

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, June 7, 2011

### AGENDA

The Monroe County Development Review Committee will conduct a meeting on Tuesday, June 7, 2011, beginning at 10:00 AM at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> 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

Susan Grimsley, Assistant County Attorney  
Mitch Harvey, Comprehensive Plan Manager  
Rey Ortiz, Planner  
Gail Creech, Planning Commission Coordinator

#### CHANGES TO THE AGENDA

#### MINUTES FOR APPROVAL

### MEETING

#### NEW ITEMS:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-23, MORATORIUM ON NEW TRANSIENT UNITS, TO REVISE THE DATE ON WHICH THE MORATORIUM SHALL EXPIRE TO BE CONSISTENT WITH THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

[2011-056 SR DRC 06.07.11.PDF](#)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY 2010 COMPREHENSIVE PLAN POLICY 101.4.22, TO REVISE THE TIER DESIGNATION PERMITTED CLEARING LIMITS;

AMENDING POLICY 101.5.4, TO REVISE THE LOT AGGREGATION POINT ASSIGNMENTS TO ALLOW ROGO POINTS FOR AGGREGATED TIER III-A SPECIAL PROTECTION AREA LOTS PROVIDED THAT NO MORE THAN 7,500 SQUARE FEET OF UPLAND NATIVE VEGETATION CLEARING IS PROPOSED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

[2011-058 SR DRC 06.07.11.pdf](#)

### 3. DISCOURAGEMENT ORDINANCE

Language will be provided later.

[2011-059 SR DRC 06.07.11.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: Monroe County Development Review Committee  
Townshley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Planning & Development Review Manager 

Date: June 7, 2011

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-23, MORATORIUM ON NEW TRANSIENT UNITS, TO REVISE THE DATE ON WHICH THE MORATORIUM SHALL EXPIRE TO BE CONSISTENT WITH THE POLICY 101.2.6 OF THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

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**Meeting: June 7, 2011**

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1  
2 I REQUEST  
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4 The Planning & Environmental Resources Department is proposing an amendment to the text  
5 of §138-23 of the Monroe County Code, which concerns the County's moratorium on new  
6 transient residential units.  
7

8 II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:  
9

10 Language concerning the moratorium on new transient residential units exists in both the  
11 Monroe County Year 2010 Comprehensive Plan and the Monroe County Land Development  
12 Code.  
13

14 In 1996, the moratorium was enacted by the BOCC with the adoption of the Monroe County  
15 Year 2010 Comprehensive Plan and Policy 101.2.6 therein. Policy 101.2.6 required the  
16 County to adopt a land development regulation by January 4, 1996 prohibiting new transient  
17 residential units until December 31, 2001. Policy 101.2.6 also required the County to either  
18 extend the prohibition until December 2006 or revise the Rate of Growth Ordinance (ROGO)  
19 permit allocation system to allocate a percentage of residential growth to transient residential  
20 units. In 2009, Ordinance #035-2009 amended Policy 101.2.6 to extend the moratorium until  
21 July 31, 2010.  
22

1 In order to fulfill the requirement of Policy 101.2.6 to adopt a land development regulation,  
2 in 1999, the BOCC adopted Ordinance #047-1999, thus establishing Monroe County Code  
3 §9.5-120.5, which stated: New transient residential units, such as hotel or motel rooms, or  
4 campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential  
5 ROGO allocations until January 1, 2002.

6  
7 In 2002, Ordinance #001-2002 amended §9.5-120.5: New transient residential units, such as  
8 hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not  
9 be eligible for residential ROGO allocations until December 31, 2006.

10  
11 In 2007, Ordinance #001-2007 amended §9.5-120.5: New transient residential units, such as  
12 hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not  
13 be eligible for residential ROGO allocations until December 31, 2007 or until new Land  
14 Development Regulations are adopted to permit new transient units.

15  
16 In 2008, Ordinance #003-2008 amended §9.5-120.5: New transient residential units, such as  
17 hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not  
18 be eligible for residential ROGO allocations until December 31, 2008 or until new Land  
19 Development Regulations are adopted to permit new transient units.

20  
21 In 2009, §9.5-120.5 was renumbered to §138-23. However, content of the regulation was not  
22 modified at that time.

23  
24 In 2010, Ordinance #023-2010 amended §138-23: New transient residential units, such as  
25 hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not  
26 be eligible for residential ROGO allocations until December 31, 2011.

27  
28 In 2010, the County also transmitted to the State a proposed amendment to Policy 101.2.6  
29 which stated: Monroe County shall prohibit new transient residential units including hotel or  
30 motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer  
31 until December 31, 2011. However, the Florida Department of Community Affairs (DCA)  
32 submitted an Objections, Recommendations, and Comments (ORC) Report that stated: The  
33 Department recommends the County consider extending the moratorium date to be consistent  
34 with the due date for the County's EAR-based amendments which would provide the County  
35 adequate time to research the issue.

### 36 37 III REVIEW

38  
39 New transient residential units require residential ROGO allocations. Currently, there are a  
40 predetermined number of ROGO allocations that may be allocated in a given year. These  
41 allocations are separated into two pools: 80 percent market-rate permanent residential and 20  
42 percent affordable permanent residential. If new transient residential units are permitted,  
43 their allocations would have to be derived from the market-rate permanent residential pool;  
44 thus allowing less market-rate permanent residential units to be allocated. Since the ROGO's  
45 inception, there has been an abundance of market-rate applications and it has been

1 competitive within the permit allocation system between those applications for those limited  
2 allocations.

