



**MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. 021 - 2012**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 138-28, EVALUATION CRITERIA (ROGO), AND 138-55, EVALUATION CRITERIA (NROGO); TO ADJUST THE ROGO AND NROGO POINT VALUES FOR LAND DEDICATION AND PARCELS WITH WETLANDS TO BE CONSISTENT WITH THE MONROE COUNTY 2010 COMPREHENSIVE PLAN, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, during a regularly scheduled public meeting held on May 30, 2012, the Monroe County Planning Commission conducted a review and consideration of a request filed by the Planning & Environmental Resources Department for text amendments to §138-28 and 138-55 of the Monroe County Code (MCC) and recommended approval to the Board of County Commissioners; and

WHEREAS, this text amendment revises the existing ROGO and NROGO permit allocation scoring systems by assigning points to applications for new development that include the dedication of parcels that contain undisturbed wetlands and/or the dedication of vacant, legally platted Tier III-A lots; and

WHEREAS, this text amendment also revises the existing ROGO and NROGO permit allocation scoring systems by assigning negative points to applications for new development on Tier III parcels that contain wetlands which require 100% open space and that or are adjacent or contiguous to Tier I properties; and

WHEREAS, at their February 13, 2012 meeting, the Board of County Commissioners passed Resolution #022-2012 to transmit a Comprehensive Plan text amendment to the State Land Planning Agency addressing the existing ROGO and NROGO permit allocation scoring systems by assigning points to applications for new development that include the dedication of parcels that contain undisturbed wetlands and/or the dedication of vacant, legally platted Tier III-A lots; and

WHEREAS, at their February 13, 2012 meeting, the Board of County Commissioners passed Resolution #024-2012 to transmit a Comprehensive Plan text amendment to the State Land Planning Agency addressing the existing ROGO and NROGO permit allocation scoring systems by assigning negative points to applications for new development on Tier III parcels that contain wetlands which require 100% open space and that are adjacent or contiguous to Tier I properties; and

WHEREAS, on May 4, 2012, the State Land Planning Agency issued an Objections, Recommendations and Comment (ORC) Report to Monroe County on the proposed Comprehensive Plan amendments which did not identify any objections, or comments related to important state resources and facilities that will be adversely impacted by the amendments, if they are adopted.

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

Section 1. Section 138-23 shall be amended as follows:

Sec. 138-28. - Evaluation criteria.

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

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

<i>Point Assignment</i>	<i>Criteria</i>
+0	An application which proposes a dwelling unit within an area designated tier I on Big Pine Key or No Name Key.
+10	An application which proposes a dwelling unit within an area designated tier I (natural area).

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

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

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

- (3) *Wetlands.* The following points shall be assigned to allocation applications on Tier III parcels that contain wetlands which require 100% open space pursuant to the Monroe County Comprehensive Plan and that are located adjacent or contiguous to Tier I properties.

<i>Point Assignment</i>	<i>Criteria</i>
- 3	Tier III parcels adjacent or contiguous to Tier I properties and containing 50% or less of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
-5	Tier III parcels adjacent or contiguous to Tier I properties and containing

	<p>more than 50% of the following:</p> <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
<p>Notes:</p> <p>Adjacent means land sharing a boundary with another parcel of land. An intervening road, right-of-way, or easement shall not destroy the adjacency of the two parcels, except for U.S. 1.</p> <p>Contiguous means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.</p> <p><i>Subsection (3) applies to new applications for Tier III parcels entering the permit allocation system after January 13, 2013.</i></p>	

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

<i>Point Assignment*</i>	<i>Criteria*</i>
+4	An application which aggregates a contiguous vacant, legally platted, vacant, buildable lot, zoned IS, IS-D, URM, URM-L, or CFV, located within a tier III designated area together with the parcel proposed for development. Each additional vacant, legally platted, buildable lot which is aggregated that meets the above requirements will earn the application the additional points as specified.*
+3	On Big Pine Key and No Name Key. An application which aggregates a contiguous vacant, legally platted, vacant, buildable lot, zoned IS, IS-D, URM, URM-L, or CFV, located within a tier II or tier III designated area together with the parcel proposed for development. Each additional vacant, legally platted, buildable lot which is aggregated that meets the above requirements will earn the application the additional points as specified.
<i>Additional requirements</i>	
	1. The proposed development shall not involve the clearing of upland native vegetation of more than the allowances specified in section 118-9.
	2. The application shall include, but not be limited to, the following:
	(a) An affidavit of ownership of all affected parcels, acreage or land; and

	(b) A legally binding, restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of the county and enforceable by the county, subject to the approval of the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.
*Exception:	
No points for aggregation shall be awarded for any application that proposes the clearing of any native upland habitat in a tier III-A (Special Protection Area) area. No aggregation of lots will be permitted in tier I.	

