
Sec. 138-19. Residential Rate of Growth Ordinance (ROGO).

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

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

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

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

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

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 A new controlling date shall be established based upon the resubmittal date and time of any withdrawn or revised application, except pursuant to Section 138-25(h).

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

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

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

Residential dwelling unit (dwelling unit) means a dwelling unit as defined in Section 101-1, and expressly includes the following other terms also specifically defined in Section 101-1: rooms, hotel or motel; campground spaces; mobile homes; transient units; and institutional residential units (except hospital rooms).

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

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

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

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

- (1) To facilitate implementation of goals, objectives and policies set forth in the comprehensive plan relating to protection of residents, visitors and property in the county from natural disasters, specifically including hurricanes;
- (2) To limit the annual amount and rate of residential development commensurate with the county's ability to maintain a reasonable and safe hurricane evacuation clearance time;
- (3) To regulate the rate and location of growth in order to further deter deterioration of public facility service levels, environmental degradation and potential land use conflicts;

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- (4) To allocate the limited number of dwelling units available annually hereunder, based upon the goals, objectives and policies set forth in the comprehensive plan; and
 - (5) To implement goal 105 of the comprehensive plan.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-20. General Provisions.

- (a) **Residential ROGO allocation award required.** No building permit shall be issued for a new dwelling unless the dwelling unit has received a residential dwelling unit allocation award, or is determined to be exempt as provided below.
- (b) **Yearly review and monitoring.** As required by the Comprehensive Plan, as requested by the Planning Commission or the BOCC, or as otherwise necessary, the Planning Director shall consider the rate, amount, location, and ratio of market rate to affordable housing residential dwelling units available for development in the County. The Planning Director shall also monitor the effects of such development and determine the conformity of such development with the Comprehensive Plan and this Chapter. This review, in whole or in part, may form the basis for recommendations by the Planning Director or the Planning Commission to the BOCC for action to repeal, amend or modify the ROGO allocation system.
- (c) **Applicability.** The ROGO allocation system shall apply within the unincorporated area of the county outside of the county mainland, and such area, for purposes hereof, has been divided into subareas as follows:
 - (1) Upper Keys: the unincorporated area of the county north of Tavernier Creek and corporate limits of the Village of Islamorada (approximately mile marker 90).
 - (2) Lower Keys: the unincorporated area of the county from the corporate limits of the Village of Islamorada (approximately mile marker 72) south to the corporate limits of the City of Key West at Cow Key Bridge on U.S. Highway 1 (approximately mile marker 4), excluding Big Pine Key and No Name Key.
 - (3) Big Pine Key and No Name Key: the islands of Big Pine Key and No Name Key within unincorporated the county.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-21. Type of Development Affected.

The residential ROGO shall apply to all residential dwelling units, including institutional residential uses, such as nursing homes and rehabilitation centers, for which a building permit is required and for which building permits have not been issued prior to July 13, 1992, except as otherwise provided herein.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-22. Type of Development Not Affected.

The residential ROGO shall not apply to the development described below:

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- (a) **Redevelopment on-site.** Redevelopment, rehabilitation or replacement of any lawfully established dwelling unit or space that does not increase the number of dwelling units above that which existed on the site prior to the redevelopment, rehabilitation or replacement shall be exempt from the residential ROGO system.

The Planning Director shall review available documents to determine if a body of evidence exists to support the lawful existence of units on or about July 13, 1992, the effective date of the original ROGO. Such evidence shall be documented and submitted to the Planning Director on a form provided by the Planning and Environmental Resources Department. Any issued Monroe County building permit(s) for the original construction of the structure confirming the existence of the dwelling unit and its use(s) on or about July 13, 1992 can stand as the only piece of evidence for a ROGO exemption.

If there are no building permit(s) for the original construction of the structure which confirm the lawful existence of the dwelling unit and its use(s) on or about July 13, 1992, the application shall include, at a minimum, at least two of the following documents:

- (1) Any other issued Monroe County building permit(s) supporting the existence of the structure(s) and its use(s) on or about July 13, 1992;
- (2) Documentation from the Monroe County Property Appraiser's Office indicating residential use on or about July 13, 1992;
- (3) Aerial photographs (to confirm the number of structures, not the number or type of dwelling units) and original dated photographs showing the structure(s) existed on or about July 13, 1992;
- (4) Residential county directory entries on or about July 13, 1992;
- (5) Rental, occupancy or lease records, on or about July 13, 1992, indicating the number, type and term of the rental or occupancy;
- (6) State and/or county licenses, on or about July 13, 1992, indicating the number and types of rental units;
- (7) Documentation from the utility providers indicating the type of service (commercial or residential) provided and the number of meters in existence on or about July 13, 1992; and
- (8) Similar supporting documentation not listed above as determined suitable by the Planning Director.

Any dwelling unit established after the effective date of the original ROGO should be documented through the ROGO permit allocation system and dwelling units that received such allocations that were constructed and received certificates of occupancies may be established as exempt from ROGO through verification of the certificate of occupancy alone.

Provision of affidavits to support the existence of a dwelling unit(s) is allowed, but cannot be the sole record upon which a decision is based.

Provision of documents is the responsibility of the applicant.

Dwelling units determined to be exempt from the ROGO per this subsection that have not been previously acknowledged by the Planning Director may also be nonconformities, pursuant to Chapter 102, Article III Nonconformities. Such occasions shall require a determination by the Planning Director as to the lawfulness of the nonconformity.

- (b) **Transfer off-site.** Residential dwelling units and transient units may be transferred to another site in the same ROGO subarea, provided that the units lawfully exist and can be accounted for in the County's hurricane evacuation model.

