

AGENDA

PLANNING COMMISSION
MONROE COUNTY
September 14, 2011
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
Randy Wall, Vice Chairman
Jeb Hale
Elizabeth Lustberg
William Wiatt

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Tiffany Stankiewicz, Development Administrator
Steven Biel, Sr. Planner
Barbara Bauman, 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

July 13, 2011

July 27, 2011

MEETING

Continued Item:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 138-19, RATE OF GROWTH ORDINANCE (ROGO), 138-25, APPLICATION PROCEDURES FOR RESIDENTIAL ROGO, 138-26 EVALUATION PROCEDURES FOR RESIDENTIAL DWELLING UNIT ALLOCATION, 138-28, EVALUATION CRITERIA, 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE, 138-52, APPLICATION PROCEDURES FOR NROGO, AND 138-55, EVALUATION CRITERIA (NROGO); ESTABLISHING NEW MONROE COUNTY CODE SECTIONS 138-29, ROGO SITE PLAN APPROVAL PROCESS AND 138-56, NROGO SITE PLAN APPROVAL PROCESS; RENUMBERING EXISTING MONROE COUNTY CODE SECTION 138-56, EMPLOYEE HOUSING FAIR SHARE IMPACT FEE TO SECTION 138-57, ELIMINATING SECTIONS 110-142, COMPLIANCE REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS REQUIRING A ROGO OR NROGO ALLOCATION AWARD OR SUBMITTED UNDER PRIVATIZED PLAN REVIEW, AND 110-143, DEADLINES FOR SUBMISSION OF BUILDING PERMIT APPLICATIONS TO BE ENTERED INTO THE RESIDENTIAL AND NONRESIDENTIAL PERMIT ALLOCATION SYSTEMS, TO ELIMINATE THE REQUIREMENT THAT A BUILDING PERMIT BE "APPROVED" PRIOR TO ENTERING ROGO OR NROGO AND REPLACE THAT REQUIREMENT WITH A REQUIREMENT THAT APPLICANTS SEEKING ROGO OR NROGO ALLOCATIONS OBTAIN A SITE PLAN APPROVAL PRIOR TO ENTERING ROGO OR NROGO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

[2011-033 SR PC 09.14.11.PDF](#)

-
New Items:

2. A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System for the April 13, 2011 through July 12, 2011 ROGO quarter (4th Quarter Year 19). Building permits will be allocated for all unincorporated Monroe County.

[2010-109 SR PC 09.14.11.PDF](#)

3. A public hearing to consider and finalize the ranking of applications for Non-Residential Floor Area for all unincorporated Monroe County for the NROGO Period 2 of Year 19 January 13, 2011 - July 12, 2011. Building permits will be allocated for all unincorporated Monroe County.

[2010-110 SR PC 09.14.11.PDF](#)

4. Non-Residential Floor Area Allocation: The Planning Director is requesting recommendations from the Planning Commission, to the Board of County Commissioners, for the amount of commercial floor area to be available for the annual NROGO allocation for Year 20, beginning July 13, 2011 and ending July 12, 2012.

[2011-087 SR PC 09.14.11.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

-
RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee, Townsley Schwab, Senior Director of Planning & Environmental Resources & Christine Hurley, AICP, Director of Growth Management

From: Joseph Haberman, AICP, Planning & Development Review Manager 

Date: April 19, 2011

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING EXISTING MONROE COUNTY CODE SEC. 138-19, RATE OF GROWTH ORDINANCE (ROGO), SEC. 138-25, APPLICATION PROCEDURES FOR RESIDENTIAL ROGO, SEC. 138-28, EVALUATION CRITERIA, SEC. 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE, SEC. 138-52, APPLICATION PROCEDURES FOR NROGO, SEC. 138-55, EVALUATION CRITERIA (NROGO); ESTABLISHING NEW MONROE COUNTY CODE SEC. 138-29, ROGO SITE PLAN APPROVAL PROCESS AND SEC. 138-56, NROGO SITE PLAN APPROVAL PROCESS; RENUMBERING EXISTING MONROE COUNTY CODE SEC. 138-56, EMPLOYEE HOUSING FAIR SHARE IMPACT FEE TO SEC. 138-57, ELIMINATING SEC. 110-142, COMPLIANCE REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS REQUIRING A ROGO OR NROGO ALLOCATION AWARD OR SUBMITTED UNDER PRIVATIZED PLAN REVIEW, AND SEC. 110-143, DEADLINES FOR SUBMISSION OF BUILDING PERMIT APPLICATIONS TO BE ENTERED INTO THE RESIDENTIAL AND NONRESIDENTIAL PERMIT ALLOCATION SYSTEMS; TO ELIMINATE THE REQUIREMENT THAT A BUILDING PERMIT BE "APPROVED" PRIOR TO ENTERING ROGO OR NROGO AND REPLACE THAT REQUIREMENT WITH A REQUIREMENT THAT APPLICANTS SEEKING ROGO OR NROGO ALLOCATIONS OBTAIN A SITE PLAN APPROVAL PRIOR TO ENTERING ROGO OR NROGO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: May 10, 2011

1
2 I REQUEST
3

4 The Planning & Environmental Resources Department is proposing amendments to the text
5 of the Monroe County Code concerning the County's Rate of Growth Ordinance (ROGO)
6 and Nonresidential Rate of Growth Ordinance (NROGO). The general purpose of the

1 amendments is to eliminate the regulations that require an applicant to have a building permit
2 application be approved and “ready to issue” prior to entering ROGO or NROGO and replace
3 the existing regulations with new regulations that would not require full building plans to be
4 submitted prior to ROGO/NROGO application. The current requirement to have both the
5 site and building plans approved would be replaced with a requirement that applicants
6 seeking ROGO/NROGO allocations obtain only site plan approval prior to entering the
7 respective ROGO/NROGO permit allocation system.
8

9 **II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:**

10
11 The ROGO was implemented within the Monroe County Code as required by Monroe
12 County Comprehensive Plan Policy 101.2.13.
13

14 The ROGO was first adopted in 1992 by Ordinance #016-1992. Following its adoption, the
15 ROGO was implemented and it has been effective from July 1992 to present. In order to
16 carry out several miscellaneous amendments, MCC Chapter 138, Article II, ROGO has been
17 amended several times from its adoption to present date. Of these amendments, it is important
18 to note that in order to implement the tier scoring system, the ROGO regulations were
19 amended in 2006 by Ordinance #009-2006.
20

21 As set forth in MCC §138-19(b), the purposes and intent of the ROGO are: 1) to facilitate
22 implementation of goals, objectives and policies set forth in the Comprehensive Plan relating
23 to protection of residents, visitors and property in the county from natural disasters,
24 specifically including hurricanes; 2) to limit the annual amount and rate of residential
25 development commensurate with the county's ability to maintain a reasonable and safe
26 hurricane evacuation clearance time; 3) to regulate the rate and location of growth in order to
27 further deter deterioration of public facility service levels, environmental degradation and
28 potential land use conflicts; 4) to allocate the limited number of dwelling units available
29 annually hereunder, based upon the goals, objectives and policies set forth in the
30 Comprehensive Plan; and 5) to implement goal 105 of the Comprehensive Plan.
31

32 The NROGO was carried out as required by Monroe County Comprehensive Plan Policy
33 101.3.1.
34

35 The NROGO was first adopted in 2001 by Ordinance #032-2001. Following its adoption, the
36 NROGO was implemented and it has been effective from July 2001 to present. In order to
37 carry out several miscellaneous amendments, MCC Chapter 138, Article III, NROGO has
38 been amended several times from its adoption to present date. Of these amendments, it is
39 important to note that in order to implement the tier scoring system, the NROGO regulations
40 were amended in 2006 by Ordinance #011-2006.
41

42 As set forth in MCC §138-47(b), the purposes and intent of the NROGO are: 1) to facilitate
43 implementation of goals, objectives and policies set forth in the Comprehensive Plan relating
44 to maintaining a balance between residential and nonresidential growth; 2) to maintain a ratio
45 of approximately 239 square feet of nonresidential floor area for each new residential permit
46 issued through the ROGO; 3) to promote the upgrading and expansion of existing small-size

1 businesses and to retain the predominately small scale character of nonresidential
2 development in the Florida Keys; 4) to regulate the rate and location of nonresidential
3 development in order to eliminate potential land use conflicts; and 5) to allocate the
4 nonresidential floor area annually hereunder, based on the goals, objectives and policies of
5 the Comprehensive Plan and the Livable CommuniKeys master plans.
6

7 III REVIEW

8

9 Since the adoption of ROGO and NROGO, Monroe County has required applicants for
10 allocations to obtain an approved building permit prior to applying for an allocation. The
11 existing process requires an applicant to submit a full plan set for the site and all buildings as
12 part of building permit application, as well as application fees for the building permit and
13 corresponding plan review.
14

15 As with any other building permit not requiring an ROGO/NROGO allocation, approval of
16 the building permit application by the following county staff is required:

- 17 ○ Planning
 - 18 ○ Environmental Resources
 - 19 ○ Plumbing
 - 20 ○ Mechanical
 - 21 ○ Electrical
 - 22 ○ Floodplain Management
 - 23 ○ Fire Marshal
 - 24 ○ Engineering
 - 25 ○ Building Official
- 26

27 Development approved by a building permit is required to be compliant with the most current
28 codes in place at time of issuance. However, under the current system, applicants are
29 required to seek building permit approval prior to application for a ROGO and/or NROGO
30 allocation. Since the reviews by various disciplines occur at the beginning of a process that
31 may take some time (ROGO/NROGO are competitive, point-based systems and applications
32 may remain in the systems for several years), it is possible that the building permit
33 application that was reviewed and approved under the codes at time of application may
34 become non-compliant with the current code requirements on the date of building permit
35 issuance.
36

37 In addition, the expense to an applicant to prepare plans and pay building permit fees is
38 extensive. Further, staff has observed that some applicants submit “typical” plans for
39 buildings they do not intend to build so they can enter ROGO and/or NROGO. These
40 applicants then immediately revise the plans once an allocation is awarded and a building
41 permit is issued. The administrative staff time it takes to review full building permit
42 applications is extensive.
43

44 To alleviate these issues, staff is proposing to create a ROGO and NROGO Site Plan
45 Approval processes to remove the requirement to have a fully approved building permit prior
46 to application for ROGO or NROGO.

1
2 Staff is also proposing this new requirement be effective in January of 2012, so that
3 applicants who have already entered the process (building permit application approved) may
4 complete that process, but applicants that apply after the effective date may apply for a site
5 plan approval instead of a building permit.
6

7 The site plan approval process shall determine whether the site being proposed for an
8 allocation is “buildable” and/or “developable”, without the full requirement for having a
9 building permit application approved prior to entering the ROGO and/or NROGO permit
10 allocation system.
11

12 Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and
13 additions are underlined. Text to remain the same is in black):
14

15 **Sec. 138-19. - Residential rate of growth ordinance (ROGO).**
16

17 (a) *Definitions.* The following words, terms and phrases, when used in this section, shall
18 have the meanings ascribed to them in this subsection, except where the context clearly
19 indicates a different meaning:
20

21 *Allocation period* means a defined period of time within which applications for the
22 residential ROGO allocation will be accepted and processed.
23

24 *Annual allocation period* means the 12-month period beginning on July 13, 1992, (the
25 effective date of the original dwelling unit allocation ordinance), and subsequent one-year
26 periods.
27

28 *Annual residential ROGO allocation* means the maximum number of dwelling units for
29 which building permits may be issued during an annual allocation period.
30

31 *Buildable lot or parcel* means a lot or parcel which must contain a minimum of 2,000
32 square feet of upland, including any disturbed wetlands that can be filled pursuant to this
33 chapter.
34

35 *Controlling date* means the date and time a ROGO application is submitted. This date
36 shall be used to determine the annual anniversary date for receipt of a perseverance point
37 and shall determine precedence when ROGO applications receive identical ranking
38 scores. A new controlling date shall be established based upon the resubmittal date and
39 time of any withdrawn or revised application, except pursuant to section 138-25(h).
40

41 *Lawfully established for ROGO/NROGO exemption* means a unit or floor area that has
42 received a permit or other official approval from the division of growth management for
43 the units and/or floor area.
44

45 *Quarterly allocation period* means the three-month period beginning on July 13, 1992, or
46 such other date as the board may specify, and successive three-month periods.

1
2 *Quarterly residential ROGO allocation* means the maximum number of dwelling units
3 for which building permits may be issued in a quarterly allocation period.
4

5 *Residential dwelling unit* means a dwelling unit as defined in section 101-1, and
6 expressly includes the following other terms also specifically defined in section 101-1:
7 lawfully established hotel rooms, campground spaces, mobile homes, transient residential
8 units, institutional residential units (except hospital rooms) and live-aboards.
9

10 *Residential ROGO allocation* means the maximum number of dwelling units for which
11 building permits may be issued in a given time period.
12

13 *Residential ROGO allocation award* means the approval of a residential ROGO
14 application for the issuance of a building permit.
15

16 *ROGO application* means the residential ROGO application submitted by applicants
17 seeking allocation awards.
18

19 *ROGO Site Plan* means a document that demonstrates that proposed development
20 required to be approved by the planning director prior to entering the ROGO permit
21 allocation system.
22

23 (b) *Purpose and intent.* The purposes and intent of residential ROGO are:

- 24 (1) To facilitate implementation of goals, objectives and policies set forth in the
25 comprehensive plan relating to protection of residents, visitors and property in the
26 county from natural disasters, specifically including hurricanes;
27 (2) To limit the annual amount and rate of residential development commensurate with
28 the county's ability to maintain a reasonable and safe hurricane evacuation clearance
29 time;
30 (3) To regulate the rate and location of growth in order to further deter deterioration of
31 public facility service levels, environmental degradation and potential land use
32 conflicts;
33 (4) To allocate the limited number of dwelling units available annually hereunder, based
34 upon the goals, objectives and policies set forth in the comprehensive plan; and
35 (5) To implement goal 105 of the comprehensive plan.
36

37 * * * * *

38
39 **Sec. 138-25. - Application procedures for residential ROGO.**
40

41 (a) *Application for allocation.* In each quarterly allocation period, the department of planning
42 and environmental resources shall accept applications to enter the residential ROGO
43 system on forms prescribed by the planning director. Except for allocations to be reserved
44 and awarded under section 138-24(b), the ROGO application form must be accompanied
45 by an approved ~~building permit application~~ ROGO Site Plan and a nonrefundable
46 processing fee in order to be considered in the current allocation period. The planning

1 director shall review the ROGO application for completeness. If the application is
2 determined to be incomplete, the planning director shall reject the ROGO application and
3 notify the applicant of such rejection, and the reasons therefore, within ten working days.
4 The application shall be assigned a controlling date that reflects the time and date of its
5 submittal unless the application is determined to be incomplete. If the application is
6 rejected, then the new controlling date shall be assigned when a complete application is
7 submitted.

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

13
14 (c) *Compliance with other requirements.* The ROGO application shall not constitute an
15 indication of ~~indicate~~ whether or not the applicant for a residential dwelling unit
16 allocation has satisfied and complied with all county, state and federal requirements
17 otherwise imposed by the county regarding conditions precedent to issuance of a building
18 permit ~~and shall require that the applicant certify to such compliance.~~ Those
19 requirements shall be examined after an allocation is awarded during the building permit
20 process.

21
22 (d) *Noncounty 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 noncounty approvals, certifications and/or permits are not lost due to the increased time
26 requirements necessary for the county to process and evaluate residential dwelling unit
27 applications and issue allocation awards. The county may permit evidence of compliance
28 with the requirements of other jurisdictional entities to be demonstrated by "coordinating
29 letters" in lieu of approvals or permits.

30
31 (e) *Limitation on number of applications.*

32 (1) An individual entity or organization may submit only one ROGO application per unit
33 in each quarterly allocation period.

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

36 (3) A ROGO application for a given parcel shall not be for more dwelling units than are
37 permitted by applicable zoning or land use regulations or the comprehensive plan.

