BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 14, 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 for an ordinance 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. This is a continuation of the Hearing held on May 17, 2005. This ordinance has been revised to reflect direction given to staff by the Board at the May hearing. Please refer to the staff report for summary of substantive changes.

The staff is requesting the Board to approve the Transmittal Resolution for submittal of the proposed ordinance to DCA for review and comment.

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 AMENDING THE YEAR 2010 COMPREHENSIVE PLAN TO DELETE REQUIREMENTS FOR AN HEI, REVISE THE OPEN SPACE, LAND ACQUISITION, MANAGEMENT AND GIS MAPPING REQUIREMENT TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER SYSTEM.

WHEREAS, the Monroe County Board of County Commissioners, during seven public hearings held in December, 2004 and January, February, March, April, May and June 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; 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;

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; 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.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting or 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: 5-26-05

_____
DEPUTY CLERK

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 ORDINANCE (NROGO) TO UTILIZE THE TIER OVERLAY AS THE BASIS FOR THE COMPETITIVE POINT SYSTEM; TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN BY DELETING POLICIES 101.5.7, 101.5.8, 101.6.5, 101.6.6, 101.13.3, 1101.13.5, 101.13.7, AND 101.13.8; REVISING OBJECTIVE 101.5 AND POLICIES 101.2.3, 101.2.4, 101.3.1, 101.3.3, 101.3.4, 101.3.5, 101.5.1, 101.5.2, 101.5.3, 101.5.4, 101.5.5, 101.5.6, 101.5.9, 101.5.10, 101.6.1, 101.12.4, 101.13.4, 101.13.6, 101.13.9, AND 102.3.1.; CREATING NEW POLICIES 101.5.9 AND 101.6.5; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; 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 Florida Administration Commission in 1996 enacted Rule 28-20.100, which created the "Work Program" in the 2010 Comprehensive Plan and mandated, among other things, the preparation of a Carrying Capacity Study for the Florida Keys; and

WHEREAS, the "Work Program" mandates that the County implement the Carrying Capacity Study by the adoption of all necessary plan amendments to establish development standards to ensure that new development does not exceed the carrying capacity of the County's natural environment; and

WHEREAS, the "Work Program" mandates that the County initiate and complete a collaborative process for the adoption of Land Development Regulations (LDR) and Comprehensive Plan amendments to strengthen the protection of terrestrial habitat; and

WHEREAS, the Florida Keys Carrying Capacity Study (FKCCS), completed in September 2002, sets out guidelines that, *inter alia,* would direct future development away from "native habitat," and into "areas ripe for redevelopment or already disturbed"; and

WHEREAS, Florida Statute 163.3177(6)(a) requires the adoption and implementation of a future land use element which designates future general distribution, location, and extent of lands used for conservation purposes; and

WHEREAS, Goal 105 of the 2010 Comprehensive Plan, "Smart Growth," was adopted by the Board of County Commissioners in 2001 to comply with the statutory mandate, to

implement Rule 28-20.100, F.A.C., and to provide a framework within the 2010 Comprehensive Plan to implement the FKCCS and other state directives; and

WHEREAS, Objective 105.2 of the 2010 Comprehensive Plan, pursuant to the Rule 28-20.100, F.A.C. mandate, directs the County to map and designate land within the Florida Keys in order to protect environmentally sensitive lands; and

WHEREAS, pursuant to Rule 9J-11.006, F.A.C., this Ordinance is being transmitted to the State Department of Community Affairs for comment and review; and

WHEREAS, based on any comments made or legal objections raised by the State Department of Community Affairs, the County will prepare land development regulations implementing the Comprehensive Plan amendments being transmitted by this Ordinance; and

WHEREAS, the Monroe County Board of County Commissioners, during seven public hearings held in December, 2004 and January, February, March, April, May, and June 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, tropical hardwood 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 Tier I areas to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier I includes all contiguous tropical hardwood hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible; and,

WHEREAS, Tier II areas are only designated for Big Pine Key and No Name Key and, along with the Tier I and III designations on these two islands, this designation is based on relative wildlife habitat quality as defined in the Habitat Conservation Plan and previously incorporated into the Monroe County Comprehensive Plan under Policy 101.20.2; and

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated and the absence of significant upland native habitat patches; and

WHEREAS, the proposed ROGO is a positive system, awarding major points for the Tier location of property; and

WHEREAS, additional points may be gained in Tier II (Big Pine Key and No Name Key only) 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 with habitat protection as the most important reason for assignment of points and the basis of the Tier maps; and

WHEREAS, 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; and

WHEREAS, 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 reviewed the proposed amendments to the 2010 Comprehensive Plan to amend ROGO and NOGO based on the recommendations of the Planning Commission and Planning and Environmental Resources Department; and

WHEREAS, the Board of County Commissioners has changed the ROGO scoring of Tier I designated areas outside of Big Pine Key and No Name Key, to "+10" points to address legal concerns regarding property rights and has limited the annual allocations available to Tier I applicants to no more than (3) in the Upper Keys and three (3) in the Lower Keys; and

WHEREAS, the Board of County Commissioners finds the proposed amendments 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 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. 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 Permit Allocation System pursuant to Policy 101.5.4 and Policy 101.5.5 ~~(see Policy 101.2.1).~~ For market rate housing units or non-residential development to be awarded allocations under the 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.

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. To discourage and limit further growth in Tier I designated areas, the annual maximum number of residential permit allocations that may be awarded in Tier I shall be no more three (3) in each of the two Residential Permit Allocation planning areas established by the Land Development Regulations. [9J-5.006(3)(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. Amend Policy 101.5.4 to read as follows:

Policy 101.5.4

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:*
+10	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 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 (Big Pine Key and No Name Key) 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 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:*
+6	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development 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. **Payment to the Land Acquisition Fund** – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County's land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

9. **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.

Section 13. Amend Policy 101.5.5 to read 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 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], except for the expansion of lawfully established non-residential development provided under "exception" below.
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key and No Name Key].
+20	Proposes non-residential development within an area designated Tier III [Infill Area].
	Exception:
	Any lawfully established non-residential development shall be assigned +20 points contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the existing use is located.

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.

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

Section 14. Amend Policy 101.5.6 as follows:

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.

~~**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 16. Renumber and amend Policy 101.5.9 as follows:

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. Renumber and amend Policy 101.5.10 as follows:

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. Create a new Policy 101.5.9 that reads as follows:

Policy 101.5.9

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

Section 19. Amend Policy 101.6.1 as follows:

Policy 101.6.1

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

1. they have been denied an allocation award for four successive years in the ~~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.

Section 20. Delete Policy 101. 6.5 and Policy 101.6.6 and create 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, the state, or other acquisition agency shall pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through the Permit Allocation System, as the preferred option for administrative relief pursuant to Policy 101.6.1, if the subject permit is for development located within:

1. a designated Tier I area;
2. an upland tropical hardwood hammock of more than one-acre in size or pinelands habitat outside of Tier I; or,
3. a designated Tier III area on a non-waterfront lot suitable for affordable housing.

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

Section 21. 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 22. 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 23. 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 24. 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 25. 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)
Main land Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

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

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

Section 26. 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 27. 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 28. 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 protect environmentally sensitive lands appropriate 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 help 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 29. 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 30. 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 31. 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.

[The remainder of this page intentionally left blank]

Section 32. 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

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 5-31-05

BY:_____
Deputy Clerk