BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: April 20, 2005
Bulk Item: Yes ____ No X

Division: Growth Management
Department: Planning
Staff Contract Person: Marlene Conaway

AGENDA ITEM WORDING:
Public hearing to consider adopting a DCA Transmittal Resolution amending the Monroe County Year 2010 Comprehensive Plan to change the Rate of Growth Ordinance (ROGO) and the Non-Residential Rate of Growth Ordinace (NROGO) to utilize the Tier Overlay as the basis for the competitive point system. deleting, revising and adding policies, objectives and requirements for the implementation of Goal 105 of the 2010 Comprehensive Plan and the Tier Overlay District.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. The Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Several stakeholder forums and two community workshops were held to review the proposed amendments. Staff is recommending that the initial public hearing on the Transmittal Resolution be continued and held in each area, before its adoption. This is a continuation of the Hearing held on March 17, 2005. Proposed revisions to draft ordinance made by staff since February hearing are shown with a bold underline for additions and with a double strikethrough for deletions and are summarized in the staff's cover memorandum. No changes have been made to this Ordinance since the March 17, 2005 Board meeting.

The staff requests direction from the Board on needed revisions to the draft Ordinance. The Staff will make revisions as directed, bringing back the revised Ordinance to the Board in May. The Board will be asked to approve the Transmittal Resolution to submit the draft Ordinance amending the Comprehensive Plan to DCA at that meeting.

PREVIOUS RELEVANT BOCC ACTION:
Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes N/A No ____

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes N/A No ____ **AMOUNT PER MONTH** N/A **Year** ____

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

DIVISION DIRECTOR APPROVAL: _____
(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X Not Required ____

DISPOSITION: _____ **AGENDA ITEM #** _____

COMPREHENSIVE PLAN AMENDMENTS TO AMEND THE ROGO AND NROGO SECTIONS TO IMPLEMENT THE TIER OVERLAY DISTRICT

TRANSMITTAL RESOLUTION TO THE DEPARTMENT OF COMMUNITY AFFAIRS

BOARD OF COUNTY COMMISSIONERS
MARATHON - EOC

RESOLUTION NO. 2005

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO CHANGE THE RATE OF GROWTH ORDINANCE (ROGO) AND THE NON-RESIDENTIAL RATE OF GROWTH ORDINACE (NROGO) TO UTILIZE THE TIER OVERLAY AS THE BASIS FOR THE COMPETITIVE POINT SYSTEM; DELETING, REVISING AND ADDING POLICIES, OBJECTIVES AND REQUIREMENTS FOR THE IMPLEMENTATION OF GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY DISTRICT.

WHEREAS, the Monroe County Board of County Commissioners, during three public hearings held in December, 2004 and January and February 2005, for the purposes of considering the transmittal to the Florida Department of Community Affairs for review and comment, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, the Land Development Regulations and the Land Use District Map; and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested amendments to the Monroe County Year 2010 Comprehensive Plan, the Land Development Regulations and the Land Use District Map;

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

Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission pursuant to the draft ordinance for the adoption of the proposed amendments to the Monroe County Year 2010 Comprehensive Plan, the Land Development Regulations and the Land Use District Map; and

Section 2. The Board of County Commissioners does hereby transmit the proposed amendments to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.184 and 380.0522, Florida Statutes; and

Section 3. The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

Initials_____

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ day of _____, A.D. , 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 12.02.04

_____
DEPUTY CLERK

Initials_____

PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN TO CHANGE THE ROGO AND NROGO POLICY SECTIONS TO INCLUDE USE OF THE TIER OVERLAY DISTRICT

THE BOCC ORDINANCE

This ordinance will amend the Monroe County 2010 Comprehensive Plan to change the Rate of Growth Ordinance (ROGO) and the Non-Residential Rate of Growth Ordinance (NROGO) to utilize the Tier Overlay as the basis for the competitive point system. The changes will be implemented by deleting, revising and adding policies, objectives and requirements to Goal 105 of the 2010 Comprehensive Plan and the Tier Overlay district.

[1st of 2 required public hearings]

BOARD OF COUNTY COMMISSIONERS
MARATHON EOC ROOM

ORDINANCE NO. 2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO CHANGE THE RATE OF GROWTH ORDINANCE (ROGO) AND THE NON-RESIDENTIAL RATE OF GROWTH ORDINACE (NROGO) TO UTILIZE THE TIER OVERLAY AS THE BASIS FOR THE COMPETITIVE POINT SYSTEM; CREATING A LOTTERY SYSTEM OPTION; DELETING, REVISING AND ADDING POLICIES, OBJECTIVES AND REQUIREMENTS FOR THE IMPLEMENTATION OF GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY DISTRICT BY DELETING POLICIES 101.4.20, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13. AND REVISING POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.4.6, 102.4.7, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 205.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.14, 205.5.1, 205.5.2, 207.1.2 AND REVISE OBJECTIVE 102.4, 102.9, 201.1, 205.2 and 205.5, OF THE 2010 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners, during three public hearings held in December, 2004 and January and February 2005, reviewed and considered the proposed amendments to the 2010 Comprehensive Plan to utilize the Tier overlay maps as the basis for the competitive ROGO and NROGO point systems, limiting development of public facilities to Tier II and Tier III, and amendments to exempt affordable and employee housing from the competitive system; and

WHEREAS, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include: Tier Overlay Map designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation; and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability; and

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those which are important environmentally and should be preserved; and

WHEREAS, the boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners; and

WHEREAS, the proposed ROGO is a positive system, awarding major points for the Tier location of property: Tier III - +30 points; Tier II - +20 points; Tier I - 0 points. Points may be accrued by donating lots to the County for preservation in Tier I and Tier II. Additional points can be gained in Tier II and Tier III by aggregating lots; and

WHEREAS, a separate point system has been included for Big Pine Key and No Name Key that follows the requirements of the Habitat Conservation Plan permit application and the Livable CommuniKeys Master Plan for the Islands; and

WHEREAS, ROGO has been completely redrafted utilizing the Tier System as the basis. The habitat protection and reduction of sprawl, which are the planning reasons for most of the points were considered during drafting and are the basis of the Tier maps. The sustainability points, water and energy conservation, are more appropriately addressed in the building code; and

WHEREAS, in response to a BOCC directive the points for lot dedication were modified to award a point for each 5,000 square feet of a Suburban Residential (SR) platted lot. An Improved Subdivision (IS), Urban Residential Mobile Home (URM) and Commercial Fishing Village (CFV) platted lot will receive four points and the single point value for unbuildable platted Suburban Residential (SR) lots reflects the comparative buildability; and

WHEREAS, the proposed NROGO has been redrafted using the Tier system as the basis for awarding points dependent on the location of a property. Additional points may be accrued by dedicating lots, reducing intensity and through landscaping and water conservation; and

WHEREAS, applications for non-residential floor area which include employee housing as part of the development plan will receive up to four additional points in NROGO; and

WHEREAS, the Planning Commission, after hearing comments at four public hearings, made changes to the staff draft amendments and recommended approval of the proposed amendments to incorporate changes to the ROGO and NROGO in the 2010 Comprehensive Plan; and

WHEREAS, the Planning and Environmental Resources Department has made minor changes to the proposed draft based on direction of the Planning Commission, including minor text revisions to ensure readability and correct typographical errors or omissions in the text and recommends approval of the proposed amendment to the 2010 Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has directed staff to prepare further amendments to the amendments recommended by the Planning and Commission; and,

WHEREAS, the Board of County Commissioners has reviewed the proposed amendments to the 2010 Comprehensive Plan which amend ROGO and NROGO and finds the proposed amendments are consistent with and furthers goals, objectives and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and recently adopted set of comprehensive plan amendments to effectuate the Tier system ~~and~~;

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

Section 1: Amend Policy 101.2.3 as follows:

Policy 101.2.3
The Permit Allocation System for new residential (ROGO) development shall specify procedures for:

1. annual adjustment of the number of permits for new residential units to be issued during the next year based upon, but not limited to the following:

   ~~a. the number of permits for new residential units issued during the previous year, including permits which did not result in completed units or active progress towards such completion as defined by the Land Development Regulations; and~~

   ~~b. application of the updated transportation model of the Lower Southeast Florida Hurricane Evacuation Study every five years or when warranted by implementation of roadway capacity improvements, new behavioral data, or substantial changes in development patterns (see Conservation and Coastal Management Element Policy 216.1.5);~~

   a. expired allocations and building permits in previous year;

   b. allocations available, but not allocated in previous year;

   c. number of allocations borrowed from future quarters;

   d. vested allocations;

   e. modifications required or provided by this plan or agreement pursuant to Chapter 380, Florida Statutes;

   f. receipt or transfer of affordable housing allocations by intergovernmental agreement; and

2. allocation of ~~single- and multi-family unit types~~ affordable and market rate housing units in accordance with Policy 101.2.4; ~~and~~

3. distribution of allocations to be made available for market rate housing units in the competitive and lottery ROGO systems; and,

~~3.~~4. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new residential development during the calendar year.

