

AGENDA

PLANNING COMMISSION
MONROE COUNTY
March 27, 2013
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling, Chairman
Jeb Hale
Elizabeth Lustberg
Ron Miller
William Wiatt

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mayte Santamaria, Assistant Director of Planning and Environmental Resources
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Steven Biel, Sr. Planner
Rey Ortiz, Planner
Emily Schemper, Planner
Barbara Bauman, Planner
Timothy Finn, Planner
Matt Coyle, Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

-

-

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-

-

APPROVAL OF MINUTES

-

MEETING

Continued Items:

1-a. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REVISING PROVISIONS OF THE MONROE COUNTY CODE CONCERNING THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO); AMENDING THE FOLLOWING MONROE COUNTY CODE SECTIONS: SECTION 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE; SECTION 138-48, GENERAL PROVISIONS; SECTION 138-49, TYPE OF DEVELOPMENT AFFECTED; SPECIAL REQUIREMENTS; SECTION 138-50, TYPE OF DEVELOPMENT NOT AFFECTED; SECTION 138-51, NROGO ALLOCATIONS; ESTABLISHING NEW DEFINITIONS; REVISING THE TYPES OF DEVELOPMENT AFFECTED AND NOT AFFECTED; REVISING THE REGULATIONS TO INCREASE THE NUMBER OF NROGO ALLOCATION PERIODS IN A NROGO YEAR FROM TWO ALLOCATION PERIODS TO FOUR ALLOCATION PERIODS; INCREASING THE MAXIMUM AMOUNT OF SQUARE FOOTAGE FOR AN ALLOCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-013)

[2012-013-a SR PC 03.27.13.PDF](#)

[2012-013-a-b Attachments to SR.PDF](#)

1-b. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REVISING PROVISIONS OF THE MONROE COUNTY CODE CONCERNING THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO); AMENDING THE FOLLOWING MONROE COUNTY CODE SECTIONS: SECTION 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE; SECTION 138-52, APPLICATION PROCEDURES FOR NROGO; SECTION 138-53, EVALUATION PROCEDURES FOR NONRESIDENTIAL FLOOR AREA ALLOCATIONS; ESTABLISHING NEW DEFINITIONS; ESTABLISHING A MECHANISM TO ALLOCATE NONRESIDENTIAL FLOOR AREA UNALLOCATED IN PREVIOUS YEARS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-013)

[2012-013-b SR PC 03.27.13.PDF](#)

New Items:

2. CONSIDERATION OF A REQUEST BY PARADISE PIT, LLC TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM MIXED USE/COMMERCIAL (MC), RESIDENTIAL LOW (RL), AND RESIDENTIAL CONSERVATION (RC), TO INDUSTRIAL (I), RESIDENTIAL CONSERVATION (RC), AND CONSERVATION (C), FOR PROPERTY LOCATED AT 101075 AND 101101 OVERSEAS HIGHWAY, KEY LARGO, LEGALLY DESCRIBED AS PARCELS OF LAND WITHIN SECTION 27, TOWNSHIP 61 SOUTH, RANGE 39 EAST, ON KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00087100.000500 AND 00087190.000000.

(File 2012-140)

[2012-140 SR PC 03.27.13.PDF](#)

[2012-140 FILE.PDF](#)

[2012-140 Recvd 10.22.12 Survey.pdf](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

- Update from Mayte Santamaria on Keith & Schnars progress

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



**Item #1-a NROGO Allocation Process
Staff Report**

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Joseph Haberman, AICP, Planning & Development Review Manager

A large, stylized handwritten signature in black ink, likely belonging to Joseph Haberman.

Date: **March 15, 2013**

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REVISING PROVISIONS OF THE MONROE COUNTY CODE CONCERNING THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO); AMENDING THE FOLLOWING MONROE COUNTY CODE SECTIONS: SECTION 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE; SECTION 138-48, GENERAL PROVISIONS; SECTION 138-49, TYPE OF DEVELOPMENT AFFECTED; SPECIAL REQUIREMENTS; SECTION 138-50, TYPE OF DEVELOPMENT NOT AFFECTED; SECTION 138-51, NROGO ALLOCATIONS; ESTABLISHING NEW DEFINITIONS; REVISING THE TYPES OF DEVELOPMENT AFFECTED AND NOT AFFECTED; REVISING THE REGULATIONS TO INCREASE THE NUMBER OF NROGO ALLOCATION PERIODS IN A NROGO YEAR FROM TWO ALLOCATION PERIODS TO FOUR ALLOCATION PERIODS; INCREASING THE MAXIMUM AMOUNT OF SQUARE FOOTAGE FOR AN ALLOCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: **March 27, 2013**

1
2 I REQUEST

3
4 This proposed text amendment was considered by the Planning Commission at its January
5 30, 2013 and February 27, 2013 meetings. The public hearing was continued to March 27,
6 2013 in order for the Planning Commission to have more time to review additional
7 supporting information/documentation and revisions provided by staff prior to the February
8 27, 2013 meeting. For comparison purposes, areas of significant difference between this staff
9 report dated March 15, 2013 and the previous staff report dated February 25, 2013, as well as
10 areas of additional language/information, are highlighted.

11
12 The Planning & Environmental Resources Department is proposing amendments to the text
13 of §138-47, §138-48, §138-49, §138-50, and §138-51 of the Monroe County Code (MCC).

1 The amendments, which all pertain to the NROGO permit allocation system, are necessary
2 to:

- 3 a) Simplify the NROGO application process;
- 4 b) Remove obsolete regulations and language (some of which was necessary for the
5 system's implementation; however is no longer required as the system is in place);
- 6 c) Establish new definitions;
- 7 d) Revise the types of development affected and not affected;
- 8 e) Revise the regulations to increase the number of NROGO allocation periods in a
9 given year from two allocation periods to four allocation periods;
- 10 f) Commencing NROGO Year 23, distribute the annual NROGO allocation
11 proportionately to each of the three ROGO subareas (Upper/Lower/Big Pine & No
12 Name). Currently, with the exception of a proportional allotment to the Big Pine &
13 No Name ROGO subarea, the remainder of the annual NROGO allocation is
14 distributed to a combination of Upper/Lower ROGO subareas, often
15 disproportionately.
- 16 g) Increase the maximum amount of a de minimis expansion (a building permit approval
17 that does not require a NROGO application and allocation award) from 100 SF to
18 1,000 SF; and
- 19 h) Increase the maximum amount of an allocation available per NROGO allocation
20 period from 2,500 SF to 10,000 SF.

21
22 Staff is not recommending any changes that are inconsistent with the pertinent, existing
23 policies of the Monroe County Comprehensive Plan- most importantly, Policy 101.3.1,
24 which requires the NROGO permit allocation system and limits the square footage of non-
25 residential development to a ratio of approximately 239 SF per each new dwelling unit
26 allocated via the ROGO permit allocation system.

27 28 II RELEVANT PRIOR COUNTY ACTIONS:

29
30 The NROGO was adopted into the Monroe County Code, as required by Monroe County
31 Comprehensive Plan Policy 101.3.1.

32
33 The NROGO was first adopted in 2001 by Ordinance #032-2001. It has been effective from
34 July 2001 to present. In order to carry out several miscellaneous amendments, MCC Chapter
35 138, Article III, NROGO has been amended several times from its adoption to present date.
36 Of these amendments, it is important to note that in order to implement the tier scoring
37 system, the NROGO regulations were amended in 2006 by Ordinance #011-2006.

38
39 Recently, Monroe County amended MCC §138-47 and §138-52 (File #2012-038). The main
40 purpose of that amendment was to establish a requirement that a building permit application
41 be revised following receipt of its require ROGO and/or NROGO allocation(s) and prior to
42 building permit issuance to meet all building codes in effect at the time of building permit
43 issuance. Please note that Ordinance #024-2012, which memorialized the amendment, was
44 adopted by the BOCC and is now effective.

1 A previous version of this text amendment (MCC §138-51 only) was reviewed by the
2 Development Review Committee on June 26, 2012 and scheduled for review by the Planning
3 Commission on July 25, 2012. Prior to the public hearing by the Planning Commission, staff
4 opted to include additional text amendments, including some within additional sections of the
5 Land Development Code, and determined that the revisions required additional review by the
6 Development Review Committee prior to review by the Planning Commission.
7

8 A previous version of this text amendment (MCC §138-47 through §138-53) was reviewed
9 by the Development Review Committee on August 28, 2012. During the Planning
10 Commission's November 28, 2012 public hearing, in anticipation of hearing this text
11 amendment, the Planning Commission advised staff to separate the proposal to establish a
12 NROGO bank from the other non-related NROGO text amendments so that it could be
13 considered independently.
14

15 The separate text amendment petition is being processed concurrently to this amendment.
16 The other amendment affects MCC §138-47 as well. The purpose of the other amendment is
17 to revise MCC §138-47 to establish new definitions related to a new process and revise MCC
18 §138-52 and §138-53 to establish a mechanism to allocate nonresidential floor area that went
19 unallocated in previous years (to be known as the NROGO bank).
20

21 This proposed text amendment was considered by the Planning Commission at its January
22 30, 2013 meeting. The public hearing was first continued to February 27, 2013 in order for
23 staff to compile additional supporting information/documentation and incorporate several
24 revisions suggested by the Commission. The public hearing was continued a second time to
25 March 27, 2013 in order for the Commission to have more time to review the
26 information/documentation and revisions provided by staff.
27

28 This proposed text amendment was discussed by the Board of County Commissioners at its
29 February 20, 2013 meeting. Regarding this proposed text amendment, the Board requested
30 that staff:

- 31 • In order to have proportional nonresidential growth, amend the regulations so that the
32 annual NROGO allocation is proportionately divided into the three ROGO subareas
33 (Upper Keys, Lower Keys and Big Pine/No Name Keys). Currently, the annual
34 allocation is divided between the Upper/Lower Keys subareas and the Big Pine/No
35 Name Keys subarea as required by the Big Pine and No Name Keys CommuniKeys
36 Plan. [Note: Although consistent with the existing language of Comprehensive Plan
37 Policy 101.3.1, the revised language for Policy 101.3.1 within the proposed
38 comprehensive plan update would require additional revision.]
- 39 • In order to encourage small-scale development, increase the maximum amount of a
40 de minimis expansion (a building permit approval that does not require a NROGO
41 application and allocation award) from 100 SF to 1,000 SF and allow vacant sites to
42 receive a de minimis expansion building permit. [Staff had recommended an
43 increase; however 1,000 SF or less for additions to existing nonresidential buildings
44 greater than 2,000 SF in floor area; b) half of the existing SF or less for additions to
45 existing nonresidential buildings less than 1,999 SF in floor area; and c) 500 SF or
46 less for new buildings of 500 SF or less of floor area].

- In order to provide more clarity, revise language to differentiate community center areas recognized and approved via CommuniKeys plans and overlay districts recognized and approved via text amendments to the Land Development Code. Further, explain that buildings within such defined and recognized areas can exceed the 10,000 SF building limit.

III REVIEW

As currently set forth in MCC §138-47(b), the purposes and intent of the NROGO are: 1) to facilitate implementation of goals, objectives and policies set forth in the Comprehensive Plan relating to maintaining a balance between residential and nonresidential growth; 2) to maintain a ratio of approximately 239 SF of nonresidential floor area for each new residential permit issued through the ROGO; 3) to promote the upgrading and expansion of existing small-size businesses and to retain the predominately small scale character of nonresidential development in the Florida Keys; 4) to regulate the rate and location of nonresidential development in order to eliminate potential land use conflicts; and 5) to allocate the nonresidential floor area annually hereunder, based on the goals, objectives and policies of the Comprehensive Plan and the Livable CommuniKeys master plans.

Comprehensive Plan Policy 101.3.1, which addresses the NROGO permit allocation system, states:

Monroe County shall maintain a balance between residential and non-residential growth by limiting the square footage of non-residential development to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Residential Permit Allocation System. This ratio may be modified from time to time through 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 in Policy 101.2.1.

Staff has drafted the ordinance to become effective on the commencement of NROGO Year 22, which is July 13, 2013. The draft previously reviewed by the Planning Commission erroneously cited NROGO Year 23 as the beginning point, which would be approximately July 13, 2014. In the event that the ordinance cannot be processed and deemed effective by July 13, 2013, staff recommends that the commencement date be the opening date of Period 2 of NROGO Year 23, which would be approximately January 14, 2014. Potential effective dates for the ordinance are as follows:

NROGO Year 21 (July 13, 2012 through July 12, 2013):
Period 1: July 13, 2012 through January 14, 2013
Period 2: January 15, 2013 through July 12, 2013

NROGO Year 22 (July 13, 2013 through July 12, 2014)
Period 1: July 13, 2013 through January 14, 2014

1 Period 2: January 15, 2014 through July 12, 2014
2

3 As proposed, the NROGO dates would become synced with ROGO dates, which is currently
4 based on quarters:
5

6 Quarter 1: July 13 through October 12

7 Quarter 2: October 13 through January 12

8 Quarter 3: January 13 through April 12

9 Quarter 4: April 13 through July 12
10

11 MCC §138-47:
12

13 Amendments are necessary to the definitions contained within this section that are applicable
14 to application of the NROGO. Staff is proposing to create definitions for *canopy*, *quarterly*
15 *nonresidential ROGO allocation period* and *quarterly nonresidential ROGO allocation*,
16 revise the existing definitions of *nonresidential floor area* and *storage area*, and eliminate
17 the obsolete definitions for *covered walkways* (to be reclassified under the proposed *canopy*
18 definition), *infill* (now tier III) and *sunshade* (to be reclassified under the proposed *canopy*
19 definition). As a note, in a recent text amendment (File #2012-038), the County created a
20 definition for *lawfully established ROGO/NROGO exemption* and revised the definitions of
21 *buildable lot or parcel*, *nonresidential floor area*, *nonresidential ROGO allocation*,
22 *nonresidential ROGO allocation award* and *site*.
23

24 MCC §138-48:
25

26 An amendment is necessary to have the applicability date of NROGO permit allocation
27 system be the effective date of the NROGO, September 19, 2001, not the effective date of the
28 Monroe County Year 2010 Comprehensive Plan, January 4, 1996. In addition, an
29 amendment is necessary to directly exclude mainland areas of the county and Ocean Reef
30 from being subject to the NROGO. Both areas are already indirectly excluded from the
31 NROGO by being directly excluded from the ROGO (MCC §138-50(2)). This indirect
32 exclusion results in confusion.
33

34 MCC §138-49:
35

36 Amendments are necessary to clarify where commercial retail of very high-intensity may be
37 located; to remove references to storage areas, outdoor retail sales and outdoor commercial
38 recreation uses from this “affected” by NROGO section as these types of development are
39 not contained within the definition of *nonresidential floor area* and are thereby not affected
40 by or subject to the NROGO; and to remove the prohibition on enclosing a canopy or drive-
41 through in existence on or before September 19, 2001 as staff is proposing to remove such
42 unenclosed development from the definition of *nonresidential floor area*.
43
44
45
46

1 MCC §138-50:
2

3 An amendment is necessary to modify the date in which a de minimis expansion is available,
4 from the effective date of the Monroe County Year 2010 Comprehensive Plan, January 4,
5 1996 to the effective date of the NROGO, September 19, 2001. An amendment is
6 recommended to provide a larger amount for de minimis expansion of nonresidential floor
7 area, or floor area which can be permitted without the requirement to compete in the
8 NROGO permit allocation system. The recommended amount is 1,000 SF per property
9 (currently 100 SF), which would be cumulative (i.e. an applicant could utilize it all at once
10 for a 1,000 SF addition or in parts, such as in one point in time for a 500 SF shed and a later
11 point in time for a 500 SF addition). Development on properties which have utilized the
12 existing 100 SF de minimis expansion will only be allowed to further expand by 900 SF. In
13 addition, an amendment is recommended to remove the requirement that a de minimis
14 expansion is only available to expand an existing nonresidential structure.
15

16 An amendment is recommended to replace *sunshade* as a type of exempt development with
17 *canopy*, corresponding with the proposed definition in MCC §138-47.
18

19 Amendments are necessary to the subsection pertaining to the transfer off-site of existing
20 nonresidential floor area. As staff is proposing the removal of outdoor seating as a type of
21 development subject to the NROGO, reference to outdoor seating should be removed in this
22 subsection. In addition, existing receiver site criterion 5 and 6 conflict with criteria 1, which
23 states the receiver site must be tier III (the other criterion suggest it could be tier I, tier II or
24 tier III-SPA). In addition, for consistency with other sections, revisions are recommended to
25 the limitations and procedures.
26

27 MCC §138-51:
28

29 The Comprehensive Plan does not require the County to award NROGO allocations a
30 specific number of times within a given NROGO year. It only requires the County to limit
31 the total square footage awarded in a given NROGO year by multiplying the number of
32 residential allocations available in the annual ROGO Year by 239 SF. The Monroe County
33 Code requires the County to award NROGO allocations on a semi-annual basis within a
34 given NROGO year.
35

36 The proposed amendments do not affect the total amount of nonresidential floor area
37 awarded via the NROGO permit allocation system in a given NROGO year (239 SF of
38 nonresidential floor area per each dwelling unit or 47,083 SF (239 SF x 197 units)). The
39 proposed amendments only allow the County to award the total annual NROGO allocation
40 on a quarterly basis rather than a semi-annual basis.
41

42 In order to have proportional nonresidential growth, an amendment is necessary to the
43 regulations so that the annual NROGO allocation is proportionately divided into the three
44 ROGO subareas (Upper Keys, Lower Keys and Big Pine/No Name Keys). Currently, the
45 annual allocation is divided between the Upper/Lower Keys subareas and the Big Pine/No
46 Name Keys subarea as required by the Big Pine and No Name Keys CommuniKeys Plan.

1
2 Of the 44,693 SF annually made available for the Lower and Upper Keys subareas,
3 beginning NROGO Year 22, this floor area shall be distributed to each of subareas based on
4 the number of residential dwelling unit permits made available for each of the subareas.
5 Commencing NROGO Year 23, the annual amount of floor area available for allocation
6 under NROGO shall be 47,083 SF, of which:
7

<i>ROGO Subarea</i>	<i># of Market Rate Units</i>	<i># of Affordable Units*</i>	<i>Annual NROGO Allocation (# of Units x 239 SF)</i>
Upper	61	35	22,944 SF
Lower	57	34	21,749 SF
Big Pine/No Name	8	2	2,390 SF
<i>Total</i>			<i>47,083 SF</i>

8 * Concerning the Upper Keys and Lower Keys ROGO subareas, 71 affordable ROGO
9 allocations are disproportionately distributed. The above table divides this total in half and
10 gives the extra unit to the Upper Keys ROGO subarea (since it has more market-rate growth).
11

12 The proposed amendment would allow applicants to receive NROGO allocations needed for
13 projects in a timelier manner when the nonresidential floor area for such NROGO allocations
14 is readily available. Following an evaluation of the NROGO permit allocation system, staff
15 has determined that rarely is there competition that requires the County to award all of the
16 nonresidential floor area that is available each allocation period. Therefore, in most cases,
17 applicants are able to receive the full amount (typically 2,500 SF per allocation period) in
18 which they are entitled to receive. However, administratively, the applicants must wait for
19 each date-certain allocation period to collect the nonresidential floor area.
20

21 Small Projects:

22
23 In the case of small projects of less than 2,500 SF, applicants often have to wait over six
24 months after they apply for building permits to receive their building permits - regardless of
25 competition. The system is designed to be competitive, where applications that receive lesser
26 scores have to wait longer in the event several competing applications with higher scores are
27 also active. However, many applicants wait several months for administrative purposes only.
28

29 For example, currently, NROGO allocations are awarded in and around March and
30 September of each year. If a building permit application for a 1 SF to 2,500 SF structure is
31 submitted in August 2012, the applicant will have to wait until March 2013 at the earliest to
32 receive a NROGO allocation – even if the applicant is the only applicant requesting a
33 NROGO allocation during that timeframe. As a result of this delay, many businesses are
34 dissatisfied with the process and some opt to not carry out the improvements. The
35 community is not served as the total amount nonresidential floor area made available for the
36 County was expected to be utilized to maintain the 1:239 ratio and often remains unused.
37

38 The proposed amendments would establish four allocations periods rather than two allocation
39 periods per year. As a result, when there is no competition, applicants for small projects

1 would have to wait up to three months (approximately) after application submittal rather than
2 wait up to six months (approximately).
3

4 Large Projects:
5

6 In the case of large projects of greater than 2,500 SF, applicant often have to wait years after
7 they apply for building permits to receive their building permits - regardless of competition.
8 In addition to the issues associated with small projects, unless in an area where large
9 allocations are available, an applicant for a large project must cumulatively acquire all
10 necessary nonresidential floor area for the project in 2,500 SF shares. Many applicants wait
11 several months, if not years, for administrative purposes only.
12

13 For example, currently, NROGO allocations are awarded in and around March and
14 September of each year. If a building permit application for a 10,000 SF structure is
15 submitted in August 2012, the applicant will have to wait until September 2014 at the earliest
16 to receive a NROGO allocation – even if the applicant is the only applicant requesting a
17 NROGO allocation during that timeframe. Again, as a result of this delay, many businesses
18 are dissatisfied with the process and some opt to not carry out the improvements. The
19 community is not served as the total amount nonresidential floor area made available for the
20 County was expected to be utilized to maintain the 1:239 ratio and often remains unused.
21

22 The proposed amendments would establish four allocations periods rather than two allocation
23 periods per year. As a result, when there is no competition, applicants for large projects
24 would be able to acquire their 2,500 SF shares four times a year rather than two times a year
25 – thus cutting their time in the system by half. In addition, an amendment is recommended to
26 increasing the maximum amount of an allocation in a given period from 2,500 SF to 10,000
27 SF, which would further expedite the process for certain projects.
28

29 An amendment is recommended to remove a distinction and process for large and small
30 allocations. This distinction contributes to the cumbersome process and not necessary with
31 the increase in square footage via de minimis expansions (from 100 SF to 1,000 SF).
32

33 * * * * *
34

35 Concerning the additional information/documentation required by the Planning Commission,
36 Attachment 1 includes a series of maps showing existing commercial/community centers that
37 are recognized by the County; Attachment 2 includes excerpts from the Monroe County 2010
38 Comprehensive Plan Technical Document (1997) that relate to projected nonresidential
39 growth and the NROGO; Attachment 3 includes excerpts from the Monroe County 2030
40 Comprehensive Plan Technical Document Update (2011) that relate to projected
41 nonresidential growth and the NROGO; and Attachment 4 is a spreadsheet accounting for
42 NROGO.
43

44 * * * * *
45

1 Therefore, staff recommends the following changes (Deletions are ~~stricken through and in~~
2 ~~red~~ and additions are underlined and in green. Text to remain the same is in black): Changes
3 to the concurrent text amendment to MCC §138-47- as of the date of this report- are in blue.
4

5 * * * * *

6
7 **Sec. 138-47. Nonresidential rate of growth ordinance (NROGO).**
8

9 (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have
10 the meanings ascribed to them in this section, except where the context clearly indicates a
11 different meaning:
12

13 *Allocation date* means the specific date and time by which applications for the NROGO
14 allocation will be accepted and processed.
15

16 *Annual allocation period* means the 12-month period beginning on July 14, 2001, and
17 subsequent one-year periods that is used to determine the amount of nonresidential floor
18 area to be allocated based on the number of ROGO allocations to be issued in the
19 upcoming ROGO year.
20

21 *Annual nonresidential ROGO allocation, also referred to as an annual NROGO*
22 *allocation*, means the maximum floor area for which building permits may be issued
23 during an annual allocation period.
24

25 *Buildable lot or parcel*, for the purposes of this ~~chapter~~ article, means a lot or parcel
26 which must contain a minimum of 2,000 square feet of uplands, including any disturbed
27 wetlands that can be filled.
28

29 *Canopy, also referred to as a sunshade, in reference to a structure, means an unenclosed,*
30 *covered area. A canopy may be a free-standing structure or may project from the wall of*
31 *a building.*
32

33 *Community master plan* means a plan adopted by the board of county commissioners as
34 part of the Monroe County Livable CommuniKeys Program.
35

36 *Controlling date* means the same as defined in section 138-19(a), except it shall apply to
37 NROGO applications under this article.
38

39 ~~*Covered walkways means a covered area of any length but no wider than five feet that is*~~
40 ~~*used for providing weather protected pedestrian access from one part of a property to*~~
41 ~~*another part of the same property.*~~
42

43 *Historic resources* means a building, structure, site, or object listed or eligible for listing
44 individually or as a contributing resource in a district in the National Register of Historic
45 Places, the state inventory of historic resources or the county register of designated
46 historic properties.

1
2 ~~Infill means the development or redevelopment of land that has been bypassed, remained~~
3 ~~vacant, and/or underused in otherwise built up areas which are serviced by existing~~
4 ~~infrastructure.~~
5

6 *Lawfully established ROGO/NROGO exemption* means a residential dwelling unit or
7 nonresidential floor area that has received a permit or other official approval from the
8 division of growth management for the units unit and/or nonresidential floor area.
9

10 *Nonresidential floor area* means the sum of the ~~gross total floor area~~ for a nonresidential
11 building or structure, as defined in section 101-1, ~~any areas used for the provision of food~~
12 ~~and beverage services and seating, whether covered or uncovered, and all covered,~~
13 ~~unenclosed areas. Walkways, stairways, entryways, parking, and loading areas are not~~
14 ~~considered nonresidential floor area.~~ Additionally, boat barns, and covered, and
15 unenclosed boat racks with three or fewer sides not associated with retail sales of boats
16 ~~which do not exceed 50 percent of the net buildable area of the lot/parcel~~ are not
17 considered nonresidential floor area. Further, ~~the~~ The term "nonresidential floor area"
18 does not include space occupied by ~~transient residential and institutional~~ residential
19 principal uses, including spaces occupied by a transient residential unit and an
20 institutional-residential use as defined in section 101-1.
21

22 *Nonresidential ROGO allocation*, also referred to as NROGO allocation, means the
23 maximum amount of nonresidential floor area for which building permits may be issued
24 in a given time period.
25

26 *Nonresidential ROGO allocation award*, also referred to as NROGO allocation award,
27 means the approval of a nonresidential ROGO application prior to the application and
28 subsequent issuance of a building permit to authorize construction of new nonresidential
29 floor area.
30

31 *Nonresidential ROGO bank*, also referred to as NROGO bank, means the cumulative
32 total of a) NROGO allocations that were not awarded and thereby not allocated due to a
33 lack of demand, b) nonresidential floor area not made available for the annual NROGO
34 allocation by the board of county commissioners; and c) allocated nonresidential floor
35 area reclaimed due to the abandonment or expiration of approved development that
36 received a NROGO allocation award.
37

38 *Quarterly nonresidential ROGO allocation period* means any one of the four periods
39 within an annual allocation period.
40

41 *Quarterly nonresidential ROGO allocation* means the maximum number of amount of
42 nonresidential floor area square footage for which building permits may be issued in a
43 quarterly allocation period.
44

45 *Site* means the parcels of land required to be aggregated to be developed or from which
46 existing nonresidential floor area is to be transferred or received.

1
2 *Storage area* means the outside storage of vehicles, recreational vehicles, boats, campers,
3 equipment, goods and materials for more than 24 hours. The term "storage area" includes
4 a contractor's equipment storage, but does not include *outdoor retail sales, which is*
5 *defined in section 101-1*. This is considered a light industrial use and does not include
6 waste transfer stations, junkyards, *yards* or other heavy industrial uses.
7

8 ~~*Sunshade means an unenclosed structure used as protection from the weather.*~~
9

10 (b) *Purpose and intent*. The purposes and intent of the nonresidential rate of growth
11 ordinance (NROGO) are:

- 12 (1) To facilitate implementation of goals, objectives and policies set forth in the
13 comprehensive plan relating to maintaining a balance between residential and
14 nonresidential growth.
15 (2) To maintain a ratio of approximately 239 square feet of nonresidential floor area for
16 each new residential dwelling unit permit issued through the residential rate of growth
17 ordinance (ROGO).
18 (3) To promote the upgrading and expansion of existing small-size businesses and to
19 retain the predominately small scale character of nonresidential development in the
20 Florida Keys.
21 (4) To regulate the rate and location of nonresidential development in order to eliminate
22 potential land use conflicts.
23 (5) To allocate the nonresidential floor area annually hereunder, based on the goals,
24 objectives and policies of the comprehensive plan ~~and the community master plans~~.
25

26 * * * * *
27

28 **Sec. 138-48. General provisions.**
29

30 (a) *Nonresidential ROGO allocation award required*. No building permit shall be issued after
31 ~~January 4, 1996~~, September 19, 2001 that results in additional nonresidential floor area
32 on a site unless that nonresidential development has received a ~~nonresidential~~ NROGO
33 allocation award or is determined to be exempt as provided in section 138-50.
34

35 (b) *Applicable geographic area*. The NROGO allocation system shall apply within the
36 unincorporated area of the county, excluding areas within the county mainland and within
37 Ocean Reef planned development.
38

39 * * * * *
40

41 **Sec. 138-49. Type of development affected; special requirements.**
42

43 (a) The NROGO shall apply to the development of all new and expanded nonresidential
44 floor area, except as exempted by section 138-50, for which a building permit or other
45 final development approval is required.
46

1 (b) Unincorporated areas other than Big Pine Key and No Name Key. Notwithstanding the
2 provisions of *development*, as defined in section 101-1, the following new uses shall only
3 be eligible for a NROGO allocation under this article on sites located within a designated
4 ~~commercial center overlay~~ area approved for such use, identified within a community
5 master plan and/or an overlay district established within chapter 130:

6 (1) Commercial retail very high-intensity uses that generate more than 150 vehicle trips
7 per 1,000 square feet of floor area.

8 ~~(2) Storage areas, as principal uses, not located within a light industrial (LI), industrial~~
9 ~~(I), or maritime industries (MI) district.~~

10 ~~(3) Outdoor retail sales areas on a vacant lot, and any new or expanded outdoor retail~~
11 ~~sales associated with a lawfully established structure existing on the effective date of~~
12 ~~the ordinance from which this article is derived, of less than 500 square feet of floor~~
13 ~~area, not located within a light industrial (LI), industrial (I), or maritime industries~~
14 ~~(MI) district.~~

15 ~~(4) Commercial outdoor recreation uses.~~

16
17 (c) Big Pine Key and No Name Key. Notwithstanding the provisions of ~~subsections (b)(1)~~
18 ~~through (b)(4) of this section~~ development, as defined in section 101-1, in accordance
19 with the community master plan for Big Pine Key and No Name Key, the following new
20 uses or ~~change~~ changes in use are prohibited on Big Pine Key/ ~~and~~ No Name Key:

21 (1) Commercial retail high-intensity uses that generate more than 150 vehicle trips per
22 1,000 square feet of floor area.

23 ~~(2) Outdoor storage, as a principal use.~~

24 ~~(3) Outdoor retail sales, as a principal use.~~

25
26 ~~(d) New or expanded outdoor retail sales associated with a lawfully established structure~~
27 ~~existing on the effective date of the ordinance from which this article is derived of at least~~
28 ~~500 square feet of floor area may be permitted with a minimum of a minor conditional~~
29 ~~use approval if located within a designated tier III area.~~

30
31 ~~(e) Enclosing of any canopies or drive-throughs in existence on or before September 19,~~
32 ~~2001, shall require a NROGO allocation.~~

33
34 ~~(f) The special standards established elsewhere in this chapter for a designated commercial~~
35 ~~center overlay area or a specific Key overlay zone, may supercede, modify, or~~
36 ~~supplement the standards established for NROGO in this article.~~

37
38 ~~(d)(g)~~ Nonpublic institutional uses on Big Pine Key and No Name Key are subject to the
39 provisions of NROGO pursuant to the following special conditions and standards:

40 (1) A nonpublic institutional floor area and use existing on the effective date of the
41 issuance of the incidental take permit for the Florida Key Deer and other covered
42 species may be expanded by 2,500 square feet of floor area per NROGO year,
43 provided that the land was owned by the institutional organization at the time of the
44 issuance of the incidental take permit. These allocations are to be made on a "first
45 come, first served" basis.

1 (2) New nonpublic institutional uses on Big Pine Key and No Name Key are subject to
2 the provisions of NROGO.
3

4 (e)(h) All new or expanded nonresidential development on Big Pine Key and No Name Key
5 is subject to the provisions of the incidental take permit and the habitat conservation plan
6 for the Florida Key Deer and other covered species, which may affect NROGO
7 allocations under this article. All new and expanded nonresidential development shall be
8 limited to scarified or disturbed lands, and clearing of any pinelands and/or hammock is
9 prohibited.
10

11 * * * * *

12
13 **Sec. 138-50. Type of development not affected.**
14

15 The NROGO shall not apply to the development described below:
16

17 (1) *Development with no net increase in nonresidential floor area.* The redevelopment,
18 rehabilitation or replacement of any lawfully established nonresidential floor area which
19 does not increase the amount of nonresidential floor area greater than that which existed
20 on the site prior to the redevelopment, rehabilitation or replacement.

21 The planning director shall review available documents to determine if a body of
22 evidence exists to support the existence of nonresidential floor area on or about
23 September 19, 2001, the effective date of the original NROGO. Such evidence shall be
24 documented and submitted to the planning director on a form provided by the planning
25 department. The application shall include, at a minimum, at least two of the following
26 documents:

- 27 a. Any issued Monroe County building permit(s) supporting the existence of the
28 structure(s) and its use(s) on or about September 19, 2001;
- 29 b. Documentation from the Monroe County Property Appraiser's Office indicating
30 residential use on or about September 19, 2001;
- 31 c. Aerial photographs and original dated photographs showing the structure(s) existed
32 on or about September 19, 2001;
- 33 d. Nonresidential County Directory entries on or about September 19, 2001;
- 34 e. Rental, occupancy or lease records, on or about September 19, 2001, indicating the
35 number, type and term of the rental or occupancy;
- 36 f. State and/or county licenses, on or about September 19, 2001, indicating the
37 nonresidential use;
- 38 g. Documentation from the utility providers indicating the type of service (commercial
39 or residential) provided and the number of meters in existence on or about September
40 19, 2001; and
- 41 h. Similar supporting documentation not listed above as determined suitable by the
42 planning director.

43 Nonresidential floor area established after the effective date of the original NROGO
44 should be documented through the NROGO permit allocation system. Such
45 nonresidential floor area that received such an NROGO allocation(s) that was constructed
46 may be lawfully established through verification of the certificate of

1 completeness/occupancy alone. Provision of affidavits to support the existence of
2 nonresidential floor area is allowed, but affidavits cannot be the sole record upon which a
3 decision is based. Other than files in which the growth management division is custodian,
4 provision of documents is the responsibility of the applicant. Nonresidential floor area
5 determined to be exempt from the NROGO per this subsection that has not been
6 previously acknowledged by the planning director may also be a nonconformity, pursuant
7 to chapter 102, article III nonconformities. Such occasions shall require a separate
8 determination by the planning director as to the lawfulness of the nonconformity.
9

- 10 (2) *Areas exempted from residential ROGO.* Any area of the unincorporated county
11 exempted from residential ROGO as provided for in section 138-22.
12
- 13 (3) *Public/governmental uses.* Public/governmental uses, including ~~capital-improvements~~
14 ~~and public buildings, both~~ as defined in section 101-1.
15
- 16 (4) *Development activity for certain not-for-profit organizations.* Except for the nonpublic
17 institutional uses on Big Pine Key and No Name Key pursuant to section 138-49,
18 nonresidential development activity within tier III designated areas by federally tax
19 exempt not-for-profit educational, scientific, health, religious, social, cultural and
20 recreational organizations which predominately serve the county's non-transient
21 population, if approved by the board of county commissioners after review and
22 recommendation by the planning director and planning commission. This exemption is
23 subject to the condition that a restrictive covenant be placed on the property prior to the
24 issuance of a building permit. The restrictive covenant shall run in favor of the county for
25 a period of at least 20 years. Any change in the use or ownership of the property subject
26 to this restrictive covenant shall require prior approval by the planning commission,
27 unless the total floor area exempted by the planning commission is obtained through an
28 off-site transfer of floor area and/or nonresidential floor area allocation. If the total
29 amount of floor area that is transferred and/or allocated meets or exceeds the total amount
30 of floor area exempted, the restrictive covenant shall be vacated by the county. This
31 exemption is not applicable to nonresidential development proposed within any tier I or
32 tier III-A (special protection area) designated areas.
33
- 34 (5) *Vested rights.* Landowners with a valid, unexpired development of regional impact
35 approval granted by the county prior to January 4, 1996, (effective date of the
36 comprehensive plan) or an approved vesting determination by the county from the
37 nonresidential allocation requirements of this section and the comprehensive plan.
38
- 39 (6) *De minimis expansion of nonresidential floor area.* The cumulative expansion, ~~after~~
40 ~~January 4, 1996, of any existing nonresidential floor area by 100 square feet or less of up~~
41 to 1,000 square feet of new nonresidential floor area for development on a property shall
42 not require a NROGO application and NROGO allocation prior to issuance of a building
43 permit. De minimis expansion is not required to be utilized in whole or limited to a single
44 building permit application; however cumulatively, an individual property shall not
45 receive any more than 1,000 square feet of new nonresidential floor via de minimis
46 expansion. Nonresidential floor area permitted via de minimis expansion shall be

1 deducted from the NROGO bank and in the event that there is no square footage within
2 the NROGO bank, de minimis building permit applications shall not be issued until the
3 NROGO bank is replenished and can accommodate the nonresidential expansion.
4

5 (7) *Industrial uses.* Industrial uses in the maritime ~~industrial~~ industries (MI) and the
6 industrial (I) land use districts, provided that the floor area is restricted to manufacturing,
7 assembly, wholesaling, and distribution uses. All other forms of industrial uses and other
8 nonresidential uses which may be permitted in the land use district are subject to the
9 requirements of this article and will require an NROGO allocation.

10
11 (8) *Agriculture/aquacultural uses.* ~~Lawfully established agricultural~~ Agricultural and
12 aquacultural uses in the agricultural and aquaculture use overlay (A).

13
14 (9) *Sunshade Canopy.*

15 ~~a. Unenclosed sunshades comprising in total not more than 200 square feet may be~~
16 ~~permitted for an existing lawfully established use.~~

17 ~~b. That portion of an uncovered, unenclosed boat rack or boat barn floor area not~~
18 ~~associated with retail sales of boats and which does not exceed 50 percent of any~~
19 ~~site's net buildable area is not governed by NROGO.~~
20

21 (10) *Transfer off-site of existing nonresidential floor area.* The demolition/removal and
22 transfer off-site of nonresidential floor area from a sender site and the development of the
23 transferred nonresidential floor area on a receiver site in accordance with the following
24 procedures and criteria:

25 a. *Eligibility of sender floor area.* ~~Only nonresidential floor area within an enclosed~~
26 ~~structure, as defined in section 101-1, not including uncovered areas designated for~~
27 ~~food and beverage services and seating, shall be eligible for transfer.~~ Nonresidential
28 floor area shall be lawfully established floor area pursuant to subsection (1) or have
29 received an NROGO allocation or transfer of floor area after September 19, 2001.

30 b. *Criteria for redevelopment of nonresidential floor area off-site.* ~~In order to redevelop~~
31 ~~off-site, a receiver site shall be evaluated for site conditions and shall meet all of the~~
32 ~~following criteria:~~

33 1. ~~Is~~ The receiver site shall be located within a tier III designated area and, if on Big
34 Pine Key, it shall also be ~~is~~ located within the designated community center
35 overlay area;

36 2. ~~Is~~ The receiver site shall be located within the same ROGO subarea, as set forth in
37 section 138-20, as the sender site, ~~except that for a receiver site on Big Pine Key,~~
38 ~~the sender site shall also be located on Big Pine Key or No Name Key;~~

39 3. ~~Is~~ The use that would utilize the transferred nonresidential floor area on the
40 receiver site shall not be a high-intensity commercial ~~very high-intensity~~ retail use
41 which will generate more than 150 daily vehicle trips per 1,000 square feet of
42 floor area, unless the receiver site is within an overlay district or area, established
43 in a community master plan or within chapter 130, specifically allowing such a
44 high-intensity commercial retail use;

45 4. ~~Is not~~ The receiver site shall not be located within a V special flood hazard zone;

- 1 ~~5. Does not propose the clearing within a tier III A (special protection area)~~
2 ~~designated area of any portion of an upland native habitat patch of one acre or~~
3 ~~greater in area;~~
4 ~~6. If on Big Pine Key, is not in a more restrictive tier category than the sender site,~~
5 ~~and no transfer shall be allowed into tier I;~~
6 ~~7. 5. Is not~~ The receiver site shall not be located in a coastal barrier resources
7 system; and
8 ~~8. 6. Is not~~ The receiver site shall not be located in an offshore island/conservation
9 land protection area.
- 10 c. *Limitations on the amount of nonresidential floor area which may be transferred to*
11 *any one site.* The amount of nonresidential floor area which may be transferred to any
12 one site shall be as follows:
13 1. No more than a maximum cumulative total of ~~4,000~~ 50,000 square feet of
14 nonresidential floor area may be transferred to any one site.
15 2. A ~~receiving~~ structure ~~with existing~~ utilizing the transferred nonresidential floor
16 area shall not be ~~expanded using transferred floor area if the expansion results in a~~
17 ~~structure with more~~ greater than 10,000 square feet ~~of nonresidential floor area,~~
18 except for a) a structure within the ~~urban-commercial~~ Urban Commercial (UC)
19 land use district, ~~where a structure~~ may be expanded consist of up to a maximum
20 total of 50,000 square feet of nonresidential floor area and b) a structure within
21 an overlay district or area, established in a community master plan or within
22 chapter 130, may consist of up to a maximum total of nonresidential floor area set
23 forth in the superseding overlay district or area.
24 ~~3. The amount of nonresidential floor area that may be transferred to or from a site~~
25 ~~shall not be less than 200 square feet and shall be in increments of 100 (i.e., 200,~~
26 ~~300, 400, etc.) square feet.~~
- 27 d. *Procedures for transfer of nonresidential floor area.* The following procedures shall
28 be followed for permitting transfer of nonresidential floor area off-site:
29 1. ~~A pre-application conference and, at a minimum, a minor conditional use permit~~
30 ~~approval shall be required for both the sender site and the receiver site. A minor~~
31 ~~conditional use permit shall be required to identify, determine the eligibility of~~
32 ~~and document the approval of the sender and receiver site, pursuant to the process~~
33 ~~set forth in section 110-69. If a single receiver site is proposed to receive the~~
34 ~~transferred nonresidential floor area from multiple sender sites, only a single~~
35 ~~minor conditional use permit application shall be required. All sender and~~
36 ~~receiver sites associated with a proposed transfer shall be identified at the time of~~
37 ~~application.~~
38 2. ~~The sender nonresidential floor area shall be assigned a unique identifier number~~
39 ~~for each 100 square foot increments, that shall be used for tracking and~~
40 ~~monitoring by the planning department. The unique identifier number shall be~~
41 ~~itemized in the minor conditional use permit development orders and building~~
42 ~~permits required for both the sender and receiver sites. All floor area to be~~
43 ~~transferred shall be rounded to the nearest 100 square feet. The minor conditional~~
44 ~~use permit application required in the previous subsection shall be submitted in a~~
45 ~~form provided by the planning & environmental resources department. A~~
46 ~~development order shall memorialize approval of the minor conditional use~~

1 permit. After successfully passing all applicable appeal periods, the development
2 order shall be recorded in the official records of the Monroe County Clerk of the
3 Circuit Court. Such recording shall be carried out so that the document is
4 associated with all applicable sender and receiver sites.

- 5 3. No building permit shall be issued for the nonresidential floor area on the receiver
6 site until the sending site structure is demolished as per an issued demolition
7 permit and a final inspection for the demolished floor space has been completed
8 by the building department.
9

10 * * * * *

11
12 **Sec. 138-51. NROGO allocations.**

13
14 (a) *Maximum amount of available floor area for the annual nonresidential ROGO*
15 *allocations. ~~The maximum amount of floor area available for allocation under NROGO~~*
16 *~~shall be determined by multiplying the number of residential permits available for the~~*
17 *~~annual residential allocation period year by 239 square feet and rounding the product to~~*
18 *~~the nearest 100 square feet. The maximum amount of available floor area for annual~~*
19 *~~allocations shall be computed separately for Big Pine Key and No Name Key and for the~~*
20 *~~remainder of the unincorporated county. This maximum total may be adjusted as~~*
21 *~~provided in section 138-53(a). Except for Big Pine Key and No Name Key, for the first~~*
22 *~~annual allocation period, the maximum amount of floor area that may be made available~~*
23 *~~for allocation is to be based upon the number of permits issued under ROGO, starting~~*
24 *~~with the third quarter, ROGO year 1 (starting April 14, 1993) through ROGO year 9~~*
25 *~~(ending July 13, 2001) and number of ROGO allocations to be made in ROGO year 10,~~*
26 *~~reduced by the amount of nonresidential floor area approved in permits, issued after the~~*
27 *~~adoption of the comprehensive plan on April 15, 1993. Any remaining part of the~~*
28 *~~maximum annual allocation not made available for allocation in an annual allocation~~*
29 *~~period by the board of county commissioners in subsection (g) of this section shall be~~*
30 *~~carried over to the next annual allocation period. The annual amount of floor area~~*
31 *available for allocation under NROGO shall be 47,083 square feet, of which 44,693*
32 *square feet is available only to applications in the Lower and Upper Keys ROGO*
33 *subareas and 2,390 square feet is available only to applications in the Big Pine Key and*
34 *No Name Key ROGO subarea. Of the 44,693 square feet annually made available for the*
35 *Lower and Upper Keys subareas, beginning NROGO Year 22 (July 13, 2013), this floor*
36 *area shall be distributed to each of subareas based on the number of residential dwelling*
37 *unit permits made available for each of the subareas.*

38
39 Commencing NROGO Year 22 (July 13, 2013), the annual amount of floor area available
40 for allocation under NROGO shall be 47,083 square feet, of which 22,944 square feet is
41 available only to applications in the Upper Keys ROGO subarea; 21,749 square feet is
42 available only to applications in the Lower Keys ROGO subarea; and 2,390 square feet is
43 available only to applications in the Big Pine Key and No Name Key ROGO subarea.
44

- 45 (b) *Maximum allocation of nonresidential floor area by site per each allocation quarter.* The
46 amount of nonresidential floor area to be allocated shall be limited to a maximum share

1 of 2,500-10,000 square feet for any one site per each allocation quarter, ~~except for sites~~
2 ~~located within a designated community center overlay area. For sites located within a~~
3 ~~community center overlay area, the maximum allocation shall only be limited by the~~
4 ~~maximum floor area per structure in subsection (c) of this section.~~

5
6 (c) *Maximum floor area per structure.* ~~An existing~~ A structure shall not receive an allocation
7 that expands the structure to more than 10,000 square feet of nonresidential floor area,
8 ~~except that nonresidential floor area of structures excluding: a) a structure in the urban~~
9 ~~commercial~~ Urban Commercial (UC) land use district may receive an allocation that
10 expands the structure ~~be expanded~~ to not more than 50,000 square feet and b) a structure
11 within an overlay district established in a community master plan or within chapter 130
12 specifically allowing such a structure of over 10,000 square feet.

13
14 (d) ~~Large and small size allocations.~~ ~~A minimum of 75 percent of the available floor area to~~
15 ~~be allocated in any annual allocation period shall be for applications requesting floor area~~
16 ~~of 2,500 square feet or less. The remaining 25 percent may be allocated to applications~~
17 ~~requesting floor area of more than 2,500 square feet.~~

18
19 (e) ~~Annual allocation and semiannual allocation periods.~~ ~~The maximum annual amount of~~
20 ~~nonresidential floor area which may be made available for allocation and the distribution~~
21 ~~between small (2,500 square feet or less) and large (more than 2,500 square feet)~~
22 ~~allocations shall be established by the board of county commissioners consistent with the~~
23 ~~provisions of subsections (a) and (d) of this section upon the recommendation of the~~
24 ~~planning commission and planning director as set forth in subsection (g) of this section.~~
25 ~~The allocation shall be made available on a countywide basis. The amount of~~
26 ~~nonresidential floor area which may be made available for each allocation period, as~~
27 ~~determined in subsection (g) of this section, may be available for allocation awards after~~
28 ~~the first allocation date of that year. Any floor area not allocated in this first allocation or~~
29 ~~floor area that becomes available later in the current allocation period under provisions of~~
30 ~~section 138-53(a) may be made available for allocation awards after a second allocation~~
31 ~~date.~~

32
33 (f) (d) *Allocation dates.* To be considered for an allocation award, all NROGO applications
34 must be submitted to the planning department and deemed complete by the planning
35 director, or his or her designee, by no later than 4:00 p.m. on the specified allocation date
36 quarter closure, which shall be the same dates as those for the residential ROGO. ~~The~~
37 ~~first allocation date of a NROGO annual allocation period shall be the last day of the~~
38 ~~fourth quarter ROGO allocation period, except that for the first NROGO annual~~
39 ~~allocation periods, the allocation date shall be January 1, 2001. The second allocation~~
40 ~~date for the current NROGO annual allocation period, if necessary, shall be the last day~~
41 ~~of the second quarter ROGO allocation period.~~

42
43 (g) ~~Board of county commissioners action required.~~ ~~The board of county commissioners~~
44 ~~shall adopt, by resolution, the total amount of nonresidential floor area which may be~~
45 ~~made available for the annual allocation and the distribution of this allocation between~~
46 ~~small and large size allocations after receiving recommendations from the planning~~

1 ~~commission and planning director. The planning commission shall make its allocation~~
2 ~~recommendations to the board of county commissioners at least 90 days prior to the~~
3 ~~annual allocation date. The board of county commissioners shall establish the annual~~
4 ~~maximum allocation, the allocation to be made available for the first allocation period,~~
5 ~~and the distribution between small and large size allocations by no later than 60 days~~
6 ~~prior to the allocation date.~~

7
8 ~~(h) (e) Annual *nonresidential ROGO* allocation. The board of county commissioners may~~
9 ~~make available for allocation all or part of the maximum annual allocation. This annual~~
10 ~~allocation may shall be distributed between the two four allocation dates quarters, which~~
11 ~~shall be the same dates as those for the residential ROGO.~~

12
13 ~~(i) First allocations for Big Pine Key and No Name Key. For the first allocation period~~
14 ~~(starting ROGO year 15, quarter 1), the maximum amount of floor area available for~~
15 ~~allocation shall be based on the number of permits issued under the 200 allocations~~
16 ~~authorized by the Big Pine Key and No Name Key Community Master Plan and the~~
17 ~~number of ROGO allocations to be made available in the ROGO year 15, beginning July~~
18 ~~14, 2006.~~

19
20 ~~(j) Separate allocations for Big Pine Key and No Name Key. Allocations for Big Pine Key~~
21 ~~and No Name Key shall be administered and awarded separately from those for the~~
22 ~~remainder of the unincorporated county.~~

23
24 * * * * *

25
26 IV RECOMMENDATION

27
28 Staff has found that the proposed text amendment would be consistent with one or more of
29 the required provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public
30 service needs) from those on which the text or boundary was based; 2. Changed assumptions
31 (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative
32 types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of
33 a need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has
34 found that the proposed text amendments are necessary due to new issues and recognition of
35 a need for additional detail or comprehensiveness.

36
37 Staff recommends that the Board of County Commissioners amend the Monroe County Code
38 as stated in the text of this staff report.
39

* * * * *

Sec. 138-47. Nonresidential rate of growth ordinance (NROGO).

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Allocation date means the specific date and time by which applications for the NROGO allocation will be accepted and processed.

Annual allocation period means the 12-month period beginning on July 14, 2001, and subsequent one-year periods that is used to determine the amount of nonresidential floor area to be allocated based on the number of ROGO allocations to be issued in the upcoming ROGO year.

Annual nonresidential ROGO allocation, also referred to as an annual NROGO allocation, means the maximum floor area for which building permits may be issued during an annual allocation period.

Buildable lot or parcel, for the purposes of this article, means a lot or parcel which must contain a minimum of 2,000 square feet of uplands, including any disturbed wetlands that can be filled.

Canopy, also referred to as a sunshade, in reference to a structure, means an unenclosed, covered area. A canopy may be a free-standing structure or may project from the wall of a building.

Community master plan means a plan adopted by the board of county commissioners as part of the Monroe County Livable CommuniKeys Program.

Controlling date means the same as defined in section 138-19(a), except it shall apply to NROGO applications under this article.

Historic resources means a building, structure, site, or object listed or eligible for listing individually or as a contributing resource in a district in the National Register of Historic Places, the state inventory of historic resources or the county register of designated historic properties.

Lawfully established ROGO/NROGO exemption means a residential dwelling unit or nonresidential floor area that has received a permit or other official approval from the division of growth management for the units unit and/or nonresidential floor area.

1 *Nonresidential floor area* means the sum of the total *floor area* for a nonresidential
2 building or structure, as defined in section 101-1. Additionally, boat barns and covered,
3 unenclosed boat racks with three or fewer sides not associated with retail sales of boats
4 are not considered nonresidential floor area. Further, the term "*nonresidential floor area*"
5 does not include space occupied by residential uses, including spaces occupied by a
6 *transient residential unit* and an *institutional-residential use* as defined in section 101-1.
7

8 *Nonresidential ROGO allocation*, also referred to as NROGO allocation, means the
9 maximum amount of nonresidential floor area for which building permits may be issued
10 in a given time period.
11

12 *Nonresidential ROGO allocation award*, also referred to as NROGO allocation award,
13 means the approval of a nonresidential ROGO application prior to the application and
14 subsequent issuance of a building permit to authorize construction of new nonresidential
15 floor area.
16

17 *Nonresidential ROGO bank*, also referred to as NROGO bank, means the cumulative
18 total of a) NROGO allocations that were not awarded and thereby not allocated due to a
19 lack of demand, b) nonresidential floor area not made available for the annual NROGO
20 allocation by the board of county commissioners; and c) allocated nonresidential floor
21 area reclaimed due to the abandonment or expiration of approved development that
22 received a NROGO allocation award.
23

24 *Quarterly nonresidential ROGO allocation period* means any one of the four periods
25 within an annual allocation period.
26

27 *Quarterly nonresidential ROGO allocation* means the maximum number of amount of
28 nonresidential floor area square footage for which building permits may be issued in a
29 quarterly allocation period.
30

31 *Site* means the parcels of land required to be aggregated to be developed or from which
32 existing nonresidential floor area is to be transferred or received.
33

34 *Storage area* means the outside storage of vehicles, recreational vehicles, boats, campers,
35 equipment, goods and materials for more than 24 hours. The term "storage area" includes
36 a contractor's equipment storage, but does not include *outdoor retail sales*, which is
37 defined in section 101-1. This is considered a light industrial use and does not include
38 waste transfer stations, junkyards, or other heavy industrial uses.
39

40 (b) *Purpose and intent*. The purposes and intent of the nonresidential rate of growth
41 ordinance (NROGO) are:

42 (1) To facilitate implementation of goals, objectives and policies set forth in the
43 comprehensive plan relating to maintaining a balance between residential and
44 nonresidential growth.

- (2) To maintain a ratio of approximately 239 square feet of nonresidential floor area for each new residential dwelling unit permit issued through the residential rate of growth ordinance (ROGO).
- (3) To promote the upgrading and expansion of existing small-size businesses and to retain the predominately small scale character of nonresidential development in the Florida Keys.
- (4) To regulate the rate and location of nonresidential development in order to eliminate potential land use conflicts.
- (5) To allocate the nonresidential floor area annually hereunder, based on the goals, objectives and policies of the comprehensive plan.

* * * * *

Sec. 138-48. General provisions.

- (a) *Nonresidential ROGO allocation award required.* No building permit shall be issued after September 19, 2001 that results in additional nonresidential floor area on a site unless that nonresidential development has received a NROGO allocation award or is determined to be exempt as provided in section 138-50.
- (b) *Applicable geographic area.* The NROGO allocation system shall apply within the unincorporated area of the county, excluding areas within the county mainland and within Ocean Reef planned development.

* * * * *

Sec. 138-49. Type of development affected; special requirements.

- (a) The NROGO shall apply to the development of all new and expanded nonresidential floor area, except as exempted by section 138-50, for which a building permit or other final development approval is required.
- (b) *Unincorporated areas other than Big Pine Key and No Name Key.* Notwithstanding the provisions of *development*, as defined in section 101-1, the following new uses shall only be eligible for a NROGO allocation under this article on sites located within a designated area approved for such use, identified within a community master plan and/or an overlay district established within chapter 130:
 - (1) Commercial retail very high-intensity uses that generate more than 150 vehicle trips per 1,000 square feet of floor area.
- (c) *Big Pine Key and No Name Key.* Notwithstanding the provisions of *development*, as defined in section 101-1, in accordance with the community master plan for Big Pine Key and No Name Key, the following new uses or changes in use are prohibited on Big Pine Key and No Name Key:
 - (1) Commercial retail high-intensity uses that generate more than 150 vehicle trips per 1,000 square feet of floor area.

1
2 (d) Nonpublic institutional uses on Big Pine Key and No Name Key are subject to the
3 provisions of NROGO pursuant to the following special conditions and standards:

4 (1) A nonpublic institutional floor area and use existing on the effective date of the
5 issuance of the incidental take permit for the Florida Key Deer and other covered
6 species may be expanded by 2,500 square feet of floor area per NROGO year,
7 provided that the land was owned by the institutional organization at the time of the
8 issuance of the incidental take permit. These allocations are to be made on a "first
9 come, first served" basis.

10 (2) New nonpublic institutional uses on Big Pine Key and No Name Key are subject to
11 the provisions of NROGO.

12
13 (e) All new or expanded nonresidential development on Big Pine Key and No Name Key is
14 subject to the provisions of the incidental take permit and the habitat conservation plan
15 for the Florida Key Deer and other covered species, which may affect NROGO
16 allocations under this article. All new and expanded nonresidential development shall be
17 limited to scarified or disturbed lands, and clearing of any pinelands and/or hammock is
18 prohibited.

19
20 * * * * *

21
22 **Sec. 138-50. Type of development not affected.**

23
24 The NROGO shall not apply to the development described below:

25
26 (1) *Development with no net increase in nonresidential floor area.* The redevelopment,
27 rehabilitation or replacement of any lawfully established nonresidential floor area which
28 does not increase the amount of nonresidential floor area greater than that which existed
29 on the site prior to the redevelopment, rehabilitation or replacement.

30 The planning director shall review available documents to determine if a body of
31 evidence exists to support the existence of nonresidential floor area on or about
32 September 19, 2001, the effective date of the original NROGO. Such evidence shall be
33 documented and submitted to the planning director on a form provided by the planning
34 department. The application shall include, at a minimum, at least two of the following
35 documents:

- 36 a. Any issued Monroe County building permit(s) supporting the existence of the
37 structure(s) and its use(s) on or about September 19, 2001;
38 b. Documentation from the Monroe County Property Appraiser's Office indicating
39 residential use on or about September 19, 2001;
40 c. Aerial photographs and original dated photographs showing the structure(s) existed
41 on or about September 19, 2001;
42 d. Nonresidential County Directory entries on or about September 19, 2001;
43 e. Rental, occupancy or lease records, on or about September 19, 2001, indicating the
44 number, type and term of the rental or occupancy;
45 f. State and/or county licenses, on or about September 19, 2001, indicating the
46 nonresidential use;

- 1 g. Documentation from the utility providers indicating the type of service (commercial
2 or residential) provided and the number of meters in existence on or about September
3 19, 2001; and
4 h. Similar supporting documentation not listed above as determined suitable by the
5 planning director.

6 Nonresidential floor area established after the effective date of the original NROGO
7 should be documented through the NROGO permit allocation system. Such
8 nonresidential floor area that received such an NROGO allocation(s) that was constructed
9 may be lawfully established through verification of the certificate of
10 completeness/occupancy alone. Provision of affidavits to support the existence of
11 nonresidential floor area is allowed, but affidavits cannot be the sole record upon which a
12 decision is based. Other than files in which the growth management division is custodian,
13 provision of documents is the responsibility of the applicant. Nonresidential floor area
14 determined to be exempt from the NROGO per this subsection that has not been
15 previously acknowledged by the planning director may also be a nonconformity, pursuant
16 to chapter 102, article III nonconformities. Such occasions shall require a separate
17 determination by the planning director as to the lawfulness of the nonconformity.
18

19 (2) *Areas exempted from residential ROGO.* Any area of the unincorporated county
20 exempted from residential ROGO as provided for in section 138-22.
21

22 (3) *Public/governmental uses.* Public/governmental uses, including *public buildings*, as
23 defined in section 101-1.
24

25 (4) *Development activity for certain not-for-profit organizations.* Except for the nonpublic
26 institutional uses on Big Pine Key and No Name Key pursuant to section 138-49,
27 nonresidential development activity within tier III designated areas by federally tax
28 exempt not-for-profit educational, scientific, health, religious, social, cultural and
29 recreational organizations which predominately serve the county's non-transient
30 population, if approved by the board of county commissioners after review and
31 recommendation by the planning director and planning commission. This exemption is
32 subject to the condition that a restrictive covenant be placed on the property prior to the
33 issuance of a building permit. The restrictive covenant shall run in favor of the county for
34 a period of at least 20 years. Any change in the use or ownership of the property subject
35 to this restrictive covenant shall require prior approval by the planning commission,
36 unless the total floor area exempted by the planning commission is obtained through an
37 off-site transfer of floor area and/or nonresidential floor area allocation. If the total
38 amount of floor area that is transferred and/or allocated meets or exceeds the total amount
39 of floor area exempted, the restrictive covenant shall be vacated by the county. This
40 exemption is not applicable to nonresidential development proposed within any tier I or
41 tier III-A (special protection area) designated areas.
42

43 (5) *Vested rights.* Landowners with a valid, unexpired development of regional impact
44 approval granted by the county prior to January 4, 1996, (effective date of the
45 comprehensive plan) or an approved vesting determination by the county from the
46 nonresidential allocation requirements of this section and the comprehensive plan.

1
2 (6) *De minimis expansion of nonresidential floor area.* The cumulative expansion of up to
3 1,000 square feet of new nonresidential floor area for development on a property shall not
4 require a NROGO application and NROGO allocation prior to issuance of a building
5 permit. De minimis expansion is not required to be utilized in whole or limited to a single
6 building permit application; however cumulatively, an individual property shall not
7 receive any more than 1,000 square feet of new nonresidential floor via de minimis
8 expansion. Nonresidential floor area permitted via de minimis expansion shall be
9 deducted from the NROGO bank and in the event that there is no square footage within
10 the NROGO bank, de minimis building permit applications shall not be issued until the
11 NROGO bank is replenished and can accommodate the nonresidential expansion.
12

13 (7) *Industrial uses.* Industrial uses in the maritime industries (MI) and the industrial (I) land
14 use districts, provided that the floor area is restricted to manufacturing, assembly,
15 wholesaling, and distribution uses. All other forms of industrial uses and other
16 nonresidential uses which may be permitted in the land use district are subject to the
17 requirements of this article and will require an NROGO allocation.
18

19 (8) *Agriculture/aquacultural uses.* Agricultural and aquacultural uses in the agricultural and
20 aquaculture use overlay (A).
21

22 (9) *Canopy.*
23

24 (10) *Transfer off-site of existing nonresidential floor area.* The demolition/removal and
25 transfer off-site of nonresidential floor area from a sender site and the development of the
26 transferred nonresidential floor area on a receiver site in accordance with the following
27 procedures and criteria:

28 a. *Eligibility of sender floor area.* Nonresidential floor area shall be lawfully established
29 floor area pursuant to subsection (1) or have received an NROGO allocation or
30 transfer of floor area after September 19, 2001.

31 b. *Criteria.*

- 32 1. The receiver site shall be within a tier III designated area and, if on Big Pine Key,
33 it shall also be located within the designated community center overlay area;
- 34 2. The receiver site shall be located within the same ROGO subarea, as set forth in
35 section 138-20, as the sender site;
- 36 3. The use that would utilize the transferred nonresidential floor area on the receiver
37 site shall not be a high-intensity commercial retail use which will generate more
38 than 150 daily vehicle trips per 1,000 square feet of floor area, unless the receiver
39 site is within an overlay district or area, established in a community master plan
40 or within chapter 130, specifically allowing such a high-intensity commercial
41 retail use;
- 42 4. The receiver site shall not be located within a V special flood hazard zone;
- 43 5. The receiver site shall not be located in a coastal barrier resources system; and
- 44 6. The receiver site shall not be located in an offshore island/conservation land
45 protection area.

- 1 c. *Limitations on the amount of nonresidential floor area which may be transferred to*
 2 *any one site.* The amount of nonresidential floor area which may be transferred to any
 3 one site shall be as follows:
 4 1. No more than a maximum cumulative total of 50,000 square feet of nonresidential
 5 floor area may be transferred to any one site.
 6 2. A structure utilizing the transferred nonresidential floor area shall not be greater
 7 than 10,000 square feet, except for a) a structure within the Urban Commercial
 8 (UC) land use district may consist of up to a maximum total of 50,000 square feet
 9 of nonresidential floor area and b) a structure within an overlay district or area,
 10 established in a community master plan or within chapter 130, may consist of up
 11 to a maximum total of nonresidential floor area set forth in the superseding
 12 overlay district or area.
 13 d. *Procedures.* The following procedures shall be followed for permitting transfer of
 14 nonresidential floor area off-site:
 15 1. A minor conditional use permit shall be required to identify, determine the
 16 eligibility of and document the approval of the sender and receiver site, pursuant
 17 to the process set forth in section 110-69. If a single receiver site is proposed to
 18 receive the transferred nonresidential floor area from multiple sender sites, only a
 19 single minor conditional use permit application shall be required. All sender and
 20 receiver sites associated with a proposed transfer shall be identified at the time of
 21 application.
 22 2. The minor conditional use permit application required in the previous subsection
 23 shall be submitted in a form provided by the planning & environmental resources
 24 department. A development order shall memorialize approval of the minor
 25 conditional use permit. After successfully passing all applicable appeal periods,
 26 the development order shall be recorded in the official records of the Monroe
 27 County Clerk of the Circuit Court. Such recording shall be carried out so that the
 28 document is associated with all applicable sender and receiver sites.
 29 3. No building permit shall be issued for the nonresidential floor area on the receiver
 30 site until the sending site structure is demolished as per an issued demolition
 31 permit and a final inspection for the demolished floor space has been completed
 32 by the building department.

33 * * * * *

34
 35
 36 **Sec. 138-51. NROGO allocations.**

- 37
 38 (a) *Maximum amount of available floor area for the annual nonresidential ROGO*
 39 *allocations.* The annual amount of floor area available for allocation under NROGO shall
 40 be 47,083 square feet, of which 44,693 square feet is available only to applications in the
 41 Lower and Upper Keys ROGO subareas and 2,390 square feet is available only to
 42 applications in the Big Pine Key and No Name Key ROGO subarea. Of the 44,693
 43 square feet annually made available for the Lower and Upper Keys subareas, beginning
 44 NROGO Year 22 (July 13, 2013), this floor area shall be distributed to each of subareas
 45 based on the number of residential dwelling unit permits made available for each of the
 46 subareas.

