County of Monroe
Growth Management Division

Office of the Director
2798 Overseas Highway
Suite #400
Marathon, FL 33050
Voice: (305) 289-2517
FAX: (305) 289-2854

Board of County Commissioners
Mayor David Rice, Dist. 4
Mayor Pro Tem Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia Murphy, Dist. 5

We strive to be caring, professional and fair

AGENDA

CONSTRUCTION INDUSTRY INFORMAL GROUP MEETING

August 22, 2012, 3 PM – 5 PM

Marathon Government Center, 2798 Overseas Hwy, Marathon, FL

1. Budget Update
   a. Interactive Voice Response System (IVR)
      1) Fiscal Year 2012/2013
      2) Implementation "Go Live" Goal 2013
   b. Electronic Plan Review (ePlan)
      1) Fiscal Year 2012/2013, 2013/2014
      2) Implementation "Go Live" Goal 2014
   c. Senior Biologist

2. Staff Reports:
   a. Request For Quotes – Evaluation of the County Permitting, Plan Review and Inspection fees and the expense to deliver services for recommendation of a new fee structure to the Board of County Commission
      1) Request for Proposal
      2) Timeline
   b. Wetland Mitigation
      1) Letter **(EXHIBIT A)**
      2) Draft RFP **(EXHIBIT B)**
   c. Permitting
      1) Site Plan Requirements Checklist **(EXHIBIT C)**
         a) July 1, 2012 – Gather comments and modification requests
         b) October 1, 2012 – Implement application rejection policy
      2) Plan Review Matrix **(EXHIBIT D)**
         a) Renovation Interior and Individual Component (New/Replacement)
      3) Set time standards for permit issuance by permit type **(EXHIBIT E** -Handout)
      4) Requirement for Building Plans to be updated prior to issuance upon receipt of ROGO or NROGO, if Florida Building Code has changed since last reviewed
         a) BOCC September 19, 2012 **(EXHIBIT F)**
      5) Permit Referral Process Species Focus Area
         a) Ordinance **(EXHIBIT G)**
         b) Effective Date
      6) Discussion: Allowing contractors to pay for inspections outside of our "normal" process to accommodate their specific needs when required (evenings/weekends)

Construction Industry Informal Group Mission Statement:
"To evaluate Growth Management Division Building, Flood Plain, Planning and Environmental Resources, Engineering, Fire, and other department operations related to permitting and development approvals, and recommend improvements for better service delivery to the Construction Industry and Monroe County residents. "

d. Building Permit Fee Resolution passed at 8/15/12 BOCC meeting; Building Fees related to revision of plans and plan reviews **(EXHIBIT H)**

e. An ordinance to prohibit issuance of a building permit to expand an illegal use

1) BOCC 8/15/2012

2) A public hearing to consider an Ordinance to establish a new section of the Monroe County, 110-144, in order to create a regulation directing Growth Management Division staff on how to review and act upon building permit applications for a site with a known unlawful use that is prohibited by the Land Development Code. **(EXHIBIT I)**

3. Future Meeting Date/Location

Coastal Resources Group, Inc.

A Florida not-for-profit 501 (c) (3) Corporation

May 22, 2012

Mr. Michael Roberts
Sr. Administrator, Environmental Resources
Monroe County Growth Management
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Re: Transfer of In-Lieu Fee Mitigation Program in Monroe County

Dear Michael,

Thanks for taking the time last week to talk to me about the status of a new ILF mitigation program for the Keys, and recent discussions between National Audubon, the Corps of Engineers, and Coastal Resources Group, Inc. (CRG).

CRG and Audubon are planning to work together to effect a smooth, seamless transfer of the Keys Environmental Restoration Fund to CRG, a plan that seems to have support of the Corps if done in full compliance with the terms and requirements of the 2008 Federal Mitigation Rule. We believe this transfer can occur by early 2013 and be accomplished in a manner that there is no impact to the current process utilized by Keys' property owners, contractors, and developers to accomplish viable mitigation for wetland and other impacts. We believe this approach can avoid Monroe County or others having to take the burdensome steps to create a new non-profit or government program to continue the productive ILF Program in the Keys.

As well, and as we discussed, CRG is very interested in working directly with Monroe County to establish a Regional Offsite Mitigation Area as required by state law to serve the needs of Keys' residential and commercial developers and would like to discuss the concept of bridge funding from the County that could be reimbursed to the County as the Program is implemented by CRG.

We look forward to hearing from you as soon as possible for your thoughts on our plans for transfer of the non-profit ILF Program and on our desire to work with the County to meet the state requirements for a ROMA. Thanks. I can be contacted at 406-842-5099.

Sincerely,

Curtis Kruer
Vice-president
kruer@3rivers.net

cc R. Lewis, L. Flynn, E. Draper

PO Box 5430 Salt Springs, FL 32134-5430
Street Address: 23797 NE 189th Street, Salt Springs, FL 32134
Phone: (352) 546-4842 Fax: (352) 546-5224 Toll Free: (888) 889-9684
Mobile: (813) 505-3999 Email: LFSrrl3@aol.com

MONROE COUNTY, FLORIDA

REQUEST FOR PROPOSALS

FOR

REGIONAL OFFSITE MITIGATION AREA (ROMA) MEMORANDUM OF AGREEMENT (MOA) AND IN-LIEU FEE (ILF) INSTRUMENT

RFP # GMD-###-###-2012-PUR/CV

BOARD OF COUNTY COMMISSIONERS

Mayor, David Rice, District 4
Mayor Pro Tem, Kim Wigington, District 1
Heather Carruthers, District 3
George Neugent, District 2
Sylvia Murphy, District 5

COUNTY ADMINISTRATOR
ROMAN GASTESI

GROWTH MANAGEMENT DIRECTOR
CHRISTINE HURLEY

April 20, 2012

Prepared By:

ENVIRONMENTAL RESOURCES SENIOR ADMINISTRATOR
MICHAEL ROBERTS

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SECTION ONE: INSTRUCTION TO RESPONDENTS

1.01 GENERAL DESCRIPTION OF SERVICES

The Board of County Commissioners of Monroe County, Florida, (hereinafter "County") is seeking proposals from respondents (hereinafter "Contractor" or "Organization" or "Respondent") to provide consulting and ecosystem restoration services for the preparation of a Memorandum of Agreement (MOA) between Monroe County and the South Florida Water Management District (SFWMD) for the creation of a Regional Offsite Mitigation Area (ROMA) and the preparation of an In-Lieu Fee mitigation Instrument through the U.S. Army Corps of Engineers to provide mitigation for wetland impacts throughout the Florida Keys. Respondents may submit proposals offering to:

1) Provide the above Consulting services in order to finalize SFWMD/ACOE approvals for Florida Audubon's Keys Environmental Restoration Fund (KERF) or,
2) Design, permit and operate regional off-site mitigation areas in the Florida Keys under an approved ROMA/MOA and In-Lieu Fee instrument

1.02 OBJECTIVE OF THE REQUEST FOR PROPOSALS

In 1981 an Environmental Mitigation Trust Fund was established as a result of a Federal case involving wetland impacts. The Fund is administered by the Audubon Society and overseen by the U.S. Army Corps of Engineers (ACOE). This Fund is known as the Keys Environmental Restoration Fund (KERF) and payment to KERF by permit applicants has been accepted by the ACOE and the Florida Department of Environmental Protection (DEP) as mitigation for wetland impacts associated with land development activities, including docks and seawalls.

KERF was informed by the ACOE that it does not meet the minimum criteria contained in the Final Compensatory Mitigation Regulations and it must meet the standards provided in the regulations by June of 2013 in order to continue to provide mitigation for development in conjunction with ACOE dredge and fill permits. FDEP and the SFWMD have also stated that KERF must come into compliance with State requirements regulating a ROMA in order to continue to provide mitigation for impacts regulated under Chapter 373 Florida Statutes.

Due to the uncertainty of KERF's future ability to provide a mitigation option to the residents of Monroe County, the U.S. Army Corps of Engineers has encouraged the County to independently pursue an In-Lieu Fee program, or to assist KERF in gaining compliance with the Federal Rule. In addition to this request, FDEP and the SFWMD have asked the County to evaluate the possibility of acting as a sponsor for a ROMA in accordance with State statutes governing off-site mitigation programs.

This RFP is requesting proposals for a Consultant to:

- prepare and file an application with the South Florida Water Management District (SFWMD) to create & operate a Regional Off-site Mitigation Area **(ROMA)** and prepare a MOA in accordance with State statutes (373.4135, F.S.).
- prepare and file with the U.S. Army Corps of Engineers (ACOE) a Prospectus in accordance with 33 CFR 332.

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- Coordinate with SFWMD, ACOE and the Interagency Review Team (IRT) as necessary to gain approval of the ROMA MOA and the Draft Instrument.
- Upon approval of the Prospectus by the ACOE and IRT, prepare a draft mitigation Instrument
- Design, permit and construct the mitigation areas in accordance with the ROMA/MOA and ILF Instrument
- Maintain (or fund the maintenance of) the land until final success is achieved
- Fulfill regulatory reporting responsibilities
- Market and sell mitigation credits
- Establish a long term land acquisition and management fund
- Provide a Revenue Proposal including timing and magnitude of payments to Monroe County. Revenue may be based on percentage of gross sales, guaranteed payments or any other options/mechanisms which provide the largest dollar amount of revenue and the quickest period of recovery of County's cost.

Respondents may propose to conduct the above Services in conjunction with Audubon of Florida to gain final State and Federal approvals for KERF, or may propose to provide the Services separately from Audubon.

As noted above, the respondent may, at their discretion, specify that Keys Environmental Restoration Fund (KERF) would be establishing, implementing, and monitoring the mitigation areas, and would be responsible for meeting both the state and federal requirements of full cost accounting and other technical documentation requirements. If the respondent includes KERF as the mitigation contractor, the Response Package must include a draft Contract between respondent and KERF that stipulates the performance criteria that will be required of the provider as well as the criteria spelled out in the rules referred to above.

1.03 PROPOSAL SUBMISSION REQUIREMENTS

A. All proposals must be received by the Monroe County Purchasing Office, 1100 Simonton Street, Room 1-213, Key West, Florida 33040, on or before **3:00 p.m. on _____**. Two (2) signed originals and four (4) complete copies of each proposal shall be submitted in a sealed envelope marked on the outside, "Sealed Proposal for REGIONAL OFFSITE MITIGATION AREA (ROMA) MEMORANDUM OF AGREEMENT (MOA) AND IN-LIEU FEE (ILF) INSTRUMENT".

B. All submissions must remain valid for a period of one hundred and twenty (120) days from the date of the deadline for submission indicated above. The Board will automatically reject the response of any person or affiliate who appears on the convicted vendor list prepared by the Department of General Services, State of Florida, under Sec. 287.133(3)(d), Florida Statute (1997). The Board reserves the right to reject any or all proposals, to waive informalities in the proposals and to re-advertise for proposals. The Board also reserves the right to separately accept or reject any item or items of a proposal and to award and/or negotiate a contract in the best interest of the County.

C. The County reserves the right to reject any and all responses and to waive technical errors and irregularities as may be deemed best for the interests of the County. Responses which contain modifications, are incomplete, unbalanced, conditional, obscure, or which contain additions not requested or irregularities of any kind, or which do not comply in every respect with the

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Instruction to Respondents, and the contract documents, may be rejected at the option of the County.

1.04 DISQUALIFICATION OF RESPONDENTS

Failure to complete these forms in every detail and submit them with your Response may result in immediate disqualification of your Response.

A. NON-COLLUSION AFFIDAVIT: Any person submitting a proposal in response to this invitation must execute the enclosed NON-COLLUSION AFFIDAVIT. If it is discovered that collusion exists among the Respondents, the proposals of all participants in such collusion shall be rejected, and no participants in such collusion will be considered in future bids for the same work.

B. PUBLIC ENTITY CRIME: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit Proposals on leases or perform work as a contractor, supplier, subcontractor, or CONTRACTOR under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. Category Two: $25,000.00

C. DRUG-FREE WORKPLACE FORM: Any person submitting a bid or proposal in response to this invitation must execute the enclosed DRUG-FREE WORKPLACE FORM and submit it with his bid or proposal. Failure to complete this form in every detail and submit it with your bid or proposal may result in immediate disqualification of your bid or proposal.

D. LOBBYING AND CONFLICT OF INTEREST CLAUSE: Any person submitting a bid or proposal in response to this invitation must execute the enclosed LOBBYING AND CONFLICT OF INTEREST CLAUSE and submit it with his bid or proposal. Failure to complete this form in every detail and submit it with the bid or proposal may result in immediate disqualification of the bid or proposal.

1.05 EXAMINATION OF RFP DOCUMENTS

A. Each Respondent shall carefully examine the RFP (Request for Proposals) and other contract documents, and inform himself thoroughly regarding any and all conditions and requirements that may in any manner affect cost, progress, or performance of the work to be performed under the contract. **Ignorance on the part of the RESPONDENT will in no way relieve him of the obligations and responsibilities assumed under the contract.**

B. Should a Respondent find discrepancies or ambiguities in, or omissions from, the specifications, or should he be in doubt as to their meaning, he shall at once notify the COUNTY.

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1.06 INTERPRETATIONS, CLARIFICATIONS, AND ADDENDA

No oral interpretations will be made to any Respondent as to the meaning of the RFP documents. Any inquiry or request for interpretation received ten (10) or more days prior to the date fixed for opening of proposals will be given consideration. All such changes or interpretation will be made in writing in the form of an addendum and, if issued, will be mailed or sent by available means to all known prospective Respondents prior to the established proposal opening date. Each Respondent shall acknowledge receipt of such addenda in the space provided therefore in the Response Form. In case any Respondent fails to acknowledge receipt of such addenda or addendum, his response will nevertheless be construed as though it had been received and acknowledged and the submission of his response will constitute acknowledgment of the receipt of same. All addenda are a part of the contract documents and each Respondent will be bound by such addenda, whether or not received by him. It is the responsibility of each Respondent to verify that he has received all addenda issued before Responses are opened.

Requests for additional information must be in writing and should be directed to Michael Roberts, Senior Administrator, Monroe County Environmental Resources Office Suite 400, 2798 Overseas Hwy., Marathon, Florida 33050; 305/292-2356 (fax). All such requests must be received at least ten (10) days prior to the time set for the proposal submission and will be answered in writing to all potential Respondents who have requested a copy of this package, at least five (5) days prior to the time set for the proposal submission. Respondents may not request nor rely upon any verbal representations concerning these specifications.

1.07 GOVERNING LAWS AND REGULATIONS

The Respondent is required to be familiar with and shall be responsible for complying with all federal, state, and local laws, ordinances, rules, and regulations that in any manner affect the work.

1.08 PREPARATION OF RESPONSES

Signature of the Respondent: The Respondent must sign the response forms in the space provided for the signature. If the Respondent is an individual, the words "doing business as _____", or "Sole Owner" must appear beneath such signature. In the case of a partnership, the signature of at least one of the partners must follow the partnership's name and the words "Member of the Firm" should be written beneath such signature. If the Respondent is a corporation, the title of the officer signing the Proposal on behalf of the corporation must be stated along with the Corporation Seal Stamp and evidence of his authority to sign the Proposal must be submitted. The Respondent shall state in the response the name and address of each person interested therein.

1.09 RESPONSIBILITY FOR RESPONSE

The Respondent is solely responsible for all costs of preparing and submitting the response, regardless of whether a contract award is made by the County.

1.10 COPIES OF REQUEST FOR PROPOSAL DOCUMENTS

A. Only complete sets of Request for Proposal documents will be issued and shall be used in preparing responses. The County does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets.

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B. Complete sets of Request for Proposal documents may be obtained in the manner and at the locations stated in the Notice of Request for Proposals.

1.11 CONTENT OF PROPOSAL

The proposal package submitted in response to this Request for Proposals (RFP) shall be typed on 8-1/2" x 11" white paper and bound; shall be clear and concise and provide the information requested herein. Statements submitted without the required information will not be considered. Proposals shall be organized and sections tabbed. The Respondent should not withhold any information from the written response in anticipation of presenting the information orally or in a demonstration, since oral presentations or demonstrations may not be solicited. Each Respondent must submit adequate documentation to certify the Respondent's compliance with the County's requirements. Respondent should focus specifically on the information requested. Additional information, unless specifically relevant, may distract rather than add to the Respondent's overall evaluation.

The response, at a minimum, shall include the following:

A. Cover Page

A cover page that reads "Proposal for REGIONAL OFFSITE MITIGATION AREA (ROMA) MEMORANDUM OF AGREEMENT (MOA) AND IN-LIEU FEE (ILF) INSTRUMENT". The cover page should contain Respondent's name, address, telephone number, and the name of the Respondent's contact person.

B. Tabbed Sections

Tab 1. Respondent's approach to this project.

I. Provide a description of the project approach, including: a statement that reflects a clear understanding of project needs based on the Objective (Sec.1.02) above, and a business plan that details the approach.

II. Provide a - budget, including primary funding sources. Describe how the Contractor plans to generate/identify primary funding for the services, and any other potential funding sources, including mitigation payments.

Tab 2. Past Performance and Qualifications

I. Record of performance and professional accomplishments including: a description of similar work completed by the Respondent, any current contracts for similar work, any outstanding accomplishments of the Respondent, and any outstanding accomplishments of the Respondent that relate directly to this type of work.

II. Technical, educational, and training experience of the Respondent and/or assigned staff, if the Respondent and/or any of the assigned staff are located in Monroe County, if they have familiarity with the ecosystems of the Florida Keys, and if they have any related experience.

III. A list of equipment/facilities/personnel that will be made available in the performance of the project.

IV. A list of sub-contractors that may be used, in what capacity they will be used, their location, and their experience as related to the project and familiarity with the wetlands and aquatic resources of the Florida Keys.

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Tab 3. References

Each Respondent shall provide at least five (5) references for which the Respondent has provided the same or similar services during the past three (3) years. It is preferred that the references are from state or local governments, but private industry clients may also be used as references. Each reference shall include, at a minimum:

Name and full address of reference organization
Name of Contact person for contract
Telephone number(s)
Date of initiation of contract with reference
Brief summary comparing the referenced services to these proposed services

Tab 4. Staffing

a. Respondent shall include a list of the proposed key staff positions that will provide the work required if awarded this contract.

b. If particular staff with certifications and qualifications directly related to this proposal are to be used for the performance of services under the contract, if awarded, specify the names, job titles, and qualifications of said personnel.

Tab 5. Respondent's Background Information.

Each submittal must include the following information:

a. a list of the Respondent's shareholders with 5% or more of the stock, or, if a general partnership, a list of the general partners; or, if a limited partnership, a list of the members.

b. a list of the officers and directors of the Respondent.

c. the number of years the Respondent has been in business, and, if different, the number of years the Respondent has provided the type of services requested.

d. the number of years the Respondent has operated under its present name and the number of years the business has operated under any other name, and such names under which it has operated.

e. Provide information regarding any professional or operational permits and licenses held by your organization or key staff. Also, provide here information about the Respondent's membership, or individual memberships, in any state or national organization that may be relevant.

f. Financial statement(s)

Tab 6. Litigation

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I. Has the respondent ever failed to complete work or provide the goods for which it has contracted? (If yes, provide details.)

II. Are there any judgments, claims, arbitration proceeding or suits pending or outstanding against the respondent, or its officers or general partners? (If yes, provide details.)

III. Has the respondent, within the last five (5) years, been a party to any lawsuit or arbitration with regard to a contract for services, goods or construction services similar to those requested in the RFP? (If yes, the Respondent shall provide a history of any past or pending claims and litigation in which the Respondent is involved as a result of the provision of the same or similar services which are requested or described herein.)

IV. Has the respondent ever initiated litigation against the County or been sued by the County in connection with a contract to provide services, goods or construction services? (If yes, provide details.)

V. Whether, within the last (5) years, an officer, general partner, controlling shareholder or major creditor of the respondent was an officer, general partner, controlling shareholder or major creditor of any other entity that failed to perform services or furnish goods similar to those sought in the request for proposals.

Tab 7. County Forms and Licenses.

Respondent shall complete and execute the forms specified below and found in Section Three of this RFP, as well as copies of all professional and occupational licenses:

I. Response Form
II. Lobbying and Conflict of Interest Clause
III. Non-Collusion Affidavit
IV. Drug Free Workplace Form
V. Public Entity Crime Statement
VI. Insurance and Indemnification Statement

1.12 RECEIPT AND OPENING OF RESPONSES

Responses will be received until the designated time and will be publicly opened and announced at the appointed time and place stated in the Notice of Request for Proposal. Monroe County's representative authorized to open the responses will decide when the specified time has arrived and no responses received thereafter will be considered. No responsibility will be attached to anyone for the premature opening of a response not properly addressed and identified. Respondents, or their authorized agents, are invited to be present.

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1.13 PROPOSAL EVALUATION AND SELECTION PROCESS

Proposals will be evaluated and selected at a publicly-noticed meeting by a Selection Committee composed of the Monroe County Environmental Resources Senior Administrator, the Monroe County Growth Management Division Director, and the Monroe County Planning & Environmental Resources Department Senior Director (or their designees). An additional person may be appointed by the County Administrator. The Selection Committee will evaluate the proposals based on the following criteria:

1	Proposed project approach and business plan	15
2	Record of performance and general business experience of the Respondent	15
3	Technical experience, education and training of the Respondent	10
4	Equipment, facilities, and personnel to be used for the project	10
5	Familiarity of the Respondent and/or sub-consultants with mitigation banks and/or Regional Offsite Mitigation Areas	20
6	Familiarity with the project area, and location of Respondent and/or sub-consultants within the Keys	15
7	Proposed revenue strategy to the County	15

The Selection Committee will rank the proposals in order of preference and make a recommendation to the County Commission to negotiate a contract with the selected Respondent(s). Should the County Commission so direct, and a mutually satisfactory agreement cannot be reached between staff and the first recommended Respondent(s), staff may negotiate with the next preferred Respondent(s) and so forth. When staff has agreed with the Contractor(s) upon a mutually satisfactory contract, the contract will be brought before the County Commission for final approval. No binding contract is created between any Respondent and the County until a contract is approved by the County Commission.

1.14 AWARD OF CONTRACT

A. Due to the nature of the project, the County reserves the right to refine/complete the Contract based on proposal responses and the direction of the Board of County Commissioners. The County, upon selection of respondent/s and approval of the Board of County Commissioners, will negotiate with the Contractor to further develop the Contract.

