

DEVELOPMENT REVIEW COMMITTEE

-
Tuesday, July 24, 2012

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, July 24, 2012, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director
Jerry Smith, Assistant Building Official
Mitch Harvey, Comprehensive Plan Manager
Mayte Santamaria, Assistant Planning Director
Rey Ortiz, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

-
New Items:

1. CONSIDERATION OF AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST BY STEPHEN ROHATY TO AMEND THE TIER MAP OVERLAY DESIGNATION FROM TIER I TO TIER III FOR PROPERTY LEGALLY DESCRIBED AS TRACT A PORPOISE POINT, SECTION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 111, OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA, HAVING REAL ESTATE NUMBER 00154870.000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE AND THE STATE LAND PLANNING AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

(2012-052)

[2012-052 SR DRC 7.24.12.PDF](#)

2. CONSIDERTION OF AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING

THE TIER OVERLAY DISTRICT DESIGNATION FOR ELEVEN (11) PARCELS, FOR PROPERTY OWNED BY SEACAMP ASSOCIATION, INC.; HAVING REAL ESTATE NUMBERS 00112030-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000 FROM UNDESIGNATED AND TIER I TO TIER III; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(2012-041)

[2012-041 SR DRC 7.24.12.PDF](#)

[2012-041 DRC 14-12-Draft.PDF](#)

[2012-041 Ordinance-Draft.PDF](#)

ADJOURNMENT

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee & Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Michael Roberts, Sr. Administrator, Environmental Resources

Date: July 23, 2012

Subject: *Request for an Amendment to the Tier Map from Tier I to Tier III, Stephen Rohaty, Vacant Land, Big Coppitt Key, having real estate no. 00154870.000000*

Meeting: July 24, 2012

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2 I REQUEST
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4 A request for approval to amend the tier designation for Parcel # 00154870-000000 from Tier
5 I to Tier III.
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1 Location:

2 Address: No address per the Property Appraiser Records

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5 Legal Description: Tract A Porpoise Point, Section Two, according to the Plat thereof, as
6 recorded in Plat Book 5, Page 111, of the Public Records of Monroe county Florida.

7
8 Real Estate (RE) Number: 00154870.000000

9
10 Applicant: Stephen Rohaty

11
12 Agent: Lee R Rohe, Esquire

13
14 II RELEVANT PRIOR COUNTY ACTIONS

15
16 The Monroe County Board of County Commissioners adopted Ordinances 08-2006, 09-2006,
17 10-2006, 11-2006 and 13-2006 in March of 2006. These Ordinances established in the Land
18 Development Code the criteria for determining the Tier designation, revised the ROGO and
19 NROGO point system and implemented the Tier Overlay maps for unincorporated Monroe
20 County, excluding Ocean Reef.

21
22 On June 16, 2006 the Department of Community Affairs (DCA) published notice of the Final
23 Orders determining that the above ordinances were consistent with Chapter 380 F.S. and
24 were approved. On July 7, 2006 Florida Keys Citizens Coalition, Inc. and Protect Key West
25 and the Florida Keys, Inc. d/b/a Last Stand [Petitioners] filed a petition for administrative
26 hearing regarding the Final Orders. The final administrative hearing was held in February
27 2007 and the Administrative Law Judge (ALJ) issued a Recommended Order on June 26,
28 2007. The majority of the challenges raised by the Petitioners were rejected by the ALJ,
29 however three (3) key assertions were upheld and the ALJ determined:

- 30
31
- 32 • The four (4) acre minimum threshold for Tier 1 designation was arbitrary and
 - 33 • The one (1) acre minimum threshold for Special Protection Areas (Tier III-A SPA)
34 was likewise arbitrary.
 - 35 • The division of parcels by a road of sixteen feet or more was not a basis to petition for
36 a Tier IIIA property to become Tier III.

37 In addition to the above, the ALJ made findings about the exclusion of wetlands in the Tier I
38 designation criteria. The Final Order states in part "*the criteria for Tier I designation are not*
39 *vague and do not include wetland native upland habitats*". The Court also found that
40 wetlands were adequately protected in other sections of the County's land development code.

41
42 A Final Order was signed on 9/26/07 by the DCA Secretary Pelham accepting the
43 recommended order incorporating the findings of the ALJ and on 1/2/08, DCA Secretary
44 Pelham issued the Amended Final Order correcting a scrivener's error. The orders required
45 Monroe County to revise Chapter 130-130 of the Land Development Code to reflect the
46 findings of the Amended Final Order, specifically deleting the acreage criteria that was found
47 to be arbitrary and eliminating the provision that allowed a road of sixteen feet or more to be
48 the basis to petition for a tier designation change from Tier IIIA property to become Tier III.
49

1 In accordance with the Final Order, the Monroe County BOCC adopted Ordinances 005-
2 2011, 006-2011, 007-2011 and 008-2011 and amended the Tier Overlay District maps as
3 contained in the Order.
4

5 **III BACKGROUND INFORMATION:**
6

- 7 A. Size of Site: 1.53 acres
8 B. Land Use District: SC
9 C. FLUM Designation: MC
10 D. Tier Designation: I
11 1. Florida Forever designated parcel (2009)
12 E. Flood Zone: AE - 10
13 F. Existing Use: Undeveloped
14 G. Existing Vegetation / Habitat: buttonwood, mangrove, freshwater wetland
15 1. Lower Keys Marsh Rabbit focus area
16 2. Eastern Indigo Snake focus area
17 H. Community Character of Immediate Vicinity:
18 The parcel is in a substantially developed portion of Big Coppitt Key and fronts on U.S.
19 Highway 1. The adjacent land uses consist of SC and URM districts.
20

21 **IV REVIEW OF APPLICATION**
22

23 **A. *Consistency of the proposed amendment with the provisions and intent of the Monroe County***
24 ***Year 2010 Comprehensive Plan:***
25

26 Staff has determined that the proposed map amendment is not inconsistent with the
27 provisions and intent of the Year 2010 Comprehensive Plan.
28

29 *Policy 205.1.1 from the 2010 Comprehensive Plan pertains to the proposed amendment:*
30

31 **Policy 205.1.1**

32 The County shall establish the following criteria at a minimum to use when
33 designating Tiers: [9J-5.013(2)(c)9]
34

35 1. Land located outside of Big Pine Key and No Name Key shall be
36 designated as Tier I based on following criteria:

- 37 • Natural areas including old and new growth upland native vegetated
38 areas, above 4 acres in area.
39 • Vacant land which can be restored to connect upland native habitat
40 patches and reduce further fragmentation of upland native habitat.
41 • Lands required to provide an undeveloped buffer, up to 500 feet in
42 depth, if indicated by appropriate special species studies, between
43 natural areas and development to reduce secondary impacts; canals or
44 roadways, depending on size may form a boundary that removes the
45 need for the buffer or reduces its depth.
46 • Lands designated for acquisition by public agencies for conservation
47 and natural resource protection.
48 • Known locations of threatened and endangered species.
49 • Lands designated as Conservation and Residential Conservation on the

1 Future Land Use Map or within a buffer/restoration area as
2 appropriate.

- 3 • Areas with minimal existing development and infrastructure.

4
5 Lands on Big Pine Key and No Name Key designated as Tier I, II, or III
6 shall be in accordance with the wildlife habitat quality criteria as
7 defined in the Habitat Conservation Plan for those islands.

8 Lands located outside of Big Pine Key and No Name Key that are not
9 designated Tier I shall be designated Tier III.

10 Designated Tier III lands located outside of Big Pine Key and No Name Key
11 with tropical hardwood hammock or pinelands of one acre or greater in area
12 shall be designated as Special Protection Areas.

13 Lands within the Ocean Reef planned development shall be excluded from any
14 Tier designation.

15
16 The subject parcel consists of disturbed saltmarsh/buttonwood wetlands and does not contain
17 any native upland habitats. The parcel fronts on U.S. 1 and is in the Suburban Commercial
18 Land Use District. Adjacent parcels on U.S. 1 are also SC, while the parcels to the south are
19 URM. The property to the west consists of other wetlands that are zoned NA. The parcel
20 has a Future Land Use of Mixed Use Commercial. The physical characteristics of the site do
21 not meet the Tier I criteria of Policy 205.1.1
22

23 **B. Consistency of the proposed amendment with the provisions and intent of the Monroe County**
24 **Code, Land Development Code:**

25
26 Staff has determined that the proposed map amendment is not inconsistent with the
27 provisions and intent of Section 130-130 of the Monroe County Land Development Code.
28

29 Sec. 130-130. - Tier Overlay District

30 **(a) Purpose.** The purpose of the tier overlay district is to designate
31 geographical areas outside of the mainland of the county, excluding the
32 Ocean Reef planned development, into tiers to assign ROGO and NROGO
33 points, determine the amount of clearing of upland native vegetation
34 that may be permitted, and prioritize lands for public acquisition. The
35 tier boundaries are to be depicted on the tier overlay district map.
36 Lands on Big Pine Key and No Name Key shall be delineated as tier I,
37 II, or III. Lands in the remainder of the unincorporated county,
38 excluding the Ocean Reef planned development, shall be delineated as
39 tier I, III, and III-A (special protection area).

