

PLATTED LANDS IN THE FLORIDA KEYS

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by

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## EXECUTIVE SUMMARY

This report addresses the platted lands problem in Monroe County, Florida. The research was funded by Florida's Department of Community Affairs. The research project had four objectives: (1) To delineate the scope and nature of the County's platted lands problem; (2) identify the motives of lot owners and the relevant attitudes of the public; (3) evaluate alternative programs for dealing with the platted lands problem thus defined; and (4) develop a proposed strategy for implementing appropriate programs.

Data for the study came from a variety of sources. (1) The Monroe County Property Appraiser and the County's Planning Department provided information on lot ownership. (2) A survey of public opinion was conducted in November of 1985 and the results were compared to those of a similar survey conducted in 1984. (3) A survey was also conducted of County residents with undeveloped lots. (4) Local elected and appointed officials were interviewed to obtain their views on the County's platted lands problem and their evaluations of alternative policies for addressing the problem.

### The Problem

Monroe County contains over 53,000 platted lots. Of these, approximately 20,000 are occupied; 1,000 are unavailable for development for a variety of reasons; and 32,000 are undeveloped and are intended for residential use.

The proposed Monroe County Plan divides vacant platted lands into two classes: improved subdivisions and unimproved subdivisions. In most cases, lots in improved subdivisions are allocated a density of one dwelling unit per lot regardless of size. Lots in unimproved subdivisions are treated as acreage, a classification which theoretically requires the assembly of as many as nine lots to achieve a minimum density of one dwelling unit. However, the Plan allows any lot, improved or unimproved, to be developed for affordable housing. Of the 32,000 undeveloped platted lots in the County, approximately 16,000 are in improved subdivisions and 16,000 are in unimproved subdivisions.

Generally, the existence of undeveloped residential lots is not a matter of public concern, but in Monroe County there are at least three reasons why platted, undeveloped lots present a problem: (1) Many of the areas which have been subdivided are environmentally sensitive in one manner or another. (2) A large number of the lots do not meet proposed standards for development. (3) If development of the lots is scattered rather than compact, the resulting costs for the provision of public services will be very high.

## Alternative Programs

State and local governments could respond to the County's platted lands problem in a variety of ways: (1) Take no action; (2) Purchase some or all of the excess lots; (3) Adopt cluster zoning regulations to require land reassembly and compact development; (4) Establish a program for Transferable Development Rights (TDR); (5) Establish a Florida Keys Conservancy.

Even if no action is taken, land reassembly may be stimulated by the proposed County Plan along with state and federal regulations. However, leaving property owners to fend for themselves places the most impediments in the way of attaining the highest possible development value for the lots.

Public acquisition of the County's platted lots would require an initial investment of approximately \$100 million. Some of the substandard lots could then be reassembled and sold as developable parcels. It is difficult to estimate how much of the initial investment could be recouped in this way.

Cluster zoning requirements could be adopted either with TDRs or without them. Without TDRs, lot owners in environmentally sensitive areas would not be able to receive any appreciable value for their ownership. With TDRs, clustering would be promoted in those areas where development is acceptable while owners of undevelopable lots would receive some measure of value as well. In order for a TDR program to work, the County Commission must deny variances or rezonings which compete with the program.

A Florida Keys Conservancy would be a special purpose unit of local government established by the State Legislature. It could implement or facilitate all of the programs discussed above and also serve as a single point where lot owners could go for assistance.

## Lot Owners

How to address the County's platted lands problem depends in part on the characteristics, expectations, and desires of the lot owners. Approximately 15 percent of the households in Monroe County own at least one undeveloped lot in the Keys.

Ownership patterns indicate that there are several types of lot owners. A sizable majority of lot owners have only one undeveloped lot and hence have holdings in only one subdivision. However, 29 percent have holdings in at least two subdivisions, and 14 percent have holdings in at least three.

Lot owners differ in the plans they have for their property. Over one-third of the parcels are slated for a primary home. Another one-third are being held as an investment. Most of the remaining owners have no definite plans. A majority of the

owners who intend to build homes on their lots plan to do so within the next 3 years.

There is a considerable spread in how much the lots cost initially, but, regardless of initial cost, many lot owners think that their lots are worth much more today. Over half (52%) of the respondents believe that the value of their lots has not changed greatly since purchase, while 44 percent say that the value has increased dramatically.

Lot owners were asked to evaluate several alternatives: selling their lots to a public agency; pooling their lots for replatting; selling their development rights; and buying development rights. Only 6 percent of the sample favored all four approaches, but fifty-seven percent favored at least one.

### Public Opinion

The Monroe County public appears to be concerned about the effect that development restrictions will have on the value of platted lots. A majority of the voting-age residents believe that the natural environment is deteriorating and say that land use regulation in the Keys should be strengthened, but most residents are uncertain about the proposed County Plan. Thirty-nine percent of the respondents favor the Plan, 23 percent oppose it, and 38 percent are unsure. Moreover, respondents who are familiar with the plan are most likely to be uncertain about it, and uncertainty is scattered across all of the major subgroupings of the population. However, this does not mean that the public is opposed to land use regulation. A majority (54%) of the respondents said that too little control is currently being exercised over development.

### Recommended Solution

Given the diversity of the lot owners and the concerns of local citizens, the best way to address Monroe County's platted lands problem is with a Florida Keys Conservancy (FKC). The FKC would function as a land preservation agency, land development agency, and real estate broker. It would work for the acquisition or transfer of development potential of environmentally sensitive lots, assist in land assembly or actually engage in land assembly, and seek out both buyers and sellers to fulfill its mission of fostering economically sound and environmentally sensitive development.

Initial funding for the FKC should be provided by both the State and the County. The FKC should also be allowed to seek funding from other sources, both public and private. Monies for the FKC would serve as a revolving fund for land acquisition and development.

The governing body of the FKC should have seven members, six of whom are residents of the County. Three members should be appointed by the County Commission and three by the Governor.

The Secretary of Florida's Department of Community Affairs should be the seventh, non-resident member.

## PREFACE

This report addresses the platted lands problem in Monroe County, Florida. The research was funded by Florida's Department of Community Affairs. Contributions to the report were made by a number of individuals. Dr. John M. DeGrove had primary responsibility for organizing the research and producing the final product. Charles L. Siemon, Esq., drafted the introductory section describing the platted lands problem. Dr. James C. Nicholas wrote the section on alternative policies for spreading out the costs and benefits of restricted development. Dr. Lance deHaven-Smith directed the surveys and analyzed the results. Frank Schnidman, Esq., wrote the section on the conservancy alternative. Editorial assistance was provided by Jennifer Zukowski, a research assistant at the Joint Center.

The research project had four objectives: (1) To delineate the scope and nature of the County's platted lands problem; (2) identify the motives of lot owners and the relevant attitudes of the public; (3) evaluate alternative programs for dealing with the platted lands problem thus defined; and (4) develop a proposed strategy for implementing appropriate programs.

Data for the study came from a variety of sources. (1) The Monroe County Property Appraiser and the County's Planning Department provided information on lot ownership. (2) A survey of public opinion was conducted in November of 1985 and the results were compared to those of a similar survey conducted in 1984. (3) A survey was also conducted of County residents with undeveloped lots. And (4) local elected and appointed officials

were interviewed to obtain their views on the County's platted lands problem and their evaluations of alternative policies for addressing the problem.

All three of the surveys discussed in the report were conducted over the telephone by the Social Science Research Laboratory at Florida Atlantic University. A two-step sampling procedure was used to select the telephone numbers in the samples. First, a proportionate, stratified, random sample of residential telephone numbers was drawn on the basis of the number of residential listings per Central Office Code (telephone prefix) in the county. Second, to assure that unlisted phone numbers were included in the sample, the last two digits of the phone numbers selected in the first step were replaced by numbers generated randomly by a computer.

The sampling procedures for the surveys differed only in the method used for choosing the respondent once telephone contact had been made. In the surveys of the general public, random sampling of individuals within households was employed prior to each interview. Following the approach developed by Hagen and Collier (1982), interviewers asked to speak with, in rotation, either the oldest male, oldest female, youngest male or youngest female in the household who was at least 18 years old. In the lot owner survey, interviewers asked simply whether someone in the household owned an undeveloped lot in the Keys, and they then spoke with the individual most knowledgeable about the topic.

The nature of these samples is significant. The public opinion surveys are generalizable to the entire population of Monroe County (excluding those under 18 years old). However, the

lot owner survey is not generalizable to all lot owners, because lot owners residing outside Monroe County were not contacted.

There were several reasons for restricting the lot owner survey to residents of the Keys. First, information was needed quickly, and the only feasible approach that would not produce a misleading sample was to sample randomly from local residents. Going to the tax records and trying to find phone numbers for non-residents would have been biased against individuals with unlisted numbers; using a mailed questionnaire would have taken too long and in any event would have probably produced an unacceptable response rate. Second, from a political point of view the platted lands problem stems primarily from the concerns of local residents rather than from outsiders. Even though questions of equity apply to everyone with undeveloped land in Monroe County, the local governments are responsible primarily to County residents. Third, as discussed in the report, a very large percentage of local residents own undeveloped lots in the Keys. Therefore, although the sample was restricted to locals, it included a large proportion of the lot owner population.

The two surveys of public opinion had approximately the same number of respondents and were conducted almost exactly one year apart. The first survey included 408 interviews and was run between August 22 and September 1, 1984. The second survey had a sample of 399 and was implemented between November 15 and December 2, 1985. In both cases, the sample size allows for a 95 percent level of confidence and a 5 percent interval of error. This means that the odds are 95 out of 100 that the actual

distribution of the population's opinions are within plus or minus 5 percent of the distribution of opinion in the sample.

The lot owner survey was conducted between December 3 and December 22, 1985. The sample was analyzed in two different ways, and the sample size varies depending on the approach in question. Lot owners were asked about (1) their attitudes on general issues and (2) the lots they owned in each different subdivision where they had holdings. In the first case, the sample includes 114 respondents because 114 lot owners were interviewed. However, in the second case--where the unit of analysis is the subdivision rather than the individual owner--the sample size is 164 because some respondents owned lots in more than one subdivision. The sample of 114 lot owners has a margin of error of plus or minus 9.5 percent, and the sample of 164 "lot holdings" has a margin of error of plus or minus 8 percent.

The principal use of the lot owner survey is not in supplying information about subdivisions in the Keys. Detailed data on the subdivisions, based on the entire population of lots rather than on a sample, are available from tax records. The survey is valuable because it provides information about the characteristics, motivations, and intentions of the lot owners. Responses from the survey on questions related to ownership patterns are provided below to give an indication of the nature of the sample. They may also be useful in overcoming one of the problems with tax records: The lots owned by a given household may be filed under a number of different names, thus obscuring the extent to which families have extensive holdings.

## INTRODUCTION

One of the most difficult issues encountered in revising a community's land use plan and land development regulations is the status of previously platted or subdivided lands. Monroe County is no exception. During the last fifty years more than 14,000 acres of land have been subdivided into almost 53,000 lots. The vast majority of the lots were intended for residential use, but only 10,000 lots have actually been used for residential purposes. Another 10,000 lots have been used or are zoned for commercial purposes and 1000 lots are, for a variety of reasons, unavailable for any development, leaving approximately 32,000 lots for future residential development.

The difficulty is that the economic capacity of the Florida Keys is estimated to be somewhere in the neighborhood of 20,000 dwelling units. Obviously, the development expectations of some of the owners of the 32,000 lots will be disappointed by the implementation of the adequate facilities criteria of the Monroe County Comprehensive Plan. How to deal with these expectations is the subject of this study and report.

### Platted Lands

Vacant platted lands in Monroe County involve a wide range of lot sizes and vary significantly in terms of their developability. For example, approximately 7,237 vacant lots are classified as wetlands under the Florida Statutes and the Monroe County Comprehensive Plan. Many of these lots are subject

to direct tidal inundation, including one subdivision containing more than 800 lots that is totally submerged and completely unimproved. Of the 32,000 vacant residential lots, more than 21,000 are substandard by existing (that is, prior to the Monroe County Comprehensive Plan) regulations, but a generous grandfather provision protects them, including almost 7,500 lots that are smaller than 5,000 square feet. Only 7,300 lots are equal to the minimum size the Department of Health and Rehabilitative Services has identified as a minimum for septic tank installations. Only 1,500 lots are of a density that is comparable to the allocated densities for residential lands under the Monroe County Comprehensive Plan.

Platted lands are found in each of the County's planning areas. There are 421 recorded subdivisions with lot sizes ranging from 5,000 square feet to over an acre. There are an additional 27 unrecorded subdivisions. The subdivisions range in character from fully improved, scarified lands to unimproved native lands. A number of subdivisions are mere "paper" subdivisions, several are subject to tidal inundation on at least a periodic basis, and several subdivisions are completely submerged. Of the 421 recorded subdivisions, 55 percent have homes developed on fewer than half of the lots in the subdivision, and 33 percent that are not 100 percent built out have homes on fewer than 30 percent of the lots in the subdivision. In a significant number of cases, adjacent lots are owned in common ownership, and many developed homes are located on two lots.

### The Comprehensive Plan

The Board of County Commissioners has determined in the context of its legislative deliberations on the Monroe County Comprehensive Plan that vacant platted lands shall be divided into two classes:

1. improved subdivisions
2. unimproved subdivisions.

An improved subdivision is a recorded subdivision that has all required improvements in place or available including roads, water, electric and telephone. Approximately 16,000 lots qualify as improved subdivision lots. Lots in improved subdivisions are allocated a density of one dwelling per lot regardless of size, except that where contiguous lots are in common ownership on the effective date of the Plan, the owner thereof is only entitled to one unit per 12,500 square feet or two lots, whichever is the smaller area, provided that for lots that are larger than 12,500 square feet the owner thereof shall only be entitled to one dwelling unit per lot as originally platted. The balance of the lots (15,427) are treated as acreage under the Plan, a circumstance that theoretically requires the assembly of as many as 9 lots to achieve a minimum density of one dwelling unit. There is, however, a provision in the Plan that would enable a lot owner in an unimproved subdivision to cluster and/or transfer his development rights, whatever they are, to other sites including improved subdivisions, and to transfer development

rights to unimproved subdivision lots. In other words, the owner of a 5000 square foot lot mapped SR (Suburban Residential 1 du/a) would have an allocated density of .115 du. If the owner acquired the development rights from 2.95 acres of transitional habitat (wetlands under Florida Statutes and subject to Army Corps of Engineer jurisdiction) and transferred those rights to the unimproved lot, then one dwelling unit would be built on the lot.

There is one other provision of the Monroe County Comprehensive Plan that affects platted lands. With respect to the housing needs of Monroe County's work force, the Plan provides that notwithstanding the density limitations of the Plan, the owner or developer of a lot may develop a dwelling unit provided that:

1. the dwelling unit is to be occupied by the applicant;
2. the applicant's household derives 70% of its household income from gainful employment in Monroe County;
3. the applicant's household income does not exceed 125% of the median income of a household of similar character in Monroe County;
4. the applicant has executed a sworn statement that the dwelling unit will be occupied by a qualifying household for at least two (2) years;
5. neither the applicant nor any member of his family has developed an exemption unit during the prior five (5) years.

