

DEVELOPMENT REVIEW COMMITTEE

-
Wednesday, February 13, 2013

AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Wednesday, February 13, 2013, beginning at 10:30 AM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director
Jerry Smith, Building Official
Mayte Santamaria, Assistant Planning Director
Mitch Harvey, Comprehensive Plan Manager
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Emily Schemper, Sr. Planner
Steven Biel, Sr. Planner
Barbara Bauman, Planner
Tim Finn, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

-

New Items:

-
The DRC will be reviewing the following:

- Energy Conservation and Climate Element (new)
[Energy and Climate - Proposed Amendments - DRC.pdf](#)
- Mass Transit Element
[Mass Transit Element - Proposed Amendments - DRC.pdf](#)
- Traffic Circulation Element 1:10 alicia Putney opening comments with corrections please review my comments since I can't stay for the rest of the day, wants to suggest language, did not get announcement
[Traffic Circulation Element - Proposed Amendments - DRC.pdf](#)
- Future Land Use Element
[Future Land Use Element - Proposed Amendments - DRC.pdf](#)

ADJOURNMENT

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".

16.0 ENERGY AND CLIMATE ELEMENT

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GOAL 1601

Monroe County shall strengthen interdepartmental and intergovernmental coordination between Monroe County; the municipalities of Key West, Key Colony Beach, Islamorada, Layton and Marathon; regional, State, and federal government agencies and private organizations to exchange data and develop coordinated strategies to address energy conservation and impacts from climate change.

Objective 1601.1

Monroe County shall encourage collaborative intergovernmental practices in Monroe County that serve as a tool for the County, municipalities, and other entities to reduce greenhouse gas emissions (GHGEs) to at least 20% below 2005 levels by 2020. Monroe County shall measure progress towards achieving reductions for its own facilities and operations.

Policy 1601.1.1

Monroe County shall promote the adoption of policies and strategies across all County departments to reduce GHGEs and become more resilient to the impacts of climate change. Monroe County shall employ such strategies as establishing video conferencing capabilities to allow residents and employees to participate in advisory and commission meetings without having to drive long distances; evaluating the feasibility for installation of renewable energy systems on County owned facilities; and increasing the use of alternatively fueled vehicles.

Policy 1601.1.2

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall develop a procurement policy that incorporates energy saving and climate resilient principles for its own buildings, facilities and services.

Policy 1601.1.3

Monroe County shall establish policies within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015) to encourage other agencies and utilities operating within Monroe County to adopt plans, utilize the most efficient technologies and implement to minimize GHGEs.

Policy 1601.1.4

Within three (3) years after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2017) Monroe County shall determine if an appropriate objective exists and should be adopted for reducing GHGEs countywide from sources other than government facilities and operations.

Objective 1601.2

Monroe County shall maintain existing external mechanisms for exchange of ideas and data, and participate in new forums for discussion and strategy development, to facilitate comprehensive and coordinated strategies for promoting energy conservation and addressing climate change impacts.

Policy 1601.2.1

Monroe County shall coordinate and collaborate with municipalities and other public and private entities to address and implement the energy conservation strategies and the unique climate change impacts, including adaptation and mitigation strategies, facing Monroe County and the municipalities within the County.

Policy 1601.2.2

Monroe County will continue to participate in cooperative efforts such as the Southeast Florida Regional Climate Change Compact in order to facilitate the exchange of ideas and data and the coordination of policies to address strategies promoting energy conservation and climate change resilience.

Policy 1601.2.3

Monroe County will continue to coordinate with, and engage the support of, other State agencies such as the South Florida Water Management District, South Florida Regional Planning Council, and State partners, to ensure that the latest data and approaches to energy conservation and climate change resilience are utilized by and available to the County. Monroe County shall also engage the support of federal agencies, such as NOAA, USGS, Federal Emergency Management Agency (FEMA), the U.S. Department of Interior, the U.S. Army Corps of Engineers (ACOE), and universities, to coordinate technological and logistical support for updating, exchanging and analyzing data regarding potential changes in climate change vulnerability.

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GOAL 1602

Monroe County shall incorporate the best available data and science, into its policy and planning decisions, recognizing that the information becomes more uncertain regarding climate change impacts the further out its duration.

Objective 1602.1

In conjunction with future updates to the Comprehensive Plan and land development regulations, the County shall update the data and assumptions related to climate change impacts based on the latest scientific predictions and observed (monitored) impacts.

Policy 1602.1.1

In conjunction with annual updates to the Capital Improvements Element, Monroe County shall convene an inter-disciplinary team to discuss the latest projections related to climate change and provide recommendations on any revisions to planned infrastructure projects to make them more resilient to future impacts.

Policy 1602.1.2

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall identify adaptation action areas, or a similar concept, which shall include features such as infrastructure, natural systems and other features of the built environment. These areas are those that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. In these areas, strategies will be developed to address vulnerabilities from these effects. In conjunction with later updates to the Comprehensive Plan Monroe County shall update existing, or map new, potential impacts of sea-level rise to the natural and built environments including predicted scenarios of various levels of sea level rise increase as appropriate and consider this information in long-term planning decisions.

Policy 1602.1.4

Monroe County will participate in local and regional monitoring programs, as resources permit, to support modeling and monitoring efforts to assure the most current locally specific data is considered in the Comprehensive Plan and Land Development Code updates. This will include but not be limited to water quality (including temperature), hydrologic, geologic, and groundwater quality and levels, precipitation and groundwater withdrawals from resources that the County depends upon (even if they are outside County lines). The County shall make such data available to the public as it is discussed and considered in Comprehensive Plan and Land Development Code updates.

GOAL 1603

Monroe County shall address energy and climate issues by: encouraging green development practices; reducing waste; enhancing transportation choices; encouraging businesses to adopt green principles and create green jobs; and educating the community about the need to reduce energy use and prepare for climate change impacts.

Objective 1603.1

To address the impacts of GHGEs on the climate, Monroe County shall promote energy efficiency across all sectors of energy use in the built environment including infrastructure, transportation and land use decisions.

Policy 1603.1.1

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall update the Land Development Code to encourage development patterns that reduce vehicle trips, increase bicycle and pedestrian-friendly development with more transportation options and promote the construction of energy efficient and climate resilient homes and buildings.

Policy 1603.1.2

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall encourage greener, more efficient, and more resilient construction practices, specific to addressing climate change impacts, by establishing an ongoing process to address locally vulnerable areas. Monroe County shall develop strategies to consider climate change impacts as a factor in determining appropriate levels of development in vulnerable areas. These strategies shall be integrated into the Land Development Code as appropriate.

Policy 1603.1.3

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall review pertinent federal and State law and revisit floor elevation requirements for all new construction in vulnerable areas to potentially be raised above the predicted flood elevations, if necessary, with specific integration of standards set by the Federal Emergency Management Agency.

Policy 1603.1.4

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall develop any new and necessary factors to consider in addressing energy conservation and climate change impacts, such as elevation requirements for infrastructure and land development, by and engage building officials and the construction industry in the development of these considerations..

Policy 1603.1.5

Monroe County shall promote and support actions to increase the proportion of electricity generated by alternative and renewable energy, including, but not limited to solar, wind, biofuels and other sources for residential, commercial and institutional properties within Monroe County's geographic boundaries. Monroe County shall lead by example by incorporating these actions into its facilities and operations as well as its fleet.

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Objective 1603.2

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), in coordination with the update of the Land Development Code, Monroe County shall develop effective land use policies that consider the built and natural environment's resilience to climate change. Monroe County shall focus those policies on the distribution of land uses in relation to areas vulnerable to climate impacts.

Policy 1603.2.1

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), when evaluating land use amendments, Monroe County shall consider all impacts from climate change that can occur relative to that land use including flood risk, storm surge and exposure, the potential for changing habitat and landscapes, the need for shoreline stabilization and the potential impacts to infrastructure necessary to serve those uses. areas identified in Policy 1602.1.2. shall be considered in these evaluations.

Policy 1603.2.2

Monroe County shall reduce vulnerability in the built environment and preserve coastal ecosystems when evaluating changes in land use by considering the orderly inward relocation of structures and associated infrastructure.

Policy 1603.2.3

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall develop a shoreline stabilization strategy, addressing areas where necessary, to armor, stabilize, protect and enhance the built and natural environments from erosion and sea level rise impacts. Monroe County shall assure shoreline stabilization strategies are found to be in the public interest in light of that area's vulnerability to climate change impacts. When developing shoreline stabilization strategies, Monroe County shall also consider public access to beaches, minimizing adverse impacts to coastal processes and resources, impacts to neighboring properties, and the values and functions of beaches and coastal/marine systems.

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Objective 1603.3

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Monroe County shall work cooperatively with municipalities and transportation agencies to identify and evaluate transportation infrastructure at risk and help coordinate adaptation efforts for infrastructure in vulnerable areas, in with a priority to ensure functional access to emergency evacuation routes for coastal populations.

Policy 1603.3.1

On an annual basis, Monroe County shall assure the Capital Improvements Element consider sea level rise projections as they relate to transportation and bridging projects in particular. While this policy requires coordination with multiple federal and State agencies, Monroe County shall provide data regarding locally-specific vulnerable areas, land use strategies/policies and build upon work being done by the Florida Department of Transportation, the U.S. Department of Transportation and the Federal Highway Administration relative to ferry, airport, transit, bridges and transportation systems. These concepts shall also be coordinated with the next update of the Local Mitigation Strategy.

Policy 1603.3.2

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall develop additional policies if necessary, to reduce vehicle miles traveled (“VMT”) by 2020. Such policies could include offering a range of transportation choices in new development or redevelopment projects; incentivizing connectivity between differing modes of transportation to increase modal split and linking residential and employment center land uses to reduce the need for single vehicle trips.

Policy 1603.3.3

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall determine Upper and Lower Keys publicly accessible locations appropriate for electric vehicle charging stations and explore a mix of alternative fuel sources such as electricity and biodiesel. Monroe County shall encourage the use of such charging stations in multi-family residential and commercial land use proposals.

Policy 1603.3.4

Monroe County shall coordinate with appropriate agencies to monitor changes to minimum road elevation standards which may be specific to Monroe County due to its unique exposure to climate change and sea level rise impacts. This could also include enhanced stormwater management requirements and resurfacing requirements for certain transportation segments.

Objective 1603.4

Monroe County shall consider climate change impacts such as increased temperatures, sea level rise, potentially shifting habitat and ecosystem types and the need to withstand increased storm surge relative to public infrastructure decisions. Monroe County shall focus on level of service standards, as one of many points of analysis, to assure that infrastructure useful life and service expectations can be met in the face of climate change impacts.

Policy 1603.4.1

In coordination with annual updates to the Capital Improvement Element, Monroe County shall begin evaluating the County's need for financial expenditures for infrastructure improvements within or proximate to vulnerable areas to manage public investments appropriately considering demand for repairs and reconditioning of deteriorating infrastructure.

Policy 1603.4.2

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall consider incorporating a planning, design and permitting standard for infrastructure and development projects that includes a sea level rise assumption of 3-7" by 2030.

Policy 1603.4.3

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall initiate an inventory of existing and planned infrastructure up to the 2030 horizon, based upon the vulnerability mapping identified in Policy 1602.1.2, for its capacity to accommodate projected sea-level rise over the life expectancy of the infrastructure. Shoreline stabilization needs and priorities shall be considered in the context of the location of that infrastructure. Monroe County shall identify the infrastructure within those areas, its useful life and any retrofits or capital projects necessary to mitigate the impacts of sea level rise. Monroe County will consider initiating this effort in conjunction with a broader asset management planning process to provide an ongoing basis for updates and comparisons to capital improvements as more infrastructure starts to be impacted by climate change.

Policy 1603.4.4

Monroe County shall ensure that new, renovated and replacement public facilities and infrastructure, such as streets and bridges, water and wastewater treatment plants, hospitals, police and fire stations, and power generation facilities are designed in a manner which takes into consideration the impacts from climate change, including rising sea-levels and shoreline stabilization needs.

Objective 1603.5

Monroe County shall assure that water, wastewater and stormwater infrastructure and plans consider appropriate energy conservation, climate change and sea level rise impacts. This shall include an evaluation of the location of such infrastructure in relation to vulnerabilities including financial considerations for continued maintenance.

Policy 1603.5.1

In the capital improvements planning process infrastructure decisions shall consider the most energy efficient technologies available. This analysis shall include the useful life of the infrastructure and the cost savings related to reduced energy needs, operations and maintenance saved from such efficiency goals. Monroe County shall coordinate with the electric cooperatives and the Florida Keys Aqueduct Authority (FKAA) to encourage these analyses.

Policy 1603.5.2

On a continual basis, recognizing the linkages between water, wastewater and energy use, Monroe County shall encourage FKAA to encourage expansion of water auditing programs in all land uses including institutional, commercial and residential. The desired trend is to increase the scope of audits and identify opportunities to reduce system leaks and promote conservation retrofitting.

Policy 1603.5.3

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall develop policies to increase water conservation in construction and buildings including the adoption of a recognized standard such as the South Florida Water Management District's "Water Star" or EPA's "Water Sense" programs.

Policy 1603.5.4

Monroe County shall work with Florida Keys Aqueduct Authority to identify vulnerable infrastructure and incorporate assumptions in infrastructure planning decisions. These assumptions could include the location of such infrastructure, potential need for relocating such infrastructure and the need to make new design assumptions relative to such infrastructure such as the sea level rise projections of 3-7" by 2030.

Policy 1603.5.5

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall review land development regulations that address stormwater management considerations for sea level rise impacts. To the extent practicable, Monroe County shall incorporate green infrastructure or passive alternatives that maximize land preservation over impervious or "active" infrastructure. Such alternatives could include the reconditioning and reuse of septic tanks, increased use of rain barrels and other storage techniques. Monroe County shall determine if increased retention requirements will be needed and other topographic or infiltration considerations

will influence stormwater management requirements. Monroe County shall also consider the ability to meet water quality requirements related to stormwater management regulations and if there are any impacts from climate change that may jeopardize the County's ability to meet those requirements.

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Objective 1603.6

Monroe County recognizes the dual benefits of promoting energy conservation and addressing climate impacts including the need for decisions that save on energy costs, make the County more resilient to climate impacts and promote new green industries to provide services and products to meet that demand. Monroe County will seek innovative ways to educate and reach out to the community in implementing these policies to assure that all constituents can see the need, and economic benefits from them.

Policy 1603.6.1

Monroe County will work with the construction industry to assure input on green and energy efficiency standards so that local contractors can become qualified to participate in their implementation through development, redevelopment and public infrastructure projects. The County will seek opportunities to partner with other local governments and agencies to implement this policy. Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall lead by example, such as incorporating appropriate green building or climate resilient specifications into competitive bids that could include sustainable building or green building code accredited individuals on design teams and incorporation of green building practices as appropriate for all projects relying upon County funds.

Policy 1603.6.2

Monroe County will seek ways to enhance sustainable business development opportunities for individuals and businesses focusing on sustainable tourism, educational and institutional research-based tourism, green technologies and construction strategies among others.

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Objective 1603.7

In coordination with the next update to the Local Mitigation Strategy, Monroe County shall coordinate with municipalities, the Florida Division of Emergency Management, and other applicable agencies to further incorporate sea level rise considerations and climate change impacts into emergency management policies.

Policy 1603.7.1

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall review its post-disaster redevelopment development regulations including consideration of climate change impacts, repetitive loss structures and shoreline stabilization.

Policy 1603.7.2

In coordination with the next update to the Local Mitigation Strategy, Monroe County shall determine any impacts to hurricane evacuation timeframes exacerbated by a 3-7" increase in sea level rise by 2030.

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GOAL 1604

Monroe County will further protect natural systems and habitats by incorporating adaptation and mitigation strategies in its land acquisition policies. This goal will include consideration of the need to address natural resource protection requirements, natural resource impacts such as habitat shifts from a rising sea, potential threats and loss of marine ecosystems and habitat, ecosystem based approaches to exotic management and the potential impacts to species.

Objective 1604.1

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), the County shall revise its land acquisition and preservation policies to consider the climate change-related values of natural areas for sequestering carbon and providing climate adaptation and mitigation benefits such as the resource's strategic capacity to absorb floodwaters and address coastal ecosystem migration.

Policy 1604.1.2

Monroe County shall identify and evaluate natural, including coastal and marine environmental, resources vulnerable to climate change impacts and implement mitigation and adaptation management strategies to address those vulnerabilities.

Policy 1604.1.3

Monroe County shall consider the need for shoreline stabilization in prioritizing land acquisition and preservation requirements. Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall determine if any additional or revised land acquisition or land development regulations are needed to implement land acquisition or preservation programs that prioritize the benefits gained from protecting and enhancing natural lands in mitigating the impacts of erosion of shorelines.

Policy 1604.1.4

Recognizing the unique impacts that climate change has on the County's reef system, primarily ocean acidification and changes in marine estuaries and brackish systems affecting juvenile species, Florida's reef fish and invertebrate populations and associated fisheries, Monroe County shall coordinate on an ongoing basis with Florida's coral reef management jurisdictions and the National Marine Sanctuary program, NOAA and other agencies responsible for monitoring impacts and protecting uses within those designated areas. Monroe County will work with agencies to implement land-based strategies to mitigate those impacts such as minimizing sedimentation, storm water runoff, and other water quality impacts to the Florida reef system. The County will also evaluate and revise existing programs and strategies (e.g. Florida Keys National Marine Sanctuary Water Quality Protection Program and the existing marine protected areas in the Florida Reef System) to optimize their effectiveness and make them more robust in the context of creating resilience to climate change.

Policy 1604.1.5

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), the County will consider initiating development and implementation of a marine zoning plan that incorporates resilience-based concepts to provide maximum protection from non-climate stresses for all reef types and associated habitats in the Florida Reef System. If initiated, this plan will ensure connectivity between reefs and their associated nursery habitats.

Policy 1604.1.6

Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall revise its policies based on identification of vulnerable areas to encourage planting and proper long-term maintenance of native flora throughout the County. This will include a review of current County buffer requirements within the Land Development Code to encourage a balance of trees, understory, shrubs, and groundcover, reducing pea-rock and turf grass on rights of way whenever possible and utilizing with native ground cover, plants, and trees.

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Monroe County Comprehensive Plan Update

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3.4 Mass Transit

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GOAL 401

To provide a coordinated surface transportation system for transportation disadvantaged people within Monroe County and to encourage such a system for all residents and ~~guests~~visitors. In addition, Monroe County shall coordinate with the City of Key West Department of Transportation (KWDOT) and Miami-Dade Transit (MDT) to provide a surface transportation system for all residents and visitors.

Objective 401.1

Monroe County shall encourage the provision of transit service for all residents to major trip generators. ~~[9] 5.008(3) [163.3177(6)(b)] and 3.a., F.S.]~~

Policy 401.1.1

By ~~December 31, 2006~~May 1, 2014, Monroe County shall adopt Land Development Regulations requiring retail shopping facilities, offices and similar uses generating over two thousand (2,000) trips per day be built to accommodate mass transit by being designed to include such features as adequate turning radii for large vehicles, direct access to sheltered areas with seating that can serve as a bus stop and pedestrian access to adjacent properties.

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Policy 401.1.25

~~Within twelve (12) months of the effective date of the Comprehensive Plan, Monroe County shall adopt land development regulations that favor the clustering of major trip generators and transit oriented uses.~~

Policy 401.1.3

~~Within twelve (12) months of the effective date of the Comprehensive Plan, Monroe County shall adopt land development regulations that encourage all developers to assist the transition to transit by such efforts as providing car pools, transit facilities, and pedestrian/bicycle paths.~~

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Policy 401.1.4

~~Monroe County shall phase the development of complete transit services, and as an interim measure shall seek the provision of interim measures such as car pool services to the service population, major employers, dense residential areas, resort guests, and tourists.~~

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Policy 401.1.5

Monroe County shall continue to seek funds for the transportation disadvantaged and other transit and paratransit operations from all applicable ~~Federal~~federal, State, and other sources and shall continue to provide gas tax revenues to public transit and/or paratransit services.

Policy 401.1.6

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~~Monroe County shall allocate funds collected from highway impact fees to capital expansions of public transit systems that relieve highway traffic or reduce the demand for additional highway capacity.~~

Policy 401.1.7

Monroe County shall encourage the operation of public and private transit and paratransit services and shall seek legislation to exempt transit facilities such as terminals and repair shops from the U.S. 1 concurrency requirements.

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Policy 401.1.8

Due to the very narrow geography of the Florida Keys, limited U.S. 1 right-of-way and exclusive mass transit corridors and limited rate of growth, Monroe County will not establish measures for the acquisition and preservation of transit rights-of-way and exclusive mass transit corridors. ~~[9] 5.008(3)(b)3 & (e)2]~~

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Objective 401.2

Monroe County shall ensure at the time a development permit is issued, adequate paratransit services are available to support the development at the adopted level of services standard concurrent with the impacts of such development. ~~However, because transit services are not now provided throughout the county, transit services will not be required to be concurrent with development. [9J-5.008(3)(e)1]~~

Policy 401.2.1

Monroe County shall strive to continue to provide service to the transportation disadvantaged eight (8) hours each weekday upon twenty-four (24) hours of notice.

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Objective 401.3

Monroe County's Transportation Disadvantaged Program shall provide for services to the transportation disadvantaged and shall work in conjunction with the ~~City of Key West's Port and West~~ Transit ~~Authority~~, the Designated Official Planning Agency and the Florida Department of Transportation in coordinating the provision of paratransit services. ~~[9]-5.008(3)(b)2]~~

Policy 401.3.1

Monroe County shall continue the Monroe County Disadvantaged Transportation Program for operating transportation programs in coordination with the Local Planning Organization, Key West ~~Port and Transit Authority~~, and the Florida Department of Transportation.

Policy 401.3.2

Monroe County shall work with the Local ~~Planning Organization but~~ Coordinating Board, however shall not assume the designation of a Community Transportation Coordinator or Designated Official Planning Agency due to the limited mission of the Monroe County Transportation Disadvantaged Program.

Policy 401.3.3

Monroe County shall continue to seek funds for the transportation disadvantaged from all applicable ~~Federal~~ federal, State, ~~Regional~~ regional and other sources in order to provide service and maintain a modern fleet of paratransit vehicles.

Policy 401.3.4

Monroe County shall, through the Monroe County Transportation Disadvantaged Program ~~and Planning Department~~, annually review the Florida Department of Transportation 5-Year Plan.

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Objective 401.4

Monroe County shall plan and develop an intermodal transportation system that incorporates vehicles and alternative transportation modes such as mass transit and bicycle/pedestrian facilities. The County shall coordinate with other agencies and entities responsible for mass transit, bicycle/pedestrian and vehicle transportation improvements occurring County-wide.

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Policy 401.4.1

By May 2, 2021, Monroe County shall complete a Transportation Strategy Master Plan, through its Long Range Transportation Plan.

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3.3 Traffic Circulation

GOAL 301

To provide a safe, convenient, efficient, and environmentally-compatible motorized and non-motorized transportation system for the movement of people and goods in Monroe County. ~~[9]-5.007(3)(a)H~~§163.3177(6)(b), F.S.]

Objective 301.1

Establish level of service (LOS) standards for all paved roads in Monroe County for the purpose of determining existing and future roadway needs. ~~[9]-5.007(3)(e)H~~§163.3177(6)(b), F.S.]

Policy 301.1.1

For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. The County shall maintain the level of service on County roads within five percent (5%) of LOS D. ~~[9]-5.007(3)(e)]~~

Policy 301.1.2

For US-U.S. 1, Monroe County hereby adopts a level of service (LOS) standard of C based on the methodology developed by the US-U.S. 1 LOS Task Force and adopted by the Board of County Commissioners in August 1991, which has been reviewed in the 2010 U.S. 1 Arterial Travel Time and Delay Study, for analyzing the LOS on US-U.S. 1 in Monroe County. ~~—This methodology replaces a peak hour volume standard for US-1.~~ The level of service on US-U.S. 1 shall be maintained within five percent (5%) of LOS C. §163.3177(6)(b)1.a., F.S.]

Policy 301.1.3

Monroe County shall update their Long Range Transportation Plan to include roadway improvements on County owned roads designed to improve the LOS on U.S. 1.

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Objective 301.2

Ensure that all paved roads have sufficient capacity to serve development at the adopted LOS standards concurrent with the impact of said development.—[9J-5.0055(2)(e)7] [§163.3177(6)(b)1.a., F.S.]

Policy 301.2.1

Monroe County, in coordination with the FDOT, shall continue the systematic traffic monitoring program initiated in March 1991, on an annual basis, to monitor peak season traffic volumes at permanent count stations and travel speeds on each of 24 study segments of US-U.S. 1, and to determine the cumulative impact of development and through traffic. Monroe County shall use the methodology developed by the US-U.S. 1 LOS Task Force composed of representatives from Monroe County, FDOT, and DCAthe Department of Economic Opportunity (DEO) for conducting this analysis and shall request that the Task Force update and refine the methodology's assumptions on a periodic basis when new data becomes available. [§163.3177(6)(b)1.b., F.S.]

Policy 301.2.2

Monroe County shall not permit new development which, in combination with all other development, would significantly degrade the LOS below the adopted LOS standards. A five percent projected decrease in travel speeds is a significant degradation in the level of service on US-U.S. 1. Traffic volume which exceeds the LOS D standard by more than five percent is a significant degradation in the level of service on any other road. [§163.3177(6)(b)1.e., F.S.]

Policy 301.2.3

As approved by the County Commission on a case by case basis, Monroe County shall provide funding from gas taxes and impact fees to expedite FDOTcounty, municipal, or State projects required for concurrency management.

Policy 301.2.4

~~By January 4, 1998, Monroe County shall complete a study that considers the feasibility of improving portions of the old Overseas Highway into a series of frontage roads and alternative routes to US 1.~~

Policy 301.2.5

~~By January 4, 1998, Monroe County staff shall meet with FDOT to discuss programming the recommended TSM improvements on Plantation, Upper Matecumbe, and Big Pine Keys as identified in the Data and Analysis Section of the Traffic Circulation Element.~~

Policy 301.2.6

Monroe County shall cooperate with FDOT so as to prevent surplusing of FDOT properties which may ultimately be required for implementation of traffic circulation policies and goals.

Policy 301.2.7

~~Monroe County shall request that the FDOT revisit the analysis of US 1 through the west end of Marathon, and in coordination with citizen's groups, develop concept plans for resolving the traffic problems in that area.~~

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Objective 301.3

~~In order to provide for~~ Monroe County shall encourage a more bicycle- and pedestrian travel-amenable transportation system that is safe, convenient, and efficient, ~~Monroe County shall provide four additional miles of bicycle and/or pedestrian paths by January 4, 2000. [9J-5.007(3)with complementary facilities to support non-motorized users. [§163.3177(6)(b)1], F.S.]~~

Policy 301.3.1

By ~~January 4, 1997,~~ May 1, 2014 Monroe County shall prepare a plan for coordinated bicycle path and pedestrian way improvements, including bicycle parking and storage facilities, on County roads emphasizing access to schools, parks, and shopping centers, and incorporate into the County's Seven Year Roadway and Bicycle Path Plan. Coordination should be with the local municipalities and the State.

Policy 301.3.2

~~By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which require proportionate fair share assessment impact fees, including the costs for building bicycle and pedestrian paths along US-1. [9J-5.007(3)(e)5]~~

The County shall require that any development, occurring on or adjacent to the location of a planned bicycle or pedestrian facility as identified by the County, provide for the construction of that portion of the facility occurring within or adjacent to the development. If the facility has already been built, or if it will be constructed by an external agency, the development shall be connected to the facility in a safe and convenient manner to ensure that it is part of the development's overall transportation system.