Section 2. Amend Policy 101.2.4 as follows:

Policy 101.2.4

Monroe County shall allocate at least 20 percent of residential (non-transient) growth to affordable housing units as part of the Permit Allocation System. Any portion of the 20 percent allocation not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation ~~must~~ shall meet the criteria specified in Policy 601.1.7. and shall not be subject to the Residential Permit Allocation and Point System in Policy 101.5.4. The parcel proposed for affordable housing ~~development~~ shall not be located ~~in an acquisition area and shall not qualify for negative points according to the criteria specified under Habitat Protection and Threatened or Endangered Animal Species in Policy 101.5.4; however, properties designated Residential High shall be exempted from this prohibition.~~ within an area designated as Tier I as set forth under Goal 105.

Section 3. Amend Policy 101.3.1 as follows:

Policy 101.3.1

Monroe County shall maintain a balance between residential and non-residential growth by limiting the ~~gross~~ square footage of non-residential development ~~over the 15 year planning horizon in order~~ to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Residential Permit Allocation System. This ratio may be modified from time to time through amendments to the land development regulations based upon market and other relevant studies as required by policy 101.3.5. ~~The ratio for commercial allocation shall be revised upon completion of the economic baseline analysis required by policy 101.3.5 which shall be completed no later than January 4, 1997.~~ The commercial allocation allowed by this policy shall be uniformly distributed ~~over the 15 year planning horizon~~ on an annual basis, consistent with the Residential Permit Allocation System as set forth in Policy 101.2.1. ~~Within one year of the effective date of this plan, Monroe County shall amend this policy to specify the annual allowable square footage based upon the number of residential units allowed by year using the ratio set forth in this policy.~~

Section 4. Amend Policy 101.3.3 as follows:

Policy 101.3.3

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

1. the annual adjustment of the square footage allocated for ~~of~~ new non-residential development to be permitted during the next year based upon, but not limited to:

   a) the square footage ~~of~~ allocated for new non-residential development ~~completed~~ that expired during the previous year;

~~b) strict regulations regarding completion schedules of permitted activities shall be developed and enforced to preclude repeated renewal of expired permits; and~~

b) the amount of square footage available for allocations but not allocated in previous year;

c) modifications required or provided by this plan; and,

d) receipt or transfer of floor area by intergovernmental agreement.

2. maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System, as may be amended from time to time in accordance with Policy 101.3.1; and,

3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new non-residential development during the calendar year.

Section 5. Amend Policy 101.3.4 as follows:

Policy 101.3.4
Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Except within Tier I designated areas under Goal 105, ~~C~~certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that such activity will predominately serve the County's non-transient population. All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.

Section 6. Amend Policy 101.3.5 as follows:

Policy 101.3.5
By ~~January 4, 1998~~ July 2005, Monroe County shall complete a ~~an economic base analysis~~ market demand analysis and economic assessment ~~in order~~ to determine the demand for future non-residential development in Monroe County and planning sub-areas. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses ~~shall be~~ may be revised based upon the results of this study, and other relevant policy and economic studies and data and provide the basis for preparing specific amendments to the comprehensive plan to incorporate goals, objectives and policies on economic development including tourism. The ~~economic base~~ analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-area.

Section 7. Amend Policy 101.4.21 by adding (i) under "Notes" in the table entitled "Future Land Use Densities and Intensities" that reads as follows:

(i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

Section 8. Amend Objective 101.5 as follows:

Objective 101.5
Monroe County shall implement a Point System based primarily on the Tier system of land classification in accordance with Goal 105, which directs future growth in order to:

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

Section 9. Amend Policy 101.5.1 as follows:

Policy 101.5.1
~~By January 4, 1997,~~ Monroe County shall adopt through its land development regulations a new Point System for residential (ROGO) and non-residential (NROGO) development to replace the existing Point System by no later than July 1, 2005. Except for affordable housing, this Point System, as set forth in Policy 101.5.4 for residential development and Policy 101.5.5 for non-residential development, ~~which~~ shall be used as a basis for selecting the development applications which are to be issued permits through the competitive Permit Allocation System pursuant to Policy 101.5.5 and Policy 101.5.7 ~~(see Policy 101.2.1)~~. For market rate housing units or non-residential development to be awarded allocations under the competitive Permit Allocation System, ~~T~~the Point System shall specify positive point factors which shall be considered as assets and shall specify negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development. For market rate housing units to be awarded allocations under the lottery Permit Allocation System pursuant to Policy 101.5.6, the Point System shall specify the minimum threshold number of points required to be eligible for selection.

Section 10. Amend Policy 101.5.2 as follows:

Policy 101.5.2
In order to encourage a compact form of residential growth, ~~the Point System shall assign positive point ratings to applications for new residential development which would~~ that results in infill development in platted, improved subdivisions , the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. [9J-5.006(3)(c)1 and 6]

Section 11. Amend Policy 101.5.3 as follows:

Policy 101.5.3

In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit and direct ~~the amount of~~ new non-residential development primarily to areas designated as Tier III under Goal 105 and provide incentives for redevelopment of existing developed and vacant infill sites. (See Policy 101.3.1.) [9J-5.006(3)(c)1]

Section 12. Create a new Policy 101.5.4 that reads as follows:

Policy 101.5.4

In addition to a competitive process for the selection of development applications for new market rate housing, which are to be issued permits through the Residential Permit Allocation System, Monroe County may implement through its land development regulations a lottery selection process. The competitive selection process is intended to give applicants who need certainty in the Permit Allocation System the ability to compete with other applicants through a competitive points system that they can directly influence, such as by aggregation of lots or dedication of land to the County for conservation and resource protection or affordable housing. The lottery selection process, which shall provide that each eligible application will have an equal chance to be selected, is intended to give applicants an increased opportunity to receive an allocation award, who may not have the financial resources to be successful under a solely competitive scoring system.

Section 13. Delete existing Policy 101.5.4 and create a new Policy 101.5.5 that reads as follows:

Policy 101.5.5

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

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

Point Assignment:	*Criteria:*
0	Proposes a dwelling unit within areas designated Tier I [Natural Area].

+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area] on Big Pine or No Name Key.
+20	Proposes development within areas designated Tier II[Transition and Sprawl Reduction Area] outside of Big Pine or No Name Key.
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine or No Name Key.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine or No Name Key.

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

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

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

Point Assignment:	*Criteria:*
+4	Proposes to aggregate a contiguous vacant, legally platted lot within a Tier II or Tier III area with sufficient lot size and upland area to be buildable together with the parcel proposed for development.
+4	Each additional contiguous vacant, legally platted lot which is aggregated in Tier II or III area that meets the aforementioned requirements will earn additional points as specified.

4. **Land Dedication** – The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate.

Point Assignment:	*Criteria:*
+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned

	requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be

	buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.

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

Point Assignment:	*Criteria:*
+3	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development Regulations.

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

Point Assignment:	*Criteria:*
-4	Proposes development within "V" zones on the FEMA flood insurance rate maps.

7. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:

Point Assignment:	*Criteria:*
+4	Proposes development

	required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

8. **Perseverance Points** – One (1) point shall be awarded for each year that the allocation application remains in the allocation system up to a maximum accumulation of four (4) points.

9. **Payment to the Land Acquisition Fund** – Up to three (3) points shall be awarded for a monetary payment by the applicant to the County's land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the average ad valorem valuation of all vacant privately-owned IS/URM zoned platted lots on the current Monroe County Real Property Tax Roll.

Section 14. Create a new Policy 101.5.6 that reads as follows:

Policy 101.5.6
In addition to a competitive selection process as set forth in Policy 101.5.5, Monroe County may implement a lottery selection process for awarding the allocation of market rate housing in the Residential Permit Allocation and Point system thorough its land development regulations based primarily on the Tier system of land classification as set forth under Goal 105. To be eligible for the lottery selection process, an application shall be required to have a minimum of 30 points and shall not be for any development proposed on Big Pine Key or No Name Key. The points are intended to be applied cumulatively.

1. **Tier Designation -** Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed dwelling units in a manner that encourages development of infill, predominately developed areas with existing infrastructure and few sensitive environmental features.

Point Assignment:	*Criteria:*
0	Proposes a dwelling unit within areas designated Tier I [Natural Area].
+20	Proposes development within areas designated Tier II[Transition and Sprawl Reduction Area].

+30	Proposes development within areas designated Tier III [Infill Area].

2. **Lot Aggregation** – The following points shall be assigned to allocation applications to provide a mitigation option for development outside of Tier III designated areas through reduction of density by the aggregation of legally platted buildable lots within Tier II and Tier III areas.

Point Assignment:	*Criteria:*
+4	Proposes to aggregate a contiguous vacant, legally platted lot within a Tier II or Tier III area with sufficient lot size and upland area to be buildable together with the parcel proposed for development.
+4	Each additional contiguous vacant, legally platted lot which is aggregated in Tier II or III area that meets the aforementioned requirements will earn additional points as specified.