3  
4 The Planning & Environmental Resources Department is currently processing an amendment  
5 to the Comprehensive Plan to extend to the date provided in Policy 101.2.6 to meet DCA's  
6 request in the ORC Report. In accordance with HB 7207, the Monroe County Evaluation  
7 and Appraisal Report (EAR) letter is due to be transmitted to the State by August 1, 2011.  
8 EAR-based amendments are to be adopted one year after the submittal of the EAR letter,  
9 which would be August 1, 2012. Therefore, staff is recommending that Policy 101.2.6 be  
10 amended as such: Monroe County shall prohibit new transient residential units including  
11 hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or  
12 travel trailer until ~~July 31, 2010~~ August 1, 2012.

13  
14 Note: the Planning Commission reviewed the proposed amendment to Policy 101.2.6 on  
15 March 9, 2011 and recommended approval to the BOCC.

16  
17 This proposed amended date for §138-23 would be the same as the amended date proposed  
18 for Policy 101.2.6, August 1, 2012, as the land development regulations should be consistent  
19 with the superseding Comprehensive Plan.

20  
21 Therefore, staff recommends the following changes (deletions are ~~stricken through~~ and  
22 additions are underlined):

23  
24 New transient residential units, such as hotel or motel rooms, or campground,  
25 recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO  
26 allocations until ~~December 31, 2011~~ August 1, 2012.

#### 27 28 IV RECOMMENDATION

29  
30 Staff has found that the proposed text amendment would be consistent with the provisions of  
31 MCC §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from  
32 those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding  
33 demographic trends); 3. Data errors, including errors in mapping, vegetative types and  
34 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for  
35 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that  
36 the proposed text amendments are necessary due to recognition of a need for additional detail  
37 or comprehensiveness.

38  
39 Staff recommends that the Board of County Commissioners amend the Monroe County Code  
40 as stated in the text of this staff report.



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

**To:** Monroe County Development Review Committee

**Through:** Christine Hurley, AICP, Director of Growth Management  
Townasley Schawb, Senior Director of Planning & Environmental Resources

**From:** Mayte Santamaria, Assistant Director of Planning & Environmental Resources

**Date:** June 1, 2011

**Subject:** **Request for an Amendment to the Monroe County 2010 Comprehensive Plan to address the clearing of tropical hardwood hammock.**

**Meeting:** June 7, 2011

#### I. REQUEST

This is a request by Monroe County to amend Policy 101.4.22 and Policy 101.5.4 of the Monroe County 2010 Comprehensive Plan to refine the Tier clearing limits and revise the lot aggregation point assignments to implement the recommendations of the Administration Commission and the Department of Community Affairs.

#### II. BACKGROUND INFORMATION

Section 380.0552(4), Florida Statutes (F.S.), directs the state land planning agency (Department of Community Affairs) to submit a report to the Administration Commission, describing in detail the progress of the Florida Keys Area toward accomplishing the tasks of the work program and to provide a recommendation as to whether substantial progress toward accomplishing the tasks of the work program has been achieved. Pursuant to Section 380.0552(4)(c), F.S., if the Administration Commission finds that the requirements for recommending removal of designation have not been met, the Administration Commission shall provide a written report to the local governments within 30 days after making such a finding detailing the tasks that must be completed by the local government.

The 2008, 2009 and 2010 Administration Commission 30-Day Report to Monroe County included a task to implement Rule 28-20.110, F.A.C., Work Program Tasks Year Six, Task C and Year Eight, Task F. These Work Program tasks implement the carrying capacity study by requiring the adoption of all necessary plan amendments to guide development away from environmentally sensitive lands and to ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts.

1  
2 The task from the 30-Day Report required Monroe County, in conjunction with the Department  
3 of Community Affairs (DCA), Islamorada and Marathon, to collaboratively evaluate the  
4 adopted clearing limits for high quality and moderate quality tropical hammocks and to make  
5 recommendations to bring parity between the local governments and to strengthen the  
6 protection of hardwood hammocks.  
7

8 In 2010, the County, in conjunction with DCA, Islamorada and Marathon evaluated the various  
9 policies and standards used by the three local governments for the clearing of high and  
10 moderate quality tropical hardwood hammock. The evaluation is provided in Exhibit 1 (Page  
11 11 of the Department of Community Affairs' Florida Keys Area of Critical State Concern 2010  
12 Removal of Designation Report).  
13

14 This evaluation noted that in high quality hammock areas, Monroe County allows twice as  
15 much clearing as Islamorada and Marathon. Regarding moderate quality hammock, the  
16 municipalities allow a greater amount of clearing for lots over 15,000 square feet but lesser  
17 amounts of clearing for lots smaller than 5,000 square feet.  
18

19 The following recommendations were developed to bring parity between the local  
20 governments and strengthen the protection of tropical hardwood hammocks.  
21

- 22 • In Monroe County, the clearing of lots in Tier I shall be limited to 7,500 square feet per  
23 principal dwelling unit and associated accessory structures per buildable acres. For lots  
24 greater than 10,000 square feet, clearing for one driveway of reasonable configuration  
25 up to 18 feet in width is permitted for each parcel and shall be exempt from the clearing  
26 limitations to provide reasonable access to the property. Clearing for a driveway that is  
27 exempt from clearing limits shall be recommended by a County biologist and approved  
28 by the Planning Director. In no case shall clearing exceed 20 percent of the entire site.
- 29 • In Monroe County, the clearing of lots in Tier II (Big Pine and No Name Key) shall be  
30 limited to 3,000 square feet or 40 percent, whichever is greater; however, clearing shall  
31 not exceed 7,500 square feet, regardless of the amount of upland native vegetation.
- 32 • In Monroe County, add clearing limits for Tier IIIa (Special Protection Area). Clearing  
33 of Tier IIIa (Special Protection Area) shall be limited to 3,000 square feet or 40 percent,  
34 whichever is greater; however, clearing shall not exceed 7,500 square feet, regardless  
35 of the amount of upland native vegetation.
- 36 • For Marathon, Islamorada, and Monroe County, a minimum clearing area of 3,000  
37 square feet shall be allowed to provide reasonable use of property.
- 38 • Revise Monroe County Policy 101.5.4(3) to allow ROGO points for aggregated Tier  
39 IIIa Special Protection Area lots provided that no more than 7,500 square feet of upland  
40 native vegetation clearing is proposed.
- 41 • Revise Monroe County Comprehensive Plan lot aggregation policies, land development  
42 regulations, and Rule 28-20.120(4)(e), F.A.C., to limit clearing of aggregated lots that  
43 receive points in the building permit allocation system from 5,000 square feet to a  
44 maximum of 7,500 square feet.  
45