- (1) ROGO exemptions may be transferred as follows:

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- a. between sites within the Upper Keys ROGO subarea;
 - b. between sites within the Lower Keys ROGO subarea;
 - c. between sites within the Big Pine Key and No Name Key ROGO subarea;
 - d. from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea.
- (2) No sender units may be transferred to an area where there are inadequate facilities and services.
- (3) Transfer off-site shall consist of either the demolition of a dwelling unit on a sender site or a change of use of the floor area of dwelling unit on a sender site to another permitted use in the applicable land use (zoning) district that does not require the ROGO exemption and the development of a new dwelling unit, transient unit or affordable housing unit on a receiver site.
- (4) Transfer of Lawfully Established Unit Types:
- a. *Transfer of a transient unit.* A lawfully established hotel room, motel room, campground space, or recreational vehicle space may be transferred off-site to another hotel, motel, campground or recreational vehicle park.
 - b. *Transfer of an affordable housing unit.* A lawfully established permanent market rate or affordable dwelling unit may be transferred to affordable housing. The receiver site shall be developed with an affordable housing unit pursuant to Sections 101-1 and 139-1.
 - c. *Transfer of a market rate unit.* A lawfully established permanent market rate dwelling unit may be transferred to a receiver site and developed as a single family detached market rate dwelling unit, subject to the following:
 1. The transfer of market rate ROGO exemptions may be allowed provided that one of the following is satisfied:
 - i. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is retained or redeveloped on the sender site. If the existing dwelling unit is proposed as the deed-restricted affordable housing unit, the unit shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department, comply with hurricane standards established by the Florida Building Code, and habitability standards established under the Florida Landlord and Tenant Act; or
 - ii. The sender site is dedicated to Monroe County for the development of affordable housing and an in-lieu fee per unit, based on the current maximum sales price for a one-bedroom affordable unit as established under Section 139-1(a), is paid to the affordable housing trust fund; or
 - iii. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is developed on a Tier III property (single-family residential lots or parcels) and the dwelling unit on the sender site is demolished and the sender site is restored.
 2. The receiver site for the market rate ROGO exemption must meet the criteria of subsection (6) and the following:
 - i. Receiver site is a legally platted lot; and
 - ii. Receiver site is within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District; and

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- iii. Receiver site is located within the same ROGO subarea as the sender site, except exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea; and
 - iv. Receiver site property is not a recreational and commercial working waterfront.

(5) Sender Site Criteria:

- a. Contains a documented lawfully-established sender dwelling unit pursuant to subsection (a) and recognized by the County; and
- b. Located in a Tier I, II, III-A, or III designated area; including any tier within the County's Military Installation Area of Impact (MIAI) Overlay.

(6) Receiver Site Criteria:

- a. The Future Land Use category and Land Use (Zoning) District must allow the requested use;
- b. Must meet the adopted density standards;
- c. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.);
- d. Located within a Tier III designated area; and
- e. Structures are not located in a velocity (V) zone or within a CBRS unit.

(c) **Procedures for transfer off-site.**

- (1) A pre-application conference and, at a minimum, a minor conditional use permit approval shall be required for both the sender site and the receiver site. The minor conditional use for the transfer shall be reviewed pursuant to standards in this subsection (2) and not the standards provided in Section 110-67. As part of the minor conditional use permit approval process, mailing of notice shall be required to owners of real property located within 600 feet of the receiver site and owners of real property located within 600 feet of the sender site. The receiver shall be posted in accordance with Sections 110-5(h) and 110-69. Posting of notice, as required in Section 110-5(c) shall be required for the receiver site, but not the sender site.
- (2) A sender unit shall be assigned a unique identifier number that shall be used for tracking and monitoring by the Planning and Environmental Resources Department. Multiple units to be transferred from a sender site to a single receiver site may be authorized under a single minor conditional use permit approval. The unique identifier number shall be itemized in the minor conditional use permit development orders and building permits required for both the sender and receiver sites.

(d) **Conditions for issuance of permit.** No building permit shall be issued for the new dwelling unit, transient unit or affordable housing unit on the receiver site until one of the following conditions is met:

- (1) The dwelling unit to be transferred is demolished as per an issued demolition permit and a final inspection of the demolished or removed dwelling unit or space has been completed and approved by all necessary county staff;
- (2) The structure in which the dwelling unit to be transferred is located is converted to another permitted use as per an issued building permit and a final certificate of occupancy for the conversion has been issued; or
- (3) Restoration of the sender site consistent with an approved restoration/re-vegetation plan.

(e) **Nonresidential use.** Nonresidential uses are not affected by residential ROGO.

- (f) **Development not increasing hurricane evacuation times.** Any applicant that can demonstrate with a traffic study acceptable to county traffic engineers that the proposed development will not increase hurricane evacuation times. All dwelling units to be located in the Ocean Reef master planned community are deemed not to increase hurricane evacuation times.
- (g) **Public/governmental uses.** Public/governmental uses, including capital improvements and public buildings, as are defined in Section 101-1 shall be exempt from the residential ROGO system.
- (h) **Other nonresidential development.** Any other use, development, project, structure, building, fence, sign or activity, which does not result in a new dwelling unit shall be exempt from the residential ROGO system.
- (i) **Vested rights.** Landowners with a valid, unexpired development of regional impact approval granted by the county prior to July 13, 1992, shall be exempt from the residential ROGO system.
- (j) **Temporary emergency housing.** Temporary emergency housing shall be exempt from the residential ROGO system pursuant to Section 103-3.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016; Ord. No. 007-2020 , § 1, 1-22-2020)

Sec. 138-23. Moratorium on New Transient Units.

New transient residential units, such as hotel or motel rooms (and any lock-out units), seasonal residential units, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until May 1, 2022.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016; Ord. No. 011-2021 , § 1, 5-19-2021, eff. 9-13-2021)

Sec. 138-24. Residential ROGO Allocations.

- (a) **Number of available annual residential ROGO allocations.** The number of market rate residential ROGO allocations available in each subarea of the unincorporated county and the total number of affordable residential ROGO allocations available countywide shall be as follows:

<i>Subarea</i>	Number of Dwelling Units	
	ROGO YEARS: July 13, 2020—July 12, 2021 July 13, 2021—July 12, 2022 July 13, 2022—July 12, 2023	ROGO YEARS: July 13, 2023—July 12, 2024 July 13, 2024—July 12, 2025 July 13, 2025—July 12, 2026
Upper Keys	31	30
Lower Keys	29	28
Big Pine and No Name Keys	4	4
<i>Total market rate</i>	64	62
<i>Affordable dwelling units</i>		
Very Low, Low, and Median Incomes	360*	
Moderate Income	350*	
*Includes one annually for Big Pine Key and No Name Key		

ROGO Year	Annual Allocation	
	Market Rate	Affordable Housing
July 13, 2013—July 12, 2014	126 U: 61, L: 57, BPK/NNK: 8	71
July 13, 2014—July 12, 2015	126 U: 61, L: 57, BPK/NNK: 8	71
July 13, 2015—July 12, 2016	126 U: 61, L: 57, BPK/NNK: 8	71
July 13, 2016- July 12, 2017	126 U: 61, L: 57, BPK/NNK: 8	497 total AFH (total available immediately)
July 13, 2017—July 12, 2018	126 U: 61, L: 57, BPK/NNK: 8	
July 13, 2018—July 12, 2019	126 U: 61, L: 57, BPK/NNK: 8	
July 13, 2019—July 12, 2020	126 U: 61, L: 57, BPK/NNK: 8	
July 13, 2020—July 12, 2021	64 U: 31, L: 29, BPK/NNK: 4	
July 13, 2021—July 12, 2022	64 U: 31, L: 29, BPK/NNK: 4	
July 13, 2022—July 12, 2023	64 U: 31, L: 29, BPK/NNK: 4	
July 13, 2023—July 12, 2024	62 U: 30, L: 28, BPK/NNK: 4	
July 13, 2024—July 12, 2025	62 U: 30, L: 28, BPK/NNK: 4	
July 13, 2025—July 12, 2026	62 U: 30, L: 28, BPK/NNK: 4	
TOTAL	1,260	710*
*Includes two annual affordable ROGO allocations for the Big Pine Key/No Name Key subarea through the Incidental Take Permit (ITP) ending in 2023.		