38
39 (f) *Expiration of allocation award.* Except as provided for in this article, an allocation award
40 shall expire ~~when its corresponding building permit is not picked up after 60 days of~~
41 ~~notification by certified mail of the award or after issuance of the building permit, upon~~
42 ~~expiration of the permit. ;~~ 1) upon failure by an applicant to submit a building permit
43 application to the building department for the residential dwelling unit requiring the
44 ROGO allocation within 180 days from the date of the ROGO allocation award; 2) upon
45 failure by an applicant to obtain an issued building permit within 360 days from the date
46 of the ROGO allocation award; or 3) when its corresponding building permit is deemed

1 to expire pursuant to chapter 102, article VII or after 60 days of mailing of notification
2 for the award of the allocation. Within 90 days of expiration, this timeframe may be
3 extended only by resolution of the board of county commissioners.
4

5 (g) *Borrowing from future housing allocations.*

- 6 (1) The planning commission may award additional units from future annual dwelling
7 unit allocations to fully grant an application for residential units in a project if such an
8 application receives an allocation award for some, but not all, of the units requested.
9 (2) The board of county commissioners, in approving affordable housing allocations
10 pursuant to section 138-24(b), may reserve and award additional units from future
11 annual dwelling unit allocations if the number of available allocations is insufficient
12 to meet specific project needs.
13 (3) The planning commission shall not reduce any future market rate quarterly allocation
14 by more than 20 percent and shall not apply these reductions to more than the next
15 five annual allocations or 20 quarterly allocations.
16 (4) The board of county commissioners, upon recommendation of the planning
17 commission, may make available for award up to 100 percent of the affordable
18 housing allocations available over the next five annual allocations or 20 quarterly
19 allocations.
20

21 (h) *Revisions of ROGO applications and awards.*

- 22 (1) An applicant may elect to revise a ROGO application to increase the competitive
23 points in the application without prejudice or change in the controlling date if a
24 revision is submitted on a form approved by the planning director to the planning and
25 environmental resources department no later than 30 days following the planning
26 commission approval of the previous ROGO rankings. Any such revision shall not
27 involve changes to the approved ~~building permit application~~ ROGO Site Plan. All
28 other applications that are withdrawn and resubmitted that do not increase the
29 competitive points or involve revisions to the approved ~~building permit application~~
30 ROGO Site Plan shall be considered new, requiring payment of appropriate fees and
31 receiving a new controlling date.
32 (2) After receipt of an allocation award, and either before or after receipt of a building
33 permit, but prior to receipt of a certificate of occupancy, no revisions shall be made to
34 any aspect of the proposed residential development which formed the basis for the
35 evaluation review, determination of points and allocation rankings, unless such
36 revision would have the effect of increasing the points awarded.
37

38 (i) *Clarification of application data.*

- 39 (1) At any time during the dwelling unit allocation review and approval process, the
40 applicant may be requested by the ~~director of~~ planning director or the planning
41 commission to submit additional information to clarify the relationship of the
42 allocation application, or any elements thereof, to the evaluation criteria. If such a
43 request is made, the ~~director of~~ planning director shall identify the specific evaluation
44 criterion at issue and the specific information needed and shall communicate such
45 request to the applicant.

(2) Upon receiving a request from the ~~director of~~ planning director for such additional information, the applicant may provide such information, or the applicant may decline to provide such information and allow the allocation application to be evaluated as submitted.

* * * * *

Sec. 138-28. - Evaluation criteria (ROGO).

The point values established on the following pages are to be applied cumulatively:

(1) *Tier designation.* The following points are intended to discourage development in environmentally sensitive areas and to direct and encourage development in appropriate infill areas, while recognizing that any development has an impact on the carrying capacity of the Florida Keys:

<i>Point Assignment</i>	<i>Criteria</i>
+0	An application which proposes a dwelling unit within an area designated tier I on Big Pine Key or No Name Key.
+10	An application which proposes a dwelling unit within an area designated tier I (natural area).
+10	An application which proposes development within an area designated tier II (transition and sprawl reduction area) on Big Pine Key or No Name Key.
+20	An application which proposes development within an area designated tier III (infill area) on Big Pine Key or No Name Key.
+20	An application which proposes the clearing of any upland native habitat vegetation that is part of a one acre or larger upland native habitat within an area designated tier III-A (special protection area).
+30	An application which proposes development within an area designated tier III (infill area) outside of Big Pine Key or No Name Key.

(2) *Big Pine Key and No Name Key only.* The following additional negative points shall be cumulatively assigned to allocation applications and are intended to implement the Habitat Conservation Plan and the Livable CommuniKeys Community Master Plan for Big Pine Key and No Name Key:

<i>Point Assignment</i>	<i>Criteria</i>
- 10	An application which proposes a dwelling unit on No Name Key.
- 10	An application which proposes development in designated Lower Keys Marsh Rabbit habitat or buffer areas as designated in the community master plan.
- 10	An application which proposes development in Key Deer Corridor as designated in the community master plan.

1
2
3
4

(3) *Lot aggregation.* The following points are intended to encourage the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots with density allocation by lot:-

<i>Point Assignment*</i>	<i>Criteria*</i>
+4	An application which aggregates a contiguous vacant, legally platted, vacant, buildable lot, zoned IS, IS-D, URM, URM-L, or CFV, located within a tier III designated area together with the parcel proposed for development. Each additional vacant, legally platted, buildable lot which is aggregated that meets the above requirements will earn the application the additional points as specified.
+3	On Big Pine Key and No Name Key. An application which aggregates a contiguous vacant, legally platted, vacant, buildable lot, zoned IS, IS-D, URM, URM-L, or CFV, located within a tier II or tier III designated area together with the parcel proposed for development. Each additional vacant, legally platted, buildable lot which is aggregated that meets the above requirements will earn the application the additional points as specified.
<i>Additional requirements</i>	
	1. The proposed development shall not involve the clearing of upland native vegetation of more than 5,000 square feet of upland native vegetation or the open space requirements of section 118-9, whichever is less.
	2. The application shall include, but not be limited to, the following: <u>(a) An affidavit of ownership of all affected parcels, acreage or land; and (b) A legally binding, restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of the county and enforceable by the county, subject to the approval of the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.</u>
	(a) An affidavit of ownership of all affected parcels, acreage or land; and
	(b) A legally binding, restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of the county and enforceable by the county, subject to the approval of the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.
<u>*Exception: No points for aggregation shall be awarded for any application that proposes the clearing of any native upland habitat in a tier III-A (Special Protection</u>	

Area) area. No aggregation of lots will be permitted in tier I.

~~No points for aggregation shall be awarded for any application that proposes the clearing of any native upland habitat in a tier III-A (Special Protection Area) area. No aggregation of lots will be permitted in tier I.~~

1
2
3
4
5
6

- (4) *Land dedication.* The following points are intended to encourage the voluntary dedication of vacant, buildable land within tier I and tier II (Big Pine Key and No Name Key) areas for the purposes of conservation, resource protection, restoration or density reduction, and, if located within tier III, for the purpose of providing land for affordable housing, where appropriate:

<i>Point Assignment</i>	<i>Criteria</i>
+4	An application which includes the dedication to the county of one vacant, legally platted buildable lot, zoned SC, IS, IS-D, URM, URM-L, or CFV, or a legally platted, buildable lot within any CFSD that authorizes dwelling units. Each additional vacant, legally platted, buildable lot which is dedicated that meets the above requirements will earn the application the additional points as specified.
+2	On Big Pine Key and No Name Key, An application which includes the dedication to the county of one vacant, legally platted buildable lot, zoned SC, IS, IS-D, URM, URM-L, or CFV, or a legally platted, buildable lot within any CFSD that authorizes dwelling units. Each additional vacant, legally platted, buildable lot which is dedicated that meets the above requirements will earn the applicantion <u>application</u> the additional points as specified.
+1 for each 5,000 square feet of lot area	An application which includes the dedication to the county of a vacant, legally platted, buildable lot of 5,000 square feet or more within a suburban residential district (SR) or suburban residential-limited district (SR-L) within a designated tier I area. Each additional vacant, legally platted, buildable lot of 5,000 square feet or more that meets the above requirements will earn points as specified.
+0.5	An application which includes the dedication to the county of one vacant, legally platted, buildable lot of 5,000 square feet or more within a native area district (NA) or sparsely settled district (SS) in a designated tier I area. Each additional vacant, legally platted, buildable lot that meets the above requirements will earn the half-point as specified.
+4	An application which includes the dedication to the county of at least one acre of vacant, unplatted, buildable land located within a designated tier I area. Each additional one acre of vacant, unplatted, buildable land that meets the above requirements will earn the points as specified.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to the county of at least one acre of

	vacant, unplatted, buildable land located within a designated tier I area. Each additional one acre of vacant, unplatted, buildable land that meets the above requirements will earn the points as specified.
<i>Additional requirements:</i>	
	1. The application shall include, but not be limited to, the following: <u>(a) An affidavit of ownership of all affected lots, parcels, acreage or land; and (b) A statutory warranty deed that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.</u>
	(a) An affidavit of ownership of all affected lots, parcels, acreage or land; and
	(b) A statutory warranty deed that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.
	2. Lots or parcels dedicated for positive points under this paragraph shall not be eligible for meeting the mitigation requirements of the Big Pine Key and No Name Key Overlay Zone.
	3. Lots or parcels donated for points in Big Pine Key or No Name Key must be located within tier I or tier II lands in Big Pine Key or No Name Key

1
2
3
4

- (5) *Market rate housing in employee or affordable housing project.* The following points are intended to provide further incentives for provision of market rate housing within employee housing projects:

<i>Point Assignment</i>	<i>Criteria</i>
+6	An application for market rate housing unit which is part of employee or affordable housing project.
<i>Additional requirements:</i>	
	The market rate dwelling unit must be part of an approved employee or affordable housing project and meet all the requirements and conditions pursuant to section 130-161(a) and (f) and this ordinance

5
6
7

- (6) *Special flood hazard area.* The following points are intended to discourage development within high risk special flood hazard zones:

<i>Point Assignment</i>	<i>Criteria</i>
-4	An application which proposes development within a "V" zone on the FEMA flood insurance rate map.

8

1 (7) *Central wastewater treatment system availability.* The following points shall be
 2 assigned to encourage development in areas served by central wastewater treatment
 3 systems:

<i>Point Assignment</i>	<i>Criteria</i>
+4	An application for which development is required to be connected to a central wastewater treatment system that meets BAT/AWT standards established by the state legislature.

4
 5 (8) *Perseverance points.* The following points are intended to reward an application
 6 based upon the number of years spent in the residential ROGO system without
 7 receiving an allocation award:

<i>Point Assignment</i>	<i>Criteria</i>
+1	A point shall be awarded on the anniversary controlling date for each year that the application remains in the ROGO system up to a maximum of four years.

8
 9 (9) *Payment to land acquisition fund.* Up to two points shall be awarded for a monetary
 10 payment to the county's land acquisition fund for the purchase by the county of lands
 11 for conservation and retirement of development rights. Points for payment to this
 12 fund shall be assigned as follows:

<i>Point Assignment</i>	<i>Criteria</i>
+ 1 to + 2	Proposes payment to the county's land acquisition fund in an amount equal to the monetary value of a ROGO dedication point times the number of points to be purchased, up to a maximum of two points.
<i>Additional requirements:</i>	
	1. The monetary value of each point shall be established annually by resolution of the board of county commissioners.
	2. The monetary value of each point shall be based upon the average fair market value of privately-owned, buildable, vacant, IS/URM, platted lots in tier I divided by four.
	3. Payment to the county's land acquisition fund shall be prior to the issuance of any building permit pursuant to the allocation award.

13
 14 (10) *Rescoring of applications not receiving allocations.* All applications in the ROGO
 15 system on the effective date of the ordinance from which this article is derived that do
 16 not receive an allocation award in quarter 4, ROGO year 14, ending July 13, 2006,
 17 shall be rescored in quarter 1, ROGO year 15, pursuant to the above provisions as
 18 modified by the vesting provisions of subsection ~~subsubsection~~ (11) of this section.

19
 20 (11) *Retroactive vesting provisions.* Notwithstanding the provisions of this article,
 21 upon the effective date of the ordinance from which this article is derived, the
 22 following vesting provisions shall apply to the scoring of applications in the ROGO
 23 system prior to the effective date of the ordinance from which this article is derived:

1. All applications shall be eligible to continue to receive perseverance points beyond the first four years in the system, at an annual rate of +2 points for each year that the application remains in the ROGO system.
2. If any application, prior to the effective date of the ordinance from which this article is derived, had been withdrawn and reentered the ROGO system and the application had been revised solely to increase its point total through lot aggregation or land dedication without revising the approved ~~building permit application~~ ROGO Site Plan, the controlling date of the application shall be restored to the controlling date of the application prior to the application's withdrawal. The application shall also be entitled to any perseverance points lost due to the withdrawal.
3. If any application received points for aggregation, which would not be authorized under the new aggregation provisions of subsection (3) of this section, the applicant shall receive +4 points for each aggregated lot, except that all applications received after September 27, 2005 that are on file with the county must be rescored prior to receiving an allocation pursuant to the mandate by the Florida Administrative Commission by Rule Nos. 28-20.110 and 28-20.120, effective September 27, 2005.
4. All applicants in the ROGO system upon the effective date of the ordinance from which this article is derived shall be notified by regular mail within 30 days from the effective date of the ordinance from which this article is derived by the county planning and environmental resources department of the new ROGO scoring system. In this notification, applicants shall be informed that they have 30 days from the date of the notification, if they so ~~ehese~~ choose, to submit a revision to their ROGO application to receive positive points through aggregation, land dedication, or payment of fees to the land acquisition fund. Within this one-time, 30-day time period, applicants shall be able to revise their applications without payment of fees or a change in their controlling date upon condition that their approved ~~building permit application~~ ROGO Site Plan is not revised.

* * * * *

Sec. 138-29. ROGO site plan approval process.

(a) ROGO Site Plan application. Any application for a ROGO allocation within unincorporated Monroe County subject to this chapter shall require site plan approval prior to ROGO application submittal in accordance with this section.

(b) ROGO Site Plan application requirements. An application shall be submitted to the planning director in a form provided by the planning and environmental resources department.

(1) The application shall be received by the planning department at least 30 days prior to the end of an allocation period.

(2) The application shall be accompanied by the required application fee, which shall be established by resolution of the board of county commissioners.

- 1 (3) The application shall include a) the name(s) and address(s) of the property owner(s)
2 of record, b) the property record card(s) from the Monroe County Property Appraiser,
3 c) a location map, d) a written legal description of the property proposed for
4 development, e) a statement and confirmation that no new structures shall exceed or
5 otherwise violate the height and floodplain management limitations of this chapter, f)
6 a boundary survey of the property proposed for development, prepared by a surveyor
7 registered in the State of Florida, showing the boundaries of the site, elevations,
8 bodies of water or wetlands on the site and adjacent to the site, existing structures
9 including all paved areas, existing easements, total acreage and total acreage by
10 habitat and g) the site plan.
- 11 (4) If a conditional use permit is required in accordance with this chapter for the
12 development applied for, the conditional use permit shall be obtained and effective
13 prior to submittal of any ROGO Site Plan application. A copy of the recorded
14 development order shall be submitted with the ROGO Site Plan application.
- 15 (5) The site plan shall be prepared and sealed by a professional architect, engineer, or any
16 other professional licensed in the State of Florida to prepare site plan. The site plan
17 shall be drawn to a scale of one inch equals twenty feet. At a minimum, the site plan
18 shall depict the following features and information:
- 19 a. Date, north point and graphic scale;
20 b. Boundary lines of site, including all property lines and mean high-water lines in
21 accordance with Florida Statutes;
22 c. All attributes from the boundary survey, excluding only existing structures to be
23 removed as part of a redevelopment;
24 c. Future Land Use Map (FLUM) designation(s) of the site;
25 d. Land use district designation(s) of site;
26 e. Tier designation(s) of the site;
27 f. Flood zones pursuant to the Flood Insurance Rate Map;
28 g. Setback lines as required by this chapter;
29 h. Locations and dimensions of all existing and proposed structures, including all
30 paved areas;
31 i. Size and type of buffer yards and parking lot landscaping areas, including the
32 species and number of plants;
33 j. Extent and area of wetlands, open space preservation areas and conservation
34 easements;
35 k. Delineation of habitat types to demonstrate buildable area on the site, including
36 any heritage trees identified and any potential species that may use the site
37 (certified by an approved biologist and based on the most current professionally-
38 recognized mapping by the U.S. Fish and Wildlife Service;
39 l. Drainage plan including existing and proposed topography, all drainage
40 structures, retention areas, drainage swales and existing and proposed permeable
41 and impermeable areas;
42 m. Location of existing and proposed fire hydrants or fire wells;
43 n. The location of existing public utilities, including location of the closest available
44 water supply system or collection lines and the closest available wastewater
45 collection system or collection lines (with wastewater system provider) or on-site

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

3 n. 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, setbacks required and provided, the total amount of
6 off-street parking required and provided, the amounts of impervious and pervious
7 areas, and calculations for land use intensity, open space ratio, and off-street
8 parking.