46 The proposed amendments are to implement the recommendations from the Department of  
47 Community Affairs and the direction from the Administration Commission.  
48

1  
2 **III. PROPOSED AMENDMENT**  
3

4 **Policy 101.4.22**

5 All development shall be subject to clearing limits defined by habitat and the location of the  
6 property in the Land Use District (zoning) Overlay Tier Maps and the wetland requirements in  
7 Policy 102.1.1. The clearing limits of upland native vegetation areas for properties in the  
8 Ocean Reef planned development shall be limited to 40 percent of the existing upland native  
9 vegetation. Except as defined in Policy 101.12.4, clearing of upland native vegetative areas in  
10 the Tiers I, II, and III shall be limited for the portion of the property containing upland native  
11 vegetation in the following percentages:

Tier	Permitted Clearing *
I	<u>3,000 square feet or 20% but no greater than 7,500 square feet</u>
II	<u>3,000 square feet or 40% but no greater than 7,500 square feet</u> (Big Pine Key and No Name Key)
III	40% or 3,000 square feet <del>s.f.</del> , whichever is greater; however, the maximum amount of clearing shall be no more than 7,500 square feet, regardless of the amount of upland native vegetative area

12 \* Palm or cactus hammock is limited to only 10%.

13  
14 **Policy 101.5.4**

15 Monroe County shall implement the residential Permit Allocation and Point System through its  
16 land development regulations based primarily on the Tier system of land classification as set  
17 forth under Goal 105. The points are intended to be applied cumulatively.

- 18  
19 3. **Lot Aggregation** – The following points shall be assigned to allocation applications to  
20 encourage the voluntary reduction of density through aggregation of legally platted  
21 buildable lots within Tier II, ~~and~~ Tier III areas: and Tier III Special Protection Area.

22

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified*
+3	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.
	<del>*Exception:</del>

##	<p>No points for lot aggregation will be awarded for any proposed development that involves the clearing of any upland native vegetation in a Tier III Special Protection Area. <u>Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III Special Protection Area, provided that not more than 7,500 square feet of upland native vegetation clearing is proposed, will earn additional points as specified.</u></p>
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**IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA ADMINISTRATIVE CODE, AND PRINCIPLES FOR GUIDING DEVELOPMENT**

**A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:**

**Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

**Policy 102.2.2:** Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 205.2. These revised standards and criteria will protect native upland vegetation and promote restoration of habitat values of native upland communities, including hardwood hammocks and pinelands.

**Goal 205:** The health and integrity of Monroe County's native upland vegetation shall be protected and, where possible, enhanced.

**Objective 205.2:** To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land Development Regulations which further protect and provide for restoration of the habitat values of upland native vegetated communities, including hardwood hammocks and pinelands.

**Policy 205.2.2:** Monroe County shall discourage developments in Tier I and within tropical hardwood hammock or pinelands of one acre or more in area to protect areas of native upland vegetation.

**Goal 207:** Monroe County shall protect and conserve existing wildlife and wildlife habitats.

1 **B. The amendment is consistent with the Principles for Guiding Development for the**  
2 **Florida Keys Area, Section 380.0552(7), Florida Statute.**  
3

4 For the purposes of reviewing consistency of the adopted plan or any amendments to that  
5 plan with the principles for guiding development and any amendments to the principles, the  
6 principles shall be construed as a whole and no specific provision shall be construed or  
7 applied in isolation from the other provisions.  
8

- 9 (a) Strengthening local government capabilities for managing land use and development so  
10 that local government is able to achieve these objectives without continuing the area of  
11 critical state concern designation.
- 12 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,  
13 seagrass beds, wetlands, fish and wildlife, and their habitat.
- 14 (c) Protecting upland resources, tropical biological communities, freshwater wetlands,  
15 native tropical vegetation (for example, hardwood hammocks and pinelands), dune  
16 ridges and beaches, wildlife, and their habitat.
- 17 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound  
18 economic development.
- 19 (e) Limiting the adverse impacts of development on the quality of water throughout the  
20 Florida Keys.
- 21 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural  
22 environment, and ensuring that development is compatible with the unique historic  
23 character of the Florida Keys.
- 24 (g) Protecting the historical heritage of the Florida Keys.
- 25 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and  
26 proposed major public investments, including:  
27
- 28 1. The Florida Keys Aqueduct and water supply facilities;
  - 29 2. Sewage collection, treatment, and disposal facilities;
  - 30 3. Solid waste treatment, collection, and disposal facilities;
  - 31 4. Key West Naval Air Station and other military facilities;
  - 32 5. Transportation facilities;
  - 33 6. Federal parks, wildlife refuges, and marine sanctuaries;
  - 34 7. State parks, recreation facilities, aquatic preserves, and other publicly owned  
35 properties;
  - 36 8. City electric service and the Florida Keys Electric Co-op; and
  - 37 9. Other utilities, as appropriate.
- 38
- 39 (i) Protecting and improving water quality by providing for the construction, operation,  
40 maintenance, and replacement of stormwater management facilities; central sewage  
41 collection; treatment and disposal facilities; and the installation and proper operation  
42 and maintenance of onsite sewage treatment and disposal systems.
- 43 (j) Ensuring the improvement of nearshore water quality by requiring the construction and  
44 operation of wastewater management facilities that meet the requirements of ss.  
45 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served  
46 by central wastewater treatment facilities through permit allocation systems.
- 47 (k) Limiting the adverse impacts of public investments on the environmental resources of  
48 the Florida Keys.