- (5) *Land dedication* The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I designated areas, Tier II (Big Pine Key and No Name Key), Tier III-A Special Protection Areas (SPA), and parcels which contain undisturbed wetlands for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas (SPA), for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment</i>	<i>Criteria</i>
+4	An application which includes the dedication to Monroe County of one vacant, legally platted lot, designated as Tier III for affordable housing, 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.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to the county of one vacant, legally platted buildable lot, designated as Tier I or Tier II on Big Pine Key or No Name Key, of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the above requirements will earn the additional points as specified.
+1 for each 5,000 square feet of lot area	An application which includes the dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low on the future land use map 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	An application which includes the 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 on the future land use map, 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	An application which includes the 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.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to the county of at least one acre of vacant, unplatted, buildable land located within a designated tier I area. Each additional one acre of vacant, unplatted, buildable land that meets the above requirements will earn the points as specified.
+2	An application which includes the dedication one (1) vacant, legally platted lot which contains undisturbed wetlands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I, of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	An application which includes the dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III-A (Special Protection Area-SPA) of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
<i>Additional requirements:</i>	
	1. The application shall include, but not be limited to, the following:
	(a) An affidavit of ownership of all affected lots, parcels, acreage or land; and
	(b) A statutory warranty deed that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.
	2. Lots or parcels dedicated for positive points under this paragraph shall not be eligible for meeting the mitigation requirements of the Big Pine Key and No Name Key Overlay Zone.
	3. Lots or parcels donated for points in Big Pine Key or No Name Key must be located within tier I or tier II lands in Big Pine Key or No Name Key.

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

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

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

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

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

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

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

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

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

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

- (11) *Rescoring of applications not receiving allocations.* All applications in the ROGO system on the effective date of the ordinance from which this article is derived that do not receive an allocation award in quarter 4, ROGO year 14, ending July 13, 2006, shall be rescored in quarter 1, ROGO year 15, pursuant to the above provisions as modified by the vesting provisions of subsection (12) of this section.

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

1. All applications shall be eligible to continue to receive perseverance points beyond the first four years in the system, at an annual rate of +2 points for each year that the application remains in the ROGO system.
2. If any application, prior to the effective date of the ordinance from which this article is derived, had been withdrawn and reentered the ROGO system and the application had been revised solely to increase its point total through lot aggregation or land dedication without revising the approved building permit application, the controlling date of the application shall be restored to the controlling date of the application prior to the application's withdrawal. The application shall also be entitled to any perseverance points lost due to the withdrawal.

3. If any application received points for aggregation, which would not be authorized under the new aggregation provisions of subsection ~~(3)~~ (4) of this section, the applicant shall receive +4 points for each aggregated lot, except that all applications received after September 27, 2005 that are on file with the county must be rescored prior to receiving an allocation pursuant to the mandate by the Florida Administrative Commission by Rule Nos. 28-20.110 and 28-20.120, effective September 27, 2005.
4. All applicants in the ROGO system upon the effective date of the ordinance from which this article is derived shall be notified by regular mail within 30 days from the effective date of the ordinance from which this article is derived by the county planning and environmental resources department of the new ROGO scoring system. In this notification, applicants shall be informed that they have 30 days from the date of the notification, if they so chose, to submit a revision to their ROGO application to receive positive points through aggregation, land dedication, or payment of fees to the land acquisition fund. Within this one-time, 30-day time period, applicants shall be able to revise their applications without payment of fees or a change in their controlling date upon condition that their approved building permit application is not revised.

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Section 2. Section 138-55 shall be amended as follows:

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

- (a) *Evaluation point values.* The following point values established are to be applied cumulatively except where otherwise specified:
 - (1) *Tier designation.* The following points are intended to discourage nonresidential development in environmentally sensitive areas and areas without sufficient infrastructure and to direct and encourage nonresidential development in appropriate infill areas, while recognizing that any development has affects on the carrying capacity of the Florida Keys:

<i>Point Assignment</i>	<i>Criteria</i>
0	An application which proposes nonresidential development within an area designated tier I (natural area), except for the expansion of existing, lawfully established nonresidential floor area provided under the exception below.
+10	An application which proposes nonresidential development within an area

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

(2) *Wetlands.* The following points shall be assigned to allocation applications on Tier III parcels that contain wetlands which require 100% open space pursuant to the Monroe County Comprehensive Plan and that are located adjacent or contiguous to Tier I properties.