40 **(b) Tier boundaries.** Tier boundaries shall follow property lines
41 wherever possible, except where a parcel line or distinct geographical
42 feature, such as a canal or roadway, may be more appropriate.

43 **(c) Tier boundary criteria, excluding Big Pine Key and No Name Key.** The
44 tier boundaries are designated using aerial photography, data from the
45 Florida Keys Carrying Capacity Study, the endangered species maps,
46 property and permitting information and field evaluation. The following

1 criteria, at a minimum, are used to evaluate upland habitats and
2 designate boundaries between different tier overlays:

3 (1) Tier I boundaries shall be delineated to include one or more
4 of the following criteria and shall be designated tier I:

5 a. Vacant lands which can be restored to connect upland
6 native habitat patches and reduce further fragmentation of
7 upland native habitat.

8 b. Lands required to provide an undeveloped buffer, up to
9 500 feet in depth, if indicated as appropriate by special
10 species studies, between natural areas and development to
11 reduce secondary impacts. Canals or roadways, depending on
12 width, may form a boundary that removes the need for the
13 buffer or reduces its depth.

14 c. Lands designated for acquisition by public agencies for
15 conservation and natural resource protection.

16 d. Known locations of threatened and endangered species, as
17 defined in section 101-1, identified on the threatened and
18 endangered plant and animal maps or the Florida Keys
19 Carrying Capacity Study maps, or identified in on-site
20 surveys.

21 e. Conservation, native area, sparsely settled, and
22 offshore island land use districts.

23 f. Areas with minimal existing development and
24 infrastructure.

25
26 The parcel in question is wetland habitat and does not meet the criteria for Tier I designation
27 as provided in MCC §130-130.

28
29 In accordance with MCC §102-158(d)(5)., the BOCC may consider the adoption of an
30 ordinance enacting the proposed change based on one or more of the following factors:

31
32 1. *Changed projections (e.g., regarding public service needs) from those on which the text*
33 *or boundary was based;*

34 NA

35
36 2. *Changed assumptions (e.g., regarding demographic trends);*

37 NA

38
39 3. *Data errors, including errors in mapping, vegetative types and natural features described*
40 *in Volume 1 of the Year 2010 Comprehensive Plan;*

41 NA

42
43 4. *New issues;*



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Development Review Committee &
Townsend Schwab, Senior Director of Planning & Environmental Resources

From: Mitchell N Harvey, AICP, Comprehensive Planning Manager

Handwritten signature of Mitchell N Harvey in blue ink.

Date: July 16, 2012

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY DISTRICT DESIGNATIONS FOR ELEVEN (11) PARCELS, FOR PROPERTY OWNED BY SEACAMP ASSOCIATION, INC.; HAVING REAL ESTATE NUMBERS 0012030-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000 FROM UNDESIGNATED AND TIER I TO TIER III; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: July 24, 2012

I REQUEST

The Planning & Environmental Resources Department is proposing an amendment to the Tier District Overlay Designations for property owned by Seacamp Association, Inc. (real estate numbers 00112030-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, and 00247180-000000 from undesignated and Tier I to Tier III.

II BACKGROUND INFORMATION

Seacamp, a not-for-profit organization that provides marine education to children, contacted Monroe County to notify County staff of a Tier designation error for the Seacamp property and requested a correction to the error. Seacamp's property is located on approximately 12 acres of land located at the extreme southwest tip of the island, at the end of Big Pine Avenue.

The Seacamp property consists of 13 real estate numbers: 00112030-000000, 00112040-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, 00247180-000000, and 00247000-000000.

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Real estate number 00112040-000000 is submerged land and is not included with this amendment. Real Estate number 0012030-000000 contains submerged land and uplands with no Tier designation. A portion of Real Estate Number 00247140-0000000 has no Tier designation, with a portion having a Tier I designation. The updated parcel boundary for Real Estate Number 00247140-000000, which includes the portion with no Tier designation, was confirmed with the Monroe County Property Appraiser's Office. Real estate number 00247000-000000 is currently designated as Tier III. The remaining ten (10) real estate numbers currently have Tier I designations. The affected property is illustrated below:



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The Seacamp property, except for the parcel with real estate number 00247000-000000, is presently undesignated or designated Tier I within the Livable CommuniKeys Program Master Plan for Future Development of Big Pine Key and No Name Key. A proposed Comprehensive Plan amendment to revise Figure 2.1 and Table 2.7 was reviewed by the State Land Planning Agency which issued an Objections, Recommendations, and Comments (ORC) Report on May 4, 2012 with no comments or issues relative to this amendment. The Comprehensive Plan amendment is scheduled for review and adoption by the Board of County Commissioners on September 19, 2012.

On Big Pine Key, growth management and development are guided by multiple layers of regulations including the Year 2010 Comprehensive Plan, the Livable CommuniKeys Program

1 Master Plan for Future Development of Big Pine Key and No Name Key, Habitat Conservation
2 Plan, Incidental Take Permit and the Land Development Code; including the Tier Overlay
3 District (MCC §130-130(d)).
4

5 Year 2010 Comprehensive Plan Policies and Land Development Regulations

6 The Monroe County Board of County Commissioners (BOCC) adopted Ordinances Nos.
7 008-2006, 009-2006, 010-0006, 011-2006 and 013-2006 (Tier Ordinances) which set forth
8 criteria in the Land Development Regulations implementing a “Tier System” and adopting
9 Tier Overlay District Maps in order to protect the natural habitat and guide development
10 toward less environmentally sensitive areas.
11

12 The criteria for the tier overlay district map designations Tier I, Tier III-A and Tier III are
13 detailed in §130-130 of the Monroe County Code, as amended by Final Order and in the
14 Monroe County Year 2010 Comprehensive Plan Policies 102.7.3, 103.2.1, 105.2.1 and
15 205.1.1, as follows:
16

17 **Policy 102.7.3**

18 Monroe County shall discourage developments proposed on offshore islands by
19 methods including, but not limited to, designated offshore islands as Tier I
20

21 **Policy 103.2.1**

22 Monroe County shall implement methods including, but not limited to, designating
23 known habitats of the Schaus Swallowtail Butterfly as Tier I.
24

25 **Policy 105.2.1**

26 Monroe County shall designate all lands outside of mainland Monroe County,
27 except for the Ocean Reef planned development, into three general categories for
28 purposes of its Land Acquisition Program and smart growth initiatives in
29 accordance with the criteria in Policy 205.1.1. These three categories are: Natural
30 Area (Tier I); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and
31 No Name Key only; and Infill Area (Tier III). The purposes, general characteristics,
32 and growth management approaches associated with each tier are as follows:
33

- 34 1. Natural Area (Tier I): Any defined geographic area where all or a significant
35 portion of the land area is characterized as environmentally sensitive by the
36 policies of this Plan and applicable habitat conservation plan, is to be
37 designated as a Natural Area. New development on vacant land is to be
38 severely restricted and privately owned vacant lands are to be acquired or
39 development rights retired for resource conservation and passive recreation
40 purposes. However, this does not preclude provisions of infrastructure for
41 existing development. Within the Natural Area designation are typically
42 found lands within the acquisition boundaries of federal and state resource
43 conservation and park areas, including isolated platted subdivisions; and
44 privately-owned vacant lands with sensitive environmental features outside
45 these acquisition areas.
46
- 47 2. Transition and Sprawl Reduction Area (Tier II): Any defined geographic
48 area on Big Pine Key and No Name Key, where scattered groups and

1 fragments of environmentally sensitive lands, as defined by this Plan, may
2 be found and where existing platted subdivisions are not predominately
3 developed, not served by complete infrastructure facilities, or not within
4 close proximity to established commercial areas, is to be designated as a
5 Transition and Sprawl Reduction Area. New development is to be
6 discouraged and privately owned vacant lands acquired or development
7 rights retired to reduce sprawl, ensure that the Keys carrying capacity is not
8 exceeded, and prevent further encroachment on sensitive natural resources.
9 Within a Transition and Sprawl Reduction Area are typically found:
10 scattered small non-residential development and platted subdivisions with
11 less than 50 percent of the lots developed; incomplete infrastructure in terms
12 of paved roads, potable water, or electricity; and scattered clusters of
13 environmentally sensitive lands, some of which are within or in close
14 proximity to existing platted subdivisions.