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Objective 301.4

Monroe County shall plan and develop an intermodal transportation system that incorporates vehicles and alternative modes such as mass transit, and bicycle/pedestrian facilities. The County shall coordinate with other agencies and entities responsible for mass transit, bicycle/pedestrian and vehicle transportation improvements occurring County-wide.

Policy 301.4.1

Monroe County shall complete a Transportation Strategy Master Plan, through its Long Range Transportation Plan, by May 1, 2021 (date coincides with the second Evaluation and Appraisal review which follows the adoption of the revised Comprehensive Plan).

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Objective 301.5

In order to coordinate the traffic circulation system with the future land uses shown on the Future Land Use Map, Monroe County shall implement the following policies. ~~9-5.007(3)~~ [§163.3177(6)(b)2]1.d., F.S.]

Policy 301.45.1

The capacity of ~~US-U.S.~~ 1 in unincorporated Monroe County shall be limited to four lanes. Densities and intensities on the Future Land Use Map and allowed by the permit allocation system shall not exceed those that can be accommodated by the four lane limitation on ~~US-U.S.~~ 1.

Policy 301.45.2

~~By January 4, 1997, Monroe County shall survey the trip length, trip purpose, and motorist profile characteristics for existing traffic at various points along US-1, in conjunction with the development of a long range transportation plan computer model for the County. May 1, 2014 Monroe County shall update the County's Long Range Transportation Plan to consider climate change implications.~~

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Objective 301.56

~~In order to~~ Monroe County shall provide a transportation system that is consistent with the ~~1986 Comprehensive Plan prepared pursuant to~~ Livable Communities Plans and the land development regulations pertaining to Chapter 380, F.S., Monroe County shall implement the following policies by January 4, 1997. [9J-5.007(3)(b)3]corridor enhancement and beautification within the Florida Keys.

Policy 301.56.1

The Land Development ~~Regulations prepared pursuant to this comprehensive plan~~Code shall continue to ensure that development along the scenic corridors of US-1, CR-905, and Key Deer Boulevard provides the landscaping and setbacks necessary to minimize impacts on the visual environment.

Policy 301.56.2

The Land Development ~~Regulations prepared pursuant to this comprehensive plan~~Code shall continue to include regulations to minimize the impacts of signs on the scenic beauty of Monroe County.

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Objective 301.67

In order to ensure the County's transportation plans are coordinated with the plans and programs of appropriate ~~state~~State agencies and local governments and are consistent with State and ~~Federal~~federal regulations that require protection of environmental resources, Monroe County shall implement the following policies by the dates specified below. ~~[9J-5.007(3)[§163.3177(6)(b)3]}, F.S.]~~, F.S.

Policy 301.67.1

Each year, prior to the update of the FDOT Five Year Work Program, Monroe County staff shall meet with officials from FDOT District 6 to review FDOT proposals for and recommend additional improvements to ~~US-U.S.~~ 1.

Policy 301.67.2

~~By January 4, 1998,~~ Monroe County shall ~~initiate~~maintain interlocal agreements with Key West, Key Colony Beach, Marathon, Islamorada and Layton addressing coordination of concurrency management with oversight by the South Florida Regional Planning Council.

Policy 301.67.3

~~Consistent with the use of matching grant funds which have been obtained from the FDOT, Monroe County shall develop and implement the Florida Standard Urban Transportation Model Structure (FSUTMS) by January 4, 1998. Monroe County shall comply with the terms of this grant from the FDOT.~~

Policy 301.6.4

~~All roadway improvements shall be consistent with the policies of the Coastal Management and Conservation Element.~~

Policy 301.6.5

Monroe County supports the Vision, Goals, Objectives and Strategies of the Florida Scenic Highway ~~corridor~~Corridor Management Plan and the recommendations of the Florida Scenic Highway Interpretive Master Plan in its transportation planning. (Ord. 022-2009)

Policy 301.6.67.4

Monroe County supports the recommendations of the Florida Keys Overseas Heritage Trail Master Plan in its transportation planning. (Ord. 022-2009)

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Objective 301.78

~~In order to Monroe County shall provide for the protection of existing and future rights-of-way, Monroe County shall implement the following policies by the dates specified below. [9J 5.007(3)(b)4].~~

Policy 301.78.1

~~By January 4, 1997, Monroe County shall provide specific right-of-way width information for the critical segment of US 1 in Monroe County to coordinate with the FDOT where widening to four lanes is required to reduce hurricane clearance times. Further, Monroe County staff shall participate in right-of-way planning to identify and preservation efforts including, but not limited to, incorporate County priorities in the FDOT corridor wide master plan for, District 6 Five-Year Work Program.~~

Policy 301.78.2

~~By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which prohibit unauthorized use of public rights-of-way. [9J 5.007(3)(c)4]~~

Policy 301.7.3

In recognition of the physical and environmental constraints that may affect the widening of ~~US-U.S.~~ 1 to four lanes, Monroe County shall coordinate with FDOT on those portions of US-U.S. 1 that are shown as two lanes on the Future Traffic Circulation Map shall be limited to maintain them as two lanes for the planning horizon. This policy shall not be construed so as to prohibit the addition of a third lane to be used as a continuous two-way turn lane for those segments with a demonstrated public safety risk if the third lane has been demonstrated to be the safest alternative. However, any such improvements identified on the Big Pine Key segment shall be deferred until the completion of a Habitat Conservation Plan for the island. Unless already shown, the addition of a continuous two way turn lane shall require an amendment to the Future Traffic Circulation Map. [§163.3177(6)(b)1., F.S.]

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Objective 301.89

In order to promote a safe, convenient, and efficient, motorized transportation system, Monroe County shall implement the following policies by the dates specified below. [~~9J-5.007(3)(e)1~~][§163.3177(6)(b), F.S.]

Policy 301.89.1

~~By January 4, 1997, Monroe County shall submit to the FDOT proposed access classifications for all segments of US 1, consistent with the guidelines established by the FDOT in Rule 14-97. Monroe County staff shall coordinate with the FDOT in preparing the final access classifications by meeting with FDOT staff, reviewing proposed changes to the county's access classifications, and participating in FDOT public hearings. The land development regulations prepared pursuant to this comprehensive plan shall ensure that future driveway and roadway connections to US 1 provide for shared driveway access and minimum use of new curb cuts, where appropriate, as provided in Rule 14-97 F.A.C. [9J-5.007(3)(e)2]~~

~~Until such time as the FDOT establishes permanent access standards pursuant to Rule 14-97, Monroe County shall continue to require the same roadway access standards that are currently contained in Section 9.5-421 through 9.5-425 of the Land Development Regulations, which are hereby incorporated by reference.~~

Policy 301.8.2

~~By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations~~Monroe County shall maintain revisions to the land development regulations to include guidelines and criteria consistent with nationally-recognized standards which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, as well as sufficient on-site parking for both motorized and non-motorized vehicles. [~~9J-5.007(3)(e)3~~]

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Monroe County Comprehensive Plan Update

3.0 GOALS, OBJECTIVES AND POLICIES

3.1 FUTURE LAND USE

GOAL 101

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. ~~[9J-5.006(3)a]~~ [§163.3177(1), F.S.]

Objective 101.1

Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development. ~~[9J-5.006(3)(b)]~~ Facilities shall be in place and available to serve new development no later than the issuance of the certificate of occupancy or its functional equivalent. Further, Monroe County shall ensure that comprehensive plan amendments include an analysis of the availability of facilities and services or demonstrate that the adopted levels of service can be reasonably met. [§163.3177 & 163.3180, F. S.]

Policy 101.1.1

Monroe County shall ~~adopt~~maintain level of service (LOS) standards for the following public facility types required by Chapter ~~9J-5163~~, F.A.C.: ~~roads~~; S: sanitary sewer, solid waste, drainage, and potable water, ~~—, Additionally the County shall maintain LOS for roads, and~~ parks and recreation, ~~and paratransit~~. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1; and
5. The LOS for drainage is established in Drainage Policy 1001.1.1; ~~and~~.
6. ~~The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1. [5.006(3)(e)3]~~

Policy 101.1.2

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations~~ maintain land development regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no building permits will be issued for new development unless adequate public facilities needed to support

the development at the adopted LOS standards are available concurrent with the impacts of development. ~~[9] 5.006(3)(e)3]~~

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Objective 101.2

~~Monroe County shall reduce hurricane evacuation clearance times to 24 hours by the year 2010.~~

As mandated by the State of Florida, pursuant to Section 380.0552, F.S. and Rule 28-20.140, F.A.C., and to maintain the public health, safety, and welfare, Monroe County shall maintain a maximum hurricane evacuation clearance time of 24 hours. The State Land Planning Agency shall coordinate with County when verifying the clearance times with the decennial release of U.S. Census data and other updated professionally acceptable sources of data.

Policy 101.2.1

Monroe County shall ~~establish~~maintain a Permit Allocation System for new residential development~~, as described in Objective 101.3 and known as the Rate of Growth Ordinance (ROGO).~~ The Permit Allocation System shall limit the number of permits issued for new residential development. ~~THIS POLICY IS SUPERSEDED BY POLICY 101.2.13 FOR AN INTERIM PERIOD OF TIME.~~ on an annual basis, consistent with the annual residential allocations, provided and adopted by the State.

Policy 101.2.2

~~Applicants shall be required to obtain letters of coordination confirming the availability of potable water and electricity, and applicable permits from HRS prior to submitting a building permit application for new residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to the issuance of a County permit.~~

Policy 101.2.3

~~The Permit Allocation System for new residential (ROGO) development shall specify procedures for:~~

- ~~1. annual adjustment of the number of permits for new residential units to be issued during the next year based upon, but not limited to the following:~~
Monroe County shall enter into a memorandum of understanding with the State Land Planning Agency, Division of Emergency Management, Marathon, Islamorada, Key West, Key Colony Beach, and Layton after a notice and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Division of Emergency Management's (DEM) Transportation Interface for Modeling Evacuations ("TIME") Model to accurately depict evacuation clearance times for the population of the Florida Keys.

Policy 101.2.X

Monroe County shall participate in the State Land Planning Agency's Hurricane Evacuation Clearance Time Work Group (Work Group) to evaluate TIME model

~~results and the State's recommendation of the remaining allocations for the Florida Keys Area of Critical State Concern. Based upon the work completed by the State Land Planning Agency's 2012 Work Group, the results indicate a clearance time not exceeding 24-hours through the year 2023.~~

- ~~a. expired allocations and building permits in previous year;~~
 - ~~b. allocations available, but not allocated in previous year;~~
 - ~~c. number of allocations borrowed from future quarters;~~
 - ~~d. vested allocations;~~
 - ~~e. modifications required or provided by this plan or agreement pursuant to Chapter 380, Florida Statutes; and~~
 - ~~f. receipt or transfer of affordable housing allocations by intergovernmental agreement.~~
- ~~2. allocation of affordable and market rate housing units in accordance with Policy 101.2.4; and~~
- ~~3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new residential development during the calendar year.~~

Policy 101.2.4

~~Monroe County shall allocate at least 20 percent of residential (non transient) growth to affordable housing units as part of the Permit Allocation System. Any portion of the 20 percent allocation not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation shall meet the criteria specified in Policy 601.1.7, but shall not be subject to the competitive Residential Permit Allocation and Point System in Policy 101.5.4. The parcel proposed for affordable housing shall not be located within an area designated as Tier I as set forth under Goal 105 or within a Tier III Special Protection Area as set forth in Policy 205.1.1.~~

Policy 101.2.5

~~Monroe County recognizes the discrepancy of units between the County's proposed allocation to the Cities and the Cities' vested development assumptions. By January 4, 1997, the County shall initiate an interlocal agreement with the Cities to resolve the discrepancy within three (3) years.~~

Policy 101.2.6

~~Due to the limited number of residential allocations and the State's requirement that the County maintain a maximum hurricane evacuation clearance time of 24 hours, Monroe County shall prohibit new transient residential units including hotel or motel rooms, seasonal residential units, campground spaces, or spaces for parking a recreational vehicle or travel trailer until May 1, 2014.~~

~~(Ordinance 024 2011)~~

Policy 101.2.7

~~Monroe County shall have coordinated with the Florida Department of Transportation (FDOT) to ensure that improvements needed to expand the 18-mile stretch of US 1 are placed in FDOT's adopted five year work program by 1998.~~

Policy 101.2.8

~~By January 4, 2000, Monroe County shall have coordinated with FDOT to identify funding and include the improvements needed to expand the segment of US 1 between mile markers 80 and 90 in the FDOT adopted five year work program to have construction completed by 2010.~~

Policy 101.2.9

~~Monroe County will coordinate with the Florida Department of Community Affairs' Division of Emergency Management and the County's Director of Emergency Management to have Card Sound Road designated as an alternative hurricane evacuation route by the time the improvements to Card Sound Road are completed in 1998. Monroe County shall divert 40% of evacuating traffic to Card Sound road upon completion of planned roadway improvements by 1998.~~

Policy 101.2.10

Monroe County shall initiate a program to ~~limit~~encourage limiting the number of vehicles on the roads during a hurricane evacuation. This program shall include educating the public regarding ~~the need to use~~early evacuation and the possibility of using some type of mass transit to reduce the number of vehicles used for hurricane evacuation and the need to ~~severely~~ reduce the number of individual vehicles used for evacuation while emphasizing the need to evacuate when an evacuation order is issued. ~~In addition, the County will study the feasibility of vehicle registration for use in evacuating and any other feasible alternatives.~~

Policy 101.2.11

~~By July 17, 2001, the County shall prepare an Evaluation and Appraisal Report (EAR) of this plan. As part of the EAR process, in coordination with the South Florida Regional Planning Council, Key West, Layton and Key Colony Beach, the County will evaluate the effectiveness of its programs in ensuring:~~

~~that residents and visitors will evacuate when an evacuation order is issued;~~

~~that the number of evacuating vehicles will be lower than currently projected in the Southeast Florida Hurricane Evacuation Study; and~~

~~the accuracy of the visitor population figures.~~

~~The Southeast Florida Hurricane Evacuation Study transportation models will be updated based on these factors and the total growth allocations, including allocations to the sub-areas of the county and to the municipal jurisdictions.~~

Policy 101.2.12

The County will ~~reconsider~~consider its capital improvements based upon the need for ~~additional or different capital improvements identified as a result of the new~~improved hurricane evacuation clearance times. The County will coordinate with the FDOT, the state agency which maintains Highway U.S.1, to ensure transportation model enhancements that improve clearance times are prioritized.

Policy 101.2.13

~~Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations.~~

~~Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. The nutrient reduction credits earned by the construction of Little Venice system shall be earned according to the following schedule:~~

- ~~1. — 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2 below. In addition, 52 of these credits shall be made available to the City of Marathon.~~
- ~~2. — All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.~~

~~Nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:~~

~~The local government shall receive a pro-rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and _____~~

~~The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.~~

~~Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. For all years the number of permits issued annually for ~~new~~ residential development under the Rate of Growth Ordinance shall not exceed a total ~~unit cap~~ of 158 ~~new residential units per year~~. annual unit cap of 197 or as may be established by State of Florida, pursuant to Administration Commission Rules, plus any available unused ROGO allocations from a previous ROGO year.~~

~~a. Each year's ROGO allocation of 197 units shall be split with a minimum of 71 units allocated for affordable housing in perpetuity and market rate allocations not to exceed 126 residential units per year.~~

~~b. Unused ROGO allocations may be retained and made available only for affordable housing and Administrative Relief from ROGO year to ROGO year. Unused allocations for market rate shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing.~~

~~c. A ROGO year means the twelve-month period beginning on July 13.~~

~~•d. _____ This allocation represents the total number of new permits/allocations for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits/allocations may be allowed, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement as of September 27, 2005, for affordable housing between the Department and the local government in the critical areas, may be allowed.~~

Policy 101.2.X

a. ~~Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon effective date of this rule and the number nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.~~

b. ~~_____~~

c. ~~Table 3.1-1~~

d. ~~Nutrient Reduction Credits~~

Treatment System Upgraded From	Treatment System Upgraded To			
	On-site Treatment	Centralized Systems		
	OWNR or Equivalent On-site Treatment and Disposal System	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU credit	1 EDU credit	1.0 EDU credit	1.5 EDU credit
SubStandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	N/A	N/A	1	1.5

~~Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and stormwater problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003 and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by allocate at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 15871 units. Other agencies identified in the work program, or any interested persons may likewise report and make recommendations for consideration by the Commission.~~

~~Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's~~

~~reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the, or as may be established by State of Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and stormwater facilities and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and stormwater master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.~~

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WORK PROGRAM¹

~~YEAR ONE (ending December 31, 1997)~~

~~A. Complete Phase I (data collection) for the Wastewater and Stormwater Master Plans, and secure funding for plan completion. (Reference County Objective 901.4) Agencies: County, DCA DEP, HRS and SFWMD.~~

~~B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon benchmark of, and all adverse impacts to the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems of habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)~~

~~Agencies: County, DCA, DEP, HRS, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFW, Army COE, and other interested parties to includes representatives of environmental organizations and development interests.~~

~~C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Reference County Policy 901.4.3).~~

~~Agencies: HRS.~~

~~D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater and shall include an investigation of the feasibility of using alternative nutrient stripping on site disposal systems. The development of the facilities plan shall be a component of the wastewater Master Plan as that Plan is developed.~~

~~Agencies: County, DCA, and DEP.~~

~~E. Continue cesspit elimination program with identification of Hot Spots as first priority in accordance with Objective 901.2 and seek funding for cesspit identification. Enter into an interlocal agreement with HRS to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS~~

¹-On March 9, 1999, the Administrative Commission determined that the substantial progress toward the work program objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of the work program.

~~inspection/compliance program. The ordinance shall include authorization for HRS to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Reference County Objective 901.2).~~

~~Agencies: County, DCA, and HRS.~~

~~F. Submit status of CARL and ROGO land acquisition to the Administration Commission.~~

~~Agencies: County, Land Authority, and DEP.~~

~~G. Revise the habitat Evaluation Index (HEI) based on peer review.~~

~~Agencies: County, DCA, DEP, FGFWFC, and Federal agencies.~~

~~**YEAR TWO** (ending December 31, 1998)~~

~~A. Complete the wastewater and Stormwater Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for HOT Spots and cesspit identified in D below.~~

~~Agencies: County, DCA, DEP, and HRS.~~

~~B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.~~

~~Agencies: County, DCA, and DEP.~~

~~C. Complete cesspit ID process in Hot Spots, excluding the Marathon area.~~

~~Agencies: County, DCA, and HRS.~~

~~D. Submit status of CARL and ROGO land acquisition to the Administration Commission.~~

~~Agencies County, Land Authority, and DEP.~~

~~E. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Reference County Policy 103.1.5).~~

~~Agencies: County, DCA, SFWMD, USFWS~~

~~**YEAR THREE** (January 1, 1999 through July 12, 2000)~~

~~A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area~~

~~implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.~~

~~Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).~~

~~B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.~~

~~Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.~~

~~C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.~~

~~Agencies: County, Land Authority and DEP.~~

~~D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.~~

~~Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.~~

~~E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.~~

~~Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.~~

~~F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low, low and moderate income households. Investigate the appropriate point at which nutrient reduction credits can be awarded for future committed water quality treatment facilities and the appropriateness of transferring credits among ROGO areas.~~

~~Agencies: County, DCA, FCAA, WQSC and DOH.~~

~~G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)~~

~~Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.~~

~~H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.~~

~~Agencies: County.~~

~~I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.~~

~~Agencies: County and DCA.~~

YEAR FOUR (July 13, 2000 through July 12, 2001)

~~A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for priority Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub areas.~~

~~Agencies: County, FKAA, DCA, DEP, DOH, EPA and WQSC.~~

~~B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.~~

~~Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.~~

~~C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.~~

~~Agencies: County, Land Authority and DEP.~~

~~D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.~~

~~Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.~~

~~E. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.~~

~~Agencies: County, DCA, DEP, FKAA, WQSC and EPA.~~

~~F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low and moderate income households; ensure that a minimum of 88 cesspits are replaced~~

~~Agencies: County, FKAA, WQSC and DOH.~~

YEAR FIVE (July 13, 2001 through July 12, 2002)

~~A. Continue implementation of the Wastewater Master Plan, pursuant to executed interagency agreements. Begin construction of wastewater facilities in selected Hot Spots.~~

~~Agencies: County, FKAA, DCA, DOH, DEP, EPA, and WQSC.~~

~~B. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.~~

~~Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.~~

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~~C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total to date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.~~

~~Agencies: County, Land Authority, and DEP.~~

~~D. Complete final draft of the carrying capacity study including acceptance by review agencies.~~

~~Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.~~

~~E. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.~~

~~Agencies: County, DOH, FCAA and WQSC.~~

~~YEAR SIX (July 13, 2002 through July 12, 2003)~~

~~A. Continue construction of wastewater facilities in Hot Spots begun in previous year.~~

~~Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.~~

~~Agencies: County, FCAA, DEP, DOW, DCA, EPA and WQSC.~~

~~B. Initiate construction of selected projects as identified in the Storm Water Master Plan.~~

~~Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.~~

~~C. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.~~

~~Agencies: County, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.~~

~~D. Complete the elimination of all cesspits in areas outside of Hot Spots. Agencies:~~

~~County, FCAA, DOH and WQSC.~~

~~E. Develop a Keys wide master land acquisition plan which shall include:~~

~~(1) a strategy for the acquisition of those properties which should be preserved due their habitat value as well as those other properties where future development is to be discouraged.~~

~~(2) a management plan for implementing the strategy, and~~

~~(3) a reasonable, feasible plan for securing funding for said land acquisition.~~

~~Agencies: County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS, and other interested parties to include representatives of environmental organizations and development interests.~~

~~F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of Administration Commission Rules to affordable housing stock.
Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.~~

~~YEAR SEVEN (July 13, 2003 through July 12, 2004)~~

~~A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.
Agencies: County, FCAA, DEP, DCA, DOH, EPA and WQSC
B. Continue implementing selected projects as identified in the Storm Water Master Plan.
Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC~~

~~YEAR EIGHT (July 13, 2004 through July 12, 2005)~~

~~A. Review and revise (as necessary) the Conservation and Natural Areas Map.
Agencies: County, USFWS, FWCC, DEP, DCA
B. Initiate acquisition strategy for lands identified outside the Conservation and Natural Areas identified as worthy of protection.
—Agencies: County, DCA, DEP
C. Begin public hearings for Conservation and Natural Areas boundaries.
Agencies: County
D. Conclude public hearings for the adoption of the amended Conservation and Natural Areas Boundaries.
Agencies: County
E. Adopt an ordinance to implement a moratorium on ROGO/NROGO applications that involves the clearing of any units as part of ROGO. Any portion of an upland tropical hardwood hammock or pinelands habitat contained in a tropical hardwood hammock or pinelands patch of two or more acres in size located within a Conservation and Natural Area.
Agencies: County, DCA
F. Adopt amendments to the comprehensive plan and land development regulations to enact overlay designations, and eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO system to guide development away from environmentally sensitive lands.
Agencies: County, DCA
G. Amend land development regulations to prohibit the designation of Conservation and Natural Areas (Tier I) as a receiver site for ROGO exempt development from sender sites; and to further limit clearing of upland native habitat that may occur in the Natural Areas (Tier I) and the Transition and Sprawl Reduction Area (Tier II) upon designation by the County.
——Agencies: County, DCA
H. Develop Land Acquisition and Management Master Plan and address both funding and management strategies.~~

~~Agencies: County, DCA, DEP, USFWS, FWCC~~

~~I. Provide \$40 million in financing secured by infrastructure tax for wastewater facilities.~~

~~Agencies~~

~~J. Begin construction of wastewater plants or laying of collection lines for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.~~

~~Agencies: County, FKAA, DEP, Key Largo Wastewater District~~

~~K. Ensure the connection for up to 1,350 EDUs at Stock Island to Key West Resort Utilities.~~

~~Agencies: County, DEP~~

~~L. Complete lower Keys and Key Largo Feasibility Study.~~

~~Agencies: County, FKAA, DEP~~

~~M. Complete projects identified in the Stormwater Management Master Plan.~~

~~Agencies: County, DEP, DCA~~

~~e. Evaluate and implement strategies to ensure that the allocations not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation shall meet the criteria specified in Policy 601.1.7, but shall not be subject to the competitive Residential Permit Allocation and Point System in Policy 101.5.4, remains affordable in perpetuity for future generations. Establish a partnership with non-profit organizations in order to construct Any parcel proposed for affordable housing using additional state funds, shall not be located within an area designated as Tier I as set forth under Goal 105 or within a Tier III Special Protection Area as set forth in Policy 205.1.1.~~

~~Agencies: County, FHFC, DCA~~

~~N. Identify potential acquisition sites for affordable housing proposals and include in the Land Acquisition Master Plan.~~

~~Agencies: County, FHFC, DCA~~

~~O. Provide up to \$10 million in bond financing from the Tourist Impact Tax for acquisition of land for workforce housing and affordable housing sites.~~

~~Agencies: County~~

~~P. Complete a comprehensive analysis of hurricane3 evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes.~~

~~Agencies: County, DCA~~

~~YEAR NINE (July 13, 2005 through July 12, 2006)~~

~~B. In coordination with the Florida Keys Aqueduct Authority and the Key Largo Sewer District, initiate the process to obtain \$80 million in bond financing secured by connection fees.~~

~~Agencies: County, FKAA, Key Largo Sewer District~~

~~C. Secure site for lower Keys and Key Largo wastewater facilities~~

~~Agencies: County, FKAA~~

~~YEAR TEN (July 13, 2006 through July 12, 2007)~~

~~A. Award contract for design, construction and operation for the lower Keys and Key Largo wastewater facilities.~~

~~Agencies: County, FCAA, Key Largo Sewer District~~

~~B. Begin construction of the lower Keys and Key Largo wastewater plants.~~

~~Agencies: County, FCAA, Key Largo Sewer District~~

~~C. Initiate connections to lower Keys and Key Largo wastewater systems.~~

~~Agencies: County, FCAA, Key Largo Sewer District~~

~~D. Complete construction and hookups for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.~~

~~Agencies: County, FCAA, Key Largo Sewer District~~

~~E. Obtain \$80 million in bond financing secured by connection fees.~~

~~Agencies: County, FCAA, Key Largo Sewer District~~

Policy 101.2.14

For those ROGO applications and properties which have been denied a ROGO award for four consecutive years and have applied for administrative relief, which are ~~located in a CARL project or the National Wildlife Refuge~~designated Tier I and have received negative habitat scores under ROGO, the County or the state shall offer to purchase the property if funding for such is available. Refusal of the purchase offer shall not be grounds for granting a ROGO award.

Policy 101.2.15

Notwithstanding any other provision of the comprehensive plan, ROGO allocations ~~and nutrient reduction credits~~ utilized for affordable housing projects may be pooled and transferred between ROGO sub-~~districts~~areas and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

Policy 101.2.X

All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.