B. If the award of a contract is annulled, the County may award the Contract to another Respondent or the work may be re-advertised or may be performed by other qualified personnel as the County decides.

C. A Contract will be awarded to the Respondent deemed to provide the services which are in the best interest of the County, considering cost, qualifications, funding acquisition, and other factors deemed relevant.

D. The County also reserves the right to reject the response of a Respondent who has previously failed to perform properly or to complete contracts of a similar nature on time.

E. The recommendations of the County Administrator or his designee, will be presented to the Board of County Commissioners of Monroe County, Florida, for final awarding or otherwise.

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1.15 CERTIFICATE OF INSURANCE

The Contractor will be responsible for all necessary insurance coverage for the contracted services as detailed in Section Four: Insurance Requirements. Certificates of Insurance must be provided to Monroe County within fifteen (15) days after award of Contract, with Monroe County BOCC listed as an additional insured on all except Workers Compensation. If the proper insurance forms are not received within the fifteen (15) days, the Contract may be awarded to the next selected Respondent.

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SECTION TWO: DRAFT CONTRACT

REGIONAL OFFSITE MITIGATION AREA (ROMA) MEMORANDUM OF AGREEMENT (MOA) AND IN-LIEU FEE (ILF) INSTRUMENT

THIS AGREEMENT (Agreement) is entered into this _____ day of _____, 20___, by and between the Board of County Commissioners of Monroe County, Florida (hereafter "County" or "Board") whose address is 1100 Simonton Street, Key West, Florida 33040, and _____ (hereafter "Contractor") whose address is_____.

WHEREAS, the County has certain objectives as directed and established by the Board of County Commissioners, and which are consistent with, and supportive of, Federal and State regulations regarding wetlands and other surface waters; and

WHEREAS, it has been determined that it is in the best interest of the property owners of the County that a reasonable alternative to on-site mitigation for wetland impacts remains available; and

WHEREAS, Contractor desires to perform such services;

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

I. TERM OF AGREEMENT:

This agreement shall be effective on the date above, for a period of _____ years. The term of this agreement shall be renewable in accordance with Section V.

II. AMOUNT OF COMPENSATION AND AVAILABILITY OF FUNDS.

The County, in consideration of the Contractor substantially and satisfactorily performing and carrying out the objectives of the County as to providing the services described in Exhibit A, shall pay to the Contractor the sum of _____ DOLLARS ($) for the development and approval of the ROMA/MOA and the ILF Instrument.

Payment will be made according to the Local Government Prompt Payment Act. Any request for payment must be in a form satisfactory to the County Clerk (Clerk). The request must describe in detail the services performed, the payment amount requested, and supporting documentation.

Monroe County's performance and obligation to pay under this contract, is contingent upon an annual appropriation by the Board of County Commissioners.

The Contractor must furnish to the County the following (prior to the payment of any invoices, items (a) through (h) must be provided):

(a) IRS Letter of Determination indicating 501(c)(3) status (if awarded Contractor is a non-profit);

(b) List of the Organization's Board of Directors. For each board member please indicate when elected to serve and the length of term of service;
(c) Evidence of annual election of Officers and Directors;
(d) IRS Form 990 from most recent fiscal year (if applicable) for all organizations;
(e) Organization's Corporate Bylaws, which must include the organization's mission, board and membership composition, and process for election of officers;
(f) Organization's Policies and Procedures Manual which must include hiring policies for all staff, drug and alcohol free workplace provisions, and equal employment opportunity provisions;
(g) Cooperation with County monitoring visits that the County may request during the contract year; and
(h) Other reasonable reports and information related to compliance with applicable laws, contract provisions and the scope of services that the County may request during the contract year.

III. SCOPE OF SERVICES:

A detailed Scope of Services is attached as Exhibit A.

IV. PAYMENT TO COUNTY:

.
Contractor shall re-imburse this amount to the County as provided in Proposal Response (Attached as Exhibit A)

V. RENEWAL:

The County shall have the option to renew this agreement after the original term, for one additional two-year period.

VI. CONTRACTOR'S LICENSE:

The Contractor shall secure, maintain and pay for any permits and licenses necessary to provide the contracted services. It is the Contractor's responsibility to maintain all permits and licenses that may be required.

By signature hereon, the Contractor warrants that it is authorized by law to engage in the performance of the activities herein described, subject to the terms and conditions set forth in these contract documents. Proof of such licenses and approvals shall be submitted to the County upon request. The Contractor has, and shall maintain throughout the term of this contract, appropriate licenses and approvals required to conduct its business, and that it will at all times conduct its business activities in a reputable manner.

VII. INDEPENDENT CONTRACTOR:

At all times and for all purposes, the Contractor, its agents and employees are strictly considered to be independent contractors in their performance of the work contemplated hereunder. As such, the Contractor, its agents and employees shall not be entitled to any of the benefits, rights or privileges of County employees. The provider shall at all times exercise independent, professional judgment and shall assume professional responsibility for the services to be provided.

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VIII. STAFFING:

Since this contract is a service agreement, staffing is of paramount importance. Contractor shall provide services using the following standards, as a minimum requirement:

A. The Contractor shall provide at its own expense all necessary personnel to provide the services under this contract. The personnel shall not be employees of or have any contractual relationship with the County.

B. All personnel engaged in performing services under this contract shall be fully qualified, and, if required, to be authorized or permitted under State and local law to perform such services.

IX. INDEMNIFICATION REQUIREMENTS:

Notwithstanding any minimum insurance requirements prescribed elsewhere in this agreement, the CONTRACTOR covenants and agrees that he shall defend, indemnify and hold the COUNTY and the COUNTY's elected and appointed officers and employees harmless from and against (i) any claims, actions or causes of action, (ii) any litigation, administrative proceedings, appellate proceedings, or other proceedings relating to any type of injury (including death), loss, damage, fine, penalty or business interruption, and (iii) any costs or expenses that may be asserted against, initiated with respect to, or sustained by, any indemnified party by reason of, or in connection with, (A) any activity of CONTRACTOR or any of its employees, agents, contractors in any tier or other invitees during the term of this Agreement, (B) the negligence or willful misconduct of CONTRACTOR or any of its employees, agents, contractors in any tier or other invitees, or (C) CONTRACTOR'S default in respect of any of the obligations that it undertakes under the terms of this Agreement, except to the extent the claims, actions, causes of action, litigation, proceedings, costs or expenses arise from the intentional or sole negligent acts or negligent acts in part or omissions of the COUNTY or any of its employees, agents, contractors or invitees (other than CONTRACTOR). Insofar as the claims, actions, causes of action, litigation, proceedings, costs or expenses relate to events or circumstances that occur during the term of this Agreement, this section will survive the expiration of the term of this Agreement or any earlier termination of this Agreement.

In the event the work under this Agreement is delayed or suspended as a result of the Contractor's failure to purchase or maintain the required insurance, the Contractor shall indemnify the County from any and all increased expenses resulting from such delay.

The first ten dollars ($10.00) of remuneration paid to the Contractor is for the indemnification provided for above.

X. DONATIONS AND GRANTS:

The Contractor shall issue receipts, keep appropriate records, and account separately for all donations and grants received by Contractor. Said donations and grants shall be used by Contractor only for the benefit of the service to be provided and may only be applied to the organization's operational mission within Monroe County. In the case of donations solicited by third parties on behalf of the Contractor, the donating entity must make its financial records pertaining to the donated funds available to representatives of the Contractor and the County during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays) in order to insure that all monies collected on behalf of the Contractor are in fact donated to the Contractor for the acquisition, enhancement or

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management of wetlands and other surface waters in the Florida Keys. If a prospective donating entity is unwilling or unable to comply with the foregoing requirement, then the Contractor may not accept any donations from that entity.

XI. NON-DISCRIMINATION:

County and Contractor agree that there will be no discrimination against any person, and it is expressly understood that upon a determination by a court of competent jurisdiction that discrimination has occurred, this Agreement automatically terminates without any further action on the part of any party, effective the date of the court order. County or Contractor agree to comply with all Federal and Florida statutes, and all local ordinances, as applicable, relating to nondiscrimination. These include but are not limited to: 1) Title VI of the Civil Rights Act of 1964 (PL 88-352) which prohibits discrimination on the basis of race, color or national origin; 2) Title IX of the Education Amendment of 1972, as amended (20 USC ss. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; 3) Section 504 of the Rehabilitation Act of 1973, as amended (20 USC s. 794), which prohibits discrimination on the basis of handicaps; 4) The Age Discrimination Act of 1975, as amended (42 USC ss. 6101- 6107) which prohibits discrimination on the basis of age; 5) The Drug Abuse Office and Treatment Act of 1972 (PL 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; 6) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; 7) The Public Health Service Act of 1912, ss. 523 and 527 (42 USC ss. 690dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patent records; 8) Title VIII of the Civil Rights Act of 1968 (42 USC s. et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; 9) The Americans with Disabilities Act of 1990 (42 USC s. 1201 Note), as maybe amended from time to time, relating to nondiscrimination on the basis of disability; 10) Monroe County Code Ch. 13, Art. VI, prohibiting discrimination on the bases of race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age; and 11) any other nondiscrimination provisions in any Federal or state statutes which may apply to the parties to, or the subject matter of, this Agreement.

XII. INSPECTION OF BOOKS AND FACILITIES/AUDIT/ACCOUNTING:

Contractor shall keep and maintain all books, records, and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. Each party to this Agreement or their authorized representatives shall have reasonable and timely access to such records of each other party to this Agreement for public records purposes during the term of the Agreement and for five (5) years following the termination of this Agreement. If an auditor employed by the County or Clerk determines that monies paid to the Contractor pursuant to this Agreement were spent for purposes not authorized by this Agreement, the Contractor shall repay the monies together with interest calculated pursuant to Sec. 55.03, FS, running from the date the monies were paid to Contractor.

In addition, the Contractor shall, at its expense, provide the County with an annual audit prepared by an independent Certified Public Accountant; said audit shall conform to generally accepted auditing standards and shall be submitted to the County within one hundred twenty (120) days following the close of the Contractor's fiscal year.

The Contractor shall also allow the County to inspect the Contractor's facilities, equipment, vehicles or vessels at any reasonable time.

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XIII. PUBLIC RECORDS:

The Contractor shall comply with the Public Records laws of the State of Florida, subject to any provisions providing exemption from disclosure.

XIV. BREACH OF TERMS BY CONTRACTOR:

The passing, approval, and/or acceptance by the County of any defect in the services furnished by the Contractor, shall not operate as a waiver by the County of strict compliance with the terms of this Contract, and specifications covering the services. Any Contractor breach of this agreement shall be governed by the article below on termination for cause.

The Contractor agrees that the County Administrator may designate representatives to visit any facilities or offices utilized by the Contractor periodically to inspect Contractor's maintenance of vessels and equipment. The Contractor agrees that the County Administrator may designate representatives to visit the facilities or offices periodically to conduct random open file evaluations during the Contractor's normal business hours.

XV. TERMINATION WITHOUT CAUSE:

The County may terminate this agreement without cause by providing the Contractor with written notice of termination at least sixty (60) days prior to the date of termination.

XVI. TERMINATION WITH CAUSE:

The County may terminate this agreement for cause if the Contractor shall default in the performance of any of its obligations under this agreement.

XVII. ASSIGNMENT:

The Contractor shall not assign or subcontract its obligations under this agreement, except in writing and with the prior written approval of the Board of County Commissioners of Monroe County and Contractor, which approval shall be subject to such conditions and provisions as the Board may deem necessary. This paragraph shall be incorporated by reference into any assignment or subcontract and any assignee or subcontractor shall comply with all of the provisions of this agreement. Unless expressly provided for therein, such approval shall in no manner or event be deemed to impose any additional obligation upon the board.

XVIII. COMPLIANCE WITH LAW:

In providing all services pursuant to this agreement, the Contractor shall abide by all statutes, ordinances, rules and regulations pertaining to, or regulating the provisions of, such services, including those now in effect and hereinafter adopted. Any violation of said statutes, ordinances, rules and regulations shall constitute a material breach of this agreement and shall entitle the Board to terminate this contract immediately upon delivery of written notice of termination to the contractor. The contractor shall possess proper licenses to perform work in accordance with these specifications throughout the term of this contract.

XIX. DISCLOSURE, CONFLICT OF INTEREST, AND CODE OF ETHICS:

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A. The Contractor represents that it, its directors, principles and employees, presently have no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required by this contract, as provided in Sect. 112.311, et. seq., Florida Statutes.

B. Upon execution of this contract, and thereafter as changes may require, the Contractor shall notify the County of any financial interest it may have in any and all contracts with Monroe County.

C. COUNTY agrees that officers and employees of the COUNTY recognize and will be required to comply with the standards of conduct for public officers and employees as delineated in Section 112.313, Florida Statutes, regarding, but not limited to, solicitation or acceptance of gifts; doing business with one's agency; unauthorized compensation; misuse of public position, conflicting employment or contractual relationship; and disclosure or use of certain information.

XX. FINANCIAL RESPONSIBILITY:

The Contractor shall not pledge the County's credit or make it a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness. The Contractor further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this contract.

XXI. NOTICE REQUIREMENT:

Any notice required or permitted under this agreement shall be in writing and hand delivered or mailed, postage prepaid, to the other party by certified mail, returned receipt requested, to the following:

FOR COUNTY:

Monroe County Administrator	**and**	Growth Management Director	**and**	County Attorney
1100 Simonton Street		2798 Overseas Hwy.		1111 12th St., Suite 408
Key West, FL 33040		Marathon, FL 33050		Key West, FL 33041

FOR CONTRACTOR:

_____

_____

_____

XXII. TAXES:

The County is exempt from payment of Florida State Sales and Use taxes. The Contractor shall **not** be exempted by virtue of the County's exemption from paying sales tax to its suppliers for materials used to fulfill its obligations under this contract, nor is the Contractor authorized to use the County's Tax Exemption Number in securing such materials. The Contractor shall be responsible for any and all taxes, or payments of withholding, related to services rendered under this agreement.

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XXIII. GOVERNING LAW, VENUE, INTERPRETATION, COSTS AND FEES

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida applicable to contracts made and to be performed entirely in the State.

In the event that any cause of action or administrative proceeding is instituted for the enforcement or interpretation of this Agreement, the COUNTY and CONTRACTOR agree that venue shall lie in the appropriate court or before the appropriate administrative body in Monroe County, Florida. Mediation proceedings initiated and conducted pursuant to this Agreement shall be in accordance with the Florida Rules of Civil Procedure and usual and customary procedures required by the circuit court of Monroe County. Both parties specifically waive their right to a trial by jury. This Agreement is not subject to arbitration.

XXIV. PUBLIC ENTITY CRIME STATEMENT:

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a response on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S. for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. (CATEGORY TWO: $25,000.00).

XXV. AUTHORIZED SIGNATORY: The signatory for the Contractor, below, certifies and warrants that:

(a) The Contractor's name in this agreement is its full name as designated in its corporate charter.

(b) He or she is empowered to act and contract for Contractor.

(c) This agreement has been approved by the Contractor's Board of Directors.

Further, Contractor shall, upon execution of this agreement, provide proof of incorporation (or a non-profit organization) and a list of its Board of Directors.

XXVI. SEVERABILITY

If any term, covenant, condition or provision of this Agreement (or the application thereof to any circumstance or person) shall be declared invalid or unenforceable to any extent by a court of competent jurisdiction, the remaining terms, covenants, conditions and provisions of this Agreement, shall not be affected thereby; and each remaining term, covenant, condition and provision of this Agreement shall be valid and shall be enforceable to the fullest extent permitted by law unless the enforcement of the remaining terms, covenants, conditions and provisions of this Agreement would prevent the accomplishment of the original intent of this Agreement. The COUNTY and CONTRACTOR agree to reform the Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision.

XXVII. ATTORNEY'S FEES AND COSTS

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The COUNTY and CONTRACTOR agree that in the event any cause of action or administrative proceeding is initiated or defended by any party relative to the enforcement or interpretation of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, court costs, investigative, and out-of-pocket \expenses, as an award against the non-prevailing party, and shall include attorney's fees, courts costs, investigative, and out-of-pocket expenses in appellate proceedings.

XXVIII. BINDING EFFECT

The terms, covenants, conditions, and provisions of this Agreement shall bind and inure to the benefit of the COUNTY and CONTRACTOR and their respective legal representatives, successors, and assigns.

XXIX. AUTHORITY

Each party represents and warrants to the other that the execution, delivery and performance of this Agreement have been duly authorized by all necessary County and corporate action, as required by law.

XXX. COOPERATION

In the event any administrative or legal proceeding is instituted against either party relating to the formation, execution, performance, or breach of this Agreement, COUNTY and CONTRACTOR agree to participate, to the extent required by the other party, in all proceedings, hearings, processes, meetings, and other activities related to the substance of this Agreement or provision of the services under this Agreement. COUNTY and CONTRACTOR specifically agree that no party to this Agreement shall be required to enter into any arbitration proceedings related to this Agreement.

XXXI. NO SOLICITATION/PAYMENT

The COUNTY and CONTRACTOR warrant that, in respect to itself, it has neither employed nor retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for it, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of the provision, the CONTRACTOR agrees that the COUNTY shall have the right to terminate this Agreement without liability and, at its discretion, to offset from monies owed, or otherwise recover, the full amount of such fee, commission, percentage, gift, or consideration.

XXXII. NON-WAIVER OF IMMUNITY

Notwithstanding the provisions of Sec. 768.28, Florida Statutes, the participation of the COUNTY and the CONTRACTOR in this Agreement and the acquisition of any commercial liability insurance coverage, self-insurance coverage, or local government liability insurance pool coverage shall not be deemed a waiver of immunity to the extent of liability coverage, nor shall any contract entered into by the COUNTY be required to contain any provision for waiver.

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XXXIII. NON-RELIANCE BY NON-PARTIES

No person or entity shall be entitled to rely upon the terms, or any of them, of this Agreement to enforce or attempt to enforce any third-party claim or entitlement to or benefit of any service or program contemplated hereunder, and the COUNTY and the CONTRACTOR agree that neither the COUNTY nor the CONTRACTOR or any agent, officer, or employee of either shall have the authority to inform, counsel, or otherwise indicate that any particular individual or group of individuals, entity or entities, have entitlements or benefits under this Agreement separate and apart, inferior to, or superior to the community in general or for the purposes contemplated in this Agreement.

XXXIV. ATTESTATIONS

CONTRACTOR agrees to execute such documents as the COUNTY may reasonably require, including a Public Entity Crime Statement, an Ethics Statement, and a Drug-Free Workplace Statement.

XXXV. NO PERSONAL LIABILITY

No covenant or agreement contained herein shall be deemed to be a covenant or agreement of any member, officer, agent or employee of COUNTY in his or her individual capacity, and no member, officer, agent or employee of COUNTY shall be liable personally on this Agreement or be subject to any personal liability or accountability by reason of the execution of this Agreement.

XXXVI. EXECUTION IN COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original, all of which taken together shall constitute one and the same instrument and any of the parties hereto may execute this Agreement by signing any such counterpart.

XXXVII. SECTION HEADINGS

Section headings have been inserted in this Agreement as a matter of convenience of reference only, and it is agreed that such section headings are not a part of this Agreement and will not be used in the interpretation of any provision of this Agreement.

XXXVIII. INSURANCE POLICIES

Coverage shall be maintained throughout the entire term of the contract, failure to maintain coverage shall be considered a valid reason for County to terminate this Agreement.

Coverage shall be provided by a company or companies authorized to transact business in the state of Florida.

If the CONTRACTOR has been approved by the Florida's Department of Labor as an authorized self-insurer, the COUNTY shall recognize and honor the CONTRACTOR'S status. The CONTRACTOR may be required to submit a Letter of Authorization issued by the Department of Labor and a Certificate of Insurance, providing details on the CONTRACTOR'S Excess Insurance Program.

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If the CONTRACTOR participates in a self-insurance fund, a Certificate of Insurance will be required. In addition, the CONTRACTOR may be required to submit updated financial statements from the fund upon request from the County.

a) General Insurance Requirements for Other CONTRACTORS and Subcontractors:

As a pre-requisite of the work governed, the CONTRACTOR shall obtain, at his/her own expense, insurance as specified in any attached schedules, which are made part of this contract. The CONTRACTOR shall require all subcontractors to obtain insurance consistent with the attached schedules.

The CONTRACTOR will not be permitted to commence work governed by this contract (including pre-staging of personnel and material) until satisfactory evidence of the required insurance has been furnished to the COUNTY as specified below, and where applicable CONTRACTOR shall provide proof of insurance for all approved subcontractors. Delays in the commencement of work, resulting from the failure of the CONTRACTOR to provide satisfactory evidence of the required insurance, shall not extend deadlines specified in this contract and any penalties and failure to perform assessments shall be imposed as if the work commenced on the specified date and time, except for the CONTRACTOR'S failure to provide satisfactory evidence.

The CONTRACTOR shall maintain the required insurance throughout the entire term of this contract and any extensions specified in the attached schedules. Failure to comply with this provision may result in the immediate suspension of all work until the required insurance has been reinstated or replaced. Delays in the completion of work resulting from the failure of the CONTRACTOR to maintain the required insurance shall not extend deadlines specified in this contract and any penalties and failure to perform assessments shall be imposed as if the work had not been suspended, except for the CONTRACTOR'S failure to maintain the required insurance.

The CONTRACTOR shall provide, to the COUNTY, as satisfactory evidence of the required insurance, either:

- Certificate of Insurance

or

- A Certified copy of the actual insurance policy.

The County, at its sole option, has the right to request a certified copy of any or all insurance policies required by this contract.

All insurance policies must specify that they are not subject to cancellation, non-renewal, material change, or reduction in coverage unless a minimum of thirty (30) days prior notification is given to the County by the insurer.

The acceptance and/or approval of the CONTRACTOR'S insurance shall not be construed as relieving the CONTRACTOR from any liability or obligation assumed under this contract or imposed by law.