- 1 (l) Making available adequate affordable housing for all sectors of the population of the  
2 Florida Keys.  
3 (m) Providing adequate alternatives for the protection of public safety and welfare in the  
4 event of a natural or manmade disaster and for a postdisaster reconstruction plan.  
5 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and  
6 maintaining the Florida Keys as a unique Florida resource.  
7

8 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent  
9 with the Principles for Guiding Development as a whole and is not inconsistent with any  
10 Principle.  
11

12 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida**  
13 **Statute (F.S.). Specifically, the amendment furthers:**  
14

15 Section 163.3177(4)(a), F.S. – Coordination of the local comprehensive plan with the  
16 comprehensive plans of adjacent municipalities, the county, adjacent counties, or the  
17 region; with the appropriate water management district’s regional water supply plans  
18 approved pursuant to s. 373.709; with adopted rules pertaining to designated areas of  
19 critical state concern; and with the state comprehensive plan shall be a major objective  
20 of the local comprehensive planning process.  
21

22 Section 163.3177(6)(d), F.S. - A conservation element for the conservation, use, and  
23 protection of natural resources in the area, including air, water, water recharge areas,  
24 wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers,  
25 bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other  
26 natural and environmental resources, including factors that affect energy conservation.  
27

28 Section 163.3177(6)(g)1, F.S. - The coastal management element shall set forth the  
29 policies that shall guide the local government’s decisions and program implementation  
30 with respect to the following objectives:

- 31 1. Maintenance, restoration, and enhancement of the overall quality of the coastal  
32 zone environment, including, but not limited to, its amenities and aesthetic values.  
33 2. Continued existence of viable populations of all species of wildlife and marine life.  
34 3. The orderly and balanced utilization and preservation, consistent with sound  
35 conservation principles, of all living and nonliving coastal zone resources.  
36 4. Avoidance of irreversible and irretrievable loss of coastal zone resources.  
37

38 **D. The proposed amendment is consistent with the Rule 9J-5, Florida Administration**  
39 **Code (F.A.C.). Specifically, the amendment furthers:**  
40

41 Rule 9J-5.006(3)(b)4, F.A.C. - Ensure the protection of natural resources and historic  
42 resources.  
43

44 Rule 9J-5.0012(3)(b)1, F.A.C. - Protect, conserve, or enhance remaining coastal  
45 wetlands, living marine resources, coastal barriers, and wildlife habitat.  
46

47 Rule 9J-5.0013(2)(b)3, F.A.C. - Conserve, appropriately use and protect minerals, soils  
48 and native vegetative communities including forests.

1  
2 Rule 9J-5.0013(2)(b)3, F.A.C. - Conserve, appropriately use and protect fisheries,  
3 wildlife, wildlife habitat and marine habitat.

4  
5 Rule 9J-5.0013(2)(c)3, F.A.C. - Protection of native vegetative communities from  
6 destruction by development activities.

7  
8 Rule 9J-5.0013(2)(c)5, F.A.C. - Restriction of activities known to adversely affect the  
9 survival of endangered and threatened wildlife.

10  
11 Rule 9J-5.0013(2)(c)6, F.A.C. - Protection and conservation of the natural functions of  
12 existing soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors,  
13 wetlands including estuarine marshes, freshwater beaches and shores, and marine  
14 habitats.

15  
16 Rule 9J-5.0013(2)(c)8, F.A.C. - Continuing cooperation with adjacent local governments  
17 to conserve, appropriately use, or protect unique vegetative communities located within  
18 more than one local jurisdiction.

19  
20 **V. ENVIRONMENTAL ANALYSIS:**

21  
22 The proposed amendments strengthen the protection of tropical hardwood hammocks and  
23 provide consistency between Monroe County, Marathon and Islamorada.

24  
25 **VI. STAFF RECOMMENDATION**

26  
27 Staff recommends approval of the proposed amendment to Policy 101.4.22.

28 The proposed amendment to the Comprehensive Plan will further protect tropical hardwood  
29 hammock, provide consistency between jurisdictions and implement the direction and  
30 recommendations of the Administration Commission.

31  
32 **VI. PROCESS**

33  
34 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners,  
35 the Planning Commission, the Director of Planning, or the owner or other person having a  
36 contractual interest in property to be affected by a proposed amendment. The Director of  
37 Planning shall review and process applications as they are received and pass them onto the  
38 Development Review Committee and the Planning Commission.

39  
40 The Planning Commission shall hold at least one public hearing. The Planning Commission  
41 shall review the application, the reports and recommendations of the Department of Planning  
42 & Environmental Resources and the Development Review Committee and the testimony given  
43 at the public hearing. The Planning Commission shall submit its recommendations and  
44 findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing  
45 to consider the transmittal of the proposed comprehensive plan amendment, and considers the  
46 staff report, staff recommendation, and the testimony given at the public hearing. The BOCC  
47 may or may not recommend transmittal to the Florida Department of Community Affairs  
48 (DCA). The amendment is transmitted to DCA, which then reviews the proposal and issues an

1 Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report,  
2 the County has 60 days to adopt the amendments, adopt the amendments with changes or not  
3 adopt the amendment  
4

## 5 **VII. EXHIBITS**

- 6
- 7 1. 2008 Administration Commission 30-Day Report to Monroe County (October 30,2008)
- 8 2. 2009 Administration Commission 30-Day Report to Monroe County (December 17, 2009)
- 9 3. 2010 Administration Commission 30-Day Report to Monroe County (December 30, 2010)
- 10 4. Department of Community Affairs' Florida Keys Area of Critical State Concern 2010  
11 Removal of Designation Report.  
12  
13

DRAFT



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

**To:** Development Review Committee

**Through:** Townsley Schwab, Senior Director of Planning & Environmental Resources  
Mayte Santamaria, Assistant Director of Planning & Environmental Resources

**From:** Kathy Grasser

**Date:** June 6, 2011

**Subject:** Request for an Amendment to the Monroe County 2010 Comprehensive Plan to create new Policy 101.4.20 to discourage private applications for future land use changes which increase allowable density and intensity.