The State of Florida, pursuant to Administration Commission Rules, may modify the annual allocation rate. By July 12, 2018, if substantial financial support is provided by State and Federal partners, the County may reevaluate the ROGO distribution allocation schedule and consider an extended timeframe for the distribution of market rate allocations. If necessary, Monroe County will request a Rule change from the Administration Commission to authorize an alternative allocation timeframe and rate.

- (1) *Yearly residential ROGO allocation ratio.* Each subarea shall have its number of market rate residential ROGO allocations available per ROGO year. Affordable ROGO allocations shall be available for countywide allocation except for Big Pine Key and No Name Key. The allocations for Big Pine Key and No Name Key shall be limited to maximums established in Big Pine Key/No Name Key Livable CommuniKeys Plan, Incidental Take Permit and Habitat Conservation Plan.
- (2) *Quarterly residential ROGO allocation ratio.* Each subarea shall have its number of market rate housing residential ROGO allocations available per ROGO quarter determined by the following formula:

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- a. Market rate residential ROGO allocations available in each subarea per quarter is equal to the market rate residential ROGO allocations available in each subarea divided by four.
 - b. Affordable housing residential ROGO for all four ROGO quarters, including the allocations available for Big Pine Key, shall be made available at the beginning of the first quarter for a ROGO year. Beginning July 13, 2016, the balance of all remaining affordable housing residential ROGO allocations shall be made available for award.
- (3) *Ratio of very low income, low income, and median income allocations to moderate income allocations.* The Planning Commission may amend these proportions for affordable housing during any ROGO quarter.
- (4) *Big Pine Key and No Name Key.*
- a. All allocation awards on Big Pine Key and No Name Key are subject to the provisions of the Incidental Take Permit (ITP), the Habitat Conservation Plan (HCP) and Livable CommuniKeys Plan (LCP) for the Florida Key Deer and other covered species, which may affect ROGO allocations under this article.
 - b. In the Big Pine Key/No Name Key sub-area the annual maximum number of residential permit allocations that may be awarded in Tier I shall be no more than one (1) every 2 years. Until the ITP, HCP, Biological Opinion, and LCP are amended, a property owner attempting to develop his property may be granted an allocation through the ROGO process that may be used once that property owner obtains all required permits and authorizations required under the Endangered Species Act and other applicable federal and state laws. The allocation will remain valid so long as the applicant diligently and in good faith continues to work with USFWS to conclude the coordination and pick up a building permit.
- (5) *Limit on number of allocation awards in Tier I.*
- a. Big Pine Key/No Name Key subarea: The maximum ROGO allocations in Tier I shall be no more than one (1) every two (2) years.
 - b. Upper Keys subarea: The annual maximum ROGO allocations in Tier I shall be no more than three (3).
 - c. Lower Keys subarea: The annual maximum ROGO allocations in Tier I shall be no more than three (3).
- (b) **Reservation of affordable housing allocations.** Notwithstanding the provisions of Section 138-26 for awarding of affordable housing allocations, the BOCC may reserve by resolution some or all of the available affordable housing allocations for award to certain sponsoring agencies or specific housing programs consistent with all other requirements of this chapter. Building permits for these reserved allocations shall be picked up within six months of the effective reservation date, unless otherwise authorized by the BOCC in its resolution. The BOCC may, at its discretion, place conditions on any reservation as it deems appropriate. These reservations may be authorized by the BOCC for:
- (1) The county housing authority, nonprofit community development organizations, pursuant to Section 139-1(e), and other public entities established to provide affordable housing by entering into a memorandum of understanding with one or more of these agencies;
 - (2) Specific affordable or employee housing projects participating in a federal/state housing financial assistance or tax credit program or receiving some form of direct financial assistance from the county upon written request from the project sponsor and approved by resolution of the BOCC;
 - (3) Specific affordable or employee housing projects sponsored by nongovernmental not-for-profit organizations above upon written request from the project sponsor and approved by resolution of the BOCC;
 - (4) Specific affordable or employee housing programs sponsored by the county pursuant to procedures and guidelines as may be established from time to time by the BOCC;

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- (5) Specific affordable or employee housing projects by any entity, organization, or person, contingent upon transfer of ownership of the underlying land for the affordable housing project to the county, a not-for-profit community development organization, or any other entity approved by the BOCC, upon written request from the project sponsor and approved by resolution of the BOCC; or
 - (6) Rental employee housing projects situated on the same parcel of land as the nonresidential workplace for the tenants of these projects, upon written request from the property owner and approved by resolution of the BOCC.

(c) **Affordable housing allocation awards and eligibility.**

- (1) The definition of affordable housing shall be as specified in Sections 101-1 and 139-1.
- (2) Any portion of the affordable housing allocation not used for affordable housing at the end of a ROGO year shall be made available for affordable housing for the next ROGO year.
- (3) No affordable housing allocation shall be awarded to applicants located within a Tier I designated area, within a V-zone on the county's flood insurance rating map, or within a Tier III-A (special protection area) designated area.

Notwithstanding the foregoing, and notwithstanding Section 138-24(a)(5), affordable housing ROGO allocations may be awarded to Tier I or Tier III-A properties which meet all of the following criteria:

- a. The property contains an existing market rate dwelling unit that meets the criteria in LDC Section 138-22(a) and is determined to be exempt from ROGO;
 - b. The proposed replacement affordable dwelling unit meets current Florida Building Code and is not a mobile home;
 - c. The proposed replacement dwelling unit shall be deed restricted for a period of at least 99 years as affordable housing pursuant to the standards of the Land Development Code;
 - d. The proposed site plan for the replacement affordable dwelling unit does not propose any additional clearing of habitat; and
 - e. The structure is not proposed to be within a V-zone on the county's flood insurance rating map.
- (4) Only affordable housing allocations for Big Pine Key may be used on Big Pine Key. No affordable housing allocation may be used on No Name Key.