1
2 Commencing NROGO Year 22 (July 13, 2013), the annual amount of floor area available
3 for allocation under NROGO shall be 47,083 square feet, of which 22,944 square feet is
4 available only to applications in the Upper Keys ROGO subarea; 21,749 square feet is
5 available only to applications in the Lower Keys ROGO subarea; and 2,390 square feet is
6 available only to applications in the Big Pine Key and No Name Key ROGO subarea.
7

8 (b) *Maximum allocation of nonresidential floor area by site per each allocation quarter.* The
9 amount of nonresidential floor area to be allocated shall be limited to a maximum share
10 of 10,000 square feet for any one site per each allocation quarter.
11

12 (c) *Maximum floor area per structure.* A structure shall not receive an allocation that
13 expands the structure to more than 10,000 square feet of nonresidential floor area,
14 excluding: a) a structure in the Urban Commercial (UC) land use district may receive an
15 allocation that expands the structure to not more than 50,000 square feet and b) a
16 structure within an overlay district established in a community master plan or within
17 chapter 130 specifically allowing such a structure of over 10,000 square feet.
18

19 (d) *Allocation dates.* To be considered for an allocation award, all NROGO applications
20 must be submitted to the planning department and deemed complete by the planning
21 director, or his or her designee, by no later than 4:00 p.m. on the specified allocation
22 quarter closure, which shall be the same dates as those for the residential ROGO.
23

24 (e) *Annual nonresidential ROGO allocation.* This annual allocation shall be distributed
25 between the four allocation quarters, which shall be the same dates as those for the
26 residential ROGO.
27

28 * * * * *

**Item #1-a&b NROGO Allocation Process
Attachments**

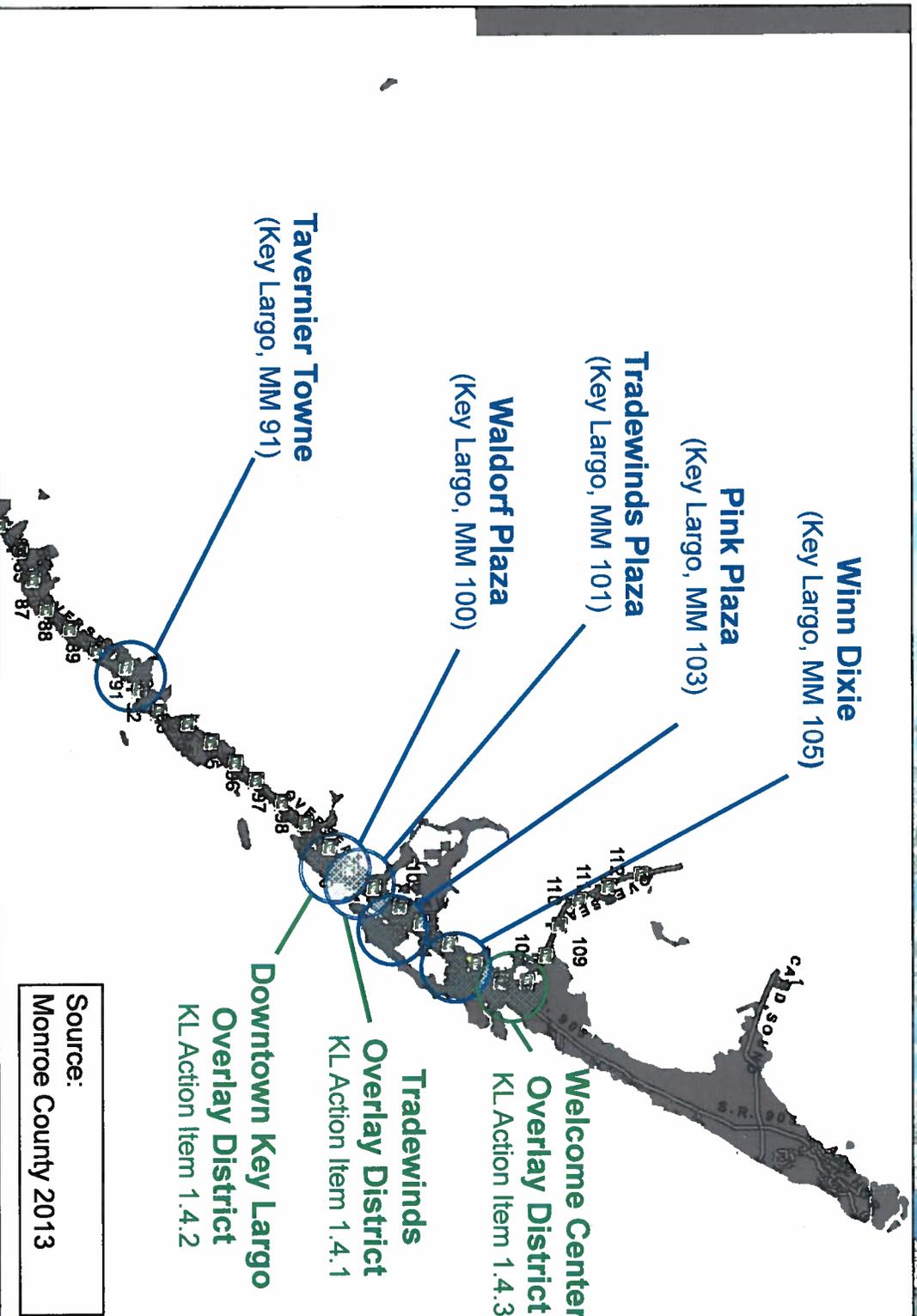
Attachment 1:

Existing commercial/community centers recognized by the County



GROWTH MANAGEMENT DIVISION

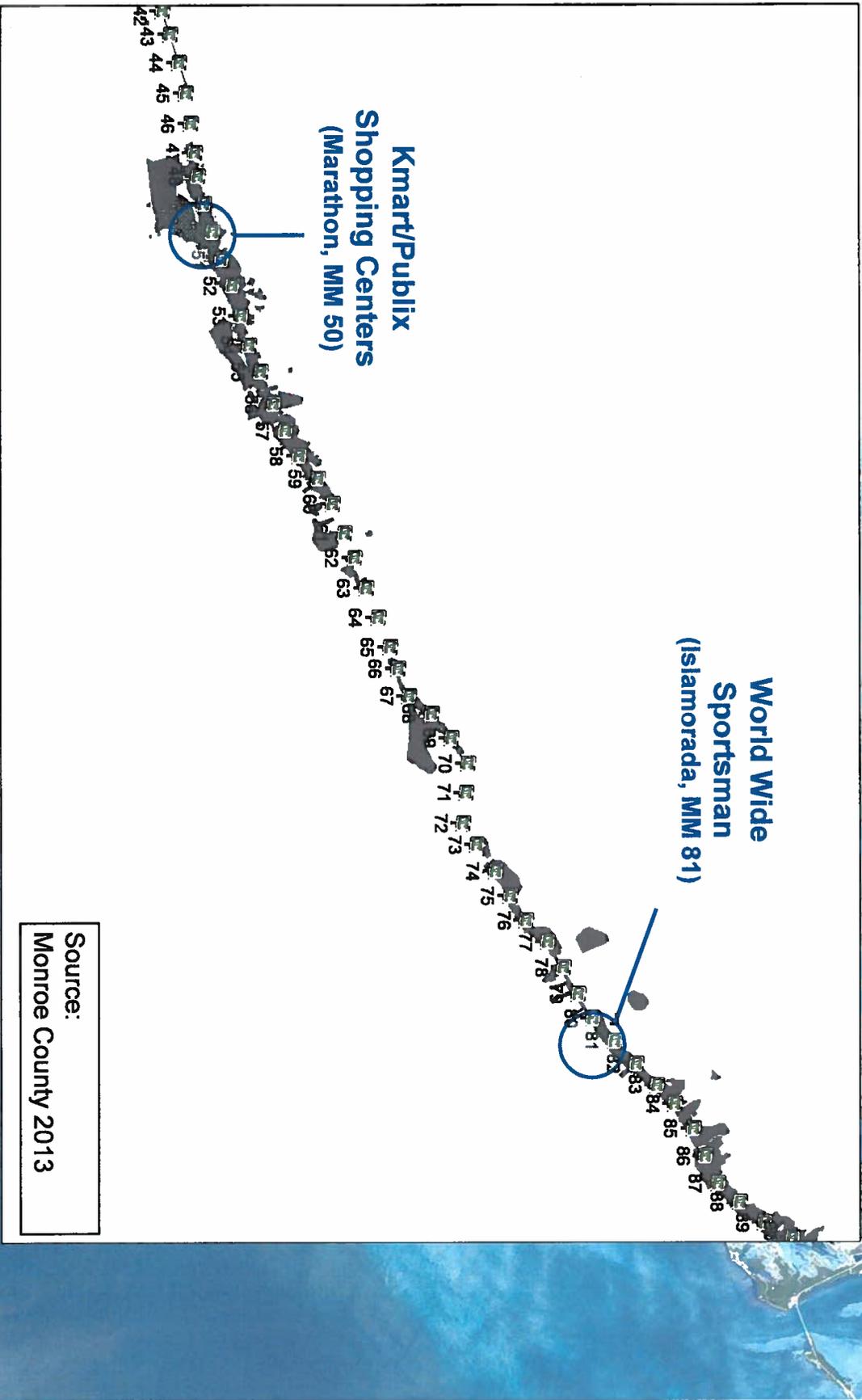
Notable Upper Keys Commercial Developments & CommuniKeys Recommended Commercial Overlay Districts





GROWTH MANAGEMENT DIVISION

Notable Middle Keys Commercial Centers

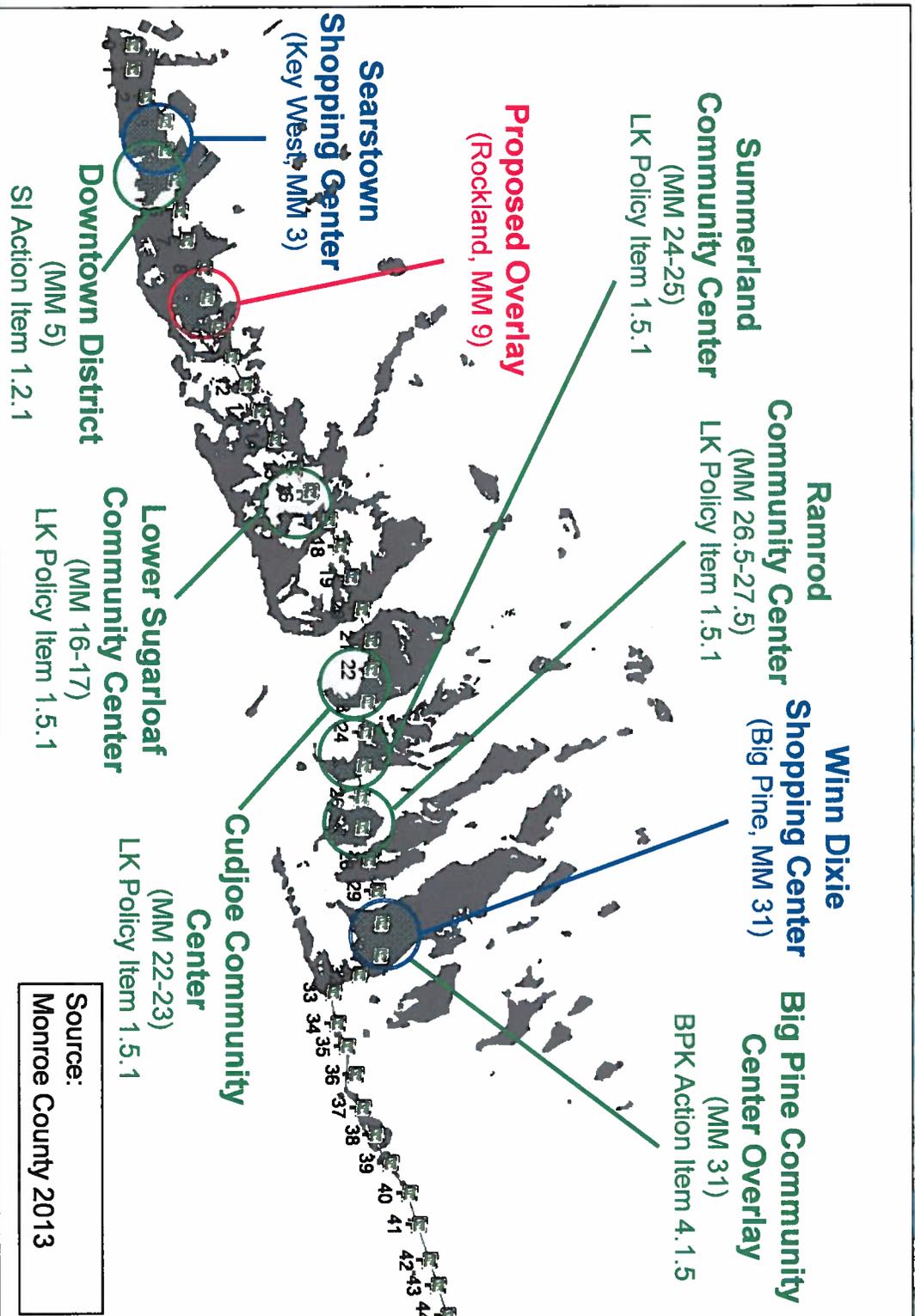


Source:
Monroe County 2013



GROWTH MANAGEMENT DIVISION

Notable Lower Keys Commercial Developments & CommunikKeys Recommended Commercial Overlay Districts



Attachment 2:

Excerpts from the Monroe County 2010 Comprehensive Plan Technical Document (1997) that relate to projected nonresidential growth and the NROGO

Page 2-1 through Page 2-8
Page 2-43 through Page 2-53
Page 2-92 through Page 2-95
Page 2-115 through Page 2-118

2.0 Future Land Use Element

The purpose of the Future Land Use Element is to evaluate existing development patterns and potential constraints to development in order to determine and describe what development will occur in Monroe County over the planning horizon of this Comprehensive Plan, where this development will be located, and through what mechanisms this will be accomplished. This planning effort for Monroe County has been guided by the following principles:

- (a) Monroe County should manage future growth to enhance the quality of life for and ensure the safety of Monroe County residents and visitors;
- (b) Monroe County should provide adequate public facilities and services to support existing and future development; and
- (c) Monroe County should direct growth to lands which are intrinsically most suitable for development and should encourage conservation and protection of environmentally sensitive lands.

2.1 Existing Land Use

The existing patterns and trends of development in Monroe County have been used as the basis for determining future development potential and are evaluated in this section. The pattern and mix of existing land uses is indicative of the market forces and natural resource constraints which have shaped existing development and are likely to influence future growth. In addition, existing levels of development have been used to evaluate the adequacy of public facilities and services to serve this development and to identify potential carrying capacity constraints.

2.1.1 Existing Land Use

A generalized Existing Land Use Map series has been developed by the Monroe County Growth Management Division as representative of the existing pattern of development in unincorporated Monroe County. The existing land use data for Monroe County is summarized in Table 2.1. It should be noted that the measurement of land areas in Monroe County is not exact. The unique environmental character of the area, especially the large areas of mangrove-fringed shoreline and numerous small islands, many of which are below the mean high water line, makes an exact land area inventory difficult, simply because defining "land" in Monroe County is difficult. The calculation of acreage's of land use types provides an approximation of the land area of each of the land use categories, and is useful in determining the conditions as they presently exist.

As indicated on Table 2.1, the total area for the unincorporated portion of the Keys is approximately 61,343 acres. This inventory does not include waterbodies or offshore islands, which are discussed in detail in Section 2.1.3 below. As indicated, almost two-thirds of the County is either owned for

Table 2.1
Monroe County Existing Land Use (acres) (1)

	Upper Keys	Middle Keys	Lower Keys	Total	Percent of Total
Single-Family	3,391.0	2,037.0	2,950.9	8,378.9	13.7%
Mobile Homes	618.9	130.8	313.1	1,062.8	1.7%
Multi-Family	391.6	220.9	25.2	637.7	1.0%
Mixed Residential	201.5	158.3	351.1	710.9	1.2%
Residential Subtotal	4,603.0	2,547.0	3,640.3	10,790.3	17.6%
General Commercial	462.1	276.6	255.4	994.1	1.6%
Commercial Fishing	10.7	84.6	151.8	247.1	0.4%
Tourist Commercial	421.1	460.5	147.3	1,028.9	1.7%
Commercial Subtotal	893.9	821.7	554.5	2,270.1	3.7%
Industrial	81.7	55.2	377.9	514.8	0.8%
Agricultural/Maricultural	0.0	41.9	0.0	41.9	0.1%
Education	65.8	31.7	8.9	106.4	0.2%
Institutional	46.2	37.3	32.8	116.3	0.2%
Public Buildings/Grounds	11.3	32.6	16.9	60.8	0.1%
Public Facilities	36.1	446.2	56.8	539.1	0.9%
Military	0.0	0.0	3,288.7	3,288.7	5.4%
Historic	0.0	0.0	0.5	0.5	0.0%
Recreation	351.2	940.7	499.4	1,791.3	2.9%
Conservation	11,542.6	623.1	8,530.0	20,695.7	33.7%
Vacant	5,123.1	2,882.5	13,121.6	21,127.2	34.4%
Total	22,754.9	8,459.9	30,128.3	61,343.1	100.0%
Percent of Total	37.1%	13.8%	49.1%	100.0%	

(1) Existing land use for the Florida Keys portion of unincorporated Monroe County.

Does not include waterbodies or offshore islands.

Acres derived from measurement of land uses shown on the Existing Land Use Map series.

Source: Monroe County Growth Management Division, 1991.

Wallace Roberts & Todd, 1992

conservation purposes or is vacant. Of the developed land uses, single-family residential is the largest land use category, representing approximately 13.7 percent of the County.

Data regarding the general range of density or intensity of use for Monroe County has been obtained by the Monroe County Growth Management Division from the Property Appraiser's records (Monroe County Growth Management Division, 1991). This data provides parcel and floor area for land uses which have been grouped into Property Classification (PC) Codes. These PC Codes have been grouped to correspond with the existing land use categories illustrated on the Existing Land Use Map to indicate a general range of density and intensity of use for each of the existing land use categories (Table 2.2). For several land use categories, such as General Commercial, Tourist Commercial, and Industrial, the Property Appraiser's data reflects a reasonably accurate portrayal of general densities and intensities of use as well as consistency with the acreage's determined from the Existing Land Use Map. However, there are a number of discrepancies with the data that should be rectified:

- (a) the PC Codes may not necessarily reflect the land use of a parcel as mapped on the Existing Land Use Map. For example, the PC Code 81 Military indicates there are 1,824 acres of Military lands, while the mapped Military land use category indicates there are 3,289 acres of Military lands in the County;
- (b) the densities and intensities of use shown in Table 2.2 do not represent a true (maximum and minimum) range of densities and intensities, but instead represent average densities and intensities for each PC Code;
- (c) the Property Appraiser's data does not appear to be consistently accurate throughout the range of PC Codes. For example, the PC Code 4 Condominium indicates there are only 12 Condominium units on 74 acres in the entire County, which is not accurate, and the PC Code 81 Military indicates there is only 22,119 SF of buildings on 1,824 acres of Military lands, which is also not accurate.

The Monroe County Growth Management Division should coordinate with the Property Appraiser's Office to continually update the existing database regarding land uses and densities and intensities of use in the County. The database should be updated to reflect the amount of development there is in the County as well as land uses categories as mapped on the Existing Land Use Map.

A. Residential Lands

Residential land uses, including single-family detached homes, mobile homes, multi-family apartments, and mixed-use residential areas are found on almost every one of the 38 Keys along US Highway 1. As indicated in Table 2.1, residential uses account for 10,790 acres, or 17.6 percent of the total area of the Keys. Single-family detached homes are the predominant residential type in the Keys, and account for approximately 8,379 acres, or 78 percent of the residential land use category. Mobile homes occupy the second largest residential land area, and include 1,063 acres. Multi-family residential development, including apartments, condominiums and cooperatives, account for 638 acres, or 6 percent of the developed residential land area. Mixed residential areas include approximately 711 acres, representing approximately 7 percent of the residential land use category.



B. Commercial Lands

Commercial land uses can broadly be defined as those uses associated with the buying and selling of goods and/or services. Commercial uses account for 2,270 acres, or 3.7 percent of the land area for the Keys portion of unincorporated Monroe County (Table 2.1). Commercial land uses include general commercial, commercial fishing, and tourist commercial land uses. General commercial uses include retail and office uses which are oriented toward the resident population and represent the majority of commercial uses. General commercial uses are generally concentrated in a strip along US 1. This is primarily evident in the more heavily developed Keys, including Key Largo, Marathon and Upper Matecumbe, and consists of retail, service, and auto-related uses as well as office buildings, which are generally small, single story structures. The General Commercial land use category includes approximately 994 acres, representing 43 percent of the commercial uses. Commercial fishing uses include land uses which are oriented toward the commercial fishing industry including commercial marinas and landing areas, processing plants, boat repair and maintenance, and equipment and trap storage areas. Commercial Fishing uses in unincorporated Monroe County are heavily concentrated in the Lower Keys, with approximately 152 acres, or 62 percent, of the total Commercial Fishing uses in the Lower Keys. Tourist Commercial uses include land uses which are oriented to tourists and visitors, including hotels/motels, private parks and recreation areas, and private campgrounds and recreational vehicle (RV) parks. Tourist commercial uses account for 1,029 acres, representing approximately 45 percent of the total commercial land use category, and are more heavily concentrated in the Upper and Middle Keys than the Lower Keys.



C. Industrial Lands

Industrial land uses account for approximately 515 acres in the unincorporated portion of the Keys. This accounts for less than one percent of the total land area. Industrial uses include cement, rock and gravel operations, light manufacturing and storage areas, and heavy industrial uses. Industrial uses are heavily concentrated in the Lower Keys, with 378 acres, or 73 percent, of the total Industrial land uses located in the Lower Keys.

D. Agricultural/Maricultural Lands

Although agricultural activities have historically been undertaken in the Keys, this is no longer the case. However, several mariculture operations have been established and account for approximately 42 acres. These maricultural operations are located in the Middle Keys.

E. Institutional Lands

Institutional uses, including hospitals, churches, cemeteries, and service clubs account for 116 acres in the County, representing less than one percent of the total land area.

F. Educational Lands

Educational land uses account for approximately 106 acres in Monroe County. This includes private schools as well as the seven public schools operated by the Monroe County School Board (two high schools, one middle school, two middle/elementary schools and two elementary schools) within the unincorporated portion of the County.

G. Public Buildings/Grounds

Public Buildings/Grounds account for approximately 61 acres in Monroe County, representing less than one percent of the total area of the County. This land use category includes all government offices, such as county, state and federal offices, post offices, sheriff and jail facilities, Coast Guard stations, fire stations, cemeteries/crematories and community clubs and lodges. This land use category does not include publicly-owned lands held for conservation purposes (see L. Conservation Lands below).

H. Public Facilities

Public facilities account for approximately 539 acres in Monroe County, representing approximately one percent of the total land area. This land use category includes land owned by public utilities and service providers.

I. Military Lands

The Florida Keys have long been recognized as strategically significant by the US military forces, and military operations still play an important role in the economy of the Keys. As shown in Table 2.1, military lands account for 3,300 acres in the Keys, or approximately five percent of the total land area. Military lands are located entirely in the Lower Keys, including the Boca Chica Naval Air Station on Boca Chica, Rockland and Geiger Keys, and additional facilities on Saddlebunch Key and Cudjoe Key (the "Blimp Base").

J. Historic Lands

Historical lands as shown on Table 2.1 include only 0.5 acres, which is the Bat Tower site located on Lower Sugarloaf Key. Although there are other historic sites and districts in unincorporated Monroe County, these are located within Conservation or Recreation land use categories or are located on offshore islands (i.e., Indian Key, Pigeon Key, and Fort Jefferson National Monument). See Section 2.1.6 for a full discussion of historic resources.

K. Recreation Lands

Recreation lands include both public recreation lands and facilities as well as some private recreation lands, such as golf courses. These uses account for approximately 1,791 acres, or 3 percent of the total land area. Two of the larger recreation areas in this category are Bahia Honda and Long Key State Recreation Areas.

L. Conservation Lands

Conservation lands includes lands which have been acquired by public agencies and private organizations for conservation purposes. This is the single largest land use category after vacant

Table 2.2
 Existing Land Use and Densities
 Generated from Property Appraiser's Data

PC	Description	Area (SF)	Area (Acres)	Units	Building SF	Density (DU/Acres)	FAR (SF/SF)
Single-Family							
1	Single-Family	181,220,044	4,160.2	14,928	NA	3.6	NA
Mobile Homes							
2	Mobile Homes	28,432,159	652.7	6,144	NA	9.4	NA
Multi-Family							
3	Multi-Family (10 units or more)	207,142	4.8	44	NA	9.3	NA
4	Condominium	3,222,469	74.0	12	NA	0.2	NA
5	Cooperatives	131,215	3.0	0	NA	0.0	NA
8	Multi-Family (< 10 units)	15,459,046	354.9	2,449	NA	6.9	NA
	Subtotal	19,019,872	436.6	2,505	NA	5.7	NA
Mixed Residential							
		NA	NA	NA	NA	NA	NA
General Commercial							
11	Stores One Story	6,297,297	144.6	NA	1,236,975	NA	0.1964
12	Store/Off/Res Gr Combination	7,096,705	162.9	NA	657,248	NA	0.0926
13	Department Stores	137,611	3.2	NA	42,960	NA	0.3122
14	Supermarkets	200,147	4.6	NA	50,650	NA	0.2531
16	Community Shopping Centers	5,730,681	131.6	NA	825,190	NA	0.1440
17	Office Buildings 1 Story	3,521,687	80.8	NA	506,508	NA	0.1438
18	Office Buildings Multi-Story	600,377	13.8	NA	137,528	NA	0.2291
19	Professional Services Bldgs	478,984	11.0	NA	105,288	NA	0.2194
20	Airports	3,856,733	88.5	NA	27,265	NA	0.0071
21	Restaurants & Cafeterias	2,885,885	66.3	NA	454,754	NA	0.1576
22	Drive-In Restaurants	502,147	11.5	NA	49,404	NA	0.0984
23	Financial Institutions	1,108,911	25.5	NA	146,409	NA	0.1320
25	Repair Service Shcp	1,913,789	43.9	NA	177,294	NA	0.0926
26	Service Stations	817,028	18.8	NA	103,406	NA	0.1266
27	Auto Sales/Repair	11,813,815	271.2	NA	761,634	NA	0.0645
28	Parking Lots	228,716	5.3	NA	0	NA	0.0000
29	Wholesale Outlet	1,063,129	24.4	NA	46,289	NA	0.0435
30	Floris/Greenhouses	603,710	13.9	NA	4,135	NA	0.0068
31	Drive-in Theaters/Open Stadium	535,011	12.3	NA	5,373	NA	0.0100
33	Nightclubs, Lounges, Bars	547,306	12.6	NA	90,412	NA	0.1652
34	Bowling Alleys	210,587	4.8	NA	46,289	NA	0.2198
69	Leather Goods	72,745	1.7	NA	0	NA	0.0000
	Subtotal	50,151,256	1,153.0	NA	5,475,011	NA	0.1092
Commercial Fishing							
44	Packing Plants/Seafood/Fruit	2,989,710	68.6	NA	120,566	NA	0.0403
Tourist Commercial							
35	Tourist Attractions	1,129,048	25.9	NA	39,109	NA	0.0346
36	Camps, Priv./Docks/Recreat/Parks	22,096,180	507.3	NA	400,863	NA	0.0181
37	Race Tracks/Horse, Auto, Dog	304,920	7.0	NA	36,701	NA	0.1204
39	Hotels/Motels	20,176,719	463.2	NA	2,824,508	NA	0.1400
	Subtotal	43,706,867	1,003.4	NA	3,301,181	NA	0.0755

Table 2.2 (cont.)
 Existing Land Use and Densities
 Generated from Property Appraiser's Data

PC	Description	Area (SF)	Area (Acres)	Units	Building SF	Density (DU/Acres)	FAR (SF/SF)
Industrial							
41	Light Manufacturing	260,629	6.0	NA	27,760	NA	0.1065
42	Heavy Industrial	390,199	9.0	NA	21,723	NA	0.0557
43	Lumber Yds/Sawmill	230,915	5.3	NA	22,431	NA	0.0971
46	Other Food Processing	804,092	18.5	NA	38,113	NA	0.0474
47	Plants/Cement/Rock/Gravel	10,655,647	244.6	NA	36,400	NA	0.0034
48	Warehousing	3,954,631	90.8	NA	729,641	NA	0.1845
49	Open Storage	3,697,895	84.9	NA	17,386	NA	0.0047
	Subtotal	19,994,008	459.0	NA	893,454	NA	0.0447
Agricultural/Maricultural							
68	Dairies/Feed Lots	203,425	4.7	NA	0	NA	0.0000
Education							
72	Schools/Colleges/Priv	3,607,206	82.8	NA	38,358	NA	0.0106
83	School/Public/Bd of Public Ins	6,208,647	142.5	NA	425,381	NA	0.0685
	Subtotal	9,815,853	225.3	NA	463,739	NA	0.0472
Institutional							
71	Churches	4,716,818	108.3	NA	330,456	NA	0.0701
73	Hospital (private)	641,877	14.7	NA	133,150	NA	0.2074
74	Homes for the Aged	196,020	4.5	NA	66,078	NA	0.3371
76	Mortuaries/Cemeteries	1,491,134	34.2	NA	10,435	NA	0.0070
77	Clubs/Lodges	8,629,218	198.1	NA	267,434	NA	0.0310
85	Hospitals	155,047	3.6	NA	32,442	NA	0.2092
	Subtotal	992,944	22.8	NA	839,995	NA	0.8460
Public Buildings/Grounds							
86	Other Counties	42,677,467	979.7	NA	363,254	NA	0.0085
87	Other State	239,042,804	5,487.7	NA	67,744	NA	0.0003
89	Other Municipal	4,064,886	93.3	NA	40,746	NA	0.0100
94	Right-of-Way	22,696,659	521.0	NA	3,734	NA	0.0002
	Subtotal	308,481,816	7,081.8	NA	475,478	NA	0.0015
Public Facilities							
91	Utilities/Water Tanks	4,378,944	100.5	NA	186,982	NA	0.0427
Military							
81	Military	79,450,902	1,823.9	NA	22,119	NA	0.0003
Historic							
NA	NA	NA	NA	NA	NA	NA	NA
Recreation							
38	Golf Courses	12,126,642	278.4	NA	59,058	NA	0.0049
80	Fl. Parks & Memorial	1,332,500	30.6	NA	0	NA	0.0000
92	Parks/Private	967,825	22.2	NA	257	NA	0.0003
	Subtotal	14,426,967	331.2	NA	59,315	NA	0.0041
Conservation							
NA	NA	NA	NA	NA	NA	NA	NA

Table 2.2 (cont.)
Existing Land Use and Densities
Generated from Property Appraiser's Data

PC	Description	Area (SF)	Area (Acres)	Units	Building SF	Density (DU/Acres)	FAR (SF/SF)
Vacant							
0	Residential	1,774,167,150	40,729.3	NA	NA	NA	NA
10	Commercial	92,784,524	2,130.0	NA	NA	NA	NA
40	Industrial	134,600	3.1	NA	NA	NA	NA
70	Institutional	14,149,710	324.8	NA	NA	NA	NA
	Subtotal	1,881,235,984	43,187.2	NA	NA	NA	NA
Not Classifiable							
96	Waste Lands	435,600	10.0	NA	0	NA	0.0000
99	Non Ag Acreage 5 Ac or More	21,687,698	497.9	NA	11,707	NA	0.0005
	Subtotal	22,123,298	507.9	NA	11,707	NA	0.0005
Total Unin. Monroe County		2,666,624,049	NA	NA	NA	NA	NA
Mainland/Submerged							
82	US Mainland	195,934,488	4,498.0	NA	53,049	NA	0.0003
88	Other Federal	2,532,938,628	58,148.3	NA	246,498	NA	0.0001
95	Submerged Lands	129,376,900	2,970.1	NA	7,331	NA	0.0001

NA Not Available

Source: Monroe County Property Appraiser's Office, 1991.
 Monroe County Growth Management Division, 1991.

resource is urgently needed so that structural stabilization and rehabilitation work may begin as soon as possible.

Public Education

The County has no ongoing public awareness program for historic preservation. Because of the limited staff and budget, the County can best support public awareness through supporting the efforts of locally based historic preservation organizations. The County needs to strengthen its relationship with these organizations as well as provide information, technical assistance, and funding support for the historic preservation efforts of these organizations.

Intergovernmental Coordination

Many of the historic resources in Monroe County are located on federal and state lands. The County needs to increase their coordination with public agencies to ensure that historic resources are identified and protected.

2.1.7 Economic Conditions and Trends



The Monroe County economy is unique in a number of respects due to the County's location and its geography. Monroe County's economy is dominated by the tourism industry, and the County attracts both seasonal residents and short-term visitors by virtue of its unique array of recreational resources. Other key sectors which historically have influenced the County's economy include the U.S. Navy and the commercial fishing industry. The Monroe County economic base expanded during the 1980's, outperforming the state and the nation in terms of employment growth, unemployment levels and increases in per capita income. Selected components of the economic base and key trends are discussed in the following paragraphs.

A. Employment Characteristics and Key Industry Profiles

Employment trend data by place of work are provided by the Bureau of Economic Analysis (BEA) in the U.S. Department of Commerce. These data present a comprehensive range of economic characteristics for counties, including full- and part-time employment. Table 2.10 summarizes the distribution of Monroe County employment and growth trends by industry for the period from 1970 through 1989. During the 1980's employment growth in Monroe County outpaced permanent population growth, increasing at an average annual compound rate of over four percent. Figure 2.1 graphically illustrates the patterns of change in private and public sector employment in comparison to changes in the population of the unincorporated area.

Employment growth during the past decade was led by the Services, Retail Trade, Finance, Insurance and Real Estate and Construction industries as illustrated in Table 2.10. These sectors accounted for nearly 80 percent of net growth in employment during the period from 1980 through 1989.

The services sector is the largest segment of the private sector followed by retail trade, reflecting the dominance of the tourism industry. These industries account for nearly 52 percent of total public and private sector employment and approximately 67 percent of total private sector employment.

Unemployment in Monroe County has remained two to three percentage points below statewide and national levels in recent years. As shown in Table 2.10, the composition of the County's economy has shifted during the last fifteen years. During the five year period between 1970 and 1975, total

employment increased by only five percent. However, employment shifted away from the public sector to the private sector, resulting in a net increase of 33 percent in private industries. A fifty percent reduction in military personnel and a related decrease in federal civilians (22 percent) accounted for the change.

This decline in public sector employment continued through 1980. As noted previously, retail trade and services represented the largest share of total employment, reflecting national trends, as well as the strength of the local tourism industry. Total employment increased twenty-four percent from 1980 to 1985. Employment in the private sector increased by thirty percent, while the public sector grew by nine percent. Both federal government and transportation/public utility employment showed healthy increases. Private industry continued to be dominated by the retail and service industries, although commercial fishing, F.I.R.E. and construction were also significant growth segments in this period.

Tourism

Tourism is the dominant factor in the Monroe County economy. There are numerous and varied indicators of the importance of the tourism industry in Monroe County ranging from the scope of tourist infrastructure such as hotels and other lodging facilities to visitation statistics at parks and attractions.

There are approximately 175 licensed hotel and motels in Monroe County with a total of over 7,200 rooms. Monroe County's inventory of hotel/motel units increased 32 percent from 1981 to 1990. Additionally, there are approximately 2,800 campsites in Monroe County accommodating visitors year-round. Hotel bed tax collections, which are affected by both guest volume and prices, increased by about 68 percent or approximately 19 percent per year between 1987 and 1990.

Retail eating and drinking establishments, which are also heavily influenced by tourist activity, increased in number by about 45 percent from 1981 to over 550 facilities with over 35,000 seats in 1989. Reported sales of eating and drinking establishments in Monroe County increased by about 68 percent between 1983 and 1990 which represents an average annual increase of about 7.7 percent.

The number of visitors to state parks in Monroe County increased by nearly 240 percent between 1980 and 1990 to approximately 2.0 million visitors annually. The John Pennekamp Coral Reef State Park accounts for about 70 percent of total state park visitation in Monroe County.

A recent study performed for the U.S. Department of Interior, Division of Minerals Management concluded that approximately one-third of the Monroe County economy is dependent upon recreation-related tourism and that a conservative estimate of the net present value of the Florida Keys for beach activities, saltwater fishing and scuba and snorkel diving is about \$22 billion. (Kearney/Centaur, 1990). The above noted study also indicated that in 1990 an estimated 1.9 million visitors spent about 12.9 million days in the Florida Keys and had a direct spending impact of about \$733 million.

Commercial Fishing

Commercial fishing represents nine percent of the Monroe County private sector employment. The 1991 Monroe County Statistical Abstract indicates that the 1990 commercial fish value was \$39.8 million, an 18 percent increase from 1980 (Table 2.11). Total commercial fish poundage has declined approximately 22 percent during that same time period. The fish value only accounts for the price of fish paid to the commercial fishermen and does not include a multiplier effect of resales to restaurants,

Table 2.10
 Monroe County Employment Profile 1970-1989 (1)

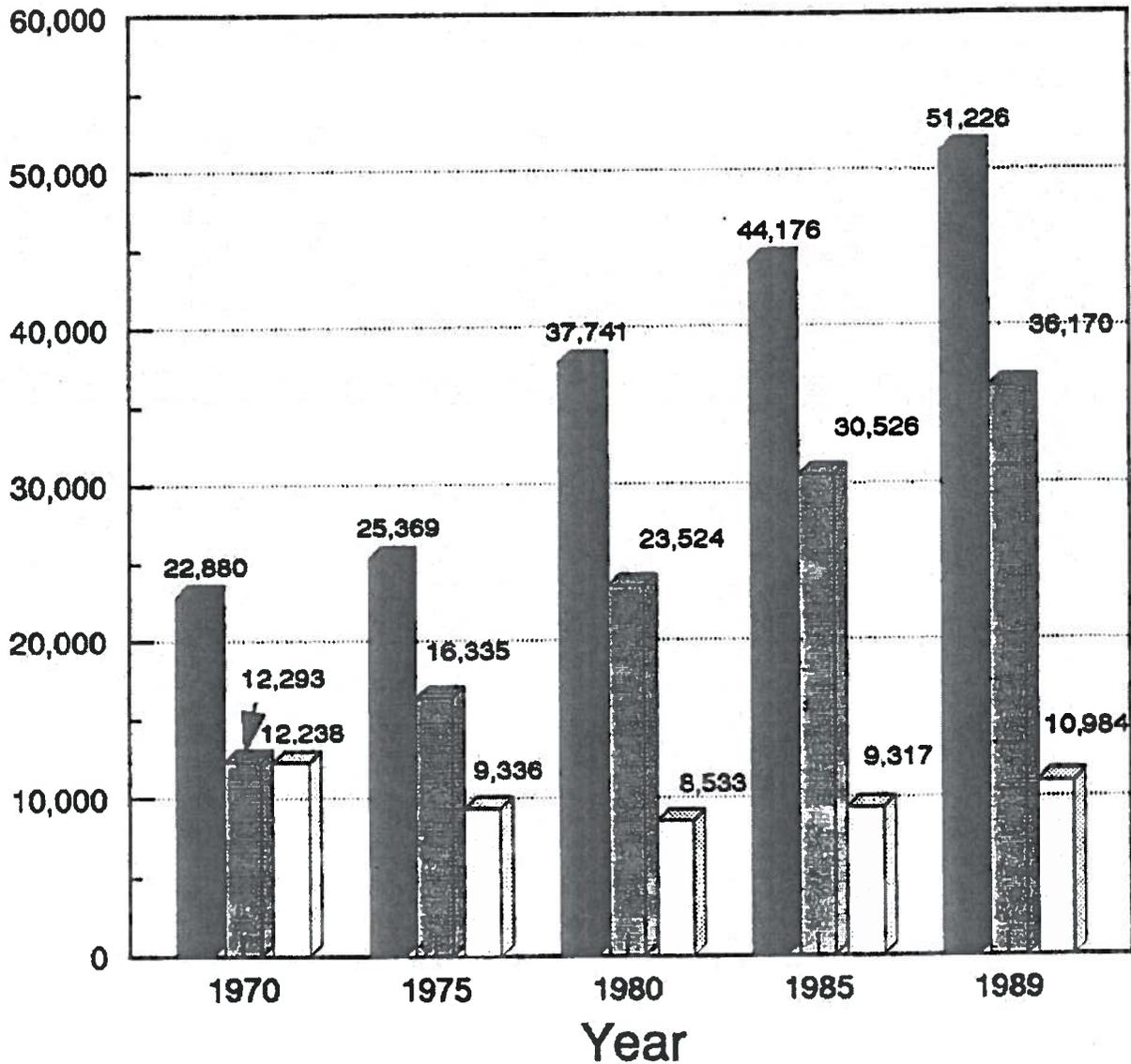
	1970	1975	Percent Change 1970-75	1980	Percent Change 1975-80	1985	Percent Change 1980-85	1989	Percent Change 1985-89
Private Sector									
Ag Svcs/Fishing (2)	776	1,490	92.0%	2,697	81.0%	3,929	45.7%	3,337	-15.1%
Mining	114	10	-91.2%	11	10.0%	48	336.4%	59	22.9%
Construction	1,022	1,141	11.6%	1,851	62.2%	2,570	38.8%	2,915	13.4%
Manufacturing	551	820	48.8%	940	14.6%	754	-19.8%	809	7.3%
Wholesale	495	685	38.4%	702	2.5%	829	18.1%	808	-2.5%
Retail	4,076	5,048	23.8%	6,769	34.1%	8,464	25.0%	10,669	26.1%
FIRE (3)	829	1,360	64.1%	2,477	82.1%	3,360	35.6%	3,942	17.3%
Services (4)	4,430	5,781	30.5%	8,077	39.7%	10,572	30.9%	13,631	28.9%
Subtotal	12,293	16,335	32.9%	23,524	44.0%	30,526	29.8%	36,170	18.5%
Public Sector									
Fed. civilians	1,724	1,342	-22.2%	935	-30.3%	1,228	31.3%	1,305	6.3%
Military	7,435	3,743	-49.7%	2,610	-30.3%	2,834	8.6%	3,306	16.7%
State/local (5)	2,334	3,459	48.2%	3,774	9.1%	3,774	0.0%	4,387	16.2%
Trans./util (6)	745	792	6.3%	1,214	53.3%	1,481	22.0%	1,986	34.1%
Subtotal	12,238	9,336	-23.7%	8,533	-8.6%	9,317	9.2%	10,984	17.9%
Total Employment	24,531	25,671	4.6%	32,057	24.9%	39,843	24.3%	47,154	18.3%

- (1) Full- and part-time employees and proprietors by major industry.
- (2) County figures for fisheries and forestry only.
- (3) Finance, Insurance, Real Estate includes banking, credit agencies, insurance services and holding and other investment companies, among others.
- (4) Includes lodging places, personal, business, health, legal, private and social services.
- (5) Includes all local offices of state agencies and local school, sheriff, government and service employees.
- (6) Includes trucking and warehousing, water transportation and local utility employees.

Source: Bureau of Economic Analysis, U.S. Department of Commerce, 1991.

2-45

Figure 2.1
Population and Employment Trends



County Population (Permanent)
 Private Sector Employment
 Public Sector Employment

Note: Unincorporated area only.
 Source: BEBR; Bureau of Economic Analysis, U.S. Department of Commerce; U.S. Census 1970, 1980.

2-46

fish markets, distributors, etc. The number of commercial vessels has declined approximately six percent from 1980 to 1990. The decline in the number of commercial vessels has been attributed to a combination of economic and natural resource factors, including:

- (a) the cyclical and migratory patterns and in some cases imposed quotas on the various types of commercial seafood resulting in a decline in poundage caught;
- (b) the high cost of living in the Key West/Stock Island area forcing commercial fishermen to seek cheaper areas to live, purchase supplies and outfit their rigs;
- (c) the increased dock fees as well as a reduction in dock space for commercial vessels, contributing to commercial vessels being based outside the area; and
- (d) the inevitable retirement of older fishermen, coupled with declines in the number of persons attracted to commercial fishing.

Together these factors are contributing to the overall decline in the number of registered commercial boats and corresponding poundage for Monroe County from 1980 to 1989.

Table 2.11
Monroe County Commercial Fishing (1980 - 1990)

Year	Number of Commercial Boats	Percent Change	Fish Value (millions)	Percent Change	Poundage (millions)	Percent Change
1980	3,768		\$33.7		23.3	
1981	2,801	-25.7%	46.6	38.3%	31.4	34.8%
1982	3,085	10.1%	39.8	-14.6%	24.8	-21.0%
1983	3,369	9.2%	32.3	-18.8%	20.4	-17.7%
1984	3,782	12.3%	40.9	26.6%	27.9	36.8%
1985	3,629	-4.0%	39.0	-4.6%	25.0	-10.4%
1986	3,881	6.9%	37.7	-3.3%	21.4	-14.4%
1987	3,870	-0.3%	36.3	-3.7%	15.0	-29.9%
1988	3,197	-17.4%	33.9	-6.6%	15.0	0%
1989	3,242	1.4%	51.8	52.8%	18.3	22.0%
1990	3,550	9.5%	39.8	-23.2%	15.7	-14.2%

Source: National Marine Fisheries Service, 1991.

B. Personal Income

Personal income represents another key economic indicator. Personal income includes income received by County residents from all sources, both private and government. It consists of wages, salaries and other earned income; dividends, interest and rent; and transfer payments. Transfer payments include private pensions, transfers from government funds (such as Social Security, military retirement pensions, Medicare and Medicaid), and direct government payments, such as unemployment, food stamps and aid to families with dependent children.

During the period from 1970 through 1989, total earnings by place of work in Monroe County increased by 450 percent. The largest increases in earned income were in the service, public utility and fishing industries. However, the aggregate wage figures reflect trends similar to identified employment trends together, retail trade and services account for the majority of earnings in Monroe County. The second largest wage generator is the government (all components). The majority of government earnings in the County go to military and state/local government employees.

In 1989, Monroe County wage earnings accounted for 52 percent of total personal income, while dividends, etc. and transfer payments accounted for 36 percent and 12 percent, respectively. This contrasts with national figures for the same year. Nationally, wages accounted for over 68 percent of total personal income, while dividends, etc. comprised 18 percent of the total, and transfers accounted for 15 percent. The fact that 48 percent of total personal income in Monroe County is derived from non-wage income, compared to 32 percent nationally, indicates that the retirement sector has a strong role in the local economy. The County's high proportion of dividend, interest and rent income reinforces the significance of retirees and also indicates a significant segment of the local population which is fairly affluent.

From 1980 through 1989, growth in per capita income of Monroe County permanent residents exceeded statewide and national increases. During the period from 1980 through 1989, per capita income of Monroe County residents increased at an average annual compound rate of over 8 percent. In 1980, per capita income in Monroe County was \$8,917 or nearly 9 percent below the state of Florida's per capita income of \$9,764 and 10 percent below per capita income nationwide (\$9,919). By 1989, per capita income in Monroe County climbed to \$17,986, exceeding state and national levels of \$17,715 and \$17,592, respectively.

2.1.8 Committed Development

Monroe County is required to provide adequate public facilities for existing and future development. Measures of existing development are used to calculate concurrency constraints and the reserve capacity which may exist for public facilities and services. Measures of existing development, however, do not include development for which development orders have or will be issued prior to plan adoption. This committed development is considered to be "in the pipeline" and will require a portion of the reserve capacity which may currently exist for public facilities and services in Monroe County.

The following sections describe the amount of committed development in Monroe County which may affect the provision of public facilities and services. This committed development will be added to the existing development in order to determine the carrying capacity over the planning horizon of this plan.

A. Committed Development in Unincorporated Monroe County Prior to Plan Adoption

For the purposes of this analysis, there are two types of development in Monroe County which will be used to determine total committed development: (1) *measured* development which has been permitted between April 1, 1990 (the date of the U.S. Census, which has been used as the source of existing population and development) and the preparation of the plan (October 21, 1991); and (2) development which can be *projected* to be permitted during the period between the preparation of the plan and plan adoption (October 16, 1992). These two types of permitted development are discussed below.

Permitted Development (April 1, 1990 to October 21, 1991)

Permitted development includes development which has met the Monroe County's concurrency test and has received a final development order. This includes building permits issued by the County and approved Developments of Regional Impact (DRI's). Development approval data has been compiled for the period from April 1, 1990 through October 21, 1991 (Table 2.12). April 1, 1990 was chosen as the start date for the data collection since it corresponds to the Census Day for which the existing population and development levels were measured. This measure is especially important for the calculation of hurricane clearance times, since the transportation model of the Lower Southeast Florida Hurricane Evacuation Study uses 1990 Census population and development data to calculate hurricane evacuation clearance times.

As indicated on Table 2.12, the amount of development that has been permitted, and for which the County must be prepared to provide services, includes 1,593 residential dwelling units and 225 hotel/motel rooms, for a total of 1,818 units. In addition, approximately 239,357 square feet of non-residential development has been permitted in the unincorporated areas of Monroe County.

Table 2.12 indicates that 838, or 52.6 percent, of the total of 1,593 residential units have been permitted for development in the Upper Keys; 281 residential units, or 17.6 percent of the total, have been permitted for development in the Middle Keys; and 474 residential units, or 29.8 percent, have been permitted for development in the Lower Keys. A comparison of the distribution of this committed development with the existing (1990) population distribution (34.7 percent in the Upper Keys, 26.8 percent in the Middle Keys, and 38.5 percent in the Lower Keys), indicates that development pressure has shifted toward the Upper Keys and away from the Middle and Lower Keys.

Hotel/motel development accounts for 225 permitted units. Consistent with the pattern of recent residential development approvals, 173 units, or 77 percent, have been permitted for development in the Upper Keys, and 52 units, or 23 percent, have been permitted for development in the Middle Keys. There has been no hotel/motel development permitted in the Lower Keys during this period.

For non-residential development, the distribution of permitted development also follows these general trends, with a total of 149,298 square feet, or 62.4 percent, permitted for development in the Upper Keys; 22,674 square feet, or 9.5 percent, permitted for development in the Middle Keys; and 67,385 square feet, or 28.2 percent, permitted for development in the Lower Keys.

Permitted Development (October 21, 1991 to October 16, 1992)

In addition to the development which has been permitted during the period between April 1, 1990 and October 21, 1991, an additional amount of development can be expected to be permitted during the period between October 21, 1991 and plan adoption (October 16, 1992). The amount and distribution

of this committed development has been projected based upon the recent trends in development approvals described above.

Based upon the development approval trend during the period between April 1, 1990 and October 21, 1991, an additional 1,019 residential units can be expected to be permitted prior to plan adoption (Table 2.13). This has been calculated by determining the number of units permitted monthly over the past 18.75 months (between April 1, 1990 and October 21, 1991). This monthly amount, or 85 units, was then projected over the 12 month period between October 21, 1991 and October 16, 1992, for a total of 1,019 units.

Using the same methodology, approximately 144 hotel/motel units are projected to be permitted during this period, for a total of 1,163 units (Table 2.13). Approximately 153,000 square feet of non-residential development are projected to be permitted during this same period (Table 2.14).

Total Permitted Development Prior to Plan Adoption

As described above, a total of 1,593 residential units have been permitted between April 1, 1990 and October 21, 1991, and an additional 1,019 units are projected to be permitted between October 21, 1991 and plan adoption, for a total of 2,612 residential units prior to plan adoption. In addition, approximately 369 hotel/motel units can be expected to be permitted prior to plan adoption, for a total of 2,981 units.

Total Committed Development Prior to Plan Adoption

Based upon recent experience, approximately 70 percent of the residential and hotel/motel development permits are expected to result in a completed unit. This phenomenon may be exacerbated by the "rush" to secure permits prior to adoption of the plan and new regulations, with lessened regard to underlying market demand. Applying this percentage to the 2,981 units projected to be permitted prior to plan adoption yields an estimated 2,087 completed units. This committed development should be considered to require some portion of the reserve capacity for each public facility and service in order to determine the carrying capacity over the planning horizon.

A total of 392,545 square feet of non-residential development is expected to be permitted prior to plan adoption. It has been assumed that all of this non-residential development will be completed and Monroe County will be required to provide adequate public facilities and services for this development.

B. Committed Development in Incorporated Cities

Committed development for the cities of Layton, Key Colony Beach and Key West has not been included in this analysis because of an absence of comparable, reliable data. Committed development data (i.e., building permit data and development in approved DRIs) that was used for the measure of committed development for the unincorporated portion of Monroe County was not available for the cities of Layton, Key Colony Beach, and Key West (Solin and Associates, 1991; Turney, 1990; and Swarthout, 1990).

Although measures of committed development for the incorporated cities have not been included in this analysis, the impacts of any committed development on the County from these jurisdictions will eventually be accounted for in future measures of "background" development. In other words, the extent to which any committed development in the incorporated cities results in a built unit which

Table 2.12
 Permitted Development by Key
 Unincorporated Monroe County (4/1/90-10/21/91)

Key	Single-Family (units)	Mobile Homes (units)	Multi-Family (units)	Subtotal Residential (units)	Hotel/Motel (units)	Total (units)	Retail/Office (SF)	Hvy. Comm./Storage (SF)	Inst. (SF)	Total Non-Res. (SF)
Cross Key	2			2		2				
North Key Largo	34			34		34				
Key Largo	285	11	281	567	173	740	70,800	17,486	31,261	119,547
Plantation	162		73	235		235	24,911		5,040	29,951
Windley Key										
Subtotal - Upper Keys	463	11	364	838	173	1,011	95,511	17,486	36,301	149,298
Upper Matecumbe	23			23		23				
Lower Matecumbe	77		11	88	40	128	2,480			2,480
Craig Key										
Fiesta Key										
Long Key	1		15	16	12	28				
Conch Key	7		86	93		93				
Grassy Key	10			10		10				
Fat Deer Key	7			7		7				
Marathon	43		1	44		44	5,820	6,350	8,024	20,194
Knights Key										
Subtotal - Middle Keys	168	0	113	281	52	333	8,300	6,350	8,024	22,674
L. Duck/Missouri/Ohio										
Bahia Honda										
W. Summerland	2			2		2				
No Name Key										
Big Pine Key	165			165		165	7,728	10,000	1,640	19,368
Little Torch Key	23			23		23				
Middle Torch Key	37			37		37				
Big Torch Key										
Ramrod Key	52			52		52	1,080	8,960		10,040
Summerland Key	44			44		44	3,000			3,000
Cudjoe Key	70			70		70			1,800	1,800
Upper Sugarloaf Key	4			4		4				
Lower Sugarloaf Key	27			27		27				
Saddlebunch Key	9			9		9				
Shark Key	8			8		8				
Big Coppitt		1		1		1		1,150		1,150
Geiger Key										
Boca Chica/E. Rockland	21			21		21		14,472		14,472
Key Haven	1			1		1				
Stock Island	10			10		10		17,555		17,555
Subtotal - Lower Keys	473	1	0	474	0	474	11,808	52,137	3,440	67,385
Total	1,104	12	477	1,593	225	1,818	116,819	76,973	47,765	239,557

Source: Monroe County Growth Management Division, October 1991.

2 - 51

Table 2.13

**Committed Residential and Hotel/Motel Development Prior to Plan Adoption
Unincorporated Monroe County (4/1/90-10/16/92)**

	Upper Keys	Middle Keys	Lower Keys	Total
Development Permitted Between 4/1/90-10/21/91 (1)				
Single-Family	463	168	473	1,104
Mobile Homes	11	0	1	12
Multi-Family	364	113	0	477
Subtotal - Residential	838	281	474	1,593
Hotel/Motel	173	52	0	225
Total (Units)	1,011	333	474	1,818
Development Projected to be Permitted Between 10/21/91-10/16/92 (2)				
Single-Family	296	107	303	706
Mobile Homes	7	0	1	8
Multi-Family	233	72	0	305
Subtotal - Residential	536	180	303	1,019
Hotel/Motel	111	33	0	144
Total (Units)	647	213	303	1,163
Total Permitted Development (4/1/90-10/16/92)				
Single-Family	759	275	776	1,810
Mobile Homes	18	0	2	20
Multi-Family	597	185	0	782
Subtotal - Residential	1,374	461	777	2,612
Hotel/Motel	284	85	0	369
Total (Units)	1,658	546	777	2,981
Total Committed Development (4/1/91-10/16/92) (3)				
Single-Family	532	193	543	1,267
Mobile Homes	13	0	1	14
Multi-Family	418	130	0	548
Subtotal - Residential	962	323	544	1,829
Hotel/Motel	199	60	0	258
Total (Units)	1,161	382	544	2,087

(1) Actual number of residential units permitted between 4/1/90 and 10/21/91.

(2) Number of residential units projected to be permitted between 10/21/91 and 10/16/92 based on the trend during the 4/1/90 through 10/21/91 period.

(3) Approximately 70% of units permitted between 4/1/90 and 10/16/92 are expected to result in a completed unit.

Source: Monroe County Growth Management Division, October 1991.

Table 2.14

**Committed Non-Residential Development Prior to Plan Adoption
Unincorporated Monroe County (4/1/90-10/16/92)**

	Upper Keys	Middle Keys	Lower Keys	Total
Permitted Non-Residential Development (4/1/90-10/21/91) (1)				
Retail/Office	95,511	8,300	11,808	115,619
Heavy Commercial/Storage	17,486	6,350	52,137	75,973
Institutional	36,301	8,024	3,440	47,765
Total (SF)	149,298	22,674	67,385	239,357
Permitted Non-Residential Development (10/21/91-10/16/92) (2)				
Retail/Office	61,127	5,312	7,557	73,996
Heavy Commercial/Storage	11,191	4,064	33,368	48,623
Institutional	23,233	5,135	2,202	30,570
Total (SF)	95,551	14,511	43,128	153,188
Total Committed Non-Residential Development (4/1/90-10/16/92)				
Retail/Office	156,638	13,612	19,365	189,615
Heavy Commercial/Storage	28,677	10,414	85,505	124,596
Institutional	59,534	13,159	5,642	78,335
Total (SF)	244,849	37,185	110,511	392,545

(1) Actual amount of non-residential square footage permitted between 4/1/90 and 10/21/91.

(2) Amount of non-residential square footage projected to be permitted between 10/21/91 and 10/16/92 based on the trend during the 4/1/90 through 10/21/91 period.

Source: Monroe County Growth Management Division, October 1991.

Hurricane Evacuation

The critical carrying capacity constraint at the present time is related to the requirement that hurricane evacuation clearance times for Monroe County be maintained at or below 30 hours through the Year 2002, and further reduced to 24 hours by 2010. (see Section 3.21.1 of the Conservation and Coastal Management Element). Based upon hurricane evacuation clearance times, the remaining development capacity in unincorporated Monroe County and the municipalities of Key West, Layton, and Key Colony Beach is estimated at 3,693 residential units as of plan adoption¹. Assuming that 1,145 residential units are to be allocated to the three municipalities, the development capacity available in unincorporated Monroe County amounts to 2,548 residential units.

In order to achieve a reasonable balance between the need to maintain hurricane evacuation clearance times and the development expectations of Monroe County residents, the Future Land Use Concept allocates the remaining development capacity over a ten-year period. Prior to the end of this period, Monroe County will develop and implement regulatory mechanisms (e.g., extension of the Permit Allocation System described below), capital improvements (e.g., capacity improvements to US 1 in conjunction with the Florida Department of Transportation), and/or other measures necessary to reduce hurricane evacuation clearance times at or below 24 hours through the year 2010.

Although public facilities are not presently considered to be critical measures of carrying capacity, new development will be subject to the requirements of a Concurrency Management System which will ensure that adequate roadway, sanitary sewer, solid waste, drainage, potable water, and parks and recreation facilities are available concurrent with the impacts of development.

B. Permit Allocation System

Given the mandate to control growth within a limited measure of carrying capacity as determined by hurricane evacuation clearance times, there are several possible methods of "allocating" this growth. These methods include:

- (a) tailoring the Future Land Use Map to the amount of growth allowed by the carrying capacity limitations;
- (b) reducing densities and intensities to distribute growth uniformly among the Keys; or

¹This figure is based upon the following assumptions:

- (a) The development capacity remaining in Monroe County and the municipalities of Key West, Layton, and Key Colony Beach as of April 1, 1990 (the starting date used in the calculation of hurricane evacuation clearance times) amounts to 5,780 units.
- (b) Based upon recent growth trends, it is estimated that 2,087 permits issued for new residential development in unincorporated Monroe County during the period from April 1, 1990 to plan adoption (October 16, 1992) will result in completed units. Data on residential units permitted in the three municipalities during this period is not available. Therefore, the remaining development capacity in unincorporated Monroe County and the three municipalities as of October 16, 1992 amounts to 3,693 units.

- (c) allocating growth in measured annual increments by incorporating performance criteria in a Permit Allocation System.

Past actions to plat and zone property in the Florida Keys have created a magnitude of development expectations which is significantly greater than the actual amount of growth which can be allocated consistent with the critical measure of carrying capacity. As described in Section 2.1.2, 14,923 vacant buildable lots, or nearly six times the remaining development capacity set by hurricane evacuation as of plan adoption, existed in unincorporated Monroe County in October 1991. Therefore, methods of allocating the remaining growth allowed by carrying capacity limitations must balance considerations of effectiveness in properly allocating land uses with recognition of legitimate development expectations. A Permit Allocation System which allocates annual increments of growth and distributes this growth in accordance with explicit performance criteria (see Section 2.4.1D, Point System) is considered the mechanism best suited to the management of growth in the Florida Keys. This system will be implemented through the adoption of Land Development Regulations concurrent with plan adoption.

A Permit Allocation System, coupled with the Future Land Use Map Series, will be a key method to implement the goals, objectives and policies of the Comprehensive Plan, related specifically to protection of residents, visitors and property in the County from natural disasters, specifically including hurricanes. This mechanism will limit annual development in Monroe County to an amount and rate commensurate with the County's ability to maintain a reasonable and safe hurricane evacuation clearance time, as determined by completed studies. The present hurricane evacuation clearance time in Monroe County of 35 hours is unacceptably high. Based on a continuation of Monroe County's historic rate of growth, clearance time will continue to increase. Therefore, consistent with its responsibility for protecting the health and safety of its citizens, Monroe County must regulate the rate of population growth commensurate with planned increases in evacuation capacity to prevent further unacceptable increases in hurricane evacuation clearance time. Regulation of the rate of growth will also help to prevent further deterioration of public facility service levels, irreversible environmental degradation and potential land use conflicts. Specifically the point criteria used to evaluate development applications can be used to direct growth so as to prevent further environmental degradation by avoiding impacts on inshore and offshore reef waters, in coordination with the newly created Florida Keys National Marine Sanctuary, as well as on native vegetation and endangered species habitats.

In particular the regulation of development through a Rate of Growth Ordinance is mandated by the following facts:

- Monroe County's current 35 hour hurricane clearance time creates a serious risk of loss of life and property because it requires that a hurricane evacuation order must be given at a point in time where there is great uncertainty about the actual path of the storm.
- As the population of Monroe County increases, the hurricane evacuation clearance time will increase proportionately.
- As a general rule each hour of hurricane evacuation clearance time corresponds to 2,000 (evacuating) persons or 885 (evacuating) dwelling units.
- Since 1972, Monroe County has permitted an average of 552 new single family dwelling units each year which equates to an additional 1,247 persons per year.

Based upon these factors it is clearly necessary to strictly regulate the rate of population growth and development through a Permit Allocation System coupled with measures to increase capacity of evacuation routes, protect water quality and sensitive habitats and protect public facility investments.

Permit Allocation System for Residential Development

The adopted Permit Allocation System for residential development will establish procedures for limiting the number of permits issued for new residential development in unincorporated Monroe County during the ten-year period following plan adoption (from October 16, 1992 to September 30, 2002) in order to maintain hurricane evacuation clearance times at or below 30 hours. At the time of plan adoption it is estimated that the Permit Allocation System will allocate a total of 2,548 new residential units in unincorporated Monroe County, or approximately 255 units a year. This total will be revised by September 30, 1993 and annually thereafter based upon the actual number of new residential units constructed in the County between April 1, 1990 and plan adoption and in each subsequent year.

Consistent with maintaining existing community character while providing for affordable housing needs, the Permit Allocation System will allocate 80 percent of new residential growth within Monroe County to single-family homes and 20 percent of new residential growth to multi-family affordable units. Any portion of the 20 percent allocation not used for affordable multi-family housing will be used for affordable single-family housing. Any remaining portion of the 20 percent allocation not used for affordable single-family housing will be allocated to general (market rate) housing.

The Permit Allocation System will allocate no new residential growth to transient dwelling unit development including hotels, motels, RV parks, and campgrounds during the first five years following plan adoption.² Prior to September 30, 1997, new regulations will be implemented which either extend this prohibition for the remainder of the ten-year planning period or establish that a percentage of the remaining residential growth will be allocated to transient dwelling units.

With the assistance of the Florida Department of Community Affairs and the South Florida Regional Planning Council, Monroe County will initiate an interlocal agreement with the municipalities of Key West, Key Colony Beach and Layton to establish an intergovernmental entity responsible for allocating the relative proportions of the total residential development in the incorporated and unincorporated County (estimated at 3,693 units over the ten-year planning period) which will be permitted within the four jurisdictions.

Permit Allocation System for Non-Residential Development

Unlike residential growth, non-residential development (commercial, office, industrial and similar uses) does not generate additional population which would need to be evacuated in the event of a hurricane. Therefore, because non-residential growth does not directly impact hurricane evacuation clearance times, it is not constrained by this critical measure of carrying capacity. However, in order to ensure a reasonable balance between the amount of future non-residential (primarily commercial) development and the needs of a slower growing residential population, a Permit Allocation System for non-residential development will be implemented at the same time as the Permit Allocation

²For the purpose of calculating hurricane evacuation clearance times, transient dwelling units are considered to have the same impact as 0.6 equivalent residential units (ERU's).

System for residential development. This system will allocate non-residential development during the ten-year planning period to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted.³

Based upon the estimate of 2,552 residential units to be permitted in unincorporated Monroe County during the ten-year planning period, it is estimated that 610,000 square feet of non-residential development, or an average of 61,000 square feet a year, will be permitted during the same period. This total will be revised by September 30, 1993 and annually thereafter based upon the actual number of new residential units constructed in the County between April 1, 1990 and plan adoption, and the number of new residential units and square footage of non-residential development constructed in each subsequent year, in order to maintain the ratio of 239 square feet per residential unit. Public facilities will be exempted from the requirements of the Permit Allocation System for non-residential development.

C. Future Land Use Map

The Future Land Use Map series reflects the vision of the location and densities of development as well as the retention of open spaces in Monroe County. The patterns of development reflect historic development and natural resource constraints, as well as the future development potential of Monroe County. Generalized land use categories and densities and intensities of development have been established to:

- (a) encourage development on lands which are intrinsically most suitable for development;
- (b) reduce urban sprawl and encourage a more compact form of development;
- (c) protect sensitive natural resources; and
- (d) enhance the character of the community.

It should be noted that the future land use categories have been assigned to represent the generalized range of uses and densities and intensities of use. The full range of uses and the maximum densities and intensities of the future land use categories may not apply to all parcels assigned to a land use category. The uses and ranges of densities and intensities of uses to be permitted for individual parcels will depend upon consistency with the community character as well as Monroe County's environmental design criteria regarding the protection of natural resources, including the results of the Habitat Evaluation Index. Specific uses and ranges of densities and intensities of uses will be

³ In order to calculate this ratio, total permit activity for non-residential development was compared to total permit activity for all residential development (including hotel and motel units) in unincorporated Monroe County during the five year period from 1986 to 1990. During this period, 1,296,116 square feet of non-residential development was permitted, compared to 4,856 residential permits (including single-family, multi-family and mobile homes) and 573 hotel/motel units, for a total of 5,429 permits (Monroe County Planning Department, March 1991). Dividing the total square footage of non-residential development permitted by the total number of residential units permitted results in a ratio of 239 square feet of non-residential development per residential permit.

B. Land Needed to Accommodate the Projected Population

The Future Land Use Map will need to accommodate both committed development (development permitted between 4/1/90 and 10/16/92) and development expected to be allocated through 2002. The following sections describe the amount of land that will be needed to accommodate the projected population for the land use categories shown on the Future Land Use Map series.

Residential Conservation

The Residential Conservation land use category largely consists of undisturbed native vegetation and environmentally sensitive natural resources. Based on the Point System criteria of the Permit Allocation System, residential development is generally expected to be directed away from this land use category. Although it is possible that some vacant lands classified as Residential Conservation will be developed, for the purposes of this analysis it has been assumed that zero acres of this land use category will be needed to accommodate the projected population.

Residential Low

The Residential Low land use category includes areas which have been partially developed at low densities and still contain native vegetation. As with the Residential Conservation land use category, the Point System criteria is generally expected to direct residential development away from this land use category. Therefore, for the purpose of this analysis it has been assumed that zero acres of this land use category will be needed to accommodate the projected population.