**Meeting:** June 7, 2011

**I REQUEST**

This is a request by Monroe County to create Policy 101.4.20 discouraging private applications for future land use changes which increase allowable density/intensity.

**Proposed Amendment:**

**Policy 101.4.20**

In order to implement the Florida Keys Carrying Capacity Study, Monroe County shall encourage reductions in overall County density and intensity and the preservation of Monroe County's native habitat by discouraging private applications for future land use designation changes which increase allowable density and intensity.

Private applications for future land use designation changes which increase allowable density and intensity shall be required to:

- Purchase and dedicate parcels that contain non-scarified native upland habitat within the same sub-area of un-incorporated Monroe County and that are designated as Tier I, Tier II or Tier III-A Special Protection Area.
  - The dedicated parcels shall be provided at a minimum of 1:1 ratio of acreage of the parcel requesting the increase in allowable density and intensity (receiver site);
  - The dedicated parcels shall be provided in a 2:1 ratio of the necessary allowable density and intensity to mitigate the request for increased allowable density and intensity; and

- 1           ○ The parcels shall be dedicated to the Monroe County Land Authority for  
2           conservation through a mechanism contemplated by Comprehensive Plan Policy  
3           101.13.2.
- 4           ○ Dedicated parcels shall remain in conservation in perpetuity.
- 5       • ~~Transfer and retire transferable development rights (TDRs) and residential transferable~~  
6       ~~ROGO exemptions (TREs) from dedicated parcels (or sender sites) to offset the requested~~  
7       increase in density. Transfer from and retirement of and retire nonresidential and  
8       residential transferable development rights (TDRs) and residential transferable ROGO  
9       exemptions (TREs) from dedicated parcels (or sender sites) to offset the requested increase  
10       in density. Sender site density shall be zero.

11  
12       The land to be dedicated and preserved shall be inspected by the Monroe County Biologist to  
13       assure it is acceptable for acquisition and donation. The transfer of TDRs and TREs (or  
14       commercial square footage?) will be on a 2:1 ratio, the transfer shall be within the same sub-  
15       area and require at a minimum of 1:1 ratio of acreage; thereby, providing a 3:1 ratio of  
16       mitigation for the increase in allowable density and intensity.

## 17 18 19 **II BACKGROUND INFORMATION**

20  
21       Section 380.0552(4), Florida Statutes (F.S.), directs the state land planning agency  
22       (Department of Community Affairs) to submit a report to the Administration Commission,  
23       describing in detail the progress of the Florida Keys Area toward accomplishing the tasks of  
24       the work program and to provide a recommendation as to whether substantial progress toward  
25       accomplishing the tasks of the work program has been achieved. Pursuant to Section  
26       380.0552(4)(c), F.S., if the Administration Commission finds that the requirements for  
27       recommending removal of designation have not been met, the commission shall provide a  
28       written report to the local governments within 30 days after making such a finding detailing the  
29       tasks that must be completed by the local government.

30  
31       The 2008, 2009 and 2010 Administration Commission 30-Day Report to Monroe County  
32       included a task for Monroe County to implement the Florida Keys Carrying Capacity Study by  
33       discouraging private applications for future land use changes which increase allowable density  
34       and intensity on lands in the Florida Keys. This task is intended to implement Rule 28-20.110,  
35       F.A.C., Work Program Tasks Year Six, Task C and Year Eight, Task F to implement the  
36       carrying capacity study by the adoption of all necessary plan amendments to guide  
37       development away from environmentally sensitive lands and to ensure that any and all new  
38       development does not exceed the capacity of the county's environment and marine system to  
39       accommodate additional impacts.

40  
41       The recently ratified Administration Commission Rule 28-20.140, F.A.C., (HB 7253) also  
42       includes the Work Program task to discourage private applications for future land use changes  
43       which increase allowable density and intensity on lands in the Florida Keys.

44  
45       Beginning November 30, 2011, Monroe County and the Department of Community Affairs  
46       must report to the Administration Commission on the progress of achieving the work program  
47       objectives for that work program year. If the Administration Commission determines that

1 progress has not been made, the unit cap for residential development shall be reduced by 20%  
2 for the following ROGO year.

3  
4 The proposed amendment is to implement the Work Program Task from Rule 28-20.140,  
5 F.A.C., and the direction from the Administration Commission.