The effect of this provision is that any lot, improved or unimproved, is available for development of what the Comprehensive Plan calls affordable housing.

There is but one caveat to the density provisions of the Plan. An allocation of density, whether land is platted or not,

does not guarantee the right to develop. That is so because the Plan requires that adequate facilities be available to serve all development. Given that the number of dwelling units allocated under the Plan exceeds by a factor of two the capacity of existing and planned facilities, only a portion of the allocated densities can, in fact, be developed.

## THE PLATTED LANDS ALTERNATIVES

Generally, the existence of undeveloped residential lots is not a matter of public concern, but in Monroe County there are at least three reasons why platted, undeveloped lots present a problem: (1) Many of the areas which have been subdivided are environmentally sensitive in one manner or another. (2) A large number of the lots do not meet proposed standards for development. (3) If development of the lots is scattered rather than compact, the resulting costs for the provision of public services will be very high.

State and local governments could respond to the County's platted lands problem in a variety of ways: (1) Take no action; (2) Purchase some or all of the excess lots; (3) Adopt cluster zoning regulations to require land reassembly and compact development; (4) Establish a program for Transferable Development Rights (TDR); (5) Establish a Florida Keys Conservancy.

Each of these alternatives has certain characteristics which have potential to attain the dual objective of environmental management and individual enjoyment of highest possible value from lot ownership. To consider the various alternatives, it would be helpful first to consider the alternative of taking no action. This alternative is proposed, not as a "throw away," but rather as a base against which other alternatives can be contrasted.

## No Action

There are two variations under the no action alternative. The first assumes that the County Plan as proposed (or something reasonably close to it) is adopted, and the second assumes that there is no Plan.

Plan Variation. Under the proposed Plan a large number of lots would be rendered unbuildable due to environmental regulations and/or minimum lot size standards. These regulations do not render the land undevelopable as such but instead undevelopable as currently platted. No action on the part of Monroe County and/or the State of Florida, given adoption of the Plan, would leave the lot owners to fend for themselves. Fending for themselves would mean that they could attempt to sell their ownership to others, hold in anticipation of eventual changes in regulations, privately pool or reassemble the individual lots into developable parcels, or take legal action. It is expected that private reassembly would be the better means by which lot owners could attain some value for their ownerships. Of the 32,000 existing vacant lots, 8,800 meet the proposed standards and a total of 21,000 would be developable. Given that projected demand is 20,000 lots, it would appear that private reassembly could be economically feasible.

There are frequent instances of private reassembly around the county, so there is no issue with respect to its possibility. In Monroe County the issue would be whether the market is sufficiently strong to induce private reassembly and whether reassembly could be accomplished given the nature of the property and the nature of the ownership. Moreover, new developments will

tend to be competitive with the existing lot inventory. Most purely private reassemblies occur within a context of shortages of particular types of land. Such shortages increase the price and make reassembly feasible. Such possibilities certainly will occur within Monroe County. However, leaving property owners to fend for themselves would place the most impediments in the way of attaining the highest possible development value and taking advantage of what opportunities may occur.

No Plan Variation. If the presently proposed Plan were to be rejected, then there would be no county imposed restrictions on the development of the lots which are of concern. However, it does not follow that if there are no county imposed restrictions the owners will attain their individual goals. The first problem is that environmentally sensitive lands may well require state and/or federal permits. If such permits are not forthcoming, the result will be no different than the plan variation insofar as environmentally sensitive lands are concerned. There are an estimated 7,237 vacant lots in this situation. What would be substandard lots under the proposed Plan would not be regulatorily affected without the Plan. In this circumstance property owners would be free to develop or dispose of their ownership as they have been able to in the past. However, many parcels of concern are deficient in infrastructure, and thus large investments, either public or private, will be required in order for these properties to be suitable for homesite development. Failure to make such investments will tend to reduce the economic value of the ownerships.

### Acquisition

This approach would involve total acquisition in full fee of all lots which have been rendered undevelopable by the proposed Plan. There are an estimated 11,000 lots in this situation (7,700 in wetlands and 3,200 substandard lots). The substandard lots could be reassembled and subsequently sold as developable parcels while the wetlands, presumably, would not be suitable for development. Attempting to place a cost on this alternative is most difficult.

The average cost of lots of \$19,500 reported in the lot owner survey (discussed in the next section) could result in a price of \$215 million. However, such a multiple would tend to overstate the cost for wetlands, and substandard lots would tend to command lower prices than upland and larger lots. Perhaps something in the neighborhood of \$100 million would be more accurate. This total cost would be offset by revenues from the resale of reassembled parcels. If reassembled developable parcels were to have an average value of \$28,000, and if this value could be preserved through reassembly, then receipts would amount to \$92 million. This optimistic scenario is based upon being able to attain the higher value for reassembled developable parcels. If this were not to result, at least in total, then the net cost of the acquisition alternative would rise.

### Regulatory Solutions

There are several potential regulatory approaches to mitigating the platted lands problem. Lot combinations, coupled with minimum sizes, are an available alternative. Such

combinations would preserve some of the value of unbuildable lots, but the resulting value would certainly be less than the owners' expectations. Cluster zoning regulations could be adopted in areas which have been rendered unbuildable in their present form. This general approach could be used either with or without Transferable Development Rights (TDR).

Transferable Development Rights. TDRs could be utilized as a means to actually cluster the units in areas where the development is acceptable, while providing some measure of value to the owners of what would be unbuildable lots. Around the country there are over 300 TDR programs in place. However, no more than a handful of TDR programs are in any way functional.

Dade County's program is a classic case of a non-functional program. The county allocated TDRs to the 174,000 acre East Everglades area of western Dade County. The TDRs were expected to have a market value of approximately \$7,000 each. Each TDR would allow its owner to attain certain bonus density either in terms of additional residential units per acre or additional floor area for non-residential developments. However, the County Commission has given, through variances and rezonings, that which TDRs would allow. With the Commission giving bonuses for free, there is no need to acquire TDRs at a cost.

This situation may be contrasted with the TDR programs of Montgomery County, Maryland, and the Pinelands Region of New Jersey. In these latter two cases the governing bodies would not provide variances or rezonings in competition with their TDR programs. Both have experienced transfers and actual use of the TDRs. Such successful programs, however, are the exception

rather than the rule.

Even with the poor record of TDR programs, they do represent a possible route for Monroe County. But, if TDRs are to be functional in Monroe County, the County Commission must dedicate itself to making the program work. If such dedication does not exist, then any TDR program would be a sham.

Should a TDR policy be considered, perhaps greatest value could be attained by utilizing TDRs in conjunction with such programs as marina siting. The Florida Department of Environmental Regulation (DER) is considering siting a limited number of marinas in the Keys. Such sitings would tend to bestow a windfall upon a limited number of property owners. If such sitings could contain conditions such that each slip or some other unit of development would require a TDR, then an active demand for TDRs would be created. Additionally, the economic benefits would be spread among those who had created it by preserving the environmental quality of the Keys.

TDRs can address some of the problems which will be a consequence of Plan adoption. However, a TDR program must receive full support from Monroe County and the State of Florida and it must be accepted that a TDR program is neither a complete readjustment program nor a panacea.

Without TDRs. A lot combination or cluster approach need not have TDRs. This would mean that those subdivisions which did not have acceptable sites to cluster on would not be able to utilize this option other than through lot combinations. Moreover, lot owners in environmentally sensitive areas would not

be able to receive any appreciable value for their ownership.

Generally the issue with respect to having or not having TDRs has little to do with TDRs. Rather, owners of regulated properties frequently oppose TDR programs because they do not see the TDR as sufficient to meet their expectations for their property and/or they believe that the restrictions would not be imposed in the absence of TDRs. However, if the restrictions are to be imposed with or without TDRs, then the issue becomes whether TDRs are better than nothing at all. If the restrictions are to be imposed, then there is no apparent cost to combining TDRs with cluster, lot combinations, and land reassembly. The property owner would be free to select among the various options available. For some property owners TDRs might be the better alternative, and failure to provide such a program would represent a loss to them. Obviously, a TDR program would be valueless to those owners who have more beneficial alternatives. However, there is no apparent cost to property owners who do not wish to make use of a TDR program if such a program were to be adopted.

#### Florida Keys Conservancy

Another alternative is a land conservancy which would be funded, initially, by the State and County. The goal of the conservancy would be to deal with the problems of land readjustment which will result from implementation of the Plan. The conservancy would be the agency which would "worry" about the problems and either directly undertake programs or would encourage other agencies (both public and private) to undertake

programs. The conservancy would, under its own initiative, undertake acquisition, reassembly, lot combinations and promotion of any TDR program. The conservancy would also seek to encourage any and all other entities to participate in coping with the land readjustment problems of the Keys.

A conservancy could also receive donations of environmentally significant land with resulting tax benefits to the owner. This is not to suggest that tax write-offs are to be the solution to the platted lands problem, but rather that tax benefits, when combined with other available options such as TDRs, would be an additional means to provide maximum economic benefit to property owners.

## THE OPINIONS AND CHARACTERISTICS OF LOT OWNERS

How to deal with the platted lands problem in Monroe County depends to a great extent on the characteristics and intentions of the individuals who own lots. If lot owners are primarily interested in making a profit on their land investment, then it should be possible to work with them on lot pooling and replatting and achieve cluster development that is consistent with environmental considerations and other factors. If, on the other hand, lot owners want to build homes for their own use, the programs for transferring development rights would probably be most appropriate. If lot owner motivations are diverse, then a variety of programs is preferable.

### Patterns of Ownership

A breakdown of owners versus non-owners from the 1985 survey of public opinion reveals that 15 percent of all households in the County own at least one undeveloped lot in the Keys. Given the margin of error, this means that the percentage could fall anywhere between 10 and 20.

There are two ways to look at lot ownership patterns. One is to consider the composition of the population that owns lots. That perspective tells us what percentage of lot owners are male, work in real estate, have lived in the Keys less than three years, and so on. The other approach is to consider the incidences of lot ownership among certain groups. In this case, the data would be on what percentage of males own lots, what percentage of those who work in real estate own lots, etc. Table 1A is a breakdown of the composition of the lot owner population.

TABLE 1A: NUMBER OF DIFFERENT SUBDIVISIONS IN WHICH RESPONDENT OWNS LOTS

	ONE	> ONE
<b>OCCUPATION</b>		
MARINE	3.9	6.6
REAL ES	7.8	10.0
TOURISM	6.5	6.6
RETIRED	22.3	20.0
GOVT.	17.1	16.6
OTHER	42.1	40.0
TOTAL	99.9	99.9
N	76	30
<b>INCOME</b>		
< 10 K	7.8	10.0
10-20K	18.4	6.6
20-30K	17.1	6.6
30-40K	11.8	30.0
40-90K	9.2	30.0
OVER 90K	18.4	3.3
TOTAL	99.9	99.9
N	76	30
<b>TIME IN KEYS</b>		
< 1 YEAR	7.8	3.3
1-3 YRS	9.2	3.3
3-6 YRS	11.8	3.3
6-10 YR	14.4	20.0
10-20 YRS	27.6	36.6
> 20 YRS	26.3	33.3
TOTAL	99.9	99.9
N	76	30
<b>LOCATION IN KEYS</b>		
UPPER	42.1	53.3
MIDDLE	23.6	16.6
LOWER	30.2	30.0
TOTAL	99.9	99.9
N	76	30

The table distinguishes between respondents who own lots in only one subdivision and those who own lots in two subdivisions or more. Generally, the lot owner population is very diverse. There is no particular subgroup that stands out.

Table 1B shows the incidence of lot ownership. In general, lot ownership is most common among the middle aged, the highly educated, those involved in real estate, those who have lived in the Keys between 10 and 20 years, and those who earn very high incomes. Drawn from the 1985 opinion survey, Table 1B contrasts the demographic characteristics of owners and non-owners. Percentages total across rows. For example, under the variable called "ownership," which stands for whether the respondents own or rent their residence, the table shows that 19.9 percent of the homeowners, but only 2.8 percent of renters, own undeveloped lots. Particularly striking is the finding that almost one-third of those involved in real estate and over two-thirds of those with annual incomes of \$90,000 or more have holdings.

Ownership patterns suggest that there are several distinct types of local lot owners. Table 2, which is based on the lot owner survey, shows the distribution of lot owners broken down by the number of separate subdivisions where they have holdings. A sizable majority (71%) own one or more undeveloped lots in only one subdivision. However, the remaining 29 percent have holdings in at least two subdivisions, and 14 percent have holdings in at least three.

Table 18: DEMOGRAPHIC VARIABLES BY OWNERSHIP OF LOTS

TYPE RESIDENCE	YES	NO	OTHER	TOTAL	N
SINGLE FAM.	18.4 %	80.1	0.4	99.9 %	101
APARTMENT	2.0 %	97.7	0.0	99.4 %	45
CONDO.	17.6 %	82.3	0.0	99.9 %	17
MOBILE HOME	12.3 %	87.6	0.0	99.9 %	65
OTHER	26.6 %	72.3	0.0	99.4 %	15
OWNERSHIP					
OWN	19.9 %	79.6	0.3	100.0 %	256
RENT	2.3 %	97.1	0.0	99.9 %	105
OWN LOTS					
YES	100.0 %	0.0	0.0	100.0 %	54
NO	0.0 %	100.0	0.0	100.0 %	318
AREA OF RES.					
UPPER KEYS	17.3 %	81.7	0.8	99.9 %	115
MIDDLE KEYS	22.8 %	77.1	0.0	99.9 %	70
LOWER KEYS	9.5 %	90.3	0.0	99.9 %	186
RES. OF KEY W.					
YES	5.5 %	94.4	0.0	99.9 %	125
NO	19.1 %	80.4	0.4	99.9 %	246
AGE					
18-24	5.7 %	94.2	0.0	99.9 %	35
25-34	13.6 %	86.3	0.0	99.9 %	95
35-44	13.7 %	86.2	0.0	99.9 %	87
45-54	17.7 %	80.0	2.2	99.9 %	45
55-64	22.8 %	77.1	0.0	99.9 %	57
OVER 64	10.0 %	90.0	0.0	100.0 %	50
EDUCATION					
< HIGH SCH.	5.2 %	94.7	0.0	99.9 %	19
HIGH SCH.	11.1 %	88.3	0.5	99.9 %	171
COLLEGE	16.1 %	83.8	0.0	99.9 %	149
GRAD. DEGREE	30.3 %	69.6	0.0	99.9 %	33
OCCUPATION					
MARINE	14.2 %	80.9	4.7	99.9 %	21
REAL ESTATE	32.3 %	67.6	0.0	99.9 %	34
TOURISM	4.3 %	95.6	0.0	99.9 %	23
RETIRED	15.1 %	84.8	0.0	99.9 %	86
GOVT.	15.5 %	84.4	0.0	99.9 %	58
ALL OTHER	11.2 %	88.7	0.0	99.9 %	151
YRS. IN KEYS					
1-3	15.3 %	84.6	0.0	99.9 %	13
3-6	10.5 %	89.4	0.0	99.9 %	57
6-10	6.5 %	93.4	0.0	99.9 %	61
10-20	21.8 %	78.1	0.0	99.9 %	55
MORE THAN 20	16.8 %	83.1	0.0	99.9 %	101
SEX					
MALE	16.7 %	82.7	0.5	99.9 %	185
FEMALE	11.7 %	88.2	0.0	99.9 %	187
INCOME					
< \$10,000	0.0 %	100.0	0.0	100.0 %	29
10-19K	12.9 %	87.0	0.0	99.9 %	93
20-29K	9.7 %	89.0	1.2	99.9 %	82
30-39K	11.8 %	88.1	0.0	99.9 %	59
40-89K	19.5 %	80.4	0.0	99.9 %	41
90K +	68.7 %	31.2	0.0	100.0 %	16

TABLE 2: NUMBER OF DIFFERENT SUBDIVISIONS WHERE RESPONDENTS HAVE HOLDINGS

Number of Subdivisions	Percent	N
One	71%	81
Two	15	18
Three	9	10
Four	3	3
Five	2	2
Total	100%	114

Types of ownership can be considered in two additional ways. One way is to examine the total number of lots owned by each household regardless of whether or not the lots are in the same subdivision. The second approach is to examine the holdings in each subdivision--that is, the number of lots that residents hold in each particular subdivision. Calculations from the lot owner survey indicate that each household with undeveloped property owns an average of 2.65 lots, and the holdings in each subdivision average 1.88 lots. However, these averages obscure a considerable amount of variation. Table 3A shows how many lots respondents said they owned. The data come from the 1985 opinion survey and give the percentage of respondents who said they owned a total of one lot, two lots, three lots, and so on. Almost half of the lot owners own only one lot. On the other hand, 51 percent own two lots or more. Table 3B is from the lot owner survey and gives the percentage who in a given

subdivision own one lot, two lots, etc. The dominant pattern is one of very small holdings, but some holdings are fairly large. Fifty-seven percent of the holdings are single lots. On the other hand, over one-fifth of the parcels in the subdivisions include at least three lots.