9 As reasonably required, if deemed necessary to complete a full review of the
10 application, the planning director may request additional information or coordination
11 letters from other agencies.

12
13 (c) ROGO Site Plan application required review:

- 14
15 (1) The planning director, in accordance with the procedures, standards and limitations of
16 this article and subject to such rights of appeal as are provided, has the authority to
17 approve ROGO Site Plan applications.
- 18 (2) The ROGO Site Plan application shall be initially reviewed by planning and
19 environmental resources department for compliance with this chapter, the
20 comprehensive plan, any applicable Livable CommuniKeys master plan and any
21 other plan that would affect the proposed land use and intensity.
- 22 (3) Once determined complete and in compliance by the planning and environmental
23 resources department, the planning director, or his or her designee, shall route the
24 application to the following departments for review: the building department, the
25 office of the fire marshal, the engineering and project management department. Each
26 department that reviews the application shall respond with written comments and
27 recommendations to the planning director, or his or her designee, who shall maintain
28 a file on the application.
- 29 (4) Upon receiving written comments and recommendations of approval by all of the
30 reviewing departments, the planning director shall approve the ROGO Site Plan
31 application. At that time, the planning and environmental resources department shall
32 notify the applicant in writing and the applicant may then submit the additional
33 application for a ROGO allocation and enter the ROGO permit allocation system.
- 34 (5) In the event that the ROGO Site Plan application is found deficient and/or non-
35 compliant to a required regulation or policy, the planning director shall notify the
36 applicant by certified mail of such deficiency or additionally needed information.
37 The applicant shall have an opportunity to remedy any deficiency by filing a revision
38 to the application within 60 days of the date of the notification by the County of the
39 deficiency. If the applicant does not submit a revision to the application with 60
40 days, the planning director shall deny the ROGO Site Plan application.
- 41 (6) The applicant, an adjacent property owner, or any aggrieved or adversely affected
42 person, as defined by F.S. § 163.3215(2), may appeal the decision of the planning
43 director. Such an appeal shall be conducted by the planning commission in
44 accordance with the provisions of section 102-185(e).

45 * * * * *

1
2 **Sec. 138-47. - Nonresidential rate of growth ordinance (NROGO).**
3

4 (a) Definitions. The following words, terms and phrases, when used in this section, shall
5 have the meanings ascribed to them in this subsection, except where the context clearly
6 indicates a different meaning:
7

8 *Allocation date* means the specific date and time by which applications for the NROGO
9 allocation will be accepted and processed.
10

11 *Annual allocation period* means the 12-month period beginning on July 14, 2001, and
12 subsequent one-year periods that is used to determine the amount of nonresidential floor
13 area to be allocated based on the number of ROGO allocations to be issued in the
14 upcoming ROGO year.
15

16 *Annual nonresidential ROGO allocation* means the maximum floor area for which
17 building permits may be issued during an annual allocation period.
18

19 *Buildable lot or parcel* means the lot or parcel which must contain a minimum of 2,000
20 square feet of uplands, including any disturbed wetlands that can be filled pursuant to this
21 chapter.
22

23 *Community master plan* means a plan adopted by the board of county commissioners as
24 part of the Monroe County Livable CommuniKeys Program.
25

26 *Controlling date* means the same as defined in section 138-19(a), except it shall apply to
27 NROGO applications under this article.
28

29 *Covered walkways* means a covered area of any length but no wider than five feet that is
30 used for providing weather protected pedestrian access from one part of a property to
31 another part of the same property.
32

33 *Historic resources* means a building, structure, site, or object listed or eligible for listing
34 individually or as a contributing resource in a district in the National Register of Historic
35 Places, the state inventory of historic resources or the county register of designated
36 historic properties.
37

38 *Infill* means the development or redevelopment of land that has been bypassed, remained
39 vacant, and/or underused in otherwise built up areas which are serviced by existing
40 infrastructure.
41

42 *Nonresidential floor area* means the sum of the gross floor area for a nonresidential
43 building or structure, as defined in section 101-1, any areas used for the provision of food
44 and beverage services and seating, whether covered or uncovered, and all covered,
45 unenclosed areas. Walkways, stairways, entryways, parking, and loading areas are not
46 considered nonresidential floor area. Additionally, boat barns, covered and unenclosed

1 boat racks with three or fewer sides not associated with retail sales of boats which do not
2 exceed 50 percent of the net buildable area of the lot/parcel are not considered
3 nonresidential floor area. The term "nonresidential floor area" does not include space
4 occupied by transient residential and institutional residential principal uses.
5

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

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

15 NROGO Site Plan means a document that demonstrates that proposed development
16 required to be approved by the planning director prior to entering the NROGO permit
17 allocation system.
18

19 *Site* means the parcels of land required to be aggregated under section 130-130 to be
20 developed or from which existing nonresidential floor area is to be transferred or
21 received.
22

23 *Storage area* means the outside storage of vehicles, recreational vehicles, boats, campers,
24 equipment, goods and materials for more than 24 hours. The term "storage area" includes
25 a contractor's equipment storage, but does not include outdoor retail sales. This is
26 considered a light industrial use and does not include waste transfer stations, junkyards,
27 yards or other heavy industrial uses.
28

29 *Sunshade* means an unenclosed structure used as protection from the weather.
30

31 (b) *Purpose and intent.* The purposes and intent of the nonresidential rate of growth
32 ordinance are:

- 33 (1) To facilitate implementation of goals, objectives and policies set forth in the
34 comprehensive plan relating to maintaining a balance between residential and
35 nonresidential growth.
36 (2) To maintain a ratio of approximately 239 square feet of nonresidential floor area for
37 each new residential permit issued through the residential rate of growth ordinance
38 (ROGO).
39 (3) To promote the upgrading and expansion of existing small-size businesses and to
40 retain the predominately small scale character of nonresidential development in the
41 Florida Keys.
42 (4) To regulate the rate and location of nonresidential development in order to eliminate
43 potential land use conflicts.
44 (5) To allocate the nonresidential floor area annually hereunder, based on the goals,
45 objectives and policies of the comprehensive plan and the Livable CommuniKeys
46 master plans.

1
2 * * * * *
3
4 **Sec. 138-52. - Application procedures for NROGO.**
5

- 6 (a) *Application for allocation.* The planning department shall accept applications to enter the
7 NROGO system on forms provided by the planning director. The NROGO application
8 form must be accompanied by an approved ~~building permit application~~ NROGO Site
9 Plan in order to be considered in the current annual allocation period. The application
10 must state for which allocation category an award is being sought, either 2,500 square
11 feet or less, or ~~more than 2,500~~ 2,501 square feet or more. The planning director shall
12 review the NROGO application for completeness. If the application is determined to be
13 incomplete, the planning director shall reject the NROGO application and notify the
14 applicant of such rejection, and the reasons therefor, within ten working days. If
15 determined to be complete, the application shall be assigned a controlling date.
16
- 17 (b) *Fee for review of application.* Each NROGO application shall be accompanied by a
18 nonrefundable processing fee as may be established by resolution of the board of county
19 commissioners. Additional fees are not required for successive review of the same
20 NROGO application unless the application is withdrawn and resubmitted.
21
- 22 (c) *Compliance with other requirements.* The NROGO ~~applications~~ application shall ~~indicate~~
23 not constitute an indication of whether or not the applicant for the nonresidential floor
24 area allocation has satisfied and complied with all county, state, and federal requirements
25 otherwise imposed by the county regarding conditions precedent to issuance of a building
26 permit ~~and shall require that the applicant certify to such compliance.~~ Those
27 requirements shall be examined after an allocation is awarded during the building permit
28 process.
29
- 30 (d) *Time of review.* ~~Notwithstanding the time periods set forth in section 110-142, the~~
31 ~~director of~~ The planning director may retain the allocation application and its associated
32 ~~building permit~~ NROGO Site Plan application for review pursuant to the evaluation
33 procedures and criteria set forth in section 138-53 and section 138-55.
34
- 35 (e) *Noncounty time periods.* The county shall develop necessary administrative procedures
36 and, if necessary, enter into agreements with other jurisdictional entities which impose
37 requirements as a condition precedent to development in the county, to ensure that such
38 noncounty approvals, certifications and/or permits are not lost due to the increased time
39 requirements necessary for the county to process and evaluate ~~residential dwelling unit~~
40 nonresidential floor area applications and issue allocation awards. The county may permit
41 evidence of compliance with the requirements of other jurisdictional entities to be
42 demonstrated by coordination letters in lieu of approvals or permits.
43
- 44 (f) *Limitation on number of applications.*
45 (1) An individual entity or organization may have only one active NROGO application
46 per site in the annual allocation period.

1 (2) There shall be no limit on the number of separate projects for which NROGO
2 applications may be submitted by an individual, entity or organization.
3

4 (g) *Expiration of allocation award.* An allocation award shall expire ~~when:~~ 1) upon failure
5 by an applicant to submit a building permit application to the building department for the
6 nonresidential development requiring the NROGO allocation within 180 days from the
7 date of the NROGO allocation award; 2) upon failure by an applicant to obtain an issued
8 building permit within 360 days from the date of the NROGO allocation award; or 3)
9 when its corresponding building permit is deemed to expire pursuant to chapter 102,
10 article VII ~~or after 60 days of mailing of notification for the award of the allocation of~~
11 ~~nonresidential floor area.~~ Within 90 days of expiration, this timeframe may be extended
12 only by resolution of the board of county commissioners.
13

14 (h) *Withdrawal of NROGO application.* An applicant may elect to withdraw a NROGO
15 application without prejudice at any time up to finalization of the evaluation rankings by
16 the planning commission. Revision and resubmission of the withdrawn application must
17 be in accordance with subsection (i) of this section.
18

19 (i) *Revisions to applications and awards.*

20 (1) Upon submission of a NROGO application, an applicant may revise the application if
21 it is withdrawn and resubmitted prior to the allocation date for the allocation period in
22 which the applicant wishes to compete. Resubmitted applications shall be considered
23 new, requiring payment of appropriate fees and receiving a new controlling date.

24 (2) After receipt of an allocation award, and either before or after receipt of a building
25 permit being obtained, but prior to receipt of a certificate of occupancy or final
26 inspection, no revisions shall be made to any aspect of the proposed nonresidential
27 development which formed the basis for the evaluation review, determination of
28 points and allocation rankings, unless such revision would have the effect of
29 increasing the points awarded.

30 (3) After the receipt of an allocation award, a building permit and a certificate of
31 occupancy or final inspection, no revision shall be made to any aspect of the
32 completed nonresidential development which formed the basis for the evaluation,
33 review, determination of points and allocation rankings, unless such revisions are
34 accomplished pursuant to a new building permit and unless such revisions would
35 have the net effect of either maintaining or increasing the number of points originally
36 awarded.
37

38 (j) *Clarification of application data.*

39 (1) At any time during the NROGO allocation review and approval process, the applicant
40 may be requested by the ~~director of~~ planning director or the planning commission, to
41 submit additional information to clarify the relationship of the allocation application,
42 or any elements thereof, to the evaluation criteria. If such a request is made, the
43 ~~director of~~ planning director shall identify the specific evaluation criterion at issue
44 and the specific information needed and shall communicate such request to the
45 applicant.

(2) Upon receiving a request from the ~~director of~~ planning director for such additional information, the applicant may provide such information; or the applicant may decline to provide such information and allow the allocation application to be evaluated as submitted.

* * * * *

Sec. 138-55. - Evaluation criteria (NROGO).

(a) Evaluation point values. The following point values established are to be applied cumulatively except where otherwise specified:

(1) *Tier designation.* The following points are intended to discourage nonresidential development in environmentally sensitive areas and areas without sufficient infrastructure and to direct and encourage nonresidential development in appropriate infill areas, while recognizing that any development has affects on the carrying capacity of the Florida Keys:

<i>Point Assignment</i>	<i>Criteria</i>
0	An application which proposes nonresidential development within an area designated tier I (natural area), except for the expansion of existing, lawfully established nonresidential floor area provided under the exception below.
+10	An application which proposes nonresidential development within an area designated tier II (transition and sprawl reduction area) on Big Pine <u>Key</u> and <u>or</u> No Name Key.
+10	An application which proposes nonresidential development within an area designated tier III-A (special protection area) that proposes to clear any portion of an upland native habitat patch of one acre or greater in size.
+20	An application which proposes nonresidential development within an area designated tier III (infill area).
<i>Exception:</i>	
Any application for the expansion of existing, lawfully established nonresidential floor area shall be assigned +20 points contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the existing use is located.	

(2) *Intensity Reduction.* The following points are intended to encourage the voluntary reduction of intensity:

<i>Point Assignment</i>	<i>Criteria</i>
+4	An application proposes development that reduces the permitted floor area ratio (FAR) to 23 percent or less.
<i>Additional Requirements:</i>	
A legally binding restrictive covenant running in favor of the county that restricts the floor area ratio of the property to a maximum of 23 percent for a period of ten years shall be approved by the growth management director and county attorney	

and recorded in the office of the county clerk prior to the issuance of any building permit pursuant to an allocation award.

1
2
3
4
5
6

(3) *Land dedication.* The following points are intended to encourage the voluntary dedication of vacant, buildable land within tier I and tier II (Big Pine Key and No Name Key) areas for the purposes of conservation, resource protection, restoration or density reduction, and, if located within tier III, for the purpose of providing land for affordable housing where appropriate:

<i>Point Assignment</i>	<i>Criteria</i>
+4	An application which includes the dedication to the county of one vacant, legally platted, buildable lot, zoned SC, IS, IS-D, IS-M, URM, URM-L, or CFV or a legally platted, buildable lot within any CFSD that authorizes dwelling units. Each additional vacant, legally platted, buildable lot which is dedicated that meets the above requirements will earn the application the additional points as specified.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to the county of one vacant, legally platted, buildable lot, zoned SC, IS, IS-D, IS-M, URM, URM-L, or CFV, or a legally platted, buildable lot within any CFSD that authorizes dwelling units. Each additional vacant, legally platted, buildable lot which is dedicated that meets the above requirements will earn the application the additional points as specified.
+1 for each 5,000 square feet of lot area	An application which includes the dedication to the county of a vacant, legally platted, buildable lot of 5,000 square feet or more within a suburban residential district (SR) or suburban residential-limited district (SR-L) in a designated tier I area. Each additional vacant, legally platted, buildable lot of 5,000 square feet or more that meets the above requirements will earn points as specified.
+0.5	An application which includes the dedication to the county of one vacant, legally platted lot of 5,000 square feet or more within a native area district (NA) or sparsely settled district (SS) within a designated tier I area. Each additional vacant, legally platted, buildable lot that meets the above requirements will earn the half-point as specified.
+4	An application which includes the dedication to the county of at least one acre of vacant, unplatted, buildable land located within a designated tier I area. Each additional one acre of vacant, unplatted, buildable land that meets the above requirements will earn the points as specified.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to the county of at least one acre of vacant, unplatted, buildable land located within a designated tier I area. Each additional one acre of vacant, unplatted,

	buildable land that meets the above requirements will earn the points as specified.
<i>Additional requirements:</i>	
1. The application shall include, but not be limited to, the following: <u>(a) An affidavit of ownership of all affected lots, parcels, acreage or land; and (b) A statutory warranty deed that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.</u>	
(a) An affidavit of ownership of all affected lots, parcels, acreage or land; and (b) A statutory warranty deed that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.	
2. Lots or parcels dedicated for positive points under this subsection shall not be eligible for meeting the mitigation requirements of the Big Pine Key and No Name Key Overlay Zone.	
3. Only lots or parcels on Big Pine Key and No Name Key dedicated for positive points under this subsection will allow for positive points for applications on Big Pine Key and No Name Key.	

1
2
3
4
5
6
7
8
9
10
11

- (4) *Special flood hazard area.* The following points are intended to discourage development within high risk special flood hazard zones:

<i>Point Assignment</i>	<i>Criteria</i>
-4	An application which proposes development within a "V" zone on the FEMA flood insurance rate map.

- (5) *Perseverance points.* The following points are intended to reward an application based upon the number of years spent in the nonresidential ROGO system without receiving an allocation award.