The Monroe County Board of County Commissioners, its employees and officials will be included as "Additional Insured" on all policies, except for Workers' Compensation.

b) INSURANCE REQUIREMENTS FOR CONTRACT BETWEEN COUNTY AND CONTRACTOR

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Prior to the commencement of work governed by this contract, the CONTRACTOR shall obtain the following insurance. Coverage shall be maintained throughout the life of the contract and include, as a minimum:

Insurance Requirement	**Required Limits**
Worker's Compensation	$100,000 Bodily Injury by Accident $500,000 Bodily Injury by Disease, policy limits $100,000 Bodily Injury by Disease, each employee
General Liability	$300,000 Combined Single Limit If split limits are provided, the minimum limits acceptable shall be: $200,000 per person $300,000 per occurrence $200,000 property damage
Vehicle Liability	$300,000 Combined Single Limit If split limits are provided, the minimum limits acceptable shall be: $200,000 per person $300,000 per occurrence $200,000 property damage

The Monroe County Board of County Commissioners shall be named as an Additional Insured.

Coverage provided by a Protection and Indemnity Club (P&I) shall be subject to the approval of the County.

The Monroe County Board of County Commissioners shall be named as Additional Insured on all policies issued to satisfy the above requirements.

XXXIX. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the County and the Contractor for the services contemplated herein. Any amendments or revisions to this agreement must be in writing and be executed in the same manner as this agreement.

DRAFT

Remainder of page intentionally left blank

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and date first written above in four (4) counterparts, each of which shall, without proof or accounting for the other counterparts, be deemed an original contract.

(SEAL)
Attest: DANNY L. KOLHAGE, CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLOIDA
By: _____
Mayor/Chairman

(SEAL)
Attest:
By: _____
WITNESS
Title: _____

By: _____
WITNESS
Title: _____

CONTRACTOR

By: _____

Title: _____

STATE OF _____

COUNTY OF _____

On this _____ day of _____ 2012, before me the person whose name is subscribed above, and who produced _____ as identification, acknowledged that he/she is the person who executed the above Contract for the purposes therein contained.

_____
Notary Public

_____
Print Name

My commission expires: _____ Seal

DRAFT

SECTION THREE: COUNTY FORMS

(FORMS TO BE SUBMITTED WITH TABBED INFORMATION- SEE SECTION 1.11)

RESPONSE FORM

RESPOND TO: MONROE COUNTY PURCHASING OFFICE
HISTORIC GATO CIGAR FACTORY
ROOM 1-213
1100 SIMONTON STREET
KEY WEST, FLORIDA 33040

I acknowledge receipt of Addenda No.(s) _____

I have included:

- Lobbying and Conflict of Interest Clause _____
- Non-Collusion Affidavit _____
- Drug Free Workplace Form _____
- Public Entity Crime Statement _____
- Insurance and Indemnification Statement _____

(Check mark items above, as reminder that they are included)

In addition, I have included a current copy of the following professional and occupational licenses:

_____

_____

Mailing Address: _____ Telephone: _____

_____ Fax: _____

_____ Date: _____

Signed: _____ Witness:_____

_____ (Seal)
(Name)

_____
(Title)

DRAFT

LOBBYING AND CONFLICT OF INTEREST CLAUSE

SWORN STATEMENT UNDER ORDINANCE NO. 010-1990
MONROE COUNTY, FLORIDA

ETHICS CLAUSE

"_____"
(Company)

"…warrants that he/it has not employed, retained or otherwise had act on his/her behalf any former County officer or employee in violation of Section 2 of Ordinance No. 010-1990 or any County officer or employee in violation of Section 3 of Ordinance No. 010-1990. For breach or violation of this provision the County may, in its discretion, terminate this Agreement without liability and may also, in its discretion, deduct from the Agreement or purchase price, or otherwise recover, the full amount of any fee, commission, percentage, gift, or consideration paid to the former County officer or employee."

_____
(Signature)

Date: _____

STATE OF: _____

COUNTY OF: _____

Subscribed and sworn to (or affirmed) before me on _____(date) by

_____ (name of affiant). He/She is personally known to

me or has produced _____ (type of identification)

as identification.

_____
NOTARY PUBLIC

My Commission Expires: _____

DRAFT

NON-COLLUSION AFFIDAVIT

I, _____ of the city of _____ according to law on my oath, and under penalty of perjury, depose and say that

a. I am _____ of the firm of _____ the bidder making the Proposal for the project described in the Request for Proposals for _____ and that I executed the said proposal with full authority to do so;

b. the prices in this bid have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

c. unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to bid opening, directly or indirectly, to any other bidder or to any competitor; and

d. no attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit, or not to submit, a bid for the purpose of restricting competition;

e. the statements contained in this affidavit are true and correct, and made with full knowledge that Monroe County relies upon the truth of the statements contained in this affidavit in awarding contracts for said project.

_____
(Signature)

Date: _____

STATE OF: _____

COUNTY OF: _____

Subscribed and sworn to (or affirmed) before me on _____(date) by _____ (name of affiant). He/She is personally known to me or has produced _____ (type of identification) as identification.

_____
NOTARY PUBLIC

My Commission Expires: _____

DRAFT

DRUG-FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that:

_____

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contenderre to, any violation of Chapter 893 (Florida Statutes) or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, or any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

_____

(Signature)

Date: _____

STATE OF: _____

COUNTY OF: _____

Subscribed and sworn to (or affirmed) before me on _____(date) by

_____ (name of affiant). He/She is personally known to

me or has produced _____ (type of identification)

as identification.

_____

NOTARY PUBLIC

My Commission Expires: _____

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PUBLIC ENTITY CRIME STATEMENT

"A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or CONTRACTOR under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

I have read the above and state that neither _____ (Respondent's name) nor any Affiliate has been placed on the convicted vendor list within the last 36 months.

_____
(Signature)

Date: _____

STATE OF: _____

COUNTY OF: _____

Subscribed and sworn to (or affirmed) before me on _____(date) by

_____ (name of affiant). He/She is personally known to

me or has produced _____ (type of identification)

as identification.

_____
NOTARY PUBLIC

My Commission Expires: _____

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Respondent's Insurance and Indemnification Statement

Insurance Requirement	**Required Limits**
Worker's Compensation	$100,000 Bodily Injury by Accident $500,000 Bodily Injury by Disease, policy limits $100,000 Bodily Injury by Disease, each employee
General Liability	$300,000 Combined Single Limit If split limits are provided, the minimum limits acceptable shall be: $200,000 per person $300,000 per occurrence $200,000 property damage
Vehicle Liability	$300,000 Combined Single Limit If split limits are provided, the minimum limits acceptable shall be: $200,000 per person $300,000 per occurrence $200,000 property damage

Coverage provided by a Protection and Indemnity Club (P&I) shall be subject to the approval of the County.

The Monroe County Board of County Commissioners shall be named as Additional Insured on all policies issued to satisfy the above requirements.

INDEMNIFICATION AND HOLD HARMLESS FOR CONSULTANTS AND SUBCONSULTANTS

Notwithstanding any minimum insurance requirements prescribed elsewhere in this agreement, the Respondent covenants and agrees that he shall defend, indemnify and hold the COUNTY and the COUNTY's elected and appointed officers and employees harmless from and against (i) any claims, actions or causes of action, (ii) any litigation, administrative proceedings, appellate proceedings, or other proceedings relating to any type of injury (including death), loss, damage, fine, penalty or business interruption, and (iii) any costs or expenses that may be asserted against, initiated with respect to, or sustained by, any indemnified party by reason of, or in connection with, (A) any activity of Respondent or any of its employees, agents, contractors in any tier or other invitees during the term of this Agreement, (B) the negligence or willful misconduct of Respondent or any of its employees, agents, respondents in any tier or other invitees, or (C) Respondent's default in respect of any of the obligations that it undertakes under the terms of this Agreement, except to the extent the claims, actions, causes of action, litigation, proceedings, costs or expenses arise from the intentional or sole negligent acts or negligent acts in part or omissions of the COUNTY or any of its employees, agents, contractors or invitees (other than RESPONDENT). Insofar as the claims, actions, causes of action, litigation, proceedings, costs or expenses relate to events or circumstances that occur during the term of this Agreement, this section will survive the expiration of the term of this Agreement or any earlier termination of this Agreement.

In the event the completion of the project (including the work of others) is delayed or suspended as a result of the Respondent's failure to purchase or maintain the required insurance, the Respondent shall indemnify the County from any and all increased expenses resulting from such delay.

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In the event the work under this Agreement is delayed or suspended as a result of the Contractor's failure to purchase or maintain the required insurance, the Contractor shall indemnify the County from any and all increased expenses resulting from such delay.

The first ten dollars ($10.00) of remuneration paid to the Respondent is for the indemnification provided for above.
The extent of liability is in no way limited to, reduced, or lessened by the insurance requirements contained elsewhere within this agreement.

RESPONDENT'S STATEMENT

I understand the insurance that will be mandatory if awarded the contract and will comply in full with all the requirements.

_____	_____	_____
Respondent	Signature	Date

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Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501
Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: SIGNS

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.
Submit Three (3) Sets of Plans.

1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following *on the Site Plan*, as impacted by development:

_____**A.** Drawn to a scale designated on the site plan or survey/drawing.
Please try to use hatching or clouding instead of color legends to distinguish areas

_____**B.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;

_____**C.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);

_____**D.** Locations and dimensions of all existing and proposed structures, including any existing signs, paved areas and parking spaces;

_____**E.** Setback and Flood Zone lines as required by the Land Development Code;

_____**F.** A table providing:
- ☐ Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation;
- ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number;

2. SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below.

At a minimum, drawn to depict the following *on the Site Plan*, if proposed sign impacts wetlands or native upland habitat:

_____**G.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee $60/hr per MC Ordinance 134-2011);

_____**H.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

_____**I.** Design Criteria: Exposure category is assumed to be "D" unless "C" or "B" can be demonstrated according to 2010 FBC 1609.43. Provide a map with maximum distance of structure from all shorelines.

NOTE:
Fire Prevention Site Plan Review may be required where applicable:
Location of fire hydrants or fire wells, or overhead power lines

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____**RE#**_ _ _ _ _ _ _ _ - _ _ _ _ _ _ **Permit#**_____ **Date:**_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501
Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: RENOVATION (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following *on the Site Plan*, if site is impacted by the type of development:

Job Types: • Electric • Elevator • Handicap Ramp • Lawn Sprinkler • LP Gas • Porch/open • Refrigeration • Remodel Com Ext/Int • Remodel Res Ext/Int • Stairs • Tie Downs	_____**A.**	Drawn to a scale designated on the site plan or survey/drawing. *Please try to use hatching or clouding instead of color legends to distinguish areas*
	_____**B.**	Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale
	_____**C.**	Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes)
	_____**D.**	Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11),Vehicle Loading (Commercial Only)
	_____**E.**	Setback and Flood Zone lines as required by the Land Development Code
	_____**F.**	In a Table provide Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation
Job Types: • Remodel Com Ext/Int • Remodel Res Ext/Int	_____**G.**	Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member
Job Types: • Elevator, Handicap Ramp • LP Gas • Porch/open • Refrigeration • Remodel Com Ext/Int • Remodel Res Ext/Int • Stairs, Tie Downs	_____**H.**	In a Table provide Flood zones pursuant to the Flood Insurance Rate Map panel number

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, *detailed on additional documentation to the Site Plan*, if site is impacted by the type of development:

Job Types: • Stairs • Porch/open • Remodel Com Ext/Int • Remodel Res Ext/Int • Refrigeration	_____**I.**	Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT
Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501
Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: RENOVATION (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

2. SITE PLANS ACCEPTED FOR REVIEW

Site Plans will be forwarded to a plans examiner for compliance review with all items on this document including the items below.

At a minimum, drawn to depict the following *on the Site Plan*, if site is impacted by the type of development:

Job Types: • Elevator • Handicap Ramp • Stairs	_____**J.**	Commercial Only: Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128); Street Tree (114-104)
Job Types: • Elevator • Handicap Ramp • Lawn Sprinkler • LP Gas • Porch/open • Refrigeration • Remodel Com Ext/Int • Remodel Res Ext/Int • Stairs	_____**K.**	Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee $60/hr per MC Ordinance 134-2011);
	_____**L.**	Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
	_____**M.**	Provide Total amount of area and upland area of the site (exception: Elevator)
	_____**N.**	Provide amount of impervious and pervious area (exception: Lawn Sprinkler)
Job Types: • Elevator • Refrigeration • Remodel Com Ext/Int	_____**O.**	In a Table provide Type and square footage of all nonresidential floor area
IF Structural	_____**P.**	Design Criteria: Exposure category is assumed to be "D" unless "C" or "B" can be demonstrated according to 2010 FBC 1609.43. Provide a map with maximum distance of structure from all shorelines.
Job Types: • Remodel Res Ext/Int	_____**Q.**	In a Table provide Type and number of all residential dwelling units

NOTE:
Fire Prevention Site Plan Review requires where applicable:
Location of fire hydrants or fire wells, Fire Access, Driving/Turning Radius, Overhead power lines, Fences/Gates, Parking Areas

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501
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Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: POOL/SPA (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

NOTED EXCLUSION:

Residential Spas that are portable and under existing foot print/structure are not required to follow these requirements. Please indicate accordingly:

☐ "Portable" Spa (not dug in ground) ☐ Under Existing Foot print

1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Survey Required

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following *on the Site Plan*, if site is impacted by the type of development:

_____**A.** Drawn to a scale designated on the site plan or survey/drawing.
Please try to use hatching or clouding instead of color legends to distinguish areas

_____**B.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;

_____**C.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);

_____**D.** Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch. 11),Vehicle Loading, pool barrier;

_____**E.** Setback and Flood Zone lines as required by the Land Development Code;

_____**F.** The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);

_____**G.** Outside Agency Approval/Stamp on plans as appropriate

_____**H.** Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member

_____**I.** A table providing:

- ☐ Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation;
- ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number;

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, detailed *on additional documentation to the Site Plan*, if site is impacted by the type of development:

_____**J.** Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas

_____**K.** Outside Agency Approval Letters as appropriate

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

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Site Plan Submission Requirements: POOL/SPA (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

2. SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of all items on this document including the items below.

At a minimum, drawn to depict the following *on the Site Plan*, if site is impacted by the type of development:

_____**L.** Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128);

_____**M.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee $60/hr per MC Ordinance 134-2011);

_____**N.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

_____**O.** Design Criteria: Exposure category is assumed to be "D" unless "C" or "B" can be demonstrated according to 2010 FBC 1609.43. Provide a map with maximum distance of structure from all shorelines

_____**P.** A table providing:

- ☐ Total amount of area and upland area of the site;
- ☐ Type and square footage of all nonresidential floor area;
- ☐ Type and number of all residential dwelling units;
- ☐ Amount of impervious and pervious area

NOTE:
Fire Prevention Site Plan Review may require where applicable:
Location of fire hydrants or fire wells,
Fire Access,
Driving/Turning Radius,
Overhead power lines,
Fences/Gates,
Parking Areas

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

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Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: FOUNDATION (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following *on the Site Plan*, if site is impacted by the type of development:

Job Types: • Foundation/Piling • Pilings	_____**A.**	-Prepared and sealed by a professional architect, engineer, or any other professional licensed in the State of Florida to prepare site plans -Survey required IF outside the existing footprint
Job Types: • Concrete Cap, Concrete Slab (not load bearing) • Curbing • Foundation/Piling • Paving Driveway • Pilings	_____**B.**	Drawn to a scale designated on the site plan or survey/drawing. *Please try to use hatching or clouding instead of color legends to distinguish areas*
	_____**C.**	Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale
	_____**D.**	Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes)
	_____**E.**	Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11),Vehicle Loading (Commercial Only)
	_____**F.**	Setback and Flood Zone lines as required by the Land Development Code
	_____**G.**	In a Table provide Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation
Job Types: • Concrete Cap, Concrete Slab (not load bearing) • Foundation/Piling • Piling	_____**H.**	In a Table provide Flood zones pursuant to the Flood Insurance Rate Map panel number
	_____**I.**	Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, *detailed on additional documentation to the Site Plan*, if site is impacted by the type of development:

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____**RE#**_ _ _ _ _ _ _ _ - _ _ _ _ _ _ **Permit#**_____ **Date:**_____

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Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: FOUNDATION (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

Job Types: • Concrete Cap, Concrete Slab* (not load bearing) • Curbing • Foundation/Piling • Paving Driveway	____**J.**	Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas *Concrete Cap; Concrete Slab (Only if outside of foot print)
Job Types: • Concrete Cap, Concrete Slab (not load bearing) • Curbing, Paving Driveway • Foundation/Piling	____**K.**	Outside Agency Approval Letters on plans as appropriate: ACOE, DEP, So. FL Water District;

NOTE:
Fire Prevention Site Plan Review requires where applicable:
Location of fire hydrants or fire wells, Fire Access, Driving/Turning Radius, Overhead power lines, Fences/Gates, Parking Areas

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501
Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: FOUNDATION (Commercial or Residential)

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans.

2. SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below. At a minimum, drawn to depict the following *on the Site Plan*, if site is impacted by development:

Job Types: • Concrete Slab (not land bearing) • Foundation/Piling • Paving Driveway • Pilings	_____**L.**	COMMERCIAL ONLY: Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128); Street Tree (114-104)
Job Types: • Concrete Cap, Concrete Slab (not land bearing) • Curbing • Foundation/Piling • Paving Driveway • Pilings	_____**M.**	IF NOT UNDER EXISTING "FOOTPRINT": Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee $60/hr per MC Ordinance 134-2011);
	_____**N.**	IF NOT UNDER EXISTING "FOOTPRINT": Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
Job Types: • Concrete Cap,Concrete Slab *, ** (not land bearing) • Curbing *, ** • Foundation/Piling *,** • Paving Driveway *, **	_____**O.**	In a Table provide * Total amount of area and upland area of the site ** Amount of impervious and pervious area
IF Structural	_____**P.**	Design Criteria: Exposure category is assumed to be "D" unless "C" or "B" can be demonstrated according to 2010 FBC 1609.43. Provide a map with maximum distance of structure from all shorelines.

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____**RE#**_ _ _ _ _ _ _ _ - _ _ _ _ _ _ **Permit#**_____ **Date:**_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501
Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: Commercial/Multi-Family Development

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans

Permit Types:

Addition-Commercial
Antenna/Towers/ Equipment Bldg
Bridges
Commercial Building:
-New
-NEW NROGO
-Replace
-Storage
Demo-Moving Bldg.
Docking Facility
Generator Auxiliary
Generator Building
Hotel/Motel
Marina
Multi-Family:
-New
-Affordable Housing
-FEMA Afford. Housing
Park
SewageTreatPlant/COM
Site Work
Tennis Court (COM)
Warehouse

AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Survey Required

Site Plans submitted with building permit application will be accepted for compliance review if:

____**A.** Prepared and sealed by a professional architect, engineer, or any other professional licensed in the State of Florida to prepare site plans;

____**B.** Drawn to a scale of one inch equals ten feet (1"=10') unless another working scale is approved in advance of submittal by the Building Official/Planning Director. *Please try to use hatching or clouding instead of color legends to distinguish areas*

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

____**C.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;

____**D.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);

____**E.** Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11),Vehicle Loading;

____**F.** Setback and Flood Zone lines as required by the Land Development Code;

____**G.** The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);

____**H.** Outside Agency Approval/Stamp on site plans as appropriate

____**I.** A table providing:
- ☐ Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation;
- ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number;

At a minimum, detailed on additional documentation to the Site Plan, as impacted by development

____**J.** Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas

____**K.** Outside Agency Approval Letters/Stamps as appropriate

____**L.** Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

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Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: Commercial/Multi-Family Development

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached**.** Submit Three (3) Sets of Plans

Permit Types:

Addition-Commercial
Antenna/Towers/ Equipment Bldg
Bridges
Commercial Building:
-New
-NEW NROGO
-Replace
-Storage
Demo-Moving Bldg.
Docking Facility
Generator Auxiliary
Generator Building
Hotel/Motel
Marina
Multi-Family:
-New
-Affordable Housing
-FEMA Afford. Housing
Park
SewageTreatPlant/COM
Site Work
Tennis Court (COM)
Warehouse

SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below.

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

____**M.** Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128);

____**N.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee $60/hr per MC Ordinance 134-2011);

____**O.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

____**P.** Design Criteria: Exposure category is assumed to be "D" unless "C" or "B" can be demonstrated according to 2010 FBC 1609.43. Provide a map with maximum distance of structure from all shorelines.

____**Q.** A table providing:
- ☐ Total amount of area and upland area of the site;
- ☐ Type and square footage of all nonresidential floor area;
- ☐ Type and number of all residential dwelling units;
- ☐ Amount of impervious and pervious area

NOTE:
Fire Prevention Site Plan Review requires where applicable:
Location of fire hydrants or fire wells,
Fire Access,
Driving/Turning Radius,
Overhead power lines,
Fences/Gates,
Parking Areas

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____**RE#**_ _ _ _ _ _ _ _ - _ _ _ _ _ _ **Permit#**_____ **Date:**_____

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Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800
Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

Site Plan Submission Requirements: Single Family Residential

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached. Submit Three (3) Sets of Plans.

Permit Types:

Addition-Residential
FEMA Funded Residence
Mobile Home
Mobile Home-Affordable
Mobile Home-Replacement
Single Family:
-Afford to Market Rate
-Afford Fee Exempt
-Afford Inclusionary
-Affordable Housing
-Conventional
-Employee Housing
-From Guest House
-From MH
-Modest Housing
-Modular
-Replace

AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Survey Required

Site Plans submitted with building permit application will be accepted for compliance review if:

____**A.** Drawn to a scale of one inch equals ten (1"=10') or twenty (1"=20') feet unless another working scale is approved in advance of submittal by the Building Official/Planning Director. *Please try to use hatching or clouding instead of color legends to distinguish areas*

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

____**B.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;

____**C.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);

____**D.** Locations and dimensions of all existing and proposed structures, including paved areas, the need for parking spaces;

____**E.** Setback and Flood Zone lines as required by the Land Development Code;

____**F.** The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);

____**G.** Outside Agency Approval Stamp on site plans as appropriate;

____**H.** A table providing:

- ☐ Future Land Use Map (FLUM), Land Use District (Zoning), and Tier designation;
- ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number

At a minimum, detailed on additional documentation to the Site Plan, as impacted by development

____**I.** Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;

____**J.** Outside Agency Approval Letters as appropriate;

____**K.** Pre- and Post- Construction grade elevation statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

✓= Accepted for review **N/A**= Not Required ✸= Required

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

Staff:_____RE#_ _ _ _ _ _ _ _ - _ _ _ _ _ _ Permit#_____ Date:_____

MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

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Site Plan Submission Requirements: Single Family Residential

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached. Submit Three (3) Sets of Plans.