TABLE 3A: NUMBER OF LOTS OWNED BY EACH INDIVIDUAL

Number of Lots	Percentages For Number Owned by Each Household
One	49%
Two	18
Three	15
Four	7
Five or More	11
Total	100%
N	52

TABLE 3B: SIZE OF HOLDINGS WITHIN INDIVIDUAL SUBDIVISIONS

Number of Lots	Percentages For Number Owned In Each Subdivision
One	57%
Two	22
Three	9
Four	4
Five or More	8
Total	100%
N	163

Intended Use of the Lots

As would be expected given the patterns of ownership, lot owners differ in the plans they have for their property. Table 4 shows the frequency distribution. Over one-third of the parcels are slated for a primary home, that is, a home in which the owner plans to live. Another third of the parcels are being held as an investment--for resale later, either unimproved or with a home built by the lot owner. Lot owners have no definite plans for the bulk of the remaining holdings.

Respondents who said they planned to build on their lots were asked how long it would be before construction might begin. Exactly half said that they planned to build in less than 3 years, 14 percent said in 3 to 5 years, and 4 percent said in more than 5 years. Thirty-two percent were unsure.

TABLE 4: WHAT RESPONDENTS SAID THEY PLANNED TO DO WITH THEIR LOTS

	Percent	N
Build a Primary Home	34%	56
Build a Vacation Home	2	3
Build a Home To Sell	11	17
Hold For Later Sale	25	41
Give To Heirs, etc.	4	7
Not Sure	16	27
Combination	8	12
Total	100%	163

Table 5 on the next page breaks down lot owner intentions by the respondents' demographic characteristics. Several groups of lot owners are primarily interested in occupying their lots later, either with a primary home or a vacation residence: Those in the marine industry, households with modest incomes (\$10,000 to \$20,000 per year), and those who have lived in the Keys either less than one year or between 3 and 6 years. Those who are involved in real estate, who have lived in the Keys more than 6 years, or who own lots in more than two subdivisions, are primarily interested in holding their land as an investment for future sale.

#### Property Values

Given that many lot owners are holding their lots as an investment, it is important to determine just how good an

TABLE 5: LOT OWNER INTENTIONS BY DEMOGRAPHIC VARIABLES

	OCCUPANCY	RESALE	OTHER	TOTAL	N
<b>OCCUPATION</b>					
MARINE	75.0 %	25.0	0.0	100.0 %	8
REAL ESTATE	33.3 %	53.3	13.3	99.9 %	15
TOURISM	18.1 %	54.5	27.2	99.9 %	11
RETIRED	20.0 %	42.8	37.1	99.9 %	35
GOVT.	45.8 %	37.5	16.6	99.9 %	24
OTHER	37.5 %	28.1	34.3	100.0 %	54
<b>INCOME</b>					
UNDER 10K	43.7 %	18.7	37.5	100.0 %	16
10-20K	55.5 %	22.2	22.2	99.9 %	18
20-30K	27.7 %	50.0	22.2	99.9 %	18
30-40	22.5 %	45.1	32.2	99.9 %	31
40-90	41.1 %	38.2	20.5	99.9 %	34
OVER 90	31.2 %	18.7	50.0	100.0 %	16
<b>TIME IN KEYS</b>					
< 1 YEAR	75.0 %	25.0	0.0	100.0 %	8
1-3 YEARS	33.3 %	22.2	44.4	99.9 %	9
3-6 YEARS	61.5 %	15.3	23.0	99.9 %	13
6-10 YEARS	46.1 %	42.3	11.5	99.9 %	26
10-20 YEARS	25.9 %	42.5	31.4	99.9 %	54
> 20	26.6 %	37.7	35.5	99.9 %	45
<b>LOCATION</b>					
UPPER KEYS	29.6 %	43.2	27.1	99.9 %	81
MIDDLE	54.8 %	35.4	9.6	99.9 %	31
LOWER	30.9 %	26.1	42.8	99.9 %	42
<b>NUMBER OF SUBS.</b>					
ONE	39.2 %	29.1	31.6	99.9 %	79
TWO	42.4 %	21.2	36.3	99.9 %	33
THREE	27.5 %	55.1	17.2	99.9 %	29
FOUR	41.6 %	50.0	9.3	99.9 %	12
FIVE	10.0 %	60.0	30.0	100.0 %	10
SIX	0.0 %	0.0	0.0	0.0 %	0

investment they think they have. In the lot owner survey, respondents were asked about the value of their property in each subdivision where they had holdings. Specifically, for each subdivision where they owned land they were asked how much they paid on average for each lot and how much they thought the lots were worth now. Table 6 on page 27 shows the distribution of responses for these questions.

There is a considerable spread in how much lot owners in the Keys have invested. Ten percent of the holdings cost less than \$1,000 per lot while 20 percent cost \$40,000 or more. There is also variation in how much the lot owners think their land is worth now. Note, however, that almost two out of every five parcels (38 percent) are valued by their owners at \$40,000 or more per lot.

In general, very few lot owners think that their property has depreciated in value since they purchased it. Crosstabulations (not shown) reveal that over half (52%) of the respondents believe that the value of their lots has not changed greatly since purchase, while 44 percent say that the value has increased dramatically.

Again, however, this generalization conceals some variation. Table 7 crosstabulates demographic variables by respondents' perceptions of the trend in value for their holdings. One group stands out as thinking that it has done well in the market: households which earn between \$20,000 and \$30,000 per year. The groups with at least a few members who think that they have lost money include retirees, government employees, all of the other

income groups except the very highest, and those who have recently moved to the Keys.

TABLE 6: PROPERTY VALUES NOW AND AT THE TIME OF PURCHASE

Amount	Paid	Current Value
< \$1000	10%	5%
\$1,000 - \$4,999	13	7
\$5,000 - \$9,999	20	12
\$10,000 - \$19,999	22	23
\$20,000 - \$39,999	16	15
\$40,000 and up	19	38
Total	100%	100%
N	(158)	(156)

#### Evaluations of Alternative Policies

Respondents in the lot owner survey were asked to evaluate several alternatives: selling their lots to a public agency; pooling their lots with other lot owners so that the land can be replatted; selling their development rights (the so-called "Transfer of Development Rights" or TDR); and buying development rights from other lot owners. Table 8 lists their evaluations.

Lot owners expressed at least some interest in all four approaches. The most popular alternative is to sell lots to a public agency; almost two out of every five lot owners (39%) said they would consider this option, at least if the price were acceptable. Next in popularity was selling development rights; almost one-third (30%) said that they might do this. Less attractive, but still supported by over one-fifth of the lot

TABLE 7 : PERCEPTIONS OF VALUE TREND BY DEMOGRAPHIC VARIABLES

	NO CHANGE	INCREASE	DECREASE	TOTAL	N
<b>OCCUPATION</b>					
MARINE	50.0 %	50.0	0.0	100.0 %	6
REAL ESTATE	46.6 %	53.3	0.0	99.9 %	15
TOURISM	54.5 %	45.4	0.0	99.9 %	11
RETIRED	59.3 %	34.3	6.2	100.0 %	32
GOVT.	33.3 %	58.3	8.3	99.9 %	24
OTHER	56.4 %	43.5	0.0	99.9 %	62
<b>INCOME</b>					
UNDER 10K	56.2 %	43.7	0.0	100.0 %	16
10-20K	52.9 %	41.1	5.8	99.9 %	17
20-30K	17.6 %	82.3	0.0	99.9 %	17
30-40	55.1 %	37.9	6.8	99.9 %	29
40-90	57.5 %	39.3	3.0	99.9 %	33
OVER 90	56.2 %	43.7	0.0	100.0 %	15
<b>TIME IN KEYS</b>					
< 1 YEAR	75.0 %	12.5	12.5	100.0 %	8
1-3 YEARS	55.5 %	44.4	0.0	99.9 %	9
3-6 YEARS	76.9 %	23.0	0.0	99.9 %	13
6-10 YEARS	43.4 %	47.8	8.6	99.9 %	23
10-20 YEARS	54.9 %	45.0	0.0	99.9 %	51
> 20	40.9 %	56.8	2.2	99.9 %	44
<b>LOCATION</b>					
UPPER KEYS	57.8 %	40.7	1.3	99.9 %	76
MIDDLE	34.4 %	58.6	6.8	99.9 %	29
LOWER	50.0 %	47.6	2.3	99.9 %	42
<b>NUMBER OF SUBS.</b>					
ONE	54.0 %	43.2	2.7	99.9 %	74
TWO	36.6 %	60.0	3.3	99.9 %	30
THREE	44.4 %	48.1	7.4	99.9 %	27
FOUR	83.3 %	16.6	0.0	99.9 %	12
FIVE	70.0 %	30.0	0.0	100.0 %	10
SIX	0.0 %	0.0	0.0	0.0 %	0

owners, were lot pooling and buying development rights.

TABLE 8: LOT OWNER EVALUATIONS OF ALTERNATIVE APPROACHES

	Sell To Agency	Lot Pooling	Sell TDRs	Buy TDRs
Would Consider Participating	39%	22%	30%	23%
Would Not	52	68	61	68
Not Sure	9	10	9	9
Total	100%	100%	100%	100%
N	(107)	(107)	(107)	(107)

Preference Distribution

The frequency distributions in Table 8 obscure a significant finding. The table shows how many lot owners support a given approach, but it does not reveal if the same lot owners favor all four approaches or if, instead, one alternative is attractive to some lot owners and another alternative appeals to other lot owners. To get at this, a count was made of the number of respondents who favored all four approaches and the number who favored at least one of the four. In actuality, support for each approach is rooted in a different group. Only 6 percent of the sample favors all four alternatives, but 57 percent favors at least one. Thus, support for at least some kind of strategy is very widespread.

Tables 9 through 12 are crosstabulations of the respondents' evaluations of the alternatives by their demographic

characteristics. Table 9 crosstabulates demographic variables by respondents' willingness to sell their lots to a public agency. The groups most supportive of this approach include those in the marine and real estate industries; respondents with incomes in the middle categories; and those who have lived in the Keys less than one year. Most opposed to selling are retirees; those who make less than \$10,000 each year or more than \$90,000; those who have lived in the Keys between one and three years; and those who own lots in only one subdivision.

Table 10 contains the crosstabulations for replatting. Opposition to this approach is scattered throughout the demographic groupings. Support is strongest among those in the tourist industry and those who have lived in the Keys less than one year.

Tables 11 and 12 deal with TDRs. Support for selling TDRs is most frequent among respondents in government and the real estate industry and also among those who earn less than \$10,000 per year. Support for buying TDRs is greatest among those in the marine and real estate industries and those who have lived in the Keys less than one year.

### Summary

The obvious implication of this analysis is that lot owners are a very diverse group. Some own only one or two lots in a single subdivision while others have larger holdings in a number of subdivisions. Some lot owners plan to build on their lots in the future; others are holding the land as an investment; and still others have no definite plans.

TABLE 9 : WILLINGNESS TO SELL LOTS BY DEMOGRAPHIC VARIABLES

	YES	NO	NOT SURE	TOTAL	N
<b>OCCUPATION</b>					
MARINE	80.0 %	20.0	0.0	100.0 %	5
REAL ESTATE	55.5 %	33.3	11.1	99.9 %	9
TOURISM	42.8 %	57.1	0.0	99.9 %	7
RETIRED	30.4 %	60.8	4.3	99.9 %	23
GOVT.	38.8 %	44.4	16.6	99.9 %	18
OTHER	36.3 %	56.8	6.8	99.9 %	44
<b>INCOME</b>					
UNDER 10K	33.3 %	66.6	0.0	99.9 %	9
10-20K	31.2 %	62.5	6.2	100.0 %	15
20-30K	33.3 %	53.3	13.3	99.9 %	15
30-40	50.0 %	33.3	11.1	99.9 %	18
40-90	50.0 %	37.5	12.5	100.0 %	16
OVER 90	33.3 %	66.6	0.0	99.9 %	15
<b>TIME IN KEYS</b>					
< 1 YEAR	57.1 %	42.8	0.0	99.9 %	7
1-3 YEARS	12.5 %	97.5	0.0	100.0 %	8
3-6 YEARS	40.0 %	40.0	20.0	100.0 %	10
6-10 YEARS	41.1 %	41.1	11.7	99.9 %	17
10-20 YEARS	37.5 %	59.3	3.1	100.0 %	32
> 20	43.3 %	50.0	6.6	99.9 %	30
<b>LOCATION</b>					
UPPER KEYS	39.5 %	56.2	4.1	99.9 %	48
MIDDLE	43.4 %	52.1	4.3	99.9 %	23
LOWER	40.6 %	43.7	15.6	100.0 %	32
<b>NUMBER OF SUBS.</b>					
ONE	31.1 %	57.1	10.3	99.9 %	77
TWO	62.5 %	31.2	6.2	100.0 %	15
THREE	44.4 %	55.5	0.0	99.9 %	9
FOUR	66.6 %	33.3	0.0	99.9 %	3
FIVE	100.0 %	0.0	0.0	100.0 %	2
SIX	0.0 %	0.0	0.0	0.0 %	0