<i>Point Assignment</i>	<i>Criteria</i>
+1	A point shall be awarded on the anniversary of the controlling date for each year that the application remains in the NROGO system, up to four years.
+2	Points shall be awarded on the anniversary of the controlling date for each year over four that the application remains in the NROGO system.

- (6) *Highway access.* The following points are intended to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:

<i>Point Assignment</i>	<i>Criteria</i>
+3	The project eliminates an existing driveway or accessway to U.S. Highway 1.
+2	The projects does not provide for a new driveway or accessway to U.S. Highway 1.

1
2
3

(7) *Landscaping and water conservation.* The following points are intended to encourage the planting of native vegetation and promote water conservation

<i>Point Assignment</i>	<i>Criteria</i>
+3	The project provides a total of 200 percent of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.
+1	25 percent of the native plants provided to achieve the three point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of 100 percent native plants for vegetation, collection and direction of rainfall to landscaped areas, or application of reused wastewater or treated seawater for watering landscaped plants.
<i>Additional requirements:</i>	
Prior to the issuance of a certificate of occupancy for the building permit authorized by an allocation award, the applicant shall:	
(a) Post a two-year performance bond in accordance with this chapter to ensure maintenance of the native plants; and,	
(b) Sign an affidavit acknowledging that he is subject to code enforcement action should the native plants not be maintained.	

4
5
6
7

(8) *Central wastewater treatment system availability.* The following points shall be assigned to encourage development in areas served by central wastewater treatment systems

<i>Point Assignment</i>	<i>Criteria</i>
+4	An application for which development is required to be connected to a central wastewater treatment system that meets BAT/AWT standards established by the state legislature.

8
9
10

(9) *Employee housing.* The following points, up to a maximum of four, shall be assigned to allocation applications that make provisions for employee housing units:

<i>Point Assignment</i>	<i>Criteria</i>
+2 per unit	Proposes an employee housing unit which is located on the parcel with the nonresidential floor space requested in the allocation application. Up to a maximum of four points may be awarded.
<i>Additional requirements:</i>	
1. The employee housing unit shall be required to meet the applicable provisions of section 130-161.	
2. The proposed employee housing unit shall be included in the development approval for the nonresidential development proposed in the allocation application.	

3. A certificate of occupancy shall be granted for the nonresidential development authorized by the allocation award, but shall not be issued prior to the certificate of occupancy for the employee housing units.

(10) *Payment to land acquisition fund.* Up to two points shall be awarded for a monetary payment to the county's land acquisition fund for the purchase by the county of lands for conservation and retirement of development rights. Points for payment to this fund shall be assigned as follows:

<i>Point Assignment</i>	<i>Criteria</i>
+ 1 to + 2	Proposes payment to the county's land acquisition fund in an amount equal to the monetary value of a ROGO dedication point times the number of points to be purchased, up to a maximum of two points.
<i>Additional requirements:</i>	
	1. The monetary value of each point shall be established annually by resolution of the board of county commissioners.
	2. The monetary value of each point shall be based upon the average market value of privately-owned, buildable, vacant, IS/URM, platted lots in tier I, divided by four.
	3. Payment to the county's land acquisition fund shall be prior to the issuance of any building permit pursuant to the allocation award.

(b) *Rescoring of applications not receiving allocations.* All applications in the NROGO system on the effective date of the ordinance from which this article is derived that do not receive an allocation award in quarter 4, ROGO year 14, ending July 13, 2006, shall be rescored in quarter 1, ROGO year 15, pursuant to the provisions of subsection (a) of this section, as modified by the vesting provisions of subsection (c) of this section.

(c) *Retroactive vesting provisions.* Notwithstanding the provisions of subsection (a) of this section, upon the effective date of the ordinance from which this article is derived, the following vesting provision shall apply to the scoring of applications in the ROGO system prior to the effective date of the ordinance from which this article is derived:

- (1) All applicants in the NROGO system upon the effective date of the ordinance from which this article is derived shall be notified by regular mail within 30 days from the effective date of the ordinance from which this article is derived by the county planning and environmental resources department of the new NROGO scoring system.
- (2) In such notification, applicants shall be informed that they have 30 days from the date of the notification, if they so ~~choose~~ choose, to submit a revision to their NROGO application to receive positive points through aggregation, land dedication, or payment of fees to the land acquisition fund.
- (3) Within this one-time, 30-day time period, applicants shall be able to revise their applications without payment of fees or a change in their controlling date, upon

1 condition that their approved ~~building permit application~~ NROGO Site Plan is not
2 revised to involve any further clearing of upland native habitat.

3 * * * * *

4
5
6 **Sec. 138-56. NROGO site plan approval process.**

7
8 (a) NROGO Site Plan application. Any application for a NROGO allocation within
9 unincorporated Monroe County subject to this chapter shall require site plan approval
10 prior to NROGO application submittal in accordance with this section.

11
12 (b) NROGO Site Plan application requirements. An application shall be submitted to the
13 planning director in a form provided by the planning and environmental resources
14 department.

15
16 (1) The application shall be received by the planning department at least 30 days prior to
17 the end of an allocation period.

18 (2) The application shall be accompanied by the required application fee, which shall be
19 established by resolution of the board of county commissioners.

20 (3) The application shall include a) the name(s) and address(s) of the property owner(s)
21 of record, b) the property record card(s) from the Monroe County Property Appraiser,
22 c) a location map, d) a written legal description of the property proposed for
23 development, e) a statement and confirmation that no new structures shall exceed or
24 otherwise violate the height and floodplain management limitations of this chapter, f)
25 a boundary survey of the property proposed for development, prepared by a surveyor
26 registered in the State of Florida, showing the boundaries of the site, elevations,
27 bodies of water or wetlands on the site and adjacent to the site, existing structures
28 including all paved areas, existing easements, total acreage and total acreage by
29 habitat and g) the site plan.

30 (4) If a conditional use permit is required in accordance with this chapter for the
31 development applied for, the conditional use permit shall be obtained and effective
32 prior to submittal of any NROGO Site Plan application. A copy of the recorded
33 development order shall be submitted with the NROGO Site Plan application.

34 (5) The site plan shall be prepared and sealed by a professional architect, engineer, or any
35 other professional licensed in the State of Florida to prepare site plan. The site plan
36 shall be drawn to a scale of one inch equals twenty feet. At a minimum, the site plan
37 shall depict the following features and information:

38 a. Date, north point and graphic scale;

39 b. Boundary lines of site, including all property lines and mean high-water lines in
40 accordance with Florida Statutes;

41 c. All attributes from the boundary survey, excluding only existing structures to be
42 removed as part of a redevelopment;

43 c. Future Land Use Map (FLUM) designation(s) of the site;

44 d. Land use district designation(s) of site;

45 e. Tier designation(s) of the site;

46 f. Flood zones pursuant to the Flood Insurance Rate Map;

- 1 g. Setback lines as required by this chapter;
2 h. Locations and dimensions of all existing and proposed structures, including all
3 paved areas;
4 i. Size and type of buffer yards and parking lot landscaping areas, including the
5 species and number of plants;
6 j. Extent and area of wetlands, open space preservation areas and conservation
7 easements;
8 k. Delineation of habitat types to demonstrate buildable area on the site, including
9 any heritage trees identified and any potential species that may use the site
10 (certified by an approved biologist and based on the most current professionally-
11 recognized mapping by the U.S. Fish and Wildlife Service;
12 l. Drainage plan including existing and proposed topography, all drainage
13 structures, retention areas, drainage swales and existing and proposed permeable
14 and impermeable areas;
15 m. Location of existing and proposed fire hydrants or fire wells;
16 n. The location of existing public utilities, including location of the closest available
17 water supply system or collection lines and the closest available wastewater
18 collection system or collection lines (with wastewater system provider) or on-site
19 system proposed to meet required County and State of Florida wastewater
20 treatment standards; and
21 n. A table providing the total land area of the site, the total buildable area of the site,
22 the type and square footage of all nonresidential land uses, the type and number of
23 all residential dwelling units, setbacks required and provided, the total amount of
24 off-street parking required and provided, the amounts of impervious and pervious
25 areas, and calculations for land use intensity, open space ratio, and off-street
26 parking.
27 As reasonably required, if deemed necessary to complete a full review of the
28 application, the planning director may request additional information or coordination
29 letters from other agencies.

30
31 (c) NROGO Site Plan application required review:

- 32
33 (1) The planning director, in accordance with the procedures, standards and limitations of
34 this article and subject to such rights of appeal as are provided, has the authority to
35 approve NROGO Site Plan applications.
36 (2) The NROGO Site Plan application shall be initially reviewed by planning and
37 environmental resources department for compliance with this chapter, the
38 comprehensive plan, any applicable Livable CommuniKeys master plan and any
39 other plan that would affect the proposed land use and intensity.
40 (3) Once determined complete and in compliance by the planning and environmental
41 resources department, the planning director, or his or her designee, shall route the
42 application to the following departments for review: the building department, the
43 office of the fire marshal, the engineering and project management department. Each
44 department that reviews the application shall respond with written comments and
45 recommendations to the planning director, or his or her designee, who shall maintain
46 a file on the application.

(c) *Establishment of fee schedule.* An applicant for any new nonresidential floor area identified in subsection (b) of this section shall pay, prior to the issuance of a building permit, a fair share employee housing fee as established by the following schedule:

Structures for nonresidential uses of one to 1,999 square feet	\$1.00 per square foot
Structures for nonresidential uses of 2,000 to 2,999 square feet*	\$2.00 per square foot
Structures for nonresidential uses of 3,000 square feet or greater*	\$3.00 per square foot
*The fee is calculated on the total new or transferred nonresidential floor area subject to subsection (a)(2)f. of this section.	

(d) *Proceeds.* Proceeds from the impact fees collected shall be deposited in the employee housing fair share impact fee account and used exclusively to offset the cost of required permitting and connection fees related to the development of new employee housing, in accordance with a schedule and procedures recommended by the planning commission and approved by the board of county commissioners.

* * * * *

~~**Sec. 110-142.—Compliance requirements for building permit applications requiring a ROGO or NROGO allocation award or submitted under privatized plan review.**~~

~~Prior to submittal of an application for a building permit requiring a ROGO or NROGO allocation award under this chapter or submitted under the provisions of F.S. ch. 553 or privatized plan review, the building permit application shall be first submitted to the planning director for compliance review with the requirements of this chapter, the comprehensive plan, and chapter 13. The planning director shall determine within 15 working days if the building permit application is in compliance and can be processed by the building department or needs to be revised before it can be accepted and processed. If an evaluation of an HEI and site plan visit is required, the number of working days to complete the review may be more than 15 working days. The compliance determination of the planning director shall be in writing.~~

* * * * *

~~**Sec. 110-143.—Deadlines for submission of building permit applications to be entered into the residential and nonresidential permit allocation systems.**~~

~~No approved building permit application requiring a ROGO or NROGO allocation award, including applications submitted under privatized plan review as provided for by F.S. ch. 553 shall be accepted for entry into the ROGO or NROGO systems under this chapter, unless the building permit application is submitted to the building department 30 days prior to the end of the allocation period appropriate for that application.~~

1 IV RECOMMENDATION

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

11
12 Staff recommends that the Board of County Commissioners amend the Monroe
13 County Code as stated in the text of this staff report.



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources *TS*

From: Tiffany Stankiewicz, Development Administrator *TS*

Date: September 8, 2011

Subject: Residential Dwelling Unit Evaluation Report for Quarter 4, Year 19

Meeting Date: September 14, 2011

1 This report has been prepared pursuant to Section 138-26 of the Land Development Regulations
2 (LDRs). The proposed residential dwelling unit rankings attached to this report are for the fourth
3 quarter of year nineteen which covers the period April 13, 2011, through July 12, 2011.
4

5 **D) BACKGROUND INFORMATION:**

6
7 On June 23, 1992, the Monroe County Board of County Commissioners adopted Ordinance
8 #016-92, thereby implementing the Residential Dwelling Unit Allocation System. The
9 Ordinance became effective on July 13, 1992, and has been amended from time to time. On
10 March 15, 2006, the Board of County Commissioners adopted Ordinance 009-2006 to implement
11 the Tier System, and subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and
12 Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary,
13 Department of Community Affairs signed the final order deciding the challenge on September
14 26, 2007.
15

16 The Tier System, still a Rate of Growth Ordinance (ROGO), made changes such as sub-area
17 boundary districts for allocation distribution, basis of scoring applications, and administrative
18 relief.
19

20 Sub-districts are as follows: A) Lower Keys Sub-area and Upper Keys sub-area and B) Big
21 Pine/No Name Key subareas remain the same.
22

23 Therefore, background information is divided into the following categories of applications
24 reviewed this quarter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

A. Applications reviewed this quarter for Lower & Upper Keys Sub-areas:

	<i>Market Rate</i>	<i>Affordable Housing</i>
* Lower Keys	15	0
** Lower Keys (Adm. Relief)	1	0
***Upper Keys	138	0
****Upper Keys (Adm. Relief)	<u>2</u>	<u>0</u>
<u>Total:</u>	156	0

- * 13 applications are rollovers or reapplications from previous quarters.
- ** 0 applications are rollovers or reapplications from previous quarters.
- *** 136 applications are rollovers or reapplications from previous quarters.
- **** 0 applications are rollovers or reapplications from previous quarters.

B. Big Pine/No Name Key Sub-area:

- 1) On June 23, 1992, the Monroe County Board of Commissioners adopted Ordinance 016-1992, thereby implementing the Residential Dwelling Unit Allocation System. The ordinance became effective on July 13, 1992 and has been amended from time to time.
- 2) In 1998, the Florida Department of Transportation, Monroe County, the Florida Department of Community Affairs, the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission signed a Memorandum of Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and other protected species in the project area.
- 3) The Livable Communikeys Program (LCP), Master Plan for Future Development of Big Pine Key and No Name Key was adopted on August 18, 2004 under Ordinance 029-2004. The LCP envisioned the issuance of 200 residential dwelling units over 20 year horizon at a rate of roughly 10 per year. A minimum of twenty percent of the 10 units per year are to be set aside for affordable housing development.
- 4) On September 22, 2005, the Monroe County Board of Commissioners adopted Ordinance 025-2005 which revised the ROGO to utilize the Tier overlay as the basis for the competitive point system. The ordinance became effective on February 5, 2006.
- 5) On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe County, Growth Management Division, 2) Florida Department of Transportation, and 3) Florida Department of Community Affairs for Threatened and Endangered

1 Species Incidental Take Permit (ITP) since the permittees have defined the
2 geographic area covered by their HCP.
3

4 6) Based on the revised 2010 Comprehensive Plan and the adopted Maps as part of
5 the Master Plan for Big Pine Key and No Name Key, they are now evaluated as
6 their own sub-area.
7

8 7) **Applications reviewed this quarter for the Big Pine/No Name Key Sub-area:**
9

	<i>Market Rate</i>	<i>Affordable Housing</i>
*Big Pine/No Name Key	42	0

10
11
12
13 * 40 applications are rollovers or reapplications from previous quarters.
14

15 8) The ITP requires the Permittees [1. Monroe County, Growth Management Division, 2.
16 Florida Department of Transportation, and 3. Florida Department of Community Affairs] to
17 ensure that the take of the covered species is minimized and mitigated. The
18 Permittees are responsible for meeting the terms and conditions of the ITP and
19 implementing the HCP. Pursuant to the LCP Action Item 9.2.4 the County will
20 create a mitigation fee for new residences, non-residential floor area, and
21 institutional uses in order to ensure that development bears its fair share of the
22 required mitigation under the Federal ITP #TE083411-0.
23

24 9) On November 14, 2007, the Board of County Commissioners adopted Ordinance
25 044-2007 deferring residential and non-residential allocations on Big Pine/No
26 Name Key until a mitigation ordinance is adopted or for two months from
27 December 1, 2007. Ordinance 044-2007 has expired.
28

29 10) On May 6, 2008, the Planning Commission made a recommendation not to
30 approve the Big Pine/No Name Key Mitigation Ordinance and forwarded their
31 recommendation to the Board of County Commissioners for review.
32

33 11) On August 20, 2008, the Growth Management Division withdrew the proposed
34 Big Pine / No Name Key Mitigation Ordinance from the Board of County
35 Commissioners' agenda. The Growth Management Division is exploring the
36 concept of regulatory conservation to meet or exceed the 3:1 mitigation required
37 by the Incidental Take Permit.
38

39 12) On August 19, 2009, the Board of County Commissioners discussed the utilized
40 "H" mitigation credit/debit process for public and private development located on
41 Big Pine Key and No Name Key with direction to Growth Management to pursue
42 Regulatory Conservation as a mitigation strategy using a mitigation ordinance as a
43 secondary approach. In the meantime the County is using the H bank for the
44 mitigation of allocations.
45

1
2
3 **II) ALLOCATION FACTORS:**
4

- 5 A. Pursuant to Section 138-24 the number of annual allocations available is 197.
6
7 B. Section 138-24(c) allows any unused portion of affordable housing allocations to be
8 retained and rolled over into the next dwelling unit allocation year.
9
10 C. Section 138-24(a)(4) allows the Planning Commission to amend the affordable housing
11 proportions during any ROGO quarter.
12
13 D. Section 138-27(g) limits administrative relief allocations per quarter. The number of
14 allocations that may be awarded under administrative relief in any subarea quarter shall
15 be no more than fifty percent (50%) of the total available market rate allocations.
16
17 E. Section 138-24(a)(6) limits the number of allocation awards in Tier I. The annual number
18 of allocation awards in Tier I shall be limited to no more than three (3) in the Upper Keys
19 and no more than three (3) in the Lower Keys. The ITP limits Big Pine/No Name Key to
20 ten (10) allocations over a twenty year period or H =.022 whichever is lower.
21
22

Below is a table tracking the Tier 1 allocations by Quarter/Year.