3. **Land Dedication** – The following points shall be assigned to allocation applications to provide a mitigation option for development outside of Tier III designated areas through the dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally, platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction, and if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate.

Point Assignment:	*Criteria:*
+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.

+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre

	of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.

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

Point Assignment:	*Criteria:*
-4	Proposes development within "V" zones on the FEMA flood insurance rate maps.

5. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:

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

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

7. **Payment to the Land Acquisition Fund** – Up to three (3) points shall be awarded for a monetary payment by the applicant to the County's land acquisition fund for the purchase of lands for conservation,and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the average ad valorem valuation of all vacant privately-owned IS/URM zoned platted lots on the current Monroe County Real Property Tax Roll.

Section 15. Delete Policy 101.5.5 in its entirety and replace with new Policy 101.5.7 that reads as follows:

Policy 101.5.7
Monroe County shall implement the non-residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification pursuant to Goal 105. The points are intended to be applied cumulatively.

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

Point Assignment:	*Criteria*:
0	Proposes non-residential development within an area designated Tier I [Natural Area]
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area].
+20	Proposes non-residential development within an area designated Tier III [Infill Area].

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

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

3. **Land Dedication -** The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate.

Point Assignment:	*Criteria*:
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned requirements will earn the additional points as specified.
+1 per 5,000 square feet of lot area	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.

4. **Special Flood Hazard Area -** The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:

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

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

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

Point Assignment:	*Criteria*:
+3	The development eliminates an existing driveway or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to U.S. Highway 1.

7. **Landscaping and Water Conservation** - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation:

Point Assignment:	*Criteria*:
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.
+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.

8. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:

Point Assignment:	*Criteria:*
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established

	by Florida Legislature and Policy 901.1.1.

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

Point Assignment:	*Criteria:*
+2	Proposes an employee housing unit which is located on a parcel with a non-residential use.
+2	One (1) additional employee housing unit located on the parcel with a non-residential use.

Section 16. Renumber and amend Policy 101.5.6 to read as follows:

Policy ~~101.5.6~~ 101.5.8

The Residential and Non-residential Point Systems shall be monitored on an annual basis and revised as necessary ~~to add, delete or adjust positive and negative factors~~ based on new studies and data in a manner that is consistent with and furthers the goals, policies, and objectives of this plan. ~~.which may be identified by studies prepared as part of the implementation of the Goals, Objectives and Policies of the Comprehensive Plan. Such adjustments to the Point Systems shall result in amendments to the Comprehensive Plan and/or land development regulations as appropriate. These studies include, but are not limited to:~~

~~1. the Sanitary Wastewater Master Plan (see Sanitary Wastewater Objective 901.4 and related policies);~~

~~2. the Stormwater Management Master Plan (see Drainage Objective 1001.3 and related policies);~~

~~3. the Florida Keys National Marine Sanctuary Management Plan;~~

~~4. special studies undertaken as part of the Florida Keys National Marine Sanctuary Water Quality Protection Program (see Conservation and Coastal Management Objective 202.1 and related policies);~~

~~5. the Live-Aboard Study (see Conservation and Coastal Management Objective 202.4 and related policies);~~

~~6. the Florida Keys Advance Identification of Wetlands (ADID) Program (see Conservation and Coastal Management Objective 204.1 and related policies);~~

Section 17. Delete Policy 101.5.7 and 101.5.8.

~~**Policy 101.5.7**~~

~~As part of the first annual review of the Residential and Non-residential Point Systems, additional criteria may be included such as:~~

~~1. North Key Largo – Negative points may be assigned for development proposed within that portion of Key Largo located between the junction of State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek.~~

~~2. Traffic Capacity – As part of the first annual review of the Residential and Non-residential Point System, positive points may be assigned for development served by US 1 segments which have surplus capacity. Negative points shall be assigned for development served by US 1 segments which have marginal capacity.~~

~~3. Offshore Islands – Negative points may be assigned to developments on offshore islands.~~

~~4. Conservation Lands – Negative points may be assigned to developments which may impact designated or proposed conservation lands.~~

~~5. Disturbed Saltmarsh and Buttonwood Wetlands – Negative points may be assigned to developments which require the placement of fill or structures in disturbed saltmarsh and buttonwood wetlands.~~

~~6. Historic Resources – Negative points may be assigned to developments which remove or destroy historic or archaeological resources. Positive points may be assigned to developments which restore or enhance historic or archaeological resources.~~

~~7. Potential Development Credits (PDCs) – An applicant may have the option of receiving positive points, called Potential Development Credits (PDCs), for transferring development rights away from a sender site for development proposed on an eligible receiver site, as specified in Objective 101.13 and related policies.~~

~~**Policy 101.5.8**~~

~~The Residential Permit Allocation Ordinance shall be amended to award a graduated scale of positive points to dwelling units which are proposed for lots within legally platted, recorded subdivisions, which are served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. Maximum points shall be awarded for those projects proposed within platted subdivisions which are 67% to 100% built out; fewer points will be awarded for projects proposed for subdivisions 33% – 67% built out; and minimum points shall be awarded for projects proposed for subdivisions 0 – 33% built out. The percentage of build out shall be based upon updated, accurate data~~

~~from the County's Geographic Information System (GIS). The Ordinance shall be amended when the pertinent information is readily available on the County's GIS.~~

Section 18. Amend Policy 101.5.9 as follows:

Policy 101.5.9
Monroe County shall allow for the development of residential ~~multi-family~~ projects with multiple units within the Permit Allocation System. If a project ranks high enough in the Point System for a portion of the development to receive an allocation award, but the project includes more units than are available during an allocation period, the entire project may receive allocation awards if the excess allocation is reduced from the next allocation period(s). ~~Multi-family affordable housing or elderly housing projects shall be given priority.~~

Section 19. Amend Policy 101.5.10 as follows:

Policy 101.5.10
Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the ~~new~~ receiver site ~~would not be eligible for any negative environmental points under ROGO with the exception of those properties designated Residential High.~~ shall be located within a Tier III area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands. ~~When a multiple-family housing development utilizes a TRE, any other units in that same project that are permitted through the ROGO process may be eligible for minor positive points on a one for one basis.~~

Section 20. Amend Policy 101.6.1 as follows:

Policy 101.6.1
Monroe County shall, upon a property owner's request, purchase property for fair market value or permit the minimum reasonable economic use of the property pursuant to Policy 101.6.5, if the property owner meets the following conditions:

1. they have been denied an allocation award for four successive years in the ~~Permit Allocation System;~~ Residential (ROGO) or Non-residential (NROGO) Permit Allocation System;

2. their proposed development otherwise meets all applicable county, state, and federal regulations;

3. their allocation application has not been withdrawn;

4. they have complied with all the requirements of the ~~Permit Allocation System~~ Residential or Non-residential Permit Allocation System; and

5. they follow the procedures for administrative relief contained ~~in the Dwelling Unit Allocation Ordinance.~~ in the land development regulations.

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

Section 21. Delete Policy 101. 6.5 and Policy 101.6.6 and replace with new Policy 101.6.5 that reads as follows:

~~**Policy 101.6.5**~~

~~Monroe County shall annually compile a list prioritizing the lands requested for County acquisition due to the Permit Allocation System. The lands of the property owners who meet the criteria in Policy 101.6.1 shall be ranked according to:~~

~~1. the environmental sensitivity of the vegetative habitat, marine resources, and impacts to the quality of near shore waters as specified by the ranking in the Environmental Design Criteria section of the Land Development Regulations;~~

~~2. whether the property is in known, probable, and/or potential habitat for one or more threatened and/or endangered species, as indicated on the most recent Protected Animal Maps; and~~

~~3. whether development on the property will adversely impact successful protection and recovery of threatened or endangered species, such as development on Big Pine Key, No Name Key, Ohio Key, and North Key Largo.~~

~~Those lands considered most sensitive according to the combination of (a), (b) and (c) above shall be ranked as the highest priority for acquisition.~~

~~**Policy 101.6.6**~~

~~When considering the acquisition of lands denied building permit allocations through the Permit Allocation System, Monroe County shall base the acquisition decision upon the environmentally sensitivity ranking specified in Policy 101.6.5~~

Policy 101.6.5

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

1. a designated Tier I area;

2. a designated Tier II area requiring the clearing of 5,000 square feet or more of upland tropical hardwood hammock or pinelands habitat; or,

3. a designated Tier II or Tier III area on a non-waterfront lot suitable for affordable housing.

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

Section 22. Amend Policy 101.12.4 to read as follows:

Policy 101.12.4

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

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

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

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

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

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

Section 23. Delete Policy 101.13.3.

