

MONROE COUNTY
BUILDING PERMIT ALLOCATION SYSTEM

On July 13, 1992, Monroe County adopted an ordinance (#016-1992) limiting the number of building permits that can be issued each year for the construction of new dwelling units. The ordinance also establishes an allocation or point system to allocate the limited number of permits. The following information is an attempt to answer the most frequently asked questions about the ordinance. However, the ordinance should be referred to for specific questions and the actual language.

WHAT IS THE PURPOSE OF THE BUILDING PERMIT ALLOCATION SYSTEM?

Monroe County has determined that growth and development in the form of new residential units must be limited in order to enable the safe and timely evacuation of the Keys prior to a hurricane. The County has adopted the building permit allocation system in order to ration this growth in a fair manner that implements the goals, objectives and policies of the Florida Keys Comprehensive Plan.

WHAT DEVELOPMENT MUST GO THROUGH THE ALLOCATION SYSTEM?

The allocation system only applies to new dwelling units (houses, apartments, mobile homes, hotel and motel rooms, campgrounds, mobile homes, liveaboard boats and institutional-residential uses).

IS THERE ANYTHING THAT DOES NOT HAVE TO GO THROUGH THE ALLOCATION SYSTEM?

The following types of development will not be required to be reviewed under the allocation system:

1. Repair, redevelopment or rehabilitation of existing residential dwelling units.
2. Replacement of dwelling units in existence on the date of the census (which established the number of dwelling units in existence in Monroe County), April 1, 1990.
3. Nonresidential uses including Public/Governmental uses as well as capital improvements and public buildings.
4. Any other use, development, project, structure, building, fence, sign or activity which does not result in a new residential dwelling unit.
5. Landowners with a valid, unexpired Development of Regional Impact approval granted by the County and the State.
6. Hospitals.
7. Some major developments and projects with a vested rights determination granted pursuant to Section 9.5-181 et seq. of the Monroe County Land Development Regulations. This determination will be made on a case by case basis.

8. New residential units located in evacuation zone seven (7) (Users of the Card Sound Road evacuation route). This includes the Ocean Reef and Angler's Club developments.
9. Projects able to demonstrate, by traffic study, that evacuation in a class 3-5 hurricane will not increase the overall County hurricane evacuation clearance time nor increase traffic volume on the critical road segment.

WHEN WILL APPLICATIONS BE ACCEPTED?

Applications will be accepted after the project has been certified to be in compliance with all building and development codes of local, state, and federal agencies. Applications are accepted Monday through Friday (excluding holidays) at the Plantation Key, Marathon or Stock Island building departments. There is a \$100.00 application fee.

HOW LONG WILL IT TAKE TO FIND OUT IF I AM ALLOCATED A BUILDING PERMIT AND WHAT ARE THE STEPS INVOLVED?

The length of time depends on when an application is accepted and deemed to be complete. The County will be evaluating completed applications on a quarterly (every 3 months) basis. Incomplete applications cannot be processed.

At the conclusion of any given quarter, the Director of Planning has thirty (30) days to sort, evaluate and rank applications by upper, middle or lower keys sub-areas. Applications are placed in a sub-area according to their building location. Thirty (30) to sixty (60) days later the Planning Commission will hold a public hearing and finalize the rankings for the ROGO quarter.

Once the Planning Commission has finalized the rankings, all applicants will be mailed notification by the Planning Department. Applicants with a sufficient rank to receive an allocation award will be required to obtain a cesspit credit from the Monroe County Health Department prior to issuance of a ROGO allocation award and subsequent building permit.

When cesspits are removed and inspected, they become cesspit credits. As cesspit credits become available, they are assigned to the next ROGO applicant with sufficient ranking. At each regularly scheduled meeting (twice a month), the Planning Commission will review the available cesspit credits and make ROGO allocations according to cesspit availability. The Planning Department will notify the applicant by registered mail. At that time, the applicant receiving a ROGO allocation award may request issuance of building permit and will need to record any appropriate dedications or conservation deed restrictions.

WHAT IS A CESSPIT CREDIT AND WHY DO I NEED ONE?