TABLE 10 : WILLINGNESS TO REPLAT BY DEMOGRAPHIC VARIABLES

	YES	NO	NOT SURE	TOTAL	N
<b>OCCUPATION</b>					
MARINE	40.0 %	60.0	0.0	100.0 %	5
REAL ESTATE	33.3 %	66.6	0.0	99.9 %	9
TOURISM	42.8 %	42.8	14.2	99.9 %	7
RETIRED	17.3 %	69.5	8.6	99.9 %	23
GOVT.	16.6 %	72.2	11.1	99.9 %	18
OTHER	18.1 %	70.4	11.3	99.9 %	44
<b>INCOME</b>					
UNDER 10K	44.4 %	44.4	11.1	99.9 %	9
10-20K	6.2 %	97.5	6.2	100.0 %	16
20-30K	33.3 %	60.0	6.6	99.9 %	15
30-40	16.6 %	66.6	11.1	99.9 %	18
40-90	18.7 %	81.2	0.0	100.0 %	16
OVER 90	40.0 %	46.6	13.3	99.9 %	15
<b>TIME IN KEYS</b>					
< 1 YEAR	57.1 %	42.8	0.0	99.9 %	7
1-3 YEARS	25.0 %	62.5	12.5	100.0 %	8
3-6 YEARS	10.0 %	90.0	0.0	100.0 %	10
6-10 YEARS	29.4 %	47.0	17.6	99.9 %	17
10-20 YEARS	12.5 %	75.0	12.5	100.0 %	32
> 20	20.0 %	73.3	6.6	99.9 %	30
<b>LOCATION</b>					
UPPER KEYS	20.8 %	77.0	2.0	99.9 %	48
MIDDLE	21.7 %	65.2	13.0	99.9 %	23
LOWER	25.0 %	59.3	15.6	100.0 %	32
<b>NUMBER OF SUBS.</b>					
ONE	22.0 %	63.6	12.9	99.9 %	77
TWO	12.5 %	81.2	6.2	100.0 %	16
THREE	33.3 %	66.6	0.0	99.9 %	9
FOUR	0.0 %	100.0	0.0	100.0 %	3
FIVE	50.0 %	50.0	0.0	100.0 %	2
SIX	0.0 %	0.0	0.0	0.0 %	0

TABLE 11: WILLINGNESS TO SELL TDR'S BY DEMOGRAPHIC VARIABLES

	YES	NO	NOT SURE	TOTAL	N
<b>OCCUPATION</b>					
MARINE	40.0 %	60.0	0.0	100.0 %	5
REAL ESTATE	55.5 %	44.4	0.0	99.9 %	9
TOURISM	0.0 %	100.0	0.0	100.0 %	7
RETIRED	34.7 %	56.5	4.3	99.9 %	23
GOVT.	44.4 %	44.4	11.1	99.9 %	18
OTHER	20.4 %	65.9	13.6	99.9 %	44
<b>INCOME</b>					
UNDER 10K	44.4 %	55.5	0.0	99.9 %	9
10-20K	37.5 %	62.5	0.0	100.0 %	16
20-30K	6.6 %	86.6	6.6	99.9 %	15
30-40	27.7 %	55.5	11.1	99.9 %	18
40-90	31.2 %	43.7	25.0	100.0 %	16
OVER 90	40.0 %	46.6	13.3	99.9 %	15
<b>TIME IN KEYS</b>					
< 1 YEAR	28.5 %	71.4	0.0	99.9 %	7
1-3 YEARS	25.0 %	62.5	12.5	100.0 %	8
3-6 YEARS	30.0 %	60.0	10.0	100.0 %	10
6-10 YEARS	35.2 %	47.0	11.7	99.9 %	17
10-20 YEARS	25.0 %	65.6	9.3	100.0 %	32
> 20	36.6 %	56.6	6.6	99.9 %	30
<b>LOCATION</b>					
UPPER KEYS	25.0 %	64.5	10.4	99.9 %	48
MIDDLE	39.1 %	60.8	0.0	99.9 %	23
LOWER	34.3 %	56.2	9.3	100.0 %	32
<b>NUMBER OF SUBS.</b>					
ONE	31.1 %	57.1	10.3	99.9 %	77
TWO	18.7 %	75.0	6.2	100.0 %	16
THREE	44.4 %	55.5	0.0	99.9 %	9
FOUR	0.0 %	100.0	0.0	100.0 %	3
FIVE	50.0 %	50.0	0.0	100.0 %	2
SIX	0.0 %	0.0	0.0	0.0 %	0

TABLE 12 : WILLINGNESS TO BUY TDR'S BY DEMOGRAPHIC VARIABLES

	YES	NO	NOT SURE	TOTAL	N
<b>OCCUPATION</b>					
MARINE	60.0 %	40.0	0.0	100.0 %	5
REAL ESTATE	55.5 %	44.4	0.0	99.9 %	9
TOURISM	28.5 %	57.1	14.2	99.9 %	7
RETIRED	13.0 %	78.2	4.3	99.9 %	23
GOVT.	27.7 %	61.1	11.1	99.9 %	18
OTHER	13.6 %	72.7	13.6	99.9 %	44
<b>INCOME</b>					
UNDER 10K	44.4 %	55.5	0.0	99.9 %	9
10-20K	0.0 %	87.5	12.5	100.0 %	16
20-30K	46.6 %	46.6	6.6	99.9 %	15
30-40	22.2 %	55.5	16.6	99.9 %	18
40-90	12.5 %	75.0	12.5	100.0 %	16
OVER 90	20.0 %	73.3	6.6	99.9 %	15
<b>TIME IN KEYS</b>					
< 1 YEAR	57.1 %	42.8	0.0	99.9 %	7
1-3 YEARS	12.5 %	75.0	12.5	100.0 %	8
3-6 YEARS	10.0 %	80.0	10.0	100.0 %	10
6-10 YEARS	23.5 %	58.8	11.7	99.9 %	17
10-20 YEARS	25.0 %	56.2	18.7	100.0 %	32
> 20	20.0 %	80.0	0.0	100.0 %	30
<b>LOCATION</b>					
UPPER KEYS	22.9 %	68.7	8.3	99.9 %	48
MIDDLE	21.7 %	69.5	8.6	99.9 %	23
LOWER	25.0 %	62.5	12.5	100.0 %	32
<b>NUMBER OF SUBS.</b>					
ONE	22.0 %	67.5	9.0	99.9 %	77
TWO	31.2 %	62.5	6.2	100.0 %	16
THREE	11.1 %	77.7	11.1	99.9 %	9
FOUR	0.0 %	100.0	0.0	100.0 %	3
FIVE	50.0 %	0.0	50.0	100.0 %	2
SIX	0.0 %	0.0	0.0	0.0 %	0

Because lot owner motivations vary, alternative policies are evaluated differently by different lot owners even though support for at least some kind of policy is widespread. Some would favor selling to a public agency, some would consider lot pooling, and some would want to buy and sell TDRs. Obviously, no single policy will meet all of these needs.

## PUBLIC OPINION

The public opinion survey conducted in Monroe County during the fall of 1984 focused on issues related to growth management. At that time, a majority of County residents believed that the natural environment of the Keys was deteriorating, and they thought that land-use regulations should be strengthened to reduce development or improve its quality. Very few of the residents thought that the federal, state, Monroe County or Key West governments were regulating development too much, but the Monroe County government stood out in the public's opinion as regulating development too little.

The 1985 survey was designed to see if public opinion on general issues of land-use regulation had remained stable over the preceding year. Many of the questions run in the first survey were repeated in the second, and comparisons were made. The second survey also includes two new issues: (1) knowledge of, and responses to, the proposed land-use Plan and (2) perceptions of problems that threaten the quality of life.

### Perceptions of Trends

Since the 1984 survey, there has been a slight increase in the percentage of respondents who believe that the quality of the environment is getting better. However, as shown in Table 13, the percentage of people who think that the quality of the environment is deteriorating is still extremely high at 55 percent, down only 4 percent since 1984. The percentage of people who believe that there has been no change in the

environment has decreased slightly from 29 percent in 1984 to 24 percent in 1985, and the percentage of those who are not sure has increased slightly over the same period from 4 to 7.

TABLE 13: PERCEPTIONS OF ENVIRONMENTAL TRENDS

	1984	1985
GETTING BETTER	8%	14%
GETTING WORSE	59	55
NO CHANGE	29	24
NOT SURE	4	7
TOTAL	100%	100%
	(402)	(385)

Table 14 on the next page crosstabulates respondents' perceptions of environmental trends with a number of demographic variables. As in the 1984 survey, the belief that the environment is deteriorating is held by virtually every segment of the population. The only real exception is the very wealthy; respondents with annual incomes of over \$90,000 say that the environment is not changing.

#### Land Use Regulation

Attitudes toward land-use regulation have not changed significantly since 1984. As shown in Table 15, a large majority (56%) of the respondents still feels that land use regulation should be strengthened. The percentage wanting land use regulations relaxed has decreased slightly from 13 percent in 1984 to 12 percent in 1985.

TABLE 14: DEMOGRAPHIC VARIABLES BY PERCEPTIONS OF ENVIRONMENT

	BETTER	WORSE	NO CHANGE	NOT SURE	TOTAL	N
<b>TYPE RESIDENCE</b>						
SINGLE FAM.	10.4 %	58.6	25.5	5.2	99.9 %	240
APARTMENT	6.6 %	62.2	22.2	8.8	99.9 %	45
CONDO.	23.5 %	41.1	29.4	5.8	99.9 %	17
MOBILE HOME	23.0 %	58.4	16.9	1.5	99.9 %	65
OTHER	33.3 %	40.0	20.0	6.6	99.9 %	15
<b>OWNERSHIP</b>						
OWN	13.6 %	55.4	26.9	3.9	100.0 %	256
RENT	11.5 %	61.5	18.2	8.6	99.9 %	104
<b>OWN LOTS</b>						
YES	16.6 %	53.7	27.7	1.8	99.9 %	54
NO	13.2 %	58.3	22.7	5.6	99.9 %	317
<b>AREA OF RES.</b>						
UPPER KEYS	14.9 %	56.1	24.5	4.3	99.9 %	114
MIDDLE KEYS	22.8 %	55.7	17.1	4.2	99.9 %	70
LOWER KEYS	9.6 %	59.6	24.7	5.9	99.9 %	186
<b>RES. OF KEY W.</b>						
YES	9.5 %	60.3	23.8	6.3	99.9 %	126
NO	15.9 %	56.3	23.2	4.4	99.9 %	245
<b>AGE</b>						
18-24	17.1 %	45.7	34.2	2.8	99.9 %	35
25-34	12.7 %	55.3	26.5	5.3	99.9 %	94
35-44	17.2 %	62.0	12.6	8.0	99.9 %	87
45-54	6.6 %	64.4	26.6	2.2	99.9 %	45
55-64	14.0 %	52.6	29.8	3.5	99.9 %	57
OVER 64	12.0 %	64.0	20.0	4.0	100.0 %	50
<b>EDUCATION</b>						
< HIGH SCH.	26.3 %	42.1	31.5	0.0	99.9 %	19
HIGH SCH.	19.2 %	49.7	23.3	7.6	99.9 %	171
COLLEGE	8.0 %	65.7	22.8	3.3	99.9 %	149
GRAD. DEGREE	3.1 %	68.7	25.0	3.1	100.0 %	32
<b>OCCUPATION</b>						
MARINE	9.5 %	71.4	19.0	0.0	99.9 %	21
REAL ESTATE	8.8 %	58.8	29.4	2.9	99.9 %	34
TOURISM	21.7 %	69.5	8.6	0.0	99.9 %	23
RETIRED	8.1 %	62.7	22.0	6.9	99.9 %	86
GOVT.	6.8 %	46.5	31.0	15.5	99.9 %	58
ALL OTHER	20.0 %	54.6	23.3	2.0	99.9 %	150
<b>YRS. IN KEYS</b>						
1-3	7.6 %	61.5	15.3	15.3	99.9 %	13
3-6	8.9 %	62.5	19.6	8.9	99.9 %	56
6-10	8.1 %	63.9	24.5	3.2	99.9 %	61
10-20	14.5 %	65.4	16.3	3.6	99.9 %	55
MORE THAN 20	14.8 %	55.4	25.7	3.9	99.9 %	101
<b>SEX</b>						
MALE	13.5 %	61.6	21.0	3.7	99.9 %	185
FEMALE	13.9 %	53.2	26.3	6.4	99.9 %	186
<b>INCOME</b>						
<\$10,000	24.1 %	44.8	24.1	6.8	99.9 %	29
10-19K	17.2 %	62.3	16.1	4.3	99.9 %	93
20-29K	7.4 %	64.1	25.9	2.4	99.9 %	81
30-39K	10.1 %	64.4	15.2	10.1	99.9 %	59
40-89K	4.8 %	65.8	24.3	4.8	99.9 %	41
90K+	25.0 %	25.0	43.7	6.2	100.0 %	16

TABLE 15: ATTITUDES TOWARD LAND-USE REGULATION

	1984	1985
RELAX	13%	12%
STRENGTHEN	59	56
LEAVE AS IS	24	22
NOT SURE	4	10
TOTAL	100%	100%
N	(405)	(382)

As in 1984, respondents were asked in 1985 to evaluate land-use regulation in the Keys by various levels of government: federal, state, county and city. The question was whether each unit of government is regulating construction and development too much, too little, or about the right amount. Table 16 shows the distribution of opinion on these questions. Significantly, Monroe County government remains the unit that stands out in the public's opinion as doing too little to regulate development and construction.

In the 1984 survey the associations between demographic variables and positions on land-use regulation in large part mirrored the relationships observed between demographic variables and perceptions of environmental trends. The 1985 survey shows that respondents favor an increase in land-use regulation regardless of the demographic variables, except for income (see Table 17). Those who make less than \$10,000 would like to leave land use regulation as is. Those whose annual income is \$90,000 or more would like to see land-use regulation relaxed.