6  
7 **Summary of Previous Actions:**  
8

- 9 • The Florida Administration Commission proposed Rule 28-20.130 and 28-20.140, F.A.C.  
10 for Monroe County to implement Section 380.0552(4), Florida Statutes.
- 11 • The proposed rule included the following work program task:
  - 12 ○ *As part of the implementation of the Florida Keys Carrying Capacity Study,*  
13 *Monroe County shall transmit a Comprehensive Plan Policy discouraging future*  
14 *land use changes, throughout unincorporated Monroe County which increase*  
15 *allowable density/intensity. This Policy shall include the requirement to complete a*  
16 *needs analysis through 2020 based upon the amount of vacant lands, the adopted*  
17 *density of the future land use designations and their existing yields, the projected*  
18 *population, the projected rate of growth allocations and the availability of public*  
19 *facilities and services.*
- 20 • DRC: May 5, 2009, County proposed Policy 101.4.20 to discourage private future land use  
21 amendment application, including the requirement to complete a needs analysis based upon  
22 the amount of vacant lands.
- 23 • PC: June 10, 2009 County proposed Policy 101.4.20 to discourage private future land use  
24 amendment application, including the requirement to complete a needs analysis based upon  
25 the amount of vacant lands, projected growth and other criteria.
- 26 • PC: June 24, 2009
  - 27 ○ Proposed Policy 101.4.20 was amended to proposed Objective 105.4 and Policy  
28 105.4.1 to discourage private future land use amendment application and included a  
29 requirement for a needs analysis. The proposed amendment excluded Ocean Reef  
30 from the proposed amendment.
  - 31 ○ The Planning Commission recommended approval to the BOCC to consider  
32 transmittal of the ordinance to the Florida Department of Community Affairs  
33 (Resolution 22-09).
- 34 • BOCC-transmittal hearing: July 13, 2009
  - 35 ○ Proposed Objective 105.4 and Policy 105.4.1 to discourage private future land use  
36 amendment application and included a requirement for a needs analysis. The needs  
37 analysis include compatibility with the 1977 AICUZ. The proposed amendment  
38 excluded Ocean Reef from the proposed amendment.
  - 39 ○ The BOCC approved transmittal to the DCA for review of the draft ordinance  
40 (Resolution 183-2009).
- 41 • The Department of Community Affairs issued an Objections, Recommendations and  
42 Comments (ORC) Report that included two objections.
  - 43 1. No supporting documentation was included to support the exclusion of Ocean  
44 Reef.
  - 45 2. The policy should include the best available AICUZ data.
- 46 • BOCC – adoption hearing: October 22, 2009
  - 47 ○ To address the objections of the ORC, the proposed amendment was revised to *not*  
48 exclude Ocean Reef from the policy. The revised amendment also included that

1 Monroe County will “evaluate the compatibility with Naval Air Station Key West  
2 and utilize the best available data existing at the time a future land use map  
3 amendment is proposed and reviewed.”

4 ○ BOCC voted unanimously not to adopt proposed ordinance.

- 5 ● The Florida Administration Commission adopted Rule 28-20.140, F.A.C. for Monroe  
6 County and the Florida Legislature ratified the Rule 28-20.140, Florida Administrative  
7 Code, relating to the comprehensive plan for Monroe County.
- 8 ● The rule includes the following work program task:  
9 *By July 1, 2012, in order to implement the Florida Keys Carrying Capacity Study,*  
10 *Monroe County shall adopt a Comprehensive Plan Policy to discourage private*  
11 *applications for future land use changes which increase allowable density/intensity.*  
12 ○ The requirement for a needs analysis was removed from the Rule.

### 13 14 **III. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE** 15 **PLAN, THE FLORIDA ADMINISTRATIVE CODE, AND PRINCIPLES FOR** 16 **GUIDING DEVELOPMENT**

#### 17 18 **A. The proposed amendment is consistent with the following Goals, Objectives and** 19 **Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, the** 20 **amendment furthers:**

21  
22 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life,  
23 ensure the safety of County residents and visitors, and protect valuable natural resources.

24  
25 **Policy 101.5.8:** Monroe County may develop a program, called Transfer of ROGO  
26 Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms,  
27 campground/recreational vehicle spaces and/or mobile homes to another site in the same  
28 ROGO sub-area, provided that they are lawfully existing and can be accounted for in the  
29 county’s hurricane evacuation model. In addition, the receiver site shall be located within a  
30 Tier III area outside a designated Special Protection Area and for a receiver site on Big  
31 Pine Key and No Name Key, the sending site shall also be located on one of those two  
32 islands.

33  
34 **Goal 102:** Monroe County shall direct future growth to lands which are intrinsically most  
35 suitable for development and shall encourage conservation and protection of  
36 environmentally sensitive lands.

37  
38 **Policy 102.1.1:** The County shall protect submerged lands and wetlands. The open space  
39 requirement shall be one hundred (100) percent of the following types of wetlands:

- 40 1. submerged lands                      2. mangroves                      3. salt ponds  
41 4. fresh water wetlands                5. fresh water ponds  
42 6. undisturbed salt marsh and buttonwood wetlands

43  
44 Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and  
45 undisturbed salt marsh and buttonwood wetlands only for use as transferable development  
46 rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and  
47 mangroves shall not be assigned any density or intensity.  
48

1  
2  
3  
4 **Policy 101.13.2:** By January 4, 1998, Monroe County shall evaluate the existing TDR  
5 program and adopt Land Development Regulations which address identified deficiencies in  
6 the program. The following issues shall be considered in evaluating the program:  
7

- 8 1. revision to the current tax policy whereby owners of sites which have transferred  
9 development rights continue to pay taxes on such rights until development orders have  
10 been issued for the transferred rights at the receiver sites;
- 11 2. establishment of criteria for designation of sender and receiver sites based upon factors  
12 such as the environmental characteristics of the land;
- 13 3. establishment of mechanisms to enhance the value and marketability of TDRs such as  
14 assigning density bonuses to receiver sites;
- 15 4. clarification of the status of sites which have transferred development rights, including  
16 the possible requirements that sender sites be dedicated as public or private open space  
17 through conservation easement or other mechanism. At a minimum, the LDRs shall be  
18 revised to require that a restrictive covenant be recorded on the sender site deed at the  
19 time of the Allocation Award for the Permit Allocation System; and
- 20 5. establishment of a management and accounting system to tract TDRs  
21

22 **Policy 101.13.3:** The Maximum Net Density is the maximum density allowable with the  
23 use of TDRs, and shall not exceed the maximum densities established in this plan. The  
24 assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other  
25 areas of the County shall be prohibited  
26

27 **Policy 101.13.4:** In conjunction with the evaluation of the existing TDR program pursuant  
28 to Policy 101.13.2, parcels within the following habitats and land use districts shall be  
29 designated as sender sites for Transferable Development Rights (TDRs):  
30