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Objective 101.3

Monroe County shall regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

Policy 101.3.1

Monroe County shall maintain a Permit Allocation System for new non-residential floor area, known as the Non-Residential Rate of Growth Ordinance (NROGO) System. Monroe County shall maintain a balance between residential and non-residential growth by limiting the square footage of non-residential development to maintain a ratiomaximum of approximately 23947,083 square feet per year (based upon multiplying the number of new non-available residential development for each new residential unit permitted through the Residential Permit Allocation System, allocations by 239 square feet). This ratiomaximum may be modified from time to time through comprehensive plan amendments to the land development regulations based upon market and other relevant studies as required by policy 101.3.5. The commercial allocation allowed by this policy shall be uniformly distributed on an annual basis, consistent with the Residential Permit Allocation System as set forth by subarea. As used in Policy 101.2.1, this policy, subareas have the following delineations:

Policy 101.3.2

(1) Applicants shall be required to obtain letters of coordination confirming Upper Keys & Lower Keys (excluding Big Pine Key and No Name Key).

a. Upper Keys: the availabilityunincorporated area of the county north of potable water and electricity; Tavernier Creek and applicable permits corporate limits of the Village of Islamorada (approximately mile marker 90).

b. Lower Keys: the unincorporated area of the county from HRS prior to submitting a building permit application for new non residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to issuance of a County permit the corporate limits of the Village of Islamorada (approximately mile marker 72) south to the corporate limits of the City of Key West at Cow Key Bridge on U.S. Highway 1 (approximately mile marker 4), excluding Big Pine Key and No Name Key.

(2) Big Pine Key and No Name Key: the islands of Big Pine Key and No Name Key.

Policy 101.3.3

The Permit Allocation System for new non-residential (NROGO) development floor area shall specify procedures for:

- ~~1.~~ 1. the annual ~~adjustment of the~~ square footage ~~allocated~~ that may be issued;
- ~~1-2.~~ 2. adjustments to the maximum square footage for new non-residential ~~development~~ floor area to be permitted during the next year based upon, but not limited to:
 - a) the square footage allocated for new non-residential development that expired during the previous year;
 - b) the amount of square footage available for allocations but not allocated in previous year;
 - c) modifications required or provided by this plan; and,
 - d) receipt or transfer of floor area by intergovernmental agreement.
- ~~2.~~ maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System, as may be amended from time to time in accordance with Policy 101.3.1; and,
- ; and,
- ~~1-3.~~ 3. timing of the acceptance of applications, evaluation and scoring of applications, and issuance of permits for new non-residential development during the calendar year.

Policy 101.3.4

~~Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Except within Tier I designated areas pursuant to Goal 105 or within a designated Tier III Special Protection Area pursuant to Policy 205.1.1, certain development activity by federally tax exempt not for profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that such activity will predominately serve the County's non-transient population. Monroe County hereby establishes an annual non-residential allocation of 47,083 square feet of non-residential floor area. Non-residential square footage awarded shall be subject to the intensity standards of the Future Land Use category and land use (zoning) district category of the proposed site; however, if an applicant does not use all of the awarded allocation, unused square footage shall revert back to the County for future allocations.~~

~~All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual~~

~~demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.~~

Policy 101.3.5

~~By July 2005, Monroe County shall complete a market demand analysis and economic assessment to determine the demand for future non-residential development in Monroe County and planning sub areas. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses may be revised based upon the results of this study, and other relevant policy and economic studies and data and provide the basis for preparing specific amendments to the comprehensive plan to incorporate goals, objectives and policies on economic development including tourism. The analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub area.~~

Policy 101.3.X

The permit allocation system for new non-residential development shall permit the County to allocate 47,083 square feet of non-residential development.

1. Big Pine Key and No Name Key shall receive 2,390 square feet annually.
2. Upper Keys & Lower Keys (excluding Big Pine Key / No Name Key) shall receive 44,693 square feet annually.
3. Unallocated and banked non-residential square footage shall be tracked annually and may be allocated in future allocation years.
4. Any expired non-residential square footage allocations shall be tracked annually, be recaptured by Monroe County and may be allocated in future allocation years.

As of 2012 (NROGO Year 20), the following non-residential square feet has been earned by Monroe County but remains unallocated. The unallocated non-residential square feet remains banked for future awards within the Permit Allocation System for new non-residential (NROGO) development.

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	<u>TOTAL UNINCORPORATED MONROE COUNTY</u>	<u>BIG PINE / NO NAME KEYS (BBK/NNK)</u>	<u>LOWER & UPPER KEYS [EXCLUDING BPK/NNK]</u>
<u>Max Annual Nonresidential Square Footage Allocation</u>	<u>47,083 SF</u>	<u>2,390 SF</u>	<u>44,693 SF</u>
<u>Total Potential NROGO From NROGO Year 10 (2002) to NROGO Year 20 (2012)</u>	<u>492,500 SF</u>		
<u>Unallocated and Banked NROGO SF as of NROGO Year 20</u>	<u>394,770 SF</u>	<u>4,779 SF</u>	<u>389,991 SF</u>

Source: Growth Management NROGO Audit October 1, 2012

Policy 101.3.X

To encourage the preservation and enhancement of recreational and commercial working waterfronts in Monroe County, recreational and commercial working waterfront uses, as defined by 342.07, F.S., but excluding transient uses, shall be exempt from the requirements of the Permit Allocation System for new non-residential development (NROGO). Commercial fishing uses shall be exempt from the requirements of the Permit Allocation System for new non-residential development (NROGO). These exemptions shall not be available to recreational and commercial working waterfronts and commercial fishing uses on lands designated as Tier I, Tier II or Tier III-A (if clearing is proposed) and shall be subject to the Permit Allocation System for new-nonresidential development.

Policy 101.3.X

The non-residential ROGO allocation system shall not apply to the following non-residential developments:

- Any area of the unincorporated county exempted from residential ROGO permit allocation system.
- Public facilities and public/governmental uses, including capital improvements and public buildings. NOTE: All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.
- Within Tier III designated areas, non-residential development by federally tax-exempt not-for-profit institutional uses (educational, scientific, research, health, religious, cultural, and recreational organizations) shall be exempt

Comment [DL1]: Existing language moved from Policy 101.3.4

upon a finding-by the BOCC that such activity will predominately serve the County's non-transient population.

- Industrial uses in the maritime industrial (MI) and the industrial (I) land use (zoning) districts.
- Agricultural and aquacultural uses in the agricultural and aquaculture land use district (zoning) overlay.
- Airport hangars.
- Low-intensity marine educational/research facilities and marine related science and technology research facilities.

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Objective 101.4

Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect ~~the~~ natural and water resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map. ~~[9J-5.006(3)(b)-3], dated <insert adoption date>~~ [§163.3177(6)(a),F.S.]

Policy 101.4.1

The principal purpose of the Residential Conservation future land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. ~~In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that was in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre 2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre 2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended. [9J-5.006(3)(c)-1 and 7]~~

Comment [DL2]: Created a separate policy in Obj 4 (last policy)

Policy 101.4.2

The principal purpose of the Residential Low future land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. ~~In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre 2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre 2010 LDR's allowed, whichever is more restricted.~~

Policy 101.4.3

The principal purpose of the Residential Medium future land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. ~~However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a~~

~~permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre 2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre 2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided. [9J 5.006(3)(c) 1 and 7]~~

Policy 101.4.4

The principal purpose of the Residential High future land use category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers. ~~In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre 2010 LDR's allowed, whichever is more restricted. [9J 5.006(3)(c) 1 and 7]~~

Policy 101.4.19

Densities among properties designated Residential Conservation and Residential Low shall not be increased above the densities which existed prior to the date of plan adoption except through appeal procedures to demonstrate that such prior density designations were incorrect due to scrivener's/drafting errors or incorrect habitat conditions identified on the December 1985 Habitat Classification Aerial Photographs.

Comment [DL3]: Relocated policy

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial future land use category is to provide for the establishment of mixed use commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment.- Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

~~This~~The land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate.- Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. -The County shall continue to take a proactive role in encouraging the ~~maintenane~~preservation and enhancement of community character and recreational and commercial working waterfronts.

In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

- ⊕ 1. only low intensity commercial uses shall be allowed;
- ⊕ 2. a maximum floor area ratio of 0.10 shall apply; and
- ⊕ 3. maximum net residential density shall be zero.

In order to preserve and promote recreational and commercial working waterfront uses, as defined by 342.07, F.S., the following criteria shall apply to all lands designated with the Maritime Industries (MI) land use (zoning) district within this land use category:

- *1. When a mixture of uses is proposed for parcels designated as MI land use (zoning) district, working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses but excluding transient uses, shall be preserved by maintaining a minimum of 35% of the upland area of the property for those uses.
- *2. Parcels within the MI zoning district that have existing wet slips shall preserve at least 20% of the wet slips for vessels involved with recreational and commercial working waterfront uses, excluding live-aboard vessels solely used as a residence and not for navigation.
- *3. Parcels within the MI zoning district creating new wet slips shall preserve at least 10% of the wet slips for vessels involved with recreational and commercial working waterfront uses, excluding live-aboard vessels solely used as a residence and not for navigation.
- *4. The preservation of dockage for recreational and commercial working waterfront uses shall be documented on the final development plan and shall be a written condition of any permit approval.
- *5. For permanent residential development, parcels within the MI zoning district shall be limited to commercial apartments or employee housing. Commercial apartment means an attached or detached residential dwelling unit located on the same parcel of land as a nonresidential use that is intended to serve as permanent housing for the owner or employees of that nonresidential use. The term does not include a tourist housing use or vacation rental use.
- *6. The preservation of a public access walkway shall be required for all parcels with direct access to the water. Consideration shall be given to security and the physical constraints of the parcel. The public access walkway shall be documented on the final development plan to link a continuous walkway and shall be a written condition of any permit approval.

7. Parcels within the MI zoning district shall be limited to commercial retail uses of less than 5,000 square feet of floor area.
(Ordinance 032-2012)

Policy 101.4.6

The principal purpose of the Mixed Use/ Commercial Fishing future land use category is to provide for the maintenance and enhancement of commercial fishing and related traditional water-dependent and water-related uses such as retail, storage, and repair and maintenance which support the commercial fishing, sport fishing, and charter boats industry. Residential uses are also permitted. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero. ~~[9J-5.006(3)(e)1 and 7]~~

Policy 101.4.X

The principal purpose of the Commercial (COMM) future land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail; highway-oriented sales and services; commercial recreation; light industrial; public, institutional and office uses may be permitted at intensities which are consistent with the community character and the natural environment. The commercial zoning districts established within this category are intended to serve the immediate vicinity or serve the Upper or Lower subarea. This category is not intended to accommodate transient or permanent residential development.

In order to protect environmentally sensitive lands, the following development controls shall apply to all Tier I lands within this land use category:

1. only low intensity commercial uses shall be allowed; and
2. a maximum floor area ratio of 0.15 shall apply.

Policy 101.4.7

The principal purpose of the Industrial future land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed. ~~[9J-5.006(3)(e)1 and 7]~~Residential uses are limited to employee housing or affordable commercial apartments.

Policy 101.4.8

The principal purpose of the Agriculture/Aquaculture future land use category is to encourage the retention and expansion of existing agricultural and ~~aquacultural~~ aquacultural uses. ~~[9J-5.006(3)(e)1 and 7]~~ [§163.3177(6)(a) F.S.]

Policy 101.4.9

The principal purpose of the Recreation future land use category is to provide for public and private activity-based and resource-based recreational facilities. ~~[9J-5.006(3)(e)1 and 7]~~ [§163.3177(6)(a) F.S.]

Policy 101.4.10

The principal purpose of the Institutional future land use category is to provide for institutional uses by federally tax-exempt, non-profit facilities, including, but not limited to, educational, scientific, religious, social service, cultural, and recreational organizations. Related residential and non-residential uses, including student and employee housing shall be allowed. ~~[9J-5.006(3)(e)1 and 7]~~ [§163.3177(6)(a), F.S.]

Policy 101.4.11

The principal purpose of the Educational future land use category is to provide for public educational facilities. The County shall coordinate with the School Board to balance educational facility land requirements with other land use objectives. In recognition of Monroe County's environment and the linear distribution of its population, the County shall encourage schools to accommodate building and facility requirements on existing sites. When new school sites are required, school shall be encouraged to locate proximate to urban residential areas and other public facilities. ~~[9J-5.006(3)(e)1 and 7]~~ [§163.3177(6)(a)7., F.S.]

Policy 101.4.12

The principal purpose of the Public ~~Buildings/Grounds/Uses/Lands~~ future land use category is to provide for public buildings and grounds owned by federal, state and local governments. ~~[9J-5.006(3)(e)1 and 7]~~ [§163.3177(6)(a), F.S.] that serve the population of the County.

Policy 101.4.13

The principal purpose of the Public Facilities future land use category is to provide for land owned by public utilities and service providers. ~~[9J-5.006(3)(e)1 and 7]~~ [§163.3177(6)(a), F.S.]

Policy 101.4.14

The principal purpose of the Military future land use category is to provide for federally owned lands used for military purposes. Development densities and intensities are not subject to regulation by Monroe County. Military commanders will be requested to follow these recommended densities and intensities as specified in **Policy 101.4.22**, consistent with natural resource constraints as well as all County environmental design criteria. [§163.3177(6)(a)3.a., F.S.]

Policy 101.4.15

The principal purpose of the Conservation future land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed. ~~9J-5.006(3)(e)1 and 7~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 101.4.X

The principal purpose of the Preservation future land use category is to provide for publicly owned lands held exclusively for the preservation of natural resources. [§163.3177(6)(a)3.f., F.S.]

Policy 101.4.16

The principal purpose of the Airport District future land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports. The Monroe County Future Land Use Map (FLUM) designation applies to the airports owned by the County within the cities of Key West and Marathon, and the County shall have review authority over all permit applications. [§163.3177(6)(a)3.b., F.S.]

Policy 101.4.17

The principal purpose of the Mainland Native future land use category is to protect the undeveloped and environmentally sensitive character of land within Monroe County that is located on the mainland of the Florida peninsula. Very low density residential uses and low-intensity educational and research centers shall be allowed. All land in the mainland portion of Monroe County is hereby designated as Mainland Native. [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 101.4.18

The principal purpose of the Historic overlay category is to identify existing and potential historic districts for designation, protection, and preservation (See Goal 104 and supporting objectives and policies). Maximum permitted densities and intensities shall be in accordance with the underlying land use categories. ~~9J-5.006(3)(e)1 and 7~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

~~**Policy 101.4.19**~~

~~Densities among properties designated Residential Conservation and Residential Low shall not be increased above the densities which existed prior to the date of plan adoption except through appeal procedures to demonstrate that such prior density designations were incorrect due to scrivener's/drafting errors or incorrect habitat conditions identified on the December 1985 Habitat Classification Aerial Photographs.~~

Comment [DL4]: Moved under Policy 101.4.4

Policy 101.5.X

The principal purpose of the Community Center overlay is to identify a defined geographic development focal area according to each of the Livable

CommuniKeys Plans. The intent of this overlay is to encourage a mix of retail, personal service, office and tourist and residential uses (generally of greater than 8 units per acre); promote compact development that is pedestrian-oriented; preserve the character of the area; increase the County's tax base by creating a thriving small business environment, attracting new investment and promoting economic development; and encourage re-use and redevelopment.

Maximum permitted densities and intensities shall be in accordance with the underlying future land use categories.

Policy 101.4.20

Comment [DL5]: Relocated after density table

Policy 101.4.21

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 101.4.1 - 101.4.17** [§163.3177(6)(a)1.,F.S.].

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Future Land Use Densities and Intensities				
Future Land Use Category And Corresponding Zoning	Allocated Density ^(b) (per acre)	Maximum Net Density ^{(a) (b) (i)} (per buildable acre)	Intensity (floor area ratio)	Minimum Open Space Ratios
Agriculture (A) ^(h) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25	
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10	
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05	
Commercial (COMM) (Commercial 1 (C1) zoning & Commercial 2 (C2) zoning)	0 du 0 rooms/spaces	N/A N/A	0.15-0.50	
Education (E) ^(h) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60	
Institutional (INS) ^(h) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40	
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10	
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50	
Mixed Use/Commercial (MC) ^{(g)(i)} (SC, UC, DR, RV, MU and MI zoning)	1-6 du 5-15 rooms/spaces 1 du (MI zoning)	2 18 du 10-25 rooms/spaces 2 du (MI zoning)	0.10-0.45 (SC, UC, DR, RV, and MU zoning) 0.30-0.60 (MI zoning)	
Mixed Use/Commercial Fishing (MCF) ^(g) (CFA, CFV ^(c) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40	
Preservation ^(h)	0 du 0 rooms/spaces	N/A N/A	0	100%
Public Facilities (PF) ^(h) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30	
Public Buildings/Grounds (PB) ^(h) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30	
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20	
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10	
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25	
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0	
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0	

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<p>Notes:</p> <p>(a)“(N/A)” means that maximum net density bonuses shall not be available.</p> <p>(b)The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.</p> <p>(c)The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.</p> <p>(d)Maximum net density bonuses shall not be available to the SS district.</p> <p>(e)The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.</p> <p>(f)The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.</p> <p>(g)For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.</p> <p>(h)Uses under the categories of Agriculture, Commercial, Education, Institutional, Preservation, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.</p> <p>(i)The Maximum Net Density is the maximum density allowable with the use of TDRs.</p> <p>(j)A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, pursuant to Policy 101.4.5.</p>	
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Policy 101.4.20

Comment [DL6]: Relocated

In order to continue to implement the Florida Keys Carrying Capacity Study, Monroe County shall promote the reduction in overall County density and intensity and the preservation of Monroe County’s native habitat by enacting legislation which implements the following policy statements for private applications for future land use map amendments which increase allowable density and/or intensity. Private application(s) means those applications from private entities with ownership of the upland development and parcel(s) of land or includes private upland development on County-owned land.

Private applications requesting future land use map designation amendments received after the effective date of this ordinance, which propose increases in allocated density and intensity shall be required to comply with either option (1) or (2) below:

(1) For every acre of land, and/or fractions thereof, where there is a request to increase density and/or intensity, a private applicant shall purchase and donate land that is a minimum of twice the size of the parcel subject to the proposed request, which contains non-scarified native upland habitat and/or undisturbed wetland habitat to Monroe County for conservation. The following requirements apply:

- The donated land shall be designated as Tier I, Tier II or Tier III-A Special Protection Area and be located on Big Pine Key/No Name Key or be

within the same sub-area of unincorporated Monroe County as the proposed increase in density and/or intensity.

- The land shall be inspected by the Monroe County Biologist to assure it is acceptable for acquisition and donation.
- A restrictive covenant shall be recorded to extinguish the development rights on the donated land.
- The Future Land Use Map Designation for the donated land may be designated by the County as Conservation (C).

(2) For each requested additional unit of density, a private applicant shall purchase and donate a lot designated as Improved Subdivision (IS) district on the Land Use (Zoning) District map which contain non-scarified native upland habitat and/or undisturbed wetland habitat to Monroe County. The following requirements apply:

Private applicants shall provide IS lots pursuant to a 1:1 (1 unit: 1 lot) ratio to mitigate the request for increased allowable density, pursuant to option (a) or (b) below:

(a) The donated IS lot(s) shall be designated as Tier I, Tier II or Tier III-A Special Protection Area and be located on Big Pine Key/No Name Key or be within the same sub-area of unincorporated Monroe County as the proposed increase in density.

- The IS lot(s) shall be inspected by the Monroe County Biologist to assure it is acceptable for acquisition and donation.
- A restrictive covenant shall be recorded to extinguish the development rights on the donated land.
- The Future Land Use Map Designation for the donated land may be designated by the County as Conservation (C).

(b) The donated IS lot(s) shall be designated as Tier III, suitable for affordable housing and must be within the same sub-area of unincorporated Monroe County as the proposed increase in density.

- The IS lot(s) shall be dedicated to Monroe County for affordable housing projects.

For options (1) and (2) described above, the parcel which is the subject of the request to increase its density and intensity must be designated as Tier III and have existing public facilities and services and available central wastewater facilities.

Example of Option 1	12 acres requesting a FLUM amendment to increase density and/or intensity	Requires the donation of 24 acres of non-scarified native upland habitat and/or undisturbed wetland habitat, designated as Tier I, Tier II or Tier III-A. <i>(12 acres x 2 = 24 acres)</i>
Example of Option 2	20 acres with a total allocated density allowing the development of 20 units, requesting to increase density to allow 40 units	(a) Requires the donation of 20 IS lots of non-scarified native upland habitat and/or undisturbed wetland habitat, designated as Tier I, Tier II or Tier III-A; or (b) Requires the donation of 20 IS lots designated as Tier III and suitable for affordable housing. <i>(Increase of 20 units = 20 IS lots)</i>

(Ordinance 028-2012)

Policy 101.4.22

All development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use Tier Overlay ~~District~~ Maps and the wetland requirements in **Policy 102.1.1**. The clearing limits of upland native vegetation areas (hardwood hammock, pinelands, and beach berm) for properties in the Ocean Reef planned development shall be limited to 40 percent of the existing upland native vegetation.

Except as defined in Policy **101.12.4**, clearing of upland native vegetative areas (hardwood hammock, pinelands, and beach berm, ~~cactus hammock and palm hammock~~) in the Tiers I, II, III and Tier III-A shall be limited to the portion of the property containing upland native vegetation in the following percentages or maximum square footage:

Tier	Permitted Clearing *
I	20% or 3,000 square feet, whichever is greater; but no greater than 7,500 square feet of upland native vegetative area. The clearing of parcels in Tier I shall be limited to 7,500 square feet per parcel. For parcels greater than 30,000 square feet, with the exception of parcels on Big Pine Key and No Name Key, clearing for one driveway of reasonable configuration up to 18 feet in width is permitted to provide reasonable access to the property for each parcel and shall be exempt from the maximum clearing limit of 7,500 square feet. Clearing for a driveway shall be recommended by a County biologist and approved by the Planning Director. The proposed driveway design shall minimize fragmentation, avoid specimen trees, and take the shortest reasonable route. In no case shall clearing, including the driveway, exceed 20 percent of the entire site.
II	40% or 3,000 square feet, whichever is greater; but no greater than 7,500 square feet of upland native vegetative area (Big Pine Key and No Name Key).

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Tier	Permitted Clearing *
III	<p>40% or 3,000 square feet, whichever is greater; however, the maximum amount of clearing shall be no more than 7,500 square feet of upland native vegetative area.</p> <p>The clearing of parcels in Tier III shall be limited to 7,500 square feet per parcel. For parcels greater than 30,000 square feet, with the exception of parcels on Big Pine Key and No Name Key, clearing for one driveway of reasonable configuration up to 18 feet in width is permitted to provide reasonable access to the property for each parcel and shall be exempt from the maximum clearing limit of 7,500 square feet. Clearing for a driveway shall be recommended by a County biologist and approved by the Planning Director. The proposed driveway design shall minimize fragmentation, avoid specimen trees, and take the shortest reasonable route. In no case shall clearing, including the driveway, exceed 40 percent of the entire site.</p>
III-A Special Protection Area	<p>40% or 3,000 square feet, whichever is greater; however, clearing shall not exceed 7,500 square feet of upland native vegetation.</p> <p>The clearing of parcels in Tier III-A shall be limited to 7,500 square feet per parcel. For parcels greater than 30,000 square feet, with the exception of parcels on Big Pine Key and No Name Key, clearing for one driveway of reasonable configuration up to 18 feet in width is permitted to provide reasonable access to the property for each parcel and shall be exempt from the maximum clearing limit of 7,500 square feet. Clearing for a driveway shall be recommended by a County biologist and approved by the Planning Director. The proposed driveway design shall minimize fragmentation, avoid specimen trees, and take the shortest reasonable route. In no case shall clearing, including the driveway, exceed 40 percent of the entire site.</p>
	* Palm or cactus hammock is limited to only 10%.

(Ordinance 026-2012)

Policy 101.4.23

Notwithstanding the clearing limits established in the Livable CommuniKeys Master Plans adopted by reference into the 2010 Comprehensive Plan by Policy 101.20.2, the permitted clearing established by Policy 101.4.22 shall control.

(Ordinance 026-2012)

Policy 101.4.24

Notwithstanding the density limitations set forth in Policy 101.4.21, land upon which a ~~legally-lawfully~~ established residential dwelling unit exists shall be entitled to a density of one dwelling unit per each ~~such~~ recognized lawfully established unit. Such legally-established dwelling unit shall not be considered as non-conforming as to the density provisions of policy 101.4.21 and the Monroe County Code.

Policy 101.4.25

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including landfills to 35 feet.

Exceptions will be allowed for ~~appurtenances to buildings, transmission towers and other similar structures, chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna; flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations.~~ Wind turbines may exceed 35' provided the site and the turbines are owned and operated by a public utility. However, in no event shall any of these exclusions be construed to permit any habitable or usable space to exceed the maximum height limitation. In the case of airport districts, there shall be no exceptions to the 35' foot height limitation.

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Height is defined as the vertical distance between grade and the highest part of any structure, including mechanical equipment, excluding the exceptions listed above.

Policy 101.5.X

Nonresidential uses that were listed as a permitted use in the Land Development Code in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 may be developed, redeveloped, reestablished and/or substantially improved provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the LDC allowed, whichever is more restricted.

Comment [DL7]: New policy based upon language relocated from Policies 101.4.1, 4.2, 4.3 and 4.4

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Objective 101.5

Monroe County shall maintain and implement a Point System based primarily on the Tier system of land classification in accordance with Goal 105, which directs future growth in order to:

- ~~1. encourage the redevelopment and renewal of blighted areas [9J 5.006(3)(b)2];~~
1. maintain and enhance the character of the community ~~[9J 5.006(3)(b)3];~~ [§163.3177(6)(a)2.c., F.S.];
- ~~2. protect natural resources [9J 5.006(3)(b)4];~~ [§163.3177(6)(a)3.f., F.S.];
3. encourage a compact pattern of development ~~[9J 5.006(3)(b)7];~~ [§163.3177(6)(a)2.h., F.S.];
4. encourage the development of affordable housing; and,
5. encourage development in areas served by central wastewater treatment systems.

Policy 101.5.1

Monroe County shall ~~adopt through its~~ maintain land development regulations ~~a new~~ which provide for a Point System for new residential (ROGO) and non-residential (NROGO) development ~~to replace the existing Point System by no later than July 1, 2005.~~ Except for affordable housing, this Point System, as set forth in Policy 101.5.4 for residential development and Policy 101.5.5 for non-residential development, shall be used as a basis for selecting the development applications which are to be issued permits through the Permit Allocation System pursuant to Policy 101.5.4 and Policy 101.5.5. For market rate housing units or non-residential development to be awarded allocations under the Permit Allocation System the Point System shall specify positive point factors which shall be considered as assets and shall specify negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development.

Policy 101.5.2

In order to encourage a compact form of residential growth that results in infill development in platted, improved subdivisions, the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. To discourage and limit further growth in Tier I designated areas, the annual maximum number of residential permit allocations that may be awarded in Tier I shall be no more three (3) in ~~each of the two Residential Permit Allocation planning areas established by the Land Development Regulations. [9J 5.006(3)(e)1 and 6]~~ the Upper and Lower ROGO sub-areas. Other criteria and corresponding points are available to encourage development to the most appropriate locations.

Policy 101.5.3

In order to encourage a compact form of non-residential growth, the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. To discourage and limit further growth in Tier I designated areas, the Permit Allocation System shall limit and direct new non-residential development primarily to areas designated as Tier III under Goal 105, not located within a areas designated as a Special Protection Area (Tier III-A) and provide incentives for redevelopment of existing developed and vacant infill sites. ~~Other criteria and corresponding points are available to encourage development to the most appropriate locations. (See Policy 101.3.1.)~~ ~~{9J-5.006(3)(e)}~~

Policy 101.5.4

ROGO: Monroe County shall implement the residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification as set forth under Goal 105. The points are intended to be applied cumulatively.