TABLE 16 : REGULATING DEVELOPMENT AND CONSTRUCTION

	TOO MUCH		TOO LITTLE		O.K.		NOT SURE	
	'84	'85	'84	'85	'84	'85	'84	'85
FED GOVT	13%	10%	34%	31%	22%	18%	31%	41%
STATE GOVT	14%	19%	35%	31%	28%	23%	23%	27%
MONROE CNTY	12%	14%	52%	45%	21%	21%	15%	20%
CITY OF KEY WEST	8%	10%	35%	35%	17%	15%	40%	40%

TABLE 17: DEMOGRAPHIC VARIABLES BY POSITIONS ON LAND-USE REGULATION

TYPE OF RESIDENCE =	RELAX	INCREASE	AS IS	NOT SURE	TOTAL	N
SINGLE FAM.	19.1 %	51.1	19.1	9.1	99.9 %	100
APARTMENT	15.1 %	51.1	29.0	5.6	99.9 %	45
CONDO.	11.7 %	52.9	23.5	11.7	99.9 %	17
MOBILE HOME	16.9 %	47.6	29.2	6.1	99.9 %	165
OTHER	20.0 %	60.0	0.0	20.0	100.0 %	15
OWNERSHIP						
OWN	13.6 %	57.8	19.5	8.9	100.0 %	256
RENT	10.5 %	57.6	25.0	6.7	99.9 %	104
OWN LOTS						
YES	16.6 %	55.5	20.3	7.4	99.9 %	54
NO	11.6 %	57.4	21.7	9.1	99.9 %	317
AREA OF RES.						
UPPER KEYS	14.0 %	50.0	24.5	11.4	99.9 %	114
MIDDLE KEYS	12.8 %	58.5	21.4	7.1	99.9 %	70
LOWER KEYS	11.8 %	61.2	18.8	8.0	99.9 %	186
RES. OF KEY W.						
YES	11.1 %	64.2	15.8	8.7	99.9 %	126
NO	13.4 %	53.4	24.4	8.5	99.9 %	245
AGE						
18-24	20.0 %	48.5	28.5	2.8	99.9 %	35
25-34	12.7 %	57.4	20.2	9.5	99.9 %	94
35-44	13.7 %	55.1	20.6	10.3	99.9 %	87
45-54	15.5 %	64.4	8.8	11.1	99.9 %	45
55-64	7.0 %	54.3	28.0	10.5	99.9 %	57
OVER 64	10.0 %	62.0	22.0	6.0	100.0 %	50
EDUCATION						
< HIGH SCH.	26.3 %	52.6	21.0	0.0	99.9 %	19
HIGH SCH.	14.6 %	46.7	27.4	11.1	99.9 %	171
COLLEGE	10.0 %	69.1	14.0	6.7	99.9 %	149
GRAD. DEGREE	6.2 %	56.2	25.0	12.5	100.0 %	32
OCCUPATION						
MARINE	14.2 %	61.9	23.8	0.0	99.9 %	21
REAL ESTATE	14.7 %	55.8	20.5	8.8	99.9 %	34
TOURISM	17.3 %	60.8	17.3	4.3	99.9 %	23
RETIRED	9.3 %	56.9	25.5	8.1	99.9 %	86
GOVT.	12.0 %	58.6	17.2	12.0	99.9 %	58
ALL OTHER	13.3 %	55.3	21.3	10.0	99.9 %	150
YRS. IN KEYS						
1-3	0.0 %	100.0	0.0	0.0	100.0 %	13
3-6	8.9 %	57.1	21.4	12.5	99.9 %	56
6-10	14.7 %	55.7	21.3	8.1	99.9 %	61
10-20	16.3 %	61.8	16.3	5.4	99.9 %	55
MORE THAN 20	10.8 %	52.4	25.7	10.8	99.9 %	101
SEX						
MALE	14.5 %	55.1	20.5	9.7	99.9 %	185
FEMALE	10.7 %	58.6	22.5	8.0	99.9 %	186
INCOME						
<\$10,000	13.7 %	37.9	41.3	6.8	99.9 %	29
10-19K	5.3 %	63.4	21.5	9.6	99.9 %	93
20-29K	14.9 %	54.3	22.2	8.6	99.9 %	81
30-39K	11.8 %	66.1	15.2	6.7	99.9 %	59
40-49K	9.7 %	68.2	17.0	4.8	99.9 %	41
50K+	43.7 %	25.0	18.7	12.5	100.0 %	14

Table 18 displays the crosstabulations of respondents' positions on land-use regulation by their evaluations of each level of government. As in 1984, those who want regulation strengthened feel that Monroe County is not regulating development enough, while those who want land-use regulation relaxed still do not have a particular target. No more than 30% of the "relax-regulation" group believes that any of the governments are regulating development too much.

#### The Costs of Growth

As seen in Table 19, the Monroe County public still believes that the costs of growth in the Keys are in large part equitably distributed. However, there has been a decrease in the percentage of people who feel that each group has been paying about the right amount, except for Monroe County residents. For the state and Monroe County governments, the "not sure" category has increased; for the developers and tourist groups, the "not enough" category has increased. In the 1984 survey, developers had the largest percentage as the group not paying enough with 53 percent. In this survey the percentage who believe that developers are not paying enough has increased to 62 percent.

#### The Proposed Plan

Notwithstanding the strong and stable support for growth management on general issues, the public is uncertain about the new County Plan. Respondents were asked, first, whether they had heard about the Plan. Those who had were asked whether they supported or opposed the Plan, whereas those who had not heard of

TABLE 18: POSITIONS ON REGULATION BY EVALUATIONS OF GOVERNMENTS

	RELAX		AS IS		STRENGTHEN		DON'T KNOW	
	'84	'85	'84	'85	'84	'85	'84	'85
CITY OF KEY WEST								
TOO MUCH	16%	21%	11%	14%	6%	6%	6%	6%
TOO LITTLE	24	19	20	21	44	44	25	30
ABOUT RIGHT	11	23	24	18	15	13	12	6
NOT SURE	49	37	45	47	35	37	57	58
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%
FED GOVT								
TOO MUCH	30%	19%	11%	18%	10%	4%	18%	12%
TOO LITTLE	24	21	21	17	43	40	18	30
ABOUT RIGHT	18	21	36	21	18	16	18	18
NOT SURE	28	39	32	44	29	40	46	40
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%
STATE GOVT								
TOO MUCH	30%	31%	17%	32%	9%	9%	12%	27%
TOO LITTLE	30	17	22	15	43	40	18	27
ABOUT RIGHT	13	23	37	19	28	26	25	9
NOT SURE	27	29	24	34	20	25	45	37
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%
MONROE COUNTY								
TOO MUCH	24%	31%	15%	19%	5%	9%	18%	12%
TOO LITTLE	39	31	31	26	66	57	25	39
ABOUT RIGHT	20	19	31	30	17	19	12	18
NOT SURE	17	19	23	25	10	15	45	31
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%

TABLE 19 : PAYING THE COSTS OF GROWTH

	TOO MUCH		TOO LITTLE		ABOUT RIGHT		NOT SURE	
	'84	'85	'84	'85	'84	'85	'84	'85
STATE GOVT	1%	1%	43%	40%	30%	17%	26%	42%
KEY WEST	8%	6%	22%	20%	26%	19%	44%	55%
DEVELOPERS	3%	3%	53%	62%	21%	12%	23%	22%
MONROE COUNTY GOVT	2%	4%	27%	28%	40%	26%	31%	42%
MONROE COUNTY PUBLIC	19%	22%	9%	7%	50%	51%	22%	20%
TOURISTS/ SEASONALS	11%	8%	23%	31%	53%	47%	13%	14%

the Plan were asked whether a plan is needed. As shown in the far right column of Table 20, percentages from the total sample (where no distinction is made between those who know and do not know about the Plan) show that the land-use Plan is favored by 39 percent and opposed by 23 percent, with 38 percent uncertain. However, when crosstabulations are done on knowledge of the Plan by attitude, uncertainty is common. For those who know about the Plan, 24 percent favor it, 30 percent oppose it, and 46 percent are uncertain. For those who do not know about the Plan, 75 percent support having some sort of plan, and only 9 percent oppose it.

TABLE 20: KNOWLEDGE OF LAND-USE PLAN BY ATTITUDE TOWARD PLAN

ATTITUDE TOWARD PLAN	KNOWLEDGE OF PLAN			TOTAL SAMPLE
	AWARE	NOT AWARE	NOT SURE	
FAVOR	24%	75%	71%	39%
OPPOSE	30	9	7	23
NOT SURE	46	16	22	38
TOTAL	100%	100%	100%	100%
	(260)	(97)	(14)	(372)

Table 21 displays the relationships between demographic variables and knowledge of the new Plan. Knowledge of the Plan is concentrated among home owners (as opposed to renters); lot owners; residents of the upper Keys; respondents over 24 years old (especially those between 55 and 64); those with college and

TABLE 21: DEMOGRAPHIC VARIABLES BY KNOWLEDGE OF NEW LAND-USE PLAN

	YES	NO	NOT SURE	TOTAL	N
<b>TYPE RESIDENCE</b>					
SINGLE FAM.	74.3 %	20.8	4.3	99.9 %	200
APARTMENT	51.1 %	44.4	4.4	99.9 %	45
CONDO.	70.5 %	29.4	0.0	99.9 %	17
MOBILE HOME	67.6 %	30.7	1.5	99.9 %	65
OTHER	66.6 %	26.6	6.6	99.9 %	15
<b>OWNERSHIP</b>					
OWN	76.0 %	19.6	4.3	99.9 %	255
RENT	56.1 %	40.0	2.8	99.9 %	105
<b>OWN LOTS</b>					
YES	81.4 %	14.8	3.7	99.9 %	54
NO	68.1 %	27.7	3.7	99.9 %	317
<b>AREA OF RES.</b>					
UPPER KEYS	79.1 %	16.5	4.3	99.9 %	115
MIDDLE KEYS	67.1 %	30.0	1.4	99.9 %	70
LOWER KEYS	65.9 %	29.7	4.3	99.9 %	185
<b>RES. OF KEY W.</b>					
YES	61.6 %	34.4	4.0	100.0 %	125
NO	74.3 %	21.5	3.6	99.9 %	246
<b>AGE</b>					
18-24	40.0 %	57.1	2.8	99.9 %	35
25-34	71.2 %	23.4	4.2	99.9 %	94
35-44	73.5 %	24.1	2.2	99.9 %	87
45-54	64.4 %	31.1	4.4	99.9 %	45
55-64	80.7 %	14.0	5.2	99.9 %	57
OVER 64	76.0 %	20.0	4.0	100.0 %	50
<b>EDUCATION</b>					
< HIGH SCH.	57.8 %	36.8	5.2	99.9 %	19
HIGH SCH.	63.1 %	30.9	5.2	99.9 %	171
COLLEGE	77.1 %	20.8	2.0	99.9 %	149
GRAD. DEGREE	78.1 %	18.7	3.1	100.0 %	32
<b>OCCUPATION</b>					
MARINE	70.0 %	30.0	0.0	100.0 %	20
REAL ESTATE	91.1 %	5.8	2.9	99.9 %	34
TOURISM	69.5 %	21.7	4.3	99.9 %	23
RETIRED	75.5 %	20.9	3.4	99.9 %	86
GOVT.	70.6 %	25.8	3.4	99.9 %	58
ALL OTHER	61.5 %	33.7	4.6	99.9 %	151
<b>YRS. IN KEYS</b>					
1-3	53.8 %	46.1	0.0	99.9 %	13
3-6	59.6 %	31.5	7.0	99.9 %	57
6-10	78.3 %	21.6	0.0	99.9 %	60
10-20	78.1 %	18.1	3.6	99.9 %	55
MORE THAN 20	68.3 %	26.7	4.9	99.9 %	101
<b>SEX</b>					
MALE	77.1 %	20.1	2.7	99.9 %	184
FEMALE	62.5 %	32.0	4.8	99.9 %	187
<b>INCOME</b>					
<\$10,000	55.1 %	37.9	6.8	99.9 %	29
10-19K	70.9 %	24.7	4.3	99.9 %	93
20-29K	69.1 %	28.3	1.2	99.9 %	81
30-39K	77.9 %	20.3	1.6	99.9 %	59
40-89K	75.6 %	19.5	4.8	99.9 %	41
90K+	87.5 %	0.0	12.5	100.0 %	16

graduate degrees; individuals in the real estate industry; those who have lived in the Keys between 6 and 20 years; and those making over \$30,000 per year.

The proposed Plan has caused a considerable amount of uncertainty among those who want regulation strengthened. Table 22 divides respondents according to whether or not they are aware of the new Plan, and it then crosstabulates responses on the regulation and plan questions. Among those who are not familiar with the new Plan, support for some sort of plan is widespread even among those who want land-use regulation relaxed or left as it is. Presumably, this group of uninformed respondents does not see a clear connection between planning and regulation. In contrast, those who want regulation strengthened and are aware of the new Plan are unsure about whether they favor the Plan or not.

TABLE 22: POSITIONS ON THE PLAN BY POSITIONS ON LAND-USE REGULATION

	Not Aware of the Plan			
	Relax Regul.	Strengthen Regulation	Leave As Is	Not Sure
Support the Plan	50%	84%	73%	66%
Oppose the Plan	25	6	7	11
Not Sure	25	10	20	23
Total	100%	100%	100%	100%
N	(12)	(50)	(26)	(9)
	Aware of the Plan			
	Relax Regul.	Strengthen Regulation	Leave As Is	Not Sure
Support the Plan	6%	33%	13%	9%
Oppose the Plan	53	18	46	40
Not Sure	41	49	41	51
Total	100%	100%	100%	100%
N	(30)	(155)	(52)	(22)

Table 23 on the next page displays the relationships between demographic variables and positions on the new Plan. Only those respondents who said they were aware of the Plan are included in this breakdown. Uncertainty about the Plan is widespread. On the one hand, only one group (residents of mobile homes) has a plurality in opposition to the Plan, and, on the other hand, none of the groups in the table has a majority in support of the Plan. For almost every group, the most frequent

TABLE 23: DEMOGRAPHIC VARIABLES BY POSITIONS ON THE NEW PLAN

	FAVOR	OPPOSE	NOT SURE	TOTAL	N
<b>LIFE RESIDENCE</b>					
SINGLE FAM.	25.3	26.3	47.3	99.9	171
APARTMENT	21.7	34.7	43.4	99.9	23
CONDO.	22.3	8.3	58.3	99.9	12
MOBILE HOME	13.5	50.9	36.3	99.9	44
OTHER	20.0	20.0	40.0	100.0	10
<b>OWNERSHIP</b>					
OWN	26.2	30.9	42.7	99.9	194
RENT	15.9	27.1	55.9	99.9	59
<b>OWN LOTS</b>					
YES	18.1	29.5	52.3	99.9	44
NO	29.4	30.5	43.9	99.9	216
<b>AREA OF RES.</b>					
UPPER FEYS	19.7	36.2	43.9	99.9	91
MIDDLE FEYS	21.2	27.6	51.0	99.9	47
LOWER FEYS	28.6	27.9	44.2	99.9	122
<b>RES. OF KEY W.</b>					
YES	29.8	22.0	48.0	99.9	77
NO	21.0	33.8	44.2	99.9	183
<b>AGE</b>					
18-24	28.3	35.7	35.7	99.9	14
25-34	23.0	28.3	47.7	99.9	67
35-44	28.1	32.8	39.0	100.0	64
45-54	13.7	41.3	44.8	99.9	29
55-64	28.2	30.4	41.3	99.9	46
OVER 64	18.4	21.0	60.5	99.9	38
<b>EDUCATION</b>					
< HIGH SCH.	18.1	27.2	54.5	99.9	11
HIGH SCH.	16.5	32.4	50.9	99.9	108
COLLEGE	28.5	32.1	39.1	99.9	115
GRAD. DEGREE	40.0	16.0	44.0	100.0	25
<b>OCCUPATION</b>					
MARINE	21.4	14.2	64.2	99.9	14
REAL ESTATE	32.2	22.0	38.7	99.9	31
TOURISM	18.7	31.2	50.0	100.0	16
RETIRED	21.5	29.2	49.2	99.9	65
GOV.	19.3	26.8	53.6	99.9	41
ALL OTHER	25.8	35.4	37.5	99.9	93
<b>RES. IN FEYS</b>					
1-5	42.8	30.0	27.1	99.9	7
6-10	32.3	29.4	38.2	99.9	34
11-15	21.2	27.5	51.0	99.9	47
16-20	34.8	37.2	27.9	99.9	43
MORE THAN 20	26.0	34.7	39.1	99.9	68
<b>SEX</b>					
MALE	18.3	33.9	45.7	99.9	142
FEMALE	30.7	23.9	45.2	99.9	117
<b>INCOME</b>					
<\$10,000	12.5	21.2	56.2	100.0	16
10-19K	22.7	25.7	51.5	99.9	65
20-29K	23.9	33.9	32.1	99.9	56
30-39K	21.7	36.7	41.1	99.9	46
40-49K	30.1	29.0	38.7	99.9	31
50K+	18.3	28.5	42.8	99.9	14

attitude is uncertainty.