The State of Florida, in conjunction with Monroe County, has instituted a cesspit identification/elimination program per Florida Administration Commission Rule No. 28-20.100. Monroe County Ordinance 03-1997 requires there be no net gain in the degradation of the water quality in the Florida Bay and to that end, Ordinance 03-1997 requires the elimination of a cesspit for each new residential building permit. The cesspit elimination program provides the means to identify and eliminate cesspits and thereby build cesspit credits for ROGO Allocation Awards. The Monroe County Health Department is the government agency administering the cesspit elimination program.

A cesspit credit is a document received from the Monroe County Health Department and is issued when a cesspit is replaced with an approved on-site sewage treatment and disposal system ("OSTDS"). ROGO allocation awards will not be issued until a cesspit credit is available in the ROGO area within which the ROGO allocation was awarded (eg. upper, middle, or lower Keys).

HOW DO I GET A CESSPIT CREDIT?

At the end of each ROGO quarterly ranking period and upon approval by the Planning Commission of the ROGO ranking sheets, the Planning Department will provide to the Monroe County Health Department a list of ROGO applicants with sufficient points to receive an allocation award. As cesspits are replaced and the new OSTDS receives a final inspection, cesspit credits become available. The credits will be issued in the order the ROGO applications were ranked with one exception. Cesspit credits will be divided between market rate residential units and affordable housing residential units in a 80:20 proportion. Thus the first four market rate applications will receive cesspit credits and then the first affordable housing application and so forth.

A ROGO applicant has the option of replacing a cesspit on his/her own rather than waiting for that to happen independently. The cesspit credit will be reserved with the Department of Health until the quarter in which the ROGO applicant receives a ROGO allocation ranking sufficiently high enough to otherwise receive a septic system and building permit. An applicant must be in the ROGO system before a cesspit credit can be reserved.

ONLY the Monroe County Health Department is authorized to issue cesspit credits in the name of a building permit applicant. Information regarding the procedure and location of potential cesspit credits is available at NO COST to the applicant or their agent from the Monroe County Health Department.

WHAT HAPPENS IF CESSPITS CREDITS ARE NOT AVAILABLE IN THE CURRENT ROGO QUARTER?

It is assumed that cesspit replacements will be slow thru-out the County. However, once an individual receives a ROGO ranking sufficient for an award, he/she will retain that ranking until such time as a cesspit credit is available. Applicants with sufficient rankings in subsequent quarters will be added to the end of the previous quarters list.

Even though a ROGO allocation award may not be issued for all of those with sufficient ROGO rankings, due to the availability of cesspit credits, a memorandum of understanding allows us to catch up as cesspit credits become available during the course of a ROGO year. However, under NO circumstances will the County be able to issue more than 255 ROGO units in a given year.

WILL AN ALLOCATION AWARD BE GOOD FOREVER?

No. The applicant must pick up the building permit within sixty-days after being notified that an allocation award has been made and a cesspit credit is available. Otherwise, the award will be null and void. The ROGO allocation award and cesspit credit will become available for other builders. Additionally, a ROGO allocation award becomes null and void if the building permit it is associated with expires.

HOW WILL TIE SCORES BE SETTLED?

If applications in a given subarea receive identical rankings the Planning Commission shall award the allocation to the completed application first submitted, based on the date and time of submission. If the applications were submitted on the same day and time, the allocation shall go to the application with the fewest negative points.

The Planning Commission may recommend that two (2) or more applications with identical rankings be approved despite the fact that the quarterly allocation will be exceeded if:

- (a) express findings are made justifying the decision; and
- (b) the excess allocation is reduced from the next succeeding quarterly allocation period(s); and
- (c) the Board of County Commissioners confirms the Planning Commissions recommendation.

WHAT CAN I DO IF I DO NOT LIKE MY SCORE?

You may attend the public hearing by the Planning Commission when they consider the rankings recommended by the Director of Planning. However, they can only change a score if there was an error by the Director of Planning or the code was misapplied. If you still do not like your score, you may appeal to the Board of County Commissioners. Further appeals may be taken to the court system.