(d) **Dwelling unit allocation required.** The county shall issue no building permit for a dwelling unit unless such dwelling unit:

- (1) Has a dwelling unit allocation award; or
- (2) Is exempted from the dwelling unit allocation system pursuant to this chapter or is deemed vested pursuant to Section 138-22.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016; Ord. No. 019-2019 , § 1, 6-19-2019; Ord. No. 006-2020 , § 1, 1-22-2020, eff. 6-4-2020)

Sec. 138-25. Application Procedures for Residential ROGO.

- (a) **Deadlines for submission of building permit applications to be entered into the residential permit allocation system.** No approved building permit application requiring a ROGO allocation award, including applications submitted

under privatized plan review as provided for by Chapter 553, F.S., shall be accepted for the entry into the ROGO system under this chapter, unless the building permit application is submitted to the Building Department at least 30 days prior to the end of the allocation period appropriate for the application. A submission 30 days prior does not guarantee that it will be eligible to enter ROGO that quarter if it has not passed all required reviews.

- (b) **Application for allocation.** In each quarterly allocation period, the Planning and Environmental Resources Department shall accept applications to enter the residential ROGO system. Except for allocations to be reserved and awarded under Section 138-24(b), the ROGO application must be accompanied by an approved building permit application in order to be considered in the current allocation period. The Planning Director, or his or her designee, shall review the ROGO application for completeness. If the application is determined to be incomplete, the Planning Director, or his or her designee, shall reject the ROGO application and provide a written notice to the applicant specifying the application's deficiencies and the reasons therefore, within fifteen (15) working days. The Planning Director or his or her designee shall take no further action on the application unless the deficiencies are remedied. The application shall be assigned a controlling date that reflects the time and date of its submittal unless the application is determined to be incomplete. If the application is rejected, then the new controlling date shall be assigned when a complete application is submitted.
- (c) **Application requirements.** The ROGO application shall be submitted in a form provided by the Planning and Environmental Resources Department and meet the following requirements:
- (1) The application shall include a) the name and address of the property owner(s) of record and any authorized agents, to which certified notice of an allocation award will be mailed, if awarded, b) the property record card(s) from the Monroe County Property Appraiser, c) a written legal description of the property proposed for development, d) a boundary survey of the property proposed for development, prepared by a surveyor registered in the State of Florida, showing the boundaries of the site, elevations, bodies of water and wetlands on the site and adjacent to the site, existing structures including all impervious areas, existing easements, total acreage, and total acreage by habitat and e) a site plan. The boundary survey and site plan may be filed with the corresponding building permit application. Additional copies of the boundary survey and site plan are not required to be filed with the ROGO application.
 - (2) If a conditional use permit is required in accordance with this Land Development Code for the development applied for, the conditional use permit shall be obtained and effective prior to submittal of any ROGO application. A copy of the recorded development order shall be submitted with the ROGO application.
 - (3) The site plan shall be prepared and sealed by a professional architect, engineer, or any other professional licensed to prepare a site plan. The site plan shall be drawn to a scale of one inch equals ten feet or one inch equals 20 feet. At a minimum, the site plan shall depict the following features and information:
 - a. Date, north point and graphic scale;
 - b. Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes;
 - c. All attributes from the boundary survey;
 - d. Future Land Use Map (FLUM) designation(s) of the site;
 - e. Land Use (Zoning) District designation(s) of site;
 - f. Tier designation(s) of the site;
 - g. Flood zones pursuant to the Flood Insurance Rate Map;
 - h. Setback lines as required by this Land Development Code;

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- i. Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles;
 - j. Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants;
 - k. Extent and area of wetlands, open space preservation areas and conservation easements;
 - l. Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
 - m. Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;
 - n. Location of fire hydrants or fire wells;
 - o. The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required county and State of Florida wastewater treatment standards; and
 - p. A table providing the total land area of the site, the total buildable area of the site, the type and number of all dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking.
- (d) **Fee for review of application.** Each ROGO application shall be accompanied by a nonrefundable processing fee established by resolution of the BOCC. Additional fees are not required for successive review of the same ROGO application unless the application is withdrawn and resubmitted.
- (e) **Compliance with other requirements.** The ROGO application shall not constitute an indication of whether or not the applicant for a residential ROGO allocation has satisfied and complied with all county, state and federal requirements otherwise imposed by the County regarding conditions precedent to issuance of a building permit.
- (f) **Non-county time periods.** The County shall develop necessary administrative procedures and, if necessary, enter into agreements with other jurisdictional entities which impose requirements as a condition precedent to development in the county, to ensure that such non-county approvals, certifications and/or permits are not lost due to the increased time requirements necessary for the county to process and evaluate dwelling unit applications and issue allocation awards. The County may permit evidence of compliance with the requirements of other jurisdictional entities to be demonstrated by "coordinating letters" in lieu of approvals or permits.
- (g) **Limitation on number of applications.**
- (1) An individual entity or organization may submit only one (1) ROGO application per dwelling unit in each quarterly allocation period.
 - (2) There shall be no limit on the number of separate parcels for which ROGO applications may be submitted by an individual, entity or organization.
 - (3) A ROGO application for a given parcel shall not be for more dwelling units than are permitted by applicable zoning or land use regulations or the Comprehensive Plan.
- (h) **Expiration of allocation award.** Except as provided for in this article, an allocation award shall expire when its corresponding building permit is not picked up after 60 days of notification by certified mail of the award, or, after issuance of the building permit, upon expiration of the permit or after failure of the applicant to submit required plan

revisions by the required date set forth in subsection (k) or after the failure to conclude the required coordination with FWS under the Permit Referral Process in Section 122-8(d)(5).

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

- (1) An applicant may elect to revise a ROGO application to increase the competitive points in the application without prejudice or change in the controlling date if a revision is submitted on a form approved by the Planning Director to the Planning and Environmental Resources Department no later than 30 days following the Planning Commission approval of the previous ROGO rankings. Any such revision shall not involve changes to the approved building permit application. All other applications that are withdrawn and resubmitted that do not increase the competitive points or involve revisions to the approved building permit application shall be considered new, requiring payment of appropriate fees and receiving a new controlling date.
- (2) After receipt of an allocation award, and either before or after receipt of a building permit, but prior to receipt of a certificate of occupancy, no revisions shall be made to any aspect of the proposed residential development which formed the basis for the evaluation review, determination of points and allocation rankings, unless such revision would have the effect of increasing the points awarded, without the removal of any lot aggregation or land dedication or removal of an affordable housing deed restriction or density reduction restrictive covenant.