### Quality of Life

In the 1985 survey, respondents were asked questions about the area's quality of life. Specifically, they were asked whether they would rate certain issues as "big problems" in the Keys. Table 24 lists frequency distributions on the issues of traffic, housing costs, and too many people. The table shows that traffic and cost of housing are perceived as serious problems in the Keys. Respondents were divided over whether the Keys have too many people.

TABLE 24: ARE THE FOLLOWING "BIG PROBLEMS"?

	YES	NO	NOT SURE	TOTAL	N
TRAFFIC	75%	23	2	100%	373
COST OF HOUSING	77%	18	5	100%	372
TOO MANY PEOPLE	45%	50	5	100%	374

Respondents were also asked to evaluate the amount of government control currently being exercised over development in the Keys. Table 25 lists the frequency distribution. Most (54%) respondents said that there is too little control.

TABLE 25 : EVALUATIONS OF GOVERNMENT CONTROL OF DEVELOPMENT

	PERCENT	N
TOO MUCH	20%	75
TOO LITTLE	54	205
ABOUT RIGHT	16	63
NOT SURE	10	31
TOTAL	100%	374

Moreover, the belief that there is too little government control over development is very widespread. Table 26 crosstabulates demographic variables by positions on government control of development. A majority of almost every group in the table says that there is too little control. The only group where a plurality said that there is too much control was composed of respondents in the marine industry, but even this group was divided over the issue.

As a follow-up question to respondents' perceptions of issues related to the quality of life, respondents were asked which problem would be the worst five years from now. As shown in Table 27, there was no agreement, except that very few people expected excessive government regulation to be the top problem.

TABLE 26: DEMOGRAPHIC VARIABLES BY POSITIONS ON GOVERNMENT CONTROL

TYPE RESIDENCE	TOO MUCH	TOO LITTLE	O.K.	NOT SURE	TOTAL	N
SINGLE FAM.	17.1 %	57.5	15.1	7.7	99.9 %	101
APARTMENT	20.0 %	51.1	20.0	5.8	99.9 %	45
CONDO.	38.2 %	47.0	11.7	5.8	99.9 %	17
MOBILE HOME	18.4 %	52.3	15.9	12.3	99.9 %	65
OTHER	20.0 %	40.0	40.0	0.0	100.0 %	15
OWNERSHIP						
OWN	27.6 %	52.3	15.2	9.7	100.0 %	256
RENT	19.2 %	51.0	17.1	5.7	99.9 %	105
OWN LOTS						
YES	24.0 %	55.5	12.9	7.4	99.9 %	54
NO	19.4 %	54.7	17.2	8.4	99.9 %	318
AREA OF RES.						
UPPER KEYS	21.7 %	52.1	19.1	6.9	99.9 %	115
MIDDLE KEYS	20.0 %	54.2	14.2	11.4	99.7 %	70
LOWER KEYS	18.8 %	56.9	16.6	7.5	99.9 %	186
RES. OF KEY W.						
YES	20.6 %	57.1	17.4	4.7	99.9 %	126
NO	19.9 %	53.6	16.6	9.7	99.9 %	246
AGE						
18-24	20.0 %	51.4	20.0	8.5	99.9 %	35
25-34	18.9 %	56.8	21.0	3.1	99.9 %	95
35-44	22.9 %	50.5	18.3	8.0	99.9 %	87
45-54	17.7 %	55.5	11.1	15.5	99.9 %	45
55-64	29.8 %	49.1	15.7	5.2	99.9 %	57
OVER 64	10.0 %	62.0	12.0	16.0	100.0 %	50
EDUCATION						
< HIGH SCH.	36.8 %	42.1	15.7	5.2	99.9 %	19
HIGH SCH.	21.0 %	53.2	18.7	7.0	99.9 %	171
COLLEGE	17.4 %	57.7	15.4	9.3	99.9 %	149
GRAD. DEGREE	18.1 %	57.5	15.1	9.0	99.9 %	30
OCCUPATION						
MARINE	38.0 %	38.0	19.0	4.7	99.9 %	21
REAL ESTATE	29.4 %	58.8	5.8	5.8	99.9 %	34
TOURISM	30.4 %	52.1	8.6	8.6	99.9 %	23
RETIRED	15.1 %	55.8	13.9	15.1	99.9 %	86
GOVT.	17.2 %	55.1	20.6	6.8	99.9 %	58
ALL OTHER	17.8 %	55.6	20.5	5.9	99.9 %	151
YRS. IN KEYS						
1-3	7.6 %	69.2	15.3	7.6	99.9 %	13
3-5	10.5 %	50.8	26.3	12.2	99.9 %	57
6-10	27.8 %	54.0	14.7	3.2	99.9 %	61
10-20	20.0 %	54.5	16.3	7.0	99.9 %	55
MORE THAN 20	18.8 %	53.3	8.9	8.9	99.9 %	101
SEX						
MALE	20.5 %	56.7	15.6	7.0	99.9 %	185
FEMALE	19.7 %	52.4	18.1	9.6	99.9 %	187
INCOME						
<\$10,000	11.0 %	41.3	20.6	6.8	99.9 %	29
10-19K	12.9 %	51.2	20.4	5.3	99.9 %	91
20-29K	24.3 %	47.5	18.2	9.7	99.9 %	82
30-39K	20.3 %	52.5	18.6	8.4	99.9 %	59
40-89K	19.5 %	63.4	12.1	4.8	99.9 %	41
90K+	37.5 %	37.5	12.5	12.5	100.0 %	16

TABLE 27: WORST PROBLEM IN FIVE YEARS

	PERCENT	N
TRAFFIC	20%	74
COST OF HOUSING	25	94
TOO MANY PEOPLE	24	91
TOO MUCH GOVMT CONTROL	11	39
TOO LITTLE GOVMT CONTROL	20	73
TOTAL	100%	371

### Summary

Results from the 1984 and 1985 public opinion surveys suggest that efforts should be taken to mitigate the costs of the proposed County Plan. The public is strongly supportive of efforts to control construction and development. Most respondents think that the natural environment is deteriorating, they favor strengthening land-use regulation, and their concerns about weak controls are focused on the county government. This was true in 1984, and it is still true today. Nevertheless, uncertainty about the proposed Plan is widespread. To be sure, those who own undeveloped lots are the most likely to express opposition to the Plan, but even those who do not own lots are also divided.

## THE CONSERVANCY ALTERNATIVE

One possible approach to addressing the equity issue relating to lot owner treatment is the establishment of an entrepreneurial entity designed to deal flexibly and fairly with lot owners to find the best solution for each individual situation.

One of the most troublesome problems faced during attempts to deal with platted lands is the inability to work individually with lot owners. This is partially because there are usually so many of them, but it is also because the governmental body responsible is also responsible for so many other activities that it cannot assign adequate person-power to the task.

Experience has shown that when lot owners have been contacted and personal meetings held to discuss the reasons for the change in governmental approach to the subdivision, controversy can be mitigated. When a special-purpose organization is established to work out options with lot owners, lot owners feel that their concerns are being taken into account. At the present time, the lot owner learns of new regulatory proposals or programs affecting his lot from newspaper accounts or word-of-mouth. This can lead to the immediate and angry response that "property rights" are being taken. Imagine the impact when a staff member of this special-purpose agency initiates contact with lot owners to personally discuss why regulatory actions were taken and what options now exist for this lot owner.

If the mandate of this organization is to be entrepreneurial--to prepare proposals ranging from tax-deductible charitable contributions of lots to limited development--and the staff exists to implement this mandate, then we come a long way toward addressing the problem.

What we are describing--this organization willing to work with the lotowners--is a land conservancy. Such a conservancy for the Florida Keys would be valuable in the overall approach to growth management.

#### The California Models

In California there are two organizations with characteristics similar to those described above. They are the California State Coastal Conservancy (SCC) and the California Tahoe Conservancy (CTC).

California State Coastal Conservancy (SCC). The SCC is a state agency created in 1976 whose primary responsibility is to resolve conflicts between various interests (local governments, real estate developers, public interest groups, etc.,) which arise from the implementation of stringent coastal land regulations and environmental standards imposed on developers by the California coastal zone legislation. The SCC projects fall into one of eight program areas:

1. Resource Enhancement
2. Coastal Restoration
3. Urban Waterfronts
4. Coastal Accessways

5. Nonprofit Organization Assistance Program
6. Reservation of Coastal Resource Sites
7. Preservation of Agricultural Land
8. Donations and Dedications

Number 2, Coastal Restoration, deals with platted lots. State policy on this issue, as provided in the enabling statute, states:

The Legislature further finds and declares that lands within the coastal zone, principally in rural areas, are vacant or improperly utilized because of inadequate circulation patterns, poor lot layout, scattered ownerships, lack of recreation and open space, and other conditions which adversely affect the coastal environment and reduce opportunities for orderly development.

The SCC works toward improving this situation by assisting lot owners, local governments and developers in the design and redesign of proposed development. In this regard, the agency has three major programs:

1. Lot Consolidation: Redesigning unacceptable subdivisions to provide economically feasible alternatives that conform to Coastal Act policies.

2. Transfer of Development Rights: Encouraging relocation of development from unsuitable areas to more appropriate sites.

3. Housing: Acting to help ensure that a significant percentage of new housing on the coast is within the reach of low and moderate income individuals.

California Tahoe Conservancy (CTC). The Tahoe Conservancy is a state agency originally created in 1973. It had been

inactive and without funds until 1984, when a successor agency was established by the Legislature. In November 1982, California voters approved Proposition 4, an \$85 million state bond act for the purchase of environmentally sensitive, privately owned lots on the California side of the Basin. Proposition 4 established the Tahoe Area Land Acquisition Commission (TALAC) to implement the \$85 million purchase program. TALAC suggested that the Tahoe Conservancy be activated and oversee the state bond program. The Legislature adopted this approach.

The primary role of the California Tahoe Conservancy is to administer the land acquisitions plan developed by TALAC. Its present mission is to purchase environmentally sensitive lots for the purpose of retiring development potential, protecting the environment, or providing for public use. TALAC recognized that broad authority would be needed to flexibly address landowner needs and to facilitate implementation of the acquisition program. It recognized that the acquisition process would be extremely complex, time consuming, and expensive. It also recognized that there is a need for coordination among California, Nevada and federal acquiring agencies acting within the Tahoe Basin.

What has resulted is an approach designed to expedite the acquisition process, lower administrative costs, and deal with the serious question of lot valuation. CTC plans to buy out 6,000 environmentally sensitive lots. Implementation of the purchase program is now the primary activity of CTC. However, its enabling legislation provides a great deal of flexibility, including the ability to develop, or sell for development,

acquired property as long as it conforms with the basinwide management plan. CTC is still in its infancy. Once past the purchase of environmentally sensitive lots, there still remain over 10,000 platted lots in the Tahoe Basin. Many of these, though not environmentally sensitive, could be better designed to provide the opportunity for development meeting current land use planning concepts. CTC has the potential to address this opportunity, but as of yet, it has not been a priority issue.

#### Applicability to the Florida Keys

The extent of platted lands in the Keys and the history of public and private activity relating to land subdivision require an innovative approach both to protect the "quality" of the Keys and to treat lot owners equitably.

The establishment of an agency whose primary mission is the facilitation of appropriate limited development in the Keys, and the active solicitation of lot owners in the process of preparing financially sound proposals, will help alleviate the confrontational approach now present in the Keys.

#### Important Elements for a Florida Keys Conservancy

The profile of a Florida Keys Conservancy (FKC) would be a mix of a land preservation agency, land development agency, and real estate broker. It would work for the acquisition or transfer of development potential of environmentally sensitive lots, it would assist in land assembly or actually engage in land assembly, and it would seek out both buyers and sellers to fulfill its mission of fostering appropriate development in the

APPENDIX

1985 OPINION SURVEY

Hello, this is NAME from Florida Atlantic University. FAU is conducting a survey in the Keys for use in planning for the county's population growth. Could I speak with the (OLDEST ADULT MALE, OLDEST ADULT FEMALE, YOUNGEST ADULT MALE, YOUNGEST ADULT FEMALE) in your household?

Florida Atlantic University is conducting a survey in the Keys to help plan for the county's population growth. Would you be willing to participate in this study by sharing your views with us?

Are you a year-round resident of Monroe County?  
(BY YEAR-ROUND, WE MEAN DO YOU, THE RESPONDENT, LIVE IN MONROE COUNTY 9 MONTHS OR MORE OUT OF THE YEAR).

1. Yes
2. No
3. Not sure

In your view, is the quality of the natural environment in the Keys getting better, getting worse, or not changing?

1. Better
2. Worse
3. Not changing
4. Not sure

Generally, would you favor relaxing land-use regulations to permit more development, strengthening land-use regulations to reduce development or improve its quality, or leaving land-use regulations pretty much as they are now?

1. Relax land-use regulations
2. Strengthen land-use regulations
3. Leave them as they are now
4. Not sure

THOSE WHO FAVORED RELAXING LAND-USE REGULATION WERE ASKED:

Would you favor leaving land-use regulations as they are even if it meant that you would have to pay higher taxes?

1. Yes, I would still favor leaving them alone
2. No, I would not favor it
3. Maybe, under some conditions
4. Not sure

THOSE WHO FAVORED STRENGTHENING LAND-USE REGULATION WERE ASKED:

Would you favor strengthening land-use regulations to reduce development or improve its quality even if it meant that you would have to pay higher taxes?

1. Yes, I would still favor strengthening them
2. No, I would not favor it
3. Maybe, under some conditions
4. Not sure

Now I am going to read you a list of governments, and I want you to evaluate the job that each one has been doing in regulating development and construction in the Keys. Let's start with the federal government. Has it been regulating development:

1. Too much
2. Not enough
3. About the right amount
4. Not sure

All right, what about the Monroe County government? Has it been regulating development:

1. Too much
2. Not enough
3. About the right amount
4. Not sure

How about the city government of Key West? Has it been regulating development:

1. Too much
2. Not enough
3. About the right amount
4. Not sure

What about the state government? Has it been regulating development:

1. Too much
2. Not enough
3. About the right amount
4. Not sure

Now I am going to read you a list of groups, and I want you to tell me whether each group is paying its fair share for the costs of growth--that is, paying its fair share of the costs for roads, schools, environmental protection, and the like. Let's start with county residents. Are they paying:

1. Too much
2. Not enough
3. About their fair share
4. Not sure

What about developers? Are they paying:

1. Too much
2. Not enough
3. About their fair share
4. Not sure

What about tourists and seasonal residents? Are they paying:

1. Too much
2. Not enough
3. About their fair share
4. Not sure

What about the county government? Is it paying:

1. Too much
2. Not enough
3. About their fair share
4. Not sure

What about the City of Key West? It is paying:

1. Too much
2. Not enough
3. About its fair share
4. Not sure

What about the state government? Is it paying:

1. Too much
2. Not enough
3. About its fair share
4. Not sure

Next, I would like to read you a list of issues that some people have told us are big problems in the Keys and others have said we should not worry about. I would like to know whether you personally think they are big problems or not.

