemption from the planning director. To meet these site management or supervision requirements, a designated individual must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints. To obtain an exemption under the provisions of this section, the owner or agent must submit an application to the planning department in a form prescribed by the planning director.

From: Haberman-Joe
Sent: Wednesday, May 29, 2013 4:28 PM
To: Hurley-Christine; Santamaria-Mayte; Schwab-Townsley
Subject: RE: DRAFT: Proposed Oceanside Marina Project Overview

A private applicant, represented by Pritham Singh, has approached the County with a proposal to redevelopment of Kings Pointe Marina, historically known as Oceanside Marina, an 11+ acre property located

Page 1 of 3

near the southern end of Peninsula Avenue on Stock Island. Currently, the subject property is developed with a marina consisting of 96 wet slips, 22 market-rate units, a 4,500 SF restaurant, a 16,109 SF nonresidential building, a 30,090 SF boat barn, a 22,000 SF boat barn, a 748 SF dock master building, a 1,232 SF bathhouse, a 372 SF pool house, and a 102 SF guard house.

A development agreement and major conditional use permit amendment were approved in 2007 to redevelop the property; however work on the project stopped and the conditional use permit expired with the project only partially completed. Major components of the approved plan that were not carried out:

- The 30,090 SF boat barn and 1,232 SF bathhouse were to be demolished (note: agreed total SF by the county and the developer).
- The 16,109 SF nonresidential building was not demolished (note: this building is not specifically noted in past county documentation however may have been included in 30,090 SF boat barn, 16,109 SF independent by the developer)
- The 748 SF dock master building was not demolished (note: defined as having 660 SF in past county documentation, 748 SF by the developer)
- 32 new market rate units were never constructed.
- 2 new boat barns (53,040 SF total) were never constructed.
- 8 new wet slips were not permitted.
- A new 2,625 SF office/retail/bath house building was never constructed.

The developer would not retain ownership or redevelop the 22-unit condominium portion of the site or the 96 slip marina. However, as the larger site is aggregated for the purposes of development and there are parking/access agreements in place, the developer must account for the overall aggregated development's density/parking and cannot focus only the area slated for redevelopment.

In general, the proposed development would include:

- Demolish several existing structures (excluding the existing 22,000 SF boat barn, 96 wet slip marina and 22 existing attached market rate units)
- Construct 78 new attached market-rate units (to be used as vacation rentals), in addition to the 22 existing attached market rate units
- Construct a building with 5 new hotel rooms
- Construct 3 new wet slips
- Construct a new lobby/restaurant building with a 150 seat restaurant
- Construct smaller, ancillary buildings for various uses throughout

As Transferable Development Rights (TDR's) and Transferable ROGO Exemptions (TRE's) are required to complete the project in the timeframe proposed, the process for approval is more involved (note some of the applications may be allowed to be merged):

- Development agreement for overall scheme
- Development agreement to provide 21 affordable allocations to the "Summerland Palms" mobile home park on Summerland Key and establish the site as a sender site for 21 market-rate TRE's
- Development agreement to provide 17 affordable allocations to the "H&L" mobile home park on Cudjoe Key and establish the site as a sender site for 17 market-rate TRE's and 5 transient TRE's

- Development agreement to provide 8 affordable allocations to the "MacDonald" vacant site (former mobile home park) on Stock Island to construct 8 new affordable units and establish the site as a sender site for 8 market-rate TRE's
- BOCC Resolution to reserve 46 affordable allocations pursuant to aforementioned proposed development agreements
- Major conditional use permit for development
- Minor CUP for TDR's (sender site(s) unclear at this time) - developer believes that TRE'S and TDR's can come from same site, staff is still reviewing whether this can be permitted as density must remain for affordable units
- Minor CUP to transfer 32 TRE's to site pursuant to existing "ORC (aka Flagler Village, Stock Island)" 380 agreement
- Minor CUP to transfer 21 TRE's to site pursuant to proposed "Summerland Palms" development agreement
- Minor CUP to transfer 22 TRE's (17+5) to site pursuant to proposed "H&L" development agreement
- Minor CUP to transfer 8 TRE's to site pursuant to proposed "MacDonald" development agreement

Joseph E. Haberman, AICP
Planning & Development Review Manager
Monroe County | Planning & Environmental Resources Department
2798 Overseas Highway | Suite 400 | Marathon, Florida 33050
(305)289-2532

From: Grimsley-Susan
Sent: Friday, August 09, 2013 10:08 AM
To: Santamaria-Mayte
Subject: question

At Oceanside, how many units are already there? I thought it was 22? KingsPointe. The 32 that are part of the 380 agreement are regular market rate that may be used for vacation rentals if the community is gated, correct? They are not transient units and neither are the ones that were Kings Pointe.