(j) **Clarification of application data.**

- (1) At any time during the residential ROGO allocation review and approval process, the applicant may be requested by the Planning Director or the Planning Commission to submit additional information to clarify the relationship of the allocation application, or any elements thereof, to the evaluation criteria. If such a request is made, the Planning Director shall identify the specific evaluation criterion at issue and the specific information needed and shall communicate such request to the applicant.
- (2) Upon receiving a request from the Planning Director for such additional information, the applicant may provide such information, or the applicant may decline to provide such information and allow the allocation application to be evaluated as submitted.

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

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-26. Evaluation Procedures for Dwelling Unit Allocation.

- (a) **Adjustment of residential ROGO allocations.** At the end of each quarterly allocation period, the Planning Director shall recommend additions or subtractions to the basic allocation available by subarea, based upon any of the following, as appropriate:
- (1) The number of building permits for new residential units issued which expired.
 - (2) The number of dwelling unit allocation awards that expired prior to issuance of a corresponding building permit and which were awarded in the current annual allocation period;
 - (3) The number of residential ROGO allocation awards available which were not allocated during the quarterly allocation period in the current annual allocation period;
 - (4) The number of residential ROGO allocation awards in previous quarters which were borrowed from future allocations to accommodate multiple unit projects or to accommodate allocation applications with identical scores, pursuant to Section 138-26(b)(2), or which were granted to applicants via either the appeals process, administrative relief or a beneficial use determination;
 - (5) Residential ROGO allocations vested during the preceding quarter;
 - (6) Any other modifications required or provided for by the Comprehensive Plan or an agreement pursuant to F.S. Chapter 380;
 - (7) The receipt or transfer of affordable housing allocations from or to municipalities pursuant to this article;
 - (8) Allocations reserved and/or awarded by the BOCC pursuant to Section 138-24(c).
- (b) **Initial evaluation of allocation applications.** Upon receipt of completed allocation applications, the Planning Director shall evaluate the allocation applications for market rate housing pursuant to the evaluation criteria set forth in Section 138-28.
- (1) Except for affordable housing, the Planning Director shall classify each allocation application by subarea.
 - (2) On the evaluation cover page, for each allocation application, the Planning Director shall indicate the subarea and the number of dwelling units for which allocation awards are being requested. Market rate allocation applications shall be aggregated by subarea. Affordable housing allocation applications shall be aggregated on a countywide basis, except for the Big Pine Key/No Name Key subarea.
 - (3) Within 30 days of the conclusion of a quarterly allocation period, unless otherwise extended by the BOCC, the Planning Director shall, for market rate allocations:
 - a. Complete the evaluation of all allocation applications submitted during the relevant allocation period;
 - b. Total the number of dwelling units by subarea for which allocation applications have been received; and
 - c. Rank the allocation applications in descending order from the highest evaluation point total to the lowest and by controlling date, pursuant to subsection (e).
 - (4) Within 30 days of the conclusion of a quarterly allocation period, unless otherwise extended by the BOCC, the Planning Director shall, for affordable housing allocations:
 - a. Complete review of all allocation applications to confirm eligibility of applicants during the relevant allocation period;
 - b. Total the number of dwelling units for the unincorporated county for which affordable housing allocation applications have been received; and

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- c. List the affordable housing allocation applications in descending order of controlling date from earliest to latest date.
 - (5) If the number of dwelling units represented by the allocation applications for market rate housing, by subarea, is equal to or less than the quarterly allocation, the Planning Director may make a recommendation to the Planning Commission that all of the allocation applications for that subarea be granted allocation awards.
 - (6) If the number of dwelling units represented by the allocation applications for affordable housing is equal to or less than the available allocation, the Planning Director may make a recommendation to the Planning Commission that all of the allocation applications be granted allocation awards.
 - (7) If the number of dwelling units represented by the allocation applications for market rate housing, by subarea, is greater than the quarterly allocation, the Planning Director shall submit an evaluation report to the Planning Commission indicating the evaluation rankings and identifying those allocation applications whose ranking puts them within the quarterly allocation, and those allocation applications whose ranking puts them outside of the quarterly allocation.
 - (8) If the number of dwelling units represented by the allocation applications for affordable housing is greater than the total available allocation, the Planning Director shall submit a report to the Planning Commission indicating the applications in order of their control dates and identifying those allocation applications for which sufficient allocations exist and those allocation applications whose ranking by controlling date puts them outside the available allocation.
- (c) **Public hearings.** Upon completion of the evaluation ranking report and/or recommendation, the Planning Director shall schedule and notice a public hearing by the Planning Commission pursuant to otherwise applicable regulations.
- (1) At or prior to the public hearing, the Planning Commission may request, and the Planning Director shall supply, copies of the allocation applications and the Planning Director evaluation worksheets.
 - (2) Upon review of the market rate allocation applications and evaluation worksheets, the Planning Commission may adjust the points awarded for meeting a particular criteria, adjust the rankings as a result of changes in points awarded, or make such other changes as may be appropriate and justified.
 - (3) The basis for any Planning Commission changes in the scoring or ranking of market rate applications shall be specified in the form of a motion to adopt the allocation rankings and may include the following:
 - a. An error in the designation of the applicable subarea.
 - b. A mistake in the calculation of dedicated or aggregated lots/land.
 - c. A mistake in assignment of the tier map designation in the application. Such a mistake in reading the tier designation in applying points for the application, any change to the tier map must go through the procedures for amendment of the tier map.
 - d. Any other administrative error or omission that may cause the application to be incorrectly scored.
 - (4) The public, including, but not limited to, applicants for allocation awards, shall be permitted to testify at the public hearing. Applicants may offer testimony about their applications or other applications; however, in no event may an applicant offer modifications to an application that could change the points awarded or the ranking of the application.
 - (5) At the conclusion of the public hearing, the Planning Commission may:
 - a. Move to accept the evaluation rankings for market rate housing applications and rankings for affordable housing applications as submitted by the Planning Director.
 - b. Move to accept the rankings as may be modified as a result of the public hearing.