Residential Medium and Residential High

As shown in Table 2.35, approximately 1,281 single-family units projected to be committed prior to October 1992, while 2,042 single-family units are expected to be permitted between 1992 and 2002, for a total of 3,323 single-family units. Based on the Point System criteria expected to be implemented as part of the Permit Allocation System, it is expected that the majority of this development will occur in improved, platted subdivisions. Therefore, assuming these units are developed at densities associated with the Residential Medium land use category on the Future Land Use Map, with densities ranging from 3 and 5 dwelling units per acre⁵, between 665 and 1,108 acres will be needed to accommodate this single-family residential development.

Similarly for multi-family development, 548 units are expected to be committed prior to October 1992, while approximately 510 units are expected to be permitted between 1992 and 2002, for a total of 1,058 units. Assuming that these units developed at densities associated with the Residential High land use category, with densities ranging from 6 to 12 units per acre, between 88 and 132 acres will be needed to accommodate this development.

It should be noted that a total of 3,323 single-family residential units are expected to be permitted between 1990 and 2002. As established in Sections 2.1.2 and 2.4.1D, there are currently 14,923 vacant, buildable lots in unincorporated Monroe County toward which residential development will be directed. It is clear that there is sufficient vacant land within existing subdivisions to accommodate this residential development between 1990 and 2002.

⁵Although the density of the Residential Medium land use category ranges from 3 to 8 dwelling units per acre, the Point System is expected to encourage developments at less than permitted density by awarding positive points to developments which impose voluntary density reductions by aggregating platted lots.

Table 2.34
Projected Population by Type and Geographic Distribution
Under Hurricane Evacuation Constraint
Unincorporated Monroe County
1990 - 2002

Year	Resident	Seasonal	Total Functional
1990			
Lower Keys	18,065	8,647	26,712
Middle Keys	13,945	12,942	26,887
Upper Keys	20,022	21,521	41,543
Total	52,032	43,110	95,142
1992			
Lower Keys	18,370	8,754	27,124
Middle Keys	14,205	13,065	27,270
Upper Keys	20,829	21,731	42,560
Total	53,404	43,550	96,954
1997			
Lower Keys	19,454	9,021	28,475
Middle Keys	15,022	13,464	28,486
Upper Keys	23,080	22,395	45,475
Total	57,556	44,880	102,436
2002			
Lower Keys	19,984	9,157	29,141
Middle Keys	15,331	13,666	28,997
Upper Keys	24,338	22,732	47,070
Total	59,653	45,555	105,208

Note: Incorporated areas of Key West, Key Colony Beach and Layton are not included.

Source: U.S. Census 1990; Price Waterhouse

**Table 2.35
Land Needed to Accommodate the Projected Population (1990-2002)**

	Residential Medium (1) (units)	Residential High (2) (units)	Mixed Use/Commercial (3)		Institutional (SF)
			Hotel/Motel (units)	Commercial (SF)	
Total Committed Development (4)	1,281	548	258	314,211	78,335
Development to be Permitted Between 1992 and 2002 (5)	2,042	510	0	488,000	122,000
Total Development to be Accommodated	3,323	1,058	258	802,211	200,335
Density/Intensity Range (6)					
High Density	5	12	15	0.4	0.4
Low Density	3	8	10	0.3	0.3
Land Needed (Acres)					
High Density	665	88	17	46	11
Low Density	1,108	132	26	61	15

- (1) Residential Medium includes single-family units and mobile homes.
- (2) Residential High includes multi-family units.
- (3) Mixed Use/Commercial includes hotel/motel units and all other commercial development.
- (4) Estimated committed development between 4/1/90 and 10/16/92 from Tables 2.12 and 2.13.
- (5) Based on the hurricane evacuation constraint, approximately 2,552 residential units will be permitted between 1992 and 2002, of which 80 percent will be single-family and 20 percent will be multi-family. No new hotel/motel development will be permitted between 1992 and 1997; it is not currently known if hotel/motel development will be permitted between 1997 and 2002. Approximately 610,000 square feet of non-residential development will be permitted between 1992 and 2002.
- (6) Range of anticipated densities and intensities. Residential Medium, Residential High and the Hotel/Motel densities portion of Mixed Use/Commercial expressed in units/acre; non-residential intensities expressed in Floor Area Ratio (FAR).

2-117

Mixed Use/Commercial

Hotel/Motel Commercial

Although no hotel/motel development will be permitted between 1992 and 2002, approximately 258 hotel/motel units are projected to be committed prior to plan adoption. Prior to September 30, 1997, new regulations will be implemented which either further prohibit hotel/motel development for the remainder of the ten year period (1997 through 2002) or establish that a percentage of the remaining residential growth over this period will be allocated to transient dwelling units. For the purposes of estimating the amount of land needed to accommodate the projected population, it has been assumed that no further hotel/motel development will be permitted between 1997 and 2002. Assuming the 258 hotel/motel units are built at densities associated with the Mixed Use/Commercial, densities of 10 to 15 units per acre, between 17 and 26 acres will be needed to accommodate this development.

General Commercial



Approximately 314,211 square feet of commercial development is projected to be permitted prior to plan adoption. In addition, based on recent permitting trends, approximately 488,000 square feet of the 610,000 square feet of non-residential development over the 1992-2002 period is expected to be commercial development. Therefore, the total for commercial development is 802,211 square feet. Assuming this development occurs at intensities associated with the Mixed Use/Commercial land use category on the Future Land Use Map, with Floor Area Ratios (FAR) ranging from 0.3 to 0.4, between 46 and 61 acres will be needed to accommodate this development.

Mixed Use/Commercial Fishing

This land use category includes established concentrations of commercial fishing and marine-related commercial uses, generally along waterfront locations. A review of the Future Land Use Map indicates that almost all of the land uses designated as Mixed Use/Commercial Fishing are located outside of the Commercial Center Overlay and within the Coastal High Hazard Area (CHHA). Based on the Point System criteria of the Permit Allocation System, it is expected that commercial development will generally not be directed toward the Mixed Use/Commercial Fishing land use category. Therefore, for the purpose of this analysis, it has been assumed that zero acres of the land use category will be needed to accommodate the projected population and that all of the commercial development to be permitted between 1992 and 2002 will be accommodated in the Mixed Use/Commercial land use category.

Industrial

The Industrial land use category provides for industrial, manufacturing, and warehouse and distribution uses which have traditionally have occupied a small percentage of Monroe County land uses (Industrial lands currently account for less than one percent of the land area of Monroe County). A measure of absorption potential for industrial lands is provided by the development permitted between April 1, 1990 and October 1, 1991 (see Committed Development Section 2.1.8). During this period, there was no development classified as industrial. Development classified as Heavy Commercial/Storage, which may include an industrial component, has been classified as commercial and has been taken into account in the measure of Mixed Use/Commercial land needed to accommodate the projected population.

Attachment 3:

Excerpts from the Monroe County 2030 Comprehensive Plan Technical Document Update (2011) that relate to projected nonresidential growth and the NROGO

Pages 4 through 7

Pages 25 through 34

Pages 130 through 141

Pages 160 through 162

Appendix 4 from EAR, adopted by the BOCC in May 2012

application. Through the years, ROGO has been amended based on changing conditions related to infrastructure.

The process of receiving a building permit in the County is competitive. Development approval is a point based system that allows applications for a new residential or commercial building permit to compete for the limited number of allocations issued each year. Points are based upon the parcel(s) Tier designation, density reduction, affordable housing, wastewater, land dedication and fund donation processes. A penalty is assigned if the project is within a V flood zone.

The number of allocations available is determined through the adoption of an administrative rule under the Florida Administrative Code at the State level. The number of allocations is based on the progress the County has made toward achieving State set goals such as a centralized wastewater system and hurricane evacuation clearance times. The total number of available allocations is split among the three allocation subareas of the County including the Upper Keys, Lower Keys and the Big Pine/No Name Key subareas, which varies slightly from the Planning Areas identified in **Section 2.2.1** above. Each applicant competes against the other applicants located within the same subarea. There is one exception to this process, applicants for affordable housing. These applicants compete against all applicants for affordable housing permits keys-wide. Allocations are awarded each quarter in each subarea.

ROGO allocations and awards by year and subarea are provided in **Section 7.1.1** of *Chapter 7.0 Housing Element*

2.2.3 *Non-Residential Rate of Growth (NROGO)*

2.2.3.1 Background



Monroe County adopted the Non-Residential Rate of Growth (NROGO) in 2001 in order to, "...ensure a reasonable balance between the amount of future non-residential (primarily commercial) development and the needs of a slower growing residential population..."²

The purposes and intent of NROGO are:³

- To facilitate implementation of goals, objectives and policies set forth in the comprehensive plan relating to maintaining a balance between residential and nonresidential growth;
- To maintain a ratio of approximately 239 square feet of nonresidential floor area for each new residential permit issued through the residential rate of growth ordinance (ROGO);

² "Permit Allocation System for Non-Residential Development", Monroe County 2010 Comprehensive Plan.

³ Section 138-47, MC LDC.

- To promote the upgrading and expansion of existing small-size businesses and to retain the predominately small scale character of nonresidential development in the Florida Keys;
- To regulate the rate and location of nonresidential development in order to eliminate potential land use conflicts; and
- To allocate the nonresidential floor area annually hereunder, based on the goals, objectives and policies of the comprehensive plan and the Livable CommuniKeys master plans.

The County utilized the following methodology to create an initial baseline square footage allocation to develop the system:

To calculate this ratio, total permit activity for non-residential development was compared to total permit activity for all residential development (including hotel and motel units) in unincorporated Monroe County during the five year period from 1986 to 1990.

During this period 1,296,116 square feet of non-residential development was permitted, compared to 4,856 residential permits (including single-family, multi-family and mobile homes) and 573 hotel/motel units, for a total of 5,429 permits (Monroe County Planning Department, March 1991). Dividing the total square footage of non-residential development permitted by the total number of residential units permitted results in a ratio of 239 square feet of non-residential development per residential permit.⁴

The “maximum annual allocations” and the distribution between the first and second allocation dates are determined by the Board of County Commissioners (BOCC) and as recommended by Growth Management and the Planning Commission. This provides flexibility and assures that goals are being met. The floor area that is not made available, or that remains unused in the current year, is carried forward to the next year. The Lower/Upper Keys subarea and the Big Pine/No Name Key subarea have a separate banking system, as illustrated in **Table 2.2**.

A summary of square footage of non-residential floor area previously made available and allocated in the unincorporated Keys from 2002 to 2010 is depicted in **Table 2.1** and **Table 2.2** below:

⁴ Ibid.

Table 2.1 - Non-Residential Rate of Growth Allocations Lower/Upper Keys, 2002-2010

Year	Amount Available	Total Allocations Awarded
Year 10 (2002)	22,150 sq/ft	18,222 sq/ft
Year 11 (2003)	16,000 sq/ft	5,300 sq/ft
Year 12 (2004)	16,000 sq/ft	15,689 sq/ft
Year 13 (2005)	16,000 sq/ft	10,925 sq/ft
Year 14 (2006)	16,000 sq/ft	12,594 sq/ft
Year 15 (2007)	18,000 sq/ft	12,500 sq/ft
Year 16 (2008)	35,000 sq/ft	17,938 sq/ft
Year 17 (2009)	30,000 sq/ft	13,056 sq/ft
Year 18 (2010)	22,500 sq/ft	6,355 sq/ft

Source: Growth Management Memorandum to BOCC October 21, 2010

NROGO for the Big Pine/No Name Key subarea is treated differently given the Habitat Conservation Plan (HCP) for the Key Deer and other protected species. The maximum amount of nonresidential floor area to be allocated is limited to a maximum of 2,500 square feet for any one site. A summary of allocations in these environmentally sensitive keys is shown in Table 2.2.

Table 2.2 - Non-Residential Rate of Growth Allocations for Big Pine/No Name Key 2005-2010

Year	Number of Applicants	Total Allocations Awarded
Year 13 (2005)	1	2,181 sq/ft
Year 15 (2007)	2	5,000 sq/ft
Year 16 (2008)	2	3,809 sq/ft
Year 17 (2009)	0	0 sq/ft
Year 18 (2010)	0	0 sq/ft

Source: Growth Management Memorandum to BOCC October 21, 2010

2.2.3.2 Trends

In the past nine years there has been minimal competition for the available non-residential floor area. The average square footage made available in the nine year period was 21,294 square feet and the average square footage allocated each NROGO year was 12,294 square feet. In year 12, the demand for square footage exceeded the amount of available square footage.

2.2.3.3 Availability of Non-Residential Floor Area for YR 19 (2011)

On October 19, 2010 the Monroe County Planning Commission recommended that 22,500 square feet be made available in NROGO year 19 and to be distributed as noted below. On November 17, 2010, the BOCC adopted, via Resolution, the Planning Commission recommendation.

2.2.4 The Tier System

As a companion to ROGO, and a method to direct growth to the least sensitive environmentally sensitive areas, in 2006 a Tier System was adopted. A Tier Overlay District was created as a land use district map amendment to designate geographical areas outside of the mainland of the County, excluding the Ocean Reef planned development, into Tiers:

Tier	Description
I	Tier I boundaries were delineated to include one or more of the following criteria: <ul style="list-style-type: none"> • Vacant lands which can be restored to connect upland native habitat patches and reduce further fragmentation of upland native habitat. • Lands required to provide an undeveloped buffer, up to 500 feet in depth, if indicated as appropriate by special species studies, between natural areas and development to reduce secondary impacts. Canals or roadways, depending on width, may form a boundary that removes the need for the buffer or reduces its depth. • Lands designated for acquisition by public agencies for conservation and natural resource protection. • Known locations of threatened and endangered species, as defined in LDR Section 101-1, identified on the threatened and endangered plant and animal maps or the Florida Keys Carrying Capacity Study maps, or identified in on-site surveys. • Conservation, Native Area, Sparsely Settled, and Offshore Island land use districts. • Areas with minimal existing development and infrastructure.
II	Pertains only to Big Pine Key / No Name Key. Scattered lots and fragments of environmentally sensitive lands that may be found in platted subdivisions. A large number of these lots are located on canals and are of minimal value to the key deer and other protected species because the canal presents a barrier to dispersal.
III	Tier III are lands located outside of Big Pine Key and No Name Key that are not designated Tier I or Tier III-A. Tier III represents the majority of developable acreage in the County.
III-A	Tier III-A is designated as a Special Protection Area. It is defined as lands that have one acre or more of native upland habitat.
Undesignated	Some properties do not have a tier designation. These undesignated properties are found throughout the Keys but most occur in Ocean Reef, which is exempt from the Tier Overlay Ordinance. Others are rights-of-way, military installations, or properties that were not designated due to mapping discrepancies and, at the time of the preparation of this document, are being evaluated for tier designation.

The tier designations are used as criteria in ROGO for awarding points and to determine the amount of clearing of upland native vegetation that may be permitted, and prioritize lands for public acquisition. The tier boundaries are depicted on the Tier Overlay District Map.

- The measurement of land areas in the County is not exact. The unique environmental character of the area, especially the large areas of mangrove-fringed shoreline and numerous small islands, many of which are below the mean high water line, makes an exact land area with acreages inventory difficult, simply because defining "land" in the County is difficult. The calculation of acreages of land use types provides an approximation of the land area of each of the land use categories, and is useful in determining the conditions as they presently exist.

Table 2.5 - Existing Land Use by Planning Area (Acres)

Existing Land Use	Lower Keys	Middle Keys	Upper Keys	Total	Percent of Total
Commercial	337.0	67.7	495.3	900.0	1.2%
Conservation	36,201.6	1,458.7	17,859.2	55,519.5	75.9%
Educational	49.2	0.0	30.8	80.0	0.1%
Industrial	414.8	0.2	40.6	455.6	0.6%
Institutional	99.6	0.4	60.8	160.8	0.2%
Military	4,025.7	0.0	0.0	4,025.7	5.5%
Other Public Utilities and Right-of-Way(ROW)	1,665.6	141.8	1,429.3	3,236.6	4.4%
Public Buildings and Grounds	17.1	33.0	61.2	111.3	0.2%
Recreational	640.8	132.1	548.3	1,321.2	1.8%
Residential	2,599.9	201.9	2,186.4	4,988.2	6.8%
Vacant or Undeveloped	1,376.2	108.3	854.4	2,338.9	3.2%
Total	47,427.6	2,144.1	23,566.2	73,137.9	100.0%
Percent Total by Planning Area	64.9%	2.9%	32.2%	100.0%	--

Source: Monroe County Growth Management, 2010, "MC_ELU_510"

Monroe County Property Appraiser, 2010, "Public Parcel"

NOTE: Slight difference in totals due to rounding.

As indicated in **Table 2.5**, the land mass of the unincorporated Keys portion of the County is approximately 73,138 acres. Sixty-five percent of land area is found in the Lower Keys PA, three percent in the Middle Keys PA, and 32 percent in the Upper Keys PA. Since the Lower Keys PA is the largest in land mass, it is not surprising that it has the highest ratio of existing land use designations, when compared to the other PAs. The exception applies to Commercial and Public Buildings and Grounds where percent ratios are larger in the Upper Keys PA.

More than 75 percent of land in the unincorporated Keys is set aside for conservation purposes. Of the developed land uses, Residential is the largest land use category, representing approximately 6.8 percent of the land uses in the County, followed by Military at 5.5 percent, Utilities and Rights-of-Way at 4.4 percent, Vacant at 3.2 percent, Recreation at 1.8 percent, and Commercial at 1.2 percent.

The following sections provide a detailed discussion of the existing development patterns in the unincorporated Keys:

2.3.1.1 Commercial Lands

Commercial land uses can broadly be defined as those uses associated with the buying and selling of goods and/or services. Commercial uses account for 900 acres, or 1.2 percent of the total area of the unincorporated Keys. Commercial land uses include general commercial, commercial fishing, and tourist commercial land uses. General commercial uses include retail and office uses, which are oriented toward the resident population and represent the majority of commercial uses. General commercial uses are generally concentrated in a strip along U.S. 1. This is primarily evident in the more heavily developed keys, including Key Largo, Tavernier, and Sugarloaf, and consists of retail, service, and auto-related uses as well as office buildings, which are generally small, single story structures. The UKPA contains the highest ratio (55%) of commercial land use.

2.3.1.2 Conservation Lands

Conservation land includes land acquired by public agencies and private organizations for conservation purposes. This is the single largest land use category and accounts for 55,519.5 acres, or 75.9 percent of the total land area of the unincorporated Keys. These conservation lands are primarily located in the Upper and Lower Keys. Federal, State and County governments have been actively acquiring environmentally sensitive lands and habitats of rare, threatened and endangered species. This land use category includes such conservation lands as Crocodile Lake National Wildlife Refuge, the National Key Deer Refuge, and the John Pennekamp Coral Reef State Park.

It should be noted that the vast amount of conservation land in the County, and the continued preservation and management of it, is a strategy to reduce greenhouse gas emissions because these areas, including both vegetation and soils, are widely recognized as carbon storage sinks according to the Department of Energy (DOE). DOE defines terrestrial carbon sequestration as either the net removal of CO₂ from the atmosphere or the prevention of CO₂ net emissions from the terrestrial ecosystems into the atmosphere.

2.3.1.3 Educational Lands

Educational land uses account for approximately 80 acres in the County; sixty-two percent of the acreage is located in the LKPA. There are a total of 13 public schools including three high schools, one middle school, two middle/elementary schools, six elementary schools, and one school for exceptional students in Monroe County as a whole. Four schools are located in the unincorporated Keys.

2.3.2 *Existing Density and Intensity*

GIS data to analyze the range of density or intensity of land use for the County was obtained from the Monroe County Property Appraisers Office in January 2010 and is provided on **Appendix 2-2**, in detailed form. This data provides parcel and floor area for land uses which are grouped into PC Codes. The Property Appraiser's PC land use acreage does not necessarily match the newly created Existing Land Use Map or the existing land use analysis in **Section 2.3.1 "Existing Patterns and Trends"**. This is due to the method in which the existing land use data was created. As seen in **Appendix 2-1**, PC codes were converted into a generalized existing land use category, and form the basis for the existing land use analysis. Property appraiser data is used to determine existing density and intensity as of January 2010.

The PC code and existing land use discrepancies are due to:

- The Property Appraiser's Office only maps platted land whereas existing and future land use maps comprise offshore islands, which may not be platted in their entirety;
- The Property Appraiser's data includes submerged lands whereas the existing and future land use maps do not; and
- The method for creating the existing land use map was a two part exercise 1) to convert the Property Appraiser's PC code into a generalized land use category and map (**Appendix 2-1**), and 2) match the land mass depicted in the future land use map series.

Property Appraiser data should only be used for assessing density and intensity and not for acreage calculations. The density and intensity calculation provides an approximation of each PC land use category and is useful in determining the conditions as they presently exist (January 2010).

Some of the densities and intensities are worth highlighting. According to the Property Appraiser's data, the average single family density is at 2.2 units per acre. Multi-family of less than 10 units averages 5.2 units per acre. Multi-family "Compounds" use have the highest density at 18.2 units per acre. The average density for all multi-family units is 6.7 units per acre. (**Appendix 2-2**)

The residential portion of mixed uses has a density of 1.65 dwelling units per acre. Likewise the Floor Area Ratio (FAR) for the commercial portion of mixed-uses averages 0.10. (**Appendix 2-2**)

At the time of data collection there were 5,667,248 square feet of non residential space with an average FAR of 0.0055 as seen in **Table 2.9**. Of the general commercial PC codes, the highest FAR is in the "Drive-in Theatre or Open Stadium" (PC 31) category at 0.26098. The average FAR in the general commercial category is .013. In the tourist commercial category, the average FAR is 0.08535. Commercial fishing has the lowest average FAR at .05826. (**Appendix 2-2**)

For the Industrial uses, "Lumberyard" (PC 43) has the highest FAR at .12854; however, the average of all industrial uses is .04492. Overall, no PC code category exceeds a 0.3 FAR (Appendix 2-2).

Table 2.9 below depicts the floor area ratio calculations by summarized PC code and derive from Appendix 2-2. It is not intended to summarize floor area ratios by the existing land use category classifications as seen in Appendix 2-1, but rather by PC code.

Table 2.9 - Average Floor Area Ratio (FAR)

PC Code Summary	Area (SF)	Existing Building Square Feet	Average FAR
Mixed Use	5,177,622	518,972	0.1002
General Commercial	192,259,737	2,535,865	0.0132
Tourist Commercial	1,245,364	106,288	0.0853
Commercial Fishing	1,032,510	60,152	0.0583
Industrial	18,474,226	829,812	0.0449
Education	4,110,004	371,068	0.0903
Institutional	21,851,714	671,600	0.0307
Public Buildings/ Grounds	698,418,605	313,691	0.0004
Public Facilities	6,891,176	188,552	0.0274
Military	66,245,929	2,674	0.0000
Recreation	18,082,089	68,574	0.0038
TOTAL	1,033,788,976	5,667,248	0.0055

Source: Monroe County Property Appraiser's Office, January 2010, "Parcel Public"

NOTE: Slight difference in totals due to rounding.

The Remainder of This Page Intentionally Left Blank

Table 2.10 illustrates the acreage of generalized PC codes and are explained in more detail on **Appendix 2-2**. These acreage calculations are not to be confused by those in **Section 2.3.1 "Existing Patterns and Trends"**.

Table 2.10: Acreage by Property Appraiser Code (PC)

PC Code Summary	Area (Acreage)
Single Family	6,176
Mobile Homes	6,981
Multi-Family	955
Mixed Use	119
General Commercial	4,414
Tourist Commercial	29
Commercial Fishing	24
Industrial	424
Education	94
Institutional	502
Public Buildings/ Grounds	16,033
Public Facilities	158
Military	1,521
Recreation	415
TOTAL	37,845

Source: Monroe County Property Appraiser's Office, January 2010, "Parcel Public"

NOTE: Slight difference in totals due to rounding.

Table 2.11 illustrates the acreage of generalized PC codes and are explained in more detail on **Appendix 2-2**. These acreage calculations are not to be confused by those in **Section 2.3.1 "Existing Patterns and Trends"** in which vacant land is approximately 2,339 acres.

Table 2.11: Vacant Land by Property Appraiser Code

PC Code	PC Code Description	Area (Acreage)
00	Vacant Residential	19,152.6
10	Vacant Commercial	675.9
40	Vacant Industrial	0.0
70	Vacant Institutional	1,505.6
Total		21,334.2

Source: Monroe County Property Appraiser's Office, January 2010, "Parcel Public"

NOTE: Slight difference in totals due to rounding.

Table 2.42 – Theoretical Maximum Intensity (square feet floor area)

Future Land Use	Policy 101.4.21 Maximum Allowed Floor Area	Max.	Lower Keys		Middle Keys		Upper Keys	
			Acres	Theoretical Max. Allowed Floor Area (sq/ft)	Acres	Theoretical Max. Allowed Floor Area (sq/ft)	Acres	Theoretical Max. Allowed Floor Area (sq/ft)
Agriculture (A)	.020-0.25	0.25	18.8	204,949.8	0.0	0.0	1.9	20,691.0
Airport District (AD)	0.1	0.1	22.6	98,271.4	0.0	0.0	19.7	85,682.5
Conservation (C)	0.05	0.05	19,591.5	42,670,330.6	489.1	1,065,259.8	11,553.9	25,164,459.5
Education (E)	0.3	0.3	28.5	372,176.6	0.0	0.0	32.2	420,136.2
Industrial (I)	0.25-0.60	0.6	415.8	10,867,087.4	0.0	0.0	0.0	0.0
Institutional (INS)	0.25-0.40	0.4	87.6	1,525,471.2	0.0	0.0	43.5	757,769.8
Military (M)	0.30-0.50	0.5	4,381.2	95,422,536.0	0.0	0.0	0.0	0.0
Mixed Use / Commercial (MC)	0.10-0.45	0.45	885.4	17,355,806.8	138.6	2,717,425.3	1,009.1	19,780,574.2
Mixed Use/ Commercial Fishing (MCF)	0.25-0.40	0.4	113.2	1,972,222.6	25.3	440,130.2	12.6	220,065.1
Public Buildings/Grounds (PB)	0.10-0.30	0.3	20.2	264,496.3	0.0	0.0	26.8	350,483.8
Public Facilities (PF)	0.10-0.30	0.3	55.7	727,756.9	27.2	355,449.6	57.4	749,841.8
Recreation (R)	0.2	0.2	526.8	4,589,307.4	848.3	7,390,128.2	638.5	5,562,263.5
Residential Conservation (RC)	0-0.10	0.1	12,133.9	52,855,181.3	266.3	1,160,133.5	6,189.9	26,963,073.7
Residential Low (RL)	0.20-0.25	0.25	2,846.5	30,998,711.7	23.9	259,835.4	941.0	10,247,163.3
Residential Medium (RM)	0	0	2,922.1	0.0	231.3	0.0	2,137.3	0.0
Residential High (RH)	0	0	422.3	0.0	41.8	0.0	903.0	0.0
Undesignated (UNDS)	NA	NA	2,966.7	0.0	52.4	0.0	0.1	0.0
Total	NA	NA	47,438.7	259,924,306.0	2,144.1	13,388,362.0	23,566.8	90,322,204.5
Total Maximum Theoretical Density				363,634,872.5				

Source: Policy 101.4.21 and Monroe County Growth Management, 2010, "MC_FLUM_510 (future land use GIS file)

NOTE: Slight differences in totals due to rounding.



2.7.3.2 *Theoretical Maximum Density and Intensity by Planning Area*

Lower Keys

Table 2.43 provides the theoretical maximum density and intensity for the Lower Keys. The following summarizes some of the highlights of the table:

Residential:

The primary land uses that allow the most dwelling units given the acreage and intensity potential are Military (26,287 dwelling units) and Residential Medium (23,376 dwelling units). The maximum theoretical density for the LKPA is 67,643 dwelling units.

Non Residential:

The land uses that allow the most square footage commercial area, given the combination of acreage and intensity potential is Military with over 95 million commercial square feet of floor area. Overall, 259,924,306 square feet of commercial floor area is the maximum theoretical intensity in the LKPA.

NOTE: The following theoretical density and intensity analyses are for illustrative purposes only; conditions specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other regulatory constraints, such as ROGO and NROGO are the final determinant of development potential.

The Remainder of This Page Left Intentionally Left Blank

Table 2.43 -Theoretical Maximum Density and Intensity – Lower Keys Planning Area (LKPA)

Future Land Use	Acres	Max. Allowed Density (du)	Max. Allowed Floor Area (sf)
Agriculture (A)	18.8	0.0	204,949.8
Airport District (AD)	22.6	0.0	98,271.4
Conservation (C)	19,591.5	0.0	42,670,330.6
Education (E)	28.5	0.0	372,176.6
Industrial (I)	415.8	415.8	10,867,087.4
Institutional (INS)	87.6	0.0	1,525,471.2
Military (M)	4,381.2	26,287.2	95,422,536.0
Mixed Use / Commercial (MC)	885.4	5,312.5	17,355,806.8
Mixed Use/Commercial Fishing (MCF)	113.2	905.5	1,972,222.6
Public Buildings/Grounds (PB)	20.2	0.0	264,496.3
Public Facilities (PF)	55.7	0.0	727,756.9
Recreation (R)	526.8	131.7	4,589,307.4
Residential Conservation (RC)	12,133.9	3,033.5	52,855,181.3
Residential Low (RL)	2,846.5	1,423.3	30,998,711.7
Residential Medium (RM)	2,922.1	23,376.8	0.0
Residential High (RH)	422.3	6,756.5	0.0
Undesignated (UNDS)	2,966.7	0.0	0.0
Total	47,438.7	67,642.7	259,924,306.0

Source: Monroe County Growth Management, 2010, "MC_FLUM_510"; Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

Middle Keys

Table 2.44, below, provides the Theoretical Maximum Density and Intensity for the Middle Keys.

Table 2.44 - Theoretical Maximum Density and Intensity - Middle Keys Planning Area (MKPA)

Future Land Use	Acres	Max. Allowed Density (du)	Max. Allowed Floor Area (sf)
Agriculture (A)	0.0	0.0	0.0
Airport District (AD)	0.0	0.0	0.0
Conservation (C)	489.1	0.0	1,065,259.8
Education (E)	0.0	0.0	0.0
Industrial (I)	0.0	0.0	0.0
Institutional (INS)	0.0	0.0	0.0
Military (M)	0.0	0.0	0.0
Mixed Use / Commercial (MC)	138.6	831.8	2,717,425.3
Mixed Use/Commercial Fishing (MCF)	25.3	202.1	440,130.2
Public Buildings/Grounds (PB)	0.0	0.0	0.0
Public Facilities (PF)	27.2	0.0	355,449.6
Recreation (R)	848.3	212.1	7,390,128.2
Residential Conservation (RC)	266.3	66.6	1,160,133.5
Residential Low (RL)	23.9	11.9	259,835.4
Residential Medium (RM)	231.3	1,850.6	0.0
Residential High (RH)	41.8	668.3	0.0
Undesignated (UNDS)	52.4	0.0	0.0
Total	2,144.1	3,843.4	13,388,362.0

Source: Monroe County Growth Management, 2010, "MC_FLUM_510"; Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

The following summarizes some of the highlights of the table:

Residential:

The primary land uses that allow the most dwelling units given the acreage and intensity potential are Residential Medium (1,850.6 dwelling units) and Mixed Use/Commercial (831.8 dwelling units). The maximum theoretical density for the MKPA is 3,843 dwelling units.

Non Residential:

The land uses that allow the most square feet of commercial, given the combination of acreage and intensity potential are Recreation with 7,390,128.2 square feet and Mixed Use/Commercial with 2,717,425.3 square feet. Overall, 13,388,362.0 square feet of commercial floor area is the maximum theoretical intensity in the MKPA.

NOTE: The following theoretical density and intensity analyses are for illustrative purposes only; conditions specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other regulatory constraints, such as ROGO and NROGO are the final determinant of development potential.

Upper Keys

Table 2.45 (provided below) provides the Theoretical Maximum Density and Intensity for the Upper Keys.

Table 2.45 - Theoretical Maximum Density and Intensity - Upper Keys Planning Area (UKPA)

Future Land Use	Acres	Max. Allowed Density (du)	Max. Allowed Floor Area (sf)
Agriculture (A)	1.9	0.0	20,691.0
Airport District (AD)	19.7	0.0	85,682.5
Conservation (C)	11,553.9	0.0	25,164,459.5
Education (E)	32.2	0.0	420,136.2
Industrial (I)	0.0	0.0	0.0
Institutional (INS)	43.5	0.0	757,769.8
Military (M)	0.0	0.0	0.0
Mixed Use / Commercial (MC)	1,009.1	6,054.7	19,780,574.2
Mixed Use/Commercial Fishing (MCF)	12.6	101.0	220,065.1
Public Buildings/Grounds (PB)	26.8	0.0	350,483.8
Public Facilities (PF)	57.4	0.0	749,841.8
Recreation (R)	638.5	159.6	5,562,263.5
Residential Conservation (RC)	6,189.9	1,547.5	26,963,073.7
Residential Low (RL)	941.0	470.5	10,247,163.3
Residential Medium (RM)	2,137.3	17,098.3	0.0
Residential High (RH)	903.0	14,447.2	0.0
Undesignated (UNDS)	0.1	0.0	0.0
Total	23,566.8	39,878.8	90,322,204.5

Source: Monroe County Growth Management, 2010, Geographic Information Systems file "MC_FLUM_510"; Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

The following summarizes some of the highlights of the table:

Residential:

The primary land uses that allow the most dwelling units given the acreage and intensity potential are Residential Medium (17,098.3 dwelling units) and Residential High (14,447.2 dwelling units). The maximum theoretical density for the UKPA is 39,878.8 dwelling units.)

Non Residential:

The land uses that allow the most square foot of commercial given the combination of acreage and intensity potential are Conservation with 25,164,459.5 square feet; Mixed Use/Commercial with 19,780,574.2 square feet; and Residential Conservation with 26,963,073.7 square feet. Overall, 90,322,204.5 square feet of commercial floor area is the maximum theoretical intensity in the UKPA.

NOTE: The following theoretical density and intensity analyses are for illustrative purposes only; conditions specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other regulatory constraints, such as ROGO and NROGO are the final determinant of development potential.

2.7.4 *Vacant Land Analysis*
[Rule 9J-5.006(2)(b), F.A.C.]

Vacant land analysis was performed through GIS. The vacant land (2,339 acres), on the Existing Land Use Map, was evaluated against the underlying future land use designations. Then density and intensity per Policy 101.4.21 were calculated.

2.7.4.1 Vacant Land Analysis Density and Intensity for Unincorporated County

Table 2.46 and **2.47**, below, summarizes the allocated density and intensity per acre of vacant land. **Table 2.48** evaluates density and intensity in more detail by looking at the underlying future land uses of vacant land for the unincorporated County as a whole.

As seen on **Table 2.46**, there are 2,339 acres of vacant land. Vacant land allows a total theoretical density of 10,258 dwelling units. At the current allowed ROGO, it would take the County 52 years of growth, to develop vacant land.

Table 2.46 - Vacant Land Theoretical Density and Growth Span

	Total Vacant Acres	Total Theoretical Density (DU)	Current ROGO Allocation	Years of Growth
Lower	1,376.6	5,289.7	197	52.1 yrs
Middle	108.3	511.2		
Upper	854.4	4,457.1		
TOTAL	2,339.2	10,258.0		

Source: Monroe County Growth Management, 2010, Geographic Information System file "MC_ELU_510"
 Monroe County Growth Management, 2010, Geographic Information System file "MC_FLUM_510;
 Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

As previously mentioned, there are 2,339 acres of vacant land. Vacant land allows a total theoretical intensity of 17,420,733 square feet. At the current allowed NROGO, it would take the County 370 years of growth, to develop vacant land, as seen in **Table 2.47**.

Table 2.47 - Vacant Land Theoretical Intensity and Growth Span

	Total Vacant Acres	Total Theoretical Intensity (sq/ft)	Current ROGO Allocation	Years of Growth
Lower	1,376.6	12,083,413.3	197	370.0 yrs
Middle	108.3	444,007.1		
Upper	23,566.8	4,893,312.6		
TOTAL	2,339.2	17,420,733.0		

Source: Monroe County Growth Management, 2010, Geographic Information System file "MC_ELU_510";
 Monroe County Growth Management, 2010, Geographic Information System file "MC_FLUM_510;
 Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

The Remainder of This Page Left Intentionally Left Blank

Table 7.48 denotes maximum theoretical density and intensity allowable in vacant land. The following summarizes some of the highlights of the table:

Residential:

About 73 percent of vacant land has a residential future land use designation. The primary land uses that allow the most dwelling units given the acreage and intensity potential are Residential Medium (6,208.8 dwelling units) and Mixed Use/Commercial (1,347.1 dwelling units). Again, the maximum theoretical density allowed unincorporated vacant land is 10,258 dwelling units.

Non Residential:

The land uses that allow the most square foot of commercial given the combination of acreage and intensity potential are Recreational Low with 4,778,640.9 square feet; Mixed Use/Commercial with 4,401,041.04 square feet; and Industrial with 2,828,699.3 square feet. Overall, 17,278,945.2 square feet of commercial floor area is the maximum theoretical intensity in the unincorporated County.



Table 2.48 - Vacant Land Density and Intensity Unincorporated County

Future Land Use	Unincorporated County			
	Vacant Acres	% Vacant	Max. Allowed Density (du)	Max. Allowed Intensity (sf)
Airport District	9.2	0.4%	0	40,031.6
Conservation	81.0	3.5%	0	34,521.3
Industrial	108.2	4.6%	108.2	2,828,699.3
Institutional	3.5	0.1%	0	60,112.8
Military	97.0	4.1%	582.1	2,112,877.8
Mixed Use/Commercial	224.4	9.6%	1,347.1	4,401,041.0
Mixed Use/Commercial Fishing	50.2	2.1%	401.9	875,381.8
Recreation	21.8	0.9%	5.5	190,183.0
Residential Conservation	449.3	19.2%	112.3	1,957,455.7
Residential Low	438.8	18.8%	219.4	4,778,640.9
Residential Medium	776.1	33.2%	6,208.8	0.0
Residential High	79.5	3.4%	1,272.6	0.0
Total	2,339.2	100.0	10,258.0	17,278,945.2

Source: Monroe County Growth Management, 2010, Geographic Information System file "MC_ELU_510"

Monroe County Growth Management, 2010, Geographic Information System file "MC_FLUM_510"

Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

2.7.4.2 Vacant Land Analysis Density and Intensity by Planning Area

As previously noted in **Section 2.3.1**, there are approximately 2,339 acres of vacant land in the unincorporated Keys. The largest amount of vacant land in the unincorporated areas of the County (1,376.6 acres) is located within the LKPA.

This section provides further analysis of the vacant land vis-à-vis the future land use designation to determine theoretical maximum development potential. Due to the differences in how the Geographic Information System (GIS) mapping data structures for the existing, future and tier maps were developed, there will be slight variations in the acreages reported. (See **Section 2.3.1** of this element for a detailed discussion related to the limitations of these data structures.)

The future land use category distribution of density and intensity of the vacant land in the unincorporated area is illustrated in the tables included in this section. The general trend for all planning areas signal that vacant land is primarily located under the residential future land use designations: Residential Conservation, Residential Low and Residential Medium.

NOTE: The following theoretical development potential analyses are for illustrative purposes only; conditions specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other regulatory constraints, such as ROGO and NROGO are the final determinant of development potential.

Lower Keys

Residential:

As illustrated in **Table 2.49**, below, the largest concentration of vacant land (1,376.6 acres) is located within the LKPA. Approximately 73 percent of the vacant lands are designated for residential land use. Without considering Tier System designation and lot specifications, the majority (3,080) of the theoretical development potential for dwelling units is concentrated in the Residential Medium land use category.

Non Residential:

Mixed Use designations comprise 10.3 percent of vacant land, with a theoretical development potential of 2.7 million square feet of non-residential floor area; 1.9 million square feet (7.1%) Mixed Use/Commercial (MU-C); and 778,852 square feet (3.2%) Mixed Use/Commercial Fishing (MU-CF). Theoretically, 12 million square feet of commercial area are allowed in the LKPA.



Table 2.49 - Vacant Land Density and Intensity - Lower Keys Planning Area (LKPA)

Future Land Use	Lower Keys			
	Vacant Acres	% Vacant	Max. Allowed Density (du)	Max. Allowed Intensity (sf)
Airport District	9.2	0.7%	0.0	40,031.6
Conservation	15.9	1.2%	0.0	34,521.3
Industrial	108.2	7.9%	108.2	2,828,699.3
Institutional	1.9	0.1%	0.0	32,234.4
Military	97.0	7.0%	582.1	2,112,877.8
Mixed Use/Commercial	97.7	7.1%	586.2	1,915,115.4
Mixed Use/Commercial Fishing	44.7	3.2%	357.6	778,852.8
Recreation	3.8	0.3%	1.0	33,367.0
Residential Conservation	325.1	23.6%	81.3	1,416,309.8
Residential Low	265.5	19.3%	132.8	2,891,403.9
Residential Medium	385.0	28.0%	3,080.0	0.0
Residential High	22.5	1.6%	360.6	0.0
Total	1,376.6	100.0%	5,289.7	12,083,413.3

Source: Monroe County Growth Management, 2010, Geographic Information System file "MC_ELU_510"; Monroe County Growth Management, 2010, Geographic Information System file "MC_FLUM_510" Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

Middle Keys

Residential:

The geographical boundary of the MKPA changed with the incorporation of the Village of Islamorada (1997) and the City of Marathon (1999), and now contains the smallest vacant land area. As indicated in **Table 2.50**, below, the majority (94 %) of the vacant land in this PA is designated as residential land use. Theoretically 511 dwelling units could be developed in the MKPA without considering the vacant land location in the Tier System.

Non Residential:

The Mixed Use designation makes-up the remaining use within this PA with 4.6 percent as Mixed Use/ Commercial and 1.4 percent as Mixed Use/Commercial Fishing, resulting in a maximum theoretical development potential of 125,235.0 square feet of commercial floor area in these two land use designations. Additionally, in the residential land uses approximately 310,000 square feet of commercial floor area are allowed in theory.



Table 2.50- Vacant Land Density and Intensity – Middle Keys Planning Area (MKPA)

Future Land Use	Middle Keys			
	Vacant Acres	% Vacant	Max. Allowed Density (du)	Max. Allowed Intensity (sf)
Mixed Use/Commercial	5.0	4.6%	30.1	98,402.0
Mixed Use/Commercial Fishing	1.5	1.4%	12.3	26,833.0
Residential Conservation	26.4	24.4%	6.6	115,129.1
Residential Low	18.7	17.3%	9.4	203,643.0
Residential Medium	56.6	52.3%	452.8	0.0
Total	108.3	100.0%	511.2	444,007.1

Source: Monroe County Growth Management, 2010, Geographic Information System file "MC_ELU_510"
 Monroe County Growth Management, 2010, Geographic Information System file "MC_FLUM_510"
 Policy 101.4.21

NOTE: Slight differences in totals due to rounding.

Upper Keys

Residential:

Currently, as shown on **Table 2.51** below, there are 854.4 acres of vacant land within the UKPA; 75.4 percent is designated as residential. Most of the allowable density is concentrated in the Residential Medium land use designation, resulting in a theoretical maximum of 2,676 dwelling units. The maximum theoretical density in the UKPA is 4,457 dwelling units, without considering the Tier System

Non Residential:

The majority of the allowed intensity is under the Mixed Use/Commercial designation, resulting in a maximum theoretical development potential of 2,387,523.6 square feet of commercial floor area. An overall theoretical density of 4,893,312 square feet of commercial floor area are allowed in the UKPA.

The remaining vacant land is distributed in the following future land use designations: 7.6 percent Conservation; 2.1 percent Recreation; and 0.2 percent Institutional.



Table 2.51 - Vacant Land Density and Intensity – Upper Keys Planning Area (UKPA)

Future Land Use	Upper Keys			
	Vacant Acres	% Vacant	Max. Allowed Density (du)	Max. Allowed Intensity (sf)
Conservation	65.1	7.6%	0.0	141,787.8
Institutional	1.6	0.2%	0.0	27,878.4
Mixed Use/Commercial	121.8	14.2%	730.8	2,387,523.6
Mixed Use/Commercial Fishing	4.0	0.5%	32.0	69,696.0
Recreation	18.0	2.1%	4.5	156,816.0
Residential Conservation	97.8	11.4%	24.5	426,016.8
Residential Low	154.6	18.1%	77.3	1,683,594.0
Residential Medium	334.5	39.2%	2,676.0	0.0
Residential High	57	6.7%	912.0	0.0
Total	854.4	100.0%	4,457.1	4,893,312.6

Source: Monroe County Growth Management, 2010, Geographic Information System file "MC_ELU_510"; Monroe County Growth Management, 2010, Geographic Information System file "MC_FLUM_510" Policy 101.4.21 NOTE: Slight differences in totals due to rounding.

2.7.4.3 Vacant Land Analysis Density and Intensity by Tier

To further analyze vacant land, it is important to understand its relationship within the Tier System. The Tier System currently in place in the County designates geographical areas outside of the Mainland PA, excluding Ocean Reef, into "tiers" to rate the environmental sensitivity of a piece of lands and its potential for development. It is used to assign ROGO and NROGO points; determine the amount of clearing of upland native vegetation that may be permitted; and prioritize lands for public acquisition. The boundaries are depicted in the Tier Overlay District Map, adopted as part of the land use district map.

Parcels classified as either Undesignated (UNDES), Tier III-A (Special Protection Area) and Tier II, have an undetermined development probability at this time, while Tier III represents the majority of high quality, developable acreage in the County. Tier II only applies to Big Pine Key and No Name Key. Parcels under Tier I, have very low development potential given natural lands and environmental resource protection areas. UNDES parcels were previously designated, however, given a court ruling, they are currently being re-designated. Tier 0 land is assigned to right-of-ways, some submerged lands and mapping errors. Therefore, Tier 0 is not included as part of this analysis and is presented for illustrative purposes only. In addition, a Military Tier was identified in GIS data. However, it is not part of this analysis because no vacant land is located within this tier.

For these analyses, GIS data was utilized to overlay the Tier System layers with the vacant land layer. Given the method in which the vacant land data and the Tier System data were developed, the acres of vacant land within the Tier System will not match the 2,338.9 acres of vacant land depicted in **Table 2.48**. Vacant land in Ocean Reef is not designated under

Appendix 2-2: Existing Density and Intensity by Property Code (PC)

PC	Description	Area (SF)	Area (Acres)	Units	Building SF	Density (DU/Acre s)	FAR (SF/S F)
SINGLE FAMILY							
01	SINGLE FAMILY	269,036,094	6,176.2	13,596	NA	2.20	NA
MOBILE HOMES							
02	MOBILE HOME	304,084,770	6,980.8	4,987	NA	0.71	NA
MULTI-FAMILY							
03	MULTI FAMILY (10 UNITS OR MORE)	1,108,698	25.5	261	NA	10.25	NA
04	CONDOMINIUM	19,997,628	459.1	2,393	NA	5.21	NA
05	TIMESHARE	372,267	8.5	70	NA	8.19	NA
07	COMPOUNDS ²⁰	19,124	0.4	8	NA	18.22	NA
08	MULTI FAMILY (LESS THAN 10 UNITS)	12,488,031	286.7	1,493	NA	5.21	NA
NA	LICENSED PUBLIC LODGING FACILITIES	7,624,630 ²¹	175.0	2,199 ²²	NA	12.56	NA
	SUBTOTAL	41,610,378	955.2	6,424	NA	6.72	NA
MIXED USE							
12	MIXED-USE(Residential)	5,177,622.40	118.9	196	NA	1.65	NA
12	MIXED-USE (Commercial)	5,177,622.40	118.9	NA	518,972	NA	0.10023

²⁰ According to the Monroe County Property Appraiser, these are single family homes that have a shared interest in a common area. (email communication from Robbie Shaw dated August 26, 2010) New Lodging Establishments - Current

²¹ Square foot area from Property Appraiser's Office dataset "Public_Parcel" PC code 39, dating January 2010

²² Number of rooms from licensed hotel/motel acquired from *Economic Trends and Opportunities in Unincorporated Monroe County* by Fishkind and Associates, Inc. February 23, 2011 report.

Appendix 2-2: Existing Density and Intensity by Property Code (continued)

PC	Description	Area (SF)	Area (Acres)	Units	Building SF	Density (DU/Acres)	FAR (SF/SF)
GENERAL COMMERCIAL							
11	STORES, ONE STORY	2,560,859	58.8	NA	386,764	NA	0.15103
13	DEPARTMENT STORE	20,627	0.5	NA	1,600	NA	0.07757
14	SUPERMARKET	237,189	5.4	NA	51,415	NA	0.21677
15	REGIONAL SHOPPING CENTER	0	0.0	NA	0	NA	0.00000
16	COMMUNITY SHOPPING CENTER	3,129,330	71.8	NA	629,659	NA	0.20121
17	OFFICE BUILDING, ONE STORY	1,838,872	42.2	NA	233,770	NA	0.12713
18	OFFICE BUILDING, MULTI STORY	1,045,452	24.0	NA	111,862	NA	0.10700
19	PROFESSIONAL SERVICES BUILDING	1,677,210	38.5	NA	110,303	NA	0.06577
20	AIRPORT, MARINA, BUS TERM	165,922,094	3,809.0	NA	269,381	NA	0.00162
21	RESTAURANT OR CAFETERIA	1,486,046	34.1	NA	128,242	NA	0.08630
22	FAST FOOD DRIVE THRU RESTAURANT	276,325	6.3	NA	25,598	NA	0.09264
23	FINANCIAL INSTITUTION	676,353	15.5	NA	67,139	NA	0.09927
24	INSURANCE COMPANY OFFICE	0	0.0	NA	0	NA	0.00000
25	REPAIR SHOP (NOT AUTOMOTIVE)	2,016,526	46.3	NA	162,679	NA	0.08067
26	SERVICE STATION	741,167	17.0	NA	62,575	NA	0.08443
27	AUTO SALES/REPAIR, MARINE EQUIP	611,711	14.0	NA	31,457	NA	0.05142
28	PARKING LOTS, MOBILE HOME PARKS	9,372,308	215.2	NA	231,780	NA	0.02473

Appendix 2-2: Existing Density and Intensity by Property Code (continued)

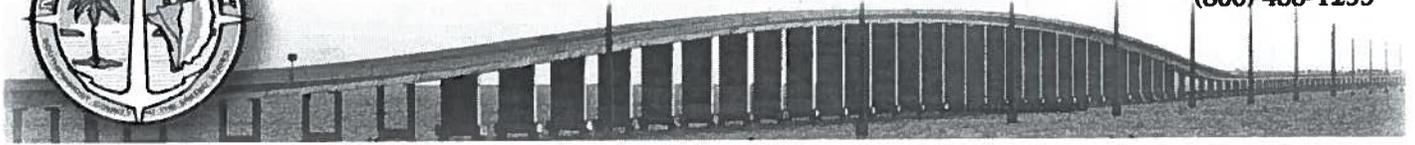
PC	Description	Area (SF)	Area (Acres)	Units	Building SF	Density (DU/Acres)	FAR (SF/SF)
29	WHOLESALE OUTLET	193,653	4.4	NA	9,224	NA	0.04763
30	FLORIST GREENHOUSE OR	218,456	5.0	NA	1,742	NA	0.00797
31	DRIVE-IN THEATER OR OPEN STADIUM	20,071	0.5	NA	5,238	NA	0.26098
32	ENCLOSED THEATER OR AUDITORIUM	11,940	0.3	NA	2,378	NA	0.19916
33	NIGHTCLUB OR LOUNGE OR BAR	174,782	4.0	NA	13,059	NA	0.07472
34	BOWLING ALLEY, POOL HALL, MIN GOLF	28,768	0.7	NA	0	NA	0.00000
	SUBTOTAL	192,259,737	4,413.7	NA	2,535,865	NA	0.01319
TOURIST COMMERCIAL							
35	TOURIST ATTRACTION	440,844	10.1	NA	30,172	NA	0.06844
36	CAMPS	40,001	0.9	NA	2,594	NA	0.06485
37	RACE TRACKS, AUTO, DOG, HORSE	764,519	17.6	NA	73,522	NA	0.09617
		1,245,364	28.6	NA	106,288	NA	0.08535
	SUBTOTAL						
COMMERCIAL FISHING							
44	PACKING PLANT, SEAFOOD ETC.	1,032,510	23.7	NA	60,152	NA	0.05826

**APPENDIX 4 – ECONOMIC TRENDS &
OPPORTUNITIES IN UNINCORPORATED
MONROE COUNTY**



MONROE COUNTY COMPREHENSIVE PLAN UPDATE

WWW.KEYSCOMPPLAN.COM
(800) 488-1255



ECONOMIC TRENDS AND OPPORTUNITIES IN UNINCORPORATED MONROE COUNTY

TABLE OF CONTENTS

1.0 Current Economic and Employment Conditions1

2.0 Employment Characteristics and Long Term Trends.....2

3.0 Industry Analysis 9

3.1 Tourism..... 10

 3.1.1 *Tourism and Visitors..... 10*

 3.1.2 *Tourism and Hotels..... 11*

 3.1.3 *Effects of the Hotel Moratorium on Tourism in Unincorporated Monroe County....*
 13

3.2 Seasonal Residential Development..... 16

3.3 Government..... 19

3.4 Business Service, Finance and Real Estate..... 19

3.5 Other Retailing..... 19

3.6 Other Services..... 20

3.7 Medical and Health Services 20

3.8 Waterfront Related 20

4.0 Vacant Land Use and Availability 22

5.0 Livable CommuniKeys Plans 25

5.1 Livable CommuniKeys Plans – Vision and Outlook 25

5.3 Summary of Upper Keys - Key Largo LCP 27

5.4 Summary of Middle Keys..... 27

5.5 No Name and Big Pine Keys LCP 27

5.7 Stock Island and Key Haven LCP..... 27

6.0 Working Waterfront 28

6.1 Summary and Findings of the Marine Management Working Waterfronts Report 31

7.0 Monroe County Strengths and Weakness Assessment..... 31

8.0 Recommendations 33

8.1 Redevelopment Floor Space Bank 33

8.2 Target Industry – Tourism – Ending the Moratorium on New Hotels 34

8.3 Target Industry - Marine Resources 35

8.4 De-Couple Commercial Development from Residential Development 36

8.5 Growth Industries - Target List..... 36

1.0 Executive Summary

Monroe County is primarily comprised of the Florida Keys, an ecologically fragile island based community stretching some 130 miles in an archipelago from south of Miami at Biscayne Bay to Key West. The total land area is some nearly 1,000 square miles, distributed among 800 +/- keys, excluding the Everglades National Park which is located on the mainland. The largest of these keys include Key Largo, Islamorada, Marathon, Tavernier, Big Pine and Key West.

Collectively, the Keys represent considerable natural and economic resources including two national parks, world renown tourism and destination resorts, a long established commercial and recreational fishing industry and extensive accessible coral reefs which support a large recreational snorkeling and scuba diving industry.

Today the County faces a variety of economic constraints. These stem from national trends in the structure of employment and local conditions which contribute to a lack of investment. Further, a determination made at the State level has concluded growth and development has reached its effective physical carrying capacity in the Keys. The result of this determination is a regulatory constraint on growth which allows only a very small and limited amount of net new residential and non-residential construction each year. This regulatory constraint is known as ROGO (Rate of Growth Ordinance) for residential development and NROGO for non-residential development. ROGO has been in place since 1992; the County adopted NROGO in 2002. The combined effect of nearly 20 years of restrictive development regulation, increasing environmental regulation coupled with infrastructure capacity constraints, the need for rapid emergency evacuation plans and the national shift in employment structure and trends has slowed economic development throughout Monroe County. To illustrate: During the 1980's the Monroe County employment base grew by 50%. In the two decades following, the employment base has only increased by 10%.

From an economic structural standpoint, dynamic long term trends at the national and global levels shift the economic structure of the local economy. Absent a highly focused and long term effort to modify the effect of these forces, the global and national trends will prevail. These global and national structural trends include a shift away from industrial production in the United States and a shift toward a service and retail based economy. At the national level some 50% of manufacturing jobs have been lost in the United States since 1960. By the same measure, service and retail positions have grown by more than 250 percent each. In Florida, which has never had the share of manufacturing and industrial employment as found elsewhere in the nation, the structural employment shift to service and retail has been more pronounced over this period. Thus, in the face of these forces, employment by industry type in the Florida Keys has shifted in a more pronounced way toward a service and retail based economy.

There are numerous other factors which contribute to economic opportunity outlook in Monroe County. These include: the location of Monroe County with respect to access to

mainland United States, the lack of existing available raw materials, a lack of plentiful quantities of potable water which affects water pressure and fire insurance ratings, the geographic constraints associated with the physical layout of the Keys stretching as an archipelago over 130 miles, and very low lying flood prone lands which are subject to periodic violent and destructive hurricanes. Finally, the cost of development coupled with the overall shortage of vacant lands hinders the ability of the local labor force to reach levels sufficiently high to support large new industrial or commercial facilities. These factors impact the diversity and economic development potential of Monroe County over the long term.

Despite this, the very constraints which hinder certain kinds of economic expansion are also what assure that the County remains special and unique, giving rise to its pre-eminent attractiveness for tourism and vacation homes living. The Keys are remote, and vibrant with nature and marine environments yet accessible for weekend getaways or longer to a large permanent population located in south Florida.

Within this context there are opportunities to expand the economic base of Monroe County which can and should be explored. This report examines these opportunities and offers some insight as to potentially viable economic expansion.

2.0 Employment Characteristics and Long Term Trends

Employment patterns have been examined by industry throughout Florida. Florida has long been known as a seasonal, vacation oriented economy. Further, as it is comparatively geographically removed the rest of the nation, manufacturing and shipping have traditionally not been strong industries. Finally, as manufacturing employment has shrunk throughout the nation over the long term, it has been replaced by growth in business and personal services. These broader aspects of employment patterns influence employment in Florida and as well, are reflective of the employment patterns in Monroe County. In many respects, the employment profile in Monroe County is quite similar to the average employment profile found throughout Florida in both large metropolitan areas and small island communities.

Figure 1 compares the percent distribution of employment by major industry between Monroe County, and large metro areas in Florida as well as small island communities in Florida. In a geographical sense Monroe County is to Florida as Florida is to the nation – that is, remote, comparatively tourist oriented and experiencing a shift from waterfront marine and fishing industries to a service oriented economy. These are the broader, long term trends which circumscribe the patterns likely to emerge in the future.

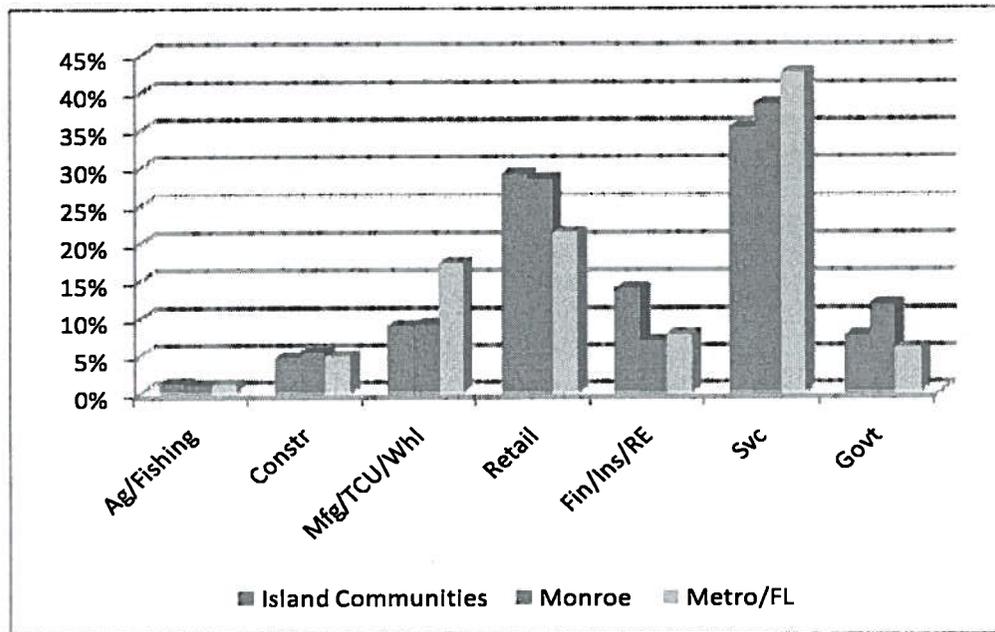


Figure 1 – Comparison of Monroe County Employment By Industry Among Large Metros and Island Communities

The employment distribution pattern by type is quite similar across the State. In Figure 1, the Metro areas include the average of employment distribution patterns in Miami-Dade County, Orange County, and the State of Florida as a whole. The Island Communities examined in this instance include the combined average employment profile of Fernandina Beach, Marco, Longboat Key, and Cedar Key. Generally speaking the employment profile in Monroe County is quite similar both to island communities in Florida and urbanized metros in Florida. The categories in **Figure 1** include: Agriculture and Fishing; Construction; Manufacturing/Transportation/Communications/Utilities/Wholesale Trade; Retail Trade; Finance/Insurance/Real Estate; Service; Government.

Looking at island communities on a closer level, an examination of communities with similar characteristics was conducted. Coastal island communities with a long cultural history, a reliance on fishing and similar environmental and ecological constraints may be useful or instructive analogues to examine. These areas may shed some light on the opportunity or outlook for the Florida Keys. As indicated, the comparable communities examined include Fernandina Beach, Marco, Longboat Key, and Cedar Key. **Figure 2** shows the employment profile comparisons among these communities.

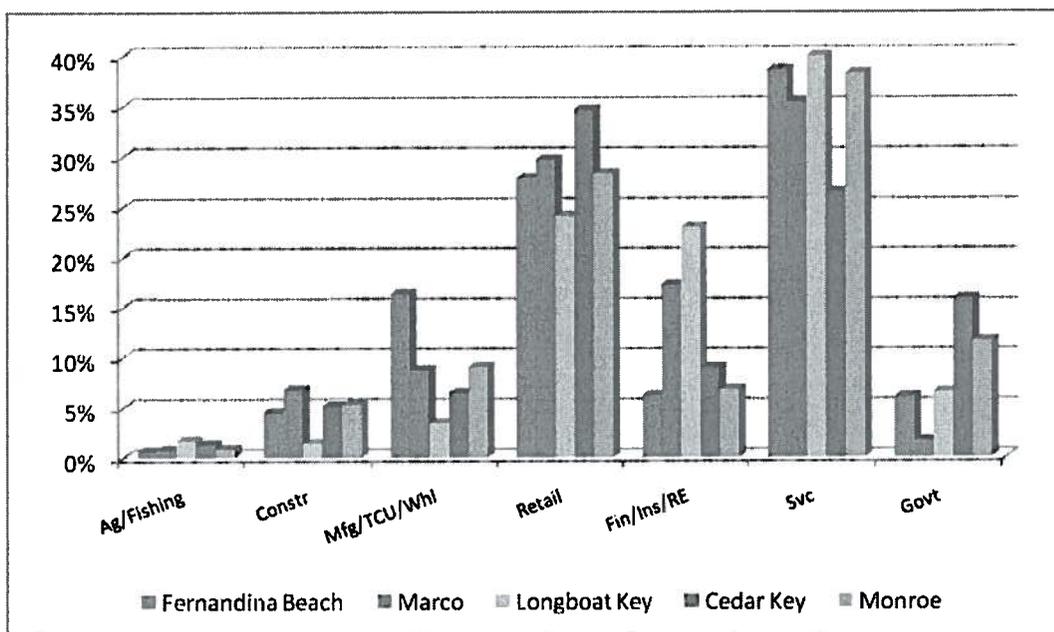


Figure 2 – Employment Profile Comparisons Among Florida Island Communities

Current Conditions and Historic Growth Patterns in Employment by Sector

The dominant industry throughout Monroe County (incorporated and unincorporated areas) is tourism. This segment of the economy has held the lead position in employment in the county for more than 30 years. The tourism/visitor industry includes eating and drinking establishments, hotel motel space along with seasonal rental properties and entertainment venues such as museums, theaters parks and beaches. The tourism industry represents about one third of Monroe County employment, as measured by jobs covered under unemployment compensation. Fully half of this industry is concentrated in Key West. This sector has added more jobs county wide than any other since 1980 (see **Table 1** and **Figure 3**).

The Remainder of This Page Intentionally Left Blank

Table 1 – Monroe County Employment by Industry

	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>
Hotel/Eat-Drink/Entertainment	5,732	9,685	11,396	10,506
Government	4,578	5,400	6,052	5,808
Business Service/Finance/RE	1,570	1,811	2,322	4,392
Other Retail	3,126	4,978	5,738	3,790
Other Services	765	1,817	3,215	2,379
Construction	1,310	1,786	2,233	2,150
Industrial/Warehouse	2,022	2,737	2,774	2,008
Medical/Health Services	699	1,569	2,150	1,895
Ag Svc, Fishing, Water Trans, Food Proc	1,064	1,025	800	648
TOTAL	20,866	30,808	36,680	33,576

As illustrated in **Table 1**, Government holds the second place in number of jobs county wide. This includes Federal, State, and Local government jobs however it excludes active duty military personnel stationed at installations in the Keys. Active duty military personnel add some 1,200 persons representing the NAS Key West complex of facilities. With the addition of the active duty personnel, government employment would still be the second largest employment segment in the County.

Rising to third place in the number of employees in Monroe County is the Business Services/Finance/Real Estate category. The share of employment in this category has nearly doubled in 30 years and the number of employees has approximately tripled.

Other retailing outside of tourist oriented establishments (eating, drinking, entertainment) had ranked third in volume of covered employment until 2010. By 2010 employment in this category had fallen to 4th largest in Monroe County. It is unclear if the decline in "Other Retailing" is cyclical and related to the recent recession or permanent and structural.

The Remainder of This Page Left Intentionally Left Blank

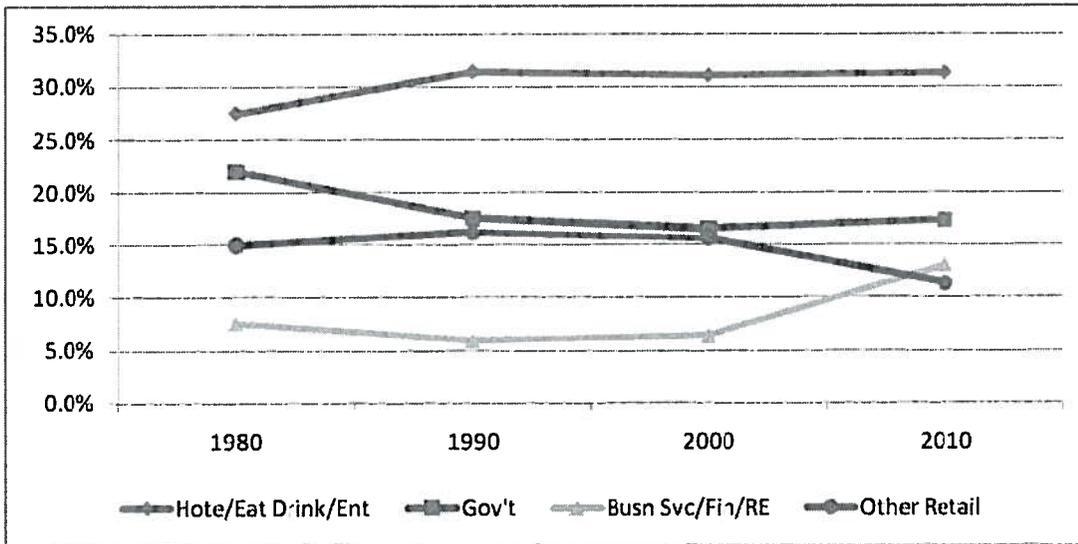


Figure 3 - Share of Employment by Sector 1980-2010

Other Services is the 5th largest employment category (see **Figure 4**). Employment in this category has also tripled since 1980, though the share has declined as other sectors grew at faster rates.

Construction is the 6th largest employment sector in the Monroe County economy. Construction employment as a share of countywide employment has changed little in 30 years.

Industrial and warehouse employment has remained essentially unchanged at 2,000 employees over the past three decades. The lack of growth in this sector, despite 50% overall employment gains county wide is symptomatic of the decline in industrial and manufacturing employment in the United States and also of the challenges faced by a remote location with limited transportation and labor force opportunity.

Employment in the medical and health services category has tripled since 1980. While this category is small as a share of total employment it is among the fastest growing sectors of the Monroe economy (**Figure 4**).