Susan Grimsley, Asst. County Attorney
1111 12th Street, Suite 408
Key West, FL 33040
305.292.3470
305.292.3516 (fax)
Marathon Telephone 305.289.2500

Note, the condo owners can apply for same vacation rental use as Oceanside developer

From: Santamaria-Mayte

Sent: Tuesday, April 19, 2016 11:41 AM

To: 'Tess Stafford' <tess.stafford@gmail.com>

Cc: Carruthers-Heather <Carruthers-Heather@MonroeCounty-FL.Gov>; Shillinger-Bob <Shillinger-Bob@MonroeCounty-FL.Gov>; Hurley-Christine <Hurley-Christine@MonroeCounty-FL.Gov>; Williams-Steve <Williams-Steve@MonroeCounty-FL.Gov>; Schreck-Carol <Schreck-Carol@MonroeCounty-FL.Gov>; simi01@bellsouth.net; Will Glass <willrglass@aol.com>; carolyn@legallypinklaw.com; Scott French <stfrench10@gmail.com>; McPherson-Cynthia <McPherson-Cynthia@MonroeCounty-FL.Gov>; Morris-Peter <Morris-Peter@MonroeCounty-FL.Gov>

Subject: RE: Mimi Stafford.Vacation Rental use at Oceanside Condominiums

Thank you Tess –

I apologize if I was not clear below, I am recommending that your condo can be utilized as a vacation rental if you meet the requirements of an exemption in Section 134-1(b) [i.e. (1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or (2) A vacation rental of a dwelling unit within a multifamily building located within a multifamily district, which has 24 hour on-site management or 24 hour on-site supervision]. The application for the exemption is attached.

As you note below, this is the same requirement included in the Development Agreement for the 79 units: "For the 79 attached units that are discussed in the 2013 Development Agreement (File #2013-069) and in other related documents, the reason given is the following: "Vacation Rental use . . . shall be allowed, provided that the Oceanside Property is operated as a gated community with an entrance gate and fence surrounding the property and establishes a homeowner's or property owner's association that expressly regulates or manages vacation rental uses" — i.e. if exemption 134-1(b) is met."

As we discussed last week, your preferred option of a text amendment is not a simple solution and may not even be feasible. As I mentioned, I was surprised that Joe recommended that as a potential solution, as we are preempted by State Statute. This pre-emption has been in place since 2011. See yellow highlight Section 509.032, F.S.

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

Thanks,

From: Santamaria-Mayte

Sent: Monday, April 18, 2016 2:09 PM

To: Carruthers-Heather <Carruthers-Heather@MonroeCounty-FL.Gov>; Shillinger-Bob <Shillinger-Bob@MonroeCounty-FL.Gov>; Hurley-Christine <Hurley-Christine@MonroeCounty-FL.Gov>; Williams-Steve <Williams-Steve@MonroeCounty-FL.Gov>; Schreck-Carol <Schreck-Carol@MonroeCounty-FL.Gov>

Cc: Santamaria-Mayte <Santamaria-Mayte@MonroeCounty-FL.Gov>; 'simi01@bellsouth.net' <simi01@bellsouth.net>; 'Tess Stafford' <tess.stafford@gmail.com>; 'Will Glass' <willrglass@aol.com>; 'Scott French' <stfrench10@gmail.com>; McPherson-Cynthia <McPherson-Cynthia@MonroeCounty-FL.Gov>; Morris-Peter <Morris-Peter@MonroeCounty-FL.Gov>

Subject: RE: Mimi Stafford.Vacation Rental use at Oceanside Condominiums

Mayor Carruthers and others-

Please see information below and a recommended action in red below.

Mayté

Recommendation:

While vacation rental use of attached dwellings units is not permitted in the MU district and, with a pure reading of the Land Development Code the vacation rental permit exemption does not apply to attached units in the MU zoning district, based upon *written* communications with former County Planning staff it would be reasonable to allow Mrs. Stafford to apply for and see if her property can qualify for the exemption from the required annual vacation rental permit.