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- c. Move to continue the public hearing to take additional public testimony.
 - d. Move to close the public hearing but to defer action on the evaluation rankings pending receipt of additional information.
 - e. Move to reject the rankings.
- (6) The Planning Commission shall finalize the rankings within 60 days following initial receipt of the Planning Director evaluation ranking, report and recommendations.
- (d) **Notification to applicants.** Upon finalization of the evaluation rankings by the Planning Commission, notice of the rankings, by subarea for market rate housing, and countywide for affordable housing, shall be posted at the Planning and Environmental Resources Department offices and at such other places as may be designated by the Planning Commission.
- (1) Applicants who receive allocation awards shall be further notified by certified mail, return receipt requested. After three (3) unsuccessful attempts to notify the applicant via certified mail, return receipt requested, the allocation award shall expire. Except as provided herein for allocations for affordable housing awarded by the BOCC pursuant to Section 138-24(b) and subsection (f) of this section, upon receipt of notification of an allocation award, the applicant may request issuance of a building permit for the applicable dwelling unit.
 - (2) Applicants who fail to receive allocation awards shall be further notified by regular mail; without further action by such applicants or the payment of any additional fee, such applications shall remain in the residential ROGO system for reconsideration in the next succeeding quarterly allocation period.
- (e) **Identical rankings for market rate housing applications.** If two or more allocation applications in a given subarea have identical evaluation points, these applications shall be ranked in descending order from the earliest controlling date of submission to the latest. The Planning Commission may approve two or more allocation applications with identical rankings and controlling dates despite the fact that the quarterly allocation will be exceeded if:
- (1) A clear statement of findings of fact are made justifying the decision; and
 - (2) The excess allocation is reduced from the next succeeding quarterly allocation period or is reduced pro rata from the next three quarterly allocation periods.
- (f) **Extension of expiration period for Affordable Housing.** Upon the written approval of the Planning Director, the expiration period for an allocation award for affordable multi-unit housing projects may be extended where the applicant is unable to be granted a sufficient number of allocations required to initiate the project. As may be required time to time, the BOCC may extend the 60-day expiration period for an allocation award by resolution upon finding that such extension is in the public interest.
- (Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-27. Administrative Relief.

- (a) **Eligibility.** An applicant for an allocation award is eligible for administrative relief if:
- (1) The application complies with all requirements of the dwelling unit allocation system;
 - (2) The application has been denied an allocation award for four successive years (first 16 consecutive quarterly allocation periods) in the ROGO Permit Allocation System;
 - (3) The proposed development otherwise meets all applicable county, state, and federal regulations;
 - (4) The ROGO allocation application has not been withdrawn;

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- (5) The applicant has complied with all the requirements of the ROGO Permit Allocation System; and
- (6) The applicant has followed the procedures for administrative relief; and
- (7) The applicant has not received an allocation award.
- (b) **Notification of eligibility.** Within 30 days of the finalization of evaluation rankings by the Planning Commission, any applicant determined to be eligible for administrative relief pursuant to subsection (a) of this section shall be notified of the applicant's eligibility for administrative relief by certified mail, return receipt requested.
- (c) **Application.** An application for administrative relief shall be made on a form prescribed by the Planning Director and may be filed with the Planning and Environmental Resources Department no earlier than the conclusion of the 16th quarterly allocation period and no later than 180 days following the close of the 16th quarterly allocation period.
- (d) **Exceptions.** Monroe County shall preclude the granting of administrative relief in the form of the issuance of a building permit for lands within the Florida Forever targeted acquisition or Tier I land areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel cannot be purchased for conservation purposes by any county, state or federal agency or any private entity. The county shall routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least six months prior to the deadline for administrative relief.
- (e) **Forwarding application to board of county commissioners.** Upon the filing of an application for administrative relief, the Planning Director shall forward to the BOCC all relevant files and records relating to the subject applications. Failure to file an application shall constitute a waiver of any rights under this section to assert that the subject property has been taken by the county without payment of just compensation as a result of the dwelling unit allocation system.
- (f) **Public hearing.** Upon receipt of an application for administrative relief, the BOCC shall notice and hold a public hearing at which the applicant will be given an opportunity to be heard. The BOCC may review the relevant applications and applicable evaluation ranking, taking testimony from county staff and others as may be necessary and hear testimony and review documentary evidence submitted by the applicant.
- (g) **Board of county commissioners action.** At the conclusion of the public hearing, the BOCC may take any or a combination of the following actions:
- (1) Offer to purchase the property at its fair market value as its preferred action if the property is located within:
 - a. A designated Tier I area or within the Florida Forever (or its successor) targeted acquisition areas (unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined no county, state or federal agency or any private entity is willing to offer to purchase the parcel);
 - b. A designated Tier II area (Big Pine Key and No Name Key);
 - c. A designated Tier III-A area (special protection area); or
 - d. A designated Tier III area on a nonwaterfront lot or parcel for affordable housing.
 - (2) Grant the applicant an allocation award for all or a number of dwelling units requested in the next succeeding quarterly allocation period or extended pro rata over several succeeding quarterly allocation periods as the preferred action for buildable properties not meeting any of the criteria in subsection (g)(1) of this section.
 - (3) Suggest or provide such other relief as may be necessary and appropriate.
- (h) **Limits on administrative allocations per quarter.** The number of allocations that may be awarded under administrative relief in any one quarter shall be no more than 50 percent of the total available market rate allocations available, excluding banked administrative relief allocations and those allocations received from Key West, in a quarter for that subarea. Any allocations, excluding banked administrative relief allocations and those allocations

received from Key West, in excess of 50 percent shall be extended into the succeeding quarter or quarters until the number of such allocations is 50 percent or less of the total number of market rate allocations available to be awarded.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-28. Evaluation Criteria (ROGO).

(a) **Residential Evaluation Criteria.** The point values established on the following pages are to be applied cumulatively:

For all applications entering the Residential Permit Allocation system after July 13, 2016, the following points and criteria shall apply:

- (1) *Tier designation.* Utilizing the Tier System for land classification, 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 are targeted for acquisition and the retirement of development rights for resource conservation and protection.

Point Assignment:	Criteria (Outside Big Pine Key and No Name Key):
+10	Proposes a dwelling unit within areas designated Tier I [Natural Area]
+20	Proposes development within areas designated Tier III-A [Special Protection Area].
+30	Proposes development within areas designated Tier III [Infill Area].

Point Assignment	Criteria (Within Big Pine Key and No Name Key):
+0	Proposes a dwelling unit within areas designated Tier I [Natural Area] on Big Pine Key and No Name Key
+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key or No Name Key].
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine Key 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 (HCP) and the Livable CommuniKeys Community Master Plan.