- 1. Tier Designation -** Utilizing the Tier System for land classification ~~in Policy 105.2.1,~~ the following points shall be assigned to allocation applications for proposed dwelling units in a manner that encourages development of infill in predominately developed areas with existing infrastructure and few sensitive environmental features and discourages development in areas with environmentally sensitive upland habitat which ~~must be acquired or are targeted for acquisition and the retirement of development rights retired~~ for resource conservation and protection.

<i>Point Assignment:</i>	<i>Criteria:</i>
+0	Proposes a dwelling unit within areas designated Tier I [Natural Area] on Big Pine Key and No Name Name Key.
+10	Proposes a dwelling unit within areas designated Tier I [Natural Area] outside of Big Pine Key or No Name Key.
+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key or No Name Key.
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine Key or No Name Key.
+20	Proposes development within areas designated Tier III Infill-A [Special Protection Area] outside of Big Pine Key or No Name Key that will result in the clearing of upland native vegetation within a Special Protection Area.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will not result in the clearing of any upland native vegetation within a Special Protection Area.

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2. **Big Pine and No Name Keys** - The following negative points shall be cumulatively assigned to allocation applications for proposed dwellings to implement the Big Pine Key and No Name Key Habitat Conservation Plan ([HCP](#)) and the Livable Communities Community Master Plan.

Note: [Habitat Conservation Plan for Florida Key Deer \(*Odocoileus virginianus clavium*\) and other Protected Species on Big Pine Key and No Name Key, Monroe County, Florida. Revised April 2005](#)

<i>Point Assignment:</i>	<i>Criteria:</i>
-10	Proposes development on No Name Key.
-10	Proposes development in designated Lower Keys Marsh Rabbit habitat or buffer areas as designated in the Community Master Plan-HCP .
-10	Proposes development in Key Deer Corridor as designated in the Community Master Plan-HCP .

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3. **Wetlands** - The following points shall be assigned to allocation applications on Tier III parcels ~~that~~[which have sufficient upland to be buildable but also](#) contain wetlands which require 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.

Point Assignment:	Criteria:
-3	Tier III parcels adjacent or contiguous to Tier I properties and containing 50% or less of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
-5	Tier III parcels adjacent or contiguous to Tier I properties and containing more than 50% of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
<p>Notes:</p> <p>Adjacent means land sharing a boundary with another parcel of land. An intervening road, right-of-way, or easement shall not destroy the adjacency of the two parcels, except for U.S. 1.</p> <p>Contiguous means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.</p> <p><i>Subsection (3) applies to new applications for Tier III parcels entering the permit allocation system after January 13, 2013. (Ordinance 030-2012)</i></p>	

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4.– **Lot Aggregation** – The following points shall be assigned to allocation applications to encourage the voluntary reduction of density through aggregation of legally platted buildable lots ~~within Tier II and Tier III areas.~~

<i>Point Assignment:</i>	<i>Criteria:</i>
+3 per lot aggregated	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.
+3 per lot aggregated	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier I area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.*
+4 per lot aggregated	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III-A (SPA) area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.*
+4 6 per lot aggregated	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.

**Exception:* No points for lot aggregation will be awarded for any proposed development that involves the clearing of any upland native vegetation in a Tier III Special Protection Area.

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- 5. Land Dedication** – The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I designated areas, Tier II (Big Pine Key and No Name Key), Tier III-A Special Protection Areas (SPA), and parcels which contain undisturbed wetlands for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas (SPA), for the purpose of providing land for affordable housing where appropriate.
(Ordinance 029-2012)

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Point Assignment:*	Criteria:*
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density , containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size , designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of one (1) vacant, legally platted lot which contains undisturbed wetlands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III-A (Special Protection Area-SPA) of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I or Tier II on Big Pine Key or No Name Key, of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area on Big Pine Key or No Name Key, containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+2.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I, of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.

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<i>Point Assignment:*</i>	<i>Criteria:*</i>
+4	Proposes dedication to Monroe County of one vacant, legally platted lot, designated as Tier III for affordable housing, of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.

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- 6. Market Rate Housing in Employee or Affordable Housing Project Development** - The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing project development:

<i>Point Assignment:</i>	<i>Criteria:</i>
+6	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development <u>Regulations Code</u> .

- 7. Special Flood Hazard Areas** – The following points shall be assigned to allocation applications for proposed dwelling unit(s) to provide a disincentive for locating within certain coastal high flood hazard areas:

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development within “V” zones on the FEMA flood insurance rate maps.

- **8. Central Wastewater System Availability*** – The following points shall be assigned to allocation applications to direct development to areas with central sewer:

*NOTE: “Availability” is defined as the collection line is existing adjacent to the dwelling unit.

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

9. Energy and Water Conservation - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation and increased energy efficiency:

<u>Point Assignment:</u>	<u>Criteria:</u>
+3	Proposes a dwelling unit designed according to the standards of a sustainable building rating or national model green building code.
+4	Includes installation of water efficient landscape irrigation equipment that serves at least 75% of the site.
+4	Includes installation of a solar photovoltaic collection system or other renewable energy system to meet at least X% of the energy needs of the property.

910. Payment to the Land Acquisition Fund – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County’s land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

1011. Perseverance Points – One (1) point shall be awarded for each year that the allocation application remains in the allocation system up to ~~a maximum accumulation of four (4) points~~four (4) years. After four (4) years, the application shall be awarded 0.5 points for each year the application remains in the system.

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Policy 101.5.5

NROGO: Monroe County shall implement the non-residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification pursuant to Goal 105. The points are intended to be applied cumulatively.

1. Tier Designation – Utilizing the Tier System for land classification ~~in~~ ~~Policy 105.2.1~~, the following points shall be assigned to allocation applications for proposed non-residential development in a manner that encourages development of infill in predominately developed areas with existing infrastructure, commercial concentrations, and few sensitive environmental features, and discourages development in areas with environmentally sensitive upland habitat, which ~~must be acquired or are targeted for acquisition and the retirement of~~ development rights ~~retired~~ for resource conservation and protection:

<i>Point Assignment:</i>	<i>Criteria:</i>
0	Proposes non-residential development within an area designated Tier I [Natural Area], except for the expansion of lawfully established non-residential development provided under “exception” below.
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key and No Name Key].
+10	Proposes non-residential development that will result in the clearing of any upland native vegetation within a Special Protection Area in Tier III- <u>A</u> .
+20	Proposes non-residential development within an area designated Tier III [Infill Area].
	<i>Exception:</i> Any lawfully established non-residential development shall be assigned +20 points contingent upon no further clearing of upland native habitat and no addition to and/or expansion <u>aggregation</u> of the existing lot or parcel upon which the existing use is located.

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2. Intensity Reduction. The following points shall be assigned to allocation applications to encourage the voluntary reduction of intensity:

NOTE: As used for this criterion, floor area does not include space occupied by residential principal structure/uses.

<i>Point Assignment:</i>	<i>Criteria:</i>
+ 4	An application proposes development that reduces the permitted floor area ratio (FAR) to twenty three percent (23% 0.23) or less.

3. Wetlands. The following points shall be assigned to allocation applications on Tier III parcels that contain wetlands which require 100% open space pursuant to Policies 102.1.1 and 204.2.1 and that are located adjacent or contiguous to Tier I properties.

<i>Point Assignment:</i>	<i>Criteria:</i>
-3	Tier III parcels adjacent or contiguous to Tier I properties and containing 50% or less of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
-5	Tier III parcels adjacent or contiguous to Tier I properties and containing more than 50% of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
<p>Notes:</p> <p>Adjacent means land sharing a boundary with another parcel of land. An intervening road, right-of-way, or easement shall not destroy the adjacency of the two parcels, except for U.S. 1.</p> <p>Contiguous means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.</p> <p><i>Subsection (2) applies to new applications for Tier III parcels entering the permit allocation system after January 13, 2013.</i></p>	

- 4. Land Dedication** - The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I ~~and~~, Tier II (Big Pine Key and No Name Key) designated areas, Tier III-A (Special Protection Areas ~~—~~ SPA), and parcels which contain undisturbed wetlands for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas (SPA), for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:</i>	<i>Criteria:</i>
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 per 5,000 square feet of lot area	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of one (1) vacant, legally platted lot which contains undisturbed wetlands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III-A (Special Protection Area-SPA) of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I or Tier II on Big Pine Key and No Name Key, of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area on Big Pine Key or No Name Key, containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III for affordable housing, of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned

	requirements will earn the additional points as specified.
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5. **Special Flood Hazard Area.** The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:

<i>Point Assignment:</i>	<i>Criteria:</i>
- 4	Proposes development within a "V" zone on the FEMA Flood Insurance Rate Map.

6. **Perseverance Points.** One (1) ~~or two (2)~~ points shall be awarded for each year that the allocation application remains in the system.

7. **Highway Access.** The following points shall be assigned to allocation applications to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The development eliminates an existing driveway <u>on</u> or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to <u>on</u> U.S. Highway 1 <u>and provides a connection between commercial uses.</u>

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8. **Landscaping, Energy and Water Conservation** - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation and increased energy efficiency:

<i>Point Assignment:</i>	<i>Criteria:</i>
+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter <u>the Land Development Code</u> are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as including the use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by this chapter <u>the LDC</u> within landscaped bufferyards and parking areas.
<u>+3</u>	<u>Proposes a commercial structure designed according to the standards of a sustainable building rating or national model green building code.</u>
<u>+4</u>	<u>Includes installation of a solar photovoltaic collection system or other renewable energy system to meet at least X% of the energy needs of the property</u>
<u>+4</u>	<u>Includes installation of water efficient landscape irrigation equipment that serves at least 75% of the site.</u>

9. **Central Wastewater System Availability** – -The following points shall be assigned to allocation applications to direct development to areas with central sewer:

*NOTE: “Availability” is defined as the collection line is existing adjacent to the structure.

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

2. **10. Employee Housing.** The following points, up to a maximum of four (4), shall be assigned to allocation applications for -employee housing units:

<i>Point Assignment:</i>	<i>Criteria:</i>
+2	Proposes an employee housing unit which is located on a parcel with a non-residential use.

- 11. Payment to the Land Acquisition Fund.** Up to two (2) points shall be awarded for a monetary payment by the applicant to the County's land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

12. Community Centers – The following points shall be assigned to allocation applications to encourage, non-residential development within an area designated on the Future Land Use Map as a Community Center Overlay.

<i>Point Assignment:</i>	<i>Criteria:</i>
+5	Proposes non-residential development within an area designated as a Community Center Overlay.

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Policy 101.5.6

The Residential and Non-residential Point Systems shall be monitored ~~on an annual basis~~ through the evaluation and appraisal review and shall be revised as necessary based on new studies and data in a manner that is consistent with and furthers the goals, policies, and objectives of this plan.

Policy 101.5.7

Monroe County shall allow for the development of residential ~~projects~~ developments with multiple units within the Permit Allocation System. If a project ranks high enough in the Point System for a portion of the development to receive an allocation award, but the project includes more units than are available during an allocation period, the entire project may receive allocation awards if the excess allocation is reduced from the next allocation period(s).

Policy 101.5.8

Monroe County ~~may develop a program, called~~ shall maintain a Transfer of ROGO Exemption (TRE-) ~~program, that would allow~~ allows for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. ~~In addition, the receiver site shall be located within a Tier III area outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands.~~

• Sender Site Criteria:

1. Contains a documented lawfully-established unit recognized by the Growth Management Division or vested building right; and
2. Located in a Tier I, II or III-A designated area.

• Receiver Site Criteria:

1. Located within a Tier III designated area;
2. Does not include development in a V-Zone;
3. Future Land Use category and Land Use (Zoning) District must allow the requested use; and
4. Must meet the adopted density standards;
5. For a receiver site on Big Pine Key, the sending site shall also be located on Big Pine Key or No Name Key.
6. There will be no allowable increase in density on a parcel of land unless such density is transferred from a Tier I parcel.

Policy 101.5.9

For the purposes of NROGO scoring pursuant to Policy 101.5.5, lawfully established non-residential uses shall be assigned +20 points. If any such use is located within a Tier I designated area or a Tier III-A Special Protection Area, such scoring assignment shall be contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the use is located.

No Policy 101.5.10 or 101.5.11

Policy 101.5.12

Non-residential development on Big Pine Key and No Name Key will be allocated pursuant to the following additional criteria:

1. ~~Development must be~~ New non-residential development in Tier I is prohibited. Redevelopment and expansion of existing institutional uses in Tier I is allowed, but is restricted to disturbed or scarified land.
4. ~~Non-residential development and redevelopment shall be directed to~~ infill in existing ~~commercial non-residential~~ areas ~~in~~ on Tier ~~2II~~ and Tier ~~3III~~ lands, mainly ~~along~~ in the U.S. 1 ~~corridor on Big Pine Key.~~
2. ~~All new non residential~~Corridor Area. New commercial development will be limited to disturbed or scarified lands.
3. ~~Allocation awards shall be allowed to exceed 2,500 square feet per site if located within the designated Community Center Overlay as designated by Action Item 4.1.5.~~
4. ~~New allocations shall be awarded moderate positive points to applicants who fulfill the additional criterion set forth in Strategy 4.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.~~
2. ~~All new non residential development within the planning area shall be exempt from criterion 5, 6, 7, and 17~~land and no clearing of Policy 101.5.5. ~~pinelands and/or hammock will be permitted.~~

Development that is exempt from NROGO will not be subject to the criteria ~~4 through 4~~ above.

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Objective 101.6

Monroe County shall ~~expand the Monroe County Land Authority acquisition program~~ establish policies to provide for the purchase of land from property owners who have not been awarded building permit allocations in the Permit Allocation System.

Policy 101.6.1

Monroe County, the state, or other acquisition agency shall, upon a property owner's request, offer to purchase the property for fair market value or permit the minimum reasonable economic use of the property pursuant to Policy 101.6.5, if the property owner meets the following conditions:

1. they have been denied an allocation award for four successive years in the Residential (ROGO) or Non-residential (NROGO) Permit Allocation System;
2. their proposed development otherwise meets all applicable county, state, and federal regulations;
3. their allocation application has not been withdrawn;
4. they have complied with all the requirements of the Residential or Non-residential Permit Allocation System; and
5. they follow the procedures for administrative relief contained in the land development regulations.

As used in this Policy, "minimum reasonable economic use" shall mean, as applied to any residentially zoned lot/parcel of record which was buildable immediately prior to the effective date of the Plan, no less than a single-family residence. ~~"Fair market value" shall be an amount which is no less than ad valorem valuation in the Monroe County Real Property Tax Roll for the year 1992.~~

A purchase offer is the preferred option for administrative relief, if the subject permit is for development located within:

1. a designated Tier I area or within the Florida Forever targeted acquisition areas (unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined no county, state or federal agency or any private entity is willing to offer to purchase the parcel);
2. a designated Tier III Special Protection Area; or,
3. a designated Tier III area on a non-waterfront lot suitable for affordable housing.

Refusal of the purchase offer by a property owner shall not be grounds for the granting of a ROGO or NROGO allocation award.

Comment [DL8]: Language from Policy 101.6.5

Comment [DL9]: Language from Policy 101.6.5

Policy 101.6.2

~~By fiscal year 1998, Monroe County recommends that~~ the Monroe County Land Authority ~~shall~~ dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

Policy 101.6.3

~~By January 4, 1998, Monroe County shall identify potential funding sources and seek funding from state, federal, and/or private sources to be used for acquisition of land from qualified property owners as defined by Policy 101.6.1.~~

Policy 101.6.4

~~The County will coordinate with DCA to ensure that DCA continues to support enhanced land acquisition efforts in the Keys based on needs identified in this comprehensive plan. This coordination shall ensure continued support of state acquisition efforts under CARL, Preservation 2000 and the Florida Communities Trust programs. The County encourages the Department to work at the state level to create a dedicated acquisition fund for Tier I lands on Big Pine Key and No Name Key based on the results of the Carrying Capacity Study, the requirements of the incidental take permit and Habitat Conservation Plan and the Master Plan for Big Pine Key and No Name Key. The County and the Department will also support appropriate legislative changes which will have the effect of enhancing the Land Authority efforts throughout the County, and the South Florida Water Management District's acquisitions on Big Pine Key. Similarly, cooperation will continue with private acquisition efforts, such as The Nature Conservancy and the Florida Land and Sea Trust.~~

Policy 101.6.5

~~Monroe County, the state, or other acquisition agency shall pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through the Permit Allocation System, as the preferred option for administrative relief pursuant to Policy 101.6.1, if the subject permit is for development located within:~~

- ~~1. a designated Tier I area;~~
- ~~2. a designated Tier III Special Protection Area; or,~~
- ~~3. a designated Tier III area on a non waterfront lot suitable for affordable housing.~~

~~Refusal of the purchase offer by a property owner shall not be grounds for the granting of a ROGO or NROGO allocation award.~~

Comment [DL10]: Incorporated, with revisions into Policy 101.6.1

Policy 101.6.6

~~Monroe County shall preclude the granting of administrative relief in the form of the issuance of a building permit for lands within the Florida Forever targeted acquisition or Tier I lands areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel can not be purchased for conservation purposes by any county, state or federal agency or any private entity. The County shall routinely notify Department of Environmental Protection of upcoming administrative relief request at least six (6) months prior to the deadline for administrative relief.~~

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Objective 101.7

~~Monroe County shall evaluate potential redevelopment areas and prepare redevelopment plans for areas determined to be in need of redevelopment. [9J 5.006(3)(b)2]~~

Policy 101.7.1

~~By January 4, 1998, Monroe County shall conduct a needs assessment of potential redevelopment areas. This assessment shall analyze land use changes, property values, structural conditions, business climate, renter/owner ratios, commercial and residential vacancy rates, and other indicators of economic vitality and physical living conditions for which information is available.~~

Policy 101.7.2

~~By January 4, 1998, Monroe County shall complete a community plan for Stock Island which shall address redevelopment needs identified by the needs assessment of potential redevelopment areas. Preparation and funding of this plan shall be coordinated with the City of Key West.~~

Policy 101.7.3

~~By January 4, 1998, the Board of County Commissioners shall consider adopting a Finding or Findings of Necessity as specified in the Florida Community Redevelopment Act, Chapter 163, Part III, F.S. for any area or areas where such a Finding is deemed appropriate and is supported by documented need.~~

Policy 101.7.4

~~By January 4, 1998, Monroe County shall prepare and adopt redevelopment plans for any area or areas for which the Board of County Commissioners adopts a Finding of Necessity.~~

Policy 101.7.5

~~Monroe County shall consider privately developed redevelopment plans if prepared in conformance with Chapter 163, Part III, F. S. and approved by the Board of the County Commissioners.~~

Policy 101.7.6

~~The Monroe County Planning Department, in coordination with the Office of Management and Budget Grants Manager, shall solicit state and federal funds to meet specific community needs for neighborhood revitalization and redevelopment identified by the needs assessment of potential redevelopment areas.~~

Policy 101.7.7

~~Monroe County shall coordinate redevelopment efforts with interested citizens' groups, the Monroe County Housing Authority, the Monroe County Sheriff's Department, and other appropriate local, state and federal agencies.~~

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Objective 101.8

~~Monroe County shall eliminate or reduce the frequency of uses which~~ In Monroe County, there exist certain non-conforming uses that are inconsistent with the applicable provisions of the land development regulations, land use (zoning) districts, Comprehensive Plan and the Future Land Use Map, and structures which ~~that are inconsistent with applicable codes and land development regulations. [9J-5.006(3)(b)3]~~ an important part of the community character of the County. The County desires to maintain such character and protect these lawfully established, nonconforming uses and may allow them to be redeveloped.

Policy 101.87.1

Monroe County shall prohibit the expansion of non-conforming uses. ~~[9J-5.006(3)(e)2]~~

Policy 101.87.2

Monroe County shall prohibit a non-conforming use to be changed to any other use unless the new use conforms to all applicable provisions of the Future Land Use category and zoning district in which it is located.

Policy 101.87.3

Monroe County shall prohibit the relocation of a structure in which a non-conforming use is located unless the use thereafter conforms to the provisions of the Future Land Use category and zoning district in which it is located.

Policy 101.87.4

With the exception of non-conforming uses located in the Mixed Use/Commercial Fishing Future Land Use category and within the Community Center Overlay District, if a structure in which a non-conforming use is located is damaged or destroyed so as to require substantial improvement, then the structure ~~may~~shall be repaired or restored only for uses which conform to the provisions of the Future Land Use category and zoning district in which it is located. ~~[9J-5.006(e)2]~~

Policy 101.87.5

~~Substantial improvement is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the pre-destruction market value of the structure. Improvements to historic sites, and improvements to meet health, sanitary or safety code specifications are not considered substantial improvements. [9J-5.006(3)(e)2]~~

Comment [DL11]: Moved to new Policy 101.8.5

Monroe County shall prohibit the re-establishment of non-conforming uses which have been discontinued or abandoned eighteen (18) months or longer.

Policy 101.87.6

~~Non~~Lawful non-conforming uses existing as of September 15, 1986 and located within the Mixed Use/Commercial Fishing category, as indicated on the Future Land Use Map, may be rebuilt if damaged or destroyed, provided that they are rebuilt to the preexisting use, ~~building footprint and configuration~~same square footage or less without increase in density or intensity of use. At a minimum, the

site shall comply with the floodplain management, wastewater, and, to the greatest extent practicable, stormwater regulations as established within the County's LDC.

Policy 101.8.7.X

By June, 2015, Monroe County shall adopt land development regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Code that was in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the LDC allowed, whichever is more restricted

Comment [DL12]: Moved language from Policies 101.4.2, 4.3 and 4.4

Policy 101.7.X

Any nonconforming use may be subject to compulsory termination when it is found detrimental to the conservation of the value of surrounding land and improvements, or to future development of surrounding lands, and therefore is tending to deteriorate or blight the neighborhood. In ordering the compulsory termination of a non conforming use, the BOCC will establish a definite and reasonable amortization period during which the nonconforming use may continue while the investment value decrement resulting from termination is amortized. Determination of the amount to be amortized shall be based on the value and condition of the land and improvements for the nonconforming use less their value and condition for a conforming use, and such other reasonable costs as the termination may cause. The rate of amortization shall be in accordance with reasonable economic practice.

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Objective 101.8

In Monroe County, some non-conforming structures that are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, are an important part of the community character. The County desires to maintain such character and protect these lawfully established, nonconforming structures and allow them to be replaced. [§163.3177(6)(a)2.e., F.S.]

Policy 101.8.5

Substantial improvement is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the pre-destruction market value of the structure. Improvements to historic structures and improvements to meet health, sanitary or safety code specifications are not considered substantial improvements.

Policy 101.8.7

Monroe County shall prohibit the re-establishment of non-conforming uses which have been discontinued or abandoned. ~~[9J-5.006(3)(e)2]~~

Policy 101.8.X

Lawful non-conforming structures existing as of September 15, 1986 and located within Community Center Overlay District and the Mixed Use/Commercial Fishing categories, as indicated on the Future Land Use Map, may be rebuilt if damaged or destroyed. As a condition of redevelopment of a non-conforming commercial structure, the developer/property owner shall:

- a. Bring their property into compliance with the Comprehensive Plan (the “Plan”) and LDC, to the greatest extent practical; or
- b. If it is physically impossible to bring the site into compliance with the Plan and LDC due to the size of the site and physical layout of the structure, bring their property into compliance with applicable floodplain, sanitary sewer and, to the greatest extent practicable, stormwater requirements.

Any increase in density or intensity shall be subject to the requirements of the Permit Allocation System and the limitations of the FLUM category and the zoning district.

Policy 101.8.8

Enlargements and extensions to non-conforming structures outside of the Mixed Use Commercial Fishing District and Community Center Overlay shall be allowed, provided that:

1. the improvement does not constitute a substantial improvement;
2. a non-conforming use is not located in the non-conforming structure; and

- the nonconformity is not further violated.

Policy 101.8.9

A non-conforming structure, other than a locally or nationally registered historic structure, shall not be moved unless it thereafter shall conform to the applicable provisions of the Monroe County Code.

Policy 101.8.10

~~With the following exception, non conforming structures which are damaged or destroyed so as to require substantial improvement shall be repaired or restored in conformance with all applicable provisions of the current Monroe County Code. Substantial improvement or reconstruction~~Reconstruction of non-conforming single-family homes shall comply with the setback provisions of the Monroe County Land Development ~~Regulations~~Code except where strict compliance would result in a reduction in lot coverage as compared to the pre-destruction footprint of the house. In such cases, the maximum shoreline setback shall be maintained and in no event, shall the shoreline setback be less than ten (10) feet from mean ~~height~~high water.

Policy 101.8.11

Existing manufactured homes which are damaged or destroyed so as to require substantial improvement shall be required to meet the most recent HUD standards, and the floodplain management standards set forth by FEMA.

Policy 101.8.12

If a non-conforming structure is abandoned for eighteen (18) months or longer, then such structure shall be removed or converted to a conforming structure.

Policy 101.8.X

Any nonconforming structure may be subject to compulsory termination when it is found detrimental to the conservation of the value of surrounding land and improvements, or to future development of surrounding lands, and therefore is tending to deteriorate or blight the neighborhood. In ordering the compulsory termination of a non conforming structure, the BOCC will establish a definite and reasonable amortization period during which the nonconforming structure may continue while the investment value decrement resulting from termination is amortized. Determination of the amount to be amortized shall be based on the value and condition of the land and improvements for the nonconforming structure less their value and condition for a conforming structure, and such other reasonable costs as the termination may cause. The rate of amortization shall be in accordance with reasonable economic practice.

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Objective 101.9

Monroe County shall provide for drainage and stormwater management so as to protect real and personal property and to protect and improve water quality. ~~{9J-5.006(3)(b)4}~~ [§163.3177(6)(c), F.S.]

Policy 101.9.1

~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall ~~adopt and implement~~maintain the level of service standards for stormwater management established in **Drainage Policy 1001.1.1**. These level of service standards ensure that at the time a development permit is issued, adequate stormwater management facilities are available to support the new development concurrent with the impacts of such development. ~~Existing development built prior to the stormwater regulations shall, to the greatest extent possible, meet the County's best management practices for stormwater management.~~ (See **Drainage Objective 1001.1 and related policies.**) ~~{9J-5.006(3)(e)4}~~

Policy 101.9.2

~~By January 4, 1997,~~ Monroe County shall ~~adopt~~maintain a Stormwater Management Ordinance. This ordinance shall require that all improvements for replacement, expansion or increase in capacity of drainage facilities conform with the adopted level of service standards for new development. (See **Drainage Objective 1001.1 and related policies.**) ~~{9J-5.006(3)(e)4}~~

Policy 101.9.3

Monroe County shall maintain a five-year schedule of capital improvement needs for drainage facilities as part of the Capital Improvement Program. This schedule shall be updated annually. (See **Drainage Objective 1001.2 and related policies.**) ~~{9J-5.006(3)(e)4}~~

Policy 101.9.4

The County shall use the adopted Stormwater Management Master Plan as a guide for stormwater management to protect personal property and to protect and improve water quality.