- 15
- 16 3. Infill Area (Tier III): Any defined geographic area, where a significant
17 portion of land area is not characterized as environmentally sensitive as
18 defined by this Plan, except for dispersed and isolated fragments of
19 environmentally sensitive lands of less than four acres in area, where
20 existing platted subdivisions are substantially developed, served by
21 complete infrastructure facilities, and within close proximity to established
22 commercial areas, or where a concentration of non-residential uses exists, is
23 to be designated as an Infill Area. New development and redevelopment are
24 to be highly encouraged, except within tropical hardwood hammock or
25 pineland patches of an acre or more in area, where development is to be
26 discouraged. Within an Infill Area are typically found: platted subdivisions
27 with 50 percent or more developed lots situated in areas with few sensitive
28 environmental features; full range of available public infrastructure in terms
29 of paved roads, potable water, and electricity; and concentrations of
30 commercial and other non-residential uses within close proximity. In some
31 Infill Areas, a mix of non-residential and high-density residential uses
32 (generally 8 units or more per acre) may also be found that form a
33 Community Center.

34

35 **Policy 205.1.1**

36 The County shall establish the following criteria at a minimum to use when
37 designating Tiers:

- 38
- 39 1. Land located outside of Big Pine Key and No Name Key shall be designated as
40 Tier I based on following criteria:
- 41 ■ Natural areas including old and new growth upland native vegetated areas,
42 above 4 acres in area.
 - 43 ■ Vacant land which can be restored to connect upland native habitat patches
44 and reduce further fragmentation of upland native habitat.
 - 45 ■ Lands required to provide an undeveloped buffer, up to 500 feet in depth, if
46 indicated by appropriate special species studies, between natural areas and
47 development to reduce secondary impacts; canals or roadways, depending
48 on size may form a boundary that removes the need for the buffer or reduces

1 its depth.

- 2 ■ Lands designated for acquisition by public agencies for conservation and
- 3 natural resource protection.
- 4 ■ Known locations of threatened and endangered species.
- 5 ■ Lands designated as Conservation and Residential Conservation on the
- 6 Future Land Use Map or within a buffer/restoration area as appropriate.
- 7 ■ Areas with minimal existing development and infrastructure.
- 8

- 9 2. Lands on Big Pine Key and No Name Key designated as Tier I, II, or III shall be
- 10 in accordance with the wildlife habitat quality criteria as defined in the Habitat
- 11 Conservation Plan for those islands.
- 12
- 13 3. Lands located outside of Big Pine Key and No Name Key that are not
- 14 designated Tier I shall be designated Tier III.
- 15
- 16 4. Designated Tier III lands located outside of Big Pine Key and No Name Key
- 17 with tropical hardwood hammock or pinelands of one acre or greater in area
- 18 shall be designated as Special Protection Areas.
- 19
- 20 5. Lands within the Ocean Reef planned development shall be excluded from any
- 21 Tier designation.
- 22

23 **LDR Sec. 130-130. - Tier overlay district.**

24 (a) **Purpose.**

25 The purpose of the tier overlay district is to designate geographical areas outside of the
26 mainland of the county, excluding the Ocean Reef planned development, into tiers to
27 assign ROGO and NROGO points, determine the amount of clearing of upland native
28 vegetation that may be permitted, and prioritize lands for public acquisition. The tier
29 boundaries are to be depicted on the tier overlay district map. Lands on Big Pine Key and
30 No Name Key shall be delineated as tier I, II, or III. Lands in the remainder of the
31 unincorporated county, excluding the Ocean Reef planned development, shall be delineated
32 as tier I, III, and III-A (special protection area).

33

34 (b) **Tier boundaries.**

35 Tier boundaries shall follow property lines wherever possible, except where a parcel line or
36 distinct geographical feature, such as a canal or roadway, may be more appropriate.

37

38 (c) **Tier boundary criteria, excluding Big Pine Key and No Name Key.** The tier
39 boundaries are designated using aerial photography, data from the Florida Keys Carrying
40 Capacity Study, the endangered species maps, property and permitting information and
41 field evaluation. The following criteria, at a minimum, are used to evaluate upland habitats
42 and designate boundaries between different tier overlays:

- 43
- 44 (1) Tier I boundaries shall be delineated to include one or more of the following criteria
45 and shall be designated tier I:
 - 46 a. Vacant lands which can be restored to connect upland native habitat patches and
47 reduce further fragmentation of upland native habitat.

- 1 b. Lands required to provide an undeveloped buffer, up to 500 feet in depth, if
2 indicated as appropriate by special species studies, between natural areas and
3 development to reduce secondary impacts. Canals or roadways, depending on
4 width, may form a boundary that removes the need for the buffer or reduces its
5 depth.
6 c. Lands designated for acquisition by public agencies for conservation and natural
7 resource protection.
8 d. Known locations of threatened and endangered species, as defined in section 101-1,
9 identified on the threatened and endangered plant and animal maps or the Florida
10 Keys Carrying Capacity Study maps, or identified in on-site surveys.
11 e. Conservation, native area, sparsely settled, and offshore island land use districts.
12 f. Areas with minimal existing development and infrastructure.
13 (2) Lands located outside of Big Pine Key and No Name Key that are not designated tier I
14 shall be designated tier III.
15 a. The following conditions shall constitute a break in pinelands or tropical
16 hardwood hammock for calculating the one-acre minimum patch size for
17 designation of tier III-A boundaries:
18 1. U.S. Highway 1, canals and open water;
19 2. Any disturbed pinelands or tropical hardwood hammock with invasive
20 coverage of 40 percent or more;
21 3. Property lines of developed lots or vacant lots with a ROGO allocation
22 award or an issued building permit, as of September 28, 2005, located
23 within a Land Use District that allows only one unit per lot; or
24 4. Property lines of developed parcels of less than 10,000 square feet in area
25 with a ROGOINROGO allocation award or issued building permit, as of
26 September 28, 2005, located within a Land Use District that allows
27 residential development of more than one dwelling unit per parcel/lot or
28 non-residential development.
29 b. Lots designated tier III-A (Special Protection Areas) on the November 29, 2005
30 maps may petition the county for a rezoning to tier III if the lot meets one of the
31 following criteria:
32 1. The lot will be served by a central sewer and the wastewater collection
33 system has an approved permit that was effective March 21, 2006 to
34 construct the system on file from the Department of Environmental
35 Protection; or
36 Such lots may be granted a score of 30 points through an administrative determination
37 made by the county biologist, the director of growth management and rendered to the
38 department of community affairs until such time as the county sponsors a zoning map
39 change to update the Tier Three Overlay Zoning Map and it is approved by the department
40 of community affairs.
41 c. Any hammock identified in the county's data base and aerial surveys as 1.00 to
42 1.09 acres in area shall be verified by survey prior to its designation as tier III-
43 A. A hammock that is deemed by survey and a field review by county biologists
44 to fail the minimum size criteria shall have the Special Protection Area
45 designation removed from the subject parcel.
46

- 1 (d) **Big Pine Key and No Name Key tier boundary criteria.** The tier boundaries shall be
2 designated using the Big Pine Key and No Name Key Habitat Conservation Plan (2005)
3 and the adopted community master plan for Big Pine Key and No Name Key.
4
- 5 (e) **Tier overlay district map amendments.** The tier overlay district map may be amended to
6 reflect existing conditions in an area if warranted because of drafting or data errors or
7 regrowth of hammock. However, the clearing of tropical hardwood hammock or pinelands
8 that results in the reduction of the area of an upland native habitat patch to less than the
9 one-acre minimum shall not constitute sufficient grounds for amending the designation of a
10 tier III-A area to tier III. The tier overlay district map amendments shall be made pursuant
11 to the procedures for map amendments to this chapter. Unlawful conditions shall not be
12 recognized when determining existing conditions and regulatory requirements.
13
- 14 (f) **Request for tier I designation.** Notwithstanding the provisions of section 102-158(d)(2),
15 any individual may submit an application to the planning department containing substantial
16 and competent documentation that an area meets the tier I criteria. Applications must be
17 received by July 1 of each year on a form approved by the director of planning for
18 consideration by the special magistrate at a public hearing advertised at least 15 days prior
19 to the hearing date. Said hearing by the special magistrate shall be held prior to November
20 1 of each year. The director of planning will review the documentation and any other
21 appropriate scientific information and prepare an analysis report for the special magistrate.
22 The special magistrate will render a written opinion to the planning commission and board
23 of county commissioners either that the application meets the criteria for designating the
24 lands as tier I or that the documentation is insufficient to warrant a map amendment. The
25 posting, advertising and review will follow the procedures in section 102-158(d)(3), (d)(4)
26 and (d)(5).
27

28 **The Livable CommuniKeys Program Master Plan for Future Development of Big Pine Key**
29 **And No Name Key**
30

31 On December 17, 2003, the Monroe County Board of County Commissioners passed
32 Resolution NO. 562-2003, approving the Livable CommuniKeys Master Plan (LCP) for
33 Big Pine Key and No Name Key as the policy document to direct growth and development
34 of Big Pine Key and No Name Key. Resolution 562-2003 (Exhibit 1) included direction to
35 County staff to “change the Tier designation of the property known as Seacamp from Tier I
36 to Tier III on the map on Page 28.”
37

38 The Tier System plays a major role in the implementation of the Big Pine Key & No Name
39 Key Livable CommuniKeys (LCP) Master Plan and the Habitat Conservation Plan (HCP).
40 The LCP Master Plan classifies all land on Big Pine and No Name Keys into three ‘tiers’
41 based on conservation and infill priorities. Most of the islands are classified as Tier 1
42 because of their environmental sensitivity and importance for the continued viability of the
43 endangered species. Tier 2 lands are canal lots located a distance a distance from U.S. 1
44 with a potential for secondary impacts on the endangered species from traffic. Tier 3 lands
45 are canal lots in close proximity to U.S. 1, which provide little habitat value to the
46 endangered species and because of location, a decreased potential for deer kills from
47 vehicles. Some undeveloped lots in Tier 3 are also located between existing developed
48 commercial lots in the U.S. 1 Corridor.