Point Assignment:	Criteria (Within Big Pine Key and No Name Key):
-10	Proposes development on No Name Key.
-10	Proposes development in designated Lower Keys marsh rabbit habitat or buffer areas as designated in the HCP.
-10	Proposes development in Key Deer Corridor as designated in the HCP.

- (3) *Wetlands.* The following points shall be assigned to allocation applications on Tier III parcels which have sufficient upland to be buildable (min of 2,000 sq. ft. of uplands) but also contain wetlands which require 100 percent open space pursuant to the Monroe County Comprehensive Plan and that are located adjacent or contiguous to Tier I properties.

Point Assignment	Criteria
-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>Notes:</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> <p>Subsection (3) applies to new applications for Tier III parcels entering the permit allocation system after January 13, 2013.</p>	

(4) *Aggregation*. The following points shall be assigned to allocation applications to encourage the voluntary reduction of density, for the retirement of development rights through aggregation of parcels and for the purpose of retirement of development rights through aggregation of legally platted buildable lots.

Point Assignment:	Criteria: (Outside Big Pine Key and No Name Key): ^{1, 2, 3, 4, 5, 6}
+3 per lot/parcel aggregated	<p>Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier I area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p> <p>Each additional contiguous vacant parcel with a minimum of 2,000 square feet of uplands which is aggregated in a designated Tier I area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p>
+4 per lot/parcel aggregated	<p>Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III-A (SPA) area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p> <p>Each additional contiguous vacant parcel with a minimum of 2,000 square feet of uplands which is aggregated in a designated Tier III-A (SPA) area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p>

+6 per lot/parcel aggregated	<p>Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p> <p>Each additional contiguous vacant parcel with a minimum of 2,000 square feet of uplands which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p>
¹ Applies to new applications entering the permit allocation system after July 13, 2016.	
² Any parcels (includes lots) aggregated shall require a restrictive covenant and shall be placed under a unity of title with the primary parcel. Clearing of upland native vegetation shall be limited to a maximum of 7,500 square feet (or as specified in Section 118-9) for the primary and aggregated parcels combined, and the remainder of the parcels shall be placed under a conservation easement disallowing any clearing of native habitat.	
³ The County shall not allow the reversal of any lot aggregation used to assign extra points to a ROGO application, whether executed by unity of title and/or restrictive covenant, and regardless of the status of the ROGO allocation award or associated building permit. In the event the dwelling unit was not constructed and the ROGO allocation award has expired, a subsequent ROGO allocation application on the same aggregated parcels will be assigned the same number of extra points originally assigned for the lot aggregation.	
⁴ A legally binding, restrictive covenant running in favor of the county and enforceable by the County, subject to the approval of the Planning 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. Other documents related to the approval of the aggregation include, but are not limited to, unity of title, conservation easement, affidavit of no encumbrance(s), entity affidavit, joinder(s) subject to the approval of the Planning 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.	
⁵ Eligibility: For aggregation points a parcel must contain a minimum of 2,000 square feet of uplands. Platted lots shall not be subdivided or otherwise reconfigured in any manner that would allow the number of proposed lots to exceed the number of lots that lawfully existed as of September 15, 1986 and that were approved on the Plat.	
⁶ When proposing the aggregation of parcels with differing tier designations, points shall be assigned based upon the parcel proposed to be aggregated with the primary parcel and the location of the residential dwelling unit.	

Point Assignment:	Criteria (Within Big Pine Key and No Name Key): ^{1, 2, 3, 4, 5, 6}
+3 per lot/parcel aggregated	<p>Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p> <p>Each additional contiguous vacant parcel with a minimum of 2,000 square feet of uplands which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified</p>
+4 per lot/parcel aggregated	<p>Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier I area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.</p> <p>Each additional contiguous vacant parcel with a minimum of 2,000 square feet of</p>

	uplands which is aggregated in a designated Tier I area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.
¹ Applies to new applications entering the permit allocation system after July 13, 2016.	
² Any parcels (includes lots) aggregated shall require a restrictive covenant and shall be placed under a unity of title with the primary parcel. Clearing of upland native vegetation shall be limited to a maximum of 7,500 square feet (or as specified in Section 118-9) for the primary and aggregated parcels combined, and the remainder of the parcels shall be placed under a conservation easement disallowing any clearing of native habitat.	
³ The County shall not allow the reversal of any lot aggregation used to assign extra points to a ROGO application, whether executed by unity of title and/or restrictive covenant, and regardless of the status of the ROGO allocation award or associated building permit. In the event the dwelling unit was not constructed and the ROGO allocation award has expired, a subsequent ROGO allocation application on the same aggregated parcels will be assigned the same number of extra points originally assigned for the lot aggregation.	
⁴ A legally binding, restrictive covenant running in favor of the county and enforceable by the County, subject to the approval of the Planning 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. Other documents related to the approval of the aggregation include but not limited to unity of title, conservation easement, affidavit of no encumbrance(s), entity affidavit, joinder(s) subject to the approval of the Planning 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.	
⁵ For aggregation points a parcel must contain a minimum of 2,000 square feet of uplands. Platted lots shall not be subdivided or otherwise reconfigured in any manner that would allow the number of proposed lots to exceed the number of lots that lawfully existed as of September 15, 1986 and that were approved on the Plat.	
⁶ When proposing the aggregation of parcels with differing tier designations, points shall be assigned based upon the parcel proposed to be aggregated with the primary parcel and the location of the residential dwelling unit.	

- (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 retirement of development rights or providing land for affordable housing where appropriate. Applicants can utilize lands dedicated pursuant to Policy 101.5.26; however, submerged lands (inundated by water) shall not be eligible for land dedication.