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Objective 101.10

Monroe County shall work cooperatively with Miami-Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination. ~~[9J-5.006(3)(b)4]~~

Policy 101.10.1

Protection of the Florida City Wellfield shall be accomplished through continued implementation of the Miami-Dade County Wellfield Protection Ordinance and the water supply policies of the SFWMD. ~~[9J-5.006(3)(e)6]~~

Policy 101.10.2

~~By January 4, 1998,~~ Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), Monroe County shall ~~seek a review, update as necessary, and maintain the~~ interlocal agreement with Miami-Dade County. This agreement shall provide Monroe County with an opportunity to comment on land use and regulatory issues related to the Florida City Wellfield, aquifer and aquifer recharge area. It shall set forth procedures for review of land use and regulatory activities identified as having potentially significant impacts on the aquifer recharge and water supply systems. Criteria for determination of significant impacts shall be included in the interlocal agreement. ~~[9J-5.006(3)(e)6]~~

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Objective 101.11

~~Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. [9J 5.006(3)(b)4 and 7]~~

Policy 101.11.1

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Point System to encourage a compact pattern of development (See Objective 101.5 and supporting policies).~~

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Objective 101.12

Monroe County shall ensure that sufficient acreage is available for utilities and public facilities, including education and public health facilities, required to support proposed development and redevelopment. ~~—[9J 5.006(3)(b)8]~~The County shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conservation of potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features. [§163.3177(6)(a) F.S.]

Policy 101.12.1

~~By January 4, 1997,~~ Monroe County shall ~~adopt~~maintain a Concurrency Management System in accordance with Policy 1401.4.5 of the Capital Improvements Element to ensure the adopted level of service standards are achieved, and that facilities and services required to provide utility services shall be in place and available to serve the new development ~~in order to maintain adopted LOS standards are authorized at the same time that new development is authorized.~~ ~~—[9J 5.006(3)(e)3]~~no later than the issuance of a certificate of occupancy or its functional equivalent.

Policy 101.12.2

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Municipal Services District, the Florida Keys Aqueduct Authority, ~~City Electric System~~Keys Energy Service and the Florida Keys Electric Cooperative to determine the acreage and location of land needed to accommodate projected service expansions. ~~[9J 5.006(3)(e)3]~~

Policy 101.12.3

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Monroe County School Board, Fire Marshall and Sheriff's Department to identify potential acquisition sites required to accommodate projected expansions in education and public service facilities. ~~[9J 5.006(3)(e)3]~~

Policy 101.12.4

Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (greater than 25 percent) of any existing public facility:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the alternative sites; and,
3. assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammock and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and designated Tier I areas.

Except for passive recreational facilities on publicly-owned land, no new public community or utility facility other than water distribution and sewer collection lines or pump/vacuum/lift stations shall be allowed within Tier I designated areas or Tier III Special Protection Area unless it can be accomplished without clearing of hammock or pinelands. Exceptions to this requirement may be made to protect the public health, safety, and welfare, if all the following criteria are met:

1. No reasonable alternatives exist to the proposed location; and
2. The proposed location is approved by a supermajority of the Board of County Commissioners.

The site of the Key Largo Wastewater Treatment Facility (located at mile marker 100.5) with an allowed clearing of up to 4.2 acres shall not be subject to this policy.

Policy 101.12.5

Monroe County shall coordinate the siting of new public facilities with the appropriate local, state and federal agencies to resolve potential regulatory conflicts and ensure compliance with all applicable state and federal regulations.

~~[9J-5.006(3)(c)2 and 6]~~

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Objective 101.13

Monroe County shall ~~adopt innovative Land Development Regulations~~maintain land development regulations which implement the Goals, Objectives and Policies of the Comprehensive Plan. Such regulations shall include a Permit Allocation System for residential and non-residential development and revisions to the existing Transferable Development Rights (TDR) regulations to address existing deficiencies in the TDR program. ~~[9]-5.006(b)9[~~

Policy 101.13.1

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~maintain land development regulations which establish a Permit Allocation and Point System for new residential and non-residential development (See Policies 101.2.1, 101.3.1, and 101.5.1).

Policy 101.13.2

~~By January 4, 1998,~~ Monroe County shall evaluate the existing TDR program and adopt Land Development Regulations which address identified deficiencies in the program. The following issues- shall be considered in evaluating the program:

1. revision to the current tax policy whereby owners of sites which have transferred development rights continue to pay taxes on such rights until development orders have been issued for the transferred rights at the receiver sites;
2. establishment of criteria for designation of sender and receiver sites based upon factors such as the environmental characteristics of the land;
3. establishment of mechanisms to enhance the value and marketability of TDRs such as assigning density bonuses to receiver sites;
4. clarification of the status of sites which have transferred development rights, including the possible requirements that sender sites be dedicated as public or private open space through conservation easement or other mechanism. At a minimum, the LDRs shall be revised to require that a restrictive covenant be recorded on the sender site deed at the time of the Allocation Award for the Permit Allocation System; and
5. establishment of a management and accounting system to tract ~~TDRs~~TDRs.

Policy 101.13.3

The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this plan. The assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

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Policy 101.13.4

~~In conjunction with the evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats Tier I, II, and land use districts III-A designations shall be designated as sender sites for Transferable Development Rights (TDRs):~~

~~Any parcel within these zoning categories:~~

- ~~Offshore Island (OS) Sparsely Settled (SS)~~
- ~~Main land Native (MN) Parks and Refuge (PR)~~
- ~~Native (NA) Conservation (C)~~

~~Habitat of the following types which lie within any zoning category:~~

- ~~Freshwater wetlands~~
- ~~Saltmarsh/Buttonwood wetlands~~
- ~~High quality high hammock~~
- ~~High quality low hammock~~
- ~~Moderate quality high hammock~~
- ~~Moderate quality low hammock~~
- ~~High quality pinelands~~
- ~~Low quality pinelands~~
- ~~Beach/berm~~
- ~~Palm Hammock~~
- ~~Cactus Hammock~~
- ~~Disturbed Wetlands~~

Policy 101.13.5

~~In conjunction with the evaluation of the TDR program pursuant to Policy 101.13.2 and no later than one year from the date when the County's Geographic Information System is fully functional, Monroe County Tier III designations and a Future Land Use designation with an adopted maximum net density shall map potential TDR sender and serve as receiver sites as specified in Policy 101.13.4, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff and public for use in the development review process.~~

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Objective 101.14

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations which direct future growth away from areas subject to periodic flooding.

Policy 101.14.1

Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA) ~~{9J-5.006(3)(c)1}~~

Policy 101.14.2

Monroe County shall prohibit the placement of mobile homes within the CHHA except on an approved lot within an existing mobile home park or subdivision zoned for such use. ~~{9J-5.012(3)(c)3}~~

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Objective 101.15

~~Monroe County shall enforce and update the existing Sign Ordinance in order to maintain and improve the visual character of the County and protect adjacent land uses.~~

Policy 101.15.1

~~By January 4, 1998, Monroe County shall complete an evaluation of the existing Sign Ordinance and adopt revisions to the Land Development Regulations required to correct identified deficiencies and eliminate non-conforming signage conditions. [9J-5.006(3)(c)1]~~

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Objective 101.16

~~By January 4, 1998,~~ Monroe County shall ~~adopt~~ maintain guidelines and criteria consistent with nationally recognized standards and tailored to local conditions which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles.

Policy 101.16.1

~~By January 4, 1998,~~ Monroe County shall ~~adopt Land Development Regulations~~maintain land development regulations which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles. ~~[9J-5.006(3)(c)4]~~

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Objective 101.17

~~Monroe County shall create and maintain a County Geographic Information System (GIS) to provide an up to date database for use in implementing the goals, objectives and policies of the Comprehensive Plan.~~

Policy 101.17.1

~~By January 4, 1997, the Monroe County Growth Management staff shall create an up to date socioeconomic and physical database linked to the County Geographic Information System (GIS) for use in managing future land use. The database shall incorporate 1990 Census information.~~

Policy 101.17.2

~~The Monroe County Growth Management staff shall, on a quarterly basis, update the GIS and associated databases to incorporate new or updated information such as development activity, zoning changes, updated Census data, new natural resource information, etc.~~

Policy 101.17.3

~~Monroe County shall continue to share data with the Florida Keys Aqueduct Authority, City Electric System, South Florida Water Management District, and other agencies for use in GIS applications.~~

Policy 101.17.4

~~The Monroe County Growth Management Division shall coordinate with the Property Appraiser's Office to ensure existing land uses and densities and intensities of use are accurately reflected in the County's database.~~

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Objective 101.18

Monroe County ~~hereby adopts the following procedures and criteria shall protect established rights of landowners affected by the provisions of this Plan or the land development regulations; and, therefore adopts the following policies for the determination of vested rights and beneficial use and for the effect of such determinations.~~

Policy 101.18.1

~~A determination of vested rights and beneficial use shall require:~~

- ~~2. appointment of a hearing officer who shall give notice, schedule, and conduct a public hearing on the application;~~
- ~~3. the preparation of a proposed Determination including findings of fact and conclusions of law which shall be submitted to the Board of County Commissioners; and~~
- ~~1. a final Determination that shall specify the development rights that are vested~~
- ~~4. Nothing in this Comprehensive Plan or the beneficial use to which the landowner is entitled, including:
 - ~~a) the geographic scope of the Determination in relation to the total area of the development site;~~
 - ~~b) the duration of the Determination and an expiration date;~~
 - ~~e) the substantive scope of the Determination, including, but not limited to, whether the development is vested for density, concurrency, and building permit allocation;~~~~

~~1. the applicability of existing and future County land development regulations; shall be construed to as affecting unexpired vested rights established by a prior vested rights determination of the County or by a court of competent jurisdiction.~~

- ~~2.~~
- ~~3. verification that construction timely commences and quarterly reporting requirements to ensure that the development is continuing in good faith; and~~
- ~~4.~~
- ~~5. such other limitations and conditions necessary to assure compliance with the Comprehensive Plan.~~
- ~~6.~~

7. Policy 101.18.2

- ~~8.~~
- ~~2. The land development regulations shall set forth standards and procedures for making administrative determinations of vested rights, in accordance with applicable state and federal law.~~

~~2.3.~~ It shall be the duty and responsibility of a person alleging the existence of vested rights to demonstrate affirmatively the legal requisites of vested rights, in accordance with the standards and procedures in the land development regulations.

~~10.4.~~ Property owners shall have one (1) year from the effective date of the Comprehensive Plan or from a land development regulation, or an amendment thereto, to apply for a determination of vested rights.

~~A determination of vested rights shall be based upon one or more valid, unexpired permits or approvals issued by Monroe County prior to the effective date of this Comprehensive Plan. The determination of vested rights shall be limited to the development expressly contemplated by said permits or approvals and to those aspects of development which meet the standards and criteria of subsection 2 of this Policy.~~

~~The applicant for a vested rights determination shall have the burden of proving that:~~

~~the applicant has reasonably relied upon an official act by the County. For the purposes of a vested rights determination pursuant to this Comprehensive Plan, any of the following may constitute an official act:~~

~~one or more valid, unexpired permits or approvals issued by Monroe County, provided that the zoning or land use designation of property shall not be deemed to constitute a permit or approval for the purpose of a determination of vested rights; or~~

~~a subdivision plat recorded in the official records of Monroe County which fulfills the criteria established in Section 380.05(18), F.S.; or~~

~~an unexpired determination of vested rights granted by the County in accordance with Section 9.5-181 through 9.5-184 of the Monroe County Land Development Regulations in effect as of September 15, 1986; or~~

~~a valid, unexpired building permit issued prior to the effective date of this Comprehensive Plan; and~~

~~the applicant acting in good faith, has made such a substantial change of position or has incurred such extensive obligations and expenses that it would be highly inequitable or unjust to affect such rights by requiring the applicant to now conform to the comprehensive plan and land development regulations. Substantial changes of position or expenditures incurred prior to the official County act upon which the vested rights claim is based shall not be considered in making the vested rights determination; and~~

~~that the development has commenced and has continued in good faith without substantial interruption.~~

~~From and after the effective date of this Comprehensive Plan, landowners with a valid, unexpired Development of Regional Impact approval granted by the County shall be vested, but only with respect to the portion of the Development of Regional Impact expressly covered by such approval.~~

Policy 101.18.X

1. Nothing in this Comprehensive Plan or the land development regulations shall be construed to deprive a property owner of all reasonable economic use of a parcel of real property without due process of law.
2. The land development regulations shall establish standards, procedures, and remedies for an administrative determination of beneficial use, where the literal application of a land development regulation or of a provision of this plan has the effect of denying all economically reasonable use of that property, unless such denial is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of the public, under Florida law.
3. It shall be the duty and responsibility of a person seeking relief under this policy to demonstrate affirmatively the legal requisites of a beneficial use determination, in accordance with the standards and procedures in the land development regulations.
4. For the purpose of this policy, reasonable economic use means use of the property that would be sufficient for a state or federal court to find that there has been no inverse condemnation of the property.
5. Any relief granted pursuant to a beneficial use determination shall be the minimum necessary to avoid taking liability in a state or federal court and, except to that extent, must be consistent with all other objectives and policies of the Comprehensive Plan and land development regulations.

Policy 101.18.3

A vested rights determination shall not preclude the County from subjecting the proposed development to County land development regulations in effect on the date of the vested rights determination or adopted subsequent to the vested rights determination unless the development is shown to be vested with regard to the subject matter addressed by a prior development order and the specific requirements pursuant to the procedures and criteria of **101.18.1 and 101.18.2**.

Policy 101.18.4

A vested rights determination shall specify an expiration date by which all building permits necessary for development shall have been issued. The expiration date shall be reasonable and in no event later than the date specified in the original development order.

Policy 101.18.5

1. It is the policy of Monroe County that neither the provisions of this ~~Comprehensive~~ Plan nor the ~~Land Development Regulations~~LDC shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of this ~~Comprehensive~~ Plan. Accordingly, Monroe County shall adopt a beneficial use procedure under which an owner of real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable use of that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of its citizens under Florida Law. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by current land use case law.

2. The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:
 - a) granting of a permit for development which shall be deducted from the Permit Allocation System;
 - b) granting of use of transferable development rights (TDRs);
 - c) Government purchase offer of all or a portion of the lots or parcels upon which all beneficial use is prohibited. This alternative shall be the preferred alternative when beneficial use has been deprived by application of ~~Division 8~~Section 138 of the Land Development ~~Regulations~~Code. This alternative shall be the preferred alternative for Tier I, II, or III-A lands;
 - d) such other relief as the County may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a "taking" of the property under state and federal law. With respect to the relief granted pursuant to this policy or **Policy 106.1** (Administrative Relief), a purchase offer shall be the preferred form of relief for any land within Tier I and Tier II, or Tier III-A **5**.

3. Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the ~~Comprehensive~~ Plan and ~~Land Development Regulations~~LDC unless specifically exempted from such requirements in the final beneficial use determination.

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Objective 101.19

Monroe County recognizes that there presently exists a significant excess of platted residential subdivision lots relative to the County's carrying capacity based upon hurricane evacuation, traffic circulation, water quality and marine resources, and other level of service standards. The County further recognizes that lot owners who are unaware that they will be subject to the

County's land development regulations may have unrealistic expectations concerning their ability to receive building permits. In order to avoid, to the extent possible, further unrealistic development expectations, Monroe County shall not approve a preliminary or final plat unless development of the plat would meet all of the requirements of Monroe County's land development regulations including, but not limited to, minimum area requirements for a single-family residence. Under no circumstances shall Monroe County approve a plat which creates an unbuildable lot.

Policy 101.19.1

The County shall not approve plats for residential use unless a review of the proposed plat shows that the plat will meet all requirements of the comprehensive plan and land development regulations. ~~{9J-5.006(3)(e)}~~

Policy 101.19.2

Monroe County shall require that, upon approval, all plats include the following notice:

NOTICE TO LOT PURCHASERS AND ALL OTHER CONCERNED INDIVIDUALS

Purchase of a platted lot shown hereon confers no right to build any structure on such lot, nor to use the lot for any particular purpose, nor to develop the lot. The development or use of each lot is subject to, and restricted by, the goals, objectives, and policies of the adopted comprehensive plan and land development regulations implementing the plan; therefore, no building permits shall be issued by the County unless the proposed development complies with the comprehensive plan and land development regulations.

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Objective 101.20

Monroe County shall address local community needs while balancing the needs of all Monroe County communities. These efforts shall focus on the human crafted environment and shall be undertaken through the Livable CommuniKeys Planning Program.

Policy 101.20.1—

Monroe County shall develop ~~a series of, maintain, and update periodically, as appropriate with public input, the Livable CommuniKeys~~ Community Master Plans. Master Plans will be ~~developed~~maintained in accordance with the following principles:

1. Each Community Master Plan will contain a framework for future development and redevelopment including the designation of growth boundaries and future acquisition areas for public spaces and environmental conservation;
2. Each Community Master Plan will include an Implementation Strategy composed of action items, an implementation schedule, and a monitoring mechanism to provide accountability to communities;
3. Each Community Master Plan will be consistent with existing Federal and State requirements and overall goals of the ~~2010~~2030 Comprehensive Plan to ensure legal requirements are met. While consistency with the goals of the ~~2010~~2030 Comprehensive Plan is paramount, the ~~2010~~2030 Plan will be updated and amended where appropriate;
4. Each Community Master Plan will be closely coordinated with other community plans and other jurisdictions to ensure development or redevelopment activities will not adversely impact those areas;
5. Each Community Master Plan will include appropriate mechanisms allowing citizens continued oversight and involvement in the implementation of their plans. Through the Community Master Plans, programs for ongoing public involvement, outreach, and education will be developed;
6. Each Community Master Plan will include a Capital Improvements program to provide certainty that the provision of public facilities will be concurrent with future development;
7. Each Community Master Plan will contain an environmental protection element to maintain existing high levels of environmental protection as required in the ~~2010~~2030 Comprehensive Plan;
8. Each Community Master Plan will include a community character element that will address the protection and enhancement of existing residential

areas and the preservation of community character through site and building guidelines. Design guidelines for public spaces, landscaping, streetscaping, buildings, parking lots, and other areas will be developed through collaborative efforts of citizens, the Planning Department, and design professionals reinforcing the character of the local community context;

9. Each Community Master will include an economic development element addressing current and potential diversified economic development strategies including tourism management. The preservation and retention of valued local businesses, existing economies, and the development of economic alternatives will be encouraged through the process;
10. Each Community Master Plan will contain a Transportation Element addressing transportation needs and possibilities including circulation, safe and convenient access to goods and services, and transportation alternatives that will be consistent with the overall integrity of the transportation system not resulting in negative consequences for other communities; and
11. Each Community Master Plan will be based on knowledge of existing conditions in each community. The Planning Department will compile existing reports, databases, maps, field data, and information from other sources supplemented by community input to document current conditions; and
12. Each Community Master Plan will simplify the planning process providing clarity and certainty for citizens, developers, and local officials by providing a transparent framework for a continuing open dialogue with different participants involved in planning issues.

Policy 101.20.2

The Community Master Plans shall be incorporated into the ~~2010~~2030 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principles outlined in this section and adopted by the Board of County Commissioners:

1. Master Plan for Future Development of Big Pine Key and No Name Key, dated August 2004 and adopted by the Board of County Commissioners on August 18, 2004 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous. ~~(Adopted by Ordinance 029-2004, Amended by Ordinance 020-2009).~~

2. The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 dated February 11, 2005 and adopted by the Board of County Commissioners on February 16, 2005 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objective in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous. ~~(Adopted by Ordinance 002-2005).~~
3. The Stock Island/Key Haven Livable CommuniKeys Plan Volume I is incorporated by reference into the 2010 Comprehensive Plan. ~~The term~~Only the Strategies denoted with a green checkmark in this Master Plan ~~is have been adopted and approved as~~ equivalent to the term Objectives in the Comprehensive Plan ~~and. Only the term~~ Action Item is Items denoted with a green checkmark in this Master Plan have been adopted equivalent to the term Policy; ~~in the meanings~~ Comprehensive Plan. Strategies and requirements for implementation ~~Action Items without a green checkmark next to them are synonymous. (not considered to be consistent with the definitions of “Objective” and “Policy” and therefore do not serve as equivalents. . Adopted by Ordinance 010-2007).~~
4. Volume Two (2) of the Stock Island and Key Haven Livable CommuniKeys Master Plan titled Harbor Preservation/Redevelopment and Corridor Enhancement Plan dated November 2005 and incorporated by reference into the 2010 Comprehensive Plan. ~~The term~~Only the Strategies denoted with a green checkmark in this Master Plan ~~is have been adopted and approved as~~ equivalent to the term Objectives in the Comprehensive Plan ~~and. Only the term~~ Action Item is Items denoted with a green checkmark in this Master Plan have been adopted equivalent to the term Policy; ~~in the meanings~~ Comprehensive Plan. Strategies and requirements for implementation ~~Action Items without a green checkmark next to them are synonymous. (not considered to be consistent with the definitions of “Objective” and “Policy” and therefore do not serve as equivalents. Adopted by Ordinance 011-2007).~~
5. The Key Largo Livable CommuniKeys Master Plan is incorporated by reference into the 2010 Comprehensive Plan. ~~The term~~Only the Strategies denoted with a green checkmark in ~~the~~this Master Plan ~~is have been adopted and approved as~~ equivalent to the term Objectives in the Comprehensive Plan ~~and. Only the term~~ Action Item is Items denoted with a green checkmark in this Master Plan have been adopted equivalent to the term Policy; ~~in the meanings~~ Comprehensive Plan. Strategies and requirements for implementation ~~Action Items without a green checkmark next to them are synonymous. (not considered to be consistent with the definitions of “Objective” and “Policy” and therefore do not serve as equivalents. Adopted by Ordinance 012-2007).~~

~~4.6.6-Lower Keys:~~ The Lower Keys Livable CommuniKeys Master Plan is incorporated by reference into the Monroe County Comprehensive Plan. ~~(Adopted By Ordinance 031-2012).~~

GOAL 102

Monroe County shall direct future growth to lands which are ~~intrinsically~~ most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. ~~[9J 5.006(3) (wetlands and tropical hardwood hammock). [§163.3177(6)(a)], F.S.]~~

Objective 102.1

~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall require new development to comply with environmental standards and environmental design criteria which will protect ~~disturbed~~ wetlands, native upland vegetation and beach/berm areas. ~~[9J 5.006(3)(b) 1 and 4]~~

Policy 102.1.1

The County shall protect submerged lands and wetlands. The open space requirement shall be one hundred (100) percent of the following types of wetlands:

1. submerged lands ~~2. mangroves 3. salt ponds 4. fresh water wetlands~~
2. mangroves
3. salt ponds
4. fresh water wetlands
5. fresh water ponds
6. undisturbed salt marsh and buttonwood wetlands

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights (TDRs) away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. ~~[9J 5.006(3)(e) 1 and 6]~~

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Objective 102.2

~~Upon adoption of the Comprehensive Plan, Monroe County shall adopt revisions to the~~maintain Environmental Standards (Section ~~9.5-335~~118-1) and Environmental Design Criteria (Section ~~9.5-345~~118-6) of the Land Development ~~Regulations Code~~. These ~~revisions~~regulations will require new development to further protect disturbed wetlands, native upland vegetation and beach/berm areas. ~~[9J-5.006(3)(b)1 and 4]~~

Policy 102.2.1

Monroe County shall ~~adopt revised~~maintain environmental standards and environmental design criteria as indicated in Conservation and Coastal Management ~~Policy 204.2.6~~. ~~These revised standards and criteria will that~~ eliminate the net loss of disturbed wetlands. ~~Where possible, on site mitigation~~Mitigation for wetland impacts shall be ~~required in order to offset any loss of~~ ~~disturbed wetlands by requiring revegetation of an area equal or greater in size~~ ~~than the area proposed for fill.~~ ~~If on site~~accordance with State requirements. ~~In~~ instances where mitigation is ~~required by the U.S. Army Corps of Engineers but~~ not possible, ~~restoration fees by FDEP or SFWMD, Federal mitigation~~ requirements shall be paid pursuant to a wetlands restoration fund. ~~[9J-5.006(3)(e)1 and 6 apply; also see~~ Policy 204.3.1 and 204.3.4]

Policy 102.2.2

Monroe County shall ~~adopt revised~~maintain environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective ~~205.2~~. ~~These revised standards and criteria will protect that protects~~ native upland vegetation and ~~promote~~promotes restoration of habitat values of native upland communities, including hardwood hammocks and pinelands. ~~[9J-5.006(3)(e)6]~~

Policy 102.2.3

Monroe County shall ~~adopt revised~~maintain environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management ~~Objective 206.1~~. ~~These revised standards and criteria that~~ will protect beach/berm resources. ~~They will address by~~ addressing permitted uses, siting of structures, disturbances, removal of invasive vegetation, and restoration of native vegetation in beach/berm areas. ~~[9J-5.006(3)(e)1 and 6]~~

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Objective 102.3

By January 4, 1997, Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations which will direct new development to areas having appropriate topography and soil conditions and to where site disturbance and man's activities will have fewer adverse effects on natural vegetation, terrestrial wildlife, natural landforms and marine resources. ~~[9J-5.006(3)(b)1 and 4]~~ [§163.3177(6)(a)3.e., F.S.]

Policy 102.3.1

The Permit Allocation System (See Future Land Use **Objectives 101.2 through 101.4 and related policies**) shall have the following environmental protection goals:

1. to reduce the exposure of residents to natural hazards;
2. to reduce disturbances to natural vegetation resource areas;
3. to reduce disturbances to terrestrial wildlife resources areas;
4. to reduce impacts of new development on nearshore waters;
- ~~6.5.~~ to protect environmentally sensitive lands, wetlands and native upland plant communities (pinelands and tropical hardwood hammock) appropriate for preservation, conservation and resource protection;
- ~~7.6.~~ to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or that do not contain significant environmental features areas of wetlands or native upland plant communities;
7. to ensure that the ecological integrity of natural areas is protected when land is developed; and
8. to reduce adverse impacts on endangered and threatened species.