CAN I REVISE MY PROJECT?

Yes, with certain limitations. After submittal of an application and prior to its official evaluation, it can only be revised by withdrawing and submitting a new application. A reapplication fee is required. Please recall that when identical scores occur, the application submitted earlier will be ranked first.

After receipt of an allocation award, revisions may only be made if they increase the total points awarded. Also, revisions must conform with the applicable local, state and federal regulations.

WHAT HAPPENS IF I DO NOT GET AN AWARD?

Applications that do not receive an allocation award shall be automatically considered in the next allocation period and no fee will be required. Applications can also be withdrawn and revised. However, such a revision will constitute a new application. For each whole calendar year that an application stays within the system and is not granted an award, one (1) point will be added to its total score.

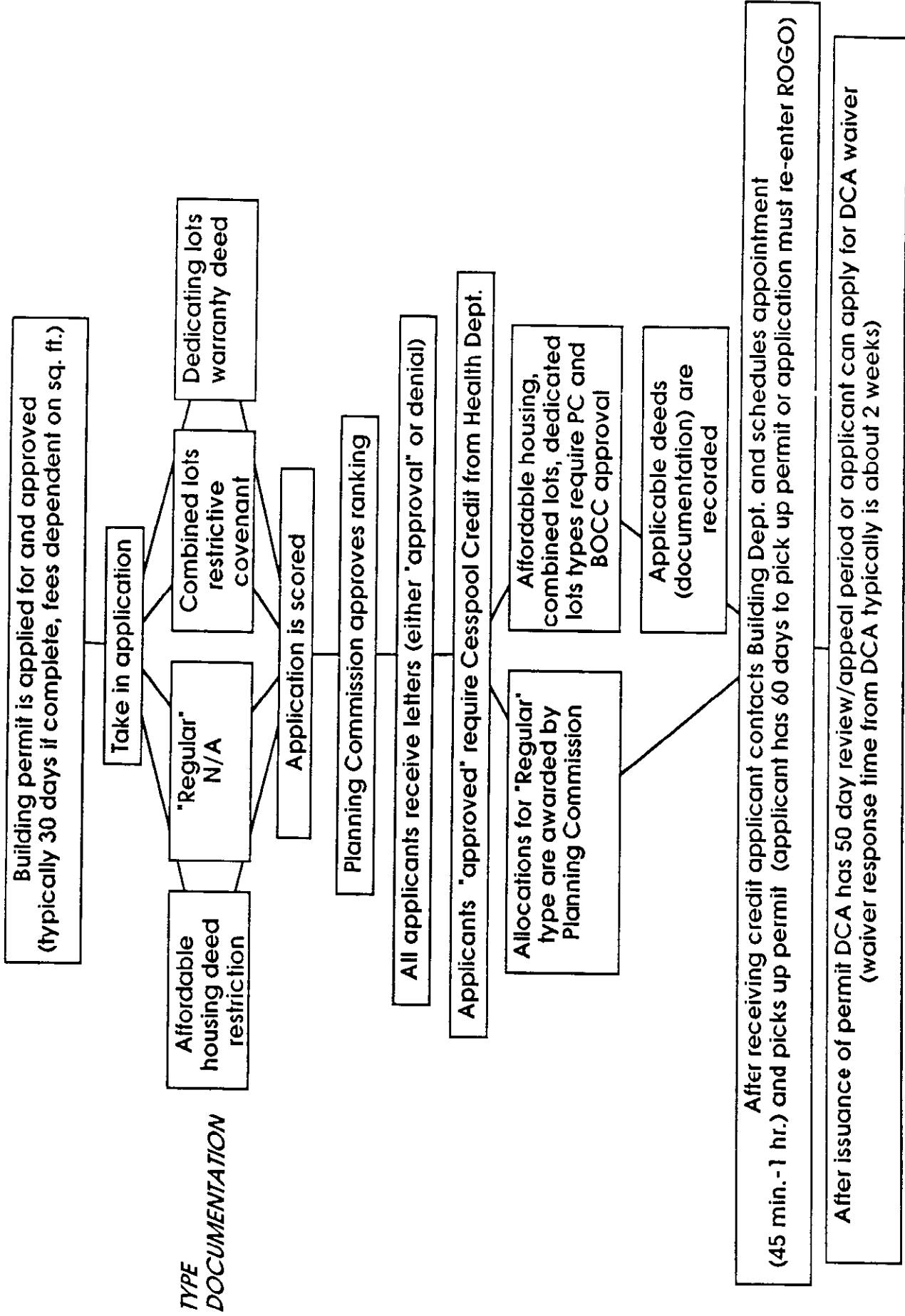
ADMINISTRATIVE RELIEF:

An applicant can apply for administrative relief if the application has not been awarded an allocation for sixteen successive quarters and the application has not been withdrawn. The request for relief will be heard by the Board of County Commissioners, and they can grant an allocation award, offer to purchase the property at fair market value, or suggest other relief as may be necessary or appropriate.

WHERE CAN I GET FURTHER INFORMATION?

Please call the office of the Growth Management Division closest to your property. The phone numbers are: Upper Keys - 852-7100, Middle Keys - 289-2501, and Lower Keys - 292-4490. If you have questions concerning the cesspit elimination program please call the Monroe County Health Department - 292-6894.

RESIDENTIAL ROGO PROCESS



Sec. 9.5-127. Residential dwelling unit allocation evaluation criteria.

¹(a) *Evaluation criteria table:* The point values established below are intended to be applied cumulatively except where specified otherwise.

Subcategory	Points	Criteria	Additional Requirements
(1) Platted Subdivision Infill Points are intended to encourage the infill of legally platted subdivisions served by existing infrastructure.	+10	Application proposes dwelling unit(s) within legally platted, recorded subdivision on lot(s) served by existing infrastructure, including at a minimum, potable water, electricity, and roadways which are paved, as determined by the public works department director.	1. <u>In order to be considered "served," the necessary infrastructure must be located along the same street as the lot(s) or parcel(s) proposed for development.</u> 2. <u>"Existing infrastructure" means that the infrastructure has been in place since July 13, 1992.</u>
(2) Infrastructure Availability Points are intended to encourage the infill of lots or parcels served by existing infrastructure.	+5	Application proposes dwelling unit(s) outside of a legally platted, recorded subdivision, but the lots or parcels proposed for development are served by existing infrastructure, including at a minimum, potable water, electricity, and roadways which are paved, as determined by the public works department director.	1. <u>In order to be considered "served," the necessary infrastructure must be located along the same street as the lot(s) or parcel(s) proposed for development.</u> 2. <u>"Existing infrastructure" means that the infrastructure has been in place since July 13, 1992.</u>
(3) Lot Aggregation Points are intended to encourage the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots with density allocated by lot.	+3	Application aggregates a contiguous vacant, legally platted, buildable <u>IS, IS-T, URM, URM-L or CFV</u> lot together with the parcel proposed for development.	1. <u>"Buildable" means construction of a dwelling unit or some development could be permitted, as determined by the environmental resources director.</u> 2. The following documents must accompany the application: <ul style="list-style-type: none"> • an affidavit of ownership of all affected parcels, acreage or land; and • a legally binding restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of Monroe County and enforceable by the county, subject to the approval of the board of county commissioners prior to filing in the office of the clerk of the County. Such covenant must be approved by the board before any development approval may be issued pursuant to an award.
	+3	Each additional contiguous vacant, legally platted, buildable <u>IS, IS-T, URM, URM-L or CFV</u> lot aggregated earns the application the specified points.	
(4) Acreage Tract Density Reduction Points are intended to encourage the voluntary reduction in allocated density on parcels with density allocated in residential units per acre through the use of restrictive covenants.	+2	Application voluntarily reduces allocated density of the parcel proposed for development by between fifty (50) and sixty-six (66) percent.	1. <u>Parcels proposed for development must be located in zoning districts in which density is allocated in residential units per acre.</u> 2. The following documents must accompany the application: <ul style="list-style-type: none"> • an affidavit of ownership of all affected parcels, acreage or land; • a legally binding restrictive covenant limiting the number of dwelling units on the acreage tract, running in favor of Monroe County and enforceable by the County, subject to the approval of the board of county commissioners prior to filing in the office of the clerk of the County. Such covenant must be approved by the board before any development approval may be issued pursuant to an award.
	+4	Application voluntarily reduces allocated density of the parcel proposed for development by between sixty-seven (67) and seventy-five (75) percent.	
	+6	Application voluntarily reduces allocated density of the parcel proposed for development by greater than seventy-five (75) percent.	