Permit Types:

Addition-Residential
FEMA Funded Residence
Mobile Home
Mobile Home-Affordable
Mobile Home-Replacement
Single Family:
-Afford to Market Rate
-Afford Fee Exempt
-Afford Inclusionary
-Affordable Housing
-Conventional
-Employee Housing
-From Guest House
-From MH
-Modest Housing
-Modular
-Replace

SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below.

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

____**L.** Location, size and species of required Street Tree (114-104);

____**M.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee $60/hr per MC Ordinance 134-2011);

____**N.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

____**O.** Design Criteria: Exposure category is assumed to be "D" unless "C" or "B" can be demonstrated according to 2010 FBC 1609.43. Provide a map with maximum distance of structure from all shorelines.

____**P.** A table providing:

- ☐ Total amount of area and upland area of the site;
- ☐ Amount of impervious and pervious area.

✓= Accepted for review **N/A**= Not Required ✸= Required

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

LEGEND:

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	AUTOMATIC Review Stops - System Adds Upon New Application Entry										*Manually Add Review Stops As Needed*					*X*
Job Types	**BIO (Setback/ Use Water)**	**LDR / PLAN (Setback/Use Land, and/or Historic) <u>All COM permits go to PLAN</u>**	**STORM WATER (ENG)**	**FIRE**	**EXAM (Structural)**	**ELECT**	**MECH (GAS)**	**PLUMB**	**FLOOD**	**BLDG OFFICIAL**	**STORM WATER (By BIO)**	**FIRE**	**WASTE WATER w/ HOLD on Parcel AND Permit Type (By CustSer Rep) (Updated 4/1/12)**	**ROGO/NROGO (By CustSer Rep)**	**OTHER PARCEL HOLDS CSR MUST ADD PR STOP IF ONE DOESN'T EXIST: CODE Case > CODE; Historic, CBRS, MIAI > PLAN; FocusSpecies > BIO**	**NO LONGER VALID AS OF 7/1/12 - FLOOD (6-107) (By CustSer Rep based upon Parcel Info)**
Section 6 -100 Building Permit Required - Detail of exceptions and application requirements.																
ADDITION-COMMERCIAL	1	1	1	1	1	1	1	1	1	1				NROGO		~~1~~
ADDITION-RESIDENTIAL	1	1			1	1	1	1	1	1	1					~~1~~
AIR CONDITIONING		by Mech				1	1		1	1		COM				~~1~~
AC-CONDENSER ONLY(Same for Same)		*LANG*					COM WalkThru			COM WalkThru		COM WalkThru				~~1~~
OVER THE COUNTER	**SF RES ONLYwhen SAME FOR SAME** (Same Location, Tonage current and proposed are the same or can be less, Seer proposed is the same or greater than current). - NO Reviews Req'd - **'NA" MECH and OFFICIAL Review Stops**															
WALK THRU	**COM when SAME FOR SAME** (Same Location, Tonage current and proposed are the same or can be less, Seer proposed is the same or greater than current). If It is NOT<u>same for same</u> the permit will be entered as AIR CONDITIONING.															
ALARMS-COMMERCIAL (BURGLAR/FIRE)		*LANG*		FIRE alarm		1				1						~~1~~
	Fire only see Alarms with FIRE detectors; "NA" if COM Burglar alarm only (if not absolutely sure send it for FIRE review).															
ALARMS-RESIDENTIAL (BURGLAR/FIRE)		*LANG*				1				1						~~1~~
ANTENNA/TOWERS/EQUIP BLDG	1	1	1	1	1	1	1			1				NROGO		~~1~~
AWNINGS		1			1					1		COM				~~1~~
BLASTING	1	*LANG*		1	1					1						~~1~~
BOAT DAVITS - ***LIFTS***	1				1	1				1						~~1~~
BRIDGES	1			1	1					1	1					~~1~~
CARPORT	**1**				1	1			1	1						~~1~~
CHANGE OF OCCUPANCY(NOT USE)		1		1	1	1	1	1		1			1	NROGO		~~1~~
CHANGE USE / ADD USE		1		1					1	1						~~1~~
CHICKEE HUT	1				1	1			1	1		COM				~~1~~
CISTERN	1				1	1		1	1	1	COM					~~1~~
CLEARING/GRUBBING	1				1					1						~~1~~
	For SITE CLEARING….see MC Code Section 6 -100 Building Permits Required… Exception: "A permit is not required for the removal of ten or fewer stems of invasive exotic vegetation on parcels with a lawfully established principal use…"															
COMMERCIAL BLDG-NEW	1	1	1	1	1	1	1	1	1	1			1	NROGO		~~1~~
COMMERCIAL BLDG-NEW NROGO	1	1	1	1	1	1	1	1	1	1			1	NROGO		~~1~~
COMMERCIAL BLDG-REPLACE	1	1	1	1	1	1	1	1	1	1			1	NROGO		~~1~~
COMMERCIAL STORAGE	1	1	1	1	1	1	1	1	1	1				NROGO		~~1~~
COMPONENT COM NEW/REPLACE		*LANG*		**1**	**1**				**preFIRM**	**1**						
New! 7/1/12	**Jobs where basically one "type" of job is being performed and only structural (EXAM) and FIRE;therefore preventing it from going into Renovation/Remodel, to multiple plans examiners. Examples: job replacing windows/doors, or replacing cabinets (no elec, plumbing), or replacing counter tops (no elect or plumb), or replacing siding, or replacing gutters**															
	WINDOWS: Any permit ISSUED prior to 1/1/1975 is pre FIRM. "NA" Flood Review stop if not preFIRM															

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Job Types	BIO (Setback/ Use Water)	LDR / PLAN (Setback/Use Land, and/or Historic) **All COM permits go to PLAN**	STORM WATER (ENG)	FIRE	EXAM (Structural)	ELECT	MECH (GAS)	PLUMB	FLOOD	BLDG OFFICIAL	STORM WATER (By BIO)	FIRE	WASTE WATER w/ HOLD on Parcel AND Permit Type (By CustSer Rep) (Updated 4/1/12)	ROGO/NROGO (By CustSer Rep)	OTHER PARCEL HOLDS CSR MUST ADD PR STOP IF ONE DOESN'T EXIST: CODE Case > CODE; Historic, CBRS, MIAI > PLAN; FocusSpecies > BIO	NO LONGER VALID AS OF 7/1/12 - FLOOD (6-107) (By CustSer Rep based upon Parcel Info)
	AUTOMATIC Review Stops - System Adds Upon New Application Entry										***Manually Add Review Stops As Needed***					*X*
COMPONENT RES NEW/REPLACE		*LANG*			**1**				**preFIRM**	**1**						
New! 7/1/12	**Jobs where basically one "type" of job is being performed and only structural (EXAM);therefore preventing it from going into Renovation/Remodel, to multiple plans examiners. Examples: job replacing windows/doors, or replacing cabinets (no elec, plumbing), or replacing counter tops (no elect or plumb), or replacing siding, or replacing gutters**															
	WINDOWS: Any permit ISSUED prior to 1/1/1975 is pre FIRM. "NA" Flood Review stop if not preFIRM															
CONCRETE CAP	1				1					1						~~1~~
CONCRETE SLAB	**1**				1					1	1					~~1~~
CURBING	1				1					1						~~1~~
DECK	1	1			1					1		COM				~~1~~
DEMO	*LANG*	*LANG*			1	1	1	1	1	1		COM				~~1~~
DEMO WALK-THRU	*LANG*	*LANG*			1	1	1	1	1	1		COM				~~1~~
DEMO-FEMA COMPLIANCE		*LANG*			1	1	1	1	1	1		COM				~~1~~
DEMO-MOVING BLDG	1	1			1	1	1	1		1		COM		ROGO		~~1~~
DOCK/SEAWALL REPAIR	1	*LANG*			1					1		COM				~~1~~
DOCK**ING FACILITY**	1				1					1		COM				~~1~~
DREDGING	1	1			1					1						~~1~~
ELECTRIC		*CBRS or LANG*				1				1						~~1~~
	All applications requiring utility extensions thur CBRS areas or in CBRS areas require PLAN review. Parcel HOLDS have been uploaded on these parcels and GIS maps should be updated to indicate these parcels															
ELECTRIC- WALK THRU		*CBRS or LANG*				1				1						~~1~~
ELEVATOR/CHAIR LIFT/DUMB WAITER	**1**				1	1			1	1	1	**COM**				~~1~~
ENCLOSURE - A-**ZONE**~~OTHER **(FEMA)**~~					1	1			1	1						~~1~~
ENCLOSURE-V-ZONE ~~**(FEMA)**~~					1	1			1	1						~~1~~
EXCAVATION	1				1					1	1					~~1~~
FEMA FUNDED RESIDENCE	1	1			1	1	1	1	1	1	1		1	ROGO		~~1~~
FENCE/RETAINING WALLS-WALK THRU	1				1					1						~~1~~
FENCE AND/OR RETAINING WALLS	1				1					1	1	COM				~~1~~
FILL	1				1					1						~~1~~
FIRE PROTECTION SYSTEM		*LANG*		1		1		1		1						~~1~~
FOUNDATION & PILING	1	1			1					1						~~1~~
GARAGE/ENCLOSED CARPORT	**1**				1	1			1	1		COM				~~1~~
GAS/FUEL TANKS - ABOVE GROUND		*LANG*		1	1		1		1	1						~~1~~
GAS/FUEL TANKS - ***IN*** GROUND		*LANG*		1	1	1	1			1						~~1~~
GAZEBO	1				1	1			1	1		COM				~~1~~
GENERATOR AUXILIARY	1	1			1	1			1	1		COM				~~1~~
GENERATOR BUILDING	1	1	1		1	1	1		1	1		COM		NROGO		~~1~~
HANDICAP RAMP	1	1			1					1						~~1~~
HOTEL/MOTEL	1	1	1	1	1	1	1	1	1	1			1	NROGO		~~1~~
LATTICE (WOOD) & SCREENING		*LANG*			1				1	1						~~1~~

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Job Types	**BIO (Setback/ Use Water)**	**LDR / PLAN (Setback/Use Land, and/or Historic) All COM permits go to PLAN**	**STORM WATER (ENG)**	**FIRE**	**EXAM (Structural)**	**ELECT**	**MECH (GAS)**	**PLUMB**	**FLOOD**	**BLDG OFFICIAL**	**STORM WATER (By BIO)**	**FIRE**	**WASTE WATER w/ HOLD on Parcel AND Permit Type (By CustSer Rep) (Updated 4/1/12)**	**ROGO/NROGO (By CustSer Rep)**	**OTHER PARCEL HOLDS CSR MUST ADD PR STOP IF ONE DOESN'T EXIST: CODE Case > CODE; Historic, CBRS, MIAI > PLAN; FocusSpecies > BIO**	**NO LONGER VALID AS OF 7/1/12 - FLOOD (6-107) (By CustSer Rep based upon Parcel Info)**
LAWN SPRINKLER SYSTEM	1	*LANG*				1		1		1						~~1~~
LP GAS ~~TANKS~~		1			1		1			1		COM				~~1~~
MARINA	1		1	1	1	1	1	1		1			1	NROGO		~~1~~
MOBILE HOME ~~NEW~~	1	1		1	1	1	1	1	1	1	1		1	ROGO		~~1~~
MOBILE HOME ~~NEW~~ AFFORDABLE	1	1		1	1	1	1	1	1	1	1		1	ROGO		~~1~~
MOBILE HOME-REPLACEMENT	1	1		1	1	1	1	1	1	1	1		1	ROGO		~~1~~
MULTI-FAMILY	1	1	1	1	1	1	1	1	1	1			1	ROGO		~~1~~
MULTI-FAMILY - AFFORDABLE HOUSING	1	1	1	1	1	1	1	1	1	1			1	ROGO		~~1~~
MULTI-FAMILY - FEMA AFFORDABLE HOUSING	1	1	1	1	1	1	1	1	1	1			1	ROGO		~~1~~
OBSERVATION DECK/CANNOT BE USED FOR DOCK	1	1			1					1	1					~~1~~
PAINTING		*LANG*		1	1					1						~~1~~
PARK	**1**		1	1	1	1	1	1		1				NROGO		~~1~~
PAVING**/DRIVEWAY/SIDEWALK**	1	1			1					1	1					~~1~~
PILINGS	1	*LANG*			1					1						~~1~~
PLUMBING		*LANG*						1		1						~~1~~
	Sewer Tie In for COM or Multiple SF Res															
	All applications requiring utility extensions thur CBRS areas or in CBRS areas require PLAN review. Parcel HOLDS have been uploaded on these parcels and GIS maps should be updated to indicate these parcels															
PLUMBING-SEWER TIE-IN(One SF RES)		*LANG*														~~1~~
OVER THE COUNTER	Sewer Tie In for **ONE Single Family Residency - no reviews required**															
	EXCEPTION: IF property has CBRS hold then PLANNING must review															
POOL & SPA	1				1	1	1	1	**V Zone**	1	1					~~1~~
	FLOOD LANG if not V Zone= "Pool equipment may not be located under the SFR unless it is elevated to or above the base flood elevation."															
	Add LANG															
POOL & SPA MAINT. & REPAIR					1	1	1	1		1						~~1~~
PORCH - ENCLOSE	**1**				1	1			1	1						~~1~~
PORCH - OPEN/SCREENED	1				1	1			1	1	1					~~1~~
REFRIGERATION		*LANG*					1			1						~~1~~
REMODEL/REPAIR COM INT/EXT	1	1	1	1	1	1	1	1	1	1						
REMODEL/REPAIR COM INT		1		1	1	1	1	1	1	1						
REMODEL/REPAIR RES INT/EXT	1	1			1	1	1	1	1	1						
REMODEL/REPAIR RES INT		Confirm w/ Planner			1	1	1	1	1	1						
RESEARCH & INSPECTION PRIOR TO SALE																
RIGHT-OF-WAY ACCESSORY STRUCTURES	1			1	1	1				1						~~1~~
RIPRAP	1	*LANG*			1					1						~~1~~
ROOFING WALK-THRU		*LANG*			1				**preFIRM**	1						~~1~~
	Any permit ISSUED prior to 1/1/1975 is pre FIRM. "NA" Flood Review stop if not preFIRM															

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Job Types	**BIO (Setback/ Use Water)**	**LDR / PLAN (Setback/Use Land, and/or Historic) <u>All COM permits go to PLAN</u>**	**STORM WATER (ENG)**	**FIRE**	**EXAM (Structural)**	**ELECT**	**MECH (GAS)**	**PLUMB**	**FLOOD**	**BLDG OFFICIAL**	**STORM WATER (By BIO)**	**FIRE**	**WASTE WATER w/ HOLD on Parcel AND Permit Type (By CustSer Rep) (Updated 4/1/12)**	**ROGO/NROGO (By CustSer Rep)**	**OTHER PARCEL HOLDS CSR MUST ADD PR STOP IF ONE DOESN'T EXIST: CODE Case > CODE; Historic, CBRS, MIAI > PLAN; FocusSpecies > BIO**	**NO LONGER VALID AS OF 7/1/12 - FLOOD (6-107) (By CustSer Rep based upon Parcel Info)**
ROOFING-COMMERCIAL		*LANG*		1	1				**preFIRM**	1						~~1~~
	Any permit ISSUED prior to 1/1/1975 is pre FIRM. "NA" Flood Review stop if not preFIRM															
ROOFING-RESIDENTIAL		*LANG*			1				**preFIRM**	1						~~1~~
	Any permit ISSUED prior to 1/1/1975 is pre FIRM. "NA" Flood Review stop if not preFIRM															
RV - REPLACEMENT ***(USE)***	1	1				1							1			~~1~~
RV - TEMPORARY RV ***(EMERG HOUSING)***	1	1		1												~~1~~
SATELLITE DISHES	**1**					1					1					~~1~~
	The installation of satellite antennas and microwave receiving antennas that<u>exceed one meter in diameter</u> mounted on <u>new or existing</u> buildings or structures.															
SEAWALL **(Without Dock)**	1				1					1						~~1~~
SEWAGE TREAT PLANT-COMMERCIAL	1	1	1	1	1	1	1	1		1			1			~~1~~
SHED	**1**				1				1	1						~~1~~
	No Permit Req'd for: Tool sheds located on residential lots <u>OR</u> parcels not exceeding 100 square feet in ground coverage or seven feet in height (MC sect 6-100)															
SHUTTERS WALK-THRU		*LANG*			1					1						~~1~~
SIGNS	**1**			1	1	1				1	1					~~1~~
SINGLE FAMILY RES~~.~~-AFFORDABLE HOUSING	1	1			1	1	1	1	1	1	1	DEV		ROGO		~~1~~
SINGLE FAMILY RES-AFFORD FEE EXEMPT	1	1			1	1	1	1	1	1	1	DEV	1	ROGO		~~1~~
SINGLE FAMILY RES-AFFORD INCLUSIONARY	1	1			1	1	1	1	1	1	1	DEV	1	ROGO		~~1~~
SINGLE FAMILY RES-CONVENTIONAL	1	1			1	1	1	1	1	1	1	DEV	1	ROGO		~~1~~
SINGLE FAMILY RES-EMPLOYEE HOUSING	1	1			1	1	1	1	1	1	1	DEV	1	ROGO		~~1~~
SINGLE FAMILY RES-FROM GUEST HOUSE ~~TO SFR~~	1	1			1	1	1	1	1	1			1			~~1~~
SINGLE FAMILY RES-FROM M**OBILE** H**OME** ~~REPLACED WITH SFR~~	1	1			1	1	1	1	1	1	1		1	ROGO		~~1~~
SINGLE FAMILY RES-HOUSEBOAT	1	1			1	1	1	1		1	1		1	ROGO		~~1~~
SINGLE FAMILY **RES**-MODEST HOUSING	1	1			1	1	1	1	1	1	1		1	ROGO		~~1~~
SINGLE FAMILY RES-MODULAR	1	1		1	1	1	1	1	1	1	1		1	ROGO		~~1~~
SINGLE FAMILY RES~~ID.~~ REPLACE~~.~~ OF	1	1			1	1	1	1	1	1	1					~~1~~
SITE WORK	1	1	1	1	1	1	1	1	1	1						~~1~~
SOLAR UNITS	1	*LANG*			1	1		PV		1						~~1~~
	IF Photo-voltaic (PV) no plumbing required; "NA" PLUMB review stop.															
SPALLING/EXT CONCRETE REPAIRS		*LANG*			1				**preFIRM**	1						~~1~~
	Any permit ISSUED prior to 1/1/1975 is pre FIRM. "NA" Flood Review stop if not preFIRM															
STAIRS	EXT				1					1		COM				~~1~~
	If Interior(INT) only then "NA" BIO Review Stop															
STUCCO		*LANG*			1					1						~~1~~
TEMP USE**/STRUCT** PERMIT	**1**		**1**	1	1	1				1						
TENNIS COURT - COMMERCIAL	**1**		1		1	1				1				NROGO		~~1~~

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TENNIS COURT - RESIDENTIAL	**1**				1	1				1	1					~~1~~
TIE DOWNS (EXISTING STRUCTURE)		*LANG*			1					1						~~1~~
TRAILER-CONSTRUCT/SALES	**1**			1	1	1	1	1		1	1					~~1~~
WAREHOUSE	1	1	1	1	1	1	1	1	1	1			1	NROGO		~~1~~
PLANNING and ENVIRONMENTAL RELATED JOB TYPES:																
ADMINISTRATIVE VARIANCE		1							1							~~1~~
HOME OCCUPATIONAL		1							1							~~1~~
SPECIAL EVENTS/TENTS																
VACATION RENTAL		1														
EXOTICS	1									1						~~1~~
	Permits may be issued for the removal of invasive exotic vegetation at any time. (MC Code Section 6-100)															
LANDSCAPING	1									1						~~1~~
	A BUILDING permit is not required for the removal of ten or fewer stems of invasive exotic vegetation on parcels with a lawfully established principal use (MC Code Section 6-100)															
TREE REMOVAL/TRIM	1									1						
	A BUILDING permit is not required for the removal of ten or fewer stems of invasive exotic vegetation on parcels with a lawfully established principal use (MC Code Section 6-100)															

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Board of County Commissioners

Through: Christine Hurley, AICP, Director of Growth Management
Townsley Schwab, Senior Director of Planning & Environmental Resources

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

Date: August 20, 2012

Subject: *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, 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE, 138-52, APPLICATION PROCEDURES FOR NROGO; TO ESTABLISH A REQUIREMENT THAT A BUILDING PERMIT APPLICATION THAT IS SUBMITTED TO THE BUILDING DEPARTMENT BE REVISED FOLLOWING RECEIPT OF ITS REQUIRED ROGO/NROGO ALLOCATION(S) AND PRIOR TO BUILDING PERMIT ISSUANCE TO MEET ALL BUILDING CODES IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: September 19, 2012 (continued from August 15, 2012)

I REQUEST

The Planning & Environmental Resources Department is proposing amendments to the text of the Monroe County Code concerning the County's Residential Rate of Growth Ordinance (ROGO) and Nonresidential Rate of Growth Ordinance (NROGO). The main purpose of the text amendment is establish a requirement that a building permit application be revised following receipt of its require ROGO and/or NROGO allocation(s) and prior to building permit issuance to meet all building codes in effect at the time of building permit issuance.

II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:

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

The ROGO was first adopted in 1992 by Ordinance #016-1992. It has been effective from July 1992 to present. In order to carry out several miscellaneous amendments, MCC Chapter

138, Article II, ROGO has been amended several times from it adoption to present date. Of these amendments, it is important to note that in order to implement the tier scoring system, the ROGO regulations were amended in 2006 by Ordinance #009-2006.

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

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

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

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

During a regularly scheduled meeting held on April 24, 2012, the Development Review Committee reviewed the subject request and recommended approval to the BOCC.

During a regularly scheduled meeting held on May 30, 2012, the Planning Commission reviewed the subject request and recommended approval to the BOCC.

III <u>REVIEW</u>

Since the adoption of ROGO and NROGO, Monroe County has required applicants for allocations to obtain building permit approval prior to applying for an allocation. The existing process requires an applicant to submit a full plan set for the site and all buildings as

part of building permit application(s), as well as application fees for the building permit and corresponding plan review.

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

To alleviate this issue, staff is proposing a requirement that a building permit application be revised following receipt of its required ROGO and/or NROGO allocation(s) and prior to building permit issuance to meet all building codes in effect at the time of building permit issuance.