Accordingly, the Point System, which shall be used as the basis for the annual allocation of permits, shall assign negative and/or positive points to development applications that help to achieve the above environmental protection goals. (See Future Land Use **Objective 101.5** and related policies for a list of positive and negative factors to be included in the Permit Allocation System.) ~~[9J-5.006(3)(e)1 and 6]~~

Policy 102.3.2

Monroe County shall require development clustering so as to avoid impacts on sensitive habitats and to provide for the preservation of all required open space in a contiguous, non-fragmented condition by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy **205.2.3**). ~~[91-5-013(2)(e)3]~~ [\[§163.3177\(6\)\(a\), F.S.\]](#)

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Objective 102.4

~~Monroe County in cooperation with the state and other acquisition agencies shall prepare a Land Acquisition Master Plan by July 1, 2005 containing a strategy for securing funding, and a determination of those sources considered appropriate for acquisition and management of conservation lands, retirement of development rights and identification and purchase of sites for affordable and employee housing and recreational purposes. Acquisition priorities should be consistent with the tiered system adopted by this plan and as required by the State Work Program in Policy 101.2.13 in order to identify lands appropriate for voluntary purchase consistent with the comprehensive plan policies. [9J 5.006(3)(b)4, 10 and 9J 5.010(2)(c)3]~~

Policy 102.4.1

~~The Monroe County Land Acquisition Master Plan shall be developed and implemented by the Growth Management Division, in cooperation with the Monroe County Land Authority, FDEP, FDCA, FWC, USFWS and other responsible federal and state agencies. [9J 5.006(3)(c)4 and 6]~~

Comment [DL13]: Relocated to Objective 105.2

Policy 102.4.2

The Land Authority and the Growth Management Division shall identify the types of lands which shall be considered for acquisition. These shall include, at a minimum:

- ~~1. designated Tier I (Natural Areas) lands as defined in Policy 105.2.1.1, which shall include all contiguous hammock or pineland areas above four acres in area;~~
- ~~2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate and lands containing naturally occurring and native habitats;~~
- ~~3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands that are required open space under Policy 102.1.1;~~
- ~~4. patches of upland native vegetation of one acre or greater in area in Tier III, designated as Special Protection Areas, that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;~~
- ~~5. lands containing unique geologic features;~~
- ~~6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;~~
- ~~7. lands in Tier III for employee and affordable housing that do not involve the clearing of any upland native vegetation contained within a patch of one acre or greater;~~

- ~~8. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access;;~~
- ~~9. lands which offer the opportunity for preservation of significant archaeological or historical sites; and~~
- ~~10. lands with habitat value on Big Pine Key and No Name Key to meet mitigation requirements of the Big Pine Key and No Name Key Habitat Conservation Plan [9J-5.0006(3)(c)4 and 6]~~

Policy 102.4.3

~~The Land Authority and Growth Management Division shall develop a priority list of acquisition sites. list shall be updated annually with public input. In formulating this list, the County shall prioritize Tier I lands over Tier II (Big Pine Key and No Name Key) and Tier III lands. Outside the boundaries of Tier I, land with fragmented hammocks or pinelands of greater than one acre in area and wetlands identified in Policy 102.4.2, 2 shall be the second highest priority for acquisition. Acquisition of land for affordable housing in Tier III that does not involve any clearing within an upland tropical hammock or pineland of one acre or greater in area shall also be a top priority. [9J-5.006(3)(c)4 and 6]~~

Policy 102.4.4

~~The Monroe County Land Acquisition Master Plan shall contain an acquisition financing plan which identifies sources of funding for acquisition of lands on the Priority List. Land acquisition will be a coordinated effort between the state and federal governments and the County. The County shall petition the state and federal government to accept primary responsibility for acquisition of Tier I, conservation and natural lands. The County shall be responsible for purchases in Tier II (Big Pine Key and No Name Key) and in Tier III of wetlands and fragmented hammock or pineland areas of one acre or greater. Land acquisition for other priorities depends upon funding availability, need and future use. [9J-5.006(3)(c)4 and 6]~~

Policy 102.4.5

~~An intergovernmental organization and management structure shall be developed to implement the expanded acquisition program, including representatives of the Growth Management Division, Land Authority, municipalities and state and federal agencies. [9J-5.006(3)(c)4 and 6]~~

Policy 102.4.6

~~The Monroe County Land Acquisition Master Plan shall contain policies to direct the overall acquisition program, criteria to follow when setting priorities for acquisition and a framework for the acquisition process and the sharing of responsibilities. At a minimum the plan shall include the following:~~

- ~~1. Environmental protection, density reduction and passive recreation;~~

~~public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and tropical hardwood hammock, or pineland patches of one acre or greater in size in Tier II (Big Pine and No Name Key) and Tier III;~~

~~buy/sell back to the adjacent property owner's option will be followed in Tier II, where sprawl and density reduction and mitigation requirements of the Habitat Conservation Plan for Big Pine Key and No Name Key are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II (Big Pine and No Name Key) with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation; purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;~~

~~non-purchase options will also be explored and specific recommendations included;~~

~~criteria for the ranking of land acquisitions within the different priority areas will include 1) the size and the location of the property and surrounding land uses including management status, 2) minimization of the edge to area ratio of parcels by combining lots for acquisition, 3) potential for successful reclamation if within a larger, better hammock quality area, and 4) maintenance costs for isolated parcels.~~

~~2.——Affordable and employee housing:~~

~~a)——parcels in Tier III suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition;~~

~~b)——priority for acquisition will be given to projects that are ready to proceed with ROGO allocations available;~~

~~e)——public/private/non-profit partnerships and/or agreements will be utilized to develop the site and maintain the affordability of residential units in perpetuity.~~

Policy 102.4.7

~~Lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and 6]~~

Objective 102.5

Monroe County shall develop and implement a water quality protection program. This program shall address existing sources of water pollution in nearshore waters of the Florida Keys. It shall be undertaken in cooperation with EPA, DER, SFWMD, and NOAA, and shall be part of the Florida Keys National Marine Sanctuary. ~~[9J-5.006(3)(b)4]~~ [§163.3177(6)(a)3.f., F.S.]

Policy 102.5.1

Monroe County shall ~~develop and continue to~~ implement ~~permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface waters from:~~

~~on-site disposal systems (by January 4, 1998) (See Sanitary Sewer Goal 901 and related objectives and policies);~~

~~secondary sewage treatment plants and injection wells (by January 4, 1998) (See Sanitary Sewer Goal 901 and related objectives and policies);~~

~~moored/anchored vessels (liveaboards) in near shore waters (by January 4, 1998) (See Conservation and Coastal the recommendations of *The Boating Impacts Management* Objective 202.4 and related policies);~~

~~marinas and fueling facilities (by January 4, 1998) (See Conservation and Coastal *Plan Final Report (1992)*, *Keys-Wide Mooring Field System Preliminary Planning Document (2002)*, and *Development of a Boating Management Element* Objective 202.5 and related policies); and~~

~~stormwater runoff (by January 4, 1997) (See Drainage Goal 1001 and related objectives and policies). [9J-5.006(3)(c)4 and 6]~~

No Policy 102.5.2

Policy 102.5.3

~~By January 4, 1998, Monroe County shall develop and implement a boating impacts management program *Plan for the Boca Chica Harbor Area (2008)* which are~~ designed to reduce adverse impacts on water quality and living marine resources associated with recreational boating. (See Conservation and Coastal Management Objective **203.6** and related policies.) ~~[9J-5.006(3)(e)4 and 6]~~

Policy 102.5.4

~~By January 4, 1997, Monroe County shall adopt revisions to the Monroe County Land Development Regulations which will implement county policies controlling pollutant discharges into surface waters from dredge and fill activities. (See Conservation and Coastal Management Objective 202.8 and related policies.) [9J-5.006(3)(e)4 and 6]~~

No Policy 102.5.5

Policy 102.5.6

~~By January 4, 1998, Monroe County shall take actions to promote mosquito control techniques which will reduce the entry of pollutants from aerial pesticide applications into ground and surface waters in concert with ongoing efforts of EPA and the Florida Keys National Marine Sanctuary. (See Conservation and Coastal Management Objective 202.11 and related policies.) [9J-5.006(3)(c)4 and 6]~~

Policy 102.5.7

Monroe County shall support and encourage efforts by [DERFDEP](#) and [HRSDOH](#) to continue to undertake activities designed to reduce pollutant discharges into ground and surface waters from aboveground and underground fuel storage tanks. (See Conservation and Coastal Management Objective [202.12](#) and related policies.) [9J-5.006(3)(c)4 and 6]

Policy 102.5.8

~~By January 4, 1998, Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. (See Solid Waste Objective 801.5 and related policies.) [9J-5.006(3)(c)4 and 6]~~

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Objective 102.6

Development of the mainland area of Monroe County shall be controlled so as to reduce public expenditures and to preserve the ~~wilderness state~~natural, cultural and historic resources of the mainland area, ~~as defined under the Wilderness Act.~~ [9J 5.006(§163.3177(6)(a)3)(b)4].f., F.S.]

Policy 102.6.1

~~Monroe County hereby incorporates by reference the existing management plans for Everglades National Park and Big Cypress National Preserve (U.S. Department of the Interior, National Park Service, 1989).~~ [9J 5.006(3)(e)6]

Policy 102.6.2

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~maintain land development regulations pertaining to the Mainland Native Area District which:

1. prohibit construction of any roads or canals in mainland Monroe County that would permit new access into the mainland wilderness area or would alter the natural flow regimes of the Everglades or Big Cypress Swamp; and
2. prohibit development that would introduce human activities or habitations into the undisturbed portions of Everglades National Park or Big Cypress Swamp National Preserve. [9J 5.006(3)(e)6][§163.3177(6)(a)3.f., F.S.]

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Objective 102.7

Monroe County shall regulate land use activities on the ~~islands in the surrounding waters of Florida Bay and Hawk Channel-offshore islands~~ within the legal boundaries of Monroe County. ~~[9J-5.012(§163.3177(6)(a)3)(b)1 and 4; 9J-5.006(3)(b)4], f., F.S.]~~

Policy 102.7.1

~~By January 4, 1998, Monroe County shall expand its Geographic Information System to include the following:~~

~~offshore islands in the Upper, Middle and Lower Keys (in public and private ownership);~~

~~upland and wetland vegetation data for offshore islands in private ownership;~~

~~maintain land use data for offshore islands in private ownership; and~~

~~public facilities and services.~~

~~Data shall be obtained using digital information made available to Monroe County through the Florida Advance Identification of Wetlands (ADID) Program and from the Florida Keys National Marine Sanctuary Management Plan program. [9J-5.006(3)(c)6]~~

Policy 102.7.2

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations development regulations which will further restrict the activities permitted on offshore islands. These shall include the following:~~

- ~~1. development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area (See Conservation and Coastal Management Policy 207.1.3.);~~
- ~~2. campgrounds and marinas shall not be permitted on offshore islands;~~
- ~~3. new mining resource extraction pits shall be prohibited on offshore islands;~~
- ~~4. permitted uses by-right on islands (which are not bird rookeries) shall include detached residential dwellings, camping (for the personal use of the owner of the property on a temporary basis), beekeeping, accessory uses, and home occupations (subject to a special use permit requiring a public hearing);~~
- ~~5. temporary primitive camping by the owner, in which no land clearing or other alteration of the island occurs, shall be the only use of an offshore island which may occur without necessity of a permit;~~

6. the use of any motorized vehicles including, but not limited to, trucks, carts, buses, motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped offshore islands;
7. planting with native vegetation shall be encouraged whenever possible on spoil islands; and
8. public facilities and services shall not be extended to offshore islands.
~~[9J-5.006(3)(e)6]~~

Policy 102.7.3

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designated offshore islands as Tier I Lands
~~[9J-5.006(3)(e)6]~~.

Objective 102.8

Monroe County shall take actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. ~~[9J-5.006(3)(b)4]~~

Policy 102.8.1

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS) ~~[9J-5.006(3)(e)6].~~

Policy 102.8.2

Upon adoption of the Comprehensive Plan, Monroe County shall not create new access via new bridges, new causeways, new paved roads or new commercial marinas to or on units of the Coastal Barrier Resources System (CBRS). ~~[9J-5.005(3)(e)6]~~

Policy 102.8.3

By January 4, 1997, shoreline hardening structures, including seawalls, bulkheads, groins, rip-rap, etc., shall not be permitted along shorelines of CBRS units. ~~[9J-5.006(3)(e)6]~~

Policy 102.8.4

By January 4, 1998, privately-owned undeveloped land located within the CBRS units shall be considered for acquisition by Monroe County for conservation purposes ~~through the Monroe County Natural Heritage and Park Program. [9J-5.006(3)(e)6].~~

Policy 102.8.5

Monroe County shall efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;
2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units; and
- ~~3.~~ 3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units ~~[9J-5.006(3)(e)6].~~

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Objective 102.9

~~In cooperation~~Together with other responsible state and federal agencies, Monroe County shall ~~complete and continue to~~ implement a cooperative land management program for publicly owned ~~lands acquired through implementation of the Monroe County Land Acquisition Master Plan (Objective 102.2), Goal 105 and the Florida Keys Carrying Capacity Study~~ conservation lands. [§163.3177(6)(a)3.f. F.S.]

Policy 102.9.1

Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations. ~~[9] 5.006(3)(e)6]~~

Policy 102.9.2

Monroe County, in cooperation with appropriate state and/or federal agencies, shall ~~initiate a planning process~~continue to develop ~~policies to direct the~~ over-all management ~~program~~strategies for publicly owned ~~native~~conservation lands. Changes in ~~policies and~~ specific management strategies may be modified as ~~the program progresses~~, acquisitions continue and new information becomes available through biological research or monitoring ~~of the management units~~. ~~[9] 5.006(3)(e)3]~~.

Policy 102.9.3

~~In cooperation with other responsible state and federal agencies, Monroe County shall develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands.~~

Policy 102.9.4

~~Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9] 5.006(3)(e)6]~~

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GOAL 103

Monroe County shall implement regulations and programs to address the special environmental protection and/or traffic circulation needs of those areas of Big Pine Key, North Key Largo, ~~Holiday Isles~~ and Ohio Key [formerly described as the Areas of Critical County Concern (ACCC) in the 1986 version of the Comprehensive Plan and Land Development ~~Regulations Code~~]. The Goals, Objective and Policies of this Plan will replace the Focal Point Plans. ~~[9J 5.006(§163.3177(6)(a)3)(b)1 and 4], f. F.S.]~~

Objective 103.1

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives, and Policies of this Comprehensive Plan, the Livable CommuniKeys Master Plan and the Habitat Conservation Plan, for Big Pine Key and No Name Key in order to:

- ~~1.(a)~~ protect the Key deer (*Odocoileus virginianus clavium*);
- ~~2.(b)~~ preserve and enhance the habitat of the Key deer;
- ~~3.(c)~~ limit the number of additional vehicular trips from other islands to Big Pine Key;
- ~~4.(d)~~ maintain the rural, suburban, and open space character of Big Pine Key; and
- ~~5.(e)~~ prevent and reduce adverse secondary and cumulative impacts on Key Deer.
~~— [9J 5.006(3)(b)1 and 4]~~

No Policy 103.1.2

Policy 103.1.3

Monroe County shall identify Key deer habitat areas as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of movement corridors, sources of fresh water, and undisturbed native vegetation areas which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the ~~FWSUSFWS~~ (for the National Key Deer Refuge), ~~DNRFDEP~~ (for the Coupon Bight CARL Project), and SFWMD (for the Big Pine Key Save Our Rivers project). ~~Acquisition shall be considered through the Monroe County Natural Heritage and Park Program.~~ (See **Objective 102.4** and related policies.) ~~[9J 5.012(3)(e)1; 9J 5.013(2)(e)5 and 6]~~

Policy 103.1.4

Monroe County shall support, wherever possible, the efforts of federal agencies, state agencies, and private non-profit conservation organizations, to acquire land for conservation purposes within habitat areas of the Key deer. ~~{9J-5.012(3)(e)+; 9J-5.013(2)(e)5 and 6}~~

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No Policies 103.1.5 – 103.1.12

Policy 103.1.13

Monroe County, in conjunction with the [FWSUSFWS](#), shall implement activities to prohibit the destruction of the federally-designated endangered Key deer and to protect its habitat by addressing:

1. enforcement of animal control laws;
2. incorporation of management guidelines into development orders;
3. construction of fences;
4. roadside management techniques;
5. feeding laws;
6. speed limit enforcement;
7. removal of invasive plants;
8. distribution of management guidelines to private landowners;
9. attainment of Key deer management objectives; and (See Conservation and Coastal Management Objective 207.7 and supporting policies.) ~~{9J-5.012(3)(b)+; 9J-5.013(2)(b)6}~~
10. secondary and cumulative impacts by, among other things, adopting and implementing appropriate land development regulations.

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Objective 103.2

Monroe County, in coordination with the ~~FWS~~USFWS, shall regulate future development and coordinate the provision of public facilities in North Key Largo consistent with the Goals, Objectives and Policies of this Comprehensive Plan in order to maintain the rural and open space character of North Key Largo, as well as to preserve and enhance the habitat of four (4) species of animals listed as endangered under the Endangered Species Act, including the American crocodile (*Crocodylus acutus*), the Key Largo wood rat (*Neotoma floridana smalli*), the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), and the Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*). North Key Largo is defined as that portion of Key Largo Located between the junction of State Road 905 and U.S. Highway 1 and the ~~Miami~~-Dade County boundary at Angelfish Creek. ~~[9J-5.006(1)(b)1 and 4].f., F.S.]~~

Policy 103.2.1

Monroe County shall implement methods including, but not limited to, designating known habitat of the Schaus swallowtail butterfly as Tier I. ~~[9J-5.012(3)(e)1; 9J-5.013(2)(e)5 and 6]~~ [§163.3177(6)(a)3.f., F.S.]

Policy 103.2.3

~~By January 4, 1997,~~ Monroe County shall ~~adopt revisions to the Land Development Regulations~~ maintain land development regulations pertaining to development siting and clustering so as to avoid impacts on sensitive habitats and to provide for the retention of contiguous open space by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management **Policy 205.2.3.**) ~~[9J-5.013(2)(e)3]~~

Policy 103.2.4

~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities:

- ~~4~~-1. assessment of needs;
- ~~5~~-2. evaluation of alternative sites and design alternatives for the selected sites; and
- ~~6~~-3. assessment of impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public

expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

Monroe County shall require that public facilities be developed on the least environmentally sensitive lands and shall prohibit the location of public facilities on North Key Largo, unless no feasible alternative exists and such facilities are required to protect the public health, safety, or welfare.

Policy 103.2.5

~~Monroe County shall monitor FKAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus swallowtail butterfly (pursuant to FKAA Rules Chapter 48-7). [9J-5.012(3)(e)1; 9J-5.013(2)(e)5 and 6]~~

Policy 103.2.6

Monroe County shall implement activities to protect the habitat and prohibit the destruction of the:

- ~~6-1.~~ American crocodile (See Conservation and Coastal Management **Objective 207.8** and supporting policies);
- ~~7-2.~~ Schaus swallowtail butterfly (See Conservation and Coastal Management **Objective 207.10** and related policies); and
- ~~8-3.~~ the Key Largo wood rat and the Key Largo cotton mouse (See Conservation and Coastal Management **Objective 207.12** and related policies.) ~~[9J-5.012(3)(b)1; 9J-5.013(2)(b)6][§163.3177(6)(a)3.f.F.S.]~~

Policy 103.2.7

Monroe County shall identify native upland habitats used by the Schaus swallowtail butterfly and the Key Largo wood rat and the Key Largo cotton mouse as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of native upland sites which are located within Improved Subdivisions and which are outside of the acquisition areas identified by ~~the FWS (for the Crocodile Lake National Wildlife Refuge), and DNR (for the Key Largo Hammock CARL Project) other resource agencies.~~ Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Objective 102.4 and related policies.) ~~[9J-5.012(3)(e)1; 9J-5.013(2)(e)5 and 6]~~

Policy 103.2.8

~~By January 4, 1998, Monroe County shall complete and implement a cooperative land management program for private and county owned lands located within and adjacent to state and federal government owned parks and conservation lands which are within or affected by land uses in North Key Largo, including:~~

~~Crocodile Lake National Wildlife Refuge;~~

~~John Pennkamp Coral Reef State Park;~~

~~North Key Largo Hammock State Botanical Site and CARL Project; and~~

~~Biscayne Bay Card Sound State Aquatic Preserve. (See Objective 102.9 and related policies.) [9J 5.006(3)(b)4]~~

Policy 103.2.9

Monroe County shall support, wherever possible, the efforts of federal agencies, state agencies, and private non-profit conservation organizations, to acquire land for conservation purposes within North Key Largo. [9J 5.012(3)(e)1; 9J 5.013(2)(e)5 and 6] [§163.3177(6)(a)3.f., F.S.]

Policy 103.2.10

Monroe County shall take immediate actions to discourage private development in areas designated as units of the Coastal Barrier Resources System (CBRS). (See Objective 102.8 and related policies.) [9J 5.006(3)(b)4]

Policy 103.2.11

~~Prior to issuing a building permit or development approval, Monroe County shall require an archaeological/historical review of the proposed development site, performed by a qualified professional familiar with Monroe County. The review will identify the potential development impacts on any resources present, and will recommend mitigation measures, if any.~~

Policy 103.2.12

~~Prior to issuing a building permit or development approval, Monroe County shall require that the Monroe County Biologist visit the site of all development approval and building permit applications within North Key Largo to assess the need for any federal or state permits.~~

Policy 103.2.13

~~Prior to issuing a building permit or development approval, Monroe County shall require all applicants to obtain all federal and state permits, including, but not limited to, required permits pertaining to endangered species as required by the U.S. Fish and Wildlife Service and the Florida Game and Fresh Water Fish Commission.~~

Policy 103.2.14

Monroe County, in conjunction with the [FWSUSFWS](#), shall implement activities to prohibit the destruction of the federally-designated threatened and endangered species and to protect its habitat by addressing:

1. enforcement of animal control laws;
2. construction of fences;
3. roadside management techniques;
4. feeding laws;
5. speed limit enforcement;
6. removal of invasive plants;
7. distribution of management guidelines to private landowners; and
8. attainment of endangered species management objectives.

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Objective 103.3

~~Monroe County shall coordinate future development on Ohio Key to protect the habitat value and environmental sensitivity of the wetland system on that Key that serves as habitat for a variety of wading birds, including the piping plover (*Charadrius melodus*), a species listed as threatened under the Endangered Species Act.~~

Policy 103.3.3

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement methods including, but not limited to, the Permit Allocation and Point System in order to discourage developments which may adversely impact activities of the piping plover on their wintering grounds (measures of adverse impact to be established by the Monroe County Biologist). (See Policy 101.5.4) [9J-5.012(3)(e)1; 9J-5.013(2)(e)5 and 6]~~

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Objective 103.4

~~By January 4, 1997, the Land Development Regulations will be revised to address the issues in the focal point plans for all four ACCC designations as stipulated in Objectives 103.1 to 103.3 and related policies.~~

Policy 103.4.1

~~By January 4, 1997, the Land Development Regulations will be revised to eliminate the ACCC designations from Holiday Isle, Big Pine Key, North Key Largo, and Ohio Key.~~

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GOAL 104

Monroe County shall recognize, designate, protect, and preserve its historic resources. ~~[9J-5.006(3)(a)] [§163.3177(6)(a)3.f., F.S.]~~

Objective 104.1

Monroe County shall ~~establish and maintain a comprehensive, and update as necessary, the~~ inventory of historic and archaeological resources, ~~including buildings, structures, districts, sites, objects, as documented in the “Coastal and significant places.”~~ ~~[9J-5.006(3)(b)4]~~

Policy 104.1.1

~~By January 4 1998, Conservation Element” of the Monroe County Growth Management Division shall establish an inventory of all known historic and archaeological resources using information provided by the Florida Master Site File and the Archaeological and Historical Conservancy surveys of the Florida Keys. [9J-5.006(3)(c)8] Comprehensive Plan Technical Document Update, May 2010.~~

Policy 104.1.2

Monroe County Growth Management Division shall update the inventory of historic and archaeological resources ~~on an annual basis~~ as new historic and archaeological resources are identified. ~~[9J-5.006(3)(c)8]~~

Policy 104.1.3

~~By January 4, 1998, Monroe County shall complete a comprehensive historic architectural survey to inventory and document historic architectural resources. This survey shall also identify historic housing and define the bounds of any potential historic districts such as those preliminary identified on Conch Key, in Islamorada, and in Marathon. [9J-5.006(3)(c)8]~~

Policy 104.1.4

~~By January 4, 1998, the Monroe County Growth Management Division, working with local historic preservation organizations, shall complete and submit Master Site File forms to the State Department of Historic Resources for any historic resources, particularly architectural resources, which are not currently included in the Florida Master Site File. [9J-5.006(3)(c)8]~~

Policy 104.1.5

~~By January 4, 1998, the Monroe County Growth Management Division shall develop a computerized inventory system for compiling, updating and accessing information pertaining to historic resources. The computerized data base shall include descriptive information provided by the Florida Master Site File and any National Register or Florida Keys Historic Register designations. Included as part of this proposed system shall be an interface with the County's Geographic Information System to provide mapped locations of sites listed on the National Register or Florida Keys Historic Register (See Objective 104.2 and related policies). [9J-5.006(3)(c)8]~~

Objective 104.2

Monroe County shall formally recognize significant historic and archaeological resources by nominating appropriate resources on the National Register and/or the Florida Keys Historic Register. ~~{9J 5.006(3)(b)4}~~

Policy 104.2.1

Monroe County shall ~~revise the Land Development Regulations to expand and refine the program and procedures for protection of~~ maintain land development regulations which protects local historical, archaeological and cultural resources. ~~At a minimum, the~~ The Land Development ~~Regulations should be expanded to~~ Code shall:

- ~~1. establish a Florida Keys Historic Register to which landmarks of local significance are named;~~
- ~~2. _____~~
- ~~3. establish a review committee and provide for an historic/archaeological review within the development review process;~~
- ~~4. _____~~
- ~~5. list the criteria and procedure for selecting a review committee;~~
- ~~6. _____~~
- ~~7. specify the development review procedure;~~
- ~~8. _____~~
- ~~9-1. specify designation criteria for sites and structures of historical, architectural, archaeological, and cultural significance;~~
- ~~10-2. include procedures for designation of local historic districts;~~
- ~~11-3. describe the consequences of local designation, such as restrictions on archaeological site disturbance, and on demolition or alteration of historic structures;~~
- ~~12-4. provide procedures for enforcement;~~
- ~~13-5. specify the penalties and/or mitigation measures for non-compliance;~~
- ~~14-6. provide for the documentation and protection of sites which are not listed as local landmarks but are discovered through the development process or otherwise discovered; and~~
- ~~15-7. provide incentives for the preservation and protection of local landmarks.~~

Policy 104.2.2

~~By January 4, 1998, Monroe County Growth Management Division shall prepare documentation to nominate the following resources to the Florida Keys Historic Register of historic places:~~

~~all resources listed on the National Register of Historic Places which are located in unincorporated Monroe County;~~

~~archaeological sites identified as worthy of preservation; and~~

~~Tavernier Historic District. [9J 5.006(3)(e)8]~~

Policy 104.2.3

~~After revisions to the land development regulations pertaining to the Florida Keys Historic Register are adopted, the County shall contact local historic preservation groups and encourage them to nominate eligible historic resources to the Florida Keys Historic Register. The Monroe County Growth Management Division shall provide information and technical assistance to individuals and local historic preservation groups who wish to prepare nominations to the Florida Keys Historic Register. [9J 5.006(3)(e)8]~~

Policy 104.2.4

~~By January 4, 1998 Monroe County shall submit documentation for nominating the following resources to the National Register of Historic Places:~~

~~old overseas railroad bridges identified in the AHC Architectural Windshield Survey (Thematic Resource nomination);~~

~~hurricane houses and public buildings (the Islamorada Library and the Tavernier Health Department) constructed as WPA projects in addition to the hurricane memorial in Islamorada; and~~

~~archaeological sites identified in the AHC 1988 survey as eligible for nomination to the National Register (Individual Historic Site nominations). [9J 5.006(3)(e)8]~~

Policy 104.2.5

~~Monroe County shall nominate other historic resources to the National Register as those resources are identified. [9J 5.006(3)(e)8][§163.3177(6)(a)3.f., F.S.]~~

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Objective 104.3

Monroe County shall adopt and implement measures for the protection and preservation of historic resources. ~~[9] 5.006(3)(b)4~~

Policy 104.3.1

~~By January 4, 1997,~~ Monroe County shall ~~adopt Land Development Regulations~~ maintain land development regulations constituting a Historic Preservation Ordinance to provide protection for historic resources listed on the Florida Keys Historic Register. The adopted ~~LDRs~~LDC shall:

1. establish a historic/archaeological review board to review development proposals which impact designated historic resources;
2. list the qualifications and selection criteria for review board members;
3. specify the criteria for local designation of historic resources guided by the criteria for designation to the National Register;
4. incorporate the procedure for local designation as specified in **Article VIII** of the Land Development ~~Regulations~~Code (See Policy 104.2.1);
5. specify the restrictions on archaeological sites resulting from local designation. Establish standards to address the siting and design of proposed developments to minimize impacts on archaeological resources, and the proper documentation and recording of the site including retrieving of artifacts;
6. specify the restrictions on the demolition and alteration of historic structures resulting from local designation. Establish standards to evaluate alterations to historic structures which are consistent with the U.S. Department of the Interior's "Standards for Rehabilitation";
7. specify the restrictions on historic districts resulting from local designation. Establish exterior architectural standards to evaluate development proposals within designated historical districts with the intent of encouraging compatibility with the architectural features of historical significance to the particular district;
8. establish a procedure for reviewing development and redevelopment proposals which impact designated resources;
9. specify procedures where development activities uncover unknown archaeological resources;
10. provide procedures for enforcement and consequences of non-compliance;

11. provide incentives such as transfer of development rights, tax credits, tax relief, special property tax assessments, building code waivers, building application fee exemptions, zoning variances, and FEMA exemptions to encourage the conservation and rehabilitation of privately-owned historic resources; and
12. specify permitting and review procedures that reconcile redevelopment of designated historical buildings and sites with their potential non-conforming status. ~~[9J-5.006(3)(e)8]~~

Policy 104.3.2

~~The County shall evaluate the possibility of incorporating effects of proposed developments on historic resources into the Point System established by Land Use Element Objective 101.5 and supporting policies. [9J-5.006(3)(e)8]~~

Policy 104.3.3

~~The Land Development Regulations adopted pursuant to Policy 104.3.1 shall be drafted to meet the requirements of the Department of the Interior's "Certified Local Government Program" which shall enable Monroe County to qualify for State Historic Preservation Grants in Aid. Within six months of adopting Land Development Regulations pursuant to Policy 104.3.1, Monroe County shall submit the historic preservation regulations to the U.S. Department of the Interior and the State Historic Preservation Officer for certification. [9J-5.006(3)(e)8]~~

Policy 104.3.4

Monroe County shall require that architectural guidelines be drafted and approved by Monroe County for each Historic District listed on the Florida Keys Historic Register. These guidelines shall be drafted by the nominating agency, and shall be approved by a qualified historic preservation professional. The guidelines shall be reviewed and approved by Monroe County within one year of acceptance of the District on the Florida Keys Historic Register.