Let's begin with traffic. Do you think that the traffic in the Keys is a big problem, or that it's not a big problem.

1. Yes, a big problem
2. No
3. Not sure

What about the cost of housing in the Keys? Do you think that this is a big problem, or is it not a big problem?

1. Yes
2. No
3. Not Sure

What about too many people moving to the Keys? Do you think this is a big problem, or is it not a big problem?

1. Yes
2. No
3. Not sure

O.K., what about government control of development in the Keys. In your view, is there too much control of development in the Keys, not enough control, or is the amount of control that exists now about right.

1. Too much
2. Too little
3. About right
4. Not sure

Of the problems we've just gone through, which do you think is going to be the worst five years from now?

1. Traffic
2. Cost of housing
3. Too many people
4. Too much government control of development
5. Not enough control of development

Have you heard about the new land-use plan for Monroe County that is being prepared to control development in the Keys?

1. Yes
2. No
3. Not sure

Do you personally favor the new plan, do you oppose it, or do you not really care about it one way or the other?

1. Favor
2. Oppose
3. Not sure
4. Don't care one way or the other
5. Other

Well, do you think that a plan is needed for controlling development in the Keys?

1. Yes
2. No
3. Not sure
4. Don't care one way or the other
5. Other

We are almost finished now. I just need to ask a few questions about you, mainly for statistical purposes. I like to remind you that the information you provide is completely

anonymous. We need to know about you so that we can see if other individuals like you have similar views. We do not know your name, and your phone number was generated at random by the computer.

What type of residence do you live in?

1. Single family house
2. Apartment
3. Midrise condominium
4. Mobile home
5. Other

Do you own your residence, or do you rent?

1. Own
2. Rent
3. Other

Do you own any undeveloped lots in the Keys?

1. Yes
2. No
3. Other

How many separate lots do you own?

What do you plan to do with your lot(s)?

1. Build a home for your family or yourself
2. Build a home to sell
3. Hold the land as an investment for a later sale
4. Give the land to your children or heirs
5. Not really sure at this time
6. Combination of the above
7. Other

Now I need to know whether you live in the Upper Keys, the Middle Keys, or the Lower Keys. The Upper Keys run from North Key Largo down through Lower Matecumbi. The Middle Keys start at Long Key and go to the 7 mile bridge. The Lower Keys run from the 7 mile bridge to Key West. Which area do you live in?

1. Upper Keys
2. Middle Keys
3. Lower Keys
4. Other
5. Not sure

Do you live in the city of Key West?

1. Yes
2. No
3. Not sure

What is your age?

1. 18 - 24 years old
2. 25 - 34 years old
3. 35 - 44 years old
4. 45 - 54 years old
5. 55 - 64 years old
6. 65 years old or older
7. refuses to answer

In 1984, what was the total income of your family, before taxes?

1. Under \$10,000
2. Over \$10,000 but under \$20,000
3. Over \$20,000 but under \$30,000
4. Over \$30,000 but under \$40,000
5. Over \$40,000 but under \$90,000
6. Over \$90,000
7. refuses to answer

What is the level of school you completed?

1. Less than high school
2. High school
3. College
4. Graduate degree

What is your occupation?

1. Fishing - either commercial or sporting
2. Real Estate - realtor, developer, etc.
3. Tourism - hotel/motel, restaurant, etc.
4. Retired
5. Government - school teacher, county or city employee, etc.
6. All other

How long have you been living in Monroe County?

1. Less than one year
2. More than 1 year but less than 3 years
3. More than 3 years but less than 6 years
4. More than 6 years but less than 10 years
5. More than 10 years but less than 20 years
6. More than 20 years
7. Does not live in Monroe County

RECORD THE RESPONDENT'S SEX AND PRESS RETURN:

1. Male
2. Female

That completes the interview. Thank you very much for taking time to answer these questions for us.

## LOT OWNER SURVEY

Hello, this is NAME from Florida Atlantic University. FAU is conducting a public opinion survey of lot owners in the Keys to help plan for future development. Would you be willing to share your views with us?

Do you or other members of your household own any undeveloped lots in the Keys?

1. Yes
2. No
3. Other, not sure, etc.

All right, I would like to ask you some questions about your lot(s) and what you plan to do with it/them. Your answer will be totally confidential and anonymous. We do not know your name, and your phone number was selected entirely at random by a computer.

In how many different subdivisions do you own lots?

What is the name of each subdivision?

THE FOLLOWING QUESTIONS WERE ASKED FOR EACH SUBDIVISION IN WHICH RESPONDENT OWNED LOTS, UP TO SIX POSSIBLE SUBDIVISIONS

Next, I'd like to ask you some questions about the lots in each subdivision. How many lots do you own in this subdivision?

Do you own these lot(s) as an individual, or is the ownership part of a corporation, partnership, or some other legal entity?

1. Individual
2. Partnership
3. Corporation
4. Other
5. Combination of Entities

On average, about how much did you pay for each lot?

1. Less than \$1,000 each
2. More than \$1,000 but less than \$5,000
3. More than \$5,000 but less than \$10,000
4. More than \$10,000 but less than \$20,000
5. More than \$20,000 but less than \$40,000
6. More than \$40,000

What do you plan to do with the lot(s) you own in this subdivision?

1. Build a home to live in
2. Build a vacation home for myself or family
3. Build a home to sell
4. Hold the land as an investment for later sale
5. Give the lot to my children or heirs
6. Not sure at this point
7. Combination of above

When do you plan to build?

1. Less than 3 years from now
2. More than 3 years but less than 5
3. More than 5 years but less than 10
4. More than 10 years from now
5. Not sure

On average, how much do you think your lot(s)  
in this subdivision are worth now?

1. Less than \$1,000 each
2. More than \$1,000 but less than \$5,000
3. More than \$5,000 but less than \$10,000
4. More than \$10,000 but less than \$20,000
5. More than \$20,000 but less than \$40,000
6. More than \$40,000

Would you happen to know the lot number or  
lot letter of one of the lots you own in this subdivision?

All right, now I'd like to get your views on some  
programs that might be used by the county or state  
government to help lot owners who would have difficulty  
building on their lots because of environmental  
regulations.

One approach would be for a government agency to  
buy certain lots. Would you be willing to sell any of  
your lots to a public agency?

1. Yes, depending on price
2. No, not at all
3. Not sure

O.K. Another idea is to have lot owners in certain subdivisions put their lots together, build in only some parts of the subdivision, and then all share the profits according to how much land each individual put in. Would you be willing to participate in such a lot pooling program?

1. Yes, depending on price
2. No, not at all
3. Not sure

All right. Another approach is the so called. Transfer of Development Rights. In this case, lot owners would be paid not to build on their lots. Would you be willing to sell your development rights?

1. Yes, depending on price
2. No
3. Not sure

O.K. What if you could buy development rights from some other lot owner and build more units on your own lot(s).<sup>7</sup> In this case, would you consider buying development rights from another lot owner?

1. Yes, depending on price
2. No
3. Not sure

We are almost finished now. I just need to ask a few questions about you, mainly for statistical purposes. I want to remind you that the information you provide is completely anonymous. We need to know about you so that we can see if other individuals like you have similar views. We do not know your name, and your phone number was generated at random by the computer.

Do you own your residence, or do you rent?

1. Own
2. Rent
3. Other

Now I need to know whether you live in the Upper Keys, the Middle Keys, or the Lower Keys. The Upper Keys run from North Key Largo down through Lower Matecumbi. The Middle Keys start at Long Key and go to the 7 mile bridge. The Lower Keys run from the 7 mile bridge to Key West. Which area do you live in?

1. Upper Keys
2. Middle Keys
3. Lower Keys
4. Other
5. Not sure

Do you live in the city of Key West?

1. Yes
2. No
3. Not sure

In 1984, what was the total income of your family,  
before taxes?

1. Under \$10,000
2. Over \$10,000 but under \$20,000
3. Over \$20,000 but under \$30,000
4. Over \$30,000 but under \$40,000
5. Over \$40,000 but under \$90,000
6. Over \$90,000
7. refuses to answer

What is your occupation?

1. Fishing - either commercial or sporting
2. Real Estate - realtor, developer, etc.
3. Tourism - hotel/motel, restaurant, etc.
4. Retired
5. Government - school teacher, county or city employee, etc.
6. All other

How long have you been living in Monroe County?

1. Less than one year
2. More than 1 year but less than 3 years
3. More than 3 years but less than 6 years
4. More than 6 years but less than 10 years
5. More than 10 years but less than 20 years
6. More than 20 years
7. Does not live in Monroe County

That completes the interview. Thank you very much  
for taking time to answer these questions for us.



standards. Local governments have attempted to control development of platted lots by refusing to permit the development if there is no access to the applicant's lot. However, if there is any physical access to the applicant's lot, whether paved or dirt, it will generally issue a development permit.

## B. Economic Concerns

One of the greatest problems facing the local governments with undeveloped antiquated platted lands is the provision of the necessary infrastructure and emergency and public services. In many areas, the local governments do not have the financial capability to supply the infrastructure and public services necessary for build-out of all the platted lots in their community. Local government representatives expressed their concern that buyers of the platted lots are not informed by the sellers of the lack of infrastructure or lack of provision for infrastructure and services. Generally, the buyers assume that the necessary services and infrastructure will be provided by the local government and fully expect the local government to be responsive to their demands for these services. Many local governments have difficulty in planning for and providing the capital improvements necessary for the development of those lots as required in the revised comprehensive plan. The participants also indicated that the large lot subdivision sales have caused an adverse impact on their communities. Many of these lots have been platted and sold without regard to current market conditions or planned future growth in the area. When development of these lots has begun, it has placed a financial strain on the local government and residents of the community to provide the necessary services and infrastructure.

## C. Legal and Political Issues

### 1. Legal Issues

The legal issues involved in the purposed development of antiquated platted lands fall within two major categories: 1) property owners rights and 2) the police power of the state and local government. One of the major issues identified by participants in the workshops was the land owners "vested rights". "Vested rights" is the term applied to the owner's right to develop the land as platted, without regard to current development standards or planned growth. Whether this right is granted by statute or by common law, many of the local governments are hesitant to deny proposed development when "vested rights" are involved.

Another problem confronting the local government is the land owners "perceived right to develop". Many land owners purchased their property with a particular goal in mind and become very hostile when told that their goal does not conform to current zoning regulations and planned future growth. Many of the lots were purchased without adequate

disclosure by the seller or his representative of the existing conditions on the property, its zoning or planned use. Land owners have resorted to legal action when prohibited from developing their property as they want.

State and local governments have, under police power, the authority to zone and to control development and growth. However, local government representatives indicated they felt this authority was not extensive enough to meet the needs of the actions required to resolve platted lands problems. They feel they have no statutory authority to require:

- a. Mandatory platting prior to the subdivision and sale of lots;
- b. Replat of antiquated subdivisions, whether in unitary or multiple ownership;
- c. Vacation of existing plats when the lots are reassembled for sale as large parcels;
- d. Recording of contract for deed sales and requiring a copy of the plat be attached to the deed;
- e. Land owners to comply with local development codes.

Because of the various interpretations of Chapter 177, F.S., many local governments do not require the recording of any subdivision plats. Local government representatives indicated that their elected officials would be more responsive to the planning departments' need for plat recordation if the statute mandated the recordation of all subdivided parcels. With the repeal of Section 163.280 F.S., local governments no longer have the authority to initiate the deplat of (antiquated) subdivisions. Local government representatives agreed that this was a necessary power and would be very useful to them in the resolution of some of their platted lands problems.

## 2. Political Issues

During the course of the workshops, it became quite apparent that the staff of many local governments are having to deal with elected officials who do not want to upset or alienate their constituencies by recognizing and trying to resolve the platted lands problems. In many areas of extensive platting but little development, the taxes on these undeveloped platted lots bring in a certain amount of revenue without the requirement of capital improvements or public services. Many elected officials realize that limiting the development of the platted lots through downzoning will result in a decrease in the revenue generated by those lots. Their attitude appears to be, "it's not an immediate problem, so why rock the boat?"

## D. Purposed Development Issues

The purposed development issues identified were virtually identical in each one of the workshops. Lack of infrastructure or inadequate infrastructure was one major complaint. Plat design conflicts with current standards was another, i.e., substandard lot size, no drainage or water management plans, no parks, recreation, or open areas, and platted lots in environmentally sensitive areas. Unrecorded subdivisions was another problem identified by the workshop participants. Unrecorded subdivisions generate such problems as: 1) no survey or review prior to development; 2) non-existent plat information; 3) no infrastructure or plans for infrastructure; 4) possible conflict with purposed use and future growth plans; and 5) no ownership information. Unrecorded subdivisions are generally discovered after the sale has been accomplished and the title has been transferred.

Subdividing without compliance with local subdivision regulations was another problem being experienced. In this situation, the property is generally conveyed by a metes and bounds legal description, with no provision for infrastructure or developmental review by the local government. These development issues cause difficulties for the local governments in that they cannot always plan for and provide the necessary infrastructure, capital improvements, or public services when those platted lots begin to develop.

A minor problem revealed by the local governments was inaccurate or non-existent survey information on old plats and maps. The lack of, or inaccuracy of, survey information causes an overlapping of plats and placement of structures and/or rights-of-way in the wrong location.

#### E. Statutory Inadequacies and Regulatory Constraints

Throughout the entire series of workshops, the majority of the complaints voiced by the attendees cited a lack of authority under the Florida Statutes to take certain actions and steps toward resolving their platted lands problems. Specifically, the statutes dealing with platting and subdividing, recording of deeds and plats, growth management and DRIs, and local government authority were pointed out as deficient in some manner.

They also indicated that it was extremely difficult for them to place stricter requirements on a permitting process, i.e. septic tanks, when the more lenient state regulations were the determining factor in the permitting process. The participants argued for more authority at their level to control the development requirements, particularly when their requirements were stricter than the state requirements.