In addition, this amendment codifies the list of items that are required to be included in ROGO and NROGO applications. Currently, the requirements are determined administratively by the ROGO administrator and Director of Planning & Environmental Resources.

Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and additions are <u>underlined</u>. Text to remain the same is in black):

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

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

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

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

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

Buildable lot or parcel, <u>for the purposes of this chapter,</u> means a lot or parcel which must contain a minimum of 2,000 square feet of upland, including any disturbed wetlands that can be filled ~~pursuant to this chapter~~.

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

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

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

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

Residential dwelling unit means a dwelling unit as defined in section 101-1, and expressly includes the following other terms also specifically defined in section 101-1: ~~lawfully established hotel~~ rooms, hotel or motel, campground spaces, mobile homes, transient residential units, institutional residential units (except hospital rooms) and ~~live-aboards~~ live-aboard vessels.

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

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

ROGO application means the residential ROGO application submitted by applicants seeking allocation awards.

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

(1) To facilitate implementation of goals, objectives and policies set forth in the comprehensive plan relating to protection of residents, visitors and property in the county from natural disasters, specifically including hurricanes;

(2) To limit the annual amount and rate of residential development commensurate with the county's ability to maintain a reasonable and safe hurricane evacuation clearance time;

(3) To regulate the rate and location of growth in order to further deter deterioration of public facility service levels, environmental degradation and potential land use conflicts;

(4) To allocate the limited number of dwelling units available annually hereunder, based upon the goals, objectives and policies set forth in the comprehensive plan; and

(5) To implement goal 105 of the comprehensive plan.

* * * * * * *

Sec. 138-25. Application procedures for residential ROGO.

(a) *Application for allocation.* In each quarterly allocation period, the ~~department of~~ planning and environmental resources department shall accept applications to enter the residential ROGO system ~~on forms prescribed by the planning director~~. Except for allocations to be reserved and awarded under section 138-24(b), the ROGO application ~~form~~ must be accompanied by an approved building permit application ~~and a nonrefundable processing fee~~ in order to be considered in the current allocation period. The planning director, or his or her designee, shall review the ROGO application for completeness. If the application is determined to be incomplete, the planning director, or his or her designee, shall reject the ROGO application and notify the applicant of such rejection, and the reasons therefore, within ten working days. The application shall be assigned a controlling date that reflects the time and date of its submittal unless the application is determined to be incomplete. If the application is rejected, then the new controlling date shall be assigned when a complete application is submitted. The ROGO application shall be submitted in a form provided by the planning and environmental resources department and meet the following requirements:

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

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

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

a. Date, north point and graphic scale;
b. Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes;
c. All attributes from the boundary survey;
d. Future Land Use Map (FLUM) designation(s) of the site;
e. Land Use (Zoning) District designation(s) of site;
f. Tier designation(s) of the site;
g. Flood zones pursuant to the Flood Insurance Rate Map;
h. Setback lines as required by this Land Development Code;

i. Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles;

j. Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants;

k. Extent and area of wetlands, open space preservation areas and conservation easements;

l. Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

m. Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;

n. Location of fire hydrants or fire wells;

o. The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards; and

p. A table providing the total land area of the site, the total buildable area of the site, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking.

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

(c) *Compliance with other requirements.* The ROGO application shall not constitute an indication of ~~indicate~~ whether or not the applicant for a residential ~~dwelling unit~~ ROGO allocation has satisfied and complied with all county, state and federal requirements otherwise imposed by the county regarding conditions precedent to issuance of a building permit ~~and shall require that the applicant certify to such compliance~~.

(d) ~~*Noncounty*~~ *Non-county time periods.* The county shall develop necessary administrative procedures and, if necessary, enter into agreements with other jurisdictional entities which impose requirements as a condition precedent to development in the county, to ensure that such ~~noncounty~~ non-county approvals, certifications and/or permits are not lost due to the increased time requirements necessary for the county to process and evaluate residential dwelling unit applications and issue allocation awards. The county may permit evidence of compliance with the requirements of other jurisdictional entities to be demonstrated by "coordinating letters" in lieu of approvals or permits.

(e) *Limitation on number of applications.*

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

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

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

(f) *Expiration of allocation award.* Except as provided for in this article, an allocation award shall expire when its corresponding building permit is not picked up after 60 days of notification by certified mail of the award or after issuance of the building permit, upon expiration of the permit or after failure of the applicant to submit required plan revisions by the required date set forth in subsection (j).

(g) *Borrowing from future housing allocations.*

(1) The planning commission may award additional units from future annual ~~dwelling unit~~ residential ROGO allocations to fully grant an application for residential dwelling units in a project if such an application receives an allocation award for some, but not all, of the units requested.

(2) The board of county commissioners, in approving affordable housing allocations pursuant to section 138-24(b), may reserve and award additional units from future annual dwelling unit allocations if the number of available allocations is insufficient to meet specific project needs.

(3) The planning commission shall not reduce any future market rate quarterly allocation by more than 20 percent and shall not apply these reductions to more than the next five annual allocations or 20 quarterly allocations.

(4) The board of county commissioners, upon recommendation of the planning commission, may make available for award up to 100 percent of the affordable housing allocations available over the next five annual allocations or 20 quarterly allocations.

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

(1) An applicant may elect to revise a ROGO application to increase the competitive points in the application without prejudice or change in the controlling date if a revision is submitted on a form approved by the planning director to the planning and environmental resources department no later than 30 days following the planning commission approval of the previous ROGO rankings. Any such revision shall not involve changes to the approved building permit application. All other applications that are withdrawn and resubmitted that do not increase the competitive points or involve revisions to the approved building permit application shall be considered new, requiring payment of appropriate fees and receiving a new controlling date.

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

(i) *Clarification of application data.*

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

(j) *Revisions of building permit applications requiring the ROGO allocation(s).* A building permit application for a proposed residential dwelling unit requiring a ROGO allocation must be approved prior to submitting a ROGO application. In the event that the Florida Building Code is amended between the date in which a ROGO application is submitted and the date in which a building permit requiring the ROGO allocation(s) applied for is issued (which follows the date in which the required allocation(s) is awarded), if necessary, the applicant shall submit plan revisions to the building permit application demonstrating full compliance with the current Florida Building Code in effect. These plan revisions shall be submitted within 180 days of the ROGO allocation award date or the applicant shall forfeit the ROGO allocation award. Following receipt of the plan revisions, the building department shall review the revisions as if the application is new (however retaining the same building permit number for administrative purposes), based on the building code, for compliance prior to issuance of the building permit requiring the ROGO allocation(s) by the building official. Such mandatory revisions and review are limited to the modifications necessary to demonstrate compliance with the Florida Building Code in effect at the time of building permit issuance. This is not applicable to the Land Development Code.

* * * * * * *

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

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

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

Annual allocation period means the 12-month period beginning on July 14, 2001, and subsequent one-year periods that is used to determine the amount of nonresidential floor

area to be allocated based on the number of ROGO allocations to be issued in the upcoming ROGO year.

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

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

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

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

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

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

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

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

Nonresidential floor area means the sum of the gross floor area for a nonresidential building or structure, as defined in section 101-1, any areas used for the provision of food and beverage services and seating, whether covered or uncovered, and all covered, unenclosed areas. Walkways, stairways, entryways, parking, and loading areas are not considered nonresidential floor area. Additionally, boat barns, covered and unenclosed boat racks with three or fewer sides not associated with retail sales of boats which do not exceed 50 percent of the net buildable area of the lot/parcel are not considered nonresidential floor area. The term "nonresidential floor area" does not include space occupied by transient residential and institutional residential principal uses.

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

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

Quarterly nonresidential ROGO allocation period means any one of the four, three-month periods within an annual allocation period.

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

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

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

*Sunshad*e means an unenclosed structure used as protection from the weather.

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

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

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

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

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

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

* * * * * * *

Sec. 138-52. - Application procedures for NROGO.

(a) *Application for allocation.* The planning and environmental resources department shall accept applications to enter the NROGO system~~ on forms provided by the planning director~~. The NROGO application ~~form~~ must be accompanied by an approved building permit application in order to be considered in the current annual allocation period. The application must state for which allocation category an award is being sought, either 2,500 square feet or less~~,~~ or ~~more than 2,500~~ 2,501 square feet or more. The planning director, or his or her designee, shall review the NROGO application for completeness. If the application is determined to be incomplete, the planning director, or his or her designee, shall reject the NROGO application and notify the applicant of such rejection, and the reasons therefor, within ten working days. If determined to be complete, the application shall be assigned a controlling date. The NROGO application shall be submitted in a form provided by the planning and environmental resources department and meet the following requirements:

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

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

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

a. Date, north point and graphic scale;
b. Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes;
c. All attributes from the boundary survey;
d. Future Land Use Map (FLUM) designation(s) of the site;
e. Land Use (Zoning) District designation(s) of site;
f. Tier designation(s) of the site;
g. Flood zones pursuant to the Flood Insurance Rate Map;
h. Setback lines as required by this Land Development Code;
i. Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles;
j. Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants;
k. Extent and area of wetlands, open space preservation areas and conservation easements;

l. Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

m. Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;

n. Location of fire hydrants or fire wells;

o. The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards; and

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

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

(c) *Compliance with other requirements.* The NROGO ~~applications~~ application shall ~~indicate~~ not constitute an indication of whether or not the applicant for the nonresidential floor area allocation has satisfied and complied with all county, state, and federal requirements otherwise imposed by the county regarding conditions precedent to issuance of a building permit ~~and shall require that the applicant certify to such compliance~~.

(d) *Time of review.* ~~Notwithstanding the time periods set forth in section 110-142, the director of~~ The planning director may retain the allocation application and its associated building permit application for review pursuant to the evaluation procedures and criteria set forth in section 138-53 and section 138-55.

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

(f) *Limitation on number of applications.*

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

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

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

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

(i) *Revisions to applications and awards.*

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

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

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

(j) *Clarification of application data.*

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

(k) *Revisions of building permit applications requiring the NROGO allocation(s).* A building permit application for a proposed nonresidential floor area requiring a NROGO allocation must be approved prior to submitting a NROGO application. In the event that the Florida Building Code is amended between the date in which a NROGO application is submitted and the date in which a building permit requiring the NROGO allocation(s) applied for is issued (which follows the date in which the required allocation(s) is awarded), if necessary, the applicant shall submit plan revisions to the building permit application demonstrating full compliance with the current Florida Building Code in effect. These plan revisions shall be submitted within 180 days of the NROGO allocation award date or the applicant shall forfeit the NROGO allocation award. Following receipt of the plan revisions, the building department shall review the revisions as if the application is new (however retaining the same building permit number for administrative purposes), based on the building code, for compliance prior to issuance of the building permit requiring the NROGO allocation(s) by the building official. Such mandatory revisions and review are limited to the modifications necessary to demonstrate compliance with the Florida Building Code in effect at the time of building permit issuance. This is not applicable to the Land Development Code.

IV RECOMMENDATION

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

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

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 19, 2012 Division: Growth Management

Bulk Item: Yes ___ No X Department: Planning & Environmental Resources

Staff Contact Person/Phone #: Christine Hurley – 289-2500
Joseph Haberman - 289-2532

AGENDA ITEM WORDING:

A public hearing to consider an Ordinance to amend Sections 138-19, 138-25, 138-47 and 138-52 of the Monroe County Code to require the submittal of updated building plans meeting the current Florida Building Code (FBC) and other life safety codes prior to issuance of a building permit, but after a ROGO or NROGO allocation is awarded.

ITEM BACKGROUND:

Since the adoption of ROGO and NROGO, the County has required applicants for allocations to obtain building permit approval prior to applying for an allocation. The existing process requires an applicant to submit a full plan set for the site and all buildings as part of building permit application(s), as well as application fees for the building permit and corresponding plan review.

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

To alleviate this issue, staff is proposing a requirement that a building permit application be revised and reviewed as a new application following receipt of its required ROGO and/or NROGO allocation(s) and prior to building permit issuance to meet all building and life safety codes in effect at the time of building permit issuance. In addition, this amendment codifies the list of items that are required to be included in ROGO and NROGO applications. Currently, the requirements are determined administratively by the ROGO administrator and Director of Planning & Environmental Resources

During a regularly scheduled meeting held on April 24, 2012, the DRC reviewed the subject request and recommended approval to the BOCC. During a regularly scheduled meeting held on May 30, 2012, the Planning Commission reviewed the subject request and recommended approval to the BOCC.

PREVIOUS RELEVANT BOCC ACTION:

The ROGO was first adopted in 1992 by Ordinance #016-1992. It has been effective from July 1992 to present. In order to carry out several miscellaneous amendments, MCC Chapter 138, Article II, ROGO has been amended several times from it adoption to present date.

The NROGO was first adopted in 2001 by Ordinance #032-2001. It has been effective from July 2001 to present. In order to carry out several miscellaneous amendments, MCC Chapter 138, Article III, NROGO has been amended several times from it adoption to present date.

This item was heard and discussed by the BOCC at the August 15, 2012 meeting in Key Largo. The BOCC decided to continue the public hearing on the item to the September 19, 2012 meeting in Marathon.

CONTRACT/AGREEMENT CHANGES:
n/a

STAFF RECOMMENDATIONS:
Staff recommends approval.

TOTAL COST:_____ INDIRECT COST: _____BUDGETED: Yes ___No ___

DIFFERENTIAL OF LOCAL PREFERENCE: _____

COST TO COUNTY:_____ SOURCE OF FUNDS:_____

REVENUE PRODUCING: Yes ___ No _____ **AMOUNT PER MONTH____ Year ____**

APPROVED BY: County Atty ____ OMB/Purchasing ____ Risk Management ____

DOCUMENTATION: Included _____ Not Required___

DISPOSITION:_____ AGENDA ITEM #_____

MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. ____ - 2012

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, 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE, 138-52, APPLICATION PROCEDURES FOR NROGO; TO ESTABLISH A REQUIREMENT THAT A BUILDING PERMIT APPLICATION THAT IS SUBMITTED TO THE BUILDING DEPARTMENT BE REVISED FOLLOWING RECEIPT OF ITS REQUIRED ROGO/NROGO ALLOCATION(S) AND PRIOR TO BUILDING PERMIT ISSUANCE TO MEET ALL BUILDING CODES IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since the adoptions of the County's Residential Rate of Growth Ordinance (ROGO) and Nonresidential Rate of Growth Ordinance (NROGO). The Monroe County Growth Management Division has required applicants for allocations to obtain building permit approval prior to applying for an allocation. The existing process requires an applicant to submit a full plan set for the site and all buildings as part of building permit application(s), as well as application fees for the building permit and corresponding plan review; and

WHEREAS, development approved by a building permit should be compliant with the most current building and life safety codes in place at time of issuance. However, under the current system, applicants are required to seek building permit approval prior to application for a ROGO and/or NROGO allocation. Since the reviews by various disciplines occur at the beginning of a process that may take some time, it is possible that the building permit application that was reviewed and approved under the building and life safety codes at time of application may become non-compliant with the building and life safety code requirements on the date of building permit issuance; and

WHEREAS, this amendment amends the procedure by requiring a building permit application to be revised following receipt of its required ROGO and/or NROGO allocation(s) and prior to building permit issuance to meet all building codes in effect at the time of building permit issuance; and

WHEREAS, this amendment codifies the list of items that are required to be included in ROGO and NROGO applications. Currently, the requirements are determined administratively by the ROGO administrator and Director of Planning & Environmental Resources; and

WHEREAS, during a regularly scheduled meeting held on April 24, 2012, the Monroe County Development Review Committee reviewed the ordinance and recommended approval to the Board of County Commissioners; and

WHEREAS, during a regularly scheduled public hearing held on May 30, 2012, the Planning Commission reviewed the ordinance and recommended approval to the Board of County Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. The Monroe County Code shall be amended as follows (deletions are ~~stricken through~~ and additions are underlined):

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

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

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

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

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

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

Controlling date means the date and time a ROGO application is submitted. This date shall be used to determine the annual anniversary date for receipt of a perseverance point and shall determine precedence when ROGO applications receive identical ranking

scores. A new controlling date shall be established based upon the resubmittal date and time of any withdrawn or revised application, except pursuant to section 138-25(h).

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

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

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

Residential dwelling unit means a dwelling unit as defined in section 101-1, and expressly includes the following other terms also specifically defined in section 101-1: ~~lawfully established hotel~~ rooms, hotel or motel, campground spaces, mobile homes, transient residential units, institutional residential units (except hospital rooms) and ~~live-aboards~~ live-aboard vessels.

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

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

ROGO application means the residential ROGO application submitted by applicants seeking allocation awards.

(b) *Purpose and intent*. The purposes and intent of residential ROGO are:
(1) To facilitate implementation of goals, objectives and policies set forth in the comprehensive plan relating to protection of residents, visitors and property in the county from natural disasters, specifically including hurricanes;
(2) To limit the annual amount and rate of residential development commensurate with the county's ability to maintain a reasonable and safe hurricane evacuation clearance time;
(3) To regulate the rate and location of growth in order to further deter deterioration of public facility service levels, environmental degradation and potential land use conflicts;
(4) To allocate the limited number of dwelling units available annually hereunder, based upon the goals, objectives and policies set forth in the comprehensive plan; and
(5) To implement goal 105 of the comprehensive plan.

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Sec. 138-25. Application procedures for residential ROGO.

(a) *Application for allocation.* In each quarterly allocation period, the ~~department of~~ planning and environmental resources department shall accept applications to enter the residential ROGO system ~~on forms prescribed by the planning director~~. Except for allocations to be reserved and awarded under section 138-24(b), the ROGO application ~~form~~ must be accompanied by an approved building permit application ~~and a nonrefundable processing fee~~ in order to be considered in the current allocation period. The planning director, or his or her designee, shall review the ROGO application for completeness. If the application is determined to be incomplete, the planning director, or his or her designee, shall reject the ROGO application and notify the applicant of such rejection, and the reasons therefore, within ten working days. The application shall be assigned a controlling date that reflects the time and date of its submittal unless the application is determined to be incomplete. If the application is rejected, then the new controlling date shall be assigned when a complete application is submitted. The ROGO application shall be submitted in a form provided by the planning and environmental resources department and meet the following requirements:

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

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

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

a. Date, north point and graphic scale;
b. Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes;
c. All attributes from the boundary survey;
d. Future Land Use Map (FLUM) designation(s) of the site;
e. Land Use (Zoning) District designation(s) of site;
f. Tier designation(s) of the site;
g. Flood zones pursuant to the Flood Insurance Rate Map;
h. Setback lines as required by this Land Development Code;
i. Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles;
j. Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants;

k. Extent and area of wetlands, open space preservation areas and conservation easements;
l. Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
m. Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;
n. Location of fire hydrants or fire wells;
o. The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards; and
p. A table providing the total land area of the site, the total buildable area of the site, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking.

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

(c) *Compliance with other requirements.* The ROGO application shall not constitute an indication of ~~indicate~~ whether or not the applicant for a residential ~~dwelling unit~~ ROGO allocation has satisfied and complied with all county, state and federal requirements otherwise imposed by the county regarding conditions precedent to issuance of a building permit ~~and shall require that the applicant certify to such compliance~~.

(d) ~~*Noncounty*~~ *Non-county time periods.* The county shall develop necessary administrative procedures and, if necessary, enter into agreements with other jurisdictional entities which impose requirements as a condition precedent to development in the county, to ensure that such ~~noncounty~~ non-county approvals, certifications and/or permits are not lost due to the increased time requirements necessary for the county to process and evaluate residential dwelling unit applications and issue allocation awards. The county may permit evidence of compliance with the requirements of other jurisdictional entities to be demonstrated by "coordinating letters" in lieu of approvals or permits.

(e) *Limitation on number of applications.*
(1) An individual entity or organization may submit only one ROGO application per residential dwelling unit in each quarterly allocation period.
(2) There shall be no limit on the number of separate parcels for which ROGO applications may be submitted by an individual, entity or organization.

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

(f) *Expiration of allocation award.* Except as provided for in this article, an allocation award shall expire when its corresponding building permit is not picked up after 60 days of notification by certified mail of the award or after issuance of the building permit, upon expiration of the permit or after failure of the applicant to submit required plan revisions by the required date set forth in subsection (j).

(g) *Borrowing from future housing allocations.*

(1) The planning commission may award additional units from future annual ~~dwelling unit~~ residential ROGO allocations to fully grant an application for residential dwelling units in a project if such an application receives an allocation award for some, but not all, of the units requested.

(2) The board of county commissioners, in approving affordable housing allocations pursuant to section 138-24(b), may reserve and award additional units from future annual dwelling unit allocations if the number of available allocations is insufficient to meet specific project needs.

(3) The planning commission shall not reduce any future market rate quarterly allocation by more than 20 percent and shall not apply these reductions to more than the next five annual allocations or 20 quarterly allocations.

(4) The board of county commissioners, upon recommendation of the planning commission, may make available for award up to 100 percent of the affordable housing allocations available over the next five annual allocations or 20 quarterly allocations.

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

(1) An applicant may elect to revise a ROGO application to increase the competitive points in the application without prejudice or change in the controlling date if a revision is submitted on a form approved by the planning director to the planning and environmental resources department no later than 30 days following the planning commission approval of the previous ROGO rankings. Any such revision shall not involve changes to the approved building permit application. All other applications that are withdrawn and resubmitted that do not increase the competitive points or involve revisions to the approved building permit application shall be considered new, requiring payment of appropriate fees and receiving a new controlling date.

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

(i) *Clarification of application data.*

(1) At any time during the ~~dwelling unit~~ residential ROGO allocation review and approval process, the applicant may be requested by the ~~director of~~ planning director

or the planning commission to submit additional information to clarify the relationship of the allocation application, or any elements thereof, to the evaluation criteria. If such a request is made, the ~~director of~~ planning director shall identify the specific evaluation criterion at issue and the specific information needed and shall communicate such 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.

(j) *Revisions of building permit applications requiring the ROGO allocation(s).* A building permit application for a proposed residential dwelling unit requiring a ROGO allocation must be approved prior to submitting a ROGO application. In the event that the Florida Building Code is amended between the date in which a ROGO application is submitted and the date in which a building permit requiring the ROGO allocation(s) applied for is issued (which follows the date in which the required allocation(s) is awarded), if necessary, the applicant shall submit plan revisions to the building permit application demonstrating full compliance with the current Florida Building Code in effect. These plan revisions shall be submitted within 180 days of the ROGO allocation award date or the applicant shall forfeit the ROGO allocation award. Following receipt of the plan revisions, the building department shall review the revisions as if the application is new (however retaining the same building permit number for administrative purposes), based on the building code, for compliance prior to issuance of the building permit requiring the ROGO allocation(s) by the building official. Such mandatory revisions and review are limited to the modifications necessary to demonstrate compliance with the Florida Building Code in effect at the time of building permit issuance. This is not applicable to the Land Development Code.