Policy 101.13.3

~~As part of the first annual review of the Point System, an applicant in the Residential Permit Allocation System shall be awarded either one unit for each one development right transferred from an eligible sender site to an eligible receiver site (through the use of Transferable Development Rights or TDRs), or positive points in the Point System (through the uses of Potential Development Credits or PDCs).~~

~~If the applicant opts to receive PDCs, the applicant would receive positive points for transferring development rights away from a sender site to an eligible receiver site. By using this option, the applicant would forfeit the right to develop any additional units that would be granted for TDRs.~~

Section 24. Renumber and amend Policy 101.13.4 as follows:

Policy ~~101.13.4~~ 101.13.3

~~Transferable Development Rights may be used within the Residential Permit Allocation System to increase density, subject to the limitations contained in the land development regulations~~. The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this plan. ~~Density~~ The ~~transfers~~ assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

Section 25. Delete Policy 101.13.5.

~~**Policy 101.13.5**~~

~~As part of the first annual review of the Point System, positive points, or "Potential Development Credits" (PDCs) shall be awarded for applications proposing non-residential development which will transfer development rights away from eligible sender sites to eligible receiver sites. PDCs shall be awarded to commercial projects for TDRs transferred from either residential or commercial zones.~~

Section 26. Amend and renumber Policy 101.13.6 as follows:

Policy ~~101.13.6~~101.13.4

In conjunction with the ~~first annual review of the Point System~~ evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs) ~~and Potential Development Credits (PDCs)~~:

Any parcel within these zoning categories:

Offshore Island (OS)	Sparsely Settled (SS)
Mainland Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

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

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

Section 27. Delete Policy 101.13.7 and Policy 101.13.8.

~~**Policy 101.13.7**~~
~~In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish positive point awards in the Residential Permit Allocation System for each PDC:~~

~~Sender Site~~	~~Receiver Site~~	~~PDC Points~~
~~Freshwater wetland~~	~~scarified, in UR~~	~~most points~~
	~~MU~~	
	~~IS~~	
	~~SR~~	~~SR (disturbed land not to include wetlands)~~ ~~least points~~

~~**Policy 101.13.8**~~
~~In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish point awards in the Non-residential Permit Allocation System for each PDC:~~

~~Sender Site~~	~~Receiver Site~~	~~PDC Points~~
~~Freshwater wetland~~	~~UC~~	~~most points~~
	~~SC~~	
	~~MU~~	
~~SR~~	~~SC or MU~~	~~least points~~

Section 28. Amend and renumber Policy 101.13.9 as follows:

Policy ~~101.13.9~~ 101.13.5

~~No later than one year from the effective date of this plan,~~ In conjunction with the evaluation of the TDR program pursuant to Policy 101.13.2 and no later than one year from the date when the County's Geographic Information System is fully functional, Monroe County shall map potential TDR sender and receiver sites as specified in ~~Policies~~

~~101.13.6 through 101.13.9~~ Policy 101.13.4, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff and public for use in the development review process.

Section 29. Amend Policy 102.3.1 as follows:

Policy 102.3.1

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

1. to reduce the exposure of residents to natural hazards;

2. to reduce disturbances to natural vegetation resource areas;

3. to reduce disturbances to terrestrial wildlife resources areas;

4. to reduce impacts of new development on ~~groundwater and~~ nearshore waters;

5. to acquire vacant privately-owned environmentally sensitive lands for conservation and resource protection;

6. to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features;

~~5.~~7. to ensure that the ecological integrity of natural areas is protected when land is developed; and

~~6.~~8. to reduce adverse impacts on endangered and threatened species.

Accordingly, the Point System, which shall be used as the basis for the annual allocation of permits, shall assign negative and/or positive points to development applications ~~based upon:~~ that helps to achieve the above environmental protection goals.

~~1. the occurrence of natural resources or natural hazards; and/or~~
~~2. proposed utilization of best management practices for wastewater treatment and disposal which will avoid or mitigate the adverse impacts of development on natural resources, particularly water quality.~~

(See Future Land Use Objective 101.5 and related policies for a list of positive and negative factors to be included in the Permit Allocation System.) [9J-5.006(3)(c)1 and 6]

Section 30. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 31. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 32. This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 33. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs in accordance with the requirements of 9J-11.006, Florida Administrative Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____ _____, A.D. , 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNYL. KOLHAGE, Clerk

BY: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Deep: 3-1-05

STAFF REPORT

BOARD OF COUNTY COMMISSIONERS
MARATHON EOC ROOM

Monroe County Department of Planning and Environmental Resources
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305-289-2500
Marathon Florida 33050
conaway-marlene@monroecouny-fl.gov

MEMO

November 28, 2004

TO: Monroe County Board of County Commissioners

FROM: K. Marlene Conaway, Director

RE: ROGO/NROGO Comprehensive Plan amendment to implement Goal 105

Introduction
Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability. Attached is the proposed amendment to the Comprehensive Plan to implement the goal, Rule 28-100 and the Florida Keys Carrying Capacity Study (FKCCS).

Staff is recommending that three public hearings be held before the Board of County Commissioners, one in each area, before adoption of the Transmittal Resolution. Hopefully, this schedule will allow us to finish the adoption process by June 2005.

Background
The Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pinelands of two acres or greater within Tier I - Conservation and Natural Areas (CNA), *while staff prepares draft text and map amendments and other supporting studies* in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-20.100 FAC.

The Planning Commission reviewed the staff proposed draft at a workshop in June and an amended draft in four public meetings in September, October and November 2004. The Planning Commission approved several amendments and voted to recommend the attached draft to the BOCC on November 3, 2004. During the summer three focus group meetings were held; two with the construction industry representatives and one with a group of interested individuals and environmental groups. Several planned meetings were cancelled due to the hurricanes. Finally two evening community workshops, one in Key Largo and one in Sugarloaf, were held in October.

ROGO Amendment
Overview
ROGO has been completely redrafted utilizing the Tier System as the basis. A comparison between the proposed ROGO and the existing system is attached (A). Where the current ROGO has eighteen criteria for assigning points, the proposed ROGO contains six criteria. The habitat protection and reduction of sprawl, which are the planning reasons for most of the points, were considered during drafting and are the basis of the Tier maps. The sustainability points, water and energy conservation, are more appropriately addressed in the building code.

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The proposed ROGO is a positive system, awarding major points for the Tier location of a property: Tier III - +30 points; Tier II - +20 points; Tier I - 0 points. The point system is different on BPK and NNK because the Habitat Conservation Plan for the islands controls the permitting. Points may be accrued by donating lots to the county for preservation in Tier I and Tier II. Additional points can be gained in Tier II and Tier III by aggregating lots.

A change to the points for the donation of platted lots awards a point for each 5,000 square feet of a Suburban Residential (SR) platted lot and 1/2 point for a 5,000 square foot Native (NA) or Suburban Residential (SR) lot. An Improved Subdivision (IS), Urban Residential Mobile Home (URM) and Commercial Fishing (CFV) platted lot is buildable and receives four points. The single point value for unbuildable platted SR lots and 1/2 point for NA and SS lots reflects the comparative buildability. Awarding points for unbuildable lots to encourage donation is in response to a BOCC direction.

Major changes are proposed for affordable housing to assure they remain affordable for the workforce, long term. Allocations for affordable/employee housing will only be made for projects in Tier II and Tier III. Any projects receiving public financial assistance will be required to keep the projects affordable for 99 years. Affordable ROGO allocations will be provided on a first come, first served basis with the ability for public or private agencies to reserve allocations with BOCC approval contingent upon keeping the projects affordable for 99 years. To encourage mixed income projects, the 20% market rate housing permitted in employee housing projects will qualify for +3 points in ROGO.

Issues

1. **Payment into a Land Acquisition Fund for Points**: A purchase of points option was considered and not recommended by the PC. Up to three points could be purchased for a fee approximately equal to the cost per point of purchasing and dedicating a ROGO lot. The PC is concerned that by changing the system there would be less conservation lots purchased. Staff still considers this a viable option and recommends that the BOCC consider adopting the following addition to Policy 101.5.4:

> 10. **Payment to the Land Acquisition Fund** – Up to three (3) points shall be awarded for a monetary payment by the applicant to the County's land acquisition fund for the purchase of lands for conservation and affordable housing and retirement of development rights. The monetary value of each point shall be set annually by the County based on upon the average ad valorem valuation of all vacant privately owned IS/URM zoned platted lots on the current Monroe County Real Property Tax Roll.

The following change would need to be made to the LDRS to implement the Policy:

(j) *Payment to land acquisition fund:* Up to three (3) points shall be awarded for a monetary payment to the County's Land Acquisition Fund for the purchase by the County of lands for conservation and

affordable housing and retirement of development rights. Points for payment to this fund shall be assigned as follows:[1]

Point Assignment:	*Criteria:*
+ 1 to +3	Proposes payment to the County's Land Acquisition Fund in an amount equal to the monetary value of a ROGO dedication point times the number of points to be purchased up to a maximum of three (3) points.
	Additional Requirements:
	1.The monetary value of each point shall be established annually by resolution of the board of county commissioners. 2. The monetary value of each point shall be based upon the average ad valorem value of privately-owned, vacant, IS/URM platted lots divided by four (4). 3. Payment to the County's Land Acquisition Fund shall be made prior to the issuance of any building permit pursuant to an allocation award.