Tier 1 Award limits	Key (Island)	Permit Number	Tier Allocation type	Quarter, Year	Tier 1 Allocations made in ROGO Year 19
Subarea Big Pine: Begin Dec. 27, 2004 (Ordinance 029-2004)					
Limited to a maximum 10 or H=.022 whichever is lower over the life of the ITP.	Big Pine	03102303	Adm. Relief	Q 2 Y 16	Big Pine Subarea: Used 3 out of a maximum potential of 10 or less depending on H allowance whichever comes first.
	Big Pine	97101361	Market Rate	Q 1 Y 17	
	No Name	96101472	Market Rate	Q 2 Y 19	
Subarea Lower: Begin July 14, 2009 (Year 16)					
Lower Keys maximum annual allocations in Tier 1 is limited to 3.	Little Torch	96100414	Market Rate	Q 4 Y 16	Lower Keys: Used 1 out of 3 in Year 19
	Sugarloaf	03102265 (Not used)	Adm. Relief	Q 2 Y 17	
	Ramrod	03103801	Market Rate	Q 3 Y 19	
Subarea Upper: Begin July 14, 2009 (Year 16)					
Upper Keys maximum annual allocations in Tier 1 is limited to 3.	Largo	04305020	Adm. Relief	Q 4 Y 17	Upper Keys: Used 0 out of 3 in Year 19

23
24 As reflected in the above table two allocation awards have been made in Tier 1, in ROGO
25 Year 19 (one in the Big Pine/No Name Key Sub-area and the other in the Lower Keys
26 Sub-area). Based on the Code and Comprehensive Plan limits: 1) Big Pine/No Name
27 Key Subarea new residential development in Tier 1 has seven allocations remaining or
28 H=.022 whichever is lower over the life of the ITP; 2) Lower Keys Sub-area has two Tier

1 allocations available in Quarter 4, Year 19; and 3) Upper Keys Subarea has three Tier 1 allocations available in Quarter 4, Year 19.

F. Monroe County Code Section 138-25(f) Expiration of allocation award: Except as provided for in this division, an allocation award shall expire when its corresponding building permit is not picked up after sixty (60) days of notification by certified mail of the award or, after issuance of the building permit.

G. Monroe County Section 138-24 allows a total of 197 allocations per year (126 Market Rate and 71 Affordable Housing).

Year 19 Available Allocation Allotment Breakdown (July 14, 2010 –July 12, 2011)

Area	M CC allotment by subarea	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Market Rate:					
<u>Lower Keys (Lower/Middle) Keys</u>	57	14	14	14	15
<u>Big Pine/No Name Keys</u>	8	2	2	2	2
<u>Upper Keys</u>	61	15	15	15	16
<u>Total:</u>	126	31	31	31	33
Affordable Housing:					
<u>Big Pine/No Name Keys</u>	12*				
<u>Lower (Lower/Middle), Upper Keys</u>	120**				

* The BOCC Resolution 090-2010 reserving Affordable Housing allocations expired March 31, 2011. Therefore, 12 affordable housing allocations have been returned to the Big Pine pool.

** BOCC Resolution 033-2011 reserved 48 affordable housing allocation for Banyan Grove. Total Affordable Housing Allocations available prior to deduction is 168 less 48 leaving a new total of 120 as of Quarter 4 Year 19.

H. Monroe County Code Section 138-26 allows the adjustment of residential ROGO allocations at the end of each quarterly allocation period of additions or subtractions to the basic allocation available by subarea such as the number of dwelling unit allocation awards that expired prior to the issuance of a corresponding building permit.

Listing of Expired, Rescinded or Un-used ROGO Allocation Awards in ROGO Year 19

Application No.	Name	Real Estate No.	Year, Quarter	Tier	Expired Allocation Type
06105795	Rothdeutsch, Thomas	00202210.000000	Y 19 Q 1	3	Market Rate
05105291	Orlando, John	00185260.000101	Y 19 Q 2	3	Market Rate
07102189	Gural, Emil	00184800.000000	Y 19 Q 2	3	Market Rate
05304497	Perez, Orlando	00468473.011400	Y 19 Q 2	3	Market Rate
05306120	Richardson, Richard	00532701.015000	Y 19 Q 2	3	Market Rate
06300608	Bayview Marketing	00551006.015300	Y 19 Q 2	3	Market Rate
06304483	Delgado, Reinaldo	00536870.000000	Y 19 Q 2	3	Market Rate

1
2
3
Quarter 4 Year 19 regular available allocations plus unused, expired, rescinded allocations

Area	Un-used, expired, rescinded allocations from ROGO Year 19	Regular Available Allocations for Quarter 4 Year 19	Total Available Allocations for Quarter 4 Year 19
Market Rate:			
Lower/Middle Keys	3	15	18*
Big Pine/No Name Keys	0	2	2
Upper Keys	4	16	20
Total:	7	33	40
Affordable Housing:			
Big Pine/No Name Keys	0		12**
Lower, Middle, Upper Keys	0		120**

4
5
6
Notes: *Allocations in the Lower Keys subarea are reduced based on the Tier I limitations in Code & Comprehensive Plan.
** The remaining affordable housing units in respective sub-area.

- 7
8
9
10
11
12
13
14
15
16
17
18
19
I. Florida Administrative Rule 28-20.140 Comprehensive Plan (2)(b) “The number of permits issued annually for residential development under the Rate of Growth Ordinance shall not exceed a total annual unit cap of 197, plus any available unused ROGO allocations from a previous ROGO year. Each year’s ROGO allocation of 197 units shall be split with a minimum of 71 units allocated for affordable housing in perpetuity and market rate allocations not to exceed 126 residential units per year. Unused ROGO allocations may be retained and made available only for affordable housing and Administrative Relief from ROGO year to ROGO year. Unused allocations for market rate shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. A ROGO year means the twelve-month period beginning on July 13.

20
21
III) EVALUATION AND RANKING:

22 The evaluation of the allocation applications was performed by the Planning & Environmental
23 Resources Department. Positive and negative points were granted in compliance with the
24 evaluation criteria contained in Section 138-28 of the LDRs for the Lower (Lower/Middle),
25 Upper Keys, and Big Pine/ No Name Key Sub-areas.

26
27 Based on the total points scored, each allocation was ranked by sub-area. If applications received
28 identical scores, they were first ranked by date and time and further ranked based on the
29 applicants with the fewest negative number of points on the same day. Please note that any
30 excess allocations approved must be deducted from the next quarterly allocation period pursuant
31 to Monroe County Code Section 138-26(e).

32
33
34
IV) RECOMMENDATIONS:

35
36
A. Market Rate Allocations Quarter 4 Year 19:

37 The number of applications in the Lower Keys, Big Pine/No Name Keys, and Upper Keys sub-
38 areas was greater than the quarterly allocation awards available. Per Section 138-26(b)(7) of the
39 LDRs, the rankings that indicate which applications received sufficient points receive an

1 allocation award. An additional page is attached which identifies the location of each proposed
2 allocation by island and subdivision.

3
4 The Market Rate applications that are within the quarterly allocations recommended for Quarter
5 4 Year 19 approval are as follows:

6
7 Lower Keys: Applicants ranked 1 through 3.

8 Lower Keys Administrative Relief: Applicants ranked 1.

9 Big Pine/No Name Keys: Applicants ranked 1 through 2 are recommended for allocation awards
10 based on mitigation available from Monroe County.

11 Upper Keys: Applicants ranked 1, 3 through 7, 9 and 11 through 18 are recommended for
12 allocation awards. Staff is holding allocations in abeyance for applicants ranked 2, 8 and 10
13 since the properties do not have tier designations at this time. Once tier designations are
14 finalized, staff will bring the allocations back to the Planning Commission for a recommendation
15 of either a sufficient ranking or insufficient ranking for an allocation award for these or other
16 applicants.

17 Upper Keys Administrative Relief: Applicants ranked 1 thru 2.

18
19 B. Affordable Housing Allocations for the Lower & Upper Keys Quarter 4 Year 19:

20
21 There are two affordable housing allocation categories: 1) very low, low, & median income and
22 2) moderate income. Total affordable housing allocations less BOCC reservation leaves 120.
23 The 120 affordable ROGO allocations available is divided into two categories 1) very low
24 income, low income and median income (100 allocations) and 2) moderate income (68 less 48
25 BOCC reservations = 20 allocations). The Planning Commission may amend the ratio
26 proportions for affordable housing during any ROGO quarter pursuant to MCC §138-24(a)(4).
27

28 There was zero (0) affordable housing applications submitted this quarter in the moderate income
29 category and there were zero (0) affordable housing applications submitted this quarter in the
30 very low, low & median income category.
31

32 C. Affordable Housing Allocations for the Big Pine/No Name Keys Quarter 4 Year 19:

33
34 There are 12 affordable housing allocations divided into two categories: 1) very low, low, &
35 median income (6 allocations) and 2) moderate income (6 allocations).
36

37 There were zero (0) affordable housing applications submitted this quarter in the moderate
38 income category and there were zero (0) affordable housing applications submitted this quarter in
39 the very low, low & median income category.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS -YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Tier Rank	Permit #	Name	Date and Time of Application	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	Lot Agg Pts. Tier 2 or 3 ONLY ea. 4 Pts	Land Ded Pt.4 per lot	Flood Zone V	BATI/ AWT	First Four Years	Each Add. Years	Payment to Acct. Fund up to 2	Total	
																				1
MARKET RATE DWELLING UNITS																				
1	11100917	O'Rock, JT	26-May-11	11:19 AM	Little Torch	Torchwood	14, Pt Lis 12 & 13	3	00214890.000000	3	30	0	0	0	0	0	0	0	0	30
2	11101722	Orduin, David	13-Jun-11	11:30 AM	Summerland	Summerland Key Cove Add. #1	4 & W/1/2 3	6	00190130.000000	3	30	0	0	0	0	0	0	0	0	30
3	03102386	Boudry, Ltd	26-Feb-04	11:10 AM	Ramrod		Parcel B	N/A	00114100.000200	1	10	0	0	0	0	0	0	0	0	20
4	03102385	Boudry, Ltd	26-Feb-04	11:15 AM	Ramrod		Parcel C	N/A	00114100.000300	1	10	0	0	0	0	0	0	0	0	20
5	05100528	Rothdeutshsch, Thomas	15-Mar-05	11:45 AM	Big Torch	Torchwood West Unit 1	14	1	00243621.001400	1	10	0	0	0	0	0	0	0	0	20
6	03102384	Boudry, Ltd	26-Feb-04	11:05 AM	Ramrod		Parcel A	N/A	00114080.000000	1	10	0	0	0	0	0	0	0	0	18
7	05103801	Barcena, Fausto	12-Oct-05	11:00 AM	Summerland	Summerland Estates Resub. #2	6	4	00199810.000000	1	10	0	0	0	0	0	0	0	0	16
8	06101084	Schwartz, John	4-Jan-07	10:57 AM	Big Torch	Torchwood West Unit 1	15	1	00243621.001500	1	10	0	0	0	0	0	0	0	0	14
9	06106183	Gels, David	12-Sep-08	2:00 PM	Big Torch	Torchwood West Unit 1	8 & S 1/2 of 9	2	00243622.002100	1	10	0	0	0	0	0	0	0	0	14
10	07101251	Parkinson, Dean	19-Jun-07	11:09 AM	Ramrod	Ramrod Shores Marina Sec.	4	7	00197520.000500	1	10	0	0	0	0	0	0	0	0	14
11	07101117	Barroso, Sandra	9-Apr-08	2:39 PM	Summerland	Summerland Beach Add. #2	12	2	00200140.000000	1	10	0	0	0	0	0	0	0	0	13
12	06104954	Escordia, Jorge	26-Aug-09	12:33 PM	Summerland	Summerland Est. Re-sub #2	11 & 12	5	00119450.000000	1	10	0	0	0	0	0	0	0	0	11
13	06100873	O'Brien, Christopher	10-Jul-07	3:19 PM	Sugarloaf		Pt Govt 3	17	00198600.000000	1	10	0	0	0	0	0	0	0	0	10
14	05103787	Martinez, Rodolfo	12-Oct-10	1:22 PM	Cudjoe	Cutthroat Harbor Est. 1st Add.	17	17	00185650.000000	1	10	0	0	0	0	0	0	0	0	6
15	10102513	Murphy, Tom	9-Dec-10	10:15 AM	Cudjoe	Cutthroat Harbor Est. 1st Add.	15	12	00185650.000000	1	10	0	0	0	0	0	0	0	0	6

* Indicates a ranking sufficient to receive an allocation award.

@ Indicates a ranking subject to Growth Management Division

Director approval.

† If allocation held in abeyance, property has no Tier Designation. Once Tier Designation finalized will be brought back to Planning Commission for a recommendation of a sufficient or insufficient ranking for allocation award.

‡ This symbol indicates a property that does not have a Tier Designation.

§ Applicants who have a ROGO application date of Oct. 28, 2007.

¶ or earlier are grandfathered for preference points pursuant to

vesting provision of Ordinance 008-2007.

PROPOSED
SEPTEMBER 14, 2011

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
LOWER KEYS (ADMINISTRATIVE RELIEF) - YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Tier Rank	Permit #	BOCC Resolution	Name	Date and Time of Application Date	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	ONLY ea. 4 Pts	Lot Agg Pts. Tier 2 or 3	Land/Ded Pt 4 per lot	Flood Zone V	BAT/ AWT	First Four Years	Each Add. Years	Payment to Acq. Fund up to 2	Total
1	03102265	BOCC Reso 213-2011	Judd's House	29-Jun-04	1:05 PM	Sugarloaf	White Heron Estates	condo LL7	N/A	00172070 000700	1	10	0	0	0	0	0	4	6	0	20

MARKET RATE DWELLING UNITS

* Indicates a ranking sufficient to receive an allocation award.
 @ Indicates a ranking subject to Growth Management Division Director approval.
 † Indicates a ranking that is subject to Building Permit Restriction.
 ‡ If allocation held in abeyance, property has no Tier Designation. Once Tier Designation finalized will be brought back to Planning Commission for a recommendation of a sufficient or insufficient ranking for allocation award.
 † This symbol indicates a property that does not have a Tier Designation.
 ‡ Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to existing provision of Ordinance 009-2007.