1
2 The Tier Map for Big Pine Key and No Name Key has been developed based on relative
3 wildlife habitat quality as defined in the HCP. For the Big Pine Key and No Name Key
4 planning area the Tier Maps are based upon habitat sensitivity identified in the HCP,
5 primarily as represented on the weighted Harvest Grid Map.
6

7 As noted in Strategy 1.1 of the LCP, the Tier System on Big Pine Key and No Name Key is
8 based upon relative H of parcels or environmental sensitivity of parcels as noted in the
9 LCP.
10

11 Strategy 1.1

12 Create a Tier Map for the planning area depicting the locations of Tier I, Tier II and
13 Tier III lands as described in Comprehensive Plan Policy 105.2.1. Base the Tier
14 Map on the habitat needs of federally endangered resident species in the planning
15 area as set forth in the anticipated ITP and HCP in terms of relative H of parcels
16 within the planning area.
17

18 The Habitat Conservation Plan (HCP)

19 The Habitat Conservation Plan (HCP) for the Florida Key Deer was prepared by Monroe
20 County for the U.S. Fish and Wildlife Service on April 2003 and was revised on April
21 2006.
22

23 The Incidental Take Permit (ITP)

24 The Incidental Take Permit (ITP) was issued by the U.S. Fish and Wildlife Service which
25 became effective on June 9, 2006 and expires on June 30, 2023.
26

27
28 **III RELEVANT PRIOR ACTIONS**

29
30 On December 17, 2003, the Board of County Commissioners passed Resolution 562-2003
31 which approved Draft 4 of the Livable CommuniKeys Master Plan for Big Pine Key and
32 No Name Key and directed staff to change the Tier designation of the property known as
33 Seacamp from Tier I to Tier III on the map on Page 28.
34

35 The Board of County Commission passed Resolution 044-2004 on January 21, 2004 to
36 transmit the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name
37 Key as a proposed amendment to the 2010 Monroe County Comprehensive Plan to the
38 Department of Community Affairs.
39

40 The Department of Community Affairs issued an Objections, Recommendations and
41 Comments (ORC) Report to Monroe County on June 29, 2004.
42

43 The Board of County Commission passed Ordinance 029-2004 on August 14, 2004 to
44 adopt the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key
45 as an amendment to the 2010 Comprehensive Plan, address issues raised in the Objections,
46 Recommendations and Comments (ORD) Report and to submit the amendment to the
47 Department of Community Affairs.
48

1 The Planning Commission passed Resolution P39-11 on December 1, 2011 (Exhibit 2), to
2 recommend approval to the Board of County Commissioners to transmit to the State Land
3 Planning Agency for review and comment, an amendment to the 2010 Comprehensive
4 Plan, to amend the Livable CommuniKeys Program Master Plan for Future Development
5 of Big Pine Key and No Name Key , to amend the Tier designation on Figure 2.1 (Tier
6 Map for Big Pine Key and No Name Key), and Table 2.7, Institutional Uses, to review
7 Seacamp property from Tier I to Tier III, as directed by the Board of County
8 Commissioners in Resolution 562-2003.

9
10 The Board of County Commissioners passed Resolution 023-2010 on February 13, 2012
11 (Exhibit 3), transmitting to the State Land Planning Agency for review and comment, an
12 amendment to the 2010 Comprehensive Plan, to amend the Livable CommuniKeys
13 Program Master Plan for Future Development of Big Pine Key and No Name Key , to
14 amend the Tier designation on Figure 2.1 (Tier Map for Big Pine Key and No Name Key),
15 and Table 2.7, Institutional Uses, to review Seacamp property from Tier I to Tier III, as
16 directed by the Board of County Commissioners in Resolution 562-2003.

17
18 The proposed Comprehensive Plan amendment to revise Figure 2.1 and Table 2.7 was
19 reviewed by the State Land Planning Agency which issued an Objections,
20 Recommendations, and Comments (ORC) Report on May 4, 2012 with no comments or
21 issues relative to this amendment. The Comprehensive Plan amendment is scheduled for
22 review and adoption by the Board of County Commissioners on September 19, 2012.

23
24
25 **IV REVIEW**

26
27 Based upon the Tier amendments regulated by MCC §130-130(e) (Tier map amendments)
28 and MCC §102-158 (amendments to this chapter) as a data error, the following amendment
29 is proposed:

30
31 An amendment to the Tier District Overlay Designations for property owned by
32 Seacamp (real estate numbers 00112030-000000, 00246950-000000, 00246960-
33 000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-
34 000000, 00247150-000000, 00247160-000000, 00247170-000000, and 00247180-
35 000000) from undesignated and Tier I to Tier III as shown on Exhibit 4, attached
36 hereto and incorporated herein.

37
38 Monroe County Environmental Resources staff conducted a site visit of the Seacamp
39 Property on August 5, 2011, to evaluate the accuracy of the County's GIS habitat layer and
40 assess the vegetative communities on the Seacamp parcels. The 2009 habitat layer
41 accurately depicts the majority of the site. The beach berm located south of the impounded
42 water on the west end of the point could be labeled as developed land. The spit along the
43 west side of the south boat basin is vacant land that provides access to boat docks. The
44 mangrove area that extends into the developed area of the camp is actually a canal with a
45 mangrove canopy and should be labeled as water. Staff is amending the habitat layer to
46 reflect this change from mangrove to water. The habitat layer is depicted within Exhibit 4.
47

1 Further, the following analysis of Key Deer and the Marsh Rabbit was documented in the
2 Habitat Conservation Plan (HCP):
3

4 “The Habitat Conservation Plan (HCP) focuses on the Key deer as an “umbrella species”
5 and operates under the assumption that avoiding and minimizing impacts to Key deer
6 habitat, will also provide direct protection to both populations and habitats of other
7 terrestrial species. In the development of the HCP, the ecology and population dynamics of
8 the Key deer was studied for three years and a Population Viability Analysis (PVA) model,
9 including a spatial component, was produced to evaluate the impacts of development
10 scenarios on the Key deer population. Based on the Key deer studies done for the HCP and
11 the resulting spatial model, lands in the study area were classified into three “Tiers.” Tier 1
12 lands are higher quality Key deer habitat. Tier 3 lands are the lowest quality Key deer
13 habitat. Most of the parcels in Tiers 2 and 3 are interspersed among developed parcels and
14 among canals. These areas provide little habitat value to the covered species.” (Pg. 2
15 Habitat Conservation Plan)
16

17 Figure 2.1 (Exhibit 5) of the HCP provides Key deer locations from telemetry data. As
18 noted in the HCP, “the Key deer are wide ranging and utilize virtually all available habitat
19 in the project area, including developed areas (Figure 2.1, Lopez 2001).” **Figure 2.1 does
20 not indicate the utilization or distribution of Key deer, during the 3 year study period,
21 within or adjacent to the Seacamp property. (Pg. 20 Habitat Conservation Plan)**
22

23 Figure 2.2 (Exhibit 6) of the HCP provides the Lower Keys marsh rabbit habitat, as
24 identified by the U.S. Fish and Wildlife Service. This figure displays the Lower Keys
25 marsh rabbit habitat on Big Pine Key and No Name Key (Faulhaber 2003) based on the
26 most recent data on its distribution within the covered area (Figure 2.2). **Figure 2.2 does
27 not indicate Lower Keys marsh rabbit habitat within or adjacent to the Seacamp
28 property. (Pg. 23 Habitat Conservation Plan)**
29

30 Lastly, Figure 2.4 (Exhibit 7) depicts the 6 grid layers used to generate the weighting factor
31 for the final carrying capacity grid. **The deer corridor and deer density parameters
32 both reflect low utilization of the Seacamp area by Key deer.**
33

34 V RECOMMENDATION

35

36 Staff has found the proposed map amendment is consistent with the provisions of MCC§
37 102-158(d)(5)(b) and 130-130(e): 1. Changed projections (e.g., regarding public service
38 needs) from those on which the text of boundary was based; 2. Changed assumptions (e.g.,
39 regarding demographic trends); 3. Data errors, including errors in mapping, vegetative
40 types and natural features described in Volume I of the plan; 4. New issues; 5. Recognition
41 of a need for additional detail or comprehensiveness; or 6. Data updates.
42

43 Specifically, staff has found that the proposed map amendment is necessary due to “3.
44 Data errors, including errors in mapping, vegetative types and natural features described in
45 Volume I of the plan.” The Seacamp property does not meet the Tier I criteria specified by
46 Section 130-130(C)(1)a-f, Monroe County Code; therefore, staff recommends that the
47 Board of County Commissioners amend the Tier District Overlay Designation Map from
48 Tier I to Tier III for the Seacamp property.