2. Hybrid ROGO System: An alternative ROGO system, which proposes that the market rate housing share be allocated through both a competitive system and a lottery system, was reviewed and not recommended by the Planning Commission. Staff has included it in the BOCC packet to provide an opportunity for Board review of the issue. The testimony in the PC public hearings was not in support of the proposal. Approximately 20% of the market rate housing would be available through the lottery and the remainder available for those applicants who wish to have the assurance gained from the competitive system. The applicant determines if he wants to compete or enter the lottery. A threshold of 30 points is required to be eligible to enter the lottery. This duel system would provide a means for those who cannot afford to purchase lots to donate for points to have a chance of receiving an allocation. After four years applicants that have not received an allocation can apply for Administrative Relief.

NROGO Amendment

NROGO has also been completely redrafted utilizing the Tier System as the basis of the point awards, including special provisions for Big Pine Key and No Name Key. The proposed NROGO is a positive system, awarding major points for the Tier location of a property. Additional points may be accrued by dedicating lots, reducing intensity and through landscaping and water conservation. Up to four points may be assigned to an NROGO application when employee housing is proposed to be located on the parcel with the non-residential floor area.

[1] This new provision allows payment to a County Land Acquisition Fund in lieu of lot dedication; however, the number of points that can be purchased are limited to only three.

PLANNING COMMISSION RESOLUTION

BOARD OF COUNTY COMMISSIONERS
MARATHON - EOC ROOM

PLANNING COMMISSION RESOLUTION NO

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF THE REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT OF AMENDMENTS TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO CHANGE THE RATE OF GROWTH ORDINANCE (ROGO) AND THE NON-RESIDENTIAL RATE OF GROWTH ORDINACE (NROGO) TO UTILIZE THE TIER OVERLAY AS THE BASIS FOR THE COMPETITIVE POINT SYSTEM. DELETING, REVISING AND ADDING POLICIES, OBJECTIVES AND REQUIREMENTS FOR THE IMPLEMENTATION OF GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY DISTRICT BY DELETING POLICIES 101.4.20, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13. AND REVISING POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.4.6, 102.4.7, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 205.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.14, 205.5.1, 205.5.2, 207.1.2 AND REVISE OBJECTIVE 102.4, 102.9, 201.1, 205.2 and 205.5, OF THE 2010 COMPREHENSIVE PLAN.

WHEREAS, the Monroe County Planning Commissioner, during a public hearings held November 16, 2004, reviewed and considered the proposed amendments to utilize the Tier overlay maps as the basis for the competitive ROGO and NROGO point systems, limiting development of public facilities to Tier II and Tier III, and amendments to exempt affordable and employee housing from the competitive system; and

WHEREAS, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include: Tier Overlay Map designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation; and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability; and

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those, which are important environmentally and should be preserved; and

WHEREAS, the boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners; and

WHEREAS, Tier I includes all contiguous hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible. Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development; the quality is reduced because of the negative secondary impacts of development. These areas still contain a large number of undeveloped lots; and

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated; and

WHEREAS, hammock size is a major determinate of habitat quality according to the FKCCS, therefore size and connectivity are used in determining the boundary of the Tiers to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, the proposed ROGO is a positive system, awarding major points for the Tier location of property: Tier III - +30 points; Tier II - +20 points; Tier I - 0 points. Points may be accrued by donating lots to the County for preservation in Tier I and Tier II. Additional points can be gained in Tier II and Tier III by aggregating lots; and

WHEREAS, a separate point system has been included for Big Pine Key and No Name Key that follows the requirements of the Habitat Conservation Plan permit application and the Livable CommuniKeys Master Plan for the Islands; and

WHEREAS, ROGO has been completely redrafted utilizing the Tier System as the basis. The habitat protection and reduction of sprawl, which are the planning reasons for most of the points were considered during drafting and are the basis of the Tier maps. The sustainability points, water and energy conservation, are more appropriately addressed in the building code; and

WHEREAS, in response to a BOCC direction the points to lot dedication were modified to award a point for each 5,000 square feet of an SR platted lot. An IS, URM and CFV platted lot will receive four points and the single point value for unbuildable platted SR lots reflects the comparative buildability; and

WHEREAS, the proposed NROGO has been redrafted using the Tier system as the basis for awarding points dependent on the location of a property. Additional points may be accrued by dedicating lots, reducing intensity and through landscaping and water conservation; and

WHEREAS, applications for non-residential floor area which include employee housing as part of the development plan will receive up to four additional points in NROGO; and

WHEREAS, the Planning and Environmental Resources Department have made changes to the proposed draft based on comments at the public workshops and hearing and direction of the Planning Commission; and

WHEREAS, the Planning Commission, after hearing public comments and staff input at four public hearings, finds the proposed amendments to the to the 2010 Comprehensive Plan to utilize the Tier overlay maps as the basis for the competitive ROGO and NROGO point systems, limiting development of public facities to Tier II and Tier III, and amendments to exempt affordable and employee housing from the competitive system are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and recently adopted set of comprehensive plan amendments to effectuate the Tier system;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to the Land Development Regulations:

Section 1: Amend Policy 101.2.3 as follows:[1]

Policy 101.2.3
The Permit Allocation System for new residential (ROGO) development shall specify procedures for:

1. annual adjustment of the number of permits for new residential units to be issued during the next year based upon, but not limited to the following:

   ~~a. the number of permits for new residential units issued during the previous year, including permits which did not result in completed units or active progress towards such completion as defined by the Land Development Regulations; and~~

   ~~b. application of the updated transportation model of the Lower Southeast Florida Hurricane Evacuation Study every five years or when warranted by implementation of roadway capacity improvements, new behavioral data, or substantial changes in development patterns (see Conservation and Coastal Management Element Policy 216.1.5);~~

   a. expired allocations and building permits in previous year;

   b. allocations available, but not allocated in previous year;

   c. number of allocations borrowed from future quarters;

   d. vested allocations;

   e. modifications required or provided by this plan or agreement pursuant to Chapter 380, Florida Statutes;

[1] Except where further noted, these revisions reflect the updates made to ROGO since the comprehensive plan was adopted and revises the apparent conflict in the text of point 2 with the content of Policy 101.2.4. Rather than allocating between single and multi-family unit types, allocations are by affordable and market rate housing.

f. receipt or transfer of affordable housing allocations by intergovernmental agreement; and

2. allocation of ~~single- and multi-family unit types~~ affordable and market rate housing units in accordance with Policy 101.2.4; and

3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new residential development during the calendar year.

Section 2. Amend Policy 101.2.4 as follows:[2]

Policy 101.2.4

Monroe County shall allocate at least 20 percent of residential (non-transient) growth to affordable housing units as part of the Permit Allocation System. Any portion of the 20 percent allocation not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation ~~must~~ shall meet the criteria specified in Policy 601.1.7. and shall not be subject to the Residential Permit Allocation and Point System in Policy 101.5.4. The parcel proposed for affordable housing ~~development~~ shall not be located ~~in an acquisition area and shall not qualify for negative points according to the criteria specified under Habitat Protection and Threatened or Endangered Animal Species in Policy 101.5.4; however, properties designated Residential High shall be exempted from this prohibition.~~ within an area designated as Tier I as set forth under Goal 105.

Section 3. Amend Policy 101.3.1 as follows:[3]

Policy 101.3.1

Monroe County shall maintain a balance between residential and non-residential growth by limiting the ~~gross~~ square footage of non-residential development ~~over the 15 year planning horizon in order~~ to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Residential Permit Allocation System. This ratio may be modified from time to time through amendments to the land development regulations based upon market and other relevant studies as required by policy 101.3.5. ~~The ratio for commercial allocation shall be revised upon completion of the economic baseline analysis required by policy 101.3.5 which shall be completed no later than January 4, 1997.~~ The commercial allocation allowed by this policy shall be uniformly distributed ~~over the 15 year planning horizon~~ on an annual basis, consistent with the Residential Permit Allocation System as set forth in Policy 101.2.1. ~~Within one year of the effective date of this plan, Monroe County shall~~

[2] This revision reflects that affordable housing will no longer compete under ROGO, but will still be subject to the limits on number of affordable ROGO allocations that can be awarded. In addition, the revision reflects the elimination of negative environmental point categories in ROGO with the use of the Tier system.

[3] Amendments to this policy are intended to provide the basis for making amendments to the floor space to dwelling unit ratio as needed to accommodate changing needs and policies. The County has already had one study completed concerning market demand for non-residential development and shortly the results of more in-depth report on market demand and needs for non-residential floor area will be completed.

~~amend this policy to specify the annual allowable square footage based upon the number of residential units allowed by year using the ratio set forth in this policy.~~

Section 4. Amend Policy 101.3.3 as follows:[4]

Policy 101.3.3

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

1. the annual adjustment of the square footage allocated for ~~of~~ new non-residential development to be permitted during the next year based upon, but not limited to:

   a) the square footage ~~of~~ allocated for new non-residential development ~~completed~~ that expired during the previous year;

   ~~b) strict regulations regarding completion schedules of permitted activities shall be developed and enforced to preclude repeated renewal of expired permits; and~~

   b) the amount of square footage available for allocations but not allocated in previous year;

   c) modifications required or provided by this plan; and,

   d) receipt or transfer of floor area by intergovernmental agreement.

2. maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System, as may be amended from time to time in accordance with Policy 101.3.1; and,

3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new non-residential development during the calendar year.

Section 5. Amend Policy 101.3.4 as follows:[5]

Policy 101.3.4

Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Except within Tier I designated areas under Goal 105, ~~C~~certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted

[4] This policy has been revised to make the policy direction more concise and clear and to reflect other revisions to NROGO proposed in this amendment package.

[5] This revision reflects recent amendments to LDRs to preclude exemptions for not-for-profits within Conservation and Natural Areas (Tier I).

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

Section 6. Amend Policy 101.3.5 as follows:[6]

Policy 101.3.5

By ~~January 4, 1998~~ July 2005, Monroe County shall complete a ~~an economic base analysis~~ market demand analysis and economic assessment ~~in order~~ to determine the demand for future non-residential development in Monroe County and planning sub-areas. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses ~~shall be~~ may be revised based upon the results of this study, and other relevant policy and economic studies and data and provide the basis for preparing specific amendments to the comprehensive plan to incorporate goals, objectives and policies on economic development including tourism. The ~~economic base~~ analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-area.

Section 7. Amend Policy 101.4.21 by adding (i) under "Notes" in the table entitled "Future Land Use Densities and Intensities" that reads as follows:

(i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

Section 8. Amend Objective 101.5 as follows:[7]

Objective 101.5

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

1. encourage the redevelopment and renewal of blighted areas [9J-5.006(3)(b)2];
2. maintain and enhance the character of the community [9J-5.006(3)(b)3];
3. protect natural resources [9J-5.006(3)(b)4];
4. encourage a compact pattern of development [9J-5.006(3)(b)7]; ~~and~~
5. encourage the development of affordable housing; and,
6. encourage development in areas served by central wastewater treatment systems.[8]

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[6] This amendment reflects the current market and economic strategy study being completed by the Chesapeake Group, which will provide the basis for making changes in future land use designations and in eventual preparation of economic development policies for the County as an integral part of the Comprehensive Plan.

[7] This revision reflects the incorporation of the Tier system as the framework for implementing the point system.

[8] This revision reflects the incorporation of positive points in the permit allocation system for development to be connected to an existing central wastewater treatment system.

Section 9. Amend Policy 101.5.1 as follows:[9]

Policy 101.5.1

~~By January 4, 1997,~~ Monroe County shall adopt through its land development regulations a new Point System for residential (ROGO) and non-residential (NROGO) development to replace the existing Point System by no later than July 1, 2005. Except for affordable housing, this Point System, as set forth in Policy 101.5.4 for residential development and Policy 101.5.5 for non-residential development, ~~which~~ shall be used as a basis for selecting the development applications which are to be issued permits through the Permit Allocation System (see Policy 101.2.1). The Point System shall specify positive point factors which shall be considered as assets and shall specify negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development.

Section 10. Amend Policy 101.5.2 as follows:[10]

Policy 101.5.2

In order to encourage a compact form of residential growth, ~~the Point System shall assign positive point ratings to applications for new residential development which would~~ that results in infill development in platted, improved subdivisions , the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. [9J-5.006(3)(c)1 and 6]

Section 11. Amend Policy 101.5.3 as follows:[11]

Policy 101.5.3

In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit and direct ~~the amount of~~ new non-residential development primarily to areas designated as Tier III under Goal 105 and provide incentives for redevelopment of existing developed and vacant infill sites. (See Policy 101.3.1.) [9J-5.006(3)(c)1]

Section 12. Delete existing Policy 101.5.5 and create a new Policy 101.5.4 that reads as follows:

Policy 101.5.4

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

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[9] This revision updates the Policy and reflects the shift away from using negative points in ROGO. It establishes a one-year time frame for its completion.

[10] This revision reflects the use of the Tier system for directing growth to specific areas. The Tier system takes into account consideration of habitat, threatened and endangered species and availability of infrastructure and services through its classification of properties into Tiers. The current system awards many properties within platted subdivisions that are within environmentally sensitive habitat or have impacts on endangered and threatened species.

[11] The existing policy fails to adequately provide broad guidance to promote compact development and needs to be amended to incorporate the Tier System.

1. **Tier Designation -** Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed dwelling units in a manner that encourages development of infill, predominately developed areas with existing infrastructure and few sensitive environmental features and discourages development in areas with environmentally sensitive upland habitat, which must be acquired or development rights retired for resource conservation and protection.[12]

Points	*Criteria:*
0	Proposes a dwelling unit within areas designated Tier I [Natural Area].
+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area] on Big Pine or No Name Key.
+20	Proposes development within areas designated Tier II[Transition and Sprawl Reduction Area] outside of Big Pine or No Name Key.
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine or No Name Key.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine or No Name Key.

[12] The Tier system is intended to provide the underlying base for directing growth under the revised ROGO system. Rather than using negative points, the system uses a positive point approach which is legally more defensible than one relying on negative scoring.

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

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

3. **Lot Aggregation** – The following points shall be assigned to allocation applications to encourage the voluntary reduction of density through aggregation of legally platted buildable lots within Tier II and Tier III areas.[13]

Point Assignment:	*Criteria:*
+4	Proposes to aggregate a contiguous vacant, legally platted lot within a Tier II or Tier III area with sufficient lot size and upland area to be buildable together with the parcel proposed for development.
+4	Each additional contiguous vacant, legally platted lot which is aggregated in

[13] The revised lot aggregation system is similar to existing system except scoring has been changed to reflect overall changes in scoring. Tier I areas are not eligible for aggregation and Policy 205.2.7 limits aggregation points if clearing of upland native vegetation occurs in Tier II areas.

	Tier II or III area that meets the aforementioned requirements will earn additional points as specified.

4. **Land Dedication** – The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally, platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate. [14]

Point Assignment:	*Criteria:*
+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each

[14] The land dedication scoring has been completely revised to reflect change in scoring and to allow more flexibility in the sizes of property that may be dedicated. A major change has been to allow currently NA, SR and SR-L lots, which are currently unbuildable due to lot size, to be eligible for ROGO dedication. In addition, this policy spells out that lots dedicated in Tier II or Tier III may be used by the County for providing land for affordable housing, where appropriate.

	additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.

5. **Market Rate Housing in Employee or Affordable Housing Project-** The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing project:[15]

Point Assignment:	*Criteria:*
+3	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and

[15] This policy is intended to provide more incentives to build affordable housing by encouraging the mixture of affordable housing with market rate housing.

	employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development Regulations.

6. **Special Flood Hazard Areas** – The following points shall be assigned to allocation applications for proposed dwelling unit(s) to provide a disincentive for locating within certain coastal high flood hazard areas:[16]

Point Assignment:	*Criteria:*
-4	Proposes development proposed within "V" zones on the FEMA flood insurance rate maps.

7. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:[17]

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

[16] This revision eliminates the negative points for "A" zone, in which the predominate number of properties are located and the positive points for "X" zones that only affect a very insignificant number of properties.

[17] This scoring incentive is intended to: encourage infill development in areas served by central sewer systems being upgraded or constructed to meet 2010 Wastewater Treatment Standards; maximize public investment; reduce the average EDU operating/maintenance costs of these systems; and recoup capital costs.

8. **Perseverance Points** – One (1) point shall be awarded for each year that the allocation application remains in the allocation system up to a maximum accumulation of four (4) points.[18]

Section 13. Delete Policy 101.5.5 in its entirety and replace with new Policy 101.5.5 that reads as follows:

Policy 101.5.5
Monroe County shall implement the non-residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification pursuant to Goal 105. The points are intended to be applied cumulatively.

1. **Tier Designation** – Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed non-residential in a manner that encourages development of infill, predominately developed areas with existing infrastructure, commercial concentrations, and few sensitive environmental features, and discourages development in areas with environmentally sensitive upland habitat, which must acquired or development rights retired for resource conservation and protection:[19]

Point assignment:	*Criteria*:
0	Proposes non-residential development within an area designated Tier I [Natural Area]
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area].
+20	Proposes non-residential development within an area designated Tier III [Infill Area].

[18] This revision eliminating the provision of perseverance points beyond four years reflects the Planning Commission's concern that allowing such points beyond four years will only encourage development of lots in areas where development should be discouraged.

[19] The Tier System is intended to provide the underlying basis for directing growth under the revised NROGO system. Rather than using negative points, the system relies on a positive approach, which is legally more defensible then one relying on negative scoring.

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

Point assignment:	*Criteria*:
+ 4	An application proposes development that reduces the permitted floor area ratio (FAR) to twenty three percent (23%) or less.