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

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

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

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

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

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

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

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

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

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

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

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

Nonresidential floor area means the sum of the gross floor area for a nonresidential building or structure, as defined in section 101-1, any areas used for the provision of food and beverage services and seating, whether covered or uncovered, and all covered, unenclosed areas. Walkways, stairways, entryways, parking, and loading areas are not considered nonresidential floor area. Additionally, boat barns, covered and unenclosed boat racks with three or fewer sides not associated with retail sales of boats which do not exceed 50 percent of the net buildable area of the lot/parcel are not considered nonresidential floor area. The term "nonresidential floor area" does not include space occupied by transient residential and institutional residential principal uses.

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

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

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

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

*Sunshad*e means an unenclosed structure used as protection from the weather.

(b) *Purpose and intent.* The purposes and intent of the nonresidential rate of growth ordinance are:
(1) To facilitate implementation of goals, objectives and policies set forth in the comprehensive plan relating to maintaining a balance between residential and nonresidential growth.
(2) To maintain a ratio of approximately 239 square feet of nonresidential floor area for each new residential permit issued through the residential rate of growth ordinance (ROGO).
(3) To promote the upgrading and expansion of existing small-size businesses and to retain the predominately small scale character of nonresidential development in the Florida Keys.
(4) To regulate the rate and location of nonresidential development in order to eliminate potential land use conflicts.
(5) To allocate the nonresidential floor area annually hereunder, based on the goals, objectives and policies of the comprehensive plan and the ~~Livable CommuniKeys~~ community master plans.

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Sec. 138-52. - Application procedures for NROGO.

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

submitted in a form provided by the planning and environmental resources department and meet the following requirements:

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

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

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

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

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

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

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

(c) *Compliance with other requirements.* The NROGO ~~applications~~ application shall ~~indicate~~ not constitute an indication of whether or not the applicant for the nonresidential floor area allocation has satisfied and complied with all county, state, and federal requirements otherwise imposed by the county regarding conditions precedent to issuance of a building permit ~~and shall require that the applicant certify to such compliance~~.

(d) *Time of review.* ~~Notwithstanding the time periods set forth in section 110-142, the director of~~ The planning director may retain the allocation application and its associated building permit application for review pursuant to the evaluation procedures and criteria set forth in section 138-53 and section 138-55.

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

(f) *Limitation on number of applications.*

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

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

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

(h) *Withdrawal of NROGO application.* An applicant may elect to withdraw a NROGO application without prejudice at any time up to finalization of the evaluation rankings by

the planning commission. Revision and resubmission of the withdrawn application must be in accordance with subsection (i) of this section.

(i) *Revisions to applications and awards.*

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

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

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

(j) *Clarification of application data.*

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

(k) *Revisions of building permit applications requiring the NROGO allocation(s).* A building permit application for a proposed nonresidential floor area requiring a NROGO allocation must be approved prior to submitting a NROGO application. In the event that the Florida Building Code is amended between the date in which a NROGO application is submitted and the date in which a building permit requiring the NROGO allocation(s) applied for is issued (which follows the date in which the required allocation(s) is awarded), if necessary, the applicant shall submit plan revisions to the building permit application demonstrating full compliance with the current Florida Building Code in effect. These plan revisions shall be submitted within 180 days of the NROGO allocation award date or the applicant shall forfeit the NROGO allocation award. Following receipt of the plan revisions, the building department shall review the revisions as if the application is new

(however retaining the same building permit number for administrative purposes), based on the building code, for compliance prior to issuance of the building permit requiring the NROGO allocation(s) by the building official. Such mandatory revisions and review are limited to the modifications necessary to demonstrate compliance with the Florida Building Code in effect at the time of building permit issuance. This is not applicable to the Land Development Code.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 4. Transmittal.

This ordinance shall be transmitted to the Florida State Land Planning Agency as required by F.S. 380.05 (11) and F.S. 380.0552(9).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Florida State Land Planning Agency or Administration Commission approving the ordinance.

Section 6. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date.

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2012.

Mayor David Rice	_____
Mayor *Pro Tem* Kim Wigington	_____
Commissioner Heather Carruthers	_____
Commissioner Sylvia Murphy	_____
Commissioner George Neugent	_____

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____ By _____

Deputy Clerk Mayor David Rice

ORDINANCE NO. 015 -2012

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 122 FLOODPLAIN REGULATIONS, CREATING SECTION 122-8 PROVIDING FOR INCLUSION OF UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND UNITED STATES FISH AND WILDLIFE SERVICE (FWS) REQUIREMENTS IN PERMIT REFERRAL PROCESS IMPLEMENTATION AND DETERMINATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the National Flood Insurance Program (NFIP) is a Federal program enabling property owners in participating communities to purchase flood insurance in exchange for the community's adoption of floodplain management regulations to reduce future flood damages; and

WHEREAS, in 1990 the National Wildlife Federation, Florida Wildlife Federation, and the Defenders of Wildlife filed suit against the Federal Emergency Management Agency (FEMA) claiming FEMA was not consulting with the U.S. Fish and Wildlife Service (FWS or Service) as required by the Endangered Species Act in their administration of the National Flood Insurance Program (NFIP) in Monroe County, Florida; and

WHEREAS, in 1997 the Service completed a Biological Opinion (BO) for the effects of the NFIP on Federally listed (threatened or endangered) species in the Florida Keys; and

WHEREAS, the 1997 BO found the NFIP jeopardized nine species in the Keys; and

WHEREAS, in 2003 the Service re-initiated consultation and amended the 1997 BO and concluded that the effect of the NFIP would result in jeopardy on eight of 10 species evaluated in the BO; and

WHEREAS, in a second amended complaint in 2003 the plaintiffs filed suit against FEMA and the Service pursuant to the Endangered Species Act and the Administrative Procedures Act; and

WHEREAS, on March 29, 2005 the United States District Court, Southern District of Florida (District Court) granted summary judgment in favor of the Plaintiffs which found that the Service and FEMA violated the Endangered Species Act and the Administrative Procedures Act; and

WHEREAS, on September 9, 2005, the District Court entered an order enjoining FEMA from issuing flood insurance under the NFIP on any new residential or commercial developments in suitable habitats of federally listed (threatened or endangered) species in the Keys; and

WHEREAS, the District Court also ordered the Service to submit a new BO by August 9, 2006. The Service issued a new BO on August 8, 2006; and

WHEREAS, on April 1, 2008, the United States Court of Appeals for the Eleventh Circuit affirmed the District Court's rulings of March 29, 2005 and September 9, 2005; and

WHEREAS, On February 26, 2009, the District Court ordered the Service to submit a new BO by March 31, 2010 and on March 28, 2010, the Court granted a 30 day extension of this deadline; and

WHEREAS, on April 30, 2010, the Service published the revised BO for FEMA's administration of the NFIP in Monroe County; and

WHEREAS, the BO contains "Reasonable and Prudent Alternatives" (RPA's) that require Monroe County and other participating communities in the Florida Keys to revise their Flood Damage Prevention Ordinance(s) to reference and use the updated real estate list (referenced in RPA paragraph 1) within 120 days of acceptance of this BO by the Court, and;

WHEREAS, on January 11, 2011, the District Court approved a Settlement Agreement between the Plaintiffs and the Federal Defendants in which the Federal Defendants agreed to notify the Court and the parties when Monroe County and the other "participating communities" in the Florida Keys have: 1) revised their Flood Damage Prevention Ordinance(s); and 2) implemented procedures to reference and use the updated real estate list and Species Focus Area Maps (referenced in reasonable and prudent alternative ("RPA") paragraph 1) in compliance with paragraphs 2, 3, 4, and 5 of the RPA; and

WHEREAS, on December 2, 2011, FEMA notified Monroe County that if the County did not implement the RPA's by January 11, 2012, then Monroe County would have been placed on probation on May 10, 2012.In response to the County's requested time extension, FEMA requested and the Court granted an extension to June 30, 2012 for the ordinance revisions and permit referral process implementation; and

WHEREAS, the County Attorney, outside counsel, and the Growth Management Director have advised the Board that adoption of the RPA's; ordinance language; and originally drafted Species Assessment Guides (SAGs) suggested by the Federal agencies would have resulted in increased exposure to the County for liability for inverse condemnation or takings claims; and

WHEREAS, FEMA and the Service revised the SAGs to include provisions that substantially reduce the County's potential exposure for liability for inverse condemnation or takings claims; and

WHEREAS, FEMA provided comments on the County's DRAFT Ordinance, transmitted by the County to FEMA on various dates; and

WHEREAS, because the Florida Constitution prohibits the County from incorporating future federal statutes and regulations into its existing ordinances, the County is unable to adopt the "subsequent revisions" to the Species Focus Area Maps (SFAMs) or Species Assessment Guides

(SAGs) into this ordinance as desired by FEMA, until the subsequent revisions are published and adopted by the then sitting Board of County Commissioners pursuant to the process set forth in Florida law; *see, e.g., Abbott Laboratories v. Mylan Pharmaceuticals,* 15 So.3d 642 (Fla. 1st DCA 2009); and

WHEREAS, the County has revised said ordinance; and

WHEREAS, the Florida Legislature adopted Chapter 2012-205 Laws of Florida, effective July 1, 2012, which states:

"For any development permit[1] application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county may attach such a disclaimer to the issuance of a development permit and may include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply."; and

WHEREAS, the County Attorney, outside counsel, and the Growth Management Director have proposed an ordinance with alternative language to meet the RPAS, which is consistent with Federal law, addresses Chapter 2012-205, Laws of Florida, and adequately protects the County taxpayers against accepting that additional liability; and

WHEREAS, the September 9, 2005 District Court injunction will only be lifted by the Court if the FWS Biological Opinion and Reasonable and Prudent Alternatives, which requires property owners within the species focus areas and buffer areas to go through the Permit Referral Process, are implemented by each of the participating communities; and

WHEREAS, any property owner has an obligation to comply with the Federal Endangered Species Act; and

WHEREAS, the County has an obligation to comply with the Federal Endangered Species Act; and

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[1] For the purposes of Chapter 2012-205 Laws of Florida, the definition of Development Permit is: *"Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.*

WHEREAS, subject to resolutions 420-2005; 166-2006; 185-2007; 219-2008 and 282-2011, property owners are able to "toll" their building permits and ROGO allocations because they were not eligible for flood insurance as a result of the September 9, 2005 District Court injunction; and

WHEREAS, the only way the Court will terminate the 2005 District Court injunction is if participating communities comply with the BO RPA's; and

WHEREAS, this Ordinance is being adopted to provide owners with tolled building permits and/or ROGO allocations a way to develop in a manner consistent with the Endangered Species Act and that will be eligible for national flood insurance; and

WHEREAS, the Monroe County Planning Commission during a regular meeting held on April 25, 2012, reviewed, discussed and approved the Sr. Director of Planning and Environmental Resources' recommendation to the Planning Commission for the revisions to Chapter 122 of the Monroe County Land Development Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Section 122-2 of the Monroe County Land Development Code shall be amended as follows:

Sec. 122-2. General provisions.

(a) Applicability. Except as provided for the elevated portion of a nonconforming residential structure by section 122-4(a) (10), no structure or manufactured home hereafter shall be located, extended, converted or structurally altered, and no development shall occur, without full compliance with the terms of this chapter in addition to other applicable regulations, including, but not limited to, 44 CFR 60.3(a)(2).

(b) Basis for Establishing Special Flood Hazard Maps; Species Focus Area Maps (SFAMs) with Species Focus Area Buffers and Federally Protected Species Area Real Estate (RE) List; and Species Assessment Guides (SAGs).

1. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its February 18, 2005 Maps with accompanying supporting data, and any revisions thereof, are adopted by reference and declared to be a part of this chapter, and shall be kept on file, available to the public, in the offices of the county Building Department. Letter of Map Amendments, Letter of Map Revisions, Letter of Map Revision Based on Fill, and Conditional Letter of Map Revisions approved by FEMA are acceptable for implementation of this regulation.

2. Species Focus Area Maps (SFAMs) with Species Focus Area Buffers and Species Real Estate (RE) List. FEMA and FWS have provided the Species Focus Area Maps (SFAMs) mailed to Monroe County and dated April 30, 2011, and a listing of real estate numbers of parcels (RE list) emailed to Monroe County and dated November 18, 2011, that are within the SFAMs and that have been identified by FWS. The SFAMs and the RE List that are within the SFAMs identified by the FWS in accordance with the Biological Opinion, dated April 30, 2010, as amended December 14,

2010, are hereby declared to be a part of this ordinance. The SFAMs and RE list are on file at the Monroe County Clerk's office and the Monroe County Growth Management Division Office.

3. Species Assessment Guides (SAGs). FEMA and FWS have provided the Species Assessment Guides (SAGs) mailed to Monroe County and dated May 20, 2012. These SAGs are declared to be a part of this ordinance. The SAGs are on file at the Monroe County Clerk's office and the Monroe County Growth Management Division Office.

(c) Rules for interpreting flood hazard issues. The boundaries of the flood hazard areas shown on the official flood insurance rate maps may be determined by scaling distances. Required interpretations of those maps for precise locations of such boundaries shall be made by the floodplain administrator, in consultation with the building official. In interpreting other provisions of this chapter, the building official shall be guided by the current edition of FEMA's 44 CFR, and FEMA's interpretive letters, policy statements and technical bulletins as adopted by resolution from time to time by the Board of County Commissioners . Additionally, the building official shall also obtain, review and reasonably use any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, and other developments meet the criteria required in the appropriate flood zone.

<u>Section 2</u>. Sec. 122-3 of the Monroe County Land Development Code shall be amended as follows:

Sec. 122-3. – Permit requirements.

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

Adjacent to contiguous native habitat means an area of native habitat sharing a boundary at one or more points of intersection with other native habitat. For purposes of this land development code, an intervening road, right-of-way or easement shall not destroy the adjacency of the habitat. However, U.S. 1, canals and open water shall constitute a break in adjacency.

Alteration means any change or modification in construction type, materials, or occupancy.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, clearing, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Enclosure means that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls and used solely for limited storage, parking or entryways. Enclosures shall not be constructed, equipped or used for habitational or other purposes.

Existing construction means structures for which the start of construction commenced before January 1, 1975. Existing construction is also known as pre-FIRM structures.

Existing manufactured home park means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of the streets, and either final site grading or the pouring of concrete pads) is completed before January 1, 1975, and in which, at the time of application, there are no site built residences or the park or subdivision is limited to manufactured home by this chapter.

Finishing materials means anything beyond basic wall construction pursuant to the most recent FEMA Technical Bulletin, which is normally associated with habitable space. Finishing materials include, but are not limited to, ceiling mold, trim, baseboards, decorative finish work, wainscoting, and textured woods.

Historic Structure means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a County inventory of historic places in communities with historic preservation programs that have been certified either:
(1) By an approved state program as determined by the Secretary of the Interior, or
(2) Directly by the Secretary of the Interior in states without approved programs.

Illegal Structure or Use means a structure or use that is not a legal structure or legal use as defined in this chapter.

Legal Structure means a structure that was permitted by the floodplain regulation in effect at the time construction commenced on the structure in its current configuration and received a permit or final inspection or certificate of occupancy for the structure in its current configuration.

Legal Use means a use that was permitted by the floodplain regulations at the time the use commenced on the property.

Limited storage means that which is incidental and accessory to the principal use of the structure. For example, if the structure is a residence, storage should be limited to items such as lawn and garden equipment, tires, and other low damage items which will not suffer flood damage or can be

conveniently moved to the elevated part of the building. Flood insurance coverage for enclosures below the Base Flood Elevation (BFE) is very limited.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailer, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Market value means the county property appraiser's value of the structure plus 20 percent. A uniform appraisal report for determination of market value submitted by the applicant may be used if the county building official considers such appraisal consistent with local construction costs. Where appraisal is not accepted because it appears to be inconsistent with local construction costs an applicant may request review by an independent third party appraiser duly authorized by the county. The cost of independent review shall be borne by the applicant. The reviewing appraiser shall determine if the appraisal value reasonably reflects an appropriate value of the structure. The independent appraiser's determination shall be in writing. Professionals preparing appraisal shall be required to possess certifications as state certified residential appraisers for appraising one to four family residential properties and state certified general appraisers for all other properties including commercial and multi-residential

New construction means those structures for which the start of construction commenced on or after January 1, 1975. New construction is also knows as post-FIRM structures.

Nonconforming structure means a below base flood elevation structure or a portion thereof (such as an enclosure, materials with no openings, flood resistant materials), which was lawfully existing or permitted, and is not fully compliant with the terms of this chapter. A nonconforming structure shall remain subject to the terms of this chapter.

Notice to proceed means written authorization by the County Growth Management Division to the permittee authorizing permitted development to begin.

Pure manufactured home park means a manufactured home park that at the time of application has no site-built residences or a park or subdivision which is limited to manufactured homes only by this chapter.

Recreational vehicle means a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Start of construction means (for other than new construction or substantial improvements under the Coastal Barrier Resources Act) includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. For substantial improvements the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not the alteration affects the external dimensions of the building. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than 50% of the structure's market value before damages, then the structure must be elevated (or flood proofed if it is non-residential) to or above the Base Flood Elevation (BFE), and meet other applicable NFIP requirements. Items that may be excluded from the cost to repair include plans, specifications, survey costs, permit fees, and other items which are separate from the repair. Items that may also be excluded includes demolition or emergency repairs (costs to temporarily stabilize a building so that it's safe to enter to evaluate and identify required repairs) and improvements to items outside the building, such as the driveway, septic systems, wells, fencing, landscaping and detached structures.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage, "regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building official and which are the minimum necessary to assure safe living conditions; or
2. The cost of repairs required to remedy health, safety, and sanitary code deficiencies can be deducted from the overall cost of an improvement, but only if:
    a. an appropriate regulatory official such as a building official, fire marshal, or health officer was informed about and knows the extent of the code related deficiencies, and

b. the deficiency was in existence prior to the damage event or improvement and will not be triggered solely by the fact that the structure is being improved or repaired.

In addition, for any repair required to meet health, sanitary, and safety codes, only the minimum necessary to assure safe living conditions should be deducted, including those improvements required by Chapter 11, 2012 Florida Accessibility Code. Costs of repairs that are in excess of the minimum necessary for continued occupancy or use will be counted toward the cost of the overall improvement; or

3. Any alterations of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Floodplain management requirements for new construction apply to substantial improvements.

Supplemental Information for Substantial Improvement

The basic types of improvements the could be made to structures include but are not limited to rehabilitations or reconstructions that do not increase square footage, and lateral or vertical additions that do increase square footage.

Rehabilitation or reconstruction would be a partial or complete "gutting" and replacement of internal workings and may or may not include structural changes. If this action is substantial, i.e., over 50 percent of the structure's market value, it is considered new construction, and the entire building must be elevated to or above the Base Flood Elevation (BFE) (or floodproofed if the building is non-residential).

For a lateral addition, if the substantial improvement is to add a room or rooms outside the footprint of the existing building, only the addition is required to be elevated to or above the BFE, i.e.; the existing building does not have to be elevated. If the proposed lateral addition also includes rehabilitation or remodeling of the existing building, then the whole project as a combination of work must be considered. Vertical additions would require that the entire structure be elevated to or above the BFE. Even though the improvement itself is entirely above the BFE, it is dependent on the walls and foundation of the existing building for structural support.

(b) Except for work specifically exempted under chapter 6, the building official shall require building permits/Floodplain Development Permits for all proposed construction or other improvements within areas of special flood hazard. In addition to the standard requirements for a building permit, an application for a building permit for construction or improvements within areas of special flood hazard shall contain the information and certifications set forth in a form provided by the Building Official.

(c) All building foundations shall rest directly on natural rock, on concrete piling driven to rock or on friction piling (concrete or wood) and shall be anchored to such rock support by holes, 16 inches in minimum diameter, augured into such rock a minimum depth of three feet and reinforced by a minimum of four #5 vertical rods extending up into the piers above a minimum of 18 inches and tied to the vertical steel of the pier. Wooden pilings shall be locked into 16-inch auger foundations by at least a #5 rebar extending through the piling and three to five inches beyond.

(d) The permit holder shall provide a floor elevation after the lowest floor is completed or, in instances where the structure is subject to the regulations applicable to coastal high-hazard areas,

after placement of the lowest horizontal structural members of the lowest floor. Floodproofing certification for nonresidential structures in A-Zones shall be provided prior to a certificate of occupancy or prior to final inspection.

(e) Within 21 calendar days of establishment of the lowest floor elevation, or upon placement of the lowest horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor within A zones or the lowest portion of the lowest horizontal structural members of the lowest floor within V zones, whichever is applicable, as built in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is used for a building within A zones, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day period and prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be causes to issue a stop-work order for the project.

(f) The degree of flood protection required in this chapter is reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

<u>Section 3.</u> The Monroe County Land Development Code is amended by adding Section 122-8 as follows:

Sec. 122-8. Inclusion of United States Federal Emergency Management Agency (FEMA) and United States Fish and Wildlife Service (FWS) Required Permit Referral Process (PRP) in Final Permit Determinations for Development

(a) Purpose and intent. It is the purpose of Section 122-8 to implement regulations that will assure, consistent with the 10th Amendment to the U.S. Constitution, state and County regulations, proper record retention, coordination, and notification of FEMA and FWS regarding permit applications filed with or issued by Monroe County, inclusive of FEMA/FWS requirements agreed to by the applicant.

(b) Lands to which this Section apply. See Section 122-2 (b) 2.

(c) Rules for interpreting SFAMs. The boundaries of the flood hazard areas shown on the FWS SFAMs may be determined by scaling distances. Required interpretations of those maps for precise locations of such boundaries shall be made by the County Planning Director or his/her designee, in consultation with the building official.

(d) Administration of Development Approval in Species Focus Areas.