<p>(5) Land Dedication</p> <p>Points are intended to encourage the voluntary dedication of vacant, buildable land within areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection</p>	+2	Application includes dedication to Monroe County of one (1) vacant, legally platted buildable lot or at least one (1) acre of unplatted buildable land located within conservation areas or areas proposed for acquisition by governmental agencies for purposes of conservation and resource protection.	<p>1. "Buildable" means construction of a dwelling unit or some development could be permitted, as determined by the environmental resources director.</p> <p>2. The following documents must accompany the application:</p> <ul style="list-style-type: none"> • an affidavit of ownership of all affected lots, parcels, acreage or land; • a statutory warranty deed, subject to the approval of the board of county commissioners prior to filing in the office of the clerk of the County, which conveys the dedicated property to the County. Such deed must be approved by the board before any development approval may be issued pursuant to an award.
	+2	An additional two (2) points shall be assigned for each additional legally platted, buildable lot, and for each one (1) acre of unplatted buildable land located in areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection, which lot(s) or acreage is dedicated to Monroe County.	
<p>(6) Affordable Housing</p> <p>Points are intended to increase the supply of affordable housing.</p>	+5	<p>Application proposes dwelling unit(s) which meet the definition of <i>affordable housing</i> in Article 3, Division 11, and restricts dwelling unit(s) to households which:</p> <ul style="list-style-type: none"> • derive at least seventy (70) percent of their household income from gainful employment in Monroe County; and • earn an income no greater than one hundred (100) percent of the median household income in Monroe County; for a period of at least twenty (20) years. 	<p>1. The following documents must accompany the application:</p> <ul style="list-style-type: none"> • an affidavit of ownership of all affected lots, parcels, acreage or land; and • a legally binding restrictive covenant consistent with Sec. 9.5-266(a)(3) and (4)[original ordinance section number]. <p>Such documentation must be approved by the board before any development approval may be issued pursuant to an award.</p>
<p>(7) Habitat Protection</p> <p>Points are intended to discourage clearing of significant habitat and are based on the type and quality of existing vegetation located within the area of approved clearing or development shown on the approved site plan.</p>	-10	<p>Application proposes to clear areas of habitat type and quality from Group 4:</p> <ul style="list-style-type: none"> • high hammock (high quality) • low hammock (high quality) • pineland • undisturbed beach/berm • saltmarsh and buttonwood wetlands • palm hammock • cactus hammock 	<p>1. If the approved clearing area includes more than one habitat type/habitat quality group, points shall be assigned to the application for development on the basis of the following formula: $(\text{area of clearing in Group 1/area in parcel to be cleared}) \times (+1) +$ $(\text{area of clearing in Group 2/area in parcel to be cleared}) \times (-2) +$ $(\text{area of clearing in Group 3/area in parcel to be cleared}) \times (-5) +$ $(\text{area of clearing in Group 4/area in parcel to be cleared}) \times (-10)$</p> <p>2. Determination of the quality of undisturbed high hammock, low hammock and pinelands shall be made through utilization of the habitat analysis indices and scores (HEI), applied pursuant to article VII, division ## (environmental design standards).</p>
	-5	<p>Application proposes to clear areas of habitat type and quality from Group 3:</p> <ul style="list-style-type: none"> • high hammock (moderate quality) • low hammock (moderate quality) 	
	-2	<p>Application proposes to clear areas of habitat type and quality from Group 2:</p> <ul style="list-style-type: none"> • high hammock (low quality) • low hammock (low quality) • disturbed land with saltmarsh and buttonwood • disturbed land with beach/berm 	
	+1	<p>Application proposes to develop in areas of habitat type and quality from Group 1:</p> <ul style="list-style-type: none"> • disturbed/scarified • disturbed with exotics 	
<p>(8) Threatened or Endangered Animal Species</p> <p>Points are based on the probable impacts of the proposed development on the successful protection and recovery of a threatened or</p>	-10	Application proposes dwelling unit(s) within a known habitat of a documented threatened/endangered species.	<p>1. Point values shall be applied cumulatively.</p>
	-10	Application proposes dwelling unit(s) within one hundred (100) feet of any known nesting area for marine turtles, as described in Section 9.5-286 [original ordinance section	