3. **Land Dedication** - The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate. [20]

Point assignment:	*Criteria*:
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned requirements will earn the additional points as specified.
+1 per 5,000 square feet of lot area	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted, lot that

[20] The land dedication scoring has been completely revised to reflect change in scoring and to allow more flexibility in the sizes of property that may be dedicated. A major change has been to allow currently NA, SR and SR-L lots, which are currently unbuildable due to lot size, to be eligible for ROGO dedication. In addition, this regulation spells out that lots dedicated in Tier II or Tier III may be used by the County for providing land for affordable housing, where appropriate. It should be noted that under NROGO platted lots will receive the same scoring as permitted under ROGO, which is currently not the case.

	meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.

4. **Special Flood Hazard Area** - The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:[21]

Point assignment:	*Criteria*:
- 4	Proposes development within a "V" zone on the FEMA Flood Insurance Rate Map.

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

6. **Highway Access** - The following points shall be assigned to allocation applications to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:[22]

Point assignment:	*Criteria*:
+3	The development eliminates an existing driveway or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to U.S. Highway 1.

7. **Landscaping and Water Conservation** - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation:

Point assignment:	*Criteria*:
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by

[21] Negative points for special flood hazards have been revised similar to those for ROGO.
[22] The scoring criteria for access has been thoroughly revised to better effectuate the intent of this scoring policy.

	this chapter within landscaped bufferyards and parking areas.
+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.

8. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:[23]

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

9. **Employee Housing** – The following points, up to a maximum of four (4), shall be assigned to allocation applications for employee housing units:[24]

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

[23] This scoring incentive is intended to: encourage infill development in areas served by central sewer systems being upgraded or constructed to meet 2010 Wastewater Treatment Standards; maximize public investment; reduce the average EDU operating/maintenance costs of these systems; and recoup capital costs.

[24] This provision is intended to encourage mixed commercial-residential development and to provide additional incentives to encourage the provision of affordable employee housing.

+2	One (1) additional employee housing unit located on the parcel with a non-residential use

Section 14. Amend Policy 101.5.6 to read as follows.[25]

Policy 101.5.6

The Residential and Non-residential Point Systems shall be monitored on an annual basis and revised as necessary ~~to add, delete or adjust positive and negative factors~~ based on new studies and data in a manner that is consistent with and furthers the goals, policies, and objectives of this plan. ~~.which may be identified by studies prepared as part of the implementation of the Goals, Objectives and Policies of the Comprehensive Plan. Such adjustments to the Point Systems shall result in amendments to the Comprehensive Plan and/or land development regulations as appropriate. These studies include, but are not limited to:~~

~~1. the Sanitary Wastewater Master Plan (see Sanitary Wastewater Objective 901.4 and related policies);~~

~~2. the Stormwater Management Master Plan (see Drainage Objective 1001.3 and related policies);~~

~~3. the Florida Keys National Marine Sanctuary Management Plan;~~

~~4. special studies undertaken as part of the Florida Keys National Marine Sanctuary Water Quality Protection Program (see Conservation and Coastal Management Objective 202.1 and related policies);~~

~~5. the Live-Aboard Study (see Conservation and Coastal Management Objective 202.4 and related policies);~~

~~6. the Florida Keys Advance Identification of Wetlands (ADID) Program (see Conservation and Coastal Management Objective 204.1 and related policies);~~

Section 15. Delete Policy 101.5.7 and 101.5.8.[26]

~~Policy 101.5.7~~

~~As part of the first annual review of the Residential and Non-residential Point Systems, additional criteria may be included such as:~~

[25] This existing policy is no longer relevant and has been replaced with new Tier based system and Livable CommuniKeys community master planning process. The policy has been replaced with a broader policy that calls for updates and revisions to the permit allocation system as needed.

[26] These two policies are no longer relevant with the revisions to the ROGO system based on the Tier system and increased emphasis on lot dedication and density reduction.

~~1. North Key Largo – Negative points may be assigned for development proposed within that portion of Key Largo located between the junction of State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek.~~

~~2. Traffic Capacity – As part of the first annual review of the Residential and Non-residential Point System, positive points may be assigned for development served by US 1 segments which have surplus capacity. Negative points shall be assigned for development served by US 1 segments which have marginal capacity.~~

~~3. Offshore Islands – Negative points may be assigned to developments on offshore islands.~~

~~4. Conservation Lands – Negative points may be assigned to developments which may impact designated or proposed conservation lands.~~

~~5. Disturbed Saltmarsh and Buttonwood Wetlands – Negative points may be assigned to developments which require the placement of fill or structures in disturbed saltmarsh and buttonwood wetlands.~~

~~6. Historic Resources – Negative points may be assigned to developments which remove or destroy historic or archaeological resources. Positive points may be assigned to developments which restore or enhance historic or archaeological resources.~~

~~7. Potential Development Credits (PDCs) – An applicant may have the option of receiving positive points, called Potential Development Credits (PDCs), for transferring development rights away from a sender site for development proposed on an eligible receiver site, as specified in Objective 101.13 and related policies.~~

~~Policy 101.5.8~~

~~The Residential Permit Allocation Ordinance shall be amended to award a graduated scale of positive points to dwelling units which are proposed for lots within legally platted, recorded subdivisions, which are served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. Maximum points shall be awarded for those projects proposed within platted subdivisions which are 67% to 100% built out; fewer points will be awarded for projects proposed for subdivisions 33% – 67% built out; and minimum points shall be awarded for projects proposed for subdivisions 0–33% built out. The percentage of build out shall be based upon updated, accurate data from the County's Geographic Information System (GIS). The Ordinance shall be amended when the pertinent information is readily available on the County's GIS.~~

Section 16. Amend and renumber Policy 101.5.9 as follows:[27]

Policy ~~101.5.9~~101.5.7

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

Section 17. Amend and renumber Policy 101.5.10 as follows:[28]

Policy ~~101.5.10~~101.5.8

Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the ~~new~~ receiver site ~~would not be eligible for any negative environmental points under ROGO with the exception of those properties designated Residential High.~~ shall be located within a Tier III area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands. ~~When a multiple-family housing development utilizes a TRE, any other units in that same project that are permitted through the ROGO process may be eligible for minor positive points on a one for one basis.~~

Section 18. Amend Policy 101.6.1 as follows:[29]

Policy 101.6.1

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

1. they have been denied an allocation award for four successive years in the ~~Permit Allocation System;~~ Residential (ROGO) or Non-residential (NROGO) Permit Allocation System;

2. their proposed development otherwise meets all applicable county, state, and federal regulations;

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[27] This revision reflects need to limit the authority for borrowing from future allocations for any type of development needing multiple units.

[28] This policy needs to be revised to reflect the Tier system. In addition, the specific provisions limiting TREs on Big Pine and No Name Key is included to incorporate the community master plan policies

[29] Specific language regarding administrative relief needs to be incorporated in policy and the policy needs to be brought up to date. The number of years to be eligible for administrative relief is being extended to reduce potential number of permits that could be left in the pipeline. This extension is within the 4 to 7 year envelope that most case law considers as a reasonable period of delay in permitting before a taking has occurred.

3. their allocation application has not been withdrawn;

4. they have complied with all the requirements of the ~~Permit Allocation System~~ Residential or Non-residential Permit Allocation System; and

5. they follow the procedures for administrative relief contained ~~in the Dwelling Unit Allocation Ordinance.~~ in the land development regulations.

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

Section 19. Delete Policy 101. 6.5 and Policy 101.6.6 and replace with new Policy 101.6.5:[30]

~~**Policy 101.6.5**~~

~~Monroe County shall annually compile a list prioritizing the lands requested for County acquisition due to the Permit Allocation System. The lands of the property owners who meet the criteria in Policy 101.6.1 shall be ranked according to:~~

~~1. the environmental sensitivity of the vegetative habitat, marine resources, and impacts to the quality of near shore waters as specified by the ranking in the Environmental Design Criteria section of the Land Development Regulations;~~

~~2. whether the property is in known, probable, and/or potential habitat for one or more threatened and/or endangered species, as indicated on the most recent Protected Animal Maps; and~~

~~3. whether development on the property will adversely impact successful protection and recovery of threatened or endangered species, such as development on Big Pine Key, No Name Key, Ohio Key, and North Key Largo.~~

~~Those lands considered most sensitive according to the combination of (a), (b) and (c) above shall be ranked as the highest priority for acquisition.~~

[30] These two policy conflicts with the provisions and intent of the Administrative Relief process, which is intended to provide certainty to property owners who are provided administrative relief by the County. The replacement policy sets forth the criteria for the type of properties that the County should offer to purchase under Administrative Relief. It should be noted that Policy 102.4.4 directs County to petition the State and Federal governments to take responsibility for land acquisitions in Tier I areas.