Covered employment in Agricultural Services, Fishing, Water Transportation, and Food Processing is the smallest among all categories in Monroe County. This may be misleading to some degree in that much of the employment in the marine and fishing industry locally is comprised of proprietorships and self employed. This means the ranks of those in the marine and related industry may not appear in the measure of covered employment, for the purposes of unemployment compensation. For example there are some 2,500 commercial boat licenses in Monroe County, suggesting the marine industry is substantially larger than what is depicted in the covered employment data series.

Because of the island nature of Monroe County and the obvious reliance on marine and coastal activity, the marine industry will be examined in a separate light. Of note is that within the covered employment data series, which refers to employees eligible for unemployment compensation, employment has fallen by nearly 40% in 30 years, from approximately 1,000 persons to 650 today.

Occupational license data was reviewed to assess marine related employment and activity. Occupational license data includes charter boats and captains, marina and boat storage, mobile marine repair, marine related retail, marine wholesale supply, and marine repair. There are 1,928 such licenses. Some boat and captain licenses are duplicative resulting in an estimated 1500 active occupational licenses. Not all of these licenses will result in a full time job and many hold a captain's license but are simply not active. Based on this information we find marine and marine related services remains the smallest employment category in Monroe County.

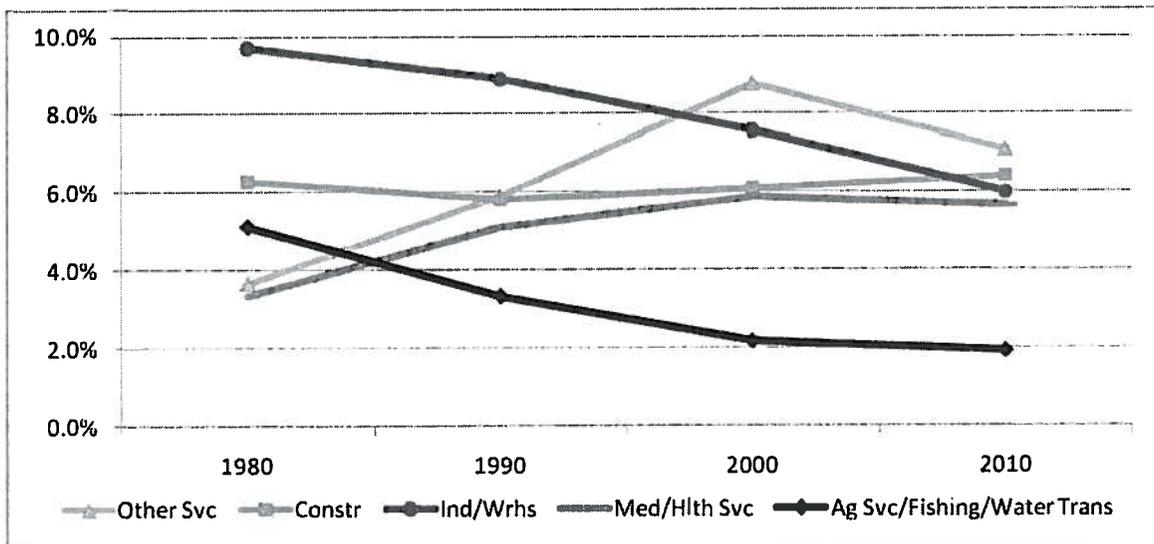


Figure 4 - Share of Employment by Sector 1980-2010

In addition to looking at the composition of employment by industry in Monroe County, we also examine the changes in composition over time. **Figures 3 and 4** illustrate how the mix by industry has evolved over the past 30 years. Change in the share of employment is an indicator of which industries have momentum and may be expected to have growth potential in the future. In this section we examine the changes in share. By identifying employment sectors which are growing we help identify the key components of the local economy which offer opportunity for the future.

The employment segment with the greatest increase in share during the past three decades is Business Services/Finance and Real Estate (see **Figure 5**). The dominant component by far within this category is business services. Business services as a category consists of legal, accounting, architectural, computer and management consulting, research,

advertising other professional services and business support. Finance and real estate are comparatively stagnant and given the current economic conditions may not be expected to show significant improvement in the short to medium term. Thus, business services is identified as a sector offering substantial employment growth. Its share of employment has doubled over time and is now the third largest employment segment in the countywide economy.

The visitor industry is comprised of Hotel/Motel rooms, eating and drinking establishments, and entertainment venues. This is the largest sector of the Monroe County economy by far, accounting for at least 1/3 of all employment countywide. It is the second fastest growing segment of the economy as well, having gained more than 5 points in share since 1980. The visitor industry has long been the focal point of the Monroe County economy.

“Other Services” includes automotive service, personal care, laundry, civic and religious organizations and repair services for household and commercial equipment. Other Services is the 3rd fastest growing employment segment countywide. This segment has shown very consistent growth over the decades. Though the share of this segment is small (only the 5th largest of 9 groups) the rate of growth in this segment is the fastest of any segment in the local economy.

Medical and Health services has also grown very rapidly since 1980. Since year 2000 the average age of all persons in Florida has increased from 39 years to 40 years and from 37 years to 38 years in Miami-Dade. In Monroe County however, the average age of all persons has increased from 41 years to 43 years. The Monroe County population is older and has increased by a greater amount than the population in Miami-Dade County and throughout Florida. By 2030 the University of Florida projects 44% of the Monroe County population will be age 55 and up, compared with 32% in Miami-Dade and 38% statewide. The older population will require more medical services supporting an opportunity for continued increases in medical services in Monroe County.

The remainder of the major employment segments in Monroe County has shown no increase in the share of employment. These comparatively slow growth segments include government, industrial/warehouse, other retailing, marine industries and construction. While most of these sectors added jobs overall from 1980-2010, the pace of growth was below average and so each sector lost market share overall, or in the case of construction increased share only very marginally.

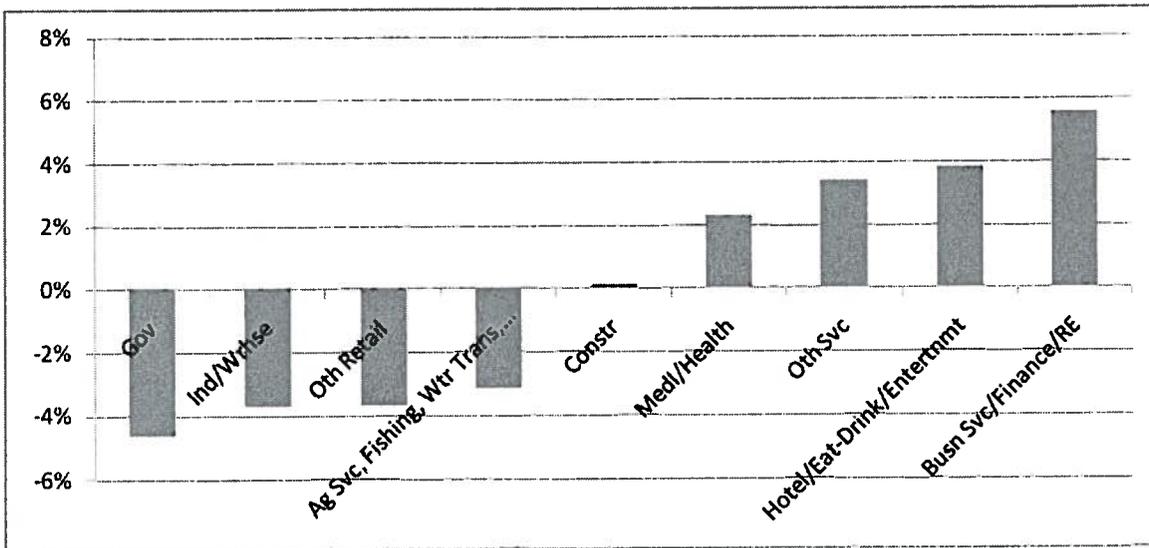


Figure 5 - Net Change in Share of Employment by Type 1980-2010

3.0 Industry Analysis

As an overview to the local economy of Monroe County we have compared the profile of major industry segments in Monroe County to other island communities in Florida as well as to other major metropolitan employment centers across the state. We have looked at the mix of industries and employment in Monroe County, the share of major employment segments and the trends and change in these segments, over a 30 year time horizon.

Through these analyses we have identified strengths and weaknesses, as well as large and fast growing employment sectors in the Keys. The areas of strength, combined with those segments which are large and fast growing, present in our view the best opportunities for future economic development and job growth. These segments represent the base of opportunity which, if promoted and strengthened, can provide sufficient revenue and economic flexibility to allow further investment in special segments which offer innovation, cultural and community strengths and other desired aspects of keys living and community building. Below we focus in on these segments and describe the opportunities they afford.

3.1 Tourism

The dominant industry throughout Monroe County is tourism. It is the largest employment sector countywide. The visitor industry has had the second fastest growth in market share and added by far the most number of jobs of any employment sector in Monroe County since 1980. The visitor industry includes eating and drinking establishments, hotel motel space along with seasonal rental properties and entertainment venues such as museums, theaters and parks. The visitor industry represents about one third of the Monroe County economy, as measured by employment. The Keys hosted approximately 3.3 million visitors during 2009, with some 2.2 million visiting Key West. Of those visiting Key West, 39% were cruise ship visitors. Fully two thirds of visitor activity countywide is concentrated in Key West (see **Table 2**).

While the visitor industry is large and adds substantial employment, wages are lower than average, representing about 76% of the average wage countywide. The impact on household earnings is perhaps less dramatic in as much as 1 in 3 visitor industry workers holds more than one job. Also, many persons in the real estate industry sell or rent vacation homes and the average wage among these workers is almost 90% of the average wage. Nonetheless, the strength and attractiveness of the visitor industry in terms of jobs and long term growth is offset to some degree by lower wages.

By measures created by the Monroe County Tourist Development Council, the visitor industry in its entirety (including multiplier effects) is responsible for 60 percent of total Monroe County output (sales) and half of all employment countywide.¹

Thus, it is clear the Visitor industry is a critical component of the functioning of the countywide economy. Policies which encourage expansion of the visitor industry, promote higher wages for visitor industry workers, and continue to support the strength in employment gains should be considered.

3.1.1 *Tourism and Visitors*

The Monroe County visitor industry is highly concentrated in Key West. Tourist development Council data illustrate the nature of visitor activity. As noted earlier fully one third of all employment in Monroe County is concentrated in the visitor industry. The multiplier effect of this activity increases the overall impact and importance of the visitor industry.

The Remainder of This Page Left Intentionally Left Blank

¹ "Study of the Monroe County Tourism Workforce", August 2006, Monroe County TDC, page 8

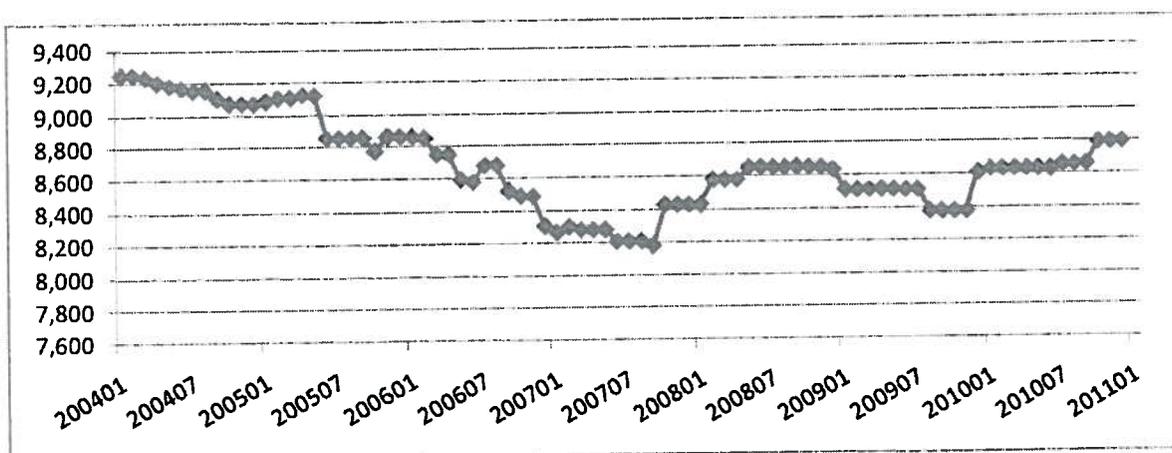
Table 2 - Visitors to the Florida Keys by Type and Location

Florida Keys Visitor Person-Trip Estimates							
	2003	2004	2005	2006	2007	2008	2009
Key West Overnight Visitors	1,309,559	1,303,633	1,046,111	1,063,752	1,094,647	1,112,978	1,165,327
Key West Day Trippers	242,268	241,172	237,460	196,794	202,510	205,901	206,263
Cruise Ship Passengers	1,067,222	934,070	925,795	888,183	816,919	739,218	859,409
Total Key West Visitors	2,619,049	2,478,875	2,209,366	2,148,729	2,114,076	2,058,097	2,230,999
All Keys Overnight Visitors	2,425,110	2,414,135	1,937,244	2,030,062	2,089,021	2,169,565	2,092,732
All Keys Day Trippers	448,645	446,615	439,742	375,561	388,469	401,369	370,414
Cruise Ship Passengers (Key West Only)	1,067,222	934,070	925,795	888,183	816,919	739,218	859,409
Total All Keys Visitors	3,940,977	3,794,820	3,302,781	3,293,806	3,292,409	3,310,152	3,322,555
Monroe County Lodging Occupancy %:	72.2%	71.2%	70.0%	66.5%	68.1%	67.5%	70.3%

Sources: Monroe County Tourist Development Council; Smith Travel Research

3.1.2 Tourism and Hotels

By year-end 2010 there were 8,796 hotel rooms in Monroe County according to Smith Travel Research data (see Figure 6). There has been a net loss of 452 rooms since year-end 2003, some 5 percent of the countywide hotel room inventory. Hotel room inventory had declined by 12% from 2003-2007 and has rebounded adding 366 rooms since 2007. An additional 4,800 seasonal units are found in resorts. The number of resort units has grown by 19%, some 772 units, since 2003, according to the Florida Department of Business and Professional Regulation. The total inventory of visitor accommodations has been relatively stable or grown slightly over the past decade, now totaling more than 13,500 units, though the mix and type of accommodations have changed from shorter stay hotel rooms to longer stay resort units.

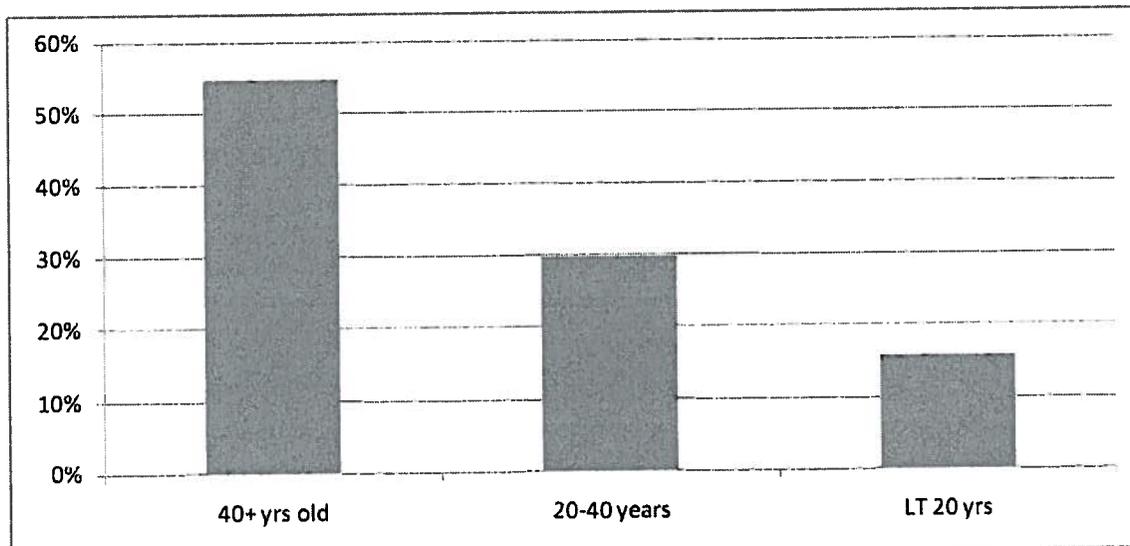


Source: Smith Travel Research, Fishkind & Associates, Inc.

Figure 6 - Monroe County Hotel Room Inventory

Among hotel rooms throughout Monroe County it is estimated 2,199 rooms are located within the unincorporated areas. Of the rooms in the unincorporated areas of Monroe

County 54% are within structures older than 40 years old. From a building use and architectural perspective, 40 years is a generally accepted measure of the useful life of buildings and structures. By the end of the 20 year planning horizon, an additional 30% of hotel properties will age into the greater than 40 year old category, if no renovation is undertaken. **Figure 7** shows the age of hotel room inventory in the unincorporated portions of Monroe County, as of year 2010.



Source: The County Property Appraiser; Fishkind & Associates, Inc.

Figure 7 - Age of Hotel/Motel Structures, Unincorporated Monroe County 2010

While there are many buildings standing today which are much older than 40 years, older buildings require extensive investment and renovation to maintain their usefulness. This is particularly the case in a place like the Florida Keys which has a very challenging climate and environment regarding stability and livability of built structures. The climate of the Keys increases the wear and tear on buildings and structures. Issues such as mold, sun exposure, heat exposure, salt exposure, and storm damage can render buildings useless very quickly. The majority of inventory of hotel motel rooms in the unincorporated keys today is obsolete from a building age standpoint. This means substantial and ongoing investment and renovation is required to maintain these structures.

Over the next twenty years as older properties continue to age, 84% of unincorporated hotel/motel structures will exceed their useful lives. Over the next twenty years, the vast majority of inventory of unincorporated hotel and motel rooms will require either a) replacement or b) extensive renovation. This places the hotel industry throughout the unincorporated keys in a precarious position from the standpoint of needed capital investment over the planning horizon. This condition also highlights the redevelopment opportunity which is likely to become increasingly evident over the planning horizon. The need for hotel property investment coupled with a de-facto restriction on hotel expansion

due to seasonal occupancy constraints means new hotel tourists are likely to be accommodated in newly built seasonal residential housing units and hotels which are in need of renovation will be unable to justify needed capital investments.

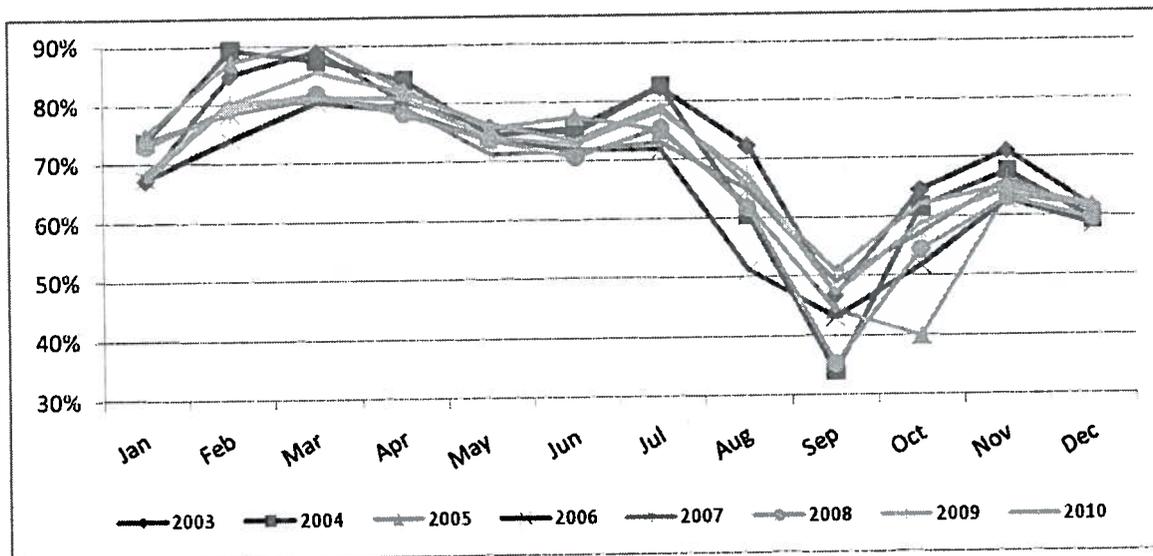
3.1.3 *Effects of the Hotel Moratorium on Tourism in Unincorporated Monroe County*

At present there is a Monroe County ordinance and Comprehensive Plan policy effective in the unincorporated area which prohibits any new hotel development throughout the unincorporated keys. This ordinance precludes all new hotel room/unit development. The development prohibition is in place due to the county designation as an area of critical state concern (ACSC). Under the ACSC designation hotel rooms are considered residential units and therefore would require allocation from ROGO, further reducing available increments of new housing supply under ROGO. In the past there has been a policy recommendation suggesting annual hotel occupancy must exceed 90% in order for new hotels to be warranted. There are no historic records which indicate hotel occupancy has ever exceeded 90% on an annual basis. Further, generally accepted, standard operating hotel financial performance norms indicate hotel operations are at the financial breakeven point near 65% occupancy². It is for these reasons that in unrestricted markets, there are usually few new hotels built when annual occupancy is consistently below 65%. But, when annual occupancy is consistently above 65%, the market typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%. Throughout the hotel industry, occupancy runs between 63% and 73% on an annual basis, under normal market conditions.

Figure 8 shows historic monthly occupancy in Monroe County.

Monthly Occupancy Rates, Including Key West

² <http://www.thefreelibrary.com/US+hotel+industry+now+breaks+even+at+55.5+percent+occupancy-a021173755> and <http://www.thefreelibrary.com/Trends+in+the+hotel+industry-a0131592609>



Source: Smith Travel Research, Fishkind & Associates, Inc.

Monthly Occupancy Rates, Excluding Key West

	2007	2008	2009	2010	2011	2012	% Chg
January	68.0%	66.3%	59.8%	55.2%	55.5%	65.1%	17.3%
February	72.3%	75.5%	71.9%	69.1%	73.5%		
March	78.6%	76.4%	72.7%	75.5%	82.0%		
April	74.4%	70.2%	73.0%	72.8%	74.9%		
May	64.3%	65.5%	65.2%	68.4%	65.7%		
June	68.3%	66.7%	67.7%	69.1%	71.7%		
July	67.9%	70.0%	72.0%	73.6%	75.9%		
August	60.1%	56.8%	59.2%	60.1%	61.3%		
September	41.5%	31.0%	38.1%	42.1%	45.3%		
October	48.0%	44.7%	46.5%	52.6%	52.8%		
November	52.9%	52.4%	50.7%	52.7%	63.5%		
December	48.5%	48.6%	51.1%	50.0%	58.2%		
Total	61.0%	60.3%	60.6%	61.5%	65.2%	65.1%	17.3%

Figure 8 - Monroe County Monthly Hotel Occupancy

For existing hoteliers this speaks to a need for policy and support that will stimulate and encourage redevelopment, add to peak season revenue potential perhaps through more rooms/capacity in the same footprint and substantially build off-season occupancy.

To change the seasonal visitation pattern in the Keys may require very high cost low margin-of-return advertising campaigns. This must also be viewed in light of the very substantial rate reductions which are found in September and October. To illustrate the revenue and rate reduction issue, during year 2010, revenue during the peak season was \$192 per available room. During the off season this fell to \$70. Rates would have to decline

even more sharply to improve off season occupancy or new target markets identified and captured.

To the degree tourism accounts for the largest employment segment in Monroe County and the moratorium on new transient units is overly restrictive and stifles growth in the tourist industry, the policy direction for Monroe County is contradictory. These policies contribute to the development of seasonal residential units and the conversion of permanent population to seasonal population, in our view. Further, the hotel moratorium likely contributes to the loss of existing hotel space, much of which is obsolete and in need of investment and rehabilitation but cannot justify the capital expense in the face of declining tourist numbers. The loss of permanent population and decline of the visitor industry hurts the cultural and social stability of local keys communities and hurts employment growth in the county's largest employment segment.

As stated, hotel unit development is also under the residential ROGO constraint. To the degree hotel and tourist evacuations begin 48 hours prior to general evacuations (with a 6 hour overlap with general evacuations); hotels and tourists do not pose a hurricane evacuation bottleneck. To the degree new hotel units should be encouraged, along with off season occupancy support policy, and to the degree the number of hotel rooms and tourists are declining, hotels should be removed from the residential ROGO constraint and be allowed to develop or redevelop as market forces dictate. This would allow successful properties unimpeded opportunity to improve and support the tourist industry throughout the Keys.

For policy considerations, how Monroe County counts rooms vs. units may provide some additional flexibility with respect to hotel/motel redevelopment opportunity. For example, hotel suites with more rooms per "unit" may allow existing hotels to add capacity without triggering other evacuation constraints on new development. This policy direction should be evaluated.

The Remainder of This Page Intentionally Left Blank

3.2 Seasonal Residential Development

The character of the housing inventory throughout the Keys is changing. There are a number of reasons for this shift. Some of these reasons include: the restriction on new hotel space in unincorporated areas which drives tourist growth into seasonal units, the lack of adequate wage employment which limits demand for permanent housing, conversion of apartments to condo, the constraining effects of ROGO on new residential housing which places a premium on housing, drives prices up and forces a move toward units with greater value and return, the expansion of retirement and second home communities in the Keys and the rapidly escalating prices of developable land. These factors all contribute to a shift toward development of higher value seasonal housing.

As an island community, it is known that some services normally found in mainland communities may not be available in the Keys. These include medical, regional retail, financial and transportation services. The structural lack of these kinds of services makes the accommodation of seasonal housing easier in terms of pressure on and support by the local infrastructure. This is not to say retirement and workforce populations will not grow in the Keys, or that local infrastructure is non-existent, only that accommodating seasonal households is the easiest economic opportunity, by comparison. While there is a prohibition on seasonal rentals in some residential areas, many units are not “rented” and are simply held for occasional use by owners, family and friends.

Thus, the trend toward increased seasonality, which has emerged with greater clarity over the past decade, is likely to continue. To change this trend, if desired, policies, land use allocations, new hotel development and investment must be undertaken to redirect the development trend toward more permanent population with higher levels of services, plus support for employment and employment opportunity. A more permanent and stable population base is more consistent with the Livable CommuniKeys Plans, rather than the more seasonal and transient based trend. Some of the current policies and market conditions also do not favor expanded economic development which would support employment growth.

In Monroe County as a whole the trend towards increased seasonal housing is quite pronounced as seen in **Figure 9**, which includes total inventory of both municipal and unincorporated data. These same data indicate that among the just net growth in inventory from 2000-2009, 73% of all net new residential units did not have homestead exemption. Such high non-permanent dwelling unit volumes supports the shift toward increased seasonality as is also described in the American Communities Survey.

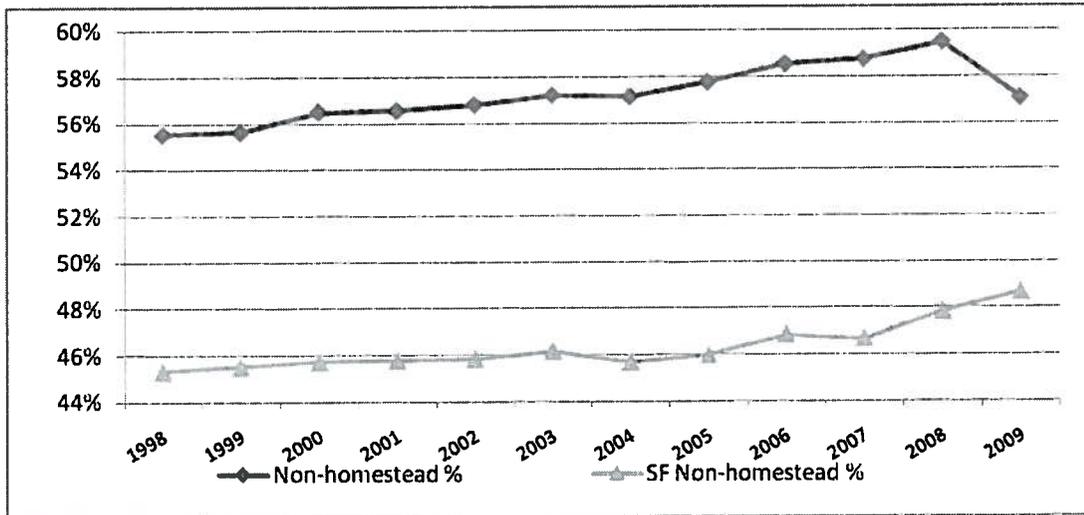


Figure 9 - Monroe County Non-Homestead Exempt Units

In the unincorporated areas the trend toward greater seasonality is similar. Among all unincorporated single family homes 53% in total are homesteaded. However among those single family units built from 2000-2009 only 45% are homesteaded leaving 55% as non-homestead/seasonal units. This pattern represents a significant shift over the past decade resulting in the majority of new single family units built being non-homesteaded or seasonal. For condos throughout the unincorporated Keys, fully 85% are non-homesteaded units and 96% of those built after year 2000 are non-homesteaded. Overall, among single family and condo units combined, the inventory of housing in the unincorporated keys is now 53% non-homesteaded. Among all single family and condo combined, the inventory of housing in the unincorporated Keys built after year 2000 is 57%. The unincorporated Keys are becoming increasingly seasonal, based on the characteristics of new residential units built.

Over the past 20 years there have been 1,101 apartment units converted to condominiums. Half of these conversions took place in just three years from 2004-2006 as shown in **Figure 10**.

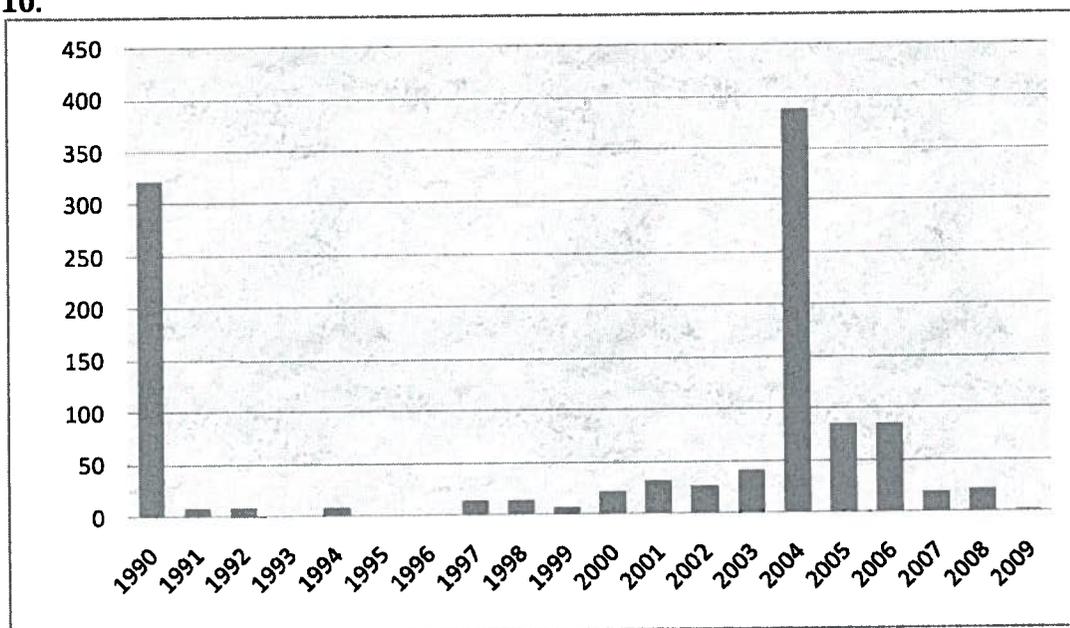


Figure 10 - Condominium Conversions in Monroe County

The loss of rental apartments in this fashion often leads to displacement of lower income rental householders. The degree to which displaced renters have left the Keys is unknown and the degree to which recently converted units subsequently ended up in foreclosure is also unknown. Generally speaking, outside of the housing bubble and a one-time surge in 1990, conversion levels are low throughout all Monroe County. The record volume of 557 conversions countywide from 2004-2006 is likely to have created additional need and additional opportunity to develop replacement rental housing. The lack of rental housing will also constrain employment growth as the economy begins to recover from recession. Apartment and quality rental housing development is a land use need and opportunity which can be accommodated in the unincorporated areas of the county. Apartment development would support local community efforts to build and maintain community strength as a more permanent and stable population, rather than development of seasonal transient housing. The conversion of apartments leaves a need for worker oriented and affordable workforce housing.

3.3 Government

The second largest segment of employment in the county is government, including local, state and federal. Government has lost the most market share in terms of employment than any other industry in Monroe County over the past 3 decades. It remains the second largest employer; however, we anticipate government employment will remain stagnant throughout the next decade, resulting in a further loss in share.

Local municipal budgets are negatively affected by falling ad valorem tax revenues, public school budgets are also subject to falling ad valorem revenue which will limit new hiring. Further the November 2010 ballot amendment to relax class size requirements will reduce the need for additional teachers. State and local government employment in the short term may decline by a small degree. Federal Government employment is primarily post office and civilian employment on military bases. Federal employment has remained unchanged in Monroe County over the past decade. While government employment is the second largest sector of the economy, it has lost the most market share of any segment since 1980 as seen in **Figure 5**.

Average wages paid through all government positions are 37% higher than the average wage countywide, reaching almost \$50,000 per year.

3.4 Business Service, Finance and Real Estate

Business Service Finance and Real Estate is the third largest employment category in Monroe County representing 13% of existing employment. This category has gained more share of total employment than any other segment since 1980. More than 2,800 business service jobs have been added over this period. Most of these new job formations have been concentrated in management, consulting, travel services, computers, and business services. Finance and Real Estate have added a small portion of these jobs however the strength in this sector lies in professional and technical services rather than banking and real estate. Professional service jobs pay 16% higher than the average wage countywide, almost \$42,000 per year. These jobs represent moderate to high skill positions and represent a key target sector for employment growth strategies.

3.5 Other Retailing

Retail categories, excluding eating and drinking establishments, typically include apparel, sporting goods, construction materials, electronics and autos. These categories have lost both employment and market share most notably over the past ten years. Employment in "other retailing" is now below 1990 levels and market share has fallen from peak of 16% to 11% today. There are no regional shopping centers in excess of 30 acres in Monroe County. Community and neighborhood shopping is essentially all that is offered except for smaller stand alone specialty stores and a handful of stand alone department stores/big box stores. Retailing pays 76% of the average wage. In Monroe County retailing is a slow growth industry, is constrained for space, is subject to high transportation costs to bring

goods in and provides a low wage. Support of existing retail centers is important so that residents and visitors do not have to drive long distances to meet basic needs. However, retailing is not a target for job expansion and creation, except as needed to support basic needs. Rehabilitation of existing centers and retail space is needed so that retail facilities do not succumb to obsolescence and fail to provide the basic services needed. Obsolete structures and facilities will also contribute to erosion of jobs and loss of market share. An inventory analysis of commercial retail buildings and structures in the keys suggests there is need for this type of facilities rehabilitation. Incentivizing redevelopment of retail structures should be a policy focus. This may include a square footage bonus to offset rehabilitation costs and relaxation of policies regarding upgrades to non-conforming uses.

3.6 Other Services

This category was the fastest growing employment segment from 1980-2010, with employment increasing by more than 200% during the period. The "Other Services" category consists of personal services, legal services, private educational services and engineering and accounting services. This category pays 90% of the average wage.

3.7 Medical and Health Services

Medical and health services are among the fastest growing segments of the Monroe County economy. Almost 1,200 jobs have been added in this employment segment since 1980. Average wages are in excess of \$44,000, more than 20% above the countywide average wage. Medical and health related facilities will continue to be in high demand as the population ages. Employment in this category has gained a 2 percentage point increase in share of total employment since 1980 making it the category with the 4th largest gain in share of employment and the 3rd fastest growth rate. With high wages and fast growth the medical and health segment is a desirable target industry on which to focus additional land use and economic development policies.

3.8 Waterfront Related

Among traditional island communities in Florida through the past 100 years, there has been a reliance on fishing, boating and marine environments and marine related industry such as shipping and boat repair. Through a century of change, the marine industry has declined while other areas of employment have grown in dramatic fashion. In terms of the volume and share of employment, there is very little fishing, food processing or water transportation related employment today, compared with employment in retail, finance and the broader service sector. The fishing industry accounts for only 1 percent of employment in island communities. Adding food processing, marine shipping, marine repair and marina raises the share to 2 percent in Monroe County.

Recreational boating has expanded. This has opened opportunities for pleasure boat repair, boat maintenance and storage. Pleasure boat licenses have more than doubled in the Keys since 1980 (see **Figure 11**). This speaks directly to an important segment of the economy

which is the vacation home or second home industry. Recreational waterfront activity supports redevelopment of waterfront areas such that the historic character and some historic uses and building are preserved while the economic drivers supporting waterfront properties is tourist and vacation home based. This has meant a waterfront redevelopment transition to service and tourist related activities similar to Savannah, Georgia; Des Moines, Iowa and old harbor areas such as Boston and Baltimore. The result is a vibrant waterfront which can accommodate some historic fishing and boating related commercial activity. At the same time, as measured by commercial fishing licenses, the volume and size of the commercial fishing industry has declined sharply over the past 30 years. Commercial fishing licenses have fallen by 25% and the volume of seafood catch has declined some 70% (see Figure 12).

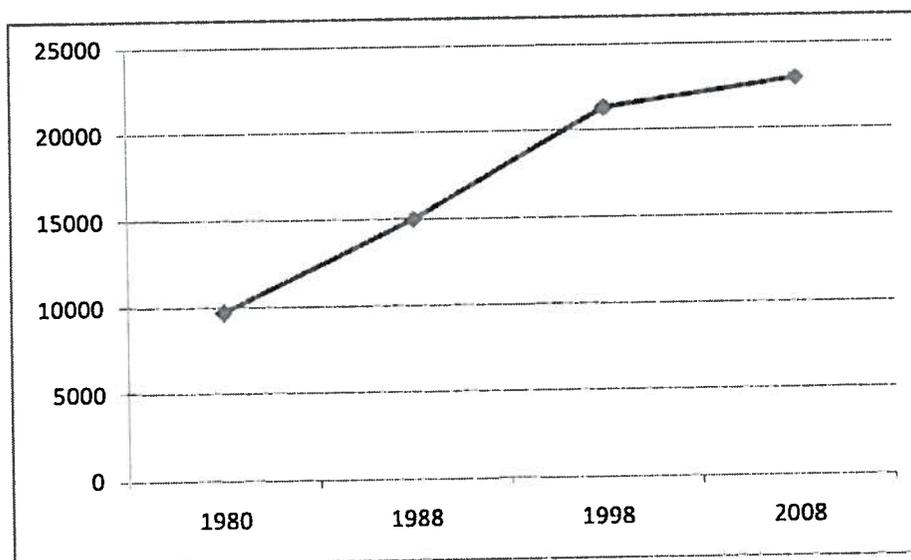


Figure 11 - Pleasure Boat Licenses in Monroe County

Water related employment is the smallest employment segment among island communities today, and equally small elsewhere in Florida. Based on trends in commercial registrations, fish and shellfish catch volumes, and covered employment, the marine industry is not a growth industry in Monroe County. Nor is it a growth industry in other island communities or elsewhere in Florida. Within the marine industry, what exists today is an important component of the history and character of Monroe County. It is an important aspect of the local restaurant business which offers "fresh catch". Given the past 30 years of decline, the historic nature of the marine and fishing industry and the loss of waterfront property to non-marine uses, there is a need to develop a support system to help maintain the viability of the industry as it currently exists. The marine industry as it relates to fishing can become a cultural focal point, support surrounding uses and continue to support and build the local restaurant industry. However, the marine industry is not likely to become a substantial employment generator in the future, nor a large-scale or growing aspect of the Keys economy. At most the entire value of commercial seafood and shellfish landings

(before expenses) is less than 5 percent of total personal income in Monroe County. Today, the economy of the Keys has developed, expanded and diversified. Understanding this diversification is integral to planning for new economic opportunities.

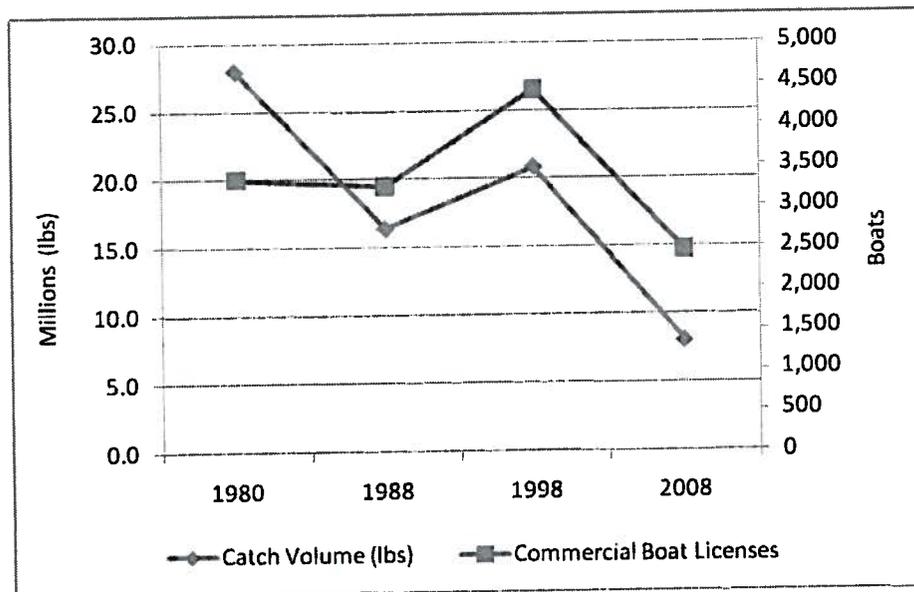


Figure 12 – Commercial Fishing Industry – Monroe County

There is an opportunity for growth in marine related industries outside of fishing. This includes marine research, coral reef preservation and marine related eco-tourism. One such important facility is the Navy’s *Marine Corrosion Test Facility* at Key West/Stock Island. Through the process of military technology transfer for civilian use, the ongoing research and technology at this facility offers the potential to help develop local industry synergies with respect to marine materials testing, underwater audio and marine biology. Coral reef research and preservation is of vital national and international interest. The Florida Keys are well suited to conduct such research in conjunction with nearby universities and national funding sources. This discussion will be expanded upon later in the report.

4.0 Vacant Land Use and Availability

Within commercial lands in unincorporated areas there are no vacant parcels in excess of 25 acres. This combined with a 35-foot height restriction plus numerous small vacant parcels substantially reduces the opportunity to accommodate any new large scale employment generator in unincorporated areas. Job growth under these conditions is limited to incremental improvements.

Monroe County is also subject to the Non-residential Rate of Growth Ordinance (NROGO). NROGO limits commercial construction by allowing a ratio of 239 square feet of

nonresidential floor area for each new residential permit issued through the residential rate of growth ordinance (ROGO).

Source: Code 1979, § 9.5-124; Ord. No. 032-2001, § 1; Ord. No. 046-2003, § 1; Ord. No. 001-2006, § 2; Ord. No. 037-2006, § 2; Ord. No. 11-2006)

The County maintains an inventory tracking system to determine whether or not sufficient commercial services are ultimately provided in the market place based on the 239 square foot criteria. It is reported the allowable maximum for new commercial construction is not necessarily reached or utilized each year. It is believed the maximums are not reached due to other constraints such as parcel size and availability, other zoning restrictions and economic conditions.

However, some commercial development is not dependant on resident population growth and should not be tied to residential growth. For example, demand for tourist retail is a function of tourism activity; not a function of new household growth. Similarly, industrial boat maintenance or marine research and development is not a function of residential growth and should not be tied explicitly to residential activity. As well, medical space needs serve tourists, workers and the elderly and this skews the empirical "per new household" relationship which dictates how much non-residential space may be developed.

While the 239 square feet per household is empirically observable it is merely a correlation and is not a causal factor in determining the demand for commercial development. From an economic perspective, using a supply based correlation, such as 239 square feet, to restrict commercial development fails to assess the market demand conditions. The requirement to tie a specific volume of commercial development to residential growth makes invalid assumptions as to the reasons and causes for commercial development. As a result this requirement constrains, restricts and harms the normal market processes by which the need for commercial development is identified and new space brought into the market.

From an economic policy and market perspective there should be no limiting requirement which ties a specific volume of commercial square footage to residential growth. Further, to the degree hurricane evacuation is a function of residential populations, and not affected by workforce population or customers, there is no storm/evacuation based need to limit or hinder ongoing commercial development activity such as occurs with NROGO limitations. Normal constraints on developability of lands would remain subject to, environmental sensitivity, infrastructure capacity and stormwater management, zoning and tier-management as well as all other LDC rules. There is no market based or valid economic reason to tie development of non-residential space to residential housing growth. While the empirical supply correlations exist, these are not appropriate market based demand factors and do not take into account the drivers of demand.

Further: the NROGO shall not apply to the development described below:

Development with no net increase in nonresidential floor area:

The redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement.

Limitations on the amount of nonresidential floor area which may be transferred to any one site. The amount of nonresidential floor area which may be transferred to any one site shall be as follows:

1. No more than a maximum cumulative total of 4,000 square feet of nonresidential floor area may be transferred to any one site.
2. A receiving structure with existing nonresidential floor area shall not be expanded using transferred floor area if the expansion results in a structure with more than 10,000 square feet of nonresidential floor area, except within the urban commercial land use district, where a structure may be expanded to a maximum total of 50,000 square feet of nonresidential floor area.

Source: (Code 1979, § 9.5-124.3; Ord. No. 032-2001, § 1; Ord. No. 046-2003, § 3; Ord. No. 037-2006, § 4; Ord. No. 11-2006)

The amount of nonresidential floor area to be allocated shall be limited to a maximum of 2,500 square feet for any one site, except for sites located within a designated community center overlay area.

Source: (Code 1979, § 9.5-124.4; Ord. No. 032-2001, § 1; Ord. No. 11-2006)

Due to the effect of NROGO restrictions and vacant commercial supply constraints, the most effective and easily permitted commercial development is redevelopment with no net increase in floor area. New commercial development is hindered by floor area coverage limitations, a lack of available parcels, height restrictions, limitations on trip generation, and NROGO constraints tied to residential development. This effectively prohibits much new commercial development. This leaves redevelopment as the most viable option given land use and availability – however even this option is hindered by limitations to grow and expand existing building space by limiting an increase in floor area.

With respect to designing flexibility to retain local businesses, it is important this take place in the context of non-conforming uses. To the degree non-conforming uses will be brought into compliance a high degree of flexibility will be required so as not to cause the elimination of the business in light of other restrictions. Relaxation of existing requirements should occur to the greatest extent possible where wastewater, drainage and stormwater issues are met to the greatest degree and where land is located within Tier III areas.

To the extent possible if these criteria are met a floor area bonus should be considered to help increase revenue potential and offset the cost of renovation and compliance. This could include elimination of NROGO constraints for existing business expansion in Tier III areas where adequate infrastructure is available.

5.0 Livable CommuniKeys Plans

5.1 Livable CommuniKeys Plans – Vision and Outlook

Having conducted an economic and strategic overview of the unincorporated areas of Monroe County we have identified employment trends, strategic concerns and opportunities. In order to make actionable recommendations which are consistent with the desires and strategic direction of Keys residents we have evaluated the Livable CommuniKeys Plans (LCPs) for the purposes of identifying where these plans might intersect with the economics presented and the economic development direction presented in the Livable CommuniKeys Plans.

Within these plans what we find are distinct regions within the unincorporated keys which reflect their own set of unique local conditions and geographically specific economic development goals (see Figure 13). These sub-regional characteristics are quite distinct from each other and distinct from the concentration and intensity of the Key West tourist industry.

The Upper Keys have characteristics which lend considerable strength to focusing the definition of this area as a marine sanctuary, with recreational diving, recreational boating, eco tourism, and marine research.

The Middle Keys are more residential in character, include high value vacation and second home communities such which are similar to other beach and island communities in Florida such as Destin, Marco Island, and Longboat Key. There is continued opportunity for tax base growth.

The Lower Keys are in close proximity to Key West's main tourist destination. The lower keys can be seen as a bedroom community to the Key West tourist workers. This area is also more industrial and includes much of the working marine industry such as fishing, boat repair, and tour guides. The Naval Air Station Key West is an important presence in the Lower Keys. Facilities on Boca Chica and Key West contribute to the economy of the area. There are some 1,200 permanently stationed personnel plus rotating squadrons throughout the year. Per Diem payments to visiting personnel and salaries of stationed personnel represent a l source of local income being brought into the area. This can have a ripple effect and serve as an economic driver in the Lower Keys.

Also located in the lower keys is The Naval Research Lab. The Lab is housed within the Naval Air Station at Key West and is located on Fleming Key. The lower Keys is the center for marine research. The Naval Research Lab command includes the *"Marine Corrosion Test Facility which offers an ocean-air environment and clear, unpolluted, flowing seawater for studies of environmental effects on materials. Equipment is available for experiments involving weathering, general corrosion, fouling, and electrochemical phenomena, as well as coatings, cathodic protection devices, and other means to combat environmental degradation."*

"The laboratory has an unparalleled database for natural seawater exposure testing and marine-related materials evaluation. It receives a plentiful, unpolluted supply of natural undisturbed Gulf of Mexico seawater throughout the year. The tropical climate is ideally suited for marine exposure testing and provides minimal climatic variation, with a stable biomass throughout the year. The laboratory has more than 1000 ft of waterfront access, natural "blue" ocean-quality seawater access, a 2500-ft² atmospheric test site, and more than 14,000 square feet of laboratory facilities building space"³.

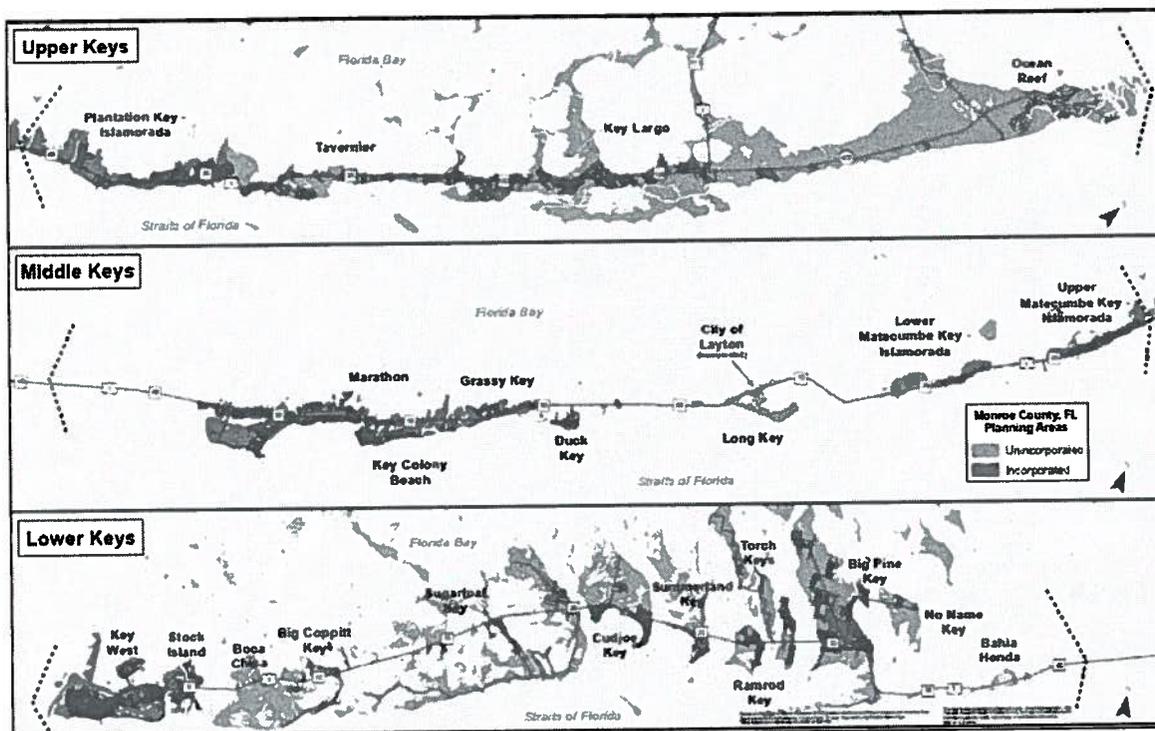


Figure 13 - Keys Planning Areas Map

Appendix 1 contains excerpts from the Livable CommuniKeys Plans provided to highlight and help synthesize the integration between economic development objectives and community goals such as livability and sustainability. Sustainability in these instances may include environmental, economic and social/cultural aspects of the challenge of sustainable living practices in the face of the physical constraints of island living. The goal of this section of the report is to identify sustainable economic directives from the LCPs and integrate these with economic development opportunities, goals and objectives.

³ http://www.globalsecurity.org/military/facility/key_west.htm

5.2 Summary of Upper Keys - Key Largo LCP Findings

Commercial redevelopment of existing sites within the original footprint, with no increase in building square footage is allowed and encouraged in the Key Largo LCP.

New high intensity commercial development is limited. Redevelopment which expands a local business floor area is limited. New Hotel development is prohibited (this is a county-wide prohibition). New commercial development greater than 2,500 sq ft on any one site is prohibited. Waterfront seasonal housing which may replace water related or water dependant uses is under moratorium. As a result of the highly physically constrained conditions, lack of viable developable sites and regulatory prohibitions, most new commercial development is disallowed in the upper Keys or highly constrained.

5.4 Summary of Middle Keys

The functional population of the Middle Keys is projected to increase by fewer than 100 persons through year 2030. This will translate to a need for approximately 50 additional dwelling units through year 2030. The lack of developable lands and limited growth suggests the economic opportunity in the Middle Keys is primarily support of the valuation and tax base of existing developed property.

5.5 Summary of No Name and Big Pine Keys LCP

There is very limited new development opportunity on No Name and Big Pine Keys. The combination of limited land availability, concurrency constraints and other restrictions effectively limit new commercial development to very low levels if at all. The local community does not wish to embark on a path that would bring regional users or regional facilities to these areas.

These conditions point to the need to build sustainable communities through redevelopment.

5.7 Summary of Stock Island and Key Haven LCP

The working waterfront and major employment center of the unincorporated Keys is located on Stock Island. The resident population is highly engaged and supportive of maintaining the employment opportunities associated with marine dependant activities including fishing, ship building and repair, tour guides and other water or waterfront dependant activities such as marine research.

Residentially zoned land is built out on Stock Island. Remaining vacant lands are either Mixed Use or Industrially zoned.

According to the Stock Island LCP, the focus for economic development opportunity on Stock Island is support of the marine industry, preservation of marine uses, and

redevelopment of existing parcels with a focus on marine industry services, facilities and support. Opportunities for marine related science and technology research are strongest in this planning area due to the proximity to the Navy's *Marine Corrosion Test Facility* and the Key West Airport, which facilitates travel.

6.0 Working Waterfront

The keys began a rapid transition from fishing to tourism beginning in 1975; declines in fisheries and catch volume were pronounced in the 1980s. In 1994, the "Net Ban" further diminished the fishing industry. Inexpensive seafood competition from foreign sources made revenues decline for those remaining. Catch volume has declined further during the most recent decade from 2000-2009. A transition of land uses through redevelopment has shifted marine and waterfront related uses to seasonal housing and condominium uses.

The transition away from fishing and marine related industry is typical and well documented in similar island communities throughout Florida. For island communities however, this represents a shift away from the historic and cultural aspects which gave rise to the community in the first place. In response to this change in orientation and loss of traditional economic activity, the County undertook to study the working waterfront in an attempt to help maintain and preserve the culture, history and economy of the Florida Keys.

In 2005 *The Working Waterfront Management Plan* was undertaken by the County through the South Florida Regional Planning Council and the FAU Center for Urban and Environmental Solutions. Relevant excerpts from this report, as they relate to economic development potential and opportunities are included in this section for review and integration with the overall economic development strategy presented in this report.

The Working Waterfront Management Plan was not adopted and should be. Revisions as needed, due to changes since then, should be made. The Plan should be processed for finalization, with policies and incentives for encouraging working waterfront uses.

The Remainder of This Page Intentionally Left Blank

Working Waterfront Conditions today:

The redevelopment pressure on Monroe County's waterfront has been well documented. One recent study⁵⁵ suggested that redevelopment is accelerated in Monroe County because the tourism and commercial fishing industries are actually in a

spatial conflict. The tourism industry's control of the waterfront has been characterized as a natural progression of events resulting from the greater profits generated by tourist-based operations. In fact, the commercial fisherman were said to be despondent about the outcome, but because the political process was often not conducive to commercial fisherman, the outcome was rarely contested. The report questioned whether commercial fishing would be completely abandoned as a revenue generator even though it has a long and rich history in the Keys. Currently, Stock Island remains one of the last operational ports for commercial fisherman in the Keys, and it too, is under enormous pressure to redevelop into the highest and best use based on today's economic environment.

In 2003, the Florida Keys Carrying Capacity Study was completed to assess the ability of the Florida Keys ecosystem to withstand all impacts of additional development.⁵⁶ The study mapped environmentally sensitive land, as well as land suitable for increased development. Four guiding principles for growth management were identified: (1) to prevent encroachment into native habitat, (2) continue and intensify existing programs dealing with environmental and quality of life issues, (3) focus on redevelopment and infill, and (4) increase efforts to manage ecological resources. Currently, the findings of the carrying capacity study are being used to draft the new Monroe County Comprehensive Plan under the Livable CommuniKeys Initiative.

In late 2004, another report concluded that there is indeed a decline in the working waterfront and loss of public access to the waterfront.⁵⁷ The pressures to redevelop into private residential and other non-water dependent uses are believed to be exacerbated by the increasing property values and associated taxes levied on waterfront parcels. The higher taxes were also believed to reduce profits for many marine business owners, prompting them to sell their business. It was believed that the conversion to non-water dependent uses may help to provide a short-term economic generator but the long-term benefits could not be guaranteed.

Finally, a study was conducted on the impact of a post-embargo Cuba on Florida's marine industries.⁵⁸ The study warned that marine facilities could potentially develop on Cuba's coast and provide direct competition to the many marinas found in Florida and its Keys. The development of tourism in Cuba was said to be a priority of the government that may eventually impact the future successes of Florida's tourism industry. One example of this would be a change in the routing of cruise ships, by-

passing Key West in favor of a Cuban destination. Another is the threat that Cuban fisherman will replace local Keys fisherman by offering the same products at lower prices.⁵⁹ The study encourages communities to consider the effects of a post-embargo Cuba and to develop a strategic plan to take advantage of opportunities and minimize negative effects of such an occurrence.

Pages 24-26

Scenario 2

For a second scenario we assumed that approximately half of the estimated 150 marinas and boat yards in the Florida Keys would be replaced by residential development. The additional assumptions include a loss of related jobs numbering approximately 400, and the building of 750 residential units above and beyond those that are otherwise projected in the baseline scenario on the sites of the converted facilities. These residential units would accommodate an additional 1,275 residents, and these, it is assumed, would find employment in other activities in the Florida Keys.

The results suggest that there would be a long-term increase in the gross regional product, personal income and overall employment in such a scenario, mostly as a result of the new residents and jobs, and the income and demand for goods and services that would result. Almost 1,500 new jobs would generate an additional \$408 million in personal income in the year 2030, contributing to almost 2% increase in the value of output in Monroe County.

Table 2. Scenario 2 - Loss of Marinas and Boat Yards

Variable	2005	2010	2015	2020	2025	2030
Gross County Product (millions)	\$0.0	\$4.0	\$18.0	\$38.0	\$63.0	\$85.0
As % of County Total	0.0%	0.1%	0.5%	0.9%	1.4%	1.8%
Personal Income (millions)	\$0.0	\$19.0	\$71.0	\$160.0	\$272.0	\$408.0
As % of County Total	0.0%	0.4%	1.2%	2.2%	3.0%	3.8%
Total Employment (jobs)	-1	46	304	668	1,104	1,488
As % of County Total	0.0%	0.1%	0.5%	1.1%	1.9%	2.6%

Source: South Florida Regional Planning Council. REMI Policy Insight 7.0

Scenario 2 illustrates the fact that when one economic activity is replaced by another, often the new activity competes successfully with the one it replaces. Although some aspects of this scenario could be refined to reflect unique characteristics of the Florida Keys (for example, the likelihood that some of the residential units would be occupied by seasonal residents), the general outcome of the scenario would not change significantly.

Page 24 Marine Management Study

In summary, the loss of the entire commercial fishing industry and associated fish houses without any replacement economic activities is estimated to lead to a reduction of approximately 3% in economic output for the Florida Keys over a 25-year horizon. The conversion of half of the marinas and boat yards into residential units, with the corresponding increase of the resident population, could lead to almost 2% in additional economic output for Monroe County.

Page 25

Florida Keys National Marine Sanctuary Protection Act

The water surrounding the Florida Keys is home to a spectacular marine environment, consisting of sea grass meadows, mangrove islands, and living coral reefs. These environments are considered to be equivalent to the tropical rain forests found in other places in the world. Also, the marine environments found in the Keys support rich biological communities that are treasured for their ecological, recreational, commercial, educational, historic, and esthetic value.

6.1 Summary and Findings of the Marine Management Working Waterfronts Report

The pattern of encroachment on working waterfronts has been largely stopped since the 2005 Working Waterfronts publication. There is a recognition and commitment on the part of the County and its citizens to help support the marine and maritime communities. However, the Plan should be formally adopted. This positions the Keys to take advantage of public support for the cultural and historic value of fishing and other water related activities.

7.0 Monroe County Strengths and Weakness Assessment

Strengths - natural environment, marine sanctuary, aquaculture, marine research, geographically distinct planning areas; established and successful tourism industry, nationally recognized, national marine protections, stability of military presence.

Weaknesses - subject to environmental forces of hurricanes, hurricane evacuation constraints, sea level rise, ocean warming; resource degradation in fishing productivity and coral reef health; remote location; workforce availability, workforce transportation, high land and housing prices, high cost of living; education; insufficient infrastructure in roads, water, wastewater; insufficient raw land/ physical buildout approaching - redevelopment only; redevelopment opportunity constrained by Vision plans which prefer to retain weak industries or limits commercial development.

The list of weaknesses and challenges facing the Keys is greater than the list of strengths when examining the conditions from the perspective of economic opportunity. Nonetheless, within the context of these constraints, there are opportunities to gain

economic efficiency, improve upon the strengths available and lessen the impacts which affect sustainability of existing residents and businesses throughout the Keys.

8.0 Recommendations

8.1 Redevelopment Floor Space Bank

The Keys are effectively built out for all practical purposes with respect to commercial opportunity. In this case, build out is characterized by a lack of substantial volumes of developable lands, combined with numerous development moratoria of different types, floor area expansion limitations, transportation and hurricane evacuation constraints, ROGO limitations, and a public sentiment which openly and actively discourages growth. In such cases economic opportunity lies predominantly in redevelopment.

The inventory of hotel space is aged in the unincorporated Keys. The retail and office space inventory is also aged and suitable for redevelopment. Industrial and office space generally has high vacancy rates suggesting a higher frequency of obsolete uses on specific parcels. Because of the traffic, utilities and environmental constraints facing keys development and redevelopment, a mechanism or market to pool redevelopment volumes such as a “redevelopment capacity bank” may be a viable strategy to facilitate redevelopment activity. This would allow for the sale of abandoned and demolished “floor space” to be accumulated in a redevelopment bank.

Accumulated or “banked” floor space could be sold by the “redevelopment capacity bank” at a later time, to be aggregated on sites which are better suited and better located to accommodate commercial and tourist related development. This would help redirect development away from sensitive or underserved locations and encourage development in locations where growth and development is encouraged. **Table 3.** highlights the vacancy conditions by commercial segment within the unincorporated Keys, as of February 2011. The generally small average square foot building size is representative of the small scale, small business orientation of the Keys. There are few big box stores and few very large scale hotels. This characterizes the Keys and in particular highlights the small and local nature of business and commerce in the Keys.

The Remainder of This Page Intentionally Left Blank

Table 3 - Current Vacancy Rates by Property Type in Unincorporated Monroe County

Property Type	Vacancy Rate	Avg Bldg Sq Ft*
Industrial	21.1%	10,521
Office	12.7%	4,666
Retail	5.8%	10,781
Hospitality	0.0%	62,824
Specialty Marina	0.0%	9,699
All Space	4.5%	14,404
* Includes Vacant and Occupied		
Source: CoStar Inc.; Fishkind & Associates, Inc., Feb. 2011		

8.2 Target Industry – Tourism – Ending the Moratorium on New Hotels

The greatest economic opportunity throughout the Keys is to target employment segments which are both large and fast growing. The Tourist sector which includes hotels, recreation and eating and drinking establishments is the largest employment sector in the county and the second fastest growing employment sector since 1980. Despite the Tourist Development Council reporting a 16% decline in visitors since 2003, tourist and related employment has slipped by less than half that rate. The industry has been buoyed by occupancy in the increasing numbers of seasonal housing units. As a result, the percentage decline in the tourist industry and tourist employment is less than the recession related decline in Monroe County employment, despite a loss of hundreds of hotel rooms in recent years.

One key step in supporting the tourist industry is to lift the moratorium on new hotel development in the unincorporated areas. Allowing new hotel development will reduce the pressure to build seasonal housing; is likely to slow the transition of population from permanent to seasonal; and will support wider access to and more economically viable uses for waterfront properties. This would support a second goal of supporting working waterfronts by allowing more commercially compatible uses with existing commercial waterfront operations. Finally, new hotel development will create a larger volume of additional tourist related hotel, retail and restaurant jobs rather than the limited volume of real estate sales and rental occupations associated with seasonal housing.

In addition, incentives to provide for redevelopment of existing outdated hotel/tourist facilities should be instituted. Such incentives may include the ability to expand the number or rooms or the building footprint. Some relaxation, where appropriate, of current zoning regulations to reduce the cost of upgrade compliance is also important.

Tourism in Monroe County is event driven and highly seasonal. Expanding the duration of the season to off peak times will utilize existing capacity and expand the revenue potential of the industry without requiring additional peak season infrastructure. Though off-peak season is coincident with hurricane season, visitor evacuation times are not a factor since tourist evacuations occur prior to general population evacuation. Expand visitor volumes into non-peak season times should be a policy focus to complement development of new and redevelopment of existing hotel motel properties.

8.3 Target Industry - Marine Resources

Marine research, aquaculture, marine related technology facilities and coral reef research and preservation activities should be targeted for expansion and relocation to the keys. It is recommended the establishment of a local marine quality/ marine research and technology task force be created. The purpose of this entity is to bring together the civilian and military marine research activities to the extent possible, to link the underwater parks and preserves with sustainable coral reef research as relates to global warming and develop marine based technologies through basic scientific research on flora and fauna. There are numerous national and international efforts to protect and preserve the corals. Resources such as these noted below should be taken full advantage of with respect to funding and research opportunities and providing the anchors to expanding local research and technology efforts:

- National Coral Reef Action Strategy
- NOAA's Coral Reef Conservation Program
- U.S. Coral Reef Task Force
- NOAA's Coral Reef Information Service (CoRIS)
- *The State of Coral Reef Ecosystems of the United States and Pacific Freely Associated States: 2008*

Under the direction and control of the Tourist Development Council the office of Eco-Tourism should be further supported. This office should be tasked with the facilitating communication and administrative organization among reefs, national preserves, local and national parks, and upland or land based natural preserves among other wildlife/environmental activities. Fully 20% of visitors to the Keys participate in Nature Study and Wildlife Observation⁴. Advertising synergy, events, awareness building and joint marketing efforts should be undertaken as part of the TDC budget specifically as it relates to eco-tourism, reef preservation and joint promotion of national wildlife parks and reserves. This group can, for example, also interface with environmental preservation groups to find common ground for improving the sustainability of Keys living, implementing the Livable CommuniKeys Plans, and developing event driven marketing plans for econ-tourism and promotion of Keys Wildlife.

