BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 21, 2006 Division: Growth Management

Bulk Item: Yes ____ No X Department: Planning

Staff Contact Person: Jose Papa

AGENDA ITEM WORDING:
Public hearing to consider adopting an Ordinance amending the Monroe County Land Use District Map to include a Tier Overlay Map District designation on all land in unincorporated Monroe County in the Florida Keys between Key West and Ocean Reef designating boundaries for Tier I, Tier II, Tier III, and Tier III-A (Special Protection Areas) as required in Goal 105 of the 2010 Comprehensive Plan pursuant to the criteria in proposed Section 9.5-256, Monroe County Code.

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. Several stakeholder forums and two community workshops were held and the Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. The proposed Tier Overlay District Map has been revised to reflect the Commission's direction to incorporate Tier II designated areas into Tier III on all properties outside of Big Pine Key and No Name Key. Other changes reflect the designation of the Tier III A (Special Protection Areas).

PREVIOUS RELEVANT BOCC ACTION:
Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes N/A No ____

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes N/A No ____ **AMOUNT PER MONTH** N/A **Year** ____

APPROVED BY: County Atty X OMB/Purchasing ____ Risk Management ____

DIVISION DIRECTOR APPROVAL: R Norman
Ronda Norman

DOCUMENTATION: Included X Not Required ____

DISPOSITION: ____ **AGENDA ITEM #** ____

ORDINANCE NO. -2006

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN AMENDMENT TO THE MONROE COUNTY LAND USE DISTRICT MAP TO INCLUDE A TIER OVERLAY DISTRICT MAP DESIGNATION ON ALL LAND IN UNINCORPORATED MONROE COUNTY IN THE FLORIDA KEYS BETWEEN KEY WEST AND OCEAN REEF AND DESIGNATING BOUNDARIES FOR TIER I, TIER II, TIER III, AND TIER III-A (SPECIAL PROTECTION AREAS) AS REQUIRED IN GOAL 105 OF THE 2010 COMPREHENSIVE PLAN PURSUANT TO THE CRITERIA IN SECTION 9.5-256; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners, during public hearings held in December 2004, January, February, March, April, May and June, 2005, and March 2006, reviewed and considered a proposed amendment to provide for a Tier Overlay District Map designation on the Monroe County Land Use District Map to implement Goal 105 of the 2010 Comprehensive Plan, Rule 28-20.100 F.A.C. and the Tier Overlay system; and

WHEREAS, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include Tier Overlay District Map designations in accordance with Goal 105;

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact:

1. Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability.

2. The Tier Map designation was developed following the criteria in Goal 105, identifying areas appropriate for additional development and those which are important environmentally and should be preserved.

3. The initial Tier Map designation was developed following criteria in Goal 105, through use of computer mapping (GIS); and utilizing the 1986 Existing Conditions Map, environmental data produced by the Florida Marine Resources Institute utilized in the Florida Keys Carrying Capacity Study, recent aerial photography, Property Appraiser records, and on-site surveys.

4. The initial tier boundaries for the Tier Overlay District Map were drawn by the Growth Management Division staff using environmental and development information and digital data prepared by the Florida Marine Resources Institute and utilized in the Florida Keys Carrying Capacity Study, aerial photography, permitting and property tax records, and refined through site visits by the County Biologists and Planners.

5. The Planning Commission, after hearing public comments and staff input at four public hearings on the draft Map, recommended approval on November 3, 2004, to the Board of County Commissioners of the Tier Overlay District Map as an overlay to the Land Use District Map.

6. The Planning and Environmental Resources Department continued to work on refining the proposed boundaries based on new aerial photography, property records, and site surveys.

7. The Board of County Commissioners approved in concept revisions to the habitat protection elements of the proposed amendments to the Comprehensive Plan on August 17, 2005, in response to concerns raised by the Governor and Cabinet and negotiations with DCA staff.

8. The Board of County Commissioners adopted amendments to the Comprehensive Plan on September 22, 2005, that made further revisions to the Tier system by instituting a Tier III-A (Special Protection Area) for improved habitat protection.

9. The Growth Management Division staff based on detailed ground-truthing efforts by its staff and more recent aerial photography further refined the series of maps to depict proposed Tier III and Tier III-A (Special Protection Area) designated areas.

10. The Florida Department of Community Affairs and County staff reviewed proposed designated Tier III-A designated sites during a site visit in early December 2005, and reached tentative agreement on sites to be designated for further protection as Tier III-A (Special Protection Areas).

11. The Growth Management Division staff prepared revised maps designating Tier III-A areas, which were reviewed and conceptually approved by the Board of County Commissioners on December 20, 2005.

12. Subsequently, the Growth Management Division staff made final refinements to Tier boundaries based on written requests from property owners, the recommendations of the Special Master concerning requested boundary amendment revisions to Tier I (aka "Conservation and Natural Areas"), and further ground-truthing.

13. Hammock size is a major determinate of habitat quality according to the FKCCS; therefore size and connectivity are used in determining the boundary of Tier I areas to identify the best and most important terrestrial habitat areas for preservation.

14. Tier I includes all contiguous hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible.

15. Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated and the absence of significant upland native habitat patches.

16. Tier III-A, which is called a "Special Protection Area" in the Comprehensive Plan, is appropriate for the protection of the remaining isolated upland native habitat patches of one acre or greater located outside of Tier I.

17. Newly created Section 9.5-256, Tier Overlay District, Monroe County Code, provides criteria for the designation of Tier Boundaries and provides a mechanism for Tier overlay maps amendments.

18. The Tier Overlay District Map, when adopted, will become an overlay to the Land Use District Map.

19. The Tier Overlay District Map designating Tier I, II, and III boundaries on Big Pine Key and No Name Key conforming with the adopted Community Master Plan for those two islands, was adopted by Ordinance 28-2005.

20. The Tier Overlay District Map for Big Pine Key and No Name is included in Exhibit A attached to this Ordinance without any change in the boundaries from the adopted Tier Overlay District Map for those islands to provide a uniform set of series of maps, as the official Tier Overlay District Map for Monroe County.

21. The Board of County Commissioners has reviewed the Tier Overlay District Map recommended by the Growth Management Division.

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

Section 1. The Tier Overlay District Map is consistent with the designation criteria pursuant to Section 9.5-256, Monroe County Code, and is consistent with and further the goals, objectives, and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and its associated objectives and policies.

Section 2. Pursuant to Goal 105, Year 2010 Comprehensive Plan and the designation criteria of Section 9.5-256, Monroe County Code, Tier I, II, III, and III-A (Special Protection Area) areas are designated; the boundaries of which are described in the Tier Overlay District Map attached hereto as Exhibit A, and made part of this ordinance.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 5. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of Florida. This ordinance shall not become effective until July 14, 2006, but not prior to or without a notice issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 7. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, A.D. , 2006.

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

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 3/1/06

_____
Deputy Clerk

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