## II. Solutions

A. The solution most frequently requested by the participants was state-wide legislation giving local governments the authority to handle the platted lands problems. They specifically requested that this enabling legislation contain:

1. Threshold requirement for identifying "antiquated" subdivisions and platted lands and a means of deplattling old undeveloped lands after a specified period of time. The legislation would have to include new and better:

- a. Definition of "vested rights"
- b. Definition of subdividing
- c. Definition of legal access

2. Administrative and procedural guidelines for addressing and resolving the problems

3. An appeal process where the local government can be forced to address the platted lands problems by the landowner or developer appealing to the state for action

4. Authority for the local governments to establish stricter standards in the development and permitting processes and requiring the state agencies to recognize those stricter standards and to defer to them

5. Subdivision regulations - establish statewide (standardized) minimum requirements for development where antiquated platted lands are concerned

They also requested that the state review and revise the following statutes:

1. Florida Statutes 177 - mandatory platting and recording of plats

2. Eminent domain statutes - standardize procedure to avoid multiple processes at the local level

3. Permitting requirements - (DCA, DNR, DER, HRS, Water Management Districts, etc.) to correlate and coordinate permitting requirements and to end conflicts between agencies' regulations

4. Florida Statutes 163.280 - reinstate the local government's authority to initiate a deplat on antiquated platted lands and make the 10% lot sales requirements effective 14 days before, rather than on the date of, the public hearing

5. Florida Statute 380.06 - allow the local governments to

negotiate acceptable changes to plats and provide more flexibility in BLIMs (Binding Letter of Modification) and BLIVRS (Binding Letter of Interpretation of Vested Rights)

6. D.O.T. Statutes - particularly the access provisions which conflict with the definition and limitations of access and traffic with regard to planning and growth management regulations

7. Lot splits/land sales - set minimum standards for information contained in the closing documents, i.e., provision of infrastructure, require full disclosure to buyer of physical condition of the property, including zoning, planned future growth, environmental conditions and presence of infrastructure, and requiring the registration of non-contiguous lots in large land sales

8. Recording - establish a minimum criteria for language and information to be contained in a contract for deed, requiring the recording of all contracts for deed, and requiring that a copy of the plat and/or survey be attached to all deeds when recorded

B. Other solutions suggested by participants of the workshops included such things as mandatory reassembly or merger of contiguous lots in unitary ownership for development; the creation of certain mechanisms to induce the land owner and developer to develop the property in accordance with current standards, i.e. tax incentives, simplify replat or permitting processes, etc.; establish a centralized clearinghouse for coordination of permitting requirements and records, processing of new regulations and cataloging of unrecorded plat information; and the use of the comp plan to identify the plats, planning goals, and development potential and to educate the community on growth objectives.

### III. Recommendations

A. It is recommended that:

1. A study and legal analysis be conducted of the various statutory deficiencies cited by the workshop participants. The study and analysis should include documentation on the language contained in the statutes, legal interpretations, in any, of the language, explanations of the deficiency or inadequacy and suggested language or solutions to the deficiencies. The legal analysis should serve as the foundation for the drafting of legislation.

2. A second series of workshops be held in October or November, 1986 to inform the interested persons of the proposed legislation. The draft legislation should be included in the workshop announcements to give the attendees an opportunity to evaluate it and recommend changes at the workshops. Because of her interest in and familiarity with

land use and platted lands problems and her many contacts within the communities, Marilyn Crotty of the Institute for Community Leadership at Valencia Community College would be an excellent co-sponsor of these statewide workshops.

3. A study be made of the feasibility of establishing a centralized clearinghouse for the distribution of all state agencies' development related regulations. The study should be conducted by a small task force comprised of at least one employee from each of the pertinent state agencies (DCA, DNR, DER, and HRS particularly.) It should include consideration of each agency's minimum permitting requirements, projected initial and future operating costs, personnel needs, future funding and a time frame.

## PROBLEMS

### I. Access To/From Lots

- A. Onto Canopy Roads and/or Major Arterials
  - 1. Curbcuts for commercial lots
  - 2. Driveways for residential units
- B. Non-connecting/non-matching roads within subdivisions
- C. Roads and Rights-of-Way generally
  - 1. Substandard dirt roads, too narrow, trees in roadway, poor maintenance
- D. Dedication of Rights-of-Way
  - 1. Maintenance of roads - whose responsibility?
  - 2. Substandard
  - 3. Accepted by local government - Ownership questions
- E. Landlocked non-platted lands between platted subdivisions
- F. No access to lots
- G. Requires redesign of highways
- H. Committed access and rights-of-way cause problems in partially developed subdivisions especially where it occupies the wrong site
- I. Safety Issues - paved streets in undeveloped & partially developed subdivisions
  - 1. no traffic control devices
  - 2. no ease of entry for emergency services
  - 3. dumping sites
- J. Vacated streets in undeveloped subdivisions - done by local government initiative.
  - 1. possible future need for streets
  - 2. no notice required before vacation
- K. Encroachment by buildings on easements and rights-of-way

## II. Economics

- A. Whose responsibility to supply infrastructure and public services.
- B. Exactions for build-out of old lots - not like new platted lands in DRI
- C. Economic Retardation
  - 1. caused by plat/market/development
  - 2. no incentives to developer to replat subdivisions
    - time/costs/multiple agencies and regulations involved
- D. Market - affected by
  - 1. Growth Management & Planned Use
  - 2. Development of plat as originally designed
  - 3. Proper land use
  - 4. Investment-type sales (caused by degree of platting)
  - 5. allowing too many variances to build on small lots
- E. Capital improvements must be provided to committed lands which generally have:
  - 1. no sewer
  - 2. no water
  - 3. no roads
- F. Consumer Protection
  - 1. No disclosure by realtor/seller to buyer of adverse developmental problems and conditions
  - 2. Buyers purchase undeveloped property expecting the local government to provide all services and infrastructure without regard to whether it is the government's responsibility or within it's resources to provide them.
  - 3. No prevention of sales by owner without disclosure
  - 4. No testing and licensing of realtors re: growth management goals and platted lands problems
- G. No County policy or staff to address issues or supply services or safety devices (Ft. Myers)
- H. No authority by local governments to sell lands contained in vacated rights-of-way to adjoining land owners.
- I. Sometimes lots registered with Land Sales exceeds number of platted lots (i.e. Golden Gate Estates)
- J. Land Sales
  - No Legislation: 1. Requiring registration of less than 49 lots
  - 2. Requiring registration of all sales of non-contiguous lots (Large Land Sales Only)

### III. Legal Questions and Political Questions

- A. Property owners rights
  - 1. Vested rights
    - a. Statutory
    - b. Common law -Grandfather Clauses, equitable estoppel
  - 2. Perceived right to develop
  - 3. Waterfront property - boundary line extending beyond water line
- B. Local Government attitude toward undeveloped platted lots
  - 1. Money Machine - why disturb status quo
  - 2. Elected officials "Don't rock boat"
  - 3. Conflict between zoning ordinance and state laws
- C. Can state curtail platting of subdivisions with large number of lots or phases?
- D. Require Replat? No laws setting out deplat criteria
- E. Prevent current platting/commitment of environmentally sensitive lands?
- F. New LGCP - set density and provide for future growth
- G. F. S. 163.280 repealed - No local government initiated deplats now
- H. No local government or quasi-public agency with authority to purchase and dispose of platted lots
- I. No enabling legislation for TDRs and/or model ordinances
- J. No legislation or ordinance requiring vacation of old plat when lots reassembled for sale in larger parcels
- K. No laws requiring landowners to comply with local codes
- L. No enabling legislation to give local governments authority to address platted lands issues
- M. Definition of "subdivide" and minimum criteria for compliance too weak or uncertain
- N. No laws re: contract for deed sales which
  - 1. require recording
  - 2. require platting and subdivision approval
  - 3. designate responsible party in interest for deplat/replat
- O. Plat laws - F.S. 177 - No guidelines on when and how to plat

P. No definition of "Antiquated" subdivisions  
or minimum criteria

#### IV. Proposed Development of Platted Lots

##### A. Unrecorded plats or "Paper plats"

1. Number of lots generally unknown
2. No infrastructure/roads/services provided for
3. Identity of ownership unknown
4. Non existent information on plats
5. Some lots may contain environmental conditions that would prohibit development
6. Development occurs without survey, or development review of lot size, or development approval

##### B. Lot Size

1. Generally substandard by current requirements
2. Some lots are too small for septic tanks or wrong soil type
3. Many lots do not have accurate surveys or plat information on boundaries
4. Development of lot affected by surrounding development type/market and economics

##### C. Plat Design conflicts with current development requirements

1. Must aggregate lots to reach certain size for development
  - a. zoning/density
  - b. septic tank permitting
2. Zoning and Comprehensive plan designation - residential or acreage
3. Old infrastructure plans possibly adequate for development of old plats but without consideration of current land use and/or comprehensive plans
4. Contract for Deed - ownership information unavailable
5. Rights-of-way and easements on old plats
6. No parks, recreation or open areas
7. Canals and seawalls falling apart

##### D. Environmental Conditions

1. Wetlands or plats in flood plain or flood way areas or bay bottom
2. High water tables require the build up of a lot using a septic tank, which causes flooding and run-off problems on adjoining properties.
3. No water management provision in old plats for drainage ditches or water retention
4. Affects permit process and vested rights

##### E. Survey

1. Inaccurate or nonexistent information on plats and maps
2. Inaccurate or nonexistent preliminary ground survey
3. Overlapping of plats
4. No information on dedication of easements and rights-of-way
5. No standard records keeping criteria for plats or

- surveys
- 6. No legal description or lot size markings
- 7. Cemetery lots infringing on platted lots because of inaccurate survey
- F. Ownership - Old plats
  - 1. Multiple owners - undeveloped or partially developed subdivisions
    - a. track down
    - b. contact
    - c. clear title
    - d. frequently inadequate or non-existent infrastructure
- G. Subdividing without Platting
  - 1. Non compliance with subdivision regulations
    - a. no platting
    - b. no development review of lot size or use
    - c. conveyance by metes and bounds description
    - d. no provision for infrastructure or services
- H. Reassembly/Replat
  - 1. out parcels
  - 2. no incentives for developers to do anything with "paper plats" or for voluntary reassembly of lands in multiple ownerships (see economics)

V Statutory Inadequacies and Regulatory Constraints

- A. Inadequate plat laws (see legal questions)
- B. Recording requirements
  - 1. deed restrictions required by certain agencies
  - 2. interpretation of F.S. 177 - does not mandate plat recording
  - 3. need access to documentation on unrecorded plats
  - 4. better records keeping of publicly owned lands and ownership of abandoned rights-of-way - need centralization of records
- C. No information or regulation sharing between state agencies, state and local government and local government and developer/owner.
- D. Replat of existing plats
  - 1. lots of paperwork
  - 2. length of time processing paperwork
  - 3. delay in platting and recording process
  - 4. no coordination between agencies to streamline method governing revisions of old plats
- E. Comprehensive Plan
  - 1. new requirements don't address development problems in conforming old plats to new plans
  - 2. requires designation of all platted lands - whether or not developable

F. Regulation Enforcement

1. too much vacillation by state agencies in enforcing legislation
2. Permitting of septic tank use by HRS (Orlando)  
- HRS regulations allows buildup of property to install septic tank if property too low but this causes drainage and runoff problems to adjoining properties

SOLUTIONS

I. Legislative

- A. Septic tank permitting requirements - minimum criteria should be stricter because of the high water table in Florida and the possibility of endangering our groundwater supplies
- B. Minimum criteria for recordings - Clerk of Court office
  1. deed must have copy of plat or survey attached and minimum standards on clauses re: lack of infrastructure
  2. old plats must have survey information attached
  3. require Clerk to notify planning department of all metes and bounds sales (lot splits)
  4. require recording of all contract for deed sales
- C. Enabling legislation giving local governments the authority to handle platted lands problems
  1. threshold requirements including definition of "antiquated"
  2. guidelines for proceeding
  3. appeal process to state
- D. Need:
  1. definition of "Legal Access"
  2. definition and minimum criteria of "Vested Rights"
  3. definition and minimum criteria of "Subdividing"
  4. legislation requiring registration of all sales of non-contiguous lots in large land sales and registrations of lot sales in any subdivision of less than 49 lots
  5. legislation for moratorium-type ordinance to stop developer until services can be provided
- E. Ordinances which establish:
  1. the disclosure by all sales people of the lack of services and infrastructure problems to prospective buyers
  2. strong local subdivision ordinances
  3. a means to consolidate lots
  4. a means of public acquisition
  5. requiring access to side streets for highway fronted lots. (\* question - flexibility of ordinances)
  6. establish conservation designation - allowing only partial development of subdivisions falling in wetlands.
  7. grandfather clauses for developable lots

F. Review/Revise

1. statutory review requirements for permits - all pertinent state agencies
  2. land sales statutes (see E-4 above)
  3. subdivision regulations - platting - recording
  4. F.S. 177 to standardize and broaden vacation of plats and mandate platting
  5. eminent domain statutes
    - a. standardize procedures to avoid multiple processes at local level
  6. D.O.T. statutes, access provisions especially toward better planning and growth management goals
  7. give local governments authority to set stricter regulation of septic tank use or other regulatory permitting requirements and state to defer to them.
  8. F.S. 380.06 to allow local governments to negotiate acceptable changes to existing plats
  9. F.S.163.280 change constraints on public hearings and 10% sales to require 10% sales before public hearing date and notification to local government of sales.
  10. DRI legislation to give more flexibility and thresholds for BLIM & BLIVRS
- G. Land arbitration court - administrative
- H. Establish contract for deed sales regulations - requiring recording and proper platting.
- I. More cooperation and interaction between state and local governments:
1. for statutory review, proposed solutions and data gathering
  2. establish minimum state standards for building permits when antiquated plats involved
- J. Simplify Sales
1. simplify closings and documentation
  2. require full disclosure to buyers of condition of land; zoning; availability of infrastructure and services and responsibility of local government to provide them; and future growth plans
- K. Sunset provisions for undeveloped old plats
1. problems - force development as platted?  
lots in multiple ownership?  
constitutional?  
definition of "undeveloped"?

## II. OTHER

- A. Educate local government officials and landowners to available alternative reassembly methods to achieve goals without infringing on others rights or dodging problems
1. ombudsman committee
  2. local programs
- B. Create special taxing district to help pay for platted lands costs

1. tax impact fee structure to provide capital improvements
  2. tax increment financing
  3. 1% sales tax to raise funds for acquisition
- C. Create market demand at buildout as inducement for proper development (problem - county views undeveloped lots as money machine which create revenue without need of services or facilities)
- D. Inducements
1. landowner - tax break - equity sharing in landowner association
  2. simplify replat process and permitting process
- E. Mandatory reassembly
1. merger of contiguous lots
- F. Access
1. driveway sharing, frontage roads, replatting
- G. Economics
1. government buy-out - prioritize by market/location/problem type/etc.
  2. see "B" above
  3. redesign old subdivisions to conform to current standards
  4. Refuse to issue building permits
- H. Governmental interaction
1. computerize/coordinate services between agencies
    - a. permitting
    - b. records keeping - centralized clearinghouse
    - c. hotline on - new regulations
      - personnel
      - unrecorded plat information (per county)
    - d. catalogue unrecorded plats
  2. give regional personnel authority to make binding decisions
  3. develop system to stop permitting, i.e. moratoriums, community development
  4. Participate in test cases resolving Platted lands problems
  5. address TDR mechanisms
- I. Comprehensive Plans
1. use to - identify plats
    - identify planning goals
    - identify development potential
    - educate community on growth objectives
 (Problem- needs detailed information and state encouragement and support)
  2. Amend requirements to include mandatory water hook-up (Problem - legality?)
- J. Analyze plats on individual basis for solutions

case they are needed later.

- C. No information or regulation sharing between state agencies, state and local government and local government and developer/owner
  
- D. Replat of existing plats
  - 1. lots of paperwork
  - 2. length of time processing paperwork
  - 3. delay in platting and recording process
  - 4. no coordination between agencies to streamline method governing revisions of old plats
  
- E. "Developer City" (Palm Bay, Port St. Lucie, etc)
  - 1. some old plats cannot be regulated by comprehensive plan or growth management
  - 2. no legislation directed at developer cities
  - 3. no funding to regulate growth
  - 4. agreements between developer, HRS and health department allow septic tanks on smaller lots than regulations require
  - 5. sprawl-type development leads to efficiency and service problems
  - 6. need stricter ordinances requiring:
    - a. water hook-up

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