- 1 VI EXHIBITS
2
3 1. Board of County Commission Resolution 562-2003
4 2. Planning Commission Resolution P39-11
5 3. Board of County Commission Resolution 23-2012, Transmittal
6 4. Tier Overlay Map Amendment
7 5. Figure 2.1 Key Deer Location from Telemetry, Habitat Conservation Plan for Florida
8 Key Deer and Other Protected Species on Big Pine Key and No Name Key, Monroe
9 County, Florida (HCP)
10 6. Figure 2.2 Lower Keys Marsh Rabbit Habitat (HCP)
11 7. Figure 2.4 Six Grid Layers used to Generate Weighting Factor Grid (HCP)
12

RESOLUTION NUMBER 562 -2003

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
APPROVING THE LIVABLE COMMUNIKEYS MASTER PLAN FOR
BIG PINE KEY AND NO NAME KEY AS THE POLICY DOCUMENT TO
DIRECT GROWTH AND DEVELOPMENT OF BIG PINE KEY AND NO
NAME KEY.**

WHEREAS, Policy 101.20.1 of the Year 2010 Comprehensive Plan directs Monroe County to develop a series of Community Master Plans which shall include specific criteria, including close coordination with other community plans ongoing in the same area; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 101.20 outlines the Livable CommuniKeys as a planning program which is to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, Big Pine Key has had a moratorium on all traffic generating development since March 13, 1995 due to an inadequate level of service (LOS) on the Big Pine segment of U.S. 1 which did not meet the concurrency requirements set forth in Policy 301.1.2 of the Year 2010 Comprehensive Plan; and

WHEREAS, Road improvements must be made in order to improve the LOS on Big Pine Key, however the US Fish and Wildlife Service (USFWS) requires a Habitat Conservation Plan (HCP) to be completed to show that any development must minimize impacts to the endangered species before any further development may be permitted; and

WHEREAS, on October 26, 1998, the U.S. Fish and Wildlife Service (USFWS), Florida Game and Fish Commission, the Florida Department of Community Affairs (FDAC), Florida Department of Transportation and Monroe County entered into a Memorandum of Agreement for the development of a Habitat Conservation Plan (HCP) for Big Pine and No Name Keys; and

WHEREAS, the HCP is a mechanism whereby the concerns and responsibilities of the various public agencies with regard to the conservation of the Key Deer and other covered species, and public and private development of Big Pine and No Name Keys can be coordinated; and

WHEREAS, both the HCP and the LCP have been developed in conjunction with one another to balance the amount and type of development the community desired, and the subsequent level of 'take' of endangered species which may be necessary to accomplish the development; and

WHEREAS, in order to obtain an assessment of community needs, three public workshops for the Livable CommuniKeys Program (LCP) were held on April 6, 2000; May 25,

2000; and September 21st, 2000 on Big Pine and an additional three public workshops were held for the HCP; and

WHEREAS, as a result of public input from the LCP workshops, the Development Alternatives Report (DAR) was produced on March 6, 2001 which outlined preferred development options to be considered in the master plan which reflect input received from the community workshops and were analyzed in the HCP computer model to determine impacts on the endangered species; and

WHEREAS, the HCP was approved for submittal to the USFWS by the Board of County Commissioners at the regularly scheduled meeting on March 19, 2003; and

WHEREAS, the LCP implements the HCP as well as provides for the development needs of the community; and

WHEREAS, the Livable CommuniKeys Master Plan, Draft One was reviewed during a regularly scheduled meeting of the Development Review Committee held on May 20, 2003, where public comment was received; and

WHEREAS, during a regularly scheduled meeting on June 11, 2003, the Monroe County Planning Commission reviewed the Livable CommuniKeys Master Plan, Draft Two, which consisted of edits by staff to clarify language in the plan, heard public input, suggested changes based on public input and staff recommendations and continued the plan to the next meeting in Marathon; and

WHEREAS, during a regularly scheduled meeting on July 9, 2003, the Monroe County Planning Commission reviewed the Livable CommuniKeys Master Plan, Draft Two, discussed proposed changes based on further community input and staff recommendations and continued the plan to the next meeting in Marathon for further consideration; and

WHEREAS, during a regularly scheduled meeting on September 10, 2003, the Monroe County Planning Commission reviewed the Livable CommuniKeys Master Plan, Draft Three, accepted the proposed changes from the previous meeting and suggestions from public input and recommended further changes by staff; and

WHEREAS, during the September meeting the Planning Commission recommended approval, with amendments, to the Board of County Commissioners; and

WHEREAS, the Livable CommuniKeys Master Plan contains recommendations to amend the Future Land Use and Land Use District maps for Big Pine Key and No Name Key which will be presented to the Commission at a subsequent hearing; **NOW THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding findings support their decision to recommend **APPROVAL** to adopt the Livable CommuniKeys Master Plan for Big Pine and No

Name Key, Draft Four, as the working regulatory document to direct growth and development on the islands with the following amendments and direct staff to make the changes to the Monroe County Year 2010 Comprehensive Plan and Land Development Regulations as recommended in the Master Plan:

1. Change the Tier designation of the property known as Seacamp from Tier I to Tier III on the map on page 28.
2. Amend Action Item 8.1.1 c. on page 58 to read as follows: "Permit new fences on developed canal lots and vacant canal lots that are contiguous to and serve a principal use within Tier II and Tier III and within Port Pine Heights and Kyle Dyer Subdivisions. All fences shall be designed to meet adopted fence design guidelines for the planning area already contained in the land development regulations."
3. Add Action Item 12.2.4 which shall read "Prohibit new formula retail businesses and restaurants in the planning area through the development of Land Development Regulations."

PASSED AND ADOPTED By the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 17th day of December, 2003.

Mayor Murray Nelson
 Mayor Pro Tem David P. Rice
 Commissioner George Neugent
 Commissioner Dixie Spehar
 Commissioner Charles "Sonny" McCoy

yes
yes
yes
yes
yes

FILED FOR RECORD
 2004 JAN 12 AM 10:09
 DANNY L. KOLHAGE
 CLK. CIR. OF
 MONROE COUNTY, FLA.

(SEAL)

Attest: Danny L. Kolhage, Clerk

By *Jamela Hancock*
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
 OF MONROE COUNTY, FLORIDA

By *Dixie M. Spehar*
 Mayor

MONROE COUNTY ATTORNEY
 APPROVED AS TO FORM:

Robert N. Wolfe
 ROBERT N. WOLFE
 CHIEF ASSISTANT COUNTY ATTORNEY
 Date 1-8-04



MONROE COUNTY PLANNING COMMISSION

RESOLUTION NO. P 39-11

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING TO THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTAL TO THE STATE LAND PLANNING AGENCY OF AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LIVABLE COMMUNIKEYS PROGRAM MASTER PLAN FOR FUTURE DEVELOPMENT OF BIG PINE KEY AND NO NAME KEY, BY AMENDING THE TIER DESIGNATION AS DIRECTED BY THE BOARD OF COUNTY COMMISSIONERS IN RESOLUTION 562-2003, FOR PROPERTY OWNED BY SEACAMP, HAVING REAL ESTATE NUMBERS 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000) FROM TIER I TO TIER III ON FIGURE 2.1 (TIER MAP FOR BIG PINE KEY AND NO NAME KEY), AND AMENDING THE TIER DESIGNATION FOR THE SEACAMP PROPERTY, AS LISTED IN TABLE 2.7, INSTITUTIONAL USES.

WHEREAS, the Monroe County Development Review Committee considered the proposed amendment at a regularly scheduled meeting held on the 27th day of September, 2011; and

WHEREAS, at a regularly scheduled meeting held on the 1st day of December, 2011, the Monroe County Planning Commission held a public hearing for the purpose of considering the transmittal to the State Land Planning Agency, for review and comment, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the Monroe County Planning Commission makes the following findings:

1. Seacamp, a not-for-profit organization that provides marine education to children, contacted Monroe County to notify County staff of a tier designation error for a portion of the Seacamp property on Big Pine Key and requested a correction of the error. Seacamp's property is located on approximately 12 acres of land located at the extreme southwest tip of the island, at the end of Big Pine Avenue.
2. The Seacamp property consists of 13 real estate numbers: 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, 00247180-000000, 00112030-000000, 00112040-000000, and 00247000-000000. Real estate numbers 00112030-000000 and 00112040-000000 are submerged lands. Real estate number 00247000-000000 is

currently designated as Tier III. The remaining ten (10) real estate numbers have Tier I designations.