⁴ Visitor Profiles June 2010, Linking the Economy and the Environment of the Florida Keys, P. 74, Table A.2.4 Visitor Participation by Activity

Enhance waterfront with more viable uses while maintaining or supplementing with financial support for fishing and marine industries. Redevelopment in concert with waterfront enhancement through the “redevelopment capacity bank” should be offered. A three to five year ad-valorem tax break, where property taxes are forgiven for a limited period during the redevelopment and re-launch period may be considered or alternatively, employ ad valorem revenues or the incremental growth in ad valorem revenues (TIF financing) to help finance needed infrastructure or facility upgrades to meet current zoning and environmental standards. Financial incentives should be provided to enhance waterfront properties. Without financial incentives there is little justification to forego current income and undertake a substantial capital investment, particularly when limited upside revenue potential is available due to restrictions on floor area expansion. Finally, limits on floor area footprint expansions should be relaxed or eliminated. Financing mechanisms such as the Community Redevelopment Area (CRA) should be explored to support commercial development. Commercial development is highly encouraged to offset restrictions which may result from Air Installation Compatible Use Zone (AICUZ) expansions.

8.4 De-Couple Commercial Development from Residential Development

It is recommended the linkage between residential and non-residential development volumes be eliminated. The annual commercial development allowance of 239 square feet per new residential unit should be de-coupled and eliminated. There is no economic support or theoretical justification for such linkage and such linkage unnecessarily harms commercial development and job generating potential. Further, all future new commercial development and commercial re-development under these conditions would be conducted and evaluated on an “Equivalent Residential Unit” (ERU) basis with respect to traffic and other impacts. In this fashion the distinctions of commercial development by type should be eliminated, such that retail, hotel, office and industrial uses may be interchangeable with respect to development thresholds. This would allow for greater flexibility in redevelopment opportunities of commercial and employment generating properties.

8.5 Growth Industries - Target List

Based on the employment analysis, the segments of the economy which experienced employment growth from year 2000-2010 have been identified (see Table 4). It is recommended that favorable permitting and relocation/expansion support be provided by local government when companies within the target groups engage in planning or proposals to invest or expand locally. Miscellaneous business services, the top employment group, includes the following types of businesses: Legal services, Accounting and bookkeeping services, Architectural and engineering services, Specialized design services, Computer systems, design and related services, Management and technical consulting services, Scientific research and development services, Advertising and related services, Other professional and technical services. This group also specifically includes engineering and research activity/employment as part of the marine research effort. It is

important to note the strongest employment growth segment also includes marine related scientific research which is uniquely suited for success in the Monroe County.

Table 4 – Monroe County Growth Industries 2000-2009

SIC	Industry Name	Growth
73	MISC.BUSINESS SERVICES	2,064
58	EAT & DRINK PLCS	606
49	ELEC,GAS,SAN.SVCS	297
17	SPECIALTY CONSTRUCTION	198
55	AUTO DLRS.&SVC.STAT	173
84	MUSEUM, BOT. & ZOO	117
48	COMMUNICATIONS	113
47	TRANSPORTATION SVCS	106
16	HEAVY CONSTRUCTION	75
65	REAL ESTATE	64
64	INS.AGNTS,BRKS.SER	63
83	SOCIAL SVCS	50
9	FISH.,HUNT.,TRAP.	41
81	LEGAL SVCS	40
22	TEXTILE MILL PRODUCTS	28
34	FAB.METAL PROD	27
39	MISC.& OTHER MFG.	20
86	MEMBERSHIP ORGANIZATIONS	17
88	PRIVATE HOUSEHOLDS	13
25	FURNITURE & FIXTURE MFG	9

Economically speaking, the Florida Keys faces a host of daunting challenges. The governmental and regulatory response has focused on restrictive and/or prohibitive solutions. Despite these conditions, there remain substantial economic opportunities in the Keys which build on its natural strengths. Embracing these strengths to a greater degree will enhance the community and quality of life in Monroe County.

Appendix 1 Excerpts of Livable Communikeys Plans

Key Largo Livable CommuniKeys Plan

The area examined in the Key Largo Livable CommuniKeys Plan is shown in Figure 14.

Vision

“Key Largo will continue to be a livable island community where protection and enjoyment of the significant natural resources support a unique sense of place as the first island in the Florida Keys. We shall maximize our future by preserving our nationally recognized undersea environments, improve the visual character of our built environments through innovative redevelopment that enhances our quality of life, and strive to increase the sense of a small coastal town ambiance.”

Land Use and Redevelopment

- 1) Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands.

Community Character

- 2) Preserve and enhance important community qualities within the planning area that define Key Largo’s casual village style atmosphere and natural environment and that enhance its status as the first island of the Florida Keys.
- 3) Protect and enhance historic, cultural and archeological resources within Key Largo to maintain the integrity of the community’s unique character.

Housing

- 4) Maintain the availability of affordable housing and workforce housing for local residents while preserving the character of the community.

Environmental Protection

- 5) Preserve, manage, and restore where appropriate, the natural resources within the planning area by providing open space, protecting water quality and acquiring and managing environmentally sensitive lands.

Economic Development

- 6) Encourage redevelopment and infill development that supports and enhances the tourist-based economy of the planning area.
- 7) Recognize water-dependent and water-related commercial uses as an important source of economic sustainability within the planning area.

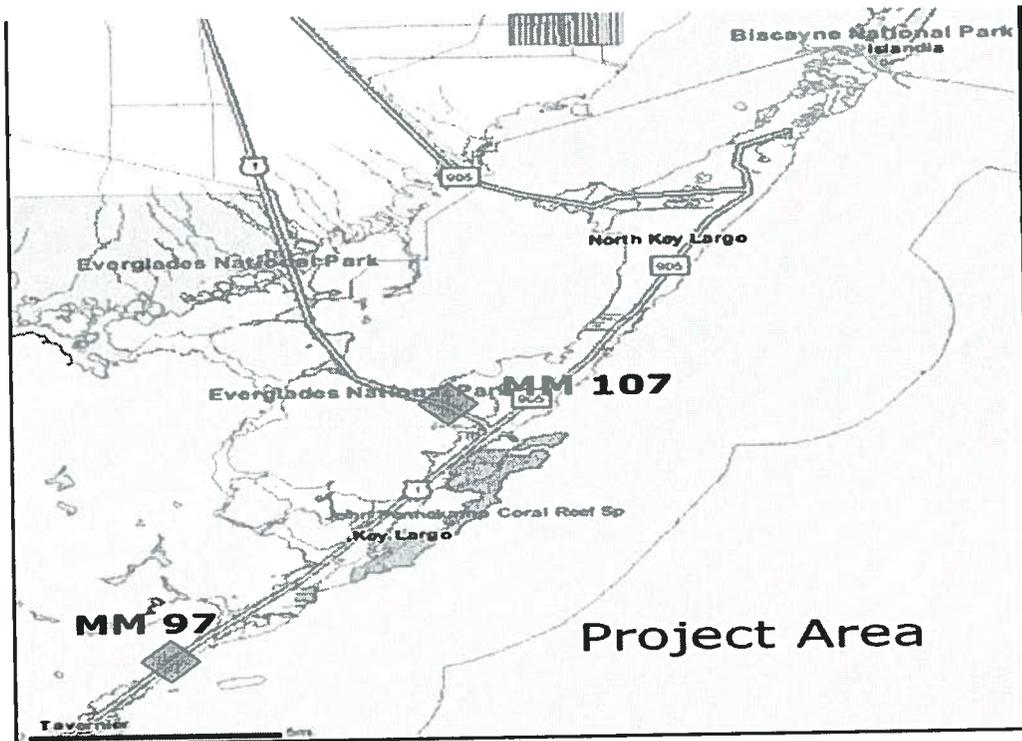


Figure 1. Key Largo Livable Communities Plan Area.

Stakeholder survey results

- The top reasons people live in, or own a second home on the island, are the recreational opportunities and the natural environment.
- 30% of the respondents work within the planning area limits, 22% travel north of the planning area to jobs, and 8% travel south of the planning area to jobs.
- 80% do most of their shopping within the planning area.
- Bicycle lanes on both sides of US 1, bicycle/pedestrian trails and local trolleys were the top three public transportation desires.
- Safety is the number one concern for bicycle/pedestrian activity.
- The respondents identified beach access, multi-use paved trails and boat launches as the top three recreational facilities needed on the island.

One trend observed in recent years has been the demolition of existing commercial square footage on one site and replacement of that square footage on a separate site. Developers are exercising flexibility and creativity in response to growth restrictions. The resulting built environment is by no means rigid and with this trend in commercial development and redevelopment, planners will have possibly the best opportunity yet available in the Florida Keys to encourage desired land use patterns.

Page 19

Land use flexibility is needed to allow the conversion, re-distribution, and relocation of needed land uses. One suggestion to enhance flexibility is to allow the Transfer of Building Rights to move between planning areas throughout the unincorporated Keys.

Other planning opportunities are also available. The "shuffling" of floor area from one site to another that is often occurring under NROGO presents opportunities for land reclamation and for retiring old or abandoned uses. Developers may be encouraged to move floor area out of Tier III SPA area into Tier III Infill area and specifically to focal areas.

Page 20

Strategies

- a. Promote infill, design flexibility and transfer of density to Community Centers.
- b. Preserve commercial conformance status within sections along US-1 predominated by existing commercial businesses and disturbed lands.
- c. Encourage sun-setting of intensive commercial uses within sections along US-1 predominated by natural habitat or native-dominated landscape, relatively sparse development and relatively few businesses.
- d. Preserve commercial use status for existing waterfront uses that support the tourist-based and working waterfront-based economy.
- e. Give consideration to whether the property provides a unique or outstanding opportunity for enhancement of design, connectivity and other community goals, especially along the US-1 corridor.

Page 23

- b. Commercial retail high intensity uses that generate more than one hundred and fifty (150) trips per one thousand square feet of floor area shall not be allowed.

Page 24

Workforce Development

Another aspect of housing that must be considered for the Key Largo planning area is the fact that a considerable percentage of the lower-wage worker group is bussed in daily from Miami-Dade County via public and private transportation. Some local businesses (especially hotels) provide daily van transportation for their employees. The primary means of transit however is the JGT Bus Service which is a contracted extension of the Miami-Dade County Public Transit System. A total of 168,000 persons used the system in 2004, averaging 500 persons per day. The service currently runs to MM 50 however a connector line has been put into place to complete the service to Key West. This mass transit system is expected to continue to experience a high level of use and, with a significant number of housing units being constructed in south Miami-Dade County, will offer an alternative to workers who otherwise would require housing in the Keys. Key Largo is expected to continue to have a significant contingent of lower-income wage earners commuting from outside the County.

Page 40

Economic Development

ENCOURAGE REDEVELOPMENT AND INFILL DEVELOPMENT THAT SUPPORTS AND ENHANCES THE TOURIST-BASED ECONOMY OF THE PLANNING AREA.

Page 48

RECOGNIZE WATER-DEPENDENT AND WATER-RELATED COMMERCIAL USES AS AN IMPORTANT SOURCE OF ECONOMIC SUSTAINABILITY WITHIN THE PLANNING AREA.

dependent and water-related uses. The public place a high value on water-dependant or water-related uses and their presence adds to the attraction Key Largo has on visitors.

Water-dependent uses include marinas, commercial fishing, boat launching facilities and beaches (Table 6). Water-related uses include concession stands, bait and tackle shops and fish houses. Hotels and restaurants that are located on the water while not water dependent or related as in the traditional definition are economically enhanced by the location on the water and are included in the definition here (Table 7).

This should apply to marinas, dive centers, interactive dolphins' exhibits, RV park, restaurant, hotel, boat launch, and marine research and technology innovation centers.

Page 50

Retain Traditional Working and Public Waterfront. The rapid changeover of traditional waterfront businesses including marinas, commercial fishing operations, restaurants, charter fleet operations and similar uses to private condominiums and marinas has been a cause for concern in the Florida Keys. A moratorium on this type of redevelopment is in effect and the matter is being studied. Recommendations should be developed to help deal with this phenomenon Keys-wide. Another need is to formalize and provide land-based support to existing offshore mooring areas within the planning area.

Design Flexibility to Retain Businesses. Key Largo would like to retain its casual water-oriented community atmosphere to help maintain its tourist-based economy. New development regulations are needed to help retain traditional waterfront businesses. These new criteria will likely include relaxation or flexibility in existing requirements for setbacks, parking, buffers, landscaping and other bulk regulations and a complete overhaul of the nonconforming use/structures sections.

Page 53

With respect to designing flexibility to retain local businesses, it is important this take place in the context of non-conforming uses. To the degree non-conforming uses will be brought

into compliance a high degree of flexibility will be required so as not to cause the elimination of the business in light of other restrictions. Relaxation of existing requirements should occur to the greatest extent possible where wastewater, drainage and stormwater issues are met to the greatest degree. To the extent possible if these criteria are met a floor area bonus should be considered to help increase revenue potential and offset the cost of renovation and compliance.

No Name and Big Pine Keys LCP

Commercial development:

county. As of the date of this report, the dwelling unit allocation ordinance allocates 49 total units annually to the Lower Keys. At 239 square feet of commercial space per residential unit allocated under NROGO, this sets the approximate Lower Keys commercial rate at 11.711 square feet per year (NROGO does not allocate commercial space by Keys sub-area but does so Keys-wide on an annual basis). As previously noted, the residential allocation is subject to change (usually decreases), so the commercial allocation could also change. The point system used to rank permits for allocations under NROGO is currently structured to give a competitive advantage to development proposed outside Big Pine and No Name Keys. This was done to bolster protection of natural resources on these two islands. With the issuance of the Incidental Take Permit and adoption of the HCP by the county, the point system may be restructured.

Page 13

Planning Objectives 3. Discourage new development on No Name Key.

Page 15

Coupled with the following NROGO provision: the following new uses or change in use are prohibited on Big Pine Key/No Name Key:

- (1) Commercial retail high-intensity uses that generate more than 150 trips per 1,000 square feet of floor area.
- (2) Outdoor storage, as a principal use.
- (3) Outdoor retail sales, as a principal use.

The plan components are as follows:

- Residential – Up to 200 new units over the next twenty years.
- Commercial – Up to 47,800 square feet of commercial floor area over the next twenty years in the U.S. 1 Corridor Area (south of Lytton's Way) to be used for infill and expansion of existing businesses. Development is limited to Tier III disturbed and scarified uplands. Total trip generation over the twenty-year horizon is limited to the equivalent of 200 residential units.

Page 30

Goal 4

Provide opportunities for redevelopment and expansion of existing businesses and limited new non-residential uses within the U.S. 1 Corridor on scarified lands.

Page 42

Economic Development Element

Since 1995 there has been a moratorium on all traffic generating development on Big Pine Key and No Name Key because the segment of U.S. 1 that passes through Big Pine has been found to have an inadequate level of service (concurrency has not been met). This has not only prevented residential development, but has greatly impacted commercial development on the island (as

During the LCP process the community indicated that additional commercial development should be oriented to the local community rather than the regional or tourist economy. New development should be kept at a small scale to maintain the rural and suburban character of the

Page 80

Stock Island and Key Haven LCP

Economic Development and Tourism

“Working waterfront” is becoming increasingly relevant across the state, and indeed the country. “Working waterfront” describes communities whose economy is intrinsically linked to the waters and its bounty, as is the case with Stock Island. The Stock Island economy has not transitioned to a primarily tourism-based commercial retail economy, such as that of Key West. Detailed information pertaining to the economy and waterfront areas of Stock Island are provided within the *Harbor Preservation Redevelopment and Intra-Island Transportation Plan* completed by Wallace, Roberts, and Todd (WRT) in 2005.

Page 12

Planning objectives for Stock Island

Stock Island

- Maintain affordable housing while providing a mix of housing options; and
- Promote the diversification of economic opportunities, including small businesses and home occupations; and
- Identify a commercial center within Stock Island (i.e. not US 1); and
- Improve aesthetics, commercial site and visual character of south side of US 1 corridor; and
- Improve storefronts, signage, and landscaping for commercial properties; and
- Enhance the community identity as a “commercial fishing” community; and
- Provide space for a working waterfront and its supporting industries; and
- Provide and improve waterfront access; and
- Provide off-street parking for vehicles and boats; and
- Provide improved public facilities, including cultural and recreational facilities and activity centers such as libraries.

Page 17

Maritime Industrial Uses

The largest concentration of maritime industry and commercial fishing in Monroe County is found in the 142 acres of port area on Stock Island. The purpose of the Maritime Industrial (MI) district is to establish and conserve areas suitable for maritime uses such as ship building, ship repair, and other water dependent manufacturing and service uses as well as other industrial activities.

Since 1965, power generating facilities have been located on Stock Island. There were additions in 1978, 1991, and 1999. There are two more additions proposed in the near future, one in 2006 and another in 2012.

Range of Employment Opportunities

An almost equal percentage of people living in Stock Island and Key Haven are either employed or retired. However, the top reason for people living in Stock Island is closeness to work. Of those employed, 67% work in Key West and 26% percent work in either Stock Island or Key Haven. The type of employment mentioned most frequently was "self employed business owner," the second leading employment type was "working in the fishing industry."

Page 23

Recent development and redevelopment activities have been focused in the MU district. According to the 2005 Property Appraisers database, 48% of the MU zoned parcels are developed with residential uses and 20% are developed with commercial and office uses. The MU district permits both residential and commercial uses. Since all the residentially zoned lands are completely developed on Stock Island, this applies additional pressure to redevelop MU lands for residential uses.

Responses from the Livable CommuniKeys survey indicate that 68% of the community agree or strongly agree with maintaining the amount of land for light industrial and commercial activity. The survey and development patterns indicate there is a need to redirect economic development and growth into appropriate infill areas and assess the availability of residentially zoned land.

Page 23

Strategy 1.3

Acquire waterfront property, preferably with existing infrastructure to support commercial fishing.

Action Item 1.3.1: Explore and pursue partnerships and funding sources for land acquisition (WRT).

Action Item 1.3.2: Lease acquired commercial fishing property back to a broad based coalition of commercial fishing interests, such as a co-op (WRT).

Action Item 1.3.3: Require easement agreements for commercial fishing on waterfront property through the development redevelopment approval process.

Page 25

Affordable housing affects availability of and access to workforce

The greatest fear voiced by residents is that trailer parks and mobile homes which serve as a source of affordable housing will be bought and then converted into less affordable housing. A look at recent redevelopment projects affirms these fears. From 1999 to 2004, 5 major housing redevelopment projects have occurred, these redevelopment projects have led to a reduction in the supply of affordable housing units.

The existing units on Stock Island that serve as affordable housing for the low and very low income residence are part of the older housing stock. Many of these units may need to make improvements to meet the livability standards. Examples of the livability standards include The exterior, including the structure being in good repair while being maintained in a sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.

The County defines affordable housing in the Land Development Regulations. The regulations provide various qualifying incomes for affordable housing ranging from those making as little as 50% to as high as 120% of the median adjusted household income for Monroe County. As construction costs, land values and the differentiating prices between a market rate and an affordable housing unit continue to increase, developers are naturally drawn to providing the higher end of affordable housing. At this time, new regulations for affordable housing are being drafted for review and approval by the Board of County Commissioners.

Goal Five:

Maintain and enhance the community character of a diverse and unique mixed-use community, separate from Key West.

Page 33

Define and enhance the community identity.

Action Item 5.1.1: Promote the importance of maritime industries by incorporating the theme of Stock Island's historic maritime industry in public art and design guidelines.

Action Item 5.1.2: Emphasize maritime industries in all aspects of community design.

Page 36

Attachment 4:
Spreadsheet accounting for NROGO

NROGO Bank	TOTAL Unused SF
BPK & NNK subarea	4,339
Upper & Lower subarea	389,991

DRAFT (1-17-2013)

SF= Square Feet

NROGO YEAR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	ROGO Allocations	Square Foot (SF) ratio	Max SF Available	Max SF Available [rounded to nearest 100 SF per CODE 138-51(a)]	SF made available by BOCC Resolution (Upper & Lower)	SF Allocated (Upper & Lower)	SF Un-Allocated (Upper & Lower)	Only BPK & NNK SF made available by BOCC Resolution	BPK & NNK SF (Authorized the use of Rollover SF by Resolution)	BPK & NNK SF Allocated	BPK & NNK SF Un-Allocated		Total SF Made Available by BOCC Resolution (Includes Upper, Lower and BPK & NNK subareas)	Portion of max SF NOT made available for award per NROGO allocation period (Upper & Lower subareas)	
NROGO Year 10 (2002) Reso 317-2001	N/A - captured in beginning balance		67,537	67,500	22,150	18,222	3,928	N/A	N/A	N/A	N/A		22,150	45,350	
NROGO Year 11 (2003) Reso 581-2002	158	239	37,762	37,800	16,000	5,300	10,700	N/A	N/A	N/A	N/A		16,000	21,800	
Settlement Agreement for Richard M. Osborne, Trustee & Conch Contrada (5/2002) Case No: CAK-01-108			0	0	0	42,700	N/A	N/A	N/A	N/A	N/A		N/A	0	
NROGO Year 12 (2004)	158	239	37,762	37,800	16,000	15,689	311	N/A	N/A	N/A	N/A		16,000	21,800	
NROGO Year 13 (2005) Reso 424-2004	125	239	29,875	29,900	16,000	10,925	5,075	N/A	N/A	N/A	N/A		16,000	13,900	
NROGO Year 14 (2006) Reso 383-2005 (ROGO: 382 - 11 = 351)	351	239	83,889	84,000	16,000	12,594	3,406	N/A	N/A	N/A	N/A		16,000	68,000	
NROGO Year 15 (2007) Reso 513-2006 (BPK & NNK becomes a separate subarea)	197	239	47,083	47,100	18,000	12,500	5,500	9,082	N/A	5,000	4,082		27,082	20,018	
NROGO Year 16 (2008) Reso 410-2007	197	239	47,083	47,100	35,000	17,938	17,062	0	N/A	3,809	-3,809		35,000	12,100	
NROGO Year 17 (2009) Reso 471-2008	197	239	47,083	47,100	30,000	13,056	16,944	5,000	N/A	0	5,000		35,000	12,100	
NROGO Year 18 (2010) Reso 381-2009	197	239	47,083	47,100	20,000	6,355	13,645	2,500	N/A	0	2,500		22,500	24,600	
NROGO Year 19 (2011) Reso 446-2010	197	239	47,083	47,100	20,000	8,234	11,766	2,500	N/A	384	2,116		22,500	24,600	
NROGO Year 20 (2012) Reso 124-2012	197	239	47,083	47,100	44,700	7,324	37,376	2,390	9,449	7,500	see column 12		47,090	10	
			492,240	539,600	253,850	170,837	125,713	21,032*	9,449	16,693	4,339		275,322	264,278	389,991

NOTE: NROGO Years 16-20, the County was allowed to permit 11,950 SF of nonresidential floor area pursuant to the Comp Plan; however, Resolutions 410-2007, 471-2008, 381-2009, 446-2010 and 124-2012 (NROGO YRs 16-20) allocated 12,390 SF of nonresidential floor area. This is 440 SF greater than the permitted allocation; therefore, the County is deducting 440 SF to account for this over allocation.

TOTAL banked NROGO as of YR 20 = 4,339 SF [21,032-16,693= 4,339SF]

Upper & Lower subareas (sum of remaining SF not previously made available plus remaining unallocated SF) (column 7 plus column 14)

Beginning Balance for NROGO (Pursuant to MCC 138-51(a)) Calculated SF Available from the permits issued under Qtr 3 Year 1 to ROGO Year 9 (includes additional affordable allocations) plus allocations for ROGO Year 10 minus the issued SF from Comp Plan Adoption April 15, 1993						67,537 SF beginning balance	BPK & NNK - Beginning Balance for NROGO (Pursuant to MCC 138-51(i)) First allocations for Big Pine Key and No Name Key. For the first allocation period (starting ROGO year 15, quarter 1), the maximum amount of floor area available for allocation shall be based on the number of permits issued under the 200 allocations authorized by the Big Pine Key and No Name Key Community Master Plan and the number of ROGO allocations to be made available in the ROGO year 15, beginning July 14, 2006		
Beginning Balance	permits issued	Additional Affordable Allocations	SF ratio	Available SF	awarded SF	1st annual allocation period SF			
3rd Quarter ROGO Yr 1 - Yr 8	1687		239	403,193	430,300		ROGO Year 15 (Market & Affordable issued)	27	
ROGO Yr 9 (received 134 additional affordable allocations - based on 201-67 to City of Marathon = 134)	129	134	239	62,857	0		Permits issued under 200 allocations authorized by LCP/HCP/ITP	11**	
Available ROGO Yr 10 allocations	133		239	31,787	0		Total Permits	38	
TOTAL				497,837	430,300	67,537	NROGO ratio per permit	239	
							TOTAL	9,082	

** Note - To account for 11 permits issued under the 200 authorized by LCP/HCP/ITP - removed 11 permits from ROGO Year 14 to avoid double counting permits and square footage (362 - 11 = 351)



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Joseph Haberman, AICP, Planning & Development Review Manager

Date: **March 15, 2013**

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REVISING PROVISIONS OF THE MONROE COUNTY CODE CONCERNING THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO); AMENDING THE FOLLOWING MONROE COUNTY CODE SECTIONS: SECTION 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE; SECTION 138-52, APPLICATION PROCEDURES FOR NROGO; SECTION 138-53, EVALUATION PROCEDURES FOR NONRESIDENTIAL FLOOR AREA ALLOCATIONS; ESTABLISHING NEW DEFINITIONS; ESTABLISHING A MECHANISM TO ALLOCATE NONRESIDENTIAL FLOOR AREA UNALLOCATED IN PREVIOUS YEARS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: March 27, 2013

1
2 I REQUEST
3

4 This proposed text amendment was considered by the Planning Commission at its January
5 30, 2013 and February 27, 2013 meetings. The public hearing was continued to March 27,
6 2013 in order for the Planning Commission to have more time to review additional
7 supporting information/documentation and revisions provided by staff prior to the February
8 27, 2013 meeting. For comparison purposes, areas of significant difference between this staff
9 report dated March 15, 2013 and the previous staff report dated February 25, 2013, as well as
10 areas of additional language/information, are highlighted.

11
12 The Planning & Environmental Resources Department is proposing amendments to the text
13 of §138-47, §138-52 and §138-53 of the Monroe County Code (MCC). The amendments,
14 which all pertain to the NROGO permit allocation system, are necessary to:

- 15 a) Establish new definitions;
16 b) Establish a codified mechanism to allocate nonresidential floor area that went
17 unallocated in previous years; and

1 c) Establish a system to track and account for nonresidential floor area permitted via de
2 minimis expansion building permit applications.
3

4 Staff is not recommending any changes that are inconsistent with the pertinent, existing
5 policies of the Monroe County Comprehensive Plan- most importantly, Policy 101.3.1,
6 which requires the NROGO permit allocation system and limits the square footage of non-
7 residential development to a ratio of approximately 239 SF per each new dwelling unit
8 allocated via the ROGO permit allocation system.
9

10 II RELEVANT PRIOR COUNTY ACTIONS:

11
12 The NROGO was adopted into the Monroe County Code, as required by Monroe County
13 Comprehensive Plan Policy 101.3.1.
14

15 Recently, Monroe County amended MCC §138-47 and §138-52 (File #2012-038). The main
16 purpose of that amendment was to establish a requirement that a building permit application
17 be revised following receipt of its require ROGO and/or NROGO allocation(s) and prior to
18 building permit issuance to meet all building codes in effect at the time of building permit
19 issuance. Ordinance #024-2012, which memorialized the amendment, was adopted by the
20 BOCC and is now effective.
21

22 A previous version of this text amendment (MCC §138-51 only) was reviewed by the
23 Development Review Committee on June 26, 2012 and scheduled for review by the Planning
24 Commission on July 25, 2012. Prior to the public hearing by the Planning Commission, staff
25 opted to include additional text amendments, including some within additional sections of the
26 Land Development Code, and determined that the revisions required additional review by the
27 Development Review Committee prior to review by the Planning Commission.
28

29 A previous version of this text amendment (MCC §138-47 through §138-53) was reviewed
30 by the Development Review Committee on August 28, 2012. During the Planning
31 Commission's November 28, 2012 public hearing, in anticipation of hearing this text
32 amendment, the Planning Commission advised staff to separate the proposal to establish a
33 NROGO bank from the other non-related NROGO text amendments so that it could be
34 considered independently.
35

36 The separate text amendment petition is being processed concurrently to this amendment.
37 The other amendment affects MCC §138-47 as well. The purpose of the other amendment is
38 to revise MCC §138-47, §138-48, §138-49, §138-50, and §138-51 to establish new
39 definitions; revise the types of development affected and not affected; revise the regulations
40 to increase the number of NROGO allocation periods in a given year from two allocation
41 periods to four allocation periods; and to increase the maximum amount of an allocation.
42

43 This proposed text amendment was considered by the Planning Commission at its January
44 30, 2013 meeting. The public hearing was first continued to February 27, 2013 in order for
45 staff to compile additional supporting information/documentation and incorporate several
46 revisions suggested by the Commission. The public hearing was continued a second time to

1 March 27, 2013 in order for the Commission to have more time to review the
2 information/documentation and revisions provided by staff.
3

4 This proposed text amendment was discussed by the Board of County Commissioners at its
5 February 20, 2013 meeting. Regarding this proposed text amendment, the Board requested
6 that staff:

- 7 • In agreement with the Planning Commission, amend the proposed regulations to
8 reserve 50 percent of the balance of the NROGO bank for existing businesses.
- 9 • In order to have proportional nonresidential growth, amend the regulations so that the
10 annual NROGO allocation is proportionately divided into the three ROGO subareas
11 (Upper Keys, Lower Keys and Big Pine/No Name Keys). In relation to the NROGO
12 bank, there would be three accounts, one for each ROGO subarea.
- 13 • In agreement with a staff recommendation (made after the January 30, 2013 Planning
14 Commission public hearing), amend the proposed regulations to limit access to the
15 NROGO bank to properties designated Tier III.
- 16 • In agreement with a staff recommendation (made after the January 30, 2013 Planning
17 Commission public hearing), establish a reserve amount so that de minimis expansion
18 applications can be accommodated.
19

20 In addition, with the implementation of the changes requested by the Planning Commission
21 and Board of County Commissioners, it would difficult to manage applications and distribute
22 awards for nonresidential floor area within the NROGO bank at any regular meeting of the
23 Planning Commission (12 times per NROGO year). Therefore, staff has amended the
24 regulations to only allow access on the same public hearing dates in which the general
25 NROGO allocations are awarded (4 times per NROGO year).
26

27 III REVIEW

28
29 As set forth in MCC §138-47(b), the purposes and intent of the NROGO are: 1) to facilitate
30 implementation of goals, objectives and policies set forth in the Comprehensive Plan relating
31 to maintaining a balance between residential and nonresidential growth; 2) to maintain a ratio
32 of approximately 239 SF of nonresidential floor area for each new residential permit issued
33 through the ROGO; 3) to promote the upgrading and expansion of existing small-size
34 businesses and to retain the predominately small scale character of nonresidential
35 development in the Florida Keys; 4) to regulate the rate and location of nonresidential
36 development in order to eliminate potential land use conflicts; and 5) to allocate the
37 nonresidential floor area annually hereunder, based on the goals, objectives and policies of
38 the Comprehensive Plan and the Livable CommuniKeys master plans.
39

40 Comprehensive Plan Policy 101.3.1, which addresses the NROGO permit allocation system,
41 states:
42

43 Monroe County shall maintain a balance between residential and non-residential growth
44 by limiting the square footage of non-residential development to maintain a ratio of
45 approximately 239 square feet of new non-residential development for each new
46 residential unit permitted through the Residential Permit Allocation System. This ratio

1 may be modified from time to time through amendments to the land development
 2 regulations based upon market and other relevant studies as required by policy 101.3.5.
 3 The commercial allocation allowed by this policy shall be uniformly distributed on an
 4 annual basis, consistent with the Residential Permit Allocation System as set forth in
 5 Policy 101.2.1.
 6

7 Concerning the amount of NROGO floor area that has not been allocated (for reference
 8 purposes):
 9

	<i>Total Un-allocated Nonresidential Floor area</i>	<i>As of NROGO Year</i>
Big Pine Key and No Name Key ROGO subarea	4,339 SF	Year 20 (2012)
Upper Keys & Lower Keys ROGO subareas	389,991 SF	Year 20 (2012)

10 Staff has drafted the ordinance to become effective on the commencement of NROGO Year
 11 22, which is July 13, 2013. The draft previously reviewed by the Planning Commission
 12 erroneously cited NROGO Year 23 as the beginning point, which would be approximately
 13 July 13, 2014. In the event that the ordinance cannot be processed and deemed effective by
 14 July 13, 2013, staff recommends that the commencement date be the opening date of Period
 15 2 of NROGO Year 23, which would be approximately January 14, 2014. Potential effective
 16 dates for the ordinance are as follows:
 17

18
 19 NROGO Year 21 (July 13, 2012 through July 12, 2013):
 20 Period 1: July 13, 2012 through January 14, 2013
 21 Period 2: January 15, 2013 through July 12, 2013
 22

23 NROGO Year 22 (July 13, 2013 through July 12, 2014)
 24 Period 1: July 13, 2013 through January 14, 2014
 25 Period 2: January 15, 2014 through July 12, 2014
 26

27 As proposed, the NROGO dates would become synced with ROGO dates, which is currently
 28 based on quarters:
 29

30 Quarter 1: July 13 through October 12
 31 Quarter 2: October 13 through January 12
 32 Quarter 3: January 13 through April 12
 33 Quarter 4: April 13 through July 12
 34

35 MCC §138-47:
 36

37 Amendments are necessary to the definitions contained within this section that are applicable
 38 to application of the NROGO. Staff is proposing to create definitions for *NROGO bank*. As
 39 a note, in a recent text amendment (File #2012-038), the County created a definition for
 40 *lawfully established ROGO/NROGO exemption* and revised the existing definitions of

1 *buildable lot or parcel, nonresidential floor area, nonresidential ROGO allocation,*
2 *nonresidential ROGO allocation award and site.*

3
4 MCC §138-52:
5

6 An amendment is recommended to create an application process for the NROGO bank, a
7 codified mechanism to allocate nonresidential floor area that went unallocated in previous
8 years.
9

10 In order to have proportional nonresidential growth, as part of the concurrent text
11 amendment, staff is proposing an amendment to the regulations so that the annual NROGO
12 allocation is proportionately divided into the three ROGO subareas (Upper Keys, Lower
13 Keys and Big Pine/No Name Keys). Currently, the annual allocation is divided between the
14 two Upper/Lower Keys subareas and the Big Pine/No Name Keys subarea as required by the
15 Big Pine and No Name Keys CommuniKeys Plan.
16

17 Of the 44,693 SF annually made available for the Lower and Upper Keys subareas,
18 beginning **NROGO Year 22**, this floor area shall be distributed to each of subareas based on
19 the number of residential dwelling unit permits made available for each of the subareas.
20 Commencing **NROGO Year 22**, the annual amount of floor area available for allocation
21 under NROGO shall be 47,083 SF, of which:
22
23
24

<i>ROGO Subarea</i>	<i># of Market Rate Units</i>	<i># of Affordable Units*</i>	<i>Annual NROGO Allocation (# of Units x 239 SF)</i>
Upper	61	35	22,944 SF
Lower	57	34	21,749 SF
Big Pine/No Name	8	2	2,390 SF

25 * Concerning the Upper Keys and Lower Keys ROGO subareas, 71 affordable ROGO
26 allocations are disproportionately distributed. The above table divides this total in half and
27 gives the extra unit to the Upper Keys ROGO subarea (to coincide with the additional
28 market-rate allocations).
29

30 Nonresidential floor area not allocated would be tracked within three accounts or an account
31 for each ROGO subarea.
32

33 As for the opening balances for the Upper Keys and Lower Keys accounts, due to fact that
34 the Board of County Commissioners has not always awarded the full annual NROGO
35 allocation (currently 47,083 SF per NROGO year) and affordable residential dwelling unit
36 ROGO allocations are not proportionately distributed between the Upper Keys and Lower
37 Keys ROGO subareas (similar to the existing NROGO regulations), it would be impossible
38 to determine the exact the proportioned amounts of the already banked nonresidential floor
39 area for the Upper Keys/Lower Keys. As any total would be an arbitrary approximation,
40 staff is recommending to open the balances (as of the beginning date of NROGO Year 23 by
41 allocating 50% of the banked amount to each Upper Keys and Lower Keys ROGO subarea

(currently the total is 389,991 SF; however it will likely increase with the addition of unallocated SF from NROGO Year 21 (and possibly NROGO Year 22 or part thereof) and due to expired applications and the subsequent return of awarded SF).

The Big Pine and No Name Key ROGO subarea’s opening balance would be 4,339 SF and may increase with the addition of unallocated SF from NROGO Year 21 (and possibly NROGO Year 22 or part thereof) (note: currently the NROGO permit allocation system for Big Pine Key is competitive and there may not be any unallocated SF) and due to expired applications and the subsequent return of awarded SF.

<i>ROGO Subarea</i>	<i>NROGO Year 20</i>	<i>NROGO Year 21</i>	<i>NROGO Year 22</i>	<i>Total</i>
Upper	194,996 SF*	TBD**	TBD**	TBD
Lower	194,995 SF*	TBD**	TBD**	TBD
Big Pine/No Name	4,339 SF	TBD	TBD	TBD

* Half of 389,991 SF (with extra SF going to the Upper Keys ROGO subarea which has experienced more residential growth)

** Half of unallocated SF for Upper and Lower Keys

The effective date of this ordinance establishing the NROGO bank will be the opening date of NROGO Year 22 (July 13, 2013).

Note: Separate of the NROGO bank concept, modifications are necessary throughout to amend the existing language to facilitate the distribution of NROGO allocations to three ROGO subareas (as opposed to Big Pine/No Name and remainder of the county) and remove references to large and small allocations.

MCC §138-53:

An amendment is recommended to reflect that the ending of the second period would be approximately the ending of the proposed third quarter.

In addition, an amendment is recommended to create an evaluation process for the NROGO bank, a codified mechanism to allocate nonresidential floor area that went unallocated in previous years.

* * * * *

Concerning the additional information/documentation required by the Planning Commission, Attachment 1 includes a series of maps showing existing commercial/community centers that are recognized by the County; Attachment 2 includes excerpts from the Monroe County 2010 Comprehensive Plan Technical Document (1997) that relate to projected nonresidential growth and the NROGO; Attachment 3 includes excerpts from the Monroe County 2030 Comprehensive Plan Technical Document Update (2011) and EAR that relate to projected nonresidential growth and the NROGO; and Attachment 4 is a spreadsheet accounting for NROGO.

1
2 * * * * *
3
4 Therefore, staff recommends the following changes (Deletions are ~~stricken through and in~~
5 ~~red~~ and additions are underlined and in green. Text to remain the same is in black): Changes
6 to the concurrent text amendment to MCC §138-47- as of the date of this report- are in blue.
7

8 * * * * *
9
10 **Sec. 138-47. Nonresidential rate of growth ordinance (NROGO).**
11

12 (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have
13 the meanings ascribed to them in this section, except where the context clearly indicates a
14 different meaning:
15

16 *Allocation date* means the specific date and time by which applications for the NROGO
17 allocation will be accepted and processed.
18

19 *Annual allocation period* means the 12-month period beginning on July 14, 2001, and
20 subsequent one-year periods that is used to determine the amount of nonresidential floor
21 area to be allocated based on the number of ROGO allocations to be issued in the
22 upcoming ROGO year.
23

24 *Annual nonresidential ROGO allocation, also referred to as an annual NROGO*
25 *allocation,* means the maximum floor area for which building permits may be issued
26 during an annual allocation period.
27

28 *Buildable lot or parcel,* for the purposes of this ~~chapter~~ article, means a lot or parcel
29 which must contain a minimum of 2,000 square feet of uplands, including any disturbed
30 wetlands that can be filled.
31

32 *Canopy, also referred to as a sunshade, in reference to a structure, means an unenclosed,*
33 *covered area. A canopy may be a free-standing structure or may project from the wall of*
34 *a building.*
35

36 *Community master plan* means a plan adopted by the board of county commissioners as
37 part of the Monroe County Livable CommuniKeys Program.
38

39 *Controlling date* means the same as defined in section 138-19(a), except it shall apply to
40 NROGO applications under this article.
41

42 ~~*Covered walkways* means a covered area of any length but no wider than five feet that is~~
43 ~~*used for providing weather protected pedestrian access from one part of a property to*~~
44 ~~*another part of the same property.*~~
45

1 *Historic resources* means a building, structure, site, or object listed or eligible for listing
2 individually or as a contributing resource in a district in the National Register of Historic
3 Places, the state inventory of historic resources or the county register of designated
4 historic properties.

5
6 ~~*Infill* means the development or redevelopment of land that has been bypassed, remained
7 vacant, and/or underused in otherwise built up areas which are serviced by existing
8 infrastructure.~~

9
10 *Lawfully established ROGO/NROGO exemption* means a residential dwelling unit or
11 nonresidential floor area that has received a permit or other official approval from the
12 division of growth management for the units unit and/or nonresidential floor area.

13
14 *Nonresidential floor area* means the sum of the gross total floor area for a nonresidential
15 building or structure, as defined in section 101-1, ~~any areas used for the provision of food
16 and beverage services and seating, whether covered or uncovered, and all covered,
17 unenclosed areas. Walkways, stairways, entryways, parking, and loading areas are not
18 considered nonresidential floor area.~~ Additionally, boat barns, and covered, and
19 unenclosed boat racks with three or fewer sides not associated with retail sales of boats
20 ~~which do not exceed 50 percent of the net buildable area of the lot/parcel~~ are not
21 considered nonresidential floor area. Further, ~~the~~ term "*nonresidential floor area*"
22 does not include space occupied by ~~transient residential and institutional~~ residential
23 principal uses, including spaces occupied by a transient residential unit and an
24 institutional-residential use as defined in section 101-1.

25
26 *Nonresidential ROGO allocation*, also referred to as NROGO allocation, means the
27 maximum amount of nonresidential floor area for which building permits may be issued
28 in a given time period.

29
30 *Nonresidential ROGO allocation award*, also referred to as NROGO allocation award,
31 means the approval of a nonresidential ROGO application prior to the application and
32 subsequent issuance of a building permit to authorize construction of new nonresidential
33 floor area.

34
35 *Nonresidential ROGO bank*, also referred to as NROGO bank, means the cumulative
36 total of a) NROGO allocations that were not awarded and thereby not allocated due to a
37 lack of demand, b) nonresidential floor area not made available for the annual NROGO
38 allocation by the board of county commissioners; and c) allocated nonresidential floor
39 area reclaimed due to the abandonment or expiration of approved development that
40 received a NROGO allocation award.

41
42 *Quarterly nonresidential ROGO allocation period* means any one of the four periods
43 within an annual allocation period.

1 Quarterly nonresidential ROGO allocation means the maximum number of amount of
2 nonresidential floor area square footage for which building permits may be issued in a
3 quarterly allocation period.
4

5 *Site* means the parcels of land required to be aggregated to be developed or from which
6 existing nonresidential floor area is to be transferred or received.
7

8 *Storage area* means the outside storage of vehicles, recreational vehicles, boats, campers,
9 equipment, goods and materials for more than 24 hours. The term "storage area" includes
10 a contractor's equipment storage, but does not include *outdoor retail sales*, which is
11 defined in section 101-1. This is considered a light industrial use and does not include
12 waste transfer stations, junkyards, *yards* or other heavy industrial uses.
13

14 ~~*Sunshade* means an unenclosed structure used as protection from the weather.~~
15

16 (b) *Purpose and intent*. The purposes and intent of the nonresidential rate of growth
17 ordinance (NROGO) are:

18 (1) To facilitate implementation of goals, objectives and policies set forth in the
19 comprehensive plan relating to maintaining a balance between residential and
20 nonresidential growth.

21 (2) To maintain a ratio of approximately 239 square feet of nonresidential floor area for
22 each new residential permit issued through the residential rate of growth ordinance
23 (ROGO).

24 (3) To promote the upgrading and expansion of existing small-size businesses and to
25 retain the predominately small scale character of nonresidential development in the
26 Florida Keys.

27 (4) To regulate the rate and location of nonresidential development in order to eliminate
28 potential land use conflicts.

29 (5) To allocate the nonresidential floor area annually hereunder, based on the goals,
30 objectives and policies of the comprehensive plan ~~and the community master plans~~.
31

32 * * * * *

33
34 **Sec. 138-52. - Application procedures for NROGO.**
35

36 (a) *Application for allocation by way of the NROGO allocation system*. The planning and
37 environmental resources department shall accept applications to enter the NROGO
38 system. The NROGO application must be accompanied by an approved building permit
39 application in order to be considered ~~in the current annual allocation period. The~~
40 ~~application must state for which allocation category an award is being sought, either~~
41 ~~2,500 square feet or less or 2,501 square feet or more.~~ The planning director, or his or her
42 designee, shall review the NROGO application for completeness. If the application is
43 determined to be incomplete, the planning director, or his or her designee, shall reject the
44 NROGO application and notify the applicant of such rejection, and the reasons therefor,
45 within ten working days. If determined to be complete, the application shall be assigned a

1 controlling date. The NROGO application shall be submitted in a form provided by the
2 planning and environmental resources department and meet the following requirements:

3 (1) The application shall include a) the name and address of the property owner(s) of
4 record, b) the property record card(s) from the Monroe County Property Appraiser, c)
5 a written legal description of the property proposed for development, d) a boundary
6 survey of the property proposed for development, prepared by a surveyor registered
7 in the State of Florida, showing the boundaries of the site, elevations, bodies of water
8 and wetlands on the site and adjacent to the site, existing structures including all
9 impervious areas, existing easements, total acreage and total acreage by habitat and e)
10 a site plan. The boundary survey and site plan may be filed with the corresponding
11 building permit application. Additional copies of the boundary survey and site plan
12 are not required to be filed with the NROGO application.

13 (2) If a conditional use permit is required in accordance with this Land Development
14 Code for the development applied for, the conditional use permit shall be obtained
15 and effective prior to submittal of any NROGO application. A copy of the recorded
16 development order shall be submitted with the NROGO application.

17 (3) The site plan shall be prepared and sealed by a professional architect, engineer, or any
18 other professional licensed to prepare a site plan. The site plan shall be drawn to a
19 scale of one inch equals ten feet or one inch equals twenty feet. At a minimum, the
20 site plan shall depict the following features and information:

- 21 a. Date, north point and graphic scale;
- 22 b. Boundary lines of site, including all property lines and mean high-water lines
23 shown in accordance with Florida Statutes;
- 24 c. All attributes from the boundary survey;
- 25 d. Future Land Use Map (FLUM) designation(s) of the site;
- 26 e. Land Use (Zoning) District designation(s) of site;
- 27 f. Tier designation(s) of the site;
- 28 g. Flood zones pursuant to the Flood Insurance Rate Map;
- 29 h. Setback lines as required by this Land Development Code;
- 30 i. Locations and dimensions of all existing and proposed structures, including all
31 paved areas and clear site triangles;
- 32 j. Size and type of buffer yards and parking lot landscaping areas, including the
33 species and number of plants;
- 34 k. Extent and area of wetlands, open space preservation areas and conservation
35 easements;
- 36 l. Delineation of habitat types to demonstrate buildable area on the site, including
37 any heritage trees identified and any potential species that may use the site
38 (certified by an approved biologist and based on the most current professionally-
39 recognized mapping by the U.S. Fish and Wildlife Service);
- 40 m. Drainage plan including existing and proposed topography, all drainage
41 structures, retention areas, drainage swales and existing and proposed permeable
42 and impermeable areas;
- 43 n. Location of fire hydrants or fire wells;
- 44 o. The location of public utilities, including location of the closest available water
45 supply system or collection lines and the closest available wastewater collection
46 system or collection lines (with wastewater system provider) or on-site system

1 proposed to meet required County and State of Florida wastewater treatment
2 standards; and

3 p. A table providing the total land area of the site, the total buildable area of the site,
4 the type and square footage of all nonresidential land uses, the type and number of
5 all residential dwelling units, the amounts of impervious and pervious areas, and
6 calculations for land use intensity, open space ratio, and off-street parking.
7

8 (b) *Fee for review of application.* Each NROGO application shall be accompanied by a
9 nonrefundable processing fee established by resolution of the board of county
10 commissioners. Additional fees are not required for successive review of the same
11 NROGO application unless the application is withdrawn and resubmitted.
12

13 (c) *Compliance with other requirements.* The NROGO application shall not constitute an
14 indication of whether or not the applicant for the nonresidential floor area allocation has
15 satisfied and complied with all county, state, and federal requirements otherwise imposed
16 by the county regarding conditions precedent to issuance of a building permit.
17

18 (d) *Time of review.* The planning director may retain the allocation application and its
19 associated building permit application for review pursuant to the evaluation procedures
20 and criteria set forth in section 138-53 and section 138-55.
21

22 (e) *Non-county time periods.* The county shall develop necessary administrative procedures
23 and, if necessary, enter into agreements with other jurisdictional entities which impose
24 requirements as a condition precedent to development in the county, to ensure that such
25 non-county approvals, certifications and/or permits are not lost due to the increased time
26 requirements necessary for the county to process and evaluate NROGO applications and
27 issue allocation awards. The county may permit evidence of compliance with the
28 requirements of other jurisdictional entities to be demonstrated by coordination letters in
29 lieu of approvals or permits.
30

31 (f) *Limitation on number of applications.*

32 (1) An individual entity or organization may have only one active NROGO application
33 per site in the allocation period.

34 (2) There shall be no limit on the number of separate projects for which NROGO
35 applications may be submitted by an individual, entity or organization.
36

37 (g) *Expiration of allocation award.* An allocation award shall expire when its corresponding
38 building permit is deemed to expire pursuant to chapter 102, article VII, after 60 days of
39 mailing of notification for the award of the allocation of nonresidential floor area or after
40 failure of the applicant to submit required plan revisions by the required date set forth in
41 subsection (k).
42

43 (h) *Withdrawal of NROGO application.* An applicant may elect to withdraw a NROGO
44 application without prejudice at any time up to finalization of the evaluation rankings by
45 the planning commission. Revision and resubmission of the withdrawn application must
46 be in accordance with subsection (i) of this section.

1
2 (i) *Revisions to applications and awards.*

- 3 (1) Upon submission of a NROGO application, an applicant may revise the application if
4 it is withdrawn and resubmitted prior to the allocation date for the allocation period in
5 which the applicant wishes to compete. Resubmitted applications shall be considered
6 new, requiring payment of appropriate fees and receiving a new controlling date.
7 (2) After receipt of an allocation award, and either before or after receipt of a building
8 permit being obtained, but prior to receipt of a certificate of occupancy or final
9 inspection, no revisions shall be made to any aspect of the proposed nonresidential
10 development which formed the basis for the evaluation review, determination of
11 points and allocation rankings, unless such revision would have the effect of
12 increasing the points awarded.
13 (3) After the receipt of an allocation award, a building permit and a certificate of
14 occupancy or final inspection, no revision shall be made to any aspect of the
15 completed nonresidential development which formed the basis for the evaluation,
16 review, determination of points and allocation rankings, unless such revisions are
17 accomplished pursuant to a new building permit and unless such revisions would
18 have the net effect of either maintaining or increasing the number of points originally
19 awarded.

20
21 (j) *Clarification of application data.*

- 22 (1) At any time during the NROGO allocation review and approval process, the applicant
23 may be requested by the planning director or the planning commission, to submit
24 additional information to clarify the relationship of the allocation application, or any
25 elements thereof, to the evaluation criteria. If such a request is made, the planning
26 director shall identify the specific evaluation criterion at issue and the specific
27 information needed and shall communicate such request to the applicant.
28 (2) Upon receiving a request from the planning director for such additional information,
29 the applicant may provide such information; or the applicant may decline to provide
30 such information and allow the allocation application to be evaluated as submitted.

- 31
32 (k) *Revisions of building permit applications requiring the NROGO allocation(s).* A building
33 permit application for a proposed nonresidential floor area requiring a NROGO allocation
34 must be approved prior to submitting a NROGO application. In the event that the Florida
35 Building Code is amended between the date in which a NROGO application is submitted
36 and the date in which a building permit requiring the NROGO allocation(s) applied for is
37 issued (which follows the date in which the required allocation(s) is awarded), if
38 necessary, the applicant shall submit plan revisions to the building permit application
39 demonstrating full compliance with the current Florida Building Code in effect. These
40 plan revisions shall be submitted within 180 days of the NROGO allocation award date or
41 the applicant shall forfeit the NROGO allocation award. Following receipt of the plan
42 revisions, the building department shall review the revisions as if the application is new
43 (however retaining the same building permit number for administrative purposes), based
44 on the building code, for compliance prior to issuance of the building permit requiring the
45 NROGO allocation(s) by the building official. Such mandatory revisions and review are
46 limited to the modifications necessary to demonstrate compliance with the Florida

1 Building Code in effect at the time of building permit issuance. This is not applicable to
2 the Land Development Code.

3
4 (l) Application for allocation by way of the NROGO bank. The planning and environmental
5 resources department shall maintain a record of NROGO allocations that were not
6 awarded in NROGO allocation periods due to lack of demand, decision by the board of
7 county commissioners to not make available for the annual NROGO allocation (in
8 NROGO Years 10 through 21), and reclamation of allocated nonresidential floor area due
9 to the abandonment or expiration of approved development. Commencing NROGO Year
10 22, the accounting of this record shall be maintained by an account per each ROGO
11 subarea. Upon availability of nonresidential floor area in a given ROGO subarea account
12 within the NROGO bank, the planning and environmental resources department shall
13 accept applications for applicants requesting the banked nonresidential floor area. The
14 NROGO application must be accompanied by an approved building permit application in
15 order to be considered. The planning director, or his or her designee, shall review the
16 application for completeness. If the application is determined to be incomplete, the
17 planning director, or his or her designee, shall reject the application and notify the
18 applicant of such rejection, and the reasons therefor, within 30 days. The application shall
19 be submitted in a form provided by the planning and environmental resources department
20 and meet the same requirements for a standard NROGO application as set forth in
21 subsection (a). Each application shall be accompanied by a nonrefundable processing fee
22 as established by resolution of the board of county commissioners.

23
24 * * * * *

25
26 **Sec. 138-53. Evaluation procedures for nonresidential floor area allocation.**

27
28 ~~(a) Adjustment of nonresidential floor area allocations. At the start of each annual allocation~~
29 ~~period and prior to the second allocation date, as part of his duties in section 138-51(g),~~
30 ~~the planning director shall recommend to the planning commission additions or~~
31 ~~subtractions to the basic allocation, based upon any of the following, as appropriate:~~

- 32 ~~(1) The amount of floor area allocation awards that expired during the current annual~~
33 ~~allocation period;~~
34 ~~(2) The amount of floor area allocation awards available that were not allocated at the~~
35 ~~first allocation of the current annual allocation period;~~
36 ~~(3) A portion or all of the remaining maximum floor area not made available in the~~
37 ~~current or previous annual allocation period; and~~
38 ~~(4) Any other modifications required or provided for by the comprehensive plan.~~

39
40 ~~(a)~~(b) *Initial evaluation of allocation applications.* Upon receipt of completed NROGO
41 allocation applications, the ~~director of~~ planning director or his or her designee shall
42 evaluate the allocation applications pursuant to the evaluation criteria set forth in section
43 138-55.

- 44 (1) Within 30 days of an allocation date, unless otherwise extended by the planning
45 commission, the planning director shall:

- a. Complete the evaluation of all allocation applications submitted during the relevant allocation period;
- b. Total the amount of square footage for which allocation applications have been received for ~~Big Pine Key and No Name Key and for the remainder of the unincorporated county~~ each ROGO subarea (Upper Keys; Lower Keys; and Big Pine Key/No Name Key); and
- c. Rank the ~~floor area~~ allocation applications, in descending order from the highest evaluation point total to the lowest for each ~~size classification for Big Pine and No Name Key and the remainder of the unincorporated county~~ ROGO subarea.

~~(2) If the amount of floor area represented in the allocation applications by size classification is equal to or less than the available allocation, the director of planning may make a recommendation to the planning commission that all of the allocation applications be granted allocation awards.~~

~~(3) If the total amount of floor area represented in the allocation applications by size classification, is greater than the available floor area, the director of planning shall submit an evaluation report to the planning commission indicating the evaluation rankings and identifying those applications whose ranking puts them within the allocation, and those applications whose ranking puts them outside of the allocation.~~

~~(b)(e)~~ *Public hearings and allocation awards.* Upon completion of the evaluation ranking report and/or recommendation, the ~~director of planning~~ director shall schedule and notice a public hearing by the planning commission pursuant to otherwise applicable regulations.

(1) At or prior to the public hearing, the planning commission may request, and the ~~director of planning~~ director shall supply, copies of the allocation applications and the ~~director of planning~~ evaluation worksheets.

(2) Upon review of the allocation applications and evaluation worksheets, the planning commission may adjust the points awarded for meeting a particular criteria criterion, adjust the rankings as a result of changes in points awarded, or make such other changes as may be appropriate and justified.

(3) The basis for planning commission changes shall be specified in the form of a motion to adopt the allocation rankings and may include the following:

~~a. An error in the designation of the application's size classification;~~

~~b. a.~~ A mistake in the application of one or more of the evaluation criteria; and

~~e. b.~~ A misinterpretation of the applicability of an evaluation criterion.

(4) The public, including, but not limited to, applicants for allocation awards, shall be permitted to testify at the public hearing. Applicants may offer testimony about their applications or other applications; however, in no event may an applicant offer modifications to an application that could change the points awarded or the ranking of the application.

(5) At the conclusion of the public hearing, the planning commission may:

a. Move to accept the evaluation rankings as submitted by the ~~director of planning~~ director;

b. Move to accept the evaluation rankings as may be modified as a result of the public hearing;

c. Move to continue the public hearing to take additional public testimony;

1 d. Move to close the public hearing but to defer action on the evaluation rankings
2 pending receipt of additional information; and

3 e. Move to reject the evaluation rankings.

4 (6) The planning commission shall finalize the evaluation rankings within 60 days
5 following initial receipt of the ~~director of~~ planning director evaluation ranking, report
6 and recommendation.

7
8 ~~(c)~~ (d) *Notification to applicants.* Upon finalization of the evaluation rankings by the planning
9 commission, notice of the rankings ~~by size classification~~ shall be posted at the planning
10 department offices ~~and at such other places as may be designated by the planning~~
11 ~~commission.~~

12 (1) Applicants who receive allocation awards shall be further notified by certified mail,
13 return receipt requested. Upon receipt of notification of an allocation award, the
14 applicant may request issuance of a building permit for the applicable development of
15 the allocated nonresidential floor area.

16 (2) Applicants who fail to receive allocation awards shall be further notified by certified
17 mail, return receipt requested; without further action by such applicants nor the
18 payment of any additional fee, such applications shall remain in the NROGO system
19 for reconsideration at the next allocation in the current or following annual allocation
20 period.

21
22 ~~(d)~~ (e) *Identical rankings.* If two or more allocation applications ~~in a given size classification~~
23 receive an identical evaluation ranking and both (or all) cannot be granted allocation
24 awards within the allocation period, the planning commission shall award the allocation
25 to the completed application first submitted, based on the controlling date of the
26 application. If two or more such completed applications were submitted with the same
27 controlling date, the available allocation shall be awarded to the application with the
28 fewest number of negative points.

29
30 (e) Allocation by way of the NROGO bank. Concerning applications submitted pursuant to
31 section 138-52(1), if nonresidential floor area is available in a ROGO subarea account
32 within the NROGO bank, upon receipt of completed application, the planning director, or
33 his or her designee, shall evaluate the application pursuant to the evaluation criteria set
34 forth in section 138-55.

35 (1) Public hearing. The planning director, or his or her designee, shall schedule and
36 notice the application for review and decision by the planning commission at a public
37 hearing. Allocations by way of the NROGO bank shall only be awarded four times
38 per NROGO year, on the same public hearing dates in which NROGO allocations are
39 awarded per section 138-53(b).

40
41 (2) ROGO subarea accounts. The NROGO bank shall consist of three accounts. Each
42 account shall represent a ROGO subarea: 1) Upper Keys, 2) Lower Keys and 3) Big
43 Pine Key and No Name Key. The boundaries of the ROGO subareas are defined in
44 section 138-20(c). An applicant may only request nonresidential floor area from the
45 account associated with the ROGO subarea in which the subject property is located.
46

1 (3) Eligibility per tier designation. Only applications for developments within Tier III
2 designated areas shall be eligible for allocation by way of the NROGO bank.

3
4 (4) Percentage of allocations to existing businesses. To support the improvement,
5 sustainability, and expansion of existing businesses, in each NROGO allocation
6 quarter, 50 percent of the balance each ROGO subarea account shall be reserved for
7 expansion of floor area associated with existing businesses. For the purposes of the
8 NROGO bank, an existing business is defined as a business or other nonresidential
9 entity that has been in continuous operation for over one (1) year from the date in
10 which the NROGO bank application was submitted on the property in which the
11 NROGO bank application is associated. In order to utilize this reserved 50 percent,
12 the allocation by way of the NROGO bank must facilitate the improvement and
13 expansion of the existing business, as analyzed and approved by the corresponding
14 building permit application.

15
16 (5) Noncompetitive applications. If the total amount of nonresidential floor area
17 requested in a single application or cumulatively in multiple applications by separate
18 applicants is equal to or less than the amount available in a ROGO subarea account
19 within the NROGO bank (excluding reserved floor area pursuant to subsections (e)(4)
20 and (e)(7) if applicable), the planning commission may grant the total amount of
21 nonresidential floor area requested in the application(s) to the applicant(s).

22
23 (6) Competitive applications. If the total amount of nonresidential floor area requested in
24 a single application or cumulatively in multiple applications by separate applicants is
25 greater than that the total amount available in a ROGO subarea account within the
26 NROGO bank (excluding reserved floor area pursuant to subsections (e)(4) and (e)(7)
27 if applicable), the planning director shall submit an evaluation report to the planning
28 commission indicating the evaluation rankings. If there are not any competing
29 applications, the planning commission may grant the total amount of nonresidential
30 floor area available in a ROGO subarea account within the NROGO bank (excluding
31 reserved floor area pursuant to subsections (e)(4) and (e)(7) if applicable) to the
32 applicant and require the applicant to acquire the remaining nonresidential floor area
33 through the NROGO permit allocation system. In the event there are competing
34 applications by separate applicants, the planning commission shall award available
35 nonresidential floor area in a ROGO subarea account within the NROGO bank
36 (excluding reserved floor area pursuant to subsections (e)(4) and (e)(7) if applicable)
37 to the applicant with most points pursuant to section 138-55. If the highest scoring
38 applicant does not request the entire amount available in a ROGO subarea account
39 within the NROGO bank, the planning commission shall award the remaining
40 available nonresidential floor area in a ROGO subarea account within the NROGO
41 bank (excluding reserved floor area pursuant to subsections (e)(4) and (e)(7) if
42 applicable) to the application with the second highest score and so on until a ROGO
43 subarea account within the NROGO bank reaches its reserve amount which is
44 dedicated to de minimis expansion application pursuant to section 138-50(6) and
45 subsection (e)(7).
46

1 (7) De minimis expansion applications. Square footage for de minimis expansion
2 applications shall be deducted from the NROGO bank. In order to ensure that de
3 minimis expansion applications pursuant to section 138-50(6) can be regularly
4 approved; each ROGO subarea account shall include a reserve that cannot be
5 allocated pursuant to this subsection (e) and is dedicated to de minimis expansion.
6 The Upper Keys and Lower Keys ROGO subarea accounts shall maintain reserves of
7 20,000 square feet each. The Big Pine Key and No Name Key account shall maintain
8 a reserve of 3,000 square feet. Nonresidential floor area permitted via de minimis
9 expansion shall be deducted from the ROGO subarea account in which the property is
10 located and in the event all of the square footage within the reserve is awarded to de
11 minimis building permit application, additional de minimis building permit
12 applications shall not be issued until the applicable ROGO subarea account within
13 NROGO bank is replenished and can accommodate the nonresidential expansion. In
14 the event there is demand beyond a given reserve with a ROGO subarea account for
15 de minimis expansion applications, such applications may be approved provided there
16 is adequate nonresidential floor area within the appropriate ROGO subarea account.
17

18 (8) Testimony. The public, including but not limited to applicants, shall be permitted to
19 testify at the public hearing. Applicants may offer testimony about their applications
20 or other applications; however, in no event may an applicant offer modifications to an
21 application that could change the points awarded or the ranking of the application.
22

23 (9) Decision by the planning commission. At the conclusion of the public hearing, the
24 planning commission may:

- 25 a. If applicable, move to accept the evaluation rankings as submitted by the planning
26 director;
- 27 b. If applicable, move to accept the evaluation rankings as may be modified as a
28 result of the public hearing;
- 29 c. Move to continue the public hearing to take additional public testimony;
- 30 d. Move to close the public hearing but to defer action on the evaluation rankings
31 pending receipt of additional information; and
- 32 e. Move to reject the evaluation rankings.
33

34 Within 60 days of the public hearing, the planning commission shall render its final
35 decision on an application for an allocation by way of the NROGO bank by
36 resolution. If an approval, the resolution shall be issued and pass all relevant appeal
37 periods prior to issuance of a building permit requiring the nonresidential floor area
38 awarded by the resolution.
39

40 (10) Opening Balances for ROGO subarea accounts, as of NROGO Year 22 (July 13,
41 2013). The opening balances for each ROGO subarea account shall be determined
42 and calculated by the planning department based on available nonresidential floor
43 area from NROGO Years 10 through 21.
44

45 * * * * *

1 IV RECOMMENDATION

2
3 Staff has found that the proposed text amendment would be consistent with one or more of
4 the required provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public
5 service needs) from those on which the text or boundary was based; 2. Changed assumptions
6 (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative
7 types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of
8 a need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has
9 found that the proposed text amendments are necessary due to new issues and recognition of
10 a need for additional detail or comprehensiveness.

11
12 Staff recommends that the Board of County Commissioners amend the Monroe County Code
13 as stated in the text of this staff report.
14
15

* * * * *

Sec. 138-47. Nonresidential rate of growth ordinance (NROGO).

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Allocation date means the specific date and time by which applications for the NROGO allocation will be accepted and processed.

Annual allocation period means the 12-month period beginning on July 14, 2001, and subsequent one-year periods that is used to determine the amount of nonresidential floor area to be allocated based on the number of ROGO allocations to be issued in the upcoming ROGO year.

Annual nonresidential ROGO allocation, also referred to as an annual NROGO allocation, means the maximum floor area for which building permits may be issued during an annual allocation period.

Buildable lot or parcel, for the purposes of this article, means a lot or parcel which must contain a minimum of 2,000 square feet of uplands, including any disturbed wetlands that can be filled.

Canopy, also referred to as a sunshade, in reference to a structure, means an unenclosed, covered area. A canopy may be a free-standing structure or may project from the wall of a building.

Community master plan means a plan adopted by the board of county commissioners as part of the Monroe County Livable CommuniKeys Program.

Controlling date means the same as defined in section 138-19(a), except it shall apply to NROGO applications under this article.

Historic resources means a building, structure, site, or object listed or eligible for listing individually or as a contributing resource in a district in the National Register of Historic Places, the state inventory of historic resources or the county register of designated historic properties.

Lawfully established ROGO/NROGO exemption means a residential dwelling unit or nonresidential floor area that has received a permit or other official approval from the division of growth management for the units unit and/or nonresidential floor area.

1 *Nonresidential floor area* means the sum of the total *floor area* for a nonresidential
2 building or structure, as defined in section 101-1. Additionally, boat barns and covered,
3 unenclosed boat racks with three or fewer sides not associated with retail sales of boats
4 are not considered nonresidential floor area. Further, the term "*nonresidential floor area*"
5 does not include space occupied by residential uses, including spaces occupied by a
6 *transient residential unit* and an *institutional-residential use* as defined in section 101-1.

7
8 *Nonresidential ROGO allocation*, also referred to as NROGO allocation, means the
9 maximum amount of nonresidential floor area for which building permits may be issued
10 in a given time period.

11
12 *Nonresidential ROGO allocation award*, also referred to as NROGO allocation award,
13 means the approval of a nonresidential ROGO application prior to the application and
14 subsequent issuance of a building permit to authorize construction of new nonresidential
15 floor area.

16
17 *Nonresidential ROGO bank*, also referred to as NROGO bank, means the cumulative
18 total of a) NROGO allocations that were not awarded and thereby not allocated due to a
19 lack of demand, b) nonresidential floor area not made available for the annual NROGO
20 allocation by the board of county commissioners; and c) allocated nonresidential floor
21 area reclaimed due to the abandonment or expiration of approved development that
22 received a NROGO allocation award.