1. SFAM Review Required. For parcels or lots shown within the SFAMs in which an application for development permit has been made, if the SFAM indicates the parcel or lot contains only unsuitable habitat for any of the following species: Key Largo Cotton Mouse, Key Largo woodrat, Key tree-cactus, Lower Keys marsh rabbit, Eastern indigo snake, Key deer, Schaus swallowtail butterfly, silver rice rate, and Stock Island tree snail, and the parcel or lot is not listed on the RE list, the Planning Director or his/her designee shall provide for a notation in the development application permit files that indicates:

a. The name of the official that reviewed the development application for FWS requirements;

b. The date of the review;

c. The date of the SFAM and RE list used to conduct the review.

Once the review has established that a parcel or lot contains unsuitable habitat, action may be taken on the permit application for development by Monroe County staff.

2. FWS Technical Assistance Permit Requirements. For parcels or lots shown within the SFAMs in which an application for a permit for development has been made including 1) expanding the footprint of a structure; and/or 2) expanding clearing in habitat (including native vegetation removal); and/or 3) placement of fencing into key deer habitat, if the SFAM indicates the parcel or lot contains suitable habitat for any of the following species: Key Largo Cotton Mouse, Key Largo woodrat, Key tree-cactus, Lower Keys marsh rabbit, Eastern indigo snake, Key deer, Schaus swallowtail butterfly, silver rice rat, and/or Stock Island tree snail, and the parcel or lot is listed on the RE list, the Planning Director or his/her designee shall use the SAGs to determine whether a floodplain development permit application requires:

a. incorporation of FWS SAG requirements as conditions into the Monroe County permit and the County may issue the permit, pursuant to all applicable codes; or

b. if, according to the SAGs, the proposed development needs technical assistance by the Service, the County shall issue the permit in accordance with Chapter 2012-205, Laws of Florida, indicating a Notice to Proceed must be obtained prior to any construction, removal of vegetation, or commencement of development, with a condition that:

i. the applicant seek and obtain technical assistance from the Service; and

ii. the applicant obtain, prior to the issuance of the Notice to Proceed, all applicable state or federal permits or approvals pursuant to Section 122-2 (a); and

iii. In accordance with the Florida Building Code and Monroe County Section 6-103 (b), the permit shall expire after 180 days; and

iv. If the permit expires, the applicant shall be required to reapply for the permit.

c. For a floodplain development permit application that requires the Services' technical assistance, Monroe County shall provide the application to the Service weekly. Based on the Services technical assistance, the applicant shall submit the FWS written requirements to the County. If the applicant agrees to the FWS requirements, in writing, Monroe County may then issue a NOTICE TO PROCEED that includes the technical assistance requirements, provided by the federal agency to avoid possible impacts on federally listed (threatened or endangered) species, as conditions in the Monroe County permit.

d. For a development permit application that requires mitigation and/or compensation for adverse effects to native habitat, monetary compensation generated will be applied to restoration and/or purchase of native habitat.

e. The County shall maintain an applicant acceptance form, of the Service requirements, in the permit file.

f. For purposes of this Chapter the Notice to Proceed shall be written authorization from the Monroe County Growth Management Division to the permittee that the permitted development activities may begin.

g. If the parcel is within an area previously covered by a Habitat Conservation Plan, and where that Habitat Conservation Plan has expired at the time of development permit application, the County shall apply this Permit Referral Process, unless mitigation was completed for the associated impacts.

h. If the property owner does not agree to the FWS technical assistance requirements to be included in the development permit as conditions, the County shall not issue the notice to proceed and shall rescind the previously issued development permit.

i. For properties located in Key Largo wood rat, Key Largo cotton mouse, silver rice rat and Lower Keys marsh rabbit

habitat, property owners shall agree to execute and record a covenant restriction in favor of Monroe County which prohibits free ranging cats. This requirement alleviates direct and cumulative loss of species habitat which will not negatively impact the total number of new residential permits that may be issued under Species Assessment Guides (SAGs).

3. Provision for Flood Hazard Reduction and Avoiding impacts on federally listed (threatened or endangered) species Enforcement. All proposed development shall meet the conditions established on the floodplain development permit and/or notice to proceed, which includes FWS technical assistance requirements included as conditions on the Monroe County development permits, to avoid possible impacts on federally-listed species (threatened or endangered). Violation of this Chapter, including any development constructed not in accordance with the FWS requirements, included as conditions on the Monroe County development permit, derived through use of the SAGs or through technical assistance by FWS, are hereby deemed to be violations of the County Code and may be enforced utilizing the administrative enforcement procedures set forth in Chapter 8, Monroe County Code of Ordinances. Further, Section 118-11 shall be utilized to require environmental restoration standards.

4. Permit issuance for previously tolled Rate of Growth Ordinance (ROGO) allocations, Non-Residential Rate of Growth Ordinance (NROGO) allocations or building permits/Floodplain Development Permits. Building permits and allocations have been tolled under authority of Monroe County Resolutions 420-2005, 166-2006, 185-2007 & 219-2008 and 282-2011 as a result of the injunction prohibiting FEMA from issuing flood insurance policies under the National Flood Insurance Program which was imposed in the case of *Florida Key Deer et. al.,v. Fugate et. al.,* 90-10037-CIV-Moore. In order for those persons whose allocations or whose building permits were tolled to be eligible for Federal flood insurance and meet their obligations under the Federal Endangered Species Act, the following is required:

a. Owners with allocations who do not need coordination with FWS after they are processed through the Permit Referral Process:
    1. Have 180 days from the date of a County issued written notice to pick up their building permits; or

    2. Have 300 days from the date of a county issued written notice, if there is a need to redesign an

onsite wastewater treatment system, to receive a permit from the Department of Health (DOH) and pick up their building permits.

b. Owners with building permits who do not need coordination with FWS after they are processed through the Permit Referral Process:
    1. Have 180 days from the date of a County issued written notice, to recommence development and receive a passed inspection; or

    2. Have 300 days from the date of a County issued written notice, if there is a need to redesign an onsite wastewater treatment system to receive a permit from the DOH, recommence development and receive a passed inspection.

c. Permit applications processed through the Permit Referral Process that result in a "may affect determination" for the proposed development through the application of the Species Assessment Guides which require the permittee to coordinate with FWS shall have a total of 360 days from the date of a County issued written notice to conclude the required coordination with FWS and pick up the building permit, and receive a Notice to Proceed from Monroe County. This timeframe may be extended by the Planning Director if the applicant can affirmatively demonstrate that he has timely and actively sought coordination.

d. Properties for which a Permit has been issued and for which development has not commenced will be required to be processed through the Permit Referral Process. Permit reviews that result in a "may affect determination" for the proposed development through the application of the Species Assessment Guides which require the permittee to coordinate with FWS shall have a total of 360 days from the date of a County issued written notice to conclude the required coordination with FWS, commence development and receive a passed inspection from Monroe County. This timeframe may be extended by the Planning Director if the applicant can affirmatively demonstrate that he has timely and actively sought coordination.

Section 4. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 5. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 6. Filing, Transmittal, and Effective Date.

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, and transmitted to the State Land Planning Agency, but shall not become effective until a notice is issued by the State Land Planning Agency or Administrative Commission approving the ordinance pursuant to Chapter 380, Florida Statutes, and after any appeal period has expired and the injunction has been lifted in the case of *Florida Key Deer et. al.,v. Fugate et. al.,* 90-10037-CIV-Moore.

Section 7. Codification

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 20th day of June, 2012.

Mayor David Rice	Yes
Mayor Pro Tem Kim Wigington	Yes
Commissioner Heather Carruthers	Yes
Commissioner George Neugent	Yes
Commissioner Sylvia Murphy	Yes

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY _____

Mayor David Rice

FILED FOR RECORD
2012 JUN 26 PM 3: 53
DANNY L. KOLHAGE
CLERK CIR. CT.
MONROE COUNTY, FL

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____

DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 6-20-12

MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. -2012

A RESOLUTION AMENDING RESOLUTION NO. 143-2012, THE BUILDING DEPARTMENT FEE SCHEDULE; APPLYING PERMIT APPLICATION FEE TO TOTAL PERMIT COST; ADDING "OR EQUAL" TO CLAUSE IN TECHNOLOGY DOCUMENT FEE; CLARIFYING TRIMMING, REMOVAL, LANDSCAPING AND LAND CLEARING/GRUBBING APPLICATION AND PERMIT FEE; AND CLARIFYING FEES UNDER WORK COMENCING BEORE PERMIT ISSUANCE ARE IN ADDITION TO AFTER THE FACT FEES IN CHAPTER 6 AND CHAPTER 118 OF THE MONROE COUNTY CODE OF ORDINANCES.

WHEREAS, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

WHEREAS, the Board finds that it would be in the best interest~~s~~ of the public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

WHEREAS, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs of services; and does reflect the true cost of providing the services to the persons requesting the Building Department services; and

WHEREAS, the Board concurs with the conclusions and findings of the Growth Management Director;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Pursuant to Monroe County Code, the following building permit fees are hereby established:

(A) Building Application Fees:

1. New commercial buildings_____$1500.00

2. New duplex or multi-family buildings_____$1500.00

3. New conventional single family home_____ $750.00

4. New modular single family home_____ $500.00

5. New replacement mobile home_____ $ 52.00

6. All over the counter permits and signs_____ $ 52.00

7. Residential repairs/remodel (less than $10,000)_____ $ 52.00

8. Residential repairs/remodel ($10,000 or more)_____ $100.00

9. Commercial repairs/remodel (less than $10,000)_____ $ 52.00

10. Commercial repairs/remodel ($10,000 or more)_____ $200.00

11. Construction of seawall, riprap, dredge and fill, dock, or any combination thereof__$ 80.00

12. Vegetation Pruning, Trimming, Removal (Landscaping) and Land Clearing/Grubbing:
    a. Invasive Exotics only – no application or permit fee charge; for tracking purposes only
    b. Non-Invasive Exotic and Native _____ $ 30.00

[If the application is approved, the fee shall be deducted from any other amount which may be due and owing under the other terms of this section.]

(B) Building Permit Fees:

1. Minimum Fee _____ $ 50.00

2. Buildings (including balconies, additions, garages, enclosures and accessory buildings):
    a. For each 100 square feet of enclosed area or fractional part thereof_____ $ 30.00

3. Structures other than buildings & misc. construction (Unless specified herein):
    a. For each $1000.00 of cost or fractional parts thereof_____ $ 30.00
    b. Seal coating/painting (for each $1000.00 of cost or fraction part thereof)_____ $ 20.00
    c. Cabinets & Vanities_____ $ 50.00

4. Sewer Treatment Plants (physical plant with lift station):_____see (B) 3a above
    [For all additional items refer to applicable sections herein]

5. All flat work and decks on grade outdoor & indoor (concrete, asphalt, wood, tile, carpet etc.):
    a. For each 1000 square feet or fractional part thereof_____ $ 25.00

6. Fences and retaining walls:
    a. For each 100 lineal feet or fractional part thereof _____ $ 50.00

7. Roofing (including repairs and new roofs):
    a. For each 100 square feet or fractional part thereof_____ $ 5.00
    b. Waterproofing _____ $ 50.00

8. Swimming pools:
    a. Residential_____ $150.00
    b. Commercial_____ $250.00

c. Spas/hot tub (up to 12' diameter)_____ $75.00
[For all additional items refer to applicable sections herein]

9. Cisterns:
   a. Residential_____ $100.00
   b. Commercial (non-potable water only):
      i. For each 1000-gallon capacity or fractional part thereof_____ $10.00
   c. Minimum Fee_____ $150.00

10. Mobile Home Installation:
   a. Tie downs, blocking, sewer connection, water connection, and electrical connection_ $150.00
   b. Tie downs, inspection for insurance purposes only_____ $75.00
[For all additional items refer to applicable sections herein]

11. Temporary Trailer (Construction and/or Sales):
   a. Annual Fee (each)_____ $200.00

12. Temporary Tents_____ $50.00

13. Tanks:
   a. For each 1000-gallon capacity or fractional part thereof_____ $7.00
   b. Minimum Fee (each tank)_____ $75.00
[For all additional items refer to applicable sections herein]

14. Moving building_____ $200.00

15. Demolition:
   a. For each 1000 square feet or fractional part thereof_____ $50.00

16. Seawalls and riprap:
   a. For each 50 lineal feet or fractional part thereof_____ $25.00
   b. Inspection _____ $80.00

17. Docks:
   a. For each 100 square feet of flat area or fractional part thereof_____ $25.00
   b. Inspection_____ $80.00
   c. With piling (each pile)_____ $15.00
   d. With boat davit (each davit)_____ $20.00
   e. With retaining wall_____priced as fence

18. Excavation:
   a. Borrow pits, canals, etc:
      i. Annual Fee:_____ $500.00
      ii. Inspection_____ $80.00
      iii. Boat slips, ramps, miscellaneous minor excavations:
         (a) For first 100 cubic yards or fractional part thereof_____ $50.00
         (b) For each additional 100 cubic yards or fractional part thereof_____ $15.00
         (c) Inspection _____ $80.00

19. Filling (On land and/or water):
   a. For each 100 cubic yards or fractional part thereof_____ $15.00
   b. Inspection Fee _____ $80.00

20. Vegetation Pruning, Trimming, Removal (Landscaping) and Land Clearing/Grubbing:
    a. Removal ~~or trimming~~ of invasive exotics _____ No Fee
    b. Major pruning or removal of non-invasive exotics and natives (§114-1-3) _____ $30.00
    c. Land clearing and grubbing:
        i. Pre-clearing Inspection fee ~~when necessary~~ _____ $3~~5~~0.00
        ii. First acre or fractional part thereof _____ $3~~5~~0.00
        iii. For each additional acre _____ $ 6.00

21. Awnings and removable canopies:
    a. For each 100 square feet or fractional part thereof _____ $ 25.00

22. Hurricane Shutters:
    a. Retrofit or New Construction _____ No Fee

23. Wood lattice and screening:
    a. For each 100 square feet or fractional part thereof _____ $ 15.00

24. Commercial kitchen vent hoods:
    a. For each $1000 of cost or fractional part thereof _____ $ 30.00
    [For all additional items refer to applicable sections herein]

25. Signage:
    a. Signs (New):
        i. For each 50 square feet of sign face or fractional part thereof _____ $30.00
        ii. Annual Re-inspection Fee (when applicable) _____ $25.00
    b. Signs (Modify, Repair, Repaint):
        i. For each 50 square feet of sign face or fractional part thereof _____ $20.00
        ii. Highway Billboards (Repair/Maintenance Only): _____ $40.00
        iii. For each 50 square feet of sign face or fractional part thereof _____ $35.00
        iv. Annual Re-inspection Fee (when applicable) _____ $35.00
        [For all additional items refer to applicable sections herein]

(C) Electrical Permit Fees:

1. Minimum Fee _____ $50.00

2. Site work: (Commercial)
    a. For each $1000 of cost or fractional part thereof _____ $30.00

3. Outlets:
    General (receptacles, switches, lights, telephones, TV, etc.):
    a. For each 100 square feet of enclosed area or fractional part thereof _____ $10.00
    b. Appliance outlets, each (including ceiling fans) _____ $10.00
    c. Exterior Area Lighting, each _____ $10.00

4. Services:
    a. Temporary: _____ $50.00
    b. Single Phase
        i. 0 to 300 amp _____ $50.00
        ii. Over 300 amp to 400 amp _____ $75.00
        iii. Over 400 amp to 600 amp _____ $100.00

iv. Over 600 amp _____ $125.00

c. Three Phase

i. 0 to 300 amp_____ $ 75.00

ii. Over 300 to 400 amp_____ $100.00

iii. Over 400 to 600 amp_____ $125.00

iv. Over 600 amp_____ $200.00

[Sub Feeds to be charged by amps at the same rate as Service]

5. Motors:

a. 0 to 10 HP_____ $ 50.00

b. Over 10 HP to 25 HP_____ $100.00

c. Over 25 HP_____ $125.00

6. Generators, Transformers, and Transfer Switches (each):

a. 0 to 25 KW_____ $ 50.00

b. Over 25 KW to 50 KW_____ $100.00

c. Over 50 KW_____ $125.00

7. X-ray Machines (each):_____ $150.00

8. Welding Machines (each):

a. 0 to 25 amps (primary)_____ $50.00

b. Over 25 amps to 50 amps_____ $65.00

c. Over 50 amps_____ $75.00

9. A/C (each):

a. Window or wall (If New Service Required)_____ $20.00

b. Central System:

i. Up to 20 tons_____ $50.00

ii. Over 20 tons_____ $ 3.00/ton

c. Refrigeration:

i. Up to 20 tons_____ $50.00

ii. Over 20 tons_____ $ 3.00/ton

iii. Heat Pump (per unit)_____ $ 50.00

10. Elevators, Commercial (each)_____ $ 200.00

a. Elevators, Residential (each)_____ $ 75.00

b. Dumbwaiters, wheelchair lifts or stair lifts (each)_____ $75.00

11. Signage:

a. 1st sign connection_____ $50.00

b. Each additional sign connection_____ $15.00

12. Plug Mold and Track Lighting:

a. For each 100 lineal feet or fractional part thereof_____ $50.00

13. Alarm Systems:

a. Low Voltage Systems Residential (each)_____ $50.00

b. Commercial

i. For each $1000 of cost or fractional part thereof_____ $20.00

14. Commercial kitchen vent hood motors_____see (C) 5 above

15. Repairs/ Remodeling (same as new work):
    a. Minimum Fee_____ $50.00

16. Swimming Pools & Hot Tubs:_____see (C) 4 & 5 above

17. Home Automation System:
    a. For each $1000 of cost or fractional part thereof_____ $20.00

18. Fiber Optic System:
    a. For each $1000 of cost or fractional part thereof_____ $20.00

19. Carnivals, Circuses, Road Shows and similar temporary installations:
    a. Generators_____ see (C) 6 above
    b. Minimum Fee_____ $200.00

20. Miscellaneous:
    a. For each $1000.00 of cost or fractional part thereof_____ $ 20.00

(D) Plumbing Permit Fees:

1. Minimum Fee_____ $50.00

2. Fixtures (each):
    a. Roughed in and set_____ $15.00

3. Sewer:
    a. Building interior lines and connection_____ $50.00
    b. Outside sanitary and storm lines (site work):
        (a) For each $1000 of cost or fractional part thereof_____ $ 50.00

4. Manholes (each):_____ $50.00

5. Sewage Treatment Plant:
    a. For each $1000 of cost or fractional part thereof for:
    b. Collection System and Disposal Well _____ $65.00

6. Water Piping:
    a. Connection to supply system (each)_____ $ 20.00
        i. Connection (each) to any appliance or fixture_____ $15.00
    b. Irrigation system:
        i. For each $1000 of cost or fractional part thereof_____ $12.00
    c. Fire protection system:
        i. For each $1000 of cost or fractional part thereof_____ $12.00

7. Water Mains and Distribution Lines:
    a. For each $1000 of cost or fractional parts thereof_____ $50.00

8. Swimming Pool:
    a. Hook-up and site work (Residential)_____ $50.00

b. Commercial_____ $100.00

9. Wells (where applicable) each_____ $ 25.00

10. Repairs/Remodeling:
    a. Same as new work…minimum fee_____ $50.00

11. Commercial kitchen vent hood (if plumbing required)_____$50.00

12. Miscellaneous:
    a. For each $1,000.00 of cost or fractional part thereof_____ $25.00

(E) Mechanical Permit Fees:

1. Minimum Fee_____ $50.00

2. A/C Systems (excluding windows units) and refrigeration:
    a. Under 2 Ton_____ $50.00
    b. Over 2 Ton to less than 5 Ton_____ $65.00
    c. Over 5 Ton to less than 10 Ton_____ $85.00
    d. Over 10 Ton to less than 25 Ton _____ $115.00
    e. Over 25 Ton to less than 50 Ton_____ $155.00
    f. Over 50 Ton to less than 100 Ton_____ $250.00
    g. Over 100 Ton_____ $300.00

3. Duct Work:
    a. Per each drop (opening)_____ $10.00

4. Commercial Kitchen Vent Hood_____ $50.00

5. Heat Pump (per unit)_____ $65.00

6. Miscellaneous:
    a. For each $1000.00 of cost or fractional part thereof_____ $20.00

(F) Fuel Gas Fees:

1. Service fee:_____ $50.00

2. Fixtures, i.e.; range, dryer, water heater etc. (each)_____ $15.00

(G) Building Plans Review Fees:
Used for Building, Electric, Plumbing, Mechanical, and Fuel individually, as applicable

1. New, single family residential_____(per discipline)_____
    $100.00

2. Remodeling plans review single family residential__(per discipline)_____ $50.00

3. New, commercial and/or remodeling plans review__(per discipline)_____ $ 150.00

4. Revisions (after permit is issued) - lump sum fee includes all disciplines (building, electric, plumbing, mechanical, and fuel), charged for each major revision):
   a. Major revision (complete re-design) _____ $1,000.00
   b. Minor revisions (per discipline) Including mandatory changes per MC Chapter 138 LDR, with no footprint or square foot change _____ $50.00
      [Above fee increases 50.00 with each submission, not to exceed 500.00]

5. Lost plans re-review _____ per page $5.00
   a. Minimum fee _____ $50.00

(H) Re-inspection Fees:

   a. First re-inspection _____ $50.00
   b. Subsequent _____ $100.00

(I) LDR and Non-building code site and plans review Fees:

1. Planning and/or Environmental Review:
   a. Education fee _____ $10.00
   b. Biologist Review:
      i. Compliance review for new development
         (a) Single family and mobile homes _____ $75.00
         (b) Duplex, multi- family and commercial _____ $150.00
         (c) Other (accessory or clearing) _____ $60.00
         (d) Habitat Evaluation Index (HEI) evaluation _____ $60.00
         (e) Site Visit (other than final inspection) _____ $130.00
      ii. Compliance review for revision, remodel or expansion
         (a) Single family and mobile homes _____ $75.00
         (b) Duplex, multi- family and commercial _____ $ 150.00
         (c) Other (accessory or clearing) _____ $ 60.00
         (d) Habitat Evaluation Index (HEI) evaluation _____ $260.00
         (e) Site Visit (other than final inspection) _____ $130.00
         (f) Miscellaneous per hour fee (research) _____ $60.00
   c. Planner Review:
      i. Compliance review for new development
         (a) Single family and mobile homes _____ $ 75.00
         (b) Duplex, multi- family and commercial _____ $150.00
         (c) Other (accessory or clearing) _____ $ 60.00
         (d) Site Visit (other than final inspection) _____ $130.00
      ii. Compliance review for revision, remodel or expansion
         (a) Single family and mobile homes _____ $75.00
         (b) Duplex, multi- family and commercial _____ $150.00
         (c) Other (accessory or clearing) _____ $ 60.00
         (d) Site Visit (other than final inspection) _____ $130.00
   d. Miscellaneous per hour fee (research) _____ $ 60.00

2. Flood Plain Management Review:
   a. Flood Plain Manger Review _____ $140.00

3. Engineering Division Review:
   a. County Engineer Review
      i. Compliance Review _____ $375.00
         (a) Administrative Fee _____ $229.00
         (b) Site Inspection _____ $375.00
   b. Miscellaneous per hour fee (research) _____ $ 94.00

4. Fire Safety Division:
   a. Fire Marshal Review
      i. Compliance Review
         (a) Structural & Site Plan _____ $229.00
            (i) Administrative Fee _____ $ 52.00
            (ii) Inspections Structural & Site Plan _____ $172.00
            (iii)Sprinkler Systems & Fire Alarms _____ $304.00
            (iv)Administrative Fee _____ $ 26.00

5. Code Compliance Department:
   a. Code Compliance Fee _____ $11.00
   (Applies to all permits)

(J) ROGO/NROGO application fees see Planning and Environmental Resources Fees.