3. Draft 1 of the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key was reviewed at the May 20, 2003, Development Review Committee meeting.
4. Draft 2 of the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key was reviewed at the June 11, 2003, Planning Commission meeting and at the July 9, 2003, Planning Commission meeting.
5. Draft 3 of the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key was reviewed at the September 10, 2003, Planning Commission meeting.
6. Draft 4 of the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key was reviewed at the December 17, 2003, Board of County Commissioners meeting.
7. Resolution 562-2003, attached hereto as Exhibit 1, approved Draft 4 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key and directed staff to change the tier designation for all of the property known as Seacamp from Tier I to Tier III on the map on Page 28.
8. The Board of County Commissioners passed Resolution 044-2004 on January 21, 2004, to transmit the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key as a proposed amendment to the 2010 Monroe County Comprehensive Plan to the Department of Community Affairs which included the map as drawn incorrectly for Seacamp, without the corrected designation for ten (10) parcels. The Department of Community Affairs issued an Objections, Recommendations and Comments (ORC) Report to Monroe County on June 29, 2004.
9. The Board of County Commissioners passed Ordinance 029-2004 on August 14, 2004, to adopt the Livable CommuniKeys Master Plan (LCP) for Big Pine Key and No Name Key as an amendment to the 2010 Comprehensive Plan, address issues raised in the ORC Report, and to submit the amendment to the Department of Community Affairs. The adopted amendment included the incorrect map without the Tier III designation for the ten (10) parcels.
10. The amendment furthers the Principles for Guiding Development for the Florida Keys Area of Critical State Concern.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA:

[Amendments are presented in ~~striketrough~~ to indicate deletions and underline to indicate additions to text. All other words, characters, and language of this subsection remain un-amended.]

The following amendment to the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key as adopted by reference into the Monroe County 2010 Comprehensive Plan is

recommended for transmittal to the State Land Planning Agency and adoption by the Board of County Commissioners as follows:

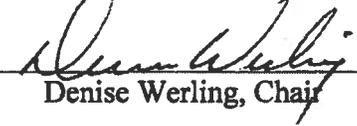
(1) Amending the Tier designations on Figure 2.1 for ten (10) parcels having real estate numbers 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, and 00247180-000000 from Tier I to Tier III as shown on Exhibit 2 attached hereto and incorporated herein.

(2) Amending Table 2.7, Institutional Uses, of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key, attached hereto as Exhibit 3, and incorporated herein. Text deletions are stricken through and additions are underlined on Exhibit 3. All other words, characters, and language of the comprehensive plan remain unchanged.

PASSED AND RECOMMENDED FOR TRANSMITTAL by the Monroe County Planning Commission at a regular meeting held on the 1st day of December, 2011.

Chair Werling	<u>Y</u>
Vice-Chair Wall	<u>Y</u>
Commissioner Hale	<u>Y</u>
Commissioner Lustberg	<u>Y</u>
Commissioner Wiatt	<u>Y</u>

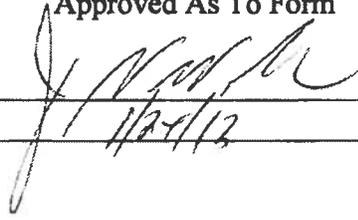
PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY 
Denise Werling, Chair

Signed this 24th day of January, 2012

Monroe County Planning Commission Attorney

Approved As To Form


Date: 11-29-12



**MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 023 -2012**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE STATE LAND PLANNING AGENCY AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LIVABLE COMMUNIKEYS PROGRAM MASTER PLAN FOR FUTURE DEVELOPMENT OF BIG PINE KEY AND NO NAME KEY, AMENDING THE TIER DESIGNATION AS DIRECTED BY THE BOARD OF COUNTY COMMISSIONERS IN RESOLUTION 562-2003, FOR PROPERTY OWNED BY SEACAMP, HAVING REAL ESTATE NUMBERS 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000) FROM TIER I TO TIER III ON FIGURE 2.1 (TIER MAP FOR BIG PINE KEY AND NO NAME KEY), AND AMENDING THE TIER DESIGNATION FOR THE SEACAMP PROPERTY AS LISTED IN TABLE 2.7, INSTITUTIONAL USES.

WHEREAS, the Monroe County Board of County Commissioners conducted a public hearing for the purpose of considering the transmittal to the State Land Planning Agency for review and comment a proposed amendment to the Monroe County Year 2010 Comprehensive Plan as described above; and

WHEREAS, the Monroe County Planning Commission and the Monroe County Board of County Commissioners support the requested text amendment;

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

Section 1: The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission to transmit the draft ordinance for adoption of the proposed text amendment.

Section 2: The Board of County Commissioners does hereby transmit the proposed amendment to the State Land Planning Agency for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes.

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment.

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the 13th day of February, 2012.

Mayor David Rice	<u>Yes</u>
Mayor <i>pro tem</i> Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

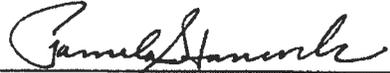
BY



Mayor David Rice

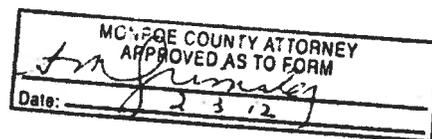


ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK

FILED FOR RECORD
2012 FEB 22 PM 1:46



Map Legends for Seacamp Properties – Tier Overlay District Map Amendment

Monroe County Tier Overlay District

Tier

-  Tier I - Natural Area
-  Tier III - Infill Area

Land Use

Zone

-  IS-M - Improved Subdivision (Masonry)
-  MU - Mixed Use

Future Land Use

FLUM

-  C - Conservation
-  INS - Institutional
-  RC - Residential Conservation
-  RH - Residential High

2009 Land Cover - Habitat

Description

-  Developed Land
-  Undeveloped Land
-  Impervious Surface
-  Hammock
-  Scrub Mangrove
-  Freshwater Wetland
-  Beach Berm
-  Buttonwood
-  Mangrove
-  Salt Marsh
-  Water

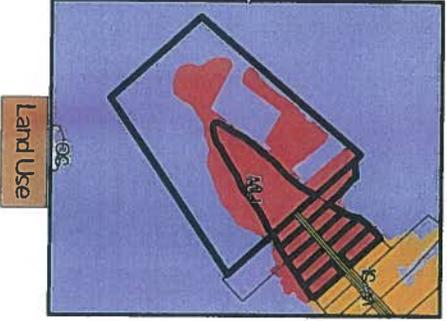
Monroe County Tier Overlay Map Amendment



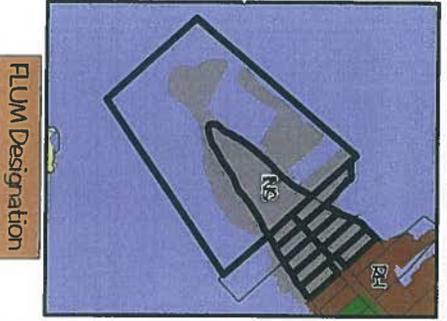
Existing Tier



Proposed Tier



Land Use



PLUM Designation

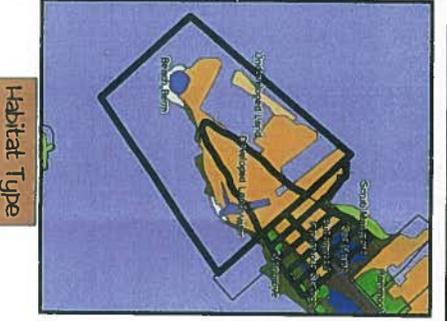
Growth Management Division
We strive to be caring, professional, and fair.

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY FOR THE BIG PINE KEY, FLORIDA, FOR THE PROPERTY OWNED BY SEACAMP ASSOCIATION, INC., HAVING REAL ESTATE NUMBERS 00246970-000000, 00246980-000000, 00246990-000000, 0024700-000000, 0024701-000000, 0024702-000000, 0024703-000000, 0024704-000000, 0024705-000000, 0024706-000000, 0024707-000000, AND 0024708-000000 FROM TIER II TO TIER I, PROVIDING FOR SUBMITTAL TO THE STATE LAND PLANNING AGENCY AND PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE PROVIDING FOR CONSTRUCTION PROVIDING FOR AN EFFECTIVE DATE.