endangered animal species in its natural habitat.	-10	number on Shoreline Setbacks. Application proposes dwelling unit(s) within five hundred (500) feet of any known nesting or resting area of the piping plover.	1. Point values shall be applied cumulatively.
	-5	Application proposes dwelling unit(s) within a probable or potential habitat of a threatened/endangered species.	
	-2	Application proposes dwelling unit(s) within the habitat of a wide-ranging threatened/endangered species or a species of special concern.	
(9) Critical Habitat Areas Points are intended to discourage development in the critical habitat areas of the Florida Keys.	-10	Application proposes dwelling unit(s) on Big Pine Key, No Name Key, Ohio Key or North Key Largo.	NOT IN EFFECT AT THIS TIME
	-10	Application proposes dwelling unit(s) within Priority I and Priority II acquisition areas of the National Key Deer Refuge.	
	-10	Application proposes dwelling unit(s) within the Coupon Bight or C.A.R.L. acquisition areas.	
	-10	Application proposes dwelling unit(s) within the "secondary zone" defined by the U.S. Fish and Wildlife Service in the <i>Habitat Management Guidelines for the Bald Eagle in the Southeast Region, 1987</i> , incorporated herein by reference.	
(10) Perseverance Points Points are intended to accrue to an application based upon years spent in the dwelling unit allocation system without receiving an allocation award.	+1	A point shall be awarded on the anniversary of the controlling date for each year that the application remains in the dwelling unit allocation system up to four (4) years.	1. If, after gaining a perseverance point or points, an application should be withdrawn for any reason, the perseverance point(s) gained shall be retained; however, a new controlling date shall be established as provided in Sec. 9.5-124(g).
	+2	Points shall be awarded on the anniversary of the controlling date for each year over four (4) that the application remains in the dwelling unit allocation system.	
(11) Coastal High Hazard Area Points are intended to discourage development of the coastal high hazard area (CHHA).	-1	Application proposes development within "A" zones on the FEMA flood insurance rate map.	1. The term <i>coastal high hazard area (CHHA)</i> is defined in Sec. 9.5-11 and the applicable areas are shown on the most recent Federal Emergency Management Agency (FEMA) flood insurance rate map.
	-6	Application proposes development within "Y" zones on the FEMA flood insurance rate map.	
	+1	Application proposes development within "X" zones on the FEMA flood insurance rate map.	
(12) Coastal Barrier Resources System (CBRS) Points are intended to discourage development of the CBRS.	-10	Application proposes development within units of the Coastal Barrier Resources System (CBRS).	1. The term <i>coastal barrier resources system (CBRS)</i> is defined in Sec. 9.5-11 and the applicable areas are shown on the most recent FEMA flood insurance rate map. For a general listing of the County's fifteen (15) CBRS units, see Sec. 3.18.3 of the <i>Technical Document</i> .