~~**Policy 101.6.6**~~
~~When considering the acquisition of lands denied building permit allocations through the Permit Allocation System, Monroe County shall base the acquisition decision upon the environmentally sensitivity ranking specified in Policy 101.6.5~~

Policy 101.6.5
Monroe County shall pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through the Permit Allocation System, as the preferred option for administrative relief pursuant to Policy 101.6.1, if the subject permit is for development located within:

1. a designated Tier I area;

2. a designated Tier II area requiring the clearing of 5,000 square feet or more of upland tropical hardwood hammock or pinelands habitat; or,

3. a designated Tier II or Tier III area on a non-waterfront lot suitable for affordable housing.

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

Section 20. Amend Policy 101.12.4 to read as follows: [31]

Policy 101.12.4

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

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

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

[31] This new policy reflects amendments in draft Rule 28-20.110; the proposed language has been revised to update it with this series of amendments to the Comprehensive Plan.

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

1. No reasonable alternatives exist to the proposed location; and,

2. The proposed location is approved by a supermajority of the Board of County Commissioners.

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

Section 21. Delete Policy 101.13.3.[32]

Policy 101.13.3

~~As part of the first annual review of the Point System, an applicant in the Residential Permit Allocation System shall be awarded either one unit for each one development right transferred from an eligible sender site to an eligible receiver site (through the use of Transferable Development Rights or TDRs), or positive points in the Point System (through the uses of Potential Development Credits or PDCs).~~

~~If the applicant opts to receive PDCs, the applicant would receive positive points for transferring development rights away from a sender site to an eligible receiver site. By using this option, the applicant would forfeit the right to develop any additional units that would be granted for TDRs.~~

Section 22. Renumber and amend Policy 101.13.4 as follows:

Policy ~~101.13.4~~ 101.13.3[33]

~~Transferable Development Rights may be used within the Residential Permit Allocation System to increase density, subject to the limitations contained in the land development regulations~~. The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this plan. ~~Density~~ The ~~transfers~~ assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

Section 23. Delete Policy 101.13.5.[34]

~~**Policy 101.13.5**~~

believes the use of TDRs and PDCs in the permit allocation process has little merit and would be too cumbersome to implement.
ion reflects the elimination of the authority to use TDRs in allocation system.
ion reflects an update of the policy and the staff's proposal to eliminate the PDCs concept from further consideration.

~~As part of the first annual review of the Point System, positive points, or "Potential Development Credits" (PDCs) shall be awarded for applications proposing non-residential development which will transfer development rights away from eligible sender sites to eligible receiver sites. PDCs shall be awarded to commercial projects for TDRs transferred from either residential or commercial zones.~~

Section 24. Amend and renumber Policy 101.13.6 as follows:

Policy ~~101.13.6~~101.13.4
In conjunction with the ~~first annual review of the Point System~~ evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs) ~~and Potential Development Credits (PDCs)~~:

Any parcel within these zoning categories:

Offshore Island (OS)	Sparsely Settled (SS)
Mainland Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

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

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

Section 25. Delete Policy 101.13.7 and Policy 101.13.8.[35]

~~**Policy 101.13.7**~~
~~In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish positive point awards in the Residential Permit Allocation System for each PDC:~~

~~Sender Site~~	~~Receiver Site~~	~~PDC Points~~
~~Freshwater wetland~~		~~scarified, in UR – most points~~
	~~MU~~	
	~~IS~~	

[35] The deletion of these policies reflects the proposal to eliminate the concept of PDCs.

~~SR SR (disturbed land not to include wetlands) least points~~

~~**Policy 101.13.8**~~

~~In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish point awards in the Non-residential Permit Allocation System for each PDC:~~

~~Sender Site~~	~~Receiver Site~~	~~PDC Points~~
~~Freshwater wetland~~	~~UC~~	~~most points~~
	~~SC~~	
	~~MU~~	
~~SR~~	~~SC or MU~~	~~least points~~

Section 26. Amend and renumber Policy 101.13.9 as follows:[36]

Policy ~~101.13.9~~ 101.13.5

~~No later than one year from the effective date of this plan,~~ In conjunction with the evaluation of the TDR program pursuant to Policy 101.13.2 and no later than one year from the date when the County's Geographic Information System is fully functional, Monroe County shall map potential TDR sender and receiver sites as specified in ~~Policies 101.13.6 through 101.13.9~~ Policy 101.13.4, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff and public for use in the development review process.

Section 27. Amend Policy 102.3.1 as follows:[37]

Policy 102.3.1

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

1. to reduce the exposure of residents to natural hazards;

2. to reduce disturbances to natural vegetation resource areas;

3. to reduce disturbances to terrestrial wildlife resources areas;

4. to reduce impacts of new development on ~~groundwater and~~ nearshore waters;

5. to acquire vacant privately-owned environmentally sensitive lands for conservation and resource protection;

[36] This revision reflects proposed revisions to preceding policies.
[37] The revisions reflect changes in the proposed ROGO system.

6. to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features;

7. to ensure that the ecological integrity of natural areas is protected when land is developed; and

8. to reduce adverse impacts on endangered and threatened species.

Accordingly, the Point System, which shall be used as the basis for the annual allocation of permits, shall assign negative and/or positive points to development applications ~~based upon:~~ that helps to achieve the above environmental protection goals.

~~1. the occurrence of natural resources or natural hazards; and/or~~
~~2. proposed utilization of best management practices for wastewater treatment and disposal which will avoid or mitigate the adverse impacts of development on natural resources, particularly water quality.~~

(See Future Land Use Objective 101.5 and related policies for a list of positive and negative factors to be included in the Permit Allocation System.) [9J-5.006(3)(c)1 and 6]

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 16th day of November 2004.

Chair Lynn Mapes	YES
Vice Chair Denise Werling	YES
Commissioner David C. Ritz	YES
Commissioner Julio Margalli	YES
Commissioner James Cameron	YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn Mapes, Chair

Signed this _____ day of _____ , 2004.

DEVELOPMENT REVIEW COMMITTEE
RESOLUTION

DRC RESOLUTION NO. D24-04

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE PLANNING COMMISSION OF THE REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT TO APPROVE THE AMENDMENTS TO THE MONROE COUNTY COMPREHENSIVE PLAN BY DELETING, REVISING AND ADDING POLICIES, OBJECTIVES AND REQUIREMENTS FOR THE IMPLEMENTATION OF GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY DISTRICT BY DELETING **POLICIES 101.4.20, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13.** AND REVISING **POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.4.6, 102.4.7, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 205.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.14, 205.5.1, 205.5.2, 207.1.2 Revise Objective 102.4, 102.9, 201.1, 205.2 and 205.5,** OF THE **2010 COMPREHENSIVE PLAN.**

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on September 9, 2004, conducted a review and consideration of the request filed by the Monroe County Planning Department to delete, revise, and add policies and objectives that make up the requirements to implement Goal 105 of the 2010 Comprehensive Plan and the Tier Overlay District;

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability;

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those, which are important environmentally and should be preserved.

WHEREAS, The boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners.

WHEREAS, Tier I includes all contiguous hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible. Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation.

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development; the quality is reduced because of the negative secondary impacts of development. These areas still contain a large number of undeveloped lots.

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated.

WHEREAS, hammock size is a major determinate of habitat quality according to the FKCCS, therefore size and connectivity are used in determining the boundary of the Tiers to identify the best and most important terrestrial habitat areas for preservation.

WHEREAS, the proposed ROGO is a positive system, awarding major points for the Tier location of property: Tier III - +25 points; Tier II - +20 points; Tier I - 0 points. The point system is different on BPK and NNK because the Habitat Conservation Plan for the islands controls the permitting. Points may be accrued by donating lots to the County for preservation in Tier I and Tier II. Additional points can be gained in Tier II and Tier III by aggregating lots.

WHEREAS, ROGO has been completely redrafted utilizing the Tier System as the basis. Where the current ROGO has eighteen criteria for assigning points, the proposed ROGO contains six criteria. The habitat protection and reduction of sprawl, which are the planning reasons for most of the points were considered during drafting and are the basis of the Tier maps. The sustainability points, water and energy conservation, are more appropriately addressed in the building code;

WHEREAS, in response to a BOCC direction the points to lot dedication were modified to award a point for each 5,000 square feet of an SR platted lot. An IS, URM and CFV platted lot will receive four points and the single point value for unbuildable platted SR lots reflects the comparative buildability.

WHEREAS, the current NROGO has thirteen criteria for assigning points, the proposed NROGO contains six criteria, awarding major points for the Tier location of a property. Additional points may be accrued by dedicating lots, reducing intensity and through landscaping and water conservation.

BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Planning Commission, of the amendments to the 2010 Comprehensive Plan to implement Goal 105 and the Tier Overlay System.

PASSED AND ADOPTED by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 9th of September, 2004.

Aref Joulani, DRC Chair	YES
Jason King, Planner	YES
David Dacquisto	YES
Andrew Trivette, Biologist	YES
Ralph Gouldy, Senior Environmental Resources Planner	YES
Department of Public Works	YES
Department of Engineering	YES
Department of Health	YES

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY

BY _____

Aref Joulani, DRC Chair

Signed this 9th day of September, 2004.