PROPOSED
SEPTEMBER 14, 2011

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKINGS,
AS PROPOSED BY THE SR, PLANNING AND ENVIRONMENTAL RESOURCES
UPPER KEYS - YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Tier Rank	Permit #	Name	Date of Application	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	ONLY ea. 4 Pts	Lot Agg Pts Tier 2 or 3	Land Ded Pt 1/2 to 4 per lot	Flood Zone V	BAT/ AWT	First Four Years	Each Add. Years	Payment to Acq. Fund up to 2	Total	
1	10301102	Adrian, Pedro	10-Jan-11	10:10 AM	Largo	Port Largo	175		00453060.000000	3	30	0	0	0	0	4	0	0	1	39	
2	H 05300800	Parkinson, Dean	5-May-05	11:35 AM	Largo	Ocean Park Village	19	3	00445970.000000	3	30	0	0	0	0	0	4	4	0	0	38
3	H 04304990	Nelson (Trustee)	18-May-05	09:40 AM	Largo	Harris Ocean Park Est. 1st Add.	5	8	00445920.000000	3	30	0	0	0	0	0	4	4	0	0	38
4	H 05301998	Bernard, Winifred	12-Jul-05	11:35 AM	Largo	Tavernier Harbor	24	2	00462020.000000	3	30	0	0	0	0	0	4	4	0	0	38
5	H 06300968	Lam, Sara	25-Jul-06	2:29 PM	Largo	Key Largo Beach	11	2	00501620.000000	3	30	0	0	0	0	0	4	4	0	0	38
6	H 06301478	Penz, Angel	2-49 PM	2:49 PM	Largo	Bay Harbor Amd.	43	1	00468520.000000	3	30	0	0	0	0	0	4	4	0	0	38
7	H 06305803	Reyes, Albert	12-Nov-06	10:08 AM	Largo	Bermuda Shores	46	1	00551006.004600	3	30	0	0	0	0	0	4	4	0	0	38
8	H 06304728	Dyer, William	20-Nov-06	11:34 AM	Largo	Key Largo Beach	12	1	00501180.000000	3	30	0	0	0	0	0	4	4	0	0	38
9	H 06305164	Peterson, Patrick	2-Jan-07	02:56 PM	Largo	Twin Lakes 1st Add	PI, Tract A			3	30	0	0	0	0	0	4	4	0	0	38
10	H 06304619	Ferguson, Gary	3-Jan-07	11:15 AM	Largo	Key Largo Beach	8	1	00501140.000000	3	30	0	0	0	0	0	4	4	0	0	38
11	H 06305165	Peters, Patrick	16-Jan-07	02:46 PM	Largo	Twin Lakes 1st Add.	PI, Tract A (L121)			3	30	0	0	0	0	0	4	4	0	0	38
12	H 06300650	Henun, Alan	03-01 PM	03:01 PM	Largo	Port Largo 5th Add.	474		00453475.009000	3	30	0	0	0	0	0	4	4	0	0	38
13	H 06301385	Diaz, Jaum & Camto, Maria	17-Jan-07	11:03 AM	Largo	Port Largo 3rd Add.	267		00453473.001000	3	30	0	0	0	0	0	4	4	0	0	38
14	H 05300938	Diaz, Jaum & Camto, Maria	30-Jan-07	11:07 AM	Largo	Port Largo 3rd Add.	38	19	00470250.000000	3	30	0	0	0	0	0	4	4	0	0	38
15	H 05300936	Diaz, Pedro L.	21-Feb-07	01:45 AM	Largo	Sound Park 1st Add.	39	19	00470250.000000	3	30	0	0	0	0	0	4	4	0	0	38
16	H 06304584	Hernandez, Agustin & Celis	28-Feb-07	11:47 AM	Largo	Amd. Ext Plat Key Largo Ocean Shore	8	1	00497670.000000	3	30	0	0	0	0	0	4	4	0	0	38
17	H 06306639	Allen, Dave	9-Mar-07	01:54 PM	Largo	Rock Harbor Yacht Haven	PI, Tract A			3	30	0	0	0	0	0	4	4	0	0	38
18	H 06305544	Watkins, Andrew	15-Mar-07	01:54 PM	Largo	Sunrise Point Rev	22	4	00484740.000000	3	30	0	0	0	0	0	4	4	0	0	38
19	H 06306646	Rhee, Andrew	11-17 AM	11:17 AM	Largo	Buccaneer Point	10	1	00498131.001000	3	30	0	0	0	0	0	4	4	0	0	38
20	H 07300020	Parkinson, Dean	9-May-07	10:46 AM	Largo	Sound Park	15	6	00471390.000000	3	30	0	0	0	0	0	4	4	0	0	38
21	H 06306650	Rhee, Andrew	9-May-07	11:25 AM	Largo	Buccaneer Point	9	1	00498131.000900	3	30	0	0	0	0	0	4	4	0	0	38
22	H 07301568	Fried, Harold	11-Jul-07	02:51 PM	Largo	Primalia Villas	31	6	00465070.000000	3	30	0	0	0	0	0	4	4	0	0	38
23	H 06303363	Garcia, Jose	12-Oct-10	04:30 PM	Largo	Key Largo Ocean Shores	23, pt ft 24 & 25	13	00500640.000000	3	30	0	0	0	0	0	4	4	0	0	38
24	H 06306023	Esslinger, John	13-Jul-07	12:16 PM	Largo	South Creek Village	26	9	00468180.000000	3	30	0	0	0	0	0	4	4	0	0	38
25	H 07301089	Platt, Charles	20-Jul-07	02:39 PM	Largo	Lake Surprise Estates	8	5	00635010.000000	3	30	0	0	0	0	0	4	4	0	0	37
26	H 07301968	Newburn, Steven	16-Aug-07	02:47 PM	Largo	Pirates Cove 1st Add.	20	20	00496050.000000	3	30	0	0	0	0	0	4	4	0	0	37
27	H 07301522	Smuglovsky, Marko	9-Oct-07	12:10 PM	Largo	Winston Waterways Amd. Plat 2	5	9	00547211.004100	3	30	0	0	0	0	0	4	4	0	0	37
28	H 07301291	Alkin, Dean	15-Oct-07	11:53 AM	Largo	Harbor Shores	2	4	00522010.000000	3	30	0	0	0	0	0	4	4	0	0	37
29	H 07302208	Alkins, John	7-Jan-08	12:54 PM	Largo	Winston Waterways No. 2	41	6	00547130.000000	3	30	0	0	0	0	0	4	4	0	0	37
30	H 07302161	Barrios, Salvador	18-Jan-08	10:57 AM	Largo	Winston Waterways No. 2	23	13	00458660.000000	3	30	0	0	0	0	0	4	4	0	0	37
31	H 07303789	West Family Trust	8-Feb-08	02:38 PM	Largo	Ocean Isle Estates	7	2	00538530.000000	3	30	0	0	0	0	0	4	4	0	0	37
32	H 07304056	Stewart, Patrick	10-11 AM	10:11 AM	Largo	South Creek Village	32	2	00466660.000000	3	30	0	0	0	0	0	4	4	0	0	37
33	H 07305178	Jema Investments Inc.	18-Mar-08	11:15 AM	Largo	Port Largo	7	2	00451630.000000	3	30	0	0	0	0	0	4	4	0	0	37
34	H 07305170	Jema Investments Inc.	18-Mar-08	11:23 AM	Largo	Port Largo	33	3	00496131.007600	3	30	0	0	0	0	0	4	4	0	0	37
35	H 07303491	Barker, Joseph	9-Apr-08	10:37 AM	Largo	Buccaneer Point	34	3	00496131.007600	3	30	0	0	0	0	0	4	4	0	0	37
36	H 07300500	Gomez, Justo	11-Apr-08	12:05 PM	Largo	Key Largo Beach	23	4	00502280.000000	3	30	0	0	0	0	0	4	4	0	0	37
37	H 07300501	Gomez, Jay	11-Apr-08	12:06 PM	Largo	Key Largo Beach	21	4	00502280.000000	3	30	0	0	0	0	0	4	4	0	0	37
38	H 07303309	Uckert, Dieter	23-Apr-08	11:08 AM	Largo	Sound Park	9	10	00471970.000000	3	30	0	0	0	0	0	4	4	0	0	37
39	H 07303362	Ramsdorf, Nancy	27-May-08	2:50 PM	Largo	Lime Grove Estates Sec 1	3	2	00485250.000000	3	30	0	0	0	0	0	4	4	0	0	37
40	H 07303358	Alkins, John	12-Jun-08	11:12 AM	Largo	Sound Village	17	1	00473950.000000	3	30	0	0	0	0	0	4	4	0	0	37
41	H 06300827	Lam, Sara	8-Jul-06	2:57 PM	Largo	Winston Waterways No. 2	42	6	00547140.000000	3	30	0	0	0	0	0	4	4	0	0	37
42	H 02304021	Island Escapes LLC	2-May-03	2:05 PM	Largo	Tavernier Cove No. 1	32, 33	N/A	00506200.000000	3-A	20	4	0	0	0	0	4	4	0	0	36
43	H 05302100	Harper, Linda	12-Dec-05	12:05 PM	Largo	Winston Waterways No. 1	10	8	00448970.000000	3	30	0	0	0	0	0	4	4	0	0	36
44	H 05305412	Hoefert, Jim	4-Jan-06	10:50 AM	Largo	Pirates Cove 1st Add.	5	18	00485220.000000	3	30	0	0	0	0	0	4	4	0	0	36
45	H 05306352	Alvarez, Jose	21-Feb-06	10:50 AM	Largo	Bluewater Trailer Village Sec. 3	9	4	00489135.000900	3	30	0	0	0	0	0	4	4	0	0	36
46	H 05306643	Corwin, Keith	1-Mar-06	03:05 PM	Largo	Pirates Cove	9	9	00494170.000000	3	30	0	0	0	0	0	4	4	0	0	36
47	H 05306641	Dahn, Jonathan	3-Mar-06	03:05 PM	Largo	Pirates Cove	10	10	00464280.000000	3	30	0	0	0	0	0	4	4	0	0	36
48	H 06301019	Silgen, Douglas	8-Mar-06	11:40 AM	Largo	The Harborage	PI, L1 28 & P1, L1 29	10	10	00555011.002800	3	30	0	0	0	0	4	4	0	0	36
49	H 06301075	Yiu Chung & Li Hung	9-Mar-06	08:45 AM	Largo	Pirates Cove 1st Add.	14	19	00485730.000000	3	30	0	0	0	0	0	4	4	0	0	36

PROPOSED
SEPTEMBER 14, 2011

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKINGS,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES
UPPER KEYS - YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Tier Rank	Perm #	Name	Date and Time of Application	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	ONLY ea. 4 Pts	Lot Agg Pts. Tier 2 or 3	Land Dsd Pt 1/2 to 4 perlot	Flood Zone V	BAT/ AWT	First Four Years	Each Add. Years	Payment to Acq. Fund up to 2	Total
50	07302685	Feliciano, Elizabeth	15-Jul-08	08:55 AM	Largo Bahia Mar Estates	10	8	00544720.000000	3	30	0	0	0	0	4	2	N/A	0	36
51	07302683	Feliciano, Elizabeth	15-Jul-08	03:08 PM	Largo Bahia Mar Estates	9	8	00544710.000000	3	30	0	0	0	0	4	2	N/A	0	36
52	06302027	Sykes, Charles	14-Aug-08	02:48 PM	Largo Key Largo Ocean Shores Add.	21	7	00498930.000000	3	30	0	0	0	0	4	2	N/A	0	36
53	06300548	Concepcion, Hermilio	22-Aug-08	10:19 AM	Largo Winston Waterways #2	9	6	00546920.000000	3	30	0	0	0	0	4	2	N/A	0	36
54	07301322	Garcia, Rafael	29-Aug-08	08:45 AM	Largo Port Largo	153	30	00452840.000000	3	30	0	0	0	0	4	2	N/A	0	36
55	06302440	Holm, David	29-Sep-08	09:23 AM	Largo South Creek Village	5	9	00467950.000100	3	30	0	0	0	0	4	2	N/A	0	36
56	06302439	Holm, David	9-Oct-08	11:15 AM	Largo South Creek Village	5	9	00467950.000100	3	30	0	0	0	0	4	2	N/A	0	36
57	06301183	Chen, Pei	9-Oct-08	11:25 AM	Largo Twin Lakes 1st Add.	14	30	00467950.000200	3	30	0	0	0	0	4	2	N/A	0	36
58	07303055	Concept Invest. Group	14-Oct-08	02:15 PM	Largo Pamela Villa	26	5	00511000.001400	3	30	0	0	0	0	4	2	N/A	0	36
59	07305074	Almida, Osvaldo	30-Oct-08	02:42 PM	Largo Largo Sound Park	2	4	00464740.000000	3	30	0	0	0	0	4	2	N/A	0	36
60	06303474	D'Amelio, Robert	13-Jan-09	09:56 AM	Largo Harris Ocean Park Estates	2	4	00470950.000000	3	30	0	0	0	0	4	2	N/A	0	36
61	06303951	Ignatovich, Amelia	13-Jan-09	11:00 AM	Largo Port Largo 3rd Add.	262	30	00447260.000100	3	30	0	0	0	0	4	2	N/A	0	36
62	06302540	High Street Investments	13-Jan-09	11:05 AM	Largo Buccanear Point	30	30	00453473.000500	3	30	0	0	0	0	4	2	N/A	0	36
63	06301753	Groves, Charles	10-Feb-09	12:17 PM	Largo Hibiscus Park	30	30	00496131.012400	3	30	0	0	0	0	4	2	N/A	0	36
64	07303058	DD Largo, LLC	11-Feb-09	12:48 PM	Largo Paradise Point Cove	17	3	00507820.000000	3	30	0	0	0	0	4	2	N/A	0	36
65	05303120	Schoenagel, Ralph	18-Feb-09	02:20 PM	Largo Sunset Waterways	7	3	00514230.000000	3	30	0	0	0	0	4	2	N/A	0	36
66	07303656	Zupan, Michael	19-Feb-09	02:32 PM	Largo Port Largo	12	3	00503030.000000	3	30	0	0	0	0	4	2	N/A	0	36
67	06301489	McMann, Larry	20-Feb-09	01:05 PM	Largo Largo Sound Park	18	3	00470910.000000	3	30	0	0	0	0	4	2	N/A	0	36
68	06304120	Jema Investments Inc.	3-Mar-09	10:25 AM	Largo Key Largo Park Amd.	4	15	00528600.000000	3	30	0	0	0	0	4	2	N/A	0	36
69	06300479	Jema Investments Inc.	3-Mar-09	10:45 AM	Largo Key Largo Park Amd.	5	15	00528600.000000	3	30	0	0	0	0	4	2	N/A	0	36
70	06303352	Jema Investments Inc.	3-Mar-09	10:50 AM	Largo Key Largo Park Amd.	5	15	00528600.000000	3	30	0	0	0	0	4	2	N/A	0	36
71	06303380	Thompson, David	18-Jan-09	11:48 AM	Largo Ocean Park Estates	24	21	00528770.000000	3	30	0	0	0	0	4	2	N/A	0	36
72	07302056	GT Largo Ert.	2-Jul-09	02:22 PM	Largo Paradise Point Cove	22	8	00456860.000100	3	30	0	0	0	0	4	2	N/A	0	36
73	06303195	Thompson, Margaret	13-Jul-09	01:03 PM	Largo Sound Park	11	2	00514220.000000	3	30	0	0	0	0	4	2	N/A	0	36
74	06302950	Wallace, Ois	12-Nov-09	10:53 AM	Largo Buccanear Point	20	5	00498131.013900	3	30	0	0	0	0	4	1	N/A	0	35
75	06305015	Liez, Terry	8-Mar-06	11:35 AM	Largo Twin Lakes	4 & 5	19	00505600.000000	3-A	20	4	0	0	0	4	2	N/A	0	34
76	06301540	Peters, William	25-Jul-06	12:05 PM	Largo Ocean Park Village	13	4	00462300.000000	3	30	0	0	0	0	4	0	0	0	34
77	05309357	Rodriguez, Luis	4-Aug-06	12:15 PM	Largo Bluewater Trailer Village Sec. 3	8	4	00469135.000800	3	30	0	0	0	0	4	0	0	0	34
78	06301678	Los Soles Properties	27-Nov-06	11:35 AM	Largo Amd. Sunrise Point Add.	15	8	00464290.000200	3	30	0	0	0	0	4	0	0	0	34
79	06305238	McDaniel, Granger	2-Jan-07	09:12 AM	Largo Tavemier Heights	8	3	00555380.000000	3	30	0	0	0	0	4	0	0	0	34
80	06305561	Taylor, Mark	12-Jan-07	10:10 AM	Largo Ocean Park Village	4	3	00445820.000000	3	30	0	0	0	0	4	0	0	0	34
81	06304738	Holland, Mark	12-Jan-07	10:12 AM	Largo Tavemier #2	7	8	00556810.000000	3	30	0	0	0	0	4	0	0	0	34
82	06304736	Holland, Mark	12-Jan-07	10:12 AM	Largo Tavemier #2	7	8	00556810.000000	3	30	0	0	0	0	4	0	0	0	34
83	06306533	Davis, Sarah	16-Jan-07	02:22 PM	Largo Ocean Park Village	10	10	00445610.000000	3	30	0	0	0	0	4	0	0	0	34
84	06305952	Harper, Linda	16-Feb-07	08:39 AM	Largo Harris Ocean Park Est.	3	1	00446940.000000	3	30	0	0	0	0	4	0	0	0	34
85	06305425	Perrotti, John & Gail	28-Feb-07	02:49 PM	Largo Pirates Cove 1st Add.	14	16	00495200.000000	3	30	0	0	0	0	4	0	0	0	34
86	06306613	Kropp, Hubert	13-Apr-07	01:30 PM	Largo Harris Ocean Park Estates	11	7	00495100.000000	3	30	0	0	0	0	4	0	0	0	34
87	06306814	Kropp, Janice & Hubert	13-Apr-07	01:32 PM	Largo Harris Ocean Park Estates	10	7	00495100.000000	3	30	0	0	0	0	4	0	0	0	34
88	10303095	Marquet/ Lima	1-Oct-10	12:40 PM	Largo Buccanear Point	3	1	00496131.000300	3	30	0	0	0	0	4	0	N/A	0	34
89	10305253	Lozano, John	6-Dec-10	10:04 AM	Largo Key Largo Beach Add	2	13	00503330.000000	3	30	0	0	0	0	4	0	N/A	0	34
90	10300398	Rigby, William	5-May-11	1:14 PM	Largo Ocean Isles Est.	1	3	00536530.000000	3	30	0	0	0	0	4	0	N/A	0	34
91	02303049	Dominguez, Marianna	13-Jan-03	12:55 PM	Largo Ocean Park Village	27	3	00446950.000000	3-A	20	0	0	0	0	4	0	N/A	0	32
92	04300770	Gannaway, Charles	7-Sep-04	11:30 AM	Largo Bowers Addition to Riviera Village	22	6	00512200.000000	3-A	20	0	0	0	0	4	0	0	0	32
93	04300081	Castellanos, Lydia	5-Nov-04	09:40 AM	Largo Twin Lakes	11	15	00550060.000000	3-A	20	0	0	0	0	4	0	0	0	32
94	04304080	Castellanos, Lydia	5-Nov-04	09:45 AM	Largo Twin Lakes	10	15	00550070.000000	3-A	20	0	0	0	0	4	0	0	0	32
95	04305099	Gonzales, Jose	3-Jan-05	09:30 AM	Largo Key Largo Beach	24	3	00502030.000000	3-A	20	0	0	0	0	4	0	0	0	32
96	04305516	Rodriguez, Miriam	29-Mar-05	04:00 PM	Largo Riviera Village	28	4	00511460.000000	3-A	20	0	0	0	0	4	0	0	0	32
97	04305517	Rodriguez, Miriam	29-Mar-05	04:01 PM	Largo Riviera Village	27	4	00511460.000000	3-A	20	0	0	0	0	4	0	0	0	32
98	04305101	Gonzalez, Jose	8-Apr-05	10:40 AM	Largo Key Largo Beach	3	3	00501620.000000	3-A	20	0	0	0	0	4	0	0	0	32
99	05300925	Rodriguez, Miriam	13-Apr-05	03:00 PM	Largo Riviera Village	29	4	00511470.000000	3-A	20	0	0	0	0	4	0	0	0	32
100	05300246	Diaz/Rodriguez	26-Apr-05	03:00 PM	Largo Rock Harbor Estates	2	3	00519700.000000	3-A	20	0	0	0	0	4	0	0	0	32
101	05303730	Llerena, Olga	27-Sep-05	11:25 AM	Largo Twin Lakes	4	10	00549560.000000	3-A	20	0	0	0	0	4	0	0	0	30