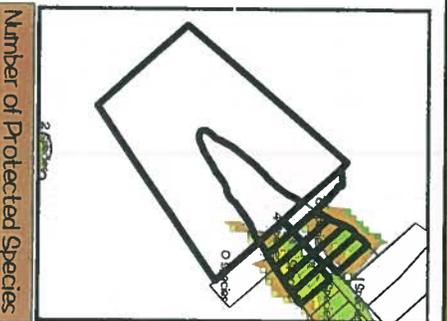
Kag Big Pine Key Ala Number: 29 Tier Overlay Map #: 380

Proposek Tier Overlay Map change from Tier I to Tier III

Monroe uses geographically based zoning (Growth Management Districts). The actual commission's final approval/ordinance of the zoning is subject to the State's approval of the final proposed ordinance.



Habitat Type



Number of Protected Species

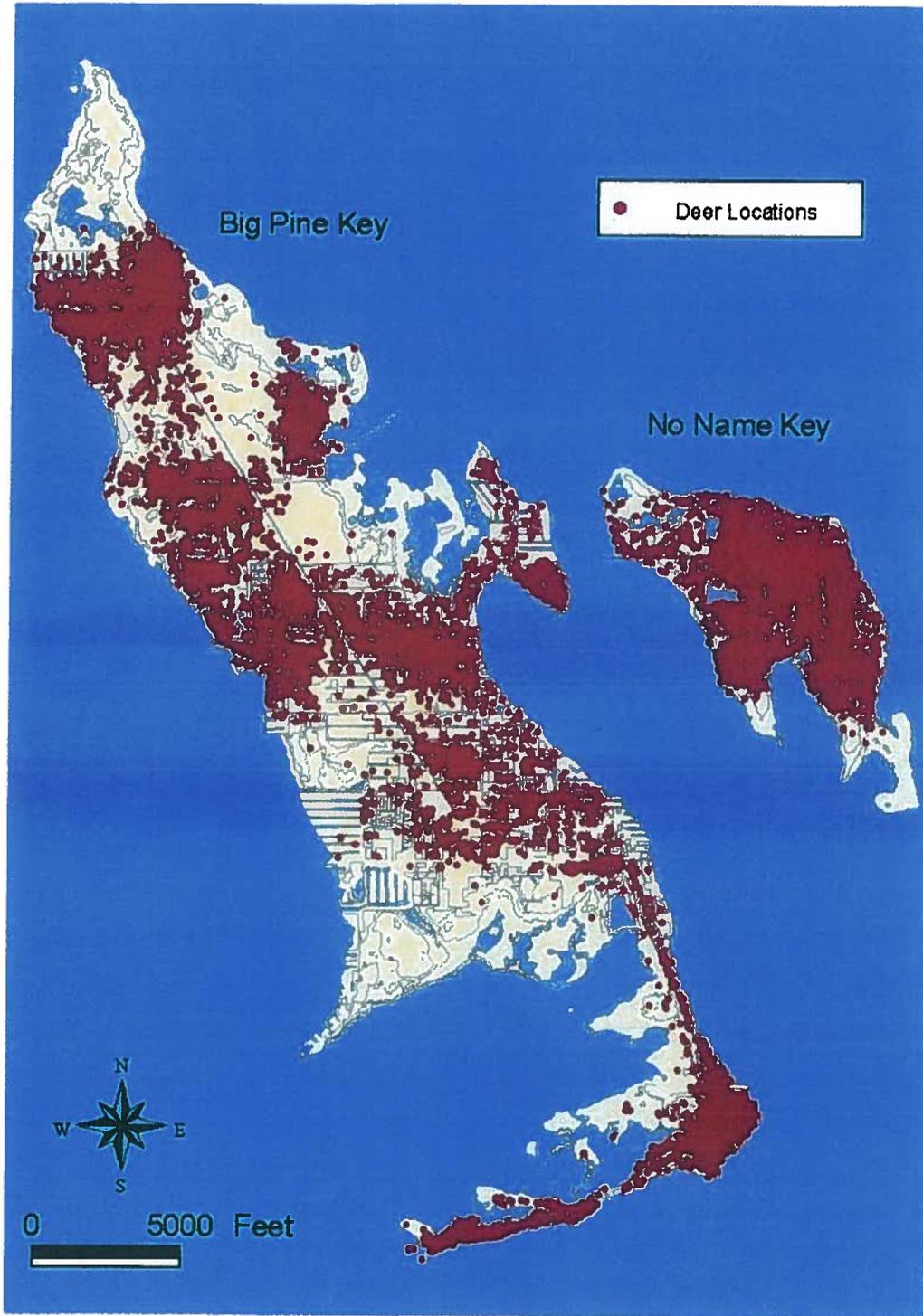


Figure 2.1. Key deer locations from telemetry data (Lopez 2001)

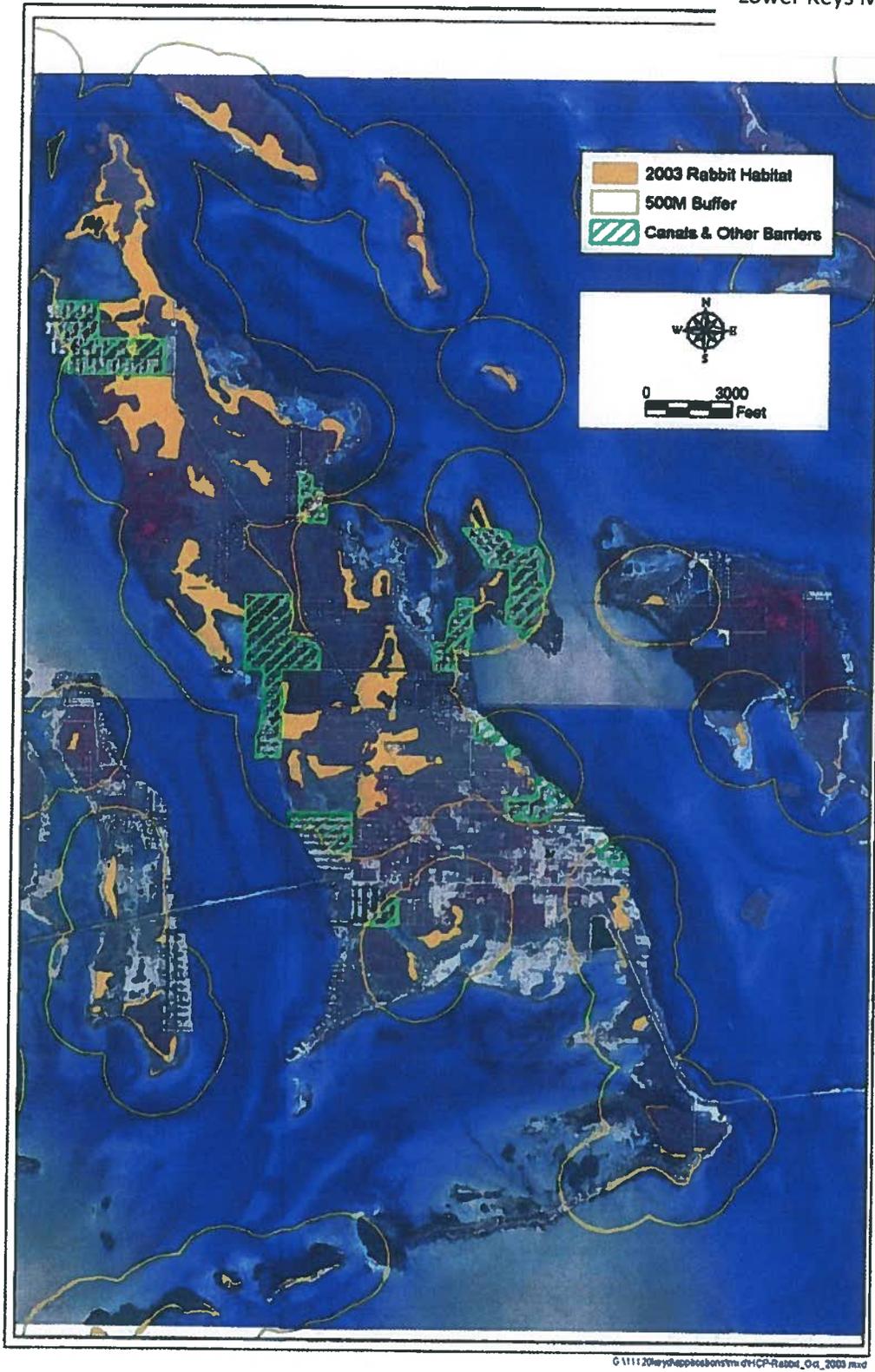


Figure 2.2. Lower Keys marsh rabbit habitat (Source: United States Fish and Wildlife Service).

EXHIBIT 7

Figure 2.4

Six Grid Layers used to Generate Weighting Factor Grid (HCP)

- Deer density: Development in areas of low Key deer density would be less harmful to the Key deer than development in areas of high density.
- Distance from US-1. Development near US-1 would be less harmful to the Key deer than development farther from US-1.
- Water barriers. Development in areas with canals would be less harmful to the Key deer than development in areas without canals.