Point Assignment:	Criteria: (Outside Big Pine and No Name Key):
+4 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III for affordable housing, containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+5 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot with a minimum of 2,000 square feet of uplands, designated as Tier III for the retirement of development rights. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4 for each parcel	Proposes dedication to Monroe County of one (1) vacant parcel with a minimum of 2,000 square feet of uplands, designated as Tier III for the retirement of development rights. Each additional vacant parcel that meets the aforementioned requirements will earn points as specified.
+1 for each platted lot	Proposes dedication to Monroe County of a vacant, legally platted lot within a Tier I

	area, designated as Residential Low containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot within a Tier I area, designated as Residential Conservation containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2 for each parcel	Proposes dedication to Monroe County less than one (1) acre of vacant, unplatted land located within a Tier I area containing a minimum of 2,000 square feet of uplands. Each additional parcel with vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+4 for each acre	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing a minimum of 2,000 square feet of uplands. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+2 for each platted lot	Proposes 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.
+2.5 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I, containing a minimum of 2,000 square feet of uplands and not designated as Residential Conservation or Residential Low. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III-A (Special Protection Area-SPA) containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+2 for each parcel	Proposes dedication to Monroe County less than one (1) acre of vacant, unplatted land located within a Tier III-A area containing a minimum of 2,000 square feet of uplands. Each additional parcel with vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+3 for each parcel	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier III-A area containing a minimum of 2,000 square feet of uplands. Each additional parcel with vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
Additional Requirements	
	A statutory warranty deed that conveys the dedicated property to the county shall be approved by the Planning 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. Other documents related to the approval of the land dedication may include, but are not limited to, affidavit of no encumbrance(s), entity affidavit, subject to the approval of the Planning 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.

Point Assignment:	Criteria (Within Big Pine Key and No Name Key):*
+2 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier I on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4 for each acre	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+2 for each parcel	Proposes dedication to Monroe County less than one (1) acre of vacant, unplatted land located within a Tier I area on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional parcel with vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+2 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier II on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+3 for each acre	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier II area on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+2 for each parcel	Proposes dedication to Monroe County less than one (1) acre of vacant, unplatted land located within a Tier II area on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional parcel with vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
+5 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot, designated as Tier III on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4 for each parcel	Proposes dedication to Monroe County of one (1) vacant parcel, designated as Tier III on Big Pine Key or No Name Key, containing a minimum of 2,000 square feet of uplands. Each additional vacant parcel that meets the aforementioned requirements will earn points as specified.
+2 for each platted lot	Proposes dedication to Monroe County of one (1) vacant, legally platted lot on Big Pine Key or No Name Key which contains undisturbed wetlands. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
Additional Requirements	
	A statutory warranty deed that conveys the dedicated property to the county shall be approved by the Planning 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. Other documents related to the approval of the land dedication may include but are not limited to affidavit of no encumbrance(s), entity affidavit,

	subject to the approval of the Planning 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.
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(6) *Market rate housing in employee or affordable housing development.* The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing development:

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 all the requirements set forth in Sec. 139-1.

(7) *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:
-6	Proposes structures requiring an allocation within "V" zones on the FEMA flood insurance rate maps.
-4	An application for which development is proposed within a CBRS unit.

(8) *Central wastewater system availability.* The following points shall be assigned to allocation applications to direct development to areas with sewer:

Point Assignment:	Criteria:
+4*	Proposes development required to be connected to a central wastewater treatment system that meets the AWT treatment standards established by Florida Legislature and Policy 901.1.1.
*These points shall not apply to parcels within a CBRS system unit.	

(9) *Payment to the Land Acquisition Fund.* Up to two (2) whole 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.

Additional Requirements:

1. The monetary value of each point shall be established annually by resolution of the BOCC.
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 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.

(10) *Energy and Water Conservation.* The following points shall be assigned to allocation applications on lands designated as Tier III to encourage the planting of native vegetation and promote water conservation and increased energy efficiency:

Point Assignment:	Criteria:
+3	Proposes a dwelling unit designed according to and certified to the standards of a sustainable building rating or national model green building code.
+1	Dwelling unit includes installation of a permanent concrete cistern with a minimum capacity of 1,000 gallons.
+2	Dwelling unit includes the installation of a gray water reuse system, meeting the requirements of the Florida Building Code.
+1	Dwelling unit includes installation of a solar photovoltaic collection system, a minimum of 3KW in size or the equivalent in other renewable energy systems.*
+0.5	Dwelling unit includes installation of one or both of the following technologies:* a. Ductless air conditioning system. b. High efficiency chillers.
* The systems must be maintained for a minimum of five years from C.O. unless replaced with a system that provides a functional equivalent or increased energy or water savings.	

(11) Perseverance Points.

Point Assignment:	Criteria:
+1 for four years	For parcels designated Tier I, II or III-A, one (1) point shall be awarded for each year that the allocation application remains in the allocation system up to four (4) years.
+0.5 after four years	After four (4) years, the application shall be awarded 0.5 points for each year the application remains in the system.
+2 for four years	For parcels designated Tier III, two (2) points shall be awarded for each year that the allocation application remains in the allocation system up to four (4) years.
+1 after four years	After four (4) years, the application shall be awarded one (1) point for each year the application remains in the system.
Applications entering the ROGO system after July 13, 2016, shall receive perseverance points as listed above.	
Applications in the ROGO system on the effective date of the ordinance which were receiving 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, shall be eligible to continue to earn points at an annual rate of +2 points for each year that the application remains in the ROGO system.	
All other applications competing in the ROGO system that have not received an allocation award in quarter 4, ROGO year 24, ending July 12, 2016, shall receive perseverance points as listed above.	

(12) The County shall not allow the reversal of any 'acreage tract density reduction,' previously approved restrictive covenant by the County and recorded in the official records of Monroe County, Florida, and used to assign extra points to a ROGO application, regardless of the status of the ROGO allocation award or associated building permit. In the event the dwelling unit was not constructed and the ROGO allocation award has expired, a subsequent ROGO allocation application on the same parcel(s) will be assigned the same number of extra points originally assigned for the 'density reduction.'

(13) 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 choose, 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.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Sec. 138-29. Appeals.

- (a) An appeal from the decision of the Planning Commission on a ROGO allocation shall be made to the BOCC. The notice of such appeal shall be in a form prescribed by the Planning Director and must be filed with the Planning Director within 20 working days of the Planning Commission's decision. Upon the filing of an appeal, the Planning Commission's secretary will forward to the board all relevant files and records relating to the matter. Failure to file an appeal with the BOCC shall constitute a waiver of any rights under this chapter to further dispute the decision of the Planning Commission.
- (b) The filing of an appeal shall not stay either the action of the Planning Commission or the action of the director of planning.
- (c) If, as a result of a successful appeal, additional allocation awards are to be made, the BOCC shall instruct the Planning Director as to how many dwelling unit applications shall receive allocation awards, when such allocation awards are to be made and what effect such additional allocation awards will have on the current annual or quarterly dwelling unit allocation. To ensure that the dwelling unit allocations set forth in Section 138-24 are not exceeded, the Planning Director shall inform the Planning Commission of the results of the appeal and the disposition of any additional allocation awards.

(Ord. No. 006-2016 , § 1(Exh. 1), 4-13-2016)

Secs. 138-30—138-46. Reserved.