<p>(13) Offshore Islands and</p>	<p>-10</p>	<p>Application proposes development of a parcel designated Offshore Island (OS) on the zoning map.</p>	
<p>Conservation Land Protection Areas Points are intended to discourage development which impacts Offshore Islands and Conservation Land Protection Areas.</p>	<p>-2</p>	<p>Application proposes development which may negatively impact Conservation Land Protection Areas.</p> <p style="text-align: center;">NOT IN EFFECT AT THIS TIME</p>	<p>1. The determination of negative impact shall be based upon the management plans developed for conservation land protection areas pursuant to the comprehensive plan. For a listing of conservation lands for which management plans are to be developed, see Policy 102.9.3 of the comprehensive plan.</p>
<p>(14) Transferable Development Rights (TDRs) Points are intended to encourage the use of transferable development rights (TDRs) to decrease the development potential of sensitive sender sites.</p>	<p>+1</p>	<p>Application which proposes development on an eligible receiver site shall earn the specified points for each whole development right transferred from an eligible sender site.</p>	<p>1. Eligibility of sender and receiver sites are determined in accordance with the comprehensive plan policies related to TDRs and the TDR section of this chapter.</p>
<p>(15) Historic Resources Upon adoption of a historic preservation ordinance, points shall be assigned in order to encourage protection of historic and archaeological resources.</p>	<p>-10</p>	<p>Application proposes development which adversely affects, removes or destroys historic structures located within local or national districts or destroys known archaeological resources.</p>	<p>1. The Secretary of the Interior's guidelines shall be used in making these determinations.</p> <p style="text-align: center;">NOT IN EFFECT AT THIS TIME</p>
<p>(16) Water Conservation Points are intended to encourage the use of water conservation measures. No points shall be awarded for proposed development in areas in which Florida Keys Aqueduct Authority water connection is prohibited, as described in Chapter 48-7, F.A.C.</p>	<p>+1</p>	<p>Application includes ultra-low volume plumbing fixtures for all toilets, sinks, and showers which match the following flow rates:</p> <ul style="list-style-type: none"> • toilets 1.6 gal/flush • showerheads 2.5 gal/min. • faucets 2.0 gal/min. 	<p>1. No point credit shall be granted unless flow rates match those listed and all building department application requirements are met.</p>
	<p>+1</p>	<p>Application includes either:</p> <ul style="list-style-type: none"> • a primary water source consisting of a cistern (12,500 gallon minimum) or reverse osmosis (RO) facility (200 gallon per day minimum); or • a secondary water source consisting of a cistern (2,500 gallon minimum) or reverse osmosis facility (50 gallon per day minimum) 	<p>1. A maximum of only one (1) point shall be earned for any single or combination cistern and/or RO facility. 2. All RO systems must be used to convert saltwater to potable fresh water. The use of RO facilities to filter potable water shall not be awarded a point. 3. All building department application requirements must be met.</p>
<p>(17) Energy Conservation Points are intended to encourage the use of energy conservation measures. No points shall be awarded for proposed development in areas not served by the Florida Keys</p>	<p>+1</p>	<p>Application includes dwelling unit(s) with air conditioning unit(s) with an Energy Efficiency Rating of 12 or better.</p>	<p>1. This point provision shall not apply where no air conditioning is proposed. 2. All building department application requirements must be met.</p>
	<p>+1</p>	<p>Dwelling unit has an energy performance index of 70 or lower, as calculated for Section 9 - Residential Point System Method of the Florida Energy Efficiency Code for Building Construction.</p>	<p>1. All building department application requirements must be met.</p>

Electric Cooperative or the City Electric System.	+ 1	Application includes one of the following: • a solar hot water heater; • photovoltaic panels; or • a wind generator	
(18) Structural Integrity of Construction Points are intended to encourage high standards of structural integrity.	+ 1	Application proposes dwelling unit(s) exceeding the minimum flood elevation required by article VII, division 6 of this chapter by <u>thirteen (13) inches or more.</u>	1. <u>All building department application requirements must be met.</u>
	+ 1	Application proposes dwelling unit(s) designed to meet a minimum peak wind speed of 130 mph.	1. Wind loading must be certified by a qualified engineer or architect.
	+ 1	Application shall earn an additional point for proposed dwelling unit(s) designed to meet a minimum peak wind speed of 155 mph.	2. <u>All building department application requirements must be met.</u>

(b) *Additional requirements:*

(1) The Building Department shall not approve any inspection that does not fully comply with points earned.

(2) The Building Department shall not issue a Certificate of Occupancy without evidence showing full compliance with points earned.