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Objective 104.4

Monroe County shall adopt and implement measures for the protection and preservation of historic resources on public lands. ~~[9J-5.006(3)(e)8]~~ [\[§163.3177\(6\)\(a\)3\(b\)4\], f., F.S.\]](#)

Policy 104.4.1

Monroe County shall coordinate with the lessee of Pigeon Key to ensure that the renovation and use of the County-owned island retains the historical and architectural character of the site, and allows a reasonable amount of public access.

Policy 104.4.2

Monroe County shall coordinate with county, state and federal agencies to identify, monitor and protect historic resources located on public lands (See Future Land Use Objective 102.9 and related policies). ~~[9J-5.006(3)(e)8]~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 104.4.3

Development plans on County-owned lands which contain historic resources listed on the Florida Keys Historic Register shall be subject to review by the historic/archaeological review board established pursuant to **Policy 104.3.1(a)**. ~~[9J-5.006(3)(e)8]~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 104.4.4

Monroe County shall increase its participation in the resource planning of federal and state owned parks, wildlife refuges, military installations and other state or federal properties. Monroe County shall review resource plans, development plans and master plans prepared for these areas, evaluate impacts on historic resources, and submit comments to the appropriate agencies. ~~[9J-5.006(3)(e)8]~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 104.4.5

Through a lease agreement, Monroe County shall require that the lessee of Pigeon Key or any other County-owned historical or archaeological site designated on the Local or National Register:

1. conform, at a minimum, to the Secretary of the Interior's Standards for Rehabilitation for any permanent or temporary development of the site; and
2. retain the historical, architectural, and/or archaeological integrity of the site, as approved by a professional who meets the appropriate Professional Qualifications specified in the Code of Federal Regulations, Section 61, Number 36. ~~[9J-5.006(3)(e)8]~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 104.4.6

Before the County may sell Pigeon Key, Monroe County shall develop and adopt architectural guidelines for this National Register Historic District.

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Policy 104.4.X

Identification and improvement of historically significant housing will be encouraged by the Planning Department through the coordination of public information programs (See Policies 601.1.3, 601.2.2 and 601.3.4) defining benefits and improvement funding sources.

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Objective 104.5

Monroe County shall seek to increase public awareness and appreciation of the historic resources and historic preservation activities in the County. ~~[9J-5.006(3)(b)4][§163.3177(6)(a)3.f., F.S.]~~

Policy 104.5.1

Monroe County shall coordinate with the following organizations and individuals to identify opportunities for joint public education and funding efforts :

1. Local preservation groups in unincorporated Monroe County;
2. The Key West historic preservation planner and other historic preservation leaders;
3. Historic Florida Keys Preservation Board;
4. Federal agencies including the National Park Service, U.S. Fish and Wildlife Service, and NOAA;
5. State Agencies including the ~~Florida DNR~~FDEP Division of Parks and Recreation, and State Division of Historic Resources;
6. Florida Trust for Historic Preservation;
7. Monroe County School Board; and
8. Local libraries. ~~[9J-5.006(3)(e)8]~~

Policy 104.5.2

~~By January 4, 1997, historical and archaeological information produced by or for the County such as the historic inventory, National Register listings, Florida Keys Historic Register listings, archaeological surveys, and historic architectural surveys shall be made available to the public at various locations throughout the County including libraries, schools, senior centers, museums and County offices. [9J-5.006(3)(e)8]~~

Policy 104.5.3

~~By January 4, 1998, Monroe County and the Historic Florida Keys Preservation Board shall continue to seek funding from the Tourist Development Council to create and implement a historic marker program and a historic map/guide to increase public awareness and appreciation of the County's history and historic resources. [9J-5.006(3)(e)8]~~

Policy 104.5.4

~~By January 4, 1998, the County and the Historic Florida Keys Preservation Board shall institute a procedure to notify property owners of properties listed or eligible~~

~~for listing on the Florida Keys Historic Register or National Register and apprise owners of the associated benefits of listing. [9J-5.006(3)(e)8]~~

Policy 104.5.5

Monroe County shall promote public knowledge of local, state and federal programs and incentives designed to assist owners of historic properties. ~~[9J-5.006(3)(e)8]~~[\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 104.5.6

Monroe County shall identify community leaders with an interest in historic preservation and provide technical assistance for the formation of new citizen-based historic preservation groups. These groups will aid the County in generating interest and raising funds for local historic preservation activities. Areas which could benefit from a citizen support group include the Pigeon Key Historic District, potential historic districts on Conch Key, in Islamorada and in Marathon. ~~[9J-5.006(3)(e)8]~~

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Objective 104.6

Monroe County shall coordinate with public agencies and non-profit organizations to protect, preserve and increase awareness of historic resources. ~~[9J 5.006(3)(b)4]~~ [\[§163.3177\(6\)\(a\)3.f., F.S.\]](#)

Policy 104.6.1

Monroe County shall involve local historic preservation groups in the planning process. The County will apprise groups of historic preservation planning efforts, request their comments and solicit their support. ~~[9J 5.006(3)(e)8]~~

Policy 104.6.2

Monroe County shall include archaeological sites identified by local historic preservation groups on the priority list of Natural Heritage and Park acquisition sites. (See Future Land Use Objective **102.4** and related policies.)

Policy 104.6.3

Monroe County shall encourage and facilitate acquisition of historic sites suitable for cultural, tourism, recreation or conservation uses by federal, state and local agencies, non-profit historic preservation groups, and non-profit conservation organizations ~~[9J 5.006(3)(e)8]~~

Policy 104.6.4

~~G. — By January 4, 1998, providing referral to the appropriate governmental agency(ies), the County shall identify available public and private funding sources for historic preservation activities and submit proposals for the following projects:~~

~~B. —~~

~~B. — Perform emergency repairs and tenting for termites for historic structures on Pigeon Key;~~

~~B. —~~

~~B. — Perform structural surveys and begin renovations assist property owners in the identification of historically significant buildings on Pigeon Key; and structures.~~

~~Develop architectural guidelines for Tavernier once a local historic district is established. [9J 5.006(3)(e)8]~~

C. — Policy 104.6.5

~~B. — By January 4, 1998, the County shall submit funding proposals for the following historic preservation projects:~~

~~B. —~~

~~B. — Conduct a historic architectural building survey for unincorporated Monroe County which shall identify potential historic districts and historic housing resources;~~

~~B. —~~

~~B. — Renovation and preservation shall assist property owners of other County-owned historic resources; and~~

~~B. _____~~

~~B. _____ Create and implement a program to promote historic resources listed on the Florida Keys Historic Register with historic markers and accompanying map/guide. [9J 5.006(3)(c)8]~~

~~B. _____~~

~~**B. _____ Policy 104.6.6**~~

~~B. _____ By January 4, 1998, the County shall submit funding proposals for the following historic preservation projects:~~

~~B. _____~~

~~B. _____ Develop architectural guidelines for any historic districts listed on the Florida Keys Historic Register;~~

~~B. _____~~

~~B. _____ Develop a computerized system for the inventory of historic resources including all Florida Master Site File records, local and national register status and GIS location maps.~~

~~B. _____~~

~~B. 3. Expand documentation of the Keys history through the collection of written records and recording recollections of remaining early settlers in written, video historically or audio form; and architecturally significant structures in applying for and utilizing state and federal assistance programs.~~

~~Complete detailed documentation and research for remaining historic resources which may be eligible for the Local or National Register. [9J 5.006(3)(c)8]~~

~~←~~

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GOAL 105

Monroe County shall ~~undertake~~maintain a comprehensive land acquisition program and smart growth initiatives in conjunction with its Livable CommuniKeys Program in a manner that recognizes the finite capacity for new development in the Florida Keys by providing economic and housing opportunities for residents without compromising the biodiversity of the natural environment and the continued ability of the natural and man-made systems to sustain livable communities in the Florida Keys for future generations.

Objective 105.1

Monroe County shall continue to implement smart growth initiatives in conjunction with its Livable CommuniKeys and Land Acquisition Programs which promote innovative and flexible development processes to preserve the natural environment, maintain and enhance the community character and quality of life, redevelop blighted commercial and residential areas, remove barriers to design concepts, reduce sprawl, and direct future growth to appropriate infill areas. [§163.3177(6)(a)2.e., F.S.]

Policy 105.1.1

Monroe County shall create an economic development framework for a sustainable visitor-based economy, not dependent on growth in the absolute numbers of tourists, that respects the unique character and outdoor recreational opportunities available in the Florida Keys. Within one (1) year after the adoption of the 2030 Comprehensive Plan Update (or approximately, June 2015), the County will, with input from the business community and other stakeholders, develop an Economic Sustainability Element, which focuses upon redevelopment.

Policy 105.1.2

Monroe County shall ~~prepare~~enforce the design guidelines ~~to~~established within the Livable CommuniKeys Plans and its land development regulations which ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys.

Policy 105.1.3

Monroe County shall ~~prepare, through its~~ development standards and ~~amend the~~ Land Development ~~Regulations to limit non-residential allocations for new floor space on any one site~~Code, continue to foster the retention and redevelopment of small businesses on the US # 1.

Policy 105.1.4

By May 1, 2015, Monroe County shall prepare redevelopment standards and amend the Land Development ~~Regulations~~Code to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.

Policy 105.1.5

Monroe County shall ~~prepare amendments to this Plan and its Land Development Regulations that comprehensively revise the existing~~maintain a residential permit allocation system ~~to direct~~that directs the preponderance of future residential development to areas designated as ~~an overlay on the zoning map(s) as Infill (Tier III)~~ in accordance with **Policy 105.2.2**.

Policy 105.1.6

~~Monroe County shall prepare amendments to this Plan and its Land Development Regulations that comprehensively revise the existing non-residential permit allocation system in a manner that implements Policies 105.2.1 and 105.2.15 and is consistent with and furthers this Plan.~~

Objective 105.2

Monroe County shall ~~implement~~maintain, with assistance of the state and federal governments, a 20-year Land Acquisition Program to: 1) secure for conservation and passive recreation purposes remaining privately-owned environmentally sensitive lands; 2) retire development rights on privately-owned vacant lands to limit further sprawl and equitably balance the rights of property owners with the long-term sustainability of the Keys man-made and natural systems; and, 3) secure and retain lands suitable for affordable housing. This objective recognizes the finite limits of the carrying capacity of the natural and man-made systems in the Florida Keys to continually accommodate further development and the need for the significant expansion of the public acquisition of vacant developable lands and development rights to equitably balance the rights and expectations of property owners.

Policy 105.2.1

Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; Special Protection Area (Tier III-A) and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows:

1. Natural Area (Tier I): Any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive by the policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural Area. New development on vacant land is to be severely restricted and privately owned vacant lands are to be acquired or development rights retired for resource conservation and passive recreation purposes. However, this does not preclude provisions of infrastructure for existing development. Within the Natural Area designation are typically found lands within the acquisition boundaries of federal and state resource conservation and park areas, including isolated platted subdivisions; and privately-owned vacant lands with sensitive environmental features outside these acquisition areas.
2. Transition and Sprawl Reduction Area (Tier II): Any defined geographic area on Big Pine Key and No Name Key, where scattered groups and fragments of environmentally sensitive lands, as defined by this Plan, may be found and where existing platted subdivisions are not predominately developed, not served by complete infrastructure facilities, or not within close proximity to established commercial areas, is to be designated as a Transition and Sprawl Reduction Area. New development is to be discouraged and privately owned vacant lands acquired or development rights retired to reduce sprawl, ensure that the Keys carrying capacity is not exceeded, and prevent further encroachment on sensitive natural resources. Within a Transition and Sprawl Reduction Area are typically

found: scattered small non-residential development and platted subdivisions with less than 50 percent of the lots developed; incomplete infrastructure in terms of paved roads, potable water, or electricity; and scattered clusters of environmentally sensitive lands, some of which are within or in close proximity to existing platted subdivisions.

3. Infill Area (Tier III): Any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, except for dispersed and isolated fragments of environmentally sensitive lands of less than four acres in area, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged, except within tropical hardwood hammock or pineland patches of an acre or more in area, where development is to be discouraged. Within an Infill Area are typically found: platted subdivisions with 50 percent or more developed lots situated in areas with few sensitive environmental features; full range of available public infrastructure in terms of paved roads, potable water, and electricity; and concentrations of commercial and other non-residential uses within close proximity. In some Infill Areas, a mix of non-residential and high-density residential uses (generally 8 units or more per acre) may also be found that form a Community Center.

Policy 105.2.2

Monroe County shall ~~prepare an~~maintain overlay map(s) designating geographic areas of the County as one of the ~~three~~ Tiers in accordance with the guidance in Policy 105.2.1, which shall be incorporated as an overlay on the zoning map(s) with supporting text amendments in the Land Development Regulations. These maps are to be used to guide the Land Acquisition Program and the smart growth initiatives in conjunction with the Livable Communities Program (Policy 101.20.1).

Policy 105.2.3

The priority for acquisition or retirement of ~~lands and~~ development rights of vacant privately-owned, buildable, platted lots under the County's Land Acquisition Program shall be as follows:

- First Priority: Tier I (Natural Area) ~~first priority~~;
- Second Priority: Tier II (Transition and Sprawl Reduction Area) ~~and patches of tropical hardwood hammock or pinelands of one acre or greater in area within~~;
- Third Priority: Tier III ~~second priority~~ (Special Protection Area); and
- Fourth Priority: Tier III (Infill Area) ~~third priority~~, except acquisition of land for affordable housing shall also be a first priority. ~~These acquisition priorities shall be applied consistent with~~

~~NOTE: This policy recognizes the [Policy 105.2.10](#) that directs the focus critical need for the County to aggressively address the imbalance between development expectations of private property owners and the finite carrying capacity of the County's acquisition efforts to the acquisition or retirement of development rights of privately owned vacant platted subdivision lots within Tiers I and II. Federal, State and local funding will be used for purchasing privately owned vacant lands for Tier II natural and man-made systems in the Florida Keys.~~

~~**Policy 105.2.4**~~

~~Monroe County shall prepare a specific data base tied to its Geographic Information System, containing information needed to implement, monitor, and evaluate its Land Acquisition Program, smart growth initiatives, and Livable Communities Program.~~

~~**Policy 105.2.5**~~

~~Monroe County shall, in coordination with federal and state agencies, implement a land acquisition program to acquire all remaining privately owned vacant lands within areas designated as a Natural Area (Tier I).~~

~~**Policy 105.2.6**~~

~~Monroe County shall implement a land acquisition program to acquire most privately owned vacant private lands within areas designated as a Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key and patches of tropical hardwood hammock or pinelands of one acre or greater in area identified as a Special Protection Area within a designated Infill Area (Tier III).~~

~~**Policy 105.2.7**~~

~~Monroe County shall implement an acquisition program to acquire privately owned vacant lands disturbed or scarified properties for affordable housing within areas designated as an Infill Area (Tier III).~~

Policy 105.2.8

The preferred method for acquisition of environmentally sensitive privately owned vacant non-platted lands shall be fee simple purchase, donation, or dedication or the retirement of development rights through transfer of development rights or similar mechanisms.

Policy 105.2.9

The preferred method for acquisition of vacant platted lots shall be fee simple purchase, donation, or dedication or the retirement of development rights thorough transfer of development rights or similar mechanisms; however, wherever appropriate, platted lots may be purchased in partnership with adjoining property owner(s) subject to a conservation easement that may allow limited accessory residential uses.

Policy 105.2.10

~~In terms of effort, Monroe County shall primarily focus its Land Acquisition Program on the acquisition or retirement of development rights of vacant privately owned, buildable, platted lots within Tier I and Tier II and the acquisition of scarified and disturbed lands for affordable housing within Tier III. This policy recognizes the critical need for the County to aggressively address the imbalance between development expectations of private property owners and the finite carrying capacity of the natural and man-made systems in the Florida Keys.~~

~~Monroe County shall maintain a specific data base tied to its Geographic Information System, containing information needed to implement, monitor, and evaluate its Land Acquisition Program, smart growth initiatives, and Livable CommuniKeys Program.~~

Policy 105.2.X

~~Monroe County shall, in coordination with private sources, federal and state agencies, implement a land acquisition program to acquire lands which enhance public access to the shoreline and water-dependent uses, such as beaches, marinas, docks and lands; however, Monroe County Land Authority funds shall not be used for this purpose.~~

Policy 102.4.1

The Monroe County Land Acquisition Master Plan shall be updated periodically by the Monroe County Land Authority in cooperation with the Growth Management Division, FDEP, DEO, FWC, USFWS and other responsible federal and state agencies.

Comment [DL14]: Relocated Policy

Policy 105.2.11

~~In implementing this Land Acquisition Program, Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available.~~ Monroe County shall petition the federal and state governments to aggressively pursue the acquisition of all remaining privately-owned vacant lands within their park and conservation acquisition boundaries and to expand existing acquisition boundaries to include other lands in close proximity with similar environmentally sensitive features.

Policy 105.2.12

With respect to the relief granted pursuant to **Policy 106.1** (Administrative Relief) or **Policy 101.18.5** (Beneficial Use), a purchase offer shall be the preferred form of relief for any land within Tier I and Tier II, **Tier III-A** or any land within Tier III in accordance with the criteria in **Policy 101.6.5**.

Policy 105.2.13

~~In implementing this Land Acquisition Program, Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available.~~ By May 2015, the County shall explore additional funding sources

[for land acquisition including, but not limited to, utilizing the infrastructure sales tax extension for land acquisition funding, based upon the progress toward completing the construction of central wastewater facilities and establishing a dependent taxing authority for land acquisition funding.](#)

Policy 105.2.14

Monroe County shall identify and secure possible local sources to yield a steady source of funds and secure increased funding from state and federal, and/or private sources for the Land Acquisition Program and the management and restoration of acquired resource conservation lands. With the uncertainty concerning the County's ability to successfully secure sufficient funding from state and federal governments for their fair share of the financial support for the Land Acquisition Program and the demands placed on the County's limited financial resources to address wastewater and other critical issues, it is recognized that the Land Acquisition Program may extend well beyond 20 years.

Policy 105.2.15

Where appropriate, as part of the Livable CommuniKeys Planning Process, Community Centers shall be designated within areas designated as Tier III (Infill Area). A Community Center is characterized as a defined geographic area with a mix of retail, personal service, office and tourist and residential uses (generally of greater than 8 units per acre). Community Centers shall be designated as receiving areas for transfer of development rights and shall receive special incentives in the non-residential permit allocation system.

Objective 105.3

~~Monroe County shall implement its 20 Year Land Acquisition Program and smart growth initiatives in conjunction with its Livable CommuniKeys Program and shall make appropriate amendments to this Plan and the Land Development Regulations including, but not necessarily limited to the residential and non-residential permit allocation systems.~~

GOAL 106: *Reserved*

|

GOAL 107

Monroe County shall regulate land use and development activities of scarified portions of property with 50 or more environmentally sensitive land that contains an existing nonconforming use by the enactment of area-specific regulations that allow development to occur subject to limitations and conditions designed to protect natural resources. For this Goal to be used scarified portions of property shall not have been created purposefully without benefit of permit(s) as evidenced by pictorial aerial examination and/or other means available to the Growth Management Division. (Ordinance 023-2011)

Objective 107.1

Monroe County shall coordinate ~~land-use~~Land Use with the elements of the Comprehensive Plan through Future Land Use Element sub-area policies solely applicable to a specific geographic area. These sub-area policies identify parcels of land that require narrowly-tailored regulation in order to confine development potential to an area or extent less than the maximum development potential allowed by its underlying Future Land Use Map category. The development parameters established for each sub-area shall be based either on an inventory of uses and facilities established on the parcel or by data and analysis supporting the specific sub-area limitations. Environmentally sensitive areas shall be preserved through the application of such methods as conservation easements that require mandatory eradication of exotic invasive vegetation. (Ordinance 023-2011)

Policy 107.1.1 Reserved

Policy 107.1.2 Ramrod Key Mixed Use Area 1

Only the land uses listed in paragraphs 1-4 below shall be allowed on the parcels shown in the table following as Ramrod Key Mixed Use Area 1:

REAL ESTATE NUMBER	TOTAL ACREAGE	ACRES	FLUM DESIGNATION	CONSERVATION EASEMENT ACREAGE	BERM TO BE LOCATED ON PARCEL
00114150-000000	18.12	0.79	N/A	N/A	
		8.46	Ramrod Key Mixed Use Area 1	N/A	x
		8.87	RC	8.87	
00114150-000400	2.6	2.6	Ramrod Key Mixed Use Area 1	0	

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REAL ESTATE NUMBER	TOTAL ACREAGE	ACRES	FLUM DESIGNATION	CONSERVATION EASEMENT ACREAGE	BERM TO BE LOCATED ON PARCEL
00114150-000000	18.12	0.79	N/A	N/A	
		8.46	Ramrod Key Mixed Use Area 1	N/A	x
		8.87	RC	8.87	
00114150-000400	2.6	2.6	Ramrod Key Mixed Use Area 1	0	

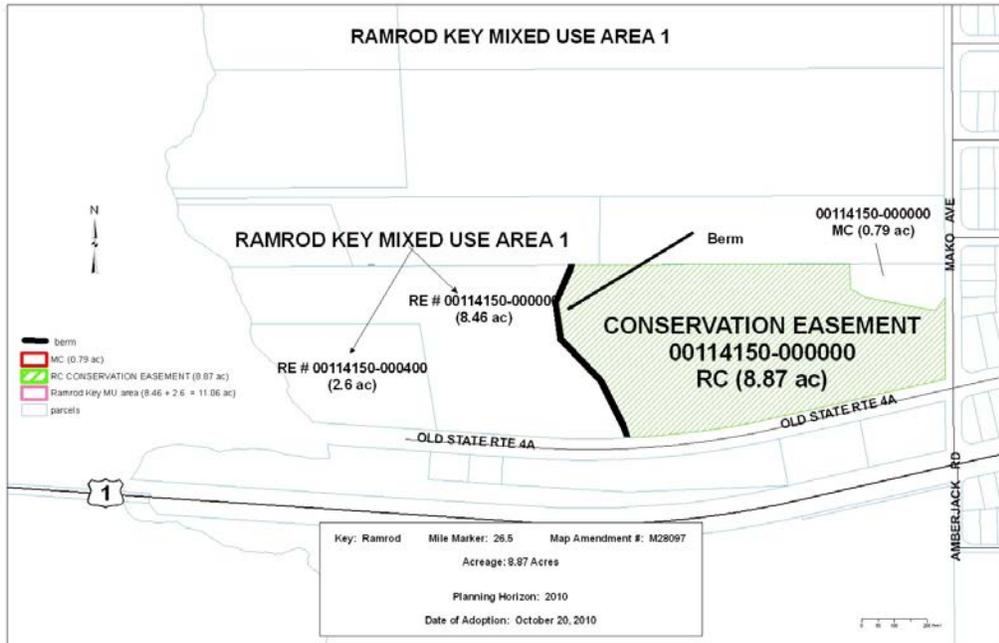
And on which a concentration of non-residential uses exists, including approximately 15,325 square feet of commercial floor area devoted to the uses listed below.

1. Storage, warehousing, and processing of equipment and materials utilized or generated in construction, demolition and land clearing, together with ancillary activities, including, but not limited to:
 - ea. Administrative offices.
 - eb. Workshops and equipment maintenance areas, outdoors and within structures.
 - ec. Garages and outdoor parking for construction and demolition equipment and machinery.
 - ed. Outdoor and covered storage and processing of demolition debris and construction materials.
 - ee. Storage buildings.
 - ef. Above-ground fuel tanks.
2. An antenna supporting structure with accessory building.
3. Residential uses consistent with the former RL future land use map designation and with SS zoning. Single family residences shall be limited to the existing (including any replacement thereof) and no more than four (4) additional single family residences.
4. Outdoor storage, refinishing, repair and/or rebuilding of vehicles, boats and trailers that do not constitute a heavy industrial use.