23
24 *Quarterly nonresidential ROGO allocation period* means any one of the four periods
25 within an annual allocation period.

26
27 *Quarterly nonresidential ROGO allocation* means the maximum number of amount of
28 nonresidential floor area square footage for which building permits may be issued in a
29 quarterly allocation period.

30
31 *Site* means the parcels of land required to be aggregated to be developed or from which
32 existing nonresidential floor area is to be transferred or received.

33
34 *Storage area* means the outside storage of vehicles, recreational vehicles, boats, campers,
35 equipment, goods and materials for more than 24 hours. The term "storage area" includes
36 a contractor's equipment storage, but does not include *outdoor retail sales*, which is
37 defined in section 101-1. This is considered a light industrial use and does not include
38 waste transfer stations, junkyards, or other heavy industrial uses.

39
40 (b) *Purpose and intent*. The purposes and intent of the nonresidential rate of growth
41 ordinance (NROGO) are:

42 (1) To facilitate implementation of goals, objectives and policies set forth in the
43 comprehensive plan relating to maintaining a balance between residential and
44 nonresidential growth.

- (2) To maintain a ratio of approximately 239 square feet of nonresidential floor area for each new residential dwelling unit permit issued through the residential rate of growth ordinance (ROGO).
- (3) To promote the upgrading and expansion of existing small-size businesses and to retain the predominately small scale character of nonresidential development in the Florida Keys.
- (4) To regulate the rate and location of nonresidential development in order to eliminate potential land use conflicts.
- (5) To allocate the nonresidential floor area annually hereunder, based on the goals, objectives and policies of the comprehensive plan.

* * * * *

Sec. 138-52. - Application procedures for NROGO.

(a) *Application for allocation by way of the NROGO allocation system.* The planning and environmental resources department shall accept applications to enter the NROGO system. The NROGO application must be accompanied by an approved building permit application in order to be considered. The planning director, or his or her designee, shall review the NROGO application for completeness. If the application is determined to be incomplete, the planning director, or his or her designee, shall reject the NROGO application and notify the applicant of such rejection, and the reasons therefor, within ten working days. If determined to be complete, the application shall be assigned a controlling date. The NROGO application shall be submitted in a form provided by the planning and environmental resources department and meet the following requirements:

- (1) The application shall include a) the name and address of the property owner(s) of record, b) the property record card(s) from the Monroe County Property Appraiser, c) a written legal description of the property proposed for development, d) a boundary survey of the property proposed for development, prepared by a surveyor registered in the State of Florida, showing the boundaries of the site, elevations, bodies of water and wetlands on the site and adjacent to the site, existing structures including all impervious areas, existing easements, total acreage and total acreage by habitat and e) a site plan. The boundary survey and site plan may be filed with the corresponding building permit application. Additional copies of the boundary survey and site plan are not required to be filed with the NROGO application.
- (2) If a conditional use permit is required in accordance with this Land Development Code for the development applied for, the conditional use permit shall be obtained and effective prior to submittal of any NROGO application. A copy of the recorded development order shall be submitted with the NROGO application.
- (3) The site plan shall be prepared and sealed by a professional architect, engineer, or any other professional licensed to prepare a site plan. The site plan shall be drawn to a scale of one inch equals ten feet or one inch equals twenty feet. At a minimum, the site plan shall depict the following features and information:
 - a. Date, north point and graphic scale;
 - b. Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes;

- c. All attributes from the boundary survey;
- d. Future Land Use Map (FLUM) designation(s) of the site;
- e. Land Use (Zoning) District designation(s) of site;
- f. Tier designation(s) of the site;
- g. Flood zones pursuant to the Flood Insurance Rate Map;
- h. Setback lines as required by this Land Development Code;
- i. Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles;
- j. Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants;
- k. Extent and area of wetlands, open space preservation areas and conservation easements;
- l. Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
- m. Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;
- n. Location of fire hydrants or fire wells;
- o. The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards; and
- p. A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking.

(b) *Fee for review of application.* Each NROGO application shall be accompanied by a nonrefundable processing fee established by resolution of the board of county commissioners. Additional fees are not required for successive review of the same NROGO application unless the application is withdrawn and resubmitted.

(c) *Compliance with other requirements.* The NROGO application shall not constitute an indication of whether or not the applicant for the nonresidential floor area allocation has satisfied and complied with all county, state, and federal requirements otherwise imposed by the county regarding conditions precedent to issuance of a building permit.

(d) *Time of review.* The planning director may retain the allocation application and its associated building permit application for review pursuant to the evaluation procedures and criteria set forth in section 138-53 and section 138-55.

(e) *Non-county time periods.* The county shall develop necessary administrative procedures and, if necessary, enter into agreements with other jurisdictional entities which impose

1 requirements as a condition precedent to development in the county, to ensure that such
2 non-county approvals, certifications and/or permits are not lost due to the increased time
3 requirements necessary for the county to process and evaluate NROGO applications and
4 issue allocation awards. The county may permit evidence of compliance with the
5 requirements of other jurisdictional entities to be demonstrated by coordination letters in
6 lieu of approvals or permits.

7
8 (f) *Limitation on number of applications.*

9 (1) An individual entity or organization may have only one active NROGO application
10 per site in the allocation period.

11 (2) There shall be no limit on the number of separate projects for which NROGO
12 applications may be submitted by an individual, entity or organization.

13
14 (g) *Expiration of allocation award.* An allocation award shall expire when its corresponding
15 building permit is deemed to expire pursuant to chapter 102, article VII, after 60 days of
16 mailing of notification for the award of the allocation of nonresidential floor area or after
17 failure of the applicant to submit required plan revisions by the required date set forth in
18 subsection (k).

19
20 (h) *Withdrawal of NROGO application.* An applicant may elect to withdraw a NROGO
21 application without prejudice at any time up to finalization of the evaluation rankings by
22 the planning commission. Revision and resubmission of the withdrawn application must
23 be in accordance with subsection (i) of this section.

24
25 (i) *Revisions to applications and awards.*

26 (1) Upon submission of a NROGO application, an applicant may revise the application if
27 it is withdrawn and resubmitted prior to the allocation date for the allocation period in
28 which the applicant wishes to compete. Resubmitted applications shall be considered
29 new, requiring payment of appropriate fees and receiving a new controlling date.

30 (2) After receipt of an allocation award, and either before or after receipt of a building
31 permit being obtained, but prior to receipt of a certificate of occupancy or final
32 inspection, no revisions shall be made to any aspect of the proposed nonresidential
33 development which formed the basis for the evaluation review, determination of
34 points and allocation rankings, unless such revision would have the effect of
35 increasing the points awarded.

36 (3) After the receipt of an allocation award, a building permit and a certificate of
37 occupancy or final inspection, no revision shall be made to any aspect of the
38 completed nonresidential development which formed the basis for the evaluation,
39 review, determination of points and allocation rankings, unless such revisions are
40 accomplished pursuant to a new building permit and unless such revisions would
41 have the net effect of either maintaining or increasing the number of points originally
42 awarded.

43
44 (j) *Clarification of application data.*

45 (1) At any time during the NROGO allocation review and approval process, the applicant
46 may be requested by the planning director or the planning commission, to submit

1 additional information to clarify the relationship of the allocation application, or any
2 elements thereof, to the evaluation criteria. If such a request is made, the planning
3 director shall identify the specific evaluation criterion at issue and the specific
4 information needed and shall communicate such request to the applicant.

5 (2) Upon receiving a request from the planning director for such additional information,
6 the applicant may provide such information; or the applicant may decline to provide
7 such information and allow the allocation application to be evaluated as submitted.
8

9 (k) *Revisions of building permit applications requiring the NROGO allocation(s).* A building
10 permit application for a proposed nonresidential floor area requiring a NROGO allocation
11 must be approved prior to submitting a NROGO application. In the event that the Florida
12 Building Code is amended between the date in which a NROGO application is submitted
13 and the date in which a building permit requiring the NROGO allocation(s) applied for is
14 issued (which follows the date in which the required allocation(s) is awarded), if
15 necessary, the applicant shall submit plan revisions to the building permit application
16 demonstrating full compliance with the current Florida Building Code in effect. These
17 plan revisions shall be submitted within 180 days of the NROGO allocation award date or
18 the applicant shall forfeit the NROGO allocation award. Following receipt of the plan
19 revisions, the building department shall review the revisions as if the application is new
20 (however retaining the same building permit number for administrative purposes), based
21 on the building code, for compliance prior to issuance of the building permit requiring the
22 NROGO allocation(s) by the building official. Such mandatory revisions and review are
23 limited to the modifications necessary to demonstrate compliance with the Florida
24 Building Code in effect at the time of building permit issuance. This is not applicable to
25 the Land Development Code.
26

27 (l) *Application for allocation by way of the NROGO bank.* The planning and environmental
28 resources department shall maintain a record of NROGO allocations that were not
29 awarded in NROGO allocation periods due to lack of demand, decision by the board of
30 county commissioners to not make available for the annual NROGO allocation (in
31 NROGO Years 10 through 21), and reclamation of allocated nonresidential floor area due
32 to the abandonment or expiration of approved development. Commencing NROGO Year
33 22, the accounting of this record shall be maintained by an account per each ROGO
34 subarea. Upon availability of nonresidential floor area in a given ROGO subarea account
35 within the NROGO bank, the planning and environmental resources department shall
36 accept applications for applicants requesting the banked nonresidential floor area. The
37 NROGO application must be accompanied by an approved building permit application in
38 order to be considered. The planning director, or his or her designee, shall review the
39 application for completeness. If the application is determined to be incomplete, the
40 planning director, or his or her designee, shall reject the application and notify the
41 applicant of such rejection, and the reasons therefor, within 30 days. The application shall
42 be submitted in a form provided by the planning and environmental resources department
43 and meet the same requirements for a standard NROGO application as set forth in
44 subsection (a). Each application shall be accompanied by a nonrefundable processing fee
45 as established by resolution of the board of county commissioners.
46

5 **Sec. 138-53. Evaluation procedures for nonresidential floor area allocation.**

6 (a) *Initial evaluation of allocation applications.* Upon receipt of completed NROGO
7 allocation applications, the planning director or his or her designee shall evaluate the
8 allocation applications pursuant to the evaluation criteria set forth in section 138-55.

- 9 (1) Within 30 days of an allocation date, unless otherwise extended by the planning
10 commission, the planning director shall:
11 a. Complete the evaluation of all allocation applications submitted during the
12 relevant allocation period;
13 b. Total the amount of square footage for which allocation applications have been
14 received for each ROGO subarea (Upper Keys; Lower Keys; and Big Pine
15 Key/No Name Key); and
16 c. Rank the allocation applications, in descending order from the highest evaluation
17 point total to the lowest for each ROGO subarea.

18 (b) *Public hearings and allocation awards.* Upon completion of the evaluation ranking report
19 and/or recommendation, the planning director shall schedule and notice a public hearing
20 by the planning commission pursuant to otherwise applicable regulations.

- 21 (1) At or prior to the public hearing, the planning commission may request, and the
22 planning director shall supply, copies of the allocation applications and the evaluation
23 worksheets.
24 (2) Upon review of the allocation applications and evaluation worksheets, the planning
25 commission may adjust the points awarded for meeting a particular criterion, adjust
26 the rankings as a result of changes in points awarded, or make such other changes as
27 may be appropriate and justified.
28 (3) The basis for planning commission changes shall be specified in the form of a motion
29 to adopt the allocation rankings and may include the following:
30 a. A mistake in the application of one or more of the evaluation criteria; and
31 b. A misinterpretation of the applicability of an evaluation criterion.
32 (4) The public, including, but not limited to, applicants for allocation awards, shall be
33 permitted to testify at the public hearing. Applicants may offer testimony about their
34 applications or other applications; however, in no event may an applicant offer
35 modifications to an application that could change the points awarded or the ranking of
36 the application.
37 (5) At the conclusion of the public hearing, the planning commission may:
38 a. Move to accept the evaluation rankings as submitted by the planning director;
39 b. Move to accept the evaluation rankings as may be modified as a result of the
40 public hearing;
41 c. Move to continue the public hearing to take additional public testimony;
42 d. Move to close the public hearing but to defer action on the evaluation rankings
43 pending receipt of additional information; and
44 e. Move to reject the evaluation rankings.

1 (6) The planning commission shall finalize the evaluation rankings within 60 days
2 following initial receipt of the planning director evaluation ranking, report and
3 recommendation.
4

5 (c) *Notification to applicants.* Upon finalization of the evaluation rankings by the planning
6 commission, notice of the rankings shall be posted at the planning department offices.

7 (1) Applicants who receive allocation awards shall be further notified by certified mail,
8 return receipt requested. Upon receipt of notification of an allocation award, the
9 applicant may request issuance of a building permit for the applicable development of
10 the allocated nonresidential floor area.

11 (2) Applicants who fail to receive allocation awards shall be further notified by certified
12 mail, return receipt requested; without further action by such applicants nor the
13 payment of any additional fee, such applications shall remain in the NROGO system
14 for reconsideration at the next allocation in the current or following annual allocation
15 period.
16

17 (d) *Identical rankings.* If two or more allocation applications receive an identical evaluation
18 ranking and both (or all) cannot be granted allocation awards within the allocation period,
19 the planning commission shall award the allocation to the completed application first
20 submitted, based on the controlling date of the application. If two or more such
21 completed applications were submitted with the same controlling date, the available
22 allocation shall be awarded to the application with the fewest number of negative points.
23

24 (e) *Allocation by way of the NROGO bank.* Concerning applications submitted pursuant to
25 section 138-52(1), if nonresidential floor area is available in a ROGO subarea account
26 within the NROGO bank, upon receipt of completed application, the planning director, or
27 his or her designee, shall evaluate the application pursuant to the evaluation criteria set
28 forth in section 138-55.

29 (1) *Public hearing.* The planning director, or his or her designee, shall schedule and
30 notice the application for review and decision by the planning commission at a public
31 hearing. Allocations by way of the NROGO bank shall only be awarded four times
32 per NROGO year, on the same public hearing dates in which NROGO allocations are
33 awarded per section 138-53(b).
34

35 (2) *ROGO subarea accounts.* The NROGO bank shall consist of three accounts. Each
36 account shall represent a ROGO subarea: 1) Upper Keys, 2) Lower Keys and 3) Big
37 Pine Key and No Name Key. The boundaries of the ROGO subareas are defined in
38 section 138-20(c). An applicant may only request nonresidential floor area from the
39 account associated with the ROGO subarea in which the subject property is located.
40

41 (3) *Eligibility per tier designation.* Only applications for developments within Tier III
42 designated areas shall be eligible for allocation by way of the NROGO bank.
43

44 (4) *Percentage of allocations to existing businesses.* To support the improvement,
45 sustainability, and expansion of existing businesses, in each NROGO allocation
46 quarter, 50 percent of the balance each ROGO subarea account shall be reserved for

1 expansion of floor area associated with existing businesses. For the purposes of the
2 NROGO bank, an existing business is defined as a business or other nonresidential
3 entity that has been in continuous operation for over one (1) year from the date in
4 which the NROGO bank application was submitted on the property in which the
5 NROGO bank application is associated. In order to utilize this reserved 50 percent,
6 the allocation by way of the NROGO bank must facilitate the improvement and
7 expansion of the existing business, as analyzed and approved by the corresponding
8 building permit application.
9

10 (5) *Noncompetitive applications.* If the total amount of nonresidential floor area
11 requested in a single application or cumulatively in multiple applications by separate
12 applicants is equal to or less than the amount available in a ROGO subarea account
13 within the NROGO bank (excluding reserved floor area pursuant to subsections (e)(4)
14 and (e)(7) if applicable), the planning commission may grant the total amount of
15 nonresidential floor area requested in the application(s) to the applicant(s).
16

17 (6) *Competitive applications.* If the total amount of nonresidential floor area requested in
18 a single application or cumulatively in multiple applications by separate applicants is
19 greater than that the total amount available in a ROGO subarea account within the
20 NROGO bank (excluding reserved floor area pursuant to subsections (e)(4) and (e)(7)
21 if applicable), the planning director shall submit an evaluation report to the planning
22 commission indicating the evaluation rankings. If there are not any competing
23 applications, the planning commission may grant the total amount of nonresidential
24 floor area available in a ROGO subarea account within the NROGO bank (excluding
25 reserved floor area pursuant to subsections (e)(4) and (e)(7) if applicable) to the
26 applicant and require the applicant to acquire the remaining nonresidential floor area
27 through the NROGO permit allocation system. In the event there are competing
28 applications by separate applicants, the planning commission shall award available
29 nonresidential floor area in a ROGO subarea account within the NROGO bank
30 (excluding reserved floor area pursuant to subsections (e)(4) and (e)(7) if applicable)
31 to the applicant with most points pursuant to section 138-55. If the highest scoring
32 applicant does not request the entire amount available in a ROGO subarea account
33 within the NROGO bank, the planning commission shall award the remaining
34 available nonresidential floor area in a ROGO subarea account within the NROGO
35 bank (excluding reserved floor area pursuant to subsections (e)(4) and (e)(7) if
36 applicable) to the application with the second highest score and so on until a ROGO
37 subarea account within the NROGO bank reaches its reserve amount which is
38 dedicated to de minimis expansion application pursuant to section 138-50(6) and
39 subsection (e)(7).
40

41 (7) *De minimis expansion applications.* Square footage for de minimis expansion
42 applications shall be deducted from the NROGO bank. In order to ensure that de
43 minimis expansion applications pursuant to section 138-50(6) can be regularly
44 approved; each ROGO subarea account shall include a reserve that cannot be
45 allocated pursuant to this subsection (e) and is dedicated to de minimis expansion.
46 The Upper Keys and Lower Keys ROGO subarea accounts shall maintain reserves of

1 20,000 square feet each. The Big Pine Key and No Name Key account shall maintain
2 a reserve of 3,000 square feet. Nonresidential floor area permitted via de minimis
3 expansion shall be deducted from the ROGO subarea account in which the property is
4 located and in the event all of the square footage within the reserve is awarded to de
5 minimis building permit application, additional de minimis building permit
6 applications shall not be issued until the applicable ROGO subarea account within
7 NROGO bank is replenished and can accommodate the nonresidential expansion. In
8 the event there is demand beyond a given reserve with a ROGO subarea account for
9 de minimis expansion applications, such applications may be approved provided there
10 is adequate nonresidential floor area within the appropriate ROGO subarea account.
11

12 (8) *Testimony.* The public, including but not limited to applicants, shall be permitted to
13 testify at the public hearing. Applicants may offer testimony about their applications
14 or other applications; however, in no event may an applicant offer modifications to an
15 application that could change the points awarded or the ranking of the application.
16

17 (9) *Decision by the planning commission.* At the conclusion of the public hearing, the
18 planning commission may:

- 19 a. If applicable, move to accept the evaluation rankings as submitted by the planning
20 director;
- 21 b. If applicable, move to accept the evaluation rankings as may be modified as a
22 result of the public hearing;
- 23 c. Move to continue the public hearing to take additional public testimony;
- 24 d. Move to close the public hearing but to defer action on the evaluation rankings
25 pending receipt of additional information; and
- 26 e. Move to reject the evaluation rankings.
27

28 Within 60 days of the public hearing, the planning commission shall render its final
29 decision on an application for an allocation by way of the NROGO bank by
30 resolution. If an approval, the resolution shall be issued and pass all relevant appeal
31 periods prior to issuance of a building permit requiring the nonresidential floor area
32 awarded by the resolution.
33

34 (10) *Opening Balances for ROGO subarea accounts. as of NROGO Year 22 (July 13,*
35 *2013).* The opening balances for each ROGO subarea account shall be determined
36 and calculated by the planning department based on available nonresidential floor
37 area from NROGO Years 10 through 21.
38

39 * * * * *



**Item #2 Paradise Pit – FLUM
Staff Report**

MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Emily Schemper, Senior Planner 

Date: March 5, 2013

Subject: Request by Paradise Pit, LLC to amend the Comprehensive Plan Future Land Use Map for two (2) parcels in Key Largo having real estate numbers 00087190.000000 and 00087100.000500.

Meeting: March 27, 2013

I. REQUEST

Paradise Pit, LLC is requesting an amendment to the Comprehensive Plan Future Land Use Map for two (2) parcels in Key Largo (having real estate numbers 00087190.000000 and 00087100.000500) from Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC) to Industrial (I), Residential Conservation (RC), and Conservation (C).

II. BACKGROUND INFORMATION

Paradise Pit Property:

Paradise Pit, LLC, operates a light industrial business at 101075 and 101101 Overseas Highway in Key Largo. The subject property currently has Future Land Use Map (FLUM) designations of Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC). The property currently has Land Use District (LUD) designations of Suburban Commercial (SC), Suburban Residential (SR), and Native Area (NA). The current regulations pertaining to permitted uses within these FLUM categories and LUDs do not allow light industrial uses, and the current use is therefore considered nonconforming to the provisions of the current Comprehensive Plan and Land Development Regulations. The applicant is requesting a change to the FLUM designation in order to eliminate the nonconformity.

Historically, the parcel having RE#00087190.000000 and the southwest portion of the parcel having RE#00087100.000500 were within a GU (General Use) zoning district. The remainder of the parcel having RE#00087100.000500 was within RU-5P (Mobile Home Park Residential), RU-1 (Single Family Residential), and BU-2 (Medium Business) zoning districts.

In 1986, the property was rezoned to its current land use districts (LUDs). The property is primarily within a Suburban Residential (SR) land use district. A very small portion of the parcel having RE#00087100.000500 along US1 is within a Suburban Commercial (SC) district, and an area of approximately 7 acres along the shoreline of both parcels is within a Native Area (NA) district.

With the adoption of the Monroe County 2010 Comprehensive Plan's (Comprehensive Plan) FLUM in 1997, the subject parcels were given their current FLUM designations: Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC).

The existing light industrial use is located entirely within the portion of the site designated RL. Policy 101.4.2 of the Comprehensive Plan, which describes the purpose of the RL FLUM category, does not state that industrial uses are allowed; therefore, the existing light industrial use is nonconforming to the current provisions of the Comprehensive Plan.

Industrial Uses & Mining:

Although at one time the site was used for resource extraction (considered a heavy industrial use), there is no evidence that any mining activity currently takes place. Furthermore, Development Order #21-90, signed by the Planning Director in 1990, required the closure and restoration of the quarry on the site.

The applicant states that the existing use of the property is industrial, including equipment maintenance and storage as well as material storage and handling for a local excavation and batch concrete company. According to the Determination of Lawful Use letter dated September 23, 2011 (detailed below), the Planning Department determined that the current land use on the site is a "lawful and nonconforming *light* industrial use." Following a site visit, Planning Department staff determined that "the business on site, known as Paradise Pit, uses the site to mix cement, store equipment associated with the business, temporarily store fill brought from other sites, and carry out office operations associated with the business."

Within the Upper Keys, there is currently no land with an Industrial FLUM designation. According to the July 2011 Monroe County Technical Document, in the Upper Keys, existing industrial land uses (based upon Property Appraiser's PC codes) make up only 40.6 acres, or 0.17% of the total Upper Keys area. Throughout unincorporated Monroe County, existing industrial uses make up only 455.6 acres, or 0.6% of the total land area (Lower Keys 414.8 acres, Middle Keys 0.2 acres and Upper Keys 40.6 acres). Industrial uses include cement, rock and gravel operations, light manufacturing and storage areas, and heavy industrial uses. Again, industrial uses are heavily concentrated in the Lower Keys, with 91 percent distribution.

Lawful Nonconformity:

The current Planning & Environmental Resources Department's fee schedule (adopted October 17, 2012 by Resolution #332-2012) includes a special provision for properties with certain nonconforming uses. The BOCC first adopted this provision as an amendment to the fee schedule on April 18, 2012 by Resolution #127-2012. This resolution amended the Planning & Environmental Resources Department's fee schedule to waive application fees for property owners applying for a LUD map and/or FLUM amendment that eliminates a lawfully established nonconforming use created with the final adoption of the LUD map and/or FLUM, and which does not create an adverse effect on the community. To be exempt from the FLUM

amendment application fee, the property owner must provide satisfactory evidence that the existing use on the site also existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM.

On September 23, 2011, a Determination of Lawful Use letter was issued by the Planning Department for the parcel having RE#00087100.000500. As detailed in the letter, the Planning Department determined that the light industrial uses taking place on scarified portions of the site are lawful nonconforming light industrial uses and existed on the site as early as 1990.

On August 1, 2012, the Planning Department issued a Letter of Understanding for the parcel having RE#00087100.000500. This letter re-affirmed the lawful nonconforming status of the light industrial use on scarified portions of the parcel. Furthermore, the Planning Department determined that the light industrial use existed lawfully in 1997, and was therefore deemed nonconforming by the final adoption of the FLUM. The letter also advised that an amendment changing the FLUM category to either Mixed Use/Commercial (MC) or Industrial (I) would eliminate the nonconformity, as either category would allow the existing light industrial uses.

Livable CommuniKeys Plan:

Comprehensive Plan Policy 101.20.1 states: "Monroe County shall develop a series of Community Master Plans". These "CommuniKeys Plans" implement a vision that was developed by the local community. In 2006, the BOCC adopted Policy 101.20.2(5) which incorporated the Key Largo Livable CommuniKeys Master Plan into the Monroe County 2010 Comprehensive Plan. Action Item 1.3.2 within the Key Largo Livable CommuniKeys Master Plan states: "Revise the FLUM and Land Use District Maps to resolve non-conformities in the planning area where appropriate." The proposed FLUM amendment and associated LUD map amendment implement this Action Item of the adopted Key Largo Livable CommuniKeys Master Plan.

III. PROPOSED AMENDMENT

The applicant is requesting an amendment to the Comprehensive Plan Future Land Use Map for two (2) parcels in Key Largo (having real estate numbers 00087190.000000 and 00087100.000500) from Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC) to Industrial (I), Residential Conservation (RC), and Conservation (C). Current and Proposed FLUM designations are shown below (subject parcels outlined in red).

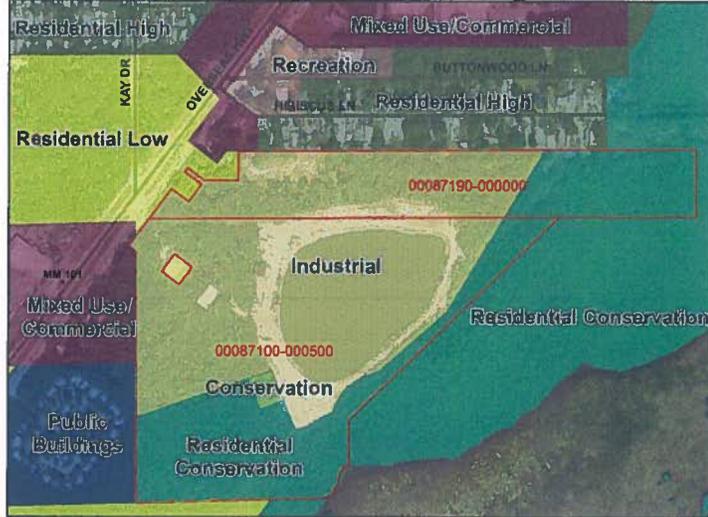
At its regularly scheduled meeting on February 26, 2013, the Monroe County Development Review Committee reviewed and discussed the proposed FLUM amendment. Following the DRC's discussion and recommendation, the applicant agreed to reduce the area originally proposed to be designated as Industrial by 6.46 acres, instead proposing to designate that land area as Residential Conservation. This revision, which is also shown below, reduces the potential increase in residential development by 4 dwelling units and nonresidential development by 140,699 square feet. The applicant has agreed to have a revised survey prepared reflecting this change in acreage prior to the BOCC's transmittal hearing. All tables and calculations in this report are based on these revised acreages.

Current FLUM designations



Subject parcels outlined in red (2012)

Originally Proposed FLUM designations



Subject parcels outlined in red (2012)

Revised Proposed FLUM designations



Subject parcels outlined in red (2012)

IV. ANALYSIS OF PROPOSED DENSITIES & INTENSITIES; COMPATIBILITY; CONCURRENCY ANALYSIS; ETC.

A. Maximum Allocated Density and Intensity by Future Land Use Map Designation

Existing FLUM	Type	Adopted Standards	Development potential based upon allocated density
Residential Low FLUM	Residential	0.25-0.50 du	10-20 units
	Allocated Density/Acre		
	50.91 acres total 41.20 acres (minus 9.71 acre pit)	Transient	0 rooms/spaces
Residential Conservation FLUM	Allocated Density/Acre	0.20-0.25 FAR	358,934 sf – 448,668 sf
	Nonresidential		
	6.82 acres	Maximum Intensity	0-0.25 du
Mixed Use/Commercial FLUM	Residential	0 rooms/spaces	0 rooms/spaces
	Allocated Density/Acre		
	0.03 acres	Transient	0-0.10 FAR
TOTAL SITE	Residential	1 du	0 units
	Allocated Density/Acre		
	Total site: 57.76 acres	Transient	5-15 rooms/spaces
Proposed FLUM	Residential	0.10-0.60 FAR	130 sf – 784 sf
	Allocated Density/Acre		
	31.68 acres total 21.97 acres (minus 9.71 acre pit)	Nonresidential	0.10-0.60 FAR
Residential Conservation FLUM	Residential	0.25-0.60 FAR	239,253 sf – 574,207 sf
	Allocated Density/Acre		
	26.33 acres	Maximum Intensity	0-0.25 du
Conservation FLUM	Residential	0 rooms/spaces	0 rooms/spaces
	Allocated Density/Acre		
	0.41 acres	Transient	0.05 FAR
TOTAL SITE	Residential	0 du	0 units
	Allocated Density/Acre		
	Total site: 58.42 acres	Transient	0 rooms/spaces
Net Change in Development Potential based on FLUM	Residential	0.05 FAR	892 sf
	Allocated Density/Acre		
		Maximum Intensity	22-28 units
	Transient		0 rooms/spaces
	Nonresidential		240,145 sf – 689,792 sf
	Maximum Intensity		
	Residential: + 7 du		
	Transient: no change		
	Nonresidential: + 210,633 sf		

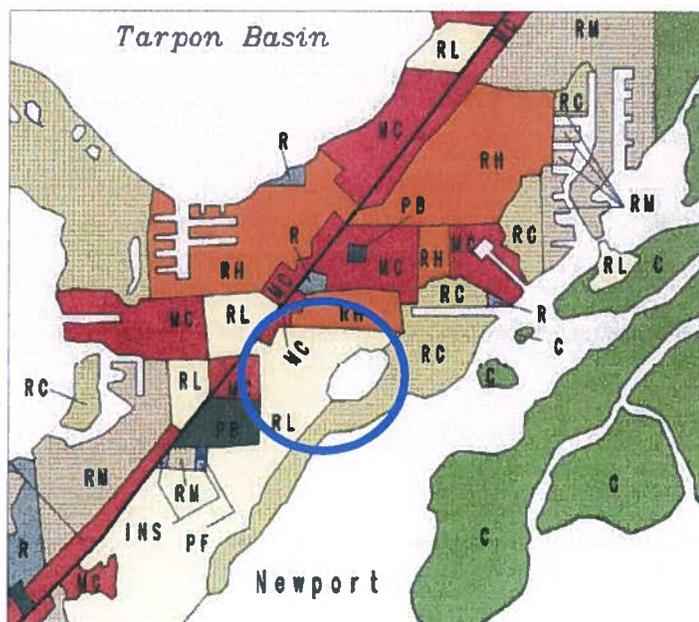
The table above provides an approximation of the development potential for residential, transient, and nonresidential development. Section 130-156(b) of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development.”

As shown in the table, the proposed FLUM amendment would result in a maximum increase in residential development potential of 7 dwelling units. The maximum increase in nonresidential development potential would be 210,633 square feet.

Note - In November 2012, a County amendment creating Policy 101.4.20 to discourage private applications for future land use changes which increase allowable density/intensity became effective. The Paradise Pit, LLC, FLUM application was received on October 22, 2012, prior to the effective date of the discouragement amendment. Note, the applicant has agreed to reduce the area originally proposed to be designated as Industrial by 6.46 acres, instead proposing to designate that land area as Residential Conservation. This revision, reduces the potential increase in residential development by 4 dwelling units and nonresidential development by 140,699 square feet.

B. Compatibility with the Surrounding Area

An excerpt from Map 2 of the Comprehensive Plan Future Land Use Map Series identifies the approximate location of the proposed FLUM amendment (circled in the figure below), and the FLUM designations of the surrounding area.



Parcels surrounding the subject property currently have FLUM designations of Residential High, Mixed Use/Commercial, Public Buildings, Residential Low, and Residential Conservation. Land uses surrounding the subject property include residential uses and vacant land.

Both parcels on the site have tier designations of Tier 1, and existing vegetation includes scarified land on the current light industrial use area (mainly adjacent to the borrow pit), and a mix of buttonwood, hammock, and mangrove on all other areas of property. The portion of the site covered by hammock is considered potential habitat for Cotton Mouse, Eastern Indigo Snake, Schaus Swallowtail, Tree Cactus, Tree Snail, and Woodrat. Hammock covers a majority of the land surrounding the scarified area containing the existing light industrial use. The proposed FLUM amendment includes designating a portion of this hammock area as Industrial.

The proposed amendment includes 0.41 acres of land within the Conservation FLUM designation to protect archeologically and historically significant resources. This is consistent with Goal 104 and Policy 101.4.15, which includes the preservation of natural and historic resources.

C. Concurrency Analysis (Comprehensive Plan Policy 101.1.1)

Traffic Circulation (Policy 301.1.1)

The subject property is located on US 1 in Key Largo. The property is only accessible by US 1. Pursuant to the Comp Plan, the level of service standard for US 1 is LOS of “C.” According to the 2011 US 1 Arterial Travel Time and Delay Study, US 1 overall is operating at a LOS of “C” and the segment in Key Largo (MM 99.5 to MM 106.0) is operating at a LOS of “A.”

Potable Water (Policy 701.1.1)

Florida Keys Aqueduct Authority’s water treatment facility in Florida City has a maximum water treatment design capacity of 29.8 million gallons per day (MGD) and is capable of treating up to 23.8 MGD. There are also two saltwater Reserve Osmosis (RO) plants, located on Stock Island and Marathon, which are able to produce potable water under emergency conditions. The RO desalination plants have design capacities of 2.0 and 1.0 MGD of water, respectively. The annual average daily demand in Monroe County is 16.21 MGD and projections indicate a slight increase to an annual average daily demand to 16.54 MGD. The proposed FLUM amendment could result in a net increase in demand from this site of up to 73,722 gallons per day if developed to its maximum nonresidential intensity.

FLUM	Potable Water Residential LOS Standard (Policy 701.1.1)	Max Potential Residential Development (dwelling units)	Persons/ Household	Total Persons	Total LOS Demand	Net Change
Current: RL/RC/MC	66.50 gal/cap/day (149 gal/du/day)	21	2.24	47.04	3,128 gal/day	+1,043 gal/day
Proposed: I/RC/C	66.50 gal/cap/day (149 gal/du/day)	28	2.24	62.72	4,171 gal/day	

FLUM	Potable Water Nonresidential LOS Standard (Policy 701.1.1)	Max Potential Nonresidential Development (square feet)	Total LOS Demand	Net Change
Current: RL/RC/MC	0.35 gal/sq.ft./day	479,159	167,706 gal/day	+73,722 gal/day
Proposed: I/RC/C	0.35 gal/sq.ft./day	689,793	241,428 gal/day	

Solid Waste (Policy 801.1.1)

Monroe County has a contract with Waste Management, authorizing the use of in-state facilities through September 30, 2016; thereby, providing the County with approximately five (5) years of guaranteed capacity. Currently, there is adequate capacity for solid waste generation.

FLUM	Solid Waste Residential LOS Standard Policy 801.1.1	Max Potential Residential Development (dwelling units)	Persons/household	Total persons	Total LOS Demand	Net Change
Current: RL/RC/MC	5.44lbs/capita/day	21	2.24	47.04	256 lbs/day	+85 lbs/day
Proposed: I/RC/C	5.44lbs/capita/day	28	2.24	62.72	341 lbs/day	

Sanitary Sewer (Policy 901.1.1)

The County has adopted water quality treatment standards for wastewater facilities and within the Sanitary Wastewater Treatment Master Plan, Exhibit 3-8, has stated the LOS standard for residential and nonresidential flow is 145 gallons per day per equivalent dwelling unit.

The only building currently on the site is a small office building, which was built without the benefit of a building permit. It does not have a connection to the sanitary sewer at this time. According to the Determination of Lawful Use issued in 2011, this building must be removed under the requirements of the parcel's current FLUM designation and land use district regulations. Other structures on the property are limited to storage containers, car/RV ports, and a lean-to.

The Key Largo Wastewater Treatment District central sewer system is available to these parcels, and any new development would be required to connect to the sewer system. The Key Largo Wastewater Treatment Facility is designed and constructed in accordance with the adopted levels of service treatment standards.

V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

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.

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.

Objective 101.4: Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

Policy 101.4.7: The principal purpose of the Industrial 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.

Objective 101.8: Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, and structures which are inconsistent with applicable codes and land development regulations.

Policy 101.20.2: The Community Master Plans shall be incorporated into the 2010 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:

5. The Key Largo Livable CommuniKeys Master Plan 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.

Key Largo Livable CommuniKeys Master Plan

Action Item 1.3.2: Revise the FLUM and Land Use District Maps to resolve nonconformities in the planning area where appropriate.

Goal 104: Monroe County shall recognize, designate, protect, and preserve its historic resources.

B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection, treatment, and disposal facilities;
 - 3. Solid waste treatment, collection, and disposal facilities;
 - 4. Key West Naval Air Station and other military facilities;
 - 5. Transportation facilities;
 - 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 8. City electric service and the Florida Keys Electric Co-op; and
 - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

Section 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions

Section 163.3177(6)(a)2., F.S. – The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

- a. The amount of land required to accommodate anticipated growth.
- b. The projected permanent and seasonal population of the area.
- c. The character of undeveloped land.
- d. The availability of water supplies, public facilities, and services.
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
- f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
- g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.
- h. The discouragement of urban sprawl.
- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- j. The need to modify land uses and development patterns within antiquated subdivisions.

Section 163.3177(6)(a)4., F.S. – The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission

Section 163.3177(6)(a)8., F.S. – Future land use map amendments shall be based upon the following analyses:

- a. An analysis of the availability of facilities and services.
- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposed Future Land Use Map amendment, as revised in the diagram submitted by the applicant on February 26, 2013 and detailed in this staff report, from

Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC) to Industrial (I), Residential Conservation (RC), and Conservation (C) for two (2) parcels, having real estate numbers 00087190.000000 and 00087100.000500, in Key Largo.

VII. PROCESS

Comprehensive Plan amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

VIII. EXHIBITS

1. Letter of Understanding, dated August 1, 2012, concerning the Paradise Pit LLC property
2. Monroe County Resolution 127-2012
3. Map 2 of the Monroe County Comprehensive Plan Future Land Use Map Series
4. Original proposed FLUM amendment for 00087190.000000 and 00087100.000500 in Key Largo
5. Revised proposed FLUM amendment diagram, submitted by applicant February 26, 2013

County of Monroe Growth Management Division

**Planning & Environmental Resources
Department**
2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners
Mayor David Rice, Dist. 4
Mayor Pro Tem Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

August 1, 2012

Emily Burkel
Paradise Pit LLC
743 Largo Road
Key Largo, FL 33037

SUBJECT: LETTER OF UNDERSTANDING CONCERNING THE PARADISE PIT LLC PROPERTY, LOCATED AT 743 LARGO ROAD, KEY LARGO, MILE MARKER 101, LEGALLY DESCRIBED AS A PARCEL OF LAND WITHIN SECTION 27, TOWNSHIP 61, RANGE 39, HAVING REAL ESTATE NUMBER 00087100.000500

Dear Ms. Burkel,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU).

In response to your party's recent discussions with Growth Management Division staff regarding the above-referenced property, this letter is to notify you of our Department's findings regarding two of the matters discussed at our last meeting: 1) whether or not the existing land use district and future land use map designations were assigned in error and b) the number of storage containers lawfully established and thereby lawfully nonconforming.

Land Use District (LUD) and Future Land Use Map (FLUM) Designations:

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by

final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and, if your party decides to do so, allow you to submit map amendment applications without the required application fees.

For the most part, the property is partially designated as Residential Low (RL) and partially designated as Residential Conservation (RC) on the official FLUM. A small portion in the northwest corner is designated Mixed Use / Commercial (MC). For the most part, the property is partially designated as Suburban Residential (SR) and partially designated as Native Area (NA) on the official LUD map (see attachment). A small portion in the northwest corner is designated Suburban Commercial (SC). The RL boundary is consistent with the SR boundary, the RC boundary is consistent with the NA boundary and the MC boundary is consistent with the SC boundary. The property was partially within a BU-2 district (Medium Business), partially within a RU-1 district (Single Family Residential) and partially within a RU-5P district (Mobile Home Park) prior to 1986 when the property was re-designated SR and NA (see attachment).

The current permitted use regulations for the SR district do not allow industrial uses (Monroe County Code §130-94). Furthermore, Policy 101.4.2 of the Monroe County Comprehensive Plan, which describes permitted uses in the RL FLUM category, does not state that industrial uses are allowed. Therefore, the existing light industrial use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

Regarding the subject property, on September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that the existing light industrial use was lawfully established on the scarified areas of the site and is thereby a lawful nonconforming use. As a note, the existing light industrial use is located entirely within the portion of the property designated SR and RL.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has

determined that the existing light industrial use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing light industrial use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Note: This finding does not pertain to any of the areas on the property designated NA and RC. Staff has determined that these areas were appropriately designated. Staff found no evidence that a light industrial use has ever lawfully been in existence in such areas.

Your party has not formally proposed any new LUD and/or FLUM designation. Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, staff has determined that a FLUM category of Mixed Use / Commercial (MC) or Industrial (I) would eliminate the nonconformity to use as the designations allow light industrial uses. The LUD designations of Mixed Use (MU) or Suburban Commercial (SC) under the MC FLUM category and Industrial (I) or Maritime Industries (MI) under the I FLUM category could eliminate the nonconformity to use as the districts allow light industrial uses (however please note that some of the designations require conditional use permit approval for such a use).

Prior to application submittal, you must decide on which FLUM and LUD designations to pursue as staff cannot make this decision. Please be aware that, although staff is interested in finding a resolution to the nonconforming use issue as well, the Planning & Environmental Resources Department is not obligated to recommend approval of a proposed LUD designation and/or FLUM designation unless there is a finding that there would not be any adverse impact to the community. Also, as discussed at our last meeting, your application may also expand the boundaries of the existing NA and RC areas of the site in order reduce the overall impact of converting other areas from SR and RL to designations that allow higher land use intensity.

In conclusion, Staff has determined that your proposal qualifies for application fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment–Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the future, you may not be eligible to submit the application without such required application fees afterwards.

Storage Containers:

On September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that staff could not find any building permits authorizing the existence of the

existing storage/shipping containers on the property. The letter requested that the property owner provide documentation from the Growth Management Division stating that they were in fact approved or the structures would be deemed unlawful and must be removed or converted to road-ready.

Following the discussions at our past meeting, staff determined that the type of storage/shipping containers located on the property did not require a building permit until the adoption of the NROGO on September 19, 2001.

As set forth in Monroe County Code §138-50(1), the redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement is exempt from the NROGO permit allocations system. The planning director shall review available documents to determine if a body of evidence exists to support the existence of nonresidential floor area on or about September 19, 2001, the effective date of the original NROGO. Such evidence shall be documented and submitted to the planning director on a form provided by the planning department. The application shall include, at a minimum, at least two of the following documents: a) Any issued Monroe County building permit(s) supporting the existence of the structure(s) and its use(s) on or about September 19, 2001; b) Documentation from the Monroe County Property Appraiser's Office indicating residential use on or about September 19, 2001; c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001; d. Nonresidential County Directory entries on or about September 19, 2001; e) Rental, occupancy or lease records, on or about September 19, 2001, indicating the number, type and term of the rental or occupancy; f) State and/or county licenses, on or about September 19, 2001, indicating the nonresidential use; g) Documentation from the utility providers indicating the type of service (commercial or residential) provided and the number of meters in existence on or about September 19, 2001; and h) Similar supporting documentation not listed above as determined suitable by the planning director.

There is aerial photography of the site on file for early 2002 and late 2002/early 2003. Upon a detailed review, in the early 2002 photograph, although development and outdoor storage is visible, a storage/shipping container is not clearly visible. In the late 2002/early 2003 photography, eight shipping containers are clearly visible (see attached).

Two documents are required to satisfy Monroe County Code §138-50(1). The late 2002/early 2003 aerial photograph satisfies c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001. However, there is not any other documentation on file in the county's records supporting the storage containers' existence. The Planning & Environmental Resources Director has determined that in this instance an affidavit would satisfy h) Similar supporting documentation not listed above as determined suitable by the planning director. Please provide such an affidavit for the file stating that to the best of the property owner's knowledge at least eight storage shipping containers existed on the property on or about September 19, 2001.

As such, eight of these structures shall be deemed lawfully nonconforming and the equivalent number or less of equal size or smaller shall be permitted to remain in existence as lawful nonconforming structures upon receipt of the aforementioned affidavit. Staff utilized the County's GIS to measure the containers and determined that the containers observed in aerial photography were approximately 40' in length. The standard dimensions of a standard shipping container are 8' x 40' - 320 square feet.

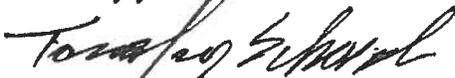
* * * * *

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



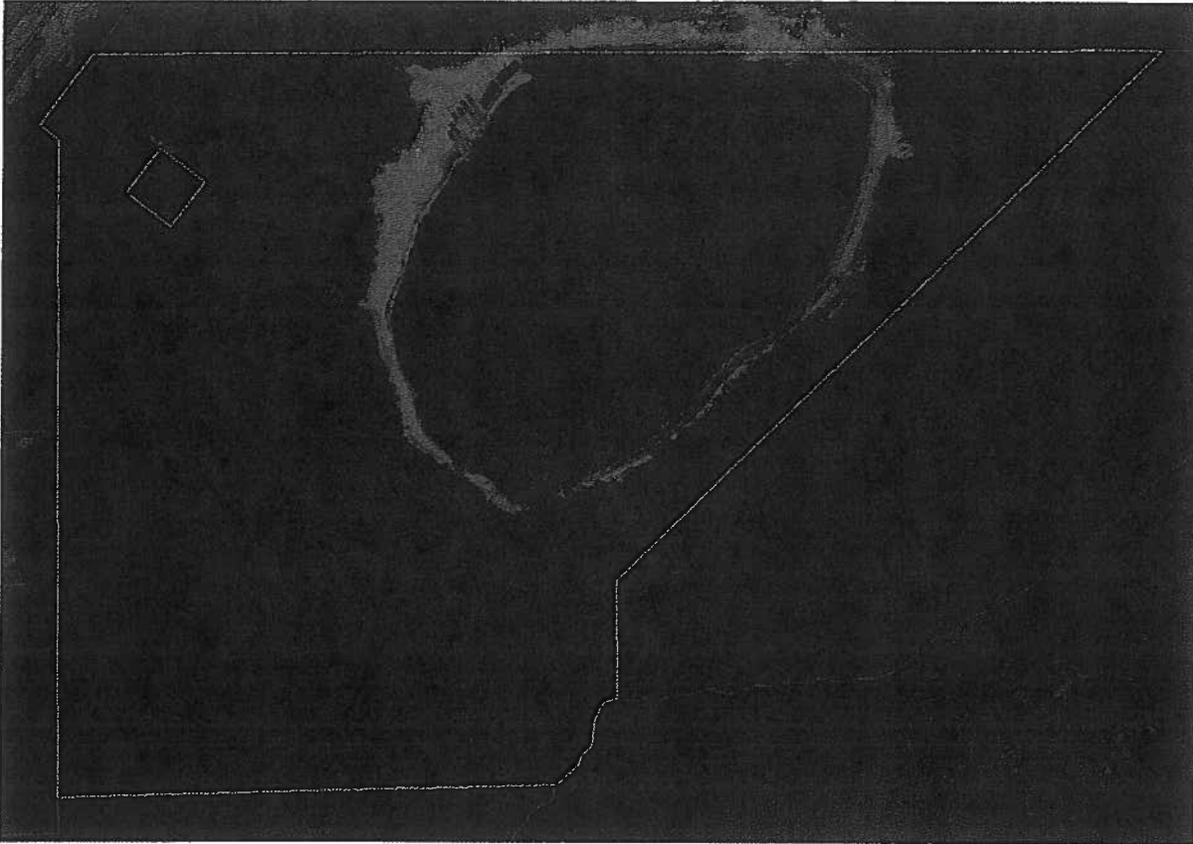
Townsley Schwab,
Senior Director of Planning & Environmental Resources

- CC: Christine Hurley, Director of Growth Management
- Susan Grimsley, Assistant County Attorney
- Mayte Santamaria, Assistant Director of Planning
- Joseph Haberman, Planning & Development Review Manager
- Jerome Smith, Building Official
- Ronda Norman, Director of Code Compliance

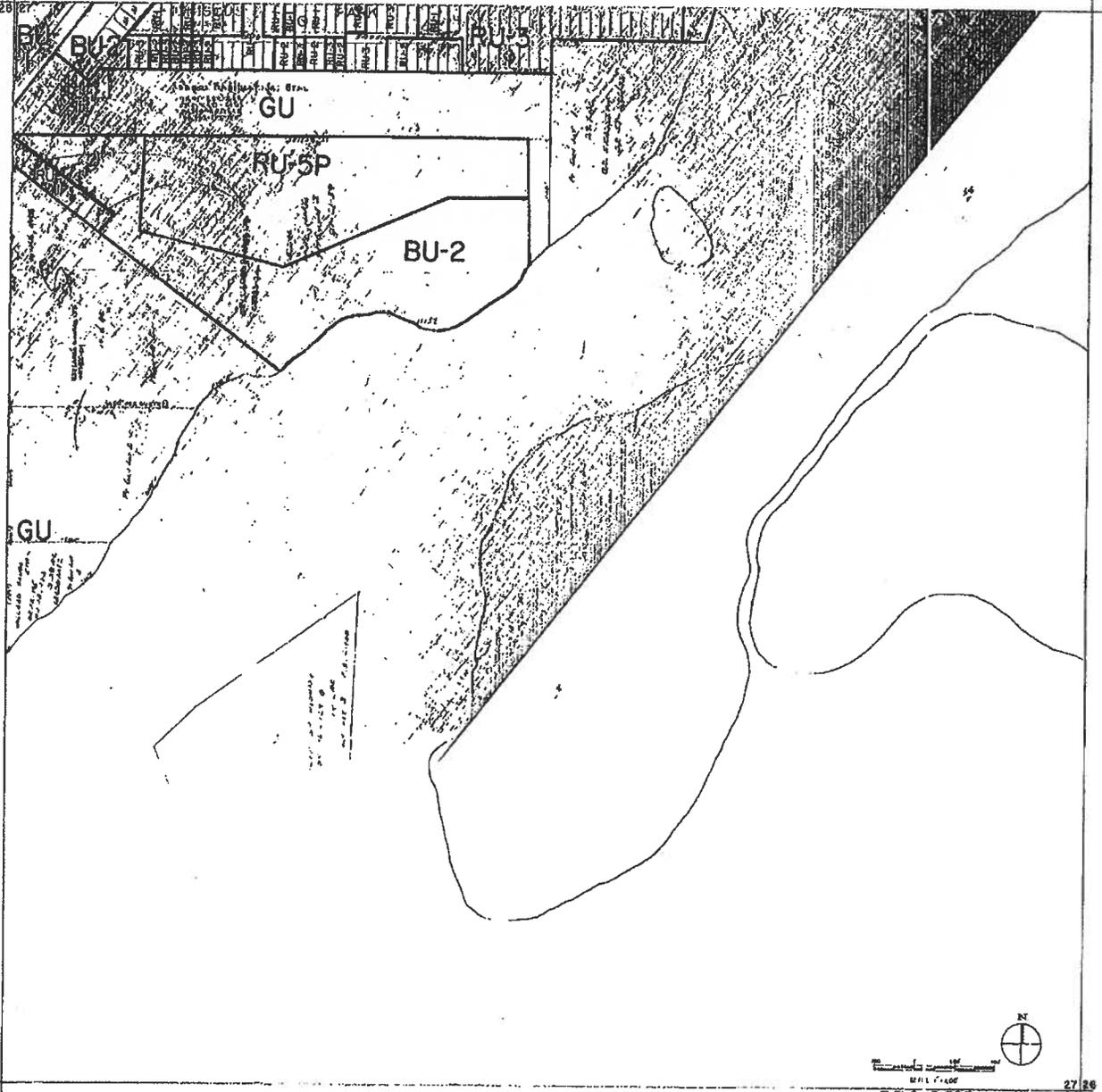
Land Use District Map Overlaid on 2012 Aerial Photograph



Aerial Photograph, dated late 2002/early 2003



21 22
28 27



100
0 50 100
SCALE
1" = 100'
N
27 28
34 35
T-6J S R-39E.



**MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 127 - 2012**

A RESOLUTION AMENDING RESOLUTION 169-2011, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE; TO GENERALIZE THE TITLE OF THE FEE FOR APPLICATIONS FOR EXTENSIONS OF TIME AUTHORIZED BY STATE LEGISLATION; TO EXEMPT MAP AMENDMENT FEES FOR PROPERTY OWNERS WHO APPLY TO AMEND THEIR PROPERTIES' LAND USE DISTRICT AND/OR FUTURE LAND USE MAP DESIGNATIONS TO DESIGNATIONS THAT WOULD ELIMINATE NONCONFORMITIES TO USES THAT WERE CREATED WHEN THE PROPERTIES WERE REZONED BY THE COUNTY IN 1992 AND/OR PROVIDED A FUTURE LAND USE MAP DESIGNATION IN 1997 UNDER CERTAIN CONDITIONS; PROVIDING FOR A FEE FOR A LETTER OF UNDERSTANDING FOR MAP AMENDMENT FEE WAIVERS; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

WHEREAS, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

WHEREAS, the Board finds that it would be in the best interests of the general public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

WHEREAS, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs associated with the review and processing of planning and development approval applications and site plans, on-site biological reviews, administrative appeals, preparation of official documentation verifying existing development rights and other processes and services; and

WHEREAS, the Board has discussed the need to adjust the fee schedule to compensate the county for resources needed in excess of the fee estimates included in the base fees; and

WHEREAS, applicants for development review should pay the cost of the review, rather than those funds coming from other sources; and

WHEREAS, the Board of County Commissioners wishes to amend fees to compensate for resources expended in applications for private development approvals; and

WHEREAS, The Florida State Legislature is considering legislation which allows for extensions of time for some development orders for which the fee is currently \$250.00, based on previous Senate and House bills; and

WHEREAS, in 1992, a revised series of zoning maps was approved (also known as the Land Use District (LUD) maps) for all areas of the unincorporated county. These maps depicted boundary determinations carried out between 1986 and 1988, depicted parcel lines and were drawn at a more usable scale. Although signed in 1988, the LUD's did not receive final approval until 1992. The Monroe County Land Development Regulations, portions of which are adopted by Rule 28-20.021, F.A.C., and portions of which are approved by the Department of Community Affairs in Chapter 9J-14, F.A.C., were amended effective August 12, 1992. The Land Use District Map was revised to reflect the changes in this rule. The LUD maps remain the official zoning maps of Monroe County; and

WHEREAS, in 1993, Monroe County adopted a set of Future Land Use Maps (FLUM) pursuant to a joint stipulated settlement agreement and Sec. 163.3184 Florida Statutes. The Ordinance #016-1993 memorialized the approval. This map series was dated 1997. The 1997 FLUM remains the official future land use maps of Monroe County; and

WHEREAS, since the adoption of the LUD maps and FLUM, the County has discovered that several parcels with existing, lawful uses were assigned land use district and future land use categories that deemed those uses nonconforming. In these instances, the County created nonconformities to use without studying of the existing uses and the impact of deeming those uses nonconforming. A remedy to existing property owners would be to allow those property owners to apply for map amendments to designations that would eliminate the nonconformities created by the County and not by the property owner without the payment of a fee; and

WHEREAS, the County wishes to clarify that fees will be changed to private applicants for traffic studies required or requested for not only map amendments, but for text amendments submitted by private applicants; and

WHEREAS, the Board heard testimony and evidence presented as to the appropriate fee schedule during a public hearing on April 18, 2012;

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

Section 1.

Pursuant to Section 102-19(9), the following schedule of fees to be charged by the Growth Management Division for its services, including but not limited to the filing of land development permit applications, land development approvals, land development orders, and appeal applications, and requests for technical services or official letters attesting to development rights recognized by the County shall be implemented:

Administrative Appeals.....	\$1,500.00
Administrative Relief.....	\$1,011.00
Alcoholic Beverage Special Use Permit.....	\$1,264.00
Appeal ROGO or NROGO to BOCC.....	\$816.00
Beneficial Use.....	\$4,490.00
Biological Site Visit (per visit).....	\$280.00
Biologist Fee (Miscellaneous-per hour).....	\$60.00
Boundary Determination.....	\$1,201.00
Comprehensive Plan, Text Amendment.....	\$5,531.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment.....	\$5,531.00
Conditional Use, Major, New/Amendment.....	\$10,014.00
Conditional Use, Minor, New/Amendment.....	\$8,484.00
Conditional Use, Minor, Transfer Development Rights (TDR).....	\$1,239.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE).....	\$1,944.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE).....	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation.....	\$1,768.00
Conditional Use, Minor/Major, Major Deviation.....	\$3,500.00
Conditional Use, Minor/Major, Time Extension.....	\$986.00
Department of Administrative Hearings (DOAH) Appeals.....	\$816.00
Development Agreement.....	\$12,900.00
Development of Regional Impact (DRI).....	\$28,876.00
Dock Length Variance.....	\$1,026.00
Front Yard Setback Waiver, Administrative.....	\$1,248.00
Front Yard Setback Waiver, Planning Commission.....	\$1,608.00
Grant of Conservation Easement.....	\$269.00
Habitat Evaluation Index (per hour).....	\$60.00
Home Occupation Special Use Permit.....	\$498.00
Inclusionary Housing Exemption.....	\$900.00
Land Development Code, Text Amendment.....	\$5,041.00
Land Use District Map, Amendment–Nonresidential.....	\$4,929.00
Land Use District Map, Amendment–Residential.....	\$4,131.00

Letter of Current Site Conditions.....	\$936.00
Letter of Development Rights Determination.....	\$2,209.00
Letter of ROGO Exemption.....	\$215.00
Letter of Understanding for LUD Map/FLUM Fee waiver	\$250.00
NROGO Application.....	\$774.00
Planning Fee (Miscellaneous-per hour).....	\$50.00
Parking Agreement.....	\$1,013.00
Planning Site Visit.....	\$129.00
Platting, 5 lots or less.....	\$4,017.00
Platting, 6 lots or more.....	\$4,613.00
Pre-application with Letter of Understanding.....	\$689.00
Pre-application with No Letter of Understanding.....	\$296.00
Public Assembly Permit.....	\$149.00
Dog in Restaurant Permit.....	\$150.00
Research, permits and records (per hour).....	\$50.00
Road Abandonment.....	\$1,533.00
ROGO Application.....	\$748.00
ROGO Lot/Parcel Dedication Letter.....	\$236.00
Legislative Time Extension for Development Orders /Permits.....	\$250.00
Special Certificate of Appropriateness.....	\$200.00
Tier Map Amendment–Other than IS/URM Platted Lot.....	\$4,131.00
Tier Map Amendment–IS/URM Platted Lot Only.....	\$1,600.00
Vacation Rental Permit (Initial).....	\$493.00
Vacation Rental (Renewal).....	\$100.00
Vacation Rental Manager License.....	\$106.00
Variance, Planning Commission, Signage.....	\$1,076.00
Variance, Planning Commission, Other than Signage.....	\$1,608.00
Variance, Administrative.....	\$1,248.00
Vested Rights Determination.....	\$2,248.00
Wetlands Delineation (per hour).....	\$60.00

Growth Management applications may be subject to the following additional fees, requirements or applicability:

1. For any application that requires a public hearing(s) and/or surrounding property owner notification, advertising and/or notice fees; \$245 for newspaper advertisement and \$3 per property owner notice.
2. There shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 of the Monroe County Code and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.

3. There shall be no application fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any hearing officer. The County is currently charged \$144.00 per hour by Department of Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge will change proportionately. An estimated amount of one-half of the hearing officer costs as determined by the County Attorney shall be deposited by the applicant along with the application fee, and shall be returned to the applicant if unused.

5. Base fees listed above include a minimum of (when applicable) two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, the following fees shall be charged and paid prior to the private development application proceeding through public hearings:
 - a. Additional internal staff meeting with applicant \$500.00
 - b. Additional Development Review Committee public hearing \$600.00
 - c. Additional Planning Commission public hearing \$700.00
 - d. Additional Board of County Commissioners public hearing \$850.00

The Director of Growth Management or designee shall assure these additional fees are paid prior to hearing scheduling. These fees apply to all applications filed after September 15, 2010.

6. Applicants for Administrative Appeal, who prevail based on County error, as found by the Planning Commission, shall have the entire application fee refunded.
7. Concerning the application fees to amend the tier maps, the lesser application fee of \$1,600.00 is only available for applications to amend the tier designation of a single URM or IS platted lot. It may not be used to amend the designation of more than one parcel.
8. Applicants for any processes listed above that are required to provide transportation studies related to their development impacts shall be required to deposit a fee of \$5,000 into an escrow account to cover the cost of experts hired by the Growth Management Division to review the transportation and other related studies submitted by the applicant as part of the development review process or any text amendment submitted by a private applicant. Any unused funds deposited by the applicant will be returned upon permit approval. Monroe County shall obtain an estimate from the consultant they intend to hire to review the transportation study for accuracy and methodology and if the cost for the review on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds deposited by the applicant will be returned upon permit approval.

Section 2.

Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed.

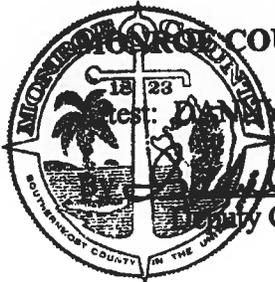
Section 3.

The Clerk of the Board is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 18th day of April, 2012.

Mayor David Rice	<u>Yes</u>
Mayor Pro Tem Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>



MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Present: **DANNY L. KOLHAGE, CLERK**

D. C. DeSantis
Deputy Clerk

D. Rice
By _____
Mayor David Rice

FILED FOR RECORD
2012 MAY -3 PM 3:16
DANNY L. KOLHAGE
CLERK
MONROE COUNTY, FLORIDA

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
D. J. Gumpley
Date: 4-3-12

MONROE COUNTY
 YEAR 2010
 COMPREHENSIVE PLAN

FUTURE
 LAND USE

- ES/ED/DIRTIL
- Eastern of Connecticut
- Residential Low
- Residential Medium
- Residential High
- CON/EC/EL
- Mixed Use/Commercial
- U-nd U-s/Commercial/Industrial
- OFFICE
- Industrial
- Agriculture
- Institutional
- Education
- Public Buildings/Government
- Public Facilities
- Airport/Airport
- Military
- Recreational
- Conservation

LEGEND

Incorporated District

Political District

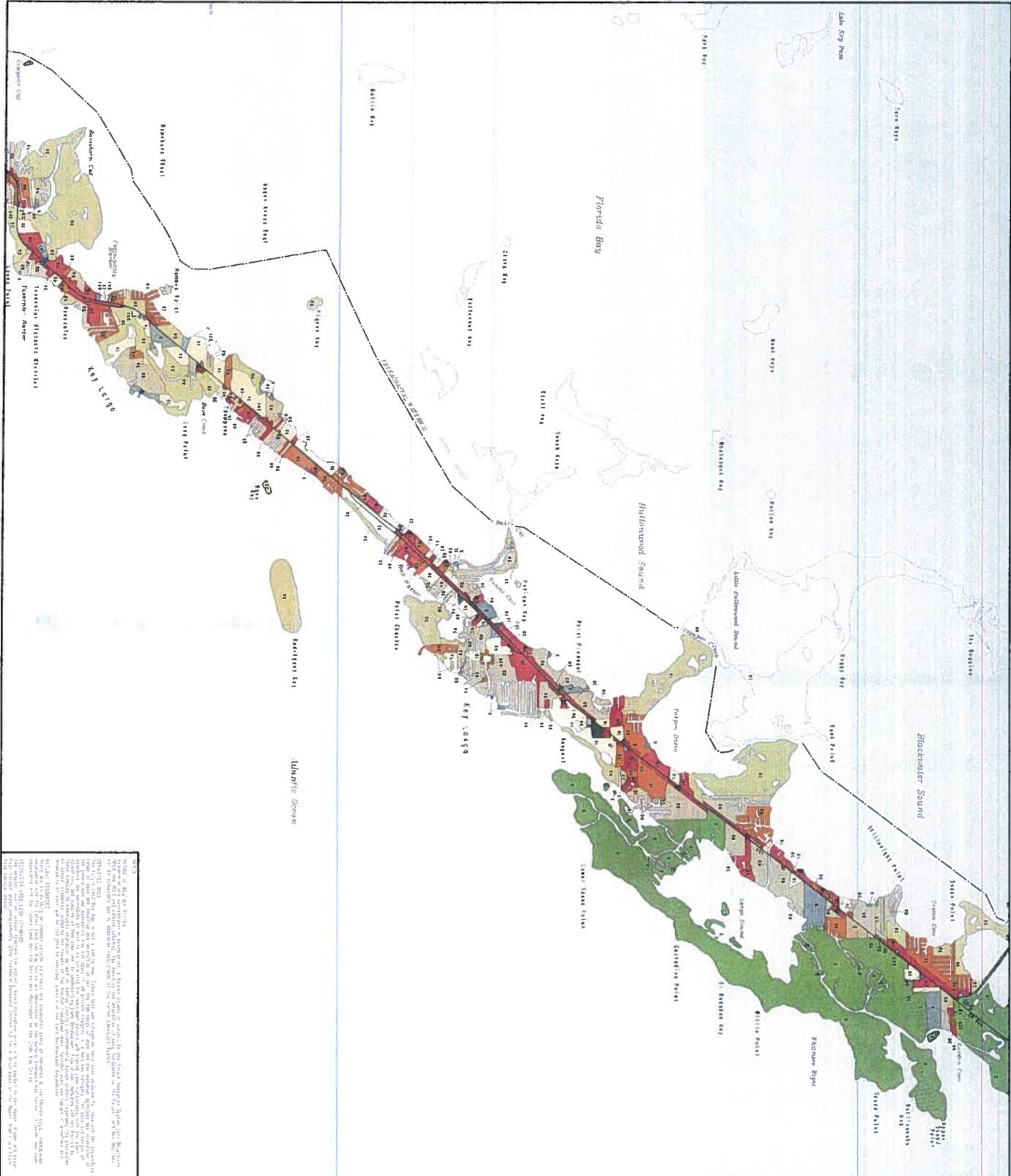
NOTES:

1. In the future, proposed land use, or other changes to the land use plan, shall be subject to the provisions of the Comprehensive Plan, as amended, and the Florida Statewide Comprehensive Land Use Plan, as amended.

SCALE:

1 inch = 1 mile

ADOPTED JAN. 1997



NOTES:

1. In the future, proposed land use, or other changes to the land use plan, shall be subject to the provisions of the Comprehensive Plan, as amended, and the Florida Statewide Comprehensive Land Use Plan, as amended.

2. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

3. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

4. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

5. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

6. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

7. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

8. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

9. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

10. The land use plan is subject to the provisions of the Florida Statewide Comprehensive Land Use Plan, as amended.

MAP 2



5.8 acres
R2

1.6 acres
R2

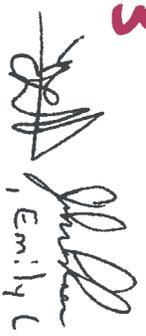
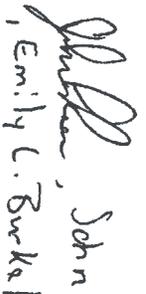
RECEIVED
FEB 26 2013

MONROE CO. PLANNING DEPT

Proposed Conditions

Revised 2-26-13

FILE # 2012-140


John LaRocco

Emily C. Burkhal

File #: **2012-140**

Owner's Name: Paradise Pit, LLC

Applicant: Paradise Pit, LLC

Agent: N/A

Type of Application: FLUM Map Amendment

Key: Key Largo

RE: 00087190-000000
00087100-000500

Additional Information added to File 2012-140

S. 8 acres
RC



1.66 acres
RC

FEB 26 2013

MONROE CO. PLANNING DEPT

Proposed Conditions

Revised 2-26-13

FILE # 2012-140

John LaRocco
John LaRocco, John LaRocco
Emily C. Burkhal

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor David Rice, Dist. 4
Mayor Pro Kim Wigington Tem Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

Date: 10.23.12
Time: _____

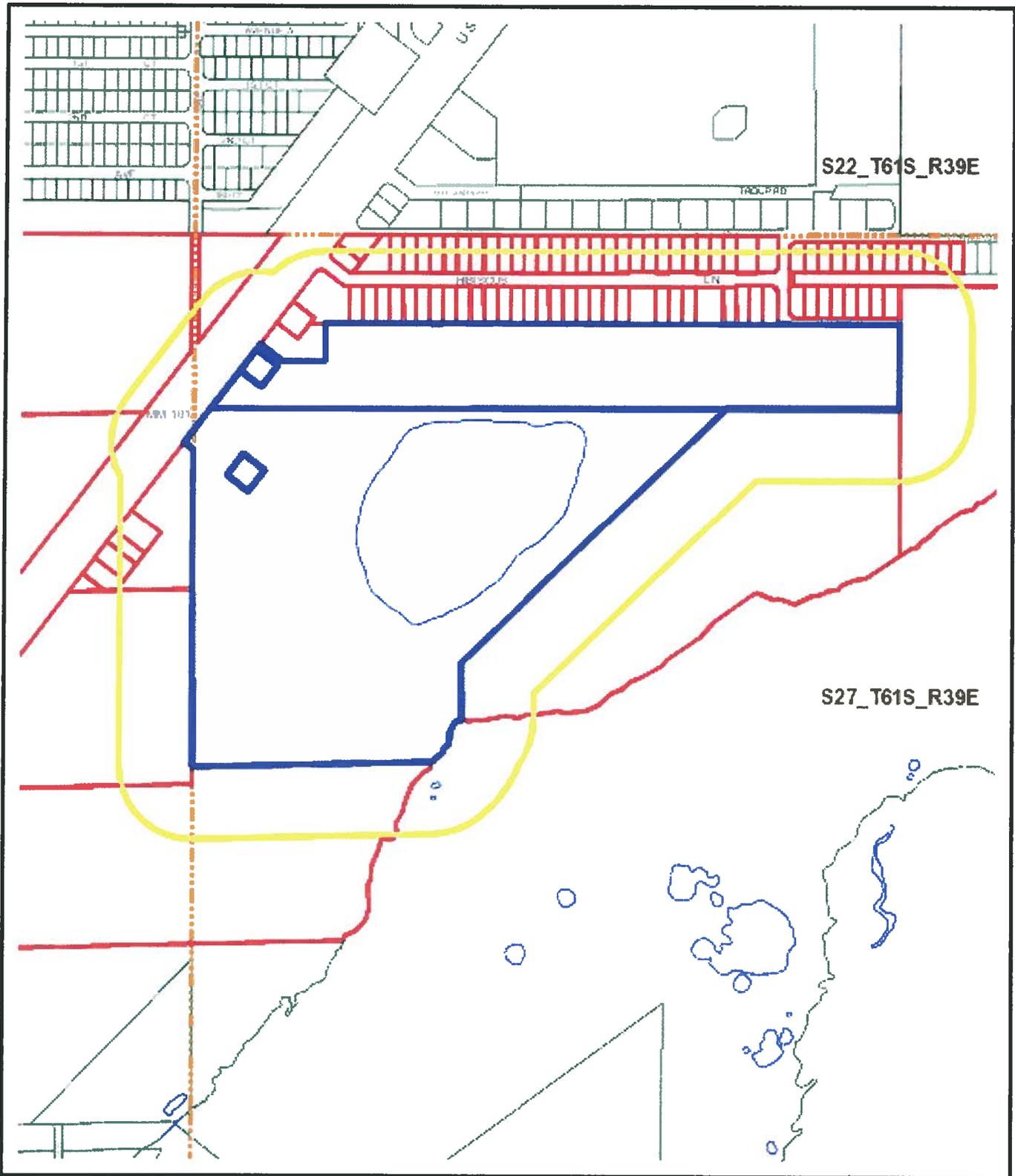
Dear Applicant:

This is to acknowledge submittal of your application for FLUM Map Amendment
Type of application
Paradise Pit LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Gail Creech

Planning Staff



Verified
by G.C.

Monroe County, Florida

MCPA GIS Public Portal

Printed: Oct 24, 2012



DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



"ATALA FARESH MIGUEL"
"103100 OVERSEAS HWY" "APT 52"
"KEY LARGO", "FL" "33037"

"CIVIC PRIDE ORGANIZATION "
"PO BOX 286" ""
"KEY LARGO", "FL" "33037"

"COOK DOROTHY F ESTATE"
"3273 W MONTEREY ST" ""
"CHANDLER", "AZ" "85226-2333"

"ECHOLS CLINTON ESTATE"
"737 SW 10TH ST" ""
"HOMESTEAD", "FL" "33034-5637"

"GILDAMRIC CORP "
"312 S E 17TH ST" "FL 2ND"
"FT LAUDERDALE", "FL" "33316"

"JOHNSON MAURICE AND DORIS T"
"P O BOX 288" ""
"MANCHESTER", "VT" "05254"

"JOHNSON GEORGE AND BEVERLY "
"22 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4545"

"KEY LARGO CHRISTIAN CENTER OF
HIBISCUS "
"PO BOX 3218" ""
"KEY LARGO", "FL" "33037"

"LASTER DAVID D AND MARY I"
"362 RYAN AVE" ""
"KEY LARGO", "FL" "33037"

"MICELLI GEORGE W"
"1652 SCHUTT RD" ""
"BURKEVILLE", "VA" "23922-2437"

"BD OF TRS OF THE IIF OF THE ST OF FL "
"3900 COMMONWEALTH BLVD MAIL
STATION 115" ""
"TALLAHASSEE", "FL" "32399-3000"

"CLARK DORIS L/E"
"P O BOX 64" ""
"KEY LARGO", "FL" "33037"

"CRAWFORD ALBERT JR AND SYCREETA
A"
"1 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4570"

"FOSTER DENNIS W"
"5980 SW 23RD AVE" ""
"FORT LAUDERDALE", "FL" "33312-
6602"

"GROVES CHARLES H "
"9884 NORTHWEST 2ND CT" ""
"PLANTATION", "FL" "33324"

"JOHNSON VERLINE L/E"
"17 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"JOHNSON GEORGINA "
"P O BOX 667" ""
"KEY LARGO", "FL" "33037-0667"

"KEYS COMMERCE CORP "
"9920 SW 84TH ST" ""
"MIAMI", "FL" "33173"

"LUMPKIN MARJORIE L"
"P O BOX 847" ""
"KEY LARGO", "FL" "33037"

"MILLER JOHN"
"1830 NW 188TH TERR" ""
"MIAMI GARDENS", "FL" "33056"

"BD OF TRS OF THE INTERNAL IMP TR FUND
OF "
"3900 COMMONWEALTH BLVD - MAIL STA
115" ""

"TALLAHASSEE", "FL" "32399-3000"
"CLAYTON ROSA LEE"
"PO BOX 370679" ""
"KEY LARGO", "FL" "33037-0679"

"DEIGERT KARL R"
"163 GARDENIA ST" ""
"TAVERNIER", "FL" "33070-2209"

"GASTON GEORGE "
"PO BOX 192" ""
"LUTHERSVILLE", "GA" "30251-0192"

"HOWARD JAMES & HOWARD PATRICK
(T/C) "
"P O BOX 764" ""
"KEY LARGO", "FL" "33037"

"JOHNSON BLANCHE ESTATE"
"PO BOX 343949" ""
"HOMESTEAD", "FL" "33034-0949"

"JOHNSON MARGARET"
"164 BEAVER DAM RD" ""
"LUCEDALE", "MS" "39452"

"LAROCCO ALLISON MARIE"
"PO BOX 372812" ""
"KEY LARGO", "FL" "33037"

"MCKINLEY DEREK"
"P O BOX 1417" ""
"KEY LARGO", "FL" "33037"

"MITCHELL BARBARA ANN"
"999 HAMILTON DR APT A" ""
"HOMESTEAD", "FL" "33034-2667"

Verified by GE

"MITCHELL ENNIS AND ORA LEE"
"PO BOX 286" ""
"KEY LARGO", "FL" "33037"

~~"MITCHELL ENNIS AND ORA LEE"
"BOX 286" ""
"KEY LARGO", "FL" "33037"~~

"MITCHELL ENOCH AND ORA LEE"
"58 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4545"

"MITCHELL ENOCH AND ORA LEE"
"PO BOX 370286" ""
"KEY LARGO", "FL" "33037-0286"

"MITCHELL MICHAEL"
"28 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"MOKHTARI FARAMARZ AND BITA B
H/W"
"12023 DEVILWOOD DR" ""
"POTOMAC", "MD" "20854"

"MONROE COUNTY "
"500 WHITEHEAD STREET" ""
"KEY WEST", "FL" "33040"

"MONROE COUNTY "
"3706 N ROOSEVELT BLVD SUITE 1" ""
"KEY WEST", "FL" "33040"

"MONROE COUNTY FLORIDA "
"1100 SIMONTON ST" ""
"KEY WEST", "FL" "33040"

"MONROE COUNTY HOUSING
AUTHORITY "
"1400 KENNEDY DR" ""
"KEY WEST", "FL" "33040"

"MURRELL PROPERTY MANAGEMENT
LLC"
"8 WILLOW GREEN DR" ""
"COCOA BEACH", "FL" "32931-2017"

"O & E DEVELOPMENT "
"P O BOX 286" ""
"KEY LARGO", "FL" "33037"

"PARADISE PIT LLC "
"743 LARGO RD" ""
"KEY LARGO", "FL" "33037-3014"

"PRICE ESTELLA"
"PO BOX 371916" ""
"KEY LARGO", "FL" "33037-1916"

"REVERSE MORTGAGE SOLUTIONS INC
"
"2727 SPRING CREEK DR" ""
"SPRING", "TX" "77373-6130"

"RILEY ANTHONY W"
"2989 ARMSTRONG DR" ""
"LAKE ORION", "MI" "48360"

"RODRIGUEZ HUMBERTO"
"325 CALUSA ST 388" ""
"KEY LARGO", "FL" "33037-2699"

"S FLORIDA INVESTMENT PROPERTIES
LLC "
"117 W LUCY ST" ""
"HOMESTEAD", "FL" "33034-2240"

"SCOTT DARREN"
"PO BOX 3232" ""
"KEY LARGO", "FL" "33037"

"SCOTT GLENDA JEAN"
"PO BOX 371" ""
"KEY LARGO", "FL" "33037"

"SHADE LEROY"
"PO BOX 370317" ""
"KEY LARGO", "FL" "33037-0317"

"THOMAS LOISE B L/E"
"16 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"TIITF "
"3900 COMMONWEALTH BLVD" ""
"TALLAHASSEE", "FL" "32399-3000"

"TRJ INVESTMENT GROUP LLC "
"5103 ISLEWORTH COUNTRY CLUB DR"
""
"WINDERMERE", "FL" "34786"

"TUCKER VELMA"
"PO BOX 1471" ""
"KEY LARGO", "FL" "33037"

"WEST WILLIE AND IRENE"
"PO BOX 188" ""
"TAVERNIER", "FL" "33070-0188"

"WHITEHEAD ANTHONY LORENCE"
"PO BOX 2991" ""
"KEY LARGO", "FL" "33037"

"WILLIAMS W H AND BARBARA"
"PO BOX 138" ""
"KEY LARGO", "FL" "33037"

"WILLIAMS CLYDE AND DORIS JEAN"
"44 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"WILLIAMS JOHN A AND MARY JANE"
"9 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4570"

~~"WILLIAMS W H & BARBARA "
"P O BOX 138" ""
"KEY LARGO", "FL" "33037"~~

"WILLIAMS W H AND BARBARA
WILLIAMS"
"PO BOX 370138" ""
"KEY LARGO", "FL" "33037-0138"

"WOODS ALMALENE"
"PO BOX 281" ""
"TAVERNIER", "FL" "33070"

"WYNN MARY JEAN"
"70 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4545"

End of Additional File 2012-140

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**



RECEIVED
OCT 22 2012
MONROE CO. PLANNING DEPT

**MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Amendment to Future Land Use Map Application Fee: \$5,531.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Technology Fee: \$20.00

Date 10 / 10 / 12
Month Day Year

Property Owner:

Paradise Pit, LLC

Name

743 Largo Rd, Key Largo, 33037

Mailing Address

305-453-0368

Daytime Phone

larocco743@att.net

Email Address

Agent (if applicable):

Name

Mailing Address

Daytime Phone

Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

See Attached

Block	Lot	Subdivision	Key
00087100-000500 & 00087190-000000		8792468 & 1095761	
Real Estate (RE) Number	Alternate Key Number		
101075 and 101101 Overseas Hwy, Key Largo		MM101	
Street Address	Approximate Mile Marker		

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**

Current Future Land Use Map Designation(s): RL and RC

Proposed Future Land Use Map Designation(s): I, RC and C

Current Land Use District Designation(s): SR and NA

Tier Designation(s): One

Total Land Area Affected in acres: 58.42; I=38.14, RC=19.87, C=.41

Existing Use of the Property (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

I includes 9.71 acres for quarry
Industrial Use; Equipment maintenance/storage as well as material
storage and handling for local excavation and batch concrete company.

In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

- 1) **Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**

- 2) **Changed assumptions (e.g., regarding demographic trends):**

- 3) **Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**

Current light industrial uses of the property were in existence
in 1992 and 1997; final adoption of the LUD map and FLUM deemed
the lawfully existing use as non-conforming.

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**

4) New issues:

Property use is currently legally non-conforming (see correspondence from County dated 9-23-11 and 8-1-12 respectively) A provision in the Key Largo Community Master Plan strives to resolve non-conformities and resolve conflicts and inconsistencies between the FLUM and LUD maps.

5) Recognition of a need for additional detail or comprehensiveness:

6) Data updates:

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the FLUM amendment would not result in an adverse community change (attach additional sheets if necessary):

Current property use has been ongoing since 1972 along with the mining operation which ceased in 1990. FLUM amendment will bring a lawfully nonconforming use into conformity. Industrial zoning is limited to current footprint being used and as used previous. Conservation zoning preserves historical and natural habitat areas.

Has a previous FLUM application been submitted for this site within the past two years?

Yes _____ Date: _____
No xx

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

- Complete Future Land Use Map (FLUM) amendment application (unaltered and unbound); and
- Correct fee (check or money order to Monroe County Planning & Environmental Resources); and
- Proof of ownership (i.e. Warranty Deed); and
- Current Property Record Card(s) from the Monroe County Property Appraiser; and
- Location map from Monroe County Property Appraiser; and
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Copy of Current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- Photograph(s) of site from adjacent roadway(s);

**REQUEST FOR FUTURE LAND USE MAP (FLUM)
AMENDMENT APPLICATION**

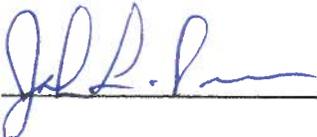
- 300 foot radius map from Monroe County Property Appraiser Office**
- List of surrounding property owners from 300 foot radius map**
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included, and**
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat).**

If applicable, the following must be submitted in order to have a complete application submittal:

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)**
- Any other Monroe County documents including Letters of Understanding pertaining to the proposed Future Land Use Map amendment**

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant:  Date: 10.19.12

Sworn before me this 19 day of October 2012



Notary Public
My Commission Expires
Aaron L. Burkel
COMMISSION #EE 032211
EXPIRES: NOV. 19, 2014
WWW.AARONNOTARY.COM

Please send or deliver the complete application package to:
Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050.

**LEGAL DESCRIPTION OF PROPERTY FOR FUTURE LAND USE MAP(FLUM)
AMENDMENT APPLICATION**

Alternate Key: 8792468 Parcel ID: 00087100-000500

27 61 39 ISLAND OF KEY LARGO PT NW ¼ & PT GOVT LOT 2 (BEING USED AS A BORROW PIT)
OR829-725 OR959-1116 OR1000-712/14 OR1131-156/58 OR1110-313TD OR1142-555/56QC
OR1175-1779/80 RE 87100-000300 COMBINED PER OWNER REQ 9-3-99 OR1802-326/27

Alternate Key: 1095761 Parcel ID: 000871900-000000

27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR41-282/83 OR56-491-493 OR190-257-260 OR403-
755/58 OR1287-991/93 OR1288-889/91 OR2577-1632/34 OR2577-1635/38 OR2577-1650/53

10.50
3150.00

Prepared by and return to:

John P. Maas, Attorney at Law
44 N.E. 16th Street
Homestead, FL 33030

File Number: 10581-02

Parcel Identification No. 8792468

MONROE COUNTY
OFFICIAL RECORDS

FILE #1313588
BK#1802 PG#326

RCD Jul 25 2002 10:45AM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 3150.00
07/25/2002 PA DEP CLK

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 22nd day of July, 2002 between Keystone Products, Inc, a Florida corporation whose post office address is 1414 N.W. 3 Avenue, Florida City, FL 33034 of the County of Miami-Dade, State of Florida, grantor*, and Paradise Pit, LLC, a Florida limited liability company whose post office address is 743 Largo Road, Key Largo, FL 33037 of the County of Monroe, State of Florida, grantee*.

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Miami-Dade County, Florida**, to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to taxes for 2002 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

John P. Maas
Witness Name: JOHN P. MAAS
Annette Chen
Witness Name: ANNETTE CHEN

Keystone Products, Inc
a Florida corporation
By: *Peter J. Santi*
Peter J. Santi
President

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 22nd day of July, 2002 by Peter J. Santi, President of Keystone Products, Inc, a Florida corporation, on behalf of the corporation. He/she [] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]



John P. Maas
Notary Public
Printed Name: JOHN P. MAAS
My Commission Expires: _____

Exhibit A

FILE #1313588
BK#1802 PG#327

A parcel of land located in Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

Commence at the NE 1/4 of the NW 1/4 of Section 27; thence along the North line of said NW 1/4 S 89° 51' 34" W (Bearings refer to Florida D.O.T. R/W Plans Section 90060-2516 Sheet 23 of 34) 2083.76 feet to a point of intersection with the Southeasterly R/W of Old State Road 4A; thence along said R/W line S 37° 22' 34" W - 832.00 feet to a point, said point also being a corner common to lands of James H. Noel and Assad Baraket, Jr., et.al., as shown on the map of survey prepared by Frank H. Uherek, registered Surveyor No. 2401, dated February 9, 1974; said point also being the POINT OF BEGINNING of the following described parcel of land; thence leaving said right of way line run along the division line between Noel and Baraket N 89° 51' 34" E - 1975.00 feet, thence S 48° 05' 27" W - 1350.00 feet; thence S 0° 08' 26" for a distance of 210 feet, more or less to the shoreline of the Atlantic Ocean; thence meander along the shoreline of the Atlantic Ocean Southwesterly a distance of 190.00 feet, more or less to a point; thence S 89° 10' 20" W for a distance of 966.00 feet more or less to a point of intersection with the West line of Section 27; thence run N 0° 05' 34" E - 1181.06 feet; thence N 52° 37' 26" W for a distance of 43.63 feet to a point of intersection with the said Southeasterly Right of Way line of Old State Road 4A; thence along said Right of Way line N 37° 22' 34" E - 140.90 feet to the POINT OF BEGINNING.

Excepting the following described parcel:

The lands of Kathaleen Dean, as recorded in the Monroe County Clerk's Office in Official Records Book 18, at Pages 468 and 469 as follows:

Commence at the Point of Intersection of the Southeasterly boundary of Old State Road 4A with the Westerly boundary of Section 27, Township 61 South, Range 38 East; thence N 37° 22' 34" E (Bearings refer to Florida D.O.T. R/W PLANS Section 90060-2516 Sheet 23 of 34) - 45.37 feet; thence at right angles to Old State Road 4A S 52° 37' 26" E - 200.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S 52° 37' 26" E - 100.00 feet; thence S 37° 22' 34" W - 100.00 feet; thence N 52° 37' 26" W - 100.00 feet; thence N 37° 22' 34" E - 100.00 feet to the POINT OF BEGINNING; together with an Easement 15 feet in width for ingress and egress along the Northerly boundary of said property extending from the Southeasterly boundary of Old State Road 4A. All of the above described land containing 40.83 acres, more or less, lying and being in Monroe County, Florida.

Parcel Identification Number: 8792468

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1889578 06/28/2012 9:37AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Document Prepared By and Return to:
Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

06/28/2012 9:37AM
DEED DOC STAMP CL: RE \$2,800.00

Doc# 1889578
Bkn 2577 Pgn 1650

Parcel ID Number: 00087190-000000&00087200-000000

Warranty Deed

This Indenture, Made this 22nd day of June, 2012 A.D., Between
Raymond Barkett, a married man, Thomas Barkett, Jr., a single man, Ronald A. Barkett, a
single man and Richard W. Barkett, a married man
of the County of Broward, State of Florida, grantors, and
Paradise PIt, L.L.C., a Florida limited liability company

whose address is: 743 Largo Road, Key Largo, FL 33037

of the County of Monroe, State of Florida, grantee.
Witnesseth that the GRANTORS, for and in consideration of the sum of

DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Monroe, State of Florida to wit:

See Legal Description attached hereto as Exhibit "A"

Subject to restrictions, reservations and easements of record, if any, and taxes
subsequent to December 31, 2011.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the
Grantors. The HOMESTEAD address each Grantor is as follows: As to Raymond Barkett,
561 S. Lake Dasha Dr., Plantation, FL 33324; as to Thomas Barkett, Jr., 2000 SW 4th
Ave., Miami, FL 33129; as to Ronald A. Barkett, 4140 Bugleview Way E., Tallahassee, FL
32311; as to Richard W. Barkett, 9710 Sea Turtle Dr., Plantation, FL 33324.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

Warranty Deed - Page 2

Parcel ID Number: **00087190-0000008.00087200-000000**

Doc# 1888578
Bk# 2577 Pgt# 1651

In Witness Whereof, the grantors have hereunto set his hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

David Hasselbeck
Printed Name: David Hasselbeck
Witness as to all

Cameron W. Petrie
Printed Name: Cameron W. Petrie
Witness as to all

Raymond Barkett
Raymond Barkett (Seal)
P.O. Address: 561 S. Lake Dasha Dr., Plantation, FL 33324

Thomas Barkett Jr.
Thomas Barkett, Jr. (Seal)
P.O. Address: 3000 SW 4th Ave., Miami, FL 33129

Ronald A. Barkett
Ronald A. Barkett (Seal)
P.O. Address: 4140 Bogleview Way E., Tallahassee, FL 32311

R. W. Barkett
Richard W. Barkett (Seal)
P.O. Address: 9710 Sea Turtle Dr., Plantation, FL 33324

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 15th day of June, 2012 by **Raymond Barkett, Thomas Barkett, Jr., Ronald A. Barkett and Richard W. Barkett**

who are personally known to me or who have produced **Florida driver's license** as identification.

Janet M. Golding
Printed Name: JANET M. GOLDING
Notary Public
My Commission Expires: Oct 8, 2013

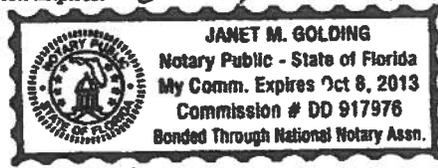


EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 1

All of the North 645 feet of the North Half (N1/2) of the Northwest Quarter (NW 1/4) of Section 27, Township 61 South, Range 39 East, lying East of the right-of-way of the Florida East Coast Railroad and U.S. Highway No. 1.

EXCEPT THE FOLLOWING:

Commencing at the Northwest corner of Section 27, Township 62 South, Range 39 East, run East 2640 feet, more or less to the waters of the Atlantic Ocean; thence South 330 feet; thence West 2640 feet more or less to the west line of said Section 27; thence North 330 feet to the point of beginning, excepting, however, that part of said description lying west of the right of way of U.S. Highway No. 1.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of Section 27, Township 61 South, Range 39 East and the South Easterly side of Old Highway (which side is 116 feet measured at right angles from the center of the Overseas Highway) run Southwesterly on said Southeasterly side of Old Highway, a distance of 311.54 feet to the point of beginning of the Tract hereinafter described; thence continuing Southwesterly on last described course, a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of said Section 27-61-39 and the Southeasterly side of the Old Highway (which side is 116 ft., measured at right angles from the center line of the Overseas Highway) run Southwesterly on said Southeasterly side of the Old Highway a distance of 416 ft., to the point of beginning of the tract hereinafter described: thence continue Southwesterly on last described course a distance of 95.54 ft.; thence at right angles and Southeasterly a distance of 100 ft.; thence East parallel to the North line of the NW 1/4 of said Sec. 27 a distance of 160 ft.; thence North at right angles to the North line of NW 1/4 of Sec. 27 to the North line of the South 315 ft., of the North 645 ft., of the NW 1/4 of Sec. 27; thence West to the Easterly line of the Clarence Alexander tract; thence Southwesterly along the Southeasterly side of the Clarence Alexander tract a distance of 72.3 ft.; thence Northwesterly along the Southwesterly side of the Clarence Alexander tract a distance of 94.19 ft., thence West a distance of 7.32 ft., to the point of beginning.

(Continued on Attached)

Doc# 1889578
Bk# 2577 Pg# 1853

PARCEL 2

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the North line of said Section 27-61-29 and the Southeasterly side of the old highway (which side is 116 feet, measured at right angles from the center of the Overseas Highway), thence run Southwesterly on the said Southeasterly side of the old highway a distance of 535.39 feet to the point of beginning of the tract hereinafter described; thence continue Southwesterly on last described course a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

**MONROE COUNTY
OFFICIAL RECORDS**

This Document Prepared By and Return to:
Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

06/29/2012 9:37AM
DEED DOC STAMP CL: RE \$0.70

Deed 1889568
Bk# 2577 Pg# 1632

Parcel ID Number: 00087190-000000&00087200-000000

Warranty Deed

This Indenture, Made this 22nd day of June, 2012 A.D., Between
Thomas Barkett, Jr., as Trustee of the Thomas Barkett Revocable Trust u/a dated March 29, 1990.

of the County of **Miami-Dade**, State of **Florida**, grantor, and
Paradise Pit, LLC, a Florida limited liability company

whose address is: **743 Largo Road, Key Largo, FL 33037**

of the County of **Monroe**, State of **Florida**, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----**TEN DOLLARS (\$10)**----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of **Monroe** State of **Florida** to wit:

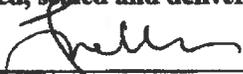
See Legal Description attached hereto as Exhibit "A"

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to December 31, 2011.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



Printed Name: Joe Miklas
Witness



Thomas Barkett, Jr., Trustee (Seal)
P.O. Address: 2000 SW 4th Ave., Miami, FL 33129

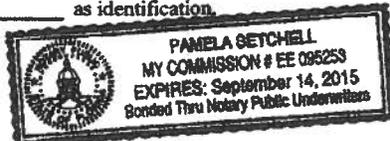


Printed Name: Pamela Setchell
Witness

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 22 day of **June**, 2012 by
Thomas Barkett, Jr., Trustee

who is personally known to me or who has produced Florida Driver License
_____ as identification.





Printed Name: Pamela Setchell
Notary Public
My Commission Expires:

EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 1

All of the North 645 feet of the North Half (N1/2) of the Northwest Quarter (NW 1/4) of Section 27, Township 61 South, Range 39 East, lying East of the right-of-way of the Florida East Coast Railroad and U.S. Highway No. 1.

EXCEPT THE FOLLOWING:

Commencing at the Northwest corner of Section 27, Township 62 South, Range 39 East, run East 2640 feet, more or less to the waters of the Atlantic Ocean; thence South 330 feet; thence West 2640 feet more or less to the west line of said Section 27; thence North 330 feet to the point of beginning, excepting, however, that part of said description lying west of the right of way of U.S. Highway No. 1.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of Section 27, Township 61 South, Range 39 East and the South Easterly side of Old Highway (which side is 116 feet measured at right angles from the center of the Overseas Highway) run Southwesterly on said Southeasterly side of Old Highway, a distance of 311.54 feet to the point of beginning of the Tract hereinafter described; thence continuing Southwesterly on last described course, a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of said Section 27-61-39 and the Southeasterly side of the Old Highway (which side is 116 ft., measured at right angles from the center line of the Overseas Highway) run Southwesterly on said Southeasterly side of the Old Highway a distance of 416 ft., to the point of beginning of the tract hereinafter described: thence continue Southwesterly on last described course a distance of 95.54 ft.; thence at right angles and Southeasterly a distance of 100 ft.; thence East parallel to the North line of the NW 1/4 of said Sec. 27 a distance of 160 ft.; thence North at right angles to the North line of NW 1/4 of Sec. 27 to the North line of the South 315 ft., of the North 645 ft., of the NW 1/4 of Sec. 27; thence West to the Easterly line of the Clarence Alexander tract; thence Southwesterly along the Southeasterly side of the Clarence Alexander tract a distance of 72.3 ft.; thence Northwesterly along the Southwesterly side of the Clarence Alexander tract a distance of 94.19 ft., thence West a distance of 7.32 ft., to the point of beginning.

(Continued on Attached)

TB

Doc# 1889368
Bk# 2577 Pg# 1834

PARCEL 2

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the North line of said Section 27-61-29 and the Southeasterly side of the old highway (which side is 116 feet, measured at right angles from the center of the Overseas Highway), thence run Southwesterly on the said Southeasterly side of the old highway a distance of 535.39 feet to the point of beginning of the tract hereinafter described; thence continue Southwesterly on last described course a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

**MONROE COUNTY
OFFICIAL RECORDS**

TB

Doc# 1889569 06/29/2012 9:37AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

QBE
R3
CSD
MB

This Document Prepared By and Return to:

Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

06/29/2012 9:37AM
DEED DOC STAMP CL: RE \$0.70

Doc# 1889569
Bk# 2577 P# 1635

Parcel ID Number: 00087190-000000&00087200-000000

Warranty Deed

This Indenture, Made this 15th day of June, 2012 A.D., Between
Irma Barkett Elder, a single woman, Carmen Barkett Doumar, a single woman, Minerva
Barkett, a single woman and Rosemary Barkett, a single woman
of the County of Miami-Dade, State of Florida, grantors, and
Paradise Pft, LLC, a Florida limited liability company

whose address is: 743 Largo Road, Key Largo, FL 33037

of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Monroe, State of Florida to wit:

See Legal Description attached hereto as Exhibit "A"

Subject to restrictions, reservations and easements of record, if any, and taxes
subsequent to December 31, 2012.

Warranty Deed - Page 2

QBE
B
GSP
MB

Parcel ID Number: 00087190-000000&00087200-000000

Doc# 1889589
Bk# 2577 Pg# 1636

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Jennifer Thuma
Printed Name: Jennifer Thuma
Witness as to Irma Barkett Elder only

Cheryl L. Connell
Printed Name: CHERYL L. CONNELL
Witness as to Irma Barkett Elder only

Jose Quinones
Printed Name: Jose Quinones
Witness as to balance of grantors

Nelida Estrada
Printed Name: NELIDA ESTRADA
Witness as to balance of grantors

Irma Barkett Elder (Seal)
Irma Barkett Elder
P.O. Address: 560 Pineway Circle, Bloomfield Hills, MI 48302

Carmen Barkett Doumar (Seal)
Carmen Barkett Doumar
P.O. Address: 1160 N. Federal Highway #318
Fort Lauderdale, FL 333304

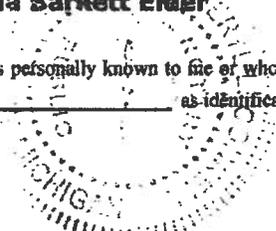
Minerva Barkett (Seal)
Minerva Barkett
P.O. Address: 17860 SW 288th St., Homestead, FL 33030

Rosemary Barkett (Seal)
Rosemary Barkett
P.O. Address: 99 NE 4th St., Suite 1228, Miami, FL 33132

STATE OF Michigan
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 15th day of June, 2012 by Irma Barkett Elder

who is personally known to me or who has produced _____ as identification.



Cheryl L. Connell
Printed Name: CHERYL L. CONNELL
Notary Public
My Commission Expires: _____

STATE OF Florida
COUNTY OF _____

The foregoing instrument was acknowledged before me this 15th day of June, 2012 by Carmen Barkett Doumar, Minerva Barkett and Rosemary Barkett

who are personally known to me or who have produced _____ as identification.



Nelida Estrada
Printed Name: _____
Notary Public
My Commission Expires: _____

NELIDA ESTRADA
2920 S. DIXIE HWY.
HOMESTEAD, FL 33033
305-2-07513

JBE
C.D.
MB

Doc# 188869
Bkn 2577 Pgn 1637

EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 1

All of the North 645 feet of the North Half (N1/2) of the Northwest Quarter (NW 1/4) of Section 27, Township 61 South, Range 39 East, lying East of the right-of-way of the Florida East Coast Railroad and U.S. Highway No. 1.

EXCEPT THE FOLLOWING:

Commencing at the Northwest corner of Section 27, Township 62 South, Range 39 East, run East 2640 feet, more or less to the waters of the Atlantic Ocean; thence South 330 feet; thence West 2640 feet more or less to the west line of said Section 27; thence North 330 feet to the point of beginning, excepting, however, that part of said description lying west of the right of way of U.S. Highway No. 1.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of Section 27, Township 61 South, Range 39 East and the South Easterly side of Old Highway (which side is 116 feet measured at right angles from the center of the Overseas Highway) run Southwesterly on said Southeasterly side of Old Highway, a distance of 311.54 feet to the point of beginning of the Tract hereinafter described; thence continuing Southwesterly on last described course, a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of said Section 27-61-39 and the Southeasterly side of the Old Highway (which side is 116 ft., measured at right angles from the center line of the Overseas Highway) run Southwesterly on said Southeasterly side of the Old Highway a distance of 416 ft., to the point of beginning of the tract hereinafter described: thence continue Southwesterly on last described course a distance of 95.54 ft.; thence at right angles and Southeasterly a distance of 100 ft.; thence East parallel to the North line of the NW 1/4 of said Sec. 27 a distance of 160 ft.; thence North at right angles to the North line of NW 1/4 of Sec. 27 to the North line of the South 315 ft., of the North 645 ft., of the NW 1/4 of Sec. 27; thence West to the Easterly line of the Clarence Alexander tract; thence Southwesterly along the Southeasterly side of the Clarence Alexander tract a distance of 72.3 ft.; thence Northwesterly along the Southwesterly side of the Clarence Alexander tract a distance of 94.19 ft., thence West a distance of 7.32 ft., to the point of beginning.

(Continued on Attached)

JBE
AB
CDD
MB

Doc# 1889569
Bk# 2577 Pg# 1638

PARCEL 2

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the North line of said Section 27-61-29 and the Southeasterly side of the old highway (which side is 116 feet, measured at right angles from the center of the Overseas Highway), thence run Southwesterly on the said Southeasterly side of the old highway a distance of 535.39 feet to the point of beginning of the tract hereinafter described; thence continue Southwesterly on last described course a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

**MONROE COUNTY
OFFICIAL RECORDS**



Karl D. Borglum Property Appraiser Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card - Map portion under construction.

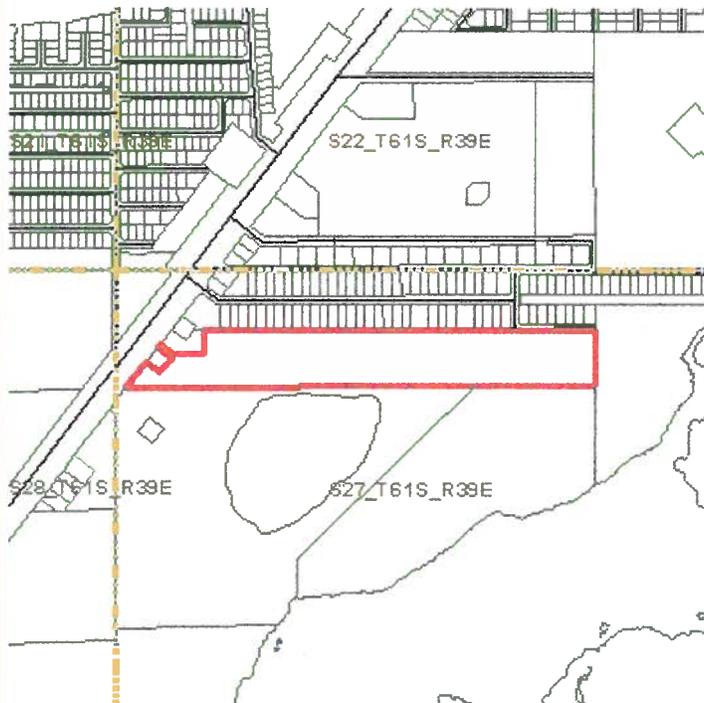
Alternate Key: 1095761 Parcel ID: 00087190-000000

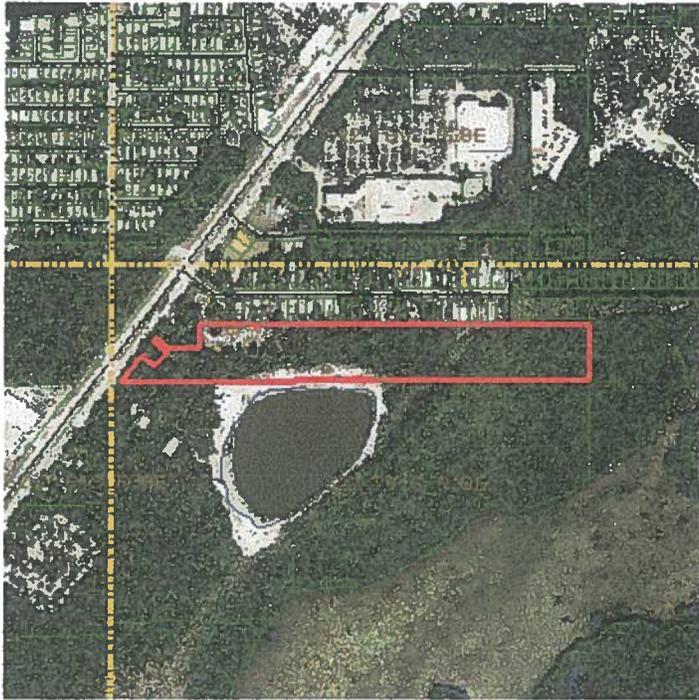
Ownership Details

Mailing Address:
PARADISE PIT LLC
743 LARGO RD
KEY LARGO, FL 33037-3014

Property Details

PC Code: 99 - NON AG ACREAGE 5 AC OR MORE
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 27-61-39
Property Location: 101101 OVERSEAS HWY KEY LARGO
Legal Description: 27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR41-282/83 OR56-491-493 OR190-257-260 OR403-755/58 OR1287-991/93 OR1288-889/91 OR2577-1632/34 OR2577-1635/38 OR2577-1650/53





Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
00HH - HARDWOOD HAMMOCK	0	0	9.23 AC
000T - TRANSITIONAL LANDS	0	0	2.89 AC
000X - ENVIRONMENTALLY SENS	0	0	4.23 AC

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	CL2:CH LINK FENCE	8,400 SF	1,400	6	2011	2012	3	30
0	CL2:CH LINK FENCE	120 SF	20	6	2011	2012	3	30

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	11300592	02/16/2011	06/24/2011	1	FENCE	

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	0	18,318	26,938	45,256	45,256	0	45,256
2011	0	0	26,938	26,938	26,938	0	26,938

2006	0	0	85,805	85,805	85,805	0	85,805
2005	0	0	85,805	85,805	85,805	0	85,805
2004	0	0	85,805	85,805	85,805	0	85,805
2003	0	0	85,805	85,805	85,805	0	85,805
2002	0	0	85,805	85,805	85,805	0	85,805
2001	0	0	85,805	85,805	85,805	0	85,805
2000	0	0	85,805	85,805	85,805	0	85,805
1999	0	0	85,805	85,805	85,805	0	85,805
1998	0	0	85,805	85,805	85,805	0	85,805
1997	0	0	85,805	85,805	85,805	0	85,805
1996	0	0	85,805	85,805	85,805	0	85,805
1995	0	0	85,805	85,805	85,805	0	85,805
1994	0	0	85,805	85,805	85,805	0	85,805
1993	0	0	85,805	85,805	85,805	0	85,805
1992	0	0	85,805	85,805	85,805	0	85,805
1991	0	0	85,805	85,805	85,805	0	85,805
1990	0	0	85,805	85,805	85,805	0	85,805
1989	0	0	85,805	85,805	85,805	0	85,805
1988	0	0	85,805	85,805	85,805	0	85,805
1987	0	0	115,497	115,497	115,497	0	115,497
1986	0	0	118,780	118,780	118,780	0	118,780
1985	0	0	118,780	118,780	118,780	0	118,780
1984	0	0	118,780	118,780	118,780	0	118,780
1983	0	0	118,780	118,780	118,780	0	118,780
1982	0	0	118,780	118,780	118,780	19,600	99,180

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
6/22/2012	2577 / 1632	0	<u>WD</u>	<u>11</u>
6/15/2012	2577 / 1650	400,000	<u>WD</u>	<u>05</u>
6/15/2012	2577 / 1635	100	<u>WD</u>	<u>11</u>

This page has been visited 111,992 times.

2010	0	0	34,322	34,322	34,322	0	34,322
2009	0	0	51,483	51,483	51,483	0	51,483
2008	0	0	51,483	51,483	51,483	0	51,483
2007	0	0	85.805	85.805	85.805	0	85.805

Karl D. Borglum Property Appraiser Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card - Map portion under construction.

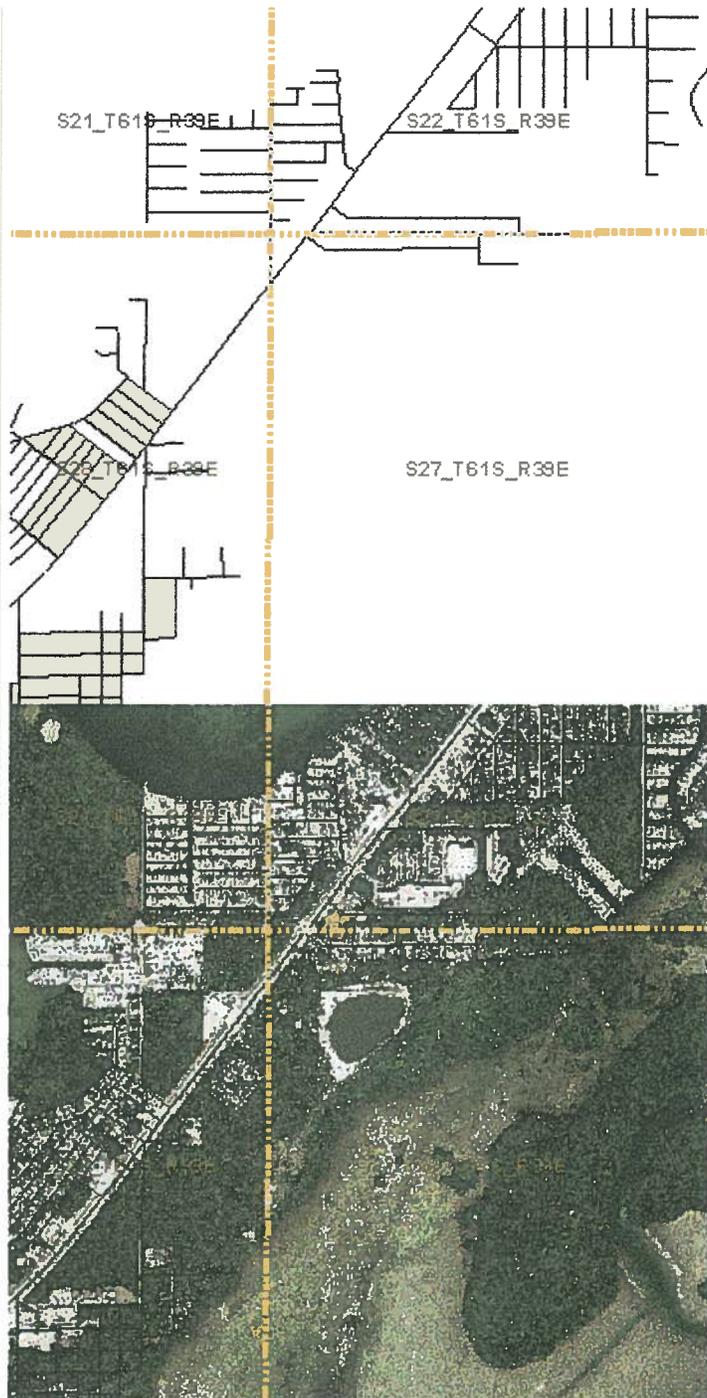
Alternate Key: 8792468 Parcel ID: 00087100-000500

Ownership Details

Mailing Address:
PARADISE PIT LLC
743 LARGO RD
KEY LARGO, FL 33037

Property Details

PC Code: 95 - SUBMERGED LANDS
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 27-61-39
Property Location: 101075 OVERSEAS HWY KEY LARGO
Legal Description: 27 61 39 ISLAND OF KEY LARGO PT NW 1/4 & PT GOVT LOT 2 (BEING USED AS A BORROW PIT) OR829-725 OR959-1116 OR1000-712/14 OR1131-156/58 OR1110-313TD OR1142-555/56QC OR1175-1779/80 RE 87100-000300 COMBINED PER OWNER REQ 9-3-99 OR1802-326/27



Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
000X - ENVIRONMENTALLY SENS	0	0	21.52 AC
000T - TRANSITIONAL LANDS	0	0	8.85 AC
000T - TRANSITIONAL LANDS	0	0	1.35 AC
000X - ENVIRONMENTALLY SENS	0	0	5.57 AC
000X - ENVIRONMENTALLY SENS	0	0	2.82 AC
000X - ENVIRONMENTALLY SENS	0	0	1.96 AC

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	CL2:CH LINK FENCE	6,600 SF	1,100	6	2005	2006	1	30
2	CL2:CH LINK FENCE	500 SF	100	5	2005	2006	1	30
3	CL2:CH LINK FENCE	1,068 SF	178	6	2010	2011	3	30

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	10301202	04/28/2010	09/03/2010	1	FENCE	

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	0	12,167	4,539	16,706	16,706	0	16,706
2011	0	12,609	4,539	17,148	17,148	0	17,148
2010	0	10,810	167,733	178,543	178,543	0	178,543
2009	0	11,183	306,322	317,505	317,505	0	317,505
2008	0	11,556	635,908	647,464	647,464	0	647,464
2007	0	10,744	1,059,846	1,070,590	1,070,590	0	1,070,590
2006	0	11,076	1,059,846	1,070,922	1,070,922	0	1,070,922
2005	0	0	413,118	413,118	413,118	0	413,118
2004	0	0	413,118	413,118	413,118	0	413,118
2003	0	0	413,118	413,118	413,118	0	413,118
2002	0	0	413,118	413,118	413,118	0	413,118
2001	0	0	413,118	413,118	413,118	0	413,118
2000	0	0	761,788	761,788	761,788	0	761,788
1999	0	0	761,788	761,788	761,788	0	761,788
1998	0	0	760,887	760,887	760,887	0	760,887
1997	0	0	760,887	760,887	760,887	0	760,887
1996	0	0	760,887	760,887	760,887	0	760,887
1995	0	0	760,887	760,887	760,887	0	760,887
1994	0	0	760,887	760,887	760,887	0	760,887
1993	0	0	760,887	760,887	760,887	0	760,887
1992	0	0	760,887	760,887	760,887	0	760,887
1991	0	0	310,787	310,787	310,787	0	310,787

Parcel Sales History

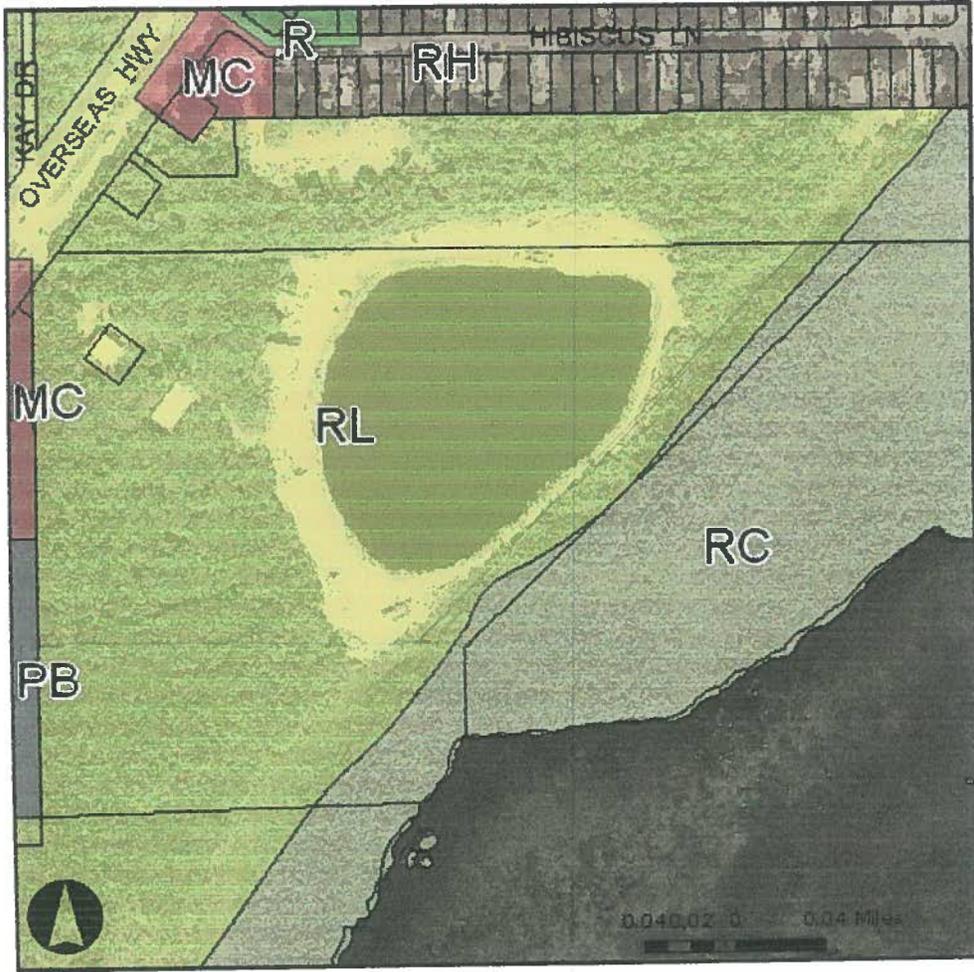
NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
7/22/2002	1802 / 326	450,000	<u>WD</u>	<u>Q</u>
6/1/1991	1175 / 1779	950,000	<u>WD</u>	<u>M</u>

This page has been visited 111,993 times.

Monroe County Property Appraiser
Karl D. Borglum
P.O. Box 1176
Key West, FL 33041-1176

Map



MileMarker



Roads

Parcels



Future Land Use Map (FLUM)

- A - Agriculture
- AD - Airport District
- C - Conservation

Future Land Use Map (FLUM) (continued)

- E - Education
- I - Industrial
- INS - Institutional
- M - Military
- MC - Mixed Use/Commercial
- MCF - Mixed Use/Commercial
- Fishing**
- MN - Mainland Native
- PB - Public Buildings/Grounds
- PF - Public Facilities

Future Land Use Map (FLUM) (continued)

- R - Recreation
- RC - Residential Conservation
- RH - Residential High
- RL - Residential Low
- RM - Residential Medium
- UNDS -Undesignated

2009 Orthophotography

- Red: Band_1
- Green: Band_2
- Blue: Band_3

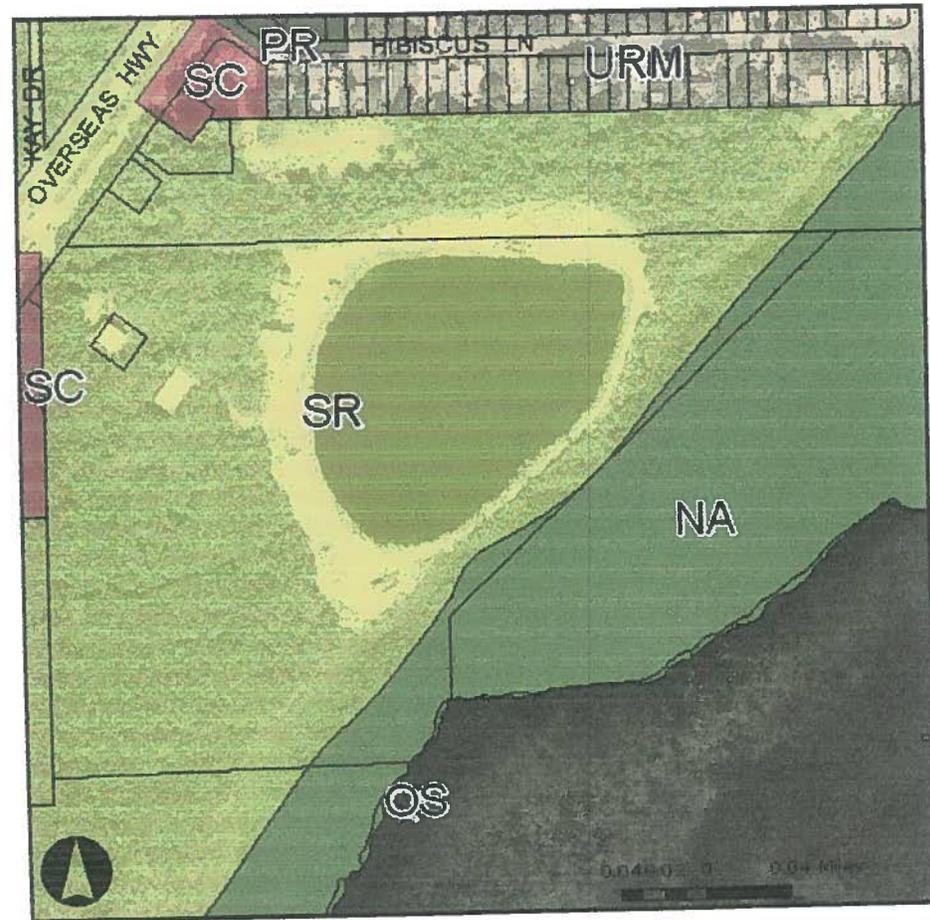
Web Map Application - Disclaimer

This web map application is for Monroe County Growth Management Division Purposes only. The data contained herein is illustrative and may not accurately depict boundaries, parcels, roads, right of ways, or identification information. These maps are to serve as a general reference and information contained herein should always be checked and confirmed by Growth Management Division staff before commencing any decisions based on this information.

MonroeCountySDE_Environmental_Layout_public
 FEMA (Flood Zone): Federal Emergency Management Agency

Map

Map



MileMarker



Roads



Parcels

Zoning

- Airport
- Area of County Critical Concern
- Commercial Fish Areas
- Commercial Fishing Special District
- Commercial Fishing Village
- Conservation District

Zoning (continued)

- Destination Resort
- Incorporated
- Industrial
- Improved Subdivision - /Duplex/Masonry
- Maritime Industries
- Military Facilities
- Mainland Native
- Mixed Use
- Native Area
- Offshore Island
- Park and Refuge
- Resolution 277-1986

Zoning (continued)

- Research Park
- Recreational Vehicle
- Sparsely Settled
- Suburban Commercial
- Suburban Residential -/Limited
- Urban Commercial
- Urban Residential
- Urban Residential Mobile Home
- Urban Residential Mobile Home Limited

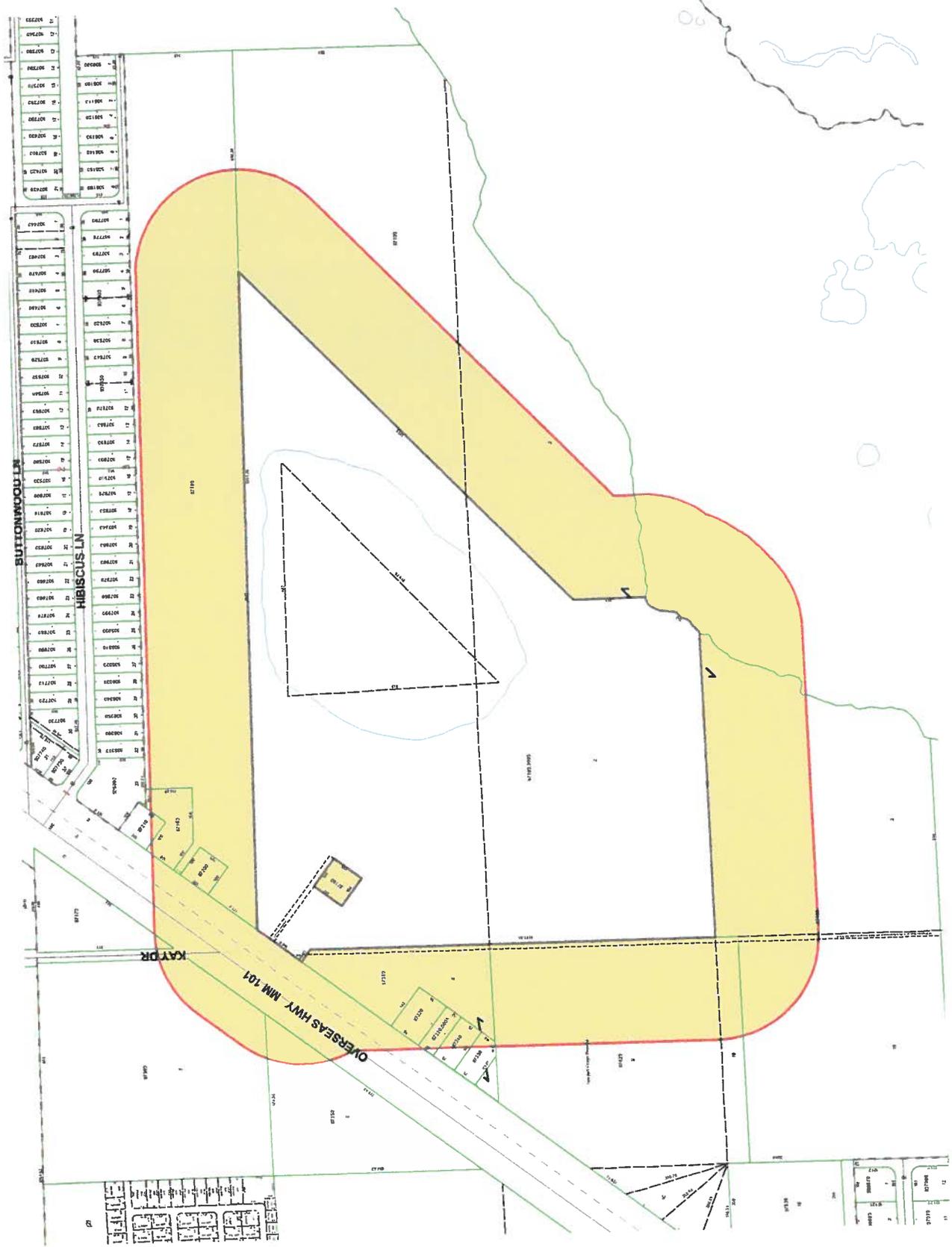
2009 Orthophotography

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Web Map Application - Disclaimer

This web map application is for Monroe County Growth Management Division Purposes only. The data contained herein is illustrative and may not accurately depict boundaries, parcels, roads, right of ways, or identification information. These maps are to serve as a general reference and information contained herein should always be checked and confirmed by Growth Management Division staff before commencing any decisions based on this information.