(K) Miscellaneous Fees:

1. Administrative Appeal of Building Official (6-57)_____ $1,500.00
   Required advertising fee_____ $ 245.00
   (Applicants for Administrative Appeal, who prevail after all appeals have been decided or where the appeal period(s) has expired, shall have the application fee refunded. A full refund does not require BOCC approval; however, if the applicant prevails only on a portion of the appeal, the BOCC shall determine the amount of the refund.)

2. Transfer of a building permit upon change of ownership_____ $ 200.00

3. Extension of permit fee (One per permit)MCC Sec. 6-103 _____ $ 250.00

4. Legislative Time Extension for Building Permits_____ $ 250.00
   (unless prohibited by Florida Statutes)

5. Education Fee _____ $2.00 per permit issued
   a. New Residential and/or Commercial _____ $ 25.00

6. Flood Insurance Inspection and Compliance:
   a. Program administration fee_____ $ 210.00
   b. Inspection Fee (Code Enforcement) _____ $ 90.00
   c. Inspection upon Sale _____ $ 170.00

7. Blasting Fees:
   a. Monthly fee:_____$ 50.00
   b. Yearly fee:
      i. User _____$600.00
      ii. Blaster _____ $100.00

8. Charge for copies priced per Section 119.07(1)(a), F.S.
9. Replacement permit card_____$ 25.00

10. Permit Renewal:
    a. Minimum fee _____$ 500.00
       [Fee is prorated to last approved inspection]

11. Change of contractor (After Permit Has Been Issued) _____$75.00

12. Technology & Document Processing Fee:
    a. Total permit fee less than$500.00 _____$ 3.00
    b. Total permit fee greater than or equal to $500.00 _____ $20.00

13. Certificates of Occupancy/Certificates of Completion
    a. Residential _____ $ 100.00
    b. Commercial _____$200.00
    c. Emergency C.O.(without 24 hrs. processing) additional fee _____ $75.00
    d. Certificate of Completion _____ $100.00

14. Research, permits and records per hour (per hour)_____$50.00

15. Contractor registration (Initial)_____ $50.00

16. Review of shutter insurance affidavit _____$50.00

(L) Private Provider Fees:

NOTE: Private Provider requests *must* be either at application or after permit issuance. Also, if Private Provider services are terminated at any time during construction, full fees must be paid for County services or another private provider must be added to the permit. Additional documentation ("As-Built" certifications, etc.) may be required.

1. ***Plan Review and Inspection*** – the following fees are to be charged when a private provider is performing both services and the Department *is notified at time of permit application*:
   a. Non-refundable Administrative Fee _____$125.00
   b. Building Application Fee – See all fees in Section (A) (1) through (12) which shall be deducted from any other amount which may be due and owing under the terms of this subsection if the application is approved.
   c. Planning – See all fees in Section (I)(1)
   d. Environmental - See all fees in Section (I)(1)
   e. Flood Plain – See all fees in Section (I)(2)
   f. Engineering – See all fees in Section (I)(3)
   g. Fire Safety – See all fees in Section (I)(4)
   h. Code Compliance – See all fees in Section (I) (5)

i. Audit Inspection Fees – 50% of the following fees (i) through (v) shall be added if applicable:
    i. Building – See all fees in Section (B)(1) through (25)
    ii. ii. Electrical – See all fees in Section (C) (1) through (20)
    iii. iii.Plumbing – See all fees in Section (D) (1) through (12)
    iv. iv.Mechanical – See all fees in Section (E) (1) through (6)
    v. Fuel Gas – See all fees in Section (F) (1) through (2)
j. Miscellaneous Fees applicable – See all fees in Section (K).

2. ***Plan Review (no inspections)*** – the following fees are to be charged when a private provider is performing plan review services and the Department *is notified at time of permit application*:
    a. Non-refundable Administrative Fee _____$125.00
    b. Building Application Fee – See all fees in Section (A) (1) through (12) which shall be deducted from any other amount which may be due and owing under the terms of this subsection if the application is approved.
    c. Planning – See all fees in Section (I)(1)
    d. Environmental – See all fees in Section (I)(1)
    e. Flood Plain – See all fees in Section (I) (2)
    f. Engineering – See all fees in Section (I)(3)
    g. Fire Safety – See all fees in Section (I)(4)
    h. Code Compliance – See all fees in Section (I) (5)
    i. Audit Inspection Fees – 100% of the following fees (i) through (v) shall be added if applicable:
        i. Building – See all fees in Section (B)(1) through (25)
        ii. Electrical – See all fees in Section (C) (1) through (20)
        iii. Plumbing – See all fees in Section (D) (1) through (12)
        iv. Mechanical– See all fees in Section (E) (1) through (6)
        v. Fuel Gas – See all fees in Section (F) (1) through (2)
    j. Miscellaneous Fees applicable – See all fees in Section (K).

3. ***Inspections Only (by private provider) Notification At time of Permit Application*** – the following fees are to be charged when only a private provider (not County) is performing Inspection services and the Department is notified *of private provider status at the time of the permit application* – all permitting and plan review fees remain the same:
    a. Non-refundable Administrative Fee _____ $ 125.00
    b. Building Application Fee – See all fees in Section (A) (1) through (12) which shall be deducted from any other amount which may be due and owing under the terms of this subsection if the application is approved.
    c. Plan Review – See all fees in Section (G) (1) through (5)
    d. Planning – See all fees in Section (I) (1)
    e. Environmental – See all fees in Section (I) (1)
    f. Flood Plain – See all fees in Section (I) (2)
    g. Engineering – See all fees in Section (I) (3)
    h. Fire Safety – See all fees in Section (I) (4)
    i. Code Compliance – See all fees in Section (I) (5)

j. Audit Inspection Fees – 50% of the following fees (i) through (v) shall be added if applicable:
   i. Building – See all fees in Section (B)(1) through (25)
   ii. Electrical – See all fees in Section (C) (1) through (20)
   iii. Plumbing – See all fees in Section (D) (1) through (12)
   iv. Mechanical – See all fees in Section (E) (1) through (6)
   v. Fuel Gas – See all fees in Section (F) (1) through (2)
k. Miscellaneous Fees applicable – See all fees in Section (K) including change of contractor fee

4. ***Inspections Only (by private provider) Notification After Permit Issuance*** – the following fees are to be charged when only a private provider (not County) is performing Inspection services and the Department is notified *after permit issuance (whether the private provider notified County 7 days prior to first scheduled inspection OR whether private provider notifies County after construction has commenced but no less than 7 days prior to the next inspection)* – all permitting and plan review fees remain the same:
   a. Non-refundable Administrative Fee _____$125.00
   b. Building Application Fee – See all fees in Section (A) (1) through (12) which shall be deducted from any other amount which may be due and owing under the terms of this subsection if the application is approved.
   c. Plan Review – See all fees in Section (G) (1) through (5)
   d. Planning – See all fees in Section (I) (1)
   e. Environmental – See all fees in Section (I) (1)
   f. Flood Plain – See all fees in Section (I) (2)
   g. Engineering – See all fees in Section (I) (3)
   h. Fire Safety – See all fees in Section (I) (4)
   i. Code Compliance – See all fees in Section (I) (5)
   j. Audit Inspection Fees – 100% of the following fees (i) through (v) shall be added if applicable:
      i. Building – See all fees in Section (B)(1) through (25)
      ii. Electrical – See all fees in Section (C) (1) through (20)
      iii. Plumbing – See all fees in Section (D) (1) through (12)
      iv. Mechanical– See all fees in Section (E) (1) through (6)
      v. Fuel Gas – See all fees in Section (F) (1) through (2)
   k. Miscellaneous Fees applicable – See all fees in Section (K).

(M) Work Commencing before Permit Issuance:

The following fees shall be subject to One Hundred Percent (100%) penalty:

Building Application Fees
Building Permit Fees
Electrical Permit Fees
Plumbing Permit Fees
Mechanical Permit Fees
Fuel Gas Fees
Building Plans Review Fees
Flood Plain Management Review
Fire Safety Division
Blasting Fees

The fees included in this resolution are in addition to after the fact fees in Chapter 6 and Chapter 118 of the Monroe County Code of Ordinances.

Section 2. Resolution No. 143-2012 is hereby rescinded. Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed effective August 16, 2012.

Section 3. The staff is hereby directed to implement these fees beginning August 16, 2012.

Section 3 The Clerk of the Court is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

PASSED and ADOPTED at a regular meeting of the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 15 day of August, 2012.

Mayor David Rice	_____
Mayor *Pro Tem* Kim Wigington	_____
Commissioner George Neugent	_____
Commissioner Heather Carruthers	_____
Commissioner Sylvia Murphy	_____

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY: _____
Mayor David Rice

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

By:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: August 15, 2012
Bulk Item: Yes ___ No X

Division: Growth Management
Department: Planning & Environmental Resources
Staff Contact Person/Phone #: Christine Hurley – 289-2500
Joseph Haberman - 289-2532

AGENDA ITEM WORDING: A public hearing to consider an Ordinance to establish a new section of the Monroe County, 110-144, in order to create a regulation directing Growth Management Division staff on how to review and act upon building permit applications for a site with a known unlawful use that is prohibited by the Land Development Code.

ITEM BACKGROUND: Following the effective date of Ordinance #2012-008, July 1, 2012, MCC §6-107 has been removed from the Monroe County Code. The rationale for abolishing the section and its provisions relates to floodplain management issues, not land use issues. Monroe County has floodplain compliance programs to assure illegal post-FIRM structures below base flood elevation and the violations associated with such structures are remedied.

Although normally used as a mechanism to rectify floodplain management related violations on a site by withholding building permit application approvals, the provisions set forth in MCC §6-107 have also been utilized as a mechanism to rectify land use related violations. There is not a regulation with similar language in the Land Development Code. The Land Development Code should be amended to continue providing a building permit plan reviewer, with an option to not approve a permit application if there is a known unlawful use on the site that cannot be permitted after-the-fact by the building permit application in which the reviewer is reviewing. This would not be applicable to nonconforming uses. Doing such would not be inconsistent with the rationale for abolishing MCC §6-107, as that amendment was carried out for legalities specifically associated with floodplain management, not land use. Further, as land use is controlled by regulations in the Land Development Code, not in MCC Chapter 6, such a regulation would be more appropriately located in the Land Development Code.

Planners who review applications for land use issues need a specific regulation to cite in order to withhold the issuance of a building permit (excluding those related to life and safety) on a site that has a known violation related to a permitted use. It is inappropriate and contradictory for the County to allow improvements on a site that would facilitate and/or improve an unlawful use that cannot be permitted. Such could be viewed as a tacit approval of the unlawful use or recognition that it is lawful. Further, the County needs mechanisms to eliminate non-approved unlawful uses that are beyond the time limitations of code enforcement prosecution (4 years).

During a regularly scheduled meeting held on April 24, 2012, the DRC reviewed the subject request and recommended approval to the BOCC. During regularly scheduled meetings held on May 30, 2012 and June 27, 2012, the Planning Commission reviewed the subject request and recommended approval to the BOCC.

PREVIOUS RELEVANT BOCC ACTION: On April 17, 2002, the BOCC adopted Ordinance #010-2002, which among other changes amended the requirements related to processing building permits on sites with unlawful uses and improvements in MCC Section 6-26. The section was later renumbered as MCC Section 6-107.

On April 18, 2012, the BOCC adopted Ordinance #2012-008, which removed the provisions set forth in MCC Section 6-107 from MCC Chapter 6, Buildings and Construction.

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATIONS: Approval.

TOTAL COST:_____ **INDIRECT COST:** _____ **BUDGETED:** Yes ___ No ___
DIFFERENTIAL OF LOCAL PREFERENCE: _____
COST TO COUNTY:_____ **SOURCE OF FUNDS:**_____
REVENUE PRODUCING: Yes ___ No _____ **AMOUNT PER MONTH**____ **Year** ____
APPROVED BY: County Atty _x___ OMB/Purchasing ____ Risk Management ____
DOCUMENTATION: Included __x__ Not Required__

DISPOSITION:_____ **AGENDA ITEM #**_____

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Board of County Commissioners

Through: Christine Hurley, AICP, Director of Growth Management
Townsley Schwab, Senior Director of Planning & Environmental Resources

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

Date: July 28, 2012

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE TO ADD SECTION 110-144, UNLAWFUL LAND USES; ESTABLISHING PROCEDURES TO REVIEW AND ACT UPON BUILDING PERMIT APPLICATIONS FOR A SITE WITH A KNOWN UNLAWFUL USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: August 15, 2012

I REQUEST

The Planning & Environmental Resources Department is proposing an amendment to the text of the Monroe County Code (MCC) to establish a new section, §110-144, in order to create a regulation directing Growth Management Division staff on how to review and act upon building permit applications for a site with a known unlawful use that is prohibited by the Land Development Code.

II RELEVANT PRIOR COUNTY ACTIONS:

On April 17, 2002, the BOCC adopted Ordinance #010-2002, which among other changes, amended the requirements related to processing building permits on sites with unlawful uses and improvements in MCC §6-26. The section was later renumbered as MCC §6-107.

On April 18, 2012, the BOCC adopted Ordinance #2012-008, which removed the provisions set forth in MCC §6-107 from MCC Chapter 6, Buildings and Construction (attached).

During a regularly scheduled meeting held on April 24, 2012, the Development Review Committee reviewed the subject request and recommended approval to the BOCC.

During regularly scheduled meetings held on May 30, 2012 and June 27, 2012, the Planning Commission reviewed the subject request and recommended approval to the BOCC.

III REVIEW

Following the effective date of Ordinance #2012-008, July 1, 2012, MCC §6-107 has been removed from the Monroe County Code. The rationale for abolishing the section and its provisions relates to floodplain management issues, not land use issues. Monroe County has floodplain compliance programs to assure illegal post-FIRM structures below base flood elevation and the violations associated with such structures are remedied. Further, a new Certificate of Compliance Program has been proposed to the Federal Emergency Management Agency (FEMA). If the program is approved and implemented, MCC §6-107 would have been unusable for floodplain management regulation enforcement.

Although normally used as a mechanism to rectify floodplain management related violations on a site by withholding building permit application approvals, the provisions set forth in MCC §6-107 have also been utilized as a mechanism to rectify land use related violations. There is not a regulation with similar language in the Land Development Code. The Land Development Code should be amended to continue providing a building permit plan reviewer, with an option to not approve a permit application if there is a known unlawful use on the site that cannot be permitted after-the-fact by the building permit application in which the reviewer is reviewing. Doing such would not be inconsistent with the rationale for abolishing MCC §6-107, as that amendment was carried out for legalities specifically associated with floodplain management, not land use. Further, as land use is controlled by regulations in the Land Development Code, not in MCC Chapter 6, such a regulation would be more appropriately located in the Land Development Code.

As a note, this proposed amendment is not contingent on the abolishment of MCC §6-107. If the amendment to abolish MCC §6-107 is appealed and it is decided that the provisions should remain in MCC Chapter 6, Buildings and Construction, the provisions of this proposed section would be consistent with those set forth in MCC §6-107 and would not necessarily be redundant in that they would not be located in the same chapter of the Monroe County Code.

Planners who review applications for land use issues need a specific regulation to cite in order to withhold the issuance of a building permit (excluding those related to life and safety) on a site that has a known violation related to land use. It is inappropriate and contradictory for the County to allow improvements on a site that would facilitate and/or improve an unlawful use that cannot be permitted. Such could be viewed as a tacit approval of the unlawful use or recognition that it is lawful. Further, the County needs mechanisms to eliminate non-approved unlawful uses that are beyond the time limitations of code enforcement prosecution. This proposed amendment uses the language of MCC §6-107 as a base. The notable differences are a) the proposed amendment applies to any unlawful use, not only those existing on the effective date of the ordinance establishing the section and b) the proposed amendment applies only to unlawful uses and not "improvements" which is an undefined term in the Land Development Code.

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

Sec. 110-144. Unlawful land uses.

The term *unlawful land use*, as used in this section, means any land use that has not received a permit or other official approval from the division of growth management and cannot be approved on a given site pursuant to the permitted uses set forth in chapter 130, article III of this Land Development Code and/or policies related to permitted land uses in the Comprehensive Plan.

a) *Building permit application improving a known, unlawful land use*. The planning and environmental resources department shall not approve any building permit application for an improvement to a structure with a known, unlawful land use until the unlawful land use is either a) permitted in accordance with the Land Development Code or b) eliminated.

b) *Building permit application not related to a known, unlawful land use*. The planning and environmental resources department may approve a building permit application on a site with a known, unlawful land use if it is determined that the scope of work would not improve or facilitate the unlawful land use. In the event of such an approval, the County shall place a notation on the permit that the approval does not condone or approve the unlawful land use and inform the applicant that the property owner is subject to possible code compliance prosecution.

c) *Building permit application improving a known, unlawful land use addressing public health and safety*. Building permit applications that are limited exclusively to addressing imminent risks to public health and safety may be approved under any circumstance. By way of illustration and not limitation, building permit applications may be approved for repairs and/or replacement of roofs, other building structural components, plumbing and/or electric – however only to the extent necessary to address imminent risks to public safety and health as determined by the planning director, who may consult with the building official, county engineer and/or fire marshal to determine the allowable extent of such improvements. In the event of such an approval, the County shall place a notation on the permit that the approval does not condone or approve the unlawful land use and inform the applicant that the property owner is subject to possible code compliance prosecution.

d) *Nonconforming use*. Building permits applications may be approved for lawful, nonconforming uses in accordance with section 102-56.

IV RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with the provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding

demographic trends); 3. Data errors, including errors in mapping, vegetative types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that the proposed text amendments are necessary due to new issues.

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

MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. ____ - 2012

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE TO ADD SECTION 110-144, UNLAWFUL LAND USES; ESTABLISHING PROCEDURES TO REVIEW AND ACT UPON BUILDING PERMIT APPLICATIONS FOR A SITE WITH A KNOWN UNLAWFUL USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Planners who review applications for land use issues need a specific regulation to cite in order to withhold the issuance of a building permit (excluding those related to life and safety) on a site that has a known violation related to land use; and

WHEREAS, it is inappropriate and contradictory for the County to allow improvements on a site that would facilitate and/or improve an unlawful use that cannot be permitted. Such could be viewed as a tacit approval of the unlawful use or recognition that it is lawful. Further, the County needs mechanisms to eliminate non-approved unlawful uses that are beyond the time limitations of code enforcement prosecution; and

WHEREAS, during a regularly scheduled meeting held on April 24, 2012, the Monroe County Development Review Committee reviewed the ordinance and recommended approval to the Board of County Commissioners; and

WHEREAS, during regularly scheduled public hearings held on May 30, 2012 and June 27, 2012, the Planning Commission reviewed the ordinance and recommended approval to the Board of County Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Section 110-144 shall be established as follows (deletions are ~~stricken through~~ and additions are underlined):

Sec. 110-144. Unlawful land uses.

The term *unlawful land use*, as used in this section, means any land use that has not received a permit or other official approval from the division of growth management and cannot be approved on a given site pursuant to the permitted uses set forth in chapter 130, article III of this Land Development Code and/or policies related to permitted land uses in the Comprehensive Plan.

a) *Building permit application improving a known, unlawful land use.* The planning and environmental resources department shall not approve any building permit application for an improvement to a structure with a known, unlawful land use until the unlawful land use is either a) permitted in accordance with the Land Development Code or b) eliminated.

b) *Building permit application not related to a known, unlawful land use.* The planning and environmental resources department may approve a building permit application on a site with a known, unlawful land use if it is determined that the scope of work would not improve or facilitate the unlawful land use. In the event of such an approval, the County shall place a notation on the permit that the approval does not condone or approve the unlawful land use and inform the applicant that the property owner is subject to possible code compliance prosecution.

c) *Building permit application improving a known, unlawful land use addressing public health and safety.* Building permit applications that are limited exclusively to addressing imminent risks to public health and safety may be approved under any circumstance. By way of illustration and not limitation, building permit applications may be approved for repairs and/or replacement of roofs, other building structural components, plumbing and/or electric – however only to the extent necessary to address imminent risks to public safety and health as determined by the planning director, who may consult with the building official, county engineer and/or fire marshal to determine the allowable extent of such improvements. In the event of such an approval, the County shall place a notation on the permit that the approval does not condone or approve the unlawful land use and inform the applicant that the property owner is subject to possible code compliance prosecution.

d) *Nonconforming use.* Building permit applications may be approved for lawful, nonconforming uses in accordance with section 102-56.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 4. Transmittal.

This ordinance shall be transmitted to the Florida State Land Planning Agency as required by F.S. 380.05 (11) and F.S. 380.0552(9).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Florida State Land Planning Agency or Administration Commission approving the ordinance.

Section 6. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date.

This ordinance shall become effective as provided by law and stated above. This ordinance applies to any permit, and or other development approval application submitted after the effective date.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 15th day of August, 2012.

Mayor David Rice	_____
Mayor *Pro Tem* Kim Wigington	_____
Commissioner Heather Carruthers	_____
Commissioner Sylvia Murphy	_____
Commissioner George Neugent	_____

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____ By _____

Deputy Clerk Mayor David Rice

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Susan M. Grimsley
Date: 7-30-2012