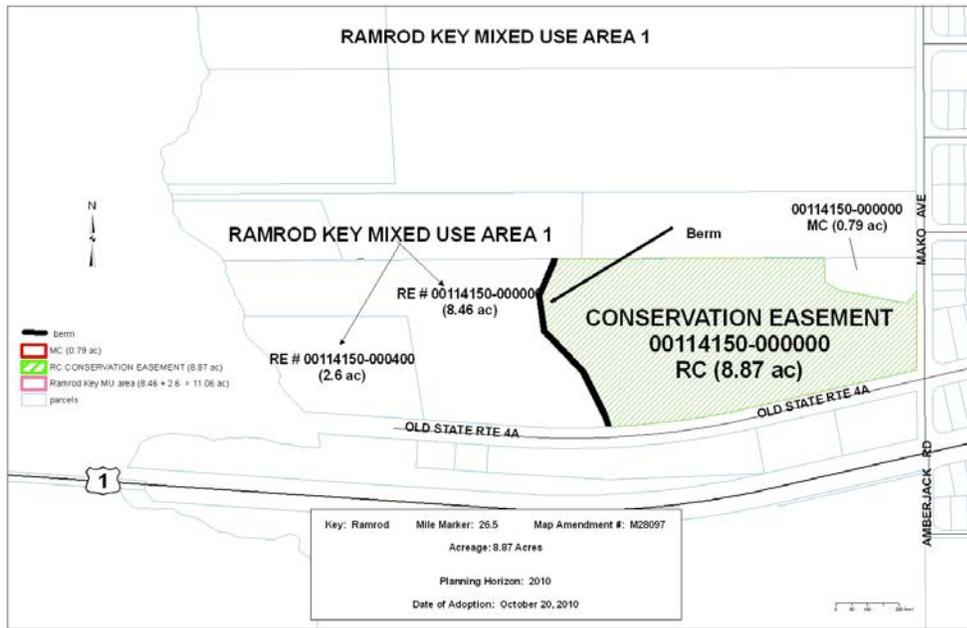
Development of the Ramrod Key Mixed Use Area 1 shall be subject to the restrictions set out below:

1. Wetlands and hammock areas adjacent to outdoor storage shall be protected by:
 - ea. Recordation of a conservation easement prohibiting all development activities on the approximately 8.87 acres of wetlands within the Easterly portion of parcel 00114150-000000. The area to be conserved is delineated on the map below.

eb. Construction and maintenance of a berm, no less than 3 feet in height, on scarified land along the Westerly edge of the wetlands portion of parcel 00114150-000000 as depicted on the map below, to protect the wetlands from stormwater runoff. Prior to issuing any permit for berm construction, Monroe County shall require submission of a stormwater management plan adequate to protect the wetlands portion of the parcel from degradation attributable to stormwater runoff from the adjacent scarified portion utilized for outdoor storage, construction, and demolition activities.



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2. Development shall be contingent on any required coordination and/or approval from the United States Fish & Wildlife Service. (Ord. 028-2010).

Policy 107.1.3 Specific Limitations on Key Largo Mixed Use Area 1

The Key Largo Mixed Use Area 1 has a concentration of non-residential uses currently existing, including approximately 2,968ft² of commercial floor area. The current Real Estate Parcel number is 00440100.000000, contains 0.62 acres and is legally described as:

Lots ~~11, 12~~, 13, 14, 15, 16, 17 and 18, ~~19 and 20~~, Block 2, THOMPSONS SUBDIVISION, Section “A”, according to the plat thereof, as recorded in Plat Book 1, at Page 147, of the Public Records of Monroe County, Florida; and the East 10 feet of that portion of Fisherman’s Trail, adjacent and contiguous to the West boundary line of Lots 15 and 16, Block 2, lying between the North Line of Sailfish Trail and the Southeasterly Right-of-Way line of Old State Road 4A, in Thompsons Subdivision, Section “A”, according to the plat thereof, as recorded in Plat Book 1, at Page 147, of the Public Records of Monroe County, Florida.

Development in the Key Largo Mixed Use Area 1 shall be subject to regulations applicable to the Mixed Use ~~Commercial~~ (MC) Future Land Use Designation as well as the additional restrictions set out below:

1. The maximum commercial floor area ratio of 0.30.
2. There shall be no residential units. (Ord. 021-2010).

Goal 108

The compatibility of lands adjacent to or closely proximate to the Boca Chica airfield of Naval Air Station Key West (NASKW) pursuant to Sections 163.3175 and 163.3177, Florida Statutes, shall be achieved through the implementation of the Objectives and Policies, incorporated herein. Achieved is defined as being consistent with the Objectives and Policies, incorporated herein. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Objective 108.1

Naval Air Station Key West and Monroe County shall exchange information to encourage effective communication and coordination concerning compatible land uses as defined herein.

(Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.1

Monroe County shall transmit to the commanding officer of Naval Air Station Key West information relating to proposed changes to comprehensive plans, plan amendments, Future Land Use Map amendments and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the Naval Air Station Key West (within the Military Installation Area of Impact (MIAI)). Pursuant to statutory requirements, Monroe County shall also transmit to the commanding officer copies of applications for development orders requesting a variance or waiver from height requirements within areas defined in Monroe County's comprehensive plan as being in the MIAI. Monroe County shall provide the military installation an opportunity to review and comment on the proposed changes. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.2

Monroe County shall coordinate with Naval Air Station Key West and the Department of Economic Opportunity (State Land Planning Agency) to review Best Practices and provide guidance on recommended sound attenuation options to be identified in development orders for optional implementation in new construction and redevelopment of existing structures in areas located within the MIAI. The list of recommended sound attenuation options may be based on the level of noise exposure, level of sound protection, and the type of residential construction or manufactured housing that is proposed. Monroe County and the Naval Air Station Key West will coordinate with the Department of Economic Opportunity to identify state and federal housing programs, and to develop informational literature to inform qualified homeowners of the availability of potential funds for sound attenuation. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.3

Within 30 days from the date of receipt from Monroe County of proposed changes, the Naval Air Station Key West commanding officer or his or her designee may provide comments to Monroe County on the impact proposed

changes may have on the mission of the military installation. Monroe County shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency. The commanding officer's comments, underlying studies, and reports shall not be binding on Monroe County. Monroe County shall take into consideration any comments provided by the Naval Air Station Key West commanding officer or his or her designee and shall also be sensitive to private property rights and not be unduly restrictive on those rights. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.4

Monroe County shall include a representative of Naval Air Station Key West as an ex officio, nonvoting member of Monroe County's Planning Commission. The NASKW ex officio member represents all military interests in Monroe County. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.5

Monroe County shall notify the Naval Air Station Key West commanding officer or his or her designee of any development proposals that are scheduled for the Development Review Committee (DRC) at the earliest date possible. NASKW may provide comments on proposals to the DRC. Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.6

The Navy is undertaking an Environmental Impact Statement (EIS) to evaluate alternatives for future airfield operations at Naval Air Station Key West. Monroe County shall work closely with the Navy throughout the process of the EIS and shall discourage the Navy from increasing its operations at NASKW that negatively impact the surrounding community. Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.1.7

In order to protect the value, efficiency, cost-effectiveness, and amortized life of NASKW, pursuant to Section 380.0552 (7)(h)4., F.S., protect the public health, safety, and welfare of the citizens of the Florida Keys, pursuant to Section 380.0552 (7)(n), F.S., and encourage compatibility, Monroe County will encourage the Navy to acquire all land it is impacting with its operations and noise within any geographic area with 80+ Day-Night Average Sound Level (DNL), and any areas where an aircraft mishap could occur. Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Objective 108.2

Monroe County shall consider the protection of public health, safety and welfare as a principal objective of compatible land use planning on lands adjacent to or closely proximate to the Boca Chica airfield of NASKW. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.1

Monroe County shall adopt an overlay to the Future Land Use Map Series identifying the Military Installation Area of Impact (MIAI) to define the zone of influence of NASKW; within which growth management policies shall guide land use activities and uses in areas exposed to impacts generated by Navy operations. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.2

Density and intensity standards and land uses established by the Future Land Use Element and Future Land Use Map, on the effective date of this policy, for properties located within the MIAI overlay shall be recognized and allowed to develop to the maximum development potential pursuant to the standards existing on the effective date of this policy. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.3

Monroe County and Naval Air Station Key West (NASKW) recognize the existing density and intensity, as of the effective date of this policy, established by the Future Land Use Element and Future Land Use Map for property adjacent to or closely proximate to NASKW. NASKW has indicated that it will not object to the issuance of development orders, within the MIAI, if properties have development rights on Future Land Use Map, Land Use District (Zoning) Map, approved development agreements or Section 380.032, F.S. agreements with the State Land Planning Agency. NASKW may provide comments and suggest measures to mitigate potential impacts. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.4

Existing development located within the MIAI overlay shall be recognized and allowed to redevelop. Further, the property's established density and intensity standards and land uses provided by the Future Land Use Element and Future Land Use Map shall be recognized and allowed to redevelop to the maximum development potential pursuant to the standards existing on the effective date of this policy. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.5

Monroe County will maintain the Future Land Use Map (FLUM) designations, for any application received after the effective date of this policy, for properties located within the MIAI overlay. FLUM amendments that increase density and/or

intensity within the MIAI overlay received after the effective date of this policy, are not permitted unless Monroe County transmits the requested FLUM amendment to NASKW, pursuant to Policy 108.1.1. Within 30 days of receipt, the NASKW commanding officer or his or her designee may provide comments on the proposed amendment, based on appropriate data and analysis, to Monroe County indicating whether the property is located within a noise zone or land use incompatibility zone and whether the proposed density and/or intensity increase is incompatible with NASKW.

If NASKW indicates the property is within a land use incompatibility zone, the Board of County Commissioners shall adopt a resolution providing a finding determining whether the property is subject to the restrictions of increasing density and/or intensity for the application filed for the property within the MIAI boundary. Monroe County will maintain the FLUM designations for properties adjacent to or closely proximate to military installations for which NASKW provided data and analysis, which meets the requirements of Section 163.3177(1)(f), F.S., as of the effective date of this policy, which supports a determination that the property is within a land use incompatibility zone. Additionally, for FLUM amendments requesting an increase of density and/or intensity within a land use incompatibility zone, Monroe County shall encourage the Navy to acquire these lands, pursuant to Policy 108.1.7, for the protection of the public health, safety, and welfare of the citizens of the Florida Keys.

If NASKW indicates the property is within a noise zone, Monroe County may consider Future Land Use Map amendments requesting an increase in density and/or intensity within the MIAI overlay, if the property owner submits a supplemental noise study, based on professionally accepted methodology approved by Monroe County and NASKW, to determine whether the noise level is greater than or less than 65 DNL (Day-Night Average Sound Level) at the subject property (site) requesting the proposed FLUM amendment.

- Once the applicant submits the supplemental noise study, Monroe County and NASKW shall review the submitted, supplemental noise study for professionally acceptable sufficiency. The Naval Air Station Key West commanding officer or his or her designee may provide comments, based on appropriate data and analysis, to Monroe County stating whether the Navy recognizes the noise study as a “professionally accepted methodology.”
- NASKW shall be provided up to nine (9) months from receipt of the supplemental noise study, submitted with the application requesting a FLUM amendment which proposes increases in density and/or intensity within the MIAI overlay, to provide comments to Monroe County. Once comments are received or, if comments are not received within nine (9) months from NASKW, the County shall allow the applicant to proceed through the public hearing process with the submitted, supplemental noise study, based upon the methodology defined in the Monroe County Technical Document of the adopted Monroe County Comprehensive Plan.

- Monroe County shall take into consideration any comments and accompanying data and analysis, provided by the Naval Air Station Key West commanding officer or his or her designee regarding the professional acceptability of the methodology of the noise study.
- Considering the supplemental noise study, based on professionally accepted methodology reviewed by Monroe County and NASKW, if provided, the Board of County Commissioners shall adopt a resolution providing a finding determining whether the property, within the MIAI boundary, is or is not subject to the restrictions on increasing density and/or intensity for the application filed.
- After 90 days of the adoption of the Board of County Commission resolution, Monroe County will schedule the required public hearings for the FLUM application requesting an increase in density and/or intensity, filed for the property within the MIAI boundary.

Alternatively, with a requested FLUM amendment, a supplemental noise study, based on professionally acceptable methodology, can be submitted that was modeled using the Integrated Noise Model which has been adopted by the FAA as the standard model used for Part 150 studies or NOISEMAP which is used by the Department of Defense for modeling military aircraft noise for Air Installation Compatible Use Zones.

The Board of County Commissioners may condition a granting of a resolution on a waiver of liability against or indemnification of the County by the requesting property owner for any cause of action or claim based upon the current or future uses and operations at NASKW. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.6

For any application received after the effective date of this policy, within the MIAI overlay, Monroe County will not approve NEW land uses, as demonstrated on the MIAI Land Use Table (permitted uses shown in Column #2), through a Future Land Use Map, Text, overlay or LUD map amendment.

The MIAI Land Use Table provides the Future Land Use Map (FLUM) Categories (Column 1) as of the effective date of this policy and includes the permitted uses (Column 2), allocated density per acre (Column 3), maximum net density per buildable acre (Column 4), the floor area ratio (Column 5), and corresponding zoning category (Column 6) within each FLUM category located within the MIAI boundary. Further the MIAI Land Use Table provides land uses located within the 65-69 DNL Noise Zone 2 and NASKW's suggested land use compatibility within this noise zone. The table includes land uses allowed (Column 7), land uses allowed with restrictions (Column 8), land uses that are generally incompatible but allowed with exceptions (Column 9) and the land uses that are not compatible and should be prohibited. Column 11 provides notes associated with Columns 7, 8, 9 and 10 and indicates that additional land uses may be permitted based upon existing the provisions adopted within the

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Comprehensive Plan. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I),
Effective date of July 19, 2012)

[MIAI Land Use Table on following pages]

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (B5-B9 DNL, Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAI)	Corresponding Zoning Categories	Uses Allowed in MIA	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes
N/A	N/A	N/A	N/A	N/A	N/A	Food & kindred products, manufacturing Textile mill products, manufacturing Apparel and other finished products, products made from fabrics, leather and similar materials, manufacturing Lumber and wood products (except furniture), manufacturing Furniture and fixtures, manufacturing Paper and allied products, manufacturing Printing, publishing, and allied industries Chemicals and allied products, manufacturing Rubber and misc. plastic products, manufacturing Stone, clay and glass products, manufacturing Primary metal products, manufacturing Fabricated metal products, manufacturing Professional scientific, and controlling instruments, photographic and optical goods, watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Metro rail transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade - building materials, hardware and farm equipment Retail trade - clothing centers Retail trade - food Retail trade - automotive, motor craft, aircraft and accessories Retail trade - sports and accessories Retail trade - furniture, home, furnishings and equipment Retail trade - eating and drinking establishments Other retail trade	Government Services Netow exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water, etc.) Resorts and group camps Parks Other cultural, entertainment and recreation Agriculture (except live stock) Livestock farming Animal breeding Agriculture related activities Financy Activities Hospitals, other medical fac. Educational services Culture activities (i.e. churches) Auditoriums, concert halls	Household Units Single units: detached Single units: semi-detached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells Amphitheaters	Navy Suggested Land Use Compatibility for the B5-B9 DNL, Noise Zone 2
Military	Federally owned lands used for military purposes	8 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50	Military Facilities	Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Metro rail transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities	Government Services	Household Units Single units: detached Single units: semi-detached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes		
Public Facilities	land owned by public utilities and service providers	0 du 0 rooms/spaces	N/A N/A	0.10-0.30	no directly corresponding zoning	Communication Utilities Other transportation, communication and utilities	Government Services			
Institutional	institutional uses by federally tax-exempt, non-profit facilities, and related residential and non-residential uses, including student and employee housing shall be allowed	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40	no directly corresponding zoning		Netow exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water, etc.) Resorts and group camps Parks Other cultural, entertainment and recreation Hospitals, other medical fac. Educational services Culture activities (i.e. churches) Auditoriums, concert halls	Household Units Single units: detached Single units: semi-detached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells Amphitheaters	

Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (SS-69 DNL, Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAI)	Corresponding Zoning Categories	Uses Allowed in MAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes
Recreation	public and private activity-based and resource-based recreational facilities	0.25 du 2 rooms/acre	N/A N/A	0.20	Park & Refuge district	Highway and street right-of-way Automobile parking Retail trade - eating and drinking establishments	Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water, etc.) Resorts and group camps Parks Other cultural, entertainment and recreation Animal breeding Educational services Cultural activities (i.e. churches) Auditoriums, concert halls	Group quarters Residential homes Mobile home parks or courts Transient lodgings Other residential	Outdoor music shells, Amphitheaters	Zoning District category may identify additional uses, not described within the FLUM category
Conservation	preservation of natural and historic resources, compatible passive recreational uses, and public uses	0 du 0 rooms/acre	N/A N/A	0.05	Conservation district		Nature exhibits Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water, etc.) Resorts and group camps Parks Other cultural, entertainment and recreation Animal breeding Educational services			Zoning District category may identify additional uses, not described within the FLUM category
Industrial	industrial, manufacturing, and warehouse and distribution uses; and other commercial, public, residential, and commercial fishing-related uses are also allowed	1 du 0 rooms/acre	2 du N/A	0.25-0.50	1. Industrial district 2. Maritime Industrial district	Food & kindred products; manufacturing Tanned hide products; manufacturing Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing Lumber and wood products (except furniture); manufacturing Furniture and fixtures; manufacturing Paper and allied products; manufacturing Printing, publishing, and allied industries Chemicals and allied products; manufacturing Petroleum refining and related industries Rubber and misc. plastic products; manufacturing Stone, clay and glass products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Professional scientific, and computing instruments, photographic and optical goods, watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communications Utilities Other transportation, communication and utilities Wholesale trade Retail trade - building materials, hardware and farm equipment Retail trade - shopping centers Retail trade - food Retail trade - automotive, marine craft, aircraft and accessories Retail trade - apparel and accessories Retail trade - furniture, home, furnishings and equipment Retail trade - eating and drinking establishments Other retail trade	Government Services	Household Units Single units, detached Single units, semi-detached Single units, attached row Two units, side-by-side Two units, one above the other Apartment, walk-up Apartment, elevator Group quarters Mobile home parks or courts Other residential Nursing Homes		Zoning District category may identify additional uses, not described within the FLUM category

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Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (65-69 DNL, Native Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAI)	Corresponding Zoning Categories	Uses Allowed in MAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes
Mixed Use/Commercial	commercial zoning districts where various types of commercial retail and office may be permitted; employee housing and commercial apartments are also permitted; and mixed use development patterns - various types of residential and non-residential uses may be permitted	1-6 du 5-15 rooms/apartments	5-18 du 10-25 rooms/apartments	0.10-0.45	1. Recreational Vehicle district 2. Suburban Commercial district 3. Mixed Use district	Retail trade - building materials, hardware and farm equipment Retail trade - shopping centers Retail trade - food Retail trade - automotive, marine craft, aircraft and accessories Retail trade - apparel and accessories Retail trade - furniture, home furnishings and equipment Retail trade - eating and dining establishments Other retail trade	Outdoor sports arenas, spectator sports Recreational activities (include golf courses, riding stables, water rec.) Resorts and group camps Other cultural, entertainment and recreation Cultural activities (i.e. churches) Auditoriums, concert halls	Household Units Single units, detached Single units, semi-detached Single units, attached row Two units, side-by-side Two units, one above the other Apartments, walk-up Apartment, elevator Group quarters Residential hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes	Outdoor music shells, Amphitheaters	Zoning district category may identify additional uses, not described within the FLUM category
Mixed Use/Commercial Fishing	commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry, and residential uses are also permitted	Approx. 3-6 du 0 rooms/apartments	12 du 0 rooms/apartments	0.25-0.40	Commercial Fishing Area district	Food & kindred products, manufacturing Primary metal products, manufacturing Fabricated metal products, manufacturing Rubber and misc. plastic products, manufacturing Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade - food Retail trade - eating and dining establishments Other retail trade	Household Units Single units, detached Single units, semi-detached Single units, attached row Two units, side-by-side Two units, one above the other Apartments, walk-up Apartment, elevator Group quarters Mobile home parks or courts Other residential		Zoning district category may identify additional uses, not described within the FLUM category	
Residential Conservation	very low-density residential development and low-intensity public uses and utilities are also allowed	0-0.25 du 0 rooms/apartments	N/A N/A	0-0.10	1. Offshore Island district 2. Native Area district	Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities	Household Units Single units, detached Single units, semi-detached Single units, attached row Two units, side-by-side Two units, one above the other Apartments, walk-up Apartment, elevator Group quarters Other residential		There may be other uses based upon LDC. Any other residential use that was listed as a permitted use in the land development regulations that were in effect immediately prior to the adoption of the 2010 Comprehensive Plan (pre-2010 LDC), and that would be applied on each tract on January 4, 1996 to existing, redeveloped, reactivated and/or substantially improved parcels that the use is listed in currently, then uses, density and to the type of use that existed on January 4, 1996 or prior to what the pre-2010 LDC allowed, whichever is more restrictive.	

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Comprehensive Plan Future Land Use Map Designation categories located within the Military Installation Area of Influence						Military Installation Area of Influence (D-48 DNL, Noise Zone 2)				
1	2	3	4	5	6	7	8	9	10	11
FLUM Category	Uses	Allocated Density	Max Net Density	Intensity (FAR)	Corresponding Zoning Categories	Uses Allowed in MAI	Uses Allowed with Restrictions*	Uses Generally Incompatible (allowed with exceptions)**	Uses Not Compatible & should be Prohibited	Notes
Residential High	High-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing	Approx. 3-18 du (1-2 du/ds) 10 rooms/spaces	12 du 20 rooms/spaces	0	1. Urban Residential - Mobile Home District 2. Urban Residential - Mobile Home - Limited District			Household Units Single units: detached Single units: semi-detached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator Group quarters Residential hotels Mobile home parks or courts Transient lodgings Other residential Nursing homes		There may be other uses based upon LDC. Any other non-residential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the adoption of the 2010 Comprehensive Plan (pre-2010 LDC), and that were in effect on each date on January 4, 1996 to January 4, 1998, including, residential and/or substantially non-residential, is prohibited if the use is listed in intensity, floor area, density and to the type of use that existed on January 4, 1996 or first to what the pre-2010 LDCs allowed, whichever is more restrictive.
Residential Medium	one residential dwelling unit for each such planned lot or parcel which existed at the time of plan adoption	Approx. 0.5-6 du (1 du/ds) 0 rooms/spaces	N/A N/A	0	Improved Subdivision district			Household Units Single units: detached Single units: semi-detached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator		There may be other uses based upon LDC. Any other non-residential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the adoption of the 2010 Comprehensive Plan (pre-2010 LDC), and that were in effect on each date on January 4, 1996 to January 4, 1998, including, residential and/or substantially non-residential, is prohibited if the use is listed in intensity, floor area, density and to the type of use that existed on January 4, 1996 or first to what the pre-2010 LDCs allowed, whichever is more restrictive.
Residential Low	low-density residential development in partially developed areas with substantial native vegetation and low intensity public and low intensity institutional uses are also allowed.	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.25-0.25	1. Openway Settled district 2. Suburban Residential district			Household Units Single units: detached Single units: semi-detached Single units: attached row Two units: side-by-side Two units: one above the other Apartments: walk-up Apartment: elevator		There may be other uses based upon LDC. Any other non-residential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the adoption of the 2010 Comprehensive Plan (pre-2010 LDC), and that were in effect on each date on January 4, 1996 to January 4, 1998, including, residential and/or substantially non-residential, is prohibited if the use is listed in intensity, floor area, density and to the type of use that existed on January 4, 1996 or first to what the pre-2010 LDCs allowed, whichever is more restrictive.

2007 AICUZ Study Table 6-2 notes:

*Uses Allowed with Restrictions. The land use and related structures are generally compatible.

Note 1

- a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.
- b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.
- c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.

d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

Note 7

Land use compatible provided special sound reinforcement systems are installed.

Note 8

Residential buildings require a NLR of 25

Note 25, 30 or 35

The numbers refer to Noise Level Reduction levels. Land Use and related structures generally compatible however, measures to achieve NLR of 25, 30 or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.

**Uses Generally Incompatible (allowed with exceptions). The land use and related structures are generally incompatible.

Note 1

- a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.
- b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.
- c) Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.
- d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

NLR (Noise Level Reduction) Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

Monroe County Comprehensive Plan Update

Navy Suggested Land Use Compatibility for the 65-69 DNL, Nolar Zone 2			
Uses Allowed in MUA (Y on Table 6-2)	Uses Allowed with Restrictions (Y, Y1, Y2 and ZB on Table 6-2)	Uses Generally Incompatible (allowed with exceptions) (N1 on Table 6-2)	Uses Not Compatible & Should be Prohibited (N on Table 6-2)
<p>Food & kindred products; manufacturing Textile mill products; manufacturing Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing Lumber and wood products (except furniture); manufacturing Furniture and fixtures; manufacturing Paper and allied products; manufacturing Printing, publishing, and allied industries Chemicals and allied products; manufacturing Petroleum refining and related industries Rubber and plastic products; manufacturing Stone, clay and glass products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade – building materials, hardware and farm equipment Retail trade – shopping centers Retail trade – food Retail trade – automotive, marine craft, aircraft and accessories Retail trade – apparel and accessories Retail trade – furniture, home, furnishings and equipment Retail trade – selling and drinking establishments Other retail trade</p>	<p>Government Services Nature exhibits Outdoor sports areas, spectator sports Recreational activities (include golf courses, riding stables, water etc.) Resorts and group camps Parks Other cultural, entertainment and recreation Agriculture (except live stock) Livestock farming Animal breeding Agriculture related activities Forestry Activities Hospitals, other medical facilities Educational services Cultural activities (i.e. churches) Auditoriums, concert halls</p>	<p>Household Units Single units, detached Single units, semi-detached Single units, attached row Two units, side-by-side Two units, one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes</p>	<p>Outdoor music shells, Amphitheatres</p>

Navy Suggested Land Use Compatibility for the 65-69 DNL, Nolar Zone 2			
Uses Allowed in MUA (Y on Table 6-2)	Uses Allowed with Restrictions (Y, Y1, Y2 and ZB on Table 6-2)	Uses Generally Incompatible (allowed with exceptions) (N1 on Table 6-2)	Uses Not Compatible & Should be Prohibited (N on Table 6-2)
<p>Food & kindred products; manufacturing Textile mill products; manufacturing Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing Lumber and wood products (except furniture); manufacturing Furniture and fixtures; manufacturing Paper and allied products; manufacturing Printing, publishing, and allied industries Chemicals and allied products; manufacturing Petroleum refining and related industries Rubber and plastic products; manufacturing Stone, clay and glass products; manufacturing Primary metal products; manufacturing Fabricated metal products; manufacturing Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks Miscellaneous manufacturing Railroad, rapid rail transit, and street railway transportation Motor vehicle transportation Aircraft transportation Marine craft transportation Highway and street right-of-way Automobile parking Communication Utilities Other transportation, communication and utilities Wholesale trade Retail trade – building materials, hardware and farm equipment Retail trade – shopping centers Retail trade – food Retail trade – automotive, marine craft, aircraft and accessories Retail trade – apparel and accessories Retail trade – furniture, home, furnishings and equipment Retail trade – selling and drinking establishments Other retail trade</p>	<p>Government Services Nature exhibits Outdoor sports areas, spectator sports Recreational activities (include golf courses, riding stables, water etc.) Resorts and group camps Parks Other cultural, entertainment and recreation Agriculture (except live stock) Livestock farming Animal breeding Agriculture related activities Forestry Activities Hospitals, other medical facilities Educational services Cultural activities (i.e. churches) Auditoriums, concert halls</p>	<p>Household Units Single units, detached Single units, semi-detached Single units, attached row Two units, side-by-side Two units, one above the other Apartments: walk-up Apartment: elevator Group quarters Residential Hotels Mobile home parks or courts Transient lodgings Other residential Nursing Homes</p>	<p>Outdoor music shells, Amphitheatres</p>

Policy 108.2.7

Nonresidential land uses expressly allowed within the residential Future Land Use Categories (see Column 11 MIAI Land Use Table) as land uses permitted in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996, shall be recognized through a "Letter of Development Rights Determination" process and transmitted to the State Land Planning Agency. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

Policy 108.2.8

Within the MIAI overlay, Monroe County may consider requests from property owners for reduction in density and/or intensity or changes in uses that reduce incompatibility of land uses with Goal 108 and associated Objectives and Policies. (Ord. 012-2012, DEO 12-1ACSC-NOI-4401-(A)-(I), Effective date of July 19, 2012)

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