PROPOSED
SEPTEMBER 14, 2011

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKINGS,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES
UPPER KEYS - YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Tier Rank	Permit #	Name	Date of Application	Time	Key Subdivision	Lot	Block	REF#	Tier	Tier Pts	ONLY ea. 4 Pts	Lot Agg Pts. Tier 2 or 3	Land Ded Pt 1/2 to 4 per lot	Flood Zone V	BAT/ AWT	First Four Years	Each Add. Years	Payment to Acq. Fund up to 2	Total
102	04305884	GCC, LLC	13-Oct-05	12:35 PM	Largo Baywood	9	N/A	00439670.000000	3-A	20	4	0	0	0	0	2	0	0	30
103	0502329	Mata, Hector & Vivian	9-Jan-06	11:10 AM	Largo Baywood	7	N/A	00439650.000000	3-A	20	4	0	0	0	0	2	0	0	30
104	05302063	Rodriguez, Miriam	11-Jan-06	09:50 AM	Largo Key Largo Beach	26	3	00502050.000000	3-A	20	0	0	0	0	4	2	0	0	30
105	05306558	M&M Enterprises	12-Jan-06	09:25 AM	Largo Twin Lakes	6	19	00550580.000000	3-A	20	0	0	0	0	4	2	0	0	30
106	05306425	Hodes, Michael	11-Jan-06	11:12 AM	Largo Seaside Restub	20	Pt. Sq. 3	004482200.000000	3-A	20	0	0	0	0	4	2	0	0	30
107	05306901	Young, Dennis	11-Aug-06	8:52 AM	Largo Ocean Park Village	1	7	00448390.000000	3	30	0	0	0	0	4	2	0	0	30
108	06303395	Garcia, Jose	12-Oct-10	04:35 PM	Largo Key Largo Ocean Shores	21	13	00500620.000000	3	30	0	0	0	0	4	2	0	0	30
109	08303350	Garcia, Jose	12-Oct-10	04:40 PM	Largo Key Largo Ocean Shores	22	13	00500630.000000	3	30	0	0	0	0	4	2	0	0	30
110	08303701	Garcia, Jose	12-Oct-10	04:45 PM	Largo Key Largo Ocean Shores	20	13	00500610.000000	3	30	0	0	0	0	4	2	0	0	30
111	08303596	Garcia, Jose	12-Oct-10	04:50 PM	Largo Key Largo Ocean Shores	19	13	00500600.000000	3	30	0	0	0	0	4	2	0	0	30
112	11301101	Coile, Lois	12-Apr-11	11:02 AM	Largo Bluewater Trailer Village	14	1	004489136.001400	3	30	0	0	0	0	4	2	0	0	30
113	04305501	Hammond, Louis G.	21-Jan-05	12:55 PM	Largo Ocean Park Village	3	9	00448790.000000	3-A	20	0	0	0	0	0	4	2	0	28
114	04305636	Sunshine Framing Inc.	11:00 AM	11:00 AM	Largo Harris Ocean Park Estates	1	12	00450910.000000	3-A	20	0	0	0	0	0	4	2	0	28
115	05302008	Triple J. Investment	5-Jul-05	10:50 AM	Largo Harris Ocean Park Est. 1st Add.	23	3	00448610.000000	3-A	20	0	0	0	0	0	4	2	0	28
116	06306759	Ed Lewis LLC	13-Jul-07	11:00 AM	Largo Ocean Park Village	6	10	00549390.000000	3-A	20	0	0	0	0	0	4	2	0	27
117	07305168	Crawdaddy Inc.	6-May-08	12:11 PM	Largo Bahia Mar Estates	7	9	00544910.000000	3-A	20	0	0	0	0	0	4	2	0	27
118	07304070	Jema Investments Inc.	17-Jun-08	12:01 PM	Largo Key Largo Park Amd.	7	14	00526320.000000	3-A	20	0	0	0	0	0	4	2	0	27
119	05302101	Worth, George	13-Oct-05	12:30 PM	Largo Harris Ocean Park Estates	9	3	00447690.000000	3-A	20	0	0	0	0	0	4	2	0	27
120	05302098	Worth, George	13-Oct-05	12:32 PM	Largo Harris Ocean Park Estates	10	3	00447700.000000	3-A	20	0	0	0	0	0	4	2	0	26
121	05304652	Lewis, Ed	21-Feb-06	10:25 AM	Largo Harris Ocean Park Estates	20	8	00447700.000000	3-A	20	0	0	0	0	0	4	2	0	26
122	07301529	Bauer, Sally	14-Jul-08	1:53 PM	Largo Holiday Homesites	1	2	00450070.000000	3-A	20	0	0	0	0	0	4	2	0	26
123	04304866	Schwehler, Robert	3-Jan-05	12:45 PM	Largo Dove Creek Estates	3	2	00530340.000000	3-A	20	0	0	0	0	0	4	2	0	26
124	06300239	Fernandez, Armando	5-Jan-10	11:27 AM	Largo Ocean Park Village	12	9	00489560.000000	1	10	0	0	0	0	4	2	0	0	22
125	04300844	McGraw, Dave	13-Apr-04	3:25 PM	Largo Ocean Park Village	12	9	00489560.000000	3-A	20	0	0	0	0	0	4	2	0	21
126	04300845	McGraw, Dave	13-Apr-04	3:30 PM	Largo Key Largo Beach Add.	12	15	00503900.000200	no designation	10	0	0	0	0	0	4	6	0	20
127	01303663	Jess Jenn Corp.	19-May-04	12:20 PM	Largo Key Largo Beach Add.	10	15	00503900.000100	no designation	10	0	0	0	0	0	4	6	0	20
128	01303684	Jess Jenn Corp.	19-May-04	12:21 PM	Largo Gulfstream Shores	14	6	00565770.000000	1	10	0	0	0	0	0	4	6	0	20
129	04303580	Parkinson, Dean	7-Sep-04	11:20 AM	Largo Gulfstream Shores	4	5	00565360.000000	1	10	0	0	0	0	0	4	6	0	20
130	04303599	Parkinson, Dean	7-Oct-04	12:05 PM	Largo Harris Ocean Park Estates	40	4	00448460.000000	1	10	0	0	0	0	0	4	6	0	18
131	01303685	Jess Jenn Corp.	14-Oct-04	08:30 AM	Largo Ocean Park Village	10	2	00445710.000000	1	10	0	0	0	0	0	4	6	0	18
132	05300263	Pyrrhis, George	4-Mar-05	11:00 AM	Largo Gulfstream Shores	3	5	00565350.000000	1	10	0	0	0	0	0	4	6	0	18
133	05300261	Pyrrhis, George	4-Mar-05	12:00 PM	Largo Harris Ocean Park Estates	24	3	00447840.000000	1	10	0	0	0	0	0	4	6	0	18
134	05300846	Rodriguez, Eusebio	30-Mar-05	10:45 AM	Largo Harris Ocean Park Estates	25	3	00447850.000000	1	10	0	0	0	0	0	4	6	0	18
135	05305610	Nannini, Steven	13-Feb-06	11:25 AM	Largo Harris Ocean Park Estates 1st Add.	8	9	00450150.000000	1	10	0	0	0	0	0	4	6	0	18
136	06302869	Cabezas, Magdalen	14-Feb-10	09:39 AM	Largo Riviera Village Rev. & Amd.	29 & 30	5	00510450.000000	1	10	0	0	0	0	0	4	6	0	16
137	06303237	Native Rental Properties LL	2-Feb-10	02:57 PM	Largo Ocean Park Village	5	2	00456660.000000	no designation	10	0	0	0	0	0	1	N/A	0	15
138	11301847	Fried, Hal	31-May-11	12:11 PM	Largo Ocean Park Village	4	4	00446140.000000	tier/less	10	0	0	0	0	0	1	N/A	0	11

* indicates a ranking sufficient to receive an allocation award.
 @ indicates a ranking subject to Growth Management Division Director approval.
 H Allocation held in abeyance, property has no Tier Designation. Once Tier Designation finalized will be brought back to Planning Commission for a recommendation of a sufficient or insufficient ranking for allocation award.
 A This symbol indicates a property that does not have a Tier Designation.
 Applicants who have a ROGCO application date of Oct. 26, 2007, or earlier are grandfathered for preference points pursuant to existing provision of Ordinance 085-2007.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
UPPER KEYS (ADMINISTRATIVE RELIEF) - YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Tier Rank	Permit #	BOCC Resolution	Name	Date and Time of Application	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	ONLY ea. 4 Pts	Lot Agg Pts. Tier 2 or 3	Land Ded Pt 4 period	Flood Zone V	BAT/ AWT	First Four Years	Each Add. Years	Payment to Acq. Fund up to 2	Total
1 *	05306819	BOCC Reso 147-2011	DeLuca, Michelle	13-Jan-06	11:35 AM	Largo	Sunrise Point Add. Amd.	16	8	00484290.00003000	3	30	0	0	0	-4	4	4	2	0	36
2 *	05306222	BOCC Reso 148-2011	Riehl, William	12-Jan-06	01:05 PM	Largo	Sunrise Point Rev.	5	1	00484430.00000000	3-A	20	0	0	0	0	4	4	2	0	30

* Indicates a ranking sufficient to receive an allocation award.

Ⓜ Indicates a ranking subject to Growth Management Division Director approval.

Ⓜ Indicates a ranking that is subject to Building Permit Restriction.

Ⓜ H Allocation held in abeyance, property has no Tier Designation. Once Tier Designation finalized will be brought back to Planning Commission for a recommendation of a sufficient or insufficient ranking for allocation award.

Ⓜ This symbol indicates a property that does not have a Tier Designation.

Ⓜ Applicants who have a ROGGO application date of Oct. 28, 2007.

Ⓜ Applicants who have a grandfathersed for preservation points pursuant to vesting provision of Ordinance 009-2007.

PROPOSED
SEPTEMBER 14, 2011

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
AFFORDABLE HOUSING - YEAR 19, QUARTER 4 (APRIL 13, 2011 TO JULY 12, 2011)**

Rank	Permit #	Name	Date and Time of Application Date	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	ONLY ea. 4 Pts	Land Ded Pt 4 per lot	Flood Zone V	BAT/ AWT	First Four Years	Each Add. Years	Payment to Acq. Fund up to 2	Total	
		AFFORDABLE DWELLING UNITS Very Low, Low, Median Income																	
		No applicants under Very Low, Low, Median Income																	
		AFFORDABLE DWELLING UNITS Moderate Income																	
		No applicants under Moderate Income																	
		<p>* Indicates a ranking sufficient to receive an allocation award. D Indicates the recommendation is deferred to the February 11, 2009, Planning Commission meeting. @ Indicates a ranking subject to Growth Management Division Director approval. M Indicates a ranking that is subject to a Building Permit Restriction. Applicants who have a ROGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 009-2007.</p>																	

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,
AS PROPOSED BY THE SR. PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR
AFFORDABLE HOUSING - BIG PINE KEY AND NO NAME KEY YEAR 19, QUARTER 4
(APRIL 13, 2011 TO JULY 12, 2011)**

Rank	Permit #	Name	Date and Time of Application Date	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts	Located on No Name	Marsh Rabbit/ Buffer	Key Deer Corridor	Lot/Agg Pts Tier 2 or 3	Land Ded.	Payment to Acq. Fund up to 2	AFH/ Emp	Central Waste water	Flood Zone V	First Four Years	Each Add. Years	Total	
		AFFORDABLE DWELLING UNITS Very Low, Low, Median Income																					
		No applicants under Very Low, Low, Median Income																					
		AFFORDABLE DWELLING UNITS Moderate Income																					
		No applicants under Moderate Income																					
		* Indicates a ranking sufficient to receive an allocation award. D Indicates the recommendation is deferred to the February 11, 2009, Planning Commission meeting. @ Indicates a ranking subject to Growth Management Division Director approval. M Indicates a ranking that is subject to a Building Permit Restriction. Applicants who have a POGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to existing provision of Ordinance 009-2007.																					