If Mrs. Stafford can meet the requirements of Section 134-1(b) [i.e. (1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or (2) A vacation rental of a dwelling unit within a multifamily building located within a multifamily district, which has 24 hour on-site management or 24 hour on-site supervision that has received an exemption from the planning director], then she would be able to use the attached unit as a vacation rental.

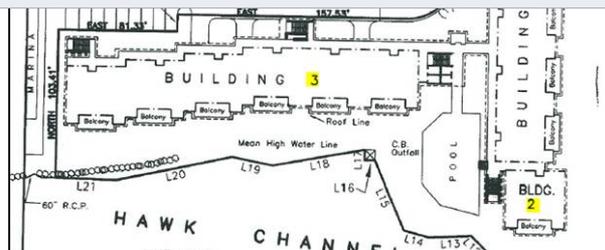
It should also be noted, based upon the *written* communication between Mrs. Stafford and former County Planning staff, that the property owner was aware of the requirements for receiving an exemption to the requirement to obtain an annual special vacation rental permit. To date, Mrs. Stafford has not applied for nor received an exemption to the requirement to obtain an annual special vacation rental permit – and yet the email below indicates that the property has been utilized as a vacation rental since 2014.

Info provided to the condo owners is the same as LOU info:

From: Santamaria-Mayte
To: 'Tess Stafford'
Cc: Carruthers-Heather; Shillinger-Bob; Hurley-Christine; Williams-Steve; Schreck-Carol; 'simi01@bellsouth.net'; 'Will Glass'; 'carolyn@legallypinklaw.com'; 'Scott French'; McPherson-Cynthia; Morris-Peter
Subject: RE: Mimi Stafford.Vacation Rental use at Oceanside Condominiums

Sent: Tue 4/19/2016 11:41 AM

Message: Exemption to a Vacation Rental Permit.pdf (71 KB)



Summary of response (details and excerpts provided below) to the issue:

The subject property is located within a Mixed Use Land Use (Zoning) District. Pursuant to the Mixed Use Zoning, MCC §130-88 (13), *vacation rental use of **detached** dwelling units is permitted, if a special vacation rental permit is obtained under the regulations established in section 134-1.* Additionally, pursuant to MCC §130-74, no structure or land in the County shall hereafter be developed, used or occupied unless expressly authorized in a land use district in this article [Article III. - Permitted and Conditional Uses].

The subject property is single-family **attached** residential dwelling unit (condominium unit 209) within the twenty-two (22) attached residential dwelling units of Oceanside Residential Condominium. **The MU zoning district does not provide for nor expressly authorize vacation rental use of attached dwellings units. Vacation rental use of the subject property is not permitted pursuant to the zoning code.**

MCC §134-1 provides for exemptions to obtaining annual special vacation rental permit if certain criteria are met. This section does not provide an exemption to permitted uses but does exempt a property owner from getting an annual permit.

As the MU zoning district does not provide for vacation rental use of attached dwellings units, the vacation rental use of the subject property is not permitted and the vacation rental permit exemptions do not apply.

While the vacation rental permit exemption does not apply to attached units in the MU zoning district, Mrs. Stafford did exchange emails with Planning staff in **September/October 2013, with a final determination made on 10/8/13 by Matt Covle, after several emails from Joe Haberman specifically to discuss the ability to utilize her condo unit as a vacation rental. Please note Ms. Stafford closed on the purchase of the unit AFTER the final determination from staff.**

County Planning staff stated to Mrs. Stafford that:

- **attached units within MU zoning district cannot get a vacation rental permit**
- **“In order to have a vacation rental of your unit, you must have it managed independently by 24 hour on-site management or 24 hour on-site supervision in accordance with Section 134-1(b)”**
- **staff notes that potential exemption from the vacation rental permit does not waive the requirements of 134-1(e). “Non-compliance with the provided requirements, regardless of whether the special permit is needed, could result in Code Compliance action.”**
- **Staff reviews proposed Oceanside Condominium HOA by-laws and responds that “I don’t believe the attached amendment is enough to exempt the property under Sec. 14-1(b)(1). I think the HOA by-laws will have to be amended further to ensure compliance with our regulations.”**