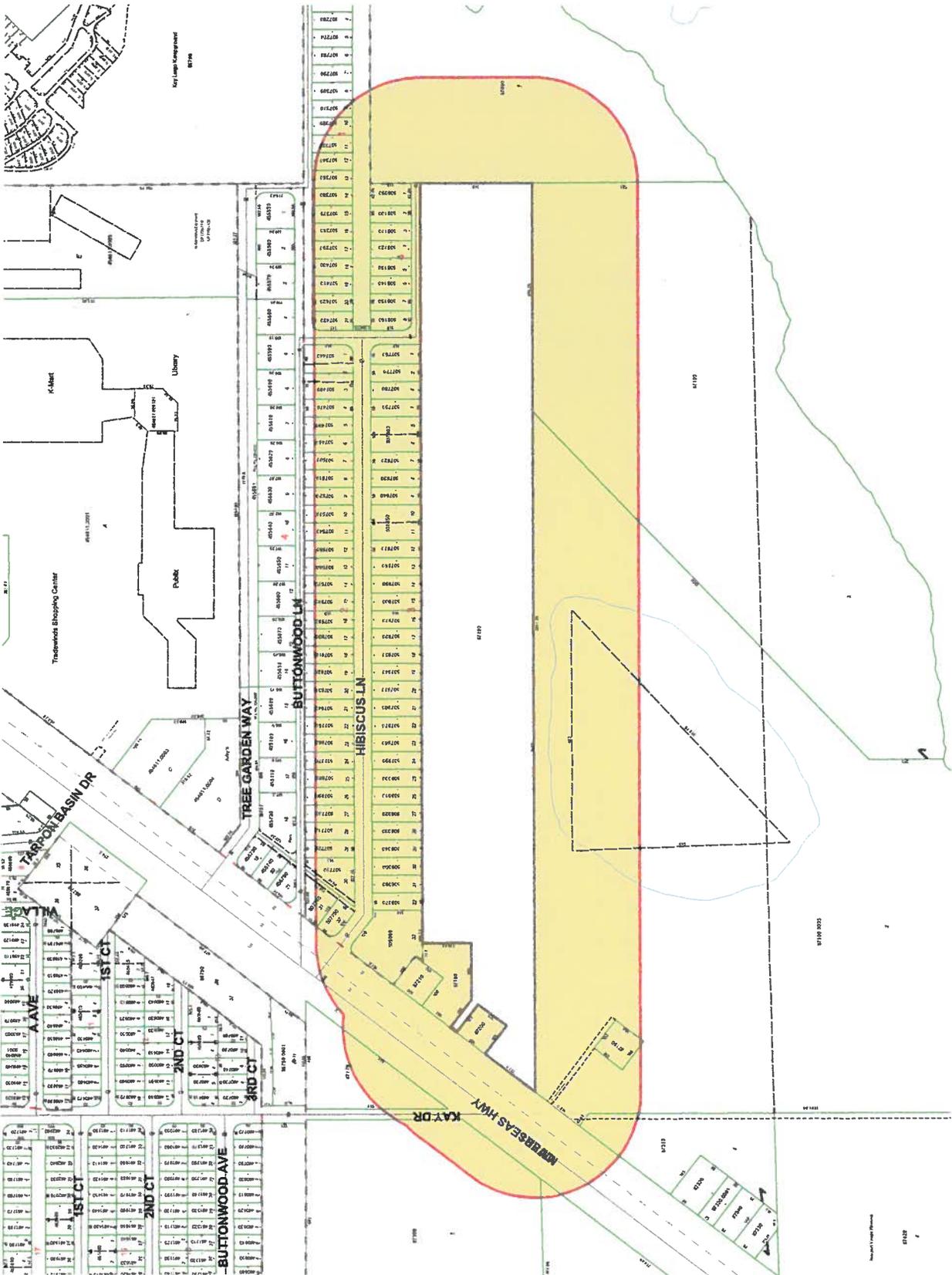
MonroeCountySDE_Environmental_Layout_public
 FEMA (Flood Zone): Federal Emergency Management Agency



Monroe County Property Appraiser - Radius Report

AK: 1095877	Parcel ID: 00087300-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	28 61 39 ISLAND OF KEY LARGO LOT 1 PB1-68 OR463-1	89/191 OR468-422-424 OR1042-1740
Owners Name:	MONROE COUNTY FLORIDA	
Address::	1100 SIMONTON ST	KEY WEST, FL 33040
AK: 1095931	Parcel ID: 00087350-000000	Physical Location: 101000 OVERSEAS HWY KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68	OR554-253 OR701-878 OR704-29 OF
Owners Name:	TRJ INVESTMENT GROUP LLC	
Address::	5103 ISLEWORTH COUNTRY CLUB DR	WINDERMERE, FL 34786
AK: 1095702	Parcel ID: 00087100-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	27 61 39 PT GOV LT 2 & PT NW 1/4 ISLAND OF KEY LAR	GO 28-61- 39 PT LOT 19 PB1-68 & PT
Owners Name:	BD OF TRS OF THE IIF OF THE ST OF FL %DEP DIV OF ST LANDS	
Address::	3900 COMMONWEALTH BLVD MAIL STATION 115	TALLAHASSEE, FL 32399-3000
AK: 1095745	Parcel ID: 00087170-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR590-655	OR1626-1611/13
Owners Name:	BD OF TRS OF THE INTERNAL IMP TR FUND OF THE ST OF FL-% DEP OF ENVIRO PR -DIV OF ST LANDS	
Address::	3900 COMMONWEALTH BLVD - MAIL STA 115	TALLAHASSEE, FL 32399-3000
AK: 1095753	Parcel ID: 00087180-000000	Physical Location: MM101 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 G24-100 OR11	94-47TD OR1198-1413Q/C OR1256-4
Owners Name:	MONROE COUNTY FLORIDA	
Address::	500 WHITEHEAD ST	KEY WEST, FL 33040
AK: 1095788	Parcel ID: 00087210-000000	Physical Location: 101009 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 G-65-477 O	R153-97 OR407-389 OR1036-842/63 (
Owners Name:	WHITEHEAD ANTHONY LORENCE	
Address::	PO BOX 2991	KEY LARGO, FL 33037
AK: 1095770	Parcel ID: 00087200-000000	Physical Location: OVERSEAS HWY KEY LARGO
Legal Description:	27-61-39 ISLAND OF KEY LARGO PT NW1/4 OR538-543 OR	962-1429/130 OR1139-1760 OR1287-4
Owners Name:	PARADISE PIT LLC	
Address::	743 LARGO RD	KEY LARGO, FL 33037-3014
AK: 1095761	Parcel ID: 00087190-000000	Physical Location: 101101 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR41-282/83	OR56-491-493 OR190-257-260 OR40:
Owners Name:	PARADISE PIT LLC	
Address::	743 LARGO RD	KEY LARGO, FL 33037-3014
AK: 8792468	Parcel ID: 00087100-000500	Physical Location: 101075 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW 1/4 & PT GOVT L	OT 2 (BEING USED AS A BORROW F
Owners Name:	PARADISE PIT LLC	
Address::	743 LARGO RD	KEY LARGO, FL 33037
AK: 1095885	Parcel ID: 00087310-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68	D4-452 OR1402-1966CT
Owners Name:	MONROE COUNTY	
Address::	500 WHITEHEAD STREET	KEY WEST, FL 33040
AK: 1095907	Parcel ID: 00087320-000100	Physical Location: VACANT LAND KEY LARGO
Legal Description:	28 61 39 ISLAND OF KEY LARGO PT LOT 8 OR28-1/2 OR	259-539 OR271-54 OR1052-1187 OR4
Owners Name:	RILEY ANTHONY W	
Address::	2989 ARMSTRONG DR	LAKE ORION, MI 48360
AK: 1095893	Parcel ID: 00087320-000000	Physical Location: 101000 OVERSEAS HWY KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LT 8 OR28-1/2 OR259-539 OR2	71-54 OR481-993/94 OR484-327/28 O
Owners Name:	PRICE ESTELLA	
Address::	PO BOX 371916	KEY LARGO, FL 33037-1916
AK: 1095737	Parcel ID: 00087150-000000	Physical Location: 101075 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT SW1/4 OF NW1/4 OF	NW1/4 OR18-468-469 OR514-23 OR'
Owners Name:	LAROCCO ALLISON MARIE	
Address::	PO BOX 372812	KEY LARGO, FL 33037

AK: 1095923	Parcel ID: 00087340-000000	Physical Location: 100971 OVERSEAS HWY	KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68		OR28-1/2 OR34-379/380 OR867-1982
Owners Name:	ATALA FARESH MIGUEL		
Address::	103100 OVERSEAS HWY APT 52		KEY LARGO, FL 33037
<hr/>			
AK: 1095915	Parcel ID: 00087330-000000	Physical Location: 100961 OVERSEAS HWY	KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68		OR28-1/2 OR34-377/78 OR1157-5471
Owners Name:	CLARK DORIS L/E		
Address::	P O BOX 64		KEY LARGO, FL 33037
<hr/>			
AK: 1095974	Parcel ID: 00087420-000000	Physical Location: MM 100.5 OVERSEAS HWY	KEY LARGO
Legal Description:	28 61 39 ISLAND OF KEY LARGO PT LOTS 9 & 10 & 19		MODEL LAND CO PB1-68 G64-242-;
Owners Name:	MONROE COUNTY HOUSING AUTHORITY		
Address::	1400 KENNEDY DR		KEY WEST, FL 33040
<hr/>			



Map Scale: 1" = 100'

Monroe County Property Appraiser - Radius Report

AK: 1095877	Parcel ID: 00087300-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	28 61 39 ISLAND OF KEY LARGO LOT 1 PB1-68 OR463-1	89/191 OR468-422-424 OR1042-1740
Owners Name:	MONROE COUNTY FLORIDA	
Address::	1100 SIMONTON ST	KEY WEST, FL 33040
AK: 1095931	Parcel ID: 00087350-000000	Physical Location: 101000 OVERSEAS HWY KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68	OR554-253 OR701-878 OR704-29 OF
Owners Name:	TRJ INVESTMENT GROUP LLC	
Address::	5103 ISLEWORTH COUNTRY CLUB DR	WINDERMERE, FL 34786
AK: 1095702	Parcel ID: 00087100-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	27 61 39 PT GOV LT 2 & PT NW 1/4 ISLAND OF KEY LAR	GO 28-61- 39 PT LOT 19 PB1-68 & PT
Owners Name:	BD OF TRS OF THE IIF OF THE ST OF FL %DEP DIV OF ST LANDS	
Address::	3900 COMMONWEALTH BLVD MAIL STATION 115	TALLAHASSEE, FL 32399-3000
AK: 1095745	Parcel ID: 00087170-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR590-655	OR1626-1611/13
Owners Name:	BD OF TRS OF THE INTERNAL IMP TR FUND OF THE ST OF FL-% DEP OF ENVIRO PR -DIV OF ST LANDS	
Address::	3900 COMMONWEALTH BLVD - MAIL STA 115	TALLAHASSEE, FL 32399-3000
AK: 1625515	Parcel ID: 00507690-000000	Physical Location: 57 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 26 HIBISCUS PARK PB3-166 KEY LARGO OR106-3	98/99 OR117-323/24 OR541-912D/C (
Owners Name:	SHADE LEROY	
Address::	PO BOX 370317	KEY LARGO, FL 33037-0317
AK: 1625299	Parcel ID: 00507470-000000	Physical Location: 2 HIBISCUS ST KEY LARGO
Legal Description:	BK 2 LT 4 HIBISCUS PARK PB3-166 KEY LARGO OR504-10	93
Owners Name:	JOHNSON ELEX & NANCY	
Address::	P O BOX 288	MANCHESTER, VT 05254
AK: 1095753	Parcel ID: 00087180-000000	Physical Location: MM101 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 G24-100 OR11	94-47TD OR1198-1413Q/C OR1256-4
Owners Name:	MONROE COUNTY FLORIDA	
Address::	500 WHITEHEAD ST	KEY WEST, FL 33040
AK: 1625477	Parcel ID: 00507650-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 2 LT 22 HIBISCUS PARK PB3-166 KEY LARGO OR367-9	91-992 OR454-843 OR498-1076-D/C (
Owners Name:	WILLIAMS CLYDE E AND DORIS JEAN	
Address::	44 HIBISCUS LN	KEY LARGO, FL 33037
AK: 1625442	Parcel ID: 00507620-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 2 LT 19 HIBISCUS PARK PB3-166 KEY LARGO OR370-6	05
Owners Name:	GASTON GEORGE JR AND DELLA RUBY	
Address::	PO BOX 192	LUTHERSVILLE, GA 30251-0192
AK: 1625965	Parcel ID: 00508140-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 4 LT 6 HIBISCUS PARK PB3-166 KEY LARGO OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625329	Parcel ID: 00507500-000000	Physical Location: 13 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 7 HIBISCUS PARK PB3-166 KEY LARGO OR284-27	3 OR735-564
Owners Name:	CLAYTON ROSA LEE	
Address::	PO BOX 370679	KEY LARGO, FL 33037-0679
AK: 1625841	Parcel ID: 00508020-000000	Physical Location: 58 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 27 HIBISCUS PARK PB3-166 KEY LARGO OR343	-346-347 OR752-1287/1288Q OR1538
Owners Name:	MITCHELL ORA LEE	
Address::	PO BOX 370286	KEY LARGO, FL 33037-0286
AK: 1625612	Parcel ID: 00507790-000000	Physical Location: 8 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 4 HIBISCUS PARK KEY LARGO OR448-865 OR766-	1204
Owners Name:	WILLIAMS W H & BARBARA	
Address::	P O BOX 138	KEY LARGO, FL 33037

AK: 1625990	Parcel ID: 00508170-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	HIBISCUS PARK PB3-166 KEY LARGO LAUNCHING STRIP OR	829-726 OR1038-2208/09PET OR105:
Owners Name:	TIITF C/O DEP	
Address::	3900 COMMONWEALTH BLVD	TALLAHASSEE, FL 32399-3000
AK: 1625981	Parcel ID: 00508160-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 4 LT 8 HIBISCUS PARK - KEY LARGO OR387-483/84 O	R1646-1601 OR1646-1602AFF OR22E
Owners Name:	TIITF C/O DEP	
Address::	3900 COMMONWEALTH BLVD	TALLAHASSEE, FL 32399-3000
AK: 1625574	Parcel ID: 00507750-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	HIBISCUS PARK PB3-166 KEY LARGO LOT 32 BK 2 & PT A	DJ ALLEY OR955-1039/40 OR987-16E
Owners Name:	MONROE COUNTY	
Address::	500 WHITEHEAD STREET	KEY WEST, FL 33040
AK: 1625353	Parcel ID: 00507530-000000	Physical Location: 20 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 10 HIBISCUS PARK PB3-166 KEY LARGO OR110-6	-7 OR467-738-747 OR2505-1854ORD
Owners Name:	ECHOLS CLINTON ESTATE C/O MCKINNEY VERA P/R	
Address::	737 SW 10TH ST	HOMESTEAD, FL 33034-5637
AK: 1625507	Parcel ID: 00507680-000000	Physical Location: 53 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 25 HIBISCUS PARK PB3-166 KEY LARGO OR134-2	90/91 OR1192-961DC OR2033-301QC
Owners Name:	JOHNSON MARGARET	
Address::	164 BEAVER DAM RD	LUCEDALE, MS 39452
AK: 1095788	Parcel ID: 00087210-000000	Physical Location: 101009 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 G-65-477 O	R153-97 OR407-389 OR1036-842/63 (
Owners Name:	WHITEHEAD ANTHONY LORENCE	
Address::	PO BOX 2991	KEY LARGO, FL 33037
AK: 1625914	Parcel ID: 00508090-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 4 LT 1 HIBISCUS PARK PB3-166 KEY LARGO OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625248	Parcel ID: 00507420-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 20 HIBISCUS PARK PB3-166 KEY LARGO OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625451	Parcel ID: 00507630-000000	Physical Location: 30 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 20 HIBISCUS PARK PB3-166 KEY LARGO OR388-6	41
Owners Name:	JOHNSON ELEX & NANCY	
Address::	P O BOX 288	MANCHESTER, VT 05254
AK: 1625701	Parcel ID: 00507880-000000	Physical Location: 26 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 13 HIBISCUS PARK PB3-166 KEY LARGO OR345-1	90-191 OR1040-2483/2485 OR1209-2I
Owners Name:	S FLORIDA INVESTMENT PROPERTIES LLC	
Address::	117 W LUCY ST	HOMESTEAD, FL 33034-2240
AK: 1625205	Parcel ID: 00507380-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 16 HIBISCUS PARK PB3-166 KEY LARGO OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625141	Parcel ID: 00507320-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 10 HIBISCUS PARK PB3-166 KEY LARGO OR107-5	9 OR801-1073D/C OR829-726 OR985
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625523	Parcel ID: 00507700-000000	Physical Location: 61 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 27 HIBISCUS PARK PB3-166 KEY LARGO OR467-3	89 OR1440-1864/65(JB)
Owners Name:	JOHNSON GEORGINA	
Address::	P O BOX 667	KEY LARGO, FL 33037-0667
AK: 1625370	Parcel ID: 00507550-000000	Physical Location: 23 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 12 HIBISCUS PARK PB3-166 KEY LARGO OR110-6	-7 OR611-607 OR611-609 OR611-615
Owners Name:	JOHNSON BLANCHE ESTATE C/O JOHNSON SHIRLEY P/R	
Address::	PO BOX 343949	HOMESTEAD, FL 33034-0949

AK: 1625876	Parcel ID: 00508050-000000	Physical Location: 70 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 30 HIBISCUS PARK PB3-166 KEY LARGO OR553-2	84 OR1017-836/37 CASE#87-223-CP-
Owners Name:	WYNN MARY JEAN	
Address::	70 HIBISCUS LN	KEY LARGO, FL 33037-4545
AK: 1625868	Parcel ID: 00508040-000000	Physical Location: 66 HIBISCUS DR KEY LARGO
Legal Description:	BK 3 LT 29 HIBISCUS PARK PB3-166 KEY LARGO OR494	-732 OR2114-1917D/C
Owners Name:	LUMPKIN MARJORIE L	
Address::	P O BOX 847	KEY LARGO, FL 33037
AK: 1625647	Parcel ID: 00507820-000000	Physical Location: 14 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 7 HIBISCUS PARK PB3-166 KEY LARGO OR275-33	2-333 OR772-1059 OR772-1061C OR:
Owners Name:	SCOTT DARREN	
Address::	PO BOX 3232	KEY LARGO, FL 33037
AK: 1625949	Parcel ID: 00508120-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 4 LT 4 HIBISCUS PARK PB3-166 KEY LARGO OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	BOX 286	KEY LARGO, FL 33037
AK: 1625256	Parcel ID: 00507430-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 21 HIBISCUS PARK PB3-166 KEY LARGO OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625671	Parcel ID: 00507850-000000	Physical Location: 22 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LOTS 10 AND 11 HIBISCUS PARK PB3-166 KEY LARG	O OR539-168 OR572-136 OR1067-24
Owners Name:	JOHNSON GEORGE AND BEVERLY	
Address::	22 HIBISCUS LN	KEY LARGO, FL 33037-4545
AK: 1625957	Parcel ID: 00508130-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 4 LT 5 HIBISCUS PARK PB3-166 KEY LARGO OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625175	Parcel ID: 00507350-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 13 HIBISCUS PARK PB3-166 KEY LARGO OR107-5	9 OR801-1073D/C OR829-726 OR985
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625566	Parcel ID: 00507740-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	HIBISCUS PARK PB3-166 KEY LARGO LOT 31 BK 2 & ADJ	PT OF ALLEY OR262-408-409 OR987
Owners Name:	MONROE COUNTY	
Address::	500 WHITEHEAD STREET	KEY WEST, FL 33040
AK: 1625434	Parcel ID: 00507610-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 2 LT 18 HIBISCUS PARK PB3-166 KEY LARGO OR630-7	89 OR617-671Q OR617-672Q OR630-
Owners Name:	GASTON GEORGE	
Address::	PO BOX 192	LUTHERSVILLE, GA 30251-0192
AK: 1625418	Parcel ID: 00507590-000000	Physical Location: 15 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 16 HIBISCUS PARK PB3-166 KEY LARGO OR370-6	06 OR1341-477/78ORD OR1341-477/
Owners Name:	COOK DOROTHY F ESTATE C/O HAND DERRICK M P/R	
Address::	3273 W MONTEREY ST	CHANDLER, AZ 85226-2333
AK: 1625302	Parcel ID: 00507480-000000	Physical Location: 9 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 5 HIBISCUS PARK KEY LARGO OR447-639-640 OR	766-1204 G51-304-305 OR2273-82
Owners Name:	WILLIAMS JOHN A AND MARY JANE	
Address::	9 HIBISCUS LN	KEY LARGO, FL 33037-4570
AK: 1625264	Parcel ID: 00507440-000000	Physical Location: 1 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 1 AND ELY 1/2 LT 2 HIBISCUS PARK PB3-166 K	EY LARGO OR394-664/65 OR540-49E
Owners Name:	CRAWFORD ALBERT JR AND SYCREETA A	
Address::	1 HIBISCUS LN	KEY LARGO, FL 33037-4570
AK: 1625795	Parcel ID: 00507970-000000	Physical Location: 44 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 22 HIBISCUS PARK PB3-166 KEY LARGO OR330-1	09/110 OR843-86 OR1645-1925AFF(C
Owners Name:	WILLIAMS CLYDE AND DORIS JEAN	
Address::	44 HIBISCUS LN	KEY LARGO, FL 33037

AK: 1625728	Parcel ID: 00507900-000000	Physical Location: 30 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 15 HIBISCUS PARK PB3-166 KEY LARGO OR345-1	90-191 OR1040-2483/2485 OR1209-21
Owners Name:	MILLER JOHN	
Address::	1830 NW 188TH TERR	MIAMI GARDENS, FL 33056
AK: 1625132	Parcel ID: 00507310-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 9 HIBISCUS PARK PB3-166 KEY LARGO OR107-59	OR801-1073D/C OR829-726 OR985-:
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625345	Parcel ID: 00507520-000000	Physical Location: 17 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 9 HIBISCUS PARK PB3-166 KEY LARGO OR453-22	6 OR707-398D/C OR802-351D/C OR8
Owners Name:	JOHNSON VERLINE L/E	
Address::	17 HIBISCUS LN	KEY LARGO, FL 33037
AK: 1625281	Parcel ID: 00507460-000000	Physical Location: 5 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 3 AND WLY 1/2 LT 2 HIBISCUS PARK PB3-166 K	EY LARGO OR394-664/665 OR590-6C
Owners Name:	RODRIGUEZ HUMBERTO	
Address::	325 CALUSA ST 388	KEY LARGO, FL 33037-2699
AK: 1625779	Parcel ID: 00507950-000000	Physical Location: 40 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 20 HIBISCUS PARK PB3-166 KEY LARGO OR345-1	90-191 OR1040-2483/2485 OR1208-1:
Owners Name:	MILLER JOHN	
Address::	1830 NW 188TH TERR	MIAMI GARDENS, FL 33056
AK: 1625663	Parcel ID: 00507840-000000	Physical Location: 18 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 9 HIBISCUS PARK PB3-166 KEY LARGO OR521-30	8 OR741-85 OR2212-233
Owners Name:	SCOTT DARREN	
Address::	PO BOX 3232	KEY LARGO, FL 33037
AK: 1625698	Parcel ID: 00507870-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 3 LT 12 HIBISCUS PARK PB3-166 KEY LARGO OR594-7	1 OR704-648D/C OR1923-1161ORD C
Owners Name:	DEIGERT KARL R	
Address::	163 GARDENIA ST	TAVERNIER, FL 33070-2209
AK: 1625655	Parcel ID: 00507830-000000	Physical Location: 16 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 8 HIBISCUS PARK KEY LARGO PB3-166 OR112-14	8/49 OR964-1321 OR1404-1069/72ES
Owners Name:	THOMAS LOISE B L/E	
Address::	16 HIBISCUS LN	KEY LARGO, FL 33037
AK: 1625191	Parcel ID: 00507370-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 15 HIBISCUS PARK PB3-166 KEY LARGO OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625159	Parcel ID: 00507330-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 11 HIBISCUS PARK PB3-166 KEY LARGO OR107-5	9 OR801-1073D/C OR829-726 OR985
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625493	Parcel ID: 00507670-000000	Physical Location: 49 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 24 HIBISCUS PARK PB3-166 KEY LARGO OR369-6	80-681 OR1273-977GUARD(JB)
Owners Name:	WEST WILLIE AND IRENE	
Address::	PO BOX 188	TAVERNIER, FL 33070-0188
AK: 1625469	Parcel ID: 00507640-000000	Physical Location: 41 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 21 HIBISCUS PARK PB3-166 KEY LARGO OR450-7	61 OR498-1076D/C OR2045-946/949(
Owners Name:	LASTER DAVID D AND MARY I	
Address::	362 RYAN AVE	KEY LARGO, FL 33037
AK: 1625396	Parcel ID: 00507570-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 2 LT 14 HIBISCUS PARK PB3-166 KEY LARGO OR611-6	07 OR611-609 OR611-615 OR617-67'
Owners Name:	HOWARD JAMES & HOWARD PATRICK (T/C)	
Address::	P O BOX 764	KEY LARGO, FL 33037
AK: 1625906	Parcel ID: 00508080-000000	Physical Location: 33 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 33 HIBISCUS PARK PB3-166 KEY LARGO OR263-1	6/17 OR865-708 OR954-482Q/C OR1C
Owners Name:	GILDAMRIC CORP	
Address::	312 S E 17TH ST FL 2ND	FT LAUDERDALE, FL 33316

AK: 1625833	Parcel ID: 00508010-000000	Physical Location: 52 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 26 HIBISCUS PARK PB3-166 KEY LARGO OR275-2	32-233 OR834-2133 OR2467-897D/C
Owners Name:	WOODS ALMALENE	
Address::	PO BOX 281	TAVERNIER, FL 33070
AK: 1625604	Parcel ID: 00507780-000000	Physical Location: 6 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 3 HIBISCUS PARK KEY LARGO PB3-166 OR448-86	5 OR766-1204
Owners Name:	WILLIAMS W H AND BARBARA	
Address::	PO BOX 138	KEY LARGO, FL 33037
AK: 1625213	Parcel ID: 00507390-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 17 HIBISCUS PARK PB3-166 KEY LARGO OR801	-1073D/COR829-726 OR985-2272 OR
Owners Name:	KEYS COMMERCE CORP	
Address::	9920 SW 84TH ST	MIAMI, FL 33173
AK: 1625531	Parcel ID: 00507710-000000	Physical Location: HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 28 HIBISCUS PARK PB3-166 KEY LARGO OR547-7	71
Owners Name:	CIVIC PRIDE ORGANIZATION	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625540	Parcel ID: 00507720-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 2 LT 29 HIBISCUS PARK PB3-166 KEY LARGO OR560-5	91 OR1274-1712(JB) OR1435-1278/76
Owners Name:	MONROE COUNTY	
Address::	3706 N ROOSEVELT BLVD SUITE 1	KEY WEST, FL 33040
AK: 1625361	Parcel ID: 00507540-000000	Physical Location: 21 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 11 HIBISCUS PARK PB3-166 KEY LARGO OR393-4	64-465
Owners Name:	JOHNSON MAURICE AND DORIS T	
Address::	P O BOX 288	MANCHESTER, VT 05254
AK: 1625884	Parcel ID: 00508060-000000	Physical Location: 74 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 31 HIBISCUS PARK PB3-166 KEY LARGO OR258-3	18-319 OR750-895 OR750-896-897Q
Owners Name:	TUCKER VELMA	
Address::	PO BOX 1471	KEY LARGO, FL 33037
AK: 1625736	Parcel ID: 00507910-000000	Physical Location: 32 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 16 HIBISCUS PARK PB3-166 KEY LARGO OR386-9	54 OR2246-319 OR2279-668 OR2521
Owners Name:	MICELLI GEORGE W	
Address::	1652 SCHUTT RD	BURKEVILLE, VA 23922-2437
AK: 1625931	Parcel ID: 00508110-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 4 LT 3 HIBISCUS PARK PB3-166 KEY LARGO OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625167	Parcel ID: 00507340-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 12 HIBISCUS PARK PB3-166 KEY LARGO OR107-5	9 OR801-1073D/C OR829-726 OR985
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	PO BOX 286	KEY LARGO, FL 33037
AK: 1625388	Parcel ID: 00507560-000000	Physical Location: 25 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 13 HIBISCUS PARK PB3-166 KEY LARGO OR611-6	07 OR611-609 OR611-615 OR617-67
Owners Name:	REVERSE MORTGAGE SOLUTIONS INC	
Address::	2727 SPRING CREEK DR	SPRING, TX 77373-6130
AK: 1625809	Parcel ID: 00507980-000000	Physical Location: 46 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 23 HIBISCUS PARK PB3-166 KEY LARGO OR330-1	09-110 OR777-502 OR797-115
Owners Name:	WILLIAMS W H AND BARBARA WILLIAMS	
Address::	PO BOX 370138	KEY LARGO, FL 33037-0138
AK: 1625558	Parcel ID: 00507730-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	HIBISCUS PARK PB3-166 KEY LARGO LOT 30 BK 2 & ADJ	PT OF ALLEY OR560-591 OR1274-17
Owners Name:	MONROE COUNTY	
Address::	3706 N ROOSEVELT BLVD SUITE 1	KEY WEST, FL 33040
AK: 1625337	Parcel ID: 00507510-000000	Physical Location: 15 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 8 HIBISCUS PARK PB3-166 KEY LARGO OR409-99	7
Owners Name:	JOHNSON MAURICE AND DORIS	
Address::	P O BOX 288	MANCHESTER, VT 05254

AK: 1625850	Parcel ID: 00508030-000000	Physical Location: 58 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 28 HIBISCUS PARK PB3-166 KEY LARGO OR366-6	19 OR642-606Q OR755-444 OR764-8
Owners Name:	O & E DEVELOPMENT	
Address::	P O BOX 286	KEY LARGO, FL 33037
AK: 1625817	Parcel ID: 00507990-000000	Physical Location: 48 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 24 HIBISCUS PARK PB3-166 KEY LARGO OR330-1	09-110 OR767-1795
Owners Name:	WILLIAMS W H AND BARBARA	
Address::	PO BOX 138	KEY LARGO, FL 33037
AK: 1625621	Parcel ID: 00507800-000000	Physical Location: 12 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LTS 5 & 6 HIBISCUS PARK PB3-166 KEY LARGO OR3	11-496/97 OR903-1013D/C OR904-24
Owners Name:	KEY LARGO CHRISTIAN CENTER OF HIBISCUS	
Address::	PO BOX 3218	KEY LARGO, FL 33037
AK: 1625582	Parcel ID: 00507760-000000	Physical Location: 2 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 1 HIBISCUS PARK PB3-166 KEY LARGO OR468-	430 OR820-511
Owners Name:	SCOTT GLENDA JEAN	
Address::	PO BOX 371	KEY LARGO, FL 33037
AK: 1625230	Parcel ID: 00507410-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 19 HIBISCUS PARK PB3-166 KEY LARGO OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE	
Address::	BOX 286	KEY LARGO, FL 33037
AK: 1095770	Parcel ID: 00087200-000000	Physical Location: OVERSEAS HWY KEY LARGO
Legal Description:	27-61-39 ISLAND OF KEY LARGO PT NW1/4 OR538-543 OR	962-1429/130 OR1139-1760 OR1287-1
Owners Name:	PARADISE PIT LLC	
Address::	743 LARGO RD	KEY LARGO, FL 33037-3014
AK: 1095681	Parcel ID: 00087080-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT GOVT LOT 1 & ADJ B	AY BTM OR57-286/87 OR702-472/75
Owners Name:	MURRELL PROPERTY MANAGEMENT LLC	
Address::	8 WILLOW GREEN DR	COCOA BEACH, FL 32931-2017
AK: 1095761	Parcel ID: 00087190-000000	Physical Location: 101101 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR41-282/83	OR56-491-493 OR190-257-260 OR401
Owners Name:	PARADISE PIT LLC	
Address::	743 LARGO RD	KEY LARGO, FL 33037-3014
AK: 8792468	Parcel ID: 00087100-000500	Physical Location: 101075 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT NW 1/4 & PT GOVT L	OT 2 (BEING USED AS A BORROW F
Owners Name:	PARADISE PIT LLC	
Address::	743 LARGO RD	KEY LARGO, FL 33037
AK: 1095885	Parcel ID: 00087310-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68	D4-452 OR1402-1966CT
Owners Name:	MONROE COUNTY	
Address::	500 WHITEHEAD STREET	KEY WEST, FL 33040
AK: 1095737	Parcel ID: 00087150-000000	Physical Location: 101075 OVERSEAS HWY KEY LARGO
Legal Description:	27 61 39 ISLAND OF KEY LARGO PT SW1/4 OF NW1/4 OF	NW1/4 OR18-468-469 OR514-23 OR1
Owners Name:	LAROCCO ALLISON MARIE	
Address::	PO BOX 372812	KEY LARGO, FL 33037
AK: 1625892	Parcel ID: 00508070-000000	Physical Location: 78 HIBISCUS LN KEY LARGO
Legal Description:	BK 3 LT 32 HIBISCUS PARK PB3-166 KEY LARGO OR291-3	32-333 OR801-1073D/C OR802-351D/
Owners Name:	MITCHELL ENOCH AND ORA LEE	
Address::	58 HIBISCUS LN	KEY LARGO, FL 33037-4545
AK: 1625485	Parcel ID: 00507660-000000	Physical Location: 45 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 23 HIBISCUS PARK PB3-166 KEY LARGO OR367-9	91-992 OR454-843 OR498-1076D/C C
Owners Name:	FOSTER DENNIS W	
Address::	5980 SW 23RD AVE	FORT LAUDERDALE, FL 33312-6602
AK: 1625400	Parcel ID: 00507580-000000	Physical Location: 15 HIBISCUS LN KEY LARGO
Legal Description:	BK 2 LT 15 HIBISCUS PARK PB3-166 KEY LARGO OR278-3	52-353 OR1107-1988T/D(JB) OR1122
Owners Name:	HOWARD JAMES & HOWARD PATRICK (T/C)	
Address::	P O BOX 764	KEY LARGO, FL 33037

AK: 1625825	Parcel ID: 00508000-000000	Physical Location: 50 A & B HIBISCUS LN	KEY LARGO
Legal Description:	BK 3 LT 25 HIBISCUS PARK PB3-166 KEY LARGO	OR330	-109-110 OR767-1795
Owners Name:	WILLIAMS W H AND BARBARA		
Address::	PO BOX 138	KEY LARGO, FL 33037	
AK: 1625744	Parcel ID: 00507920-000000	Physical Location: 34 HIBISCUS LN	KEY LARGO
Legal Description:	BK 3 LT 17 HIBISCUS PARK PB3-166 KEY LARGO	OR308-5	58/59 OR1993-1380R/S OR1993-1380
Owners Name:	GROVES CHARLES H		
Address::	9884 NORTHWEST 2ND CT	PLANTATION, FL 33324	
AK: 1625973	Parcel ID: 00508150-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 4 LT 7 HIBISCUS PARK PB3-166 KEY LARGO	OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE		
Address::	PO BOX 286	KEY LARGO, FL 33037	
AK: 1625922	Parcel ID: 00508100-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 4 LT 2 HIBISCUS PARK PB3-166 KEY LARGO	OR829-72	6 OR985-2272 OR2331-1400/01
Owners Name:	MITCHELL ENNIS AND ORA LEE		
Address::	PO BOX 286	KEY LARGO, FL 33037	
AK: 1625221	Parcel ID: 00507400-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 1 LT 18 HIBISCUS PARK PB3-166 KEY LARGO	OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE		
Address::	PO BOX 286	KEY LARGO, FL 33037	
AK: 1625426	Parcel ID: 00507600-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 2 LT 17 HIBISCUS PARK PB3-166 KEY LARGO	OR226-5	75-576 OR1246-1591 OR1253-417/271
Owners Name:	MCKINLEY DEREK		
Address::	P O BOX 1417	KEY LARGO, FL 33037	
AK: 1625761	Parcel ID: 00507940-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 3 LT 19 HIBISCUS PARK PB3-166 KEY LARGO	OR345-1	90-191 OR1040-2483/85 OR1050-548
Owners Name:	MITCHELL BARBARA ANN		
Address::	999 HAMILTON DR APT A	HOMESTEAD, FL 33034-2667	
AK: 1625183	Parcel ID: 00507360-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 1 LT 14 HIBISCUS PARK PB3-166 KEY LARGO	OR801-1	073D/C OR829-726 OR985-2272 OR2
Owners Name:	MITCHELL ENNIS AND ORA LEE		
Address::	PO BOX 286	KEY LARGO, FL 33037	
AK: 1625787	Parcel ID: 00507960-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 3 LT 21 HIBISCUS PARK PB3-166 KEY LARGO	OR345-1	90-191 OR1040-2483/2485(LD) OR121
Owners Name:	MITCHELL ENOCH AND ORA LEE		
Address::	PO BOX 370286	KEY LARGO, FL 33037-0286	
AK: 1625591	Parcel ID: 00507770-000000	Physical Location: 4 HIBISCUS LN	KEY LARGO
Legal Description:	BK 3 LT 2 HIBISCUS PARK PB3-166 KEY LARGO	OR479-77	3 OR766-1204
Owners Name:	WILLIAMS W H AND BARBARA		
Address::	PO BOX 138	KEY LARGO, FL 33037	
AK: 1625311	Parcel ID: 00507490-000000	Physical Location: 11 HIBISCUS LN	KEY LARGO
Legal Description:	BK 2 LT 6 HIBISCUS PARK PB3-166 KEY LARGO	OR418-51	8 OR738-711-713 OR741-501 OR751-
Owners Name:	JOHNSON BLANCHIE ESTATE C/O JOHNSON SHIRLEY P/R		
Address::	PO BOX 343949	HOMESTEAD, FL 33034-0949	
AK: 1625752	Parcel ID: 00507930-000000	Physical Location: 36 HIBISCUS LN	KEY LARGO
Legal Description:	BK 3 LT 18 HIBISCUS PARK PB3-166 KEY LARGO	OR301-3	26/327 OR902-519 OR902-520/521 Of
Owners Name:	MOKHTARI FARAMARZ AND BITA B H/W		
Address::	12023 DEVILWOOD DR	POTOMAC, MD 20854	
AK: 1625710	Parcel ID: 00507890-000000	Physical Location: 28 HIBISCUS LN	KEY LARGO
Legal Description:	BK 3 LT 14 HIBISCUS PARK PB3-166 KEY LARGO	OR521-3	10 OR1098-1507R/S OR1510-1646 Of
Owners Name:	MITCHELL MICHAEL		
Address::	28 HIBISCUS LN	KEY LARGO, FL 33037	

County of Monroe

Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



Board of County Commissioners

Mayor Heather Carruthers, Dist. 3

Mayor Pro Tem David Rice, Dist. 4

Kim Wigington, Dist. 1

George Neugent, Dist. 2

Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

September 23, 2011

Emily Burkel
Paradise Pit LLC
743 Largo Road
Key Largo, FL 33037

SUBJECT: Determination of Lawful Use for a parcel of land within Section 27, Township 61, Range 39, Key Largo, Monroe County, Florida, currently identified and assessed as real estate #00087100.000500

Ms. Burkel:

In response to discussions you have had with the Department of Planning & Environmental Resources regarding the above-referenced property, this letter is to notify you that our Department has found that the current land use taking place on the site is a lawful and nonconforming light industrial use. Following a site visit, staff has determined that the business on site, known as Paradise Pit, uses the site to mix cement, store equipment associated with the business, temporarily store fill brought from other sites, and carry out office operations associated with the business.

The property is partially within a Suburban Residential (SR) district and partially within a Native Area (NA) district. Pursuant to §130-94 and §130-89 of the Monroe County Code, light and heavy industrial uses are not permitted in either district. However, based on Growth Management records (particularly the Planning Department file associated with Development Order #21-90) and other information, staff has found that a light industrial use has existed on the property since as early as 1990.

Development Order #21-90 required the closure and restoration of the quarry on the site, which is considered a heavy industrial use. However, it did not specifically require the termination of additional light industrial activities that were taking place on the scarified portions of the site. Therefore, staff has found that the light industrial use was lawfully in existence at that time and is consequently deemed to be a lawfully established/recognized use. It may only continue to operate in accordance with the nonconforming use provisions of the Monroe County Code and Comprehensive Plan, most notably §102-56 and Policies 101.8.1 and 101.8.7.

Concerning specific structures and activities, the site is currently developed with a silo (to mix concrete), storage containers, outdoor storage areas for fill and equipment, a maintenance/office building, and an undetermined structure that is not visible from the scarified area of the property.

Although our Department found the use is lawfully in existence, staff could not find any building permits on file for any of the existing structures. Further, the Planning Department file associated with Development Order #21-90 does not reference any of the existing structures and the plans within do not show any of the existing structures.

In order to resolve the issue of structures built and development established without valid building permits, please review the following:

✓ Outdoor Storage Areas:

After reviewing aerial photography and the documentation within the file associated with Development Order #21-90, staff has determined that the site has had outdoor storage since the early 1990's.

As defined in §101-1 of the Monroe County Code, *industrial use* means a use devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials whether new or used or the substantial refinishing, repair and/or rebuilding of vehicles or boats. *Light industrial use* means an industrial use that is not a heavy industrial use and *heavy industrial use* means an industrial use with greater than average potential impacts on the environment and that is characterized by significant impacts on adjacent uses in terms of noise, hazards and odors, such as junkyards, marine railways and dry docks, bulk petroleum storage, resource extraction where more than 20 percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds building floor area.

The existing outdoor storage areas are used to store equipment associated with the business on the site and fill brought from other sites (which is related to the business on site's services). These existing areas were lawfully established and may continue to be used for light industrial outdoor storage. However, the existing outdoor storage areas may not be expanded as such would constitute an expansion of the nonconforming use. Therefore, outdoor storage shall be limited to existing scarified areas on the site and may not take place in any required shoreline or non-shoreline setback. Further, the outdoor storage areas may not be used for the storage of any items or material that would convert the light industrial use into a heavy industrial use as defined in the preceding paragraph.

Storage Containers:

Staff observed several storage/shipping containers on the site, some of which are being used as a de-facto fence. Unless road ready (i.e. on wheels in a form compliant to Department of Transportation regulations and prepared for immediately removal), storage/shipping containers are considered a form of shed. A building permit is required for any enclosed floor area on a nonresidential property.

Staff researched the building permits on file for the property and found no building permits approving or otherwise recognizing any storage/shipping containers on the site. Therefore, unless the property owner can provide documentation from the Growth Management Division stating that they were in fact approved, these structures are unlawful and must be removed or converted to road-ready.

Please note that a permanent storage/shipping container, or any other shed for that matter, cannot be permitted. As light industrial uses are not permitted in the SR and NA districts, there are no floor area ratios (FAR's) assigned. Therefore, approval of any floor area would constitute an expansion of nonconforming use which is directly prohibited by the Monroe County Code and Comprehensive Plan.

If the storage containers are converted to road ready, they may only be stored in an existing outdoor storage area described in this letter. They may not be stored in any setback or used as fencing. In addition, there is some evidence that some of the existing storage/shipping containers have been located on the neighboring property to the north (RE #00087190.000000). Development on the neighboring property is not authorized and any such structure encroaching onto this property must be removed immediately.

Silo:

Staff observed a silo on the site.

Staff researched the building permits on file for the property and found no building permits approving or otherwise recognizing a silo on the site. However, Building Permit Application #103-0461 was submitted on February 2, 2010 for tie-downs for the silo, identified as portable cement silo. This application has not been approved as of the date of this letter.

Based on the information in Building Permit Application #103-0461, the silo does not have any floor area as defined in the Monroe County Code. Therefore, if it is located within an existing outdoor storage area described in this letter, the Planning & Environmental Resources Department staff may approve the building permit once violations associated with other unpermitted structures are resolved.

Maintenance/Office Building:

Staff observed a maintenance/office building on the site. As this is a permanent structure, it requires a building permit.

Staff researched the building permits on file for the property and found no building permits approving or otherwise recognizing a maintenance/office building on the site. Therefore, unless the property owner can provide documentation from the Growth Management Division stating that it was in fact approved, this structure is unlawful and must be removed.

Please note that a permanent building for the existing purpose cannot be permitted. As light industrial uses are not permitted in the SR and NA districts, there are no floor area ratios (FAR's) assigned. Therefore, approval of any floor area would constitute an expansion of nonconforming use which is directly prohibited by the Monroe County Code and Comprehensive Plan.

Undetermined Structure:

There is a structure that is not visible from the scarified area of the property, but visible form aerial photography. Please provide information as to the nature and use of the structure in order to determine if the structure is allowed under Monroe County Code.

The decisions made within this letter are based only on information on file with the Monroe County Growth Management Division and Monroe County Property Appraiser's Office. Within 30 days, please provide any other supporting documentation you may have in order to determine the status of the aforementioned unlawful structures. Planning & Environmental Resources Department staff will review any such documentation provided to determine if decisions made in this letter need to be modified.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely,



Townsley Schwab, Senior Director of Planning & Environmental Resources

Cc: Ronda Norman
Steven Biel
Randy Wall, P.O. Box 206, Key Largo, FL 33037
Franklin D. Greenman, 5800 Overseas Highway, Marathon, FL 33050

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor David Rice, Dist. 4
Mayor Pro Tem Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

August 1, 2012

Emily Burkel
Paradise Pit LLC
743 Largo Road
Key Largo, FL 33037

SUBJECT: LETTER OF UNDERSTANDING CONCERNING THE PARADISE PIT LLC PROPERTY, LOCATED AT 743 LARGO ROAD, KEY LARGO, MILE MARKER 101, LEGALLY DESCRIBED AS A PARCEL OF LAND WITHIN SECTION 27, TOWNSHIP 61, RANGE 39, HAVING REAL ESTATE NUMBER 00087100.000500

Dear Ms. Burkel,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU).

In response to your party's recent discussions with Growth Management Division staff regarding the above-referenced property, this letter is to notify you of our Department's findings regarding two of the matters discussed at our last meeting: 1) whether or not the existing land use district and future land use map designations were assigned in error and b) the number of storage containers lawfully established and thereby lawfully nonconforming.

Land Use District (LUD) and Future Land Use Map (FLUM) Designations:

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by

final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and, if your party decides to do so, allow you to submit map amendment applications without the required application fees.

For the most part, the property is partially designated as Residential Low (RL) and partially designated as Residential Conservation (RC) on the official FLUM. A small portion in the northwest corner is designated Mixed Use / Commercial (MC). For the most part, the property is partially designated as Suburban Residential (SR) and partially designated as Native Area (NA) on the official LUD map (see attachment). A small portion in the northwest corner is designated Suburban Commercial (SC). The RL boundary is consistent with the SR boundary, the RC boundary is consistent with the NA boundary and the MC boundary is consistent with the SC boundary. The property was partially within a BU-2 district (Medium Business), partially within a RU-1 district (Single Family Residential) and partially within a RU-5P district (Mobile Home Park) prior to 1986 when the property was re-designated SR and NA (see attachment).

The current permitted use regulations for the SR district do not allow industrial uses (Monroe County Code §130-94). Furthermore, Policy 101.4.2 of the Monroe County Comprehensive Plan, which describes permitted uses in the RL FLUM category, does not state that industrial uses are allowed. Therefore, the existing light industrial use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

Regarding the subject property, on September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that the existing light industrial use was lawfully established on the scarified areas of the site and is thereby a lawful nonconforming use. As a note, the existing light industrial use is located entirely within the portion of the property designated SR and RL.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has

determined that the existing light industrial use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing light industrial use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Note: This finding does not pertain to any of the areas on the property designated NA and RC. Staff has determined that these areas were appropriately designated. Staff found no evidence that a light industrial use has ever lawfully been in existence in such areas.

Your party has not formally proposed any new LUD and/or FLUM designation. Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, staff has determined that a FLUM category of Mixed Use / Commercial (MC) or Industrial (I) would eliminate the nonconformity to use as the designations allow light industrial uses. The LUD designations of Mixed Use (MU) or Suburban Commercial (SC) under the MC FLUM category and Industrial (I) or Maritime Industries (MI) under the I FLUM category could eliminate the nonconformity to use as the districts allow light industrial uses (however please note that some of the designations require conditional use permit approval for such a use).

Prior to application submittal, you must decide on which FLUM and LUD designations to pursue as staff cannot make this decision. Please be aware that, although staff is interested in finding a resolution to the nonconforming use issue as well, the Planning & Environmental Resources Department is not obligated to recommend approval of a proposed LUD designation and/or FLUM designation unless there is a finding that there would not be any adverse impact to the community. Also, as discussed at our last meeting, your application may also expand the boundaries of the existing NA and RC areas of the site in order reduce the overall impact of converting other areas from SR and RL to designations that allow higher land use intensity.

In conclusion, Staff has determined that your proposal qualifies for application fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the future, you may not be eligible to submit the application without such required application fees afterwards.

Storage Containers:

On September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that staff could not find any building permits authorizing the existence of the

existing storage/shipping containers on the property. The letter requested that the property owner provide documentation from the Growth Management Division stating that they were in fact approved or the structures would be deemed unlawful and must be removed or converted to road-ready.

Following the discussions at our past meeting, staff determined that the type of storage/shipping containers located on the property did not require a building permit until the adoption of the NROGO on September 19, 2001.

As set forth in Monroe County Code §138-50(1), the redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement is exempt from the NROGO permit allocations system. The planning director shall review available documents to determine if a body of evidence exists to support the existence of nonresidential floor area on or about September 19, 2001, the effective date of the original NROGO. Such evidence shall be documented and submitted to the planning director on a form provided by the planning department. The application shall include, at a minimum, at least two of the following documents: a) Any issued Monroe County building permit(s) supporting the existence of the structure(s) and its use(s) on or about September 19, 2001; b) Documentation from the Monroe County Property Appraiser's Office indicating residential use on or about September 19, 2001; c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001; d. Nonresidential County Directory entries on or about September 19, 2001; e) Rental, occupancy or lease records, on or about September 19, 2001, indicating the number, type and term of the rental or occupancy; f) State and/or county licenses, on or about September 19, 2001, indicating the nonresidential use; g) Documentation from the utility providers indicating the type of service (commercial or residential) provided and the number of meters in existence on or about September 19, 2001; and h) Similar supporting documentation not listed above as determined suitable by the planning director.

There is aerial photography of the site on file for early 2002 and late 2002/early 2003. Upon a detailed review, in the early 2002 photograph, although development and outdoor storage is visible, a storage/shipping container is not clearly visible. In the late 2002/early 2003 photography, eight shipping containers are clearly visible (see attached).

Two documents are required to satisfy Monroe County Code §138-50(1). The late 2002/early 2003 aerial photograph satisfies c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001. However, there is not any other documentation on file in the county's records supporting the storage containers' existence. The Planning & Environmental Resources Director has determined that in this instance an affidavit would satisfy h) Similar supporting documentation not listed above as determined suitable by the planning director. Please provide such an affidavit for the file stating that to the best of the property owner's knowledge at least eight storage shipping containers existed on the property on or about September 19, 2001.

As such, eight of these structures shall be deemed lawfully nonconforming and the equivalent number or less of equal size or smaller shall be permitted to remain in existence as lawful nonconforming structures upon receipt of the aforementioned affidavit. Staff utilized the County's GIS to measure the containers and determined that the containers observed in aerial photography were approximately 40' in length. The standard dimensions of a standard shipping container are 8' x 40' - 320 square feet.

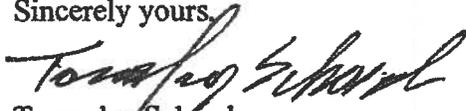
* * * * *

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



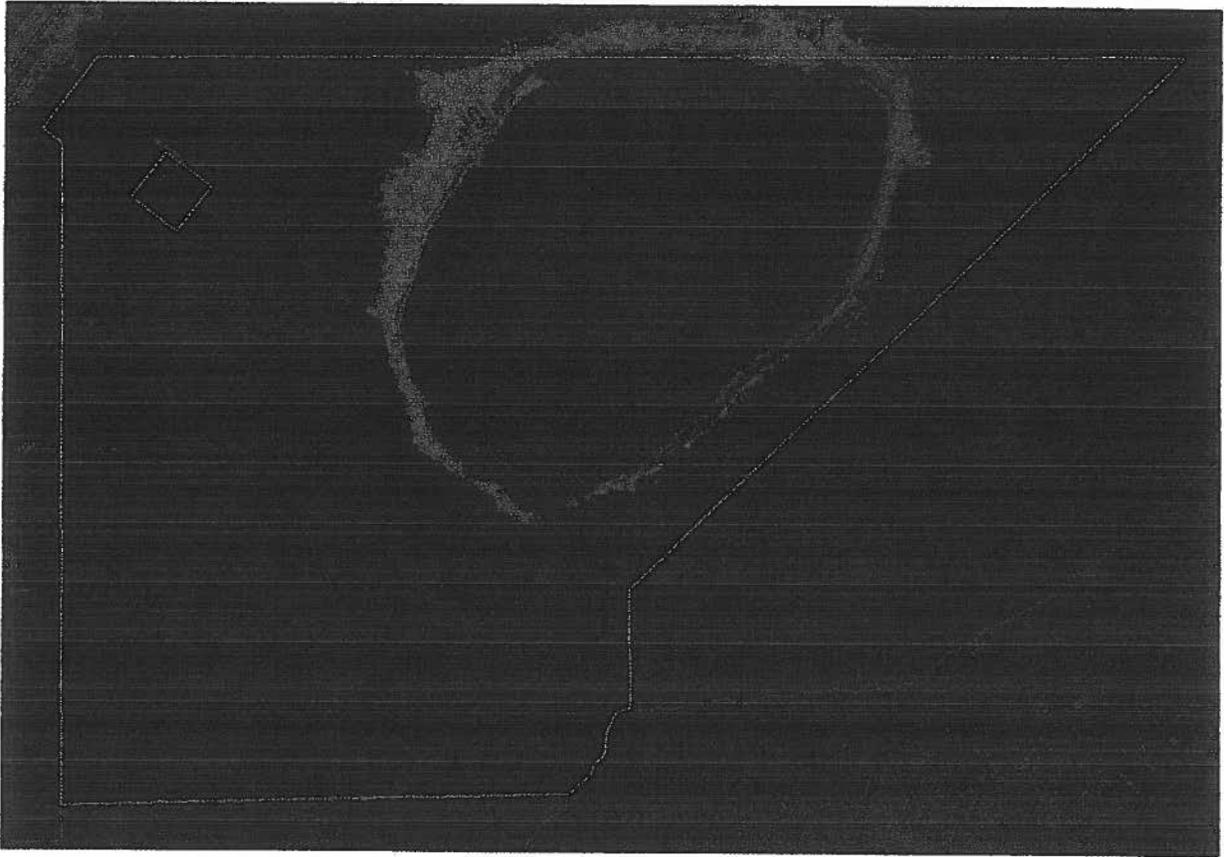
Townsley Schwab,
Senior Director of Planning & Environmental Resources

- CC: Christine Hurley, Director of Growth Management
- Susan Grimsley, Assistant County Attorney
- Mayte Santamaria, Assistant Director of Planning
- Joseph Haberman, Planning & Development Review Manager
- Jerome Smith, Building Official
- Ronda Norman, Director of Code Compliance

Land Use District Map Overlaid on 2012 Aerial Photograph



Aerial Photograph, dated late 2002/early 2003



Key Largo Community Master Plan

✓ ***Action Item 1.3.1:*** Continue to use the FLUM and Land Use District Maps to regulate development of individual parcels with respect to density, intensity, bulk regulations, and all other land development regulation. This will protect the existing conformance status of most uses and promote orderly development consistent with the Comprehensive Plan.

✗ ✓ ***Action Item 1.3.2:*** Revise the FLUM and Land Use District Maps to resolve non-conformities in the planning area where appropriate.

✗ ✓ ***Action Item 1.3.3:*** Revise the FLUM and Land Use District Maps to resolve conflicts and inconsistencies between the FLUM and Land Use District Maps.

✓ ***Action Item 1.3.4:*** Revise the FLUM map to identify Church properties as Institutional on the FLUM map.

✓ ***Action Item 1.3.5:*** Revise the FLUM map to identify educational facilities and designate the properties as Educational on the FLUM map.

✓ ***Action Item 1.3.6:*** Adopt the revised FLUM and Land Use District Map for the planning area.

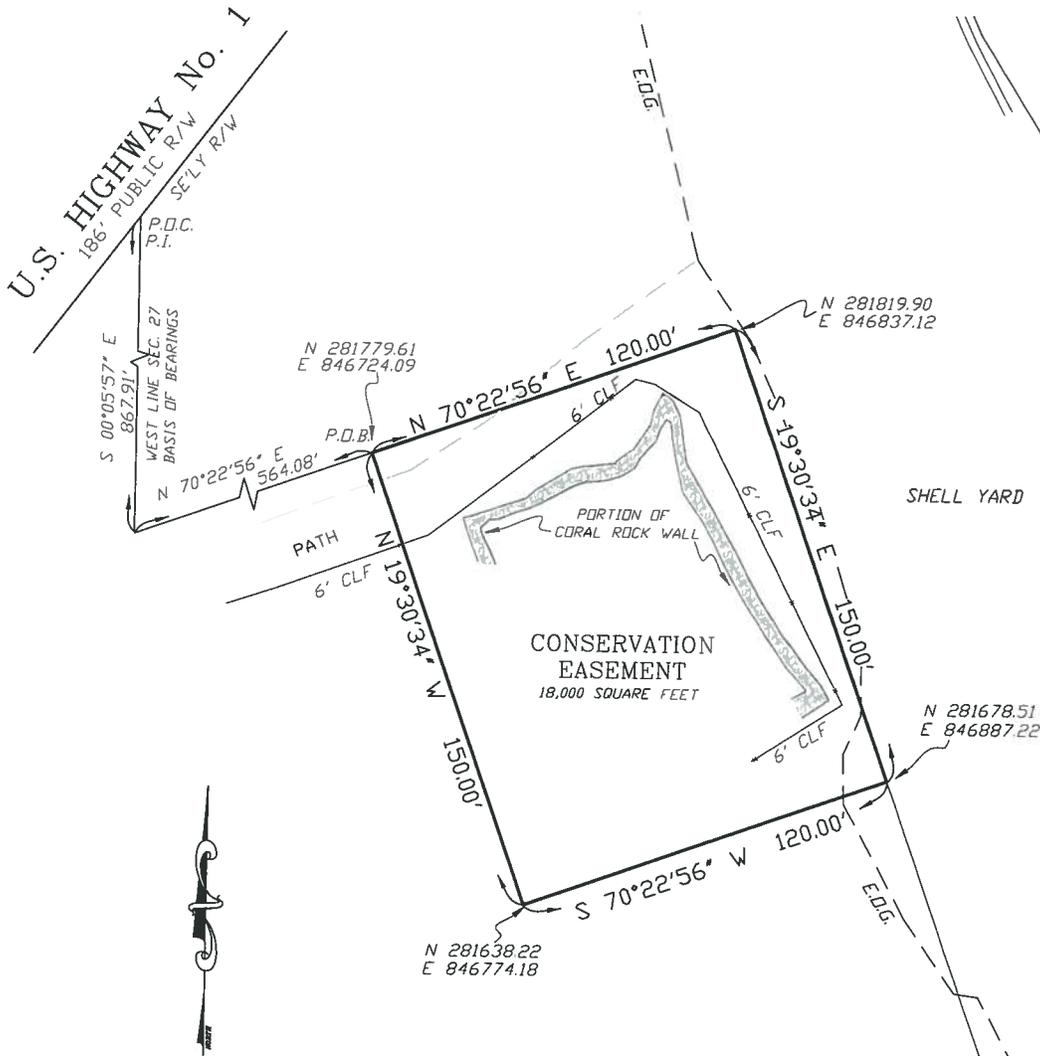
✓ ***Action Item 1.3.7:*** Evaluate future FLUM change and Land Use District Map change requests for nonconforming uses, proposed changes in use, vacant parcels and other requests, based mainly on comprehensive planning principles and the following community-goal related criteria:

- a. Promote infill, design flexibility and transfer of density to Community Centers.
- b. Preserve commercial conformance status within sections along US-1 predominated by existing commercial businesses and disturbed lands.
- c. Encourage sun-setting of intensive commercial uses within sections along US-1 predominated by natural habitat or native-dominated landscape, relatively sparse development and relatively few businesses.
- d. Preserve commercial use status for existing waterfront uses that support the tourist-based and working waterfront-based economy.
- e. Give consideration to whether the property provides a unique or outstanding opportunity for enhancement of design, connectivity and other community goals, especially along the US-1 corridor.

✓ **Strategy 1.4**

Designate the Community Center and focal areas as identified by the Key Largo community during the master planning process. Adopt these areas as regulatory overlays of the Land Use District Map.

SKETCH AND DESCRIPTION HISTORICAL SITE CONSERVATION EASEMENT



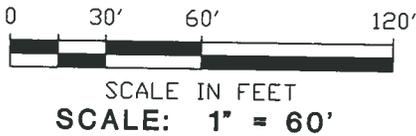
DESCRIPTION:

CONSERVATION EASEMENT:

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 61 SOUTH, RANGE 39 EAST, KEY LARGO, MONROE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 27 AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; THENCE S.00°05'57"E., ALONG WEST LINE OF SAID SECTION 27, A DISTANCE OF 867.91 FEET; THENCE N.70°22'56"E., A DISTANCE OF 564.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.70°22'56"E., A DISTANCE OF 120.00 FEET; THENCE S.19°30'34"E., A DISTANCE OF 150.00 FEET; THENCE S.70°22'56"W., A DISTANCE OF 120.00 FEET; THENCE N.19°30'34"W., A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,000 SQUARE FEET MORE OR LESS.



LEGEND	
CLF	- CHAIN LINK FENCE
POC	- POINT OF COMMENCEMENT
POB	- POINT OF BEGINNING
R/W	- RIGHT-OF-WAY
MCPA	- MONROE COUNTY PROPERTY APPRAISER
EOG	- EDGE OF GRAVEL
P.I.	- POINT OF INTERSECTION

SURVEYORS NOTES

- COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE COORDINATE SYSTEM FLORIDA EAST ZONE, NORTH AMERICAN DATUM 83 (2007)ADJUSTMENT
- THIS IS NOT A BOUNDARY SURVEY.
- UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS PLOT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT VALID.
- FIELD SURVEY OF HISTORIC SITE LIMITED TO ACCESSIBLE AREAS. ADDITIONAL FEATURES EXIST THAT WERE NOT FIELD SURVEYED
- LAST DATE OF FIELD SURVEY: 9-20-12

Prospect Surveying, LLC
Certificate of Authorization No. LB 7921

BRENT JOSEPH MURKETTLE
FLORIDA LICENSE - LS 6794

Attachment 2

Project: Larocco Quarry
Section 27, Township 61S, Range 39E
Owner: Paradise Pit LLC
Location: 101075 Overseas Highway, Key Largo, FL 33037
Date: September 26, 2012



Prospect Surveying, LLC

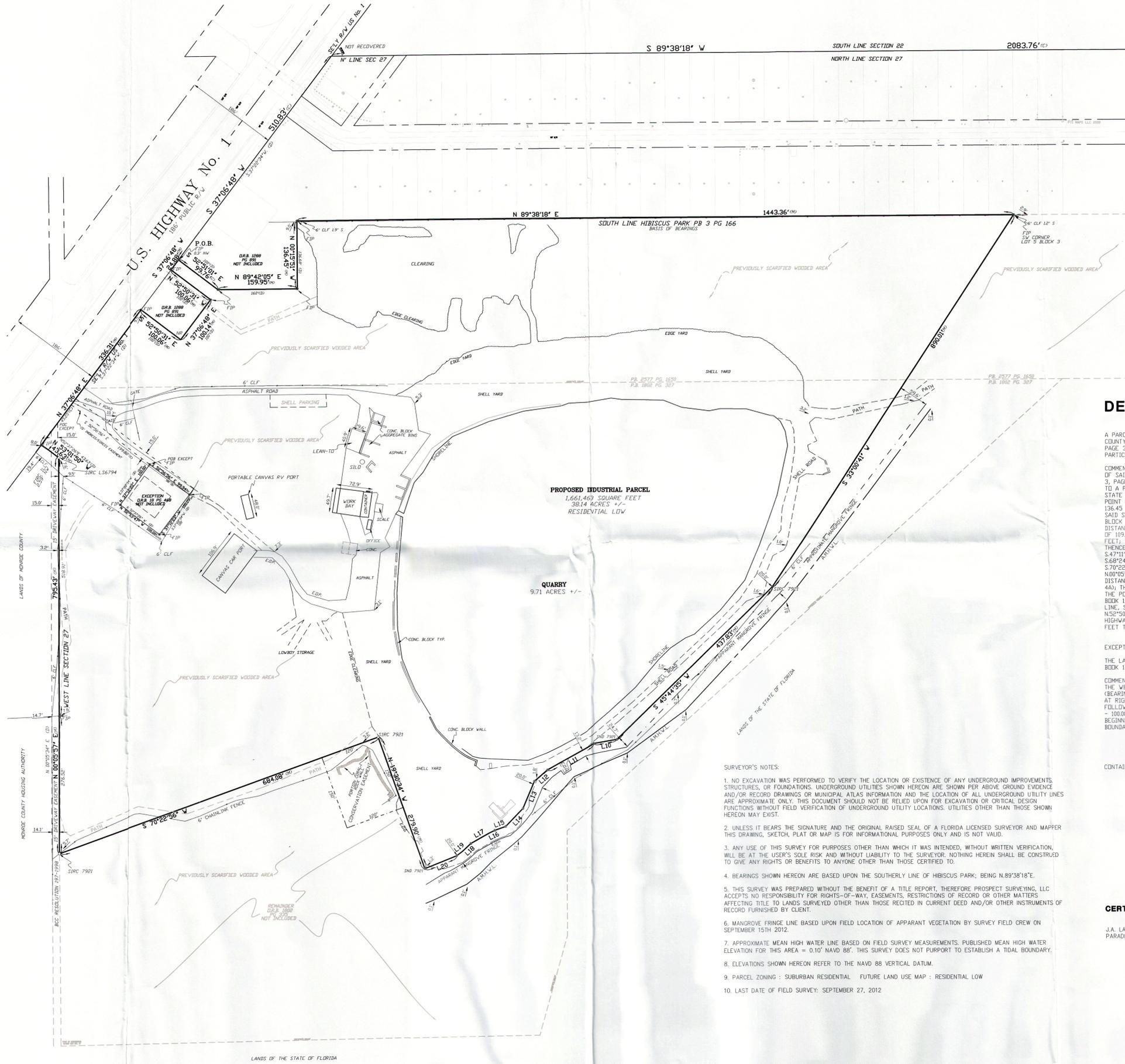
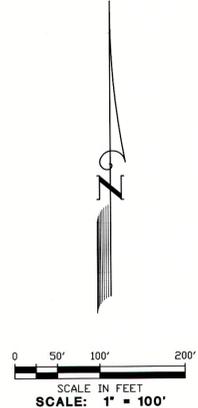
Surveying • Planning • GIS
1452 51ST STREET GULF MARATHON, FL 33050
WWW.PROSPECTSURVEYING.COM
305.587.4235
LB # 7921

SW 1/4
22-61-39

SE 1/4
22-61-39

NE 1/4
27-61-39

P.O.C.
NE
CORNER
NW 1/4
27-61-39
NOT RECOVERED



- LEGEND:**
- P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - ⊙ TITLE EXCEPTION
 - APPROX. APPROXIMATE (A)
 - M.H.W.L. MEAN HIGH WATER LINE
 - O.R.B. OFFICIAL RECORD BOOK
 - C/L CENTERLINE
 - R/W RIGHT-OF-WAY
 - PC PAGE
 - CONC. CONCRETE
 - T.O.B. TOP OF BANK
 - O/H OVERHANG
 - E.O.P. EDGE OF PAVEMENT
 - TYP. TYPICAL
 - (M) MEASURED
 - (C) CALCULATED
 - (P) PLAT
 - (G) GROUND
 - S.O.D. SEWER CLEANOUT
 - ⊙ VACUUM SEWER PIT
 - ⊙ STORM DRAIN
 - F.F.E. FINISH FLOOR ELEVATION
 - NAVD NORTH AMERICAN VERTICAL DATUM
 - PRM PERMANENT REFERENCE MARKER
 - A/C AIR CONDITIONER
 - ⊙ FIR FOUND IRON ROD
 - ⊙ FN FOUND NAIL
 - ⊙ FND FOUND NAIL AND DISK
 - ⊙ FRC FOUND IRON ROD AND CAP
 - ⊙ SIRC SET IRON ROD AND CAP
 - ⊙ SMD SET NAIL AND DISK
 - ⊙ FIP FOUND IRON PIPE
 - ⊙ UTILITY POLE
 - ⊙ WM WATER METER
 - ⊙ LAMP POST
 - ⊙ SPOT ELEVATION (EL)
 - CLF CHAIN LINK FENCE
 - A/C AIR CONDITIONER
 - ⊙ WATER METER
 - SAV SEWER AIR VENT
 - BLDG BUILDING
 - PID PARCEL IDENTIFICATION
 - MF METAL FENCE
 - WF WOOD FENCE
 - PF PLASTIC FENCE
 - FB PLAT BOOK
 - OHV OVERHEAD WIRES
 - BCC BOARD OF COUNTY COMMISSIONERS

LINE TABLE

LINE	BEARING	DISTANCE
L10	S79°51'03\"W	47.88
L11	S61°15'55\"W	109.13
L12	S44°42'27\"W	34.90
L13	S52°51'37\"W	59.25
L14	S44°16'47\"W	50.08
L15	S70°15'03\"W	23.24
L16	S64°38'58\"W	12.33
L17	S60°41'14\"W	42.83
L18	S47°11'25\"W	22.82
L19	S53°08'31\"W	15.62
L20	S68°24'04\"W	68.89

DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 61 SOUTH, RANGE 39 EAST ON KEY LARGO, MONROE COUNTY, FLORIDA, AND BEING A PORTION OF THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1802 PAGE 257 AND OFFICIAL RECORDS BOOK 2577 PAGE 1630 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 27; THENCE ALONG THE NORTH LINE OF SAID NW 1/4 AND THE NORTHERLY LINE OF HIBISCUS PARK AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 166, OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA, S89°38'18\"W, A DISTANCE OF 2083.76 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1 (OLD STATE ROAD 4A); THENCE ALONG SAID RIGHT OF WAY LINE S37°06'48\"W, A DISTANCE OF 500.83 FEET TO THE POINT OF BEGINNING; THENCE S52°51'01\"E, A DISTANCE OF 99.76 FEET; THENCE N00°15'51\"W, A DISTANCE OF 136.45 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK 3, AFOREMENTIONED HIBISCUS PARK; THENCE ALONG SAID SOUTHERLY LINE, N89°38'18\"E, A DISTANCE OF 1443.36 FEET TO THE SOUTHWESTERLY CORNER OF LOT 5, BLOCK 3 SAID HIBISCUS PARK; THENCE S33°00'41\"W, A DISTANCE 890.01 FEET; THENCE S45°44'35\"W, A DISTANCE OF 437.83 FEET; THENCE S79°51'03\"W, A DISTANCE OF 47.88 FEET; THENCE S61°15'55\"W, A DISTANCE OF 109.13 FEET; THENCE S44°42'27\"W, A DISTANCE OF 34.90 FEET; THENCE S52°51'37\"W, A DISTANCE OF 59.25 FEET; THENCE S44°16'47\"W, A DISTANCE OF 50.08 FEET; THENCE S70°15'03\"W, A DISTANCE OF 23.24 FEET; THENCE S64°38'58\"W, A DISTANCE OF 12.33 FEET; THENCE S60°41'14\"W, A DISTANCE OF 42.83 FEET; THENCE S47°11'25\"W, A DISTANCE OF 22.82 FEET; THENCE S53°08'31\"W, A DISTANCE OF 15.62 FEET; THENCE S68°24'04\"W, A DISTANCE OF 68.89 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 27; THENCE N00°05'57\"W, ALONG SAID WEST LINE OF SECTION 27, A DISTANCE OF 795.43 FEET; THENCE N53°01'50\"W, A DISTANCE OF 435.63 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1 (OLD STATE ROAD 4A); THENCE N37°06'48\"E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 386.31 FEET, TO THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1288 AT PAGE 891, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG SAID SOUTHWESTERLY LINE, S52°50'31\"E, A DISTANCE OF 100.06 FEET; THENCE N37°06'48\"E, A DISTANCE OF 100.14 FEET; THENCE N52°50'31\"W, A DISTANCE OF 100.06 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF SAID U.S. HIGHWAY No. 1; THENCE N37°06'48\"E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 24.88 FEET TO THE POINT OF BEGINNING.

EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

THE LANDS OF KATHALEEN DEAN, AS RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN OFFICIAL RECORDS BOOK 18, AT PAGES 468 AND 469 AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY BOUNDARY OF OLD STATE ROAD 4A WITH THE WESTERLY BOUNDARY OF SECTION 27, TOWNSHIP 61 SOUTH, RANGE 38 EAST; THENCE N 37°22'34\"E (BEARINGS REFER TO FLORIDA D.D.I. R/W PLANS SECTION 90060-2516 SHEET 23 OF 34) - 45.37 FEET; THENCE AT RIGHT ANGLES TO OLD STATE ROAD 4A S 52°37'26\"E - 200 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE S 52°37'26\"E - 100.00 FEET; THENCE S 37°22'34\"W - 100.00 FEET; THENCE N 52°37'26\"W - 100.00 FEET; THENCE N 37°22'34\"E - 100.00 FEET TO THE POINT OF BEGINNING; TOGETHER WITH AN EASEMENT 15 FEET IN WIDTH FOR INGRESS AND EGRESS ALONG THE NORTHERLY BOUNDARY OF SAID PROPERTY EXTENDING FROM THE SOUTHEASTERLY BOUNDARY OF OLD STATE ROAD 4A.

CONTAINING 1,661,463 SQUARE FEET OR 38.14 ACRES MORE OR LESS.

- SURVEYOR'S NOTES:**
- NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATLAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND UTILITY LINES ARE APPROXIMATE ONLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.
 - UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
 - ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
 - BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHERLY LINE OF HIBISCUS PARK; BEING N.89°38'18\"E.
 - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE PROSPECT SURVEYING, LLC ACCEPTS NO RESPONSIBILITY FOR RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS OF RECORD OR OTHER MATTERS AFFECTING TITLE TO LANDS SURVEYED OTHER THAN THOSE RECITED IN CURRENT DEED AND/OR OTHER INSTRUMENTS OF RECORD FURNISHED BY CLIENT.
 - MANGROVE FRINGE LINE BASED UPON FIELD LOCATION OF APPARENT VEGETATION BY SURVEY FIELD CREW ON SEPTEMBER 15TH 2012.
 - APPROXIMATE MEAN HIGH WATER LINE BASED ON FIELD SURVEY MEASUREMENTS. PUBLISHED MEAN HIGH WATER ELEVATION FOR THIS AREA = 0.10' NAVD 88'. THIS SURVEY DOES NOT PURPORT TO ESTABLISH A TIDAL BOUNDARY.
 - ELEVATIONS SHOWN HEREON REFER TO THE NAVD 88 VERTICAL DATUM.
 - PARCEL ZONING : SUBURBAN RESIDENTIAL FUTURE LAND USE MAP : RESIDENTIAL LOW
 - LAST DATE OF FIELD SURVEY: SEPTEMBER 27, 2012

CERTIFIED TO:

J.A. LAROCCO ENTERPRISE
PARADISE PIT LLC



Prospect Surveying, LLC
Certificate of Subordination - LS 7921

[Signature]
BRENT JOSEPH THORNTON
FLORIDA LICENSE - LS 6794

DRAWN: JS
CHECKED: BT
D.C.: BJ
CADD FILE: QUARRY 9-24

Prospect Surveying, LLC
Surveying-Planning-GIS
1452 51st Street Gulf, Marathon, FL 33059
www.prospectsurveying.com
305.587.4235

BOUNDARY SURVEY
SECTION 27, TOWNSHIP 61 SOUTH, RANGE 39 EAST
KEY LARGO
MONROE COUNTY, FLORIDA

NO.	DATE	REVISIONS	APP'D.	JOB NO.
				10-154
				3-69
				9-30-2012
				1\"/>