PROPOSED
SEPTEMBER 14, 2011



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

From: Tiffany Stankiewicz, Development Administrator 

Through: Townsley Schwab, Sr Director of Planning & Environmental Resources 

Date: August 9, 2011

Subject: NROGO Year 19.2, Non-Residential Floor Area Evaluation Report

Meeting Date: September 14, 2011

1 I BACKGROUND:

2
3 Monroe County Code, Section 138-52 NROGO establishes the procedure for allocating the non-
4 residential floor area. The “maximum annual allocation”, and the distribution between the first and
5 second allocation dates, will be determined by the Board of County Commissioners upon the
6 recommendations of the Planning Director and the Planning Commission. The commercial floor
7 area that is not made available, or that remains unused, in the current year will be carried forward.
8

9 There were 266,818 square feet (230,008 sq. ft. Lower/Upper Keys Subarea + 36,810 Big Pine/No
10 Name Key Subarea sq. ft.) of non-residential floor area available for allocation at the beginning of
11 Year 19 (July 2010-July 2011). At the Planning Commission meeting of October 19, 2010 the
12 Planning Commission recommended 22,500 square feet (20,000 sq. ft. Lower/Upper Keys Subarea
13 and 2,500 Big Pine/No Name Key Subarea) of floor area to be made available for the Year 19
14 NROGO allocations. The floor area is to be awarded in two allocations. The first allocation of
15 10,000 square feet to the Lower/Upper Keys Subarea and 2,500 square feet to the Big Pine/No
16 Name Key Subarea is awarded after the close of the period in January 2011, and the second
17 allocation of 10,000 square feet to the Lower/Upper Keys Subarea and 0 square feet to the Big
18 Pine/No Name Key Subarea is awarded after the close of the period in July 2011. No allocation for
19 any one single applicant is to be awarded for greater than 2,500 square feet. The Board of County
20 Commissioners approved Resolution 381-2009 confirming the Planning Commissions
21 recommendation.
22

23 On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe County, Growth
24 Management Division, 2) Florida Department of Transportation, and 3) Florida Department of
25 Community Affairs for the Threatened and Endangered Species Incidental Take Permit (ITP)

1 since the permittees have defined the geographic area covered by their Habitat Conservation Plan
 2 (HCP) on Big Pine/No Name Key. The ITP requires the Permittees to ensure that the take of the
 3 covered species is minimized and mitigated. The Permittees are responsible for meeting the
 4 terms and conditions of the ITP and implementing the HCP. Pursuant to the LCP Action Item
 5 9.2.4 the County will create mitigation fee for new residences, non-residential floor area, and
 6 institutional uses in order to ensure that development bears its fair share of the required
 7 mitigation under the Federal ITP #TE083411-0. Therefore, staff is in the process of formulating
 8 a proposal for the mitigation requirement for Big Pine/No Name Key to present to the Planning
 9 Commission in the near future.

10
 11 On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to
 12 implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens
 13 Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G.
 14 Pelham, Secretary, Department of Community Affairs signed the final order deciding the
 15 challenge on September 26, 2007.

16
 17 The Tier System, made changes such as separate districts for allocation distribution, basis of
 18 scoring applications, and administrative relief. The districts are as follows: A) Lower/Upper
 19 Keys and B) Big Pine/No Name Key are the subareas for NROGO.

20
 21 II AMOUNT OF FLOOR AREA REQUESTED:

22
 23 There are two applicants requesting commercial floor area for the Year 19.2 July allocation. There
 24 are two (2) applicants in the Lower/Middle/Upper area and one (1) applicant in the Big Pine/No
 25 Name Key area. The applicant's score is broken down by scoring criteria.

	Lower/Upper Keys Subarea	Big Pine/No Name Keys Subarea
Period 1: Sq. Ft. Allocation Available	10,000	2,500
Period 1: Sq. Ft. requested	<u>8,540</u>	<u>384</u>
Sq. Ft. to rollover to Period 2	1,460	2,116
Period 2: Sq. Ft. Allocation Available	10,000	0
Period 1: Sq. Ft. rollover to Period 2	<u>1,460</u>	<u>2,116</u>
Total Sq. Ft. for Period 2	11,460	2,116
Period 2: Sq. Ft. requested	<u>1,864</u>	<u>0</u>
Unused Sq. Ft. for Year 19	9,596	2,116

26
 27
 28 III EVALUATION AND RANKING:

29
 30 The evaluation of the allocation applications was performed by the Planning and Environmental
 31 Resources Departments according to the provisions of the Non-Residential Rate of Growth
 32 Ordinance (NROGO). Positive and negative points were granted in compliance with the
 33 evaluation criteria contained in Section 138-55(a) and the Land Development Regulations.
 34

1 Based on the total points scored, each allocation was ranked. If applications received identical
2 scores, they were ranked by date and time first, and further ranked based on the applicants with the
3 fewest negative points on the same day.
4

5 IV RECOMMENDATION:
6

7 Based on the proceeding, the Sr. Director Planning & Environmental Resources recommends the
8 following NROGO allocations of Year 19.2 be awarded to the applicants:
9

10 Located in unincorporated Monroe County exluding Big Pine/No Name ranked one (1) through
11 two (2), requesting a total of 1,864 square feet of floor area.
12

13 Big Pine/No Name Key Subarea zero applicants.
14
15
16

NON-RESIDENTIAL (NRGO) ALLOCATION RANKING
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 LOWERUPPER KEYS EXCLUDING BIG PINE/NO NAME KEY
 YEAR 18.1 (JANUARY 13, 2011 TO JULY 12, 2011)

Rank	Permit No.	Name	Date	Time	Tier	Tier Pts	Intensity Reduct.	Flood Zone V	Each First 4 Years	Hwy Access	200% Native w/in bufferyard & parking	25% Native above native conservation	landscaping water conservation	25% Plants T/E	BAT/ AWT	Emp.	Payment fund	Overall Total Score	Key	Subdivision	Lot	Block	RE No.	SF
1	11302992	Immanuel Investments	12-Jul-11	5:00 PM	3	20	0	0	0	0	0	0	0	0	0	0	0	0	20	Largo	Cape	Tr DEF	00522411.000400	514
2	10104167	Roger, Meloye	12-Jul-11	10:25 AM	3	20	0	0	0	0	0	0	0	0	0	0	0	0	16	Summerland	Summerland Yacht Harbor	1-6	00194560.000000	1350
Total Sq. Footage Requested																							1,864	

Total Sq. Footage available Period 2 is 11,460 sq. ft.
 pursuant to Board of County Commissioners Resolution 446-2010.

NON-RESIDENTIAL (NRGO) ALLOCATION RANKING
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
 BIG PINE/NO NAME KEY
 YEAR 19.Z (JANUARY 13, 2011 TO JULY 12, 2011)

Rank	Permit No.	Name	Date	Time	Tier	Tier Pts	Intensify	Flood	First 4	Each	Hwy	200% Native	25% Above	25% Landscaping	25% Plants	BAT/	Payment	Overall	Key	Subdivision	Lot	Block	RE No.	SF	
							Reduct.	Zone	Add.	Years	Access	win	native	water	T/E	AWT	fund	Total							
1	No Applicants																								
2																									
3																									
4																									
5																									
																						Total Sq. Footage Requested		0	

Total Sq. Footage available Period 1 is 2,116 sq. ft
 pursuant to Board of County Commissioners Resolution #46-2010.

PROPOSED
 SEPTEMBER 14, 2011



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

To: Planning Commission

Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources *TS*

From: Tiffany Stankiewicz, Development Administrator *TS*

Date: September 8, 2011

Subject: Non-Residential Floor Area Evaluation Report Year 20 (July 13, 2011-July 12, 2012)

1 **Meeting Date:** September 14, 2011

2

3 **BACKGROUND**

4

5 Monroe County Comprehensive Plan provides Goals, Objectives and Policies to manage future

6 growth and establish systems for regulating and distributing growth within the County. Objective

7 101.3 establishes the non-residential permit allocation system (NROGO) and directs the County to

8 regulate non-residential development to maintain a balance of land uses to serve the needs of the

9 future population of Monroe County. Policy 101.3.1 further requires a balance between residential

10 and non-residential development by maintaining a ratio of approximately 239 square feet of new

11 non-residential development for each new residential unit permitted through the Residential

12 Permit Allocation System.

13

14 The Monroe County Code implements the Comprehensive Plan and provides specific provisions

15 for regulating non-residential development.

16

17 Section 138-47(b) provides the purpose and intent of the Non-Residential Rate of Growth

18 Ordinance (NROGO):

- 19
- 20 1. To facilitate implementation of goals, objectives and policies set forth in the
- 21 comprehensive plan relating to maintaining a balance between residential and non-
- 22 residential growth.
- 23 2. To maintain a ratio of approximately 239 square feet of nonresidential floor area for each
- 24 new residential permit issued through the residential rate of growth ordinance (ROGO).
- 25 3. To promote the upgrading and expansion of existing small-size businesses and to retain the
- 26 predominantly small scale character of nonresidential development in the Florida Keys.

- 1 4. To regulate the rate and location of nonresidential development in order to eliminate
2 potential land use conflicts.
- 3 5. To allocate the non-residential floor area annually hereunder, based on the goals,
4 objectives and policies of the comprehensive plan and the Livable CommuniKeys master
5 plans.

6
7 As mentioned above, non-residential growth is tied to residential growth by maintaining a ratio of
8 approximately 239 square feet of new non-residential development for each new residential unit.
9 Monroe County Code Section 138-24(a) and Rule 28-20.140, F.A.C., states the available annual
10 allocation is 197 residential allocations. Big Pine Key/No Name Key subarea is allotted 10
11 allocations from this total and the remaining area outside of Big Pine Key/No Name Key subarea
12 is allotted 187 allocations.

13
14 Monroe County Code Section 138-47(a) provides the definition for NROGO. The “annual
15 nonresidential ROGO allocation,” is the maximum floor area for which building permits may be
16 issued during an annual allocation period. The “annual allocation period” is the 12-month period
17 beginning on July 14, 2001, and subsequent one-year periods that is used to determine the amount
18 of nonresidential floor area to be allocated *based on the number of ROGO allocations to be issued*
19 *in the upcoming ROGO year.*

20
21 As described above, maximum annual allocation is determined by multiplying the number of
22 available residential allocations for the residential allocation period year by 239 square feet and
23 then round the product to the nearest 100 square feet (for example: 197 X 239. The Board of
24 County Commissioners, upon the recommendations of the Planning Director and the Planning
25 Commission, determines the maximum amount of floor area and its distribution between two
26 allocation dates.

27
28 Section 138-51 of the Monroe County Code, establishes the procedure for allocating the non-
29 residential floor area distribution based upon the second and fourth ROGO quarter closure dates.
30 The ROGO closure dates for the second quarter is January 12th and for the fourth quarter is July
31 12. Therefore, the NROGO closure dates for the first period is January 12th and for the second
32 period is July 12th.

33 CONSIDERATIONS

34
35
36 When determining the amount of non-residential floor area that can be allocated annually, several items
37 are reviewed and considered.

- 38
39 1. The number of potential applicants for an upcoming year is unknown. Most applicants who have
40 applied for NROGO have been for projects of 2,500 square feet or less and are not located in a
41 designated Community Center.
- 42 2. In the past ten years there has been limited competition for the available non-residential floor area.
43 The average square footage made available annually in the ten year periods is 21,415 square feet and
44 the average square footage allocated in a NROGO year is 12,337 square feet. The exception is Year
45 12 where the demand for square footage exceeded the amount of available square footage.
- 46 3. Areas for allocations greater than 2,500 square feet will be identified in a Livable CommuniKeys
47 Master Plan.

1 4. The non-residential allocations are based on prior years of residential ROGO. Each ROGO allocation
2 is multiplied by 239 square feet to determine the NROGO allocation bank. The Lower & Upper Keys
3 sub-areas have a separate bank from the Big Pine/No Name Key sub-area.
4

5 The following is a summary of the square footage of non-residential floor area made available
6 and the amount of square footage awarded for NROGO Years 10 through 19.
7

<u>YEAR</u>	<u>AMOUNT AVAILABLE</u>	<u>ALLOCATIONS AWARDED</u>
8 Year 10	22,150 square feet	18,222 square feet
9 Year 11	16,000 square feet	5,300 square feet
10 Year 12	16,000 square feet	15,689 square feet
11 Year 13	16,000 square feet	10,925 square feet
12 Year 14	16,000 square feet	12,594 square feet
13 Year 15	18,000 square feet	12,500 square feet
14 Year 16	35,000 square feet	17,938 square feet
15 Year 17	30,000 square feet	13,056 square feet
16 Year 18	22,500 square feet	6,355 square feet
17 Year 19	22,500 square feet	10,788 square feet

18
19
20
21
22 **Additional background specific to the Tier System:**

23
24 On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to
25 implement the Tier System for NROGO. Subsequently, the ordinance was challenged by Florida
26 Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand.
27 A final order was issued by the Department of Community Affairs on September 26, 2007, which
28 was not appealed by the parties.
29

30 The addition of the Tier System to NROGO, created separate districts for allocation distribution,
31 the basis of scoring applications, and the administrative relief process. The new districts are as
32 follows: A) Lower Keys (Middle Keys now included in the Lower Keys) & Upper Keys and B)
33 Big Pine/No Name Key are the subareas for NROGO.
34

35 **Additional background specific to the Big Pine/No Name Key Sub-area:**

- 36
37
38 1) In 1998, the Florida Department of Transportation, Monroe County, the Florida
39 Department of Community Affairs, the U.S. Fish and Wildlife Service and the Florida
40 Fish and Wildlife Conservation Commission signed a Memorandum of Agreement to
41 develop a Habitat Conservation Plan (HCP) for the Key Deer and other protected species
42 in the project area.
43
44 2) The Livable Communikeys Program (LCP), Master Plan for Future Development of Big
45 Pine Key and No Name Key was adopted on August 18, 2004 under Ordinance 029-2004.
46 The LCP envisioned 47,800 square feet of non-residential floor area over the next twenty

1 years to be used for infill and expansion of existing businesses. The LCP limits non-
2 residential development to Tier III disturbed and scarified uplands. Based on the non-
3 residential area square footage envisioned to be released over the twenty year horizon,
4 approximately 2,390 square feet of floor area can be made available per year.
5

6 **LCP Action Item 5.1.2** limits floor area allocations to 2,500 square feet per organization
7 per year.
8

9 3) The following is a summary of the square footage of non-residential floor area that was
10 allocated on Big Pine/No Name Key Subarea from 2003 to July 2011
11

<u>YEAR</u>	<u>No. Applicants Applied</u>	<u>Total Sq. Ft. Allocated</u>
Year 13	1	2,181
Year 15	2	5,000
Year 16	2	3,809
Year 17	0	0
Year 18	0	0
Year 19	1	<u>384</u>
		11,374 Total

19
20
21 **CALCULATIONS FOR YEAR 20 AND FLOOR AREA TO BE MADE AVAILABLE**
22

23 A. Lower/Upper Keys:
24

25 187 ROGO Allocations are available for Year 20
26 Square Footage for Year 20 ROGO (187 ROGO x 239 Square Feet) **44,693**
27 Therefore, pursuant to MCC Section 138-51, have 44,700 square feet available.
28

29 B. Big Pine/No Name Keys:
30

NROGO Square Footage available beginning 2003	47,800
Less allocated 2003-July 2011	<u>11,374</u>
Total Non-Residential Square Footage remaining Available (approx.):	36,426

34 Therefore, pursuant to LCP recommending 2,500 square feet is to be made available.
35
36

37
38
39 **RECOMMENDATION**
40

41 The Planning & Environmental Resources Director recommends 47,200 square feet for Year 20.
42

43 47,200 square feet is the maximum amount of available non-residential floor area for the
44 annual NROGO allocation for Year 20, to be distributed as follows:
45

1 **Lower & Upper Keys Subarea:**
2

- 3 1. The maximum amount of available non-residential floor area for the annual NROGO
4 allocation for Year 20 of the Lower & Upper Keys subarea shall be 44,700 square
5 feet.
6
7 2. Year Twenty (20) will begin July 13, 2011 and will end on July 12, 2012, with the
8 first allocation period ending on January 12, 2012 and the second allocation period
9 ending on July 12, 2012.
10
11 3. The first allocation period shall be for 22,350 square feet and the remainder (22,350
12 sf) shall be held in reserve for the second allocation period of July 12, 2012.
13
14 4. One hundred percent of the available floor area for each allocation period shall be for
15 applicants requesting 2,500 square feet or less.
16
17

18 **Big Pine/No Name Key Subarea:**
19

- 20 1. The maximum amount of available non-residential floor area for the annual NROGO
21 allocation for Year 20 of the Big Pine/No Name Keys subarea shall be 2,500 square
22 feet.
23
24 2. Year Twenty (20) will begin July 13, 2011 and will end on July 12, 2012, with the
25 first allocation period ending on January 12, 2012 and the second allocation period
26 ending on July 12, 2012.
27
28 3. The first allocation shall be for 2,500 square feet and the remainder shall be held in
29 reserve for the second allocation period ending July 12, 2012.
30
31 4. One hundred percent of the available floor area for each allocation period shall be for
32 applicants requesting 2,500 square feet or less.
33
34