<i>Point Assignment</i>	<i>Criteria</i>
- 3	Tier III parcels adjacent or contiguous to Tier I properties and containing 50% or less of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
-5	Tier III parcels adjacent or contiguous to Tier I properties and containing more than 50% of the following: <ol style="list-style-type: none"> 1. submerged lands 2. mangroves (excluding tidally inundated mangrove shoreline fringes) 3. salt ponds 4. fresh water wetlands 5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands
<p><i>Notes:</i></p> <p><i>Adjacent</i> means land sharing a boundary with another parcel of land. An intervening road, right-of-way, or easement shall not destroy the adjacency of the two parcels, except for U.S. 1.</p> <p><i>Contiguous</i> means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.</p>	

Subsection (2) applies to new applications for Tier III parcels entering the permit allocation system after January 13, 2013.

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

<i>Point assignment</i>	<i>Criteria</i>
+ 4	application proposes development that reduces the permitted floor area ratio (FAR) to 23 percent or less.
<i>Additional requirements:</i>	
A legally binding restrictive covenant running in favor of the county that restricts the floor area ratio of the property to a maximum of 23 percent for a period of ten years shall be approved by the growth management director and county attorney and recorded in the office of the county clerk prior to the issuance of any building permit pursuant to an allocation award.	

- (4) *Land dedication.* The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I, Tier II (Big Pine Key and No Name Key), and Tier III-A (Special Protection Areas (SPA)) designated areas and parcels which contain undisturbed wetlands for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point assignment</i>	<i>Criteria</i>
+4	An application which includes the dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III for affordable housing, 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.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I or Tier II, of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 per 5,000 square feet of lot area	An application which includes the 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 on the future land use map 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	An application which includes the dedication to Monroe County 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 on the future land use map 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	An application which includes the 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.
+2	On Big Pine Key and No Name Key, an application which includes the dedication to the county of at least one acre of vacant, unplatted, buildable land located within a designated tier I area. Each additional one acre of vacant, unplatted, buildable land that meets the above requirements will earn the points as specified.
+2	An application which includes the dedication to Monroe County of one (1) vacant, legally platted lot which contains undisturbed wetlands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2	An application which includes the dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III-A (Special Protection Area-SPA) of sufficient minimum lot size and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
<i>Additional requirements:</i>	
1. The application shall include, but not be limited to, the following:	
(a) An affidavit of ownership of all affected lots, parcels, acreage or land; and	
(b) A statutory warranty deed that conveys the dedicated property to the county, which shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.	
2. Lots or parcels dedicated for positive points under this subsection shall not be eligible for meeting the mitigation requirements of the Big Pine Key and No Name Key Overlay Zone.	
3. Only lots or parcels on Big Pine Key and No Name Key dedicated for positive points under this subsection will allow for positive points for applications on Big Pine Key and No Name Key.	

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

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

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

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

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

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

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

<i>Point assignment</i>	<i>Criteria</i>
+3	The project provides a total of 200 percent of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.
+1	25 percent of the native plants provided to achieve the three point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of 100 percent

	native plants for vegetation, collection and direction of rainfall to landscaped areas, or application of reused wastewater or treated seawater for watering landscaped plants.
<i>Additional requirements:</i>	
Prior to the issuance of a certificate of occupancy for the building permit authorized by an allocation award, the applicant shall:	
(a) Post a two-year performance bond in accordance with this chapter to ensure maintenance of the native plants; and,	
(b) Sign an affidavit acknowledging that he is subject to code enforcement action should the native plants not be maintained.	

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

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

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

<i>Point Assignment</i>	<i>Criteria</i>
+ 2 per unit	Proposes an employee housing unit which is located on the parcel with the nonresidential floor space requested in the allocation application. Up to a maximum of four points may be awarded.
<i>Additional Requirements:</i>	
1. The employee housing unit shall be required to meet the applicable provisions of section 130-161	
2. The proposed employee housing unit shall be included in the development approval for the nonresidential development proposed in the allocation application.	
3. A certificate of occupancy shall be granted for the nonresidential development authorized by the allocation award, but shall not be issued prior to the certificate of occupancy for the employee housing units.	

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

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

* * * * *

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Transmittal.

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

Section 6. Filing.

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

Section 7. Inclusion in the Monroe County Code.

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

Section 8. Effective Date.

This ordinance shall become effective as provided by law and stated above. This ordinance applies to any permit, and or other development approval application submitted after the effective date.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 21st day of September, 2012.

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

Yes
Yes
Yes
Yes
Yes

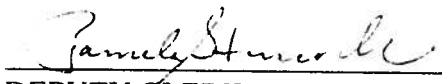
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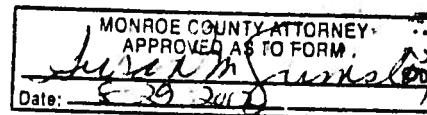
Mayor David Rice

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK



2012 OCT -1 PM 4:30
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