31 Any parcel within these zoning categories:

32 Offshore Island (OS)	Sparsely Settled (SS)
33 Main land Native (MN)	Parks and Refuge (PR)
34 Native (NA)	Conservation (C)

35  
36 Habitat of the following types which lie within any zoning category:

37 Freshwater wetlands  
38 Saltmarsh/Buttonwood wetlands  
39 High quality high hammock  
40 High quality low hammock  
41 Moderate quality high hammock  
42 Moderate quality low hammock  
43 High quality pinelands  
44 Low quality pinelands  
45 Beach/berm  
46 Palm Hammock  
47 Cactus Hammock  
48 Disturbed Wetlands

1  
2 **Policy 105.2.5:** Monroe County shall, in coordination with federal and state agencies,  
3 implement a land acquisition program to acquire all remaining privately-owned vacant  
4 lands within areas designated as a Natural Area (Tier I).  
5

6 **Policy 105.2.6:** Monroe County shall implement a land acquisition program to acquire  
7 most privately owned vacant private lands within areas designated as a Transition and  
8 Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key and patches of  
9 tropical hardwood hammock or pinelands of one acre or greater in area identified as a  
10 Special Protection Area within a designated Infill Area (Tier III).  
11

12 **Policy 105.2.7:** Monroe County shall implement an acquisition program to acquire  
13 privately owned vacant lands disturbed or scarified properties for affordable housing within  
14 areas designated as an Infill Area (Tier III).  
15

16 **Policy 105.2.8:** The preferred method for acquisition of environmentally sensitive privately  
17 owned vacant non-platted lands shall be fee simple purchase, donation, or dedication or the  
18 retirement of development rights through transfer of development rights or similar  
19 mechanisms.  
20

21 **Policy 105.2.9:** The preferred method for acquisition of vacant platted lots shall be fee  
22 simple purchase, donation, or dedication or the retirement of development rights thorough  
23 transfer of development rights or similar mechanisms; however, wherever appropriate,  
24 platted lots may be purchased in partnership with adjoining property owner(s) subject to a  
25 conservation easement that may allow limited accessory residential uses.  
26

27 **Policy 105.2.10:** In terms of effort, Monroe County shall primarily focus its Land  
28 Acquisition Program on the acquisition or retirement of development rights of vacant  
29 privately-owned, buildable, platted lots within Tier I and Tier II and the acquisition of  
30 scarified and disturbed lands for affordable housing within Tier III. This policy recognizes  
31 the critical need for the County to aggressively address the imbalance between  
32 development expectations of private property owners and the finite carrying capacity of the  
33 natural and man-made systems in the Florida Keys.  
34

35 **Policy 102.2.2:** Monroe County shall adopt revised environmental standards and  
36 environmental design criteria as indicated in policies adopted pursuant to Conservation and  
37 Coastal Management Objective 205.2. These revised standards and criteria will protect  
38 native upland vegetation and promote restoration of habitat values of native upland  
39 communities, including hardwood hammocks and pinelands.  
40

41 **Goal 205:** The health and integrity of Monroe County's native upland vegetation shall be  
42 protected and, where possible, enhanced.  
43

44 **Objective 205.2:** To implement Goal 105 of this Plan and the recommendations in the  
45 Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to  
46 the Land Development Regulations which further protect and provide for restoration of the  
47 habitat values of upland native vegetated communities, including hardwood hammocks and  
48 pinelands.

1  
2 **Policy 205.2.2:** Monroe County shall discourage developments in Tier I and within tropical  
3 hardwood hammock or pinelands of one acre or more in area to protect areas of native  
4 upland vegetation.

5  
6 **Goal 207:** Monroe County shall protect and conserve existing wildlife and wildlife  
7 habitats.

8  
9 **B. The amendment is consistent with the Principles for Guiding Development for the**  
10 **Florida Keys Area, Section 380.0552(7), Florida Statute.**

11  
12 For the purposes of reviewing consistency of the adopted plan or any amendments to that  
13 plan with the principles for guiding development and any amendments to the principles, the  
14 principles shall be construed as a whole and no specific provision shall be construed or  
15 applied in isolation from the other provisions.

- 16  
17 (a) Strengthening local government capabilities for managing land use and development so  
18 that local government is able to achieve these objectives without continuing the area of  
19 critical state concern designation.
- 20 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,  
21 seagrass beds, wetlands, fish and wildlife, and their habitat.
- 22 (c) Protecting upland resources, tropical biological communities, freshwater wetlands,  
23 native tropical vegetation (for example, hardwood hammocks and pinelands), dune  
24 ridges and beaches, wildlife, and their habitat.
- 25 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound  
26 economic development.
- 27 (e) Limiting the adverse impacts of development on the quality of water throughout the  
28 Florida Keys.
- 29 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural  
30 environment, and ensuring that development is compatible with the unique historic  
31 character of the Florida Keys.
- 32 (g) Protecting the historical heritage of the Florida Keys.
- 33 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and  
34 proposed major public investments, including:
- 35
- 36 1. The Florida Keys Aqueduct and water supply facilities;
  - 37 2. Sewage collection, treatment, and disposal facilities;
  - 38 3. Solid waste treatment, collection, and disposal facilities;
  - 39 4. Key West Naval Air Station and other military facilities;
  - 40 5. Transportation facilities;
  - 41 6. Federal parks, wildlife refuges, and marine sanctuaries;
  - 42 7. State parks, recreation facilities, aquatic preserves, and other publicly owned  
43 properties;
  - 44 8. City electric service and the Florida Keys Electric Co-op; and
  - 45 9. Other utilities, as appropriate.
- 46
- 47 (i) Protecting and improving water quality by providing for the construction, operation,  
48 maintenance, and replacement of stormwater management facilities; central sewage

- 1 collection; treatment and disposal facilities; and the installation and proper operation  
2 and maintenance of onsite sewage treatment and disposal systems.
- 3 (j) Ensuring the improvement of nearshore water quality by requiring the construction and  
4 operation of wastewater management facilities that meet the requirements of ss.  
5 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served  
6 by central wastewater treatment facilities through permit allocation systems.
- 7 (k) Limiting the adverse impacts of public investments on the environmental resources of  
8 the Florida Keys.
- 9 (l) Making available adequate affordable housing for all sectors of the population of the  
10 Florida Keys.
- 11 (m) Providing adequate alternatives for the protection of public safety and welfare in the  
12 event of a natural or manmade disaster and for a post disaster reconstruction plan.
- 13 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and  
14 maintaining the Florida Keys as a unique Florida resource.
- 15

16 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent  
17 with the Principles for Guiding Development as a whole and is not inconsistent with any  
18 Principle.

19

20 **C. The proposed amendment is consistent with the Part II of Chapter 163, Florida**  
21 **Statute (F.S.). Specifically, the amendment furthers:**

22

23 Section 163.3177(4)(a), F.S. – Coordination of the local comprehensive plan with the  
24 comprehensive plans of adjacent municipalities, the county, adjacent counties, or the  
25 region; with the appropriate water management district’s regional water supply plans  
26 approved pursuant to s. 373.709; with adopted rules pertaining to designated areas of  
27 critical state concern; and with the state comprehensive plan shall be a major objective of  
28 the local comprehensive planning process.

29

30 Section 163.3177(6)(d), F.S. - A conservation element for the conservation, use, and  
31 protection of natural resources in the area, including air, water, water recharge areas,  
32 wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays,  
33 lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural  
34 and environmental resources, including factors that affect energy conservation.

35

36 Section 163.3177(6)(g)1, F.S. - The coastal management element shall set forth the policies  
37 that shall guide the local government’s decisions and program implementation with respect  
38 to the following objectives:

- 39 1. Maintenance, restoration, and enhancement of the overall quality of the coastal  
40 zone environment, including, but not limited to, its amenities and aesthetic values.
- 41 2. Continued existence of viable populations of all species of wildlife and marine life.
- 42 3. The orderly and balanced utilization and preservation, consistent with sound  
43 conservation principles, of all living and nonliving coastal zone resources.
- 44 4. Avoidance of irreversible and irretrievable loss of coastal zone resources.
- 45

1  
2 **D. The proposed amendment is consistent with the Rule 9J-5, Florida Administration**  
3 **Code (F.A.C.). Specifically, the amendment furthers:**  
4

5 Rule 9J-5.006(3)(b)4, F.A.C. - Ensure the protection of natural resources and historic  
6 resources.  
7

8 Rule 9J-5.0012(3)(b)1, F.A.C. - Protect, conserve, or enhance remaining coastal wetlands,  
9 living marine resources, coastal barriers, and wildlife habitat.  
10

11 Rule 9J-5.0013(2)(b)3, F.A.C. - Conserve, appropriately use and protect minerals, soils and  
12 native vegetative communities including forests.  
13

14 Rule 9J-5.0013(2)(b)3, F.A.C. - Conserve, appropriately use and protect fisheries, wildlife,  
15 wildlife habitat and marine habitat.  
16

17 Rule 9J-5.0013(2)(c)3, F.A.C. - Protection of native vegetative communities from  
18 destruction by development activities.  
19

20 Rule 9J-5.0013(2)(c)5, F.A.C. - Restriction of activities known to adversely affect the  
21 survival of endangered and threatened wildlife.  
22

23 Rule 9J-5.0013(2)(c)6, F.A.C. - Protection and conservation of the natural functions of  
24 existing soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands  
25 including estuarine marshes, freshwater beaches and shores, and marine habitats.  
26

27 Rule 9J-5.0013(2)(c)8, F.A.C. - Continuing cooperation with adjacent local governments to  
28 conserve, appropriately use, or protect unique vegetative communities located within more  
29 than one local jurisdiction.  
30

31 **IV. ENVIRONMENTAL ANALYSIS:**  
32

33 The proposed amendments strengthen the protection of environmentally sensitive lands by  
34 encouraging development in Tier III and keeping development away from environmentally  
35 sensitive areas on Tiers I, II and III-A lands. The density and / or intensity of these lands will  
36 be donated/transferred to Monroe County Land Authority for use as conservation lands. The  
37 development rights the newly acquired conservation lands stated above will be transferred  
38 off of the conservation lands and the density **will be retired off the future land use maps.**  
39

40 **V. STAFF RECOMMENDATION**  
41

42 Staff recommends approval of the proposed amendment to create Policy 101.4.20  
43 discouraging private applications for future land use changes which increase allowable  
44 density/intensity with other criteria.  
45

1  
2 **III PROCESS**  
3

4 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners,  
5 the Planning Commission, the Director of Planning, or the owner or other person having a  
6 contractual interest in property to be affected by a proposed amendment. The Director of  
7 Planning shall review and process applications as they are received and pass them onto the  
8 Development Review Committee and the Planning Commission.  
9

10 The Planning Commission shall hold at least one public hearing. The Planning Commission  
11 shall review the application, the reports and recommendations of the Department of Planning  
12 & Environmental Resources and the Development Review Committee and the testimony given  
13 at the public hearing. The Planning Commission shall submit its recommendations and  
14 findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing  
15 to consider the transmittal of the proposed comprehensive plan amendment, and considers the  
16 staff report, staff recommendation, and the testimony given at the public hearing. The BOCC  
17 may or may not recommend transmittal to the Florida Department of Community Affairs  
18 (DCA). The amendment is transmitted to DCA, which then reviews the proposal and issues an  
19 Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report,  
20 the County has 60 days to adopt the amendments, adopt the amendments with changes or not  
21 adopt the amendment.  
22

23 **VI. EXHIBITS**  
24

- 25 1. Department of Community Affairs – Objections, Recommendations and Comments 09-02  
26 **Dated:**