Because more than one factor may affect the value of a given cell, the final cell value in the weighting factor grid was the average of the six parameters, where 0 represented the lowest value to the Key deer and 2 represented the highest value to the Key deer.

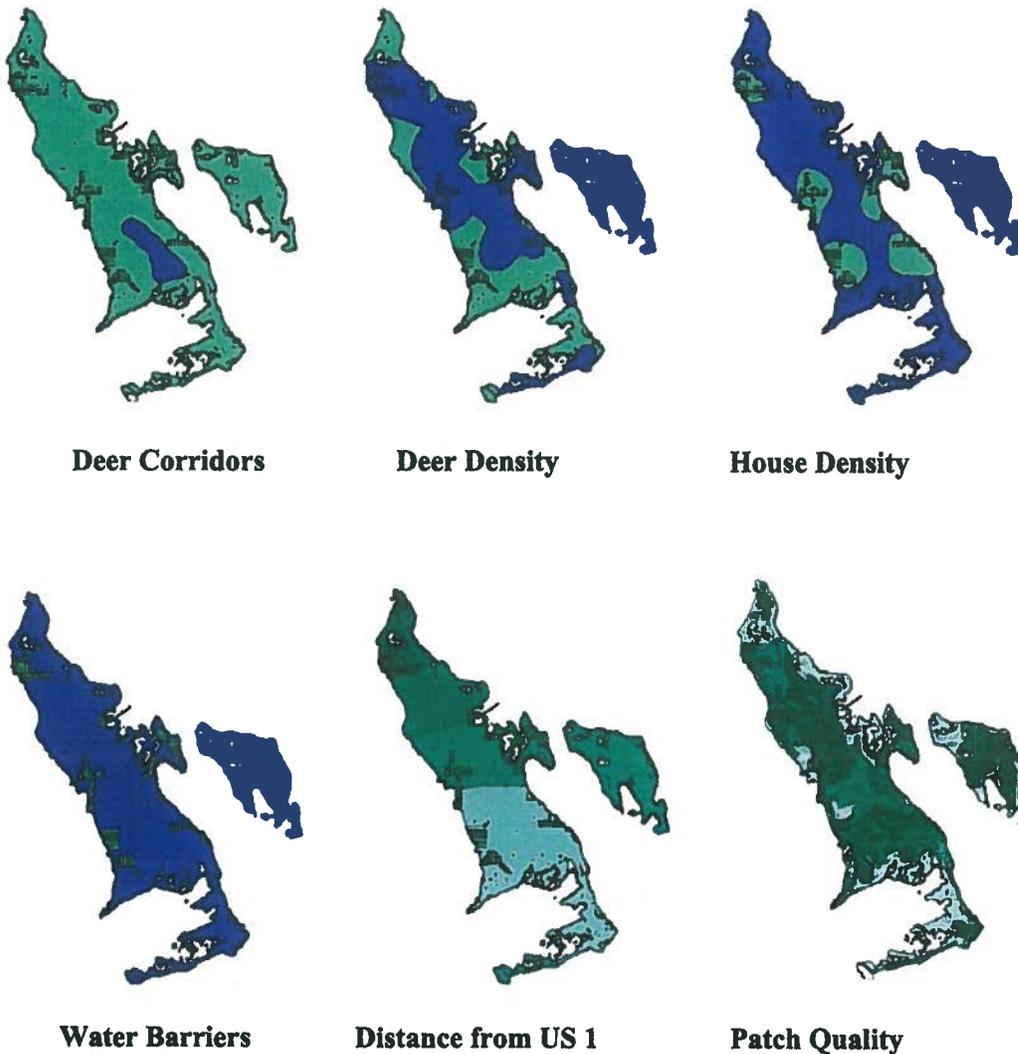


Figure 2.4. Six grid layers used to generate weighting factor grid (darker shades = higher value for the deer)



**MONROE COUNTY, FLORIDA
DEVELOPMENT REVIEW COMMITTEE
RESOLUTION NO. DRC 14-12**

A RESOLUTION BY THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES AND CHAIR OF THE DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL OF THE REQUEST BY THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FOR AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY DISTRICT DESIGNATION FOR ELEVEN (11) PARCELS, FOR PROPERTY OWNED BY SEACAMP ASSOCIATION, INC.; HAVING REAL ESTATE NUMBERS 00112030-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000 FROM UNDESIGNATED AND TIER I TO TIER III; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during a regularly scheduled meeting held on July 24, 2012, the Development Review Committee (DRC) of Monroe County conducted a review and consideration of a request filed by the Planning & Environmental Resources Department to amend the Tier Overlay District for property owned by Seacamp Association, Inc.; and

WHEREAS, based upon the information and documentation submitted, the Development Review Committee Chair and Senior Director of Planning & Environmental Resources found:

1. The proposed text amendments are consistent with the provisions and intent of the Monroe County Comprehensive Plan; and
2. The proposed text amendments are consistent with the provisions and intent of the Monroe County Code; and
3. The proposed text amendments are not inconsistent with any of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA that the information provided in the staff report and discussed at the July 24, 2012 meeting supports the Chair's decision to recommend approval to the Planning Commission and Board of County Commissioners with revisions as discussed at the meeting.

Date _____

Townasley Schwab, Development Review Committee Chair and
Senior Director of Planning and Environmental Resources

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Townasley Schwab, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me the she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2012.

NOTARY PUBLIC, STATE OF FLORIDA



ORDINANCE - 2012

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY DISTRICT DESIGNATION FOR ELEVEN (11) PARCELS, FOR PROPERTY OWNED BY SEACAMP ASSOCIATION, INC.; HAVING REAL ESTATE NUMBERS 00112030-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000 FROM UNDESIGNATED AND TIER I TO TIER III; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Development Review Committee considered the proposed amendment at a regularly scheduled meeting held on the 24th day of July, 2012; and

WHEREAS, at a regularly scheduled meeting held on the 25th day of September, 2011, the Monroe County Planning Commission held a public hearing for the purpose of making a recommendation to the Monroe County board of County Commissioners to amend Tier Overlay District Map; and

WHEREAS, the Monroe County Planning Commission made the following findings:

1. Seacamp, a not-for-profit organization that provides marine education to children, contacted Monroe County to notify County staff of a tier designation error for a portion of the Seacamp property on Big Pine Key and requested a correction of the error. Seacamp's property is located on approximately 12 acres of land located at the extreme southwest tip of the island, at the end of Big Pine Avenue.
2. The Seacamp property consists of 13 real estate numbers: 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, 00247180-000000, 00112030-000000, 00112040-000000, and 00247000-000000. Real estate number 00112040-000000 is submerged land and not part of this amendment. Real estate number 00112030-000000 contains submerged land and upland with no Tier designation. A portion of Real Estate Number 00247140-000000 has no Tier designation, with a portion having a Tier I

designation. Real estate number 00247000-000000 is currently designated as Tier III. The remaining ten (10) real estate numbers have Tier I designations.

3. The proposed Tier map amendment is necessary due to “3. Data errors, including errors in mapping, vegetative types and natural features described in Volume I of the plan.” The Seacamp property does not meet the Tier I criteria specified by Section 130-130(C)(1)a-f, Monroe County Code.

WHEREAS, Monroe County Environmental Resources staff confirmed the accuracy of the County’s GIS habitat layer for the vegetative communities located on the Seacamp parcels; and

WHEREAS, at a special meeting held on 13th day of February, 2012, the Monroe County Board of County Commissioners held a public hearing and passed a resolution to transmit the associated amendment to the Big Pine and Non Name Key Master Livable CommuniKeys Plan to the State Land Planning agency; and

WHEREAS, the proposed Livable CommuniKey Plan amendment to revise Figure 2.1 and Table 2.7 was reviewed by the State Land Planning Agency which issued an Objections, Recommendations, and Comments (ORC) Report on May 4, 2012 with no comments or issues relative to this amendment.

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

Section 1. The Livable CommuniKeys Master Plan for Big Pine Key and No Name Key as adopted by reference into the Monroe County 2010 Comprehensive Plan is amended as follows: (Deletions are ~~stricken through~~ and additions are underlined.)

- (1) Amending the Tier designation on the Tier Overlay District Map for eleven (11) parcels having real estate numbers 00112030-0000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, and 00247180-000000 from undesignated and Tier I to Tier III as shown on Exhibit 1, attached hereto and incorporated herein.

Section 2. **Severability.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. **Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. **Transmittal.** This ordinance shall be transmitted by the Director of Planning to the State Land Planning Agency pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. Filing and Effective Date. This ordinance shall be filed in the Office of the secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes and after any applicable appeal periods have expired. .

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

Mayor David Rice _____
Mayor *pro tem* Kim Wigington _____
Commissioner Heather Carruthers _____
Commissioner George Neugent _____
Commissioner Sylvia Murphy _____

BOARD OF COUNTY COMMISSIONERS OF MONROE
COUNTY, FLORIDA

BY _____
Mayor David Rice

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK